

## 8. Funding

Since development of pedestrian projects and programs occurs primarily at the community level, local communities hold the greatest share of responsibility for implementing them. Therefore, the implementation of the system is highly dependent upon communities recognizing and planning for pedestrian travel in locally adopted transportation elements of comprehensive plans and to allocating projects into local capital improvement programs.

In Fiscal Year 2009, Massachusetts spent \$53.2 million in Federal-Aid Highway Program Funding for Pedestrian and Bicycle Facilities and Programs. Approximately 43 percent of Federal-Aid Highway Program Funding was spent in Fiscal Year 2009 compared to Fiscal Years 1999-2009 combined. For example, in Fiscal Years 2008 and 2007, Massachusetts spent \$13.2 and \$15.7 million respectively in Federal-Aid Highway Program Funding according to the FHWA Fiscal Management Information System.

Federal surface transportation law provides tremendous flexibility to states and MPOs to fund pedestrian improvements from a wide variety of programs. When improving conditions for walking, it is strongly encouraged to include pedestrian improvements as an incidental part of larger projects, and to review and use the most appropriate funding source for a particular project.

There are several programs that provide Federal funds for pedestrian projects. The Federal Highway Administration (FHWA) does have specific [Bicycle and Pedestrian Provisions of Federal Transportation Legislation](#).

The following list is an inventory of key funding programs which communities can utilize. The program name, funding source, and web link are provided in the section below. Prior to applying for funding, communities should thoroughly research a program's applicability to a candidate project.

### a. Federal Highway Administration

#### **National Highway System**

[The National Highway System \(NHS\)](#) is composed of 163,000 miles of urban and rural roads serving major population centers, major travel destinations, international border crossings, and intermodal transportation facilities.

*Eligibility-* Bicycle and pedestrian facilities within NHS corridors are eligible activities for NHS funds, including projects within Interstate rights-of-way (23 U.S.C. 103(b)(6)).

*Matching funds-* 80% Federal, 20% State, subject to a sliding scale. The Federal share is generally 80%. When funds are used for Interstate projects to add high occupancy vehicle or auxiliary lanes, but not other lanes, the Federal share may be 90%. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100%.

#### **Surface Transportation Program**

The [Surface Transportation Program \(STP\)](#) provides states with flexible funds which may be used for a wide variety of projects on any Federal-aid Highway including the NHS, bridges on any public road, and transit facilities.

*Eligibility-* Bicycle and pedestrian improvements are eligible activities under the STP. This covers a wide variety of projects such as on-road facilities, off-road trails, sidewalks, crosswalks, bicycle and pedestrian

signals, parking, and other ancillary facilities. The modification of sidewalks to comply with the requirements of the Americans with Disabilities Act is an eligible activity.

*Matching funds-* 80% Federal, 20% State, subject to sliding scale. When funds are used for Interstate projects, including projects to add high occupancy vehicle or auxiliary lanes (but excluding projects to add any other lanes), the Federal share may be 90 percent. Certain safety improvements as listed in 23 USC 120(c) may have a Federal share of 100 percent, but this provision is limited to 10 percent of the total funds apportioned to a State under 23 U.S.C. 104.

### **Transportation Enhancement Program**

Ten percent of a state's STP apportionment must be set-aside for [Transportation Enhancement \(TE\)](#) activities.

*Eligibility-* Of the 12 eligible activities, three relate specifically to pedestrian transportation:

- provision of facilities for pedestrians.
- provision of safety and educational activities for pedestrians.
- preservation of abandoned railroad corridors (including the conversion and use for pedestrian or bicycle trails).

*Matching funds-* The TE guidance describes several flexibility provisions.

### **Highway Safety Improvement Program (HSIP)**

SAFETEA-LU established the [Highway Safety Improvement Program \(HSIP\)](#) in 2005. It replaced the previous set-aside of each state's STP apportionment for infrastructure safety activities. HSIP has specific program information and reporting requirements. HSIP funds can be used for pedestrian and bicycle safety improvements. States may obligate funds under the HSIP to carry out:

Any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail; or

As provided under Flexible Funding for states with a Strategic Highway Safety Plan, other safety projects.

