

# CONNECTIONS

THE NATIONAL TRANSPORTATION ENHANCEMENTS CLEARINGHOUSE NEWSLETTER  
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## FHWA Issues New Interim Guidance on Transportation Enhancements

Florence Mills, Federal Highway Administration

On June 18, 1999, the FHWA issued guidance on the transportation enhancement (TE) provisions of the Transportation Equity Act of 1998 or TEA-21. Four days later, this Interim Guidance was featured at the second annual Transportation Enhancement Professional Seminar in Pittsburgh, PA. Harold Peaks of the FHWA presented the Interim Guidance to participants, as well as conducted a Q&A session on the Guidance. The Seminar Proceedings, available in August, will summarize his presentation, and the next issue of *Connections* will feature an article with answers to the most frequently asked questions about the Guidance. The Guidance was developed with thorough public involvement, and addresses not only the new provisions in TE under TEA-21, but also provides additional commentary on the existing TE provisions.

Before writing the Interim Guidance on TE activities, the FHWA spent a year carefully listening to partners and customers and reflecting on what was heard. This was done as part of the extensive public consultation that U.S. DOT Secretary Rodney Slater committed to when TEA-21 passed in June 1998. Specifically, between September and November 1998, Harold Peaks conducted four Information Exchange Meetings on TE in Washington, D.C.; Oakland, CA; Kansas City, MO; and Savannah, GA. Invited attendees represented a wide spectrum of TE partners and stakeholders. They informally discussed a list of issues raised by the TEA-21 enhancement provisions. Additional input came from written comments submitted to the US DOT's public docket for TEA-21, which closed in late November 1998.

As a single, comprehensive TE package, the new Interim Guidance supercedes several of FHWA's previous guidance memoranda. It also supplements the general policies for federal-aid highway projects found in the collected legislation for the Federal-aid highway program and the Uniform Relocation Assistance Act of 1987. These are gathered in 23 U.S.C. as well as the FHWA-FTA planning and NEPA regulations in title 23, parts 450 and 771 of the Code of Federal Regulations (CFR).

Some of the key changes the Interim Guidance makes to former policies:

- A new, more flexible standard, "relates to surface transportation," replaces the old "direct link" to transportation. The new standard is drawn directly from the legislative wording.
- TEA-21 added new categories of TE activities: safety and educational activities for pedestrians and bicyclists; tourist and welcome centers;

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**A GUIDE TO  
TRANSPORTATION  
ENHANCEMENTS,**

**A 32-PAGE COLOR  
PUBLICATION ON  
THE TE PROGRAM  
UNDER TEA-21,  
WAS PUBLISHED  
IN JUNE 1999.**



**THE GUIDE FEATURES  
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# “Open Space” Fosters Communication Across State Lines

Margaret Martin, National Transportation Enhancements Clearinghouse

**W**hen NTEC and FHWA were organizing the Transportation Enhancements Professional Seminar, held June 22-23, 1999 in Pittsburgh, PA they wanted to produce an event in which questions were raised, shared and answered by the people present, rather than have one person lead every discussion. Dr. Marlene Daniel, a professional facilitator, designed and managed an “open space” discussion format to achieve this goal. Everyone was encouraged to state a topic and convene a group discussion. People chose to participate in discussion groups that interested them, and were encouraged to move from discussion to discussion to spread information more quickly and identify cross-cutting issues. This activity was designed to be self-guided, and was a different way of communicating for many of the participants.

Open space discussions require the participants to take a more active role. The participants are asked to discuss the topic’s importance and identify key issues, challenges, and opportunities related to the topic as well as possible solutions. All this accomplished, the participants often realize that they have found the answers by simply communicating freely. “This was the best part of the conference—it was very productive. I have followed up with FHWA as a result of what I learned about streamlining issues and have been able to really get some things moving. Hearing the different ways other states were streamlining gave us a guideline and a goal,” Mark Anderson, Missouri DOT.

There were 15 open space discussions on the second day of the Seminar. Topics surrounding both new and old TE activities were

popular, such as historic preservation eligibility issues and how to implement the new activity for pedestrian and bicycle safety and education. While all the discussion groups were well attended, this article will highlight the discussions regarding the two examples above.

