
LAKE COUNTRY SCENIC BYWAY STRATEGY UPDATE



**PREPARED BY THE HEADWATERS REGIONAL
DEVELOPMENT COMMISSION**

MAY 2015

TABLE OF CONTENTS

Introduction	2
Update Purpose	4
Lake Country Scenic Byway Goals.....	5
New Implementation Priorities.....	6
Marketing	6
Periodic Evaluations & Updates	6
Map of New Priorities	7
Implementation Examples	8
Example 1: Jefferson Highway Marker and Information	8
Example 2: Bike & Pedestrian Improvements in Nevis or Wolf Lake	9
Timeline of Projects	10
Funding Sources	10
Explore Minnesota	10
Minnesota Department of Natural Resources	11
Greater Minnesota Legacy Grants.....	11
Federal Resources	12
Minnesota Department of Transportation	13
Minnesota Historical Society.....	14
University of Minnesota Extension	14
Minnesota Design Team (MDT).....	15
Local Funding and Support.....	15
Appendix: Updated TAP Guidelines Under MAP-21	16
D. ELIGIBLE PROJECT SPONSORS	16
E. ELIGIBILITY	17

INTRODUCTION

The Lake Country Scenic Byway spans 88 miles of Northern Minnesota. The route follows Minnesota 34 from Walker, through Park Rapids to Detroit Lakes, including a spur from Park Rapids to Itasca State Park on US 71. The byway corridor encompasses many natural features such as public forests, parks, lakes, and rivers. These features offer both recreation and scenery to the byway traveller. The Lake Country Scenic Byway also offers a change in vegetation from hardwood forests to prairie grasslands as one travels along, and the stops along the way contain cultural, historical, and geographic landmarks. The constant features across the byway are the lakes, making this area the “Playground of the North.”

The committee that maintains the Lake Country Scenic Byway is comprised of members of the Park Rapids, Detroit Lakes, and Walker Chambers of Commerce, as well as outdoor and historical enthusiasts. Because this byway region receives a healthy flow of tourists annually, the group focuses on marketing the byway communities and attractions to tourists. Lake Country Scenic Byway members place an emphasis on region-wide marketing by way of website and print maps, as well as good signage to promote local communities and their amenities for travellers.

This strategy update document is meant to help the byway group, MnDOT, and other partners collaborate on new projects and navigate new funding sources. Due to changes in previous years, there are fewer sources available to the Lake Country Scenic Byway for marketing and promotion. Instead, the byway group has come up with a list of new strategies that align with their goals and current work, and better tie into the available infrastructure funding here in Minnesota.



UPDATE PURPOSE

The purpose of this update is twofold. First, MnDOT and the HRDC are summarizing new information for the Lake Country Scenic Byway and all state byways concerning Federal and state funds. With the introduction of the recent Federal transportation bill titled “Moving Ahead for Progress in the 21st Century Act” (MAP-21), Federal funding for scenic byway infrastructure has been combined with transportation enhancements and Safe Routes to School into the Transportation Alternatives Program (TAP). Because of this change, MnDOT and the HRDC need to prepare byway groups for the following changes:

- Some Scenic Byway projects allowed under previous funding are no longer eligible under new TAP guidelines. ***Projects that are now ineligible under TAP include acquisition of scenic easements & historic sites, landscaping, historic preservation, promotional materials, and general recreation facilities (park benches, playground equipment, sports fields).***
- Because 3 former Federal funding sources are now 1 program, there is less money available to byways each year. Byway groups will need to be able to match more funding sources together to create complete improvement projects.
- TAP criteria for project selection is still focused on bike & pedestrian improvements. MnDOT and the HRDC are creating these updates to help byways to consider new trail and multimodal projects that fit the TAP criteria. MnDOT and the HRDC will also work to broaden the TAP criteria and selection process in Minnesota, allowing for better consideration of traditional scenic byway projects.

The HRDC and MnDOT have created a more complete list of funding available for byway groups, available in the Implementation section of this plan.

The other reason for updating the Lake Country Scenic Byway planning is to create an updated list of projects for the byway group to pursue. The focus was to find some new projects that could fit the new TAP guidelines, as well as identify additional priorities that could fit other funding sources.

The Lake Country Scenic Byway group exists to enhance the recreational and economic competitiveness of communities along the byway. Because of this focus, Lake Country Scenic Byway’s focus has and will continue to be marketing, branding, and signage projects. Projects identified in this update are not marketing ones, but infrastructure changes that would enhance byway characteristics and qualities. The hope is to utilize the byway group and other partnerships in improving attractions in the byway area, thus giving the byway new attractions to market and increasing tourism revenue for the region.

