FEDERAL AID ELIGIBILITY CRITERIA

In a solicitation for TIP projects, 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 the FAST Act can be found on the Federal Highway Administration website at https://www.fhwa.dot.gov/fastact/.

Surface Transportation Block Grant Program (STBG)

Funding Features

The STBG Program includes the following set asides:

- Funding for Transportation Alternatives (See the "Transportation Alternatives" fact sheet for additional information). [23 U.S.C. 133(h)]
- 2% for State Planning and Research (SPR). [23 U.S.C. 505]
- Funding for bridges not on Federal-aid highways ("off-system bridges"). [23 U.S.C. 133(f)]

In general, STBG projects may not be on local roads or rural minor collectors. There are a number of exceptions to this requirement, such as the ability to use up to 15% of a State's rural suballocation on minor collectors. Other exceptions include: bridge and tunnel projects; safety projects; fringe and corridor parking facilities/programs; recreational trails, pedestrian and bicycle projects, and safe routes to school projects; boulevard/roadway projects largely in the right-of-way of divided highways; inspection/evaluation of bridges, tunnels, and other highway assets; port terminal modifications; and projects within the pre-FAST Act title 23 definition of "transportation alternatives." [23 U.S.C. 133(c)]

For "off-system bridge" projects, the FAST Act sets aside a share of each State's STBG apportionment for use on bridges not on Federal-aid highways. The amount is to be not less than 15% of the State's FY 2009 Highway Bridge Program apportionment. The Secretary, after consultation with State and local officials, may reduce a State's set-aside requirement if the State has insufficient off-system bridge needs.

For wholly State/locally funded projects to replace or rehabilitate deficient off-system bridges, any amounts spent that are in excess of 20% of project costs may be credited to the non-Federal share of eligible bridge projects in the State. [23 U.S.C. 133(f)]

The Federal share of STBG funds is generally 80 percent. See the "Federal Share" fact sheet for more information.

Eligible Activities

The STBG Program under the FAST Act continues all prior STP eligibilities (see in particular 23 U.S.C. 133(b)(15), as amended) and includes new eligibilities as listed below.

- A State may use STBG funds to create and operate a State office to help design, implement, and oversee public-private partnerships (P3) eligible to receive Federal highway or transit funding, and to pay a stipend to unsuccessful P3 bidders in certain circumstances [23 U.S.C. 133(b)(14)]; and
- At a State's request, the U.S. DOT may use the State's STBG funding to pay the subsidy and administrative costs for TIFIA credit assistance for an eligible STBG project or group of projects. [23 U.S.C. 133(b)(13)].
- The FAST Act also adds specific mention of the eligibility of installation of vehicle-to-infrastructure communication equipment. [FAST Act §1407, 23 U.S.C. 133(b)(1)(D)]
- Construction, reconstruction, rehabilitation, resurfacing, restoration, preservation, or operational improvements for highways, including designated routes of the Appalachian Development Highway System (ADHS) and local access roads under 40 USC 14501.
- Replacement, rehabilitation, preservation, protection, and anti-icing/deicing for bridges and tunnels on any public road, including construction or reconstruction necessary to accommodate other modes.
- Construction of new bridges and tunnels on a Federal-aid highway.
- Inspection and evaluation of bridges, tunnels and other highway assets as well as training for bridge and tunnel inspectors.
- Capital costs for transit projects eligible for assistance under chapter 53 of title 49, including vehicles and facilities used to provide intercity passenger bus service.
- Carpool projects, fringe and corridor parking facilities and programs, including electric and natural gas vehicle charging infrastructure, bicycle transportation and pedestrian walkways, and ADA sidewalk modification.
- Highway and transit safety infrastructure improvements and programs, installation of safety barriers and nets on bridges, hazard eliminations, mitigation of hazards caused by wildlife, railway-highway grade crossings.
- Highway and transit research, development, technology transfer.
- Capital and operating costs for traffic monitoring, management and control facilities and programs, including advanced truck stop electrification.
- Surface transportation planning.
- Transportation control measures.
- Development and establishment of management systems.
- Environmental mitigation efforts (as under National Highway Performance Program).

