

# TRANSPORTATION **FAST** **ACT**

## ALTERNATIVES



Informational Booklet

## I. INTRODUCTION

Transportation Alternatives projects are eligible for funding under the Surface Transportation Block Grant (STBG). The FAST Act eliminates the MAP-21 Transportation Alternative Program (TAP) and replaces it with a set-aside of STBG program funding for Transportation Alternative (TA) projects. These set aside funds include all projects and activities that were previously eligible under TA, encompassing a variety of smaller-scale transportation projects such as pedestrian and bicycle facilities, recreational trails, safe routes to school projects, community improvements such as historic preservation and vegetation management and environmental mitigation related to stormwater and habitat connectivity (FAST Act § 1109; 23 U.S.C. 133(h)). All discussion of eligibility below comes from MAP-21 legislation as final guidance of TA projects in the FAST Act has not been handed down from FHWA at this time.

The Mississippi Transportation Commission (MTC) invites any Eligible Project Sponsor as defined herein to apply for funding approval of a Transportation Alternatives (TA) project. Transportation Alternatives (TA) projects utilize Federal funds that contribute up to 80% of the total eligible project cost.

There are many Federal and State regulations and project implementation procedures that will be required if a project is approved. The Mississippi Department of Transportation (MDOT) will work with all successful applicants to ensure that all requirements are met and projects are completed.

This document is a guide and is intended to provide interested parties with the TA guidelines and necessary procedures to follow in preparing an application for TA Federal funds.

This document provides information regarding:

- Federal and State Guidelines for Eligibility of TA projects
- Federal and State Guidelines for Funding of TA projects
- Application Procedures and Forms for Proposed TA Projects
- MDOT TA Project Selection Process

## II. FEDERAL AND STATE GUIDELINES FOR ELIGIBILITY OF TRANSPORTATION ALTERNATIVES PROJECTS

Transportation Alternatives projects are restricted to Federal, State and MTC rules and guidelines. The additional rules required by the MTC are designed to comply with limitations imposed by Mississippi law. All projects carried out using TA funds (except for recreational trails projects carried out under the RTP set-aside) must comply with applicable provisions in title 23, such as project agreements, authorization to proceed prior to incurring costs, prevailing wage rates (Davis-Bacon), competitive bidding, and other contracting requirements, regardless of whether the projects are located within the right-of-way of a Federal-Aid highway. Because the MDOT is responsible for these projects, the MTC has adopted certain eligibility and participation rules as detailed in the remainder of this document.

**A. Eligible Project Sponsors:** Under 23 U.S.C. 133(h)(4)(B), the eligible entities to receive TA funds are:

- local governments;
- regional transportation authorities;
- transit agencies;
- natural resource or public land agencies;
- school districts, local education agencies, or schools;
- nonprofit entities responsible for the administration of local transportation safety programs;
- tribal governments; and
- any other local or regional governmental entity with responsibility for oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of subsection (c) of section 213 of title 23.

### **B. Eligible Activities:**

There are four (4) eligible TA activity groups. There is NO requirement for TA projects to be located along Federal-aid highways, **except for approved landscaping projects**. The following specified four (4) activity groups are eligible for the Transportation Alternatives Program:

1. Transportation Alternatives as defined in 23 U.S.C. 133(h) FAST Act 1109:
  - a. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and

transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.

- b. Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
  - c. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.
  - d. Construction of turnouts, overlooks, and viewing areas.
  - e. Community improvement activities, including-
    - i. inventory, control, or removal of outdoor advertising;
    - ii. historic preservation and rehabilitation of historic transportation facilities;
    - iii. vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
    - iv. archaeological activities relating to impacts from implementation of a transportation project eligible under title 23.
  - f. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to-
    - i. address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 133(b)(11), 328(a), and 329 of title 23; or
    - ii. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
2. The Recreational Trails Program (RTP) under section 206 of title 23.
  3. Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways

**C. Ineligible Applicants:** If any of the following conditions exist at the submission deadline, the LPA's application will not be considered:

- Non-Compliance with the **State Auditor's Office**
  - Proof of Established Accounting Controls-see page 8
- Non-Compliance with the **MDOT LPA Division**
- Audit Suspension with **MDOT's Audit Division**
- Nonprofits not eligible as direct grant recipients of the funds. Nonprofits are eligible to partner with any eligible entity on an eligible TA project, if State or local requirements permit

**D. Ineligible Activities:** Section 1103 of MAP-21 eliminated the definition of transportation enhancement activities in section 104 of title 23 and inserted in its place a definition of transportation alternatives, which does not include eligibility for certain activities that were previously eligible as transportation enhancements. Under the FAST Act there continues to be no authorization under the Federal-aid Highway program for

use of TA funds for:

1. State or MPO administrative purposes, except for SRSP administration, and administrative costs of the State permitted for RTP set-aside funds.
2. Promotional activities, except as permitted under the SRSP.
3. General recreation and park facilities, playground equipment, sports fields, campgrounds, picnic areas and pavilions, etc.
4. Routine maintenance and operations.

