

State of Nevada

**TRANSPORTATION ENHANCEMENT
PROGRAM**

RULES OF PROCEDURE

**APPLICATION FORM
and
INTENT TO APPLY FORM**



Nevada Department of Transportation
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State of Nevada

TRANSPORTATION ENHANCEMENT PROGRAM

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TRANSPORTATION ENHANCEMENT PROGRAM

RULES OF PROCEDURE

The Transportation Enhancement Program was established by Congress as part of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and was continued under the Transportation Equity Act for the 21st Century (TEA-21). In 2005, the Enhancement Program was included in the new Federal transportation bill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), including the requirement that ten percent of Surface Transportation Program (STP) funds be set aside for transportation enhancement activities.

Transportation enhancements are transportation-related activities designed to strengthen the cultural, aesthetic, and environmental aspects of the Nation's intermodal transportation system. The Transportation Enhancements Program provides for the implementation of a variety of non-traditional projects, such as the restoration of historic transportation facilities, bicycle and pedestrian facilities, landscaping and scenic beautification, and mitigation of water pollution from highway runoff. Eligible Transportation Enhancement activities are listed as follows:

- Provision of facilities for pedestrians and bicycles.
- Provision of safety and educational activities for pedestrians 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 the conversion and use of the corridors for pedestrian or 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.

Every two years, the Nevada Department of Transportation (NDOT) requests applications for potential projects to be programmed using transportation enhancement funds in the State Transportation Improvement Program (STIP). NDOT works cooperatively with local and regional governmental entities and the Statewide Transportation Technical Advisory Committee (STTAC) to develop a list of projects that can be funded under this program.

The STP Transportation Enhancement Program is not a grant program. It is a reimbursement program, with funds being reimbursed following the expenditure of funds for the completion of a project or a phase of a project. NDOT retains responsibility for the projects funded under the enhancement program.

INTENT-TO-APPLY FORMS AND PROJECT FUNDING APPLICATIONS

The Transportation Enhancement Program funding application is a two-step process. Prior to submitting an application for Transportation Enhancement Program funding, potential applicants must first submit an "Intent-to-Apply Form". Information contained in the Intent-to-Apply Form will be used to determine the proposed project's eligibility. Also, if the proposed project is located on property not owned by the applicant, the name of the property owner must be provided with the Intent-to-Apply Form.

If their proposed project is deemed eligible, applicants who submitted an Intent-to-Apply Form will be invited to attend an application workshop to be conducted by the NDOT. Attendance at this workshop is mandatory. Applicants not in attendance will not be eligible to submit an application for Transportation Enhancement Program funding.

Only applications for transportation enhancement funding submitted to NDOT by State agencies, eligible federal agencies, city, county governments, or other eligible local public agencies (including general improvement districts), and Indian tribal governments will be accepted for consideration.

Applicants may submit to NDOT multiple Intent-to-Apply Forms to determine project eligibility. However, only a maximum of two (2) project funding applications may be submitted to NDOT by each applicant. The applications must be listed in priority order. Applications from different departments within a city, county, or town must be submitted by the governmental entity, not an individual department within that entity.

Applicants must use the Transportation Enhancement Intent-to-Apply Form (Appendix A) and the Funding Application Form (Appendix B). Accurate reproductions of these forms may be used. The Forms must be completed in their entirety, and signed by an official who is authorized by the local entity to commit the required five percent local matching funds for the project. The applicant shall identify a contact person for each project. If a proposed project is historic, a letter of support from the State Historic Preservation Office must be submitted with the application. If the proposed project is located on a scenic highway or byway, evidence of consultation with the NDOT Scenic Byways Coordinator must be attached. If the proposed project is a landscaping project, evidence of consultation with NDOT's Landscape Architecture Division is required.

Applications for projects located within metropolitan planning areas must be submitted through the Metropolitan Planning Organizations (MPO). The State's designated MPOs are the Regional Transportation Commission of Southern Nevada, the Regional Transportation Commission of Washoe County, the Tahoe MPO, and the Carson Area MPO. Copies of all applications submitted to the MPOs must also be sent to the NDOT. All other applications for projects must be submitted directly to the NDOT.

The transportation enhancement funding application period will open on the first working day of July in even numbered years. The due date for submittal of the Intent-to-Apply Form is August 15th. The Transportation Enhancement Application Workshop will be held prior to September 15th. The due date for submittal of enhancement applications to NDOT is November 15th. Intent-to-Apply Forms or Applications received after these due dates will not be accepted.

Applicants are urged to submit their applications as early as possible so they can be reviewed for completeness. If an application is deemed to be incomplete, the application will be returned to the applicant for completion. The applicant will have a maximum of thirty days from date of notification to make the required revisions before the application is rejected.

SCREENING CRITERIA

Proposed transportation enhancement projects must satisfy the following screening criteria to be eligible for prioritization.

Eligibility Requirements

1. Projects must be related to surface transportation which includes all modes of transportation except aviation and military transportation. This relationship must be one of function, proximity, or impact. For example, a bikeway is a functional component of the transportation system. Removal of outdoor advertising in the viewshed of a highway is justified in light of its proximity. However, in the case of historic preservation projects that are not historic transportation facilities, proximity is not a substantial enough relationship to transportation to qualify the project for enhancement funding. Additional discussion, beyond proximity, is needed to establish the relationship to transportation. Control of water pollution from a highway to protect or improve a drinking water supply would qualify based on the highway's impact on water quality. The transportation mode must be open to the general public and serve a transportation need for the general public.

2. Projects must be selected from the twelve transportation enhancement activity categories listed in Section 1007c of the TEA-21 and shown on page 1 of this document.

Enhancement Categories

The following information provides further explanation for the different activities that are eligible for funding under the Transportation Enhancement Program.

- **Provision of Facilities for Pedestrians and Bicycles**

For purposes of the Transportation Enhancement Program, a pedestrian is defined as a person traveling by foot and any mobility impaired person using a wheel chair (including electric-powered wheel chairs). This may include activities such as construction of new facilities or improving existing facilities to make them more usable for bicyclists and pedestrians. Projects for the sole purpose of retrofitting existing pedestrian facilities to meet the requirements of the Americans with Disabilities Act (ADA) are not eligible. Facilities may be located inside or outside of highway right-of-way. The project does not have to be located along a state or federal highway, but must serve a transportation purpose (not just a recreational use). The facilities should connect activity centers such as businesses, schools, libraries, shopping areas, recreational areas, etc. Amenities that make these facilities more popular or attractive, such as landscaping or street furnishings for pedestrians (including pedestrian lighting) are also eligible.

Improvements to pedestrian facilities must enhance the pedestrian experience by either widening an existing facility or providing pedestrian lighting, benches, etc. Projects to replace or restore existing pedestrian facilities that have deteriorated due to a lack of maintenance generally are not eligible. However, pedestrian projects may include replacement of segments of pedestrian facilities that

cannot be widened due to existing mature, healthy landscaping, adjacent roadways, or other permanent structures in order to maintain system continuity or consistency of design elements. When the project is viewed in its entirety, these segments should be a minor part of an overall project. Pedestrian facilities that have deteriorated due to age to the point where they no longer exist can be replaced as part of an overall pedestrian improvement project.

Parking facilities at the trailhead for an existing bicycle or pedestrian facility are eligible for funding.

Facilities for bicyclists and pedestrians may allow equestrian use, but facilities exclusively for equestrian use are not eligible for transportation enhancement funding. Costs of improvements for equestrian use along side of or part of a bicycle/pedestrian facility must be kept separate from the costs of the bicycle/pedestrian facility.

Curb and gutters may be replaced as part of an eligible pedestrian improvement project provided the curb and gutter are immediately adjacent to the pedestrian facility and the construction of a pedestrian project requires replacement of exiting curb and gutter facilities.

All bicycle facility projects must be designed and constructed to meet the criteria outlined in the current edition of The Guide for Development of Bicycle Facilities published by the American Association of State Highway and Transportation Officials (AASHTO). Pedestrian facilities must comply with the current edition of AASHTO's guide - A Policy on Geometric Design of Highways and Streets, and The Secretary of Interior's Standards for Historic Preservation, where applicable. Pedestrian facility projects must be compliant with the Americans with Disabilities Act (ADA).

- **Provision of Safety and Educational Activities for Pedestrians and Bicyclists**

This includes non-construction safety-related activities and the reasonable costs to provide safety and educational activities such as bicycle and pedestrian safety training, cost of facilitators and classes. It may also include related training materials such as, brochures, videotapes, other training aids, as well as rent for leased space and limited staff salaries. Long-term salary participation is not allowed (a maximum of 2 years can be funded per program, however the program must be operated for at least 5 years). The funded activities must be accessible to the general public. Instruction in schools, institutions, and groups to promote bicycle and pedestrian safety is also eligible.

- **Acquisition of Scenic Easements and Scenic or Historic Sites** (including Historic Battlefields)

This category may be used to purchase, donate, transfer, or trade lands in the viewshed of a state or federally designated scenic or historic highway that is functionally classified as a major highway. The area must possess significant aesthetic, historical, archaeological, cultural, natural, visual, or open space values.

