



Thanks to your experience, input, and advocacy, there are countless important changes in the Bipartisan Infrastructure Law to the programs that support walking, bicycling, and Safe Routes to School.

Now, it's up to the states to implement the law.

You can take action to encourage your DOT to implement these programs in a way that maximizes the benefits for people walking and bicycling. Lead or join a sign on letter to state leadership detailing the opportunities within the Bipartisan Infrastructure Law you would like your DOT to take to make walking and wheeling **safe, convenient, connected, and equitable.**



What is the *Bipartisan Infrastructure Law (BIL)*?

- AKA the *Infrastructure Investment and Jobs Act of 2021*, signed into law November 2021
- Federal surface transportation reauthorization + priorities identified in President Biden's American Jobs Plan
- Reauthorizes funding for the next five years (FY22-FY26) and makes policy changes
- Replaces the FAST Act (2015-2021)



Transportation Alternatives Program

Transportation Alternatives







The major federal source of transportation funding for bicycling, walking, and Safe Routes to School

- Accounts for about half of federal funding for walking and bicycling
- Created in 2012 by merging Transportation Enhancements, Recreational Trails, and Safe Routes to School programs
- Also known as TAP or STP Set-Aside
- A key program for states to build safe, connected, equitable on- and off-road networks for walking and bicycling



Changes to the Transportation Alternatives Program in the Bipartisan Infrastructure Law

 CHANGES TO THE TRANSPORTATION ALTERNATIVES PROGRAM IN THE BIPARTISAN INFRASTRUCTURE LAW 				
	FAST ACT (2015-2021)	BIPARTISAN INFRASTRUCTURE LAW (2022-2026)	CHANGE	LEGAL CITATION
FUNDING	Fixed dollar amount	TAP is 10% of STBG	Transportation Alternatives Program is now a percentage of the Surface Transportation Block Grant rather than a fixed dollar amount. Moving forward, it will grow in proportion to other surface transportation spending.	23 U.S.C. § 133(b)(1)
	\$835 million - \$850 million annually	\$1.38 billion – \$1.49 billion annually	Funding for Transportation Alternatives increased by 60-70 percent (increases annually from 2022-2026).	23 U.S.C. § 104 (b)(2)
BETTER ACCESS FOR LOCAL GOVERNMENTS & LOCAL CONTROL	States could transfer 50% of TAP funds to other uses before holding a competition	Before transferring funds out of TAP, state must certify that it held a competition, provided technical assistance to applicants, and there were not enough suitable applications	Improved access for local governments by requiring departments of transportation to hold a competition before transferring funds for other uses	23 U.S.C. § 126(b)(2)
	50% state control and 50% suballocated based on population	41% state control; 59% suballocated by population. Additionally, the BIL provides MPOs with obligation authority for projects they select	More money will be suballocated by population	23 U.S.C. § 133(h)(2)(A)
	Suballocated pots for 3 community types: Pop > 200,000 Pop 50,000-200,000 Pop < 50,000	Suballocated pots for 4 community types: Pop > 200,000 Pop 50,000-199,000 Pop 50,000- 49,000 Pop < 50,000	Aligns with surface transportation block grant suballocated pots. Breaks suballocated pot of funding for 5k-200k into two buckets for smaller and mid-sized communities.	23 U.S.C. § 133(h)(2)(A)
	Suballocation limited to 50%	States can suballocate up to 100%	Increase local control of project selection and financial management	23 U.S.C. § 133(h)(2)(B)

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PROJECT AND APPLICANT ELIGIBILITY	Not applicable	Retains current project eligibility; adds in projects that support compliance with vulnerable road user safety assessment	Creates eligibility alignment with new Vulnerable Road User safety assessment required under changes to the Highway Safety Improvement Program	23 U.S.C. § 133(h)(3)
	Not applicable	Gives small MPOs eligibility to compete for funds, makes all nonprofits eligible, state is eligible if a local government requests state's help	Creates eligibility alignment with new Vulnerable Road User safety assessment required under changes to the Highway Safety Improvement Program	23 U.S.C. § 133(h)(4)(A)
EQUITY	Not included	Requires states to define "high need" communities and prioritize them as beneficiaries of TAP funds in project selection	Promotes equitable access to TAP funds	23 U.S.C. § 133(h)(4)(D)
STATE IMPLEMENTATION	Not included	5% of TA set-aside can be used for DOT to provide technical assistance to applicants, staff the program, or contract these services out	States may use some TAP funds to administer program	23 U.S.C. § 133(h)(6)(C)
	All projects must have 20% match; HSIP not eligible for use as match	Non-federal share (aka local match) can be met at project level or across program; Highway Safety Improvement Program (HSIP) funds can be used as local match	Provides flexibility on meeting non-federal share/ local match requirements	23 U.S.C. § 133(h)(7)

