Thanks to your experience, input, and advocacy, there are countless important changes in the Bipartisan Infrastructure Law to the programs that support walking, bicycling, and Safe Routes to School.

Now, it’s up to the states to implement the law.

You can take action to encourage your DOT to implement these programs in a way that maximizes the benefits for people walking and bicycling. Lead or join a sign on letter to state leadership detailing the opportunities within the Bipartisan Infrastructure Law you would like your DOT to take to make walking and wheeling safe, convenient, connected, and equitable.
What is the Bipartisan Infrastructure Law (BIL)?

• AKA the *Infrastructure Investment and Jobs Act of 2021*, signed into law November 2021
• Federal surface transportation reauthorization + priorities identified in President Biden’s American Jobs Plan
• Reauthorizes funding for the next five years (FY22-FY26) and makes policy changes
• Replaces the FAST Act (2015-2021)
Transportation Alternatives Program
The major federal source of transportation funding for bicycling, walking, and Safe Routes to School

- Accounts for about half of federal funding for walking and bicycling
- Created in 2012 by merging Transportation Enhancements, Recreational Trails, and Safe Routes to School programs
- Also known as TAP or STP Set-Aside
- A key program for states to build safe, connected, equitable on- and off-road networks for walking and bicycling
### Changes to the Transportation Alternatives Program in the Bipartisan Infrastructure Law

<table>
<thead>
<tr>
<th>FAST ACT (2013-2021)</th>
<th>Bipartisan Infrastructure Law (2022-2026)</th>
<th>Change</th>
<th>Legal Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Funding</strong></td>
<td></td>
<td></td>
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<tr>
<td>Fixed dollar amount</td>
<td>TAP is 10% of STBG</td>
<td>Change</td>
<td>28 U.S.C. § 1388(b)(1)</td>
</tr>
<tr>
<td>States could transfer 50% of TAP funds to other uses before holding a competition</td>
<td>Before transferring funds out of TAP, states must certify that it held a competition, provided technical assistance to applicants, and there were no more than 3 suitable applications</td>
<td>Change</td>
<td>28 U.S.C. § 126(b)(1)</td>
</tr>
<tr>
<td>50% state control and 60% suballocated based on population</td>
<td>41% state control, 59% suballocated by population. Additionally, the BL provides MPOs with obligation authority for projects they select</td>
<td>Change</td>
<td>28 U.S.C. § 1388(b)(2)(A)</td>
</tr>
<tr>
<td>Suballocated pots for 3 community types Pop &gt; 200,000 Pop 50,000-200,000 Pop ≤ 50,000</td>
<td>Suballocated pots for 4 community types Pop &gt; 200,000 Pop 50,000-199,999 Pop 49,999-9,999 Pop ≤ 9,999</td>
<td>Change</td>
<td>28 U.S.C. § 1388(b)(2)(A)</td>
</tr>
<tr>
<td>Suballocation limited to 60%</td>
<td>States can suballocate up to 100%</td>
<td>Change</td>
<td>28 U.S.C. § 1388(b)(2)(B)</td>
</tr>
</tbody>
</table>

**Equity**

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<tr>
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<tr>
<td>Not included</td>
<td>Requires states to define “high need” communities and prioritize them as beneficiaries of TAP funds in project selection</td>
<td>Change</td>
<td>28 U.S.C. § 128(b)(4)(D)</td>
</tr>
<tr>
<td>Not included</td>
<td>5% of TA set-asides can be used for DOT to provide technical assistance to applicants, staff the program, or contact these services out</td>
<td>Change</td>
<td>28 U.S.C. § 133(b)(6)(C)</td>
</tr>
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**State Implementation**

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<tbody>
<tr>
<td>All projects must have 20% match, HSIP not eligible for use as match</td>
<td>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</td>
<td>Change</td>
<td>25 U.S.C. § 155(a)(7)</td>
</tr>
</tbody>
</table>
Every state gets an apportionment of TAP
  • Ranges from $4M to $129M per state

