

TRANSPORTATION ENHANCEMENTS PROFESSIONAL SEMINAR

June 22-23, 1999 ■ Pittsburgh, PA



*Enhancing Communities
Into the 21st Century*

Proceedings

TE Professional Seminar
June 22-23, 1999 Pittsburgh, PA

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Transportation Enhancements Professional Seminar
Pittsburgh, PA
June 22-23, 1999

Executive Summary

On June 22-23, 1999, the Federal Highway Administration (FHWA) and the National Transportation Enhancements Clearinghouse (NTEC) brought almost 90 people together in Pittsburgh, PA, for the second Transportation Enhancements (TE) Professional Seminar. Participants were state and federal DOT and FHWA representatives who work on the TE program, and a few stakeholders from the private sector invited as presenters. People came from 38 states, including the District of Columbia and Puerto Rico, to attend this Seminar. FHWA and NTEC designed the Seminar as a forum for interaction amongst the different groups charged with delivering the Enhancements program. TE professionals' role in helping people make their communities more livable and their transportation systems more useable is vital; the ability to learn more and network for improved understanding of the program and its policies is just as important.

In order to foster such interaction, the Seminar's structure allowed participants the opportunity to learn, share, and act together. It was imperative that participants voice their concerns and questions about the Enhancements program, and identify potential solutions and answers. Also important was the ability for state DOT and FHWA representatives to have face-to-face dialogue with each other. Keeping these goals in mind, the structure of the Seminar was developed based on ideas provided during a TE professionals conference call in February 1999, and with the help of a professional facilitator, Dr. Marlene Daniel. By starting with presentations by U.S. DOT Administrators, moving to presentations by TE professionals, and culminating with open dialogue, participants began listening, talking, and acting for improved TE delivery.

Listening and Learning

TE professionals work to implement a progressive and powerful program, one that represents a fundamental change in America's perception and value of transportation. This program was mandated by Congress, and is implemented at the local and state level by dedicated citizens and professionals. Support for the program at the federal level, and representation of the program at the national level, is nevertheless vital to its success.

Mr. Eugene Conti, Jr., Assistant Secretary for Transportation Policy, and Ms. Gloria Jeff, Deputy Director, FHWA, both spoke to participants about how the TE program implements the Administration's "livable communities" initiative. The Administration views Transportation Enhancements as a tool to help communities become more livable. This includes improving access to jobs, and balancing economic needs with human and environmental needs. The participation of these officials in the Seminar represents the Administration's support for the Transportation Enhancements program, from the professionals who execute it to the citizens who sponsor projects.

The FHWA Office of Human Environment, which oversees the TE program, provided participants with an important piece of direct and tangible support for the program and the work states do each day. Mr. Harold Peaks, Acting Director of the FHWA Office of Human

Environment, presented the June 17, 1999 Interim Guidance on Transportation Enhancements Activities to Seminar participants. This Guidance provides states and citizens with federal direction about Transportation Enhancements under TEA-21. Participants raised three important questions about the Guidance during Mr. Peaks' presentation: how should states apply the "relates to surface transportation" requirement? Is there a time limit on donations considered part of a local match? And, how should states treat income generated by activities in spaces funded by TE dollars? Those three questions are addressed by FHWA on page 82 of these Proceedings. By explaining the Guidance and answering participants' questions, Mr. Peaks helped continue the dialogue between state and federal professionals about the program and how to balance national consistency with state individuality.

Even with continued support at the federal level for the program, participants indicated room for improvement in TE delivery remains. Mr. Larry King, Deputy Secretary for Planning at Pennsylvania DOT noted how the state of Pennsylvania, in which the TE program is "wildly popular," has yet to construct thirty percent of its programmed projects. However, Pennsylvania is also working hard to implement Transportation Enhancements under TEA-21; 81 projects were programmed in May 1999. Mr. Robert Patten, consultant to NTEC and Rails-to-Trails Conservancy, showed participants the results of NTEC's FY1999 Interim Report, the most recent update to the collection and analysis of state TE spending data. His presentation demonstrated that states must participate in the data collection process in order to have an accurate representation of the work they are doing. TE professionals are helping to implement important transportation improvements, but they must strive to make sure the projects get on the ground and are represented as such at a national level.

The Seminar thus began with positive and necessary expressions of support, both verbal and tangible. The Interim Guidance is an important tool for TE professionals, but the questions participants raised about its guidelines demonstrates that honing the Enhancements program is a continual process. Much work remains to be done to fully implement the community benefits possible with Transportation Enhancements.

Talking and Sharing

The TE professionals also came to Pittsburgh for the chance to interact with and learn from each other. As the people responsible for administering the Enhancements program in every state, these professionals are their own best resources for information, education, and inspiration. The Seminar next shifted to focus on the participants—hearing each other's concerns, success stories, and ideas for the future of Transportation Enhancements delivery.

Dr. Marlene Daniel, a professional facilitator with over twenty years experience in organizational learning, began to transition participants towards interaction and problem solving with a "mind-mapping" exercise. Participants were encouraged to voice a concern, a question, or an issue they have about TE delivery. These were noted at the front of the room for all to build upon, and soon, 46 different topics stemming from the central issue of "TE delivery" had been voiced and recorded. Please see page 16 of the Proceedings for a ranking of these topics. This brief exercise created an atmosphere of open exchange and interaction amongst Seminar participants, and planted the seeds for the second day's "open space" participant-inspired meeting agenda.

Seminar participants also had the opportunity to hear from each other in a more formalized exchange of panel presentations. Presenters were representatives from state DOTs, non-governmental organizations, and FHWA divisions. Topics spanned four different categories about delivering the Transportation Enhancements program: Innovations in Project Management, Improved Partnering for Improved TE Program Success, How TE Supports Livable Communities, and Innovations in Finance and Cost Sharing. TE professionals suggested these topics in February 1999. Each panel consisted of three different presenters, providing participants with 12 distinct perspectives on both successful approaches and necessary improvements to the Enhancements program. Below are examples from each of the four presentations. Please see page 19 of the Proceedings for a synopsis of every presentation.

- Project management is an area of TE delivery where innovations benefit both the project sponsors and the state programs. Jim Pearson, of the Nebraska Department of Roads, explained that hiring outside consultants to guide project sponsors through the TE process has aided everyone involved in Nebraska's TE program.
- TE projects can be ideal opportunities for forming partnerships across communities and organizations. Marty O'Brien, of the National Association of Service and Conservation Corps, encouraged participants to include youth corps in their state TE projects by explaining the benefits—for the youth, the community, and the state—of utilizing youth corps in Enhancements projects.
- Helping people to make their communities more livable through enhanced transportation systems is the ultimate goal of the TE program. Julia Badenhope, of Iowa State University, discussed how Iowa's Community Visioning program effectively incorporates public participation in design and implementation of TE projects in rural areas.
- Financing TE projects is an issue for all states, one made easier by innovative financing options sanctioned by the federal government for states to adopt. Steve Roberts of Georgia DOT presented on how Georgia employs the innovative financing provision of crediting preliminary engineering, design, and right-of-way acquisition as part of the local match.

The facilitated discussion of TE, led by Dr. Daniel, and the panel presentations, turned the Seminar inward towards the participants. Creating space for identifying topics of concern, and then providing the chance to begin sharing innovations, allowed participants to turn towards each other—and themselves—for solutions and ideas.

Action and Acting

The second day of the Seminar built upon the discussion and ideas fostered during the first day. The agenda, however, was left to participants to develop according to their interests, needs, and concerns regarding TE delivery. Dr. Daniel arranged for the Seminar to utilize a relatively new but well tested design known as Open Space Technology on this second day. This workshop structure enables groups to address highly complex issues in a short period of time, and is a particularly effective process for strategic planning, program development, and problem solving.

Participants were asked to suggest a topic for small group discussion. This topic could be whatever the person wanted to discuss with their peers regarding TE: a concern, a question, or a problem with seemingly no answers. Each topic was given a meeting space and a time slot, and before long, participants had developed an agenda of meetings and topics to be discussed that day. By breaking into smaller groups, and encouraging participants to not only attend those sessions that interested them, but also to feel free to move amongst the sessions to spread information quickly, Open Space meetings foster communication and progress on pertinent issues. Moreover, this design fosters problem solving, because the groups follow a set format of questions which move the discussion toward identifying positive courses of action.

A list of each of the topics discussed follows. Individual reports—the question format discussed above—from all of the discussion groups are included in sections beginning with pages 29, 48, and 62 of the Proceedings. Understand that these are working notes of discussions that will mean the most to those who actually participated. Nonetheless, the notes are a valuable resource for everyone. If you see a topic that interests you, the reports provide contact information for the convenor (the person who suggested the topic). These people, as well as the attendees listed on each report, can provide you with more detail about each meeting. The participant list, included in Appendix page 88, is another source of contact information.

Topics discussed during Open Space group discussions:

Breakout Session I: Land Acquisition and Match Requirements; Including Bicycle and Pedestrian Landscaping in Roadway Projects (and ADA requirements for Trails and Sidewalks); Bicycle and Pedestrian Education Activities; Eligibility Requirements; Best Practices for State/Local TE Project Management, and Streamlining Process Within the State; Handling Ineligible Projects.

Breakout Session II: Related to Surface Transportation: What does it Mean?; Involving Communities Without Becoming an Advocate; How to Keep Projects on the "Fast Track"; Volunteers, Donations, "Soft Match."

Breakout Session III: Inventing New TE Streamlining Procedures; Selection Criteria & Earmarked Funds; Close-out of TE Projects; Historic Preservation, Welcome Centers, Tourist Centers—Clarification of Linkage; Data Collection—Issues and Questions.

At the conclusion of the group discussions, Harold Peaks addressed remaining concerns that surfaced during the Seminar. Please see the complete list of "Follow Up" topics in Appendix page 79. Participants voiced a concern about managing income generated by non-profits at Transportation Enhancements funded sites. Participants felt that the new Guidance is not specific enough on this topic, and further Guidance on what is allowable would be helpful and appreciated by program managers. Another issue on participants' minds was the delineation between purely recreational and transportation trails. California, Kansas, and Wisconsin representatives all offered ideas for how to differentiate amongst those trail uses to best fund transportation-related trails with TE dollars. A related concern regarding trails is right-of-way acquisition. Mr. Peaks confirmed that while there is no current limit on how long ago the right-of-way was acquired with regard to using that cost as part of the local match, state ROW staff should decide what is reasonable for each state, perhaps evaluating the motive behind the contribution and reason it was acquired. Finally, participants raised the issue of the email list

serv as a place for communication amongst TE professionals. Mr. Peaks cautioned participants that the list serv is a place for communication, but not policy determination. Possibly one way to continue the communication fostered during the Seminar is for everyone—TE program managers and the FHWA headquarters and divisions—to use the list serv more often.

The Open Space sessions capitalized on the creativity and experience each participant brought with them to Pittsburgh. By sharing their collective knowledge of Transportation Enhancements, and the diversity of a national program implemented differently in each state, participants were able to harness this diversity and work together to establish common solutions. As the capstone to the two-day Seminar, the Open Space meetings and the final discussion with Harold Peaks brought everyone's attention to the topics of greatest concern. The positive focus on decision making, information sharing, and solution identification provided not only closure, but also inspiration for the work to which participants returned.

Summary: Listen, Speak, and Act

When Larry King welcomed participants to the Seminar and to the state of Pennsylvania, he encouraged the TE professionals in attendance to listen carefully to each other and to the people who depend on them to implement the TE program. By listening carefully, one nurtures relationships, and fosters communication and progress. This theme opened the Seminar as participants listened to representatives of the U.S. DOT Administration express support and provide real guidance from the federal perspective. By listening to Robert Patten's presentation, they also witnessed first-hand the importance of reporting accurate and timely information to NTEC regarding their state's TE projects. The exchange that occurred during these presentations established that interactive listening was and is a vital part of working together for improved TE delivery.

One cannot just listen, however, and effectively implement Enhancements projects and programs. Networking is vital to the survival and progress of the Transportation Enhancements program. The Seminar therefore provided participants with many opportunities to share success and not-so-successful stories, innovations, information from study results, concerns, questions, and problems. By creating a mind-map of important topics related to Transportation Enhancements delivery, these TE professionals established that raising one's own voice and contributing to the dialogue sets progress and communication in motion. Sharing information during the panel presentations that participants gathered from experience implementing and studying TE took this vocalization to the next level: action.

Finding solutions to problems and implementing both new and well-tested methods requires a willingness to act. The Transportation Enhancements program *requires* action—from citizens, non-governmental organizations, local and state governments, and the federal government—in order to make the best use of the many possibilities for improving communities contained in the program. Transportation Enhancements professionals act on a daily basis to make the Enhancements program a reality in local communities all across the country. The Seminar as a whole, and the Open Space sessions especially, reminded these TE professionals that action stems from a willingness to share an idea or ask others for their ideas, to listen, and to work together. The TE program's goal is to enhance America's *communities* through transportation improvements; community is also necessary for the program's success. As you work to implement Transportation Enhancements, remember U.S. DOT Secretary Rodney Slater's

famous words: "Transportation is about more than concrete, asphalt, and steel. Ultimately it is about people." You—the citizens of this country, the local, state and federal governmental representatives—are the reason to take action for more livable, enjoyable, and useable communities.

TE Professional Seminar
June 22-23, 1999 Pittsburgh, PA

Tuesday, June 22, 1999
Welcoming Speeches and Presentations

Introduction

The second TE Professional Seminar began on Tuesday, June 22, 1999, with welcoming speeches and presentations by U.S. DOT Administrators, state representatives, and NTEC staff. These presentations expressed the support for and success of the TE program from the local to national level. Mr. Larry King of Pennsylvania DOT noted that while Pennsylvania has a diverse transportation system, with Pittsburgh as a strong example of intermodal access, much remains to be done in the state to implement more TE projects. Mr. Eugene Conti of the U.S. DOT told participants that the DOT Administration envisions that TE can provide tools to make communities more livable. Mr. Harold Peaks of the FHWA explained the new Interim Guidance on TE, helping to clarify the new provisions of the program under TEA-21. Mr. Robert Patten of NTEC and Rails-to-Trails Conservancy explained the results from NTEC's most recent data collection on state TE spending, and the need for states to provide NTEC with current project and program data. Ms. Gloria Jeff of the FHWA also reminded participants of the value of the TE program to improve Americans' quality of life and access to opportunities, while also protecting and enhancing both human and natural environments.

