

Wisconsin Department of Transportation
Statewide Multi-modal Improvement Program (SMIP) includes:
Transportation Enhancements (TE) Program
Bicycle and Pedestrian Facilities Program (BFPF)

Guidelines: Calendar Year 2008 Submittal for FYs 2009-2011 Funding

What is the program all about and how much money is available?

Please Note: This is not a grant program – the Public Sponsor is reimbursed for 80% of approved project costs incurred provided all federal project requirements are met.

Beginning with the federal Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 as re-authorized in 2005 under the Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the Wisconsin Department of Transportation (WisDOT) receives federal funds to provide a variety of improvement programs, including the local Transportation Enhancements (TE) program. The program is designed to fund projects that increase multi-modal transportation alternatives and enhance communities and the environment.

Funding for the former STP-Discretionary program was converted into the Bicycle and Pedestrian Facilities Program (BFPF) in the 2007-09 state biennial budget. This means that there will be greater funding available this cycle, particularly for bicycle and pedestrian facilities. Bicycle system planning projects will again be eligible. Per state statute, pedestrian-only projects such as sidewalks and ped-only bridges are not eligible under BFPF but remain TE eligible. Unlike the former STP-D program, non-bicycle/pedestrian projects to reduce single-occupant vehicle travel, such as public transit bus acquisitions, are not eligible.

As indicated in past applications, we make our projections under the assumption that the State Legislature will continue existing programs at the same funding level that existed at the time projects are requested. We undertake multi-year programming commitments to all types of transportation projects to make sure that projects are ready to use Wisconsin's federal funding resources when they become available and because of the long lead time needed to select and approve projects, obtain local funding commitments, undertake design, acquire real estate (if needed) and construct the projects. The 2007-2009 budget includes \$6.25 million per year for the TE program and \$2.72 million for BFPF starting in State Fiscal Year (SFY) 2009. We commit two years of funding per application cycle. Our best estimate is that \$18 million in new federal funding will be available in 2008 for SFYs 2010 and 2011, assuming that no changes are made to the 2009-2011 state budget affecting TE or BFPF and no changes are made to the federal transportation act that replaces SAFETEA-LU.

SAFETEA-LU did not make major changes to the TE program guidelines. The federal transportation act added a new program called Safe Routes to School (SRTS). The program is to promote increased bicycle and walking to school by grades K-8. The program comes with federal funding that will cover 100% of a project's cost. The amount available will be modest compared to the TE program. Projects will be for education and promotion as well as infrastructure. WisDOT held its first SRTS program cycle in 2007 and is undertaking another cycle in close tandem with this program. If you anticipate having a bicycle and Pedestrian project that is within 2 miles of a K-8 school site and will promote biking and walking to school, consider applying for

the SRTS program this year. Decisions on those projects will be made slightly ahead of this program. Note that both the TE and SRTS programs will be up for review for the federal transportation act that replaces SAFETEA-LU after 2009.

We are soliciting projects in calendar year 2008 primarily for SFYs 2010-2011. Because we have already programmed funds in SFY 2009 for projects solicited in calendar 2006, most of the new funding will be primarily targeted to projects in SFY 2010 (begins July 1, 2009) and SFY 2011 (begins July 1, 2010). We may have limited funds for Design work starting in SFY 2009 (begins July 1, 2008). Construction will need to wait until SFY 2010 or more likely 2011 to 12 because of the large backlog of previously approved projects. If your project cannot wait until these time frames, you should NOT apply for funding.

What projects are eligible for funding?

We will now cover the eligibility funding categories for the TE program that are regulated by federal guidelines. The first requirement of a Transportation Enhancements project is that it must fit in to one of the following twelve categories.

