

Appendix B: TAP Program Sponsor Eligibility, Requirements and Project Evaluation Criteria

Part 1: Transportation Alternatives Program Overview

The Transportation Alternatives Program (TAP) helps communities deliver safe, efficient projects of value to the public that contribute to the revitalization of local and regional economies by funding programs and projects, defined as transportation alternatives. These projects improve mobility, accessibility, connectivity, and the community's transportation character.

The program's goals and objectives are specifically focused toward improving nondriver access to jobs, education, services, public transit, and community amenities through: reducing vehicle travel, emissions, and energy use by providing non-motorized alternatives; reducing congestion by increasing the number of trips taken by pedestrians and bicyclists and other forms of non-motorized transportation modes; improving bicycle and pedestrian safety programs; Safe Routes to School (SRTS) programs; Complete Streets programs; traffic calming techniques; transportation projects which help to achieve compliance with the Americans with Disabilities Act of 1990; as well as incidental transportation environmental mitigation programs.

To be eligible for TAP funding, the Sponsor must meet the Basic Program Requirements as defined in the current TAP – CMAQ - CRP Guidebook (Chapter 1), as well as TAP specific requirements outlined in this Appendix. This Appendix further defines Eligible Sponsors, Ineligible Project Components, TAP Categories, Public Benefits, Surface Transportation Relationship, Project Management Elements and Opportunities for Bonus Points.

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Part 2: Sponsor Eligibility and Ineligible Project Components

Sponsors		
Eligible	Eligible ONLY with Partnership	Ineligible
<ul style="list-style-type: none"> Local Governments (counties, towns, cities, and villages) Regional Transportation Authorities Transit Agencies Natural Resource or Public Land Agencies (NYS Department of Environmental Conservation, NYS Parks, Recreation and Historic Preservation, local fish and game or wildlife agencies) Tribal Governments Local or Regional Governmental entity responsible for Transportation 	<ul style="list-style-type: none"> Metropolitan Planning Organizations (serves an urbanized area with population of 200,000 or fewer) * School Districts * Nonprofit organizations * <p>* Project may be progressed through an eligible Sponsor.</p>	<ul style="list-style-type: none"> Metropolitan Planning Organizations (serves an urbanized area with population greater than 200,000)
Ineligible Project Components (regardless of category):		
<ul style="list-style-type: none"> Additional cost increases due to inaccurate budget estimates TAP Projects are ineligible for funding under the New York State Municipal Streets and Highway Program, also known as the "Marchiselli Program" Full roadway repaving (including mill and fill) Buildings (other than an overhead transit shelter), including welcome centers, rest rooms, rest areas, kiosks, intermodal transit stations, and electronic displays Gateway treatments that do not include a transportation purpose Park and Ride automobile parking lots Parking Lots Right-of-way purchase and acquisition as a stand-alone project Grant administration, overhead, and operating costs Maintenance activities, including repair, sweeping, and snow removal Routine, incidental, maintenance, or commercial activities Projects solely or predominantly for recreational use (boat launch, fishing piers, playgrounds, tennis courts, trails with no logical termini) Roundabouts, or any other engineering design where the pedestrian and bicyclist is not the primary beneficiary Public art (unless there is a transportation component) Projects where snow and ice removal from the constructed project is not anticipated Wayfinding as a stand-alone project Lighting or traffic signals as a stand-alone project Lighting or traffic signals where the primary benefit cannot be established for bicyclists and pedestrians Planning studies 		

Part 3: Eligible Project Categories

Planning, Design and Construction of Infrastructure Related Projects to Improve Non-Driver Safety, Access to Public Transportation and Enhanced Mobility		
<p>Eligibility Principle: A facility for pedestrians and bicycles must be consistent with the provisions of federal law 23 USC 217,¹ which states:</p> <ul style="list-style-type: none"> • Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians. Motorized vehicles cannot be permitted on trails and walkways except for: <ul style="list-style-type: none"> ○ Maintenance purposes. ○ Snowmobiles, when snow conditions and state or local regulations permit. ○ Motorized wheelchairs. ○ Electric bicycles, when state or local regulations permit. • Bicycle projects will be principally for transportation, rather than recreational, purposes. <p>The NYSDOT extends the same transportation-oriented requirement to pedestrian facilities.</p> <p>Public access must be guaranteed for bicycle and pedestrian facilities. Bicycle and pedestrian facilities must connect activity centers such as businesses, schools, essential services, libraries, shopping areas, recreation areas, and residential developments, or provide a link in a continuous system which connects to such destinations. Connected networks provide increased transportation options, enhance access, and increase the utility of the existing transportation network.</p>		
<p>Guiding Questions:</p> <ul style="list-style-type: none"> • Does the project facilitate trips which could otherwise be made by motor vehicles? • Does the project enhance safety for pedestrians or bicyclists or fill a gap in a pedestrian, bicycle or other non-motorized shared-use path or trail network? • To what extent are the connecting locations (origin and destination) different and distinct? • What activity centers are connected or linked in a continuous system? 	<p>Examples of Eligible Activities:</p> <ul style="list-style-type: none"> • Construction or reconstruction of sidewalks, walking trails/paths, multi-use paths. • Bicycle infrastructure, including but not limited to: <ul style="list-style-type: none"> ○ Adding or improving bike lanes on existing roadways and related striping. ○ Adding or improving road shoulders to accommodate bicycles, and related signage. ○ Installation of the following types of items at intermodal points and vehicular parking facilities: bike lockers, bike racks, parking facilities and shelters to accommodate bikes, etc.; and equipment or facilities to accommodate bikes on buses and trains. • Traffic control devices for bicyclists and pedestrians. • High visibility crosswalks, pavement markings and signage. • Lighting and related safety infrastructure for pedestrian or bicycle facilities. 	<p>Examples of Ineligible Activities:</p> <ul style="list-style-type: none"> • Construction of closed loop track/mountain bike or similar trail. • Ice skating rink. • Spot sidewalk or trail repair, unless incidental. • Items considered recreation or park (gazebos, playground equipment, flagpoles, monuments, picnic facilities, etc.) • Roadway lighting or lighting and traffic signals that primarily benefit automobiles.

