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## 1 – PROGRAM PURPOSE

The Transportation Alternatives Set-Aside from the Surface Transportation Block Grant (STBG) Program, also known as TAP or TA, provides federal funds for community-based projects that expand travel choices and enhance the transportation experience. These projects are intended to integrate modes of travel and improve the cultural, historic, and environmental aspects of our transportation infrastructure. Funding may be made available for projects such as pedestrian and bicycle facilities, construction of turnouts, overlooks and viewing areas, community improvements including historic preservation of transportation facilities and vegetation management, environmental mitigation related to stormwater and habitat connectivity, recreational trails, safe routes to school projects, and vulnerable road user safety assessments. Federal guidelines specify that projects must be selected based on a competitive process (§ 11109; 23 U.S.C. 133(h)).

The most recent TA Set-Aside [program implementation guidance](#) was published by the Federal Highway Administration (FHWA) on March 30, 2022.

### **BIPARTISAN INFRASTRUCTURE LAW (BIL)**

The BIL, signed in November of 2021, allocated \$550 billion to transportation, broadband, and utility investments across the United States. The BIL continues the TA Set-Aside program in much the same manner as it operated under MAP-21 and the FAST Act, with some modifications that are reflected in this guidance.

Under the BIL, TA Set-Aside funding will gradually increase over the next four years, from \$1.38 billion in 2022 to \$1.50 billion in 2026. The national total set aside for TA is equal to 10 percent of the STBG apportionment. Each state's share of the national total is based on their 2009 Transportation Enhancements (TE) apportionment.

The BIL establishes suballocations within the TA Set-Aside funds that are apportioned to each state. Recreational Trails Program funds are first deducted from the state apportionment, and 59 percent of the remaining funds are suballocated based on population. Funding suballocated to urbanized areas with populations over 200,000 is administered through a competitive process by the Metropolitan Planning Organizations (MPOs). The remaining 41 percent of TA Set-Aside funds are available for state departments of transportation to administer statewide.

In Fiscal Year 2022, NDOT received a \$10.5 million TA Set-Aside apportionment from the federal government. From this, \$1.3 million was allocated to the state's Recreational Trails Program, which is administered by the Nevada State Parks Department. A total of \$9.2 million was then available to be distributed among the state's MPOs and rural areas. Of this amount, \$5.4 million (or 59 percent) was suballocated based on population, and the remaining \$3.8 million (or 41 percent) was available to areas of all population sizes.

Of the suballocated funding, the portion going to larger urban areas (i.e., over 200,000 population) is managed and distributed by the state’s MPOs – the Regional Transportation Commission of Southern Nevada, the Regional Transportation Commission of Washoe County, and the Tahoe Regional Planning Agency. The remaining funds are administered by NDOT. This guidance applies to funds managed by NDOT.

## ONE NEVADA TRANSPORTATION PLAN

NDOT developed the One Nevada Transportation Plan (ONTP) in February 2020, as an update to the state’s federally required Long-Range Transportation Plan. The ONTP is a performance-based transportation plan that identifies needs and strategically supports decision-making for future investments that will improve Nevada’s multimodal transportation system. It is a living document that is part of a continuous process of planning, implementation, and preservation of Nevada’s transportation system and is designed to be responsive to changes in needs, resources, and priorities.





Implementation of the ONTP has resulted in a more data-driven and transparent process for NDOT to identify and fund projects that achieve their six One Nevada goals: enhance safety, preserve infrastructure, optimize mobility, transform economies, foster sustainability, and connect communities.



As part of the Federal TA Set-Aside requirements, NDOT must carry out a competitive process to select TA projects. Additionally, FHWA encourages states to prioritize safety, equity, and climate sustainability in the selection process. As part of updating NDOT’s TA program, the six One Nevada goal areas are integrated into application screening to better align the prioritization process with both federal and state priorities.

The One Nevada goal areas establish the evaluation framework for project scoring, paired with data points that are applicable to the range of project types funded through the TA Set-Aside program.

Using the One Nevada goals as a foundation for the TA program sets up these projects to better compete for state funding in the future, if needed. This also improves transparency between NDOT and local communities on how projects are evaluated and selected for funding commitments – regardless of funding source.

