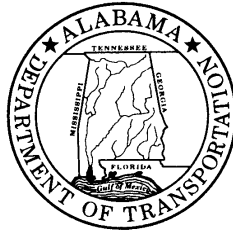


# ALABAMA DEPARTMENT OF TRANSPORTATION



## FY 2024 Transportation Alternatives Set-Aside Program Guidelines

This document contains information regarding the Transportation Alternatives Set-Aside Program (TAP). Prospective project sponsors are encouraged to thoroughly review this document, as well as the FY 2024 TA Set Aside Program Application.

### A. ELIGIBLE ENTITIES:

1. Local governments
2. Regional transportation authorities
3. Transit agencies
4. Natural resource or public land agencies
5. School districts
6. Tribal governments
7. Nonprofit entities responsible for the administration of local transportation safety programs
8. Other local or regional governmental entities with the responsibility for, or oversight of, transportation or recreational trails

Eligibility of applicants will be determined by ALDOT with the concurrence of the Federal Highway Administration (FHWA).

### B. PROJECT ELIGIBILITY:

1. Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, senior adults, and individuals with disabilities.
2. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation. These can include sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting, safety-related infrastructure, as well as projects to achieve compliance with the Americans with Disabilities Act of 1990.
3. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.

4. Construction of turnouts, overlooks, and viewing areas.
5. Community improvement activities, which include:
  - a. The inventory/control/removal of outdoor advertising.
  - b. Historic preservation and rehabilitation of historic transportation facilities.
  - c. Vegetation management practices in transportation rights-of-way to improve safety, prevent against invasive species, and provide erosion control.
  - d. Archaeological activities relating to impacts from implementation of a transportation project.
6. Environmental mitigation activities, which include:
  - a. Storm water management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff.
  - b. Reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

Eligibility of proposed project activities will be determined by ALDOT with the concurrence of the Federal Highway Administration (FHWA).

## C. COMPETITIVE SELECTION

TA Set-aside funds are awarded through an ALDOT administered competitive selection process. It should be noted that while certain types of projects are technically eligible, not all types of projects have the same level of priority in the competitive selection process.

The purpose and intent of this program is to provide new “**Transportation Alternatives**” to communities, as well as enhance existing non-motorized transportation infrastructure. All eligible applications will be evaluated on how the proposed project improvements advance the intent of the program.

The following areas are considered in the competitive selection process:

- Promotes Safety
  - Reduces/Improves Conflict Points
  - Provides Separation for Non-Motorized Travel
- Increases Local Transportation Options
  - Improves Public Travel Experience
  - Promotes Mobility
  - Encourages Multimodal Options
  - Meets the Needs of Non-Motorized Users

- Provides Community Enhancements
  - Improves Usability of Existing Facilities
  - Improves Access to Quality of Life Enhancements
  - Provides Access to Community Amenities
  - Connects Activity Centers
  - Connectivity to Essential Services
  - Improves Public Health/Physical Activity
- Local Commitment
  - Sponsor and/or MPO Resolution
  - Public Involvement and Community Support
  - Part of a Larger Comprehensive Plan
  - Project Manager Identified with Qualifications
  - Readiness and Deliverability of Project
  - Addresses Challenges and Obstacles
  - TAP Project Delivery History
- Environmental Justice
  - ADA Compliance
  - Provides and/or Enhances Services for Individuals with Disabilities
  - Improves Transportation Options in Underserved and Underrepresented Communities
  - Mitigates Transportation Environmental Effects
  - Reduces Automobile Dependence as a Barrier to Opportunity

#### **D. PROJECT FUNDING:**

TA Set-Aside funds are allocated into two separate categories.

1. Fifty percent of the TA Set-aside funds are sub allocated to areas based on their relative share of the total State 2010 Census. They are awarded to sponsors based on the geographical funding limitations described below.

a. Funds sub allocated to areas with populations over 200,000 (awarded and administered by the respective MPOs).