Mr. Larry King, Deputy Secretary for Planning, Pennsylvania DOT

Mr. King welcomed participants to the state of Pennsylvania, and especially to the city of Pittsburgh. The Pittsburgh region, he explained, has a "mature, well developed, and effective transportation network," which includes busways, waterways, inclines, light rail, and bike and pedestrian trails (some funded with TE dollars). Transportation Enhancements has been a popular program in Pennsylvania since its inception under ISTEA, but now TE is "wildly popular." Pennsylvania has an Advisory Committee in place, comprised of state and federal representatives as well as grassroots organizations, all of whom are engaged to plan, program, and administer the TE program.

In six years under ISTEA, Pennsylvania has programmed \$55 million for 155 projects. Thirty percent of the total number of programmed projects has not yet gone to construction. In May 1999, Pennsylvania completed its first round of TEA-21 programming, and programmed 81 more projects. This not only demonstrates that there are many good projects in Pennsylvania, but also that the state has experienced certain difficulties in delivery and implementation. With so many projects yet to get on the ground, few valid excuses remain and it is necessary to "get it right." In closing, Mr. King encouraged TE professionals to "get it right" by listening carefully to and nurturing relationships with the partners and customers of the TE program.

Mr. Eugene Conti, Assistant Secretary for Transportation Policy, U.S. DOT

Mr. Conti also welcomed participants, and lauded their presence as evidence of their commitment to the TE program. He expressed the DOT Administration's strong support of the TE program, because they envision TE as a major tool for helping communities become more

livable. It is apparent that TE professionals have successfully used TE to strengthen the cultural, aesthetic, and environmental aspects of the transportation system across the country. The way the TE program has thus far been implemented demonstrates how TE embodies Secretary Slater's words, "transportation is about more than asphalt, concrete and steel." This program allows transportation to go beyond routine mitigation and band-aid type solutions. Moreover, it allows people to create transportation improvements that truly enhance communities and their quality of life.

TE has also fostered new partners across the government and private sector, lending new levels of creativity to projects. Mr. Conti cited two examples of TE projects that demonstrate partnership and enhanced transit opportunities: a Newark, NJ transit-oriented development that provides visitor information and transit management; and the Ferry Depot in San Francisco, CA, that provides alternatives to automobile transit and restores a significant public space.

Transportation is a key part of the Clinton administration's "livable communities" initiative. As part of this livability initiative, DOT is in the process of selecting 10 communities around the country for a pilot effort of focusing federal and state agencies on tangible, region-specific issues. The DOT believes that transportation can be a key part of restoring a sense of community and the creation of ongoing sustainability. TE has to be a key part of this effort to bring a sense of quality of life to communities, enabling mobility and creating real communities that are economically powerful while also environmentally sensitive.

Mr. Harold Peaks, Acting Director, FHWA Office of Human Environment

Mr. Peaks presented the new Interim Guidance on Transportation Enhancements Activities to Seminar participants. The Interim Guidance is not an attempt to answer every possible scenario that could develop under TE. It is the product of a cooperative effort amongst many different groups of people, with diverse interests and opinions. FHWA held information gathering sessions around the country to obtain feedback on what needed to be included in the new Interim Guidance, and also received input from Federal Register comments. FHWA had to balance the needs of people who demanded a broad, flexible Guidance with those who wanted more specific Guidance. Thus, the new Interim Guidance is the product of an effort to establish a middle ground between these two demands. The Guidance is an "Interim" Guidance in order to allow for revision if necessary, and to include the results of ongoing environmental planning and NEPA regulatory processes.

Mr. Peaks next discussed each of the major sections of the new Interim Guidance:

Policy and Background

- TE is a sub-component of the Surface Transportation Program. TEA-21 legislation says that all laws that apply to the STP program also apply to the TE program aside from mandated exceptions. Those exceptions, e.g., financing opportunities for TE that are not available to STP, are noted in the Interim Guidance.
- Congress mandated that DOT shall put forth an effort to decrease TE project implementation time. Environmental streamlining opportunities help in this effort. TE professionals should keep in mind that the result of streamlining in new NEPA and environmental planning regulations will affect project implementation time.

- TE projects must still be included in Metropolitan Statewide Plans in order to be examined as part of a larger effort to foster livability and sustainable transportation.
- The new Interim Guidance replaces two FHWA memoranda: Transportation Enhancements Activities (April 1992), and the Eligibility of Historic Preservation Work for Transportation Enhancements Funding (June 1995). Some wording is consistent between the old and new Guidance on these topics, but FHWA is trying to reflect the thinking of today. The remaining FHWA Guidance memoranda remain current and are included as appendices to the new Interim Guidance.

Eligible Activities

- The Interim Guidance stipulates two federal requirements for eligibility: a project must be one of the 12 defined TE activities, and must “relate” to surface transportation. Routine mitigation projects are not eligible. This new language, “relate” to surface transportation, was put into place because this is the language Congress used in the law. Therefore, TE professionals should encourage applicants to establish the relationship of their project to transportation in the project proposal. Moreover, TE professionals should examine project proposals closely for this requirement.
- The new Interim Guidance specifically defines surface transportation as inclusive of water but exclusive of aviation.

Streamlining Measures and Matching Funds

- Streamlining measures in the Interim Guidance are not the same as environmental streamlining. This Guidance highlights those measures provided by Congress for reducing TE project implementation time. FHWA is open to ideas about new streamlining measures.
- The Interim Guidance allows states to *consider* the value of services performed prior to project approval as part of the local match. This does require TE professionals to work with FHWA Division staff to verify approval of services under consideration as a local match contribution. The Guidance does not stipulate a qualifying time limit on services performed, e.g., designs drawn ten years prior to project submittal could qualify as could designs drawn one year ago. However, TE professionals must examine these contributions on a case by case basis, and judge whether or not those services are relevant at the time of the project submittal. Seminar participants noted that more interpretation and clarification of this part of the Guidance would be helpful.
- The advance payment option is not new to this Guidance, but is included to emphasize the flexibility states can adopt and provide as part of implementing TE. Advance payment monies are to go directly to local communities, and are not to be stockpiled by the states.
- TE funds are transferable only to specific Title I programs, such as the recreational trails program. However, Congress limited the amount eligible for transfer to 25% of the difference between 1997 and current funding levels.

Public Involvement and Implementation

- The Interim Guidance specifically encourages states to perform public outreach and foster public involvement in the TE program. TE professionals should take advantage of opportunities to get local communities involved in how their state delivers the TE program.
- The Interim Guidance also encourages states to not group TE activities together under different categories. This is because Congress separated each activity as a distinct qualifying activity, and because grouping activities in new categories has led to not funding certain TE activities.

Project Development, Accounting and Reporting

- The Interim Guidance stipulates that TE projects, as federal-aid projects, must be compliant with all laws under the “NEPA umbrella” (e.g., Historic Preservation Act, Uniform Relocation Assistance Act). TE professionals must confirm that projects are compliant before approval.
- Since Congress mandates certain reporting of STP funds, a new accounting system has been developed and is articulated in the new Guidance.
- The Interim Guidance recognizes that states can establish additional selection criteria and have other flexibilities in place in addition to the FHWA’s two requirements.
- The new Guidance notes that using TE funds for long-term maintenance and operation is not encouraged. Since one TE activity does include the word “operation,” TE funds can be used for operation expenses of those facilities.
- Eligibility requirements have been “grandfathered” in an attempt to recognize that states have already developed their own Guidance, have called for projects, and have even programmed those projects. However, states are encouraged to examine the new FHWA Guidance and compare it to state Guidance, and should make sure the two are as consistent as possible. FHWA encourages consistency while also acknowledges states’ flexibilities.

New TE Activities

- The TE activity for pedestrian and bicycle safety and education is not for building bicycle and pedestrian facilities. Projects in this category should stress *activity*, e.g., those programs that help communities learn bicycle and pedestrian safety.
- The TE activity for scenic or historic highway programs includes a new provision for tourist and welcome centers. When examining a proposed project, TE professionals should verify that these centers demonstrate a relationship to transportation. The Interim Guidance says that tourist and welcome centers do not have to be on a scenic byway to qualify for TE funds, but do have to have an association with a scenic or historic site. The site does not have to be transportation related, but it does have to be linked to transportation. Possessing this link and establishing it in a project application would make the application process easier. States are responsible for determining whether or not a “clear link” between a tourist center and a scenic or historic site exists. The Guidance does not attempt to define “scenic.” States can rely on state commissions or other organizations for an acceptable definition of “scenic.”

- The TE activity for environmental mitigation to address water pollution also includes a new provision for preservation of wildlife habitat connectivity. This TE activity is not specific to endangered species.

Support for Partnerships, Museums

- Congress suggested that the TE program should, when possible and beneficial to both parties, partner with youth corps. The Interim Guidance therefore encourages this partnership, but does not mandate it. In addition, the Guidance encourages states to initiate the partnership with youth corps.
- The Interim Guidance also encourages the establishment of transportation museums. This is not new to the TE program. States should look to the Interim Guidance for criteria on what constitutes a museum, because this definition was written with the input of the museum community, and is acceptable to that community. If fees are charged at these facilities, the Guidance requires only that a “portion” of the fees be used for the maintenance and operation of the facility. States and project sponsors should reach an agreement as to how these fees will be used prior to project approval. Seminar participants noted that by not requiring all funds to be used for the facility, the Interim Guidance gives “blanket authorization” to use the funds for other activities. In addition, the Guidance does not differentiate between military museums and other transportation museums.

Transportation Enhancements versus Transit Enhancements

- The Guidance includes a section on transit Enhancements in order to clarify the differences between that program and the TE program.

In closing, Mr. Peaks emphasized that states should do what they can to be consistent with federal Guidance. If states add requirements or issue state Guidance on the TE program, the states should make sure citizens understand which are state and which are federal requirements. In addition, states should make the best effort to be consistent with federal Guidance. For example, states should not ban youth corps partnerships when the new Guidance specifically encourages it. This type of inconsistency will only cause difficulty for the state itself. TE funds should be made as available as possible, so when states set up arbitrary limits, it can cause problems and delays. Finally, TE professionals need to remember that just because a project was approved years ago does not necessarily make it eligible today. TE professionals need to consider each project in light of the new Guidance and today’s state criteria.

Mr. Robert Patten, NTEC, Rails-to-Trails Conservancy

Mr. Patten presented participants with a brief overview of NTEC's Interim Report on state TE spending. These statistics are a “picture of where the Enhancements program is right now.” Another purpose for his presentation was to demonstrate to states what kind of information is available to them through NTEC, and why it is so important that they provide NTEC with data.

There are three types of TE data: programmed, obligated, and reimbursed. Programming data is based on collecting project data from states. The programming rate is low at 69% because NTEC has only gathered data recently from 13 states. The obligation rate is lower than it has been in the past, because obligations have not kept pace with the amount of new TE funds available for states to spend. This obligation number is based upon FHWA data from March 31, 1999.

Mr. Patten also presented graphic representations of the TE spending data. Approximately 25% of projects are historic preservation, 25% are scenic and beautification programs, and 50% are bike and pedestrian projects. These larger groupings of categories can also be divided into subcategories for further analysis of how TE dollars are spent.

Three challenges to NTEC's data collection, in addition to the problem of not receiving data from every state, include tracing sub-allocation of TE funds to MPOs, obtaining accurate information on project duration, and having a city and county locator in the data. If particular cities are spending TE funds, these cities need to be represented.

In closing, Mr. Patten explained that data can be submitted electronically. This type of submission helps NTEC analyze more data more quickly. There is no one universal due date for state data because of the differences in state programs, and because it would be difficult to process information from all 52 states at once.

Ms. Gloria Jeff, Deputy Administrator, FHWA

Ms. Jeff opened her presentation by reminding the participants of who they represent, and that it is important to capture the diversity and richness that is America. When examining the TE program, the objective should be an opportunity to represent the breadth of America, not just improve transportation. TE managers should be reaching out to capture this diversity.

A focus of the Clinton administration has been on the creation of livable communities. It is possible to balance a commitment to protect the natural environment as well as human and economic needs; both can be accomplished and produce a quality of life that is the envy of the rest of the world. "The centerpiece of what will make the livability agenda successful is transportation." TE is an important early step in making this concept a reality. The idea behind Enhancements is that transportation does have an impact on quality of life and does shape how people interact. Transportation is really about how we provide *access* to improve quality of life for everyone. TE provides unique opportunities to build communities where people want to live and work.

Last year, at the start of TEA-21, no one knew what the program really meant or how to implement it. However, the DOT did know that they wanted a program that provides access to opportunities, encourages economic growth and trade, and reinvests in American's human and physical infrastructure. In order to accomplish these goals, DOT knew establishing a safer transportation system was necessary, because "a transportation system that is not safe is an ineffective system by any standard."

DOT is working very hard to create more access to transportation for people with disabilities. For example, in July 1999, the FHWA will publish a design manual to assist in providing access to trails and urban environments. FAA is developing a document on improving access to aviation related facilities, and DOT has established and published a new "accessibility policy" applicable to all divisions of DOT.

The federal government's role is to create the environment at which decision making at a non-federal level can take place. Decisions about what are the right sets of projects should be made at

a non-federal level. That is purposeful because TE is about placing the power of decision making about community solutions at the local and state levels. When making policy decisions about TE, it is important to keep FHWA resource centers and state divisions “in the loop.”