Goal Area	Criteria
 <b>Enhance Safety</b>	Crash Reduction Potential
 <b>Preserve Infrastructure</b>	Pavement Condition Improvement
	Bridge Risk Reduction Score
 <b>Optimize Mobility</b>	Other Asset Improvement
	Population Accessibility
 <b>Transform Economies</b>	Travel Time Reliability
	Business Accessibility
 <b>Foster Sustainability</b>	Economic Development Potential
	Reduce Environmental Risk
	GHG Emission Reductions
	Environmental Enhancements
	Resilience
 <b>Connect Communities</b>	Reduce Future Maintenance
	Project Connectivity
	Multimodal Access
	Access to Community Destinations
	Equity

*This table lists the One Nevada goal areas and related criteria used to evaluate projects for inclusion in the four-year Statewide Transportation Improvement Program (STIP). These goals align with federal transportation priorities and can be used in the TAP screening process.*

## 2 – ELIGIBLE APPLICANTS

Eligibility for TA Set-Aside funding is specified in terms of both eligible applicants and eligible project types. Eligible applicants, also referred to as project sponsors, include:

- Local governments
- Regional transportation authorities
- Transit agencies
- Natural resource or public land agencies
- School districts, local education agencies, or schools
- Tribal governments
- MPOs that serves an urbanized area with a population of 200,000 or fewer
- Non-profit entities
- Other local or regional governmental entities with responsibility for oversight of transportation or recreational trails
- A state, at the request of an eligible entity

### Other Considerations:

- States and MPOs with populations over 200,000 may partner with another eligible entity to carry out a project
- After projects have been selected, the State may manage a project

## 3 – ELIGIBLE PROJECTS

To be eligible for funding under the TA Set-Aside Program, projects must fall under at least one of the categories outlined below, consistent with 23 U.S.C. Section 133(h)(3)(A), 23 U.S.C. 148(a), and the [Transportation Alternatives Set-Aside Implementation Guidance as Revised by the Infrastructure Investment and Jobs Act](#):

1. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (ADA)
2. Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
3. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.
4. Construction of turnouts, overlooks, and viewing areas.
5. Community improvement activities, including:
  - Inventory, control, or removal of outdoor advertising

- Historic preservation and rehabilitation of historic transportation facilities<sup>1</sup>
  - Vegetation management practices in transportation rights-of-way to improve safety, prevent invasive species, and provide erosion control
  - Archaeological activities relating to impacts from implementation of a transportation project
6. Environmental mitigation activities, including pollution prevention and pollution abatement activities and mitigation, including
    - Stormwater management, control, and water pollution prevention related to highway construction or due to highway runoff
    - Reduce vehicle-caused wildlife mortality or connect wildlife habitats
  7. Recreational trails program
  8. Planning, designing, or constructing boulevards and other roads largely in the right-of-way of former interstates or divided highways
  9. Vulnerable road user safety assessments
  10. Construction of micromobility projects that shift travel demand to nonpeak hours or to other transportation modes
  11. Safe Routes to School (SRTS) Programs, including infrastructure, non-infrastructure, and SRTS coordinators

The BIL expanded the scope of the SRTS program. Previous rules restricted SRTS to investments for kindergarten through eighth grade, while the BIL expanded eligibility to include ninth through twelfth grades.

States may use up to 5 percent of TA Set-Aside funds for administrative and technical assistance.

### **INELIGIBLE ACTIVITIES**

Ineligible activities include MPO administrative costs; promotional activities (except SRTS); routine maintenance and operations (except as allowed under the Recreational Trails Program); and general recreation and park facilities, playground equipment, sports fields, and campgrounds.

### **MINIMUM AND MAXIMUM FUNDING REQUESTS**

There is no minimum or maximum limit on grant requests. NDOT recommends that applications request a minimum of \$50,000.