The policies and procedures described in this memorandum only apply to those sub allocations awarded and administered by ALDOT. The MPOs may establish their own respective policies, procedures, and competitive selection criteria for funds sub allocated to areas with populations over 200,000. Sponsors located within the metropolitan planning jurisdictions of the Birmingham, Huntsville, Mobile or Montgomery MPOs should contact their respective MPO for specific program details.

b. Funds sub allocated to areas with populations of 50,000 to 200,000 (awarded and administered by ALDOT).

- c. Funds sub allocated to areas with populations of 5,000 to 50,000 (awarded and administered by ALDOT).
- d. Funds sub allocated to areas with populations of 5,000 or fewer (awarded and administered by ALDOT)

Fifty percent of the TA Set-aside funds are sub allocated to any area of the state. Any sponsor located in the State, regardless of population (including MPOs), may submit applications for consideration in this sub allocation. Any area of the State funds are awarded and administered by ALDOT

- 2. The Federal share for TA Set-Aside projects is generally 80%, with the sponsor providing the remaining 20% in matching funds.
- 3. The TA set-aside Program is a “**cost reimbursement program**”, not a “grant”. After the sponsor is issued a notice to proceed, the sponsor must pay 100% of the project expenses and request reimbursement for 80% of eligible expenditures from ALDOT. Therefore, the project sponsor must have the fiscal, managerial, and engineering capabilities to manage a project consistent with federal and state requirements. Furthermore, the Sponsor is responsible for any environmental assessments and permitting which may be required. Invoices may not be submitted more often than monthly.
- 4. Due to the limited amount of funding available, only one application can be submitted by an eligible sponsor per fiscal year. If the submitted application is part of a past or future phased construction, please indicate that within the application and include a master plan of all the anticipated phases.
- 5. Sponsors that currently have an active TAP project will not be eligible to submit another application for funding consideration until the awarded project has been authorized and let to contract.
- 6. The total amount of Federal participating funding for a particular project (or project phase if part of a large multi-phased project) application is limited to **\$1,000,000; (\$800,000 Federal and \$200,000 sponsor match)**. The total project estimated costs may exceed the \$1,000,000 limit, but any amounts in excess of the limit will be the responsibility of the sponsor and should be shown as such.
- 7. TA funds are federal funds administered through the Federal Highway Administration. All applicable Federal regulations apply. Failure to follow Federal regulations may result in the rescission of Federal funds from the Sponsor.
- 8. The sponsor is responsible for compliance with all Federal and State design regulations applicable for the project type (i.e. AASHTO Guide for Bicycle Facilities, Americans with Disabilities Act of 1990, USDOT regulations, Architectural Guidelines, etc.).
- 9. Any cost incurred relating to this project which is determined to not be an eligible activity will be borne and paid for by the sponsor.

## **E. PROJECT PROGRESS:**

1. **Project funding awarded to sponsors, but not authorized for contract letting within two years of the notice of award, are subject to rescission by ALDOT.** The purpose of this time limit is to allow for reallocation to another project in order to prevent the loss of funds to the State.
2. To further encourage timely project delivery and facilitate the reallocation of funds to other projects as necessary, the following target deadlines are established:
  - a. Funding Agreement Execution by Sponsor: Three (3) months from ALDOT making the funding agreement available.
  - b. Obtain Environmental Clearances/Permits/Right-of-Way: One (1) year from project award.

If minor right-of-way acquisition is required, or there are historic structures more than 50 years old, additional studies may be needed in order to meet FHWA requirements. These additional requirements will be discussed / determined during a Project Kick-Off Meeting that will be scheduled shortly after the notice of award.

- c. Project/Specification/Estimate (PS&E) Review to Region: Eighteen (18) months from project award
- d. Final Plans/Certifications/Estimate (Ready for FHWA authorization) to Region: Two (2) years from project award.

Failure to meet a target deadline may result in the rescission and reallocation of awarded project funds. Extension requests will be evaluated on the merits of the request and the extenuating circumstances involved.

3. Sponsors who are awarded funding for projects are expected to actively pursue the project to completion and final close-out. If, in the opinion of ALDOT, a sponsor fails to actively pursue the project to completion and final close-out, the result could be the suspension or disqualification of future TAP project funding consideration.