TE is a program that can be called “a screaming success.” Under TEA-21, we should use 100% of the funds, not 67% as were spent under ISTEA. The livability agenda is based on the fundamental thought that we should focus on outcomes, on how we can tie together a transportation system that fosters economic activity and one that acknowledges America’s diversity, and one that balances economic activity and the protection of both the natural and human environments. Even though we are only starting the second year of TEA-21, DOT is already working on a “grandchild” of ISTEA to follow TEA-21 in the near future. Transportation professionals need to continue their focus on streamlining, but should also focus on "what could be" more than "what can't be."

TE Professional Seminar
June 22-23, 1999 Pittsburgh, PA

Tuesday, June 22, 1999
Facilitated Discussion of Transportation Enhancements

Introduction

After a number of welcoming speeches and opening presentations, Dr. Marlene Daniel, a professional facilitator, helped Seminar participants focus their thoughts and concerns about Transportation Enhancements (TE) through a facilitated discussion of TE. She brought a large dry-erase board to the front of the room and wrote "TE delivery" in a circle on the middle, laying the foundation for building a "mind map" of ideas. She then asked participants to state a concern they have about "TE delivery" to form "branches" from this central theme. As participants voiced their concern, question, or issue about TE, these thoughts were recorded on the dry-erase board. Soon, participants were presenting their thoughts faster than could be recorded, so they brought post-it notes with their thoughts up to the dry-erase board and added those to the ever-expanding branch network of ideas. By the end of the discussion, 46 different topics had been identified and recorded.

The next step of this facilitated discussion was for participants to "vote" for the most important concern, question, or issue to them. Participants were given five sticker dots, each sticker representing a "vote," to place as they wanted on the board's map of topics. They could put all five on the topic that meant the most to them, or spread out their "votes" amongst the topics. The result was not just a colorful dry-erase board; rather, participants had, in a matter of minutes, identified the central issues of delivering the Transportation Enhancements program today.

Transportation Enhancements Issues

The following is a ranking of the "votes" for the issues.

Votes	Topic
45	Bike Trail Recreation vs. Commuter <ul style="list-style-type: none">• Is there a clear eligibility separation between recreational vs. commuter bike trail?
36	ROW Issues <ul style="list-style-type: none">• Is there a restriction on when the property was acquired for donation in order to be credited for TE project?
27	Proximity of historic sites <ul style="list-style-type: none">• Have states eliminated any functional classifications (i.e. where proximity is not valid now)• How far away from center can the resource be? Any historic or scenic in state? Kiosk?

- 23 Clarification of link for historic site
- In order to be eligible as a tourist/welcome center? Can renovation/rehabilitation include equipment, furnishings and so forth?
 - What are the limits?
- 18 Can state eligibility criteria be inconsistent with federal guidance?
- Creating eligibility criteria at state level difficult due to lack of federal guidance
- 16 Can states collect fees at TE facilities?
- Ex: pay for parking and pay for day usage
 - If states are prevented from charging user fees at facilities funded with TE funds, then how do states reconcile differences between TE guidance and other guidance which covers all DOT federal-aid programs?
 - Does guidance specifically address design criteria? How to communicate design criteria and flexibility of those to design project and processes.
- 15 In-kind services, donations; accountability and tracking?
- Which states have customized implementation guidance?
 - Concern that states are not being pro-active enough in creating more flexible processes for implementing TE projects. Many still implement TE using same processes as traditional highways.
- 12 How to better initiate project implementation once selected?
- 9 TE projects are too isolated; not connected to regular highway projects for context sensitive design.
- 9 Represent diversity
- 9 Military vs. transportation
- 9 Battleship NJ issue of military vessels: How to administer?
- 9 How do federal DBE goals apply to TE projects and programs?
- 8 Wildlife mortality
- Road kill vs. habitat connectivity
- 6 How are states selecting projects (not ranking or rating but selecting)?
- 5 What are the standards for trail construction? Does it need to be paved for ADA guidelines?
- 5 How are the states closing out TE projects?

These topics had one to three votes:

- Fund projects with roadway funds to retrofit highways with drainage issues
- Inspection requirements. Title 23 vs. common rule.
- How many states “pass through” TE funds to counties/municipalities to manage projects (bidding construction, administration)?
- Time limit before projects can become for profit.
- Methods of encouraging sponsors and submission of new projects; who can become sponsors; locals, non-profits, and private?
- What are the issues to fund non-profit facilities with federal dollars? Are non-profits eligible for advanced payment? Can we contract directly with non-profits?
- Can program activities be used as match for a museum construction project? For example, the cost of an educational program as twenty percent of building construction.
- Can the state TE managers get a format for the Clearinghouse data needs? Can we coordinate FHWA’s monitoring accomplishments with the Clearinghouse format?
- How is quality of TE projects being monitored by whom (if at all)?
- Are the states asking the Division offices for involvement in TE programs?
- What percent of the dollar is kept for state DOT projects?
- Outdoor Advertising - Payment for loss of income due to billboard removal
- Can advance payment ever occur before NEPA clearance?
- How are state DOTs approving non-traditional projects?
- Are environmental mitigation sites eligible when banked?
- What is the final story on lapsing of TE funds?

TE Professional Seminar
June 22-23, 1999 Pittsburgh, PA

Tuesday June 22, 1999
Panel Presentations

Introduction

The panel presentations were developed based on suggestions given by the TE professional community during a conference call earlier in the spring. They gave seminar attendees the chance to learn about the topics that most interested them, and the opportunity to hold discussions in a smaller group environment. The panels were divided into four main sections:

- Innovations in Project Management
- Effective Partnering for Improved TE Program Success
- Supporting Livable Communities with Transportation Enhancements
- Innovations in Financing and Cost Sharing

The panel presenters included Department of Transportation staff as well as representatives from the non-profit sector. This range gave the panels a wider perspective and allowed for a greater generation of ideas. Two of the panel presentations emphasized state leaders' program delivery innovations and were a great opportunity to share diverse methods of success. The other two panel presentations were made by non-state or federal staff and emphasized the role of people who work with TE professionals on the optimal and effective delivery that is most responsive to local communities. The panels tended to focus on the future of Transportation Enhancements rather than the past and showed attendees new ways to accomplish the common goal of a higher quality of life.

PANEL A: Innovations in Project Management

When Local Governments Manage Projects

JIM SNYDER

Manager, NJ DOT Local Government Services

New Jersey developed a program that allows local governments to manage projects that are centered around community support. The process begins with several regional pre-application workshops to review successful projects and encourage potential sponsors that the application process is well worth the effort it takes to improve their communities. The next step is solicitation; New Jersey mails over 1400 applications to people and organizations that may be interested in TE funds. Included in this mailing is a brochure that offers information about eligibility of projects and the selection process. The brochure also highlights the keys to creating a successful application, because that is one area where people seem to cut corners. A strong application discusses benefits to transportation and the community; is real and viable; includes pictures or drawings of the proposed project; is well planned; and links to other plans and projects at a local and regional level.

Several innovative selection criteria in New Jersey emphasize the community aspect of Enhancements. Projects should be innovative, and support transportation. Projects must be

construction ready at the time of selection—that is, after receiving the money they must break ground in two years. The community must submit a written commitment of continued ownership and project maintenance for a minimum of twenty years, or the community must return the money received. New Jersey requires no match; they fund 100 percent of the cost, but in turn encourage this money to be spent on construction rather than design or right-of-way. User impact is assessed, as well as regional and community benefits. A project should offer an increased awareness of historical, cultural, or natural surroundings, and garner community support. New Jersey has provided over \$50 million to county and local governments and non-profit organizations to advance community oriented transportation projects and to increase awareness of the funds available.

Use and Benefits of a TE Advisory Committee

LANI RAVIN

Enhancements Coordinator - Vermont Agency of Transportation

Vermont first started using TE funds for off-road bike paths in the early 1990's and quickly learned that enlarging the scope of funded projects and involving public participation was necessary for the success of the program. Eventually, a TEAC (Transportation Enhancements Advisory Committee) was formed as a way of impartially and professionally evaluating projects statewide. TEAC members were from state transportation, natural resources, and historic preservation agencies, as well as from the local towns and bicycle community. TE staff provided back-up support.

Members worked hard to choose locally initiated projects that had good chances of success, plus statewide projects they felt were important. However, there was little political input in this process, and over the course of 4 years legislative members began to get more and more requests from constituents regarding the TE program. The TEAC did not always respond to these pressures, and legislative members began to feel they had too little control over the process of choosing projects. This past legislative session the TE program received a lot of attention:

- The TEAC was reconfigured - more legislative members were added to the committee, and fewer public representatives of the bike/pedestrian community were on it; tenure and budget were clearly defined.
- The TE program received more funding - this year the budget was doubled, and in future years it was defined that at least 75% of all TE funds must be allocated by the TEAC.

The TE program has been so successful in Vermont that more political attention and pressure has focused on the process of choosing TE projects. More people want more money for their projects. As a result of public pressure, Vermont now spends more than its minimum required 10% STP funds on TE projects, thus demonstrating the TE program's popular success.

Effective Use of Outside Consultants

JIM PEARSON

Enhancement Coordinator, Nebraska Department of Roads

During a hiring freeze in the Nebraska Department of Roads it became clear that there needed to be more people to help the project sponsors of enhancement projects. The Transportation Enhancements division started searching for an alternative workforce and found the answer in consultants. Anybody interested in sponsoring a project in Nebraska must first submit a one-page

application to Jim Pearson. If he decides a project is eligible, then the sponsors are put in touch with the consultants. The consultants walk the sponsors through every aspect of the application process for TE funds; they discuss costs, construction, right-of-way, design, and community support. The consultants tell the sponsors what to fix, how to fix it, and what to leave alone. They offer no guarantee that a particular project will be selected, but they do make sure every project has a fair chance at acquiring funding. A separate selection committee makes the final decision on projects, so there are no conflicts of interest with the consultants.

It takes a year and a half to train the consultants, but after this training they are experts in the field of Transportation Enhancements. Jim feels that everyone, from the government to the communities to the consultants, comes out on top with this solution.

PANEL B: Effective Partnering for Improved TE Program Success

A Hard Corps Approach to Enhancements: Working With Youth Corps

MARTY O'BRIEN

Government Relations and Public Affairs Coordinator, National Association of Service and Conservation Corps

In Section 1108 (g) of TEA-21 the use of youth conservation and service corps is encouraged, "The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform appropriate transportation enhancement activities." Marty O'Brien works to share information on exactly what youth corps are, what projects they have done and are capable of doing, and how they can help project sponsors reach their goals by providing high-quality assistance.

Youth service and conservation corps are programs that provide work opportunities for youth ages 16-25, many of whom are disadvantaged. They carry out short- and long-term projects for project managers and non-profit organizations and are funded by state and local appropriations. Corps are able to do almost any job or project, from landscaping and trailside plantings, installing kiosks, signs, furniture and lighting to installing erosion control and wetland mitigation measures and structures. Youth corps are cost-effective crews and offer extensive experience with transportation agencies and land and trail managers. In order to utilize youth corps as partners, state Transportation Enhancements coordinators should encourage corps to apply directly for a project or in a partnership. When deciding project selection criteria, set a goal for corps involvement or provide "extra credit" to proposals that involve qualified youth corps. Youth corps help themselves, the project sponsors, and the community achieve amazing goals through solid work.

TE Teamwork with Local Park and Recreation Agencies

DENISE OBERT

Assistant Director of Public Policy, National Recreation and Park Association

The National Recreation and Park Association (NRPA) is a national non-profit that represents professionals and advocates in the field of parks and recreation. The majority of NRPA members are those who plan for, design, and operate park and recreation systems at the state and local level, a key constituency for TE funds. In the six years since ISTEA many strides have been

made in applying for, receiving, and then implementing TE funds, but problems still exist. NRPA conducted several informal surveys in the past year to determine how park and recreation professionals are faring in efforts to spend TE money. The results were similar across the board; TE funds were seen as a benefit to parks and recreation, but were also very tricky to acquire. The application process, design requirements and construction schedules were viewed as unnecessarily confusing and over regulated, and TE departments seemed understaffed.

Some of the solutions that NRPA devised include separate standards and procedures for TE projects, more power on the local level over the bidding, administration, and documentation processes, and increased communication and education. The quickest solution to many of the problems, at least to some degree, would be just communication. Often project sponsors are not aware of the restrictions states must follow, or the time it takes to process applications. Workshops held to educate communities and parks and recreation about innovative financing and the TE standards for each state would help solve many problems. Most importantly, everyone involved must keep the same goal in mind: creating more livable communities.

Historic Eligibility Practices Across the US

ERIC HERTFELDER

Executive Director, National Conference of State Historic Preservation Officers

When ISTEA combined the list of the ten enhancement activities available for funding, it left the more specific questions of eligibility up to the states. While these enhancement programs on the whole have been successful, the majority of funds have been distributed for bicycle and pedestrian facilities. This situation was addressed in a study done by Preservation Action for The National Conference of State Historic Preservation Officers in which different states' attitudes toward Historic Preservation were examined.

The results were varied. In some states SHPOs reported having virtually no knowledge of their states' TE program because the transportation department keeps almost all aspects of the program within the department. In other states, transportation officials actively advertise the existence of TE funds and the many ways to access this money. The greatest impediment to historic preservation Enhancements projects was the requirement of showing a direct link to transportation; this impacts historic preservation projects to a far greater extent than any other activity. However, this concern is no longer applicable under new federal guidance. Easing into historic preservation with railroad depots and then expanding the definition led to an increase in historic preservation projects in Mississippi. In Texas, the SHPO met individually with the Transportation Commissioners to broaden the "relationship" language.

State consistency is the key to a more balanced allocation of funds. If states begin to follow one another's leads, hold calls for applications at least every two years, encourage public participation, and inform people of available funding, historic preservation could very well experience its own revitalization.

PANEL C: How TE Supports Livable Communities: Three Case Studies

Visioning Transportation Enhancements in Small Communities

JULIA BADENHOPE

Associate Professor of Landscape Architecture, Iowa State University

Effectively utilizing TE funds in small town rural America to build livable communities requires not only the application of good design and construction technique, but also a structured planning process so that local volunteers and officials who conceive and implement projects are well informed. Iowa has brought local governments, volunteer groups, design consultants, and technical experts together in their Community Visioning program to enable small communities to implement transportation projects through integrative project planning.