FUNDING



- Every state gets an apportionment of TAP
 - Ranges from \$4M to \$129M per state
- **Funding has increased by 60%** from \$850 million to \$1.38 billion in 2022, and will increase each year up to \$1.49 billion in 2026
- Transportation Alternatives is now 10 percent of the Surface Transportation Block Grant rather than a fixed dollar amount, so it will grow in proportion to other surface transportation spending

Take Action!

- Look up how much funding your state receives:
https://www.fhwa.dot.gov/legsregs/directives/notices/n4510864/n4510864_t2.cfm
- For MPO funding amounts:
https://www.fhwa.dot.gov/legsregs/directives/notices/n4510864/n4510864_t3.cfm



What Happens to a State's Transportation Alternatives Program Funds?

Recreational Trails Set-Aside

Funding comes off the top of each state's TAP funds to "develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses." These funds cannot be transferred to other uses.

After taking out the Recreational Trails Set-Aside, the remaining TAP funds are divided up to give communities of all sizes a chance to compete for TAP money.



41%

of the remaining funds are awarded by the state DOT around the state.

59%

of the remaining funds are awarded through competitions based on community size, with funds proportionately divided into the following pots based on population.



State DOT-run competition for communities of any size anywhere in the state.

States can choose to transfer these funds away from walking and bicycling, for example, to highway projects. To transfer funds a state must first show that it held a competition, provided robust technical assistance, and there were not enough suitable projects.

MPOs run competition in urbanized areas with populations over 200k.

State DOT-run competition for communities with populations between 50k - 199,999.

State DOT-run competition for communities with populations between 5k - 49,999.

State DOT-run competition for communities with populations under 5k.

States may use up to five percent of available TAP funds (after suballocation described above) to provide technical assistance to improve access to TAP funds and improve efficiency of project delivery. This can be achieved through staffing or contracted out to other state agencies, private sector entities, or nonprofit organizations.

IMPROVED LOCAL ACCESS



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- Before a state may transfer funds to other uses, it must first hold a competition and provide robust technical assistance
- More money is suballocated by community size, and suballocation categories align with STBG
- States can suballocate up to 100 percent of funds

IMPROVED LOCAL ACCESS

example



Transportation Alternatives Program									
State	Funding Available (FY13-21)	Total Transferred by State	Total Let Lapse by State	Increase in Transfers/ Lapses from Prior Quarter	% Funds Transferred/ Lapsed	Total Obligated	Percent Obligated	Change from Prior Quarter	Funds Lapsing on 10/1/21
TEXAS	\$ 681,088,327	\$ 342,397,839	\$ -	\$ -	50%	\$ 234,812,430	69%	\$12,785,360	\$0

Historically, Texas has transferred 50 percent of its Transportation Alternatives Program funds out of the program and to other uses

- From 2013-2021, Texas awarded approximately **\$37.6M** annually
- For FY22, Texas has **\$129M** to award
 - Statewide: \$53M
 - \geq 200k: \$50M
 - 50k-200k: \$7.4M
 - 5k-50k: \$5.9M
 - <5k: \$13M

Take Action!

- Promote this funding opportunity widely, especially to communities that may have been discouraged
- Support small communities to apply for funds, consider SRTS projects for small/rural areas

PROJECT AND APPLICANT ELIGIBILITY



- **Newly eligible applicants:** all nonprofits; small MPOs; states can receive funding if requested by local community
 - Note: states may have more restrictions on who may apply
- **Newly eligible projects:** projects that support compliance with vulnerable road user safety assessment required in Highway Safety Improvement Program

Take Action!

