

# STATE DOT BEST PRACTICES IN IMPLEMENTING THE BIPARTISAN INFRASTRUCTURE LAW

The Bipartisan Infrastructure Law (BIL) provides significant new funding opportunities and supports initiatives for walking, biking and trail infrastructure projects—particularly for communities with limited capacity. This includes more money through programs such as Transportation Alternatives, the largest federal funding source for trails and active transportation; flexibility around match requirements; and the promotion of technical assistance activities.

The Ohio Department of Transportation (ODOT) has instituted several policies that take advantage of these new eligibilities, utilizing best practices that other states could adopt.

## WHAT IS TRANSPORTATION ALTERNATIVES?

Transportation Alternatives (TA) is a cost reimbursable, pay-as-you-go competitive grant program administered by state departments of transportation (DOTs) and urbanized metropolitan planning organizations (MPOs). Prior to construction, the project must be approved by your DOT and authorized by the Federal Highway Administration (FHWA). Typically, DOTs have provided 80% of the construction costs, with the additional 20% due by the entity that submitted the application. Proposed projects must demonstrate either: 1) a clear public benefit and have a direct relationship to surface transportation, or 2) well-defined benefits as recreational trail facilities.

## WHAT'S NEW?

With the passage of the Infrastructure Investment and Jobs Act (IIJA), TA has the ability to provide the standard 20% local funding match with Federal Safety funding (i.e., the Highway Safety Improvement Program, or HSIP). The BIL contains a requirement for states (23 U.S.C. 148(g), further explained in a USDOT Memo at [rtc.li/fhwa-section148](https://www.rtc.li/fhwa-section148)) to devote 15% of their HSIP dollars to projects focused on saving vulnerable

road users' (non-motorists') lives if they make up 15% or more of their roadway deaths (visit [rtc.li/fars](https://www.rtc.li/fars) to determine your state's requirements). Importantly, the BIL amended 23 U.S.C. 133(h)(7)(B) to allow HSIP funds to be credited toward the non-federal share of a TA project so that all states can cover 100% of projects that address bicycle and pedestrian safety on public roads or publicly owned bicycle or pedestrian pathways or trails.

ODOT has taken advantage of this eligibility with the state's Offices of Local Programs and Safety, agreeing to fund Bicycle and Pedestrian Facilities and Safe Routes for Non-Driver projects with 80% TA funds and 20% safety funds. This funding will be available for the Construction Contract and the Construction Engineering phases of the projects only. The costs associated with Design and Rights-of-Way must still be borne 100% by the applicant.



Ohio's Cleveland Foundation Centennial Lake Link Trail | Photo by Jason Cohn



D.C.'s Metropolitan Branch Trail | Photo by India Kea

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Snowmobiling on Maine's Aroostook Valley Trail | Photo by Paul Cyr

### OTHER NOTABLES

ODOT will continue to provide up to 95% (this is due to the use of Toll Revenue Credit) of the construction costs (up to a maximum amount) for Environmental Mitigation, Vegetation Management, and Historic Preservation and Rehabilitation of Historic Transportation Facilities through Fiscal Year (FY) 2027. Rights-of-way acquisition costs are only allowable for the conversion of abandoned railway corridors to shared-use path facilities. The local government match must be in cash. In-kind contributions will not be accepted. Eligible projects include those focused on the maintenance and restoration of existing recreational trails, the development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails.

The IIJA created a new funding pool called the Carbon Reduction Program (CRP). The purpose of the CRP is to reduce transportation emissions through the development of statewide carbon-reduction strategies and by funding projects designed to reduce transportation emissions. Bicycle and Pedestrian Facilities and Safe Routes for Non-Driver projects are eligible types of CRP projects. ODOT's Safety Department has also agreed to provide the 20% local match for these projects; therefore, the Construction Contract and Construction Engineering phases of these projects will be 100% federally funded.

There is nothing extra the applicant will need to submit when applying for CRP funding; however, the community will need to list its population in both the letter of interest and the application. The award committee will determine if the project is eligible.