Historic battlefields are eligible for acquisition. If the project is considered historic, the applicant must include documentation of consultation from the State Historic Preservation Office (SHPO) stating the historic nature of a site. The agreement between the applicant and the State will require the applicant to preserve the aesthetic/historical values of the site. The acquisition of real property for strictly recreational use is not eligible.

Real property that is purchased for its scenic or historic characteristics must be maintained accordingly. A maintenance plan that will ensure preservation of those qualities for which the real property is acquired must be provided with the application.

- **Scenic or Historic Highway Programs (Including the Provision of Tourist and Welcome Center Facilities)**

This category covers protection and enhancement of state or federally designated scenic or historic highways (highways in the Scenic Byways Program). Funds may be used for projects that will protect and enhance the scenic, historical, cultural, natural, archaeological integrity and visitor appreciation of an existing highway and adjacent area. All constructed, leased, or purchased elements must be in the viewshed of the highway.

Tourist and welcome centers or related facilities that are built, modified, rehabilitated immediately adjacent to major highways are eligible under this category. In order to be eligible, the tourist or welcome center (whether a new or existing facility) does not have to be on a designated scenic or historic byway, but must demonstrate a clear link to scenic or historical sites. To demonstrate a clear link to a historic site, the applicant must have documentation of consultation or a letter from the SHPO stating the historic nature of that particular site.

Transportation Enhancement funds may be used for the construction of a new facility or the restoration of an existing facility. This includes related construction activities necessary to support the facility, such as interior fixtures and parking areas. The facility must be open to the public during periods that visitors would normally utilize those facilities. The hours of operation must be included in the application. Enhancement funds may be used to purchase and install items that support or interpret the scenic or historic highway program or site including brochure racks or kiosks for interpretive materials or maps.

Transportation Enhancement funds cannot be used for statewide programs, marketing, or promotion not related to the scenic or historic highway program or for purchasing items such as racks for advertising or brochures for local or national businesses.

- **Landscaping and Other Scenic Beautification**

This category includes landscape projects that enhance the aesthetic or ecological resources along transportation corridors, points of access, and may be included as a component of other project applications. Projects might include regional entry corridors, streetscapes, scenic vistas and overlooks, or sustainable landscapes. Projects located within NDOT right-of-way must conform to the design guidelines established in the applicable NDOT Landscape and Aesthetics Corridor Plan.

Landscape design may include such elements as specialized paving surfaces, walls or retaining walls for erosion control, benches, trash receptacles, and pedestrian lighting. The activity must be in the right-of-way or viewshed of a roadway, except when in conjunction with a project qualifying under another category. The maximum distance for landscaping outside of the right-of-way is 100 feet.

Public art is not eligible for funding through the program. Items of public art include, but are not limited to: statuary, decorative banners, flag displays (including flag poles), murals, paintings, fountains, clock towers, etc.

- **Historic Preservation**

Projects in this category should enhance the transportation system by improving the ability of the public to appreciate the historical significance of the project itself or the area to be served by the project. All elements of the project must be in the viewshed of the transportation facility. Funds may be used for the identification, evaluation, recordation, documentation, curation, acquisition, protection, rehabilitation, interpretation, and restoration or any combination of the foregoing, of any historic or archaeological district, site, building, structure, landscape, or object deemed historic by the State Historic Preservation Office (SHPO).

Projects in this category may satisfy the eligibility requirement of relationship to the surface transportation system through a pronounced visibility from the transportation system or by providing a conspicuous or prominent impact on the traveling experience. Projects whose features are the basis of scenic or historic highway designation also meet the relationship requirement.

Because historic rehabilitation can involve specialized and labor-intensive work, applicants are strongly encouraged to consult with preservation architects or contractors experienced in this type of work before developing their project's scope of work and budget. Any costs associated with these activities, prior to selection and approval, are not eligible for reimbursement. All work must be performed to the Secretary of Interior's Standards for Historic Preservation, and be managed by personnel who meet the Secretary of Interior's Professional Qualification Standards (the standards are available through SHPO).

Acquisition of historic artifact collections and exhibits and activities required to eliminate or mitigate the effect of a transportation project on any historic real property are not eligible under the Transportation Enhancement program. Historic preservation does not include construction of replicas of historic structures or buildings. Tenant improvements are not eligible costs. A preservation project arising from the deferment of maintenance, that was to be done as a condition of a previous agreement for its preservation, will not be eligible.

- **Rehabilitation and Operation of Historic Transportation Buildings, Structures, or Facilities (Including Historic Railroad Facilities and Canals)**

Eligible transportation buildings or structures associated with the operation of passenger or freight use, construction, or maintenance of any mode of transportation should be deemed historic by the State Historic Preservation Office. The types of historic structures and facilities eligible under this category include, but are not limited to tunnels, bridges, trestles, canals, viaducts, stations, rails, non-operational vehicles, and other transportation features related to the operation, passenger and freight use, construction, preservation, or maintenance of any mode of surface transportation.

Rehabilitation means the process of returning the real property to a condition that makes possible contemporary uses while preserving the significant historic features of that real property. Fundable activities may include interior and exterior restoration to the original state and adaptive reuse for transportation purposes. Interior restorations of historic transportation structures serve a function of interpreting transportation history. Adaptive reuse is allowable provided the real property will benefit the general user of the surface transportation system and not simply individuals having a specific business in the facility. Conversion costs for non-transportation related activities or tenant improvements are not eligible.

Because historic rehabilitation can involve specialized and labor-intensive work, applicants are strongly encouraged to consult with preservation architects or contractors experienced in this type of work before developing their project's scope of work and budget. Any costs associated with these activities prior to selection, and approval, by NDOT are not eligible for reimbursement. All work must be performed to the Secretary of Interior's Standards for Historic Preservation, and be managed by personnel who meet the Secretary of Interior's Professional Qualification Standards (the standards are available through SHPO).

- **Preservation of Abandoned Railway Corridors (Including the Conversion and Use of the Corridors for Pedestrian or Bicycle Trails)**

This category includes the rehabilitation and development of railway corridors for public uses including bicycle and pedestrian use. It permits the development and rehabilitation of privately owned rail corridors that are open to the general public without charge. The acquisition of right-of-way can be a stand-alone project; however, there must be a planned trail use.

Eligible railway corridors must either have been authorized for abandonment, have abandonment proceedings pending or have been set aside for future transportation use under applicable federal or state laws. Applications should include a copy of the railbanking deed. Rail banking is defined as a voluntary agreement between a railroad and a trail manager to dedicate a deactivated trail corridor to interim trail use.

Because all federally funded transportation enhancement projects must conform to the requirements of the National Environmental Policy Act (NEPA) and with the National Historic Preservation Act (Section 106), it is advisable to have an environmental analysis of the property done prior to considering a project of this nature for funding under the Transportation Enhancement program. Costs associated with environmental analysis performed before selection and approval is not eligible for reimbursement. Environmental mitigation costs can significantly increase the cost of a project.

- **Inventory, Control and Removal of Outdoor Advertising**

This category covers expenditures for the inventory, control and removal of legally existing signs, displays, and devices on highways that are not classified as local roads. Inventory control includes, but is not limited to, data collection, acquisition, and maintenance of digital photography, video logging, scanning and imaging of data, developing and maintaining an inventory and control database, as well as hiring of outside legal counsel.

Projects must comply with a legal process that bases payment for removal on an equitable appraisal and has an agreeable seller. Effective controls must be in place to prohibit new signs from being erected where removed signs were previously located.

- **Archaeological Planning and Research**

This category includes (but not limited to) research on sites eligible for Transportation Enhancement funds; experimental projects in archaeological site preservation and interpretation; planning to improve identification, evaluation, and treatment of archaeological sites; development of national and regional research designs; and data recovery and research. This category is not for routine excavations.

Eligible activities include problem-oriented analysis and synthesis using data derived from (though not limited to) transportation-related archaeological projects, and the development of national and regional research designs to guide future surveys, data recovery and synthetic research. Applications must have SHPO approval. All work must be done in compliance with the Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation, or the Secretary of the Interior's Standards for Historic Preservation Projects and must be managed by personnel who meet the Secretary of Interior's Professional Qualification Standards.

- **Environmental Mitigation to Address Water Pollution Due to Highway Runoff or Reduce Vehicle-Caused Wildlife Mortality While Maintaining Habitat Connectivity**

This category includes projects such as mitigation to address highway storm water runoff through erosion controls or detention and sediment pond construction, runoff pollution studies, wildlife crossings, or wildlife highway mortality studies.

For environmental mitigation to address water pollution due to highway runoff: Eligible mitigation projects include those that incorporate aesthetic and ecological considerations and promote recharge. Normal storm sewer construction and maintenance is not eligible unless it is integral to a larger, eligible enhancement project. Activities that have been identified as requirements of storm water permits are not eligible for enhancement funding. Acquisition of real property is not considered as an eligible mitigation of water pollution unless the acquisition fulfills the mitigation objective (such as, promoting recharge of ground water).