## **Establishing Eligibility of Historic Preservation Activities**

Dan Costello, of the National Trust for Historic Preservation, convened a discussion entitled, “What Does the Relationship to Transportation Really Mean?” and Steve Roberts, from Georgia DOT, convened the  
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COMMENTING ON THE OPEN  
SPACE SESSIONS.

# TE Seminar Brings People, Ideas Together

Megan Betts, National Transportation Enhancements Clearinghouse

**N**TEC hosted the second annual Transportation Enhancements (TE) Professional Seminar in June in Pittsburgh, PA. The Seminar was for state DOT and FHWA TE coordinators. Almost 90 people attended from 38 states, including D.C. and Puerto Rico. In addition to providing an educational experience, the Seminar also introduced two publications to the public: the new FHWA Interim Guidance on TE, and the new *Guide to Transportation Enhancements*.

Attendees were welcomed to the Seminar by Larry King, Deputy Secretary for Planning in Pennsylvania. Eugene Conti, Jr., Assistant Secretary for Transportation Policy, and Gloria Jeff, Deputy Administrator, FHWA, spoke on the important role of TE to the Administration and its goals for livable communities. Harold Peaks, Acting Director of FHWA Office of Human Environment, presented the new FHWA TE Interim Guidance to participants. All of these professionals lauded the TE program, and the way it encourages people to use and think of transportation as a tool to make communities more livable.

## Peaks Speaks on Guidance

A large focus of the first day was on Harold Peaks' presentation about the new FHWA Interim Guidance, published June 17, 1999. The new Guidance supersedes several previous Guidance and replaces two Guidance memoranda: Transportation Enhancement Activities (4/92) and Eligibility of Historic Preservation Work for TE Funding (6/95). The new Guidance stipulates two requirements for project eligibility: the project must be one of the 12 defined eligible activities, and it must "relate to surface transportation." This requirement to "relate" to transporta-

tion is broader and more flexible than the previous "link" requirement. Please see Florence Mills' article on page 1 regarding the Guidance in this edition of *Connections*.

## TE Data Update Presented

Robert Patten, who now works as a consultant for NTEC and Rails-to-Trails Conservancy, also presented to Seminar participants about the August 1999 update to the summary of nationwide spending. Mr. Patten explained that this data reflects funding trends by TE activity, as well as by smaller sub-categories within each TE activity (for example, "sidewalks" as a category for TEA #1, Pedestrian and Bicycle Facilities). While this update provides current data for only 15 states, it is NTEC's goal to be current with all states' data for each update by the end of the year.

Reaching this goal requires a more streamlined data collection format, and continued state cooperation in the data collection process. Harold Peaks stated that, "Each state is encouraged to provide information concerning their TE projects and program to NTEC. The database built using this information will continue to be a valuable, national information resource for state program managers."

## Panelists Discuss TE Delivery

After lunch, twelve speakers spoke during four different panel presentations. Panelists presented on topics such as New Jersey's experience with local governments as managers of projects, planning greenways in Michigan with TE funds, a study of historic preservation eligibility practices across the U.S., and implementing the 100% federal funding

**T**HE NEW GUIDANCE STIPULATES TWO REQUIREMENTS FOR PROJECT ELIGIBILITY: THE PROJECT MUST BE ONE OF THE 12 DEFINED ELIGIBLE ACTIVITIES, AND IT MUST "RELATE TO SURFACE TRANSPORTATION."

option for TE projects in Pennsylvania. These panel presentations communicated valuable information and ideas about TE delivery to participants. Please see the summary of those presentations on pages 4-5.

## Groups Share State Practices

The second day of the Seminar was an exercise in group thinking, one that opened discussion about what some states are or are not doing in their TE programs. The professional facilitator, Dr. Marlene Daniel, encouraged participants to suggest discussion topics. Next, all participants broke into six or eight different groups, three different times, to talk about those topics. Please see Margaret Martin's article on these "open space" discussions on page 2.

The Seminar was a huge success; many people requested a Seminar at least annually. There is talk of establishing a national task force or committee that would meet more frequently and target issues for TE. The opportunities to network, share good ideas, and have a face-to-face dialogue between federal and state representatives were invaluable. It is NTEC's hope that the dialogue and idea sharing fostered at the Seminar will continue long into the future.

