

TRANSPORTATION ENHANCEMENTS PROFESSIONAL SEMINAR

September 25-26, 2001 ■ St. Louis, MO



Making Enhancements Work

Proceedings

January 2002

These proceedings were produced by Hugh Morris and Bethaney Bacher of the National Transportation Enhancements Clearinghouse (NTEC). NTEC exists to gather and disseminate information about the Transportation Enhancements program. NTEC is housed at the Rails-to-Trails Conservancy. This material is based upon work supported by the Federal Highway Administration under cooperative agreement No. DTFH61-98-X-00101.

Any opinions, findings, and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect the view of the Federal Highway Administration.

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Transportation Enhancements Manager’s Seminar
September 25-26, 2001
St. Louis, Missouri

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Executive Summary

The Transportation Enhancements (TE) program came into being as part of the Intermodal Surface Transportation Efficiency Act of 1991. The program provides each state with funds to use for projects that enhance the traveler's experience. These projects range from historic preservation efforts to bicycle and pedestrian facilities to the acquisition of scenic easements aimed at maintaining a natural landscape. The intent of the program was to encourage partnerships between local and state officials as well as public interest groups in the development and delivery of TE-funded projects.

The diversity of the program activities makes the program complex to administer. The Federal Highway Administration (FHWA) developed program guidance initially and has since revised and expanded that guidance. Each state is responsible for administering their share of the program funds and may add their own guidance so long as it does not conflict with the federal guidance.

The resulting diversity in eligible projects and program administration has generated a need for state TE coordinators to receive ongoing guidance from FHWA staff. To facilitate this exchange, the state TE coordinators, FHWA division staff, and FHWA headquarters staff have been meeting approximately every eighteen months for a two-day interactive seminar where clarification of the details of implementing the TE program are worked out and participants develop solutions to implementation problems.

The most recent meeting was held in St. Louis, Missouri on September 25th and 26th, 2001. Seventy-two people attended the meeting this year, including 22 from FHWA division offices, 4 from FHWA headquarters, 37 from state DOTs, 2 from the National Transportation Enhancements Clearinghouse, and 4 stakeholders (Rails-to-Trails Conservancy, National Trust for Historic Preservation, Civil War Preservation Trust, and the League of American Bicyclists). Despite the meeting being held soon after the terrorist attacks on the World Trade Center in New York City and the Pentagon in Arlington, Virginia, only a small number of persons (5) cancelled their participation in the meeting.

The meeting consisted of several large group discussions on topics that were deemed to be of interest to the whole group, such as certain project-type eligibility issues, TEA-21 reauthorization, and the discussion of some "best practices" techniques. There were also opportunities both days for participants to break into small group discussion panels where particular topics of interest could be discussed more intimately.

Two topics emerged as overriding concern to the meeting attendees. First, in nearly every discussion breakout group, regardless of the designated discussion topic, participants talked about the role that the State Historic Preservation Officer (SHPO) plays in the selection and oversight of TE projects. Some states indicated that they have problematic relationships with their SHPO in that communication with the SHPO was difficult and that the SHPO had more work than they could handle, resulting in significant delays of project review. Further, where the SHPO raised questions with regard to a project, there were often cost increase to the project. Other states had found solutions to these problems, such as making the SHPO part of the

project selection process so that concerns were known up front and putting the SHPO on the payroll in order to have greater control of the SHPO's time.

The second area of significant discussion was with regard to obligation rates within the context of TEA-21 reauthorization. Participants worried that if FHWA and Congress focused solely on the obligation rate of the TE program that they would conclude that the TE program was not functioning efficiently. Participants raised two issues with regard to the lower-than-desired obligation rate. First, many states only spend their TE funds on the construction phase of the project. Thus, once a project is selected by the state to receive TE funds, the project sponsor must then complete planning and engineering portions of the project before it can go to bid and thus become obligated. The planning and engineering phase can be time consuming, lasting a year or two. Thus, there is a built-in lag between when a project is selected and when it becomes obligated.

The other reason cited by participants for a low obligation rate is that the TE program is a 10% set aside of the larger Surface Transportation Program (STP). States, by law, are only allowed to spend 90% of their STP funds. Thus, in theory, if a state wanted to spend more than 90% of the road portion of their STP funds, they would have to reduce the amount of funds spent under some other part of the STP, such as TE or the Congestion Mitigation and Air Quality Improvement program, (CMAQ). Some states may be opting to allocate their funds this way. The FHWA has commissioned a study on the reasons into the low obligation rates for TE projects and possible recommendations to increase the rates.

Part I: Introduction

Approximately every eighteen months, the Office of Human Environment of the Federal Highway Administration (FHWA) sponsors a meeting for all staff in the state departments of transportation and the FHWA Division Offices and Resource Centers who work on the Transportation Enhancements (TE) program. Staff of the National Transportation Enhancements Clearinghouse (NTEC) facilitate the development and implementation of the meeting.

On September 25th and 26th of 2001, the group gathered in St. Louis Missouri for two days of discussion about the TE program. The objective of the meeting was to provide a forum where TE coordinators could discuss problems they are having with program and project implementation and explore possible solutions to those issues. The meeting also provided an opportunity for TE administrators to solicit clarification from staff of the FHWA headquarters and Division Offices regarding to various aspects of the TE program and how it is to be implemented.

Seventy-two people attended the meeting this year, including 22 from FHWA Division Offices and Resource Centers, 4 from FHWA headquarters, 37 from state DOTs, 2 from NTEC, and 4 stakeholders (Rails-to-Trails Conservancy, National Trust for Historic Preservation, Civil War Preservation Trust, and the League of American Bicyclists).

Because the meeting was held soon after the terrorist attacks on the World Trade Center in New York City and the Pentagon in Arlington, Virginia, there was concern about the amount of attendance. However, only a few persons cancelled their participation at the last minute.

The meeting consisted of several large group discussions on topics that were deemed to be of interest to the whole group, such as certain eligibility issues, TEA-21 reauthorization, and the discussion of some “best practices” techniques. There were also opportunities both days for participants to break into small group discussion panels where particular topics of interest could be discussed more intimately.

The following presents a digest of the discussions at this meeting, as well as the results of a participant survey and a summary of the evaluations received from participants.

Part II: Day One

Welcoming Remarks

Introduction

Tuesday, September 25, 2001 marked the start of the third TE Professional Seminar. NTEC Director, Hugh Morris, opened the seminar at the Historic Union Station, St. Louis, MO. Mr. Morris explained NTEC's relationship to FHWA and introduced NTEC staff. Welcoming remarks were made by Mr. Harold Peaks, of FHWA's Office of Human Environment, and Mr. Kevin Keith, Missouri DOT. The welcoming remarks acknowledged the many successes of the TE program and its capacity for additional growth and achievements. Mr. Keith remarked that we should think of TE projects not only as Transportation Enhancements, but as community enhancements. Both speakers spoke of the responsibility of DOT and FHWA to continue to deliver the kind of enhancements projects that benefit the DOT and more importantly the local community. Mr. Keith suggested that the states and Federal government find a way to make the program easier to implement in order to increase project delivery rates and get more projects on the ground in more communities. Mr. Peaks also presented the results of NTEC's Fiscal Year 2000 data collection demonstrating an increase in project programming and a slight increase in state obligation rates.

Mr. Harold Peaks, TE Program Manager, FHWA

Mr. Peaks welcomed the seminar attendees to St. Louis, MO and expressed his thanks for the participant support that encouraged the decision to continue the seminar in light of the recent terrorist attacks on the World Trade Center in New York City and the Pentagon in Arlington, Virginia.

State and Federal Transportation Enhancements staff were reminded of their responsibility to the TE program. "We have some very important work to do. We have a job to deliver transportation projects and programs throughout the country and we have a job... to make sure those projects and programs do the kinds of things that we know would make our DOTs, stakeholders, and communities proud of the kind of work we do." Mr. Peaks continued, "Congress has provided us with some golden opportunities... (to use) Enhancements, CMAQ, and other related activities, to do things that focus on communities in addition to transportation."

Mr. Peaks took a few minutes to explain the service and function of the Office of the Human Environment at FHWA. The Office of Human Environment is one of several subcomponents of the Planning, Environment, and Real Estate Core Business Unit. Among other program functions, these offices work together to assist State DOT TE Coordinators, governmental agencies, communities and stakeholders with the process and delivery of TE projects. Mr. Peaks reminded the participants that Congress emphasized partnerships and working with stakeholders in the development of a successful TE program. With that said, Mr. Peaks introduced the stakeholder agencies attending the conference: Rails to Trails Conservancy, the National Trust for Historic Preservation, the Civil War Preservation Trust, and the League of American Bicyclists.

In closing, Mr. Peaks remarked that "Every state is making significant progress with their

Transportation Enhancements program.” And, that by working closely with the FHWA division offices on project eligibility issues FHWA will be in the position to help states say “yes” to more TE projects.

Mr. Kevin Keith, Chief Engineer, Missouri DOT

Mr. Keith gave participants a warm welcome to the state of Missouri and encouraged everyone to “get out and enjoy the city.” There are a number of beautiful TE projects in the St. Louis area, from the Riverfront Trail which travels twelve miles to the restored TE funded Chain of Rocks Bridge to the “crown jewel of rails-to-trails, the 200 plus mile Katy Trail” in the St. Louis/St. Charles region. The Missouri DOT recognizes that “We’re doing a lot of good things with Enhancements funds” and have nearly 100 new projects.

Since 1992, MO DOT has programmed 405 projects totaling more than \$80 million in TE funding. While it wasn’t necessarily planned, over fifty percent of the TE funds have gone towards bicycle and pedestrian projects like trails, paths, and sidewalks. One example is the 4.7-mile spur connecting 100,000 residents of Columbia, MO to the Katy Trail. In St. Joseph, MO TE funds are adding a separate bicycle and pedestrian system to a Parkway system that previously accommodated only cars and equestrians.

Mr. Keith recognized the importance of a dedicated funding source for the TE program, “The only way that we are able to spend any resources on these activities” is because of the TE program. MO DOT “would not spend a dollar” on these activities if the program didn’t exist. The TE program was not a popular program when it began. The TE program was seen as unrelated to the DOT’s core mission and almost a nuisance. He remarked that today, there are a growing number of converts to the program, including himself. MO DOT has discovered that “the program works and its done a lot of great things.” MO DOT is now using Federal TE funding for state initiatives like sidewalks, bike paths, native plant landscaping along highway ROW, and tourist and welcome centers.

Mr. Keith asserts that every good program can be made better. “The TE program itself is at times, like some other Federal programs, harder than it needs to be...we would like to make the Enhancements program as simple as it can possibly be to administer.” Mr. Keith suggests that “Environmental and cultural reviews on Enhancements projects need to be streamlined the same way it needs to be streamlined on any other transportation projects.” In Missouri, many TE projects have difficulty with the right-of-way acquisition process. Mr. Keith believes it should be simplified at the State and Federal levels. Mr. Keith also proposed additional federal guidance providing clear examples of project eligibility. Mr. Keith’s final words encouraged the participants to think about what they can do to make the TE program better and easier to use, “such that we could really delight customers (and communities) after the reenactment of TEA-21.”

Mr. Harold Peaks, TE Program Manager, FHWA

Mr. Peaks presented seminar participants with a view of the national TE program at the close of fiscal year 2000. His presentation was based on the results of NTEC’s *Transportation*

Enhancements Summary of Nationwide Spending as of FY 2000 (available online at www.enhancements.org; the FY 2001 report will be available in the Spring of 2002).

NTEC's report provides a financial summary of the TE program including the cumulative (ISTEA through TEA-21) amount available, programmed, obligated, reimbursed, and transferred in the program. Since the TE program began, \$4.52 billion has been made available to the states. According to NTEC's project database, \$3.82 billion or 84.5% has been programmed by the states. At the close of FY 2000, \$3.07 billion, or 67.9% of all TE funds have been obligated or authorized for billable work. Reimbursements have been made on \$2 billion or 44.4% of the total available TE funds. A small amount of TE funds, \$5.3 million, which is less than one percent of the total funds available, has been transferred from TE to other Federal-aid highway programs. Mr. Peaks reminded the TE managers that to the average lay person, obligation rates less than 100% suggest that there are a significant amount of TE funds still available. For more details please refer to NTEC's full report.

