



Eligibility Requirements

To qualify for federal Transportation Enhancement (TE) funds a project must meet two federal criteria:

- 1) Relate to surface transportation **and**
- 2) Qualify under at least one of the 12 designated Enhancement activities

Relationship to Surface Transportation

Surface transportation encompasses all elements of the inter-modal transportation system except aviation and space travel. For the purposes of TE eligibility, surface transportation includes water as surface transportation, and allows improvements to historic canals, lighthouses, and docks / piers related to historic ferry operations.

The relationship to surface transportation may be one of **function** wherein the proposed project actually functions, or has functioned in the past, as a transportation facility. This would include the construction of sidewalks, trails, or transportation museums. Restoration of historic transportation facilities such as bridges, canals, lighthouses and train stations inherently qualify by their past transportation function, even if a more contemporary use is planned for the future.

A project may also establish a relationship to surface transportation by demonstrating that it will mitigate a negative **impact** caused by the existing transportation system – for example, construction of a rain garden to mitigate the documented harmful effects of highway run-off into a local stream or river. Another example might be the recording and display of artifacts from archeological sites impacted by the construction of a modern roadway. Landscaping a transportation corridor and beautifying what may otherwise be considered an ugly and harsh environment also demonstrates an effort to mitigate negative impacts of the existing transportation system. Proposing to correct maintenance problems that have occurred due to repeated pavement overlays or inadequate upkeep of drainage facilities however, would not establish the required relationship.

Although harder to establish, a relationship may also be one of **proximity** – for example, the removal of non-conforming billboards from within the highway view shed. Proximity to a road or transportation facility in itself however, does not establish eligibility. An additional transportation connection or history must be demonstrated. For instance, the preservation of an historic inn and tavern located along a well traveled route that provided meals and lodging to travelers. The immediate relationship is that of proximity, but the structure also demonstrates a strong relationship to transportation in that the inn's existence, location and function were dependent upon the road and its travelers. One would not have existed without the other.

Eligible Enhancement Activities

Each application must clearly demonstrate a relationship to surface transportation in order to meet the basic federal eligibility requirements. After establishing this relationship, the proposed improvements must then qualify in at least one of the following activities as defined by federal legislation.

1. Provision of Facilities for Bicycles and Pedestrians

Examples of projects that may be eligible include:

- New or reconstructed sidewalks, cross walks, curb ramps
- Trails, both on and off-road
- Bicycle racks, lockers, bus racks
- Bike lanes or widened shoulders for bicycle use
- Pedestrian / bicycle bridges and underpasses

Projects qualifying under this activity should provide an alternate means of transportation and not function solely as a recreational feature. Trails and sidewalks should exhibit connectivity to existing sidewalks or trails and provide access to public spaces such as parks, businesses, historic districts, and residential areas. The application should clearly demonstrate how the proposed facilities will enhance the existing transportation system and provide alternate transportation choices.

This activity also provides for the reconstruction of existing, sub-standard pedestrian and bicycle facilities to bring them up to current AASHTO (American Association of State Highway and Transportation Officials) and ADA (Americans with Disabilities Act) standards and to improve safety by eliminating hazards. Older sidewalks that have deteriorated and have become tripping hazards, narrow non-compliant sidewalks, or inaccessible sidewalks are eligible for rehabilitation to provide safer, more accommodating pedestrian spaces.

Construction of pedestrian and bicycle facilities incidental to new roadway construction which have been funded through other federal funds however, is not eligible for funding through the Transportation Enhancement Program.

Projects that are not typically eligible include:

- Sidewalk repair (spot improvements), drainage improvements, and other maintenance activities
- Replacement of sidewalks / trails in kind (i.e. not upgraded to meet current design / safety standards)
- Trails for equestrian use only (Equestrian trails provided along with pedestrian / bicycle trails as a multi-use facility would be eligible)

- Trails that are circular and/or located wholly within one site or property that do not provide a connection to existing trails or sidewalks outside the site or property
- Pavilions, stages or farmer's markets
- Purchase of equipment for constructing and/or maintaining trails etc.

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

This category includes non-construction, safety-related activities such as pedestrian and bicycle safety campaigns, public service announcements, and safety training activities.

Examples of projects that may be eligible include:

- Bicycle and pedestrian safety training and promotional campaigns
- Training materials including videotapes, brochures and maps
- Cost of facilitators and/or classroom space

This activity includes the development of safety and educational brochures / programs as well as the cost of hosting safety programs developed by others.

The proposed safety activities must be made available to the general public and should target to a broad segment of the population. Safety seminars solely for equestrians for example, would not be eligible because they would be limited to a very specific segment of the population.

