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INTRODUCTION

The Avenue of Pines Scenic Byway encompasses roughly 47 miles of roadway between Deer River and Northome in Northern Minnesota. The route follows the entirety of Minnesota 46, and much of it passes through publicly-owned land, including the Chippewa National Forest. This scenic byway was first designated as a state byway back in 1989 with the help of the US Forest Service. However, other than the recent adoption of a logo, the Avenue of Pines does not function the same as other byways throughout the state, because it lacks both a byway committee and a corridor management plan.

This byway has a lot to offer as a gateway to lakes, recreation, and a large section of older-growth pine forest. Resorts in the byway corridor offer many activities along the lakes in addition to fishing, and these same resorts are looking to further expand what they offer to visitors collectively as part of the byway. The Lost 40 State Natural Area offers visitors a glimpse at the oldest pine forests in the state, with some pine trees roughly 400 years old. Many local residents call the Avenue of Pines home, with small towns dotting the corridor area. They too look to the byway as a recreational gateway for bicycling, snowmobiling, and other activities.

There is a need for a collective plan for this byway area, and this planning document is designed as a first draft and guiding document for the creation of a full Avenue of Pines Byway. With the help of the US Forest Service, local resorts, and other partners, this byway can become fully organized. Only then can the byway pursue long-term projects such as trail connections, apply for funding, and achieve its goal as a premier destination in the state of Minnesota. The following pages provide the first blueprint, as well as updated information on funding, to keep the Avenue of Pines rolling towards its goals.
PLANNING PURPOSE

The purpose of this plan is twofold. First, MnDOT and the HRDC are summarizing new information for the Avenue of Pines 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 Appendix of this plan.

The other reason for this plan is to start Avenue of Pines along the path to becoming a fully-functioning byway program. Currently, the corridor is designated as a state byway, but no byway group meets regularly, nor is there a Corridor Management Plan (CMP) in place. This plan represents a new emphasis on forming a byway group, which has been attempted once before. To accomplish this, a first meeting of partners established a draft vision for the byway, sites of interest, and projects that they and others were interested in pursuing in the future. The following planning is only a draft, and will need to be verified by additional partners once the byway is fully formed.
VISION FOR THE AVENUE OF PINES

As part of the planning process, our group of stakeholders was asked to finish the sentence, “The Avenue of Pines Scenic Byway can be...” Their responses and the resulting discussion led to the following draft of a byway vision.

_A destination in and of itself...
_The group agreed that the byway is often seen as a way to get to fishing & recreation destinations further north. The Avenue of Pines can and should be intrinsically valuable as a recreation and travel destination.

_A gateway to the outdoors...
_Gateway is the key word, as the byway can be a symbolic transition from urban areas to the forests and lakes of Northern Minnesota.

_A way to collectively market and brand the area...
_Resort owners, business boosters, and others were interested in how other byway groups organize as a way to collectively market and brand, boosting visibility for everyone.

_A favorite trip for motorists, cyclists, and families...
_The hope is that different groups can all get a great experience, whether the group is on a car trip, a bicycling adventure, or a local family out for the afternoon.

_A destination for locals and tourists...

_A beautiful, picturesque area of Minnesota...

_A centerpiece of the Chippewa National Forest...
FIGURE 1: IDENTIFIED BYWAY ASSETS
DETAILS ON BYWAY ASSETS

We asked our initial byway group to consider the current assets along the byway. This included sites immediately along the MN 46 roadway, as well as a 10 mile buffer surrounding the byway. The previous page shows our draft consideration of byway assets, and the following explains those assets in detail.

The Avenue of Pines – This 3-mile stretch is the namesake of the full byway. This portion of the byway is especially straight and flat, and both sides of the roadway are closely flanked by mature Red and White Pine trees. This feature is uncommon in the state of Minnesota because, as part of the Chippewa National Forest, it was not clear-cut as recently as other parts of the northern forests. The effect these very tall pines have on the setting is strong, creating a vertical green canopy along the roadway, much like columns flanking a formal avenue.

Various resorts – One of Avenue of Pines’ strengths is in the recreational opportunities that the various resorts in the area offer. The red dots in figure one correspond with approximate locations of resorts or clusters of resorts. These resorts are along the major lakes near the byway, but they also mostly cluster in the middle third of the byway, between the Winnie Dam and Squaw Lake.

Historic Structures – A few of the assets identified by the group are historic structures. These include CCC Camp 707, an old US Forest Service ranger station, and the Winnie Dam on the Mississippi River.

Trails, camps, & scenic areas – Many of the assets the group identified were trails and/or related to recreation. Some of the trails identified were areas of trail loops, such as the ATV and hiking trails. Other trails identified were routes along the byway, such as the snowmobile trail. All of these trails, camps, and scenic areas add value to the recreational experience in the area, connecting visitors to the outdoors in various ways.

DRAFT OF PRIORITIES

Based on the shared vision and known assets of the Avenue of Pines, both the planning group and members of the public had initial ideas on improvement projects the byway should pursue. The following is a short list of priorities that area residents and partners are interested in pursuing, based on available funding and the eventual creation of a fully-formed byway group.