Careful consideration should be given to whether an activity falls within the eligibilities created under TA. FAST Act § 1109; 23 U.S.C. 133(h) continues to eliminate the definition of transportation enhancement activities 23 and inserted in its place a definition of transportation alternatives. The transportation alternatives definition contained in 23 U.S.C. 133(h) created different categories of activities than those included under the previous transportation enhancement definition. As a result, some activities that were previously eligible as independent transportation enhancement projects are no longer eligible; some categories of eligibility remain, but for a different range of activities. In some cases, activities that are no longer eligible for funding as independent TA projects may be eligible for FHWA participation under other title 23 provisions, such as project mitigation measures when determined necessary to mitigate project impacts (including the impacts of a TA project). Transportation enhancement categories that are no longer expressly described as eligible activities under the definition of transportation alternatives are:

1. Safety and educational activities for pedestrians and bicyclists. **Exception:** Activities targeting children in Kindergarten through 8th grade are eligible under SRSP (an eligible activity under the TA funding). **Note:** Some of these activities may be eligible under HSIP. Non-construction projects for bicycle safety remain broadly eligible for STP funds.
2. Acquisition of scenic easements and scenic or historic sites (including historic battlefields), and scenic or historic highway programs (including tourist and welcome center facilities). **Exceptions:** A few specific activities under this category are eligible for funding as TA projects, including construction of turnouts, overlooks, and viewing areas; historic preservation and rehabilitation of historic transportation facilities; and bicycle and pedestrian facilities.
3. Landscaping and other scenic beautification. However, under the "community improvement activities" category, projects such as streetscaping and corridor landscaping may be eligible under TA if selected through the required competitive process and if the project is located along a federal aid route. States may use TA funds to meet junkyard screening and removal requirements under 23 U.S.C. 136 if selected through the competitive process. Landscaping and scenic enhancement features, including junkyard removal and screening, may be eligible as part of the construction of any Federal-aid highway project under [23 U.S.C. 319](#), including TA-funded projects.

4. Historic preservation, and rehabilitation and operation of historic buildings, structures, or facilities (including historic railroad facilities and canals). Historic preservation activities now are limited to historic preservation and rehabilitation activities relating to a historic transportation facility. See section 101(a)(29)(E). Operation of historic transportation facilities is not eligible under TA.
5. Archaeological planning and research. Under TA, archaeological activities must relate to impacts from implementation of a transportation project eligible under title 23.
6. Establishment of transportation museums. There is no eligibility for this activity under TA.

Although federal guidance under the FAST Act may consider all the above activities as eligible, the MDOT and its Commission may decide that some activities will not be considered during an application cycle.

**Additional guidelines for all eligible activities may be found at:**

**[Transportation Alternative Final Guidance](#)**

**E. Complete (or Stand-alone) Project Requirement:** The MDOT will only approve applications that represent a complete finished project within the initial construction of that project. “Stage” construction or “Phase” I or II, etc...will not be accepted. The applicant’s proposed project must be a completely finished product upon expenditure of the requested funds plus the applicant’s matching funds. Example:

- **a bicycle path that proposes to build a section of the total route with the current application and then complete the total path in a later project will not be approved. A logical termini must be chosen for the project.**

Projects also shall not be contingent upon potential funding for completion but be able to be completed within committed funds. The 20% matching funds for the proposed project must be identified and accessible to the LPA at the time of application submission.

### **III. FEDERAL AND STATE GUIDELINES FOR FUNDING OF TRANSPORTATION ALTERNATIVES PROJECTS**

All Federal Highway Funds are reimbursable funds. The applicant is reimbursed 80% of the total project cost up to the Federal fund award amount. The applicant is responsible for at least 20% of the total project cost.

LPA’s with a population of 10,000 or less as per the latest census estimate will be eligible for reimbursement of preliminary engineering costs. The preliminary engineering costs

will be reimbursed at a maximum amount of 80% federal and 20% local. The federal reimbursement share will ultimately be determined by the project meeting the project milestones that will be set once the PE contract is concurred in by MDOT and the project schedule is finalized. There will not be any reimbursement for accrued costs to the LPA until the project is authorized at FHWA for construction. Only then will the LPA be reimbursed based on the below conditions.

