

TRANSPORTATION ALTERNATIVES (TA)

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Contract authority	\$850 M	\$1.384 B*	\$1.411 B*	\$1.439 B*	\$1.468 B*	\$1.498 B*

*Calculated (sum of estimated individual State Transportation Alternatives apportionments)

Note: Except as indicated, all references in this document are to the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021).

Program Purpose

The BIL continues the Transportation Alternatives set-aside from the Surface Transportation Block Grant (STBG) program. Eligible uses of the set-aside funds include all projects and activities that were previously eligible under the Transportation Alternatives Program under the Moving Ahead for Progress in the 21st Century Act (MAP-21). This encompasses a variety of smaller-scale transportation projects such as pedestrian and bicycle facilities, recreational trails, safe routes to school projects, community improvements such as historic preservation and vegetation management, and environmental mitigation related to stormwater and habitat connectivity.

Statutory Citations

- § 11109; 23 U.S.C. 133(h)

Funding Features

Except as specified above and below, the BIL continues all funding features that applied to Transportation Alternatives under the FAST Act.

Type of Budget Authority

- Contract authority from the Highway Account of the Highway Trust Fund, subject to the overall Federal-aid obligation limitation.

Apportionment of Funds

- As under the FAST Act, the BIL directs the Secretary to set aside, for TA, an amount from each State's STBG apportionment. Under the BIL, this amount must be such that—
 - **[NEW]** The national total set aside for TA is equal to 10% of the amount that would otherwise be apportioned for STBG (nationwide) for the fiscal year [§ 11109(b)(1)(A); 23 U.S.C. 133(h)(1)]; and
 - The State's share of this national total is determined by multiplying the national total for TA by the ratio that the State's FY 2009 transportation enhancements (TE) apportionment bore to the total amount of TE funds apportioned to all States in FY 2009. [23 U.S.C. 133(h)(1)(B)];

Suballocation

- Increases to 59% (from 50% under the FAST Act) the portion of TA funds that must be suballocated to areas of the State based on population. [§ 11109(b)(1)(B); 23 U.S.C. 133(h)(2)(A)(i)]
- Allows States to suballocate up to 100% if the State submits a plan that describes how funds will be suballocated, how projects will be selected, and how entities will comply with Federal laws. [§ 11109(b)(1)(B); 23 U.S.C. 133(h)(2)(B)]
- Requires each State, over the period of FY22-26, to make available to each urbanized area with a population over 200,000 obligation authority for use with the suballocated TA funding. [§ 11109(b)(1)(B); 23 U.S.C. 133(e) and (h)(2)(A)]

Set-asides

- Unless the Governor opts out in advance, for each fiscal year FHWA is to set aside for the State's Recreational Trails Program (RTP) an amount of TA funds equal to the State's FY 2009 RTP apportionment. [23 U.S.C. 133(h)(5) and (6), 23 U.S.C. 206] (RTP continues to operate as a separate program.)

Transferability to and from Other Federal-aid Apportioned Programs

- A State may transfer up to 50% of TA funds made available each fiscal year for TA projects in any area of the State to any other apportionment of the State, including the National Highway Performance Program, Surface Transportation Block Grant Program, Highway Safety Improvement Program (HSIP), Congestion Mitigation and Air Quality Improvement Program, National Highway Freight Program, **[NEW]** Carbon Reduction Program, and **[NEW]** Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Formula Program. Conversely, subject to certain limitations, a State may transfer up to 50% of funds made available each fiscal year from each other apportionment of the State to TA. [23 U.S.C. 126(a)] (See other program-specific fact sheets for additional details.)
- However, the BIL newly conditions this authority to transfer TA funds on the Secretary first certifying that the State's competitive process for award of TA funding has met certain specified requirements. [§ 11109(b)(2); 23 U.S.C. 126(b)(2)]
- Suballocated funds distributed by population or set aside for RTP are not transferable to other apportioned programs. [23 U.S.C. 126(b)(1)]

Federal Share

- As a general rule, the Federal share for TA is in accordance with 23 U.S.C. 120. However, the Federal share for projects under the RTP set-aside is determined in accordance with 23 U.S.C. 206(f). (See the "Federal Share" fact sheet for additional detail.)
- If the State has adequate financial controls, as certified by the Secretary, to account for the average annual non-Federal share, then—
 - subject to certain requirements, HSIP funds may be used to meet the non-Federal share requirements of safety projects funded under the TA set-aside;
 - the non-Federal share for a project funded under the TA set-aside may be calculated on a project, multiple-project, or program basis; and

- a Federal share of up to 100% for the cost of an individual TA project may be applied. [§ 11109(b)(1)(H); 23 U.S.C. 133(h)(7)]
- The average annual non-Federal share of the total cost of all TA projects for which funds are obligated in a State for a fiscal year shall be not less than the average non-Federal share of the cost of the projects that would otherwise apply. [§ 11109(b)(1)(H); 23 U.S.C. 133(h)(7)]

Eligible Projects

The BIL continues all existing TA eligibilities, and also adds new eligibility for activities in furtherance of a vulnerable road user safety assessment. [§ 11109(b)(1)(C); 23 U.S.C. 133(h)(3)(C)]

Program Features

Except as specified above and below, the BIL continues all requirements that applied to Transportation Alternatives under the FAST Act.

State and Local Competitive Grant Program

- Requires a State or MPO required to obligate TA funds to develop a competitive process to allow eligible entities to submit projects for funding that achieve program objectives, and this process must include prioritization of project location and impact in high-need areas as defined by the State, such as low-income, transit-dependent, rural, or other areas. [§ 11109(b)(1)(D); 23 U.S.C. 133(h)(4)]
- The BIL expands the range of eligible applicants to include—
 - an MPO that represents an area with a population 200,000 or fewer;
 - any nonprofit entity (FAST Act restricted to nonprofit entities “responsible for the administration of local safety programs”); and
 - a State, at the request of another eligible entity. [§ 11109(b)(1)(D); 23 U.S.C. 133(h)(4)(A)]

Program Administration and Technical Assistance

- The BIL allows States to use up to 5% of available TA funds (after suballocation) to fund staff to administer the program and assist applicants for projects under the program. [§ 11109(b)(1)(F); 23 U.S.C. 133(h)(6)(C)]

Additional Information and Assistance

- For more information about this program, visit: https://www.fhwa.dot.gov/environment/transportation_alternatives/.
- FHWA can connect you with your local FHWA office and support you with technical assistance for planning, design, construction, preserving, and improving public roads and in the stewardship of Federal funds. For assistance, visit: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm.