

AMERICA BIKES' SIDE-BY-SIDE COMPARISON OF BICYCLE AND PEDESTRIAN PROGRAMS SAFETEA LU VS. MAP 21

SAFETEA LU PROGRAMS	2012 MAP-21 PROGRAMS	ANALYSIS
<p>3 Distinct programs with their own funding, and mechanics for distribution</p> <ul style="list-style-type: none"> • Transportation Enhancements • Safe Routes to School • Recreational Trails 	<p>TRANSPORTATION ALTERNATIVES* combining:</p> <ul style="list-style-type: none"> • Transportation Alternatives* (formerly TE) • Safe Routes to School • Recreational Trails • Some road uses <p>This is a stand alone program.</p>	<p>By combining the three main programs that funded biking and walking projects, planners and local communities lose the specific mechanisms for funding. In order to take full advantage of these programs, applicants and advocates must learn the new system.</p> <p>It will also take US DOT and State DOTs a while to get this new program up and running.</p>

**Note — the new bill refers to both the overall funding program and the newly eligible uses for the former TE program by the same name, Transportation Alternatives. For the purpose of clarity, this analysis refers to the overall program as the Transportation Alternatives Program and the smaller projects category as Transportation Alternatives projects. This distinction is not in the law itself.*

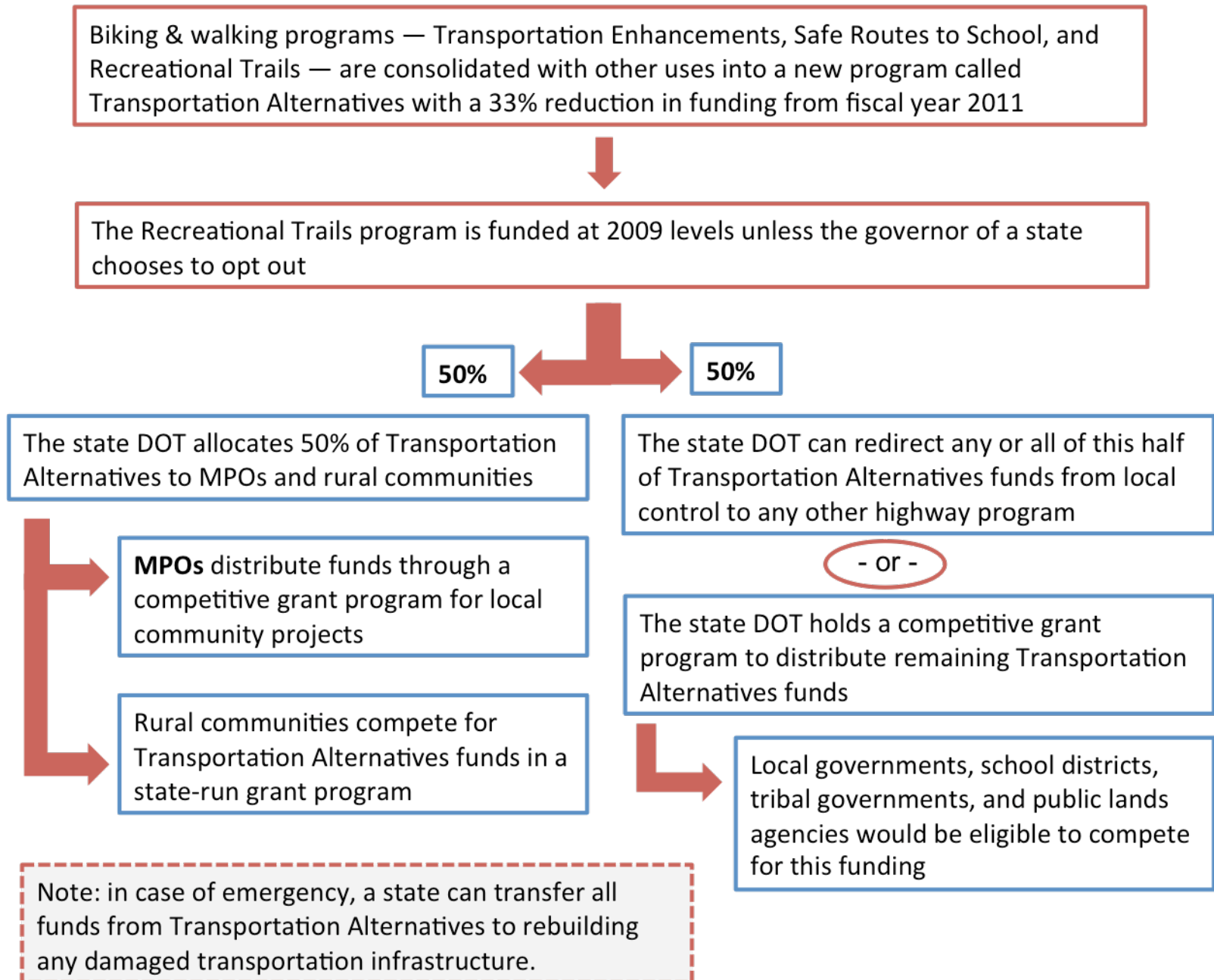
SAFETEA LU FUNDING	2012 MAP-21 FUNDING	ANALYSIS OF FUNDING