Mr. Peaks suggested that partnerships with community development, travel and tourism, and related agencies could help DOT and local governments increase support for TE and improve the project delivery rate. For example, a recent presentation to the Tourist Industry Association revealed an interest in using TE funding for museums and tourist and welcome centers. The tourist industry recognizes that TE projects could help them improve the delivery of economic possibilities to a region, a goal shared by local governments. Mr. Peaks added that "TE is a resource for improving a community and how the community functions." Publicizing these partnerships and projects could help improve TE project delivery as well as larger DOT projects.

Generation of Transportation Enhancements Topics for Further Discussion

Introduction

After the welcoming remarks, Mr. Harold Peaks, FHWA's Transportation Enhancements Program Manager, led Seminar participants in a "Hot Topic" list generation which would be used for breakout session discussion topics on the second day. This session served as an opportunity for seminar participants to voice concerns, questions, and issues they have with the Transportation Enhancements program and process. As participants voiced their concerns, an NTEC staff member recorded these thoughts on an easel located at the front the room. Since this session was given only a short amount of time, a few participants wrote their thoughts on slips of paper in order to have them included with the larger list. At the end of the discussion, 21 different topics were identified and recorded. This list is provided on the following page.

The "Hot Topics" list was typed and presented to seminar participants at lunch. Each person was instructed to vote for the three topics that interested them the most. The votes were tallied. If it seemed likely that a topic would be covered in an already scheduled information session, the topic was not considered for further small group discussion. The top four remaining topics were announced later in the afternoon and moderators for the four topics were selected.

Every effort was made to address the remaining topics (those that were not selected for the

small group discussion) in Question and Answer sessions throughout the two-day seminar. Questions that came up as a result of group discussions, as well as those requiring additional clarification, will be answered in a FHWA Question and Answer document, FHWA Memo, or a technical brief to be produced at a future date.

Transportation Enhancements “Hot Topics”

The following is a list of the topics generated by participants. They are listed in the order of priority based on participant feedback.

Topics

- Welcome center eligibility issues—restrooms, related areas, does it have to be connected to a scenic byways project? (**Covered in Working Panel C as well as through large group discussion**).
- Problems with SHPO. (**Covered in Working Panel C as well as through large group discussion**).
- What is the role of the state DOT once the TE project is complete? How does the DOT ensure that the facility is kept up and is used for the original intended purpose? (**New topic covered in Working Panel F**).
- Discussion of the federal provisions that are required in construction contracts. (**New topic covered in Working Panel F**).
- Private ownership of TE projects. (**New topic covered in Working Panel F**).
- Helping project sponsors develop accurate cost estimates. (**New topic covered in combined Working Panel D/E**).
- What constitutes environmental mitigation with regard to TE projects?
- What is a realistic obligation rate?
- How to move unobligated funds.
- How can we make the obligation rate look better?
- TE spending competes for overall STP obligation ceiling...how can you take TE projects out of the mix?

The following topics were listed but not given high priority among listed concerns or topics:

- Equestrian use on TE-funded trails.
- Does environmental mitigation also consider requirements above and beyond what the environmental document requires as mitigation?

- Annual inspections of completed projects.
- Can you charge a fee to use a TE-funded trail?
- How to deal with other state agencies that say they don't have to follow FHWA rules when they implement a TE project.
- How and when is the transfer of TE funds determined (to other state DOT non-TE projects) and (transfer of TE funds to other state agencies for implementation)?
- What recourse does a state DOT have against another state agency that receives TE funds and then misuses them?
- Is it possible to implement TE projects on highway right-of-way under 49 CFR Part 18 rather than 23 CFR?
- Discussion of the connection between the TE program and the Transit Enhancements program from an eligibility standpoint? Can you use TE funds for what is essentially a Transit Enhancement project provided the project is eligible under the TE guidelines?
- Building support for reauthorization.

Large Group Panel I: Best Practices

Introduction

The panel presentations offered examples of successful state TE programs and projects as well as the program components that facilitate the application process, project development and design, and project delivery. The panel was divided into three presentations:

- The TEA Challenge: Lessons Learned
- State Strategies for Success: Montana's Educational Program
- Partnering TE with Other State Programs and Initiatives

The TEA Challenge: Lessons Learned

Mr. Franz Gimmler, Director of Trail Policy, Rails-to-Trails Conservancy

Mr. Gimmler explained that the TEA Challenge, held in 2000, was meant to spotlight exceptional state TE programs as well as exemplary projects. The American Association of State Highway and Transportation Officials (AASHTO) along with several TE stakeholder groups sponsored the project and award presentation. Information summarizing four exemplary state TE programs and five specific TE projects, best practices, and reauthorization ideas are being compiled by the American Association of State Highway and Transportation Officials into a *Lessons Learned* publication. The document is scheduled for release in early 2002.

The winning state programs, Kansas, Nebraska, New Jersey, and Vermont, were chosen based on the ease of the application process, project selection criteria and process, and TE program staff support given to the project applicants and sponsors. The scope of the projects and activities funded, the program's integration into the larger projects and goals of DOT, as well as the use of innovative financing and streamlining measures helped determine which state programs were selected. The selection committee recognized that successful TE projects often indicate successful TE programs and that, according to the selection committee, the "finished product is as important as the program." In an effort to celebrate that idea, the Chilkat Bald Eagle Preserve Wayside and Trail, Alaska; Union Station Gateway Center, California; Sapelo Island Lighthouse, Georgia; Mon River/Caperton/Decker's Creek Trail System, West Virginia; and the statewide Renaissance Kentucky programs were also honored.

The Kansas program was recognized for educating the public about the TE program, providing outstanding technical assistance, and revising the state program to make it more effective and easier to use. Nebraska offers a two-step application process. Interested parties submit one-page applications to the TE Coordinator who reviews them and refers eligible projects to DOT contracted consultants who assist applicants with all aspects of the formal application process. Applications forwarded to the consultants do not guarantee project selection and funding. The New Jersey program offers 100% project funding to projects that are construction ready at the time of the award. Selected projects support regional transportation and help increase awareness of cultural, historical and community benefits. The Vermont Agency of Transportation literally supports the state TE program 110% by using funds in addition to the 10% STP set aside to fund TE projects. Thus, Vermont is able to obligate more than 100% of their allocation of TE funds. In closing, Mr. Gimmler suggested that states "Look towards their neighboring states not as partners sharing common problems, but as friends sharing possible solutions."

Montana's Community Transportation Enhancement Program

Mr. Mike Davis, CTEP Planner, MDT

Mr. Davis began his presentation explaining the reasoning behind Montana's *Community Transportation Enhancement Program* (CTEP); the TE funding is allocated to the 111 local governments made up of counties, cities, and Indian Reservations based on population size. CTEP funding is roughly \$5 per person per year. Once the TE funds are distributed, the receiving agency is responsible for all aspects of the program: project selection and prioritization, project design, environmental documentation, advertising for bids, the certification bill of works, and finally the construction, engineering and closing out the project. Montana Department of Transportation (MDT) is responsible for program oversight: educating the local governments on State and Federal TE requirements, enforcing the rules and regulations, and reimbursing eligible project costs.

CTEP is a success story for a variety of reasons. Partnerships with the Montana Association of Counties and the Montana League of Cities and Towns dating back to the beginning of the TE program in 1991 have enhanced support and the popularity of CTEP. Another reason is the "evolutionary" education and outreach program taught by MDT CTEP staff.

The eight CTEP staff with backgrounds in planning, project engineering and technology,

educate and assist communities with every aspect of the program. The CTEP Bureau provides four to six training sessions each year based on the location of local governments. The day-long event covers everything from how to fill out an application, financial management and record keeping, to project engineering, and project closeout. This year the training session worked off of a 12' x 3' banner listing all of the pertinent dates and deadlines of the CTEP process. Presenters refer directly to the timeline when discussing sponsor responsibilities. The timeline process engaged session participants in clearer and more focused discussion than previous sessions; participants ask questions throughout the session. In the past, Federal regulations and sponsor responsibilities were read directly from guidelines and manuals. Participants leave the session with a greater understanding of the CTEP process, a copy of the timeline, a 499 page notebook of guidelines, and the knowledge that they can contact CTEP staff when they have questions. CTEP training does not end after the one-day session; CTEP staff are available via phone, email, and will make on-site visits.

MDT's CTEP education program is certainly a key to CTEP's many achievements. According to Mr. Davis, CTEP has allocated over \$44 million in TE funding to its local governments. Over \$38 million, nearly 87%, of the allocated amount has been obligated. More than 52%, or \$23 million in TE funds, has been reimbursed. These figures put Montana in good standing, within the top twenty in terms of obligation and reimbursement rates, when compared to other state TE programs. Montana meets or exceeds the average national programming rates in several categories. Mr. Davis reports that bicycle and pedestrian facilities receive 64% of all funding, with 17% going towards landscaping and scenic beautification, and 15% of CTEP funding used towards historic preservation projects. Roughly 4% goes towards other TE activities. Nationally, the bicycle and pedestrian subtype is funded at 54%, landscaping and scenic beautification 14% and historic preservation 7% (22% when combined with historic transportation facilities). Montana has demonstrated that a strong partnership between MDT and local governments, combined with an exceptional education program, leads to successful a TE program.

Partnering TE with Other State Programs and Initiatives

Mr. Dan Accurti, TE and Greenways Manager, PennDOT

Mr. Accurti shared background about the TE process in Pennsylvania and examples of state partnerships, programs, and initiatives. Like MDT, PennDOT sees TE as a community program and distributes the majority of allocated TE funds, 80%, to MPOs and their rural counterparts Local Development Districts (LDDs). Project applications are reviewed and selected for funding by the MPOs and LDDs with final approval given by the State Transportation Commission. The remaining 20% of TE funds are set aside for the Secretary's reserve funds for projects above the normal MPO funding scope, for multi-regional, and statewide projects. The prevailing view of the department is that if PennDOT would like access to TE funds, they must apply for them like any other project sponsor, thus, the TE program really is community based.

PennDOT's TE program encourages "marriages" or partnerships between TE and other programs: the Main Street Program, the State scenic byway program, and Department of Conservation and Natural Resources to name a few. There are a number of streetscape and historic preservation projects related to the Main Street Program. Community and economic

development committees have found TE projects to be a tremendous boost to the local community both socially and economically. Innovative financing allows TE projects to be Federally funded up to 100%. Project costs can be matched by other programs, for example if a community applies to the Department of Conservation and Natural Resources (DCNR) for trail funding, they may use the DCNR funds for land acquisition and project design and TE funds for construction. Pennsylvania also uses State toll credits to match the project's costs, reducing the need for a local match. To be eligible for the 100% funding, sponsors typically agree to pay all pre-construction work. This arrangement expedites project implementation thus benefiting both the project sponsor and the state.

Innovative financing and the variety of state and local partnerships have made the TE program extremely popular. Support for the program is also growing within PennDOT through a cooperative team effort. There is a growing focus on project delivery as PennDOT districts are now being held accountable for project oversight and support. Mr. Accurti expects that more projects will be completed as this program gets phased in.

Small Group Working Sessions and Report Back

On September 24th, the first day of the TE manager's meeting, three breakout discussion groups were held around specific topics. The sessions lasted one and one-half hours. Each breakout group had a discussion leader as well as two other discussants. These three participants helped get the discussion going by describing a situation or process in their state that related to the group's discussion topic. After these three brief discussions, the whole group tackled the topic in a roundtable format.

On September 25th, the second day of the meeting, the participants broke into discussion groups where the topics were decided by an on-site vote the day before, as previously described. All participants were free to suggest breakout discussion topics for the second day; each participant then voted on their top three choices. The results of the voting were such that only two discussion groups were formed for the breakout sessions on the 25th.

The following is a synopsis of the breakout discussions and a list of meeting participants attending each session.

Panel A: Improving Partnerships and Support for TE

Discussion leader: Rob Ayers, North Carolina DOT

The session began with brief presentations by Jim Pearson , Rob Ayers, and Dave Young, each describing the methods they have employed to raise the visibility of the TE program within their state DOT as well as with the public.

Jim Pearson, from the Nebraska Department of Roads (NDOR), indicated that Nebraska holds meetings around the state each year for those interested in applying for TE funds. NDOR also has a regular newsletter that is mailed to 1,500 people. Mr. Pearson felt that initially it was important to get some TE projects on the ground and that the public would voice their support for that kind of work. Mr. Pearson also felt that geographic distribution

of TE funds was an important element of generating statewide support for the TE program.