Funding has increased by 60% from $850 million to $1.38 billion in 2022, and will increase each year up to $1.49 billion in 2026

Transportation Alternatives is now 10 percent of the Surface Transportation Block Grant rather than a fixed dollar amount, so it will grow in proportion to other surface transportation spending

Take Action!
• Look up how much funding your state receives:
https://www.fhwa.dot.gov/legsregs/directives/notices/n4510864/n4510864_t2.cfm
• For MPO funding amounts:
https://www.fhwa.dot.gov/legsregs/directives/notices/n4510864/n4510864_t3.cfm
### What Happens to a State's Transportation Alternatives Program Funds?

#### Recreational Trails Set-Aside
Funding comes off the top of each state's TAP funds to “develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses.” These funds cannot be transferred to other uses.

After taking out the Recreational Trails Set-Aside, the remaining TAP funds are divided up to give communities of all sizes a chance to compete for TAP money.

| 41% of the remaining funds are awarded by the state DOT around the state. |
| 59% of the remaining funds are awarded through competitions based on community size, with funds proportionately divided into the following pots based on population. |

- State DOT-run competition for communities of any size anywhere in the state.
- States can choose to transfer these funds away from walking and bicycling, for example, to highway projects. To transfer funds a state must first show that it held a competition, provided robust technical assistance, and there were not enough suitable projects.
- MPOs run competition in urbanized areas with populations over 200k.
- State DOT-run competition for communities with populations between 50k - 199,999.
- State DOT-run competition for communities with populations between 5k - 49,999.
- State DOT-run competition for communities with populations under 5k.

States may use up to five percent of available TAP funds (after suballocation described above) to provide technical assistance to improve access to TAP funds and improve efficiency of project delivery. This can be achieved through staffing or contracted out to other state agencies, private sector entities, or nonprofit organizations.
IMPROVED LOCAL ACCESS

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- State DOT-run competition for communities with populations between 50k - 199,999.
- State DOT-run competition for communities with populations between 5k - 49,999.
- State DOT-run competition for communities with populations under 5k.

- Before a state may transfer funds to other uses, it must first hold a competition and provide robust technical assistance.
- More money is suballocated by community size, and suballocation categories align with STBG.
- States can suballocate up to 100 percent of funds.
Historically, Texas has transferred 50 percent of its Transportation Alternatives Program funds out of the program and to other uses:

- From 2013-2021, Texas awarded approximately $37.6M annually
- For FY22, Texas has $129M to award:
  - Statewide: $53M
  - >200k: $50M
  - 50k-200k: $7.4M
  - 5k-50k: $5.9M
  - <5k: $13M

**Take Action!**
- Promote this funding opportunity widely, especially to communities that may have been discouraged
- Support small communities to apply for funds, consider SRTS projects for small/rural areas.

[https://saferoutespartnership.org/healthy-communities/policy-change/state-implementation](https://saferoutespartnership.org/healthy-communities/policy-change/state-implementation)
PROJECT AND APPLICANT ELIGIBILITY

- Newly eligible applicants: all nonprofits; small MPOs; states can receive funding if requested by local community
  - Note: states may have more restrictions on who may apply
- Newly eligible projects: projects that support compliance with vulnerable road user safety assessment required in Highway Safety Improvement Program

Take Action!
- Help spread the word about TAP in your state, especially to communities that may have been discouraged in the past
- Support small and rural communities to apply for funds; if you are a small/rural community – apply for funds!
TAP Funding Supports:

- Sidewalks, crosswalks, and other pedestrian infrastructure
- Bike lanes and other bicycle infrastructure
- Safe Routes to School infrastructure and non-infrastructure
- Projects that comply with Vulnerable Road User safety assessment
- Shared micromobility
- Recreational trails
- Turnouts, overlooks, and viewing areas,
- Community improvement activities (outdoor advertising, historic transportation facilities, vegetation management, transportation-related archaeological activities
- Environmental mitigation (stormwater management, wildlife connectivity)
- Converting highways/interstate routes to boulevards
Who is eligible to apply?