The Memorandum of Agreement (MOA) between the LPA and MDOT will have a deadline to reach the construction phase based on the estimated delivery date of the **approved** Plans, Specifications and Estimate (PS&E) being submitted to the MDOT LPA Division. If the deadline date in the MOA is not met then the participating percentage will be reduced from the maximum amount of 80% federal and 20% local to 70% federal and 30% local. Each 6 month interval the project deadline is missed will result in further reductions in participating preliminary engineering costs. At the discretion of the Transportation Commissioner and based on the recommendation of the State LPA Engineer, there is an opportunity for one 6 month extension that will not affect the federal participating percentage, but that will only be determined on a case by case basis of the project moving forward efficiently and monthly progress reports being submitted consistently.

LPA's with an estimated census of over 10,000 population will not have participation of federal reimbursement or special match credit for preliminary engineering activities. The construction participation amount will begin with a maximum of 80% federal and 20% local. The deadline date listed in the Memorandum of Agreement (MOA) will be determined based on the estimated delivery date of the **approved** Plans, Specifications and Estimate (PS&E) being submitted to the MDOT LPA Division. If the deadline date in the MOA is not met then the participating percentage for construction could be reduced from the maximum amount of 80% federal and 20% local to 70% federal and 30% local. Each 6 month interval the project deadline is missed will result in further reductions in participating preliminary engineering costs. At the discretion of the Transportation Commissioner and based on the recommendation of the State LPA Engineer, there is an opportunity for one 6 month extension that will not affect the federal participating percentage, but that will only be determined on a case by case basis of the project moving forward efficiently and monthly progress reports being submitted consistently.

#### **IV. APPLICATION PROCEDURES AND FORMS FOR PROPOSED TRANSPORTATION ALTERNATIVES PROJECTS**

Eligible applicants must complete all required elements of the project application and

follow approval procedures as described in this document.

Each Eligible Project Sponsor will be allowed to submit more than one application. However, because of possible funding limitations, each entity should **prioritize each application upon submittal.**

An original and four (4) copies of the application and attachments must be submitted. They must be bound separately. **DO NOT** submit applications that are stapled, clipped, in three ring binders, or other binders that make the proposal larger than 8 ½ by 11 inches in size. Illustrations, maps, drawings, etc...up to 11 by 17 inches will be accepted provided they are folded to 8 ½ by 11 inches. Please keep attachments in order.

All project applications should be submitted directly to the MDOT LPA Division:

**Lee Frederick P.E. State LPA Engineer**  
LPA Division, Room 4014, MDOT Administration Building  
401 North West Street  
Jackson, Mississippi 39215-1850  
Telephone (601) 359-7031  
Fax (601) 359-7220

**The applicant must submit the Transportation Alternatives Project Application form and a one page summary of each of the following attachment items.**

**APPLICATION FORM: [CLICK HERE](#)**

**REQUIRED APPLICATION ATTACHMENTS:**

- **Description of Proposed Project:**  
Provide an overview of the proposed project that tells what is to be done. Describe any/all connectivity to any local transportation system or facility that will result in the completion of the proposed project.
- **Benefits of Proposed Project:**  
List and describe the benefits and objectives of the proposed project. The degree and type of public support for the project should be discussed, as well as the projected demand for the facility
- **Maps, Plans, and Photographs:**  
Describe the project location and clearly show the project limits and area of major work using local or county maps. Identify all Right-of-Way. Include photographs of existing facility and drawings of proposed project. Include a site plan of proposed construction or illustrations of proposed work. For bicycle/pedestrian projects include typical cross-sections.
- **Evidence of Eligibility by Project Category:**  
Illustrate evidence of eligibility by addressing the specific eligibility



requirements for the project activity. The intent of this attachment is to demonstrate that the project clearly qualifies for Transportation Alternatives Program funds.

- **Environmental Review:**

The applicant must accurately identify all potential environmental problems that might occur as a result of the proposed TA project and demonstrate that a reasonable strategy has been considered to address any environmental consequences of the TA project. The applicant must also demonstrate a willingness to comply with all environmental requirements. The MDOT will evaluate the information provided by the applicant to determine the likelihood that the project will be able to comply with the environmental requirements and if the proposed project is environmentally practical.
- **Right of Way (ROW), Utilities & Easements:**

Discuss any anticipated need for additional ROW, easement acquisition (construction or permanent), and/or utility work. Attach a detailed plan of action of how these needs are to be addressed and make sure this work is covered in the proposed project budget.
- **Budget and Implementation Schedule:**

Attach a complete budget and work schedule that shows total cost breakdown information and a project schedule that shows activities from kickoff to the bidding of the project for construction. All cost estimates must meet current design standards for the type of improvement requested. A copy of the estimate computations, together with the source of those figures should be included. Include any detailed estimates that have been prepared for the proposed work.
- **Legal and Compliance Certification:**

