



Eligibility Requirements

To qualify for federal Transportation Enhancement (TE) funds a project must meet two basic federal requirements:

- 1) Relate to surface transportation **and**
- 2) Be one of the 12 designated Enhancement activities

Relationship to Surface Transportation

Surface transportation encompasses all elements of the intermodal transportation system except aviation and space travel. For the purposes of TE eligibility, surface transportation includes water as surface transportation, and allows improvements to historic canals, lighthouses, and docks or piers connecting to ferry operations, as long as the proposed enhancement otherwise meets the basic eligibility criteria.

The relationship to surface transportation may be one of **function** – when the proposed improvement actually functions as a transportation facility such as a sidewalk, trail, or transportation museum. Restoration of historic transportation facilities such as bridges, canals, lighthouses, train stations, and historic inns and taverns inherently qualify by their past transportation use, even if a more contemporary use is planned for the future.

A project may also establish a relationship to surface transportation by mitigating the **impact** of the existing transportation system – for example, the development of a rain garden to mitigate the effects of highway run-off into a stream or river. Another example might be the recording and display of artifacts from archeological sites impacted by the construction of a modern roadway.

Although harder to establish, a relationship may also be one of **proximity** – for example, the removal of non-conforming billboards from within the highway view shed. Proximity to a road or transportation facility in itself however, does not establish eligibility. An additional transportation connection or history must be demonstrated, or documentation provided to establish a scenic enhancement or the protection of an historic view shed. Some historic mills have been able to show that laws were passed requiring a road be built to the mill site to ensure public access. These laws provide the transportation history in that they established the creation of the roadway system itself.

Eligible Enhancement Activities

Each application must clearly demonstrate a relationship to surface transportation in order to meet the basic federal eligibility requirements. After establishing this

relationship, the proposed improvements must then qualify in at least one of the following activities as defined by federal legislation.

1. Bicycle and Pedestrian Facilities

Examples of projects that may be considered eligible include:

- Sidewalks, cross walks, curb ramps
- Trails, both on-road and off-road
- Bicycle racks, lockers, bus racks
- Bike lanes or widened shoulders for bicycles
- Pedestrian / bicycle bridges and underpasses

Projects qualifying under this activity should provide an alternate means of transportation and not function solely as a recreational feature. Trails and sidewalks should exhibit connectivity to existing sidewalks or trails and provide access to public spaces such as parks, businesses, historic districts, and residential areas. The application should clearly demonstrate how the proposed facilities will fit into the existing transportation system.

This activity also provides for the rehabilitation of existing pedestrian and bicycle facilities to meet current AASHTO (American Association of State Highway and Transportation Officials) and ADA (Americans with Disabilities Act) standards and to improve safety by eliminating hazards. Older sidewalks that have deteriorated and now cause tripping hazards, or narrow sub-standard sidewalks that have utility poles located within the walkway, are eligible for funding. Routine maintenance activities and construction of pedestrian and bicycle facilities incidental to new roadway construction however, are not eligible for funding through the Transportation Enhancement Program.

2. Bicycle and Pedestrian Safety and Education

This category includes non-construction, safety-related activities such as pedestrian and bicycle safety campaigns, public service announcements, and safety training activities.

Examples of projects that may be considered eligible include:

- Bicycle and pedestrian safety training and promotional campaigns
- Training materials including videotapes, brochures and maps
- Cost of facilitators and/or classroom space

The safety activities must be available to the general public or targeted to a broad segment of the population.

Proposals for safety and educational activities should include a definitive period for participation. For example: monthly safety seminars will run for six months or 12 weekly training sessions will be planned.

3. Acquisition of Scenic or Historic Easements and Sites Including Historic Battlefields

This category includes acquisition of land or easements located along historic travel corridors which will preserve the natural environment, protect historic landmarks, and enhance the transportation experience. This can include battlefields, scenic vistas, and buildings or property located within an historic district. Any historic building acquired through this category must exhibit a relationship to surface transportation. Perhaps in its past it served as a train depot, toll-keepers house or historic inn; or in the future, will serve as a transportation museum or visitor center.

Property that as a whole is not visible from a public road is not eligible unless development on that property would harm the historic view shed.

Non-profit groups should have an agreement with the local sponsor to ensure the continued responsibility on the part of the public agency for the property. In the case of land acquisition, a conservation easement must be in place to protect the property from development in perpetuity. For buildings, a legal document should capture the protection of property rights for the continued use of the facility for a specific time frame. This includes leases, easements, or other evidence of a property interest recognized by the State.