Applications for safety and educational activities should identify a definitive period for participation. For example: bi-weekly safety seminars will run for six months, or 12 weekly training sessions will be offered.

3. Acquisition of Scenic Easements and Scenic or Historic Sites

Examples of projects that may be eligible include:

- Acquisition of scenic or historic lands
- Acquisition of conservation easements to preserve historic landscapes, battlefields, and scenic vistas
- Purchase of historic buildings

This category includes acquisition of land and/or easements to preserve historic cultural landscapes, battlefields, and scenic vistas located along state designated Virginia Byways. In these instances, the fact that the purchase (land/easement) supports a state designated byway will help establish the required relationship to transportation. Remember: proximity alone is not enough!

In the case of historic buildings, this category is often a preliminary activity followed by restoration and/or rehabilitation of the structure. Any historic

building acquired through this category must exhibit a past or future relationship to surface transportation. Perhaps in its past it served as a train depot, toll-keeper's house or historic tavern; or in the future, it will serve as a transportation museum or visitor center.

For an historic site to qualify, it should be on or eligible for the national register and have evidence of documented consultation and concurrence from the Virginia Department of Historic Resources.

Property that is not visible from the roadway is generally not eligible unless it has been documented that development of the property would harm the historic view shed.

Non-profit groups should have a written agreement with the local sponsor to ensure the continued responsibility on the part of the public agency for the property. In the case of land acquisition, a conservation easement must be in place to protect the property from development in perpetuity. For buildings, a legal document should capture the protection of property rights for the continued use of the facility and availability to the public for a specific time frame. This includes leases, easements, or other evidence of a property interest recognized by the State.

Projects that are not typically eligible include:

- Acquisition of historic buildings or sites that do not have an established relationship to surface transportation
- Acquisition of land / easement not visible from the roadway

4. Scenic or Historic Highway Programs, including tourist and welcome center facilities

Examples of projects that may be eligible include:

- Pull-offs and overlooks
- Markers, designation signs, and interpretive displays
- Tourist and welcome centers that support and interpret scenic/historic highway programs or scenic/historic transportation sites
- Development of an historic highway program including brochures, maps, audio, etc.

The intent of this activity is to fund those activities clearly linked to the state scenic byway program and recognized historic highway programs such as the Civil War Trails, Civil Rights in Education, and the Crooked Road. It is also to protect and interpret historic transportation sites / routes such as the Washington – Rochambeau Route to Yorktown, the Valley Turnpike, and the Cumberland Gap used by early pioneers on their move west. Historic sites along the route are not eligible for restoration / acquisition unless they have a strong relationship to transportation and would otherwise qualify for funding.

Proposed tourist and welcome centers should be located on or adjacent to a designated scenic or historic byway and provide interpretation of the byway or historic transportation site/route. To be eligible, the center's primary purpose should be interpretation of the scenic / historic highway program. These facilities, especially pull-offs and overlooks, are not intended to be traditional rest areas, but should provide a safe place for the traveling public to stop and enjoy the site.

Depending on the type of tourist / welcome center proposed, plans for ownership, staffing, hours of operation, and maintenance should be included in the application. Keep in mind that all public spaces must be accessible and meet ADA guidelines.

Projects that are not typically eligible include:

- Regional / local tourist and welcome centers offering general visitor information
- Way-finding signage programs
- Staffing, operating and maintenance costs for tourist / welcome centers
- Traditional highway rest areas

5. Landscaping and Scenic Beautification

Examples of projects that may be eligible include:

- Landscaping and vegetation management including re-vegetation with native plants
- Historic light fixtures
- Street furniture including benches, trash receptacles, and planters
- Gateway signage

The proposed improvements must enhance the aesthetic or visual character of a transportation corridor including roadways, trails, public waterfront property and rail corridors. The project may also include built elements, innovative design features, and public art that enhance a transportation facility.

Proposed improvements should compliment the natural heritage and regional character of the community. Sponsors are encouraged to use native plants, avoid invasive species and excessive use of pesticides and fertilizers.

This category includes revitalization / beautification efforts within historic districts and downtown areas; traditional streetscape projects. Improvements can include widening sidewalks to provide safe and comfortable pedestrian areas as well as revitalizing the area with landscaping and street furniture. Keep in mind that installation of benches and planters must comply with ADA design standards and provide accessible walkways for disabled travelers.

Replacing oversized, unattractive lighting with more pedestrian friendly, historic light fixtures is also eligible as long as the proposed fixtures meet current design standards.