Rob Ayers, from North Carolina DOT, discussed the outreach meetings that they hold around the state to get the word out about the TE program and how to apply for the funds. Mr. Ayers indicated that North Carolina also employs a web site with information about the TE program so that interested parties can access current information such as application deadlines and forms as well as lists of TE award winners. Mr. Ayers thought that it was important to create a sense of local ownership for TE projects in order to ensure that a project was well thought out, well executed and well managed.

Lastly, Dave Young, of the Wyoming DOT, thought it was important that the project sponsor know what they are getting into. For example, the project sponsor should make sure that the right-of-way for the project is secured before the local entity applies for TE funding.

In reporting back to the whole group, Mr. Ayers indicated that the group had discussed internal and external relationships as well as intra-agency relationships. Regarding internal relationships, (those of the TE program and its staff within the state DOTs), some participants expressed the feeling that their DOT does not fully back the TE program and that the TE program, and because it is a set aside, the full resources of the DOT are not brought to bear on program implementation.

Regarding external relationships, most participants thought that the relationships or partnerships with communities in which TE projects had been initiated and developed, worked rather well. Some states thought that some localities have difficulty working with federal funds and all the steps to apply for and implement a project funded with federal dollars. The groups concluded that this, to some degree, is a function of how many staff the state DOT has working on administering the TE program.

In regards to working with other state agencies, the group expressed some frustration in working with the State Historic Preservation Officer (SHPO). Communication with the SHPO is often difficult and it appears to the State TE coordinators that due to their workload, SHPOs cannot provide a timely review of TE projects. Sometimes when the SHPO gets involved a project can become more expensive than originally thought. This is because of additional costs that can accrue to a project to meet historic preservation concerns, such as preserving or restoring historically significant features of a building.

Panel Participants

Name	Affiliation
Rob Ayers	North Carolina DOT
Mike Davis	Montana DOT
Keith Moore	US DOT-FHWA
Dave Young	Wyoming DOT
Mary Ann Stegeman	Missouri FHWA Division Office
Ginger Greer	Mississippi DOT
Susannah Seal	Mississippi DOT
Ann Wills	Louisiana DOT
Bryan Armstrong	Michigan DOT

Hugh Morris	NTEC
Mary Keller	Maryland State Highway Administration
Julie Lesslie	Kansas DOT
Kaye Jordan-Cain	Kansas DOT
Steve Morgan	Arkansas State Highway & Transportation Department
Scott Bennett	Arkansas State Highway & Transportation Department
Ronda Britt	Georgia DOT
Jan Clements	Kentucky Transportation Cabinet
Jim Pearson	Nebraska DOR

Panel B: Project Implementation Issues

Discussion leader: Duane Scott, Maine DOT

Session leader Duane Scott recorded that the “hot topic” in this group was in-kind local match. Mr. Scott also indicated that implementation concerns included NEPA, Section 106, working with the State Historic Preservation Officer, and right-of-way issues. Participants reported that the fact that TE projects are Federal-Aid projects can drive up the costs unnecessarily. A participant from Connecticut reported that land donations to TE projects in that state are not allowed due to difficulties in valuing the property. Group participants felt that one way to work out these difficulties would be to develop teams of FHWA division staff and state DOT staff to settle the issue of valuing in-kind donations as quickly as possible. Participants felt that “clear and consistent guidance from FHWA regarding in-kind match” would be helpful. Also, increased expertise in valuing in-kind donations at the FHWA division level would make the use of such items more efficient.

Participants also discussed how the Section 106 process can be time consuming; many reported problems working with their SHPO.

Other implementation problems that arose included the valuing of volunteer time and local governments contracting with unreliable consultants.

Solutions that were discussed included an example from the state of Louisiana. Louisiana has a TE policy which uses a 5% match for construction with “very clear local engineering responsibility.”

In reporting back to the whole group, Mr. Scott indicated that the group had discussed how there should be more fiscal creativity between the FHWA and the states. Participants felt that costs of some of these projects were higher than they needed to be because they are Federal-Aid projects and that there were often inconsistencies and stringent requirements. The group found that there were significant variations between states regarding policies for accepting and/or valuing the donation of land, engineering services, and volunteer labor. Some states indicated that they do not use in-kind donations as much as they would like because they find it difficult to value such items as volunteer labor. A clearer and more consistent policy with regard to these matters is desired, including FHWA guidance on in-kind matching.

The group also discussed Section 106 and the need for some streamlining with regard to

those regulations such as the categorical exclusion that exists for NEPA. Complying with Section 106 was found to be very time consuming, especially when dealing with the SHPO for the same reasons discussed on the previous page.

Panel Participants

Name	Affiliation
Bob Kleinburd	Delaware FHWA Division Office
Patti Raino	Idaho DOT
Duane Scott	Maine DOT
Richard Knatterud	Montana DOT
Doug Vollette	Texas DOT
Abigail Rivera	US DOT-FHWA
Richard Andrews	Massachusetts DOT
Valerie Horton	Louisiana DOT
Amy Jackson-Grove	Connecticut FHWA Division Office
Tom Eisenbarth	Kansas DOT
Roger Skoe	Oregon FHWA Division Office
Danyell Diggs	US DOT-FHWA
Scott Taylor	Missouri DOT
Michael Rhodes	Illinois DNR

Panel C: Project Eligibility and Compliance Issues

Discussion leader: Wade Chenault, Virginia DOT

The group focused on the role on the SHPO in some TE projects and how there seemed to be “vast” differences in the level of participation and effectiveness of the SHPO from state-to-state. The group suggested various methods for improving the role of the SHPO in a TE project such as by making the SHPO a member of the project selection process and by developing improved communication with the SHPO throughout the TE project development process. It was also suggested that TE programs could set aside some funds for unexpected archaeology costs so that should a concern arise the funds could be easily accessed rather than severely stalling a project.

In reporting back to the group, Mr. Chenault discussed the impacts of dealing with historic preservation issues. He indicated that in Virginia, the state sets aside some TE funding to pay for cost increases that frequently arise with archaeological planning and research (TE activity 10). Regarding historic preservation projects, the groups found significant variation among the states as to how they deal with Section 106. Several states indicated that they include the SHPO on the project selection process so that they can uncover any potential Section 106 issues early on in the process. Whereas in Arizona, many TE projects are being flagged as having an adverse impact that will need further review or mitigation; this can delay the project or make it more expensive.

Panel Participants

Name	Affiliation
Harold Benoit	Kansas DOT
David LaRouche	Kansas FHWA Division Office
Dick Spicer	Maine FHWA Division Office
Dan Accurti	Pennsylvania DOT
Dan Costello	National Trust for Historic Preservation
Bob Gasser	Arizona DOT
Ginger Massie	South Dakota FHWA Division Office
Denise Winslow	Maryland FHWA Division Office
Caryn Brookman	Maryland FHWA Division Office
Pam Cain	Missouri DNR
Leif Anderson	Nevada DOT
Lynne Urquhart	Alabama FHWA Division Office
Jerry Barkdoll	FHWA Eastern Resource Office
Ron Schneider	Kentucky Transportation Cabinet
Bob Terrell	Virginia DOT
Jerry Combs	Virginia FHWA Division Office
Cecil Colson	Alabama DOT
Shannon Dumolt	Oklahoma FHWA Division Office
John Duffe	Wisconsin DOT
Harold Simmons	West Virginia DOT
Scott Palumbo	Civil War Preservation Trust
Tamara Cameron	Minnesota FHWA Division Office
Bethaney Bacher	NTEC
Wade Chenault	Virginia DOT
Curtis Johnson	Vermont AOT
Brad McMahon	Missouri FHWA Division Office

Part III: Day Two

Large Group Panel II: Eligibility Issues

Introduction

Participants received a FHWA update on the status of the ‘new or modified TE activities’ authorized in TEA-21. FHWA also provided verbal guidance on one of the most difficult TE eligibility requirements, a project’s “relationship to surface transportation.” Dan Costello, of the National Trust for Historic Preservation, suggested that TE historic preservation projects are examples of larger community revitalization and preservation activities; in his opinion, these activities are displaying fewer eligibility questions.

Status of New and, or Modified TE Activities

Ms. Danyell Diggs, Community Planner, FHWA

Ms. Diggs, FHWA Office of Human Environment, reviewed the new and, or modified TEA-21 TE activities: the provision of safety and educational activities for pedestrians and bicyclists, the provision of tourist and welcome centers, *environmental* mitigation to address water pollution due to highway runoff *or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity* (new portion in *italics*), and the establishment of transportation museums. At the close of FY 2000, the new and, or modified activities have received nearly \$94 million in TE programming. NTEC’s latest figures indicate 18 bicycle and pedestrian safety education projects, over 100 tourist and welcome centers, 11 wildlife connectivity projects, and 53 transportation museums.

Ms. Diggs discussed the pertinent eligibility language with seminar participants, listed project examples, and shared project location maps. In general, the provision of safety and educational activities for pedestrians and bicyclists does not include construction. However, projects for the construction of a model intersection, or ‘safety town,’ have been approved for the purpose of teaching children bike and pedestrian safety skills. Eligible costs include educational publications, bicycle helmets, multi media ventures (such as Web sites, television and radio ads), and classes and instructors. Ms. Diggs also explained that wildlife connectivity projects are not Federally limited to threatened or endangered species. Eligible wildlife projects include constructing wildlife underpasses and biological monitoring and data collection on habitat fragmentation.

In regards to tourist and welcome centers, Ms. Diggs explained that the facilities do not have to be located on a designated scenic highway or byway but must demonstrate “a clear link to scenic or historic sites.” Where possible the facility should be in close proximity to the scenic or historic site. Generally the facility should be within a reasonable walking distance from the historic site and, or the scenic site should be seen from the visitor and, or welcome center sites not within a reasonable walking distance require more documentation of the connection to the historic site. The center should also contain information materials about the site. Materials include, but are not limited to, literature, interpretive displays, and videos.

Transportation museums, as Ms. Diggs described, must meet a variety of eligibility requirements:

- The facility must be a legally organized not-for-profit or part of a not-for-profit institution or government entity;
- Be essentially educational in nature;
- Have a formally stated mission;
- Have one full-time paid professional staff member with museum knowledge and experience;
- Present regularly scheduled programs and exhibits that use and interpret objects for the public;
- Have a formal and appropriate program of documentation, care, and use of collections; and
- Have a formal and appropriate program of presentation and maintenance of exhibits.

Ms. Diggs made it clear that the establishment of transportation museums is interpreted to mean the funding of capital improvements of the museum or portions of the museum related to surface transportation. This includes construction and the cost of acquiring artifacts. It does not include the operation or maintenance of the facility. One seminar participant voiced the difficulty of small communities to maintain a full-time staff member and asked if there were any Federal requirements as to the hours of operation of the museum. FHWA staff responded that there are no Federally mandated hours of museum operation and that the TE Coordinator should discuss hour and staffing requirements with its FHWA division office. In brief, Ms. Diggs presentation updated TE professionals and added clarity to some previously uncertain eligibility issues.

Historic Preservation

Mr. Daniel Costello, Government Affairs Consultant, NTHP

Mr. Costello briefed seminar participants on the history of the National Trust for Historic Preservation (NTHP) and its relationship to the TE program. NTHP is a private non-profit, that was chartered by Congress in 1949 to look after and promote historic preservation in the private sector. NTHP maintains approximately 20 historic sites across the country and provides information and support on historic preservation. Historic preservation interests are represented by several TE activities, from the obvious activities historic preservation and the rehabilitation and operation of historic transportation facilities, to other activities like the acquisition of scenic or historic sites and transportation museums (when they operate in historic facilities). Mr. Costello also called attention to the revised edition of *Building on the Past Traveling to the Future: A Preservationist's Guide to the Federal Transportation Enhancements Provision*, a joint venture between FHWA and NTHP that was published in 2001.

Mr. Costello sees the TE program as a harbinger of changing attitudes and DOT objectives, it's a new way for DOT to associate and partner with other state priorities and initiatives. The TE program isn't just about transportation, it's about streamlining procedures for non-traditional projects that promote a renewed interest in community. For example, DOTs are now working with State Historic Preservation Offices (SHPO); in many cases asking the SHPO to assist with the project selection process. Historic preservation projects bring a renewed sense of history and public interest to a community. Often TE projects enhance the

local economy, such is the case with TE funded Main Street and heritage tourism (travel to cultural and historic sites). Main Street programs attempt to refocus communities downtown, to revive business and cultural activities. Mr. Costello expects future TE projects to involve heritage tourism ventures like the underground railroad, Revolutionary and Civil War historic sites, and the Lewis & Clark bicentennial celebration. Mr. Costello portrayed TE as “a community revitalizing force” and a method of partnering together with state and local agencies with a common goal, community.