¹ <http://www.gpo.gov/fdsys/search/pagedetails.action?packageId=USCODE-2011-title23&granuleId=USCODE-2011-title23-chap2-sec217>

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Construction of Turnouts, Overlooks, and Viewing Areas		
<p><u>Eligibility Principle:</u> The construction of overlooks and viewing areas should be consistent with Scenic Overlooks defined in 23 CFR 752.6.² The construction of turnouts, overlooks, and viewing areas should serve to protect and to enhance a federal- or state-designated scenic byway or a highway listed on, or eligible for listing on, the National or State Register of Historic Places. TAP funds may be used only for surface transportation activities which will protect and enhance the scenic and historic integrity and visitor appreciation of an existing highway or adjacent area.</p> <p>The project application must contain an independent confirmation that the highway possesses the values described above. Such independent confirmation includes documentation that the highway is:</p> <ul style="list-style-type: none"> • A federal or state-designated scenic byway. • Listed on or is eligible for listing on the National or State Register of Historic Places. <p>The TAP Regional Local Project Liaison will engage the Regional Cultural Resource Coordinator to assist in the consultation process regarding the National Register status of the highway.</p>		
<p><u>Guiding Questions:</u></p> <ul style="list-style-type: none"> • Is the highway a federal- or state-designated scenic byway? Is it included in a NYSDOT approved Scenic Byway Corridor Management Plan? • Is the highway listed on, or eligible for listing on the National or State Register of Historic Places? • What is the scenic or historic authenticity and integrity of the highway? • How would these scenic or historic qualities be preserved and protected? • What is the scope, purpose and goals of the scenic or historic highway program? • How does the project advance the implementation of the scenic or historic highway program to serve the traveling public? 	<p><u>Examples of Eligible Activities:</u></p> <p>Restoration of scenic byway-related safety features such as lighting, sidewalks, or retaining walls.</p> <ul style="list-style-type: none"> • Installation or restoration of signage and historic markers related to scenic or historical sites. <p>Development of scenic overlooks on state- or federal-designated scenic byways.</p> <ul style="list-style-type: none"> • Improvements to existing overlooks on designated scenic byways, including provision of accessible spaces, interpretation of views, improved safety and circulation for all users, including pedestrians and bicyclists. • Access or transportation to a safety rest area (23 CFR 752.5) on a scenic or historic highway (applies to access to these facilities only, not to the buildings or welcome centers themselves). 	<p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none"> • Ongoing administrative or operating expenses for scenic or historic highway program activities, use of consultants to help administer the program, or to conduct general program training. • Staffing, operating, and maintenance costs for a tourist or welcome center. • Construction of highway rest areas, community centers, general welcome centers, and buildings, including restrooms and kiosks.

² <http://www.gpo.gov/fdsys/granule/CFR-2010-title23-vol1/CFR-2010-title23-vol1-sec752-6/content-detail.html>

