



**Erie Area Transportation Study
Metropolitan Planning Organization
(Erie MPO)**

**2013 Transportation
Enhancements Program**

**General Information
&
Program Guidance**

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Section I — Purpose

The Transportation Enhancements Program (TE) offers funding opportunities to help expand transportation choices and enhance the transportation experience through small, community-based transportation and related to surface transportation. Transportation Enhancements (TE) activities are federally funded projects that expand travel options by enhancing the transportation infrastructure through cultural, historic, aesthetic and environmental improvements. TE projects must be one of 12 eligible activities and must relate to surface transportation.

Funding for Transportation Enhancements (TE) activities was first authorized in 1991 by the Intermodal Surface Transportation Efficiency Act (ISTEA), which authorized eligibility, established funding, and defined activities for the TE program. In 1998 the Transportation Equity Act for the 21st Century (TEA-21) added two additional eligible TE activities. The most recent federal transportation legislation, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), reauthorized the program in 2005.

The Erie Area Transportation Study is the Metropolitan Planning Organization (MPO) for Erie County. The Erie MPO is responsible for transportation planning and programming in the County and assists PennDOT with the administration of the Transportation Enhancements, Hometown Streets, and Safe Routes to School Programs.

Section II — Eligibility

A. Applicant Eligibility

Any government agency, municipal government, school district, or not for profit organization may submit a Program application. Non-government agencies are strongly encouraged to work through a local or county government entity. Sponsors must have the financial capability to advance project costs for their share of the project. Prospective sponsors should also assess their capability to comply with applicable state and federal requirements.

B. Applicant Responsibility

To ensure that proposed projects protect and enhance the environment, the sponsor is responsible for working with PennDOT and the Federal Highway Administration to secure all applicable environmental approvals.

Projects must conform to the requirements of:

- State and federal laws and regulations, including the National Environmental Policy Act (NEPA),
- National Historic Preservation Act (Section 106).
- Department of Transportation Act – Section 4(f), Title 23 of the Code of Federal Regulations (including right-of-way acquisition).
- Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.
- Private organizations must have non-profit status and a Federal Tax ID number.

The sponsor is also responsible for the documentation from each project partner detailing and committing their participation. This participation may include such areas as access to and control of the

project property, input during detailed project design, source(s) of cash match, other goods/services which reduce total project cash expenditures, maintenance provisions during and after project completion, and/or any other function performed by entities other than the direct project sponsor. The sponsor shall coordinate the involvement of the project partner(s) throughout the life of the project as needed.

C. Project Eligibility

Projects must comply with the following:

- Projects must address a transportation need, use or benefit
- Projects **must** be located in Erie County
- Projects must fall into one or more of the twelve eligible categories as described in Section III
- Projects must have a direct **relationship to the surface transportation system**
- Projects must be **accessible to the general public or targeted to a broad segment of the public**

Surface Transportation means all elements of the intermodal transportation system, exclusive of aviation. For the purposes of TE program eligibility, surface transportation includes water as surface transportation and includes as eligible activities related features such as canals, lighthouses, and docks or piers connecting to ferry operations, as long as the proposed enhancement otherwise meets the basic eligibility criteria.

Funds for this Program are solely limited to Erie County. Therefore if instances occur where a portion of the project is located outside of the county, only the portion of the project that is located within Erie County will be eligible for funding.

Proposals must be for a complete, identifiable, and usable facility or activity. Funds are not available for partial projects that cannot function as a complete and useful activity. Funding is available, however, for a particular phase of a multi-phase project. **Plans or studies will not be considered.** The program is designed to fund transportation related projects that are over and above what is considered routine construction and maintenance. **The funded activities must be accessible to the general public or targeted to a broad segment of the public.** The 12 eligible categories are identified in Section III.

Section III — Twelve Eligible Project Categories

All projects must fall into one or more of the following eligible project categories:

- A. Provision of facilities for pedestrians and bicycles.
- B. Provision of safety and educational activities for pedestrians and bicyclists.
- C. Acquisition of scenic easements and scenic or historic sites (including historic battlefields).
- D. Scenic or historic highway programs (including the provision of tourist and welcome center facilities).
- E. Landscaping and other scenic beautification.
- F. Historic preservation.
- G. Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals).
- H. Preservation of abandoned railway corridors (including the conversion and use of the corridors for pedestrian or bicycle trails).
- I. Inventory, control, and removal of outdoor advertising.
- J. Archaeological planning and research.
- K. Environmental mitigation
 - i. to address water pollution due to highway runoff; or
 - ii. reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.
- L. Establishment of transportation museums.

A. Provision of Facilities for Pedestrians and Bicyclists

This category includes projects for bicyclists and pedestrians beyond or in addition to what is necessary for safe accommodation. This includes activities that enhance the transportation system through the construction of new facilities or the improvement of existing facilities to make them more usable for pedestrians and bicyclists.