Determining “Relationship to Surface Transportation”

Mr. Harold Peaks, TE Program Manager, FHWA

Mr. Peaks provided participants with a clear understanding of “one of the grayest of gray areas” in the TE program, a project’s “relationship to surface transportation.” The FHWA 1999 Final Guidance provides this definition of surface transportation:

Surface transportation is defined to include all modes of travel with the exception of aviation and military transportation. For the purposes of eligibility, surface transportation includes water as surface transportation and includes as eligible activities related features such as canals, lighthouses, and docks or piers connecting to ferry operations, as long as the proposed enhancement otherwise meets the basic eligibility criteria. The transportation is open to the general public and serves a transportation need for the general public. Proximity to a highway or transportation facility alone is not sufficient to establish a relationship to surface transportation.

Mr. Peaks reminded participants that TE project applications should identify the project’s relationship to surface transportation. For example, in what way(s) is the project related to surface transportation through present or past use as a transportation resource? Is there a direct connection to a person or national event significant in the development of surface transportation? What groups or individuals are affected by the relationship(s)? When did the relationship(s) start and end or do the relationship(s) continue?

Mr. Peaks demonstrated areas and activities where determining a project’s relationship to surface transportation may be difficult or unclear by reviewing the 12 eligible TE activities. It was determined that there are questions with nearly every activity. In the case of bicycle and pedestrian facilities one must distinguish between recreational trails and trails meeting a transportation need. For example, a TE funded trail cannot loop around a park, it must travel through and connect to other regions or communities. Relationships to surface transportation may be difficult to determine in the acquisition of scenic or historic easements and sites, tourist and welcome centers, landscaping and scenic beautification, historic preservation, control and removal of outdoor advertising, archaeological planning and research, as well as environmental mitigation and wildlife connectivity. Reviewing photos of TE projects made it clear that a project’s relationship to surface transportation is not always clear or obvious. In closing, Mr. Peaks urged TE Coordinators to discuss project eligibility and the relationship to surface transportation with the FHWA division office and, the FHWA Office of Human Environment whenever questions arise.

Large Group Panel III: Reauthorization

Introduction

Mr. Peaks used this time to discuss a number of topics related to the reauthorization process, such as obligation, fiscal accounting and what the states would like to see happen to TE in the next transportation bill. In Mr. Peaks' opening remarks he states, "You can clearly see the challenges already starting to develop; that's why we're here to get ourselves prepared for a better understanding of the challenges that we have to face and how we can go about the business of improving the delivery of the TE program and process." It was also revealed that in preparation for the 2003 reauthorization, FHWA is already trying to determine where they would like TE to go in the future and how it will affect existing programs.

Q: What is the Federal View on Obligation Rates?

A: In the past, transportation administrators were often judged by the amount of funding allocated and the percentage of it obligated. For example, a state administrator who helps his, or her, state obligate 90% of their allocations would be seen as having a good program. In the case of the TE program, many states have obligation rates below FHWA's goal of 75%. Low obligation rates seem to suggest that there is considerable funding still available and yet states repeatedly report that they have more projects seeking funding than there are funds available. Mr. Peaks suggests that Congress may question the TE program's low obligation rate and the request for reauthorization with increased funding. While Mr. Peaks expects that TE will be included in the next transportation bill, he warns that Congress could view the TE program as an expendable program if they view states as having not made use of their available funding. "There won't be that chance for you to sit down and say hey, our state is different from state B and here's why," says Mr. Peaks.

Q: What can be done to improve TE obligation rates?

A: Mr. Peaks asked participants if they had ideas why the TE program obligation rate was less than the proposed goal of 75%. NTEC's FY 2000 TE Spending Report gives a national TE obligation rate of 67.9%. Some states report that they have a great TE program as their funds have been programmed out to the end of TEA-21. And yet, their obligation rates appear to be lacking. Discussions with state TE Coordinators increasingly suggests that obligation rates alone do not provide a clear picture of a state's TE program. NTEC included some of the reasons why states believe that obligation rates alone are not the best way to rate or grade their TE program in the FY 2000 TE Spending Report (see page 15, "Obligations: Issues" for more details).

The states suggested one reason for the low obligation rates is the obligation limit placed on STP funds. Due to obligation limitations for STP funds, no state is able to spend 100% of all allocated funds in a given year. DOT's must chose the amount that STP programs may spend while leaving a regulated amount unobligated. Many state TE Coordinators suggest that the TE program is affected by the obligation limits, that they are prevented from obligating 100% of their allocations in any given year. Mr. Peaks would like to see TE obligation rates

increase, but agrees that 100% TE obligation rates cannot be expected due to the obligation limits imposed by Congress. In order to improve obligation rates, TE coordinators suggest that FHWA and NTEC examine the obligation in relationship to the actual TE obligation authority, not the amount allocated. For example, state X is allocated \$1 million and they obligate \$700,000 or 70% of available TE funds for that year, \$50,000 short of a 75% obligation rate. If the researcher investigates further, they learn that the state only had the authority to obligate \$900,000 of the \$1 million, so they actually obligated nearly 78% of their available funds. It should be noted that a states TE obligation authority has the potential to vary from year to year. Participants seemed to agree with this reasoning and suggested that these figures be examined when Congress addresses the issue of reauthorization. FHWA is currently investigating this matter.

Q: Is there a Danger of Obligation Lapse?

A: Mr. Peaks brought up the question of obligation lapse in order to reassure TE Coordinators and stakeholders that “its rather unlikely that funds will go out the window or disappear if they are not used right away.” It is important to remember that TE is a set aside of STP funds and STP funds are continuously being spent thus, chances are TE funds will not lapse. FHWA’s Office of Fiscal Management Information Systems (FMIS) suggests that it would take approximately 20 years of not spending any TE funds for a lapse to occur. In addition, if an obligation lapse seems eminent in your state, the FHWA division office would alert you to the situation.

As the TE program under ISTEA came to an end, many states were uncertain as to the future of the TE program. States did one of two things: tried to program out all remaining funds or began to make plans for spending the funds on other highway projects. Since TEA-21 continued the TE program and substantially increased funding levels, the issue of lapse was again delayed but new funds were provided to obligate. TE Coordinators should talk to their DOT financial office as well as the FHWA division office to determine what TE funds they are using and how to code them the most efficiently.

Q: The last round of Scenic Byway project applications were reviewed and project selections were being made when Congress announced that they were earmarking the funds for other projects. Could this happen to the TE Program?

A: “If you give Congress reason to change the TE Program by not creating efficiencies as best as we can, then the answer is yes. That is something that could be done. I’m not saying that it will be done; it would be an unpopular decision to make politically as far as public interest groups and communities are concerned,” replied Mr. Peaks.

Q: Should the TE program be combined with another program?

A: The majority of those present said no. Each of the programs have their own set constituents and separate goals and objectives. But, if given a choice, rather than making the program one in which Congress can earmark funds, participants agreed that they would rather combine TE with a program like Scenic Byways, CMAQ, Transit Enhancements, or Recreational Trails.

Q: Should the current 12 TE activities be expanded?

A: The states would like to keep the eligible categories the same and, or make Transit Enhancements activities Transportation Enhancements activities. Another participant reminded attendees that the more eligible activities you have, the less money the state has to spend on each activity.

Q: Could TE be made more effective with additional legislation?

A: Seminar participants had little interest in adding more legislation to the TE program. However, it was suggested that the TE program be changed from a reimbursement program to a grant program. Also, it was suggested that a streamlining measure could include the designation of different sized projects, for example minor and major projects. Minor projects would not resemble highway projects.

Q: Should TE remain a 10% set aside of STP?

A: Seminar participants generally agreed that the program should remain a set-aside program so that the TE program would have a guaranteed funding source. It was not determined how large the set aside should be.

Joint Lunch, State Recreational Trails Managers and State TE Coordinators

Introduction

Participants from the TE Professionals Seminar joined together with State Trail Administrators, at a luncheon where accessibility issues were discussed. Christopher Douwes, Recreational Trails Program Manager at FHWA, and Stuart Macdonald, Recreational Trails Program Manger at Colorado State Parks, provided an update on the proposed accessibility guidelines for trails. The accessibility guidelines are proposed under the Americans with Disabilities Act (ADA) of 1990. ADA is civil rights legislation which prohibits discrimination on the basis of disability.

While all trail projects must consider accessibility requirements; it is recognized that it is not possible to make all trails accessible. Trails used for transportation and trails which involve significant construction (and therefore, opportunity) have a greater requirement to meet accessibility requirements than, for example, backcountry single-track dirt trails. This includes nearly all TE funded trails. The TE activity that permits the preservation of abandoned railway corridors and conversion to trails results in trails that usually have low grades, thus making them more accessible to people with disabilities. Trail access points need special attention to promote accessibility. Trailside and trailhead facilities need to be accessible, even if the trail itself is not accessible. For example, a person with a disability may use a horse or ATV to access a backcountry area, and need accessible restroom facilities at the trailhead.

The key factors to providing accessible trails are:

- Maintain a firm and stable surface. This does not necessarily mean paved; there are

- materials available which can provide a firm and stable unpaved surface.
- Maintain at least a 915 mm (36 inch) clear tread width, with 1.525 m (60 inch) passing spaces where needed. Most shared use paths already have a 3 m (10 ft) width.
 - Minimize grade (preferably less than 5%) and cross slope (preferably 2%).
 - Avoid surface openings, gaps, tread obstacles, and protruding objects.
 - Provide rest areas where needed.

Mr. Douwes remarked that there are situations where exceptions must be made because of impacts on cultural, historic, or religious resources; prevailing terrain and significant natural features; or prevailing construction practices (a prohibition on using mechanized equipment in Wilderness areas, or maintaining trails using unskilled volunteer labor). Exceptions are made on a case-by-case basis.

There are many resources available on accessible trails. American Trails has information available at www.americantrails.org/resources/accessible/index.html. The U.S. Architectural and Transportation Barriers Compliance Board (Access Board) issued its report on proposed guidelines for trails, outdoor recreation access routes, beach access routes, and picnic and camping facilities in September 1999; it is available at www.access-board.gov/outdoor/outdoor-rec-rpt.htm. The Access Board also convened the Public Rights-of-Way Access Advisory Committee in 1999, to recommend accessibility guidelines for sidewalks, intersections, and street crossings. This committee issued a report Building a True Community in January 2001; it is available at www.access-board.gov/prowac/commrept/index.htm.

FHWA completed Designing Sidewalks and Trails for Access, Part 2, Best Practices Design Guide, which explains how to develop sidewalks, street crossings, and trails to promote accessibility. It was reported that the FHWA Administrator would sign a memorandum in November 2001 to distribute this publication as official FHWA design guidance. FHWA sent it directly to all State trail administrators and TE coordinators. Part 1, Review of Existing Guidelines and Practices, published in July 1999, is available at www.fhwa.dot.gov/environment/bikeped/access-1.htm. Part 2 will be available electronically at a later date. FHWA will put both publications on CD as well. For more information, visit www.fhwa.dot.gov/environment/trailpub.htm.

Small Panel Working Groups & Report Back

See page 11 for a description of the intent and structure of these small panel working groups.

Panel D/E: Ways to Get Things Done: Monetary and Non-Monetary Issues

Discussion leader: Amy Jackson-Grove, Connecticut FHWA Division Office

The group discussed innovative ways for moving TE projects through the pipeline. They concluded that solid cost estimates were crucial as most states will not allocate additional funds once the project is approved, even if the project goes over cost. Connecticut hires a consultant to review the cost estimates of all TE projects. Many project sponsors have indicated that they can do a project more cheaply if they implement it themselves. The group also agreed that a good relationship between the project sponsor and the state DOT staff helped a project move along.

To help move projects along, states volunteered these solutions: that project applications include preliminary costs so that these costs are included in the overall project cost; state charges locality for project review; that once a project is selected by the state, the sponsor has three years to move the project to bid or the funds will be reprogrammed; and review projects at the state DOT district level first.