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Safe Routes to School		
<p><u>Eligibility Principle:</u> Safe Routes to School projects promote safe, healthy alternatives to riding the bus or being driven to school. Emphasis is on encouraging and enabling children to safely walk or bicycle to school. Sponsors are encouraged to coordinate infrastructure and non-infrastructure activities to support a comprehensive program and to address the “Five E’s” which are: Engineering, Encouragement, Education, Enforcement and Evaluation. Engineering projects should increase safety for children who currently walk or bicycle to school or create safe routes to enable children to do so.</p> <p>All projects must be within a 2-mile radius of a K-12 school to be eligible under this category AND must relate to walking or bicycling to/from homes to a K-12 school.</p>		
<p><u>Guiding Questions:</u></p> <ul style="list-style-type: none"> • How will this project provide the necessary infrastructure to enable children (in grades K-12) to walk and bicycle to school safely? • How are potential bicycle-pedestrian and vehicle conflicts reduced or eliminated? • How are these children currently traveling to and from school? How will this proposal change habits to improve walking and bicycling to school? • How does the facility or program enhance safety and improve access for children and the public? • Does this project implement countermeasures to reduce high crash rates? • How does this project maximize the number of children who will be able to walk and bicycle to school? 	<p><u>Examples of Eligible Activities:</u></p> <ul style="list-style-type: none"> • Construction or reconstruction of sidewalks, separate walking trails/paths, or multi-use paths not solely for recreation. • Bicycle infrastructure, including but not limited to: <ul style="list-style-type: none"> ◦ Adding or improving bike lanes on existing roadways and related striping. ◦ Adding or improving road shoulders to accommodate bicycles. ◦ Widening curb lanes to accommodate bicycles. ◦ Installation of the following types of items at schools: bike lockers, bike racks, bike parking facilities and shelters, etc. • Traffic control devices for bicycles and pedestrians, including MUTCD-compliant audible tactile signals. • High visibility crosswalks, pavement markings and signage. • Lighting and related safety infrastructure. • Traffic calming techniques for the benefit of bicycle and pedestrian travelers, as appropriate for the proposed facility (Highway Design Manual³ Chapter 25 and National Association of City Transportation Officials’ Urban Street Design Guide for more information). • Encouragement activities to promote walking and bicycling to school, including Walk and Bicycle to School Days. • Educational activities, including educational curriculum and walk and bike safety programs for children in grades K-12. • Enforcement activities to ensure traffic laws are obeyed near the school, including safety patrols, crossing guard materials, or vehicle speed feedback signs. • Evaluation activities to quantify safety benefits and behavioral changes (i.e. participation in walking and bicycling to school programs). 	<p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none"> • Activities to promote bus safety; infrastructure to provide safer bus stops. • Infrastructure and activities for drop-off or pick-up by personal vehicle or buses. • Ongoing costs (such as those for law enforcement or crossing guard salaries). • Construction of a running/jogging track (closed loop), mountain bike or similar recreation trail or ice-skating rink. • Spot sidewalk or trail repair, unless incidental to the construction or reconstruction of contiguous segments of sidewalk or trails. • Items considered for recreational use rather than predominantly serving a transportation purpose, such as gazebos, playground equipment, flagpoles, monuments, picnic facilities, binocular machines, etc. • Maintenance activities and snow removal. • Substitution of TAP funds for other types of federal-aid transportation funds on projects advanced by or through NYSDOT for work items listed under “Examples of Eligible Activities” above when such work items are already part of a highway construction or reconstruction project. • Projects not primarily benefitting children in grades K-12.

³ NYSDOT Highway Design Manual - <https://www.dot.ny.gov/divisions/engineering/design/dqab/hdm>

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Planning, Design and Construction of On-Road and Off-Road Trail Facilities for Pedestrians, Bicyclists and Non-motorized Transportation Users

Eligibility Principle: A facility providing safe routes for non-drivers must focus on providing safe access to daily needs, including to transit, and be consistent with the provisions of federal law [23 USC 217](#), which states:

- Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians.
- Bicycle or pedestrian projects will be principally for transportation, rather than recreational, purposes.

Public access must be guaranteed for these facilities. Safe routes for non-drivers and individuals with disabilities should focus on safety and access; the proposed facilities must connect activity centers such as businesses, schools, libraries, shopping areas, recreation areas, and residential developments, or provide a link in a continuous system which connects to such daily needs destinations, including access to transit.

Regarding safety, please refer to the January 2012 FHWA publication, "[Guidance Memorandum on Promoting the Implementation of Proven Safety Countermeasures](#)"⁴ which incorporates the latest safety research to advance techniques demonstrated to be greatly effective in improving the safety of "Medians and Pedestrian Crossing Islands," "Pedestrian Hybrid Beacons" and "Road Diets."

Guiding Questions:

- Does the project facilitate trips for non-driving populations (i.e., children, older adults, and individuals with disabilities, [42 USC 12101](#))
- How does the facility enhance safety and improve access for non-drivers?
- Does this project address areas where traffic volumes are high, speed limits are high, or pedestrian or bicycle crashes have occurred in the past three to five years?
- Are there identified areas where pedestrian improvements will provide safe access to transit or daily needs?

Examples of Eligible Activities:

- Construction or reconstruction of sidewalks, transit shelters, and transit stops providing access to daily needs.
- Bicycle infrastructure, focused on safety and access to daily needs, including but not limited to:
 - Adding or improving bike lanes on existing roadways and related striping.
 - Adding or improving road shoulders to accommodate bicycles.
 - Widening curb lanes to accommodate bicycles.
- Traffic calming techniques for the benefit of bicycle and pedestrian travelers, as appropriate for the proposed facility (see Chapter 25 of the Highway Design Manual⁵ and National Association of City Transportation Officials' Urban Street Design Guide (NACTO)⁶ for more information).
- Traffic control devices for bicycles and pedestrians, including MUTCD-compliant audible tactile signals.
- Protected crossings, high visibility crosswalks, pavement markings, and signage.
- Lighting and related safety infrastructure for pedestrian or bicycle facilities.