### **Safe Routes to School Program**

The [Safe Routes to Schools Program](#) was created by Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (SAFETEA-LU).

The purposes of the program are:

- To enable and encourage children, including those with disabilities, to walk and bicycle to school
- To make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and
- To facilitate the planning, development and implementation of projects and activities that will improve safety, reduce traffic, fuel consumption, and air pollution in the vicinity (approximately 2 miles) of primary and middle schools (Grades K-8).

Each state administers its own program and develops its own procedures to solicit and select projects for funding. The program establishes two distinct types of funding opportunities: infrastructure projects (engineering improvements) and non-infrastructure related activities (such as education, enforcement, and encouragement programs). This program is 100-percent federally funded at no cost to the community.

### **Congestion Mitigation and Air Quality Improvement Program**

The [Congestion Mitigation and Air Quality Improvement \(CMAQ\) Program](#) assists areas designated as nonattainment or maintenance under the Clean Air CMAQ Act Amendments of 1990 to achieve and maintain healthful levels of air quality by funding transportation projects and programs.

*Eligibility-* Projects funded under the CMAQ program must be located in areas that were designated as a non-attainment area Section 107(d) of the Clean Air Act and classified pursuant to Sections 181(a), 186(a), or 188(a) or (b) of the Clean Air Act. The entire Boston Region is in a non-attainment area.

### **Recreational Trails Program**

The [Recreational Trails Program](#) provides funds to states to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. Each state administers its own program - usually through a state resource or park agency - and develops its own application and project selection process. In Massachusetts, this program is administered through the Department of Conservation Resources.

*Matching funds-* In general, the maximum Federal share for each project is 80%; however, see RTP Matching Share for more information.

### **National Scenic Byways Program**

The [National Scenic Byways Program](#) recognizes roads having outstanding scenic, historic, cultural, natural, recreational and archaeological qualities by designating them as National Scenic Byways or All-American Roads.

*Eligibility-* Funds may be spent on a variety of activities including "construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement passing lane, overlook, or interpretive facility." Projects must be either associated with a National Scenic Byway, All-American Road, or a State Scenic Byway. Between 1992 and 2008, Massachusetts has received over \$8.4 million in National Scenic Byways Grant funding for 59 projects.

*Matching funds-* The Federal share is 80%.

### **State and Community Highway Safety Grant Program (Section 402)**

The [State and Community Highway Safety Grant Program](#) supports state highway safety programs designed to reduce traffic crashes and resulting deaths, injuries, and property damage.

*Eligibility-* States are eligible for these funds (known as "Section 402 funds") by submitting a Performance Plan, with goals and performance measures, and a Highway Safety Plan describing actions to achieve the Performance Plan. Grant funds are provided each year according to a statutory formula based on population and road mileage.

*Matching funds-* Federal share is 80%.

**b. Federal Transit Administration**

**Statewide Planning Funds**

Statewide Planning Funds

*Eligibility-* Two percent of the funds states receive for the NHS, STP, CMAQ and Bridge programs are available only for planning, research, and technology transfer activities. This list includes the Statewide Long Range Transportation Plan and Transportation Improvement Program, and may include bicycle- and pedestrian-related plans, research, and technology transfer activities.

*Matching funds-* Federal share is 80%, but this may be increased by the Secretary of Transportation.

**Metropolitan Planning Funds**

Metropolitan Planning Funds

*Eligibility-* One percent of the funds authorized for the NHS, STP, CMAQ, and Bridge programs are available only for metropolitan transportation planning. The funds are allocated to each state based on the population of urbanized areas in each state. Funds may be used for bicycle- and pedestrian-related plans that are part of the metropolitan transportation planning process.

*Matching funds-* Federal share is 80%, but this may be increased by the U.S. Secretary of Transportation.

**Urbanized Area Formula Grants (transit)**

The Urbanized Area Formula Grants program provides transit capital and operating assistance to urbanized areas with populations of more than 50,000.

*Eligibility-* Capital projects are defined as including "pedestrian and bicycle access to a mass transportation facility."

*Matching funds-* Federal share is typically 80%.

