



# TRANSPORTATION ENHANCEMENTS

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PROFESSIONALS SEMINAR

## Building on Our Success

July 26-27, 2005, Minneapolis, Minnesota

## Proceedings

November 2005

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Any opinions, findings, and conclusions or recommendations in this publication are those of the authors and do not necessarily reflect the view of the Federal Highway Administration.

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## Executive Summary

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Transportation Enhancements (TE) activities were introduced as part of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), expanded upon with the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) and now continued with the recently passed Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The program provides each state with funds to use for projects that enhance the transportation experience. These projects include establishing bicycle and pedestrian facilities, historic preservation efforts, landscaping and scenic beautification, as well as environmental activities such as environmental mitigation, wildlife connectivity studies, and the preservation of scenic easements. Congress intended the TE program to encourage partnerships between local and state officials and public interest groups in the development and implementation of TE-funded projects.

The program is administered by state departments of transportation (DOTs), who regularly report that they receive more project applications than there is funding available. Many proclaim TE to be the most popular of all federal-aid highway programs.

The diversity in the types of eligible TE projects and flexibility in program administration has generated a need for State TE managers to receive regular guidance from Federal Highway Administration (FHWA) staff. To facilitate this exchange, state TE managers, FHWA division staff, and FHWA headquarters staff have been meeting approximately every two years for a two-day seminar. Seminar participants have the opportunity to voice problems and successes with the implementation of the TE program; ask questions of FHWA headquarters staff; and identify the areas where more guidance is needed.

The most recent seminar was held in Minneapolis, Minnesota, from July 26-27, 2005. Seventy-six people attended the seminar, including fifty-six from State DOTs; eight from FHWA Division Offices; two from FHWA headquarters; four from the National Transportation Enhancements Clearinghouse; and six from other organizations. The seminar focused on celebrating the success of the TE program and developing new strategies to improve it further.

The format of the two-day seminar consisted of several large group presentations as well as nine small breakout sessions. John Fegan and Christopher Douwes of FHWA headquarters began the seminar with a plenary session. The session included discussion of the Guiding Principles and Questions, a new FHWA document, followed by a question and answer session on eligibility, and an open discussion. Next, seminar participants attended the first round of breakout sessions on such topics as streamlining the application process, innovative financing, and when and how to drop a project. Participants then toured Mill Ruins Park and Stone Arch Bridge, one of the first TE projects, finally convening at the Mill City Museum for a reception.

The second day began with NTEC Program Coordinators Susanne Fogt and Ryan Greene-Roesel presenting the findings of the latest TE spending report. Afterwards, breakout sessions were led by state TE Managers and FHWA Division staff regarding such issues as streamlining the application process, outreach and communication with sponsors and streamlining the environmental review process. A second round of breakout sessions covered best strategies for

right-of-way acquisition, sub-allocation of TE funds, and again streamlining the application process. At the conclusion of these small group discussions, moderators presented summaries. Ron Anzalone, director of Preservation Initiatives at the Advisory Council on Historic Preservation, then gave a presentation regarding the possible synergies between the Preserve America program and the TE program. Following his presentation, six TE managers discussed outstanding TE projects in their states. The day concluded with a review and discussion of resources available from NTEC.

## **Introduction**

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When the Transportation Enhancements (TE) program was created in 1991, it required state departments of transportation (DOTs) to adapt to a new role and new types of transportation projects. The Federal Highway Administration recognized that state staff needed adequate training and support to take on the new challenges. For that reason, the Federal Highway Administration's (FHWA) Office of Planning, Human Environment and Realty has sponsored a TE training seminar every other year since 1999. The seminar provides an opportunity for TE professionals to share their knowledge and experience and to receive direction from FHWA headquarters. The seminar has contributed to major improvements in the implementation of the TE program.

With its extensive trail networks and abundant historical landmarks, Minneapolis/St. Paul, Minnesota provided a fitting backdrop for the 5th Transportation Enhancements Professionals Seminar, held on July 26<sup>th</sup> and 27<sup>th</sup> 2005. All together seventy-six people representing forty-three states were in attendance. These included fifty-six TE coordinators from state departments of transportation, eight staff from FHWA division offices, two from FHWA headquarters, four from the National Transportation Enhancements Clearinghouse, and one individual from the Advisory Council on Historic Preservation.

The TE Professionals Seminar was planned and organized by the National Transportation Enhancements Clearinghouse, an information service sponsored by the Federal Highway Administration and Rails-to-Trails Conservancy (RTC).

# Day 1: MORNING PLENARY SESSION

## Welcoming Remarks

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Christopher Douwes and John Fegan of the Federal Highway Administration (FHWA) headquarters began the morning by welcoming the group to Minneapolis. Mr. Fegan remarked upon the importance of the Transportation Enhancements (TE) program for FHWA, as it serves to broaden the mandate of the agency and includes facilities for all users. The program urges a stronger look at the environmental and historical aspects of transportation systems.

Marianne Fowler, Senior Vice President of Policy at Rails-to-Trails Conservancy (RTC), also welcomed the group and introduced the four RTC staff representing the National Transportation Enhancements Clearinghouse: Meghan Taylor, Susanne Fogt, Ryan Greene-Roesel, and Franz Gimmler. She thanked everyone for coming and reminded them how much work has been put into defending the TE program. Throughout the reauthorization process of the last two years, the program's adversaries made several attempts to eliminate or reduce funding for the program, but none were successful.

Mr. Fegan then described the different roles that FHWA headquarters, division offices, and NTEC play in assisting the TE managers to implement the program. FHWA headquarters must interpret legislation passed by Congress, which is a difficult job because they are usually only given a few words to work with. FHWA division offices act as the point of contact for individual projects. FHWA offices can also come to headquarters with difficult eligibility questions. NTEC and FHWA both work to provide technical assistance to TE managers. NTEC maintains a valuable database of TE projects across the country, and develops tools and products to help TE managers.

Mr. Fegan explained that TE Managers play the most important role, as they are responsible for implementing the program on a daily basis. He encouraged participants to be creative in implementing the program while staying within the bounds of law, and to try to make the program better in each state. He asked that throughout the seminar they express what is working and not working in the program and what needs to be changed.

Mr. Fegan then asked each of the participants to introduce themselves to the group. After everyone introduced themselves, he welcomed Susanne Fogt and Ryan Greene-Roesel of NTEC to the podium, who led the group through a "TE Trivia" quiz to break the ice. The questions and answers to the quiz are located in appendix E.

## Discussion of Guiding Principles and Questions

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After the introductions, Mr. Fegan led a discussion about a new FHWA product entitled "Guiding Principles and Questions." This document was released on the FHWA Web site and on the TE listserv a few months before the conference. The FHWA created the Guiding Principles and Questions to help states answer some eligibility and project viability questions on their own. Mr. Douwes explained that most of the Guiding Principles and Questions are not

“thou shalt” – that is, they aren’t requirements, but are good points to keep in mind during the application process.

Mr. Fegan then asked the audience for feedback about the Guiding Principles and Questions. One audience member suggested that the document might be more helpful to potential TE sponsors than it is to TE managers. Another participant pointed out that some questions relate to eligibility and some to project viability, and suggested splitting the questions into separate sections.

Another participant raised the issue of accessibility and historic preservation. Mr. Fegan pointed out that Americans with Disabilities Act (ADA) regulations must be followed when using TE funds for building construction and preservation. Trail projects must be accessible to the extent feasible.

Mr. Fegan responded to a question regarding the relationship of bicycle-pedestrian facilities to the transportation system. He explained that these facilities are best designed in the context of the larger transportation system. Trails in particular work well when they are developed into a comprehensive network that integrates with other modes such as transit. We need to evaluate how bicycle and pedestrian facilities contribute to transportation as a whole, and how they address environmental and health problems. Bicycle and pedestrian performance measures are becoming a hot topic in the transportation world.

An audience participant from New York took up the topic of performance measures applied to TE projects in urban vs. rural areas. He described how, in his state, rural areas are at a disadvantage in competing for TE funds because the proposed project would only impact a small number of people relative to a similar project in an urban area, bringing forward the issue of fairly allocating TE funds between urban and rural areas. Mr. Douwes agreed that this can happen but pointed out that rural areas have one advantage over urban areas, which is that the cost of trail construction is much cheaper there. While the rural trail may not get as much use, it may get the same amount of use per dollar that would be spent in putting it together.

An attendee from Nebraska asked for clarification about bridge renovation vs. demolition costs. He asked about the status of a restriction on renovating historic bridges when it would cost less to demolish them. Mr. Douwes said that FHWA recognizes the importance of preserving historic bridges, and has put in a proposal to amend the new bill so that non-Bridge Program funds could be used to repair historic bridges without any reference to the cost of demolition. They also included a provision stating that renovations costing up to 200 percent of the cost of demolition could be funded out of the Bridge Program. He said everyone will have to wait to see whether these changes were included in the new bill.

## Eligibility Discussion

The morning’s plenary session concluded with a discussion of questions related to TE project eligibility. TE professionals across the country, including those not able to attend the seminar, had an opportunity to submit eligibility questions to the FHWA prior to the seminar.

Mr. Douwes led the discussion by addressing the 22 questions submitted to him and sharing his written responses. A complete record of these questions and answers can be found in appendix D. An electronic version is available on the FHWA Web site, [www.fhwa.dot.gov/environment/TE/guidance.htm](http://www.fhwa.dot.gov/environment/TE/guidance.htm).

# TRACK A BREAKOUT SESSIONS

## Session 1: Streamlining the Application Process

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*Linda Baliff, Ohio DOT*

*Mary Keller, Maryland DOT*

*Patricia Fisher, Oregon DOT*

Linda Bailiff discussed several aspects of Ohio's application process, noting first that the state's Department of Transportation (DOT) is decentralized with one central office and 12 districts. Ms. Bailiff then explained Ohio's two-step application process. The first step requires potential sponsors to write a short letter of interest, and to show that the project meets 10 eligibility criteria through a short form. This ensures the project is eligible, and saves an ineligible project's sponsor from unnecessarily spending time and money applying. If the project is eligible, the sponsor is sent a full application with several months to complete it. Ms. Bailiff also discussed Ohio's preliminary field reviews, which involve a visit and evaluation by the appropriate district office. This allows projects to be rated with a 50 point system based on project delivery, experience, reasonability of cost estimate, local government funding commitment, and project quality. Concurrently, the central office rates each project with another 50 point system based on project characteristics, significance, and user base.