- Intersections with high accident rates or levels of congestion.
- Infrastructure-based ITS capital improvements.
- Environmental restoration and pollution abatement.
- Control of noxious weeds and establishment of native species.
- Congestion pricing projects and strategies, including electric toll collection and travel demand management strategies and programs.
- Recreational trails projects.
- Construction of ferry boats and terminals.
- Border infrastructure projects.
- Truck parking facilities.
- Development and implementation of State asset management plan for the NHS, and similar activities related to the development and implementation of a performance based management program for other public roads.
- Surface transportation infrastructure modifications within port terminal boundaries, only if necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port.
- Construction and operational improvements for a minor collector in the same corridor and in proximity to an NHS route if the improvement is more cost-effective (as determined by a benefit-cost analysis) than an NHS improvement and will enhance NHS level of service and regional traffic flow.
- Workforce development, training, and education activities are also an eligible use of STP funds.

National Highway Performance Program (NHPP)

Funding Features

The NHPP provides support for the condition and performance of the National Highway System (NHS), for the construction of new facilities on the NHS, and to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in a State's asset management plan for the NHS.

The FAST Act directs FHWA to apportion funding as a lump sum for each State then divide that total among apportioned programs. Within this process, a State's NHPP apportionment is calculated based on a percentage specified in law. The NHPP Program includes a 2% set-aside of a State's NHPP funding for State Planning & Research (SPR). [23 U.S.C. 505] A State may transfer to the National Highway Freight Program, Surface Transportation Block Grant Program, Transportation Alternatives, Highway Safety Improvement Program, and Congestion Mitigation and Air Quality Improvement Program up to 50% of NHPP funds made available each fiscal

year. [23 U.S.C. 126]

The Federal share of NHPP funds is generally 80 percent. See the "Federal Share" fact sheet for more information.

Eligible Activities

To qualify for NHPP funding, a project must implement an eligible activity on a National Highway System (NHS) road, although exceptions can be made for projects not on the NHS system in the same corridor if certain criteria are met. The National Highway System includes:

- The Interstate System.
- All principal arterials and border crossings on those routes.
- Intermodal connectors -- highways that provide motor vehicle access between the NHS and major intermodal transportation facilities.
- STRAHNET -- the network of highways important to U.S. strategic defense.
- STRAHNET connectors to major military installations.

The FAST Act continues all prior NHPP eligibilities and includes new eligibilities as listed below:

- Installation of vehicle-to-infrastructure communication equipment [23 U.S.C. 119(d)(2)(L)];
- Reconstruction, resurfacing, restoration, rehabilitation, or preservation of a bridge on a non-NHS Federal-aid highway (if Interstate System and NHS Bridge Condition provision requirements are satisfied) [23 U.S.C. 119(i)];
- A project to reduce the risk of failure of critical NHS infrastructure (defined to mean a facility, the incapacity or failure of which would have a debilitating impact in certain specified areas) [23 U.S.C. 119(j)(3)];
- At a State's request, the U.S. DOT may use the State's STBG funding to pay the subsidy and administrative costs for TIFIA credit assistance for an eligible NHPP project or group of projects. [23 U.S.C. 119(h)]
- Construction, reconstruction, resurfacing, restoration, rehabilitation, preservation, or operational improvements of NHS segments.
- Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) of NHS bridges and tunnels.
- Bridge and tunnel inspection and evaluation on the NHS and inspection and evaluation of other NHS highway infrastructure assets.
- Training of bridge and tunnel inspectors.

- Construction, rehabilitation, or replacement of existing ferry boats and facilities, including approaches that connect road segments of the NHS.
- Construction, reconstruction, resurfacing, restoration, rehabilitation, and preservation of, and operational improvements for, a Federal-aid highway not on the NHS, and construction of a transit project eligible for assistance under chapter 53 of title 49, if the project is in the same corridor and in proximity to a fully access-controlled NHS route, if the improvement is more cost-effective (as determined by a benefit-cost analysis) than an NHS improvement, and will reduce delays or produce travel time savings on the NHS route and improve regional traffic flow.
- Bicycle transportation and pedestrian walkways.
- Highway safety improvements on the NHS.
- Capital and operating costs for traffic and traveler information, monitoring, management, and control facilities and programs.
- Development and implementation of a State Asset Management Plan for the NHS including data collection, maintenance and integration, software costs, and equipment costs.
- Infrastructure-based ITS capital improvements.
- Environmental restoration and pollution abatement.
- Control of noxious weeds and establishment of native species.
- Environmental mitigation related to NHPP projects.
- Construction of publicly owned intracity or intercity bus terminals servicing the NHS.
- Workforce development, training, and education activities are also an eligible use of NHPP funds.

