

ARKANSAS DEPARTMENT OF TRANSPORTATION

Guidelines for Transportation Alternatives Program and Recreational Trails Program

Introduction

The Infrastructure Investment and Jobs Act (IIJA) authorized funding for the Transportation Alternatives Program (TAP) and the Recreational Trails Program (RTP). The Arkansas Department of Transportation (ARDOT) is responsible for selecting projects submitted by eligible entities through a competitive process for all funds not suballocated to Metropolitan Planning Organizations (MPO) representing urbanized areas with populations greater than 200,000 (23 U.S.C. 133(h)(4)(A)). The following guidance is recommended for administration of both programs.

Purpose

TAP provides funding to local sponsors (Sponsor) for a variety of generally smaller-scale transportation projects such as pedestrian and bicycle facilities; construction of turnouts, overlooks, and viewing areas; community improvements such as historic preservation and vegetation management; environmental mitigation related to stormwater and habitat connectivity; recreational trails; safe routes to school projects; and vulnerable road user safety assessments. RTP provides funding to local project sponsors to construct and maintain motorized and non-motorized recreational trails and trail support facilities.

Funding Guidelines

- A minimum 20 percent local (non-federal) match will be required from the Sponsor.
- Use of in-kind match will be permitted for RTP projects as well as TAP projects that are RTP eligible. Local match for other TAP projects must be in the form of cash.
- Preliminary Engineering including Environmental Clearance Activities, Right of Way acquisition and Utility Relocation, Construction, and Construction Inspection will be eligible for Federal funds.
- For new TAP and RTP Projects, Sponsors may be permitted to use ARDOT's On-Call Consultant services for non-construction phases awarded Federal funding.
- Plans that include the design of structural components (including asphalt and concrete sidewalks) must be stamped by a Licensed Professional Engineer in the State of Arkansas. This will not be required for plans which include the design of only non-infrastructure components (i.e. natural surface trails, historic or educational signage, wayfinding, etc.).
- There will be no minimum requested funding amount on projects containing only non-infrastructure components. Requests for funding for infrastructure projects may not exceed \$500,000 Federal per project per cycle. Infrastructure projects estimated at less than \$20,000 Federal will not be considered.
- IIJA allows States to use up to 5 percent of TAP funds to provide technical assistance to Sponsors (23 U.S.C. 133(h)(6)(C)). Also, continuing legislation allows States to use up to 7 percent of RTP funds to administer the program (23 U.S.C. 206(d)(2)(H)). ARDOT will use this for administration of these programs.
- An administration fee equal to 1% of the Federal Award amount will be required from all sponsors, except from nonprofits using in-kind match.

Eligible Sponsors

Entities eligible to apply for TAP and RTP funds are listed below.

- Local governments
- Regional transportation authorities
- Transit agencies
- Natural resource or public land agencies
- Schools, school districts, or local education agencies
- Tribal governments
- Metropolitan planning organizations that serve an urbanized area with a population of 200,000 or fewer
- Any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails that the State determines to be eligible, consistent with the goals of 23 U.S.C. 133(h).
- Nonprofit 501(c)(3) Organizations will be able to apply as the official Sponsor only for RTP eligible projects under both programs. Nonprofits are also eligible to apply for non-RTP eligible projects provided that there is a partnership with an eligible government agency that is willing to act as the official Sponsor. Nonprofits that apply using this arrangement should clearly articulate the role and responsibilities of the respective parties in the application.

Eligible Projects

The TAP provides funding for a variety of eligible activities which are considered transportation alternatives. Projects must demonstrate a relationship to surface transportation in order to receive funding. The RTP provides funding for a variety of eligible activities which are considered recreational. Projects must demonstrate a relationship to recreation in order to receive funding. Eligible activities for TAP and RTP are shown in Appendices A and B, respectively.

An eligible Sponsor may submit multiple applications. If multiple applications are submitted, the eligible Sponsor must prioritize their applications.

An eligible Sponsor for both TAP and RTP may apply for funding for a project through both programs but will only be funded through one program in a single application cycle.

