

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: June 4, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso *Sharon Tso* Council File No.: 19-0002-S85
Chief Legislative Analyst Assignment No.: 19-05-0499

SUBJECT: Support for “The Transportation Alternatives Enhancement Act.”

CLA RECOMMENDATION: Adopt Resolution (Krekorian – O’Farrell) to include in the City’s 2019-2020 Federal Legislative Program SUPPORT for S. 1098 (Cardin) that would support and improve the U.S. Department of Transportation’s Transportation Alternatives Program (TAP).

SUMMARY

Nationally, total authorization in FY2019 for the TAP was \$850 million. The TAP represents nearly 50% of all the federal funding that goes to bicycling and walking networks and trails in communities across the nation. TAP is a collaborative federal transportation program that leverages federal and local funds to build bikeways and sidewalks to reduce traffic congestion, provide children with safe routes to school, and provides communities more affordable transportation options. The TAP improves public safety, quality of life, and job creation through support for non-traditional transportation projects.

On April 9, 2019, S. 1098 was introduced by Senator Roger Wicker (R-Miss.) and Senator Ben Cardin (D-Md.) to amend Title 23 of the United States Code to make changes to the TAP. The bill would not only increase overall TAP funds, it would make technical changes to more equitably allocate the funding across the country. These changes will improve and increase funding for biking and walking infrastructure that state and local governments receive through the federal TAP. The targeted improvements identified in the bill would strengthen local control, adjust funding limits, and give greater flexibility for smaller communities to fund and implement projects to make biking better. S. 1098 is currently supported by the National League of Cities, US Conference of Mayors, Safe Routes to School National Partnership, AARP, American Planning Association, National Complete Streets Coalition, and the Sierra Club, among others.

BACKGROUND


In 2012, Senator Cardin and former Senator Thad Cochran (R-Miss.) authored an amendment to the MAP-21 (Moving Ahead for Progress in the 21st Century) that consolidated three U.S. Department of Transportation (USDOT) surface transportation programs (Safe Routes to School, Transportation Enhancements, and Recreational Trails) into the new Transportation Alternatives Program (TAP). Under TAP, local communities can apply for funds for a variety of local transportation needs, including bicycle and pedestrian infrastructure, Safe Routes to School initiatives, community improvement activities, recreational trails and more.

The 2015 Fixing America’s Surface Transportation Act (FAST Act), which converted the TAP program into a set-aside in the Surface Transportation Block Grant Program, mandated state reporting on their transportation alternatives plans. The first report year was 2016. On average,

there was insufficient funding for more than half of the priority projects nationwide at a potential cost of nearly \$3.5 trillion. At the 2019 National Bike Summit, advocates requested legislative assistance for enhancements to the TAP that would make it easier for local governments and agencies to fund and implement transportation alternatives projects.

BILL STATUS

4/09/2019 Introduced, read twice and referred to the Committee on Environment and Public Works



Maria Souza-Rountree
Analyst

Attachments:

1. S. 1098
2. Resolution (Krekorian – O'Farrell)

SMT:msr

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S.1098 - Transportation Alternatives Enhancements Act116th Congress (2019-2020) | [Get alerts](#)**Sponsor:** [Sen. Cardin, Benjamin L. \[D-MD\]](#) (Introduced 04/09/2019)**Committees:** Senate - Environment and Public Works**Latest Action:** Senate - 04/09/2019 Read twice and referred to the Committee on Environment and Public Works. ([All Actions](#))**Tracker:** **Introduced** Passed Senate Passed House To President Became Law

[Summary\(0\)](#) [Text\(1\)](#) [Actions\(1\)](#) [Titles\(2\)](#) [Amendments\(0\)](#) [Cosponsors\(1\)](#) [Committees\(1\)](#) [Related Bills\(0\)](#)

There is one version of the bill.

Text available as: [XML/HTML](#) | [XML/HTML \(new window\)](#) | [TXT](#) | [PDF](#) (PDF provides a complete and accurate display of this text.) ?**Shown Here:****Introduced in Senate (04/09/2019)**116TH CONGRESS
1ST SESSION**S. 1098**

To amend title 23, United States Code, to improve the transportation alternatives program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2019

Mr. CARDIN (for himself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to improve the transportation alternatives program, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. SHORT TITLE.**

This Act may be cited as the "Transportation Alternatives Enhancements Act".

SEC. 2. TRANSPORTATION ALTERNATIVES PROGRAM.

(a) SET-ASIDE.—Section 133(h)(1) of title 23, United States Code, is amended—

(1) in the heading, by striking “RESERVATION OF FUNDS” and inserting “IN GENERAL”; and

(2) in the matter preceding subparagraph (A), by striking “for each fiscal year” and all that follows through the period at the end of subparagraph (B)(ii) and inserting “for fiscal year 2021 and each fiscal year thereafter, the Secretary shall set aside an amount equal to 10 percent to carry out this subsection.”.

(b) ALLOCATION.—Section 133(h) of title 23, United States Code, is amended by striking paragraph (2) and inserting the following:

“(2) ALLOCATION WITHIN A STATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), funds set aside for a State under paragraph (1) shall be obligated within that State in the manner described in subsection (d), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

“(i) for fiscal year 2021 and each fiscal year thereafter, the percentage referred to in paragraph (1)(A) of that subsection shall be deemed to be 66 percent; and

“(ii) paragraph (3) of subsection (d) shall not apply.