Examples of Ineligible Activities:

- Vehicular traffic signal installation or replacement, unless the Manual of Uniform Traffic Control Device (MUTCD) required engineering study and pedestrian warrants are met.
- Construction of closed loop track/mountain bike or similar trail.
- Ice skating rink.
- Spot sidewalk or trail repair, unless incidental.
- Items considered recreation or park (gazebos, playground equipment, flagpoles, monuments, picnic facilities, etc.).
- Planning studies that do not include an infrastructure construction project as part of the TAP application.
- Projects that primarily benefit automobiles and drivers, including park and ride facilities, traffic lights and roadway lighting that do not primarily benefit bicyclists, pedestrians and non-drivers.
- Construction of a vehicular roundabout.

⁴ <http://safety.fhwa.dot.gov/provencountermeasures>

⁵ <https://www.dot.ny.gov/divisions/engineering/design/dqab/hdm>

⁶ <http://nacto.org/usdg/>

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Conversion and Use of Abandoned Railroad Corridors for Trails for Pedestrians, Bicyclists, or Other Non-Motorized Transportation Users		
<p><u>Eligibility Principle:</u> Allows for the preservation of abandoned railway corridors for non-motorized public use and permits the development and rehabilitation of privately-owned rail corridors which are open to the public without charge.</p> <p>The project must relate to surface transportation, rather than be solely or predominantly for a recreational purpose. A project to allow trail use on or along the rail corridor shall be consistent with the provisions of federal law 23 USC 217 previously listed.</p> <p>Vehicular parking is an eligible item in cases:</p> <ol style="list-style-type: none"> 1) Where other parking of any kind is not available in the vicinity or where a safety hazard would otherwise be created; or 2) Where access is anticipated to be needed at high-demand trail access points, such as where a trail begins near or passes through a downtown or large residential area. <p>At trail convergence/intersections, familiarly known as “crossroads”, the intention is to provide parking areas or “pull-offs” where ad hoc parking on narrow shoulders would create a safety hazard.</p> <p>If the railroad corridor or portions of the corridor have been rail-banked under federal law 16 USC 1247(d),⁷ there must be an agreement specifying repayment provisions if the restoration for railroad purposes takes place before the end of the economic or useful life of the TAP project.</p>		
<p><u>Guiding Questions:</u></p> <ul style="list-style-type: none"> • Who is the current owner of the railway corridor property or parcels? • Who is the proposed owner of the railway corridor/parcels if property acquisition is involved? • What easements or deed restrictions are in effect? Do they include any reversionary rights (not permitted by FHWA)? • Will there be an agreement to preserve and to protect the corridor? • How does the facility enhance safety for pedestrians or bicyclists, especially at intersections with other surface transportation facilities? • How would the Sponsor manage existing and native vegetation within the corridor? • How does the proposed project connect viable communities? 	<p><u>Examples of Eligible Activities:</u></p> <ul style="list-style-type: none"> • Design and acquisition of railroad rights of way including title search, appraisals, etc., as part of a pedestrian or bicycle infrastructure construction project. • Design and construction costs of a trail on a railroad right of way, e.g., drainage, surface preparation, paving, pedestrian bridges, signs, lighting, barricades, trailhead parking, and pullout areas immediately adjacent to the trail to view scenic or historic vistas. 	<p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none"> • Projects not located within an abandoned railroad right of way. • Preservation of an abandoned rail corridor strictly for future use as an active rail line or highway. • Projects that cannot guarantee public access for the useful life of the constructed facility (short-term easements should be avoided). • Amenities such as restrooms, picnic tables and trailhead buildings/structures; including visitor centers, welcome centers and kiosks, entertainment pavilions. • Projects solely to preserve abandoned railroad right of way without creating a non-motorized transportation facility. • Motorized trail facilities. • Maintenance and upkeep activities.