Ms. Bailiff concluded by discussing the two-step award process, which helps with issues of cost estimates and makes sure a project is delivered when a local government says it is going to be. First, a letter directs the sponsor to contact the district for a review of their scope and estimate, and milestone dates are determined. A second letter specifies the award amount and the year the funds will be allocated. Construction is required to begin within two years of the award.

Mary Keller presented various problems faced by the TE programs in Maryland, concluding that that streamlining the application process may not be the appropriate solution. Ms. Keller pointed out that while TE is mandated by Congress, Congress so far has not chosen to mandate how TE is operated and managed, even as State DOTs have been struggling with infrastructure needs. There is a perception that any non-road transportation project should become a TE project.

Ms. Keller explained that Maryland is now attempting to work with new state, local and county people who do not understand why all the federal and state regulations apply to their projects, which are relatively small (i.e. not a road or a bridge.) Sponsors claim that the application process and rules and regulations are delaying projects and increasing costs. Ms. Keller reports that resistance to following state and federal regulations is stronger than ever. Problems are resulting from little or no development or guidance. For the past several years, Maryland has wanted to set up a comprehensive manual, but there is not enough funding or resources. Ms. Keller concluded that quite an effort must be made to make improvements to TE overall. For now, streamlining does not solve any issues having to do with sponsors who see all requirements as a burden.

Pat Fisher began by stating that, in Oregon, they are not aiming to streamline the application process, as streamlining seems counter to choosing the most successful projects.

Instead, a concerted effort is made to choose sound projects that will be successfully completed rather than conceptual projects that can get through the application process “quickly and easily.”

Oregon’s application process has been improved both for applicants and the agency. To benefit the applicant, the application and announcement are available online or by email. Included in the application are supporting documents and the point system scoring criteria that will be used along with several different check lists – the same checklists as on the agency’s end. Improvements in the application process that benefit the agency include a minimum project award of \$200,000. Additionally, the number of applications from each region is limited, with different limits for Metropolitan Planning Organizations.

Ms. Fisher pointed out that a two-step application process was recently implemented, which did not help to streamline the process but in fact made it longer. However, the two steps greatly improved the quality of applications coming in. While this created a lot of work on the agency’s end to review each preliminary application and respond to the applicant in full, it did discourage applicants with ineligible projects or who were not ready to apply.

Regional staff conduct technical reviews based on feasibility and readiness, dramatically cutting the number of qualified applicants, and improving the advisory committee’s confidence that the remaining projects are feasible. The results are also helpful to applicants should they apply again. The review helps with long-term streamlining of the TE program because there are fewer delays and fewer sponsors coming back needing additional funds for completion.

## Session 2: Innovative Financing

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*Gerald Nieman, Indiana DOT*

*James Cope, Massachusetts Executive Office of Transportation*

Gerald Nieman from the Indiana DOT began the session with a discussion of several innovative financing techniques employed in his state. One of these is the advance payment technique, in which the state advances the full cost of the project to a local sponsor after receiving approval from the FHWA. Another technique is the 100 percent financing option, in which the state may fund 100 percent of the cost of an individual project so long as the state retains a 80/20 percent match rate for their TE program as a whole. This topic generated a lot of debate; several of those present were uncertain whether the 80/20 rate needed to be maintained for each fiscal year, or only over the six-year span of the transportation bill. Christopher Douwes later clarified that the 80/20 split needed to be demonstrated each fiscal year.

John Haynes from the California DOT mentioned that his state offers the advance payment option by phase. Once the local sponsor completes one phase of a project, they receive advance payment for the next phase. This discourages sponsors from abusing the advance payment option.

Next, James Cope of the Massachusetts Executive Office of Transportation explained his state’s innovative financing strategies. Massachusetts requires only a 10 percent local match and uses state funds to furnish the remaining 10 percent of the match.

## Session 3: When and How to Drop a Project; Sale/Change in Ownership of TE Funded Properties

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*Cheryl Banta, Arizona DOT*

*Bradley Temme, Missouri DOT*

*Harold Simmons, West Virginia DOT*

Ms. Cheryl Banta discussed her extensive experience with stalled projects, such as locally-run projects that remain uncompleted because of a lack of resources or political changes at the local level. When political changes take place, the project may not be as popular or even viable as it was at first. To overcome such obstacles, the Arizona Department of Transportation (ADOT) pinpoints which projects had no activity in the past year. Sponsors of these projects receive a helpful letter from ADOT that sets deadlines and encourages the sponsor to either take action or cancel the project. Ms. Nancy Anania from Iowa stated that letters are used in Iowa as well to ask sponsors of stalled projects to withdraw, and reapply with no penalty. She explained that extensions generally allow cost estimates to become out-dated, and funding can become a serious issue.

Ms. Banta explained that ADOT also recently established a project development timeline, stating deadlines for various phases including scoping, environmental clearance, and design. All together, the sponsor is given three years. Although this is stated in ADOT's TE handbook, Ms. Banta explained that this brand new policy is difficult to enforce.

Mr. Brad Temme explained that a reasonable progress policy was recently instituted in Missouri, which includes eight milestones leading up to a contract award. The policy was instituted for future rounds of funding, and for previously awarded projects. Sponsors are sent a letter stating their project is behind schedule and that they have 30 days to respond with an anticipated new schedule for the project. If the sponsor doesn't respond, funds are taken away. Out of 72 projects in the St. Louis Transportation Management Area (TMA), seven didn't complete schedule and were dropped. Eleven projects were given a one-time schedule change. If these new deadlines are not met, these projects are dropped as well. St. Louis is now implementing a "phase two" of this reasonable progress policy, which will go through the construction phase of the project. The policy spans from award to completion.

A question was raised concerning whether repayment of TE funds is requested when projects are cancelled and deobligated. Mr. Temme stated that in Missouri, repayment of funds from cancelled projects is required. In St. Louis, sponsors who don't meet the progress schedule and have funds taken away are penalized if they decide to apply for funds again.

Mr. Harold Simmons spoke on the sale and change of ownership of TE projects, as this issue is currently being dealt with in West Virginia. He explained that the groundwork to deal with this issue should be laid early by talking to sponsors about establishing maintenance terms or useful life, as the possibility of the future sale and lease of any of TE property can always happen. It is explained to sponsors that during the useful life term, they will be held accountable for maintenance, public access, and ensuring that all federal and state guidelines are followed. The agreements states, "Sponsor acknowledges and agrees that the future sale, lease, transfer of title or modification in use of property either purchased with or receiving improvement funded through this agreement and occurring within the specified maintenance term requires prior

approval by West Virginia Highways and by FHWA, and could require repayment by the sponsor of federal funds involved.”

If a sponsor decides to sell or lease or transfer a title, they must draw up an agreement with the new owner to ensure future maintenance. It should be ensured that the future owner has the financial means to maintain the site. Language ensuring public access in compliance with the Americans with Disabilities Act and equal rights should also be included in the agreement. Other important considerations for the agreement include: Will the property function as it currently does? What changes will be made? Is the site to be modified? Will it make enough money to pay for maintenance or at least pay for part of maintenance? If so, an account needs to be set up to ensure that funds for maintenance will be there. Will it be a for-profit venture? If so, then the possibility of repayment of partial or all funding comes into play. Reversion policies should also be addressed. In addition, it is very important to include repercussions or the agreement can fall apart. Lastly, Mr. Simmons explained that when writing an agreement, it is always advisable to seek legal council.

## AFTERNOON MOBILE WORKSHOP

At the conclusion of the first day's breakout sessions, attendees boarded buses and traveled to the Stone Arch Bridge, a Minneapolis historic landmark and one of the first TE projects in the country. There they were met by Rachel Ramadhyani of the Minneapolis Park and Recreation Board, who gave a guided tour of the bridge and the adjacent Mill Ruins Park, also developed and preserved with TE funds. Ms. Ramadhyani discussed the crucial role TE funds have played in the redevelopment of Minneapolis' central riverfront district and the preservation of historical transportation infrastructure. Following the tour, attendees visited the Mill City Museum, a world-class facility that chronicles Minneapolis' history as a former center of flour-milling. Everyone finished off the day with a reception held in the museum's main hall

# STATE OF TE SPENDING

*Susanne Fogt and Ryan Greene-Roesel, NTEC Program Coordinators*

## Introduction: Major Findings

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Ms. Fogt explained that she would be presenting an overview of nationwide Transportation Enhancements spending. NTEC has been preparing this annual, cumulative report on the status of nationwide TE funding since the late 1990s. The results of the spending analysis show that TE obligation rates have continued to climb, and reached a national cumulative high of 75.3 percent at the end of fiscal year (FY) 2004. In addition, 36 states met or exceeded the national cumulative average, five more states than last year.

Ms. Fogt discussed the 5 benchmarks NTEC uses when analyzing TE program spending: apportioned, or the total amount made available to spend; programmed, or the amount for selected projects; obligated, or the amount states commit to spend; reimbursed, or the amount paid to sponsors for completed work; and transferred, which is the amount transferred from TE to other transportation programs.

Ms. Fogt explained that apportionments, obligations, reimbursements, and transfers are all obtained from FHWA's Fiscal Management Information System or FMIS. NTEC collects only the programming data directly from the states, because this project-specific information is not available from FMIS. Ms. Fogt reported that since 1992, \$7.25 billion in TE funding has been apportioned to the states; \$6.67 billion (92 percent) has been programmed; \$5.62 billion (75 percent) has been obligated; \$4.17 billion (57 percent) has been reimbursed; and \$58.7 million (0.8 percent) has been transferred. Ms. Fogt began detailing the FMIS data (apportioned, obligated, reimbursed and transferred data), explaining there would be a later discussion of programming data and trends.

