



National Headquarters tel 202.331.9696
2121 Ward Court, NW, 5th fax 202.223.9257
Floor Washington, DC 20037

www.railstotrails.org
www.trailink.com

What the America's Transportation Infrastructure Act (ATIA) Means for Trails

Transportation Alternatives Set-Aside Changes

The bill proposes several changes to the Transportation Alternatives Set-Aside (TA Set-Aside), which was made part of the Surface Transportation Block Grant Program (STBGP) in the FAST Act in 2015. First, the bill increases the amounts to be obligated to the program to \$1.2 billion in FY 2021, with steady increases each year up to \$1.299 billion in FY 2025. The bill also:

- Increases the percentage of each state's share to be suballocated based on population to 57.5%
- Allows states to allocate up to 100% of funds directly to counties and other local transportation entities upon approval of a plan, submitted to the Secretary of Transportation, that describes how the state will maximize local control and comply with reporting requirements
- Allows metropolitan planning organizations (MPOs) in areas of less than 200,000 people to apply for and receive TA grants directly
- Allows states to use up to 7% of their funds to provide technical assistance to local governments to help them apply for and obligate funds, including funding for one or more full-time state employee positions to administer the program
- Allows aggregation of projects for the purpose of determining nonfederal share, and allows the counting of federal Highway Safety Improvement Program (HSIP) funds toward the nonfederal share. This would help states to be able to complete projects in lower-income areas.

Unfortunately, the bill does not eliminate the ability of states to transfer funds out of the program for other uses, and it does not eliminate the flexibility that MPOs have that allows them to divert some of their TA funds to other transportation projects.

Recreational Trails Program Study

The bill includes a requirement that the United States Department of Transportation (USDOT) determine the amount of gas tax revenue that comes from nonhighway motorized recreational-vehicle fuel taxes. When Congress created the Recreational Trails Program in 1991, it meant to tie funding in the program to the amount of fuel tax provided by these vehicles, but this link was removed in the final bill. The Federal Highway Administration (FHWA) has not consistently reviewed the amount of money that comes from these fuel taxes since that time. ATIA requires that they assess the amount of these fuel taxes within one year after the bill passes and at least every five years after that.

Complete Streets Program (“Increasing Safe and Accessible Transportation Options”)

The bill requires states and MPOs to use at least 2.5% of their planning and research funds to adopt complete streets standards and policies and develop a complete streets prioritization plan. This plan may include networks of active transportation facilities and integration with public transportation, and otherwise improve safety of bicyclists and pedestrians. The bill defines “complete streets standards and policies” as standards or policies that ensure safe and adequate accommodation of all users of the transportation system, meaning that these plans could include trails and other off-road infrastructure. The program requires no local match. RTC believes this initiative could allow many communities to establish plans for connected networks for active transportation.

Safety Incentive Program

The bill establishes a new Safety Incentive Program with two components:

1. **Formula Safety Incentive Program:** \$500 million per year, allocated by formula to the states, to focus on reducing fatalities and serious injuries for vulnerable road users (defined as non-motorists). Half of these funds must be spent on highway safety improvement projects, while the other half may be used to conduct a vulnerable road user (VRU) safety assessment that 1) analyzes target areas, and 2) identifies strategies to reduce fatalities and to complete projects pursuant to such a strategy, including projects eligible for funding through the STBGP. Funds must target “vulnerable road user safety focus areas,” which include states where at least 15% of traffic fatalities involve VRUs and areas with 1.5 per 100,000 people VRU fatalities. Sixty-five percent of these funds must be suballocated based on population between urbanized areas and the rest of the state and among urbanized areas, unless the state and relevant MPOs apply to use other bases for suballocation.
2. **Fatality Reduction Performance Program:** \$100 million competitive grants available for states and urbanized areas where the fatality and serious injury rate per vehicle miles traveled (VMT) or per capita during the last three-year period has grown more slowly or declined compared to the previous three-year period, or the fatality rate per capita for the past three years is less than half of the nationwide average, or has met other performance targets. This program is meant as a reward for past performance demonstrating significant levels of reduction in serious injuries and fatalities. The program provides grants of between \$5 million and \$30 million, which may be used for highway maintenance or restoration or to respond to specific unsafe conditions.

