

# TEA-21

## What is TEA-21 and what does it mean for trails?

In 1991 Congress enacted the Intermodal Surface Transportation Efficiency Act (ISTEA) a six-year bill authorizing a wide range of federal-aid transportation programs. In June of 1998, the Transportation Equity Act for the Twenty-First Century (TEA-21) was enacted to reauthorize many of the revolutionary transportation policies and funding programs begun in ISTEA.

ISTEA has been, and TEA-21 promises to be, a tremendous boon to trail development and bicycle and pedestrian facilities of all kinds. In six years, ISTEA provided over \$1 Billion for multi-use trail development, including more than \$350 million for rail-trails. TEA-21 will provide federal transportation funding for another six years. It has the potential to take trail system development to a whole new level.

What are the highlights? Transportation Enhancements program funding levels are up almost 40 percent. The Recreational Trails Program has guaranteed funding of almost \$45 million per year. Eligibility for trails was retained in all the major programs and even expanded. Trail development projects are eligible for funding from at least twelve different programs in TEA-21. But the key to remember is that outside the Recreational Trails Program, federal transportation law does not guarantee that money will be spent on trails. Trail projects must compete in various venues with other transportation projects for resources. State Departments of Transportation (DOTs) remain the key access point for projects that seek federal transportation dollars for trails, bicycle and pedestrian facilities. State park and natural resource agencies, metropolitan planning organizations (MPOs), and local government remain key partners when pursuing development of a local, regional or state-wide trail system.

The two programs most likely to provide access for trail funding remain the *Transportation Enhancements* program and *Recreational Trails* program.

## How to Make TEA-21 Work for Your Trail System

While TEA-21 is a new federal law, the old adage "all politics is local" should govern the trail advocate's basic approach to acquiring TEA-21 funds for trails. Both Transportation Enhancements and Recreational Trails Program funding decisions are made at the state and local levels of government. To be an effective advocate for your trail system under TEA-21, it is essential to understand the basic components of these programs.

## THE ENHANCEMENTS PROVISIONS OF TEA-21

The Transportation Enhancements provisions of TEA-21 are a ten percent set-aside found within the Act's Surface Transportation Program (STP). Several of the activities eligible for TE funding have been modified in the new Act. These modifications are shown in bold.

### Transportation Enhancement Activities

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| 1) Bicycle & Pedestrian Facilities  | 8) Control & Removal of Outdoor Advertising   |
| 2) Acquisition of Scenic Easements & Scenic/<br>Historic Sites                                    | 9) Archaeological Planning & Research   |
| 3) Scenic or Historic Highway Programs<br><b>(including Visitor and Welcome Centers)</b>          | 10) Mitigation of Water Pollution Due to Highway<br>Runoff <b>and Provision of Wildlife Under-</b><br><b>crossings for Protection of Endangered or</b><br><b>Threatened Species</b> |
| 4) Landscaping & Scenic Beautification  |   |
| 5) Historic Preservation  | <b>New TEAs</b>   |
| 6) Rehabilitation & Operation of Historic Trans-<br>portation Buildings, Structures or Facilities | <b>11) Provision of Safety and Educational Activi-</b><br><b>ties for Pedestrians and Bicyclists</b>  |
| 7) Preservation of Abandoned Railway Corridors<br>by Converting them to Rail-Trails               | <b>12) Establishment of Transportation Museums</b>  |

While trails are most commonly funded from categories (1) and (7), they also can be included in combination with the other activities in more comprehensive Enhancement projects.

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### How much money is available?

Approximately \$3.6 billion nationally in federal dollars/funding will be made available for Transportation Enhancements activities over the life of TEA-21 (see Rails-to-Trails Conservancy's website, [www.railtrails.org](http://www.railtrails.org), for apportionment funding tables organized by state). Although states may have restrictions, federal law allows TE funds to be used for many costs associated with trail development, including planning, engineering and design, land acquisition and construction.

### How can my trail group access Enhancement funds?

The first step is usually submission of a formal application to the state Department of Transportation's Transportation Enhancements Program. In most states, the project sponsor submitting this application must be either a local government or a state agency. Some states, however, allow non-governmental organizations, such as a trail group or land trust, to apply if they obtain some level of government endorsement prior to submitting their application.

Contrary to popular understanding, the TE program is **not a grant program**. Rather, it operates as a reimbursement program. Most states require that a minimum of 20 percent of the project's total cost be provided by the project sponsor. The remaining 80 percent is paid out of Federal Highway Trust funds.

## THE RECREATIONAL TRAILS PROGRAM

Under TEA-21 the Recreational Trails Program, (formerly the NRTFA), guaranteed annual funding. The program's funding levels increased from \$15 million to an average of \$45 million annually. Trail advocates should contact their State Trail Coordinator, usually working in the Department of Parks or Natural Resources, for information about project eligibility and their state's application process, selection procedures and funding availability. For information about other changes in this program contact Christopher Douwes at the Federal Highway Administration in Washington, DC: 202-366-5013.

## FOR MORE INFORMATION

A wide range of documents regarding trail funding opportunities under TEA-21 are available from the National Transportation Enhancements Clearinghouse. Call this toll free number: **1-888-388-NTEC**. Some titles include:

- Technical Brief #1: *Developing a Successful ISTEA Enhancements Application for Trail, Bicycle and Pedestrian Projects.*
- Technical Brief #4: *Beyond Enhancements: Making the STP & CMAQ Programs Work for Bicyclists & Pedestrians.*

NTEC also maintains a complete set of State Transportation Enhancement Program Profiles (2 pages each), which include state Enhancement Program policies, project funding awards by category, authorization levels and important contact information.

*As a non-profit public organization, Rails-to-Trails Conservancy is wholly supported by its membership. If you are not already a member, join today at one of the following levels: regular (\$18); supporting (\$25); patron (\$50); benefactor (\$100); advocate (\$500); or Trailblazer Society (\$1,000).*

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