## Apportionment

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Ms. Fogt presented a graph showing the total funds, in millions, apportioned to the TE program each fiscal year. The funds apportioned to the TE program represent the funds distributed among the states as prescribed by stationary formula. TE funds represent a minimum 10 percent set aside of each state's Surface Transportation Program (STP) funds, plus 10 percent of the portion of Minimum Guarantee funds and Revenue Aligned Budget Authority (RABA) that are distributed to the STP.

Ms. Fogt pointed out that although apportionments have risen overall since 1992, there was a significant dip in FY 2003. NTEC attributes this decrease to the disappearance of RABA for that year. FY 2004 apportionments are artificially high because the Highway Safety Improvement Program has not been taken out of the apportionment. The FHWA anticipates that FY2004 apportionments will be reduced in the future.

## Obligations

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Ms. Greene-Roesel presented the obligation data. NTEC considers obligations to be the most important benchmark by which to judge the progress of the TE program because obligations represent a formal commitment to projects. Once funds are obligated, the Federal Highway Administration must reimburse the state for costs incurred.

In FY 2004, the states obligated \$567 million dollars in TE funds. This is less than the three previous fiscal years, likely due to the uncertainty surrounding reauthorization. However, the cumulative obligation rate did increase from the previous year and is now 75.3 percent, surpassing FHWA's stated goal of 75 percent for the first time. While reaching this goal is certainly a success, the TE program continues to have one of the lowest obligation rates of all Federal-aid Highway programs.

Although obligation rates are important indicators of the status of the TE program in each state, it is not NTEC's intent to use them to rank the states. This is because obligation rates may vary for a variety of reasons, some of which are not related to the progress of TE spending. Ms. Greene-Roesel then presented a list of the 10 states with the highest overall obligation rates, which included Wyoming, Minnesota, Alaska, Virginia, Rhode Island, Kentucky, the District of Columbia, Oklahoma, and Arkansas.

Ms. Greene-Roesel explained that there are several key reasons why state obligation rates vary considerably. These include: variations in accounting, inexperienced sponsors, right-of-way issues, burdensome design and environmental review requirements, and lack of political support for the program.

## Reimbursements

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Ms. Fogt presented information about reimbursement, the final stage in TE project development. Ms. Fogt explained that the reimbursement rate will always be lower than the obligation rate, since work cannot be reimbursed if it has not occurred. Reimbursements represent completed work, and at 57.4 percent after 13 years, the reimbursement rate indicates how slowly TE projects move from selection to completion.

In regards to transfers, the amount of TE funds transferred out of TE and into other Highway Trust fund programs, as allowed under TEA-21, has increased slightly from Fiscal Year 2003. In FY 2004, more than \$13 million in TE funds were transferred from state TE programs to the National Highway System (NHS), Federal Transit Authority (FTA) and the Recreational Trails Program.

## Programming

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Ms. Fogt concluded the discussion of TE program benchmarks collected from FMIS and began a discussion of programming data and trends. This year, NTEC collected TE project information from 45 states and the District of Columbia.

With this data collection process complete, the TE database now contains 19,542 projects dated FY 1992 to FY 2004 worth \$6.6 billion. In addition, 1,142 projects are programmed for future years, worth \$492 million in TE funds. In total, there are 20,685 projects in the database, worth \$7.1 billion. Since not all states submitted project information, it is believed that the actual number of projects is considerably higher.

Ms. Greene-Roesel spoke of the distribution of TE funds across the 12 TE activity categories, which changed minimally in FY2004. Bicycle and pedestrian facilities and trails accounted for more than half of programmed funds, followed by landscaping/scenic beautification and historic preservation, which each received about 16 percent of funds. Each of the other activity categories received a small share of funds.

Programming data shows that the average federal TE project award is \$340,615, which is an increase from FY 2003. This dollar amount is significantly lower than traditional DOT projects, and NTEC believes that this average project award reflects the DOTs intention to spread TE dollars out to as many TE projects as possible. The average match rate increased minimally in FY 2004 to 28.4 percent. This match rate exceeds the required 20 percent non-federal match rate, which means that project sponsors are generally able to meet or exceed federal match requirements. The match rate may be even higher, as NTEC does not account for the value of toll credits or “soft-match.”

## Conclusion

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Ms. Fogt concluded that Transportation Enhancement funds are in high demand. Despite the uncertainty of reauthorization in the past several years, states are continuing to program projects at a high rate, and the number of requests for projects annually exceeds available funding. In addition, Ms. Fogt restated that sponsors are providing a larger than required non-federal share of project costs. However, it is also important to remember that the TE program continues to have the one of the lowest obligation rates of any Federal-aid Highway program. Funds not obligated are projects not realized.

Ms. Fogt reminded participants that there is still a reason to celebrate because for the first time, the national cumulative obligation rate has surpassed the FHWA stated goal of 75 percent. Ms. Fogt and Ms. Greene-Roesel stated that the TE program is a unique and pivotal part of U.S. transportation policy, and the hard work of TE professionals to implement this program directly impacts the quality of life for people across the country.

# TRACK B BREAKOUT SESSIONS

## Session 1: Streamlining the Application Process

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*Jeff Niezgoda, Delaware DOT*  
*Cheryl Banta, Arizona DOT*  
*Steve Beauvais, New York DOT*

Mr. Jeff Niezgoda discussed the problems that plagued Delaware's TE program before it was revamped in 2002, and how they were solved. In 2002, the following issues were addressed: (1) how to get new projects, (2) how to expand, and (3) how to remove bias. Community involvement was an important part of the solution. Mr. Niezgoda recommended creating working groups in local communities during applications to ensure that the needs and demands of the residents directly affected by the proposed project are being addressed. This process encourages public outreach and involvement and promotes better reception of projects and the funds going towards them. In addition, a sliding scale was developed for a match commitment. Mr. Niezgoda explained that Delaware also does a concept design for eligible projects at no additional cost to sponsors. They develop a design with a consultant and take it to the community. This is paid for with state resources, and is not included in the cost estimate.

Ms. Cheryl Banta explained the application process in Arizona. First, Metropolitan Planning Organizations (MPOs) and Councils of Government (COGs) do an initial selection of projects. Each MPO and COG holds workshops and sets their own deadlines for applications. All applications are due centrally to the Arizona Department of Transportation (ADOT) by September each year. The Transportation Enhancement Review Committee then has a month to look at 80 applications. At the same time, ADOT staff conduct reviews to make sure cost estimates are correct. After this, applications are ranked and the line is drawn when the money runs out.

Steve Beauvais discussed the application process in New York, noting that improvements are needed. Projects are overseen from cradle to grave by coordinating with various review committees. Workshops are held which some sponsors find helpful. A very important aspect of the process is to set deadlines and stick to them. A guidebook is revised and distributed with each application round, however some feel it is too complex. There are currently some ideas on how New York can streamline the application process, including shortening the window for accepting applications.

## Session 2: Outreach and Communication with Sponsors

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*Pam Liston, Virginia DOT*  
*Cynthia Clark, Virginia DOT*  
*Kyle Schneweis, Kansas DOT*

Cynthia Clark of the Virginia Department of Transportation began the session by sharing some of Virginia's strategies for communicating with sponsors. She described how they use a sponsor handbook, workshops, and provide a 1-800 number to communicate effectively and educate potential sponsors. They have also recently been using local district staff to manage the day-to-day aspects of projects so sponsors receive more individualized attention.

Before applying, potential sponsors are encouraged to attend applicant workshops throughout the state, usually at held the site of a completed TE project to show applicants what a successful project looks like. At the workshops, TE managers, right-of-way specialists, and other expert staff provide direction to potential sponsors and review project eligibility and rating criteria with them. Ms. Clark noted that although these workshops aren't mandatory, they are very helpful to sponsors and usually explain the difference between successful and unsuccessful applications. Workshops are also provided for successful applicants to prepare them for initiating their projects.

The second speaker, Kyle Schneweis of the Kansas Department of Transportation said his state also makes use of workshops. He finds them very helpful in training sponsors and weeding out ineligible projects. He also meets with each individual sponsor after projects are selected. He feels it is the state's responsibility to make sure projects are completed successfully, even if that means hand-holding of individual sponsors.

Following his presentation there was some discussion of the difficulties involved in communicating with city governments; several of those present said city governments partnering with a nonprofit sponsor are often disinterested in the project development process. Mike Eberlein of the Michigan DOT suggested weekly meetings with all the project stakeholders (including city and nonprofit staff) to keep everyone engaged in the process. Others discussed similar problems in communicating with project consultants; but all felt that good communication with all project stakeholders is very important.

## Session 3: Streamlining the Environmental Review Process

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*Bob Crim, Florida DOT*  
*Martha Matthews, North Carolina DOT*  
*Duane Scott, Maine DOT*

Mr. Bob Crim discussed categorical exclusion in the environmental review process as it applies to TE categories such as construction of bicycle and pedestrian facilities, and landscaping and acquisition of scenic easements. Mr. Crim specified that it is important to determine if the impact of a project is significant or not. In order to do this, Florida's Department of Transportation has an agreement with the Federal Highway Administration (FHWA) in the

development of a programmatic categorical exclusion checklist, which helps determine if the project will have significant impacts. Mr. Crim proposed that completing environmental documentation shouldn't be viewed as a major obstacle. If the National Environmental Policy Act (NEPA) process is completed and the determination made that a project is a categorical exclusion, it is possible to proceed with the design and project development. Additional evaluation or investigation, or additional development of specifications may be needed if there is an environmental issue to deal with. However, if the impact is not significant, it doesn't need to be reviewed through the NEPA process.

Ms. Marta Matthews talked specifically of one aspect of the environmental review process in North Carolina: consultation with Section 106. She discussed the need to streamline the consultation process with the State Historic Preservation Office (SHPO). Ms. Matthews explained they are in the midst of improving the process, so she is presenting a work in progress. There had been very little streamlining in North Carolina between the FHWA, the SHPO and the Department of Transportation regarding the review of projects that have the potential to affect historic properties. In order to reduce consultation between these agencies, several improvements can be made, including using the SHPO's time only for projects that involve historic properties; designating a category of projects that does not require the SHPO to review at all; and involving the SHPO in identifying projects in the application stage. For categories of projects that do have the potential to affect historic properties, the SHPO should be more involved in the design phase.