# Panel Presentations Allow TE Professionals to Share Experience and Innovations

THE PANEL PRESENTATIONS were an integral part of the TE Professional Seminar in Pittsburgh. They provided a more intimate atmosphere in which to ask questions of the presenters, who ranged from FHWA representatives, to DOT staff, to non-profit representatives. Sharing of expertise is an invaluable part of moving a program forward; due to the relative newness of Transportation Enhancements, there is a larger need than usual for exploring and understanding the law and the surrounding questions. The following are highlights from each speaker's presentation on some of the most important topics relevant to TE today. More detail on these topics will be available in late August when NTEC releases a summary of the Seminar.

## Panel A

### INNOVATIONS IN PROJECT MANAGEMENT

**Jim Snyder**, New Jersey DOT

#### *When Local Governments Manage Projects*

- Community-based quality of life projects are the most effective at enhancing the quality of life
- An increased awareness of available TE funds is necessary
- States should offer workshops to aid communities in application and selection requirements

**Lani Ravin**, Vermont Agency of Transportation

#### *Use and Benefits of a TE Advisory Committee*

- A TE Advisory Committee (TEAC) was formed to impartially evaluate projects state-wide
- Original TEAC members were from state transportation, natural resources, historic preservation agencies, local towns, and the bicycle community
- Reconfigured TEAC to allow more political input
- TE program was made more popular as a result and Vermont now allocates more than the 10% set-aside for TE funding

**Jim Pearson**, Nebraska DOT

#### *Effective Use of Outside Consultants*

- Outside consultants aid TE staff by doing the hands-on work for them
- They walk applicants through every aspect of the process
- Separate from selection committee so there are no conflicts of interest

## Panel B

### EFFECTIVE PARTNERING FOR IMPROVED TE PROGRAM SUCCESS

**Marty O'Brien**, National Association of Service and Conservation Corps

#### *A Hard Corps Approach to Enhancements: Working with Youth Corps*

- Youth service and conservation corps carry out short- and long-term projects for project managers and non-profit organizations
- Corps are cost-effective and offer extensive experience in project assistance
- TE managers should encourage the use of corps
- States should set goals to implement more corps, or provide incentives

**Denise Obert**, National Park and Recreation Association

#### *TE Teamwork with Local Park and Recreation Agencies*

- NRPA conducted an information survey to determine how park and recreation professionals are faring in efforts to spend TE funds
- TE funds are beneficial, but application process and design recommendations are very confusing
- Greater communication is needed between state TE officials and TE applicants about why certain standards exist
- States could streamline by localizing power over bid process, administrative process, and documentation process

**Eric Hertfelder**, National Conference of State Historical Preservation Officers

#### *Historic Eligibility Practices Across the US*

- NCSHPO conducted a study of distribution of TE funds for Historic preservation across the country
- The study concluded that there is an unbalanced distribution of TE funds between the activities, particularly Historic Preservation
- Inconsistency between states' advertising of the available funding and general information about TE
- Difficulty of showing a strong link to transportation—states should expand the definition of "relationship"

## Panel C

### HOW TE SUPPORTS LIVABLE COMMUNITIES

**Julia Badenhope**, Iowa State University  
*Visioning TE Projects in Small Communities*

- Examples of how TE funds can be used in small town/rural America to build livable communities
- Community-wide planning program: sets goals, meets with design team, and discusses phases of implementation
- Community reaches understanding of role the project will play in livability of a community

**Jim Ebenhoh**, Kennedy School of Government

*TE Bike and Pedestrian Projects: An Urban versus Rural Equity Study*

- Examined the dispersal of TE funds for central cities, suburbs, small towns, and rural areas
- Central cities tend to have less TE money per capita than small town/rural areas
- State-level awareness needed about a more equitable distribution of funds

**Nancy Krupiarz**, Rails-to-Trails Conservancy, Michigan Field Office

*Using TE funds to Plan Sustainable Development*

- Michigan is using TE funds to link rail-trails, river corridors, utility easements, regional parks, communities, and the Detroit River in a unifying 7-county trail system
- Need for trail because projected current land-use patterns showed over 50% of existing greenways gone in 20 years
- 3-phase implementation helped address stakeholders' and community's concerns

## Panel D

### INNOVATIVE FINANCING

**Steve Roberts**, Georgia DOT

*Using the 80/20% Program Split*

- This program allows sponsors to spend money on preliminary engineering, design, and right-of-way acquisition as part of the match
- There is a pre-award audit process
- A memorandum of understanding must be completed
- This program gives the sponsor greater flexibility over the choice of consultants and time management