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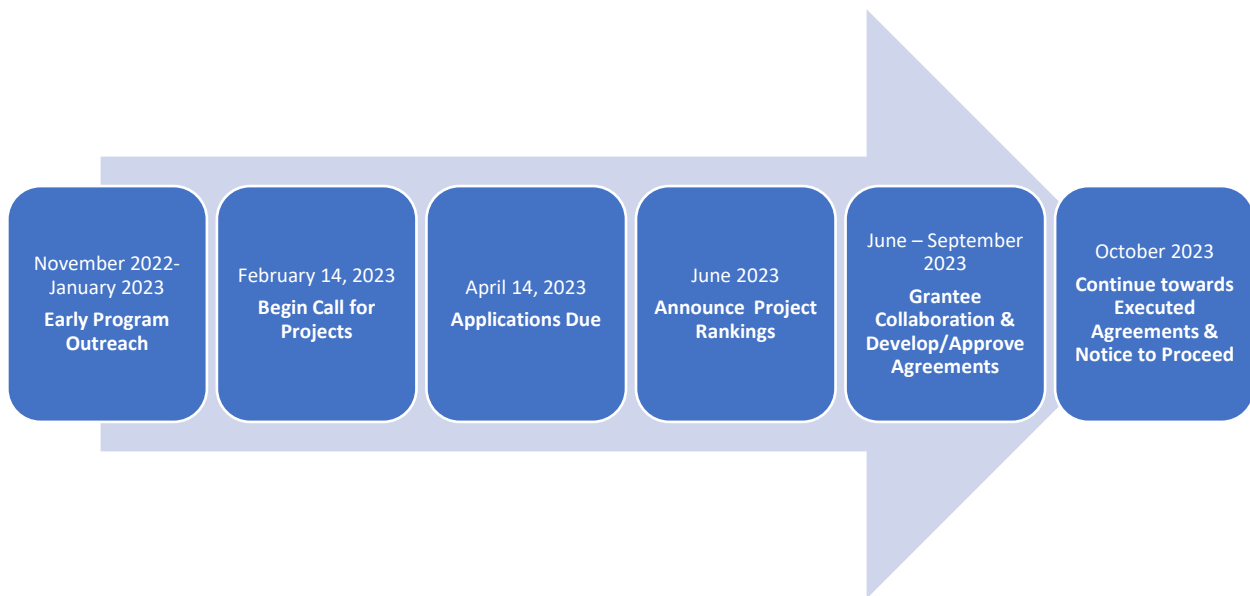
<sup>1</sup> This includes historic preservation and rehabilitation of historic transportation buildings, structures, or facilities that are part of the intermodal transportation system and are listed on or eligible for the National Register of Historic Places. The transportation facility should be accessible to the public.

## 4 – APPLICATION PROCESS

NDOT administers the TA Set-Aside Program in accordance with BIL requirements. The following areas of focus have been incorporated into this program guidance update:

- Increase the number of eligible applicants that submit to the program
- Utilize all available program funding
- Improve the percentage of projects that are completed on schedule and within the approved budget
- Implement a streamlined process that is efficient to administer for applicants and NDOT

The 2023 TA Set-Aside call for projects will be open from February 14 through April 14. NDOT will evaluate applications and announce the highest-ranking projects during June 2023. This notification will begin the important process for developing and executing agreements between the grantee and NDOT for use of federal funds. A summary timeline for the 2023 call for project is provided below.



The application will be submitted through an online form. The first question of the application is to identify the project type:

- **Infrastructure** – this includes the design or construction of an eligible capital improvement
- **Planning** – this includes analysis required to develop a firm project scope, schedule, and budget for an eligible capital improvement
- **Non-infrastructure** – This includes education, outreach, and staffing associated with Safe Routes to School programs

Each project type has differing application questions. For example, information about right-of-way and utilities is only required of infrastructure projects.

## APPLICANT RESOURCES

Per federal guidelines, NDOT utilizes a competitive application process to select projects for the statewide TA Set-Aside Program. In addition to the materials contained in this Application Guidance document, NDOT provides support and guidance to applicants via a dedicated TA Set-Aside website, NDOT program staff, and an online information meeting that will be recorded and posted to the NDOT website.

## EVALUATION CRITERIA

The evaluation criteria are aligned with the One Nevada transportation process goals. Evaluation criteria have been identified to support each One Nevada goal for planning and infrastructure projects, with separate criteria identified for non-infrastructure projects.