- Help spread the word about TAP in your state, especially to communities that may have been discouraged in the past
- Support small and rural communities to apply for funds; if you are a small/rural community – apply for funds!

PROJECT AND APPLICANT ELIGIBILITY

TAP Funding Supports:

- Sidewalks, crosswalks, and other pedestrian infrastructure
- Bike lanes and other bicycle infrastructure
- Safe Routes to School infrastructure and non-infrastructure
- **Projects that comply with Vulnerable Road User safety assessment**
- **Shared micromobility**
- Recreational trails
- Turnouts, overlooks, and viewing areas,
- Community improvement activities (outdoor advertising, historic transportation facilities, vegetation management, transportation-related archaeological activities)
- Environmental mitigation (stormwater management, wildlife connectivity)
- Converting highways/interstate routes to boulevards



PROJECT AND APPLICANT ELIGIBILITY

Who is eligible to apply?

- Local governments
- Regional transportation authorities
- Transit agencies
- State and local parks/public lands agencies
- Schools and school districts
- Tribal governments
- Nonprofits
- Small MPOs
- Other local/regional agencies that administer transportation or trails
- State DOTs may receive funds if requested by local government



EQUITY



- State DOTs are now required to define what constitutes “high-need” in their state
 - Examples include: transit dependent, low income, and rural
- State DOTs are now required to prioritize high-need communities in the project selection



Take Action!

- Share ideas with your state DOT for how to define “high need” pertinent to your state and opportunities to prioritize “high need” communities
- For ideas from other states:
 - <https://www.hsph.harvard.edu/prc/projects/practices-promoting-srts-vulnerable-communities/>
 - <https://www.saferoutespartnership.org/resources/report/investing-health-safety-and-mobility> - Appendix A

STATE IMPLEMENTATION - MATCH



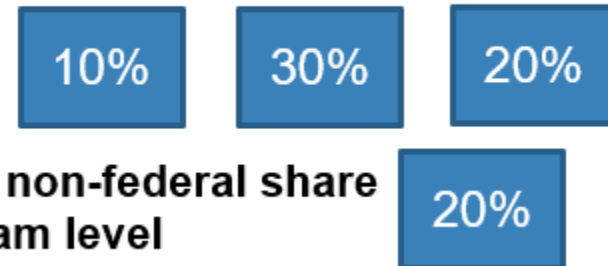
- HSIP funds can be used as match for TAP, so projects can be entirely federally funded**
- Non-federal share/local match requirement can be met at project or program level

FAST



20% non-federal share required for every project

BIL



Average non-federal share at program level

Take Action!

- Encourage your DOT TAP Manager and HSIP Manager to allow HSIP to be used as match for TAP
- Encourage your DOT to avail itself of flexibility to average the match at the program level
- Share with DOT that using HSIP as match will satisfy VRU special rule compliance

STATE IMPLEMENTATION – TECHNICAL ASSISTANCE



5% of Transportation Alternatives apportionment (after suballocation) can be used for technical assistance to improve access to funds and improve efficiency of project delivery

- This ranges from ~\$92k - \$4M annually, average: \$893k
- Can be used to staff the program or contracted out to nonprofits, private sector companies, or other government agencies
- Guidance on this is very broad
- *It does not have to be spent on technical assistance; it can be spent on projects*

Take Action!

- Look up how much your state has available for technical assistance
https://www.fhwa.dot.gov/legsregs/directives/notices/n4510864/n4510864_t2.cfm
- Identify what would be most useful in your state: staffing TAP, staffing Safe Routes to School, proactive outreach about the program, conducting preliminary engineering and cost estimation for small, rural, and/or low-income applicants, and encourage your DOT to do this



Action Steps for Transportation Alternatives Program

- Promote the funding opportunity and encourage communities to apply
 - States can only transfer funds after holding competition/providing technical assistance
- Encourage DOT to use HSIP as match for TAP
- Communicate with DOT about definitions of “high need”
- Advocate for best use of technical assistance funds for your state

Safe Routes to School





Federal Funding for Safe Routes to School: Evolution Through Four Transportation Bills

2005-2012

A New Program: Stand-Alone Safe Routes to School Funding

SAFETEA-LU (*Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users*)



