



# MEETING NOTICE & AGENDA

Please be advised that the Volusia Transportation Planning Organization (VTPO) **BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE (BPAC)** will be meeting on:

**DATE:** Wednesday, November 14, 2012

**TIME:** 3:00 PM

**PLACE:** Volusia TPO  
2570 W. International Speedway Blvd.,  
Suite 100 (Conference Room)  
Daytona Beach, Florida 32114-8145

\*\*\*\*\*

Mr. Michael Chuyen, Chairman

## AGENDA

- I. CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM/PLEDGE OF ALLEGIANCE
- II. PUBLIC COMMENT/PARTICIPATION *(Length of time at the discretion of the Chairman)*
- III. ACTION ITEMS
  - A) REVIEW AND APPROVAL OF OCTOBER 10, 2012 BPAC MEETING MINUTES  
*(Contact: Stephan C. Harris) (Enclosure, pages 3-10)*
  - B) REVIEW AND RECOMMEND APPROVAL OF THE DRAFT URBAN ATTRIBUTABLE (XU) BICYCLE/PEDESTRIAN PROJECT PROPOSAL REQUIREMENTS AND SCORING CRITERIA  
*(Contact: Stephan C. Harris) (Enclosure, pages 11-18)*
  - C) REVIEW AND RECOMMEND APPROVAL OF A REQUIRED LOCAL MATCH FOR URBAN ATTRIBUTABLE (XU) BICYCLE/PEDESTRIAN PROJECTS  
*(Contact: Stephan C. Harris) (Enclosure, page 19)*
  - D) REVIEW AND RECOMMEND APPROVAL OF RESOLUTION 2012-XX AMENDING THE FY 2012/13 TO FY 2016/17 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)  
*(Contact: Robert Keeth) (Enclosure, pages 20-24)*

**III. ACTION ITEMS** *(continued)*

- E) CANCELLATION OF THE DECEMBER 12, 2012 BPAC MEETING** *(Contact: Michael Chuyen) (Enclosure, page 25)*

**IV. PRESENTATIONS AND DISCUSSION ITEMS**

- A) PRESENTATION ON BICYCLE & PEDESTRIAN SAFETY: AWARD-WINNING PUBLIC SERVICE ANNOUNCEMENTS CREATED BY STUDENTS IN VOLUSIA COUNTY SCHOOLS** *(Contact: Greg Akin, Volusia County Schools) (Enclosure, page 26)*

- B) DISCUSSION OF THE BPAC'S ROLE IN RANKING TRANSPORTATION ALTERNATIVES PROJECT APPLICATIONS** *(Contact: Stephan C. Harris) (Enclosure, page 27)*

**V. STAFF COMMENTS** *(Enclosure, page 28)*

**VI. INFORMATION ITEMS** *(Enclosures, pages 28-44)*

- **BPAC Attendance Record**
- **FHWA Transportation Alternatives Interim Guidance**
- **Walking School Bus Workshop Flyer**

**VII. BPAC MEMBER COMMENTS** *(Enclosure, page 28)*

**VIII. ADJOURNMENT** *(Enclosure, page 28)*

**\*\*\*The next BPAC meeting will be on Wednesday, January 9, 2013\*\*\***

*NOTE: Individuals covered by the American with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the Volusia TPO office, 2570 W. International Speedway Blvd., Suite 100, Daytona Beach, FL (386) 226-0422, extension 21 at least five (5) working days prior to the meeting date.*

*NOTE: If any person decides to appeal a decision made by this committee with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.*











































































Yes. Funds from the NHPP, STP, CMAQ, and HSIP may be transferred to the TAP. (MAP-21 1509). Note that projects eligible under TAP are broadly eligible for STP funds and STP funds could be used for TAP projects without making a transfer. (23 U.S.C. 133(b)(11)).

**3. What is the Federal share for Transportation Alternative Program (TAP) projects, in general, and for the Recreational Trails Program (RTP) and Safe Routes to School Program (SRTS) in particular?**

The Federal share for TAP projects is as follows:

- For most TAP projects, including the SRTS, the Federal share is the same as for the general Federal-aid highway program: 80 percent Federal/20 percent State or local match with a sliding scale. (23 U.S.C. 120).
- Projects funded under the RTP set-aside retain the Federal share and flexible match provisions under current law (23 U.S.C. 206(f)). Recreational trails projects funded from other TAP funds use the general match described above.

**4. Are States required to distribute funds among Metropolitan Planning Organizations (MPOs) with urbanized area populations less than 200,000?**

No. MAP-21 does not require suballocation to MPOs with populations less than 200,000. TAP funds suballocated to areas with a population between 5,001 to 200,000 may be used anywhere in those areas, including within the metropolitan planning area boundaries of an MPO serving an urbanized area with a population less than or equal to 200,000.