LAKE COUNTRY SCENIC BYWAY GOALS

The goals of the Lake Country Scenic byway remain unchanged from its most recent planning effort in 2008. During this planning update, the byway group discussed their continuing goals, summarizing them as follows.

The Lake Country Scenic Byway exists to:

Promote tourism in the region...

- through marketing
- by enhancing the visitor experience
- by encouraging good mobility & access to the byway area

Work as ambassadors of environmental and cultural education, marketing to...

- the typical traveller
- outdoor enthusiasts
- history buffs

Showcase attractions along the byway corridor:

- communities with character
- recreational opportunities
- natural resource qualities
- visual aesthetics
- historical, culturally, & geographically significant places
- businesses that enhance the byway experience

Encourage health and wellness through outdoor recreation:

- Heartland Trail and other bike trails
- North Country Scenic Trail and other hiking trails
- Canoeing/kayaking



NEW IMPLEMENTATION PRIORITIES

Implementation Step	Description	Potential Partners	Potential Funders	Project Cost relative to TAP ¹	Steps Involved
Jefferson Highway Recognition & Information	A road segment of the original highway exists in Itasca SP. The Lake Country group would like a historic marker and means to stop (parking or pullout) there.	Itasca State Park, Heartland Trail Extension Group, Jefferson Highway Association, MN Hist. Society, MNDOT records, MN Design Team	TAP, Historical Society Grants, State SB Grants, other grants & fundraising	Moderate	Identify and map segment in Itasca SP Coordinate with Jefferson Highway Association Conduct outreach for local support and additional funders Conduct local fundraising Create a basic design for the historic marker & and visitor area
Laurentian Divide Marker	A historic marker, biome description and turnout where MN 34 meets the Laurentian Divide (in Becker Co.)	MN Hist. Society, MN DNR, MNDOT	TAP (for the turnout), Historical Society Grants, DNR Legacy Grants. State SB Grants	Moderate	Identify the location and potential highway access Draft a plan of signage and turnout design Apply for funding
Scenic Preservation	Vegetation management - adding native flowers, trees, shrubs to viewsheds, transplanting state flowers too close to the road	DNR, US Forest Service, Becker/Hubbard/Cass Counties, stakeholders in Snellman, Akely	TAP, State SB Grants, DNR Legacy Grants	Low to moderate	Work with partners to identify best locations Determine best native plants given soil conditions/prox to hwy Apply for funding
Upgrading CCC Camps	Restoring buildings and adding scenic trails to the CCC camps in the byway corridor - Tamarack, Shingobee, Itasca SP	MN Hist. Society, Lady Slipper Scenic Byway (also has a CCC camp), Itasca SP, U of MN RSDP	State SB Grants, DNR Legacy Grants	Significant	Create a plan identifying CCC qualities and enhancement strats Determine design of upgrades, trails, etc. Determine the owner of the CCC camp Apply for funding and fundraise
Heartland Trail Construction Through Park Rapids	Connect the current terminus of the Heartland Trail to the west end of town for non-motorized mobility and future expansion	City of Park Rapids, Hubbard County, MNDOT, MN DNR, Heartland Trail Group, Itascatur, SRTS, Park Rapids School Dist.	TAP, SRTS Infrastructure, State SB Grants, TED	Moderate to significant	Meet with partners to determine common needs & goals Create preliminary engineering for the trail segment Work with MNDOT and city to approve crossings Apply for funding
Trail and Street Crossing Improvements in Nevis, Wolf Lake	The potential exists for better bike/ped crossings in Nevis, and a trail connecting Wolf Lake to its adjacent park & lake	Local cities, townships, & counties (Hubbard & Becker), interested residents	TAP, DNR Grants, TED,	Moderate	Meet with partners to determine common needs & goals Preliminary eng for the trail segment or street cross-sections Work with MNDOT and city to approve crossings Apply for funding