Funds cannot be used to fund bicycle and pedestrian facilities that are solely for recreational use. Projects will be principally for transportation purposes. Examples of eligible projects include: development and construction of separate bicycle and pedestrian facilities on or off road rights-of-way or in relation to transit facilities, widening curb lanes or re-striping to create wider curb lanes, paving shoulders, and providing access to public transit, bicycle lockers at rail stations, bus depots, airports, and recreation facilities, and bikeways or pedestrian paths which separate these modes of travel from the motorized transportation system. This could include provision of sidewalks and required curb ramps.

Activities are not eligible where they are conducted as an incidental part of new transportation projects to accommodate routine use by pedestrians and bicycles.

This category includes:

- Projects for bicyclists and pedestrians that permit safe passage for children to walk or bike to school are eligible.
- Some examples of eligible activities include: sidewalk improvements, pedestrian/bicycle crossing improvements, bike lanes, traffic diversion improvements, and off-street bicycle and pedestrian facilities. In addition, this program may fund traffic calming measures to slow the speed of cars such as the following:
 - curb extensions, bulb-outs
 - raised median islands
 - textured or raised crosswalks

B. Provision of Safety and Educational Activities for Pedestrians and Bicyclists

This category includes programs to educate the public (or portions of the public) regarding pedestrian and bicycle safety. It also covers improvements to ensure pedestrian and bicycle safety and related activities. Eligible activities could include bicycle route maps, signage, workshops to train cyclists and non-cyclists in techniques needed to safely interact, and similar type activities.

Project sponsors using TE program funds are encouraged to integrate safety messages and educational opportunities for bicyclists and pedestrians into enhancement projects through the development of campaigns, programs, educational materials including maps and brochures, and pedestrian and bicycle enforcement activities. Project sponsors are encouraged to coordinate these activities with the National Highway Traffic Safety Administration and other modal administrations. This TE activity is not intended to replace or duplicate existing funding opportunities for bicycle and pedestrian activities currently available through the State and Community Traffic Safety Program.

C. Acquisition of Scenic Easements and Scenic or Historic Sites (Including Historic Battlefields)

This category may be applied to the purchase, donation, transfer, or trade of lands that possess significant aesthetic, archeological, historic, natural, visual, or open space values. Historic sites must be listed in or eligible for listing in the National Register of Historic Places. Visit www.nps.gov/nr/ or www.phmc.state.pa.us for additional information.

D. Scenic or Historic Highway Programs (Including the Provision of Tourist and Welcome Center Facilities)

This category covers protection and enhancement of **state or federal designated** scenic or historic highways. Funds may be used only for projects that will protect and enhance the scenic, historic, cultural, natural, and archaeological integrity and visitor appreciation of an existing highway and adjacent area, or for planning, design, and development of new state scenic byway programs. Any tourist or welcome center activities do **not** have to be located on scenic or historic highways, but there must be a clear **link** to scenic or historic sites.

Examples of projects include: interpretive plaques or restoration of historic lighting standards, historic aesthetic treatment on retaining walls and guide rails, aesthetically pleasing bridge rails for use on scenic highways or tourist and welcome center facilities on scenic or historic highways. **Eligible projects do not include construction of additional lanes on scenic or historic highways.**

E. Landscaping and Other Scenic Beautification

This category includes landscape planning, design, landscaping noise barriers on either side of the highway side only, and construction projects that enhance aesthetic or ecological resources along transportation corridors, points of access, and lands qualifying for other categories of Transportation Enhancements activities.

Projects that enhance the aesthetic resources or beauty of a transportation project include planning, design, and construction of scenic vistas and overlooks, restoration of historic landscapes, and construction of landscapes, which are compatible with their surroundings. Projects which enhance the ecological balance along a transportation corridor include planning, testing and planting for restoration or re-introduction of native plant communities and appropriate adaptive species, and the provision of

interpretive information about federal and state agency programs through which ecological resources are preserved. Project examples include: community “gateway” plantings, landscaping, transplants to move trees outside of clear zones and into more attractive, safe locations, retrofitting existing noise barriers with landscaping, roadside ecological viewing areas, or development of aesthetically pleasing bridge rails.

This category includes the following activities:

- Landscape planning, design and planting, construction projects that enhance aesthetic or ecological resources in downtown areas or points of access.
- Projects that enhance the aesthetic resources or beauty of a municipality include restoration of historic landscapes and construction of landscapes which are compatible with their surroundings.
- Project examples include: community “gateway” plantings, landscaping, benches, decorative sidewalks, trees, aesthetic lighting and other amenities.

Funds may not be used for routine, incidental, or maintenance activities such as grass cutting, tree pruning and removal, soil stabilization, construction of noise barriers, drainage improvements, or post-construction finish work such as replanting and re-seeding.