<p>FUNDING for Bike/Ped Programs</p> <p>Combined funding: In 2011, all three programs combined was \$1.2 billion — less than 2% of all transportation funding.</p>	<p>FUNDING for Bike/Ped Programs</p> <p>Combined funding: Approximately \$800 million per year for all uses listed on page 2</p>	<p>Significant Cut in Funding-</p> <p>33% cut in funding; 66% cut in funding if all states fully exercise their opt-out/transferability</p>
<p>STATES' ABILITY TO OPT OUT / TRANSFER FUNDS</p> <p>States could transfer up to 10-15% of TE funds to other programs.</p> <p>Safe Routes to School funding was non-transferable</p>	<p>STATES' ABILITY TO OPT OUT / TRANSFER FUNDS</p> <p>States can transfer up to 50% of Transportation Alternatives Program funding to any other use without explanation.</p> <p><u>STATE OF EMERGENCY</u> - States can transfer up to 100 percent of TA to rebuild damaged transportation infrastructure.</p> <ul style="list-style-type: none"> • If the state receives reimbursement for State of Emergency damages through an additional appropriation, it must be repaid to TA <p><u>'COBURN' OPT OUT</u>- If the unobligated balance of 'Additional Activities' exceeds 100% of a one-year allocation, everything over that 100% can be used for CMAQ uses.</p>	<p>STATES' ABILITY TO OPT OUT / TRANSFER FUNDS</p> <p>The state opt-out represents a major blow to funding levels. A state that chooses to opt out can use this funding for any program with no additional restrictions.</p> <p>Even a state DOT that cares about biking and walking may be tempted to have unrestricted funding. Keeping this funding for biking and walking will require significant advocacy at the state level.</p> <p>COBURN OPT OUT</p> <p>The transferability of funds makes this virtually meaningless.</p>