Mr. Duane Scott explained that in a major effort towards streamlining, the Maine Department of Transportation (MDOT) entered into an agreement with the FHWA in May 2001. As part of the agreement, MDOT and FHWA come up with a list of project types, or "scopes of work," that would typically not have a significant impact, and therefore would qualify as categorical exclusion. Mr. Scott explained that these scopes of work are subject to a checklist containing thirteen questions that need to be answered by the environmental coordinators, involving standard environmental review issues like public opposition. If any issues arise from the checklist, MDOT writes a letter to FHWA explaining plans for mitigation and asking for concurrence of it being a categorical exclusion. The frequency of the need for such a letter is low. Overall, this strategy helps streamline the review process.

# TRACK C BREAKOUT SESSIONS

## Session 1: Streamlining the Application Process

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*Danica Stovall-Taylor, Missouri DOT*

*Jim Pearson, Nebraska DOT*

*Ronda Britt, Georgia DOT*

Mr. Pearson emphasized simplification as one of the most important aspects to the application process. He explained that it is important to make sure the applicant is not overburdened with too much required information. A highly experienced staff of skilled reviewers that have worked with the program for a number of years can quickly decide whether a project needs to be returned, or if encouragement is needed to spend more time on project development before it proceeds. Mr. Pearson also discussed the benefits of Nebraska's initial "Intent to Apply," which is a simple one-page form. The state's application process includes reaching out to 93 counties and 535 communities, with roughly 2000 notices sent out every year. This requires a detailed outreach and notification process.

Ms. Stovall-Taylor presented Missouri's new approach of decentralization. The Commission approved 75 percent of the Transportation Enhancements (TE) funding to be distributed to 10 districts by population. Each district is required to form a team of no less than five people to review, rate, and select projects. Each Regional Planning Commission and Metropolitan Planning Organization in the district is invited to participate on the team. The team submits their recommendation to the District Engineer and the District Engineer submits to Central Office to prepare for the Commission's approval. The system is based on guidance from the state, but the local offices set the priorities. The remaining 25 percent of the TE funding is reserved for the Statewide Program, for projects with a statewide significance.

Ms. Britt presented an impressive web-based system that was just recently instituted, comparing it with the application process before it became web-based. Currently, public entities register and apply for TE awards online, as well as register for workshops. There is only one paper form which is printed from the web, signed by the applicant and mailed in. There is no mailing of applications to the reviewers; each has access to the web applications. The next steps of selection and funding are entered online. Additionally, sponsors can check the status of their application online. The technical review process involves a whole variety of players from the Georgia Municipalities Association, Historic Preservation Planning, and other groups throughout the state.

## Session 2: Best Strategies for Right-of-Way Acquisition

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*Peter Kiernan, Minnesota FHWA*  
*Mike Eberlein, Michigan DOT*  
*Leif Anderson, Nevada DOT*

Mr. Kiernan discussed the Uniform Act. He explained that most Transportation Enhancements (TE) projects follow Title 3, or also can be found in 49 CFR, part 24, which has just been updated by the Federal Highway Administration, and provides a good guidance.

Mr. Eberlein presented an unusual experience in gaining consensus between the FHWA Division Office, the Michigan Department of Transportation (MDOT), and Michigan's major utility company for use of utility corridor right-of-way for TE-funded nonmotorized trail projects. Initially, the utility did not grant permission to use the right-of-way. Eventually, it was realized the utility company does not actually own the property and as a result is considering allowing its use. When it was thought that the utility company owned the land, they were asking for only a year-to-year lease on the property. Once it was found out they did not own it, they were willing to go along with the state and offer an eight-year permit. At this point, it seems that eventually this project will be completed.

Mr. Anderson presented five different projects going on in Nevada that are dealing with right-of-way issues. His summaries emphasize that right-of-way is always an issue that should be addressed. All of the projects he presented had a right-of-way issue that eventually surfaced. One project in particular dealt with a historical sidewalk to be revamped. However, under the surface of the sidewalk is a shallow clay utility pipe about to break. The situation is problematic especially since the road is not owned by the state of Nevada. The resultant lesson is to always check right-of-way standings as project proposals are submitted.

## Session 3: Sub-allocation of TE Funds; Transfer of Project Administration to Tribes and Agencies

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*David LaRoche, FHWA Kansas Division*  
*Paula Huzienga, South Dakota DOT*  
*Representatives of local, regional and state authorities, MN*

David LaRoche started the session with a presentation on a trail project in which project administration was transferred to a tribe, the Prairie Band Potawatami Nation. The tribe asked to take over administration of the project using a special contracting procedure allowed under the Indian Self Determination and Educational Assistance Act (ISDEAA). This request presented several problems, one of which was the fact that the Bureau of Indian Affairs (BIA), not the FHWA, must oversee ISDEAA contracts. Eventually, they were able to transfer control of the project to the BIA by moving funds from the state. Mr. LaRoche concluded his presentation with the lessons learned from the project. He counseled others working on similar projects not to use the word “transfer” when talking about funding; to use patience when working with the BIA, and to appreciate the desire of tribes to be self-sufficient.

Paula Huizenga from the South Dakota Department of Transportation also shared an experience in transferring project administration to a tribe. The project was a shared-use path on an Indian reservation where pedestrians were being hit on their way from a casino into town. The tribe wanted to administer the project themselves, so the DOT advanced the money for the project to the BIA. She said it was a difficult process and required a lot of learning about the “advance of funds” process. There were also accountability issues; the Office of Inspector General can still hold the state responsible for the misuse of federal funds even if those funds were advanced to a tribe. Another problem can arise if the tribe doesn’t spend all the advanced funds; in that case they should be returned to the FHWA, and this can be difficult to accomplish. She recommended carefully discussing all these issues with the BIA.

After Ms. Huizenga’s presentation, several representatives from Minnesota described the state’s process for allocating and administering TE funds, which involves sub-allocation of most of the funds to local authorities. They explained how \$2 million of the state’s TE apportionment is reserved for state sponsored projects, and the rest is distributed to eight Area Transportation Partnerships (ATPs) responsible for selecting projects at the regional level. The ATPs work with regional development commissions to train applicants and hold workshops. Once projects are selected they are turned over to the engineers at the Minnesota Department of Transportation.

The speakers from Minnesota noted that this decentralized, locally-administered process has worked to get projects built and has contributed to the overall success of the state’s TE program. Other states commented that the decentralized process doesn’t work everywhere; a TE manager from Iowa said that sub-allocation wasn’t as successful in her state.

# PRESERVE AMERICA

*Ron Anzalone, Director, Office of Preservation Initiatives, Advisory Council on Historic Preservation*

## Introduction

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Christopher Douwes introduced Ron Anzalone by stating the importance of the Preserve America Initiative, which the U.S. Department of Transportation (DOT) joined this spring. He also noted that the key funding source for many of Preserve America projects is the Transportation Enhancements (TE) program.

Mr. Anzalone explained that the purpose of his presentation is to share information about the Preserve America Initiative and how it might relate to the TE program. His hope is to start dialogues about how to foster cooperation between the two programs.

Then he gave some background about the interest of the federal government in historic preservation and heritage tourism, and the role of the Advisory Council on Historic Preservation (ACHP). The ACHP is composed of members appointed from a variety of agencies, and includes the secretaries of Transportation, Interior, and Agriculture. The mission of the ACHP is to promote the preservation, enhancement and productive use of our nation's historic resources, and advise the president and congress on national historic preservation policy.

## About Preserve America

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The Advisory Council on Historic Preservation worked with the White House to create the Preserve America Initiative, launched by Laura Bush in 2003. Preserve America's goals are to (1) promote greater shared knowledge about the nation's past, (2) increase local and national participation in preserving the country's cultural and natural heritage assets (3) strengthen regional identities, and (4) strengthen economic vitality locally and regionally.

At the moment, the principal federal partners for Preserve America are the White House, the Advisory Council on Historic Preservation, the Departments of Interior, Agriculture, Commerce, Housing and Urban Development, Defense, Transportation, Education, the National Endowment for Humanities, the President's Committee on the Arts & Humanities, and the Council on Environmental Quality. There is a steering committee that meets monthly to discuss issues and make decisions about the direction of the program.

The Preserve America Initiative has several component programs, which are Preserve America *Communities*, Preserve America *Presidential Awards*, Preserve America *Executive Order*, and educational outreach. There is also a proposed grants program that is currently under review.

## Preserve America Programs: Communities, Awards, Executive Order, Education

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The first component, Preserve America *Communities*, recognizes communities that are protecting and celebrating their heritage and historic assets and developing educational and local tourism programs. Many of these communities are using TE funds to achieve these goals.

Preserve America *Communities* engages local political leadership just as the TE program does. The application to become a Preserve America Community must be submitted by a local official such as a mayor, county executive or tribal chairman. They must commit to preserving their historic assets and show they've supported a historical or cultural preservation project over the last three years through a public/private partnership. The community must also document how it meets at least five of 10 criteria in the following three categories: (1) Discovering heritage, which includes docent tours, local tourism programs, and walking brochures and tours, (2) Protecting resources with a local review body, and (3) Promoting its assets through a variety of educational programs such as annual events or festivals.

The next component of the Preserve America Initiative is the Presidential Awards program. Four annual awards are given through a national juried selection process involving the federal agencies mentioned previously. Many TE projects would qualify for this kind of award. . Examples of latest Presidential Award winners include Bolduc Historic Properties-Operational Enhancement in Sainte Genevieve, Missouri and the Isaiah Davenport House Museum in Savannah, Georgia.

Next, Mr. Anzalone talked about the Executive Order 13287, signed by President Bush in March 2003. The order encourages agencies to provide better support for preservation and advance the use of federally owned historic properties. If the agencies have unused historic properties on public lands, they are encouraged to make these available for other kinds of uses. An example is the US Customs House in Manhattan which now houses part of the Smithsonian Institution's National Museum of the American Indian. Under this Executive Order, federal agencies must take specific actions to build preservation partnerships, improve agency planning and accountability, improve their stewardship, and promote preservation through heritage tourism.

