

National Capital Region Transportation Planning Board

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MEMORANDUM

TO: Transportation Planning Board
FROM: John Swanson, Principal Transportation Planner
SUBJECT: Proposed process for project selection in our region under the new federal Transportation Alternatives Program (TAP)
DATE: February 14, 2013

In November and December of last year, DTP staff briefed the TPB on a proposed approach for establishing a regional program for project selection using suballocated funding through the new federal Transportation Alternatives Program (TAP). At those meetings, the TPB was largely supportive of the staff's proposed process and approach.

This memo reiterates and refines our proposed process. At the TPB meeting on February 20, staff will seek the board's approval for this approach and will request board approval of an amendment to the TPB's Unified Planning Work Program (UPWP) to authorize the use of staff resources to provide support for the process.

Background

The Transportation Alternatives Program is a new formula program under MAP-21 that provides funding to projects considered "alternatives" to traditional highway construction. The TAP combines three former federal programs: Transportation Enhancements (TE), Safe Routes to Schools (SRTS), and Recreational Trails (RTP). Eligible recipients include local governments, regional transportation authorities, transit agencies, natural resource or public land agencies, school districts and agencies, and other appropriate local or regional governmental entities. Non-profits are not eligible to be direct recipients of the funds.

One of the key differences between the TAP and the previous programs is that large MPOs will play a new role in project selection for a portion of program funds that will be suballocated to large metropolitan regions. MAP-21 specified that in urbanized areas with populations over 200,000, the metropolitan planning organization "shall select projects carried out within the boundaries of the applicable metropolitan planning area, in consultation with the relevant state."

The allocation and sub-allocation of TAP funding is structured as follows:

- Each state will be allocated a portion of TAP funding based upon the state's proportionate share of FY2009 Transportation Enhancements funding.
- Within each state the Recreational Trails funds will be taken off the top of every state's allocation.
- The remaining TAP funds will be suballocated as follows:
 - 50% will be suballocated to large urbanized areas with populations larger than 200,000. The amount of funding allocated to each of these areas will be proportional to the size of its population. The MPOs in these areas will be responsible for project selection.
 - 50% of funds will suballocated for statewide project selection.

Establishing the TAP in the National Capital Region

For the National Capital Region, this new program offers an opportunity to fund regional priorities and complement regional planning activities. But the TAP also poses unique challenges related to the three-state makeup of our region.

At the TPB meeting on November 28, Board members broadly agreed with a staff proposal for establishing a regional program. Board members encouraged TPB staff to frame the region's TAP program as a complementary component of the TPB's Transportation/Land-Use Connections (TLC) Program, which provides technical assistance for small planning studies to TPB member jurisdictions.

The process for project selection under region's Transportation Alternatives Program would have the following key features:

- **Solicitation** – If possible, applicants will fill out only one application issued by their respective states, making them eligible for project selection for both suballocated and statewide funds. Each of these state applications will include an appendix that specifies the TPB's regional selection criteria and selection process for the suballocated funds. All applicants will also be required to complete a short regional application form that describes how the projects complement regional priorities.

However, if the schedule for implementing the statewide and suballocated funds is not synchronized, the TPB will issue its own solicitation. (Such a separate solicitation is planned in Virginia for FY2014, as described below.)

- **Proposal Screening** – The state DOTs will screen all applications for eligibility and readiness, ensuring that only eligible and implementable projects will be considered in the selection process.
- **Selection Process** –
 - Selection Panel – An impartial regional panel would select projects. This panel will include local- and national-level experts and will be loosely modeled on the established TLC Selection Panel.
 - Regional Selection Criteria – Selection criteria would emphasize principles of the TPB's regional policies, including the following key goals:
 - increasing transportation options for pedestrians, bicyclists and other non-drivers;
 - enhancing walkability and accessibility within regional activity centers;
 - promoting accessibility for people with disabilities and for disadvantaged communities;
 - enhancing safe bike/ped access to schools;
 - providing public involvement opportunities; and
 - demonstrating local commitment to project completion, including verification that projects complement local plans and providing local matches greater than the 20 percent minimum requirement.
 - Rules regarding the use of funds:

- Funds allocated for/through each state (i.e., both the statewide and suballocated funds) will stay within that state.
 - The funds will be used for projects focused on capital expenses, not for projects that are solely planning activities.
 - The program will require a minimum 20% local match.
- **Implementation** -- State transportation agencies will manage project implementation by successful project applicants.

Agreements and Issues at the State Level

TPB staff have conducted independent discussions with the state DOTs and have reached the following decisions and identified continuing questions.

