

# Transportation Enhancement Requirements and Eligibility by Type of Project

## 1. *BICYCLE AND PEDESTRIAN FACILITIES*

### *Minimum Requirements*

- Must be principally for transportation rather than recreation purposes (provides access to a destination, or links to other modes of transportation).
- Must conform to state and local design standards and meet ADA requirements.

### *Eligible*

- New or improved lanes, paths or shoulders for bicyclists; multi-use paths and trails;
- Shelters and parking facilities for bicycles; signing and marking of routes and facilities;
- Sidewalks, benches, shelters, awnings and landscaping in areas used by pedestrians;
- Curb extensions and other traffic control or “traffic calming” measures.

### *Not Eligible*

- Facilities constructed as part of a highway project to fulfill state or local standards.

## 2. *SAFETY & EDUCATION FOR PEDESTRIANS AND BICYCLISTS*

### *Minimum Requirements*

- Must be consistent with Oregon law and the Oregon Bicycle Safety Handbook.
- Should be consistent with local ordinances on bicycle and pedestrian travel.

### *Eligible*

- Statewide, regional, or local programs targeted to pedestrians or bicyclists.
- Statewide, regional, or local programs targeted to driver awareness of pedestrians and bicyclists.
- Development of new curricula or implementation of curricula developed by others.

### *Not Eligible*

- Ongoing operating costs for existing safety/education programs

## 3. *ACQUISITION OF SCENIC EASEMENTS and SCENIC OR HISTORIC SITES*

### *Minimum Requirements*

- Requires written agreement or other mechanism to preserve site’s scenic/historic values.
- Site must have significant aesthetic, natural, visual or open space values.
- Site must be linked to past or present transportation activity--not just near a road or highway.

### *Eligible*

- Property listed in or eligible for listing in the National Register of Historic Places.
- Protecting views of landforms, vegetation or other scenic features unique to the region.
- Protecting scenic values which promote the facility as a preferred route or destination.
- Protection of structures having unique design or construction features, or having significant features connected with a notable designer or architect;
- Appraisals, surveys, legal costs, and purchase costs.
- Acquisition through purchase, donation, transfer, or trade

***Not Eligible***

- Safety rest areas.
- Acquisition of scenic/historic properties based on “proximity” without a clear connection to present or historic use of the road

**4. SCENIC AND HISTORIC HIGHWAY PROGRAMS**

***Minimum Requirements***

- Must be a designated Scenic Byway (state or federal) or a documented scenic or historic site.

***Eligible***

- Projects that protect or enhance the scenic, historic, cultural, natural or archaeological integrity of the site or highway.
- Construction or interpretive projects to improve visitor appreciation of scenic/historic qualities associated with the site or highway. May include signs and kiosks, turnouts, overlooks, or interpretive displays oriented to scenic/historic features.
- Construction of tourist or welcome center facilities oriented to scenic/historic sites or highways.

***Not Eligible***

- Construction of safety rest areas (though eligible items in rest area projects can be funded).
- Construction of new scenic highways.
- Construction of tourist/visitor centers not related to a scenic or historic site or highway.

**5. LANDSCAPING and OTHER SCENIC BEAUTIFICATION**

***Minimum Requirements***

- Improves or protects the attractiveness of areas “within the viewshed” of a highway or other transportation facility such that it enhances use or appreciation of the facility.
- Plantings should be consistent with ODOT “Roadside Vegetation Management Guidelines” or equivalent local agency guidelines. Plantings should also comply with the April 1994 “Memorandum of Environmentally Beneficial Landscaping”

***Eligible***

- Planning, design, and construction of scenic overlooks.
- Restoration of historic landscapes.
- Construction of landscapes which are compatible with their surroundings (urban, rural, or natural).
- Planning, testing and planting for restoration or reintroduction of native plant communities and appropriate adaptive species.
- Site interpretation, or providing information about resource preservation programs (if done in connection with scenic overlooks or tourist/welcome center facilities).

