

## **FEDERAL AID ELIGIBILITY CRITERIA**

In a general solicitation, all candidates must be eligible for either the Surface Transportation Program (STP) or the Congestion Mitigation and Air Quality Program (CMAQ). In a solicitation that is focused on specific fund sources, all candidates must be eligible for at least one of the fund sources being programmed. Eligible types of projects for some of the major competitive highway related fund sources are listed below. Full details on the eligibility requirements for federal aid highway programs authorized in SAFETEA-LU may be found on the Federal Highway Administration website at [www.fhwa.dot.gov/safetealu/index.htm](http://www.fhwa.dot.gov/safetealu/index.htm).

### **Surface Transportation Program (STP) Eligibility**

- ◆ Highway (limited access facilities)
  - Construction
  - Reconstruction
  - Resurfacing
  - Restoration
  - Operational improvements
  - Safety improvements and programs
  - Research and development and technology transfers
  
- ◆ Bridges
  - Construction
  - Reconstruction, including seismic retrofit
  - Resurfacing
  - Restoration
  
- ◆ Transit
  - Anything eligible for FTA funding, including fixed guideways, vehicles, maintenance facilities. Federal regulations prohibit the use of STP funds for ongoing operating expenses.
  - Safety improvements and programs
  - Research and development and technology transfers
  
- ◆ Streets and Roads (conventional facilities), functionally classified as urban collectors or above, or, in rural areas, minor collectors or above.
  - New signals and signal timing
  - Restriping
  - Resurfacing
  - Bus turnouts
  - Construction
  - Bicycle and Pedestrian facilities
  - Projects relating to intersections that: have disproportionately high accident rates; have high congestion; and are located on a Federal-aid highway

- ◆ Carpool projects
- ◆ Park and Ride lots
- ◆ Bicycle and pedestrian projects
  
- ◆ Traffic monitoring, management and control facilities and programs
  - Capital
  - Operating
  
- ◆ Surface transportation planning programs (i.e. technical studies, CDTC Staff technical assistance, etc.).
  
- ◆ Transportation Control Measures (see page 5)
- ◆ Development and establishment of management systems
- ◆ Wetlands mitigation
- ◆ Environmental restoration and pollution abatement – on a 4R project the expenditures for this activity may not exceed 20 percent of the total cost of the project.
- ◆ Control of terrestrial and aquatic noxious weeds and establishment of native species
- ◆ Advanced truck stop electrification systems
  
- ◆ Enhancement Activities. The Transportation Enhancement Program (TEP) is a federal reimbursement program under SAFETEA-LU administered by NYSDOT. Projects funded through this program were selected in October 2006 and April 2009. The recently announced TEP project awards are to be the last under the current federal surface transportation act, SAFETEA-LU. The availability of future TEP application rounds will depend on the continuation of the program by Congress in the next surface transportation act. Eligible activities include:
  - Provision of Facilities for Pedestrians and Bicycles
  - Provision of Safety and Educational Activities for Pedestrian and Bicyclists
  - Acquisition of Scenic Easements and Scenic or Historic Sites (including Historic Battlefields)
  - Scenic or Historic Highway Programs (Including the Provision of Tourist and Welcome Center Facilities)
  - Landscaping and Other Scenic Beautification
  - Historic Preservation
  - Rehabilitation and Operation of Historic Transportation Buildings, Structures or Facilities (including Historic Railroad Facilities and Canals)
  - Preservation of Abandoned Railway Corridors (Including Conversion and Use thereof for Pedestrian and Bicycle Trails)
  - Inventory, Control and Removal of Outdoor Advertising
  - Archaeological Planning and Research
  - Environmental Mitigation to Address Water Pollution due to Highway Runoff or Reduce Vehicle-Caused Wildlife Mortality while Maintaining Habitat Connectivity
  - Establishment of Transportation Museums

## Highway Bridge Replacement and Rehabilitation Program (HBRR) Eligibility

Under SAFETEA-LU, the HBRR Program is intended to fund highway bridge replacement or rehabilitation projects. In New York State, the use of HBRR funds was further expanded to include preventive maintenance activities on bridges.