### Agency Partnerships and Funding

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Mr. Anzalone mentioned several agencies that one might not expect to be involved with historic preservation. For example, the National Oceanic and Atmospheric Administration (NOAA) produced information on their history and the scientific instruments in their holdings through their national marine sanctuary program.

Another example is the Forest Service, which has ongoing projects related to heritage tourism, like the "Passport in Time" volunteer program, which gets volunteers out on US forest lands to do various kinds of historic and cultural projects. Enormous demand for the program has prompted the Forest Service to consider expanding the program using Bureau of Land Management lands and personnel. There are many other examples of federal support going to historic preservation activities; many of these programs support the same goals as the TE

program. The Preserve America Web site ([www.preserveamerica.gov](http://www.preserveamerica.gov)) has more information about these programs.

Finally, there is a proposal for Preserve America grants. The current request is for \$12.5 million nationally for this year's budget; however, it is uncertain whether Congress will make any money available. Preserve America Communities, state and tribal historic preservation offices, and certified local governments would be able to apply for these grants.

## Conclusion

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Mr. Anzalone concluded by discussing the future of the Preserve America Initiative. The Advisory Council is continuing to promote the program throughout the country, and members of Congress are getting more interested in having their local communities apply for designation. The council is also continuing to emphasize heritage tourism as an economic development tool, an area with many connections to the TE program.

The council is looking for best practices and models to share through a Web site that will be launched by the Department of Transportation. They hope to include some best practices and models from the program that can be made available to communities doing active historic preservation work.

Mr. Anzalone pointed out that the goal of his presentation was to stimulate thinking about historic preservation and partnerships, and to show that there are others within various branches of government who are concerned about historic preservation issues. At a minimum, it is important to share opportunities for funding and to be able to capitalize on the 13 years of experience with historic preservation gained through the TE program.

# TE TOUR

## Maricopa Plaza Rail Station, Arizona

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*Cheryl Banta, AZ DOT*

Ms. Cheryl Banta presented Arizona's Maricopa Plaza Rail Station, which is comprised of a restored rail car serving as an Amtrak ticket office and a visitor center open for the public. Placing the rail car was an intricate process, involving landscaping; fencing the site, crane and rigging to move the car; earthwork and grading; and revising the steps and landing along with other improvements. The project received an award of special recognition from Arizona's Governor as part of the 2002 Governor's Rural Development Conference—Excellence in Rural Development Awards Program.

## Walking in Maine

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*Duane Scott, ME DOT*

Mr. Duane Scott presented a number of Transportation Enhancements projects in Maine that increased the walkability of the state by separating pedestrians from traffic and creating pleasant places to walk. Mr. Scott presented a series of case studies from communities throughout the state, including the historic Bar Harbor Shore Walk; the multi-purpose trail along the Androscoggin River in Bethel; the Beth Condon Memorial Pathway in Yarmouth; and the footpaths on Monhegan Island. These communities dealt with such issues as visioning, ordinances, the Americans with Disabilities Act (ADA), design standards, walkability audits and neighborhood planning. Mr. Scott presented pedestrian facilities including sidewalks, amenities, and various types of trails and pathways. Mr. Scott looked at elements added to the landscape to enrich the pedestrian experience, which included benches and sitting areas, barriers, plantings, lighting, walls, street furnishings, refuge islands, signs, interpretive displays, and artwork.

## Mineral Point Depot, Wisconsin

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*John Duffe, WI DOT*

Mr. John Duffe presented the Mineral Point Depot in Wisconsin. First, he explained that Wisconsin holds a statewide competitive process every even calendar year. Applications are reviewed and ranked by a committee of thirteen people, including legislators, state agencies and citizens. Metropolitan Planning Organizations (MPOs) rank urbanized projects. While about 65-75 percent of projects are bicycle and pedestrian facilities, the balance tend to be historic projects, streetscaping and landscaping. Depot restorations are by far the most common historic project request.

Mineral Point is unique in that it was settled early in the state's history, in the 1820s and 1830s. The area was associated with lead mining and later zinc, and was settled by Cornish settlers with mining and masonry experience, who gave the name "Badger State" to Wisconsin. Mineral Point was placed on the National Register of Historic Places in 1971, the first Wisconsin

city to receive such an honor. Its history and architecture make this city a major tourist destination.

The Mineral Point Depot was awarded \$337,600 in Transportation Enhancements funding in 1998, and \$315,794 in 2002. As is typical, initial funds were only enough for the exterior restoration and additional funds were needed for interior restoration. The grand opening was held in September 2004. The depot now serves as transportation museum with a modest entry fee used to maintain the facility.

## Valley Wells Rest Area, California

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*John Haynes, CA DOT*

Mr. John Haynes presented California's north and southbound Valley Wells Rest Area on Interstate 15, which will be refurbished with the use of Transportation Enhancements funds. Caltrans is embarking on a plan to upgrade safety in roadside rest areas throughout the California desert. They have invited federal, state and county land management agencies to join them in a Project Planning Team, with one major goal to raise awareness about the desert by designing new interpretive and information exhibits and displays on the rest area grounds. While the natural purpose of a rest area is to offer travelers safety, rest, refreshment and travel information, these new areas will also entice travelers to venture off the highway and explore resources, opportunities and a variety of activities in the surrounding area.

The Valley Wells rest area is in the middle of the Mojave Desert, surrounded by millions of acres of public lands that provide recreational opportunities. The exhibits, signs and structures at Valley Wells are to become models for a new approach to rest area development in California. It will include interpretive exhibits of the area's cultural and natural history, with a special focus on transportation and transportation history. The features will serve tourists, Las Vegas "day-trippers," international visitors, tour buses and truckers among others.

## Vista House Restoration, Oregon

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*Patricia Fisher, OR DOT & Dave Keiser, WA DOT*

Ms. Patricia Fisher and Mr. David Keiser presented the Vista House project in Oregon. The Vista House is located along the Historic Columbia River Highway, which was constructed between 1913 and 1916. The highway, including the Vista House, is a National Historic District and a National Landmark. Vista House serves as an observatory of the surrounding natural area. Soon after its construction, Crown Point and the Vista House promptly became one of the most visited sites on the scenic highway. The Vista House, perched on Crown Point for over 85 years, has been exposed to the brutal Columbia Gorge weather, worn with the footsteps of a million visitors a year, and subject to dubious or questionable repairs, all of which took their toll on this signature feature of the Gorge, eventually closing it to the public.

In the 1990s, Oregon State Parks launched an effort to repair Vista House. A \$545,000 Transportation Enhancements award was given for Phase 1 of the project. The green tile roof

was restored on the dome and signs were designed using a consistent theme throughout the National Scenic Area.

Vista House was closed in August 2001 when initial funding was in place for the exterior restoration. By 2003 a total of over \$4 million had been raised for the restoration through the combined efforts of public and private groups and agencies, including the Oregon Parks and Recreation Department, Oregon State Parks Trust, the Friends of Vista House, the Oregon Department of Transportation and the Western Federal Lands Highway Division of the Federal Highway Administration. Vista House was re-opened to the public in July of 2005.

## Augusta Canal, GA

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*Ronda Britt, GA DOT*

Ms. Ronda Britt presented one of Georgia's first Transportation Enhancements projects, the Augusta Canal. The project involved the Augusta Canal Authority and Augusta / Richmond County, with involvement from the general public and the Georgia Department of Transportation. The project started in 1994, when the first phase was selected.

A master plan was developed for the region, addressing strategies, transportation needs and identifying projects and locations that would be developed out of that strategy, with future funding through the TE program and other resources.

There were close to \$5 million put into the multiple phases of this project overall. Ms. Britt presented before-and-after photos of the Augusta Canal. The first implementation project was the multi-use trail, which included developing the tow-path along the canal. The second phase was the Headgate Buildings, which included a visitor center featuring exhibits on the transportation history of the canal. The whole area is recognized as a National Historic Landmark. This combination of projects has received numerous awards.

## CLOSING REMARKS

At the conclusion of the TE tour, Ryan Greene-Roesel of NTEC gave a brief overview of NTEC resources. NTEC offers several full-color publications including the Guide to Transportation Enhancements, Communities Benefit, and a “Quick Guide to TE,” that are very useful in educating TE project sponsors. These documents are available free of charge. NTEC also offers an informational Web site about the TE program. The site also provides access to NTEC’s national TE project lists, a database of in-depth project descriptions, one-page state TE program profiles, and contact information for TE professionals.

John Fegan wrapped up the day by thanking the group for coming, and thanking NTEC staff for organizing the seminar. He reminded everyone of the important role they play in implementing the TE program and the ongoing value of the TE program.

## SUMMARY AND CONCLUSIONS

Participants at this year's seminar were pleased with the opportunity to discuss issues and programs with other TE professionals from across the country. A particularly popular topic was streamlining the application process. Nine different TE professionals in three breakout sessions offered their views on this issue throughout the course of the seminar. Participants also gave high marks to workshops pertaining to right-of-way acquisition, sub-allocation of TE funds, and streamlining the environmental review process. Among suggestions for future TE seminars were more workshops regarding project implementation and project qualification, and more time for the Question and Answer session with the FHWA.

In the days after the seminar took place, Congress reauthorized the expired surface transportation legislation by passing SAFETEA-LU (Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users). Transportation Enhancements emerged virtually unchanged and will receive \$3.5 billion over the five-year life of the bill, or 1.2 percent of the total authorization.

Transportation Enhancements continues to be the largest source of funding for bicycle and pedestrian facilities, trails, historic preservation, landscaping and scenic beautification, and many other improvements to travel networks across America. The enactment of SAFETEA-LU guarantees at least five more years for this unique program.

