

CONNECTIONS

The NATIONAL TRANSPORTATION ENHANCEMENTS CLEARINGHOUSE Newsletter

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Short-Tea Transfers Update

When the stopgap Surface Transportation Extension Act (STEA) was signed in December 1997, it granted states the authority to transfer any unobligated funds to other programs.

Under the STEA, or "Short Tea," bill, 28 states exercised this option, transferring nearly \$1.1 billion to other programs such as the National Highway System (NHS) and the Surface Transportation Program (STP). Although no dollar limit was placed on the transfers, any borrowed funds would have to be repaid upon reauthorization of ISTEA.

Fourteen of these states moved a total of \$222.9 million from their Transportation Enhancements (TE) account to other programs. Even though the TE program accounts for only 1.7% of all transportation funds, 20% of funds transferred under the STEA provisions came from the states' TE set-aside. Similarly, the Congestion Mitigation and Air Quality Program (CMAQ) accounted for only 3.8% of ISTEA, but \$342.7 million was used for 36% of the total STEA transfers.

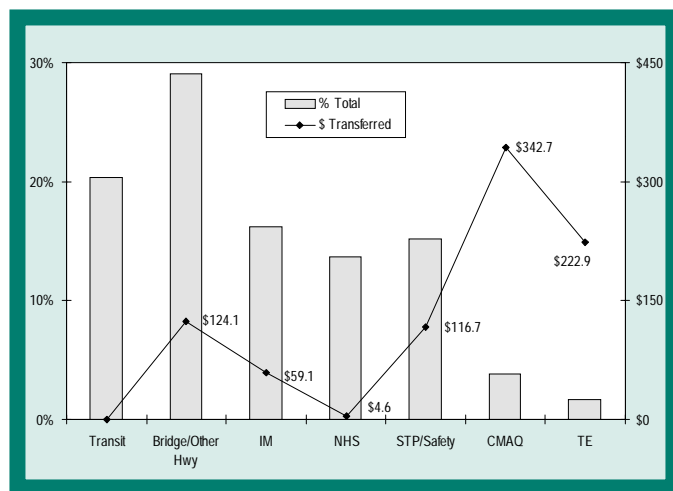


Figure 1. Combined Chart of % Totals and \$ Transferred

Figure 1 shows how two innovative ISTEA programs had the most funds transferred from their respective accounts. The "% Total" represents the percentage each program received under the \$155.3 billion ISTEA. The "\$ Transferred" shows the percentage of each program's funds that had been borrowed by

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How Historic Preservation and Transportation Link

DAN COSTELLO, *National Trust for Historic Preservation*

The views expressed in this article are those of the author and do not necessarily reflect the views or policy of the Federal Highway Administration.

Moving people and goods safely and efficiently creates an interaction between transportation and the physical, social and economic environment it serves. This truth was recognized as early as 1966 in the Department of Transportation Act's Section 4(f), which requires Federal and state highway agencies to avoid harming historic areas and parks. Both ISTEA in 1991 and TEA-21 in 1998 require that the interests of communities and the benefits they derive from the roads passing through them receive full consideration when transportation investment decisions are made.

In 1991 the Senate Environment and Public Works Committee said, "It will now be possible...to create scenic or historical corridors that preserve and enhance scenic, historical and community values, using a mix of historic preservation, scenic easements, pedestrian trails, scenic parks, and other enhancements an integral part of projects to create new or rehabilitated road or transportation systems." TEA-21 reaffirmed this policy.

The plain words of Congress say that the link with transportation that makes a project eligible for enhancements funding is that, in the eyes of the community, the project adds a value or benefit to a road. By improving the functional benefit of a road or other transportation facility and by favorably impacting the traveling experience, enhancements projects contribute to community livability.

Selected State Criteria

South Carolina's Transportation Enhancements Program explicitly seeks impacts on livability and sharpens the notion of proximity in determining historic preservation activities' eligibility. It considers whether structures or sites are on or eligible for the National Register of Historic Places, are threatened, meet accepted preservation standards, involve qualified professionals, and promote such important community benefits

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TEA-21 Brings Changes in Eligibility

ROBERT PATTEN, *Rails-to-Trails Conservancy*

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In a laudable move, the US Department of Transportation is making an effort to get feedback from its customers and the public before issuing any TEA-21 guidance. Unfortunately, it takes time to convene focus groups and conduct briefings and hearings, leaving an information void in the enhancements area which state DOTs and project sponsors are eager to fill. USDOT's outreach efforts will help ensure the best possible guidance, however the added months, combined with the original delay in the legislation's passage, is creating a mounting pressure to get the next round of TE projects and programs rolling.

A number of state TE program managers and prospective project sponsors indicate that some states are not waiting for Federal Highway Administration (FHWA) guidance before setting state policy and issuing new state TE program guidelines. California and Maryland were forging ahead in September.