NYSDOT is responsible for making sure all the highway bridges in New York State are inspected following state and federal mandates. NYSDOT inspects its own highway bridges, as well as highway bridges owned by localities, railroads and commissions that do not collect tolls. Tolling authorities and commissions are responsible for their own inspections and are required to submit their inspection data to NYSDOT. The state requires all highway bridges to be inspected at least every two years. Details on NYSDOT bridge inspections and bridge condition ratings are available on the NYSDOT website at [www.nysdot.gov/main/bridgedata](http://www.nysdot.gov/main/bridgedata).

Bridge condition information is used to establish preventative and corrective maintenance programs, as well as bridge rehabilitation and replacement programs (HBRR). Federal deficiency lists are used to determine federal bridge funding eligibility for capital improvements. Decisions on specific bridge improvements are made after detailed evaluations of inspection reports and other information, such as traffic volumes and loads.

With respect to local bridges, NYSDOT assists local governments in developing their bridge programs. The criteria that follow serve as general guidance in determining bridge project eligibility.

### Local Bridge Project Evaluation

**Goal:** Improve the structural condition of local bridges as much as possible, including a strong emphasis on bridge preservation. The project selection criteria will give priority to stabilizing the number of structurally deficient bridges along with treating local bridges on the basis of their value to the traveling public.

**I. Replacement or Major Rehabilitation Bridge projects** are required to meet NYSDOT criteria for a deficient bridge. This includes the following two conditions:

**1. Condition Rating/Traffic Volume:** The current Federal Sufficiency rating must be less than "50.0" or if item D applies; an AADT greater than 1000 (AADT less than 1000 shall be justified based on detour length, road network system and/or functionality) and either (B), (C), or (D) applies;

(B) State Condition Rating must be less than 3.5 by the year of programming, based on the current rating deteriorated at a rate of 0.1 points per year from the date of last inspection to the year of programming; or

(C) Structure has one or more primary (critical) structural features<sup>1</sup> rated "2" or less, based on its last inspection; or

(D) The municipality can demonstrate some vulnerability<sup>1</sup> not covered in (B) or (C), which makes major rehabilitation or replacement mandatory within 5 years.

**2. Approach Work<sup>2</sup>:** Approach highway work should be limited to “touch down” points to the existing highway alignment and generally should not exceed 25% of the structure cost, or total cost of structure. Demonstrated crash history should be reviewed to justify significant deviations from existing bridge alignment which would cause the need for additional approach costs.

**II. Preservation Bridge Projects** target specific bridges with element deficiencies that if repaired would improve the general condition ratings and defer costly replacement or rehabilitation options. Project selection criteria include the following condition:

**1. Condition Rating:** The current Federal Sufficiency Rating must be less than “80.0” and (E) or (F) applies;

(E) The State Condition Rating shall be between 4.2 and 5.2 by the year of programming, based on the current rating deteriorated at a rate of 0.06 points per year from the date of last inspection to the year of programming; or

F) Structure has one or more crucial elements<sup>3</sup> rated "4" or less, based on its last inspection.

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<sup>[1]</sup> Defined as (1) Beginning and ending abutment rating, (2) Pier rating (net), (3) Beginning and ending abutment erosion rating, (4) Primary member rating (net), (5) Pier erosion rating (net), where the net rating is the lowest value of all the similar elements rated; e.g. a bridge with two piers, one with a rating of "3" and one with a "4", would have a net pier rating of "3".

<sup>[2]</sup> Vulnerabilities of significance could include scour critical locations, fracture critical areas, fatigue locations, non-redundant design, and structure size/fiscal concerns.