MARKETING

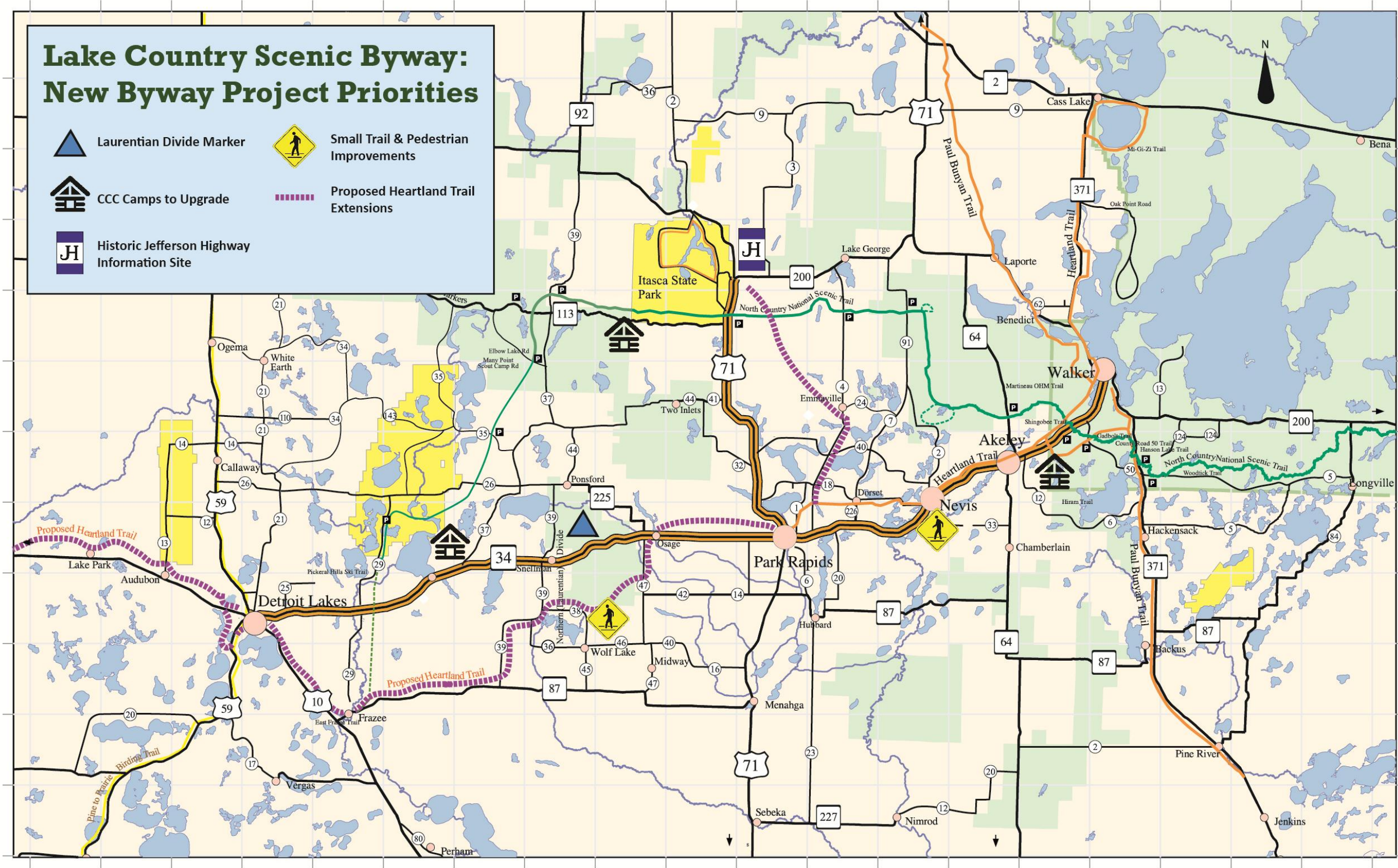
The overarching strategy for Lake Country Scenic Byway is in marketing, specifically for byway attractions, natural qualities, and the communities that make up the byway. Marketing is a continuing implementation priority for the Lake Country Scenic Byway group. Byway members will continue to work closely with Explore MN and the Detroit Lakes, Park Rapids, and Walker chambers of commerce/tourism to develop new ways to spread information on attractions and sites. Funding for marketing is the most pressing need currently for Lake Country Scenic Byway.

PERIODIC EVALUATIONS & UPDATES

Planning for the byway is an ongoing process because the Byway will begin new strategies as others are completed or lose priority. To keep group direction flexible, the CMP must be reviewed and updated periodically to ensure that information, recommendations, and projects contained in this plan remain relevant. With implementation and regular updating, the time and effort involved with the development of the CMP will have a lasting impact.

¹ TAP projects selected in the ATPs that encompass the Lake Country Scenic Byway typically range from \$100K to \$300K. Low-cost projects would be less than \$100K, moderate would be within the range, and significant-cost projects would likely be over \$300K.

MAP OF NEW PRIORITIES



Each grid square represents 5 miles.

IMPLEMENTATION EXAMPLES

The following are two examples of how the Lake Country Scenic Byway could put together potential projects currently listed as priorities. The first example will be of how to continue a project currently underway, and the second example explains how to work with multiple partners on a new project.

EXAMPLE 1: JEFFERSON HIGHWAY MARKER AND INFORMATION

The Jefferson Highway was designated as one of the first cross-country highways in the first part of the 20th century. The highway was only a series of zig-zagging roadways (some paved, most unpaved) connecting New Orleans with Winnipeg. The highway played an impact in connecting this byway region to the rest of America, and the restoration of Jefferson Highway sights is a priority for both the byway and many residents in the region.

- ✓ Identify and map segment in Itasca State Park – COMPLETE
- ✓ Coordinate with Jefferson Highway Association – IN PROGRESS
- ✓ Conduct outreach for support and additional funders – IN PROGRESS

This project is currently being developed by the Lake Country Scenic Byway, in conjunction with the Jefferson Highway Association (JHA) and local champion and history enthusiast Ren Holland. With the help of the JHA, Ren, and Lake Country Scenic Byway member Frank Mitchell (pictured below), the byway group has already identified a historic Jefferson Highway site in Itasca State Park. Partners have also started local outreach, with well-attended meetings in Wadena and Mentor, MN. These local meetings have served to both to inform residents about the highway as well as to raise awareness about the project.

Still to be done:

- Local fundraising – partnering with the national JHA is a big asset for this project, connecting local support with outside funders interested in the highway restoration as a whole.
- A basic design for the visitor site – currently, the plan is to keep things simple. The Itasca site will likely have a marker or plaque, explaining Jefferson Highway information for visitors as well as historic route information. If the byway group would like to do more with the site, design groups are available. A few of these groups are listed in the funding section of this plan.



EXAMPLE 2: BIKE & PEDESTRIAN IMPROVEMENTS IN NEVIS OR WOLF LAKE

This is an example of a potential project that the Lake Country Scenic Byway could help to initiate. In Nevis, better pedestrian walkways and crossings would make biking and walking easier and connect Heartland trail users better to the downtown. In Wolf Lake, there is a potential to connect a local park along a lake to the proposed Heartland Trail extension less than a mile away.

The byway group were interested in these two sites due to the CMP's current emphasis on promoting healthy activities, and because these two sites are connected either to the Heartland Trail or will be eventually. Short trail and pedestrian crossing projects are atypical projects for byways to pursue, but the byway group was interested in these.

Meet with partners to determine common needs and goals

Lake Country Scenic Byway members have identified a current (in Nevis) or future (Wolf Lake) need for bike and pedestrian connections. However, the byway should reach out to locals first to better determine the needs and appetite each community has for a project. The RDCs can be used to help facilitate these meetings.

Create preliminary engineering for the suggested improvements

Contacting and involving a county engineer is important at this point. If locals, the byway group, and the facilitator think that TAP funding (or a related funding source) is ideal for this work, the Becker or Hubbard County engineer could create preliminary engineering based on the needs of the community and current conditions at the site.

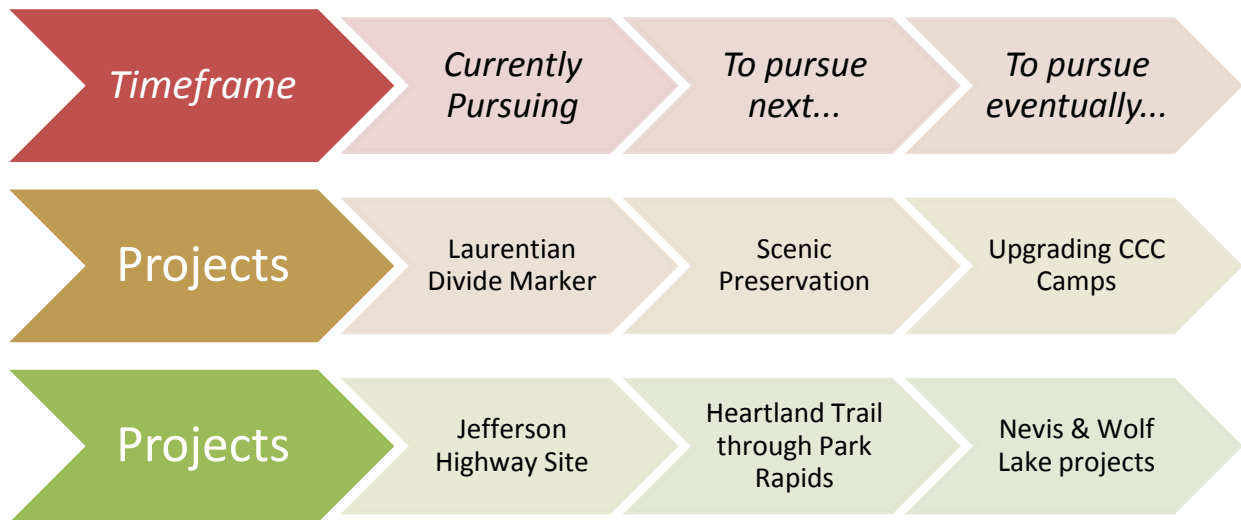
Work with MNDOT and municipality to approve the infrastructure project