Highway Safety Improvement Program (HSIP)

The Highway Safety Improvement Program (HSIP) achieves a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal lands. The HSIP requires a data-driven, strategic approach to improving highway safety on all public roads that focuses on performance.

Funding Features

FHWA is required to set aside, prior to apportionment, HSIP funding for the Railway-Highway Crossings program, and increases the amount of this set-aside. (See "Railway-Highway Crossings Program" fact sheet for additional information on this program).

The FAST Act also authorized an annual set-aside (prior to apportionment) of $3.5 million in HSIP funds to carry out specified safety-related activities and operate specified safety-related clearinghouses. [FAST Act § 1417-1418; MAP-21 § 1519(a); SAFETEA-LU § 1409]

FHWA is directed to apportion funding as a lump sum for each State then divides that total among apportioned programs. Within this process, a State's HSIP apportionment is calculated based on a percentage specified in law. After apportionment, 2% of the State's HSIP apportionment is set aside for State Planning and Research (SPR). [23 U.S.C. 505] A State may transfer to the National Highway Performance Program, National Highway Freight Program, Surface Transportation Block Grant Program, Transportation Alternatives, and Congestion Mitigation and Air Quality Improvement Program up to 50% of HSIP funds made available each fiscal year. [23 U.S.C. 126]

Except as provided in 23 U.S.C. 120 and 130, the Federal share is 90%. See the "Federal Share" fact sheet for more information.

NYSDOT HSIP - Safety Funds Project Eligibility (as of December 2017)

The following information should be used in conjunction with the criteria in section 148 of Title 23 US Code (23USC148) (see Fast Act Eligible Activities on page 7) to identify the type of projects that have been approved by FHWA for the use of safety funds. While the project criteria listed in Section 148 are flexible, FHWA has stressed the need for data driven problem identification, project prioritization and consistency with a State's Strategic Highway Safety Plan (SHSP). In general, safety projects should be considered in the following order of priority:

1. *Targeted Locations (applies to state maintained roads)*

    - *Priority Investigation locations as designated by NYSDOT* – The Department's network screening process results in the annual creation of the Priority Investigation Location (PIL) List. This PIL list is core to NYSDOT's annual work program that studies locations on this list. The PIL list provides a data driven approach that identifies sites with the potential to reduce crashes. Projects resulting from PIL studies include effective countermeasures to address the safety needs at these locations. This program directly correlates a high crash safety investigation to a safety project as specified in the legislation. Therefore, projects developed from PIL studies are eligible for HSIP funds.

In addition, PILs that are addressed by projects whose primary purpose is not safety are eligible for HSIP funding. The safety share of these projects must be limited to those costs associated with reducing crashes and NYSDOT's Highway Safety Investigation methodology must be used to evaluate the PIL.

2. *Targeted Crash Types*

    - *Systemic Treatments (applies to all public roads)*

- As outlined in New York's Pedestrian Safety Action Plan, standalone or project shares that install pedestrian improvements at uncontrolled crosswalks or signalized intersections are eligible for HSIP funding.
- Standalone projects or project shares that install Centerline Rumble Strips (CARDS) or pedestrian countdown timers are eligible for HSIP funding.
- As outlined in Engineering Instruction (EI) 16-014, standalone projects or project shares that install Secondary Highway Audible Roadway Delineators (SHARDS) are eligible for HSIP funding.
- These specific countermeasures were approved by the FHWA Division Office as systemic improvements because of their proven effectiveness and the direct connection to emphasis areas in the Strategic Highway Safety Plan (SHSP).

- *Specialty PILs (applies to state maintained roads)* – Each year the Department analyzes the crash data to identify locations that may not meet the criteria to be identified as a regular PIL, but rather identify locations where specific types of accidents are overrepresented. This analysis results in the creation of "Specialty PIL" lists. The SKARP (wet weather accidents) program is a successful application of this approach.

  Specialty PILs can be used to target various crash types and may be helpful to prioritize systemic improvements or consider enhancements for other non-safety projects. To qualify for safety funding, projects need to demonstrate a performance based result (i.e. fatal, injury, accident reduction and benefit/cost ratio). FHWA indicates that projects identified through this process will be eligible for HSIP funds.