Project Selection Process

1. A solicitation for project applications will occur every year in which funding is available.
2. Potential applicants will be notified of this solicitation by email, letter, advertisement in applicable publications and a notice on the ARDOT's website.
3. During the application cycle, a minimum of two seminars will be held to inform potential sponsors of TAP and RTP requirements and responsibilities.
4. ARDOT will review all applications for eligibility. Applications which meet the eligibility requirements will be forwarded to the TAP Advisory Committee (TAPAC) or the Arkansas Recreational Trails Advisory Committee (ARTAC) for scoring.
 - A. The TAPAC will consist of the following personnel:

- i. A representative from the Arkansas Municipal League.
 - ii. A representative from the Association of Arkansas Counties.
 - iii. A representative from the Arkansas Department of Parks, Heritage, and Tourism.
 - iv. A member representing the health & wellness of bicyclists and pedestrians.
 - v. A representative from the Federal Highway Administration Arkansas Division.
 - vi. ARDOT's Bicycle/Pedestrian Coordinator.
 - vii. ARDOT's Local Project Administrator.
- B. The ARTAC will consist of eleven members. The Director appoints ten representatives of various types of trail users and one representative from ARDOT.
5. The TAPAC and ARTAC will review the applications and submit their recommendation for project selection through ARDOT's Local Project Administrator to the Director.
 6. Upon the Director's approval of project selection, ARDOT will prepare a Minute Order for the Arkansas Highway Commission (AHC) to approve the recommended projects.

Project Development

1. Upon AHC approval of the projects, notification letters will be sent to the Sponsors indicating the award of funds.
2. ARDOT will schedule a meeting with Sponsors to whom funds were awarded and discuss the program process.
3. An Agreement of Understanding will be prepared by ARDOT and signed by both the Sponsor and ARDOT.
4. Post execution of the Agreement of Understanding, project development and construction will follow the required Federal-aid program procedures as discussed in the ARDOT's Local Public Agency Manual and Program Process Lists. These documents can be found at www.ardot.gov/LPA.
5. ARDOT reserves the right to cancel the Project without liability against ARDOT for any reason including, but not limited to, unreasonable delay or lack of progress, the Sponsor is unable to provide an audit-worthy reason for the substantial delay in the project development or completion process, or the Sponsor is unresponsive to the ARDOT's requests.

APPENDIX A

Eligible TAP Projects

In accordance with 23 U.S.C.133(h)(3), eligible TAP projects and activities are shown below:

- On-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation.
- 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.
- Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.
- Turnouts, overlooks, and viewing areas.
- Community improvement activities, including:
 - inventory, control, or removal of outdoor advertising;
 - historic preservation and rehabilitation of historic transportation facilities;
 - vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
 - archaeological activities relating to impacts from implementation of an eligible transportation project.
- Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:
 - address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff; and
 - reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
- Planning, design, or constructing of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.
- Vulnerable Road User (VRU) Safety Assessments as defined in 23 U.S.C. 148(a).
- Micromobility which refers to a range of small, lightweight vehicles operating at speeds typically below 15 mph and driven by users personally. Devices include bicycles, e-bikes, electric scooters, and electric pedal assisted bicycles.
- Non-infrastructure Pedestrian/Trail Master Plans.
- RTP and Safe Routes to School (SRTS) eligible activities.

Ineligible TAP Activities

- Administrative costs or expenses associated with preparation of a project application.
- Routine maintenance and operations, except trail maintenance and restoration as permitted under RTP.
- Promotional activities, except as permitted under SRTS.
- General recreation and park facilities, playground equipment, sports fields, campgrounds, picnic areas, pavilions, or other facilities that do not serve an eligible TAP, RTP, or SRTS purpose.

APPENDIX B

Eligible RTP Projects

In accordance with 23 U.S.C. 206, eligible RTP projects and activities are shown below:

- Maintenance and restoration of existing recreational trails.
- Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails.
- Construction of new recreational trails.
- Operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails.

Ineligible RTP Projects

- Administrative costs or expenses associated with preparation of a project application.
- Condemnation of any kind of interest in property.
- Construction of any recreational trail on National Forest System land for any motorized use unless:
 - the land has been designated for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and
 - the construction is otherwise consistent with the management direction in the approved forest land and resource management plan.
- Construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land:
 - has been designated for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and
 - the construction is otherwise consistent with the management direction in the approved management plan.
- Upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by non-motorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.
- Feasibility studies, law enforcement, trail planning, and roads.
- Sidewalks unless they connect to recreational trails.
- Routine maintenance and operations, except trail maintenance and restoration as permitted under RTP.
- General recreation and park facilities, playground equipment, sports fields, campgrounds, picnic areas, pavilions, or other facilities that do not serve an eligible TAP, RTP, or SRTS purpose.