The key to the success of this program lies in the high level of communication between all the different players. Goals, setbacks, progress, problems, and solutions are all considered vital for the reality of a project. One of the techniques used to aid in communication is a visitor quality analysis done by park visitors. Each person is asked to pick the six best views and the six worst views and then explore the value system that lead them to their aesthetic choice. Communities are also encouraged to participate in a planning program. A community sets a goal, meets with a design team, and comes up with an overall plan and the different phases of implementation. At the end of this program the community will have maps, graphs, photographs, still images and any number of visual models. These help the community communicate within itself as well as with local governments or consultants. These planning sessions help communities have a better idea of the role its project will have and helps them reach an understanding of the place where people live.

An Analysis of the Share of Federal Funding for Central Cities, Suburbs, and Rural Areas

JIM EBENHOH

Master in Public Policy and Urban Planning, John F. Kennedy School of Government, Harvard University

Jim Ebenhoh analyzed 4,407 bike, pedestrian, and trail projects from 1992 through 1997 by their distribution across central cities, suburbs, and small town/rural areas. Nationally, small town/rural areas received more than their population's share of federal funding, central cities received more than their share, and suburbs received less than their share. While this may be the national average, the numbers at the state and local level are more disparate. Several central cities with populations greater than 100,000 had twice as much money per capita as the national average (i.e. Erie, MI and Bridgeport, CT). Other central cities with populations greater than 100,000 received very low amounts of funding (Detroit, MI, Flint, MI, and Columbus, OH) while a few received no funding at all (Orange County, CA and Patterson, NJ). These findings dispelled the myth that TE funds are being dispersed largely in predominantly affluent cities and suburbs that have the money to match these sorts of activities. On the whole, though, central cities had less money per capita than the small town/rural areas. Some of these cities may have other priorities (Detroit has a highly industrialized city center) or may be older and more densely constructed so there is not any space for right-of-ways.

The conclusions are varied; some states choose to spread the money around evenly, regardless of population dispersion, while others choose to spend the money in areas where it will make the most impact. Because \$100,000 of TE funds is much more noticeable in a small town than in a large city this is an appealing decision. Lower real estate costs outside the cities also make this area more appealing for TE funds. Generally, some recommendations were given: at the national level good data leads to good analysis, so accurate records are important; at the state level

awareness of the need for equitable distribution of funds should be increased, and at the local level the role of MPO's and other regional bodies should grow in order to assist under-staffed or less knowledgeable towns.

Using TE Funds to Plan Sustainable Development

NANCY KRUPIARZ

Director, Michigan Field Office, Rails-To-Trails Conservancy

The Southeast Michigan Greenways Initiative is a plan for a 7-county system of trails and greenways around the Detroit metropolitan area. Transportation Enhancement funds provided the initial impetus for the project and later helped the initiative by participating in funding the drafting and printing of the vision plan. The initiative uses a combination of rail trails, river corridors, and utility easements to link regional parks, surrounding communities and the Detroit River. This innovative use of all available trails, greenways, and waterways was necessary because there were not enough abandoned rails to even make a trail, and a trail itself was necessary because projected current land use patterns showed that in twenty years only half of the open space would remain.

The initiative was constructed in three phases: the first phase asked the stakeholders, communities and other partners to set the goals of the project and construct a vision map; the second phase of the project used all information resources to assess and evaluate the available corridors; and the third phase set up a Regional Greenways Advisory Committee that identified problem areas (flood prone, private property, etc), revised the list of corridors, and then asked people in each county to rate the corridors according to a set of criteria. Two questions raised in Phase II served to focus the communities and open the lines of communication between all interested parties: What hopes and concerns do you have for a greenway in your community and in Southeast Michigan? What resources or places should or should not be included? By addressing the interests and concerns of the communities involved the initiative started linking people before the trail even became a reality.

PANEL D: Innovations in Financing and Cost Sharing

Using the 80/20% Program Split

STEVE ROBERTS

Transportation Enhancements Coordinator, GA DOT

The 80/20% program split is an innovative financing technique encouraged in TEA-21 and implemented in Georgia that allows sponsors to spend money on preliminary engineering work, design and right-of-way acquisition as part of the local match. This option is not necessary for every project and is never required. The conditions of using innovative financing are that a sponsor must have requested use of innovative financing in the application, the sponsor must submit a detailed proposal, the pre-award audit process must be completed and the memorandum of understanding (MOU) must be completed. The pre-award audit ensures that the sponsor has an accounting system in place and can document expenditures. The MOU is simply a joint agreement between the sponsor and the DOT that secures clearances for the sponsor, acknowledges that innovative financing will be used, and requires the sponsor to secure rights-

of-way. All this accomplished, the sponsor can see the advantages of innovative financing. The sponsor has more flexibility in time planned, consultant chosen and money spent.

Employing Advance Payment

MARY KELLER

Enhancements Program Liaison, MD Highway Administration

The advance payment process is a form of financing that Maryland hopes to use more frequently as time progresses. The advance payment option is included in the language of the memorandum of understanding (MOU) but is not advertised because large jurisdictions might take advantage of the option when the need does not really exist. The advance payment option allows the contractor to send the bill directly to DOT rather than to the project sponsor. The money paid to the contractor is money that would be reimbursed by TE funds, so a step of the process is cut out. The DOT has already completed a manual check to make sure that the town really does not have the money to pay the contractor and truly needs the advance payment option. With this option, the government still tries to stay as uninvolved as possible; other than the initial check and the later payment, the town and sponsors are responsible for design, advertising, and finding contractors.

This option has never actually been implemented, but the problem lies not with the option but with the projects themselves. The project may not have achieved all the rights-of-way, or have full community support. Also important to remember is that Maryland requires a 50% match, but it will fund all of the costs (materials, design, preliminary engineering) within that 50%.

Pennsylvania's TE Program Using 100% Federal Funding

LOU SCHULTZ

Chief, Penn DOT Highway Division

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) includes a provision that enables states to apply toll credits in lieu of the non-federal match for projects funded with federal highway funds. The projects are 100% federally funded through the use of this provision. Pennsylvania has accumulated over \$1.2 billion in toll credits from eligible toll projects. Penn DOT management has decided to apply a portion of these toll credits to the non-federal share on Transportation Enhancements in the Commonwealth.

Project sponsors can qualify for the 100% federal highway funding for the construction phase of their projects by agreeing to perform all pre-construction work using non-federal highway funds. That is, sponsors who implement their engineering, environmental clearance, right-of-way acquisition, and utility relocation phases with funding from local, private, or other state and federal sources can qualify for the 100% federal Transportation Enhancements funding in Pennsylvania. Because the sponsors are using their "own" money for the preliminary work they are able to choose whomever they want to design the project and federal criteria are limited to the construction phase.

Penn DOT project liaison engineers provide general guidance to project sponsors to ensure that all pre-construction work is performed to comply with federal requirements, but less rigorous standards usually mean a quicker turnaround on the project delivery. For sponsors who need additional financial assistance in the design and preliminary engineering phases there are sister

agencies that offer funding for only pre-construction. The partnership between DOT and these agencies can often absorb almost all of the project costs.

TE Professional Seminar
June 22-23, 1999 Pittsburgh, PA

Wednesday, June 23, 1999
"Open Space" Discussions

Introduction

On the second day of the Seminar, the professional facilitator, Dr. Marlene Daniel, helped participants focus their concerns and questions about delivering the Enhancements program by organizing "open space" discussion groups. The open space format requires the participants to take a more active role in discussion. Each individual was encouraged to propose a topic and then convene a group discussion. People chose to participate in discussion groups that most interested them, and were encouraged to move from discussion to discussion in order to share information more quickly. The participants were asked to discuss the topic's importance for each of them and identify key issues, challenges, and opportunities related to the topic. Then solutions were discussed, including, but not limited to: ideal solutions, desired outcomes, successful implementation, available resources, and present obstacles. All this accomplished, the participants realized they found the answers by communicating freely.

The open space discussions gave everyone the chance to hear options, strategies, complaints, and ideas. The strength of open space lies in the willingness to reach a compromise for the good of a shared goal: an effective and efficient TE program. Through the discussions participants fostered better understanding of federal and state perspectives on guidance policy, learned about best practices for program delivery at the state and local level, and finally, worked together to strengthen TE's value in planning communities.

In order to best present the results of these discussion groups, copies of the typed discussion notes from each open space meeting are included. Understand that these are working notes of discussions that probably will mean the most to participants. See below for topics discussed in each of the three breakout sessions.

Breakout Session I: Land Acquisition and Match Requirements; Including Bicycle and Pedestrian Landscaping in Roadway Projects (and ADA requirements for Trails and Sidewalks); Bicycle and Pedestrian Education Activities; Eligibility Requirements; Best Practices for State/Local TE Project Management, and Streamlining Process Within the State; Handling Ineligible Projects.

Breakout Session II: Related to Surface Transportation: What does it Mean?; Involving Communities Without Becoming an Advocate; How to Keep Projects on the "Fast Track"; Volunteers, Donations, "Soft Match."

Breakout Session III: Inventing New TE Streamlining Procedures; Selection Criteria & Earmarked Funds; Close-out of TE Projects; Historic Preservation, Welcome Centers, Tourist Centers—Clarification of Linkage; Data Collection—Issues and Questions.

These notes will inform the reader as to who convened and participated in each discussion, and what problems and solutions the participants identified. These open space meetings helped

participants focus their search for answers, ideas, and information regarding the Transportation Enhancements program.

Breakout Session I:

Title	Page
• <i>Land Acquisition and Match Requirements</i>	30
• <i>Including Bicycle and Pedestrian Landscaping in Roadway Projects (and ADA requirements for Trails and Sidewalks)</i>	33
• <i>Bicycle and Pedestrian Education Activities</i>	35
• <i>Eligibility Requirements</i>	38
• <i>Best Practices for State/Local TE Project Management, and Streamlining Process Within the State</i>	42
• <i>Handling Ineligible Projects.</i>	45

Discussion Group Report for
Transportation Enhancements Professional Seminar:
Enhancing Communities into the 21st Century
Pittsburgh, PA
June 22-23, 1999

Session Title: Land Acquisition and Match Requirements

Convened By (Name, phone number, email, FAX):

Robert Kleinburd, FHWA Delaware Division
(302) 834-3388
Robert.Kleinburd@fhwa.dot.gov

Participants (Attach completed sign in sheet. Keep sheet available for people who join during the session.):

Traci Pfeiffer	Illinois DOT
Mike Stock	Kansas DOT
Ken Ferguson	West Virginia DOT
Marilyn Holland	Tennessee DOT
Murray Piper	FHWA – Maryland Division
Jan Clements	Kentucky Transportation Cabinet
Gary Jensen	FHWA – Tennessee Division
Dorene Creech	North Carolina DOT
Bob Crim	Florida DOT
Tim Gatz	Oklahoma DOT
Rich Douglass	Wyoming DOT
Lani Ravin	Vermont Agency of Transportation

1. Why is this topic important to you? (Start with the convener and then have others respond.)

Often times a project sponsor would like the value of previously acquired right of way to be used as the local match. This may or may not be possible, depending upon the particulars of the property acquisition.

2. What are the key issues, challenges, and opportunities related to this topic?

In order for a project to receive federal funding, any property acquired for project purposes must have been acquired in accordance with the federal Uniform Act. Since property for TE projects may have been acquired at any time in the past, the issue of the timing of the property acquisition becomes quite important. The issue becomes highlighted in those instances where property value is intended to be utilized as a soft match.

Timing, method and knowledge of acquisition. Often times a project sponsor would like the value of previously acquired right of way to be used as the local match. This may or may not be possible, depending upon the particulars of the property acquisition.

Many applicants are only accustomed to land acquisition as it occurs in the private marketplace.

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

The group reached the conclusion that if the real property was acquired prior to the enactment of ISTEA, that the Uniform Act requirements probably did not apply, as there was no expectation of the eventual project being funded as an Enhancement project. Additionally, the Uniform Act would not apply after the enactment of ISTEA, if it could be determined that the real property was acquired without any reasonable expectation of obtaining Enhancement funding for the project. This is a potentially critical issue, and the circumstances of each individual project will determine the outcome.

4. What are the keys to successful implementation of these solutions?

Good communications – especially in the TE guidance materials

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

Clear and concise written guidance and knowledgeable staff. The requirements regarding real property acquisition must be clearly spelled out, and highlighted, in the Enhancements guidance that the sponsors receive. Additionally, the Enhancements staff should be alerted to those projects in which real property acquisition is an element.

6. What now blocks effective implementation? What obstacles must be addressed?

No response

7. What has worked to overcome such barriers?

No response

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

Knowledgeable TE staff, and reliance on Real Estate staff for advice and early project involvement.

Appendix

At what point does the land acquisition have to follow federal right-of-way rules

- Prior to ISTEA
- Intent to use federal funds for project
- When they apply – absolutely have to follow
- Don't have intent to circumvent the process
- Is Transportation Enhancements more flexible than federal-aid highway projects?
- Right of condemnation?
- Conservation agencies - voluntary

Discussion Group Report for
Transportation Enhancements Professional Seminar:
Enhancing Communities into the 21st Century
Pittsburgh, PA
June 22-23, 1999

Session Title: Including Bike/Ped and Landscaping in Regular Roadway Projects Depending on TE Funding (+ADA requirements especially on Trails and Sidewalks).

Convened By (Name, phone number, email, FAX):

Larz Garcia (602) 712-7906 telephone
(602) 712-3217 Fax larzgarcia@dot.state.az.us

Participants (Attach completed sign in sheet. Keep sheet available for people who join during the session.):

Christopher Douwes, FHWA - DC	Terry Fulmer, DeIDOT
Paul Ahlenius, Kansas DOT	Ed Kosola, FHWA - Nebraska
Dorene Creech, NC DOT	Gary Connelly, PennDOT
Leroy Brady, Arizona DOT	Tim Gatz, Oklahoma DOT
Kathy Dimpsey, FHWA - TX	
Elizabeth Romero, FHWA - AR	

1. Why is this topic important to you? (Start with the convener and then have others respond.)

- Cuts into TE funds that could be utilized on other projects.
- Less expensive to add bike/ped facilities during roadway construction.