3. *Other Regionally Identified Safety Need Locations (i.e. Non-State Maintained Roads)*

   Off-system safety projects (i.e. projects on roads that are not under NYSDOT maintenance jurisdiction) are also eligible for HSIP funding, but must demonstrate a clear safety need and meet the criteria outlined in 23USC148. Because off-system sites cannot be included in the PIL analysis, project documentation should detail how crash data was used to determine location (i.e. high crash frequency, higher than average crash rate, etc.). NYSDOT's Highway Safety Investigation methodology including a Benefit/Cost (B/C) ratio must be used to evaluate the project. B/C ratios for these projects should be > 1.

   Specific locations often come to the attention of the Regional Office as problem safety areas. Locations cited are not usually part of the PIL list or part of a specialty PIL list; however, they are often represented as needing safety improvement. Projects developed for these locations that will address a safety deficiency must demonstrate a performance based result (i.e. fatal, injury, accident reduction; benefit/cost ratio) in order to be eligible for HSIP funds. NYSDOT's Highway Safety Investigation methodology

including a B/C ratio must be used to evaluate the project. B/C ratios for these projects should be > 1.

4. *Nominal Safety Projects*

   The purpose of HSIP funds is to reduce severe crashes on public roads. Projects that maintain or upgrade existing roadway features such as guiderail, pavement markings, pavements, bridges, etc. are generally considered nominal safety projects and are not eligible for HSIP funding. However, items such as traffic signals, signs and pavement markings **MAY** be eligible for safety funds as a result of a specific safety investigation where the items are considered the appropriate countermeasure for a Targeted Location (PIL), Targeted Crash Type (Specialty PIL or approved systemic treatment), or Regionally Identified Safety Need Location (i.e. Non-State Maintained Roads). Advance approval should be in place before programming HSIP funds for these projects.

Fast Act Eligible Activities

The FAST Act continues the overarching requirement that HSIP funds be used for safety projects that are consistent with the State's strategic highway safety plan (SHSP) and that correct or improve a hazardous road location or feature or address a highway safety problem. Under MAP-21, the HSIP statute listed a range of eligible HSIP projects. However, the list was non-exhaustive, and a State could use HSIP funds on any safety project (infrastructure-related or non-infrastructure) that met the overarching requirement. In contrast, the FAST Act limits HSIP eligibility to only those listed in statute—most of which are infrastructure-safety related. Project types listed in statute include the following:

- Installation of vehicle-to-infrastructure communication equipment.
- Pedestrian hybrid beacons.
- Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands.
- Other physical infrastructure projects not specifically enumerated in the list of eligible projects.
- An intersection safety improvement.
- Pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition).
- Installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities.
- Installation of a skid-resistant surface at an intersection or other location with a high frequency of crashes.
- An improvement for pedestrian or bicyclist safety or safety of persons with disabilities.

- Construction and improvement of a railway-highway grade crossing safety feature, including installation of protective devices.
- The conduct of a model traffic enforcement activity at a railway-highway crossing.
- Construction of a traffic calming feature.
- Elimination of a roadside hazard.
- Installation, replacement, and other improvement of highway signage and pavement markings, or a project to maintain minimum levels of retroreflectivity, that addresses a highway safety problem consistent with a State strategic highway safety plan.
- Installation of a priority control system for emergency vehicles at signalized intersections.
- Installation of a traffic control or other warning device at a location with high crash potential.
- Transportation safety planning.
- Collection, analysis, and improvement of safety data.
- Planning integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to work zone safety.
- Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of road users and workers), and crash attenuators.
- The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.
- Installation of yellow-green signs and signals at pedestrian and bicycle crossings and in school zones.
- Construction and operational improvements on high risk rural roads.
- Geometric improvements to a road for safety purposes that improve safety.
- A road safety audit.
- Roadway safety infrastructure improvements consistent with the recommendations included in the publication of the Federal Highway Administration entitled “Highway Design Handbook for Older Drivers and Pedestrians” (FHWA–RD–01–103), dated May 2001 or as subsequently revised and updated.
- Truck parking facilities eligible for funding under section 1401 of the MAP–21.
- Systemic safety improvements.
- Workforce development, training, and education activities remain an eligible use of HSIP funds. [23 U.S.C. 504(e)]

The FAST Act continues the prohibition on the use of HSIP funds for the purchase, operation, or maintenance of an automated traffic enforcement system (except in a school zone). [FAST Act § 1401]