**Transit Enhancements**

One percent of the Urbanized Area Formula Grants apportioned to urban areas of at least 200,000 people are set aside for a new category of transit enhancements. This program is distinct from the Transportation Enhancement Program.

*Matching funds-* Federal share for bicycle-related transit enhancements is 95%. Federal share for all other transit enhancements including pedestrian is 80%.

**Capital Investment Grants and Loans Program**

The renamed Capital Investment Grants and Loans Program (formerly Discretionary Grants) provides transit capital assistance for new fixed guideway systems and extensions to existing fixed guideway systems (New Starts), fixed guideway modernization, and bus related facilities.

*Eligibility-* Capital projects are defined as including "pedestrian and bicycle access to a mass transportation facility."

*Matching funds-* Federal share is typically 80%.

### c. State

#### **The Chapter 90 Program**

Under Massachusetts General Laws Chapter 90, Section 34, each year Massachusetts makes funds available to all communities for approved local road construction, preservation, and improvement projects that create or extend the life of their transportation infrastructure. Chapter 90 funds consist of state revenues appropriated through the Massachusetts Legislature as part of the Transportation Bond Bill and through supplemental budget agreements.

The vast majority of local road projects are funded using monies available through the [Chapter 90 Program](#). This locally administered funding source is used for maintenance, resurfacing, sidewalk repair, traffic signal and other local improvements. Chapter 90 funds may also be used to design and construct sidewalks, as well as pedestrian projects. Chapter 90 projects are not approved by the MPO and are not included in the TIP.

Chapter 90 projects are approved by MassDOT district offices before they begin and municipal costs are reimbursed. Chapter 90 projects are strongly encouraged to follow the provisions in MassHighway's Project Development and Design Guidebook. If communities established a separate program for municipal pedestrian facilities to supplement the Chapter 90 program, this would allow communities to meet pedestrian needs without reducing funding for vehicle traffic improvements. Sources may include the Public Works Economic Development (PWED) Program, other state funding sources or federal funds. It is the community's responsibility to prioritize the use of Chapter 90 funds.

#### **Community Preservation Act (CPA)**

In 2000, a law was passed that enabled Massachusetts communities to establish a local [Community Preservation Fund](#). One of the allowable spending purposes, as defined in the Community Preservation Act, is the conversion of land for recreational use. So, for example, if a community were to convert land into a recreational use (including blighted land) or to rehabilitate an historic path, the community would likely be eligible to use CPA funds to improve pedestrian accommodations within the new space. CPA funds cannot be used to create new recreational uses, or to improve facilities, on existing land already devoted to recreation. Distribution of CPA funds is administered by the Community Preservation Coalition.

#### **Commonwealth Capital**

[Commonwealth Capital](#) is a state policy that utilizes grants and low interest loans from programs offered by MassDOT and the Executive Offices of Administration and Finance, Energy and Environmental Affairs, and Housing and Economic Development as an incentive to municipalities to plan and zone consistent with the Commonwealth's Sustainable Development Principles. Municipal smart growth/smart energy consistency is assessed through a Commonwealth Capital application that examines municipal implementation of 32 land use planning and regulatory practices. Scores are part of the evaluation process for 14 grant or loan programs; the higher a community's Commonwealth Capital score, the greater the likelihood that it will receive funding.

One of the 32 land use planning and regulatory practices pertains specifically to facilitating and integrating walking (and biking) into the transportation system. Points can be earned for planning, projects that support walking, or regulations that require development projects to provide pedestrian facilities. Examples include town-wide pedestrian plans, requiring sidewalks in new developments, providing new or expanded shared use paths, implementing a Safe Routes to School program, improving

connectivity, and applying streetscape improvements (e.g., benches and lighting, crosswalks, pedestrian signals, and signage).

In addition, Commonwealth Capital encourages communities to adopt zoning for Transit Oriented Development that puts a high priority on serving transit and pedestrians as well as produce corridor plans that incorporates pedestrian linkages and pedestrian-oriented streetscapes.