**Mary Keller**, Maryland Highway Administration

*Employing Advance Payment*

- The advance payment option allows contractors to send bills directly to DOT rather than to the project sponsor
- The money paid to the contractor by DOT is already money allocated in TE funding
- The DOT does a manual check of the town applying for this option to ensure the need exists
- This program has not yet been implemented due to problems that have arisen with the projects themselves

**Lou Schultz**, PennDOT

*TE Projects with 100% Federal Funds*

- Pennsylvania uses accumulated toll credits to count toward the non-federal share of the match
- A project can receive 100% federal funding for the construction phase when using non-federal funds for all pre-construction
- This allows greater flexibility in the pre-construction phase
- PennDOT engineers ensure pre-construction is done so that actual construction will qualify for funding

## FHWA Issues...

(continued from page 1)

environmental mitigation to reduce vehicular wildlife mortality; and the establishment of transportation museums. The Interim Guidance discusses them extensively.

- Innovative financing opportunities are a feature of TEA-21. The Interim Guidance describes program implications of using these opportunities.

Other topics discussed in the Interim Guidance are public involvement, implementing all of the TE categories, the relationship of enhancements to the planning and project development processes, monitoring program accomplishments, state project selection criteria, partnering with youth corps, grandfathering eligibility, general real estate guidance for enhancement projects, and a comparison of TE and transit enhancements.

The Interim Guidance does not attempt to address all possible scenarios, but primarily focuses on the new provisions of TEA-21. The Interim Guidance attaches 10 previous TE policy guidance memoranda that remain valid as appendices.

Copies of the Interim Guidance are available from NTEC at 1-888-388-NTEC, or by calling the FHWA at (202) 366-0106. Access is also available on the internet at:

[www.fhwa.dot.gov/environment/te\\_intrm.htm](http://www.fhwa.dot.gov/environment/te_intrm.htm)

or

[www.enhancements.org](http://www.enhancements.org).

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## Open Space...

*(continued from page 2)*

discussion “Historic Preservation, Welcome Centers, and Tourist Centers.” Both addressed many questions about historic preservation and its connection to transportation: How can one best show a link to transportation? How do community values affect eligibility?

Proximity to transportation alone is not sufficient and although the “direct link” to transportation under ISTEA is no longer required, new and inventive methods must show a project’s relationship to transportation. Sponsors can demonstrate that the structure had a past, present, or proposed relationship to transportation. The participants suggested that sponsors can strengthen this connection by combining historic preservation with one or more eligible activities. The discussion group also suggested that FHWA could provide more extensive guidance and states could identify and share the criteria of other states.

### **New Bike/Ped Education Activity Discussed**

A new TE activity was discussed during a session entitled “Pedestrian and Bicycle Education Activities,” convened by Odin Brudie from Alaska DOT. Participants agreed that there is

a need to improve safety by educating bicyclists, drivers, pedestrians, and road designers. This is also an important enhancement activity for compliance with the Americans with Disabilities Act because trails and bike paths need to be made accessible and safe for persons with disabilities. The topics mentioned all stemmed from a desire to steer this new TE activity toward a strong stance on how walkable, bikable places are livable places. To emphasize this main goal participants saw this activity as an opportunity to educate people about the benefits of walking and biking.

This enhancement activity provides an opportunity for communities to become actively involved in promoting safety in transportation. The discussion group determined that communities must commit themselves to bicycle and pedestrian safety in order to meet the opportunities provided by this new TE activity.

### **Successful Format for Communication**

The open space discussions led to more open communication of problems, solutions and ideas. Jan Piland, from the FHWA Illinois Division, said of the format; “The open space discussions are where things really happen. It was one of the most useful conferences I’ve been to—I learned a lot and saw people learning how to make good compromises.”

By encouraging people to express their frustrations and ask questions of their peers, the sessions achieved the goal of fostering better understanding of federal and state perspectives on guidance policy, encouraging participants to learn about the best practices for program delivery at the state and local level, and finally, working together to strengthen TE’s value in planning livable communities.

**Connections** is a quarterly publication of the National Transportation Enhancements Clearinghouse sponsored by the Federal Highway Administration. Submission of articles as well as letters and other comments are welcome.

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