2. What are the key issues, challenges, and opportunities related to this topic?

- Roadway amenities prohibited by state law
- Management/Project managers do not want to pay for bike/ped facilities.

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

- Management/Project managers are more pro bike/ped.
- Grassroots /Public support.
- Ideally: Bike/Ped facilities should be included into the planning/scoping process.

4. What are the keys to successful implementation of these solutions?

- Educate grassroots groups/public and DOT staff about bike/ped facilities.
- More push from FHWA Management.
- Stronger inter agency support.
- Stronger intra agency support.

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

- More direct/specific guidelines from FHWA (current guidelines are too vague).
- More education for DOT staff and public.

6. What now blocks effective implementation? What obstacles must be addressed?

- Interpretation of state and federal law.
- State DOT management does not want to fund bike/ped facilities under roadway projects.

7. What has worked to overcome such barriers?

- Use of traditional funding sources (not just “alternative” sources).
- More public push.
- Ped/bike coordinators on state level pushing for facilities.

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

- Educating DOT management and staff and FHWA and staff.
- Push from grassroots level to legislators and DOT staff.
- Work together: State Dot/grassroots/FHWA.
- Monitor: State bike/ped coordinators should keep track of facilities and funding sources.

Discussion Group Report for
Transportation Enhancements Professional Seminar:
Enhancing Communities into the 21st Century
Pittsburgh, PA
June 22-23, 1999

Session Title: Bicycle and Pedestrian Education Activities

Convened By (Name, phone number, email, FAX):

Odin Brudie, Alaska DOT, 907-465-8769
odin_brudie@dot.state.ak.us

Participants (Attach completed sign in sheet. Keep sheet available for people who join during the session.):

Tom Alcorn	PennDOT
Marsha Mason	CALTrans
Katherine Shriver	NTEC/RTC
Wes Elrod	FHWA AL Division
Rich Glass	PennDOT
Florence Mills	FHWA Headquarters (DC)

1. Why is this topic important to you? (Start with the convener and then have others respond.)

Walkable, bikable places are livable places, this is important to children, elderly, neighborhoods.

This is a new category, doesn't fit the mold for (capital improvement) projects. We need to learn how to take advantage of it.

There is a high need for improving safety through education: educating bicyclists, drivers, pedestrians, road designers, ROW permittees.

This is an opportunity to encourage walking and bicycling, and educate people about the benefits of biking and walking. Participatory models recommended. Outreach to target groups recommended.

This is important for ADA. Some trails are not accessible, or are unsafe for wheelchairs. This TE category seems to be an opportunity here. Equity and access issues.

2. What are the key issues, challenges, and opportunities related to this topic?

Training DOT professionals, designers, permitters; how do you do this?
Drivers Education programs, drivers manuals, driver re-education.
Mostly a local problem that needs high-level promotion and commitment.
New category, there are no obvious institutional blocks other than lack of commitments.
Education is not just bike helmets and bells, but includes encouraging people to walk
and bike, and demonstrating the benefits.
This can contribute to making livable communities

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

Make this a thread of the US DOT livable communities initiative. (Should be made non-partisan, to survive new administrations).
Drivers education and training, include lessons on bike/ped rules, awareness, and “share the road” philosophy.

4. What are the keys to successful implementation of these solutions?

Coordination with ADA.
Build contingencies: Boy and Girl Scouts, Boys/Girls Clubs, Elderly, NAARP, PTA, Schools, etc.
Target specific groups or interests for a project, or type of education project.
Reach out to local communities.

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

Education packet [video, on-line technical assistance] for CalTrans professionals (contact Marsha Mason).
“Walk Boston” a good model.
Get Advisory Committee to promote or sponsor an education project or campaign.
Non-Attainment areas have experience in this, through CMAQ, other.
HSIP, Hazard Elimination, existing safety programs provide some experience.
Washington State (John Williams) and Seattle (Peter Lagerway) good resources.

6. What now blocks effective implementation? What obstacles must be addressed?

Need a high level “initiative” to show leadership and commitment.
State project evaluation criteria may not “fit” the character of education programs, and
May need to be revised.

7. What has worked to overcome such barriers?

State Bike/Ped plans.

Bicycle, pedestrian, and walkability “audits”.

PA has awarded funds for a statewide bicycle system, with signage.

Use traffic and safety data, crash reports.

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

GET A NON-PARTISON MESSAGE OUT, MOBILIZING AT THE LOCAL AND STATEWIDE LEVELS, FOR BIKE/PED SAFETY AND LIVABILITY.

An initiative to get each state to develop/update bike/ped plans.

Outreach at the state level to identify stakeholders and issues – bottom-up approach.

Look at developing statewide bike system, connectivity.

Incorporate safety awareness into a livability initiative.

Driver education program:

“Share the Road”

Driver's Manual, liscence requirements

Re-education, defensive driving classes, etc. (This can go further than bike/ped, like reducing road rage).

Find the experts and the funding to lead participation in safety and education.

Discussion Group Report for
Transportation Enhancements Professional Seminar:
Enhancing Communities into the 21st Century
Pittsburgh, PA
June 22-23, 1999

Session Title: Eligibility Requirements

Convened By (Name, phone number, email, FAX):

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Franz Gimmler, Rails-to-Trails Conservancy

1. Why is this topic important to you? (Start with the convener and then have others respond.)

Not a uniform process around the Country – suggestions have been made to Harold to get consistency - have offices get training - also relationship of FHWA and States - BIG difference!

2. What are the key issues, challenges, and opportunities related to this topic?

- RI only make eligibility “when needed” does not consider consistency good necessarily. (Use the workshop process)
- Citizen Committee
- New Jersey – tougher calls – no risk of eligibility is “wrong”
- Georgia – State DOT does eligibility – FHWA reviews ¼ of the projects – political influence is a factor
- California – only process environmental documents already approved – differences between large and small states

Poll of groups:

- 8 state makes call – only ask FHWA if question arises
- 4 FHWA project review – committee formal
- 8 informal communication
- 12 Programmatic agreement
- 8 No programmatic agreement
- 8 Review All

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

Our questions and comments are as follows:

A. What are the risks if there is a wrong eligibility call made?

On the plus side – public still benefits from the project

On the minus side – sets precedence, newspapers test, ROW biggest risk

B. Political Influence

- Common problem
- DA or SHA can say “no”
- If major scope change
- Must “reselect” project
- Political can be component of selection process
- Should be viewed as part of community support and should be part of early involvement
- Some states have project selection at local level (non-statewide)

C. Large vs Small

- Small can be informal
- Flexibility in TE program for this purpose (RI vs CA)

D. Needs

- Retain flexibility
- More communication of thought process decisions and assessment of decisions regarding eligibility at any stage of TE program/project development

To summarize major points of project development:

NTEC can do this

Web site attached to FHWA home page

Continuing TE Seminars

4. What are the keys to successful implementation of these solutions?

- Trust
- Experience
- Good Guidance

Ex: Parking lots are looked at in the big picture

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

Influence of politics in project selection

- High profile = politics
- Dedication in TEA-21 due to politics or dedicated by State Legislature
- Virginia, Arizona & Pennsylvania – Division Administrators can take stand

6. What now blocks effective implementation? What obstacles must be addressed?

***Solution**

- Don't follow process-no approval FHWA, Committee
- Committee makes recommendation, picked by upper management

7. What has worked to overcome such barriers?

Good guidance

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

- Flexibility makes work/strength
- Consistency
- Do not fund inappropriate projects
- Better communication between FHWA and States
- Continuation of meetings with funding

Discussion Group Report for
Transportation Enhancements Professional Seminar:
Enhancing Communities into the 21st Century
Pittsburgh, PA
June 22-23, 1999

Session Title: Best Practices for State/Local TE Project Management & Streamlining Process Within the State

Co-Convened By (Name, phone number, email, FAX):

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Jim Pearson – NE Dept of Roads	Lani Ravin – VT Agency of Transportation
Ron Roger – FHWA – KC	

1. Why is this topic important to you? (Start with the convener and then have others respond.)

- Too many roadblocks prohibit enhancement funds to be obligated within our own DOT.
- No state construction oversight on projects.
- No local project management manual.
- Payment to local agency takes too long.
- Difficult to enforce maintenance or return of funds if project is not constructed within guidelines.
- Process too long in time (18-32 months) from application approval to final PS&E approval (throughout design phase of project), for obligation of funds for construction.
- Design and bridge criteria for simple TE projects is over engineered and overkill.
- What can local agencies do to manage TE projects?
- What would FHWA accept as compliance?
- Process too complex for locals.
- Decentralized states have more complex public agency manuals to keep districts in step with a state program.

2. What are the key issues, challenges, and opportunities related to this topic?

- Design/engineering criteria within highway DOTs is overkill for simple TE projects.
- State guidelines are more restrictive and complex than guidelines from FHWA, AASHTO, SHPO, Dept of Interior, etc.
- Decentralized states have more complex requirements to keep in step with a state program.
- Public agency manuals have too many requirements and guidelines.

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

- Throw out the public agency manual created by the state, and create a state TE manual.
- Specify FHWA guidelines for compliance.
- Local project unit has responsibility for project, let them manage project.
- State DOT personnel in design and bridge divisions specifically review TE projects against TE guidelines, not highway guidelines.
- DOT hires consultant to oversee TE program.

4. What are the keys to successful implementation of these solutions?

- Set goal of time frame desired for TE program to follow.
- Reduce forms and reviews which are not guidelines from FHWA, SHPO, AASHTO.
- Delegate city and its consultant/engineer to assure projects meet appropriate design and construction criteria.

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

- Produce a state TE manual with guidelines (AASHTO, FHWA, SHPO, ADA etc.)
- List resource contacts in manual (ROW acquisition, reimbursement, etc.)

6. What now blocks effective implementation? What obstacles must be addressed?

- Differentiate between actual FHWA state “enhanced” guidelines.
- Change perception of state DOT that TE program must follow same guidelines and review as highway projects.

7. What has worked to overcome such barriers?

Move all responsibility to local agency and hired engineer/consultant for the design and construction phases of project.

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

Take ideas back to senior DOT management. Request radical change in management of TE projects within the state DOT structure, and move the responsibility and authority to the local agency and consultant.

Propose a consultant be hired to oversee TE projects for state DOT.

Progress can be monitored through obligation rate, and time lapse from application approval to start construction of project.

Discussion Group Report for
Transportation Enhancements Professional Seminar:
Enhancing Communities into the 21st Century
Pittsburgh, PA
June 22-23, 1999

Session Title: Handling Ineligible Projects

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Roger Skoe	FHWA – Oregon Division
Jeff Firmin	FHWA – New York Division
Tom Queenan	Rhode Island DOT
Marsha Mason	Caltrans

1. Why is this topic important to you? (Start with the convener and then have others respond.)

Decisions on project eligibility are made by DOT's regional offices. The statewide coordinator was not involved in all of the regional project eligibility determinations. Several projects which do not appear eligible were approved for the program. What happens now; how do they cancel ineligible projects which the sponsors think are approved?

How do they keep this from happening again?

Others are concerned with projects which may be partially eligible.

How much and how do you communicate information to sponsors re: eligibility?

2. What are the key issues, challenges, and opportunities related to this topic?

How much to tell sponsors re: project review, eligibility, scores, etc.

Level of communication between communities, state, and FHWA.

Regional vs. central review of eligibility.

Validity of projects vs. politics involved.

Courtesy – do you use a letter or a phone call or some other means of informing applicants?
How much do you tell them?

Some states require government officials' support.

Committee recommendations vs. actual agency approvals – note that recommendations are just that; state agency actually approves program.

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

A. Ideal solutions:

Complete education and cooperation of applicants

Consistent standards from one state to the next.

FHWA participation before, during, and after project selection.

B. Desirable solutions:

Pre-screen applications prior to committee review/scoring.

Centralized screening for eligibility

Provide copies of successful applications.

Copies of current project information

Post-selection meetings with non-selected applicants

Inform politicians of application process. Contact legislators to determine their real interest and priorities.

Eligibility issues are discussed during workshops.

4. What are the keys to successful implementation of these solutions?

Time

Resources

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

Time

Resources – staff and money

6. What now blocks effective implementation? What obstacles must be addressed?

Time

Resources

Competing interests

Differences in state determinations of eligibility, and then differences between state and FHWA eligibility determinations.

Districts – other priorities and workload

7. What has worked to overcome such barriers?

Increased communications among state, FHWA, sponsors, politicians

One-on-one communications and assistance.

Applicant workshops and outreach.

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

More people to work on the program

Using Internet and Listserv to standardize information/determinations, etc.

Breakout Session II:

Title	Page
• <i>Related to Surface Transportation: What does it Mean?</i>	49
• <i>Involving Communities Without Becoming an Advocate</i>	52
• <i>How to Keep Projects on the "Fast Track"</i>	55
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Discussion Group Report for
Transportation Enhancements Professional Seminar:
Enhancing Communities into the 21st Century
Pittsburgh, PA
June 22-23, 1999

Session Title: “Related to Surface Transportation?”

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Kay Batey – FHWA North Carolina	Larz Garcia – Arizona DOT
Jerry Combs – FHWA Virginia	Tim Gatz – Oklahoma DOT
Mary Gray – FHWA Idaho	Dave Powell – FHWA New Jersey
Wade Chenault – Virginia DOT	Bill Haas – FHWA California
Katherine Shriver –NTEC/RTC	Bob Crim – Florida DOT
Elizabeth Romero – FHWA Arkansas	Jerry Barkdoll – FHWA Res. Center

1. Why is this topic important to you? (Start with the convener and then have others respond.)

- After 1995, FHWA guidance limited Historic preservation.
- “New Guidance” shows need to re-address issues with sponsors and possible sponsors.
- “Proximity only” does not make connection.
- “Quality” of travel experience.
- Why is “Landscaping” eligible/but not historic preservation? Both are aesthetic.
- If applicant, state and SHPO feel appropriate, what is FHWA thought process to say “not eligible”?
- How was property dependent upon transportation or how was transportation dependent upon property?