For environmental mitigation to reduce vehicle-caused wildlife mortality while maintaining habitat connectivity: Eligible activities should help preserve wildlife by using previously established methods or using methods that are being researched to establish protection of wildlife relating vehicle incidents on roadways, without disconnecting wildlife habitat. Mitigation can consist of, but is not limited to, fence construction, purchase or long-term lease of real property, wildlife tunnel or bridge construction, and native vegetation plantings such as sight buffers or grazing deterrents. Applications under this category must show data on wildlife mortality or vehicle incident records at areas affected under the proposed environmental mitigation (Purpose and Need).

- **Establishment of Transportation Museums**

This category is for capital improvements to establish museums with a focus on transportation, or for the purchase of artifacts related to transportation that will be displayed in a transportation museum. Transportation museums established under this category must meet the following definition of a museum. The facility must:

1. Be in whole or part a legally organized not-for-profit institution or government entity;
2. Be essentially educational in nature;
3. Have a formally stated mission;
4. Have (or will have) one full-time paid professional staff member who has museum knowledge and experience and is delegated authority and has sufficient financial resources to operate the museum effectively;
5. Present (or will present) regularly scheduled programs and exhibits that use and interpret objects for the public according to accepted standards;

6. Have (or will have) a formal and appropriate program of documentation, care, and use of collections/tangible objects; and
7. Have (or will have) a formal and appropriate program of presentations and maintenance of exhibits.

Establishment of transportation museums specifically means the funding of capital improvements for museums that has established a relationship to surface transportation (excluding aviation or military transportation).

Transportation enhancement funds may be used to build new facility, add on a transportation wing to an existing facility, or convert an existing building for use as a transportation museum. Funds may be used for the costs of the structure and the purchase of artifacts necessary for the creation and operation of the facility. Displays, segments of buildings, or objects not directly related to transportation will not be funded with transportation enhancement funds. Funds cannot be used to reconstruct, refurbish, or rehabilitate existing museums, nor portions of museums, that are not for transportation purposes. It does not cover operations or maintenance of the facility.

The museum must be open to the public and run by a public, non-profit or not-for-profit organization meeting the definition of museums listed above. If entrance fees are charged for the museum, a portion of the fee must be provided for long-term maintenance and operation of the facility.

Consistency Requirements

1. Proposed transportation enhancement projects within the metropolitan planning areas must be consistent with the MPO's adopted Regional Transportation Plan (RTP). If the MPO does not currently have a federally approved RTP, no applications will be accepted from applicants for projects within the MPO's planning area boundary. If an approved project is subsequently deleted from a RTP prior to implementation, it will be removed from the Statewide Transportation Improvement Program (STIP).

The RTP should provide clear policy direction for the implementation of transportation enhancement activities. Proposed bicycle projects within the jurisdiction of a metropolitan planning organization, must be included in the MPO's bicycle plan or bicycle element of their long-range transportation plan prior to submission of an application for transportation enhancement program funding.

2. In areas outside MPO boundaries, proposed transportation enhancement projects must be consistent with applicable state and local plans. The applicable plan should provide policy direction for the implementation of transportation enhancement activities.

Bicycle facilities proposed for funding under the transportation enhancement program must be included in the local entity's bicycle plan or the bicycle element of a local entity's transportation element of their comprehensive plan and be incorporated into the statewide bicycle plan prior to submission of an application for transportation enhancement funding.

If the proposed bicycle project is not included in the appropriate local/MPO regional plan or the statewide bicycle plan prior to submission of an application for transportation enhancement funding, the application will be rejected and will not be considered for funding.

3. Proposed transportation enhancement projects must be consistent with local land use plans. Where local land use plans do not provide a sufficient level of detail, proof of consistency must be provided by the appropriate entity with land use jurisdiction.
4. Transportation enhancement projects must be consistent with the MPO's adopted Transportation Improvement Program (TIP). Therefore, before a transportation enhancement project can be programmed, the TIP must be amended to show the amount of transportation enhancement funding approved for each project.
6. The local project selection process used to identify proposed transportation enhancement projects shall include opportunities for public input.

PROJECT SPECIFIC REQUIREMENTS

1. The proposed transportation enhancement projects must be well defined. They must have clearly identified project concept, project limits, and intended scope of work. A project concept by itself is not sufficient. It must be supported by a detailed estimate of costs related to the design and construction of the proposed project.
2. Any potential right-of-way needs, real property, utility replacement easements, permanent, and temporary construction easements for the proposed project must be identified in the enhancement application with an estimate of right-of-way costs. If no right-of-way is required, the applicant must identify whether the existing right-of-way is under public ownership or if it is secured through an easement. Failure to accurately portray right-of-way needs will result in delays in the development of the project and may increase project costs beyond available funding. If right-of-way issues cannot be resolved, the proposed project will be dropped from further consideration.
3. If necessary, due to project total cost estimates, the proposed transportation enhancement project must be phased appropriately to result in usable segments or functional facilities.
4. Projects must be ready for advertising for construction within two years following the signing of the agreement and project programming. If the project requires more than two years, the applicant must request an extension of time. Documentation of the reasons for the delay and a new time line for the development of the project must be submitted along with the requested extension.
5. The project applicant will cooperate with NDOT to advance the programmed transportation enhancement project to a state of readiness for implementation or construction.
6. The project applicant will have to obtain any/all required environmental clearances within the time frame specified in the agreement between the applicant and the State. NDOT may provide assistance as appropriate.
7. Project applicants will be responsible for compiling and submitting all necessary documentation related to the survey for heritage resources, Native American consultation, and determinations of eligibility based on National Register of Historic Places guidelines (Appendix B - Guidance, Project Compliance and Certification).

8. The project applicant shall enter into an agreement with the State for the completion of each project funded under the transportation enhancement program. The Department will attempt to complete the agreement within six months of the initiation of the draft agreement. In the event the agreement is not completed by this time, a meeting between the parties will be held in an attempt to identify and resolve any issues. In the event these issues cannot be resolved, the project applicant will be notified in writing that the funding for the project will be withdrawn if the agreement is not completed within sixty days of the date of the letter. If the agreement is not completed within the specified sixty days, the Department will drop the project and inform the STTAC that funding is available for another project.

Any work on the proposed project started by the project applicant prior to execution of the agreement for the project between the project applicant and the Department and notice to proceed on the project is given by the Department will not be reimbursed to the project applicant.

9. Project applicants are responsible for any cost in excess of that awarded initially. Applicants should carefully control cost increases/overruns as they may jeopardize completion of the entire project. If the applicant decides not to complete a project, the applicant will reimburse all federal expenditures to the NDOT and all costs incurred by NDOT on the project.

10. Transportation enhancement project applicants must demonstrate their ability and commitment to maintaining the project.

11. Projects must conform to federal requirements and state regulations for the design and construction phases. Some of these requirements are listed below.

- Brooks Act (Public Law 92-582) - Requires federal agencies to use a qualifications based process for selecting engineering and design consultants
- Davis Bacon Act - Sets wage requirements on federally funded projects greater than \$2,000. Applies to all Enhancement Program projects within an existing highway right-of-way, or linked to a federal-aid facility by proximity or impact. Does not apply to work by state highway agency forces. State or local agencies may use volunteer labor if the workers are under their direct control. Convict or prison labor cannot be used. Contractors may not use volunteer labor on Davis Bacon projects.
- DBE Program (Disadvantaged Business Enterprises) - A woman or a minority owned business that has been certified for work on federal contracts. Federal Aid contracts may include goals for contractors to utilize DBE firms for part of the project work.
- Common Rule (49 CFR 18) - Establishes uniform administrative requirements for grants and cooperative agreements to State, local, and Indian tribal governments.

Project Substitution/Change of Scope

Transportation enhancement funds are set aside to fund a specific project. The funds are tied to the project, not the applicant. This means that a project applicant is not entitled to the use of any left over or unused funds for another project. Project funds cannot be used for a substitute project unless sufficient documentation is provided justifying the need for such a substitution. A recommendation of approval must be obtained from the Statewide Transportation Technical Advisory Committee, with approval of the substitution from the NDOT and the FHWA.

Project applicants cannot change the design or scope of a project without NDOT's written approval and an amendment of the project agreement. Any changes that expand the previously approved scope of work or reduces the scope of work to significantly alter the original intent of the project must be approved by the Statewide Transportation Technical Advisory Committee (STTAC).

A project's scope of work may be revised upon request by the applicant and documentation of need, and approval by the STTAC and NDOT. In no event can a project's scope of work be changed such that the original intent of the project is lost. The amount of funding for a project that is approved for a change of scope cannot exceed the amount approved for the original project. In the event that an approved project's scope of work is revised, the scope change must be presented to the STTAC for their recommendation of approval. Subsequent to the STTAC's recommendation, NDOT must approve the project's change of scope and take the appropriate action to amend the Statewide Transportation Improvement Program (STIP).

Acquisition of Property

The acquisition of real property as part of an Enhancement Program project must conform to the federal Uniform Relocation Property Assistance and Real Property Acquisition Policies Act (Uniform Act), as amended, and applicable FHWA reimbursement regulations and requirements. Property acquisition can require from nine to fifteen months. The applicant should factor in this time during the project scheduling process.