ELIGIBLE USES SAFETEA LU	ELIGIBLE USES MAP-21	ELIGIBLE USES ANALYSIS
<p>TRANSPORTATION ENHANCEMENTS</p> <p><u>Dedicated Funding</u></p> <ul style="list-style-type: none"> • 10% of STP funds • \$878 million in 2011 <p><u>Eligible Activities</u></p> <ol style="list-style-type: none"> 1. Bicycle and pedestrian facilities, 2. Bicycle and pedestrian safety and education activities. 3. Acquisition of scenic easements and scenic or historic sites 4. Scenic or historic highway programs (including the provision of tourist and welcome center facilities), 5. Landscaping and other scenic beautification, 6. Historic preservation, 7. Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), 8. Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), 9. Inventory, control and removal of outdoor advertising, 10. Archaeological planning and research, 11. Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, 12. Transportation museums. 	<p>TRANSPORTATION ALTERNATIVES PROJECTS</p> <p><u>Dedicated Funding</u></p> <ul style="list-style-type: none"> • No Dedicated Funding- Eligibility under larger Transportation Alternative Program <p><u>New Eligible Activities</u></p> <ol style="list-style-type: none"> 1. Bicycle and Pedestrian facilities 2. Safe routes for non-drivers projects and systems. 3. Construction of Turnouts, overlooks and viewing areas. <p>Community improvement activities including:</p> <ol style="list-style-type: none"> 4. Vegetation management practices in rights of ways and other activities under Section 319 (similar to landscaping and beautification) 5. Historic preservation, rehabilitation and operation of historic transportation buildings, structures and facilities 6. Preservation of abandoned railway corridors including for pedestrian and bicycle trails. 7. Inventory, control and removal of outdoor advertising 8. Archeological activities related to transportation projects. 9. ANY Environmental mitigation including existing uses 	<p>TRANSPORTATION ALTERNATIVES New Name</p> <p><u>Changes to Eligibilities:</u></p> <p>1-2. Safety and Education activities Removes education and safety activities eligibility. However, the new “Safe routes for non-drivers’ may allow some of those uses.</p> <p>3. Construction of Turnouts, etc. This is to make up for the loss of the Scenic Byway program, and some uses were covered under the original program. #4-8 are reworded from the original program. Archeological Activities are changed to only apply to transportation projects build under this program.</p> <p>Scenic easements and museums were deleted. Rehabilitation of historic buildings is combined with historic preservation.</p> <p>9. Environmental Mitigation This was expanded from the specific uses in current law to include ANY environmental mitigation, including NEPA compliance.</p> <p>Adding ANY environmental mitigation allows funding from the Transportation Alternatives Program to go to federal environmental requirements previously not allowable under TE. Because of the local control aspects of the bill, local governments are less likely to use this funding for NEPA compliance.</p>

<p>SAFE ROUTES TO SCHOOL</p> <p><u>Dedicated Funding</u></p> <ul style="list-style-type: none"> • \$183 million in 2011 <p><u>Features:</u></p> <ul style="list-style-type: none"> • Stand alone program including separate and specific funding process for stakeholders • States must spend 70-90% for infrastructure, 10-30 percent for non-infrastructure • Funded a full time State SRTS Coordinator 	<p>SAFE ROUTES TO SCHOOL</p> <p><u>Dedicated Funding</u></p> <ul style="list-style-type: none"> • No dedicated funding <p><u>Features:</u></p> <ul style="list-style-type: none"> • Program is eligible under Transportation Alternatives Program • Infrastructure and non-infrastructure eligible • Coordinator position eligible but not required 	<p>SAFE ROUTES TO SCHOOL</p> <p>Eliminated as a stand alone program, but the program language is still in the bill.</p> <p>We believe then that a state can choose to run program as is, but the funding would come out from the overall. Because it references current SRTS law, the ability to fund both infrastructure and non-infrastructure is retained. The state SRTS coordinator is eligible, but not required.</p>
<p>RECREATIONAL TRAILS PROGRAM</p> <p><u>Dedicated Funding</u></p> <ul style="list-style-type: none"> • Dedicated funding based on recreational fuel tax • Roughly \$85,000,000 per year <p><u>Features:</u></p> <ul style="list-style-type: none"> • Stand alone program with 20 percent local funding match • Funds obligated for specified trail uses • 30% motorized trails, 30% non motorized, 40% multi-use trails • Administered through DOT and State DNRs 	<p>RECREATIONAL TRAILS PROGRAM</p> <p><u>Dedicated Funding</u></p> <ul style="list-style-type: none"> • Level funding <p><u>Features:</u></p> <ul style="list-style-type: none"> • Governors can opt out each year if they contact Secretary of US DOT 30 days prior to apportionments • Program is eligible under CMAQ “Additional uses” • Projects eligible under the Transportation Alternatives Program 	<p>RECREATIONAL TRAILS PROGRAM</p> <p>If a Governor does not opt out, this program will continue same as current law.</p> <p>It will be important to advocate to Governors to keep program.</p> <p>Governors can opt out EACH YEAR.</p>
	<p>OTHER ELIGIBLE ACTIVITIES</p> <p>Planning, designing, or constructing boulevards, and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.</p>	<p>OTHER ELIGIBLE ACTIVITIES</p> <ul style="list-style-type: none"> • This type of road project could take up an entire state’s budget for one or more years. • The local control aspects of the bill make it less likely that a project of this scale could compete for the limited available funds.