The group discussed the difficulty of placing a value on a scenic easement. The lack of a definition of what is considered “scenic” has been a drawback. It was suggested that there should be two appraisals on the land with an agreement on the value of the easement that will be recorded at the assessor’s office. When the land is sold, the easement will remain attached to the property deed from one owner to the next. A legal description of the property as well as photographs is also useful.

Panel Participants

Name	Affiliation
Amy Jackson-Grove	Connecticut FHWA Division Office
Dave Young	Wyoming DOT
Doug Vollette	Texas DOT
Mary Keller	Maryland State Highway Administration
Valerie Horton	Louisiana DOT
Curtis Johnson	Vermont AOT
Ann Wills	Louisiana DOT
Leif Anderson	Nevada DOT
Scott Taylor	Missouri DOT
Roger Skoe	Oregon FHWA Division Office
Duane Scott	Maine DOT
Jerry Combs	Virginia FHWA Division Office
Pam Cain	Missouri DNR
Julie Lesslie	Kansas DOT
Shannon Dumolt	Oklahoma FHWA Division Office
Danyell Diggs	US DOT — FHWA
Steve Ponder	Illinois DOT
Bethaney Bacher	NTEC
Patti Raino	Idaho DOT
Jim Cope	Mass Highways
Mike Davis	Montana DOT

Panel F: Project Management: Before, During, and After

Discussion leader: Ronda Britt, Georgia DOT

The discussion focused mostly on the “after” portion as well as projects that involve non-governmental organizations in the development and/or management of a TE project. Oklahoma and North Carolina both have project development and management agreements that involve non-governmental organizations.

There was considerable variation on what was deemed to be the necessary post development

project inspections. Some states had thought that there was significant burden on them to follow up and inspect projects. It became clear through the group discussion, that some states have sponsor self-certification while other states have a random inspection process. The group concluded that the responsibility of the state DOT for project follow-up need not be arduous but that it is necessary to have a review process in place.

Panel Participants

Name	Affiliation
Ronda Britt	Georgia DOT
Rob Ayers	North Carolina DOT
Steve Morgan	Arkansas State Highway & Transportation Department
Scott Bennett	Arkansas State Highway & Transportation Department
Patrick Kennedy	Kentucky Heritage Council (SHPO)
Alan Ritchie	Kentucky FHWA Division Office
Keith Moore	US DOT-FHWA
John Duffe	Wisconsin DOT
Susannah Seal	Mississippi DOT
Ginger Greer	Mississippi DOT
Bob Gasser	Arizona DOT
Bryan Armstrong	Michigan DOT
Lynne Urquhart	Alabama FHWA Division Office
Cecil Colson	Alabama DOT
David LaRoche	Kansas FHWA Division Office
Dan Costello	National Trust for Historic Preservation
Jim Pearson	Nebraska DOR
Dick Spicer	Maine FHWA Division Office
Jerry Barkdoll	FHWA Eastern Resource Center
Harold Benoit	Kansas DOT
Tom Eisenbarth	Kansas DOT
Richard Knatterud	Montana DOT
Richard Andrews	Oklahoma DOT
Kaye Jordan-Cain	Kansas DOT
Mary Ann Stegeman	Missouri FHWA Division Office
Abigail Rivera	US DOT-FHWA

Large Group Panel IV: Question and Answer Session with Harold Peaks

Introduction

Throughout the two-day seminar, Harold Peaks, TE Program Manager, reviewed and attempted to answer many of the TE questions that have been posed to FHWA's Office of Human Environment. Several questions are based on points discussed in the December 1999 *FHWA Final Guidance on Transportation Enhancement (TE) Provisions of TEA-21* and the *FHWA Transportation Enhancements Q & A's* posted to the FHWA TE web site this past summer. Many participants found that these question and answer periods provided guidance and answered many of their questions.

It is the intent of FHWA to add to the list of *Transportation Enhancement Q & A's* as questions arise. FHWA recommends that project sponsor's, state DOT, and FHWA division staff review the *Final Guidance* as well as the *Transportation Enhancements Q & A's*. Both documents can be viewed at www.enhancements.org or www.fhwa.dot.gov/environment/te.htm.

Questions posed to Seminar Participants

Is the construction of sidewalks an eligible activity for TE funding?

Sidewalks should not be considered eligible for TE funding when they are a component of a regular Federal-Aid highway project. TE funds are not meant to serve as a substitute for normal Federal-Aid project costs. Sidewalks may be considered eligible for TE funding in projects where a sidewalk may not otherwise be built. Sidewalk maintenance and liability issues are generally the responsibility of the project sponsor. Project maintenance should be included in the agreement between the project sponsor and DOT/FHWA. Refer to question 27 of FHWA Transportation Enhancements Q & A's. Consult your state DOT TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

Are safety rest areas, information centers, and tourist and welcome centers eligible under 23 CFR Part 752.5, 752.7 and 752.11?

No, TE funds may not be used to fund safety rest areas and information centers. Safety rest areas and information centers are eligible project activities for Federal-aid highway funding but different from TE funding. However, TE funds may be used to fund tourist and welcome centers that demonstrate a "direct link to a scenic or historic site" as well as a relationship to surface transportation. TE funds may also be used for the construction of a new facility or the restoration of an existing tourist or welcome center if it meets the previously mentioned eligibility requirements. Refer to questions 5, 20, and 28 of FHWA Transportation Q & A's as well as to 23 CFR Part 752. Consult your state DOT TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

Does the tourist or welcome center have to be a part of a designated Scenic Byway?

Federal guidelines say that the tourist or welcome center does not have to be part of a designated Scenic Byway. However, the tourist or welcome center should be within close proximity to the scenic or historic site that it is linked to to make it an eligible project. The tourist or welcome center should include substantial information about the scenic or historic site. Information may include literature, directions, interpretive displays, or videos shown to the public. TE funds can be used to purchase and install items which support or interpret the scenic or historic site or highway program. These items may include brochure racks for interpretive materials, maps, kiosks, and scenic overlooks. TE funds cannot be used for statewide programs, marketing or promotion unrelated to the scenic or historic site or highway program. TE funds may not be used for the staffing, operating costs, or maintenance of the tourist or welcome center. Nor should TE funds be used to purchase items such as racks for advertising or brochures for local or national businesses. Refer to questions 5 and

20 of FHWA Transportation Enhancements Q & A's. Consult your state TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

Some TE projects, such as restored historic facilities, tourist and welcome centers, may have parts of the building space appropriately used for activities which are leased for a fee. Examples include restaurants and leased office space which would not necessarily be open to the public. How should states treat fees generated by activities in these spaces made available through TE funds?

It is recommended that in cases of joint use activities that are part of the initial proposal for TE funds, a partnership be suggested in which Federal funds are only allowed for the portion of the project that is open to public use. Privately or commercially used segments of the facility should have private investment. Before the TE project is approved, the sponsor, state DOT, and FHWA should reach a clear agreement as to which areas are to be leased, the time frame of the lease, what activities are appropriate, the repercussions if the lease is broken, and how income generated by the facility is to be used. Refer to question 4 of FHWA Transportation Enhancements Q & A's as well as the "Maintenance and Operations" and "General Real Estate Guidance for Transportation Enhancement Projects" headings located in the 1999 FHWA Final Guidance. Consult your state TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

Is the purchase of right-of-way (ROW) an eligible TE activity?

While the purchase of ROW is not a defined TE activity, it can be considered a component of an eligible TE activity. For example, ROW may need to be purchased as part of the process of acquiring land for a rail-trail; in this case the ROW project would be recorded under TE activity 8: the preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails). Another example could include the purchase of ROW for the construction of a tourist or welcome center. The purchase of ROW may also be considered a component of TE activity 3: the acquisition of scenic or historic sites. Consult your state TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

Can TE funds be used as a Match for other Federal Agency's Funds?

NO, there is no legislation that allows TE funds to be used as a match for other Federal funds except where explicitly stated in law. In order for TE funds to be used as a substitute for the non-federal match, there must be clear statutory authority to permit such substitution. See 42 U.S.C. 5305(a) HUD Community Block Grant Funds.

However, other Federal Agencies such as the Army Corps of Engineers, National Park Service, and U.S. Forest Service, may use their respective funds as a match for TE funds.

Refer to question 24 and 25 in FHWA Transportation Enhancements Q & A's as well as the "Summary of Requirements for Matching Funds" located in the 1999 FHWA Final Guidance. Consult your state TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

Can other Title 23 funds, such as TE funds, be used on historic bridges after the use of Title 23 Section 144(O) demolition funds?

No. According to the FHWA Memo dated April 26, 2001 regarding the use of Section 144(O) demolition funds on historic bridges, other Title 23 funds, including TE funds, may not be used after the use of Title 23 Section 144(O) demolition funds. However, TE funds may be used before the use of demolition funds. The use of demolition funds and TE funds may occur when a project requires moving a historic bridge for a bicycle and pedestrian facility. In the case of moving the historic bridge, TE funds must be exhausted before the use of demolition funds. Consult your state TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

What steps should be taken to ensure the continued responsibility of a TE funded Project?

Prospective project applicants, such as non-profit groups and private individuals, should have a public co-sponsor to assure that there will be continued responsibility on the part of a public agency for the project. The project agreement between the project applicant, state DOT, and FHWA (if necessary) should clearly state the purpose of the project, outline how the property will be utilized and maintained in the future, and include measures to maintain the public investment over time. Refer to the “General Real Estate Guidance for Enhancement Projects” located in the 1999 FHWA Final Guidance. Consult your state TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

Can a TE project applicant propose a project to preserve an abandoned railway corridor to use for a later highway or light rail project?

No. The preservation of an abandoned railway corridor for later use as a highway or light rail is not one of the 12 eligible Transportation Enhancements activities. TE activities are for non-motorized transportation. Consult your state TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

Is there any Federal guidance on TE procurement policies and practices? When should local procurement polices be followed?

When a TE project occurs within highway right-of-way, Federal guidelines must be followed. Thus, a contracting agency will follow the procedures in 23 CFR 635A. For TE projects not located within the highway right-of-way, State highway agencies (SHA's) may procure TE projects under the procedures of the “Common Rule.” This decision is consistent with 49 CFR 18.36(j) and the treatment of nontraditional programs receiving Federal-aid funds, such as the Recreational Trails Program.

The Common Rule is also known as the “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.” FHWA has an approved exception to the Common Rule providing competitive bidding on highway construction projects. When compared to other highway projects, many TE projects are lower in cost. It is often not cost-effective to use the competitive bidding procedures described in 23 CFR 635A

to procure such services for low cost projects. The Common Rule offers more flexibility to the States with regard to the method of procurement for such low cost projects. Please refer to 23 CFR 635A and the November 12, 1996 Memorandum on the “Procurement of Transportation Enhancement Projects” located in the 1999 FHWA Final Guidance. Consult your state TE Coordinator or the TE contact at the FHWA state division office for more explanation on procurement procedures in your state.

Can states apply additional state-specific application criteria to the TE program in their state?

Yes, states do have the ability to add additional criteria to their application process to their state TE program. An example would be requiring historic properties to be on or eligible for the National Register of Historic Places before being considered eligible for TE funds. The state’s should keep in mind that it was the intent of Congress to try and recognize the interest of the public by allowing for the funding of all 12 eligible TE activities with the required TE 10% set aside from the individual state’s STP. States should review additional rules and regulations to the TE program looking at how they are utilizing TE funds in their state while keeping in mind Congress’s intent with the TE program. Any additional criteria should not be in conflict with federal guidance. Consult your state TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

May a state charge a user fee at a site in which TE funds are involved?

A number of questions have been raised as to whether a fee may be charged for access to any property or services provided through funds made available for a TE activity. Generally, fees should not be charged for access to activities or projects funded with TE funds. FHWA will be issuing further guidance on this issue in the future. The question of charging fees at a TE funded property or service should be discussed on a case-by-case basis with the state TE Coordinator and the TE contact at the FHWA state division office. Examples of limited situations in which a minimal fee may be charged are discussed below.

Examples might include admission fees to a transportation museum, or to an interpretive movie shown at a tourist center, and a fee for a scenic ride on a restored historic train. A fee may be appropriate where the proceeds from the charge are not excessive for the general public, and are by agreement instituted for the maintenance and operation of the TE funded resource. If charging a fee is prohibited by a Federal, State or local law, the State may not charge a user fee. For example, if a tourist or welcome center is on an Interstate Highway, no fee could be charged (see 23 U.S.C. Section 111(a)). Collected fees should be applied for the maintenance and long-term upkeep of museums or other TE-funded sites. Additional guidance regarding trails is forthcoming from FHWA legal staff.