***Not Eligible***

- Construction or rehabilitation of rest areas, parks, or nature trails.
- Benches, restrooms, and water fountains (except as minor elements of a pedestrian/streetscape project or tourist/welcome center).
- Routine, incidental or maintenance activities such as mowing, tree pruning, soil stabilization, drainage improvements, or post-construction replanting and reseeding.
- Planting to screen the view of adjoining properties.

## **6. HISTORIC PRESERVATION**

### ***Minimum Requirements***

- Must be listed or eligible for listing on the National Register of Historic Places.
- Enables transportation-related use of the historic property, or enhances the use or appreciation of the nearby transportation facility.
- Site must be linked to past or present transportation activity--not just near a road or highway.

### ***Eligible***

- Preservation of a historic district, site, structure, object or landscape.
- All aspects of historic preservation: identification, evaluation, documentation, curation, acquisition, protection, management, rehabilitation, interpretation, restoration, stabilization, and maintenance.

### ***Not Eligible:***

- Actions to avoid or mitigate effects of a construction project, as required by Section 4(f) of the DOT Act of 1966 or Section 138 of Title 23.
- Projects undertaken primarily to enable private commercial use of a site
- Additions to historic facilities.

## **7. REHABILITATION AND OPERATION OF HISTORIC TRANSPORTATION FACILITIES**

### ***Minimum Requirements***

- Must be listed or eligible for listing on the National Register of Historic Places.
- Significant historic features must be preserved.
- Completed project must be open to the general public for a transportation or non-transportation use consistent with the historic character of that property.

### ***Eligible***

- Buildings and related structures associated with operation, use, construction, or maintenance of any mode of surface transportation (freight or passenger facilities).
- Roads and highways, tunnels, bridges, trestles, embankments, rails, stations, canal viaducts, towpaths, locks.

### ***Not Eligible:***

- Projects undertaken primarily to enable private commercial use of a site.

## **8. PRESERVATION OF ABANDONED RAILWAY CORRIDORS**

### ***Minimum Requirements***

- Corridors must be authorized for abandonment by the Interstate Commerce Commission (or pending proceedings) or must be “rail banked” under a federal or state authority.
- Must be for public use.

### ***Eligible***

- Planning, acquisition, rehabilitation, and corridor development costs.
- Projects involving full title or “less-than-fee” holdings.
- Passenger or freight facilities, including privately owned rail corridors that will be open to the public without charge.

### ***Not Eligible***

- Preserving a rail corridor for future highway or public transportation uses.

## **9. CONTROL AND REMOVAL OF OUTDOOR ADVERTISING**

### ***Minimum Requirements***

- Removal efforts apply only to signs that would not otherwise have to be removed.
- Control efforts must be beyond “effective control” requirements in Title 23 rules.

### ***Eligible***

- Control or removal of existing signs, displays, and devices that are not compatible with their surroundings. May include acquisition of conforming or non-conforming signs.
- Inventories of existing signs (for use in planning control or removal efforts).

### ***Not Eligible***

- No specific exclusions.

## **10. ARCHAEOLOGICAL PLANNING AND RESEARCH**

### ***Minimum Requirements***

- Project sites or areas must be associated with transportation facilities.
- Must produce a useable product (such as a report, data base or site identification system) that is available to public agencies for planning, design and maintenance of transportation facilities.

### ***Eligible***

- Archaeological research on sites eligible for Transportation Enhancement funds.
- Research on archaeological preservation and interpretation techniques.
- Planning to improve identification, evaluation, and treatment of archaeological sites.
- Synthesis of archaeological data from transportation projects and other archaeological sites.
- Development of national or regional research designs to guide future surveys and data recovery.

***Not Eligible***

- Field inventory or reconnaissance where archaeological resources are known or likely to occur.
- Actions required to avoid or mitigate project-related effects (under section 138 of Title 23 or section 303 of Title 49).
- Actions required by the Archaeological Resources Protection Act or the Archaeological Conservation Act.
- Evaluation of individual sites for inclusion on the National Register of Historic Places.