2. What are the key issues, challenges, and opportunities related to this topic?

- What are “FACTORS” for historic preservation relationship to transportation.
- Is turn-off needed (as example) Interp-signage, connection to other sites, etc.... ?
- Is “travel experience” a valid reason?
- Safety.
- Quality of live/livable community as “test”.

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

- FHWA provide further guidance beyond “proximity”.
- What can FHWA “accept” as “related to surface transportation” for historic-preservation?
- Historic significance of Route, pull-offs along route would link.
- Give each state think-it-through and make proposals combining activities.
- Publicize the project’s progress.

4. What are the keys to successful implementation of these solutions?

- Like scenic, enhances travelers’ experience
- What “something more” is needed?
- Level playing field; treat historic preservation the same as others (consistency)
- What basis of designation? Transportation mentioned?
- 106 Criteria
- Impact to communities

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

None listed.

6. What now blocks effective implementation? What obstacles must be addressed?

- Is historic preservation held to higher standard than others?
- Eligibility vs Selectability.
- Why historic preservation and preservation of historic transportation facilities - 2 categories?
- Community values vs State “review” requirements.

7. What has worked to overcome such barriers?

- Does 106 documentation mention “Transportation”?
- Combine activities (i.e., Mansion serves as a Trail-head).
- Adverse impacts (historic impacts).
- Flexibility in Pavement Design as general guide.

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

- Guidance/examples by FHWA.
- Re-examine state policy in light of new guidelines

APPENDIX

1. Proximity by itself is not sufficient: Sponsors should explain how the project relates to transportation.
2. Other factors could be:
 - Was or is the historic property dependent on the road or the road dependent on the property?
 - Prominently visible signage, turn-outs and connections to other sites.
 - The project combines several specific activities which taken together are related to transportation.
 - Show safety connections.
 - Historic structures or sites have been or are subject to 106 or 4F determinations.
 - Structures are part of scenic/historic corridors.
 - Project relationship to transportation could be past or present.
 - Community benefits, economic revitalization, tourism, a larger plan for the community.
 - Impact on quality of life and livable communities.
 - Traveler experience.
3. Project sponsor, SHPO where appropriate, state enhancement manager agree project relates to transportation. FHWA should concur.
4. Remember there is a big difference between being eligible and being selected.

Discussion Group Report for
Transportation Enhancements Professional Seminar:
Enhancing Communities into the 21st Century
Pittsburgh, PA
June 22-23, 1999

Session Title: Involving Communities in Transportation Enhancements Program without becoming community/project advocate

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Rich Glass	Pennsylvania DOT
Florence Mills	FHWA – Headquarters
Megan Betts	NTEC/RTC

1. Why is this topic important to you? (Start with the convener and then have others respond.)

Not really a large number of bicycle and pedestrian commuters

How to push projects when you select projects

Create facilities for Transportation Enhancements projects

Lots of communities aren't involved because they don't know about it

Approve projects before funding becomes available so as to get the projects started right away. ISTEA was authorized late, so all these projects are supposedly ready for funding and aren't produced. Communities are afraid of putting effort in without reward.

2. What are the key issues, challenges, and opportunities related to this topic?

1. Started out with people frightened off by Transportation Enhancements funding (don't want to put in too much effort and nothing (\$) to show)

2. Talked it through and now it seems it just is that people aren't interested

Marketing vs. advocacy of projects

Increase diversity of people who know about these projects and availability of Transportation Enhancements funding

Workshops

Communities are aware of Transportation Enhancements funds and program, but people just aren't getting interested.

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

Market projects

MPO's – public involvement process

Decentralize, or send it down the line

Newspapers

Informational workshops (some invitees, but also open)

Promotion of program using successful programs

Attend local meetings – just bring up concept

Contact would-be sponsors

4. What are the keys to successful implementation of these solutions?

Communications between government and grassroots

Dispelling fear/frustration of Transportation Enhancements applicants

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

Need statewide/national organizations as allies

Locals with successful projects as test materials

Change in mindset of locals

6. What now blocks effective implementation? What obstacles must be addressed?

Locals not meaning to “waste tax dollars”

Perception of red tape

“Competition” for funds between communities

7. What has worked to overcome such barriers?

Spreading the word

Increase awareness

Educate locals on process

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

Increase “marketing” effort to increase grass roots involvement

Increase communication between communities – avoid adversarial relationships between applicants.

General overall comment from group

How much effort does it really take if you choose which ones you want

Discussion Group Report for
Transportation Enhancements Professional Seminar:
Enhancing Communities into the 21st Century
Pittsburgh, PA
June 22-23, 1999

Session Title: How to Keep Projects on the “Fast Track”

Convened By (Name, phone number, email, FAX):

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1. Why is this topic important to you? (Start with the convener and then have others respond.)

- Goal of project is to have projects in construction stage within 18 months.
- Have a good system, but still have problems with getting projects moving in timely manner.

2. What are the key issues, challenges, and opportunities related to this topic?

- Sponsor misperception of process.
- Sponsor inactivity.
- Consultant selection.
- Lack of project tracking.
- Slow bureaucracy – inboxes.

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

- Threats.
- Funding PE.
- Building deadlines.
- Progress Reports.
- Publicize the project’s progress.
- Accelerated land valuation.
- Accelerated consultant selection process for low-cost projects.
- Application requires certification of 20% match and where it's coming from.

4. What are the keys to successful implementation of these solutions?

None listed.

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

- Changing internal processes.
- Allowing more flexible funding.

6. What now blocks effective implementation? What obstacles must be addressed?

None listed.

7. What has worked to overcome such barriers?

None listed.

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

- Flexibility in funding

Discussion Group Report for
Transportation Enhancements Professional Seminar:
Enhancing Communities into the 21st Century
Pittsburgh, PA
June 22-23, 1999

Session Title: Volunteers, donations, soft match

Convened By (Name, phone number, email, FAX):

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Tim Gatz	Oklahoma DOT

1. Why is this topic important to you? (Start with the convener and then have others respond.)

State does not use soft match. What are other states doing?

How to document and what to count as soft match

First step is local commitment

Opportunity for those that don't have cash flow

Match credit for sponsor's staff services

Concern re: how to implement

2. What are the key issues, challenges, and opportunities related to this topic?

Law allows it, but how to implement in real life (see appendix to this topic)

Figure out how to document and what staff time involved

Consistency with other local federal-aid programs

Cost estimate based on “professional” vs. volunteer’s time for the job (Kentucky allows invoice as work proceeds, reviews for reasonable cost)

Volunteer work delaying contract work

Contract and selection of non-profits; extending from one phase of project to next

What can be donated?

Materials – “sole source”

other public agencies?

non-profits identified in advance?

force account work?

Value of donation – is the donated service best value for public

Difficult to estimate value of “non-traditional” work we don’t have data for

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

Don’t allow non-cash match

Make sure it’s quantifiable, auditable, accountable

Require single audit

FHWA training

Cash match required for construction phase

Reduced claim reimbursement

Recognition of donors (to encourage participation, reduce public cost of projects)

4. What are the keys to successful implementation of these solutions?

Training

Documentation

Follow “Common Rule”

Set-up reporting format in advance

Avoid conflict of interest (appearance of favoritism)

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

No response

6. What now blocks effective implementation? What obstacles must be addressed?

No response

7. What has worked to overcome such barriers?

No response

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

No response

Appendix – FHWA Criteria

Donations – Eligibility for Credit against Match			
Types of Donations	Eligibility	Conditions	Reference Comments
Acquired Land	Private – Yes	<ul style="list-style-type: none"> - Appraised to determine fair market value (excluding any changes caused by project) - Incorporated into project 	23 USC 323 (a)
	Public – Yes	<ul style="list-style-type: none"> - After June 9, 1998 - State or local government owned - Appraised to determine fair market value (excluding any changes caused by project) - Donation does not influence environmental assessment 	23 USC 323© (3) only limits applicability to exclude property “donations made by an agency of the federal government”; therefore, credit is allowed for state and local government property (pre-TEA-21 was disallowed)
Funds	Private – Yes	<ul style="list-style-type: none"> - Received during life of project 	23 USC 323 ©
	State – No		23 USC © only allows “a person” to donate, etc. Per HQ, “person” means private party, individual, company, etc., but not a government agency. 23 USC 323 (e) only includes <u>local government</u>
	Local Government – Yes		23 USC 323 (e)
Materials	Private – Yes	<ul style="list-style-type: none"> - Market value at time of donation - Needed for project 	23 USC 323 ©
	State – No		23 USC 323 © only allows “a person”
	Local Government – Yes	<ul style="list-style-type: none"> - Value at fair market value - Needed for project 	23 USC 323 (e)
Services	Private – Yes	<ul style="list-style-type: none"> - Grantee must document - Value similar to work by grantee or other employers - Needed for project 	23 USC 323 ©
	Public – No		23 USC 323 © only allows “a person”; 23 USC 323 (e) allows local government credits only for property, funds, or material; while 23 USC 323 (b)(3) no longer limits donations by state and local governments (TEA-21,

			1301 (b)(3)), but this section only applies to property
Equipment/buildings	Private – Yes	<ul style="list-style-type: none"> - Value at fair rental value - FHWA approval necessary for use as matching share - Needed for project 	
	Public – No		

References: 23 USC 323, TEA-21 Section 1301 (amended 21 USC 323)

Breakout Session III:

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• <i>Inventing New TE Streamlining Procedures</i>	63
• <i>Selection Criteria & Earmarked Funds</i>	66
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Discussion Group Report for
Transportation Enhancements Professional Seminar:
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Pittsburgh, PA
June 22-23, 1999

Session Title: Inventing new Transportation Enhancements streamlining procedures

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North Carolina DOT

Pennsylvania DOT

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FHWA Headquarters (DC)

1. Why is this topic important to you? (Start with the convener and then have others respond.)

Want reasonable and short project completion time.

2. What are the key issues, challenges, and opportunities related to this topic?

Problem – Reduce time to accomplish Transportation Enhancements projects (from application to ribbon curring)

Process generally takes at least two years

1. Agreement signed
2. Consultants chosen
3. Categorical exclusion – historical and environmental review – slows down process
4. Preparation of bid documents

All of the above take approximately 2 years – that's too long!

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

After announcements, can incur project costs (including appraisals) before contract is signed. (new federal guidelines). – Can do preliminary/design work (charged on 20% match) and also be reimbursable costs.

Have right-of-way process (plans) begin during categorical exclusion process

State categorical exclusion after announcement of project approval

First phase PE before obligation of funds

State right-of-way negotiations before categorical exclusion is complete – on transportation enhancement projects that cannot condemn property

Have a quicker, simpler appraisal process for low cost projects. Define “low cost: at the state level.

4. What are the keys to successful implementation of these solutions?

State personnel construction oversight and approval of billings

Dedicated sponsors – for the long haul

Create excellent, fool proof bid guidelines (by state) for use by project consultants

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

The ability for applicant to incur costs prior to approval; even some items prior to application (that can be included in 20% match)

Streamlined bid process; (have a pre-qualified list of consultants)

State personnel construction oversight

Start right-of-way negotiations prior to categorical exclusions; simplified appraisal procedure

6. What now blocks effective implementation? What obstacles must be addressed?

Need appraisals during application process; need to streamline appraisal approval process

Flexible state regulations for low-cost projects, flexible and broad FHWA interpretation of law

7. What has worked to overcome such barriers?

Flexible state and federal policies that aim to streamline process; policies that recognize that Transportation Enhancements projects are supported by community, so some “safeguards” are unnecessary and become impediments.

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

Try to implement all suggestions that were raised in workshop

- Some suggestions must be changes at the federal level
- Some must be addressed by states

Final monitor is a reality check: are projects getting completed sooner?

Discussion Group Report for
Transportation Enhancements Professional Seminar:
Enhancing Communities into the 21st Century
Pittsburgh, PA
June 22-23, 1999

Session Title: Selection criteria and earmarked funds

Note: This is more of an information session than a problem solving session

Convened By (Name, phone number, email, FAX):

Wade Chenault, Virginia DOT
(804) 786-2264

Participants (Attach completed sign in sheet. Keep sheet available for people who join during the session.):

Sylvia Ramsey	MDOT
Jerry Barkdoll	FHWA – ERC
Tom Alcorn	Pennsylvania DOT
Megan Betts	NTEC/RTC
Pat Rogers	Oregon DOT
Traci Pfeiffer	Illinois DOT
Wes Elrod	FHWA – Alabama Division
Kay Batey	FHWA - North Carolina Division
Mary Keller	Maryland SHA
Dave Powell	FHWA – New Jersey Division
Danyell Beard	FHWA Headquarters (DC)
Gary Jensen	FHWA - Tennessee
Mark Anderson	Missouri DOT

1. Why is this topic important to you? (Start with the convener and then have others respond.)

New to the program, developed scoring system, wants feedback

People bypassing the system to get funding through legislature

2. What are the key issues, challenges, and opportunities related to this topic?

Legislature/politicians bypassing Transportation Enhancements process to fund projects

Education on how and when to submit projects within the system

Authority of FHWA over state assembly

Scoring/weighting of projects

Who makes the selection – committee, transportation board, commission, governor?

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

Advisory committee - interagency or multi-discipline review committee in house/out-of-house, including public groups (“outside members”)

Include distribution factors in addition to scores

Meet with unsuccessful project sponsors to address how to improve their project/application

Creative/innovative measure

“Importance” of transportation enhancement funds to the project

Whether the project is part of other plans (Greenway plans, regional plans, etc.)