Refer to questions 4 and 18 of the FHWA Transportation Enhancements Q & A’s as well as the “Establishment of Transportation Museums” located in the 1999 FHWA Final Guidance. Consult your state TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

Who are the intended users of bicycle and pedestrian trails? Are equestrians allowed to use the trail? Snowmobiles?

The primary users of a TE funded bicycle and pedestrian trail should be bicyclists and pedestrians as intended by law. The question of whether equestrians are included is generally a local decision and should be determined on a case-by-case basis. The access and safety of the pedestrian and bicyclist should be the primary focus. In general, snowmobiles are not to be used on TE funded trails specifically designed for bicycles and pedestrians. However, snowmobiles may be used on TE funded trails where local ordinances specifically allow their use. In other words, a local ordinance must be in place in order to allow snowmobiles on a TE funded bicycle and pedestrian trail. Refer to question 17 in the FHWA Transportation Enhancements Q & A's. Consult your state TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

What is the difference between Transit Enhancements and Transportation Enhancements activities?

Transit Enhancements and Transportation Enhancements are both provisions of TEA-21. While Transportation Enhancements are a 10% set aside of the STP and administered by the state DOT, Transit Enhancements are provisions in the Urbanized Area Formula Program administered by the Federal Transit Administration (FTA). Transit enhancement funds are generally distributed by the local transit agency or the Metropolitan Planning Organization. TEA-21 established the minimum requirement that one percent of the part of FTA's Urbanized Area Formula Program funding for urbanized areas with populations greater than or equal to 200,000 must be made available for transit enhancement activities. Transit enhancement and Transportation Enhancements projects are both generally funded 80% with Federal funds and 20% local funds. There are some exceptions. For example, transit enhancement bicycle projects giving access to transit are funded 95% Federal and 5% local.

The term "transit enhancement" means projects or project elements that are designed to enhance mass transportation service or use and are physically or functionally related to transit facilities. The following activities are the transit projects and project elements that qualify as transit enhancements. All transit enhancement projects must be related to or serve mass transit.

- Historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities);
- Bus shelters;
- Landscaping and other scenic beautification, including tables, benches, trash receptacles, and street lights;
- Public art;
- Pedestrian access and walkways;
- Bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles;
- Transit connections to parks within the recipient's transit service area;
- Signage; and
- Enhanced access for persons with disabilities to mass transportation.

Transportation Enhancements funds are to be used for projects which are one of the twelve eligible activities and demonstrate a relationship to surface transportation. Thus, all transit

enhancement activities are not necessarily eligible for TE funding. Refer to the sections on “Qualifying Activities” (Transportation Enhancements) and “Transit Enhancements Provisions of TEA-21” in the 1999 FHWA Final Guidance as well as question 26 of the FHWA Transportation Enhancements Q & A’s. Consult your local transit agency, MPO, or FTA regional office for transit enhancement project eligibility. Consult your state TE Coordinator, the TE contact at the FHWA state division office for Transportation Enhancements project eligibility in your state.

Can Transportation Enhancements funds be used towards the operating costs of a project?

Operation only appears in one TE activity: the rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals). A state may choose to participate in the operations of these historic transportation facilities. The operating costs are defined, consistent with Section 101 of Title 23, to mean all reasonable costs for the facility to function. These costs include, but are not limited to, administrative costs, the costs of utilities and rent. Operation costs are not included in the establishment of transportation museums.

TE funds used for the operation of an historic transportation building, structure, or facility should only be used to continue the functions of the historic structure as per the original project proposal and agreement. If the proposal is for non-transportation related activities and those not directly related to maintaining the historic structure, then TE funds cannot be used for that type of operating cost. A State must maintain a project constructed with Federal funds as described under the provision of 23 U.S.C 116. States are encouraged to develop a plan of maintenance for TE funded activities. Refer to question 30 of the FHWA Transportation Enhancements Q & A’s as well as the “Maintenance and Operations,” “Establishment of Transportation Museums,” and “General Real Estate Guidance for Enhancement Projects” located in the 1999 FHWA Final Guidance. Consult your state TE Coordinator and, or the TE contact at the FHWA state division office for project eligibility in your state.

Can the value of labor performed by volunteers be used towards the local match?

States may allow the value of in-kind, non-cash, contributions of materials, service and land (the fair market value of real property) to be credited toward the non-Federal match of a TE project. The value of the labor must be based on the prevailing value rate for the service in that area. For example, if the average company would charge X \$ per hour for a service, the same service volunteered should be valued at the same rate. Refer to the “Summary of Requirements for Matching Funds” located in the 1999 FHWA Final Guidance. Consult your state TE Coordinator and, or the TE contact at the FHWA state division office for eligibility in your state.

Can Youth Conservation or Service Corps be used in the TE project activities?

Yes, TEA-21 requires the U.S. DOT to encourage the use of youth conservation or service corps in the implementation of TE activities where appropriate. Refer to “Youth Conservation or Service Corps” in the 1999 FHWA Final Guidance. Consult your state TE

Coordinator and, or the TE contact at the FHWA state division office for eligibility in your state.

Additional Program Process and Management Issues

Projects Requiring Consultation with State Tribal Historic Preservation Officers

FHWA reports that a growing number of highway projects, including TE projects, are requiring consultation with State Tribal Historic Preservation Officers. All Federal-aid projects are required to determine what impacts the project will have on sensitive sites, including those known to have cultural or historic significance to Native Americans. The State Tribal Historic Preservation Officer should be able to indicate which locations are known to have significance to Federally recognized Native American tribes. Sensitive lands do not necessarily exist in the same location as remaining tribe members. In some cases the tribe may no longer exist. Please consult with your state TE Coordinator, the TE contact at the FHWA state division office, and the Tribal Historic Preservation Officer regarding culturally sensitive Native American lands.

Force Accounts

While Congress requires that ‘the contract method based on competitive bidding’ be used by a State highway agency or county when performing Federally funded highway work, including TE projects, the State highway agency may use other methods if they can prove that other methods are ‘more cost effective.’ Congress defines “cost effective” as ‘the efficient use of labor, equipment, materials and supplies to assure the lowest overall cost.’ The other more cost effective method may be a force account. Force accounts, as described under 23 CFR 635 subpart B, refers to the ‘direct performance of highway construction work by a State highway agency, a county, railroad, or a public utility company by use of labor, equipment, materials, and supplies furnished by them and used under their direct control.’ Consult your state TE Coordinator, the TE Contact at the FHWA state division office, or the TE Manager at the FHWA Office of Human Environment to determine if force accounts affect your TE project.

Part IV: Summary and Conclusions

As the summary of the evaluations show, meeting participants thought that the two-day meeting provided a valuable opportunity to share experiences, problems, and solutions with their colleagues in other states.

Two topics emerged as overriding concern to the meeting attendees. First, in nearly every discussion breakout group, regardless of the designated discussion topic, participants talked about the role that the State Historic Preservation Officer (SHPO) plays in the selection and oversight of TE projects. Some states indicated that they have problematic relationships with their SHPO, that the SHPO was unresponsive, took significant periods of time to review projects, and found that where the SHPO raised questions that often required a project cost increase to resolve the issue. Other states have found solutions to these problems, such as making the SHPO part of the project selection process so that concerns were known up front and putting the SHPO on the payroll in order to have greater control of the SHPO's time.

The other point generating significant discussion was with regard to obligation rates within the context of TEA-21 reauthorization. Participants worried that if FHWA and Congress focused solely on the obligation rate of the TE program, they would conclude that the TE program was not functioning efficiently. Participants raised two issues with regard to the lower-than-desired obligation rate. First, many states only spend their TE funds on the construction phase of the project. Thus, once a project is selected by the state to receive TE funds, the project sponsor must then complete planning and engineering portions of the project before it can go to bid and thus become obligated. The planning and engineering phase can be time consuming, lasting a year or two. Thus, there is a built-in lag between when a project is selected and when it becomes obligated. Participants thought that such a lag should be made clear and taken into account when calculating expenditure rates.

The other reason cited by participants for a low obligation rate is that the TE program is a 10% set aside of the larger Surface Transportation Program (STP). States, by law, are only allowed to spend 90% of their STP funds. Thus, in theory, if a state wanted to spend more than 90% of the road portion of their STP funds, they would have to reduce the amount of funds spend under some other part of the STP, such as TE or the Congestion Mitigation and Air Quality Improvement program, (CMAQ). Some states may be opting to allocate their funds this way. The Federal Highway Administration has commissioned a study to assess the reasons for the low obligation rates for TE projects.

Part V: Appendices

- A) Meeting agenda
- B) Meeting attendees
- C) Participant survey and results
- D) Participant evaluation and results

Appendix A Agenda

TE Seminar 2001 “Making Enhancements Work” St. Louis, MO

Tuesday September 25th, 2001

7:30 am Continental Breakfast & Registration

8:30-9:15 am Opening Session

1. Overview and introduction to Seminar (*Hugh Morris, NTEC*)
2. Welcome (*Harold Peaks, FHWA and Danyell Diggs, FHWA*)
3. Welcome to Missouri by MO DOT – (*Mr. Kevin Keith, MoDOT*)

9:15 – 10:15 am: Generate Hot Topics & Q&A with Harold Peaks

Participants will be encouraged to generate list of topics and issues that they would like discussed/resolved during the Seminar that are not already on the agenda. This will be followed with a discussion of some recent TE-related questions received by FHWA. Finally, open Q&A will fill the remainder of the time.

10:15-10:30 am: Coffee Break/Snacks

10:30 am– 12:00 pm: Large Group Panel 1: Best Practices

1. TEChallenge: Lessons Learned (*Franz Gimmler, Rails-to-Trails Conservancy*)
2. State Strategies for Success: Montana’s Educational Program (*Mike Davis, MT DOT*)
3. Partnering TE with other state programs & initiatives (*Dan Accurti, PA DOT*)

Q & A Follows all presentations

12:00-1:00 pm: buffet lunch

1:15 pm – 2:45 pm: Small Panel Working Groups

A moderator/speaker is chosen for each topic before the Seminar, and will give a brief introduction to the topic and on work in their state on that topic, and will then facilitate a discussion. Moderator/speaker will report back to large group.

Working Panel A: Improving Partnerships & Support for TE (Regency Ballroom A)

- How to build support for TE within your DOT/Division (Jim Pearson, NE)
- Local outreach/partnerships and successful TE delivery (Rob Ayers, NC)
- Turning around problematic projects (Dave Young, WY)

Working Panel B: Project Implementation Issues (Missouri Pacific Room)

- In-kind donations: how to account for them and include in local match (Pat Raino, ID)
- Streamlining the acquisition process: easements vs. purchase vs. lease (Robert Kleinburd, DE)
- Streamlining the environmental review process (Duane Scott, ME)

Working Panel C: Project Eligibility Issues/Compliance Issues (Wabash Cannonball Room)

- Historic Preservation (Curtis Johnson, VT)
- NEPA compliance and categorical exclusion (Winky Chenualt, VA)
- Right-of-Way issues, railbanking, and rail-trail implementation (Brad McMahon, MO)

2:45 – 3:00 pm: Coffee Break/Snack, Transition back to main room

3:00 –4:30 pm: Reports to Large Group

Brief reports back from each topic presenter to large group as to what their group discussed – problems that need to be addressed, solutions identified, etc – so that everyone hears what was addressed in all three Working Panels.