PROGRAM MECHANICS: SAFETEA-LU	PROGRAM MECHANICS: SAFETEA-LU	PROGRAM MECHANICS: SAFETEA-LU
<p>GRANT PROGRAM</p> <p>Each program had its own method for distribution of funds.</p> <p>For Transportation Enhancements, most states could set up the grant program.</p> <p>For Safe Routes to School, most states held statewide competitions, but a few used regional distribution or state-managed implementation.</p>	<p>GRANT PROGRAM</p> <p>All funds must go through a grant program. The bill limits which entities are eligible to apply.</p> <p>50% of Funding by Population DOTs must distribute funds according to the share of population within the state</p> <ul style="list-style-type: none"> • POPULATION > 200,000. Funds will be sub-allocated to MPOs. MPOs must then run a grant competition within its area • POPULATION < 200,000. State will distribute through a competitive grant program <p>None of these funds may be transferred by the DOT.</p> <p>50% of Funding by Grant Program The DOTs are required to run a grant program to distribute the other 50%. Only Eligible entities may apply. State DOTs may transfer all of this pot; if they do, there will be no grant program.</p>	<p>GRANT PROGRAM</p> <p>This is the part of the program amended by Cardin-Cochran.</p> <p>By requiring a competitive grant program and limiting the entities allowed to apply for that funding, this provision is written to limit the amount of funds going to large-scale state priorities like roads and NEPA compliance.</p> <p>The 50% by population ensures local communities of all sizes will get a share of the funding.</p> <p>The MPO Competition ensures entities within an MPO area can apply for a share of MPO funding, and ensures the state DOT is not the sole decision-maker on funding priorities.</p> <p>The 50% of funding distributed by a state-run grant competition is at significant risk given the full transferability of its funds. Advocates will need to work to ensure states retain these funds.</p>
<p>ELIGIBLE ENTITIES</p>	<p>ELIGIBLE ENTITIES</p> <ol style="list-style-type: none"> 1. A local government; 2. A regional transportation authority 3. A transit agency 4. A natural resource or public land agency; 5. A school district, local education agency, or school; 6. A tribal government; 7. Any other local or regional governmental entity with responsibility for or 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 this subsection. 	<p>ELIGIBLE ENTITIES</p> <p>These were defined to ensure current users of the three programs could continue to benefit, but also that a state agency is not eligible.</p>

Here is a diagram showing the program structure:



ADDITIONAL PROVISIONS: SAFETEA-LU	ADDITIONAL PROVISIONS: MAP-21	ADDITIONAL PROVISIONS: ANALYSIS
<p>MANDATORY SIDEPATH LAW</p> <p>None</p>	<p>MANDATORY SIDEPATH LAW</p> <p>Bicyclists are prohibited on federally owned roads that have a speed limit of 30 miles per hour or greater if there is an adjacent paved path for use by bicycles within 100 yards of the road, unless the Secretary of the relevant federal land management agency determines that the bicycle level of service on that roadway is rated B or higher.</p>	<p>MANDATORY SIDEPATH LAW</p> <p>Mandatory sidepath laws were once common in state vehicle codes. They said that when a road has a separate bike path or bike trail, bicyclists must use the path and not the road.</p> <p>By moving to ban bicyclists on certain non-highway roads, this clause could set a dangerous precedent for federal bike policy.</p> <p>This provision was first included in the Senate transportation bill without the addition of the Bicycle Level of Service clause. The addition of this clause now means that states can have some “out” to enforcing the law and that advocates have an opportunity to demonstrate that the restriction should not apply to their roads.</p>