**5. Can funds be transferred to the Federal Transit Administration (FTA) for Transportation Alternative Program (TAP)-eligible projects?**

Yes. Funds may be transferred in the same manner as other Federal-aid highway program procedures. (23 USC 104(f)).

## **Eligible Projects**

**1. What activities are eligible under Transportation Alternative Program (TAP)?**

Eligible activities (23 U.S.C. 213(b) (MAP-21 1122); 23 USC 101(a)(29) (MAP-21 1103) under the TAP program include:

- A. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.
- B. Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
- C. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.
- D. Construction of turnouts, overlooks, and viewing areas.
- E. Community improvement activities, including-

- inventory, control, or removal of outdoor advertising;
  - historic preservation and rehabilitation of historic transportation facilities;
  - vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
  - archaeological activities relating to impacts from implementation of a transportation project eligible under this title.
- F. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to-
- address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in 23 U.S.C. 133(b)(11), 328(a), and 329; or
  - reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
- G. The recreational trails program (RT) under 23 U.S.C. 206.
- H. The safe routes to school program (SRTS) under section 1404 of SAFETEA-LU, including-
- Infrastructure-related projects.-planning, design,and construction of infrastructure-related projects on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities,off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.
  - Noninfrastructure-related activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs.
  - Safe Routes to School coordinator.
- I. Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

**2. Can Transportation Alternative Program (TAP) funds be used for landscaping and scenic enhancement as an independent project?**

No. TAP funds cannot be used for landscaping and scenic enhancement as independent projects. However, landscaping and scenic enhancement are eligible as part of the construction of any Federal -aid highway project under 23 U.S.C. 319, including TAP-funded projects.

**3. Does "vegetation management" under the definition of transportation alternative include routine maintenance?**

No. Routine maintenance is not eligible as a TAP activity except under the RTP.

**4. Can administrative costs be paid to an Metropolitan Planning Organization (MPO) with Transportation Alternative Program (TAP) funds?**

No. There are no provisions under TAP permitting the payment of MPO administrative costs.

**5. What types of scenic byway projects are eligible under MAP-21?**

Eligible projects under the STP and TAP that may have previously been eligible as part of the National Scenic Byways Program include the construction of turnouts, overlooks, and viewing areas; historic preservation and rehabilitation of historic transportation facilities related to a byway; and bicycle and pedestrian facilities along a byway. (23 U.S.C. 101(a)(29), 23 USC 213(b), MAP-21 1101, 1122).

### **Eligible Project Sponsors**

**1. Are State DOTs and Metropolitan Planning Organizations (MPOs) eligible entities to access Transportation Alternative Program (TAP) funds?**

No. State DOTs and MPOs are not eligible entities as defined under 213(c)(4)(B) and therefore are not eligible for TAP funds. However, State DOTs and MPOs may partner with an eligible entity project sponsor to carry out a project.

**2. What entities can submit projects for Transportation Alternative Program (TAP) funding?**

TAP funds can only be obligated for projects submitted by "eligible entities" defined in 213(c)(4)(B) as follows:

- local governments;
- regional transportation authorities;
- transit agencies;
- natural resource or public land agencies;
- school districts, local education agencies, or schools;
- tribal governments; and
- any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of this subsection.

**3. Are nonprofits eligible to receive Transportation Alternative Program (TAP) funds?**

No, nonprofits are not eligible as direct grant recipients of the funds. Nonprofits are eligible to partner with any eligible entity on an eligible TAP project, if State or local requirements allow.

**4. Are other State agencies eligible to access Transportation Alternative Program (TAP) funds?**

Yes. State natural resource and public land agencies are eligible. (23 U.S.C. 213(c)(4)(B)).

**5. Are Federal agencies eligible to access Transportation Alternative Program (TAP) funds?**

Yes. Federal natural resource and public land agencies are eligible. (23 U.S.C. 213(c)(4)(B)).

**6. Does the Recreational Trails Program (RTP) retain its own eligible project sponsor provisions?**

For RTP set-aside funds, the eligible project sponsor provisions under 23 U.S.C. 206 are retained. (23 U.S.C. 213(f)(3)).

### **Competitive Process for Project Selection**

**1. Are there Federal requirements or minimum standards on how to set up competitive processes described under 23 U.S.C. 213(c)?**

No. TAP does not establish specific standards or procedures for the competitive process. The USDOT plans to develop best practices for consideration. DOT will publish a model Request for Proposal or Notice of Funds Available that States and MPOs may use at their discretion.