F. Historic Preservation

Projects in this category should enhance the transportation system by improving the ability of the public to appreciate the historic significance of the project itself or the area to be served by the project. Funds may be used for the identification, evaluation, recordation, documentation, curation, rehabilitation, interpretation, restoration and stabilization, or any combination of the foregoing, of any historic transportation site, building, structure, landscape, or object (and any artifacts and records related to it). The historic resource **MUST** have a direct relationship to the transportation network, and **MUST BE** listed in or eligible for listing in the national register of historic places. Visit www.nps.gov/nr/ or www.phmc.state.pa.us for additional information.

G. Rehabilitation and Operation of Historic Transportation Buildings, Structures, or Facilities (Including Historic Railroad Facilities and Canals)

Historic transportation buildings are buildings or structures associated with the operational, passenger and freight use, construction, or maintenance of any mode of transportation. The buildings **MUST BE** listed in or eligible for listing in the national register of historic places. Visit www.nps.gov/nr/ or www.phmc.state.pa.us for additional information. Structures and facilities include tunnels, bridges, trestles, embankments, rails or other guide ways, non-operational rolling stock, canal viaducts, tow paths and locks, stations, and other man-made transportation features integrally related to the operation, passenger and freight use, construction, or maintenance of any mode of transportation. Rehabilitation means the process of returning the property to a state that makes possible a contemporary use while preserving the significant historic features of that property. Operation means the provision of access and service in a manner related to the continuation of a contemporary transportation or non-transportation use consistent with the historic character of the property and open to the general public.

H. Preservation of Abandoned Railway Corridors (Including the Conversion and Use of the Corridors for Pedestrian or Bicycle Trails)

This category includes the rehabilitation and development of corridors for public uses, including bicycle and pedestrian use. It permits the development and rehabilitation of rail corridors **open to the general public without charge**.

Rail corridors are those in which fixed rail tracks exist or have existed in the past. Abandoned railway corridors are those which have been recognized for abandonment under federal or state law, or for which abandonment proceedings are pending before the Surface Transportation Board (STB), or which have been rail banked under any applicable federal or state authority.

I. Inventory, Control, and Removal of Outdoor Advertising

Priority shall be given to the removal of outdoor advertising signs. Expenditures made to remove existing signs, displays, and devices must comply with a legal process that bases payment on an equitable appraisal. Particular attention should be given to the removal of such signs along scenic highways and byways. Inventory control may include, but not be limited to, data collection, video logging, scanning and imaging of data, developing and maintaining an inventory and control database, and hiring of outside legal counsel. Examples of eligible projects include: conducting billboard inventories or removal of illegal and nonconforming billboards.

J. Archaeological Planning and Research

This category includes, but is not limited to, testing, excavation, and research on sites eligible for Transportation Enhancements funds; experimental projects in archaeological site preservation and interpretation; planning to improve identification, evaluation, and treatment of archaeological sites; problem-oriented syntheses using data derived from (though not limited to) transportation-related archaeological projects; development of national and regional research designs to guide future surveys; data recovery and synthetic research; and projects having similar purposes carried out in partnership with other federal, state, and local government agencies and non-governmental organizations. Archaeological planning and research must focus on physical evidence of historic or prehistoric human life or activity relating to surface transportation, or relating to artifacts recovered from locations within or along surface transportation corridors. Expenditures should be used for research or interpretation of sites associated with transportation facilities.

K. Environmental Mitigation to: Address Water Pollution Due to Highway Runoff; or Reduce Vehicle-Caused Wildlife Mortality While Maintaining Habitat Connectivity

This category is for facilities and programs minimizing pollution from storm water runoff from transportation facilities that are in addition to current requirements and procedures for such mitigation. Projects that demonstrate aesthetic and ecological methods for mitigation and that enhance recharge are encouraged. Also, projects that can be instrumental in reducing wildlife mortality and/or maintaining habitat connectivity in conjunction with a transportation facility are eligible under this category. **This category is not limited to threatened and endangered species.**

Examples of eligible water quality improvement projects include:

- Retrofitting an existing highway by creating a wetland to filter highway runoff based on the impacts from the road in terms of water pollution.
- Improving streams and drainage channels through landscaping to promote filtering and improve the overall water quality conditions of receiving channels.
- Providing payment in-kind for existing highway water quality impacts that warrant mitigation to regional or watershed-based planned improvement projects.

Examples of eligible reduction of vehicle-caused wildlife mortality projects include:

- Projects designated as wildlife underpasses or overpasses
- Measures at areas identified as crossings for wildlife, which include the necessary fencing and other markings and mitigation techniques associated with movement of wildlife across transportation corridors.
- Bridge extensions to provide or improve wildlife passage and wildlife habitat connectivity.
- Monitoring and data collection on habitat fragmentation and vehicle-related wildlife mortality.