New program provided more than \$1 billion to all states over 7 years



Funding to states for Safe Routes to School infrastructure & non-infrastructure grants to local schools and communities



Each state Department of Transportation had state-level Safe Routes to School coordinator

2012-2015

Combined Funding for Safe Routes to School, Walking, and Biking

MAP-21 (*Moving Ahead for Progress in the 21st Century Act*)



Eliminated stand-alone federal funding stream for Safe Routes to School



Combined federal Safe Routes to School program and other bicycling and walking programs into Transportation Alternatives Program (TAP)

30% less funding

Overall 30% reduction in federal funding for Safe Routes to School, walking, and bicycling

2015-2021

Continuation of Combined Funding for Safe Routes to School, Walking, and Biking

FAST Act (*Fixing America's Surface Transportation Act*)



- The funding is still known as the Transportation Alternatives Program (TAP), although official name changed to "Surface Transportation Program Setaside"
- The FAST Act retained most of MAP-21's TAP features, with a few changes, such as making nonprofits eligible for the funding & modestly increasing the total amount of TAP funding per year
- States were permitted to transfer up to 50 percent of TAP funds away from walking and biking
- Funding was less than total for Safe Routes to School, walking, and biking when they were separate programs

2022-2026

Increased Combined Funding for Safe Route to School, Walking, and Biking, and Safe Routes to School Expands to High Schools

Infrastructure Investment and Jobs Act of 2021 (*also known as Bipartisan Infrastructure Law*)

Key features of Current TAP funding:

- 60 percent increase in funding: average of \$1.4 billion annually from 2022-2026
- TAP is now set as 10 percent of Surface Transportation Block Grant rather than a fixed dollar amount
- All TAP dollars are awarded through a competitive process by the state or metropolitan planning organizations, with local governments, school districts, and nonprofits eligible to apply
- More funding is suballocated based on community size
- Tighter restrictions on state transferring funds away from walking and bicycling
- States may use up to five percent of funds (after suballocation) to provide technical assistance that improves access to funds and project delivery
- New flexibility for local match including match at program level rather than individual project level and allows HSIP funds to be used as match for TAP projects
- States must define and prioritize "high need" communities when selecting TAP projects
- Funding can be used for Safe Routes to School infrastructure and non-infrastructure, including state and local Safe Routes to School coordinators
- Safe Routes to School projects can now benefit high schools, making K-12 schools eligible

The BIL codifies Safe Routes to School in current law, but not as a standalone program like under SAFETEA-LU



Safe Routes PARTNERSHIP
Active Paths for Equity & Health

FUNDING



- Safe Routes to School is broadly eligible for most surface transportation funds, however most states fund Safe Routes to School out of TAP.
 - Some states use HSIP, CMAQ, SPR, and STBG
- New in the BIL:
 - Allows up to 10% of HSIP funds to be used for safety campaigns/non-infrastructure, including Safe Routes to School (including staff!)
 - Proactively affirms that SRTS infrastructure is an eligible use of HSIP

Take Action!

- Encourage your DOT to fund SRTS infrastructure and non-infrastructure with TAP through a set-aside or points prioritization
- Encourage your DOT to fund SRTS I/NI with HSIP

STAFFING



- BIL creates and affirms opportunities for staffing Safe Routes to School statewide coordinator and local coordinators
 - 5% TAP for technical assistance may be used for a State Safe Routes to School coordinator position to promote SRTS projects to be funded under TAP

Take Action!

- Encourage your state DOT to use its technical assistance funds to fund a full-time Safe Routes to School coordinator
- Encourage your state DOT to use HSIP funds/compete out TAP funds to fund local coordinators



ELIGIBILITY



- BIL expands Safe Routes to School eligibility to high schools, in addition to elementary and middle schools

Take Action!

- Encourage your DOT to allow Safe Routes to School projects to benefit high schools



Action Steps for Safe Routes to School

- Encourage state to staff statewide Safe Routes to School coordinator using TAP technical assistance funds or HSIP funds
- Encourage DOT to make high schools eligible for SRTS projects
- Encourage DOT to set aside TAP funds or allocate extra points to SRTS projects in TAP selection process
- Encourage DOT to fund non-infrastructure in addition to infrastructure