## **F. ALLOWABLE WORK PHASES:**

1. The sponsor will be responsible for the preliminary engineering. However, preliminary engineering (PE) is eligible for reimbursement as part of the project invoicing. The eligible amount may be up to 10% of the total project cost with a maximum amount of \$100,000. The PE should include, but is not limited to, items such as locating, surveying, mapping, environmental (including permitting and mitigation), development of engineering plans and specifications, and the bidding and letting of a project to contract. The sponsor shall be responsible to ensure that all preliminary engineering activities (developing plans, specifications, cost estimates, etc.) are in accordance with ALDOT requirements. If the

sponsor plans on receiving reimbursement for the preliminary engineering, the sponsor must ensure the proper consultant selection process is followed. The sponsor may seek additional information by contacting the appropriate ALDOT Area Office or the [ALDOT Contract Management Group](#). Any design and feasibility studies conducted prior to receipt of a Notice to Proceed are not eligible.

2. Applications involving right-of-way acquisition will generally not be considered. Under special circumstances, right-of-way acquisition may be considered eligible, but only for minor, non-adverse acquisitions that are incidental (not a significant item or cost) to the proposed project activities. Any such consideration will be on a case-by-case basis.
  - a. Projects including right-of-way acquisition will be held to the project deadlines established in previous sections of this document. Proof of support and intent should be provided with the application in the form of letters from the affected property owners.
  - b. Applications for desired project improvements that require obtaining significant and/or adverse right-of-way acquisition should be delayed until the subject right-of-way has been obtained.

Applicants should be aware that Federal Funds expended on right-of-way acquisition shall be reimbursed by the applicant to the Federal government should the project not be advanced to construction within twenty (20) years.

3. Applications involving easements/permitted work on property owned by another entity will generally not be considered. Under special circumstances, easements/permitted work on property owned by others may be considered eligible. Any such consideration will be on a case-by-case basis.
4. Applications involving the relocation of utilities in conflict will generally not be considered. Under special circumstances, utility relocations may be considered eligible, but only for minor utility relocations and service relocations that are incidental (not a significant item or cost) to the proposed project activities. Any such consideration will be on a case-by-case basis.
  - a. Projects including both utility/service relocations will be held to the project deadlines established in previous sections of this document. Proof of project support should be provided with the application in the form of letters of support from the affected utility owners.
  - b. Applications for desired project improvements that require significant utility relocations should be delayed until the subject utilities have been relocated and are no longer in conflict.
5. The sponsor will be responsible for the administration and professional oversight (construction engineering and inspection). However, eligible Construction Engineering & Inspection (up to a total of 15% of total project construction cost) is an eligible item and may be reimbursed as part of the project invoicing. If the sponsor intends to seek reimbursement for Construction Engineering & Inspection, it must be included in the

application and supporting cost estimate (and subject to the limiting funding cap). Sponsors who utilize the services of a consulting engineering firm to perform Construction Engineering & Inspection services, and intend to seek reimbursement for those services, must follow the ALDOT consultant selection procedures.

#### **G. MISCELLANEOUS PROVISIONS:**

1. Due to the limited availability of funds, only one project application may be submitted by an eligible sponsor per year. Larger, more comprehensive projects are encouraged. However, such projects may need to be separated into manageable and logical phases for multi-year application and funding. Such project applications should be accompanied with an overall master plan, including a narrative explaining the entire scope of the project, and how the entire project is to be separated into logical phases.
2. Significant changes in project scope after project selection will normally not be permitted. Under special circumstances, minor scope reductions due to funding restrictions may be allowed, but only with prior ALDOT approval and will be evaluated on a case-by-case basis.
3. Eligible projects must be for public use and the benefit of the community at large. Admission or usage fees are discouraged but may be considered if such fees are dedicated to use for maintenance of the facility. These aspects should be clearly identified and explained in the project application. Projects cannot result in the private gain of individuals or groups.
4. Projects must be let to competitive bid unless prior approval is obtained from ALDOT in coordination with the FHWA to use another method of construction, such as force account.
5. Any costs incurred prior to issuance of a written Notice to Proceed from ALDOT is not eligible for reimbursement. Sponsors must receive written approval from ALDOT prior to advertising for bids. Sponsor must also receive written approval from ALDOT prior to awarding the contract.
6. Change of use or ownership during the expected life of the project is strongly discouraged. No change in use or ownership is permitted without written justification, and written concurrence from ALDOT in coordination with FHWA. In the event of a change of ownership, the sponsor may be required to reimburse an appropriate share of the Federal funds expended on the project.
7. TA Set-aside funds have Federal reporting requirements. Recipients will be required to furnish any and all requested data to ALDOT to satisfy these reporting requirements.