The bill also requires FHWA to develop a VRU safety research plan by reviewing VRU safety assessments from the states and MPOs.

Climate Change Program

The bill includes several provisions meant to address the causes and impacts of climate change related to transportation. These include:

1. **Funding for charging and fueling infrastructure:** Between \$100 million and \$300 million per year in competitive grants to states, MPOs and local governments
2. **Carbon Reduction Incentive Program:** \$600 million per year in formula funds allocated to states for distribution. Half of these funds are to be used for eligible projects, which include provisions of facilities for pedestrians and bicyclists (including rail-trails), public transportation, congestion-reduction efforts and development of a carbon reduction strategy. They may not be used for any project that results in the construction of new capacity available for single-occupant vehicles. The other half may be used for projects developed pursuant to a carbon emissions reduction strategy, or may be used for any STBGP-eligible project if the state is pursuing an approved carbon-emissions reduction strategy. As with the safety incentive program above, 65% of these funds are to be suballocated to regions in the state based on population.
3. **Carbon Reduction Performance Program:** \$100 million per year for competitive grants available for states and local governments where total annual transportation emissions or emissions per capita during the last two-year period have grown more slowly or declined compared to the previous two-year period. Similar to the Fatality Reduction Performance Program, this is meant as a reward for past performance for states and urban areas that have shown significant levels of reduction in transportation emissions per unit or economic output or per capita. Grants in amounts between \$5 million and \$30 million may be used for highway maintenance or restoration, or for projects completed pursuant to a carbon-reduction performance program, with no local match.
4. **Resiliency ("PROTECT") Grants:** Provide \$786 million in formula funds allocated directly to the states and \$200 million for competitive grants for several different types of eligible projects related to protecting transportation infrastructure from the impacts of climate change.

Changes to the Transportation Infrastructure Financing Improvement Act

Although the Transportation Infrastructure Financing Improvement Act (TIFIA) is level funded at \$300 million, the bill makes development near transit eligible for financing if it meets certain requirements. It also limits projects that can apply for an expedited decision process to: those that match terms and conditions established by the National Surface Transportation Innovative Finance Bureau; where the secured loan is rated in the A category or higher, where the TIFIA share is 33% or less; and where construction can begin in 90 days or less. RTC has explored whether TIFIA might be available for trail and active transportation projects, and this expedited process may help.

Accessibility Data Pilot Program

The bill includes funding for USDOT to develop or procure an accessibility data set and make it available to states, MPOs or rural planning organizations (RPOs) to measure the level of access by multiple transportation modes to important destinations (jobs, school, health care, etc.), disaggregated by subpopulation categories (race, income level, etc.).

Miscellaneous

The bill includes several other provisions that could also support trails and active transportation, for example:

1. \$5 million for competitive grants for bollard installation projects to protect pedestrians from motor vehicles and prevent pedestrian injuries and acts of terrorism
2. \$50 million for programs for urgent repairs and improvements and critical maintenance of roads, bridges and trails in the National Forest System
3. A community connectivity pilot program, including planning grants (FY 2021 - \$20 million, FY 2022 - \$15 million, FY 2023 - \$10 million, FYs 2024–25 - \$2.5 million) and construction grants (\$14 million per year) to remove and replace barriers to connectivity (e.g., grade separation, highways, etc.)
4. An emerging technology research pilot program: \$5 million to support research and development activities related to emerging technologies, including ways to improve transportation infrastructure design in anticipation of increased usage of autonomous vehicles

Finally, the bill repeals the rescission in the FAST Act that would have come into effect in 2020. Since many states have unobligated funds remaining from the TA program, RTC is concerned that this rescission would have disproportionately impacted trails, walking and bicycling.

What's Missing?

Critically, the bill misses the opportunity to provide substantial strategic investments focused on critical connections to enable people to safely and conveniently walk and bike to get to where they need to go and generate economic development across rural, suburban and urban communities—active transportation networks and spines. Only with such focus on leveraging existing assets and accelerating connectivity, just as we do for roads and rails, will America realize the transformative benefits of a nationwide network of trails and other safe active-transportation facilities.

We look forward to working with our partners across the country to improve this bill and ensure it takes a visionary approach to addressing the 21st-century transportation needs of all Americans.

For more information, contact Patrick Wojahn, RTC director of government relations, at patrick@railstotrails.org.