⁷ <https://www.law.cornell.edu/uscode/text/16/1247>

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Planning, Design and Construction of Boulevards and other Roadways largely in the Right-of-Way of Former Divided Highways		
<p><u>Eligibility Principle:</u> Boulevards are walkable, low speed (typically 35 mph or less) divided arterial thoroughfares in urbanized environments, designed to carry both through and local traffic, pedestrians, and bicyclists. Boulevards may provide high-ridership transit, as well as providing vehicle and pedestrian Access Management techniques.⁸ Boulevards are primary goods movement and emergency response routes. To be eligible for this category, the project must be proposed within the right of way of a former Interstate system route or other divided highway.</p>		
<p><u>Guiding Questions:</u></p> <ul style="list-style-type: none"> • Is the proposed project in the right of way of a former interstate system route or other divided highway? • How does this project create a safe place for bicyclists and pedestrians? • How does this project integrate Complete Streets⁹ elements, and ensure convenience and mobility for all users? • How does this project integrate traffic calming measures and how are they appropriate for this facility? • Does the integration of Access Management techniques provide easier traffic movement and safety? • Does this project promote all forms of transportation, including transit, bicyclists, pedestrians, and vehicles? • Does this project promote context-sensitive solutions to enhance the community? 	<p><u>Examples of Eligible Activities:</u></p> <ul style="list-style-type: none"> • Design, construction and planning of boulevards or other roadways largely in the right of way of former Interstate System routes or other divided highways. • Traffic calming measures for the benefit of bicycles and pedestrians, as appropriate for the proposed facility (see Chapter 25 of the Highway Design Manual) for more information). • Context-sensitive bicycle and pedestrian facilities. • Complete Streets elements, including sidewalks, lane striping, bicycle lanes, paved shoulders, pedestrian control signals, bus pull-outs, raised crosswalks, ramps and traffic calming measures. 	<p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none"> • Projects that are not within the right-of-way of a former Interstate system route or other divided highway. • Spot sidewalk or trail repair, unless incidental to the construction or reconstruction of contiguous segments of sidewalk or trails. • Items considered for recreational or park users rather than transportation, such as gazebos, playground equipment, flagpoles, monuments, picnic facilities, binocular machines, etc. • Substitution of TAP funds for other types of federal-aid transportation funds on projects advanced by or through NYSDOT for work items listed under “Examples of Eligible Activities” above when such work items are already part of a highway construction or reconstruction project.

⁸ http://www.ops.fhwa.dot.gov/access_mgmt/

⁹ <https://www.dot.ny.gov/programs/completestreets>

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Community Improvement Activities		
<p><u>Eligibility Principle:</u> Community Improvement Activities includes 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; archaeological activities relating to impacts from implementation of a transportation project; and elements of streetscaping and landscaping. Projects shall enhance the aesthetic, ecological infrastructure, or resources along a highway, other transportation corridor, or points of transportation access. Projects which fall within the boundaries of a historic district that is listed on or is eligible for listing on the National or State Register of Historic Places must be reviewed by the NYSDOT Regional Cultural Resource Coordinator during project development to ensure consistency with NYSDOT's established Section 106 procedures.¹⁰</p> <p>Although TAP funds cannot be used for routine, incidental or maintenance activities, they can be used to fund the planning, design, and construction phases of a landscaping or beautification project, <u>provided it is part of a larger TAP project and the Sponsor can demonstrate how it relates to surface transportation.</u></p>		
<p><u>Guiding Questions:</u></p> <ul style="list-style-type: none"> • How does the project enhance the transportation infrastructure for the traveling public? • How does this project integrate Smart Growth¹¹ criteria to manage resources, and minimize unnecessary costs of sprawl development? • How would the addition of these activities to an eligible project offer the traveling public a pleasing and visual experience? • How would the natural and built elements work in harmony to enhance the natural, aesthetic or visual character of a site, corridor or community along a surface transportation facility and demonstrate sensitivity to the integrity of the place and context? • What best practices does the project use for vegetation management (such as using native plants and removing invasive species)? • What best practices or innovative designs does the project use for built elements? • What impact does the project have on transportation safety? 	<p><u>Examples of Eligible Activities:</u></p> <ul style="list-style-type: none"> • Streetscape projects, including lighting, historic sidewalk pavers, benches, decorative walls and walkways, historical markers, etc. Plantings shall be considered if they serve a transportation purpose. • Landscaping along bike/pedestrian paths which serve a transportation function (i.e., are not solely for recreation). • Amenities such as bike parking, bike lockers, or trailhead parking. • Inventory of, control of, or removal of outdoor advertising. • Preserving or rehabilitating historic transportation facilities. • Vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control. • Archeological activities relating to impacts from implementation of a transportation project eligible under Title 23. 	<p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none"> • Routine maintenance activities such as grass cutting, tree pruning or removal, erosion control, annual plantings, etc. • Construction of noise barriers or drainage improvements (except those related to streetscape and pedestrian safety improvements). • Landscaping as a stand-alone project. • Landscaping outside of the transportation right of way. • Historic preservation projects that do not have a transportation purpose. • Historic replica projects. • Operation and maintenance costs. • Rest areas, restrooms, welcome centers and kiosks. • Public art and gateway treatments that do not establish a transportation purpose and relationship. • Transportation museums.