L. Establishment of Transportation Museums

This category is for the development, construction or rehabilitation of transportation museums. It is intended to preserve the transportation heritage of a municipality or region, or a particular mode of transportation, including an interpretation of that theme. Transportation museums must meet the following definition of a museum: **The facility must:** (1) be a legally organized not-for-profit institution or government-entity; (2) be essentially educational in nature; (3) have a formally stated mission; (4) have one full-time paid professional staff member who has museum knowledge and experience and is delegated authority and allocated financial resources sufficient to operate the museum effectively; (5) present regularly scheduled programs and exhibits that use and interpret objects for the public according to accepted standards; (6) have a formal and appropriate program of documentation, care and use of collections and/or tangible objects; (7) have a formal and appropriate program of presentations and maintenance exhibits; and (8) be related to surface transportation -aviation museums are not eligible for transportation enhancements funding.

Establishment of transportation museums is interpreted to mean funding of capital improvements. Capital improvements include the reconstruction, refurbishing, or rehabilitation of an existing museum that is clearly for a transportation purpose and meets all the criteria of a transportation museum. Rehabilitation of an existing transportation museum would include upgrading the structure to meet state and/or local codes (i.e., fire sprinkler system or ADA ramps).

These are also characteristics that represent any museum. As long as a segment is added solely for transportation purposes, and meets the minimum requirements for a museum it can be considered a transportation museum. There is no restriction in federal guidance or legislation that requires transportation artifacts or designated areas to occupy greater than 50% of the total area of the museum (or any stated percentage) in order for it to be determined to be a transportation museum.

In the case where artifacts are scattered about a facility and not concentrated in a given area of the facility, and where such a facility is dedicated to a non-transportation purpose, then funds will not be used to support such artifacts because no transportation museum has been established.

Transportation museums may be defined as a complete structure or entity unto itself, or a wing attached to another facility that is dedicated to transportation. If the application for funds is for a wing dedicated to transportation, funds can be for establishing a portion of the facility as a transportation

museum. Establishment of a transportation museum is also interpreted to apply to the re-establishment of a closed transportation museum, where it no longer exists. Such a museum must also meet the minimum criteria, which defines a transportation museum.

Funds are not to be used for operations or maintenance of the facility. Where there is an uncertainty regarding whether or not a proposed action is considered an operation and/or maintenance activity, the determination should be addressed by PENNDOT.

The museum must be open to the public and run by a public, non-profit organization meeting the definition of museums stated above in this section. If entrance fees are charged for the museum, a portion of the fees should be provided for the long-term maintenance and operation of the facility.

Section IV — Funding

A. Applicant Match

The TE Program provides for two local funding match options:

Construction Match: The construction phase of the project is eligible for 100% federal funding. **The applicant is responsible for funding all pre-construction activities.** Pre-construction activities include design, preliminary engineering, acquisition, right of way, utility clearance, and environmental costs. Generally, these pre-construction activities will amount to the required 20% sponsor match.

Acquisition Match: Projects in categories B & C are eligible to receive funding for acquisition costs. These projects will be funded on a cost-sharing ratio. **The federal government will pay 80% and the project sponsor will pay 20% of the approved project costs for projects in these two categories.**

For projects that must be funded based on the 80-20 cost split, the donations of local services, materials and land can be applied to the match (the sponsor's required 20% financial commitment to the project) **with pre-approval**. Appropriate documentation to support any such credits must be kept as part of the project files and be available for review. There are regulations that apply to donation credits, and project sponsors should discuss these with the PennDOT representative from your area.

B. Cost Reimbursement

This is not a grant program. It is a federal cost reimbursement program. The project sponsor does not receive a check in advance once the project is approved. Once a project is authorized to advance and begin incurring costs, the project sponsor will receive periodic invoices from those working on the project. The project sponsor reviews and approves these invoices and submits them to PennDOT for payment. PennDOT will pay the project sponsor for the amount on the approved invoice. The project sponsor will then pay the service provider. You will only be reimbursed for actual approved project expenses, up to the amount approved for the project.

Section V — Application Procedures

A. Application Form

The 2013 Transportation Enhancements Program application will be made available on the Erie County Department of Planning website at www.eriecountyp Planning.org. Applications may be e-mailed or mailed.

B. Closing Submission Date

Applications must be submitted no later than 4:30 PM on Friday, May 4, 2012. It is the responsibility of the applicant to ensure that the application is submitted by the specified date and time. Applicants should allow extra time to account for potential internet or other hardware or software failures and plan accordingly. **Late applications will not be considered.**

Section VI — Evaluation

A. Review Process

1. Within four weeks following the application deadline:

- PennDOT Central Office and the Federal Highway Administration (FHWA) will review the applications for eligibility.
- PennDOT District 1-0 staff will verify engineering assumptions and costs
- Erie MPO TE Review Committee will review the applications and discuss technical issues to determine the applicants' ability to deliver the project. Applicants will be contacted to clarify or provide additional information as necessary.