TEA-21, as in most pieces of federal legislation, includes both legislative language (the actual law) and report language (Congressional comment on its legislative language). Examining the report language in TEA-21, titled, *The Joint Explanatory Statement of the Committee of Conference*, helps clarify some of the questions on guidance that have arisen in the past few months.

In TEA-21, the Committee uses the report language primarily to explain the compromises reached in reconciling the elements of the two draft bills: *BESTEA* from the House and *ISTEA-2* from the Senate. In the case of Enhancements this was primarily a reconciliation of different proposals for changing project eligibility.

The Conference Committee **did not** adopt proposed House language stating that to be eligible, TE activities must have a "direct link to surface transportation." It did however, adopt compromise language saying "a relationship to surface transportation." It might sound like hair splitting, but in reality it represents an important compromise. While Congress was concerned that some past projects lacked a relevant nexus with the transportation system to warrant federal-aid support from the Trust Fund, it did not want the pendulum to swing back too far the other way.

Furthermore, public interest groups concerned with historic and scenic preservation and trails have taken this compromise language to mean that a strong relationship to transportation is important for all projects, but that definitions of this relationship in terms other than a purely functional relationship, are equally valid in determining project eligibility.

(See *Historic Preservation*... article on page 1.)

Hopefully FHWA will say in new TE guidance that a variety of screens are equally valid in determining a project's relationship to surface transportation. Screens such as environmental and visual impacts; impacts on traveler experience; spatial relationship between the project and transportation facilities; connections to transportation history; a project's contribution to the landscape, streetscape or specially designated area; or its contribution toward fulfillment of publicly adopted scenic, historic preservation, or trail development plans.

Senator Chafee (R-RI), the chair of the Senate authorizing committee, went even further when he shared his views at a Capitol Hill gathering of bicycling and walking advocates in July. He sticks by his original intent that today's TE projects are addressing a backlog of negative community impacts resulting from decades of highway building and expansion, and by so doing, giving something back to countrysides, communities and neighborhoods that enhance the travel experience, improve public space and make communities more livable.

In addition to the transportation nexus issue, modifications were made to TEA categories #3 and #10.

Congress added to TEA category #3, *Scenic and Historic Highways Programs*, language which explicitly permits the development of *tourist and welcome centers*, as long as there is a clear link to scenic or historic sites. The report language further states that centers do not have to be on designated scenic or historic byways, and that both new and existing facilities are eligible. Under ISTEA, many tourist and welcome centers were funded, but most involved restoring historic buildings for new uses as tourist and traveler information centers. The new language is more explicit and slightly more expansive.

Congress enlarged the scope of TEA category #10, *Mitigation of Water pollution due to Highway Runoff*, to include projects that *reduce vehicle-caused wildlife mortality by maintaining habitat connectivity across highways*. This provision is intended to make eligible wildlife undercrossing projects that will reduce the level of road-kill suffered by wildlife species that are identified federally or by states as *threatened* or *endangered*. While these last critical details did not make the report language, recent FHWA investigation has confirmed that the reason was a technical oversight, and that this was clearly the intent of the public interest groups and members of Congress who put forward this change.

Two TE activities were added to the list. Although these activities appear to be new, their Congressional sponsors confirmed that they can also be viewed as modifications to existing categories.

The *provision of safety and educational activities for pedestrians and bicyclists* was added to the list. This change complements Category #1, *The Provision of Bicycle and Pedestrian*

Facilities. Enhancements are not the only funds that are available in TEA-21 for these and related types of activities:

- ◆ Under both ISTEA and TEA-21, Section 402 Highway Safety Funds (administered by NHTSA) can be used for bicycle and pedestrian safety and education activities.
- ◆ Funds in the Hazard Elimination Program (part of the 10% safety set-aside of STP money) can be used for physical bicycle and pedestrian safety improvements including on-road facilities, public trails, and traffic calming activities.

State TE program managers should be encouraged to coordinate with other staff in their agency who may be involved in managing these other programs.

To further prove that Congress will periodically exercise its own prerogative, *establishment of transportation museums* was specifically added to the TE list. However, this activity was already happening under ISTEA's original set of TE activities, most often related to Category #5: *Historic Preservation* or Category #6: *Rehabilitation of Historic Transportation Facilities, Buildings or Structures*. Transportation museums have been a component of railroad station rehabilitation projects and restorations of other historic buildings. It would seem that Congress is confirming that development of transportation museums or displays describing and interpreting the history of transportation is a way to establish a valid transportation nexus for certain historic preservation projects, especially when the building itself is not an historic transportation facility.

There you have it...one insider's viewpoint. Share **your** thoughts with FHWA and your state DOT, together we can build a strong and vibrant Transportation Enhancements program. (See *TEA-21 Meetings...* article on page 4.)

Restoration of Short-Tea...