Enhancement projects involving the acquisition of real property, either in fee or easement including the replacement of utility easements when affected by a project's design, and they have a good documented right, must use the following process and include the required elements.

- Contact the NDOT Right-of-Way Division
- Provide documentation evidencing compliance for any real property that may have previously been acquired for the project
- Provide documentation evidencing those utilities within the project limits that have a good property right, and could potentially be in conflict by the project design
- Name and address of property owner or address of property if different.
- County
- Tax map and parcel number
- Acreage to be acquired; if only a partial acquisition, acreage and location of portion to be acquired (provide survey if available)
- Acquisition preference (fee simple or easement)
- Define who will be the title holder upon transfer by Resolution of Relinquishment
- Description of any structures on property and historic information
- Occupants on the property
- Any prior offers or attempts to purchase

After the project is selected for funding, if right-of-way acquisition is required for the project, it is the responsibility of the NDOT personnel to acquire the property rights. NDOT must acquire in the name of the State, then, by resolution, may dispose of or transfer to other governments or agencies.

The general rule of thumb for significant Federal-aid investments is that the public interest in and access to the activity should be in perpetuity. However, the extent of real property interest needed

for protection of the public interest in the expenditure of Transportation Enhancement funds is somewhat dependent on the nature and magnitude of the expenditure. An expenditure of \$5,000 for an eligible activity, with an agreement that the activity would be retained in that use for 5-7 years, would seem to be reasonable. However, the expenditure in excess of \$100,000 would require a much longer time period to amortize the public investment.

Prior to closing a transportation enhancement funded project to public access/use, permission must be granted by NDOT and the FHWA. If the property is to be leased, it is appropriate that a portion of the proceeds goes to the maintenance of the structure. A nominal fee to cover operational and maintenance expenses of the facility may be charged.

Protection of property rights for the continued use of the facility, or for use over a specified time period, should be captured in the form of a legal agreement which can be recorded in the land records. Property reservations could be leases, easements, or other evidence of a property interest recognized by the State of Nevada.

FINANCIAL REQUIREMENTS

Project Funding

1. Because of the limited amount of transportation enhancement funding available to the State of Nevada, applications for large/extensive transportation enhancement projects must be phased, with each phase of the project being limited to \$650,000. However, each proposed project, or project phase, must result in a usable segment or functional project. The transportation enhancement funding portion of a proposed project or any project phase that results in a usable segment or functional facility should include all activities associated with the project such as design, right-of-way, and construction. The project's cost estimate must also include the Department's costs for participating in the project's design, right-of-way acquisition, and construction. If the applicant designs the project, all applicable State and federal standards will apply. The applicant will enter into an agreement with the Nevada Department of Transportation that will address design criteria.

Due to the potentially high ratio of preliminary engineering/design costs to overall project costs for projects estimated at \$100,000 or less, if the Department determines that the cost of preliminary engineering and design is excessive when related to the entire project's cost, funding may be reserved for only the construction phase of the project, and the applicant will be responsible for project development and design costs.

Projects costing less than \$25,000 will not be considered for funding.

2. Each proposed transportation enhancement project application must demonstrate sufficient funding to complete the project as described in the project's scope of work and be supported by a financial plan that identifies all sources of funding needed to bring the project to completion.

It is the project applicant's responsibility to ensure that the cost estimate is realistic and will fully meet the project's needs. It is recommended that the services of a professional engineer, architect or contractor be obtained to assist in the development of the required project services and cost

estimates. Costs for professional services associated with preparation of the application are not eligible for reimbursement. If NDOT determines during the preliminary engineering, design, or construction phases of the project, that the project's estimated cost will be exceeded, the project must be reevaluated by the project applicant and the NDOT to determine its continued financial viability. Any project cost increase will require an amendment to the project agreement.

Construction cost estimates must be verified by a city or county engineer, architect, or (for historic restoration projects) an architect familiar with historic restoration. If the city or county does not have an engineer/architect on staff, a consulting engineer/architect, licensed within the State of Nevada, may be used. The State Historic Preservation Office should be contacted for assistance in reviewing proposed projects and preliminary cost estimates.

Project Cost Increase Funding Policy

Project cost increases beyond the amounts initially approved for the project are the responsibility of the project applicant. If the project cannot be modified to meet the level of available funding or sufficient additional funding is not forthcoming for the project, the project will be dropped and the STTAC will be notified that funding is available for another project.

If a project's final cost is less than the original estimate, the unused portion of the enhancement funds will be added to the enhancement reserve. Any enhancement funds not committed during the current fiscal year will be carried over for programming in the next fiscal year.

3. All activities that require an ongoing operating or maintenance budget to be useful, must demonstrate that such financial capability exists as part of this requirement.

4. If it becomes evident the project is not going to be completed, all STP transportation enhancement funds allocated to the project, and expended, must be paid back as required by applicable federal or State regulations.

5. The minimum required local match is five percent of the total eligible project cost. The applicant may identify a higher local match amount. The required local match must comply with all federal requirements for matching federal-aid projects. State funds include funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department. The State of Nevada may apply funds from other federal (non-US DOT) agencies to the local share of the project.

Federal law provides for the allowance of credit for donations of funds, materials, land or services. The value of "other contributions" may be credited toward the local match of transportation enhancement projects funded with transportation enhancement funds, including the value of local and State government services, materials, and land applied to the project. Such a credit may be allowed provided that appropriate documentation in support of such expenditures would be available for review as needed by the FHWA.

If the incurred costs represent payment for consultant services, the credit will be only be allowed if these consultant services have been secured in accordance with the federal requirements.

NDOT may participate in providing the required local match for projects on NDOT right-of-way or for projects that NDOT assumes maintenance responsibilities, otherwise the applicant is responsible for the required local match.

Prior to the completion of the agreement between the applicant and NDOT, the required match to be paid by the applicant must be guaranteed by the responsible entity. In the event that the local match is not available when required, all work on the project will be suspended. The project applicant will have a period of six months to obtain the required local match. If at the end of this period, the local match is not available, the project will be canceled. The project applicant will be responsible for repaying all State of Nevada/Federal funds expended on the project.

All local contributions to the activity must be affirmed by a formal action of the policy board with authority to commit funds. Such a formal action must have occurred before the inclusion of a project in the adopted State Transportation Improvement Program (STIP).

6. In the event Congress does not appropriate Federal Transportation Enhancement monies in the amount necessary to fund all the projects selected for funding under the Transportation Enhancement Program, projects remaining on the project list will be delayed until sufficient funds are available to begin/complete the project.

ELIGIBLE COSTS

Transportation enhancement funds are reimbursable federal aid moneys, subject to all requirements of federal law. Eligible costs for federal funding include preliminary engineering (including environmental studies) and design, right-of-way acquisition, construction engineering/oversight and construction costs associated with an eligible enhancement project.

Eligible work categories are summarized as follows:

- Project Development and Environmental Work – This includes studies and work necessary to develop and evaluate project alternatives and assess the environmental impacts of a proposed project. Work done prior to selection and written approval by NDOT will not be eligible for reimbursement.
- Design Work – This includes preliminary and final engineering, design and right-of-way surveying, architectural services, and preparing construction plans, specifications, estimates and contracts.
- Right-of-Way Acquisition – This includes the cost of buying or renting the appropriate property interest plus right-of-way support services such as engineering, plan preparation, title reports, appraisals, reviews, and staff time. Whenever federal funds are used in any phase of a project, acquisition of real property for the project becomes subject to the provisions of the Federal Uniform Relocation Assistance and Acquisition Policies Act, no matter if carried out by federal, state, or local agencies or by private parties. A NDOT certified appraiser must perform right-of-way appraisals. Work done prior to selection and written approval by NDOT will not be eligible for reimbursement.
- Construction – This is the major category of work for eligible enhancement activities involving the actual building of the project.

- Construction Engineering and Inspection – This covers services for overseeing the construction of a project. This is only eligible in conjunction with construction activities.
- Environmental mitigation due to the project’s construction/implementation impacts.

Transportation enhancement projects can be a mix of elements, some of which are on the list of the twelve enhancement activities. Activities that are not explicitly on the list might qualify if they are an integral part of a larger qualifying activity. If rehabilitation of a historic railroad station requires construction of new drainage facilities, this would be considered part of the enhancement activity.

These funds cannot be used for statewide, regional, or local general planning activities. However, planning that is an integral part of the development of a project may be considered an eligible expenditure. Enhancement funds can be used for archaeological planning and research.

Allowable expenditures do not include those incurred as part of customary elements of normal transportation projects or those which mitigate project impacts in compliance with the requirements of environmental or other federal, state, or local laws, even if those aspects constitute a specified transportation enhancement. Routine maintenance activities are not eligible for funding.

Transportation enhancement funds cannot be used to finance environmental mitigation work for non-qualifying enhancement activities otherwise eligible under the federal-aid program. However, costs of environmental mitigation of selected transportation enhancement projects are eligible. The process of determining which activities will be considered as normal mitigation and which will be considered transportation enhancement activities may at times be difficult. The process will require close coordination between NDOT and the FHWA office on a case-by-case basis.