Planning and Infrastructure-Related Improvements		Non-Infrastructure-Related Improvements
<b>Enhance Safety</b>	Project identified in a safety plan Project is located in a high crash area Project incorporates proven safety countermeasures	Project provides safety education
<b>Preserve Infrastructure</b>	Project improves functionality of an existing transportation facility	NA
<b>Optimize Mobility</b>	Project improves conditions for walking, bicycling, or accessing transit	Project improves knowledge about alternative modes of transportation
<b>Transform Economies</b>	Project supports local land use goals	NA
<b>Foster Sustainability</b>	Project improves alternatives to driving	Project improves alternatives to driving for students
<b>Connect Communities</b>	Project improves connections between communities or to community facilities	Improves knowledge and skills needed for students to safely walk and bike to school
<b>Equity</b>	Project benefits a low-income or underserved community, as defined by local plans or policies	Project benefits a low-income or underserved community, as defined by local plans or policies

*Each of the included criteria is worth 1 point, with three potential points available for safety infrastructure.*

## SELECTION PROCESS

Federal guidelines specify that projects must be selected based on a competitive process (§ 11109; 23 U.S.C. 133(h)). Staff from relevant NDOT divisions and Nevada State Parks will evaluate and rank the applications. Applications will go through a three-tiered selection process, including:



**Tier 1: Evaluate Eligibility** - This eligibility screening will be conducted by staff from the NDOT Planning Division and assess whether the application is complete and meets the minimum criteria established for the program. If the application is incomplete, NDOT staff will reach out to the applicant and provide an opportunity to submit the required information within two weeks.

**Tier 2: Evaluate Consistency with One Nevada Criteria**– The scoring of the evaluation criteria, which are based on One Nevada goals, will be conducted by a team of staff from NDOT Planning, Local Public Agency (LPA) Program, and Safety Divisions, as well as Nevada State Parks.

**Tier 3: Technical Evaluation, Readiness Review** – The final step will be an evaluation of the technical feasibility and project readiness for each project. For infrastructure projects, a team of staff from NDOT Traffic Operations, Right-of-Way, and Scoping Division, supplemented by representatives of NDOT District Offices, will evaluate the applications.

## **5 – PROJECT IMPLEMENTATION REQUIREMENTS**

TA Set-Aside grants are federally funded and must comply with applicable state and federal requirements. An overview of these program and administrative elements is provided below.

### **MATCH REQUIREMENTS FOR REIMBURSABLE GRANT**

In Nevada, the federal share is 95 percent, with the requirement of a 5 percent local match. This is a reimbursement program, meaning that agencies pay the initial costs upfront and submit invoices to NDOT for payment after the costs have been incurred.

### **NOTICE OF APPLICATION RANKING**

After projects have been evaluated, highly ranked applicants will be notified by letter. Following this notification, applicants are responsible for reviewing this guidance document, contacting NDOT about next steps, and initiating the agreement process. If a project is located in an MPO planning area, it will be amended into the Transportation Improvement Program for that MPO and subsequently amended into the State Transportation Improvement Plan (STIP). For projects in rural areas, NDOT will amend the project into the STIP.

### **PROJECT KICKOFF MEETING AND LOCAL AGENCY AGREEMENTS**

A kickoff meeting will be held at the outset of each project selected to receive TA Set-Aside funding. During this meeting, NDOT staff and the applicant will review the project scope, schedule, and budget, as well as the administrative requirements that are associated with implementation of TA Set-Aside funds.

As stewards of public funds and in accordance with FHWA guidelines, NDOT requires the execution of agreements with grantees that will receive TA Set-Aside or other state or federal funds. Infrastructure agreements will be processed through the NDOT LPA Program. Planning or non-infrastructure agreements will be processed through the NDOT Planning Division. Applicants for infrastructure projects should review the [NDOT LPA Manual](#) for additional information. **The agreements must be fully executed and a notice to proceed provided by NDOT prior to starting work on the project or incurring costs. Applicants must contact NDOT to initiate the agreement process within 30 days of their notification or funds may be forfeited.**

## REPORTING AND COORDINATION MEETINGS

Regular reporting is a required condition of receiving TA Set-Aside funding. Regular coordination meetings with NDOT will be scheduled to monitor progress and address potential issues in a timely manner. The schedule and agenda for these meetings will be agreed upon by NDOT and the receiving agency at the project kick-off meeting. Reporting requirements for each project type are highlighted below:

- Infrastructure Projects – Monthly progress reporting and invoices are required.
- Planning and Non-Infrastructure Projects – Quarterly progress reports and invoices are required.