**2. Does a competitive process have to consider all eligible activities equally?**

No. There is no specific requirement to consider all eligible activities equally.

**3. Can Transportation Management Areas (TMAs) return their money to the State to have the State run a competitive process on their behalf?**

Yes. A TMA may allow the State to run the TMA's competitive process. However, the State cannot require the TMA to turn over the TMA's selection process.

**4. How are the projects chosen under Transportation Alternative Program (TAP)?**

All TAP funds must be obligated to eligible projects submitted by eligible entities through a competitive process. For the suballocated funds in the urban areas with populations 5,001 to 200,000, and the areas with populations 5,000 and below, the State DOT selects the projects. For suballocated funds in urbanized areas over 200,000 population, the MPO serving the TMA selects the projects in consultation with the State. (23 U.S.C. 213(c)).

## **TAP: Recreational Trails Program (RTP)**

**1. How does the Recreational Trails Program (RTP) change under MAP-21?**

MAP-21 makes RTP funding a set-aside from the TAP. Unless the Governor opts out in advance, an amount equal to the State's FY 2009 RTP apportionment is to be set aside from the State's TAP funds for recreational trails projects. RTP requirements under 23 U.S.C. 206 continue to apply to RTP set-aside funds. (23 U.S.C. 213(f)-(g)).

**2. Are there new Recreational Trails Program (RTP) requirements that apply to the RTP set-aside funds?**

Yes. Under 23 U.S.C. 213(f)(2), each State shall "return 1 percent of those funds to the Secretary for the administration of that program." This is comparable to the requirement under SAFETEA-LU for the FHWA to take funds off the top of the RTP funding for this purpose before apportioning the funds to the States.

Each State shall "comply with the provisions of the administration of the recreational trails program, including the use of apportioned funds." (23 U.S.C. 213(f)(3)). Therefore, RTP requirements under 23 U.S.C. continue to apply to RTP set-aside funds. (23 U.S.C. 206).

"A State may opt out of the recreational trails program [set-aside] if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year." (23 U.S.C. 213(g)).

**3. Did MAP-21 change what agency manages the Recreational Trails Program (RTP) set-aside?**

No. The statute requires the State Governor to designate the State agency or agencies to administer the RTP. (23 U.S.C. 206(c)).

**4. Do the provisions in 23 USC 206, which governed Recreational Trails Program (RTP) before MAP-21, still apply?**

Yes. While RTP funds will be a set-aside of TAP funds, MAP-21 provides that States must comply with the provisions of section 206 when using the MAP-21 set-aside funds. (23 U.S.C. 213(f)(3)). This includes following the provisions in section 206(d) relating to the use of funds. It also allows use of the Federal share provisions in section 206(f) and project administration provisions in section 206(h).

**5. Is the State Recreational Trail Advisory Committee still required?**

Yes. For a State to be eligible to use funds set aside for the RTP under 23 U.S.C.213(f), the State must comply with the requirements of section 206 of title 23 U.S.C., including the requirement under 23 U.S.C. 206(c)(2) that "...the State shall establish a State recreational trail advisory committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year." If a State does not meet this requirement, it is not eligible to use RTP set-aside funds.

**6. What is the Recreational Trails Program (RTP) Opt-Out Provision?**

The MAP-21 allows the Governor of the State to opt out of the set-aside for the RTP on an annual basis. (23 U.S.C. 213(g)). Instructions on how to opt out of the program for FY 2013 were included in a Notice to the States. See the following webpage:  
[www.fhwa.dot.gov/legisregs/directives/notices/n4510755.htm](http://www.fhwa.dot.gov/legisregs/directives/notices/n4510755.htm) for additional information.

**7. If a State opts out of the Recreational Trails Program (RTP), can it still fund recreational trail projects with TAP funds?**

Yes. Recreational trail projects are eligible for TAP funds, but the RTP provisions and requirements under 23 U.S.C. 206 would not apply. (23 U.S.C. 213(c)(4)(b)). Recreational trails projects funded with TAP funds other than the RTP set-aside are subject to the requirements in 23 U.S.C. 213. The "treatment of projects" provision under 23 U.S.C. 213(e) would apply. This means that projects would have to be treated as projects on Federal-aid highways.

**8. What happens to the funding if a State opts out of the Recreational Trails Program (RTP)?**

The funds remain part of the TAP.

**9. If a State opts out of the Recreational Trails Program (RTP), will it still have access for administrative funds to administer projects from previous years?**

No. The ability to use RTP funds for State administrative costs is limited to a percentage "of the apportionment made to the State for the fiscal year" (which would include the RTP set-aside funds). (23 U.S.C. 206(d)(2)(H)). If there is no program to administer, then the administrative funds cannot be permitted.