These are two other partners that must be consulted. The RDCs can help the byway connect their project to these groups, so that any trail or crosswalk improvement proposed in the project makes sense and is allowed by these entities. Finding match for funding sources should be started with these partners.

Apply for funding

TAP is a common source for trail and pedestrian projects. Solicitations begin annually in Autumn for this Federal funding source.

TIMELINE OF PROJECTS



FUNDING SOURCES

Various funding sources are available to help assist the implementation of projects listed in this CMP. At the time of the completion of this CMP, potential funding sources for projects include:

EXPLORE MINNESOTA

Explore Minnesota Tourism (EMT): Explore Minnesota Tourism's mission is to promote and facilitate increased travel to and within the Minnesota. The goals of Explore Minnesota Tourism are to:

- Increase the number of resident and nonresident travelers to Minnesota
- Grow travel-related sales and employment in Minnesota
- Generate increased sales tax revenue from travel-related industries
- Develop industry partnerships to expand marketing reach

Explore Minnesota's grants program has recently changed. Currently, the grant program focuses on building marketing programs. Grant funding can be used for advertising, trade and sports shows, familiarization tours, direct mail, international sales missions and research. For more information, visit:

<http://www.exploreminnesota.com/industry-minnesota/ways-to-get-involved/grants/>

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Minnesota Department of Natural Resources offers many different types of grant opportunities. Some grants are directly related to byway enhancement activities. These include:

Outdoor Recreation Program:

The purpose of this program is to increase and enhance outdoor recreation facilities in local and community parks throughout the state. Eligible projects include park acquisition and/ or development/redevelopment including internal park trails, picnic shelters, playgrounds, athletic facilities, boat accesses, fishing piers, swimming beaches and campgrounds. This program will grant a maximum of 50% of the total eligible project costs. Applications are typically due in the spring and reviewed and ranked in the summer.

Regional Park Grant Program:

The purpose of this program is to provide grants to local units of government to support parks of regional or statewide significance. Eligible projects include acquisition, development, improvement, and restoration of park facilities. Applicants must match at least 40% of the project costs. Applications are typically due in the spring with a summer ranking.

Local Trail Connections Program:

The purpose of this program is to provide grants to local units of government to promote relatively short trail connections between where people live and desirable locations. Grants are reimbursed based up to 75% of the total eligible project costs, and recipients must provide non-state cash match of at least 25%. Applications are typically due in the spring and the DNR reviews and ranks them in the summer.

Regional Trail Grant Program:

The purpose of this program is to provide grants to local units of government to promote the development of regionally significant trails outside the seven-county metropolitan area. Priority for trail project funding is given to projects that develop trails of significant length, expected amount and type of use, and quality and attractiveness of natural and cultural resources. Grant recipients must provide a non-state cash match of at least 25%. The minimum grant request is \$5,000 and the maximum grant award is \$250,000. Applications are typically due in the spring and are reviewed and ranked in the summer.

For more information on these and more MN DNR grants, visit:

<http://www.dnr.state.mn.us/grants/recreation/index.html>

GREATER MINNESOTA LEGACY GRANTS

Starting in 2015, the 20% allocation of Legacy Parks & Trails funding allocated to Greater MN will be solicited through this new source. The Greater Minnesota Parks and Trails Commission aims to assist in

the acquisition, development, improvement, or restoration or regionally significant parks or trails outside the seven-county metro area.

Projects are first prioritized based on criteria that will rank the park or trail's regional significance. Parks and trails with higher regional draw are then welcome to apply for specific projects related to facility development or restoration. All local units of government are eligible to apply. No in-kind or cash match is needed, but match can improve the likelihood of funding. Previous facility projects have ranged from \$20,000 to \$1.5 million.