## AGREEMENT AMENDMENT PROCESS

If a grantee would like to request a modification to an executed agreement, including changes to the project schedule, budget, or funding plan, they may request that NDOT consider an amendment. Request for amendments to the LPA agreement will be reviewed by the Tier 2 evaluation committee described in Section 4 of this guidance document. The amendment review process may take up to 4 months for completion.

## OTHER FEDERAL REQUIREMENTS

Along with the competitive selection criteria and eligibility requirements outlined previously, TA Set-Aside fund recipients must also adhere to the following federal requirements:

**Buy America:** TA Set-Aside projects are subject to the Buy America requirements established in 23 CFR 635.410 and the Build America, Buy America Act (BABA) of the BIL (OMB M-22-11 & Pub. L. No. 117-58 §§ 70901-52). Additional federal guidance may be found on the [FHWA program guide website](#).

**Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act):** Title 49, Part 24, of the Code of Federal Regulations implements the Uniform Act in accordance with the following relocation assistance objective: “To ensure that persons

displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.” TA Set-Aside recipients must implement proposed projects in accordance with this Act.

**Title VI:** Per FHWA [guidance](#): “recipients of TA Set-Aside funds are also required to assure equitable treatment of workers and trainees on highway projects through compliance with Equal Employment Opportunity requirements under 23 CFR part 230, subpart A, as well as ensuring nondiscrimination in all of their operations on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964. Recipients of TA Set-Aside funds should ensure that they have the capacity and expertise to address Federal civil rights protections that accompany grant awards.”

**Americans with Disabilities Act:** Per FHWA [guidance](#): “The Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination against people with disabilities and ensure equal opportunity and access for persons with disabilities.”

The Department of Transportation’s Section 504 regulations apply to recipients of the Department’s financial assistance (see 49 CFR 27.3(a)). Title II of the ADA applies to public entities regardless of whether they receive Federal financial assistance (see 28 CFR 35.102(a)). The ADA requires that no qualified individual with a disability shall, because a public entity’s facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity (28 CFR 35.149).

A public entity’s pedestrian facilities are considered a “service, program, or activity” of the public entity. As a result, public entities and recipients of Federal financial assistance are required to ensure the accessibility of pedestrian facilities in the public right-of-way, such as curb ramps, sidewalks, crosswalks, pedestrian signals, and transit stops in accordance with applicable regulations.

TA Set-Aside funds are available to improve accessibility and to implement recipients’ ADA transition plans and upgrade their facilities to eliminate physical obstacles and provide for accessibility for individuals with disabilities. The FHWA will provide oversight to recipients of TA Set-Aside funds to ensure that each public agency’s project planning, design, and construction programs comply with ADA and Section 504 accessibility requirements.”

### **Davis-Bacon Prevailing Wage**

As described on the [FHWA Construction Program Guide website](#), the 1931 Davis-Bacon Act requires the payment of prevailing wage rates to all labors and mechanics on federal or

federally assisted construction contracts. Overall program responsibilities are administered by the U.S. Department of Labor. Project specific responsibilities are administered by the contracting agency. Davis-Bacon Act requirements are implemented in various federal assistance programs through the "related act" provisions in each agency's implementing statutes.

### **National Environmental Policy Act (NEPA)**

Infrastructure projects must receive NEPA approval through NDOT and FHWA. NDOT administers the environmental approval process on behalf of FHWA. The applicant will be responsible for developing the appropriate level of environmental documentation. The majority of TA Set-Aside infrastructure projects require a Categorical Exclusion, but larger or more impactful projects may require an Environmental Assessment/Finding of No Significant Impact or an Environmental Impact Statement/Record of Decision. The NEPA process should be included in the project schedule and budget for infrastructure projects.