Administrative costs are not eligible for reimbursement. The project applicant is responsible for these costs. Some examples of actions considered to be administrative are application preparation, invoice checking, certification, and transmittal, consultant selection and management, coordination with NDOT, fund raising, indirect costs, etc.

ENVIRONMENTAL AND CULTURAL CONSIDERATIONS

All projects selected for funding will be reviewed for their social, economic, and environmental impact, including biological, physical, and cultural resources. All federally funded transportation enhancement projects must conform to the requirements of the National Environmental Policy Act (NEPA), the National Historic Preservation Act (Section 106), and US Department of Transportation (DOT) Act [Section 4(f)] as well as other Federal laws, such as Section 404 of the Clean Water Act and the Threatened and Endangered Species Act. Preparation of environmental documentation will depend on the scope, purpose, and need for the project, as defined in the application.

NEPA is a federal law that requires federal agency consideration of natural and socioeconomic factors using a systematic interdisciplinary approach before committing to a project. Section 106 provides for the protection, rehabilitation, restoration, and reconstruction of historic sites and objects significant in American architecture, archeology, and culture. It also establishes the Advisory Council on Historic Preservation and established procedures to be followed if a federal action impacts significant historic sites.

Section 4(f) provides special protection for publicly owned parks and recreation areas, wildlife and waterfowl refuges, and significant historic sites. FHWA cannot approve a project that uses land from a Section 4(f) resource unless it demonstrates there is no feasible and prudent alternative to the use of the resource and that all possible planning has been done to minimize harm to the property.

Project applicants will be responsible for compiling and submitting all documentation required to secure complete NEPA approval. The NDOT, at its discretion, may choose to oversee the NEPA process at the applicant level.

Depending on the nature, scale, and location of a proposed project, applicants may be required to supply additional information, maps, or photographs to various federal and state regulatory agencies for review. Approval by all applicable agencies will be required for the project to be constructed.

Because historic preservation projects can involve specialized and labor-intensive work, applicants are strongly encouraged to consult with preservation architects or contractors experienced in this type of work before developing their project's scope of work and budget. Costs associated with these activities prior to selection, and approval of the project for transportation enhancement funding, are not eligible for reimbursement.

Historic Preservation projects do not need to be listed on the National Register of Historic Places. However, Historic Preservation projects do need to be deemed historic by the State's Historic Preservation Office. Proposed projects must be submitted to the State Historic Preservation Office for their determination of historic significance. *For additional information, see Appendix C - Guidance, Project Compliance and Certification*

Air Quality Requirements

Proposed transportation enhancement projects located in air quality non-attainment areas must be consistent with the regional air quality plan and shall be in conformance with the State Implementation Plan (SIP). Project applicants will cooperate with NDOT to comply with all State, federal or local air quality requirements, including the mitigation of any project air quality impacts.

Americans with Disabilities Act (ADA) Requirements

All proposed transportation enhancement projects must meet applicable ADA requirements.

PROJECT PRIORITIZATION

Following the submittal of the Intent-to-Apply Forms by qualifying applicants, a determination of project eligibility will be made by NDOT and the FHWA. If a proposed project is deemed eligible, applications for Transportation Enhancement Program funding may be submitted to NDOT, provided the applicant attends the mandatory Transportation Enhancement Program workshop. No more than two (2) project funding applications may be submitted to NDOT by an applicant.

Prioritization Process

Following the review of the Intent to Apply Forms, and the determination of project eligibility, NDOT will solicit Transportation Enhancement Program project applications and review the applications for completeness and identify any issues that need to be resolved before the proposed projects can be prioritized. In cooperation with the Statewide Transportation Technical Advisory Committee (STTAC), NDOT will prepare a priority list of projects for STP Transportation Enhancement Program funding. NDOT will submit to the STTAC only those projects that meet all of the application requirements. To avoid bias in the prioritization of projects, these projects will be listed in the order they are received. If applications are incomplete and must be returned to the applicant, the application will be moved to the bottom of the list.

Applications for projects located within the planning boundaries of the metropolitan planning areas of the State must be submitted to the appropriate MPO, with copies of the application being submitted to NDOT. This includes applications for projects from MPO member entities and any other eligible entities or agencies located within the MPO's planning boundaries. Following NDOT review to determine project eligibility and completeness of the application, each MPO will develop and adopt a priority list of projects within their area of jurisdiction.

State or federal agencies eligible to receive Transportation Enhancement Program funding for projects located within metropolitan planning area boundaries must coordinate with the MPOs. The MPO must consider these projects for inclusion in the MPO's list of proposed projects.

Proposed projects located outside metropolitan planning area boundaries are submitted directly to NDOT and will be put into priority order by a subcommittee of the STTAC representing areas outside the State's metropolitan planning areas. All projects submitted to the subcommittee will be considered and placed on a ranked priority list.

The STTAC will recommend to NDOT a priority list of proposed Transportation Enhancement Program projects using the following prioritization process:

1. Projects to be prioritized by the STTAC will be drawn from the priority lists compiled by each MPO and the STTAC subcommittee representing the areas outside the metropolitan planning area's boundaries. No additional projects will be considered.
2. The STTAC will consider the highest-ranking project from each list to determine the first and subsequent priority projects. The priority order of each list cannot be altered by the STTAC.
3. As each project is prioritized, the next project on the list will be moved up and considered along with the projects on the other lists.
4. The first project submitted by each entity will be prioritized before a second or subsequent project submitted by the same entity will be considered. Only an authorized representative of an applicant can change the priority order of the applications submitted by that applicant.
5. The Transportation Enhancement Program project prioritization process for Transportation Enhancement funding shall include opportunities for public input, including but not limited to public comment at MPO, local governmental entities, and the STTAC and STTAC subcommittee meetings.

Enhancement Program projects will be submitted to the Director of the Department of Transportation, as the Governor's designee, for his approval for inclusion of the selected projects in the STIP. The list of Transportation Enhancement Program projects will then be submitted to the Federal Highway Administration.

6. Costs incurred before FHWA project authorization (expenditure approval) are not eligible for reimbursement. Letters conveying notification of acceptance into the Transportation Enhancement Program do not constitute authorization. The applicant will be notified in writing when expenditures are authorized and can be incurred (notice to proceed).

STEWARDSHIP PROGRAM

The Stewardship Program allows for the delegation of project review, oversight, and administration for any project involving federal funds that is not on the National Highway System (NHS). Examples of projects that can be completed under the Stewardship Program include bicycle facilities, landscaping, lighting, and sidewalks. A stewardship committee comprised of the NDOT's Chief Design Engineer, Federal-aid Manager, and two FHWA representatives manage the Stewardship Program and determine which projects are suitable for the program.

Each Stewardship project is done through an agreement between the NDOT and the local agency. The design (including development of plans, specifications, and estimates), advertising, awarding, and construction monitoring of a contract can be completely delegated to the local agency or be shared between the NDOT and the local agency. In the case where the local agency is completing the project, from design through construction, the Department has oversight responsibilities. If the local agency is completing the design of the project, the local agency is responsible for completing any necessary surveys and permits required for compliance with NEPA. NDOT retains the responsibility for certifying right-of-way and the compliance with environmental requirements. Typically, the Department's oversight responsibilities add approximately \$10,000 to the cost of the project. These costs are reimbursable. These costs are considered part of the project cost and the local agency is required to provide the match if not on a NDOT facility.

Stewardship Process Overview

- Kick-off Meeting – Once the scope of work for the project has been established, the local agency will contact the NDOT Stewardship Program Coordinator. The Stewardship Program Coordinator will arrange a kick-off meeting date, time, and location and contact all the required participants. At the kick-off meeting, the local agency should be prepared to discuss the location of the project, the scope of work, and the cost estimate. The cost estimate should include line items for the design, construction oversight, construction costs, right-of-way costs, and traffic control. Various components of the Stewardship Project Agreement will be discussed including, but not limited to, the design responsibility, design standards, construction oversight, and payments.
- Stewardship Agreement – The Stewardship Coordinator will generate a draft agreement based on the discussions at the kick-off meeting. Copies of the initial draft will be circulated within the Department for review and comment. Copies will also be sent the local agency for concurrent review and comment.

After receiving comments from the local agency and internal comments from the Department, the Stewardship Coordinator will revise the draft. The revised draft will be reviewed by the Department’s Legal and Administrative Services Divisions. If there are substantial revisions, the agreement will be sent back to the local agency for additional review and comment. Once the final agreement has been reviewed and approved by the Department, two final drafts will be sent to the local agency for review and signature. The local agency will forward the signed copies to the Stewardship Program Coordinator for the Department’s signatures. A duplicate original agreement will be sent to the local agency.