Maryland:

- The TPB will participate in a joint solicitation with MDOT to be issued in March 2013, with project selection occurring by the end of July.
- This solicitation will combine TAP funds for FY2013 and FY2014. Such a combination of funding would ease the transition from previous programs and would permit the program partners additional time to establish the new program.

Virginia:

- For FY2013, VDOT has announced that the state's entire TAP allocation (including suballocations to large urbanized areas) will be used for Transportation Enhancements projects that were selected by Commonwealth Transportation Board (CTB) before MAP-21 was signed. FHWA has indicated to VDOT that this approach is acceptable as long as the MPOs in Transportation Management Areas (including the TPB) concur. TPB staff is proposing that the TPB concur with VDOT's approach regarding the FY2013 funds.
- For FY2014, VDOT and the TPB will issue separate solicitations:
 - VDOT has indicated that it will use its statewide FY2014 TAP funds only to fund existing projects, which are considered to be those projects that received Transportation Enhancements funding in past years and need additional funding to bring about completion.
 - The TPB will issue a separate solicitation for the FY2014 TAP funding that will be suballocated to Virginia's portion of the Metropolitan Washington Region. Unlike the VDOT solicitation, the TPB solicitation will permit applications for new projects. The TPB's solicitation for Virginia TAP projects will follow the same schedule as the MDOT solicitation. Even though the solicitations will be conducted separately, the VDOT and TPB staffs will work closely throughout the solicitation and selection processes.

District of Columbia:

- Questions regarding the eligibility of potential applicants in D.C. have arisen based upon the District's unique position as an entity which is not a state but is often treated as one. According

to Interim Guidance issued by FHWA on October 22, 2012, state DOTs are not eligible to apply for TAP funds, although local governments, including local DOTs, are eligible. The TPB currently plans to issue a solicitation for projects in D.C. at the same time that the solicitation is released for Maryland and Virginia projects, with the assumption that the District of Columbia, including DDOT, should be considered a local government and thus, District agencies are eligible to apply for TAP funds. DDOT and TPB staff have contacted FHWA to seek guidance regarding this matter.

Schedule

TPB staff has proposed the following schedule for conducting project selection this year:

- March 1, 2013: Issue project solicitations for Maryland, Virginia and the District of Columbia. For Maryland, a joint solicitation with MDOT will be issued for all both statewide and sub-allocated TAP funding. For Northern Virginia, the TPB will also open the solicitation just for Northern Virginia applications seeking funding suballocated to our region. We are also currently planning to solicit applications for the District of Columbia at this time, although this date may be contingent upon the clarification of questions regarding the eligibility of applicants.
- Late March: Host application workshops (or perhaps a single workshop) for regional TAP applicants. State DOTs staff will be included in these events.
- May 15, 2013: Application deadline. All Maryland applications will be submitted directly to MDOT, following MDOT submittal procedures. All Virginia and D.C. applications will be submitted directly to TPB staff. TPB staff will forward Virginia and D.C. applications to the state DOTs to review eligibility and readiness.
- June 2013: TPB staff will convene a TAP Selection Panel to review the applications and recommend projects for funding. State DOT representatives will be included in the selection panel.
- July 2013: TPB staff will finalize project recommendations and submit to the state DOTs for final review.
- September 18, 2013: The TPB will approve the slate of TAP projects using funding suballocated to the region.

This schedule is structured to allow time for coordination with state DOTs. TPB staff will work collaboratively with state DOT staff throughout the project selection process, but particularly during application review. Open staff communication will ensure that only projects that are eligible and ready for implementation are reviewed by the selection panels and recommended for funding. Ideally, the TPB will work with DDOT to conduct a solicitation for District of Columbia projects concurrent with the Maryland and Virginia solicitations.

It is the goal of TPB staff to establish a single, cohesive solicitation for regional TAP funding. While projects will be selected for funding through three separate TAP funding allocations, the regional TAP Selection Panel will review all projects with regional goals in mind.

Staffing and UPWP Action

While MAP-21 calls upon large MPOs such as the TPB to conduct project selection for suballocated TAP funding, the legislation did not provide any funding for administering these activities. TPB staff is proposing that these activities be supported with funding in the Transportation/Land-Use (TLC) Program, which was previously reserved for TLC website development and overall administrative support. The use of such funding to support TAP activities is wholly consistent with the spirit of the TLC Program.

At the TPB meeting on February 20, 2013, staff will seek an amendment to the current Unified Planning Work Program (FY13 UPWP) to explicitly authorize the use of TLC funds to support TAP activities.