**10. Are recreational trails projects eligible under other Federal-aid programs?**



Yes. Recreational trail projects that would be eligible under the RTP will be broadly eligible under STP and TAP. (23 U.S.C. 213(b)(2), 23 U.S.C. 133(b)(20)). TAP provisions and requirements under section 213 would apply to recreational trail projects using TAP funds (other than RTP set-aside funds). STP provisions and requirements apply to STP funds used for recreational trails projects.

**11. Does the transferability provision apply to the Recreational Trails Program (RTP)? Can a State continue its RTP to retain the RTP structure, but then transfer funds from the RTP to TAP?**

No. MAP-21 does not have a transferability provision for the RTP set-aside. Some projects may be eligible both under the RTP and TAP, and a State can choose whether to obligate RTP or TAP funds for such projects. Also, States have broad discretion to use STP funds for projects eligible under TAP or RTP. Note that if a State opts out of the RTP, such funds remain TAP funds, and the transferability provisions pertaining to TAP would apply.

**TAP: Safe Routes to School (SRTS)**

**1. Are Safe Routes to School Program (SRTS) coordinators required as under SAFETEA-LU Section 1404(f)(3)?**

No. SRTS coordinators are not required under MAP-21 but are eligible for funding under TAP.

**2. Does the requirement from SAFETEA-LU Section 1404(f)(1)(B) that States allocate "not less than 10 percent and not more than 30 percent..." of Safe Routes to School Program (SRTS) funds for non-infrastructure activities still apply?**

No. This split between infrastructure and non-infrastructure projects does not exist in MAP-21. It does apply to remaining SRTS funds from SAFETEA-LU.

**3. What happens to the Safe Routes to School Program (SRTS) funds provided by SAFETEA-LU?**

Funds provided under SAFETEA-LU for the SRTS program, will continue to be available for their specified period of availability under the same terms and conditions in effect prior to the effective date of MAP-21. See [FHWA's Safe Routes to School Guidance dated March 2006](#).

**4. Is Bicycle and Pedestrian Safety Education eligible under the Safe Routes to School Program (SRTS) component of MAP-21?**

Yes. Bicycle and pedestrian safety education for Kindergarten through 8th grade continues to be an eligible SRTS activity.

**5. Is travel for Safe Routes to School Program (SRTS) project-specific site visits or to conferences an eligible activity?**

Yes. Travel directly related to a specific project is eligible under SAFETEA-LU Section 1404(f)(2) (A). Travel related to "training, volunteers, and managers of safe routes to school programs" is eligible as a non-infrastructure-related activity.

**6. Is a local Safe Routes to School Program (SRTS) coordinator position an eligible expense?**

Yes, this eligibility is maintained in MAP-21. SAFETEA-LU Section 1404(f)(2)(A) lists "managers of safe routes to school programs" as eligible under the non-infrastructure projects.

## **TAP: Transportation Enhancement (TE)**

### **1. What Transportation Enhancement (TE) activities formerly eligible under SAFETEA-LU are not eligible for TAP under MAP-21?**

MAP-21 eliminated eligibility for TE for the following activities:

- Safety and educational activities for pedestrians and bicycles, however, activities targeting children are eligible as SRTS projects under the TAP funding.
- Acquisition of scenic easements and scenic or historic sites.
- Scenic or historic highway programs (including visitor and welcome centers).
- Historic preservation as an independent activity unrelated to historic transportation facilities. Historic preservation and rehabilitation of historic transportation facilities are permitted as one type of community improvement activity; see Section 101(a)(29)(E).
- Operation of historic transportation facilities.
- Archaeological planning and research undertaken for proactive planning. This category now must be used only as mitigation for highway projects.
- Transportation museums.

### **2. Do the MAP-21 eligibility changes apply to unobligated Transportation Enhancement (TE) funds or to TE projects that already have been obligated?**

No. TE funds apportioned in prior years will continue to be available for their specified period of availability under the same terms and conditions in effect prior to the effective date of MAP-21.

## **TAP: Youth Service and Conservation Corps, MAP-21 Section 1524**

### **1. What is the purpose of the Youth Service and Conservation Corps provision?**

The concept for using youth corps in Federal-aid highway program projects originated from:

- " TEA-21 §1108(g) relating to Transportation Enhancement (TE) projects.
- " TEA-21 §1112(e) and SAFETEA-LU §1109(f) relating to RTP projects.