<http://gmrptc.webs.com/>

*Please note that the MN DNR has a separate Parks and Trails Legacy Grant Program, with similar criteria and goals. The main difference is that the DNR program will also support state parks and trails. More information can be found at:

http://www.dnr.state.mn.us/grants/recreation/pt_legacy.html

FEDERAL RESOURCES

Recreational Trail Program:

The purpose of this program is to encourage the maintenance and development of motorized, non-motorized, and diversified trails by providing funding assistance to local units of government, preferably in cooperation with a local trail organization. Eligible projects include motorized and non-motorized trail projects; maintenance/restoration of existing recreational trails; development/rehabilitation of recreational trail linkages, including trail side and trail head facilities; environmental awareness and safety education programs relating to the use of recreational trails; and redesign/relocation of trails to benefit/minimize the impact to the natural environment. A 25% cash or in-kind match for eligible elements of the project is required. The minimum grant request is \$1,000, and the maximum grant award is \$150,000.

Eastern Forest Roads Federal Lands Access Program:

The Federal Lands Access Program was created by the "Moving Ahead for Progress in the 21st Century Act" (MAP-21) to improve state and local transportation facilities that provide access to and through federal lands for visitors, recreationists and resource users. Proposed projects or studies must be located on a public highway, road, bridge, trail or transit system that is located on, is adjacent to, or provides access to Federal lands for which the facility title or maintenance responsibility is vested with a State, county, city, township, tribal, municipal, or local government. A 20% matching share is required for this program. Other Federal (non-title 23 or 49) funds may be used as match, including TAP funding.

<http://flh.fhwa.dot.gov/programs/flap/>

Water Recreation Cooperative Acquisition & Development Program:

Counties, cities, townships, and recognized tribal bands are eligible to apply for projects that include the acquisition, development and improvement of public boat accesses, parking lots, docks, and boat launching ramps. Engineering and design assistance is also available. The level of grant and technical assistance fluctuates depending on the project scope, sponsor's need, and program's level of funding. Projects are selected based on ranking the criterion which includes, but is not limited to public demand, location, gamefish present, size of water body, accessibility, and sponsor donation. Because there are no applications for this program, applicants must contact their Local Parks and Trails Area Supervisor.

Rural Community Development Initiative Grants

The objective of these grants is to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, and low income rural community's to improve housing, community facilities, community and economic development projects in rural areas.

MINNESOTA DEPARTMENT OF TRANSPORTATION**Corridor Investment Management Strategy (CIMS):**

Through CIMS, MnDOT funds trunk highway projects with the greatest potential to improve quality of life, economic competitiveness and environmental health. The CIMS solicitation intentionally casts a wide net for types of projects, as the funding is provided to address issues for which MnDOT has no system performance target and is unlikely to address through the normal programming process. Projects must have at least 10% of the total project costs covered by non-MnDOT sources of funding.

<http://www.dot.state.mn.us/cims/index.html>

Transportation Economic Development (TED):

This program is a joint effort of the Department of Transportation and the Department of Employment and Economic Development. The program provides state funding to close financing gaps for transportation infrastructure improvement construction costs. These improvements are intended to enhance the statewide transportation network while promoting economic growth through the preservation or expansion of an existing business– or development of a new business. The program's purpose is to fund construction, reconstruction, and improvement of state and local transportation infrastructure in order to:

- Create and preserve jobs
- Improve the state's economic competitiveness
- Increase the tax base
- Accelerate transportation improvements to enhance safety and mobility
- Promote partnerships with the private sector

<http://www.dot.state.mn.us/funding/ted/index.html>

Transportation Alternatives Program (TAP):

In 2012, the federal government developed and passed a new transportation bill titled “Moving Ahead for Progress in the 21st Century Act” or simply MAP-21. This program establishes a consolidated program that provides funding for a variety of alternative transportation projects, including many that were previously eligible activities under separately funded programs. The TAP replaces the funding from pre-MAP-21 programs including Transportation Enhancements, Scenic Byways, and several other discretionary programs with a competitive program. All TAP projects require a 20% non-Federal local match. Applications will be due in the fall/winter and reviewed and ranked in the spring. Funds for awarded projects become available four federal fiscal years in the future.

Please note that TAP funding is from a Federal source, but is administered by MnDOT Districts. This means that TAP cannot be matched with most other Federal sources but could match state funds.

<http://www.dot.state.mn.us/map-21/tap.html>

(See the Appendix section for detailed information on TAP eligibility.)

MINNESOTA HISTORICAL SOCIETY**Minnesota Historical & Cultural Heritage Grants Program:**

The Minnesota Historical Society has a grant program to preserve and enhance access to the state’s historical and cultural resources and support projects of enduring value to history and historic preservation statewide. Eligible projects fall into three project categories: community history projects, historic preservation projects, and structured grants. Grants are awarded through a tiered competitive grant process. Applications for Small grants (up to \$10,000) have rolling deadlines. Applications for Mid-size (\$10,001 - \$50,000) and Large (\$50,001 and up) grants are awarded in two cycles, one for each fiscal year.