- Project Programming – Upon execution of the agreement, the Stewardship Program Coordinator will complete the required paperwork to program the design portion of the project. After the FHWA approves the programming of the project, the Program Coordinator will issue a verbal and written notice to proceed with the design phase of the project. Depending on the location and the maintenance responsibilities, the design can be done to local standards. The Department will require plan reviews at the sixty and hundred percent design stages. The ninety and hundred percent plans will include specifications and estimates. If the project is located on NDOT right-of-way, the local agency will have to apply for an encroachment permit.
- Advertisement – When the local agency has a complete bid package ready to advertise, the Department will review the package to ensure that federal requirements are being met. The Department will also require that the local agency certify that it has designed the project to applicable standards. Once it is determined that the bid package is complete, the Coordinator will complete the required forms to program the project for construction. The Department’s Environmental and Right-of-Way Divisions must certify the project in order to complete the construction programming. Once the programming is complete, the Stewardship Coordinator will issue a notice to proceed with the advertisement of the contract. The local agency may follow its standard procedures for awarding the contract.
- Construction – The local agency is expected to provide construction oversight on the project, including documentation of quantities and testing. The Department will provide a Resident Engineer to review the local agency oversight of the contractor. Upon completion of the project, the local agency shall provide a set of as-builts to the Department prior to requesting a final inspection by the department. Once the Department accepts the work, the local agency can submit a final invoice.

Stewardship Process Timeline

Establishment of Kick-off Meeting	1 month
Generation of Draft Agreement	1-3 months
Final Draft Agreement	1-4 months
Fully Executed Agreement	1-2 months
Notice to Proceed with Design	2-4 weeks
Review times for Plans Submittals	3 weeks per submittal
Notice to Proceed with Construction	4-6 weeks from approval of final submittal
Invoice Processing	30 days of receipt of complete invoice package

State of Nevada
Transportation Enhancement Program
Intent-to-Apply Form
Due - August 15th

Lead Agency _____

Agency Contact Person _____ Title _____

Phone () _____ Fax () _____

E-mail Address _____

Mailing Address _____

Co-Applicant (if applicable) _____

Enhancement Activity (choose one) _____

- If a bicycle facility, is project consistent with an adopted bicycle plan? Yes ___ No ___
- If a pedestrian facility, is project consistent with an adopted pedestrian plan? Yes ___ No ___

Project Name _____

Project Description _____

Project Address/Location _____

Does applicant own Property/Right-of-Way? Yes? _____ No? _____

- If No, identify current property owner _____

Total Cost Estimate (design/right-of-way/engineering/construction costs) \$ _____

Amount of Federal Transportation Enhancement funding being requested \$ _____

Signature _____

Title _____ Date _____

Intent-to-Apply Form

INSTRUCTIONS

Nevada's Transportation Enhancement Program provides funding for activities designed to strengthen the cultural, aesthetic, and environmental aspects of the State's transportation systems. Funding is available for a variety of non-traditional transportation projects through a two-step application process; completion of the Intent-to-Apply Form, and completion of the Application.

Before you can apply for project funding, NDOT needs to determine whether the proposed project is eligible for funding. The information provided on the Intent-to-Apply form is used to determine a project's eligibility. If the project is eligible, and the applicant attends the required Transportation Enhancement Program Workshop, an application form may be completed and submitted to NDOT.

What Type of Project is Eligible?

- Provision of facilities for pedestrians and bicycles.
- Provision of safety and educational activities for pedestrians 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 the conversion and use of the corridors for pedestrian or bicycle trails).
- Inventory, control and removal of outdoor advertising.
- Archaeological planning and research.
- Environmental mitigation of water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.
- Establishment of transportation museums.

In order for a bicycle or pedestrian facility project to be funded, it must be included in a regional transportation plan or a locally adopted bicycle plan/pedestrian plan. The pedestrian plan must comply with the requirements of the American with Disabilities Act (ADA) and the applicant's ADA Transition Plan must be in place.

Who May Apply?

NDOT will only accept Notice-to-Apply Forms and Applications submitted for Transportation Enhancement Program funding by city, county, or other eligible public agencies (including general improvement districts), state agencies, eligible federal agencies, and Indian tribal governments.

How to Apply

1. Complete the Intent-to-Apply Form (attached). Please identify the Enhancement Activity that most closely describes the proposed project. Provide a name for the project and a

detailed project description, including project scope, physical description of project (beginning and ending points, length, width, etc.), purpose, and function (as appropriate).

2. If the project requires property or right-of-way in order to construct and the property is not in applicant's ownership or control, you must identify the current property owner(s).
3. Provide a project cost estimate. Remember to include right-of-way costs, design/engineering costs, and project construction costs (including construction engineering) or implementation costs. If the proposed project costs are over \$650,000, the project must be broken into usable phases or stand-alone projects.
4. Sign the Intent-to-Apply form. The person signing the form must be either the mayor or chairperson of the county commission or city council/board of supervisors, tribal chair, or someone otherwise empowered to commit their agency to a minimum of five (5) percent of the total project cost as the required local match. State or federal agency applicants must be empowered by that agency to commit the required five percent match.
5. Send completed form to:

Leif Anderson, Transportation Enhancement Coordinator
Nevada Department of Transportation
Program Development Division Room 205
1263 South Stewart Street
Carson City, NV 89712

6. Submit completed form to NDOT no later than August 15th.

If your proposed project is found to be eligible, you will be invited to attend a workshop to further explain the Transportation Enhancement Program, the application submittal and review process, and the project prioritization and selection process. The workshop will be held at the NDOT Headquarters Building in Carson City and will be video-conferenced to several locations throughout the State. Attendance at this workshop is mandatory for all eligible applicants. Failure to attend the workshop will render your application ineligible for consideration.

You may submit more than one Intent-to-Apply form, but you will be limited to two (2) Transportation Enhancement Program Funding applications. The limitation on the number of applications is to ensure that available funds can be equitably distributed throughout the State. It is recommended that applicants carefully consider the number of projects they are proposing and concentrate on developing complete and thorough project scopes and cost estimates in order to avoid potential future delays in the application review process and the development and implementation of selected projects.

If you have any questions, please contact Leif Anderson at (775) 888-7121 or email at landerson@dot.state.nv.us.

APPENDIX B

**State of Nevada
TRANSPORTATION ENHANCEMENT PROGRAM**

APPLICATION FORM

Fiscal Years 2010-2011

Application due - November 15, 2009

1. **Lead Agency** _____

2. **Contact Person** _____

Title _____

3. **Phone** () _____ **Fax** () _____

E-mail Address _____

4. **Mailing Address** _____

5. **Co-Applicants** _____

6. **Project Name/Title** _____

7. **Project Location:** City _____ County _____

Street Address (if applicable)/Location Description _____

8. **Priority Number** - If you are submitting more than one application for Transportation Enhancement Project funding (**2 applications maximum**), list application's priority order:

Priority _____ of _____

9. **Type of Transportation Enhancement Activity**

Check the **one** category that most closely describes the proposed project.

- Provision of facilities for bicycle and pedestrians
- Provision of safety and educational activities for pedestrians 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 the conversion and use thereof for pedestrian or bicycle trails)
- Inventory, control and removal of outdoor advertising
- Archaeological planning and research
- Mitigation to address water pollution due to highway runoff or reduce vehicle caused wildlife mortality while maintaining habitat connectivity
- Establishment of transportation museums

10. **Project Description** – Explain in detail the nature of the project, indicating the major work to be completed. Include the project’s alignment, length or area, and starting and ending points. Give a brief description of the existing conditions and the resulting conditions after the project’s completion.

Project Description Continued -

Attach reproducible maps, drawings, photographs or other appropriate documents. If drawings or maps are attached, they must be no larger than 11"x17", (preferably 8.5"x11").

11. Project Cost Estimate/Budget

PROJECT COST ESTIMATE SUMMARY			
	FEDERAL FUNDS (95%)	NON-FEDERAL FUNDS (5%)	TOTAL FUNDS (100%)
ENVIRONMENTAL CLEARANCES			
DESIGN			
CONSTRUCTION			
CONSTRUCTION ENGINEERING			
RIGHT-OF-WAY ACQUISITION			
UTILITY RELOCATION			
NDOT REVIEW/ OVERSIGHT			
TOTAL PROJECT COST			

Note: Costs should be inflated to the estimated year of construction. If this project is selected, the sponsor will receive only the amount Federal funds shown in this application. The sponsor is required to match those federal dollars. If the project costs goes beyond the estimated cost, the sponsor is responsible for obtaining the additional funds.

In addition to the information provided in the Cost Estimate Summary above, the applicant must also attach a detailed cost estimate. Please itemize all project elements and costs. List required items, descriptions, quantities, unit prices, amounts, etc. Include items for mobilization, temporary signs and barricades, traffic control, irrigation systems for landscaping, and construction layout (if layout is to be performed by the contractor). Be sure to have complete and accurate cost estimates for all phases of the work.

For projects involving historic buildings, it is strongly suggested that the sponsor contact professionals who deal with historic renovation as “hidden costs” may occur, such as asbestos and lead paint abatement or costs required to maintain historical accuracy. Funding may not be available to cover inadequate cost estimates, and may jeopardize the completion of the project.

- 12. If this is a **bicycle project**, you must complete Appendix D.
- 13. If this is a **pedestrian project**, is the project identified in an adopted Pedestrian Plan?
_____ Yes _____ No
- 14. If this is a **pedestrian project**, will the project construct new pedestrian facilities or replace existing pedestrian facilities?
_____ New _____ Replace _____ Both

If you answered “Replace” or "Both", please quantify the extent of the portions of the pedestrian facility to be replaced (ratio of existing to new) and how replacing an existing pedestrian facility will **enhance** pedestrian use.