4. What are the keys to successful implementation of these solutions?

Diversity of advisory committee (if no special interest groups on committee, meet with them to learn their interest)

Objective and subjective review are important

Public involvement on criteria, not just projects

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

No response

6. What now blocks effective implementation? What obstacles must be addressed?

No response

7. What has worked to overcome such barriers?

No response

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

No response

Discussion Group Report for
Transportation Enhancements Professional Seminar:
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Session Title: Close Out of Transportation Enhancements Projects

Convened By (Name, phone number, email, FAX):

Murray Piper, FHWA - MD Division
410-962-4342-Ext. 115
Murray.Piper@FHWA.DOT.Gov

Participants (Attach completed sign in sheet. Keep sheet available for people who join during the session.):

Virgil Page, FHWA -LA
Jeff Firmin, FHWA -NY
Tim Gatz, Oklahoma DOT
Jan Clements, KY DOT

1. Why is this topic important to you? (Start with the convener and then have others respond.)

There is a need to bring finality to the TE projects and to close them on the books. How should the states and locals proceed to complete this process?

2. What are the key issues, challenges, and opportunities related to this topic?

Issues include:

- Completing final audits of records and cost
- Record keeping of sponsors
- Unclear guidance at opening meeting
- Projects not off the ground within two years
- Small communities lack of record keeping
- What is causing the problems
- What does it take to close out projects FHWA requirements/State requirements

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

Solutions:

- KY – Local government department (State office) single audit act
- LA – Local up front monies, T.E. encourage for construction
- Project Manager oversight (bird dog project)
- Add time frame to application or MOU for beginning projects
- Standard close-out checklist developed by DOT with FHWA
- Project status report updates on regular basis

4. What are the keys to successful implementation of these solutions?

No response

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

No response

6. What now blocks effective implementation? What obstacles must be addressed?

No response

7. What has worked to overcome such barriers?

No response

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

No response

Discussion Group Report for
Transportation Enhancements Professional Seminar:
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Session Title: Historic preservation; welcome centers; tourist centers

Convened By (Name, phone number, email, FAX):

Steve Roberts, Georgia DOT
(404) 651-5327
steve.roberts@dot.state.ga.us

Participants (Attach completed sign in sheet. Keep sheet available for people who join during the session.):

Marsha Mason	Caltrans
John Duffe	Wisconsin DOT
John Carr	Kentucky Transportation Cabinet
Jan Piland	FHWA – Illinois Division
Nancy Burns	Iowa DOT
Dan Costello	National Trust for Historic Preservation
Florence Mills	FHWA Headquarters
Marilyn Holland	Tennessee DOT
Emigdio R. Isern	FHWA – Puerto Rico Division
Martha Bravo-Colunga	Puerto Rico DOT
Jerry Combs	FHWA – Virginia Division
Ken Ferguson	West Virginia DOT
Franz Gimmler	Rails-to-Trails Conservancy
Jeff Firmin	FHWA – New York Division
Ed Kosola	FHWA – Nebraska Division
Alan Ritchie	FHWA – Kentucky Division

1. Why is this topic important to you? (Start with the convener and then have others respond.)

Welcome centers and tourist centers:

- Tied to scenic or historic site
- Adjacent to historic heritage highway
- Scenic byway

Historic preservation

- New criteria

2. What are the key issues, challenges, and opportunities related to this topic?

Welcome centers and tourist centers:

- Designated vs. eligible for designation as historic
- No uniform criteria from state to state
- New guidance = eligible for designation – dedicated to historic or scenic site nearby.
- Staffing requirements – possible payback of Transportation Enhancements funds if requirements are not met.
- Historic sites linked to driving tour – welcome center used as hub.
- Specific elements – playground equipment, showers, furniture eligible?
- Cost vs. amount of funds available in state
- Historic building renovation is more economical
- Interstate rest areas? May not be the most efficient use of funds
- Political interference
- Funding a partial project as a welcome center (remainder not eligible).

Historic preservation

- Transportation vs. non-transportation related
- Mitigation vs. enhancement
- Community values can affect eligibility

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

Welcome centers and tourist centers

- Several state agencies within a state get together and decide what the criteria will be in that state.
- When dealing with a project that is partially eligible as a welcome center, federal criteria would only apply to the eligible portion.

Historic preservation:

- Relationship to transportation must be “proven” by the project applicant

4. What are the keys to successful implementation of these solutions?

No response

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

No response

6. What now blocks effective implementation? What obstacles must be addressed?

No response

7. What has worked to overcome such barriers?

No response

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

No response

Discussion Group Report for
Transportation Enhancements Professional Seminar:
Enhancing Communities into the 21st Century
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June 22-23, 1999

Session Title: Data Collection: Issues and Questions

Convened By (Name, phone number, email, FAX):

Robert S. Patten
301-270-0773
rtcbob@transact.org
fax: 202-331-9680

Participants: (Attach completed sign in sheet. Keep sheet available for people who join during the session.):

Bob Crim – Florida DOT	Bill Haas – FHWA California
Jim Pearson – Nebraska DOR	Dave Miner – Pennsylvania DOT
Ron Rogers – FHWA Kansas	Steve Morgan – AHTD
Paul Ahlenius – Kansas DOT	Florence Mills – FHWA Headquarters (DC)
Susannah Seal – Mississippi DOT	Jim Snyder – New Jersey DOT
Steve Thomas – FHWA AZ	Leroy Brady – Arizona DOT
Leif Anderson – Nevada DOT	Odin Brudie – Alaska DOT
Larz Garcia – Arizona DOT	

1. Why is this topic important to you? (Start with the convener and then have others respond.)

Convener: I direct the data collection at the Clearinghouse. I designed the TE database, initiated the data collection process, and developed the format of reports and products that it produces. I have a deep understanding of why the data is important, how it is used, and how it can and should be used. I would like to improve the process to make data collection easier, and make the data reports more useful to TE program stakeholders.

Others: Most of the attendees at this session expressed an interest in knowing what format the data needs to be in for NTEC, and what can be done to improve the data collection process. A few had concerns about the reports that are generated and the accuracy of the data, and its appropriate uses. Following are a list of the questions that the group had.

2. What are the key issues, challenges, and opportunities related to this topic?

After developing the following list of questions, Bob Patten went through them and to the extent that he could, provided answers, or discussed the status of the issue raised.

Those questions that could be answered very simply are noted with an A: below, and followed by the answer.

The key issues and challenges are:

a) What format does NTEC want data in? and can the state DOTs, FHWA, and NTEC agree in a common set of data fields and protocols that will work for everyone?

A: NTEC will transmit this information to all the states in the summer of 1999.

b) The lack of a mandate from FHWA requiring the states to participate in the NTEC programming data collection process.

c) How to deal with the huge amount of work that data collection and compiling entails, especially when states are not very cooperative in how they format the data?

d) What will be accomplished by the new TE guidance with regard to data collection?

A: Not very much. All obligations will have to be coded with one of the 12 TEAs at the time they are registered in the FMIS system.

e) What are the uses of the data and who are the audiences?

A: The audience is large and varied: Congress, other elected officials, the media, professional associations, researchers, state DOTs, project sponsors, the public interest community.

f) How to deal with accuracy and quality control?

g) How to deal with details such as:

- the new TEA categories,
- setting deadlines for data submittals that work for everyone,
- changes in project funding that occur between initial awards and time of obligation, and even later as cost overruns.

h) How to deal with the issue of Obligation Limitations when comparing Available with Obligations?

A: This issue will be explained in all NTEC publications to ensure that readers are not making unfair judgements regarding TE implementation.

The Opportunities are:

a) To use the NTEC to continue and improve upon a more useful data set than is provided by the FMIS (FHWA Obligation tracking system).

- b) To take advantage of many states' new willingness to participate in a national database.
- c) To develop a data set that will allow better analysis of TE project and program benefits, as well as tracking of the utilization of streamlining measures, flexible match policies, and other programmatic topics of interest to practitioners and project sponsors.

3. What solutions address this concern? What would happen ideally? What are the desired outcomes?

- a) NTEC should inform all the TE Managers of the current TE database field structure and field entry protocols.
- b) NTEC will solicit updates from all the states in the summer of 1999, in preparation of a complete database update.
- c) NTEC will use the TE list serve to explore potential for new data fields.
- d) NTEC will request that FHWA urge FHWA Division staff and Resource Center Staff to help states and NTEC participate in the data collection and improvement process.
- e) Hopefully, we will have over 90% of the states participating in this effort and cooperating by providing data that conforms to the protocols, and is transmitted in electronic formats that are easily processed.

4. What are the keys to successful implementation of these solutions?

- a) NTEC staff effort
- b) Full support from FHWA
- c) Full support from state DOTs

5. What resources would support you in addressing this issue? What is required to effectively implement solutions?

- a) possibly the new FHWA resource centers.

6. What now blocks effective implementation? What obstacles must be addressed?

- a) States using different database softwares and different field structures and field entry protocols, or not just not tracking key data points.
- b) Lack of time and priority among state DOT TE staff.

7. What has worked to overcome such barriers?

The group did not have time to address this question.

8. To have the greatest impact, what new course of action will you take? How? By when? Who will need to work together? How will progress be monitored?

NTEC will transmit the database protocol and field structures to the states by email on the list serve. NTEC will also use the list serve to begin communication among the stakeholders, fleshing out issues and building consensus as to what approach will work best for all states.

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Lessons Learned

The second Transportation Enhancements Professional Seminar provided opportunities for both immediate and long-term learning. By bringing almost 90 people who work on the TE program all across the country together into one room, the Seminar harnessed and highlighted for participants the power of the Enhancements program's diversity. Participants learned that they all possess the ability to help their states' citizens build better communities through enhanced transportation experiences and options. The Seminar format also taught attendees that they have the ability to be an important resource to each other and themselves. Through facilitated discussions, panel presentations, and Open Space meetings, the participants learned that their voice, knowledge, and experience are powerful tools in the process of implementing TE.

The Seminar also provided a traditional educational experience for participants. By walking participants through the new FHWA Interim Guidance on Transportation Enhancements Activities, Harold Peaks educated these TE professionals on the new options for eligibility, TE activities, and innovative financing allowed by the FHWA. Participants also learned that the FHWA desires states to expand their public participation processes (such as partnering more with youth corps), and to implement *all* TE activities. Robert Patten helped participants learn why it is so important that they submit project data to NTEC for its database about states' spending of Enhancements funds. For many participants, hearing first-hand from the FHWA and NTEC helped them learn about the complexities of the Guidance, and the importance of monitoring the program at a national level.

In addition, the Seminar emphasized the knowledge these TE professionals possess—and their ability to educate each other—by holding twelve different panel presentations on four key TE topics. Participants educated each other on best practices in local project management, results of important studies about equitable distribution of Enhancements funds, tangible examples of building livable communities with TE, and ways to successfully execute innovative financing options. These presentations not only provided an educational atmosphere through their smaller size and the specific topics they addressed, but also demonstrated that Transportation Enhancements professionals can learn from the richness of information each other possesses.

Overall, there were many lessons learned during this Seminar. This two-day professional meeting demonstrated that such periodic meetings greatly benefit participants—and the TE program—by boosting enthusiasm for Transportation Enhancements, and efficiently getting everyone "on the same page" through sharing information and best practices. Participants learned the immense value of listening to each other, of speaking and sharing their own knowledge and experience, and acting together to find solutions to problems. They also learned that support for this program exists on many levels, from the U.S. DOT Administration to the FHWA Office of Human Environment, from state enhancement coordinators across the country to private sector organizations. Witnessing first-hand that this support exists was undoubtedly an important lesson for everyone. Perhaps the most important lesson learned, however, is that while communication, networking, and cooperation are vital, a willingness to commit oneself to action is what will truly make the Transportation Enhancements program a success.

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APPENDIX

Wednesday, June 23, 1999
Follow-Up Question & Answer Session with Harold Peaks

Introduction

Following the three Open Space breakout sessions, Harold Peaks, Acting Director of the Office of Human Environment, again addressed participants questions and concerns regarding TE. The majority of questions surrounded obtaining further guidance from FHWA, and lingering issues about "operation" of transportation facilities, bicycle vs. recreation trails, and right-of-way determination. Participants, perhaps inspired by the two days of intense interaction, also addressed the need for better communication amongst state DOTs, and FHWA divisions and headquarters. This time to have another face-to-face question and answer period was valuable, as it again established that direct communication is the key to successfully implementing the Enhancements program.

Below are the short-hand notes taken during this question and answer period. They illustrate the heart of the discussion, and the important suggestions given to FHWA by the TE professionals, and vice versa.

Notes from Follow-up Q&A:

- 12 categories (vs. 10 or 14) list and TEA numbers as in current legislation. Better to use titles than numbers.
- Lapse of Transportation Enhancements funds. Unlikely, unless state is not spending their STP.
- What to require on income to non-profits at transportation enhancement-funded sites? Request guidance on what is okay at tourist/welcome center.
- If allowable, guidance should say so (to be consistent in all states) and allow us to decide what to permit.
- Activity at the tourist/welcome center should be consistent with promoting tourism and welcoming purpose of the site.
- Income required to be used only for continued operation of the facility?
- Need control/criteria for ensuring that service stays compatible with purpose of the site
- Consider if site is within highway right-of-way

Bike Trail – Recreation vs. Commute

California

- Must have some transportation purpose, not a loop trail through park
- Check guidance released in Feb. '99 by FHWA
 - Focus on access links rather than purpose (may be more than one purpose)

Wisconsin

- Consider type of trail and how people are getting to the trail

Kansas

- Refer recreational trails to recreational trails program
- Rails-to-Trails treated differently as separate TE category
- R/W no current limit on how long ago it was acquired. States should work with their own R/W staff to decide what's reasonable for that state. (Then share decision with others).
- Need to evaluate motive behind “contribution” and reason it was acquired
- Includes real property, not just land

Proposed

- Rules on R/W donations in general will also apply to TE
- Need to keep opportunities to acquire property while it's available and still qualify towards later project
- Still need to meet Uniform Act requirements
- Equipment and furnishings at historic site or welcome center:

California – no “tenant improvements”

Need to show connections and relate to tourist-related use of the site

- State guidance inconsistent with federal (can be more restrictive but should be as consistent as possible with federal)
- Use List Serv to raise issues and share information, but do not consider it policy – need conclusion after series of messages occurs.
- Keep FHWA in the flow of communication

- Send responses to List Serv or only to who asked the question? (Some answers are off-base but Harold does not have time to screen all these)
- Need to emphasize communication between state DOT and their FHWA division office. Then summarize decision and post for others.
- Request Harold's office use List Serv to distribute information and policy decision. What about role for Resource Centers?