Certify that no known foreseeable legal impediments exist that would prohibit completion of the project and that the project complies with applicable codes, standards and/or regulations required for completion. This certification must be executed by either the Mayor, President of the Board of Supervisors, or State Agency Head, whichever applies to the applicant. The certification must be in the form of a Board order for local governments, indicating the approval of either the Board of Alderman or Board of Supervisors.
- **Proposed Maintenance Agreements and Preservation Covenants:** Attach proposed maintenance plans, agreements, and preservation covenants. Include an estimate of the annual cost of maintenance and the source of those funds. Rails-to-Trails Districts must include an executed contract agreement with a government entity that agrees to maintain the proposed project.
- **Proof of Current LPA PDM Certification**

Attach a copy of certificate(s) of completion of the LPA Project Development Manual (PDM) Certification class. Each LPA must have at least one full-time employee certified at the time of application. Certification is good for a period of two (2) years.

- **Proof of Established Accounting Controls**

Attach a copy of the last completed audit for the LPA on file with the Mississippi State Auditor's office. Include the entire audit reporting package to assure established accounting controls are in place to manage federal funds. The report may be submitted with the package in electronic format (thumb drive, disc, etc.). As part of its monitoring responsibilities, the *MDOT* must ensure that a *LPA* expending \$750,000 or more in federal awards during its fiscal year has met the 2 C.F.R. Part 200 Subpart F Audit Requirements. The *LPA* is subject to such monitoring and as a result will be required to complete and submit the Single Audit Certification and Exemption Form. This form is to be submitted every fiscal year for which the *LPA* is a sub-recipient of FHWA award funds, beginning with project concurrence and until project close-out.

## V. MISSISSIPPI DEPARTMENT OF TRANSPORTATION PROJECT SELECTION PROCESS

After the applications have been received and screened for general acceptability by the MDOT, they will be distributed to special program coordinators within the MDOT (and other agencies if applicable) for review and analysis. A field visit and meeting with the LPA will be scheduled so that the project concept can be reviewed more in depth. All projects passing this first stage of analysis and review will then be evaluated and prioritized according to the Project Review and Selection Factors listed below.

**Project Review and Selection Factors:** The MDOT internal review and decision-making process will be guided by the following priority factors, in no particular order. Projects that address multiple priority factors may rank higher when reviewed.

- Projects that improve transportation through new construction or improvements to existing facilities, designed for pedestrians and bicyclists and provide access to destinations within a community. Additional value is given to projects that demonstrate increases in economic, environmental, health and recreational benefits for that community.
- Projects that are fully funded through the Federal TA award and the required matching funds and are not contingent upon unidentified and uncommitted funds such as bonds, additional taxes, or submitted, but unfunded grant applications.
- Projects that are complete and usable once constructed. The project may be a part of a multi-phase plan as long as the proposed phase has logical termini and is deemed usable and functional.
- Projects that clearly identify efforts to enhance travel and tourism efforts.
- Projects that are associated with a master plan and will advance the goals and

policies contained in the community's or region's master plan. Additional consideration will be given for all LPAs that can show they have an existing transitional plan.

- Projects that are multijurisdictional in their approach and are supported by other local governments in the vicinity of the project. This can be demonstrated by joint application of two or more government entities or endorsement by the governing board of an adjacent government entity.
- Projects that have the support of recognized public or not-for-profit organizations of national, statewide, or regional scope with expertise in the subject matter of the application.
- Projects that enable students in grades K-8 to be able to walk safely to school without walking in a roadway alongside vehicles, school buses, and other traffic.

Once review and prioritization is complete, the projects, along with their respective rationale, will be presented to the MTC for final project concurrence and award.

The MTC will announce the selected projects once the project review and selection process is complete and official commission approval has been given.

If an application is approved by the MTC, the applicant will be notified in writing of the award amount and further instructions.

### **REQUIRED ACKNOWLEDGEMENTS OF FUNDING:**

The TA award recipient is required to acknowledge the MDOT and the FHWA for their participation in the project in any news releases or other promotional material for the project.

The TA award recipient is required to notify the Public Affairs Division of the MDOT and the State LPA Engineer of any ceremonies related to the opening of the facility. The applicant is required to display a permanent plaque or sign identifying the FHWA and the MDOT as providing funding for the project.

All TA award recipients must follow the application and approval procedures as described in this document. Award recipients must also comply with all procedures as outlined in the Project Development Manual for Local Public Agencies located at <http://www.gomdot.com> from project initiation to completion.