- Local governments
- Regional transportation authorities
- Transit agencies
- State and local parks/public lands agencies
- Schools and school districts
- Tribal governments
- Nonprofits
- Small MPOs
- Other local/regional agencies that administer transportation or trails
- State DOTs may receive funds if requested by local government
EQUITY

• State DOTs are now required to define what constitutes “high-need” in their state
  • Examples include: transit dependent, low income, and rural
• State DOTs are now required to prioritize high-need communities in the project selection

Take Action!
• Share ideas with your state DOT for how to define “high need” pertinent to your state and opportunities to prioritize “high need” communities
• For ideas from other states:
HSIP funds can be used as match for TAP, so projects can be entirely federally funded**

Non-federal share/local match requirement can be met at project or program level

**Take Action!**
- Encourage your DOT TAP Manager and HSIP Manager to allow HSIP to be used as match for TAP
- Encourage your DOT to avail itself of flexibility to average the match at the program level
- Share with DOT that using HSIP as match will satisfy VRU special rule compliance
5% of Transportation Alternatives apportionment (after suballocation) can be used for technical assistance to improve access to funds and improve efficiency of project delivery

- This ranges from ~$92k - $4M annually, average: $893k
- Can be used to staff the program or contracted out to nonprofits, private sector companies, or other government agencies
- Guidance on this is very broad
- *It does not have to be spent on technical assistance; it can be spent on projects*

**Take Action!**

- Look up how much your state has available for technical assistance [https://www.fhwa.dot.gov/legsregs/directives/notices/n4510864/n4510864_t2.cfm](https://www.fhwa.dot.gov/legsregs/directives/notices/n4510864/n4510864_t2.cfm)
- Identify what would be most useful in your state: staffing TAP, staffing Safe Routes to School, proactive outreach about the program, conducting preliminary engineering and cost estimation for small, rural, and/or low-income applicants, and encourage your DOT to do this
Action Steps for Transportation Alternatives Program

- Promote the funding opportunity and encourage communities to apply
  - States can only transfer funds after holding competition/providing technical assistance
- Encourage DOT to use HSIP as match for TAP
- Communicate with DOT about definitions of “high need”
- Advocate for best use of technical assistance funds for your state
Safe Routes to School
The BIL codifies Safe Routes to School in current law, but not as a standalone program like under SAFETEA-LU.
FUNDING

• Safe Routes to School is broadly eligible for most surface transportation funds, however most states fund Safe Routes to School out of TAP.
  • Some states use HSIP, CMAQ, SPR, and STBG

• New in the BIL:
  • Allows up to 10% of HSIP funds to be used for safety campaigns/non-infrastructure, including Safe Routes to School (including staff!)
  • Proactively affirms that SRTS infrastructure is an eligible use of HSIP

Take Action!
• Encourage your DOT to fund SRTS infrastructure and non-infrastructure with TAP through a set-aside or points prioritization
• Encourage your DOT to fund SRTS I/NI with HSIP
STAFFING

- BIL creates and affirms opportunities for staffing Safe Routes to School statewide coordinator and local coordinators
  - 5% TAP for technical assistance may be used for a State Safe Routes to School coordinator position to promote SRTS projects to be funded under TAP

**Take Action!**

- Encourage your state DOT to use its technical assistance funds to fund a full-time Safe Routes to School coordinator
- Encourage your state DOT to use HSIP funds/compete out TAP funds to fund local coordinators
ELIGIBILITY

• BIL expands Safe Routes to School eligibility to high schools, in addition to elementary and middle schools

Take Action!
• Encourage your DOT to allow Safe Routes to School projects to benefit high schools
Action Steps for Safe Routes to School

- Encourage state to staff statewide Safe Routes to School coordinator using TAP technical assistance funds or HSIP funds
- Encourage DOT to make high schools eligible for SRTS projects
- Encourage DOT to set aside TAP funds or allocate extra points to SRTS projects in TAP selection process
- Encourage DOT to fund non-infrastructure in addition to infrastructure