Youth corps organizations have benefited under the RTP, which is usually administered through a State resource agency that may have ongoing relationships with youth corps organizations. Most RTP projects are not within highway rights-of-way and follow "Common Rule" procedures rather than highway program procedures.

However, few youth corps organizations have been able to participate under TE because of Federal highway program requirements.

### **2. What are *Qualified* Youth Service and Conservation Corps?**

Section 1524 of MAP-21 defines "qualified youth service or conservation corps" as those that are defined at 42 USC 12572(a)(2) and 42 USC 12656(c)(3). 42 USC 12572(a)(2) refers to the "healthy futures corp," which is designed to identify and meet unmet health needs in communities. 42 USC

12656(c)(3) refers to the "urban youth corps," which means any program established by a State or local government or by a nonprofit organization that--

- A. is capable of offering meaningful, full-time, productive work for individuals between the ages of 16 and 25, inclusive, in an urban or public works or transportation setting;
- B. gives participants a mix of work experience, basic and life skills, education, training, and support services; and
- C. provides participants with the opportunity to develop citizenship values and skills through service to their communities and the United States.

**3. How do we find qualified youth service and conservation corps?**

Youth service and conservation corps exist in 44 States and the District of Columbia. There are also national organizations that qualify as youth service and conservation corps.

**4. What kinds of projects are eligible under the provisions of Section 1524?**

MAP-21 Section 1524 requires the USDOT/FHWA to "...encourage the States and regional transportation planning agencies to enter into contracts and cooperative agreements with qualified youth service or conservation corps ... to perform appropriate projects eligible under sections 162, 206, 213, and 217 of title 23, United States Code, and under section 1404 of the SAFETEA-LU (119 Stat. 1228)." These programs are the National Scenic Byways Program (23 U.S.C. 162), Recreational Trails Program (23 U.S.C. 206), Transportation Alternatives Program (23 U.S.C. 213), Bicycle Transportation and Pedestrian Walkways (23 U.S.C. 217), and the Safe Routes to School Program (Section 1404 of SAFETEA-LU).

**5. What do the Section 1524 Requirements mean?**

Section 1524(b)(1) requires the Secretary to set the pay rate and refers to a method used to establish a living allowance or rate of pay for youth service and conservation corps. This language avoids conflicts with prevailing wage rate requirements. The USDOT/FHWA may use a rate already established by another Federal agency.

Section 1524(b)(2) exempts contracts and cooperative agreements with youth service and conservation corps from Federal-aid highway program contracting requirements under 23 U.S.C. 112. In effect, a State or regional transportation planning agency may sole-source contracts and cooperative agreements to qualified youth service and conservation corps for working undertaken for byway, recreational trail, transportation alternative, bicycle and pedestrian, or SRTS projects.

**6. Does Section 1524 supersede the requirement of 23 U.S.C. 213(e) relating to Treatment of Projects?**

Yes. There are differences between MAP-21 Section 1524 and the newly established 23 U.S.C. 213 (e) under TAP regarding compliance with Federal-aid highway requirements. MAP-21 Section 1524 provides exceptions to certain requirements regarding pay rates and contracting requirements for projects using contracts and cooperative agreements with qualified youth service or conservation corps for certain projects.



Many school systems are reviewing their school transportation options as a result of budget constraints. Encouraging more children to walk to school is one option to cost-effectively change school transportation. Walking school buses can result in more activity and fewer cars on the roadways around schools.

*Save money, improve health, cut down on congestion, provide a friendly trip to and from school*

## **WALKING SCHOOL BUS WORKSHOP**

**Volusia County School Transportation Office and  
District 5, Florida Dept. of Transportation**

Invite you to attend an all day Walking School Bus workshop on **Tuesday, December 4, 2012** at the Volusia County School Transportation Office, 1648 Hancock Blvd., Daytona Beach, Florida.

The workshop will be led by Robert Johnson, of PedNet, a Pedestrian and Pedaling Network. Mr. Johnson is a nationally recognized consultant who advises schools and communities on improving walking and bicycling conditions.

The **9 A.M.-4 P.M. workshop** will cover a range of topics from generating community support to planning and managing individual walking school buses. Mr. Johnson will bring information and sample handouts developed from his own experiences with the program.

Visit: PedNet

<http://www.pednet.org/programs/walking-school-bus.html>

For more information contact: Joan Carter, 386-943-5335, [joan.carter@dot.state.fl.us](mailto:joan.carter@dot.state.fl.us)

Or Greg Akin, Volusia County School Transportation Director, 386-258-4677 ext 50546

**Please share this invitation with educators, public health professionals, interested parents and transportation advocates.**