4. Scenic or Historic Highway Programs Including Tourist and Welcome Centers

Examples of projects that may be considered eligible include:

- Pull-offs and overlooks
- Interpretive markers and designation signs
- Tourist and welcome centers that support and interpret scenic/historic highway programs or scenic/historic sites

The intent of this activity is to fund those activities clearly linked to the state scenic byway program or recognized scenic and historic sites. For an historic site to qualify, it should have evidence of documented consultation and concurrence from the Virginia Department of Historic Resources.

Proposed tourist and welcome centers should be located on or adjacent to a designated scenic or historic byway **OR** have a clear link to a scenic or historic site. Connection to a scenic or historic site may be visual [the site can be seen from the visitor center]; it may be within walking distance, perhaps connected by a trail or sidewalk; or the center may provide substantial information about a

particular scenic highway or scenic/historic site. Such information may include literature, directions, interpretive displays or videos shown to the public.

The term tourist or welcome center can include pull-offs, scenic overlooks and viewing areas. These facilities should have materials and/or interpretation of the site and serve the traveling public along the byway.

Plans for ownership, staffing and maintenance of proposed tourist/welcome center should be included in the application. Transportation Enhancement funds cannot be used for staffing, operating, or maintenance costs of such a facility or for repair/construction of rest areas.

5. Landscaping and Scenic Beautification

Examples of projects that may be considered eligible include:

- Landscaping and vegetation management including re-vegetation with native plants
- Historic lighting fixtures
- Street furniture including benches, trash receptacles, planters and bus shelters
- Gateways

These projects may include improvements along streets, historic highways, trails and waterfronts. The proposed improvements must enhance the aesthetic or visual character of a site, corridor or community along a surface transportation facility. The project may also include built elements, innovative design features, and public art (murals, etc.) that enhance the landscape.

Proposed improvements should compliment the natural heritage and regional character of a site, corridor or community along the surface transportation facility. Sponsors are encouraged to use native plants, avoid invasive species and excessive use of pesticides and fertilizers.

Maintenance activities such as mowing and pruning are not eligible.

6. Historic Preservation

Examples of projects that may be considered eligible include:

- Restoration and reuse of historic buildings for transportation related purposes
- Non-motorized access improvements to historic sites and buildings
- Preservation of building facades in historic districts

It is important that all proposed historic preservation improvements clearly explain the project's relationship to transportation. If only part of the restored

building will function as a transportation facility [welcome center and/or transportation museum], then federal funds can only be used for that portion of the restoration costs. If the transportation connection is only in visual impact, reimbursement will be limited to the cost of exterior restoration.

Transportation Enhancement funds must be used for true rehabilitation; they cannot be used to construct a replica of an historic building. Access improvements are restricted to non-motorized improvements and do not include parking or access roads unless they are constructed in conjunction with a visitor center and/or transportation museum.

All public spaces and access improvements must meet ADA (Americans with Disabilities Act) requirements. This would include restrooms, parking areas, and upper stories of a structure which may require an elevator or lift.

Plans for ownership, staffing and maintenance of an historic structure should be included in the application.

7. Rehabilitation and Operation of Historic Transportation Buildings, Structures, or Facilities

Examples of projects that may be considered eligible include:

- Restoration of historic railroad depots, bus stations, ferry terminals and piers, and lighthouses
- Rehabilitation of historic rail trestles, tunnels, and bridges
- Restoration of historic canals including towpaths, locks and bridges
- Restoration of historic inns and taverns

These historic facilities inherently relate to surface transportation because they were built for a transportation purpose. Once restored, they may have a contemporary use [non-transportation related] as long as the significant historic features are preserved and they remain open to the public on a not for profit basis.

The application should include some details as to the planned use of the restored facility, as well as, plans for ownership, staffing and maintenance of the facility. A legal document should capture the protection of property rights for the use of a facility for a specific time period. The document should identify the responsible entity for managing, operating, and maintaining the facility as well as outline conditions for changes in these terms and/or sale or lease of the property. If part of the facility will be leased for a fee, federal funds should be used only for the portion of the facility that will be open to the public.

Transportation Enhancement funds cannot be used solely to construct a replica of a transportation facility. Any replica must have an additional transportation function, either as a transportation museum or a visitor center in which case, it would qualify under that activity.