¹⁰ [NYSDOT Section 106 Procedures](https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm/TEM_4_4_12) - https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm/TEM_4_4_12

¹¹ [Smart Growth](https://www.dot.ny.gov/programs/smart-planning/smartgrowth-law) - <https://www.dot.ny.gov/programs/smart-planning/smartgrowth-law>

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Environmental Mitigation Activities		
<p><u>Eligibility Principle:</u> Eligible environmental mitigation activities must address storm water management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff. The project cannot substitute for environmental mitigation normally required under the National Environmental Policy Act (NEPA) and other regulations for federal aid projects. Refer to Chapter 7 of the Local Projects Manual,¹² Overview of Environmental Process, for procedures on completing Environmental, Cultural Resources and Historic Preservation documentation.</p>		
<p><u>Guiding Questions:</u></p> <ul style="list-style-type: none"> • What impact would the project have on transportation safety? • What long-term benefits are expected for the natural resources? What performance measures and evaluation methods will help determine if the project is successful? • How does this project relate to surface transportation? <p><u>Storm Water Management:</u></p> <ul style="list-style-type: none"> • How will water flow be diverted away from the transportation facility? • Is there a secondary impact that would benefit water quality? • What vegetation management strategies would be used to improve highway runoff water quality? 	<p><u>Examples of Eligible Activities:</u></p> <ul style="list-style-type: none"> • Planning, design, and construction of environmental mitigation facilities related to a TAP eligible project. • Installation of curbing, gutters, drainage structures, cross culverts, inlets or storm drains, permeable pavement, or bioswales, related to a TAP eligible project. • Creation of wetland(s), addition of vegetated ditches, detention basins or other permanent filtering systems to filter runoff to a sensitive area from a TAP eligible project. • Installation of drainage facilities to restore original drainage patterns to wetlands degraded by excavation and fill from a TAP eligible project. • Installation of a berm or closed drainage near drinking water wells to prevent salt intrusion from a TAP eligible project. • Permanent erosion control measures, such as stabilizing plantings, rip rap and velocity attenuators, where silt buildup is occurring in sensitive receiving water bodies from a TAP eligible project. • Alterations to reduce vehicle-caused wildlife mortality or restore and maintain connectivity among terrestrial or aquatic habitats. 	<p><u>Examples of Ineligible Activities:</u></p> <ul style="list-style-type: none"> • Installation of mitigating facilities where there are no receiving sensitive receptors, i.e., residents or ecological habitat which has evidenced potential harmful effects of water pollution from highway runoff. • Installation of any facility, such as a detention basin, for which the Sponsoring agency has not identified operating funds to perform required maintenance. • Cleanup activities, such as silt removal, without permanently fixing the drainage patterns which caused the excess silt. • Drainage improvements related to poor maintenance. • Large culverts (between five and twenty feet in diameter). • Wildlife passages.

¹² Local Projects Manual, Chapter 7 - <https://www.dot.ny.gov/portal/page/portal/plafap/view-document?id=1420>

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Part 4: TAP Additional Requirements

In addition to the project being eligible under one of the TAP categories above, the TAP project must also meet the following requirements:

A. Proposed Project Must Relate to Surface Transportation¹³

Each project must demonstrate how the proposed project relates to surface transportation to be eligible for TAP funding.

- The facility serves a current or past transportation purpose.
- The project enhances the aesthetic, cultural or historic aspects of the travel experience.
- The project is within the corridor of a New York State or federally designated Scenic Byway.
- The project's proximity to the intermodal transportation system (i.e., highway or a pedestrian/bicycle corridor).
- The project provides a linkage to surface transportation and creates additional opportunities for travel.
- The project connects communities, including origin and destination.

B. Proposed Project Must Benefit the Public Interest

Projects funded with TAP funds must maintain the intended purpose of the program and remain accessible to the public and benefit the public interest. Activities funded under TAP must:

1. Grant access and use to the public. Access to the public means more than simply a visual use or benefit. The amount of space dedicated to public use must be commensurate with the amount of federal funding approved for the project.

OR

2. Be targeted at a broad segment of the public. Projects would fail the "broad segment" test if access to the facilities was limited to members of a specific club or group; residents of a neighborhood, municipality, or county; members of a specific segment of the public; or if excessive fees were charged for admission or use.

TAP funds are limited to the portions of the project which primarily benefit the public interest, privately or commercially used portions of a project must be funded with private investments.

Private Property and Facilities

Where private investment or joint-use activities are part of the proposed project, federal funds are limited to the portions of the project which benefit the public interest. Privately or commercially used portions of a project must have private investment. Funds can be used to finance projects to improve privately owned facilities provided there are enforceable agreements executed between NYSDOT, the project Sponsor and the facility owner which guarantee the project will function as intended and the proposed public access and use will be maintained for the useful life of the project.

¹³ For purposes of this TAP project solicitation, surface transportation includes highway, transit/train, and bicycle and pedestrian modes. Aviation, waterborne, and military modes are NOT included.