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the state Departments of Transportation to use for other programs.

The disproportionate level of program transfers show that in a time of fiscal strain, funding more progressive programs was a low priority compared to established federal-aid highway projects. Along with their comparatively low obligation rates under ISTEA, these Short-Tea transfer rates prove the need for continued effort to institutionalize the implementation of TE and other transportation reforms that emphasize community and livability.

As of late August, nine states had not repaid their TE accounts. Total unrepaid transfers currently amount to \$89.2 million. Under authority of TEA-21, repayment adjustments will be made to the states' FY 1998 apportionments following passage of the transportation appropriations bill (H.R. 4328, S. 2307) which is currently in conference committee.

How Historic Preservation...

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as economic development, tourism, downtown revitalization, neighborhood preservation, housing rehabilitation, or recreational area development.

Similarly, California seeks to meet the relationship-to-transportation test by requiring that enhancement projects be adjacent to or prominently visible from the transportation system; that is, that they may be in areas served by the system, and located in a way that significantly enhances the transportation experience. Other states consider the significance of historic structures and how they conspicuously or prominently impact the traveling experience as a way of screening projects for the transportation link.

The Vermont Agency of Transportation defines an historic preservation activity as one related to transportation by proximity, impact, or function. If proximity is the basis of the nexus, the proposed activity would have to be within a designated scenic or historic area, or an alternate transportation route, defined by the state. Vermont has in mind districts, corridors, or other areas comprising a number of specific scenic or historic sites.

Vermont equates the value of historic preservation enhancements with scenic or aesthetic activities, like billboard removal, land acquisition and landscaping. The transportation relationship of all of these activities is the enhanced experience of the traveler.

Travel as Experience

Building on the Past Traveling to the Future, provides ample justification for maintaining the integrity of historic preservation projects as separate and distinct from historic transportation facilities:

The contemporary historic preservation movement is about preserving and revitalizing more livable communities today while paying homage to the past and its historic structures and landscapes.

Few people travel to just any place: they go someplace, and they want to enjoy the experience of getting there. Preserving buildings, landmarks, and neighborhoods helps us maintain the character of our towns and cities. This special character is what distinguishes someplace from anyplace. Historic preservation projects not only contribute to transforming transportation routes into attractive and efficient connections between America's special places, they also help make those places special.

There are many types of historic preservation projects and many ways that can be meaningfully related to transportation in the development of special places. Removal of outdoor

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advertising, acquisition of scenic easements, beautification efforts, and the restoration of historic facades improve aesthetics. Better aesthetics enhance the travel experience along a highway, bikepath, or walkway.

The preservation of historic properties along an historic Main Street can underscore the pivotal role of transportation in the development of special places. Preserving the only remaining built evidence of a transportation corridor's history certainly enhances the community benefits of the corridor. And where a historic area has been cut off from its original context by a previous transportation project, strategic land acquisition and careful site planning can help reconnect it to nearby communities and repair past damage.

Historic structures along old transportation corridors in towns or rural areas are part of the corridor, part of the area's distinctive landscape, and communities all across America are relying on their scenic and historic assets to promote tourism and economic revitalization. In rural areas, roadways designed for countryside driving are enhanced by the preservation of stone walls, natural hedgerows, historic structures and scenic vistas.

Because of their original designs and the many ways they served the people, historic Main Streets and downtowns encouraged and facilitated walking. But there is more to a walkable environment than sidewalks, crosswalks and traffic calming. The historic character and the beauty of commercial and public buildings contribute to livability. Even more important, preserving downtown's historic building stock is the real engine of economic revitalization. It turns streets that are walkable in an ideal sense into vibrant thoroughfares teeming with people. People need places to go, not just ways to get there.

TEA-21 Meetings on TE

The USDOT will hold a series of meetings on the provisions of TEA-21 relative to transportation enhancements.

The informal meetings will provide a deeper understanding of the complex issues and factors the DOT should consider in issuing policy, regulations, and guidance on TE provisions. Invited representatives from various communities will participate, and DOT officials will moderate.

Meeting agendas will be posted at www.fhwa.dot.gov. If you do not attend, submit written statements directly to the TEA 21 Docket: Docket No. OST-98-4146, U. S. Department of Transportation, 400 7th Street SW, Washington, DC 20590. Clearly identify which TEA-21 provisions you are addressing in your statement.

The DOT will consider these views in its implementation of TEA-21. The Department anticipates hearing a variety of viewpoints concerning the appropriate way to administer the law: through regulations, guidance, or perhaps administering directly from the statutory language.

Connections is a bimonthly publication of the National Transportation Enhancements Clearinghouse (NTEC). The Connections team is Tom Maggio, Hugh Morris, Robert Patten, Barbara Richey and Katherine Shriver.

Submission of articles regarding Transportation Enhancements as well as letters and other comments are welcome.

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