<http://legacy.mnhs.org/grants>

UNIVERSITY OF MINNESOTA EXTENSION**Regional Sustainable Development Partnerships (RDSP):**

RDSPs through the University of Minnesota are excellent for planning and design work necessary to create a larger project. Two areas that the RSDP can assist byways include Sustainable Tourism & Resilient Communities, and Natural Resources focus areas. In each focus area, the U of M provides staff time and expertise in planning solutions to local problems. This program is not designed to directly pay for facilities, instead the RDSP can provide mini-grants and lead byway groups in designing innovative programs.

<http://www.extension.umn.edu/rsdp/>

MINNESOTA DESIGN TEAM (MDT)

The Minnesota Design Team is a branch of the American Institute of Architects that helps rural communities in the state improve their built environments. MDT is another resource that is not designed to fund projects, but is funded by AIA to design projects. Byways looking for additional help in facility design can contact MDT for affordable design assistance. There is an August 15 and a January 15 deadline for applications.

<http://www.aia-mn.org/get-involved/committees/minnesota-design-team/>

LOCAL FUNDING AND SUPPORT

Foundations

Either primary or matching funding can come from local organizations. In the Bemidji area, the Northwest Minnesota Foundation is an excellent resource to help fund certain types of planning work. This foundation supports community planning and natural resource planning as part of its mission, so byways can take advantage of funding that bridges project ideas to implementation.

Also in the Bemidji area, the Nielson Foundation is available for infrastructure and facilities funding. The Nielson Foundation selects projects to fund on a monthly basis.

RDCs

The HRDC and RDCs throughout the state can serve as partners in locating additional funding and coordination for any byway project. Thanks to the strong partnership between the RDCs, MnDOT, and local byway groups, the HRDC is available for facilitating partnerships and researching other sources of funding that will help to initiate or spur a new byway project.

APPENDIX: UPDATED TAP GUIDELINES UNDER MAP-21

Sections D & E of FHWA's TAP Guidance – updated March 6, 2014

D. ELIGIBLE PROJECT SPONSORS

Under 23 U.S.C. 213(c)(4)(B), the **Eligible Entities** to receive TAP funds are:

- Local governments;
- Regional transportation authorities;
- Transit agencies;
- Natural resource or public land agencies;
- School districts, local education agencies, or schools;
- Tribal governments; and
- Any other local or regional governmental entity with responsibility for 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 subsection (c) of section 213 of title 23.

State DOTs and MPOs are not eligible entities as defined under 213(c)(4)(B) and therefore are not eligible project sponsors for TAP funds. However, State DOTs and MPOs may partner with an eligible entity project sponsor to carry out a project.

Nonprofit organizations are not eligible as direct grant recipients for TAP funds unless they qualify through one of the eligible entity categories (e.g., where a nonprofit organization is a designated transit agency or a school). Nonprofits are eligible to partner with any eligible entity on a TAP project, if State or local requirements permit.

- Local government entities include any unit of local government below a State government agency, except for a Metropolitan Planning Organization. Examples include city, town, township, village, borough, parish, or county agencies.
- Regional transportation authorities are considered the same as the Regional Transportation Planning Organizations defined in the statewide planning section (23 U.S.C. 135(m)).
- Transit agencies include any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration.
- Natural resource or public land agencies include any Federal, Tribal, State, or local agency responsible for natural resources or public land administration. Examples include:
 - State or local park or forest agencies
 - State or local fish and game or wildlife agencies
 - Department of the Interior Land Management Agencies
 - U.S. Forest Service
- School districts, local education agencies, or schools may include any public or nonprofit private school. Projects should benefit the general public, and not only a private entity.

The Recreational Trails Program (RTP) set-aside funds retain the RTP eligible project sponsor provisions under 23 U.S.C. 206. (23 U.S.C. 213(f)(3))

E. ELIGIBILITY

The project selection process and the eligible project sponsor requirements apply for all TAP eligibility. TAP projects are not required to be located along Federal-aid highways. Activities eligible under TAP are eligible for STP funds (23 U.S.C. 133(b)(11)). Some aspects of activities eligible under TAP also may be eligible under other Federal-aid highway programs.

Under 23 U.S.C. 133(c)(2), TAP-eligible projects funded with STP funds are exempt from the location restriction in 23 U.S.C. 133(c). See Section C of the [Surface Transportation Program Implementation Guidance](#) for more information.

