

Frequently Asked Questions

Earmarks in the U.S. House of Representatives Transportation and Infrastructure Committee

In late March 2021, the House Transportation and Infrastructure (T&I) Committee announced that it would revive the practice of soliciting “member designated projects,” also known as earmarks, from members of Congress as part of the pending reauthorization of the federal surface transportation law. The last time Congress allowed earmarks on a transportation bill was in 2005 (SAFETEA-LU). Active transportation projects received over \$1 billion in earmarks in that legislation.

In the FAQ below, Rails-to-Trails Conservancy (RTC) has provided answers to the most common questions we’ve heard related to the return of earmarks.

I heard something about earmarks earlier this month. What’s new?

The House recently initiated two entirely separate earmarking processes that could apply to transportation projects: one from the Appropriations Committee, and the other from the T&I Committee (just announced). Members of Congress are explicitly discouraged from seeking funding for the same project from both, but can apply for different projects from each source.

I want funding for a critical connection in my community’s multiuse trail system. Which kind of earmark should I pursue?

RTC is prioritizing the new T&I Committee process because it provides a strategically important opportunity to secure direct funding for critical active transportation projects. It provides opportunities to:

1. Engage your member of Congress regarding your plans to connect safe walking and biking routes into seamless regional systems, and to elevate the case for your proposed earmarked project as contributing to that larger vision
2. Show your representative why new funding policies—and particularly the Connecting America’s Surface Transportation Act—are critical to driving completion of your larger vision
3. Obtain more certain funding for your lead project, because T&I earmarks will receive multiyear funding that bypasses the annual appropriations process (“contract authority”)

That said, your first stop is your member of Congress. Ultimately, they decide which projects to submit, and to which committee. If you persuade them to prioritize your project, they can help you determine the best way to proceed.

Will every member of Congress get earmarks?

Every member of Congress has been invited to request earmark funds. If you have a relationship with someone on your representative’s staff, that could be a good place to start your inquiry. Otherwise, you can find your member on the Congress.gov website: rtc.li/find-member. The U.S. Senate is currently negotiating about an earmarks process. We will provide updates as the situation develops.

Is my trail project eligible for earmark funding?

Under the T&I Committee’s project submission process, trails and other active-transportation capital projects are eligible under Title 23 of the United States Code. The best way to ensure project eligibility is to select projects included in the Statewide Transportation Improvement Program (STIP) or Transportation Improvement Program (TIP), as it is a clear way to document project readiness and funding availability beyond the requested amount. It will also demonstrate that a transportation agency is “ready and able” to move forward with a project that is consistent with federal requirements.

What if my project is not part of the STIP or TIP?

Projects not on the STIP or TIP will have to verify that they are eligible for federal funding in another way. This could be done by: a) showing that the project is included in a long-range transportation plan; b) providing a letter from the state department of transportation (DOT) or metropolitan planning organization (MPO) that the project will be added to the TIP or STIP in a reasonable time frame; or c) providing a letter from the Federal Highway Administration indicating that the project is eligible under Title 23. T&I guidance indicates that projects not included in the STIP, TIP or Long-Range Plan may not be ready for an earmark.

Can nonprofits request funding?

To be eligible, nonprofit organizations should coordinate with a public entity that is an eligible recipient of federal-aid funds (under Title 23 or Chapter 53 of Title 49). There have been examples of nonprofit funding through the Recreational Trails Program and Transportation Alternatives, but such approaches are unlikely to prevail in the earmark process.

What if my project is in two congressional districts?

Projects can be requested by both members of Congress—with close coordination to provide clarity about which segments and costs relate to each district. Project names must be identical on both project submissions.

I have trail projects that are part of a larger transportation network in my community. Is there a limit to how many projects can be requested, and how large the request can be?

There is no limit to the number of project requests a member can submit, but they must prioritize five projects. Since projects that are ranked near the top of the list may be the only ones to advance, RTC suggests that you focus on an iconic, high-impact project. Keep in mind that the competition for an earmark includes roads, bridges and transit.

Does my project have to be “shovel ready”?

Projects in the following phases are applicable: Planning and Environmental Review, Final Design, Right of Way, Capital Purchase or Lease, Construction and Other. In a case in which a funding request is limited to Planning, the project sponsor must commit to moving the project through the planning phase.

How much money can we expect to receive?

The T&I Committee will lay out how obligation limitation will flow to designated projects versus formula funding in its legislative text. There is currently no “official” limit on the amount of funding that may be requested for a specific project. As this process develops, your member of Congress will have a clearer idea of the funding available overall and for individual projects, and RTC will update our resources when this information is made public.

What is the local match requirement, and can “in kind” value count toward the match?

Normal federal share rules apply—typically 80% federal, with a 20% state or local match. Normal rules regarding in-kind and variable matches also apply, allowing it in some cases for Transportation Alternatives and Recreational Trails Program-eligible projects.

What is the timeline for submitting a request?

The timeline for submitting a project is very short. Project requests will only be accepted between April 1 at 9 a.m. EDT and April 23 at 6 p.m. EDT. Each member of Congress will have their own process for collecting project ideas, so we recommend connecting with your representative early to engage them on project funding. You can find your member and connect with them on the Congress.gov website: rtc.li/find-member.

What should I provide my member of Congress to submit a proposal?

Guidance on what members of Congress will need to submit can be found in the T&I earmark Instruction Booklet: rtc.li/ti-earmark-instructions. To comply with the short timeline, it is best to provide your member with a project description, including the benefits of the project and, if available, a link to the project. This description can be up to a maximum of 1,000 characters. Each source of additional funding for the project must be identified.

Do I need to demonstrate community support, and how should I do this?

Letters of support from the state, local government or non-federal sponsor are required. They can be submitted on letterhead and should include an expression of willingness to carry out the project. Each public agency that controls funding that is to be made available for the non-federal share of the project must acknowledge availability of the funds for that purpose. If the project is not in the STIP or TIP, the transportation agency that controls funding designated for the project must commit to use those funds on the project. More information can be found in the T&I earmark Instruction Booklet: rtc.li/ti-earmark-instructions. Support from local governments and community stakeholders is not necessary for submission, but might help encourage the Congressional representative to include the project as a priority.

Who can I reach out to at RTC if I have any further questions?

For more information on the T&I earmark process, email RTC Advocacy Coordinator Sophie Mangassarian at sophie@railstotrails.org.