***11. MITIGATION TO ADDRESS WATER POLLUTION DUE TO HIGHWAY RUNOFF OR TO REDUCE VEHICLE-CAUSED WILDLIFE MORTALITY***

***Minimum Requirements***

- Must be beyond what is normally required as mitigation for transportation projects.
- Must be beyond routine or required maintenance practices for existing facilities.

***Eligible***

- Seeding, plantings and other stabilizing measures to reduce erosion near streams or other waters.
- Traps, basins, and other structures for retaining sediments and pollutants in highway runoff.
- Swales and wetland areas for filtering sediments and pollutants from highway runoff.
- Replacing existing roadside vegetation with appropriate low-growing species to improve visibility to and from roadside areas, or with appropriate species less attractive to wildlife.
- Culverts, crossings, and other measures to direct or improve wildlife passage at highways.

***Not Eligible***

- Erosion and sediment controls that are standard construction practices or Best Management Practices, or that are required by a storm water permit or sediment/erosion control plan.
- Culvert replacement to improve fish passage (unless justified for water pollution control).
- Required or neglected maintenance or roadside slopes and highway drainage features.

***12. ESTABLISHMENT OF TRANSPORTATION MUSEUMS***

***Minimum Requirements***

- Must produce a useable facility that is open to the public.
- Exhibits must be unique or important to Oregon transportation history at the state or local level.
- Proof of viability: five-year business plan, qualified board of trustees, sufficient operating funds, visitor projection study, commitment to maintain a secured, insured facility and professional staff.

***Eligible***

- New museums with exhibits relating primarily to the history of transportation and travel.
- Expansion of an existing museum by adding a new wing or section devoted to transportation.

***Not Eligible***

- Transportation-related exhibits in museums devoted primarily to themes other than travel or transportation.
- Car museums and others having a theme not specific to Oregon or a region of Oregon.

## APPENDIX B – GLOSSARY

**Brooks Act** *Public Law 92-582*. Requires federal agencies to use a qualifications-based process for selecting engineering and design consultants.

**DBE** *Disadvantaged Business Enterprise*. A woman-owned or a minority-owned business that has been certified for work on federal contracts. Federal Aid contracts include goals for contractors to utilize DBE firms for part of the project work.

**Davis Bacon Act** Sets wage requirements on federally-funded projects greater than \$2000. Applies to all Enhancement projects within an existing highway right-of-way, or linked to a federal-aid facility by proximity or impact. Does not apply to work by highway agency forces. State or local agencies may use volunteer labor if the workers are under their direct control as a force account effort. Contractors may not use volunteer labor on “Davis Bacon” projects.

**Federal Aid Projects** Activities funded solely or partly through the Federal Highway Administration under “Title 23” regulations. Applicants must share in project costs by providing “matching funds.”

**FHWA or Federal Highway Administration** An agency of the US Department of Transportation. Oversees various programs that provide funding and assistance for highway and other transportation projects.

**Function** (as a means of establishing a project’s relationship to the transportation system). Actual use or past use for transportation of people or goods. Commonly applies to bikeways, walkways and other pedestrian/bicycle facilities. May also apply to historic preservation projects if the building, structure or facility once served as a component of the transportation system or will be used for transportation upon completion of the project.

**Hard Match** Cash payments or approved expenditures applied towards the project sponsor’s required share of project costs.

**IGA** *Intergovernmental Agreement*. A contract between ODOT and an agency receiving federal funds outlining the proposed work and funding commitments, and identifying which elements are to be completed by ODOT, the project sponsor, or contractors.

**Impact** (as a means of establishing a project’s relationship to the transportation system). Ability to reduce adverse impacts of an existing facility or affect the facility’s use or operation. Examples: landscaping that has the effect of reducing traffic speed, or construction of a wetland that filters pollutants from highway runoff.

**Innovative Financing** (from the *NHS Designation Act of 1995*). Allows donated cash, materials or services from private sources to count towards the “match” requirement (sponsor’s share of project costs). Requires advance written approval from ODOT.

**Intermodal Transportation System** All forms of transportation, considered in a unified, interconnected manner. Includes the National Highway System, principal arterial roads, and facilities for transferring from one mode of transportation to another. Also includes public transportation, access to ports and airports, and programs that improve mobility for elderly persons, persons with disabilities, and economically disadvantaged persons.