<sup>[3]</sup> Includes any realignment, reconstruction or resurfacing beyond the approach slabs (if any) to the structure. Features such as vertical and horizontal sight distances, curves, grades, intersection approaches adjacent to the structure will be evaluated. A detailed cost estimate is not expected; rather a qualitative assessment will be made. Crucial elements of the bridge include primary and secondary members, abutments, piers, structural deck and wearing surface, joints and bearings.

## **Congestion Mitigation and Air Quality (CMAQ) Program Eligibility**

According to the SAFETEA-LU and additional guidance made available by the FHWA, eligibility for CMAQ funds is achieved by meeting any of the following criteria:

- ◆ Transportation activities in an approved State Implementation Plan: As a marginal non-attainment area eligible for maintenance certification, the Capital District has no projects listed in the current SIP.
  
- ◆ Transportation Control Measures (TCM) to assist areas designated as non-attainment under the Clean Air Act Amendments (CAAA) of 1990. Most of the TCM included in Section 108 of the CAA, listed below, are eligible for CMAQ funding. One CAA TCM, programs to encourage removal of pre-1980 light-duty vehicles, is specifically excluded from CMAQ eligibility.
  - programs for improved public transit;
  - restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or HOV;
  - employer-based transportation management plans, including incentives;
  - trip-reduction ordinances; traffic flow improvement programs that reduce emissions;
  - fringe and transportation corridor parking facilities serving multiple-occupancy vehicle programs or transit service;
  - programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use;
  - programs for the provision of all forms of high-occupancy, shared-ride services;
  - programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;
  - programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;
  - programs to control extended idling of vehicles;
  - reducing emissions from extreme cold-start conditions;
  - employer-sponsored programs to permit flexible work schedules;
  - programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for SOV travel, as part of transportation planning and development efforts of a locality, including programs and ordinances applicable to new shopping centers, special events, and other centers of vehicle activity; and
  - programs for new construction and major reconstructions of paths, tracks, or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest.

Eligible projects are those which achieve measurable emissions reductions, and which do not involve construction of new capacity for single-occupant vehicles. Eligible project types include:

- ◆ extreme low-temperature cold start programs
- ◆ alternative fuels and vehicles (including clean fuel fleet programs, conversions, vehicle refueling infrastructure),
- ◆ congestion reduction & traffic flow improvements
  - Traditional traffic flow improvements such as the construction of roundabouts, HOV lanes, left-turn or other managed lanes.
  - Intelligent transportation systems (ITS) projects such as traffic signal synchronization projects, traffic management projects, traveler information systems.
  - Value and congestion pricing projects such as HOT lanes, variable tolled express lanes, variable tolls on existing or new toll roads, parking pricing, network-wide or cordon pricing, and usage based vehicle pricing.
- ◆ transit improvements (new transit facilities, vehicles and equipment, fuel, and transit fare subsidies)
- ◆ bicycle and pedestrian facilities and programs
  - Constructing bicycle and pedestrian facilities (paths, bike racks, support facilities, etc.) that are not exclusively recreational and reduce vehicle trips
  - Non-construction outreach related to safe bicycle use
- ◆ travel demand management (fringe parking, traveler information services, shuttle services, guaranteed ride home programs, market research and planning in support of TDM implementation, traffic calming measures, parking pricing, variable road pricing, telecommuting, and employer-based commuter choice programs)
- ◆ carpooling and vanpooling (marketing and vanpool vehicles)
- ◆ transportation management associations
- ◆ public education and outreach activities
- ◆ freight/intermodal projects
- ◆ inspection/maintenance programs
- ◆ diesel engine retrofits and other advanced truck technologies
- ◆ idle reduction programs
- ◆ training and
- ◆ other transportation projects with air quality benefits

A more complete list of eligible projects and additional information can be found at <http://www.fhwa.dot.gov/environment/cmaqgs/cmaq08gd.pdf>.