### The Public Works Economic Development (PWED) Program

A Commonwealth Capital program, MassDOT provides Public Works Economic Development (PWED) grants to municipalities for transportation infrastructure improvements that will spur economic development, job creation, smart growth, and better pedestrian access. Specifically, the [PWED Program](#) community grants pay for the design and construction of roads and other transportation related projects that support economic development. The PWED regulations (7.01 CMR 5.00 et seq.) are designed to provide eligible communities with maximum flexibility and discretion as it relates to project development and implementation.

As part of the review process, PWED grant applications are reviewed to ensure they will implement the state's Sustainable Development Principles. This consists of supporting a balanced and multimodal transportation plan that includes pedestrians. One of the criteria for receiving PWED funding is ensuring that the project will facilitate economic growth consistent with applicable state policies. Based on a competitive application process, the PWED program has a long history stimulating job growth and commercial development for cities and towns in Massachusetts. Since 2000, MassDOT has awarded almost \$100 million dollars of PWED contracts for 98 projects in 66 municipalities in the Commonwealth.

### Transit-Oriented Development Bond Program

A Commonwealth Capital program, the intent of the Transit-Oriented Development (TOD) Bond Program is to increase compact, mixed-use, walkable development close to transit stations. To accomplish this objective, the TOD Bond Program provides financing for pedestrian improvements, bicycle facilities, housing projects, and parking facilities within .25 (1/4) miles of a commuter rail station, subway station, bus station, bus rapid transit station, or ferry terminal.

## **d. Construction Safety and Maintenance**

### Construction Safety

Construction projects often require temporarily closing and/or detouring pedestrian routes. If there is rerouting, it is critical that pedestrian safety not be compromised. Municipalities should require developers to submit construction maintenance plans for construction projects. Construction maintenance plans will enable planners and engineers to review the temporary accommodations for pedestrians prior to the start of a construction project.

Key components for maintaining pedestrian safety during a construction project are:

- Avoid proximity to construction vehicles and equipment.
- Detours should be safe, accessible and as close to the original route as possible.
- Maintain access to crosswalks and public transit to the fullest extent possible.
- Warn pedestrians well in advance of a construction project.

### Maintenance

Sidewalks require regular maintenance to reduce damage caused over time by the effects of weather, tree roots and use. Communities should allocate specified funds for sidewalk maintenance programs. Funding for sidewalk maintenance programs can be obtained when a community sets aside money for sidewalks or when the private developer of a project in a community is required to set aside money for sidewalks.

Many maintenance issues can be allayed if properly addressed during project planning and design before construction on new sidewalks begins. It is equally important that frequent assessments of sidewalk conditions are conducted. Communities should develop plans that clearly specify the implementation of sidewalk maintenance (e.g., when a street is repaved) and enforce the obligations of property owners to maintain sidewalks. Properly maintained sidewalks may increase pedestrian safety and travel.

### **e. Other Programs**

#### **Access to Jobs**

The [Access to Jobs Program](#) provides competitive grants to local governments and non-profit organizations to develop transportation services to connect welfare recipients and low-income persons to employment and support services. Programs must be approved by a transit agency. Project selection is made by states in communities under 200,000 and MPOs in urban areas with populations greater than 200,000. The Federal share for Access to Jobs projects is 50%. The Access to Jobs Program is administered by the Massachusetts Department of Transitional Assistance (DTA).

#### **Transportation and Community and System Preservation (TCSP) Pilot Program**

The [TCSP](#) is a competitive grant program designed to support exemplary or innovative projects that show how transportation projects and plans, community development, and preservation activities can be integrated to create communities with a higher quality of life. The annual grant program is administered by the FHWA, in partnership with the FTA and Environmental Protection Agency, and may be used to fund state, MPO, or local government agencies. Bicycling, walking, and traffic calming projects are eligible activities.

#### **Emergency Relief**

An emergency relief fund is available for the reconstruction of highways, roads, and trails in any part of the United States that the Secretary finds has suffered serious damage as a result of natural disaster over a wide area (e.g., flood, hurricane, tidal wave, earthquake) or catastrophic failure from any external cause. The restoration of pedestrian facilities, including shared-use paths, is an eligible activity for [Emergency Relief](#) funds. This program is administered by FHWA.