#### **H. PROJECT IMPROVEMENT SPECIFICS:**

1. Eligible sidewalks shall be designated for exclusive use by pedestrians and comply with ADA guidelines.

2. Eligible bike/pedestrian facilities shall be shared-use or multi-use paths. They must be off-road facilities and developed for use by non-motorized vehicular users such as bicyclists, pedestrians, skaters, wheelchairs, runners, etc. Such facilities are commonly designed for two-way travel. Bike/pedestrian facility paths must comply with ADA guidelines.
3. Priority will be given to projects whose primary purpose is transportation (traveling from point A to B) rather than recreation.

The Alabama Department of Economic Development (ADECA) administers funds for the Recreational Trails Program, which is specifically intended to fund recreational trails. Sponsors are encouraged to contact ADECA for program eligibility.

4. Streetscape improvements are eligible and can include items such as sidewalk replacement to meet ADA requirements, landscaping, pedestrian lighting, etc. These enhancements must be located in a downtown area and are generally the only instance where these items, as a major activity, are eligible.
5. Existing sidewalk facilities that are in acceptable condition, will generally not be considered for replacement, except when that replacement is necessary to achieve ADA compliance. Under special circumstances, the replacement of sidewalks in acceptable condition may be considered eligible, but only when incidental (not a significant item or cost) to the proposed project activities. Any such consideration will be on a case-by-case basis.
6. Hardscapes (e.g. signs at entrances to cities and towns, fencing, waterfalls, towers, flag poles, statues, etc.) are not eligible.
7. Landscaping and scenic enhancements as independent projects are not eligible.
8. Street lighting, traffic signals, and flashers are not eligible, except when traffic control devices for non-motorized traffic are in conjunction with other eligible project activities.
9. Roadway items, such as curb & gutter, roadway paving, or drainage structures are only eligible when incidental and necessary for the construction of the eligible project activities.

## **I. APPLICATION SUBMISSION & SELECTION**

1. Sponsors should thoroughly consider the project scoping process prior to submitting an application. Important considerations include:
  - Right-of-way acquisition or easement/permitting
  - Utility/service relocations
  - Phased construction
  - Fiscal capability
  - Sponsors ability to provide the required matching funds
  - Feasibility and costs associated with meeting ADA compliance
2. Applications should follow the format provided in the FY 2024 Transportation Alternatives Set-Aside Application.



3. Eligibility of applications will be determined by ALDOT with the concurrence of the Federal Highway Administration (FHWA). Sponsors of applications deemed ineligible will be notified in writing.
4. Eligible applications will be reviewed by ALDOT Local Transportation Bureau and ALDOT Region staff in accordance with the ALDOT competitive selection process.
5. Projects selected for funding will be approved by the Transportation Director. Sponsors of selected projects will be notified in writing by the Governor.
6. Once notified of award, sponsors should contact the ALDOT Region in order to set up an initial “kick-off” meeting prior to initiating any work.

All applications **must be submitted electronically** no later than 5:00 pm on **May 31, 2023**. Applications should be sent to [tapapp@dot.state.al.us](mailto:tapapp@dot.state.al.us) as a .pdf file (25 mb max) with “**FY 2024 TAP Application – Sponsor Name**” in the subject line.

The office of Local Transportation Bureau (LTB) will send a confirmation email once an application is received. If you do not receive a confirmation, please contact LTB at 334-242-6733 to ensure receipt of the application.