Projects that are not typically eligible include:

- Maintenance activities such as mowing and pruning
- Purchase of equipment to provide for maintenance and/or upkeep
- Gateway improvements for residential neighborhoods, industrial / business parks, or schools / municipal sites
- Traffic signals and other vehicular improvements such as turn lanes, traffic circles, intersection re-alignment, etc.
- Single works of art, statues, etc.(the intent of the category is to improve a transportation “corridor” as opposed to an individual site)

6. Historic Preservation

Examples of projects that may be eligible include:

- Restoration and reuse of historic buildings for transportation related purposes
- Restoration and reuse of historic buildings with a strong relationship to transportation history

It is important that all proposed historic preservation projects clearly explain the project’s relationship to surface transportation. To be eligible the structure must have a demonstrated relationship to transportation such as an inn or tavern, or the restored structure’s primary function must be transportation related such as a visitor / welcome center (see Category 4) or transportation museum (see Category 12).

Historic inns and taverns are defined as existing “prior to the automobile” to include the era of horse drawn carriages and stage coaches. Railroad hotels may also qualify if sufficient evidence is presented in the application to document the hotel’s primary use as a hotel for train passengers and/or railroad employees.

To qualify as historic, the site must be on or eligible for the national register and have evidence of documented consultation and concurrence from the Virginia Department of Historic Resources.

All public spaces must meet ADA (Americans with Disabilities Act) accessibility requirements. This would include entrances, restrooms, parking areas, and upper stories of a structure which may require an elevator or lift.

The application should include details as to the planned use of the restored facility, as well as plans for ownership, staffing, hours of operation, and maintenance of the facility. A legal document should capture the protection of property rights for use of the facility and public access for a specified time period.

The document should identify the responsible entity for managing, operating, and maintaining the facility, as well as outline conditions for changes in these terms and/or sale or lease of the property. If part of the facility will be leased or operated as a for-profit entity, federal funds will only participate in that portion of the facility that will be open to the public on a not-for-profit basis.

Projects that are not typically eligible include:

- Constructing replicas of historic buildings
- Restoration of spaces to be used for profit-making enterprises
- Spaces not open to the public
- Historic structures such as churches, mills, courthouses, schools, etc. that do not establish a relationship to surface transportation through historic or future use
- Projects that do not intend to comply with Secretary of the Interior Standards for Restoration and Rehabilitation and will not maintain the historic integrity of the structure

7. Rehabilitation and Operation of Historic Transportation Buildings, Structures, or Facilities

Examples of projects that may be eligible include:

- Restoration of historic railroad depots, bus stations, ferry terminals and piers, and lighthouses
- Restoration of historic rail trestles, tunnels, and bridges
- Restoration of historic canals including towpaths, locks and bridges

These historic facilities inherently relate to surface transportation because they were built to serve a transportation purpose. Once restored, they may have a contemporary use [non-transportation related] as long as the significant historic features are preserved and they remain open to the public on a not-for-profit basis.

Historic rail facilities should have been used to enhance the existing transportation system and would not include “private” rail use within an industrial or manufacturing facility. For example, rail transportation for moving raw materials and/or parts within an industrial site would not qualify. It must be demonstrated that the rail line moved passengers and/or freight between distinct destinations and not within a single site.

The application should include details as to the planned use of the restored facility, as well as plans for ownership, staffing, hours of operation, and maintenance of the facility. A legal document should capture the protection of property rights for use of the facility and public access for a specified time period. The document should identify the responsible entity for managing, operating, and maintaining the facility, as well as outline conditions for changes in these terms and/or sale or lease of the property. If part of the facility will be leased or

operated as a for-profit entity, federal funds will only participate in that portion of the facility that will be open to the public on a not-for-profit basis.

Transportation Enhancement funds cannot be used solely to construct a replica of a transportation facility. Any replica must have an additional transportation function, either as a transportation museum or a visitor center in which case, it would qualify under that activity.

Projects that are not typically eligible include:

- Constructing a replica of an historic transportation building
- Restoration of spaces to be used for profit-making enterprises
- Spaces not open to the public
- Construction of new railway or bus stations (active facilities)
- Projects that do not intend to comply with Secretary of the Interior Standards for Restoration and Rehabilitation and will not maintain the historic integrity of the structure

8. Preservation of Abandoned Railway Corridors , including the conversion and use of the corridors for pedestrian or bicycle trails

Examples of projects that may be eligible include:

- Acquisition of abandoned railroad right-of-way for trail development
- Design and construction of multi-use trails within abandoned railroad right-of-way (rails-to-trails)
- Developing rail-with-trail facilities (trails built alongside abandoned and/or active rail corridors)

This type of project inherently relates to surface transportation because railroads were built to serve a transportation purpose.