Trails, paved and unpaved – This was the most popular priority among everyone who engaged in this planning process. Not only was the planning group in favor of this as an early priority, but multiple resort owners and staff contacted the HRDC with the request that paved biking trails and ATV trails are a priority for their businesses.

Several different types and alignments of trails were discussed by the group, including trails that travel along the length of the byway. Another feasible trail project would focus on connecting several sites
and resorts between Winnie Dam and Squaw Lake, since this area has the most identifiable assets. The large amount of publicly-owned land (county, state, and Federal) along the byway corridor should make acquisition of land for any trail projects simpler and/or less costly.

**Improved signage** – Another priority of the byway is to create a variety of signage that designates the byway as a unique destination. The group is interested in a few different types of signs:

- **Portal signage** – These would be larger signs at either end of the byway. These would be larger welcome signs that would be more customized to the byway than a standardized sign with logo. The group considered the Lady Slipper Scenic Byway’s portal signage as an excellent example of what they might like to do.
- **Small signage** – The group would like to see periodic signage that reminds visitors that they are on the byway. These would be a standard MnDOT size and reflectivity and be placed adjacent to MN 46 signage, but would have the updated byway logo.
- **Interpretive signs** – Over time, the group would like to add interpretive signage to significant natural and historic sites, adding to what visitors can experience in the area. A few of those sights were identified by the group already, but more work with more partners is needed to build a list of sites for interpretive signage.

**A map of sites and resorts** – In the interest of better marketing for everyone along the byway, the group was in favor of creating a map of areas of interest along the byway. Creation of a map will need the participation and input from a full byway group, including a better identification of byway assets than the first draft in this plan. The byway group should also decide on what medium to release their maps: in brochures, magazines, online, interactive, or a combination of these.

**Next Steps**

As identified by the planning group, several steps need to take place first, before funding can be secured for any of these priority projects.

1. **Gather more public interest** – At least 5 years ago, the US Forest Service attempted to form a byway group, but there wasn’t enough interest to start one. The summer and autumn of 2015 could be a good time to build additional interest in forming a full byway group. Residents and resorts are already interested in the prospects of funding for trails. Providing basic information about the byway to locals at summer events could help build interest. Local boosters like the Chamber of Commerce or Lions Club could also ask residents for input on what the byway means to them at these local festivals.

2. **Solicit and form a byway group** – Fall or winter is a better time to try this, because many of the resort owners and staff interested in this new push for a formal byway will have more time to devote in the winter off-season. The US Forest Service or another lead organization should compile a list of possible invitees to bring to the table (see the Partners to Include section
below). This initial byway meeting should reflect the ideas in this plan, the ways to possibly fund these ideas, and should set a regular meeting time for any official byway group.

3. **Find a byway champion** – In other cases where scenic byways have been successful in Minnesota, one person took the lead in turning the byway’s vision into goals and tasks to accomplish. The Avenue of Pines should look for this person who can attend regular meetings and connect the shared vision of the group with regular projects to pursue, whether they are short-term (a few months) or long-term (multiple years) projects.

4. **Work on a CMP and these first priorities** – This plan is not meant to replace or become a Corridor Management Plan, so the byway group should work to complete a full plan. This CMP can give Avenue of Pines the detail and input needed to pursue specific trail projects, identify sites for interpretation, and make sure that future projects reflect the desires of a broader group of stakeholders. RDCs or private consultants can help Avenue of Pines complete a CMP. The byway group can also pursue some of the smaller priorities (such as signage or maps) during corridor management planning, but should hold off on larger projects until the CMP creates a more detailed blueprint.

**Partners to Include**

- US Forest Service - Christine Brown, Ken Hansen, & Michelle Heiker as initial contacts
- Deer River Chamber of Commerce - Teri Gullickson
- Leech Lake Band of Ojibwe - Sally Fineday as contact (not as representative)
- Resort Owners - Bill Heig, Shannon Graupmann, & Dustin Nelson as possible members
- Army Corps of Engineers
- ATV & Snowmobile Clubs
- Residents along the byway - Linda Peterson
- Township, municipal, and county representatives
- MnDOT District 1 planning staff
- An RDC planner (HRDC or ARDC) - Kurt Wayne as initial contact
- Invitees from Lady Slipper or Edge of Wilderness Byways
- Great River Road Scenic Byway - Carol Zoff, Chris Miller, Nancy Salminen
APPENDIX A: POTENTIAL FUNDING SOURCES

Various funding sources are available to help assist the implementation of future projects. 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](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.


*Please note that the MN DNR has a separate Parks and Trails Legacy Grant Program, with similar criteria and goals. Then 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](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 inkind 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.


**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.
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

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.

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 Grand Rapids area, the Blandin Foundation is an excellent resource to help fund certain types of planning and implementation work. The Blandin Foundation should be part of the conversation once the Avenue of Pines forms a full byway group.

RDCs
The HRDC and Arrowhead RDC (ARDC) 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 and ARDC are available for facilitating partnerships and researching other sources of funding that will help to initiate or spur a new byway project.
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.


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:

   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.