

CHANGES TO THE TRANSPORTATION ALTERNATIVES PROGRAM IN THE BIPARTISAN INFRASTRUCTURE LAW

	FAST ACT (2015-2021)	BIPARTISAN INFRASTRUCTURE LAW (2022-2026)	CHANGE	LEGAL CITATION
FUNDING	Fixed dollar amount	TAP is 10% of STBG	Transportation Alternatives Program is now a percentage of the Surface Transportation Block Grant rather than a fixed dollar amount. Moving forward, it will grow in proportion to other surface transportation spending.	23 U.S.C. § 133(b)(1)
	\$835 million - \$850 million annually	\$1.38 billion – \$1.49 billion annually	Funding for Transportation Alternatives increased by 60-70 percent (increases annually from 2022-2026).	23 U.S.C. § 104 (b)(2)
BETTER ACCESS FOR LOCAL GOVERNMENTS & LOCAL CONTROL	States could transfer 50% of TAP funds to other uses before holding a competition	Before transferring funds out of TAP, state must certify that it held a competition, provided technical assistance to applicants, and there were not enough suitable applications	Improved access for local governments by requiring departments of transportation to hold a competition before transferring funds for other uses	23 U.S.C. § 126(b)(2)
	50% state control and 50% suballocated based on population	41% state control; 59% suballocated by population. Additionally, the BIL provides MPOs with obligation authority for projects they select	More money will be suballocated by population	23 U.S.C. § 133(h)(2)(A)
	Suballocated pots for 3 community types: Pop > 200,000 Pop 50,000-200,000 Pop < 5,000	Suballocated pots for 4 community types: Pop > 200,000 Pop 50,000-199,000 Pop 5,000- 49,000 Pop < 5,000	Aligns with surface transportation block grant suballocated pots. Breaks suballocated pot of funding for 5k-200k into two buckets for smaller and mid-sized communities.	23 U.S.C. § 133(h)(2)(A)
	Suballocation limited to 50%	States can suballocate up to 100%	Increase local control of project selection and financial management	23 U.S.C. § 133(h)(2)(B)

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PROJECT AND APPLICANT ELIGIBILITY	Not applicable	Retains current project eligibility; adds in projects that support compliance with vulnerable road user safety assessment	Creates eligibility alignment with new Vulnerable Road User safety assessment required under changes to the Highway Safety Improvement Program	23 U.S.C. § 133(h)(3)
	Not applicable	Gives small MPOs eligibility to compete for funds, makes all nonprofits eligible, state is eligible if a local government requests state's help	Broadens eligible applicants for TAP	23 U.S.C. § 133(h)(4)(A)
EQUITY	Not included	Requires states to define "high need" communities and prioritize them as beneficiaries of TAP funds in project selection	Promotes equitable access to TAP funds	23 U.S.C. § 133(h)(4)(D)
STATE IMPLEMENTATION	Not included	5% of TA set-aside can be used for DOT to provide technical assistance to applicants, staff the program, or contract these services out	States may use some TAP funds to administer program	23 U.S.C. § 133(h)(6)(C)
	All projects must have 20% match; HSIP not eligible for use as match	Non-federal share (aka local match) can be met at project level or across program; Highway Safety Improvement Program (HSIP) funds can be used as local match	Provides flexibility on meeting non-federal share/ local match requirements	23 U.S.C. § 133(h)(7)