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APPENDIX

***FHWA Answers to Questions Raised During Harold Peaks'
Interim Guidance Presentation***

Introduction

During Harold Peaks' presentation of the FHWA Interim Guidance on Transportation Enhancements Activities, participants raised a number of questions worthy of further reflection and response by the FHWA. The questions demonstrate the complexity of implementing a federally-mandated program at the state level; executing written policy—encountering variations, unique situations, and problems—is not easy, and questions arise.

The Interim Guidance altered the FHWA requirements for eligibility by replacing the previous "link to transportation" requirement with the new "relates to surface transportation" requirement. Participants requested further clarification of just what "relates" means, and how to put this eligibility requirement into practice at the state level. TEA-21 also allows for the donation of funds, materials, land, or services prior to a TE project's approval to be counted as part of the local match. Seminar participants raised important questions about time limits and value determinations necessary for utilizing this local match option. Finally, since TE funds can be used to both operate transportation related facilities and restore transportation related facilities for operation, participants asked FHWA for further clarification on how to manage the funds raised at these sites. The following are FHWA's responses to these very questions.

1. How do we apply the "relates to surface transportation" requirement to proposed transportation enhancement activities?

Congress enacted this wording in TEA-21. As the Interim Guidance notes, it is a more flexible standard than the previous guidance on "direct link." The focus is now on a clear and credible description of how the proposed transportation enhancement project relates to the surface transportation system. For example, in what way(s) is the project related to surface transportation, what is the extent of the relationship(s) to surface transportation, what groups and individuals are affected by the relationship(s), is a relationship substantial enough to justify the investment of transportation funds? The Guidance states that proximity to a transportation facility alone is not sufficient to establish a relationship. It may well be that descriptions of how projects relate to surface transportation will be longer and more detailed than the former descriptions of linkage. Transportation Enhancements coordinators should encourage applicants to carefully think through this part of their application.

2. Under TEA-21, donations of funds, materials, land or services made before a transportation enhancement project is approved can be counted as project match. Is there a limit as to how far in the past we can go for match? How is the value calculated?

In the "Summary of Requirements for Matching Funds," the Guidance does not specify a time limit. However, donations must be clearly documented to support the value placed on them. The

Guidance invokes a test of reasonability, as determined in coordination with the FHWA division office, for determinations of what donated items can be used for the local match and how they are valued. Determining whether a donation can be credited towards the local match might include an evaluation of the motive behind the contribution, and why it was acquired originally. We would expect that the value of in-kind donations would be based on current prevailing rates for similar work or materials.

3. Some TE projects, such as restored historic facilities or tourist and welcome centers, may have parts of the space appropriately used for activities which generate income or which are leased for a fee. Examples are historic depots with restaurants to serve users, lease of offices in upper levels of buildings where there is no appropriate public use, or sale of souvenirs in historic sites or tourist and welcome centers. How should states treat any fees or profits generated by activities in spaces made available through TE funds?

There should be a clear agreement on which areas are to be leased, what activities are appropriate, and how income generated by the facility is to be used before the TE project is approved. As the Guidance notes under the heading "Maintenance and Operations," the state is responsible for long-term maintenance and/or operation of all TE activities, but can only use TE funds for long-term operation of projects in the category "Rehabilitation and operation of historic transportation buildings, structures, or facilities." States are encouraged to develop plans for maintenance and operation of TE activities, and income generated by the activity could be a component of the maintenance plan. Another situation may arise with the sale of souvenirs by local historical societies as a fund-raiser. An example would be when a local, non-profit society operates a tourist or welcome center and desires to sell souvenirs related to the area as a convenience to the public and to raise funds for the society. In evaluating the situation, the state and FHWA division office might consider how available the souvenirs are at sites related to the tourist or welcome center. Another consideration might be the value of any donated time by society volunteers to operate the center relative to expected sales.

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APPENDIX

Summary of Participant Evaluations

Introduction

At the end of the Seminar, participants completed a two-page evaluation form regarding the Seminar. The purpose of this form was to gather participants' opinions about the effectiveness of the Seminar and its elements so NTEC and FHWA can improve future Seminars. Of the almost 90 participants, 48 completed the evaluation form, providing NTEC and FHWA with valuable input. Participants rated the first day's presentations numerically and commented on them. They also commented on the "Open Space" session; whether or not the goals of the Seminar were met, their questions were answered, or if they felt a need for an association or task force of TE professionals; and what they would change about TE. With only one exception, every section that could be numerically rated averaged "2," or "Good." Commentary reflects this rating, with the majority of participants noting the effectiveness of the Open Space sessions, and responding that the Seminar met its goals and answered the majority of participants' questions. Those comments that demonstrate aspects of the Seminar or the TE program that do not work well are also important, and are noted below. Altogether, this feedback will help NTEC and FHWA improve future seminars and, in the interim, work to address the lingering issues and delivery ideas identified by participants.

Summary of Responses

Scale of Excellent (1), Good (2), Fair (3), Poor (4)

1. Harold Peaks' Presentation on the Interim Guidance on TE

Overall quality of the information presented on TE guidance: **2, or Good**

Usefulness of the information presented: **2, or Good**

The majority of comments on this section reflected participants' desire to have had the Interim Guidance prior to the Seminar. It was published just four days before the Seminar, so most participants saw it for the first time the morning of Mr. Peaks' presentation. Some noted that they will need more interpretation from the FHWA regarding its new "relate to transportation" eligibility requirement. Also, a number expressed appreciation for the Guidance and for Mr. Peaks' presentation.

2. Robert Patten's Presentation on the Update on State TE Spending

Overall quality of the information presented on state TE spending: **2, or Good**

Usefulness of the discussion: **3, or Fair**

Most participants expressed concern about this data's accuracy given its incompleteness. At the time of his presentation, Mr. Patten had obtained current programming data from 13 states. A number of participants noted the usefulness of this information if it is complete.

3. Marlene Daniels' Facilitated Discussion of TE

Overall quality of the facilitated discussion of TE: **2, or Good**

Usefulness of the discussion: **2, or Good**

While the average rating for this presentation is Good, the comments reflect the frustration participants' felt at the presentation's hurried pace and lack of direction. The majority of comments note that the lack of time and instruction detracted from the effectiveness of the discussion. However, some also note that by allowing participants to voice concerns they have about TE delivery, the facilitated discussion raised important issues to discuss the next day.

4. Panel A: Innovations in Project Management

Overall quality of the information presented: **2, or Good**

Usefulness of the information provided: **2, or Good**

Participants applauded this presentation, especially noting how important it is for them to hear how other states are delivering TE, and what methods have or have not been successful.

5. Panel B: Effective Partnering for Improved TE Program Success

Overall quality of the information presented: **2, or Good**

Usefulness of the information provided: **2, or Good**

Participants noted the difficulty of working with partners only interested in their own goals, but that the presentations did provide exposure to stakeholders' perspectives.

6. Panel C: How TE Supports Livable Communities: Three Case Studies

Overall quality of the information presented: **2, or Good**

Usefulness of the information provided: **2, or Good**

Participants felt these presentations provided good information, but were more specific than comprehensive descriptions of creating livable communities. Others noted that the speakers were too rushed due to lack of time.

7. Panel D: Innovations in Financing and Cost Sharing

Overall quality of the information presented: **2, or Good**

Usefulness of the information provided: **2, or Good**

While some felt that these presentations did not illuminate new information, others noted how interesting it is to see how states are employing advance payment.

8. Comments on "Open Space" discussion groups

This section received the most responses of all evaluation sections requesting comments. The majority of participants enjoyed the way this discussion format allowed them to share information with other TE professionals and identify solutions amongst themselves. A number also noted the benefits of having FHWA and DOT representatives talking together. However, some participants commented that the Open Space groups were too large to foster beneficial discussion. Others noted that holding multiple groups at the same time prevented people from participating in all discussions that interested them. A few participants would have liked more preparation for this type of discussion.

9. Comments on whether the Seminar met its goals

Participants overwhelmingly responded in the affirmative to this question; not one person answered no. Some noted how educational the Seminar was for them, and many commented on the benefit of obtaining the Interim Guidance from FHWA.

10. Comments on whether the Seminar answered participants' questions

The responses to this question demonstrate that the Seminar answered many questions, but raised new ones and did not fully answer old ones as well. Participants noted how some questions do not have simple answers. A number noted that having a longer Seminar would have provided the time necessary to work through the unresolved questions and issues.

11. Responses to whether or not participants see a need for an association of TE professionals, or a task force of state DOT and FHWA TE professionals

The majority of responses to these questions were in the affirmative. People noted that any dialogue and interaction between TE professionals is beneficial for addressing issues and questions, and simply for continuing the dialogue amongst the different agencies. Some suggested quarterly meetings as well as national annual meetings, including as many government agencies as with interest in TE, or limiting the committees and task forces to just FHWA or DOT. Issues for these committees and task forces to discuss would be eligibility, project process and implementation, ways to improve consistency amongst states' programs (or guard against that), tracking projects and reporting on them (data collection), communicating best practices, and addressing outstanding problems. Both participants who did see a need for these committees and task forces and those who did not mentioned that the email list serv currently serves the function of inter-state communication, idea sharing, and problem solving dialogue. Those participants who did not see a need for either association noted that issues are not national in scope but are rather limited to individual states, that NTEC can serve this purpose, and that AASHTO should serve this function.

12. Comments on what one thing participants would change about TE

The responses to this question were diverse. A number of comments suggest frustration at a lack of support for the program. Some want the program to be perceived as "mainstream" instead of "non-traditional," while others would increase the amount of money available for TE or separate it from STP funds. One person suggested making the program a grant program instead of a reimbursement program, and another suggested that administrative costs should be eligible. A couple of people would remove historic preservation from eligible activities. While these comments reflect some legitimate concerns about the TE program, one comment demonstrates the importance of keeping perspective. This person thinks that TE professionals should simply get more credit "for the great things we're doing."

**Transportation Enhancements Professional Seminar
Pittsburgh, PA June 22-23, 1999
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AGENDA

Transportation Enhancements Professional Seminar
Pittsburgh, PA,
June 22-23, 1999
Westin William Penn Hotel

- GOALS:** At the close of this conference, participants will:
1. More clearly understand Federal and State perspectives on guidance policy.
 2. Better understand implementation issues relative to balancing national consistency while preserving state flexibility.
 3. Learn of best practices for program delivery at the state and local level.
 4. Recognize TE's value in planning livable communities.

Tuesday, June 22:

8 A.M. Coffee and Danish

9 A.M. Welcome from host state.
Larry King, Deputy Secretary for Planning, PA DOT

Keynote: *Adapting Federal Aid for Community Transportation.*
Eugene Conti, Jr., Assistant Secretary for Transportation Policy

9:30 A.M. Overview and Introduction to Seminar, and,
Presentation of the new guidance:
How TE Professionals Can Effectively Deliver Transportation Enhancements to Improve Communities: from Eligibility to Reimbursements.
Harold Peaks, FHWA, Office of Human Environment

10:30 A.M. Coffee Break

10:45 A.M. Q & A on the new guidance.
Harold Peaks, FHWA, Office of Human Environment

11:30 A.M. Facilitated discussion on your concerns about enhancements.
Dr. Marlene Daniel, Facilitator

12:30 P.M. Lunch: Invited guest speaker.
Gloria Jeff, Deputy Administrator, FHWA

- 2 P.M.** Choice of Panel Presentations, followed by questions and answers.
- A.** *Innovations in Project Management*
- When Local Governments Manage Projects
Jim Snyder, NJ DOT
 - Use and Benefits of a TE Advisory Committee
Lani Ravin, VT AOT
 - Effective use of Outside Consultants
Jim Pearson, NE DOT
- B.** *Effective Partnering for Improved TE Program Success*
- Youth Corps and TE
Marty O'Brien, Nat'l Assn. Of Service & Conservation Corps
 - National Recreation and Parks and TE
Denise Obert, Nat'l Recreation and Parks Association
 - Historic Preservation Eligibility Practices Across the US
Eric Hertfelder, Nat'l Conference of State Historical Preservation Officers
- 3:30 P.M.** Coffee Break
- 3:45 P.M.** Choice of Panel Presentations
- C.** *How TE Supports Livable Communities: Three Case Studies*
- Visioning TE Projects in Small Communities
Julia Badenhope, Iowa State University
 - TE Bike and Ped Projects: And Urban v. Rural Equity Study
Jim Ebenhoh, Kennedy School of Government
 - Using TE Funds to Plan Sustainable Development
Nancy Krupiarz, Rails-to-Trails Conservancy
- D.** *Innovations in Financing and Cost Sharing*
- Using the 80/20% program split
Steve Roberts, GA DOT
 - TE Projects with 100% federal funds
Lou Schultz, Jr., PA DOT
 - Employing Advance Payment
Murray Piper, FHWA, MD DIV
- 5:30 P.M.** Catered dinner at the William Pitt Student Union, University of Pittsburgh.
Sponsored by the PA Department of Transportation

Wednesday, June 23:

- 8 A.M.** Coffee and Danish
- 9 A.M.** Small discussion groups. Topics to be generated from the specific concerns and interests of those attending. [This is your chance to have your issue addressed.]
- 10 A.M.** Breakout Session I
- 11:15 A.M.** Break
- 11:30 A.M.** Breakout Session II
- 12:30 P.M.** Lunch
- 2 P.M.** Breakout Session III
- 3:15 P.M.** Break
- 3:30 P.M.** Wrap up: What are the challenges and opportunities related to effective delivery of TE for the next five years? Facilitated small group discussions.
- 4:30 P.M.** Close
- 5 P.M.** Cocktail Reception by Rails-to-Trails Conservancy