8. Preservation of Abandoned Railway Corridors , including the conversion and use of the corridors for pedestrian or bicycle trails

Examples of projects that may be considered eligible include:

- Acquisition of abandoned railroad right-of-way for trail development
- Planning, design and construction of shared-use trails along a railroad right-of-way
- Developing rail-with-trail facilities (trails built alongside abandoned rail corridors)

This type of project inherently relates to surface transportation because railroads were built for a transportation purpose.

Acquisition of railroad right-of-way must preserve and protect a railway corridor. This activity however, may not be used to keep a railroad corridor from being abandoned.

Trails must be open to the public and not restricted to “club” members or municipal residents. Equestrian facilities constructed as part of a shared-use bicycle and pedestrian trail are eligible, however, trails limited to equestrian use only are not eligible for Transportation Enhancement funding.

9. Inventory, Control, and Removal of Outdoor Advertising

Examples of projects that may be considered eligible include:

- Billboard inventories, including those done with GIS/GPS
- Removal of illegal and non-conforming billboards

Billboards are defined as off-premise signs that advertise goods and services not found at the site of the signs. Non-conforming signs are those signs that were lawfully erected but now do not comply with the Highway Beautification Act of 1965. Federal guidelines require that effective controls be in place to prohibit new signs from being erected if federal funds were used to remove billboards.

Since this activity involves acquisition of real property, there are a number of federal guidelines that must be adhered to; most importantly, the Uniform Relocation Assistance and Real Property Acquisition Policies Act (The Uniform Act.).

Federal funds cannot be used for administration or operating expenses involved in State outdoor advertising program activities.

10. Archaeological Planning and Research

Examples of projects that may be considered eligible include:

- Research, preservation planning, and interpretation
- Developing interpretive signs, exhibits, and guides
- Preparation and cataloging of artifacts for exhibition
- Inventories and surveys

Archaeological research and interpretation must focus on artifacts of historic or prehistoric human life relating to surface transportation, or artifacts recovered from locations within or along surface transportation corridors. Applications for this activity must clearly explain the relationship to surface transportation and/or benefits to future transportation planning activities.

Federal funds can be used to reimburse archaeological expenses incurred during project development and/or construction activities on an existing Transportation Enhancement project.

11. Environmental Mitigation to address:

- a) Water pollution due to highway run-off; or**
- b) Reduce vehicle-caused wildlife mortality while maintaining habitat connectivity**

This category allows communities to decrease or mitigate the negative impacts of roads on the natural environment.

Examples of projects that may be considered eligible include:

- Wetlands acquisition and restoration to filter highway run-off
- Detention and sediment basins as related to water pollution
- Channel stabilization through landscaping to promote filtering and improve the water quality conditions of receiving channels
- Storm drain stenciling and river clean-ups
- Wildlife under/overpasses
- Wildlife warning devices or other mitigation techniques associated with movement of wildlife across transportation corridors
- Monitoring and data collection on habitat fragmentation and vehicle-caused wildlife mortality

Proposed improvements must go above and beyond environmental mitigation required by law for federal-aid highway projects.

12. Establishment of Transportation Museums

Examples of projects that may be considered eligible include:

- Construction of a new museum facility or an addition to an existing facility

- Conversion and/or restoration of an existing facility to house the museum
- Purchase and/or fabrication of exhibits necessary for the creation and operation of the facility

For multi-purpose museums, only those artifacts, displays, and/or building space (square footage) directly related to surface transportation are eligible.

Transportation displays relating to aviation and space travel are not eligible.

Eligible museums must be open to the public and fulfill the following criteria:

- Are a legally organized not-for-profit institution, or part of a not-for-profit institution, or government-entity;
- Essentially educational in nature;
- Have a formally stated mission;
- Have at least one full-time paid professional staff member who has museum knowledge and experience and is delegated authority and allocated financial resources sufficient to operate the museum;
- Present regularly schedule programs and exhibits that use and interpret objects for the public according to accepted standards;
- Have a formal and appropriate program of documentation, care, and use of collections and/or tangible objects; and
- Have a formal and appropriate program of presentations and maintenance exhibits

If admission fees are charged for the museum, a portion of the fee should provide for the long-term maintenance and operation of the facility. Fees charged should be “reasonable” and should not be set so high as to restrict general public access.

Plans for ownership, staffing and maintenance of the completed museum should be included in the application. Federal funds cannot be used for staffing, operating or maintenance of the facility.