2. On July 11, 2012: Applicants with eligible projects will be required to attend a meeting of the Erie MPO Technical Advisory Committee (TAC). Applicants will make a presentation of their project that will be no longer than 10 minutes. The applicant's presentation will be used to provide any additional information on the project that may not have been clearly defined in the application. The presentation will be followed by a 5-minute question and answer period. **Applicants MUST make a presentation during this scheduled meeting or they will NOT be eligible to receive program funds.**

3. Following the project presentations: The TAC will evaluate projects based on the Project Evaluation Criteria (Section VI, B). The TAC will then score and rank the candidate projects.

4. Within four weeks following the presentations: PennDOT, FHWA, & the Erie MPO will perform a field view on each of the priority projects to determine possible environmental, right-of-way, utility, and ADA compliance issues. Applicants will be permitted to amend cost estimates based on the results of the field view.

5. On August 15, 2012: The TAC recommendation will be presented to the Erie MPO Coordinating Committee for consideration and final approval/award.

6. Notification of Award: Applicants will be notified within 30 days of the Coordinating Committee meeting of whether or not they have been awarded funding.

B. Project Evaluation Criteria

Project candidates will be evaluated using the Erie MPO’s established project evaluation categories & criteria utilizing ‘Decision Lens’ prioritization software:

Category and Criteria (Description)	Criteria Rating Scale (Lesser Benefit or Priority <-----> Higher Benefit or Priority)				
	0	1	-	-	-
1 - Economic Vitality					
1.1 Designated Growth Area <i>Is the project located in or directly related to a targeted investment area, KOZ, or other planned development?</i>	0 No	1 Yes	-	-	-
1.2 Economic Reach <i>To what extent will the project support planned developments or provide economic benefits (e.g., job growth / retention)?</i>	0 None	0.25 Locally	0.5 Countywide	1 Regionally	-
1.3 Tourism and Attractions <i>Does the project improve access to major attractions, tourist destinations, or similar assets within the county?</i>	0 No	0.5 Indirectly	1 Directly	-	-
2 - Multimodal Transportation Safety					
2.1 Non-Motorized Crashes <i>What is the non-motorized crash frequency at or near the project location relative to countywide trends (i.e., by quartile)?</i>	0 N/A	0.125 4 th Quartile	0.25 3 rd Quartile	0.5 2 nd Quartile	1 1 st Quartile
2.2 School Activity <i>Will the project help to improve a school zone or school-related activities (e.g., school crossings, school routes, buses, etc.)?</i>	0 No	0.5 Indirectly	1 Directly	-	-
3 - Multimodal Transportation Security					
3.1 Emergency Detours <i>Does the project enhance or otherwise benefit an established emergency detour route?</i>	0 No	1 Yes	-	-	-
4 - Multimodal Choices and Connections					
4.1 Pedestrian <i>To what extent will the project enhance pedestrian travel and related connections or opportunities?</i>	0 None	0.5 Locally	1 Countywide	-	-
4.2 Bicycle <i>To what extent will the project enhance bicycle travel and related connections or opportunities?</i>	0 None	0.5 Locally	1 Countywide	-	-
4.3 Public Transportation <i>To what extent will the project enhance public transportation and related connections or opportunities (e.g., park & ride, bus shelters)?</i>	0 None	0.5 Locally	1 Countywide	-	-
4.4 Rail Service <i>Will the project enhance, expand, or benefit passenger rail service?</i>	0 No	1 Yes	-	-	-
4.5 Air Travel <i>Will the project enhance, expand, or benefit passenger air travel?</i>	0 No	1 Yes	-	-	-
4.6 Waterborne Transportation <i>Will the project enhance, expand, or benefit waterborne transportation or related port/dock/ramp access or opportunities?</i>	0 No	1 Yes	-	-	-
5 - System Sustainability and Livability					
5.1 Environmental Justice Area <i>Is the project located near an EJ population and/or will it otherwise provide distinct EJ benefits?</i>	0 No	1 Yes	-	-	-
5.2 Recreational Opportunity <i>To what extent might the project add, enhance, or otherwise benefit recreational opportunities for residents or visitors?</i>	0 None	0.25 Locally	0.5 Countywide	1 Regionally	-
5.3 Local Planning <i>Is the project identified or supported by an existing municipal comprehensive plan or other locally-adopted plan or study?</i>	0 No	1 Yes	-	-	-
5.4 Smart Transportation <i>Will project-related transportation contexts and land use impacts be consistent with Smart Transportation principles?</i>	0 No	1 Yes	-	-	-
6 - System Efficiency and Preservation					
6.1 Route Significance <i>Is the project located along a Scenic Byway, Heritage Corridor, or other identified route of significance?</i>	0 No	1 Yes	-	-	-
6.2 Operations Scope <i>Will the project address transportation system operations at a single or isolated location, along a corridor, or area-wide?</i>	0 None	0.25 Isolated	0.5 Corridor	1 Area-Wide	-

Section VII — Resources

A. Contacts

During the development of an application, PennDOT staff is available to assist project sponsors. The staff's familiarity with the program, with other projects in the region, and with the overall mechanics of how to advance a successful project serves as a resource which we strongly urge potential sponsors to use. Please request this assistance in advance of submitting an application.