# APPENDICES

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Appendix A: Seminar Agenda

Appendix B: Seminar Attendee Contact List

Appendix C: Icebreaker Trivia

Appendix D: FHWA Question and Answer Session

Appendix E: Participant Evaluation Results

# Appendix A: Seminar Agenda

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## Tuesday, July 26

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Coffman Memorial Union

8:00 am – 8:45 am	<b>Registration and buffet breakfast</b>	<i>Great Hall</i>
8:45 am – 9:15 am	<b>Welcome</b>	<i>Great Hall</i>
9:15 am – 9:30 am	<b>Icebreaker</b>	<i>Great Hall</i>
9:30 am – 10:30 am	<b>FHWA Plenary</b> <i>Guiding principles</i> <i>Eligibility Question and Answer</i> <i>Future TE guidance</i> <i>Open discussion</i>	<i>Great Hall</i>
10:30 am – 10:45 am	<b>Break</b>	
10:45 am – 12:00 pm	<b>FHWA Plenary continued</b>	<i>Great Hall</i>
12:00 pm – 1:00 pm	<b>Buffet Lunch</b>	<i>Great Hall</i>
1:00 pm – 2:15 pm	<b>Track A breakout sessions</b> <i>Streamlining the application process</i> <i>Innovative financing</i> <i>When and how to drop projects; sale and change in ownership</i>	<i>Room 324</i> <i>Room 325</i> <i>Room 326</i>
2:15 pm – 2:30 pm	<b>Breakout groups present on conclusions</b>	<i>Great Hall</i>
2:30 pm – 3:00 pm	<b>Break and visit exhibits</b>	<i>Exhibits in</i> <i>Mississippi Room</i>
3:15 pm	<b>Tour of Mill Ruins Park and Stone Arch Bridge</b>	<i>Buses depart from</i> <i>Delaware Ave. at</i> <i>3:15 pm, outside</i> <i>Coffman Bldg.</i>
4:15 pm	<b>Visit Mill City Museum</b>	<i>Mill City Museum</i>
5:00 pm	<b>Reception at Mill City Museum</b>	<i>Buses back to</i> <i>University depart</i> <i>at 6:00 and 6:30</i> <i>pm</i>

## Wednesday, July 27

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### Coffman Memorial Union

7:45 am – 8:40 am	<b>Registration and buffet breakfast</b> <i>(Optional breakfast gathering for new TE Managers)</i>	<i>Mississippi Lounge (Room 325)</i>
8:40 am – 8:45 am	<b>Announcements</b>	<i>The Whole</i>
8:45 am – 9:15 am	<b>State of TE spending</b>	<i>The Whole</i>
9:15 am – 10:30 am	<b>Track B breakout sessions</b> <i>Streamlining the application process</i> <i>Outreach and communication with sponsors</i> <i>Streamlining the environmental review process</i>	<i>Room 325</i> <i>Room 326</i> <i>Room 323</i>
10:30 am – 10:45 am	<b>Break</b>	
10:45 am – 12:00 pm	<b>Track C breakout sessions</b> <i>Streamlining the application process</i> <i>Best strategies for right-of-way acquisition</i> <i>Sub-allocation of TE funds; transfer of project administration</i>	<i>Room 325</i> <i>Room 326</i> <i>Room 323</i>
12:00 pm – 12:30 pm	<b>Breakout groups present on conclusions</b>	<i>The Whole</i>
12:30 pm – 1:30 pm	<b>Box Lunch</b> (you are free to leave The Whole and eat outside)	<i>The Whole</i>
1:30 pm – 2:00 pm	<b>Guest Speaker</b> <i>Ron Anzalone, Director, Office of Preservation Initiatives</i> <i>Advisory Council on Historic Preservation</i>	<i>The Whole</i>
2:00 pm – 3:00 pm	<b>TE Tour: Projects around the country</b>	<i>The Whole</i>
3:00 pm – 3:15 pm	<b>NTEC Resources presentation and discussion</b>	<i>The Whole</i>
3:15 pm – 3:30 pm	<b>Wrap up and closing</b>	<i>The Whole</i>

## Appendix B: Seminar Attendee Contact List

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## Appendix C: Icebreaker Trivia

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1. Which two senators were primarily responsible for creating the TE program? (2 points each)  
Bonus: what was their political affiliation? (1 point each)
2. Can TE funds be used to build a replica of a historic depot? (2 points)
3. Can TE funds be used to build fish ladders? (2 points)
4. Which of the twelve TE activities were added in TEA-21 ? (5 points)
5. How many extensions have passed since the expiration of TEA-21? (5 points)
6. Which state spends the greatest percentage of their TE funds on category 11 – mitigation of runoff pollution ? (5 points)
7. Which state spends the greatest percentage of their TE funds on category 3 — acquisition of scenic land easements? (5 points)
8. What TE project in northern California received more than 22 million dollars in matching funds? (5 points)
9. How many miles of trails are there in the seven-county Minneapolis/St. Paul metropolitan area? (5 points)
  - a) 0 – 50
  - b) 50 – 150
  - c) 150 – 250
  - d) 250 – 350
10. When is a new transportation bill going to be passed? (1,000 points)
  - a) When the fat lady sings
  - b) When the cows come home
  - c) When the moon turns blue
  - d) Never

**Answers:** 1. Moynihan (NY) Democrat & Chaffee (RI) Republican; 2. Maybe; 3. Maybe; 4. #2 and #12; 5. 11; 6. Maryland; 7. Hawaii; 8. Sacramento River Sundial Bridge; 9. (d).

## Appendix D: FHWA Plenary Question and Answer Session

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### General Questions and Answers

**Q 1. Commercial use of space in a TE project.** I believe there was a question last year about the commercial use of space in a TE funded project. The answer was to the effect that there could not be commercial use in a TE funded project (unless it was a nonprofit commercial). We have had a couple situations come up where we have funded a facility where there was not a nonprofit available, we allowed a small commercial operation with the provision that the fair market value of the rental space went into maintaining the facility. Is this a correct interpretation? (*John Haynes, California, CalTrans*)

**A 1.** Yes. See [www.fhwa.dot.gov/environment/te/qa\\_general.htm#q17](http://www.fhwa.dot.gov/environment/te/qa_general.htm#q17) for additional guidance.

**Q 2. Soft Match.** Is there a Federal formula for the calculation of Soft Match, and if so, what is it? (*Lisa Dunn, Tennessee DOT*)

**A 2.** There are many local and site-specific variables to consider when calculating Soft Match, so there is no single Federal formula. However, these are some factors to consider:

- What is the Federal share in your State? (23 U.S.C. 120(b))
- What kind of entity is proposing the match? (This will affect which rules you use. See 23 U.S.C. 133(e)(5)(C) and 23 U.S.C. 323.) *Note: SAFETEA proposed to amend §323(c) to treat local governments the same as private donors, and proposed to eliminate §323(e).*
- What does your State allow toward soft match? (Some States have stricter policies than what is allowed in Federal law.)
- Assuming the State allows everything allowed in Federal law, then:
  - Donated **funds** are treated at cash value.
  - Donated **materials** are treated at fair market value as determined locally within the State. The value of materials will vary from State to State, and may vary within a State.
  - Donated **services** are treated at fair market value as determined locally within the State. A State's labor department should have a schedule of the cost of services within the State, perhaps by region within the State. These rates may vary within a State.
  - Donated **land or right-of-way** is appraised at fair market value: this is site specific.
- Add the value of the donations of cash, materials, services, and land, and determine if these amounts add up at least to the non-Federal share for your State.

**Q 3. TE funds to expand paved shoulders.** A local agency wants to improve County Road 203. It is a 2-lane rural road with a 35 MPH speed limit. Currently, there is an 11.5-foot lane width, with very limited paved shoulders. Can they use TE funds to fund part of the project which will include 12-foot lane widths, and 3-foot wide paved shoulders? They are trying to avoid ROW acquisition, which is the reason for 3-foot shoulders. (*James Horn, Colorado DOT*)

**A 3.** TE funds cannot be used for regular highway projects (see [www.fhwa.dot.gov/environment/te/qa\\_general.htm#q6](http://www.fhwa.dot.gov/environment/te/qa_general.htm#q6)). TE funds may be used for bicycle lanes, including shoulders for nonmotorized transportation. While a 0.9 m (3 ft) shoulder is substandard for a normal bicycle lane, the AASHTO Bike Guide states that any shoulder is better than no

shoulder. If this is a highway project, not a bicycle project, then the State cannot use TE funds for it. This project might be eligible for STP funds if the project is on a Federal-aid system (arterial, urban collector, or rural major collector). But, if this project is intended principally to be a bicycle project, then it is eligible.

**Q 4. Universities as project sponsors or project locations.** Are public universities qualified to use TE funds for pedestrian and bicycle facilities on campus? (*Ronda Britt, Georgia DOT*)

**A 4.** Universities may be project sponsors. They must use cost principles from OMB Circular A-21 ([www.whitehouse.gov/omb/circulars/a021/a21\\_2004.html](http://www.whitehouse.gov/omb/circulars/a021/a21_2004.html)). [Also see related [Q&A 8.](#)]

**Q 5. Defining “maintenance”.** We know that TE funds cannot be used for maintenance items, but how is maintenance defined in this program? We have an application that includes rehabilitation of a bicycle/pedestrian bridge, which includes bridge painting. We normally consider bridge painting as a maintenance activity. We would like some clarification. (*Linda Bailiff, Ohio DOT*)

**A 5.** See Q&A #35, *Maintenance vs Major Reconstruction*, at [www.fhwa.dot.gov/environment/te/qa\\_general.htm#q35](http://www.fhwa.dot.gov/environment/te/qa_general.htm#q35). Bridge painting might be a major rehabilitation project rather than routine maintenance if it involves removing toxics (lead, asbestos, etc.) or repairing structural defects (removing rust or rot before repainting). Note: FHWA updated Q&A #35 on July 11, 2005. See also FHWA’s Memorandum on *Preventative Maintenance Eligibility*, October 8, 2004, at [www.fhwa.dot.gov/preservation/100804.htm](http://www.fhwa.dot.gov/preservation/100804.htm).