4:30 pm – 5:00 pm: Report of topics for small group discussion Wednesday afternoon & moderator selection

5:00 – 5:30 pm: Wrap-Up & Short NTEC Survey (topic TBD)

DINNER on your own — see information on Laclede’s Landing in your packet

Wednesday September 26th, 2001

7:30 am Continental Breakfast

8:30 - 10:00 am: Large Group Panel II: Eligibility Issues

1. New/Modified TE activities (*Danyell Diggs, FHWA*)
 2. Historic Preservation: Successful Strategies – (*Dan Costello, NTHP*)
 3. Determining “relationship” to Surface Transportation – (*Harold Peaks, FHWA*)
- Q & A

10:15 – 10:30 am: Coffee Break

10:30 – 12:00 pm: Large Group Panel III: Reauthorization

Reauthorization issues: obligation rates, lapse, and supporting TE through next bill, reauthorization process, thoughts from the states – (*Harold Peaks, FHWA*)

12:00 pm: Transition to different room for lunch — Regency Ballroom A&B

12:15 pm – 1:30 pm: Joint Seated Lunch with Recreational Trails Program Managers (Regency Ballroom B)

Presentation during lunch regarding the Rec Trails program and overlap with TE (ADA requirements and specifications for TE projects, ROW, etc)

1:30 pm – 3:15 pm: TE managers Break into Small Groups for Discussion Topics

These groups will have the opportunity to talk about any remaining issues identified at the end of Day One, as an informal discussion group to share ideas and, if necessary, generate list of questions/further guidance necessary to deal with their topic. If they need further feedback from FHWA or want to bring issues before the large group, they can do so in the 3:30 – 5:00 pm timeframe.

Working Panel D/E: Ways to Get Things Done. (Regency Ballroom A)

- Innovative techniques for moving projects to completion (Doug Vollette, (TX))

Working Panel F: OPEN Project Management (Wabash Cannonball Room)

3:15 pm to 3:30 pm: Coffee Break

3:30 pm – 5:00 pm Q&A, Large Group Discussion

Report back of major issues from working panels and discussion of issues raised but not resolved.

5:00 pm to 5:30 pm:

Seminar Evaluations & General Seminar Wrap-up

Appendix B Meeting Attendees

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**Appendix C
Participant Survey**

1. Name: _____
2. State: _____
3. _____ State DOT _____ FHWA State Office _____ Other
4. How long have you worked with the TE program? _____
5. When you started working with TE, did your predecessor provide you with programmatic documents? **(YES or NO)**
6. Are there any TE activities that your state does not encourage? **(YES or NO)**
If yes, which? _____
7. What type(s) of TE project is the **most** often applied for in your state?

Least?

8. Are state TE program guidelines available to explain the necessary steps to program applicants and sponsors? **(YES or NO)**
9. Have you had indications that the guidelines are difficult for applicants and sponsors to understand/follow? **(YES or NO)**
10. Does your agency provide meetings and training sessions to project applicants and local sponsors? **(YES or NO)**
11. Does your agency provide additional assistance and/or guidance in the TE process beyond the state guidelines, such as consultant assistance, on-site counseling, etc? Please explain:
12. Does your state allow credits (i.e. donations of land, materials, professional services) be used towards local matches? **(YES or NO)**
13. Does your state push project application solicitation and review responsibility to a lower district or other level? **(YES or NO)**

If YES, do you feel the folks at the lower level are adequately well versed in the TE program guidelines (state and federal)? **(YES or NO)**
14. Is there a reason why the TE obligation rate in your state is less than 100%?

15. What could improve project obligation? 16. Please indicate with a check mark which of the 12 project categories are most difficult to implement and indicate the reasons you think this may be so (such as lack of project sponsor experience with that type of project, lack of trained state personnel to assess project, lack of expertise at the state FHWA office to assess project, length of turn around time to assess projects, project sponsor difficulty in developing accurate plans or cost estimates for that category, etc).

TE ACTIVITY

- Pedestrian and bicycle facilities.
- Pedestrian and bicycle safety and education activities.
- Acquisition of scenic or historic easements and sites.
- Scenic or historic highway programs, including tourist & welcome centers.
- Landscaping and scenic beautification.
- Historic preservation.
- Rehabilitation & operation of historic transp. buildings, structures, or facilities.
- Preservation of abandoned railway corridors.
- Control and removal of outdoor advertising.
- Archaeological planning and research.
- Mitigation of highways runoff and provision of wildlife connectivity.
- Establishment of transportation museums.

Survey Results

Q: How long have you been working with the TE program?

Out of 44 respondents, 9 had been working with the program for less than one year, 20 had been working with the program from one to five years, and 14 had been working with the program for more than five years.

Q: When you started working with the TE program, did your predecessor provide you with programmatic documents?

Eighteen of 42 respondents indicated that they had received some documentation.

Q: Are there any TE activities that your state does not encourage?

Six of the 41 respondents indicated that their state does not encourage certain TE activities.

Q: What types of TE project are most/least often applied for in your state?

Thirty-seven of the 43 respondents indicated that bike/ped projects were the most popular. Seventeen out of 29 respondents indicated that environmental mitigation was the least popular TE project types, followed by outdoor advertising.

Q: Are state TE program guidelines available to explain the necessary steps to program applicants and sponsors?

Thirty-nine out of 42 respondents indicated that their state does provide guidelines.

Q: Have you had indications that the guidelines are difficult for applicants and sponsors to follow?

Eighteen on 36 respondents indicated that they had received some feedback indicating that the guidelines were difficult to follow.

Q: Does your agency provide meetings and training sessions to project applicants?

Thirty-seven of 42 respondents indicated that their state does provide training sessions.

Q: Does your agency provide additional assistance or guidance?

Thirty-five of 39 respondents indicated that their state does provide additional guidance.

Q: Does your state allow credits to be used toward local match?

Thirty-six of 43 respondents indicated that their state does allow in-kind contributions to be counted toward the local match.

Q: Does your state push project selection and review responsibility to lower level?

Twelve of the 43 respondents indicated that their state does allocate these responsibilities to a lower level of government.

Q: If yes, do you feel that the folks at the lower level are adequately well versed in the TE program guidelines?

Eight of 12 respondents indicated that they though the folks at the district or MPO level were well prepared.

Question 11

Does your agency provide additional assistance and/or guidance in the TE process beyond state guidelines, such as consultant assistance, on-site counseling, etc?

AL

DOT answers sponsor and consultant questions.

AR

Each sponsor must provide design and inspection services

AZ

Kick-off mtgs w/applicant to discuss process & eligibility.

CA

State HQ and districts provide assistance as necs.

GA

Through use of project managers, MPOs and RDCs (Regional Development Centers).

ID

When requested, via phone, mtgs, and districts will help w/project applications and review projects before submittal to state level review

IL

Bureau of Local Roads works with sponsors of Federal Process and monthly coordination meeting for state agencies.

IL

IL DNR provides tech. Assistance to local sponsors

KS

Provide guidance throughout the process

KS

Staff assistance.

KY

SHPO will work w/sponsors to educate

KY

Phone conversations, some training, site specifics case by case as req. by applicant/sponsor.

LA

Encourages sponsors/applicants to ask questions of the coordinators.

LA

Program coordinators assist applicants with getting their projects through the system.

MA

Ad hoc meetings, telephone support; ask MPOs to assist and district highway offices.

MD

Continuous assistance via phone, meetings, project reviews, NEPA processing.

MI

No assistance during the application/selection process. Yes during the implementation process via consultant guidance.

MO

District contacts, web site.

MO

Some.

MS

Always available by phone; email; etc. to meet with project applicants.

MS

Available by phone/email. Upon request will set up mtgs btwn project sponsors and other staff involved w/project.

MT
On-site visits, guidelines booklet, annual training workshops.

MT
8 full time staff devoted to TE.

NC
Site visits.

NE
Consultant provides assistance from concept through completion.

OK
on-site counseling, phone access.

OK
TE staff will work individually with applicants/sponsors.

PA
Consultants hired to expedite project delivery w/applicants.

SD
The state will willingly provide personal assistance.

VA
On-site counseling.

VA
Counseling on-site or in office.

VT
On-site consulting; CE consultants on retainer.

WI
District staff provide phone/site visits, etc depending on time available.

WV
Consultant assistance, on-site counseling, etc.

WY
WYDOT provides a consultant selection list.

Questions 14 & 15

*Is there a reason why the TE obligation rate in your state is less than 100%?
What could improve the obligation rate?*

AR

Obligation limitation and balancing its use with traditional highway programs.
Provide an obligation limitation separated from other programs.

AZ

Insufficient staff & construction/building problems.
Better staffing; better education of applicants.

CA

The program as admn. By state is very complicated for project proponents. Also, there are envs issues on some projects or other problems associated with the project.
Simplify the process in the state, develop TEA guidelines in the state, streamline the envs process.

GA

Just the fact the TE is different from traditional road/bridge projects makes some steps more difficult.
Completion of projects/success stories.

ID

obligation ceiling, slow start up, money can only be used on projects (not staff or consultants) and for most part only at local level.
If we used unobligated TE funds on state projects that included TE elements (in lieu of using IM, NHS or STP funds) for that project.

IL

Local sponsors slow to start process and then find ROW or environmental issues that delay their construction contracts (4-7 years to complete). Obligation process in IL: engineering is obligated when Local Agency Agreement is signed, construction & CE is obligated when contract is ready to let. Total IL TEP projects are programmed and funding held until sponsor can implement their project.

KS

Applicants are slow in developing projects.
Advance the application process

KS

Applicant unable to advance projects.
Better applications/project (eligible)

KY

Must spend additional time justifying ineligible projects and reworking less than satisfactory applications.

More stringent project selection and better, more specific info for applicants, less political involvement from uninformed sources.

LA

Compete with overlays, roadway projects, etc. b/c don't have obligation authority specific to TE like scenic byways do.

See previous; make TE its own funding category.

LA

Yes, reconstruction, overlay, and roadway projects use more of the obligation authority. Give TE separate authorization.

MA

Only obligate what is ready to go—acquisition, design, construction phases are each done separately.

Not sure.

ME

Lack of obligation authority.

More obligation authority.

MD

Project sponsors are slow to design and prepare for advertisement due to setting design aside for “other priorities”, issues w/design, etc.

MI

Difficulties the local agencies have complying with Fed regs; lack of program resources/staff to assist in project implementation.

Please tell me!

MO

Inexperience of local sponsors.

Education, change to a grant program.

MO

Not sure.

Closing projects through FHWA.

MS

Lack of communication/understanding of project deadlines/submissions; lack of full time staff to work only on TE projects.

More staff to accommodate growing demand for TE program.

MT

Yes, up to local agencies to obligate.

Encouragement.

MT

FHWA/NTEC defn. of obligation is different than the states.

Agreement on what obligation means

NC

It takes many projects more than a year to get to construction phase.

Easier projects; not award funds to local govts.

NE

No, it just takes time as funds are not obligated until project starts design.

NV

Project development time, acq. of ROW, design process by local entity not meeting state/Fed standards.

Better preparation by applicant in areas of ROW needed, commitment of resources by locally designed projects.

OK

No support within DOT to fund 100%

I wish I knew.

PA

Yes, obligation rate doesn't mean anything. Projects advance at sponsor's rate.

Have DOT fund only DOT projects.

SD

The Governor will not allow the state to approve TE projects.

New governor.

TX

Do not obligate construction funds until the project is ready to be let.

The local entities and TX DOT work together in moving the project plans to the contract letting stage.

VA

Lack of procedural knowledge on local government level and requested amounts less than what is needed to compete a project. Constant changeover of personnel on a local and state level w/o knowledge of the program requirements.

VA

Many of our projects are only partially funded.

Our CTB, which selects the projects is getting better in providing the funds for the projects.

In the past, these projects were only partially funded.

VA

Refer to VA DOT staff response.

VT

Very slow moving locally managed projects.
Federal pressure to use or loose TE funds.

WI

Lack of state budget support for program particularly during ISTEA period. Improved under TEA-21, but there still is a lag in project delivery. We do not obligate construction funds until community is ready to build project—another reason obligation levels are undercounted.
State legislation increasing budget authority to match Federal funds available; improved ability of locals to deliver projects.

WV

Yes, operate a FY behind.

WY

No, believe that WY has a high obligation rate.
Bypass WYDOT programming (STIP) program.

Question 16: Why are Certain TE Activities Difficult to Implement?

Pedestrian and Bicycle Facilities

State Reason Why This TEA is Difficult to Implement

- IL ROW or environmental issues
- KY Bicycle facilities: ROW, permits, expenses. Not a lot of bicycle users.
- SD Governor does not feel that this category has statewide significance.
- TX Local entites do not request adequate funding to complete projects.
- WI Most problems are bike trails where rail ROW acq is involved.

Pedestrian and Bicycle Safety and Education Activities

State Reason Why This TEA is Difficult to Implement

- ID Have not had any applicants/no experiance.
- IL State funded, not TE.
- TX Not many projects are requesting funding.