**Maintenance Agreement** A written commitment by a private organization to provide long-term maintenance on a public right-of-way or public property. Often used where completed projects require maintenance treatments not typically performed by the state or local government maintenance crews.

**Match Ratio** The project sponsor's share of project costs, expressed as a percentage of total eligible costs. (The minimum match ratio for Enhancement projects in Oregon is 10.27%.)

**Matching Funds** or "**Local Match**" The project sponsor's share of costs on a federal aid project. May be fulfilled through cash expenditures or approved in-kind contributions. See "soft match" and "hard match".

**MPO** *Metropolitan Planning Organization.* A policy/planning body in designated urban areas (pop.50,000 or more). Composed of local elected officials, appropriate state officials, and/or representatives of agencies that administer major modes of transportation in the area.

**NEPA** *National Environmental Policy Act.* Requires federal agencies to consider social, economic, and environmental impacts before committing to a project. Defines procedures for evaluating impacts, documenting conclusions, and incorporating public/agency involvement.

**NHPA** *National Historic Preservation Act.* Provides for protection, rehabilitation, restoration, and reconstruction of historic sites and objects significant in American architecture, archaeology, and culture.

**Preliminary Engineering** All work necessary to advance a project from concept stage to award of contract. Includes scoping, planning studies, developing alternatives, environmental documentation, project design, and preparation of all project plans and contract documents.

**Proximity** (as a means of establishing a project's relationship to the transportation system). Occurring "within the viewshed"—that is, the area seen by users of the transportation route or facility. May apply to scenic easements, landscaping projects, and removal of outdoor advertising—activities that may not contribute to the movement of people or goods, but which integrate a transportation facility with its surrounding environment and provide social benefits.

**Qualifications-Based Selection** Consultant selection process in which price is not a factor (based on the Brooks Act). Price negotiations take place after selecting the most qualified firm.

**Right-of-way** The corridor of land occupied by a public road or other transportation facility. May also include lands held by a public agency or private entity for present or future uses related to transportation or utilities.

**Section 4(f)** *Section 4(f) of the U. S. Department of Transportation Act.* Requires that transportation projects avoid the use of publicly owned parks, recreation areas, wildlife and waterfowl refuges, and historic sites of national, state, or local significance unless there is “no prudent and feasible alternative.” Does not apply to historic transportation facilities if the proposed work will not adversely affect the historic qualities associated with the facility.

**Section 106** *Section 106 of the National Historic Preservation Act of 1966.* Requires federal agencies, and others receiving federal funds, to consider their project’s potential effects on properties listed in or eligible for the National Register of Historic Places.

**Soft Match** Using the value of donated property, materials, or services as a credit towards all or part of the required matching funds. Requires advance written approval from ODOT.

**Sponsor or Project Sponsor** The public agency that applies for federal funds and takes responsibility for the matching funds, project design and delivery, and long-term maintenance. May be the agency that originated the project, or may be an agency advancing a project in cooperation with agencies or organizations not eligible to apply.

**STIP** *Statewide Transportation Improvement Program.* A four-year capital improvement program, showing construction funding and project scheduling for ODOT and the state’s metropolitan planning organizations (MPOs). Developed every two years through coordinated efforts by ODOT, federal and local governments, tribal governments, and the public. All Enhancement projects must be included in the STIP to be eligible for funding.

**TEA-21** *Transportation Equity Act for the 21<sup>st</sup> Century.* The federal bill authorizing highway, highway safety, transit and surface transportation programs for fiscal years 1998 through 2003, through which the Transportation Enhancement Program is funded.

**Uniform Act** *Uniform Relocation Assistance and Real Properties Acquisition Act.* Provides protection and benefits for people whose property is acquired or who are displaced (forced to move) because of a federal or federally assisted program or project. On Enhancement projects, there are exemptions for property acquired by conservation organizations, and simplified procedures for “voluntary transactions” (when the project sponsor is unable or unwilling to condemn the property).