## **Relates to Surface Transportation**

**Q 6. Connecting projects to surface transportation.** What degree of connection to surface transportation is needed for historic preservation projects such as Indian mounds, and civil war battlefields? (*Ronda Britt, Georgia DOT*)

**A 6.** [See also [Q&A 9.](#)] It is not possible to draw a fixed line on the degree of relationship to surface transportation. In a letter to the USDOT (November 24, 1998), Senators Chafee (RI) and Warner (VA) stated:

*“...a project is eligible if it ‘relates to surface transportation.’ This is a broader requirement, which recognizes the important role historic preservation plays in improving the visual experience of the traveler and the aesthetic features of our neighborhoods.”*

A State must evaluate each potential historic preservation project individually to determine how it relates to surface transportation. FHWA developed the *Guiding Principles and Questions for Transportation Enhancement Activities* ([www.fhwa.dot.gov/environment/te/principles\\_pt1.htm](http://www.fhwa.dot.gov/environment/te/principles_pt1.htm)) to help potential project sponsors, States, and FHWA divisions resolve project eligibility questions. The guiding principles clarify general parameters of eligibility. The guiding questions help assess how a proposed project meets the principles, and help assess some aspects of project

viability. Specific guiding principles and questions for historic preservation are at [www.fhwa.dot.gov/environment/te/principles\\_pt2.htm#tea6](http://www.fhwa.dot.gov/environment/te/principles_pt2.htm#tea6).

**Q 7. Tourism as a TE Activity.** (The following tourism questions are part of the same question (*Jerry Combs, Virginia FHWA*))

Should not “Tourism” be added as the 13<sup>th</sup> Eligibility Activity? Although not originally intended under ISTEA, it seems that the language in TEA-21 expanded the second basic consideration for eligibility. Instead of an activity needing to have a “direct relationship” with surface transportation, the activity, under TEA-21, had only to “relate to” surface transportation. Tourism’s relationship to surface transportation is by proximity (not always) and impact (the traveling public is drawn to the tourist attraction). This increase in traffic has an impact on the transportation system.

Q & A #31 states, “Should State DOTs and project proponents work closely with State Tourism Agencies in the implementation of TE activities?” Does this not infer that tourism has a transportation relationship? TEA-21 also defined TE projects as “...advancing America’s economic growth ...” which is what tourism does for the community, and State, in which it is located.

In recent years, there has been a strong effort to get battlefields recognized individually as an eligible TE activity. It would be more appropriate to recognize tourism. It might be wise to limit the eligibility of tourist attractions to those of a historic nature such as battlefields (Civil War), historic buildings (James Madison’s Montpelier), historic districts (Waterford National Historic Landmark District), and museums (The Mariners’ Museum).

**A 7.** The 12 TE categories are established in law. The Congress would have to amend the TE definition to add a 13<sup>th</sup> category. However, tourism easily may relate to surface transportation under several TE categories. Many TE projects benefit community development and tourism.

Tourism activities must relate to scenic or historic highway programs and/or to surface transportation museums. For example, Montpelier and Waterford are along designated Virginia byways. Projects using TE funds at these locations should enhance the byways.

A battlefield should be eligible under several TE categories if:

- It is along a designated scenic or historic highway.
- It enhances the scenic or historic highway experience, for example, by creating an interpretive opportunity for people to learn about history, the particular battle(s), and the significance of transportation in the war.
- It is part of a recognized historic highway program, or its historical significance is an intrinsic factor for a historic highway.
- It would significantly enhance the scenery or viewshed for highway travelers (possible examples, preserving battlefields adjacent to I-81 or I-95).
- The battle took place at the particular location to control or gain access to surface transportation infrastructure: to control a bridge, rail terminal, important highway junction, etc.

Museums are not eligible simply because they attract tourists. The museum must relate to surface transportation in the sense of being a museum about surface transportation: highways, railroads, transit, trails, and canals; the equipment used to construct them; and the vehicles that use them. Surface transportation does not include aviation or ocean transportation.

## Questions and Answers by TE Category

**Q 8. TE Category #1: Universities as project locations.** Are public universities qualified to use TE funds for pedestrian and bicycle facilities on campus? (*Ronda Britt, Georgia DOT*)

**A 8.** Universities (either public or private) may be TE project locations, provided the general public has open access to use the pedestrian and/or bicycle facilities. The facilities should connect the campus to the surrounding community. If the facilities are internal within the campus, then they should have convenient connections to pedestrian and bicycle facilities integrating the campus with the surrounding community.

Universities may be project sponsors. They must use cost principles from OMB Circular A-21 ([www.whitehouse.gov/omb/circulars/a021/a21\\_2004.html](http://www.whitehouse.gov/omb/circulars/a021/a21_2004.html)). [See related [Q&A 4.](#)]

**Q 9. TE Category #1: Transportation vs Recreation.** Transportation vs recreation activities can be a confusing issue especially when we see what other States are funding. For bicycle and pedestrian facilities we consider connectivity, access to businesses, schools and other buildings, and going from point A to point B. Can you clarify the fine line for these facilities regarding transportation vs. recreation? (*Linda Bailiff, Ohio DOT*)

**A 9.** There is a restriction in 23 U.S.C. 217(i) that a bicycle project must be principally for transportation, rather than recreation, purposes. However, the restriction is only for *bicycle* projects, not for pedestrian projects or multiple use trail projects.

A facility serves a transportation purpose when it is used to get people from Point A to Point B, and could likely substitute for motor vehicle trips. Transportation includes going from home to work, home to school, home to shopping, home to a social or recreational activity, work to shopping, school to shopping, one social or recreational activity to another social or recreational activity, etc. Recreation trips also may occur on the same facility.

A facility is a recreation facility when the primary purpose is to use the facility itself. For example, a backcountry hiking trail is a recreational facility usually not eligible for TE funds.

**Relates to Surface Transportation.** TE projects must relate to surface transportation, even if they are not principally for transportation. There are situations where a backcountry hiking trail may relate to surface transportation, and may be eligible for TE funds. For example, Virginia funded a bridge for the Appalachian Trail (AT) across the James River, using old railroad piers: this took hikers off of a highway bridge. Connecticut funded a section of the AT to provide an accessible link from a trailhead. However, it is not appropriate to use TE funds along a remote section of the AT that is not accessible.

Equestrian use may serve a transportation purpose. In some communities, people use horses (or horses and buggies) for routine transportation. States should consider the transportation value of equestrian use. States should not eliminate existing recreational equestrian use: in fact, if there is existing legal recreational equestrian use, the equestrian use must be accommodated, or there could be a Section 4(f) violation.

Rail-trails may use TE funds even if almost all the use will be recreational. A rail-trail relates to surface transportation because the corridor served a surface transportation purpose in the past. It does not matter if all current or future use is recreational.

**Q 10. TE Category #1: Replacing pedestrian signal heads.** Is the replacement of existing pedestrian signals with LED countdown signals at intersections eligible? The potential sponsor cites safety for pedestrians as a justification to replace the existing signals. [Don Keith: I could see some justification under pedestrian safety. This is a definite maybe.] (*Kathleen McNeill, Illinois DOT*)

A 10. Yes, replacing existing pedestrian signals with LED countdown signals is eligible as a pedestrian facility. Changing pedestrian signals may trigger a requirement for installing an Accessible Pedestrian Signal. See <http://mutcd.fhwa.dot.gov/HTM/2003r1/part4/part4e.htm> (scroll to Section 4E06, Accessible Pedestrian Signals).

**Q 11. TE Category #1: Pedestrian and Bicycle Bridges.** TE funds and STP Flexible funds may be used for bicycle and pedestrian bridges. However, bridges are expensive, TE funds are limited, and STP Flexible Funds are usually committed for priorities other than TE projects. If the pending transportation bill (to replace TEA-21) is adopted, are there any circumstances under which it might be permissible to use Bridge funds for a bicycle and pedestrian bridge on which motorized vehicles will not be allowed? (*Douglas Meller, Hawaii DOT*)

A 11. States already have the flexibility to use any STP funds for nonmotorized bridges. States also may use Bridge funds, subject to Bridge program requirements. The Administration's SAFETEA proposed to allow more flexibility in the Bridge program, including for historic bridge projects. *We will not know the final status until Reauthorization is enacted.*

**Q 12. TE Category #1: Surfaces.** In Tennessee, we do facilities for pedestrians and bicycles, those facilities must be hard surfaced, the question is can the facility be made like a boardwalk just for the purpose of looks, not because of wetland area? (*Lisa Dunn, Tennessee DOT*)

A 12. There is no Federal requirement for a hard surface on TE-funded trails. The guideline is for a firm and stable surface. A boardwalk easily can be firm and stable. See the Access Board's Outdoor Developed Areas Report at [www.access-board.gov/outdoor/outdoor-rec-rpt.htm](http://www.access-board.gov/outdoor/outdoor-rec-rpt.htm), especially the sections on Trail Technical Provisions (16.2), surface (16.2.1), and boardwalks (16.2.3). The primary concern with boardwalks is to minimize openings. There is also concern with slip resistance, especially if the surface gets mildew, lichens, moss, etc.

**Q 13. TE Category #1: State inspection standards for bicycle and pedestrian projects.**

Presently, Louisiana is using the same standards for construction inspection for sidewalks and bike path projects that are required for interstate projects. Have any other States written construction inspection guidelines specifically for Enhancement Projects? If so, I would like to get a copy of the guidelines and have a contact for questions. (Valerie Horton, Louisiana DOT&D)

A 13. This is appropriate to request through the TE Listserv.

**Q 14. TE Category #4: Visitor and Welcome Center furnishings and amenities.** Under eligible activity #4, local agencies can build visitor/welcome centers, are there any furnishings or other amenities allowed when constructing the visitor/welcome center, and if so, what? (*Lisa Dunn, Tennessee DOT*)

A 14. A visitor or welcome center for a scenic or historic highway must have some level of furnishings and amenities to function. The State should determine what level of furnishings and amenities are necessary, and at what point they become superfluous. The National Scenic Byways Program guidance ([www.bywaysonline.org/grants/guidance/category\\_4](http://www.bywaysonline.org/grants/guidance/category_4)) is general: it covers broad goals rather than listing specific eligible items. Parking, restrooms, maintenance rooms, information desks, etc., are necessary. If the visitor or welcome center is for a particular jurisdiction or an area (as well as a scenic or historic highway), then TE eligibility would be limited to the portion of the facilities and furnishings associated with the scenic or historic highway program(s).