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User Fees

Generally, fees cannot be charged for access to any activities or projects funded with TAP funds. There may be limited situations, however, in which a minimal fee may be charged. A fee may be appropriate where the proceeds from the charge are not excessive and, by agreement are instituted for the maintenance and operation of the TAP-funded resource, including a reserve for future major costs. The project Sponsor must estimate the useful life of the facility and its components and set aside sufficient funds for replacement or rehabilitation in the future.

C. Proposed Project Must Have Community Support

Public involvement is a key component of the federal project development process and must be conducted in accordance with applicable rules and regulations in the event the project is selected for funding.

As with all locally administered federal-aid projects, TAP projects require documentation of community support, especially in the areas where the physical infrastructure will be located. All applications must include documentation of public outreach/support.

Part 5: Project Evaluation Criteria

A well-planned, publicly supported, informatively developed TAP application, with detailed and accurate cost estimates, which addresses the following project rating criteria, will compete effectively.

Project applications should emphasize information which supports the project rating criteria. Understanding the criteria may give an indication of how a project may compete against other projects submitted for the program funding.

TAP Project Eligibility

- The project has an eligible Sponsor.
- The project fits into one of the eligible TAP funding categories.
- The project relates to surface transportation (not exclusively recreational).
- The project meets a minimum 20% local match. Sponsor pays 100% of project costs, then requests reimbursement for 80% of the project's eligible project costs, capped at the project award amount.
- The project meets minimum/maximum funding request award criteria. (Minimum federal share is \$500,000 and maximum federal share is \$5 M.)
- Completed application with supporting documentation is submitted by the deadline.
- The Sponsor's responsible local official has documented viewing a current TAP-CMAQ-CRP Informational Workshop.
- The Sponsor demonstrated that the project can go to construction within 24 months.

Consideration will be given to projects for activities that support the Justice40 Initiative¹⁴.

¹⁴ Justice40 Initiative - <https://www.transportation.gov/equity-Justice40>

Appendix B: TAP Program Sponsor Eligibility, Requirements and Project Evaluation Criteria

TAP Project Evaluation Criteria

Category	Evaluation Criteria	Available Points
Project Benefits	<ul style="list-style-type: none">• Project benefits and proposed solutions• Improves safety• Cost-effectiveness and partnerships	20
Project Alignment	<ul style="list-style-type: none">• Alignment with TAP program and other surface transportation plans, projects, and systems	20
Essential Project Management Elements	<ul style="list-style-type: none">• Schedule• Budget• Right-of-way assurance• Match assurance and ability to deliver the project	60
Total Points:		100
Sponsor Submitted Application for Pre-review Points:	Bonus	5
Project reviewed by a NYS Professional Engineer Points:	Bonus	5

Project Benefits (20 percent):

Project Benefits and Proposed Solutions.

This criterion focuses on the project's community/public benefit.

- The project addresses a surface transportation problem/need and the solution is clearly defined, well developed, comprehensive, and reasonable.
- The project contributes to community economic competitiveness (e.g., quality of life, access to business, jobs, education, public services).
- The project promotes community connectivity, revitalizes the community or can improve public health and safety.
- The project improves system efficiency, accessibility, modal connections, interconnectivity, awareness, or safety. (e.g., reducing crash potential, providing new modal connections, improving awareness of modal options through education and outreach if a Safe Routes to Schools project).
- The project has documented public and community support (support letters attached to application).
- The project will be open and available to the public. If not, the restrictions need to be explained, be reasonable and are allowable under federal aid funding regulations.
- The project improves mobility, accessibility, and the community's transportation character such that the street network is more walkable and safer for all transportation mode users: pedestrians, bicyclists, transit users and drivers.

Letters from individuals, resolutions, or other formal actions of support by groups are helpful to demonstrate support for the proposed project.

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Improves Safety

- The project is a high priority for the community which will also reduce crashes, personal injuries, fatalities or addresses a high accident location.

Cost-effectiveness and Partnerships

- The project includes unique characteristics, new approaches, or uses innovative techniques to enhance, modernize, or address the problem or efficient methodology of delivering the project. (e.g., Did the project use an innovative approach to arrive at a solution? Is the project a unique model for others?)
- The project includes cost-effective solutions or creative/innovative ways to deliver the project (e.g., use of donated materials; a unique or efficient delivery method such as using a county to deliver a town project).
- The project leverages other partnerships or fund sources (e.g., greater than 20% match; public private partnerships; leveraging other grant sources or partner participation).

Project Alignment (20 percent):

This criterion focuses on the relationship of the project to transportation and the Transportation Alternatives Program, plans, projects, and systems.

- The project is referenced in a regional, state or local plan such as a Comprehensive/ Master Plan, Corridor Plan, Scenic Byway Plan, Americans with Disabilities Act (ADA) Transition Plan, Metropolitan Planning Organization (MPO) Plan, Regional Economic Development Council (REDC) Plan, NYS Bicycle Routes, Smart Growth or Complete Streets Plan. Identify plan in the project application (be specific regarding the location of this information; e.g., "Project is referenced in our municipal comprehensive plan on page 36, 3rd paragraph").
- The project demonstrates relationship to surface transportation and makes connections to the built environment creating connections between trails, sidewalks to transit, community centers or schools.
- The project enhances the trip experience, improves safety, connectivity, or user access (e.g., Americans with Disabilities Act compliance).
- The project expands travel choices or improves access for the traveling public.
- The project meets the intended program purpose.