Acquisition of Scenic or Historic Easements and Sites

State Reason Why This TEA is Difficult to Implement

- CA Unclear as to scenic nature of the property; category could be tightened to require more relevance to scenic.
- ID Often not able to acq. once scope of easement becomes fully understood by owners.
- KY Appraisal process is slow; TE projects pushed to back burner.
- ME Overlap w/Scenic Byways.
- MD Assumption by the sponsor that the land owner will support the project.
- MT Lack of interest.
- TX Not many projects are requesting funding.
- VA Lack of project sponsor experiance. Sometimes they buy the site before the envs documentation has been approved.
- VT Appraisal process needs streamlining so folks can react to opportunity.
- WY Proving value of the easement/site.

Scenic or Historic Highway Programs, Including Tourist & Welcome Centers

State Reason Why This TEA is Difficult to Implement

- ID Usually lots of partners on these, seem to take longer. Wonderful projects once completed.
- LA Doing buildings as a transportation org.
- MT Lack of interest.
- TX Local entites do not request adequate funding.
- WI Interpretation as to what is eligible.

Landscaping and Scenic Beautification

State Reason Why This TEA is Difficult to Implement

- ME Overlap w/Scenic Byways.

TX Problems with section 106 in historic districts.

Historic Preservation

State Reason Why This TEA is Difficult to Implement

CA SHPO clearance, project sponsor trying to change project scope (which has impacts on property)

ID Eligibility issues

KY Arch. Concerns surface after funds awarded (section 106).

LA Doing buildings as a transportation org.

MA Outside of highway dept.'s area of expertise.

MI Interested parties are not transportation agencies and thus lack knowledge of Federal regs.

NC SHPO

NV What's eligible and how does it differ from TEA 7

TX Problems with section 106 in historic districts.

VA Always have eligibility questions in this category, transportation link?

VT Restrictive local FHWA guidance.

WI Accurate cost estimates, historic rehab can be more expensive than anticipated.

WV SHPO-State Historic Preservation Officer.

Rehabilitation & Operation of Historic Transportation Buildings, Structures, or Facilities

State Reason Why This TEA is Difficult to Implement

IL ROW or environmental issues.

LA Doing buildings as a Transportation org.

MA Outside of highway dept.'s area of expertise; cost over runs.

NC SHPO.

NV What's eligible and how does it differ from TEA 6.

TX Problems with section 106 in historic districts.

VA Cost estimates, length of time for plan reviews.

Preservation of Abandoned Railway Corridors

State Reason Why This TEA is Difficult to Implement

IL IL DNR program.

KY Loss of ROW (publicly owned) when abandoned.

KY Involves land issues unpopular w/citizens. No rail banking process in KY.

OK Not permitted by executive order.

TX Strong opposition of projects from adjacent property owners.

Control and Removal of Outdoor Advertising

State Reason Why This TEA is Difficult to Implement

AZ No apparent interest; problems on private land

CA Lack of priority; difficulty in acq signs.

ID No experience

ME ME state law eliminated this years ago.

MI	Lobby too strong
MO	Not a priority
MS	State laws regarding reimbursement for loss of income.
MT	fear of messing w/economic development
MT	no projects in state, lack of sponsor
TX	not many projects requesting funding
WI	lack of interest; powerful advertising interests

Archaeological Planning and Research

State Reason Why This TEA is Difficult to Implement

GA	Only have 1 project; no experience.
IL	State funded, not TE.
MA	Funded SHPO, but they failed to start project for years. Also Native American issues.
ME	Lack of advocacy/ sponsorship.
TX	Not many projects requesting funding.

Mitigation of Highway Runoff and Provision of Wildlife Connectivity

State Reason Why This TEA is Difficult to Implement

AZ	Restricted to endangered spp.
ID	No funded projects.
IL	State program eligibility, not TE.
KY	Lack of requests; guidelines are unclear.
MI	Few runoff proposals, no known viable wildlife activities.
MO	Probably done at the project level.
MT	Lack of sponsors.
OK	Lack of interest.
TX	Not many projects requesting funding.
WI	Much is already done under standard mitigation.
WY	Wildlife connectivity controlled by the Game/Fish dept.

Establishment of Transportation Museums

State Reason Why This TEA is Difficult to Implement

LA	Doing buildings as a Transportation org.
ME	Lack of advocacy/sponsorship.
MI	Interested parties are not transportation agencies and thus are not familiar with Federal process.
MS	FHWA guidance is too strict.
MT	Lack of local interest.
MT	Lack of sponsors.
TX	Local entities do not request adequate funding to complete projects.
VT	Restrictive local FHWA guidance.

**Appendix D
Participant Evaluation**

**Transportation Enhancements Seminar
Evaluation Form**

Thank you for your participating in "Making Enhancements Work," the 2001 TE Seminar in St. Louis, MO. Please take a few minutes to let us know how you felt the conference went. Your response is greatly appreciated.

Tuesday, September 25, 2001

Using the scale below, please answer all of the following questions. Feel free to make additional comments and suggestions.

Excellent	Good	Fair	Poor
1	2	3	4

1. The usefulness of a brainstorming/generation of ideas session at the beginning of the seminar _____

2. The amount of time allotted for this session _____

Comments: _____

3. Overall quality and usefulness of information presented in Group Panel 1: Best Practices _____

Comments: _____

4. Please circle the panel you attended during the 1:15-2:45 pm session:

Panel A: Improving Partnerships & Support for TE

Panel B: Project Implementation Issues

Panel C: Project Eligibility Issues

5. Overall quality and usefulness of information presented and discussed _____

Comments: _____

6. Overall quality and usefulness of information presented and discussed in the 3-4:30 pm Report to Large Group _____

Comments: _____

Wednesday, September 26, 2001

Using the scale below, please answer all of the following questions. Feel free to make additional comments and suggestions.

Excellent	Good	Fair	Poor
1	2	3	4

1. Overall quality and usefulness of information presented in Group Panel 2: Eligibility Issues _____

Comments: _____

Overall quality and usefulness of information presented and discussed in Group Panel

3: Reauthorization _____

Comments: _____

Usefulness of joint lunch with Recreational Trails Program Managers _____

2. Overall quality of information presented in joint lunch _____

Comments: _____

Please circle the panel you attended during the 1:30-3:15pm session:

Panel D: Ways to Get Things Done

Panel F:

Panel E: Money Issues

Panel G:

3. Overall quality and usefulness of information presented and discussed _____

Comments: _____

Overall quality and usefulness of information presented and discussed in 3:30-5pm

Q&A/Large Group Discussion _____

Comments: _____

Seminar Summary

Additional Comments or Suggestions:

Are there any products or services that you would like NTEC to provide in the coming year? Please give examples.

Thank You for Your Participation!

Summary of Participant Evaluations

Introduction

At the conclusion of the Seminar, participants were asked to complete a two-page seminar evaluation form. The evaluations provide NTEC and FHWA an opportunity to collect and review participants' thoughts on the effectiveness of the conference format and quality of the information presented. Participants' comments seem to suggest that they learned a great deal from discussions lead by FHWA TE Program Manager, Harold Peaks, as well as the conversations regarding common problems and possible solutions in the small group sessions. More critical comments regarding seminar content and organization are also important; they are noted below. This conference feedback will assist NTEC and FHWA with improving future seminars as well as provide insight as to which TE topics, as identified by the TE managers and coordinators, require further discussion and guidance.

NTEC received 29 evaluations; nearly 70 individuals attended at least a portion of the conference. Seminar attendees were asked to numerically rate and comment on each of the information sessions, including the small group discussions. Please note that not every individual answered every question. Every session scored in the "Excellent" to "Good" range, scoring "1.0-1.9" and "2.0-2.9" respectively.

Summary of Responses

All scores were rounded to the nearest tenth. Excellent scores 1.0-1.9, Good scores 2.0-2.9, Fair scores 3.0-3.9, and Poor scores 4: The comments from the evaluation are typed and organized by question.

1. The brainstorming/generation of ideas session used to determine additional discussion topics

Usefulness of the brainstorming/generation of ideas session: **1.7, or Excellent**

The amount of time allotted for this session: **1.8, or Excellent**

Conference participants felt that the generation of topics was a good way to learn about common problems and difficulties that the states experience. They hoped that they would receive FHWA guidance as well as examples of how other states handle the same issues. One participant suggested that it would have been better to hold the topic brainstorming at the end of the day, after basic issues had been discussed.

2. Group Panel 1: Best Practices

Overall quality and usefulness of information presented: **1.9, or Excellent**

Comments suggested that the information presented was generally good. It was suggested that having one or more of the state TEA Challenge winners present would have been of

greater interest. The two state presenters had positive reviews as they shared insight on their state program. Several comments asked for more project examples from the states.

3. Small group sessions (Participants had choice of 3 sessions to attend)

Overall quality and usefulness of information presented and discussed: **1.9, or Excellent**

In general, comments were positive. Many participants felt that the small group discussions provided quality discussion and information sharing between the states. The discussions identified common problems and possible solutions. However, some participants did not feel that the discussion topic was adequately addressed. For example, a few participants in the Project Eligibility group did not feel that there was enough discussion on eligible activities.

4. Report back to large group after 1st small group sessions and Q & A

Overall quality and usefulness of information presented and discussed: **2.1, or Good**

Participants noted that it was helpful to learn about some of the discussions that took place in the other groups. One person suggested that next time a member of the group, not of the panel, should make the report back to the larger group. Some participants reported that the Q&A following the group reports could have been shortened as it was at the end of a long, but informative day.

5. Group Panel 2: Eligibility Issues

Overall quality and usefulness of information presented: **2.0, or Good**

The majority of the comments found the project eligibility discussions useful and informative. There were several positive remarks on Mr. Peak's discussion on project eligibility and the "relationship to surface transportation."

6. Group Panel 3: Reauthorization

Overall quality and usefulness of information presented and discussed: **2.2, or Good**

While the average rating for this topic is Good, participants overwhelmingly felt that too much time was spent on obligation rates, lapse, and fiscal accounting. The discussion was informative, yet perhaps better suited for those working directly with the financial side of the program. Participants would have appreciated more discussion on the reauthorization of TEA-21.

7. Joint lunch with Recreational Trails Program Managers

Usefulness of joint lunch with Recreational Trails Program Managers: **2.4, or Good**

Overall quality of information presented in joint lunch: **2.2, or Good**

Participants responded that the joint lunch was a good idea, especially in that it partnered

state Recreational Trail Managers with their state TE Coordinators. Both groups were made aware of various ADA manuals and guidelines.

8. Small group sessions (Participants had a choice of 2 sessions to attend)

Overall quality and usefulness of information presented and discussed: **1.6, or Excellent**

Participants responded very favorably on these sessions reporting that the discussion was “stimulating and informative.” Many people learned new information and took home new ideas.

9. Report back to large group after 2nd small group sessions and final Q&A

Overall quality and usefulness of information presented and discussed: 1.9

10. Additional comments or suggestions

All comments were positive and reflected an organized and informative conference experience. Some offered suggestions on how to improve future conferences, other topics to explore, and presentations and publications that they would be interested in. A few attendees suggested that in the future we should have each person introduce them self, give a very brief description of their program, and allow more time for networking. Others expressed a desire for more state presentations discussing state procedures, innovations, how problems were solved, and pictures of good or unusual projects. Another participant suggested that NTEC should look more closely at the last several years of TE and even exclude the ISTEA years of the TE program as they feel that the states have a better grasp of the program. And lastly, an attendee suggested that the states, FHWA, and NTEC start preparing for reauthorization by identifying top problem areas and methods to correct them. He or she also suggested that project applicants, Federal and state TE professionals should be encouraged to identify and comment on the TE process and proposed rulemaking.

11. Products or services that NTEC should provide in the coming year

Participants expressed interest in a variety of topics. One participant suggested a discussion of eligibility requirements for each of the 12 TE activities including what some states allow, do not allow, and the reasons behind their state eligibility decisions. Interest was also expressed in the TEA Challenge report, expected to be completed later this year, along with other examples of successful state programs, procedures, and projects and related lessons learned would be of great interest to the TE community. Another participant had several suggestions: a thorough discussion of state allocation, obligation limits and how they affect the obligation of TE funds, the possibility of measuring reimbursement rates against state obligation authority, and discussion on the requirement that TE be funded by a 10% set aside of STP funds. He or she also questions when states will be held accountable to this; currently there is an obligation limit that affects the ability to fund 100% of the 10% TE set aside.