- 15. For projects for the **provision of safety and educational activities for pedestrians and bicyclists**, please attach a project scope and budget listing personnel, training materials, and facilities needed to conduct the program along with associated costs.
- 16. **Please describe the proposed project’s relationship to the surface transportation system.** This relationship must be one of function, proximity, or impact.

17. **Please describe the purpose and need for this project.**

18. **Prior to answering the following questions in regard to right-of-way or property acquisition, the applicant is urged to contact the NDOT Right-of-Way Division.**

Does the applicant currently own the right-of-way/property required for the project?

_____ Yes _____ No

- **If “Yes”,** when and how was the ROW/property obtained? (Provide copies of all documentation.) Was the ROW acquired using federal guidelines?

- **If “No”,** who currently owns the required ROW/property?

- **If “No”,** has the applicant obtained a temporary easement for the use of the right-of-way/property for construction of the project?

_____ Yes _____ No

- **If "No",** how will the needed right-of-way or real property be acquired?

Fee Simple Purchase _____

Permanent Utility Easement _____

Permanent Easement (Need for Project, i.e. slope or maintenance) _____

Other _____ (Explain)

19. **Does any portion of required right-of-way /project design affect existing utilities?**

_____ Yes _____ No

- **If "Yes",** please attach a document showing franchise agreement with the local public agency if applicable.
- **If "Yes",** please attach the permanent easement documentation.
- **If "Yes",** and on an NDOT right-of-way, was it constructed under an Application for a Right-of-Way Occupancy Permit? Please provide a copy of the permit.

20. **Does any of the required right-of-way encroach on or cross railroad right-of-way?**

_____ Yes _____ No

- **If "Yes",** please attach a document showing right of entry from the affected railroad or an executed encroachment agreement with the affected railroad.

21. **Is any part of the project to be constructed on NDOT maintained ROW?**

_____ Yes _____ No

- **If "Yes",** has an encroachment permit been obtained from NDOT?

_____ Yes _____ No

22. **Ownership/Maintenance**

In most cases, NDOT will not be responsible for the maintenance/operation of the completed project. If it is the applicant's intent that NDOT should participate in the maintenance/ownership of the proposed project, you must attach copies of agreements/correspondence with the appropriate NDOT Division indicating that NDOT will accept this responsibility.

Briefly describe the maintenance and operating plan for this project. Include an estimate of the annual cost of maintenance and operation including the source of those funds.

23. **Describe the extent to which the proposed project has been reviewed by local agencies, state agencies, local Native American Tribal Governments, and the public.** Identify any public meetings, environmental hearings (if required), resolutions, legislative actions, etc. You must state whether the project is included in/consistent with the local agency's adopted comprehensive plan or transportation plan. You may attach a list of governmental agencies, public or private organizations, and individuals that have endorsed this project. **DO NOT SEND COPIES OF ENDORSEMENT LETTERS.**

24. **Sponsor Certification**

I certify that _____ (project sponsor) supports the proposed Enhancement project, and that it has the legal authority to apply for and pledge the matching funds required to receive the requested Transportation Enhancement funds. I further certify that the matching funds will be available for the proposed project and that the sponsor will provide maintenance for the project upon completion. I understand that this is not a grant application, that it is a request for reimbursement through the federal aid system, and that all federal rules for contracting, auditing, and payment will apply to this project.

I also certify that I have read and understand the requirements as stated in the Transportation Enhancement Rules of Procedure and that the application is complete. I further certify that the plans and cost estimates for the proposed project have been reviewed by a qualified architect/professional engineer and that the scope of the proposed project has been adequately defined and the cost estimates are reasonably accurate. I understand that if there is any project cost increase, that the sponsor is responsible for obtaining the additional funds needed to complete the project. I also understand that if the project cannot be completed, the sponsor is required to pay back any State or federal funds spent on this project.

Signature _____ Date _____

Printed Name _____ Title _____

Adopted Resolution Supporting Project # _____ Date of Adoption _____
(If applicable)

25. **Submittal of Application**

Submit five (5) copies of your completed application along with your original. Applications must be stapled in the upper left-hand corner. Do not attach a cover to the application. Make sure all attachments are included. Applications and all attachments should be in a reproducible format, sized at 8.5"x11". Drawings/maps should not exceed 11"x17" (8.5"x11" preferred).

**Mail or deliver to: Leif G. Anderson
Nevada Department of Transportation
Room 205
1263 South Stewart Street
Carson City, NV 89712**

If you are located in an area represented by an MPO, a copy of your application should also be sent to the appropriate MPO.

- For projects located within the Clark County area:

Jacob Snow, Executive Director
Regional Transportation Commission of Southern Nevada
301 East Clark Avenue, Suite 301
Las Vegas, NV 89101

- For projects located within the Washoe County area (outside of the Lake Tahoe Basin):

Greg Krause, Executive Director
Regional Transportation Commission of Washoe County
P.O. Box 30002
Reno, NV 89520-3002

- For projects located within the Carson Area Metropolitan Planning Organization boundary:

Patrick Pittenger, Transportation Program Manager
Carson Area Metropolitan Planning Organization
Public Works Department
3505 Butti Way
Carson City, NV 89701-3498

- For projects located within the Nevada portion of the Lake Tahoe Basin:

John Singlaub, Executive Director
Tahoe Metropolitan Planning Organization
P.O. Box 5310
Stateline, NV 89449

APPENDIX C

Guidance Project Compliance and Certification

Historic Properties and Cultural Resource Compliance

This information and the attached outlines are being provided as guidance for compliance with Section 106 of the National Historic Preservation Act for Transportation Enhancement and Stewardship projects.

Although there are several ways to comply with historic preservation law and regulations, the provided guidance has proven to be the most effective method and process for successfully completing Enhancement and Stewardship projects through NDOT and FHWA.

The first step in this process is to develop a firm scope for the project. For the purpose of this process, project scope means the three-dimensional footprint (i.e., how wide, long, high and deep). For projects involving structures in historic areas, the shape, color and texture of the structure will be important to the compliance process. If the scope of your project changes in the middle of this process, then much of the Section 106 compliance work completed to that date becomes wasted time, money and effort.

Once you have developed a firm scope for the project, and have successfully completed the Program Application Process through the Program Development Division. Contact the Manager of the Cultural Resource Section (MCRS) Environmental Services Division, NDOT, for a review of your project's compliance needs. The MCRS will need the scope of the project for review, and the scope will need to include:

1. A written description of the scope of the project,
2. If the project is in an urban area, you will need the following maps:
 - a) A general area map showing the street names and network around the project area. A standard city map works well for this purpose.
 - b) A small-scale map showing the specific footprint of the project.
 - c) If aerial photographs are available, they are very helpful.
 - d) Any other maps or plans specific to your project that are available at the time would also be helpful.
3. If the project is outside of an urban area, you will need the following maps:
 - a) On a 1:100,000 scale topographic map (USGS 30x60 Minute Quadrangle) a general area map showing the location of the project.
 - b) On a 7.5 minute USGS topographic map, the specific footprint of the project.
 - c) If aerial photographs are available, they are very helpful.
 - d) Any other maps or plans specific to your project that are available at the time would also be helpful.

After reviewing the project's scope, the MCRS will notify you of the type and level of cultural resource review, inventory and/or evaluation that will be required to certify your project for federal funding through the Enhancement or Stewardship program. Depending on the scope and potential impacts of your project, you may need to complete a:

1. Cultural Resource Site Inventory and/or Evaluation,
2. Native American Consultation,
3. Historic Structure/Architectural Survey and/or Evaluation.

Once you have been notified of the types of inventory and/or evaluations you will need, you will need to acquire the services of an archaeologist, a cultural anthropologist/ethnographer, and/or an architectural historian from your staff or through a consultant agreement. The various inventories and evaluations must be conducted by, or under the direction of an individual who qualifies under the *Secretary of the Interior's Professional Qualification Standards* (36 CFR Part 61, Appendix B (or the most recent publication of the *Standards* has been in the Federal Register, Vol. 62, No. 119, June 20, 1997, Pages 33, 708-33, 723)).

As you acquire these individuals, have them contact the MCRS to consult on the range of work that will be needed from their particular discipline for the project. At this time, the Area of Potential Effects (APE) will be established for each of the inventory types.

Generally, the APE for cultural resource site inventory will be the right-of-way or footprint of the project itself. This includes existing and new right-of-way, construction easements and utility easements necessary for the project, construction staging areas and non-commercial material sources. The APE for a Native American consultation is normally the valley that the project is in. The APE for a historic structure/architectural survey is the project's functional view shed, and sometimes this can encompass a substantial area.

It is at this stage of the process that the specific inventories, etc. needed for the project should be conducted. Information for each of those processes is attached to this introduction of the overall process.

When the results of the specific inventories are known, consult with the MCRS to determine the format and number of copies of the reports, maps, photographs, etc. that will be needed.