“(B) LOCAL CONTROL.—A State may allocate up to 100 percent of the funds referred to in subparagraph (A)(i) if—

“(i) the State submits to the Secretary a plan that describes—

“(I) how funds will be allocated to counties, metropolitan planning organizations, regional transportation planning organizations as described in section 135(m), or local governments;

“(II) how the entities described in subclause (I) will carry out a competitive process to select projects for funding and report selected projects to the State;

“(III) how input was gathered from the entities described in subclause (I) to ensure those entities are able and willing to comply with the requirements of this subsection; and

“(IV) how the State will comply with paragraph (8); and

“(ii) the Secretary approves the plan submitted under clause (i).”.

(c) ELIGIBLE PROJECTS.—Section 133(h)(3) of title 23, United States Code, is amended by striking “reserved” and inserting “set aside”.

(d) ELIGIBLE ENTITIES.—Section 133(h)(4)(B) of title 23, United States Code, is amended—

(1) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively;

(2) by inserting after clause (vi) the following:

“(vii) a metropolitan planning organization that serves an urbanized area with a population of 200,000 or fewer;”;

(3) in clause (viii) (as so redesignated), by striking “responsible” and all that follows through “programs”; and

(4) in clause (ix) (as so redesignated), by inserting “that serves an urbanized area with a population of over 200,000” after “metropolitan planning organization”.

(e) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—Section 133(h)(5)(A) of title 23, United States Code, is amended by striking “reserved under this section” and inserting “set aside under this subsection”.

(f) STATE FLEXIBILITY.—Section 133(h)(6) of title 23, United States Code, is amended—

(1) in subparagraph (B), by striking “reserved” and inserting “set aside”; and

(2) by adding at the end the following:

“(C) IMPROVING ACCESSIBILITY AND EFFICIENCY.—

“(i) IN GENERAL.—A State may use an amount equal to not more than 5 percent of the funds set aside for the State under this subsection, after allocating funds in accordance with paragraph (2)(A), to improve the ability of applicants to access funding for projects under this subsection in an efficient and expeditious manner by—

“(I) providing to applicants for projects under this subsection application assistance, technical assistance, and assistance in reducing the period of time between the selection of the project and the obligation of funds for the project; and

“(II) by providing funding for 1 or more full-time State employee positions to administer this subsection.

“(ii) USE OF FUNDS.—Amounts used under clause (i) may be expended—

“(I) directly by the State; or

“(II) through contracts with State agencies, private entities, or nonprofit entities.”.

(g) FEDERAL SHARE.—Section 133(h) of title 23, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

“(7) FEDERAL SHARE.—

“(A) REQUIRED AGGREGATE NON-FEDERAL SHARE.—The average annual non-Federal share of the total cost of all projects for which funds are obligated under this subsection in a State for a fiscal year shall be not less than the non-Federal share authorized for the State under section 120(b).

“(B) FLEXIBLE FINANCING.—Subject to subparagraph (A), notwithstanding section 120—

“(i) funds made available to carry out section 148 may be credited toward the non-Federal share of the costs of a project under this subsection if the project—

“(I) is an eligible project described in section 148(e)(1); and

“(II) contributes to the annual safety performance targets of the State;

“(ii) the non-Federal share for a project under this subsection may be calculated on a project, multiple-project, or program basis; and

“(iii) the Federal share of the cost of an individual project in this section may be up to 100 percent.”.

(h) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on October 1, 2020.

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, local agencies understand the mobility needs of their communities better than state or federal officials; and

WHEREAS, the continued addition of bicycle and alternative transportation facilities is a program of the City of Los Angeles to fully realize our Mobility Plan 2035, Vision Zero and Complete Streets goals; and

WHEREAS, on April 9, 2019 U.S. Senators Ben Cardin (D-Md.) and Roger Wicker (R-Miss.) introduced Senate Bill S. 1098, also known as the Transportation Alternatives Enhancements Act, to amend Title 23 of the United States Code to make improvements to the existing Transportation Alternatives Program (TAP), a program run by the United States Department of Transportation; and

WHEREAS, TAP is a collaborative federal transportation program that leverages federal and local funds to build bikeways and sidewalks to reduce traffic congestion, provide children with safe routes to school and give communities more affordable transportation options; and

WHEREAS, this bill, supported by the National League of Cities, puts more dollars in the hands of local agencies, extends obligation authority to large Metropolitan Planning Organizations so they can implement projects without having to wait for the state Department of Transportation, bolsters technical assistance available to all communities, allows for up to 100% of costs to be covered by federal funds for eligible safety projects and grows flexibility for matching funds;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 Federal Legislative Program SUPPORT for S. 1098 — 116th Congress: Transportation Alternatives Enhancements Act (Cardin) currently being heard by the Senate Committee on Environment and Public Works.

PRESENTED BY: 

PAUL KREKORIAN
Council Member, 2nd District

SECONDED BY: 

19-0002-585

MAY 14 2019