- Provision of facilities for pedestrians/bicycles + (see note below)
- Provision of safety and educational activities for pedestrians & bicyclists
- Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails) +
- Historic Preservation* (see note below)
- Rehabilitation/operation of historic transportation buildings (including historic railroad facilities and canals)*
- Establishment of transportation museums
- Acquisition of scenic easements and scenic or historic sites
- Scenic or historic highway programs (including the provision of tourist and welcome center facilities)
- Landscaping and other scenic beautification
- Control and removal of outdoor advertising
- Environmental mitigation of water pollution due to highway run-off or reduce vehicle caused wildlife mortality while maintaining habitat connectivity
- Archeological planning and research

*In Wisconsin, historic projects must meet the additional test of being on or eligible for the National or Wisconsin Register(s) of Historic places or on an official local historic register based on an adopted local landmarks ordinance. If a project does not already have register status, forms can be submitted to the Wisconsin Historical Society to determine if it would be deemed eligible for such status. The form for requesting a determination of eligibility is available at:

http://www.wisconsinhistory.org/hp/buildings/property_eligible.asp

Call Dana Penkunas at (608) 264-6501 or by e-mail

dana.penkunas@wisconsinhistory.org to obtain information. Project proposals that involve either historic preservation or the rehabilitation and operation of historic transportation buildings, structures or facilities must provide proof at the time of application that the proposed project meets one of these criteria.

+Federal guidelines provide wide latitude on the type of bicycle facilities that can be TE funded. For Wisconsin's program, we place an emphasis on bicycle and pedestrian facilities that will serve at least some utilitarian trips, e.g., for work, school, and shopping that might otherwise be made by automobile.

The second requirement for a project to be eligible for TE is that the project must “relate to surface transportation”. This second federal requirement is subject to considerable interpretation, particularly for some project categories. The burden of proof is on the applicant to demonstrate that their project relates to surface transportation. Our experience is that historic projects will need to be handled on a case-by-case basis. Historic related projects will generally need to justify their relationship to surface transportation by citing project characteristics other than just being visible from a highway or road. Historic preservation and restoration projects will usually involve the rehabilitation of a historic transportation related structure. Historic planning or research related activities - except in the case of archeology - generally do not meet federal TE guidelines unless they are part of an overall project that results in actual rehabilitation work. Categories such as tourist and welcome centers and transportation museums are also likely to raise a considerable number of questions regarding eligibility.

With so many questions likely to arise as to the eligibility of projects, it is impossible to address every one of them in this document. We recommend that you call the WisDOT Region or Central office contact on page 11 to discuss your project if you have concerns about its eligibility. They can also supply you with copy of the Federal Highway Administration (FHWA) Transportation Enhancements guidance and recent “Q & As” that address a number of project category specific issues and questions. You can find a copy of the federal guidance on the following website: <http://www.fhwa.dot.gov/environment/te/index.htm>

All projects will be screened for eligibility based on the above noted requirements and only eligible projects will be considered for funding. Applicants should also make sure that all the elements of their project are eligible and integral to the project and that they do not “pad-in” irrelevant or ineligible project components. This is most often the case with landscaping and streetscaping type projects, or for bicycle and pedestrian facilities where the applicant wants to include trail amenities. Projects will be reviewed for inappropriate cost items by WisDOT staff. Streetscaping projects that are on state highways need to be coordinated with the Regional office. Applicants may be requested to resubmit applications omitting the problem line item expenses before they can be considered eligible for funding. It is in the interest of applicants that we determine ineligible items PRIOR to project approval. WisDOT will reserve the right to deny ineligible items even if they are not determined until later detailed engineering work is submitted for review. If you submitted a project in 2006 and it was not approved, it must be re-submitted.

Bicycle and Pedestrian Facilities Program (BFPF)

Bicycle and pedestrian projects eligible for the TE program will generally also be eligible under the BFPF with some minor difference resulting from differences in the state enabling legislation. These restrictions apply to BFPF.

- Pedestrian-only projects like sidewalks or pedestrian-only bridge are NOT eligible, even if only a portion of the total project.
- Streetscaping projects are NOT eligible, even though they contain some bike/ped elements.
- Local Force Account (LFA) work is prohibited. ALL work must be competitively let.
- State agencies are NOT eligible applicants, only local government units & Indian Tribal Nations.
- Bike/ped Planning projects are eligible under BFPF.

Federal funding is used in all cases, so all federal and state requirements described below are applicable.