Erie MPO Staff is also available during the application process to answer questions pertaining to Program Guidelines, procedures, workshops, timelines and any other general Program questions.

Questions can be directed to the following contacts:

Erie MPO

John E. Morgan
Transportation Planner
Erie County Dept. of Planning
140 W. 6th St., Rm 111
Erie, PA 16501
814.451.6012
jmorgan@eriecountygov.org

PennDOT District 1-0

Brain McNulty
Project Manager
PA Department of Transportation
Engineering District 1-0
255 Elm St., PO Box 398
Oil City, PA 16301
814.678.7035
brmcnulty@pa.gov

B. Web Resources

National Transportation Enhancements Clearinghouse

www.enhancements.org

Federal Highway Administration Transportation Enhancements Information Page

www.fhwa.dot.gov/environment/te/

PennDOT Center for Program Development Transportation Enhancements

www.dot.state.pa.us/Internet/Bureaus/CPDM.nsf

(Click on "Transportation Enhancements")

Erie County Department of Planning & Erie MPO

www.eriecountyplanning.org

PennDOT District 1-0

www.dot.state.pa.us/penndot/districts/district1.nsf/

Appendix A — Regulatory Requirements

There are a number of State and Federal regulatory requirements that apply to this program. The information contained in this guidance document does not supersede the requirements of the FHWA TE Program, or the PennDOT Transportation Enhancements Manual (2002), it is merely provided as a comprehensive reference. Detailed information is available at the FHWA website: (<http://www.fhwa.dot.gov/environment/te/1999guidance.htm>). Most, if not all, of these requirements (competitive bidding, minority business participation, Davis Bacon Act, prevailing wage rates and Americans with Disabilities Act) can be alien to project sponsors. In most cases, for compliance with environmental regulations during preliminary engineering, it is expected that project sponsors will secure professional assistance (consulting engineers, landscape architects) to assist them in satisfying these requirements and advancing their project. PennDOT District staff should be contacted to assist with the interpretation and application of these requirements. A list of some of these requirements, as well as a brief discussion of each, follows.

1. Agreements

Project sponsors may be governmental entities, school districts or not-for-profit organizations. It is recommended that non-governmental project sponsors consider working through a local or county government entity. Municipalities have experience with federal and state programs. They may have an engineer on retainer or have an approved consultant selection process. Often they can provide additional guidance throughout the process.

Reimbursement Agreement - The project sponsor must execute a standard legal agreement with PennDOT prior to proceeding with any work on the project. Any project costs incurred prior to the execution of a reimbursement agreement for which federal dollars are requested will **NOT** be eligible for reimbursement. There can be exceptions to this rule for construction-only projects. PennDOT will provide guidance, if requested.

Interest payments made by municipalities or other project sponsors to finance any portion of the project costs are **NOT** reimbursable.

2. Budget

It must be demonstrated that there is an acceptable implementation strategy for the project. Budget considerations are very important. List itemized activities and the estimated cost of each of these. Include labor costs, supplies and materials and other anticipated costs. An accurate and up-to-date budget will help define the scope of work proposed in your project.

As you develop your estimated budget, talk with PennDOT district staff and other professionals familiar with PennDOT policies and regulations, such as architects, designers, engineers, contractors or other appropriate individuals. The budget must be prepared to demonstrate the most accurate estimated costs. It should be divided into project development phases that include environmental clearance, right-of-way, and construction phases. The budget should identify all sources of funding and how each itemized activity will be funded.

NOTE: PennDOT District offices may charge their services to the project. This is an eligible project expense, and must be accounted for in the project budget. Please discuss this with your PENNDOT District Program Coordinator **PRIOR** to submitting an application.

Estimated funding for the project that may be from other sources should be identified as other federal funds (not the US DOT), state, local, donated services, in-kind services, volunteer and Youth Conservation Corps. (Even though the preliminary engineering and right-of-way are not funded by

program funds, a complete budget is needed to ensure that the applicant has the money to fund these phases).

3. Reimbursement

The Program is a reimbursement program. PennDOT is advancing a “certified invoice” process whereby project sponsors, upon receipt of invoices for project activities, certify their accuracy and immediately forward them to PennDOT. PennDOT will then initiate a procedure to pay the sponsor. Upon receipt of a check from PennDOT (usually 4-6 weeks), the sponsor pays the contractor within ten days after getting reimbursed from PennDOT. By using this process, the project sponsor does not have to use its own funds.