## National Highway System (NHS) Program Eligibility

The below improvements are eligible for NHS funds if the improvement is made on segments of the NHS. Construction of, and operational improvements for, a Federal-aid highway not on the NHS and construction of a transit project eligible for assistance under the Federal Transit Act if (a) such highway or transit project is in the same corridor as, and in proximity to, a fully access controlled NHS highway, (b) the construction or improvements will improve the level of service on the fully access controlled highway and improve regional travel, and (c) the construction or improvements are more cost-effective than work on the fully access controlled NHS highway would be to provide the same benefits.

Funds apportioned to a State for the NHS may be obligated for:

- ◆ Construction, reconstruction, resurfacing, restoration, and rehabilitation,
- ◆ Operational improvements,
- ◆ Highway safety improvements,
- ◆ Transportation planning in accordance with 23 U.S.C. 134 and 135,
- ◆ Highway research and planning in accordance with Chapter 5 of Title 23, United States Code,
- ◆ Highway related technology transfer activities,
- ◆ Capital and operating costs for traffic monitoring, management, and control facilities and programs,
- ◆ Fringe and corridor parking facilities,
- ◆ Carpool and vanpool projects,
- ◆ Bicycle transportation and pedestrian walkways in accordance with 23 U.S.C. 217,
- ◆ Development and establishment of management systems under 23 U.S.C. 303,
- ◆ Natural habitat and wetlands mitigation efforts related to Title 23 projects,
- ◆ Publicly-owned intracity or intercity bus terminals,
- ◆ Infrastructure-based intelligent transportation systems capital improvements, Environmental restoration and pollution abatement in accordance with 23 U.S.C. 328 and
- ◆ Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with 23 U.S.C. 329.

The following is a list of NHS Road segments in the CDTC programming area:

### **Fully Access-Controlled Highways**

All Interstate Highways (I-87, I-88, I-90, I-787, I-890)  
NY 7 from I-87 east to I-787  
NYS Thruway Berkshire Spur (NY912M) from I-87 east to I-90

### **Other Highways**

NY 7 from I-890 east to I-87  
NY 7 from I-787 east to Vermont State Line  
NY 29 from Fulton County line east to US 9 / NY 50  
Erie Boulevard from I-890 north to Freemans Bridge Road  
Freemans Bridge Road from Erie Boulevard to NY 50

NY 50 from Freemans Bridge Road north to I-87  
US 9 from Columbia County line north to I-90  
US 9 from I-87 north to NY 197  
NY 197 from US 9 east to Washington County line  
US 20 from Columbia county line north to I-90  
US 20 from Schoharie county line east to I-88

**Intermodal Access Highways**

Albany Shaker Road from NY 7 south to I-87  
Old Niskayuna Road from NY 7 south to Kelly Road  
Kelly Road from Old Niskayuna Road to Albany Air Cargo Facility Dr.  
US 20 from I-787 to Broadway (City of Rensselaer)  
Broadway (City of Rensselaer) from US 9 & 20 Ramps (3<sup>rd</sup> Ave) to Herrick St.  
Herrick St. from Broadway to East Street  
East Street from Herrick Street to Albany-Rensselaer AMTRAK sta.  
NY 32 Green Street (City of Albany) from I-787 to Church Street  
Church Street from NY 32 Green Street to First Street (Port of Albany)  
CR 53 Old School Road (Bethlehem) from Selkirk Rail Yard to Creble Rd.  
CR 55 Creble Road from Old School Road to US 9W  
US 9W from Creble Road to NY 396  
NY 396 from US 9W to I-87

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

The Highway Safety Improvement Program (HSIP) is a core SAFETEA-LU program that authorizes Federal-aid funding to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. Funds may be obligated to carry out any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail that supports the NYS Strategic Highway Safety Plan (visit the NYSDOT website at <https://www.nysdot.gov/divisions/operating/osss/highway/strategic-plan> for the full plan). NYS may use up to 10 percent of its HSIP funds for other safety projects such as education, enforcement and emergency medical services.

The Federal share of HSIP funds is 90 percent, except that the Federal share is 100% for certain safety improvements listed in 23 USC 120(c).