Essential Project Management Elements (60 percent):

This criterion considers project schedule, budget, status of right-of-way, match assurance and ability to deliver the project. The submission of project deliverables documentation allows for a better assessment of the current project status.

Project Schedule

- The schedule is realistic in relation to regulatory reviews (NEPA/SEQR, SHPO, etc.) right-of-way approvals, utility relocations, design approvals, advertising, letting and construction.
- The project is ready to be implemented:
 - Fully execute a State-Local Agreement (SLA).
 - Progress to construction within 24 months.
 - Reflect project activities within schedule.

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- The project will be completed within 30 months of commencing construction.

The schedule should include all project phases, activities, and milestones: preliminary design (including appropriate permitting requirements), final design, consultant selection, right of way activities (including surveying and mapping), construction, construction inspection, etc. Scheduling considerations should include time to execute an SLA with NYSDOT, consultant selection, utility coordination/relocations, materials testing, advertising, letting, coordination with regulatory agencies, etc.

Project Budget

Project budget should reflect all costs associated with advancing the project in compliance with all state and federal requirements.

- The budget estimates are verifiable in relation to the scope and schedule proposed for completion.
- The budget reflects the project scope, including design, right-of-way, mapping, survey, consultant services, activities/acquisition, regulatory reviews and permits, construction, construction inspection, etc.
- The budget identifies all cost considerations.

Right of Way (ROW) Status

- Identify status of right-of-way for proposed project: owned, leased, or need to be acquired.
- Proof of ROW ownership provided through surveys, highway record plans, or clearance certificates. Tax maps are not sufficient property boundary line documentation.
- If ROW acquisition (purchase/lease) is required (typical range: 5-15% of total project cost):
 - Identify number of parcels.
 - Type of acquisition – purchase/lease.
 - Temporary or permanent.
- Identify any railroad ROW involved with the project.
- Identify any potential utility conflicts.
- Reflect all ROW activities in the project schedule and budget, including ROW incidentals, mapping, and survey.

Match Assurance and Ability to Deliver the Project

- The project match is assured by resolution or documented source (letter of intent, etc.). Sponsor pays 100% of project expenditures then requests reimbursement for 80% of eligible project costs, capped at the amount awarded.
- The Sponsor demonstrated effectiveness in using federal aid funds and delivering a federal aid project in the past five (5) years.
- The Sponsor demonstrates responsibility for all aspects of the approved project, including constructed facility future maintenance and operation.
- The proposed work is technically feasible and implementable.

A Sponsor's previous performance utilizing awarded federal transportation funds is also taken into consideration. Undertaking and completing federal aid projects on schedule, within budget, and in accordance with program rules and regulations will be considered.

Allowances may be made for a Sponsor's past poor performance on a previous federal aid project when: 1) the performance was due to circumstances beyond its control; or, 2) where Sponsor can

Appendix B: TAP Program Sponsor Eligibility, Requirements and Project Evaluation Criteria

demonstrate that it has corrected policies, procedures, and staffing that were deemed to have resulted in the poor performance; and 3) show successful completion of projects since that time.

Bonus Point Opportunity:

Bonus points are available if the project application includes:

- An Application Pre-Review Comment Form.
- A letter signed by a NYS Professional Engineer.

Submitting the project application for the optional pre-review process gives NYSDOT professionals an opportunity to provide project feedback and guidance prior to final project application submission. At a minimum, the following information should be uploaded in the application for pre-review:

- Project Scope
- Draft Budget
- Draft Schedule
- Anticipated ROW Needs (if any)
- Anticipated Utility Needs and Railroad Involvement (if any)

Pre-Review Applications submitted without sufficient information to review will not receive bonus points. Upload the Pre-Review Comment Form as part of the final application.

Sponsors may continue to work on the application while NYSDOT is reviewing the project. Only submit your application in Grants Gateway when it is complete.

After the Application Pre-Review has been completed by the appropriate NYSDOT Region, written comments (see Appendix G for Pre-Review Comment form) will be emailed to the Sponsor. The completed **Application Pre-Review Comment Form must be uploaded** on the Pre-Submission Upload page in Grants Gateway and submitted with the final application **to receive bonus** points.

NOTE: *Requesting an Application Pre-Review is not an application submission. Applicants must complete and submit the application by the deadline in the Grants Gateway to be considered for funding.*

Bonus points may also be added to a project application score for including a NYS Professional Engineer signed letter that they have reviewed the project's application. The letter format is available on the TAP-CMAQ-CRP website. Upload the PE review letter as part of the final application.