**Q 15. TE Category #4 (and #12): Useful life of buildings.** What is the useful life of a building for a welcome center or a new transportation museum? (*Linda Bailiff, Ohio DOT*)

A 15. The TE guidance states: “the extent of real property interest needed for the protection of the public interest in the expenditure of TE funds is somewhat dependent on the nature and magnitude of the expenditure.” (see [www.fhwa.dot.gov/environment/te/guidance.htm#general](http://www.fhwa.dot.gov/environment/te/guidance.htm#general), second bullet). While this statement refers to real property, States should use the same principle for TE facilities. Generally, various kinds of construction will be expected to have an economic or useful life: perhaps 50 to 100 years for a building foundation or bridge pier, maybe 15 to 20 years for a roof or concrete trail, 10 years for a wood deck or asphalt trail, etc. The economic or useful life will vary from State to State, and depend on weather conditions, insect damage, etc.

Note: the National Scenic Byways Program considers “useful life” to be 20 years. However, each State should develop its own timeline based on the investment in the project.

**Q 16. TE Category #5: Public art as scenic beautification.** Are murals on walls of pedestrian underpasses and/or retaining walls are eligible for TE funding? What are the conditions or limitations? As I interpret our TE guidelines, this type of project *might* qualify under “landscaping or other scenic beautification.” I know that this might be considered somewhat of a “stretch”, however, if it could be demonstrated that the murals would improve the aesthetics of the transportation facilities, then I’d suggest we’d have a beautification end result. If the locals could integrate

safety and/or community pride messages within the art murals, then we'd have a double bonus benefit. (Kathleen McNeill, Illinois DOT)

A 16. As you note, *landscaping or other scenic beautification* is eligible. Many places already have funded murals on highway underpasses, sound walls, and other locations. The murals have been effective to reduce graffiti, and can be a wise investment of funds to reduce highway maintenance costs. Please make sure that murals are unlikely to distract highway drivers: we don't want drivers to suddenly slow down to view murals, and cause highway crashes.

**Q 17. TE Category #5: Artistic form liners.** Are items such as form liners for concrete on either bridges or sidewalks eligible? The form liners would be for an artistic concrete finish on either the sides of bridges or on sidewalks. The different concrete finishes could be exposed aggregate, colored concrete, or inlaid mosaic tiles. (Kathleen McNeill, Illinois DOT)

A 17. The extra cost for an enhanced design above the cost of a conventional design is eligible for TE funds. However, a context sensitive design solution probably would be eligible using conventional program construction funds if the project is on a Federal-aid system (arterial, urban collector, or rural major collector).

**Q 18. TE Category #5: Irrigation system.** Would an irrigation system for landscaping and hanging planters be eligible? The irrigation system for the hanging planters will be routed to the baskets but it will be integrated into the poles. (Kathleen McNeill, Illinois DOT)

A 18. Yes, an irrigation system is allowed if part of an approved landscaping project using TE funds. However, is this a best use of TE funds? TE projects should be environmentally sustainable and strive for minimal maintenance requirements. If a project requires irrigation, then perhaps it is not suitable for the local environment.

**Q 19. TE Category #5: Ornamental signs.** Is ornamental signage for traffic signs eligible or even acceptable? The information on the sign will follow MUTCD standards but the potential sponsor would like the outside of the signs and bases to be ornamental. [Don Keith: Think this is a "stretch" and not an eligible use of TE funds under the beautification category. Don't think we want to sanction ornamental signage which could be distracting to the primary purposes of official signs.] (Kathleen McNeill, Illinois DOT)

A 19. Signs used as traffic control devices are controlled by the Manual on Uniform Traffic Control Devices (MUTCD: <http://mutcd.fhwa.dot.gov/>). The MUTCD places high value on traffic safety. It promotes standardization and uniformity to make sure signs are unambiguous. Traffic control signs and sign supports must conform to the MUTCD. Ornamental bases, posts, frames, borders, or other structural elements must not compromise the safety of pedestrians, bicyclists, or motorists. In particular, see sections 1A.01 (Purpose of Traffic Control Devices), 1A.03 (Design of Traffic Control Devices), 2A.06 (Design of Signs), 2A.15 (Sign Borders), and 2A.21 (Posts and Mountings). See also Tourist Oriented Directional Signs (Section 2G) and Recreational and Cultural Area Interest Signs (Section 2H).

In discussion with FHWA's Office of Operations, a sign frame on a traffic control devices would be considered a border that must comply with the MUTCD. Therefore, a traffic control device cannot have a supplementary ornamental frame around it.

If a community chooses to install ornamental signs, and complies with the MUTCD, the project should be part of a larger, approved TE project.

**Q 20. TE Category #5: Utility Relocation.** Can we use TE funds to underground utilities when they are having a visual impact on a historic structure or particular scenic vista? (*John Haynes, CalTrans*)

A 20. This has two possible answers, depending on State law.

1. From the Federal viewpoint: TE funds may be used for landscaping and scenic beautification. Because moving utility lines enhances the transportation landscape, TE funds may be used to relocate utility lines, *except as noted in part 2 below!!!*
2. **However**, Federal law and regulation (23 U.S.C. 123, *Relocation of utility facilities*, and 23 CFR 645, *Utilities*) recognize that some States, by State law or policy, prohibit using public funds to relocate utilities. In these States, it is **illegal** to use TE funds to relocate utilities.

THEREFORE: it depends on your State law whether or not you allow TE funds to be used to move utilities. From the Federal viewpoint, a State may use TE funds to relocate utilities. But each State must follow its own State law.

**Q 21. TE Category #11: Fish Culverts.** The State DOT has made a request to use TE funds to replace one or two perched culverts per year on selected streams with a threatened and endangered (T&E) minnow. The culverts would be replaced or repaired as a result of conservation measures recommended by Fish & Wildlife Service in the Section 7 Programmatic Biological Opinion. As the projects would not be undertaken for any other reason than to restore fish passage for the T&E species, would this be an eligible TE expense? (*From Ginger Massie, South Dakota FHWA*)

A 21. Q&A #22 addresses this: [www.fhwa.dot.gov/environment/te/qa\\_general.htm#q22](http://www.fhwa.dot.gov/environment/te/qa_general.htm#q22).

**22. Can fish passages qualify for TE funds even though there is no direct traffic-caused fish mortality? The need for the traffic to cross the stream causes the need for a structure at the stream.**

Congress included the language "vehicle caused wildlife mortality" in the category of TE funding. Fish ladders or passages ordinarily would not qualify, except as a part of a larger project addressing mitigation of water pollution to address highway runoff where the runoff contributes to the mortality of aquatic species.

- NOTE: If the existing culvert contributes to water pollution, then the project is eligible for TE funds. See [www.fhwa.dot.gov/environment/te/principles\\_pt2.htm#tea11](http://www.fhwa.dot.gov/environment/te/principles_pt2.htm#tea11).
- NOTE: The State may use regular STP funds for an independent highway culvert project if the highway is on the Federal-aid system (arterial, urban collector, rural major collector). See 23 U.S.C. 133(b)(11).

**Q 22. TE Category #12: Transportation Museums.**

A 22. See Questions Q 7 and Q 14 and their respective answers.

**OTHER ISSUES**

**Coordination with MPOs and RPOs for project selection and management**

I would very much like to know how other States use their MPOs and RPOs in determining what projects to fund and in managing projects. North Carolina is considering taking more advantage of these organizations and we would like to know how other States do this. (*From Ed Davis, North Carolina DOT*)

This is appropriate for the TE Listserv.

## Appendix E: Summary of Participant Evaluation Forms

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At the conclusion of the seminar, participants were asked to complete an online evaluation survey to provide feedback on the seminar. NTEC and FHWA use the information provided to evaluate the effectiveness of the seminar and to plan the content and format of future seminars.

Thirty-one of the 76 seminar participants completed the survey. They were asked to numerically rate each information session on a scale of 1 to 5, with 1 being poor and 5 being excellent. They were also asked to provide written comments. The following table provides a tally of the scores and average overall rating (1 to 5) for each session. The majority of sessions scored in the good to excellent range.

TOPIC	Poor (1)	Fair (2)	Average (3)	Good (4)	Excellent (5)	Average Rating
<b>TUESDAY, JULY 26 2005</b>						
FHWA Plenary		2	2	21	5	3.97
Breakout Session A						
1. Streamlining the Application Process			3	6	3	4
2. Innovative Financing	3	1		10	1	3.33
3. Drop projects, Sale/change ownership				2	4	4.67
Breakout Session A Presentation of Conclusions	1	2	9	17	1	3.5
Tour of Mill Ruins Park and Stone Arch Bridge			2	6	17	4.6
Visit Mill City Museum/Flour Tower		1		12	12	4.4
Reception at Mill City Museum	1	3	2	13	6	3.8
<b>WEDNESDAY, JULY 27 2005</b>						
State of TE Spending		1	5	14	8	4.04
Breakout Session B						
1. Streamlining the Application Process	1		1	6	4	4
2. Outreach and Communication with Sponsors			2	6	5	4.23
3. Streamlining the Environmental Review Process		2	1	5	3	3.82
Breakout Session C						
1. Streamlining the Application Process			3	6	5	4.14
2. Best Strategies for ROW Acquisition			1	3	3	4.29
3. Suballocation of TE Funds	1		1	3	1	3.5
Breakout Groups Presentation on Conclusions		2	6	18	2	3.71
Preserve America, by Ron Anzalone	1	3	3	14	7	3.82
TE Tour: Projects Around the Country		1	3	11	9	4.17
NTEC Resources Presentation			2	14	5	4.14
<b>FACILITIES</b>						
Middlebrook Hall dormitory	1		1	1	1	3.25
Coffman Memorial Union			2	10	16	4.5
Breakfast (both days)			6	15	9	4.1
Lunch (both days)		1	4	13	12	4.2

Mill City Museum		1	1	14	9	4.24
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Respondents also suggested several topics that should be covered in future seminars, including more discussion on project qualifications, a stronger emphasis on the project implementation process, methods of organizing and maintaining project data, and best practices gleaned from managing a specific group of projects. Additionally, numerous comments asked to allow more time for question and answer session with FHWA.