4. Environmental Clearance

All projects will require an environmental clearance document as part of the preliminary engineering phase of work. The level of effort varies by the type of project, the amount of impacts and the degree of public controversy. The NEPA documentation may be a Categorical Exclusion (CE), Environmental Assessment (EA), or Environmental Impact Statement (EIS). The level of detail required will be determined based on the nature of the project. Except in unusual circumstances, a project is usually processed as a CE under the NEPA. Preparation of the document can be a cooperative venture: Normally, at the project scoping, a decision will be made on the type of documentation required and which entity will prepare the document. The project sponsor or their consultant will be required to prepare the environmental clearance document.

All applicants must complete the environmental clearance checklist as part of the application process; this serves as an initial screening for environmental clearance.

NOTE: There are project costs associated with obtaining environmental clearance. Please discuss this with your PennDOT District Program Coordinator **PRIOR** to submitting an application.

5. Project Engineering and Inspection

Projects must follow standard federal/state procedures for all phases of work. Project sponsors should acquire the services of a qualified project manager to oversee the development and implementation of the project (including project inspection) and ensure compliance with all state and federal requirements. This professional may be an architect, landscape architect, engineer, or other experienced project manager, depending upon the nature and scope of the project. The acquisition of consultant services must be in accordance with an acceptable process. In the case of municipally sponsored projects, municipalities may choose to use their municipal engineers with PennDOT approval, or follow an approved consultant selection process. It is important to recognize that the project sponsor, not PennDOT, employs the design and/or construction professionals.

6. Design

Standards are designed to protect the health and safety of the public. Many projects can fall into areas where traditional federal and state highway standards do not apply. In such instances, sponsors should follow whatever guidance is available that applies to their project. Examples include guidelines prepared by the Rails to Trails Conservancy, the American Association of State Highway and Transportation Officials (AASHTO), and the Secretary of Interior’s Standards for the Treatment of Historic Properties.

7. Right-of-Way Clearance

All right-of-way acquisition must follow federal regulations, including the Uniform Act (Uniform Relocation Assistance and Real Property Acquisition Policies of 1970). In particular, property owners must be advised that federal funding is being used to implement the project, and they are entitled to fair market value for their property. The property owner must be informed of this value, as determined by a qualified appraiser. In addition, if the sponsor does not have the authority to acquire property by eminent domain, the property owner must be so advised prior to any offer being made. This requirement does not preclude the voluntary donation of property to the project. Federal funds are not available for land that is already within the public domain, e.g., owned by a municipality; however, such land may be donated to the project as part of the sponsor's investment. Right-of-way certification will be required for all projects prior to advertising for construction bids.

NOTES:

- The requirements of the Uniform Act apply to any recent acquisition, regardless if federal funds are used for the purchase. Please contact your PennDOT District Right-of-Way Administrator if you have any questions or need specific guidance.
- Only projects for scenic overlooks or scenic or historic sites are eligible to use program funds for right-of-way acquisition.

8. Utility Clearance

All projects **must have** a utility clearance form (such as **PennDOT Form D-419**) processed **prior** to the advertisement for bids. This procedure requires that the sponsor certify that all necessary arrangements have been completed for the relocation of any affected utility. PennDOT personnel will provide assistance with this process.

9. Permits

It will be the responsibility of the project sponsor to secure all necessary permits to design or implement the project. These may involve permits from the Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers, as well as local municipal permits, PennDOT highway occupancy agreements, etc.

10. Public Utility Commission Involvement

Certain projects may require the involvement of the Public Utility Commission. **It will be the responsibility of the project sponsor to contact the Public Utility Commission to secure the necessary actions by that agency.**

11. Construction

Project sponsors may proceed with the construction phase of the project only upon receipt of PennDOT's written authorization (notice to proceed). This will ensure that all necessary approvals have been secured. An approved contractor must perform construction and it is highly recommended that projects be let via Engineering and Construction Management System (ECMS). Unless an approved bidding procedure is in place projects must be bid through ECMS. An approved contractor must perform construction. All material used in conjunction with the project must meet project specifications and special provisions included in the Plans, Specifications, and Estimate package (See 12. Bidding)

*Attention Applicants: 15% of the estimated **construction cost** is used for project inspection. The 15% **MUST** be included in the Total Construction Costs.

12. Cost Increases/Changes in Scope of Work

Each programmed project has been approved for a specific scope of work and funding level based on the information submitted by the project sponsor. All changes in the scope of work for increases in federal funding must have the written approval of PennDOT & the Erie MPO **prior** to proceeding with the work.

13. Maintenance

The project sponsor will be responsible for the maintenance of the project after completion of construction. The project sponsor should develop a plan for maintenance, upkeep and operation of a project constructed with federal funding. With the exception of the rehabilitation and operation of historic buildings, structures, or facilities, Program funds are not to be used for the operation and/or maintenance of projects.

14. Project Schedule

Within 30 days of notification of award, the project sponsor will attend a kick off meeting with PennDOT District 1-0 and the Erie MPO where an agreed upon project schedule will be established. The sponsor will arrange for monthly conference calls with MPO staff to relay status reports and address any concerns or questions regarding the project or TE program requirements.