Once the reports are in solid draft form, forward them to the MCRS for review. The MCRS will review the reports and ask for any revision that will be necessary to submit the report through the FHWA to the State Historic Preservation Office (SHPO) for review and comment.

If the project also involves reports for a federal land management agency (BLM, USFS, etc.) it would be at this point in the process that how to accomplish that would be determined.

After any necessary revisions are completed on the reports, forward the required number of reports to the MCRS for assembly of the Section 106 review package for the project. Formal review and certification by the NDOT/FHWA and the State Historic Preservation Office can take 60 to 90 days depending on NDOT and FHWA project load and priorities. Additionally, it is not uncommon for the SHPO to request additional information after reviewing the submitted reports. After that information is developed, and the reports are updated they are resubmitted to the SHPO for review and concurrence.

Common Terms Used in the Compliance Process:

36 CFR 800 Regulations: Can be found at www.achp.gov/regs.html

- MCRS: The Manager of the Cultural Resource Section, Environmental Services Division, at NDOT's Carson City offices
- EPM: The Environmental Program Manager for the FHWA, this individual is the "Agency Official" referred to in the 36 CFR 800 regulations
- SHPO: The State Historic Preservation Office or Officer also referred to in the 36 CFR 800 regulations
- APE: The Area of Potential Effects 36 CFR 800.16(d)

For additional information, contact: Hal Turner, RPA & Manager
Cultural Resource Section
Environmental Services Division
Nevada Department of Transportation
1263 S. Stewart St.
Carson City, Nevada 89712

Process for Cultural Resource Site Inventory and Evaluation

This outline is being provided for guidance on the process necessary to complete a cultural resource site inventory and/or evaluation for federal undertakings including Stewardship and Enhancement projects. This process is directed by the regulations (36 CFR 800) that implement the National Historic Preservation Act. Those regulations can be found at www.achp.gov/regs.html

1. To initiate the inventory process, obtain the services of an archaeologist from your staff or through a consultant agreement. The inventory must be conducted by, or under the direction of an individual who qualifies as an archaeologist under the *Secretary of the Interior's Professional Qualification Standards* (36 CFR Part 61, Appendix B (or the most recent publication of the *Standards* has been in the Federal Register, Vol. 62, No. 119, June 20, 1997, Pages 33,708-723)).
2. In consultation with the Manager, Cultural Resource Section, NDOT (MCRS) establish what the project's APE will be for the site inventory. Generally, the APE for site inventory will be the right-of-way or footprint of the project itself. This includes existing and new right-of-way, construction easements, and utility easements necessary for the project, construction staging areas and non-commercial material sources.
3. Conduct appropriate background review to determine if the APE has been inventoried before and what are the expectations on what could be found in uninventoried areas.
4. Obtain all necessary permits to conduct on ground site inventory. This generally applies if lands are controlled by federal land management agencies.
5. Conduct a site inventory of un-inventoried areas in the APE, record and evaluate all located cultural resource sites for eligibility for the National Register. Normally, all new site inventories will be done using Class III inventory procedures as defined in the Nevada BLM's *Cultural*

Resources Inventory General Guidelines and sites will be recorded using the *Intermountain Antiquities Computer System (IMACS)*.

a) For previously inventoried areas, relocate any sites within the present APE, update the existing site record to current standards (IMACS) and evaluate the site for eligibility to the National Register.

6. Produce an appropriate cultural resource site inventory report. This report must include:

a) Clear and concise maps clearly showing (i.e. labeled) the proposed project's boundary and the boundary of the APE.

b) A summary of findings and eligibility recommendations for all of the sites within the APE including those previously located by other inventories.

c) The body of the report should reflect the Nevada SHPO's guidelines for inventory and evaluation reports. That information can be found on the SHPO's web site:

<http://dmla.clan.lib.nv.us/docs/shpo/guide/guide-6.htm>

d) The project archaeologist should consult with the MCRS to determine the format and number of copies that will be needed at what stage of review, comment and approval.

7. The size, complexity and cost of site inventory and evaluation reports increase with an increase in the number and type of cultural resource sites that are located within the project's APE. As the complexity of a report increases, it would be to the project proponent's advantage to ensure that their archaeologist is working closely with the MCRS and SHPO to be sure that the report they are producing will be adequate to the regulatory needs of the proposed project.

8. Once the inventory and evaluation report is in a solid draft form, forward the report to the MCRS for review. The MCRS will review the report and ask for any revision that will be necessary to submit the report through the FHWA to the SHPO for review and comment.

9. If there are cultural resource sites within the APE that are recommended as eligible to the National Register, then the criteria of adverse effect will need to be applied and analyzed (36 CFR 800.5).

10. If your project reaches the point where it may result in adverse effect to an eligible historic site, you need to consult at length with NDOT's Project Manager, the Manager of the Cultural Resource Section, and FHWA's Environmental Program Manager regarding the practicality of your proposed project. Although projects are often completed when they have adverse effects to historic sites, the project's time line and cost often increase beyond what is practical for Enhancement or Stewardship projects. For information on the complexity of project's proceeding under adverse effect, you should review 36 CFR 800.5 through 800.6.

**APPENDIX D
BICYCLE FACILITIES CHECKLIST**

Project Identification _____

Project Limits _____

Checklist Completed By _____

Telephone Number _____

Is this project designated as bicycle facility on a local/regional/state plan? _____

Plan Adopted By _____

Date Adopted _____

Type of Facility Specified on Plan

_____ Bicycle Route

_____ Bicycle Lane

_____ Shared Use Path

For each proposed bicycle route or lane:

Annual Average Daily Motor Vehicle Traffic _____

Corresponding Heavy Truck Percentage _____

Posted Speed Limit _____

Allowed Parking _____

Roadway Width _____

Current Striping Plan _____

Proposed Striping Plan _____

Current and Projected Bicycle Use (Volumes) _____

For each proposed shared use path:

Location _____

Right-of-way Needed _____

Percent Grade (Elevation Change) _____

Amenities (Lockers, Racks, Benches, etc. _____

Type of Use:

_____ Shared Use Path

_____ Bicycle Only

_____ Pedestrian Only

Proposed Path Width and Clear Zones _____

Path Lighting _____

Current/Project Bicycle/Pedestrian Use (Estimated) _____

Purpose of Proposed Bicycle Project _____

For additional information, please contact:

Statewide Bicycle Planning Office

Attn: Eric Glick

5151 South Carson Street

Carson City, Nevada 89701

(775) 888-7433

E-mail bicycle@dot.state.nv.us

APPENDIX E

INFORMATION RESOURCES

For additional information, you may contact the following:

General Questions

Leif G. Anderson, Enhancement Program
NDOT
Program Development Office
1263 S Stewart Street
Carson City, NV 89712
(775) 888-7121
E-mail: landerson@dot.state.nv.us

Bicycle/Pedestrian

Eric Glick, Statewide Bicycle Planner
NDOT
Statewide Bicycle Planning Office
5151 South Carson Street
Carson City, NV 89701
(775) 888-7433
e-mail: bicycle@dot.state.nv.us

Environmental/Cultural Review

Environmental

Patty Brisbin
NDOT
Environmental Services Division
1263 South Stewart Street
Carson City, NV 89712
(775) 888-7688
e-mail: pbrisbin@dot.state.nv.us

Section 106 Review

Alice M. Baldrice, Deputy SHPO
Department of Cultural Affairs
State Historic Preservation Office
100 North Stewart Street
Carson City, NV 89701
(775) 684-3444
e-mail: ambaldrice@clan.lib.nv.us

Cultural/Historical

Cliff Creger, Manager
NDOT
Cultural Resources Section
Environmental Services Division
1263 South Stewart Street
Carson City, NV 89712
(775) 888-7666
e-mail: ccreger@dot.state.nv.us

National and State Register

Terri McBride, National Register Coordinator
Department of Cultural Affairs
State Historic Preservation Office
100 North Stewart Street
Carson City, NV 89701
(775) 684-3445
e-mail: tmcbride@clan.lib.nv.us

Right-of-Way

John Bunch, Chief Right of Way
NDOT Right-of-Way Division
1263 South Stewart Street
Carson City, NV 89712
(775) 888-7480

e-mail: jbunch@dot.state.nv.us

Southern District Office:

Bill Synder, Assistant Chief
NDOT
Right-of-Way Division
123 E Washington Street
Las Vegas, NV 89101
(775) 888-6541

e-mail: bsynder@dot.state.nv.us

Architecture

William Schulz, Chief Architect
NDOT
Architecture Division
1263 South Stewart Street
Carson City, NV 89712
(775) 888-7106

e-mail: wschulz@dot.state.nv.us

Northern District Office:

Susan Singer
NDOT Right-of-Way Division
1263 South Stewart Street
Carson City, NV 89712
(775) 888-7398

e-mail: ssinger@dot.state.nv.us

Stewardship Program

Rick Oxoby, P.E.
Intergovernmental Coordinator
Design Division
1263 South Stewart Street
Carson City, NV 89712
(775) 888-7569, fax (775) 888-7401

e-mail: roxoby@dot.nv.us