Acquisition of railroad right-of-way must preserve and protect a railway corridor for future trail use. This activity may not be used to purchase right of way for future rail use or to keep a corridor from being abandoned.

Trails must be open to the public and not restricted to “club” members or municipal residents. Equestrian facilities constructed as part of a shared-use bicycle and pedestrian trail are eligible, however, trails limited to equestrian use only are not eligible for Transportation Enhancement funding.

9. Inventory, Control, and Removal of Outdoor Advertising

Examples of projects that may be eligible include:

- Billboard inventories, including those done with GIS/GPS
- Removal of illegal and non-conforming billboards

Billboards are defined as off-premise signs that advertise goods and services not found at the site of the signs. Non-conforming signs are those signs that were lawfully erected but now do not comply with the Highway Beautification Act of 1965. Federal guidelines require that effective local controls be in place to prohibit new signs from being erected if federal funds are used to remove non-conforming signs.

Since this activity involves acquisition of real property, there are a number of federal guidelines that must be adhered to; most importantly, the Uniform Relocation Assistance and Real Property Acquisition Policies Act (The Uniform Act.).

Federal funds cannot be used for administration or operating expenses involved in State outdoor advertising program activities.

10. Archaeological Planning and Research

Examples of projects that may be eligible include:

- Research, preservation planning, and interpretation
- Developing interpretive signs, exhibits, and guides
- Preparation and cataloging of artifacts for exhibition
- Inventories and surveys

Archaeological research and interpretation must focus on artifacts of historic or prehistoric human life relating to surface transportation, or artifacts recovered from locations within or along surface transportation corridors. Applications for this activity must clearly explain the relationship to surface transportation and/or benefits to future transportation planning activities.

Federal funds can be used to reimburse archaeological services performed during project development and/or construction activities on existing Transportation Enhancement projects.

Projects that are not typically eligible include:

- Projects solely for archeological research on non-transportation related sites
- Projects where artifacts / research are not publicly displayed and/or interpreted

11. Environmental Mitigation

Environmental Mitigation to address:

a) Water pollution due to highway run-off; or

b) Vehicle-caused wildlife mortality while maintaining habitat connectivity

This category allows communities to decrease or mitigate the negative impacts of modern roadways on the natural environment.

Examples of projects that may be eligible include:

- Wetlands acquisition and restoration to filter highway run-off
- Detention and sediment basins as related to water pollution
- Channel stabilization through landscaping to promote filtering and improve the water quality conditions of receiving channels
- Storm drain stenciling and river clean-ups
- Wildlife under/overpasses
- Wildlife warning devices or other mitigation techniques associated with movement of wildlife across transportation corridors
- Monitoring and data collection on habitat fragmentation and vehicle-caused wildlife mortality

Proposed improvements must go above and beyond environmental mitigation required by law for federal-aid highway projects.

Projects that are not typically eligible include:

- Infra-structure improvements to correct existing drainage problems and/or inadequacies
- Traditional storm water management treatments
- Wildlife under/overpasses that do not maintain habitat connectivity

12. Establishment of Transportation Museums

Examples of projects that may be eligible include:

- Construction of a new museum facility or an addition to an existing facility
- Conversion and/or restoration of an existing facility to house the museum
- Purchase and/or fabrication of exhibits necessary for the creation and operation of the facility

To be eligible, the museum's primary function must be to provide surface transportation history. Regional and/or local history museums are not eligible nor are small "transportation" exhibits or spaces within these museums. .

Eligible museums must be open to the public and fulfill the following criteria:

- Are a legally organized not-for-profit institution, or part of a not-for-profit institution, or government-entity;
- Essentially educational in nature;
- Have a formally stated mission;

- Have at least 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;
- Present regularly schedule programs and exhibits that use and interpret objects for the public according to accepted standards;
- Have a formal and appropriate program of documentation, care, and use of collections and/or tangible objects; and
- Have a formal and appropriate program of presentations and maintenance exhibits

If admission fees are charged for the museum, a portion of the fee should provide for the long-term maintenance and operation of the facility. Fees charged should be “reasonable” and should not be set so high as to restrict general public access.

All public spaces must meet ADA (Americans with Disabilities Act) accessibility requirements. This would include entrances, restrooms, parking areas, and upper stories of a structure which may require an elevator or lift.

Plans for ownership, staffing, hours of operation, and maintenance of the completed museum should be included in the application. Federal funds cannot be used for staffing, operating or maintenance costs. .

Projects that are not typically eligible include:

- Aviation and space travel exhibits / museums
- Local / regional history museums
- Singular / individual transportation exhibits to be housed within non-transportation museums