The Erie MPO and PennDOT District 1-0 staff will undertake a project review every 180 days following the kickoff meeting. The applicant will be issued a written warning if it is determined that the schedule has not been maintained.

When a decision to warn the applicant is reached, the applicant must respond in writing within 30 days with a proposed **revised project schedule** for approval. If the applicant fails to respond, **the project will be deprogrammed**. If the applicant fails to meet the revised implementation schedule, **the project will be deprogrammed**. The Erie MPO Coordinating Committee must approve the deprogramming of a project.

15. Project Cancellation

A project sponsor may, at any time in the project development process, decide to cancel the project and drop out of the program. The project sponsor will be responsible for the reimbursement of all federal funds received as of that date, as well as for PennDOT staff costs incurred as a part of the project. The sponsor will also be responsible for payment of all outstanding invoices to all project contractors.

Appendix B — Highway Occupancy Agreement

A Highway Occupancy Agreement (HOA) will be required to establish the responsibilities of each party for joint use of public right-of-way when a privately or publicly held transportation trail/pathway/walkway intersects or crosses a State Highway. Also, a HOA will be required when a trail/pathway/walkway runs parallel to a State highway, within the legal right of way limits of the affected highway.

A HOA will ensure that the public safety needs and interests are addressed by detailing the responsibilities of the Trail Owner and the Department of Transportation. A separate HOA is required for each trail, in each County, and for each Trail Owner.

The Trail Owner's responsibilities include, but are not limited to, the following:

- Designing and constructing a trail in accordance with the Department's Design Manuals, Specifications, and approved Plans;
- Proof of financial ability to perform maintenance and restoration;
- Maintenance of trail facilities at the Highway/Trail intersection;
- Inspections of trail bridges over State Highway every two (2) years in accordance with Publication 238, Safety Inspection of Non-Highway Bridges over State Routes and submit copy of report to Department within 45 calendar days of the inspection.

PennDOT Engineering District 1-0 will be the contact for the HOA. The Trail Owner must complete forms 1, 2, and 3 of Attachment "E" of the SOL. These forms can be obtained by calling the PennDOT District representative for your area. A checklist (Attachment "F" of the SOL) is provided to assist Trail Owner. This form can be obtained by calling the PennDOT District representative for your area.

Appendix C — Safety Inspections of Trail Bridges Over State Highways

Background: Safety inspections of bridges carrying highways have proven over the last three decades to be essential to public safety. In PA alone, there are several instances each year where inspections uncover problems that demand immediate repairs to prevent more serious structural problems or even bridge failure. Because the Federal inspection program (NBIS-National Bridge Inspection Standards) mandates safety inspections only of highway bridges, non-highway bridges (such as trail bridges) generally have not been inspected adequately to ensure their continued safety.

As owner of the State highways, PennDOT needs ensure that non-highway bridges and structures that cross over those roads do not pose a threat to the motoring public. Recent pedestrian bridge failures, including one over a NC state highway at the Charlotte Racecourse, have emphasized the need for inspections to verify their safety. Accordingly, PennDOT is now requiring all non-highway bridges over the State highways to be regularly inspected. The overhead bridge inspection requirements are outlined in the PennDOT Bridge Inspection Manual, Pub. 238.

Purpose: The purpose of the safety inspection of overhead trail bridges is twofold:

- To assure PennDOT that the overhead trail bridges do not pose a hazard to the public using the State highways.
- To ensure that the bridge owner has the critical information (e.g. condition, capacity, maintenance needs) it needs maintain the bridge in a safe condition.

Inspection Requirements: For trail bridges, the Highway Occupancy Agreement (HOA) that governs the State highway crossing will require the trail bridge to be inspected in accordance with Pub 238. A short version of the Pub 238 inspection requirements include:

- Portions of bridge to be inspected – limited to spans over the highway and their supporting piers and abutments
- Frequency of inspection – at least once every 2 years
- Scope of inspection – similar to highway bridges, but provisions to tailor the scope to each bridge are included because PennDOT recognizes that trail bridges, with their various structures configurations and loadings, may have different inspection needs.
- Qualifications of inspectors – similar to highway bridges. A licensed Professional Engineer must prepare report.

Reporting requirements – reports submitted to PennDOT Engineering District

Trail Owner Responsibilities:

- Perform inspections in-house or hire an inspection consultant
- Submit inspection report to PennDOT
- 100% of the cost of the bridge inspection (not qualified for NBIS funding)

PennDOT responsibilities:

- Establish scope of inspections
- Review for acceptance the bridge inspection report and enter into BMS

The similarity of inspection requirements for trail bridge to highway bridges should ensure a large pool of engineering firms qualified and familiar for this work.

NOTE: HOA addresses the inspection requirements only for trail bridges over State highways. Owners are encouraged to inspect all their structures on a regular basis. Other trail bridges may also require inspections if built using federal funds.