For SRTS noninfrastructure projects, traffic education and enforcement activities must take place within approximately two miles of a primary or middle school (grades K - 8). Other eligible noninfrastructure activities do not have a location restriction. SRTS infrastructure projects are eligible for TAP funds regardless of their ability to serve school populations, and SRTS infrastructure projects are broadly eligible under other TAP eligibilities, which do not have any location restrictions.

Under 23 U.S.C. 213(b), eligible activities under the TAP program consist of:

1. Transportation Alternatives as defined in 23 U.S.C. 101(a)(29) (MAP-21 §1103):
 - A. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.).
 - B. Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
 - C. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.
 - D. Construction of turnouts, overlooks, and viewing areas.
 - E. Community improvement activities, which include but are not limited to:
 - i. inventory, control, or removal of outdoor advertising;
 - ii. historic preservation and rehabilitation of historic transportation facilities;
 - iii. vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
 - iv. archaeological activities relating to impacts from implementation of a transportation project eligible under title 23.
 - F. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to-
 - i. address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 133(b)(11), 328(a), and 329 of title 23; or
 - ii. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

2. The [recreational trails program](#) under section 206 of title 23.
3. The safe routes to school program eligible projects and activities listed at section 1404(f) of the SAFETEA-LU:
 - A. [Infrastructure-related projects](#).
 - B. [Noninfrastructure-related activities](#).
 - C. Safe Routes to School coordinator.
4. Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

TAP funds cannot be used for:

- State or MPO administrative purposes, except for SRTS administration, and administrative costs of the State permitted for RTP set-aside funds.
- Promotional activities, except as permitted under the SRTS.
- General recreation and park facilities, playground equipment, sports fields, campgrounds, picnic areas and pavilions, etc.
- Routine maintenance and operations.

Careful consideration should be given to whether an activity falls within the eligibilities created under TAP. Section 1103 of MAP-21 eliminated the definition of transportation enhancement activities in section 101 of title 23 and inserted in its place a definition of transportation alternatives. The transportation alternatives definition contained in 23 U.S.C. 101(a)(29) created different categories of activities than those included under the previous transportation enhancement definition. As a result, some activities that were previously eligible as independent transportation enhancement projects are no longer eligible; some categories of eligibility remain, but for a different range of activities. In some cases, activities that are no longer eligible for funding as independent TAP projects may be eligible for FHWA participation under other title 23 provisions, such as project mitigation measures when determined necessary to mitigate project impacts (including the impacts of a TAP project).

Transportation enhancement categories that are no longer expressly described as eligible activities under the definition of transportation alternatives are:

- Safety and educational activities for pedestrians and bicyclists. **Exception:** Activities targeting children in Kindergarten through 8th grade are eligible under SRTS (an eligible activity under the TAP funding). **Note:** Some of these activities may be eligible under HSIP. Nonconstruction projects for bicycle safety remain broadly eligible for STP funds.
- Acquisition of scenic easements and scenic or historic sites (including historic battlefields), and scenic or historic highway programs (including tourist and welcome center facilities). **Exceptions:** A few specific activities under this category are eligible for funding as TAP projects, including construction of turnouts, overlooks, and viewing areas; historic preservation and rehabilitation of historic transportation facilities; and bicycle and pedestrian facilities.
- Landscaping and other scenic beautification. However, under the "community improvement activities" category, projects such as streetscaping and corridor landscaping may be eligible under TAP if selected through the required competitive process. States may use TAP funds to meet junkyard screening and removal requirements under 23 U.S.C. 136 if selected through the competitive process. Landscaping and scenic enhancement features, including junkyard removal

and screening, may be eligible as part of the construction of any Federal-aid highway project under [23 U.S.C. 319](#), including TAP-funded projects.

- Historic preservation, and rehabilitation and operation of historic buildings, structures, or facilities (including historic railroad facilities and canals). Historic preservation activities now are limited to historic preservation and rehabilitation activities relating to a historic transportation facility. See section 101(a)(29)(E). Operation of historic transportation facilities is not eligible under TAP.
- Archaeological planning and research. Under TAP, archaeological activities must relate to impacts from implementation of a transportation project eligible under title 23.
- Establishment of transportation museums. There is no eligibility for this activity under TAP.

TE funds apportioned in prior years will continue to be available for their specified period of availability under the same terms and conditions in effect prior to the effective date of MAP-21.

If there are insufficient TE funds to cover all previously selected TE projects, then a State may use old TE funds on projects that were eligible under TE, but are no longer eligible under TAP, and use TAP funds for previously selected TE projects that remain eligible. Note that TAP projects must be selected through a competitive process.