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Transportation Alternatives Program (TAP)

The Transportation Alternatives Program (TAP) is a reimbursable, federally funded program for transportation-related community projects designed to strengthen the intermodal transportation system. TAP supports communities in their development of projects that improve residents’ quality of life and enhance their travel experience, regardless of travel mode. The program fosters more choices for travel by providing funding for projects that enhance the cultural, aesthetic, historic, and environmental aspects of the intermodal transportation system. The program can also assist with funding for projects that do the following:

- Create pedestrian and bicycle facilities;
- Rehabilitate historic transportation buildings;
- Manage vegetation;
- Construct turnouts and overlooks;
- Convert abandoned railway corridors into shared-use trails;
- Mitigate highway runoff; and
- Provide other non-traditional, transportation-related alternatives to the state transportation system.

Because TAP funds are federal funds, projects must conform to all applicable federal requirements, including the United States Code Title 23 Code of Federal Regulations (CFR), the National Environmental Policy Act (NEPA), the National Historic Preservation Act, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title VI of the Civil Rights Act of 1964, Limited English Proficiency (LEP) and the Americans with Disabilities Act (ADA), Statewide and metropolitan planning rules, Minority Business Enterprise (MBE) requirements, and Maryland policies and procurement rules and regulations also apply.

The Maryland State Highway Administration (SHA), a modal administration of the Maryland Department of Transportation (MDOT), supports and administers the TAP for Maryland as a service to its customers. SHA encourages and promotes the development of TAP projects.
and provides project support services. Project sponsors design the project, manage the project through design and construction, acquire property, construct the project, implement federal requirements or request permits for TAP projects.

This manual will help potential project sponsors understand the TAP and determine its appropriateness for their projects and will serve current project sponsors as a guide or reference for the life of their projects. The manual reflects guidance for Maryland’s TAP, which may be more restrictive than the federal program and which may vary from other states’ programs and from guidance presented on the websites of the Federal Highway Administration (FHWA) or the Transportation Alternatives Program Clearinghouse. The manual contains general information about the program, including eligibility criteria, funding requirements, and the processes for application, project selection, project development and implementation, invoicing, and project closeout. SHA will coordinate with project sponsors regarding project-specific details.

Great Allegheny Passage, Maryland (image courtesy of The National Transportation Alternatives Clearinghouse Image Library via MK Campbell)
Project Sponsors

Sponsors of potential TAP projects are required to do the following:

- Provide funding for at least 20 percent of reimbursable project costs;
- Maintain the project for its lifespan and
- Assume liability for the duration of the project’s useful life.

Project sponsors may include:

- Local governments
- Regional transportation authorities
- Transit agencies
- Natural resource or public land agencies
- Tribal governments
- Any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of subsection (c) of section 213 of title 23.

Project co-sponsors may include:

- Private organizations
- Non-profit organizations
- Community groups
- Private individuals

*Any project co-sponsored by a non-governmental agency, organization, or individual must have a government agency as a sponsor.* In such cases, SHA holds the government agency accountable for all aspects of the project, even if the non-governmental agency executes all or most of the project sponsor’s responsibilities. Because co-sponsors cannot receive funds directly from SHA, government agencies may not submit applications on which the co-sponsor is named as the intended funding recipient. Instead, the government agency must reimburse the co-sponsor, and SHA will reimburse...
Applications must be submitted for eligible projects that will be awarded to the lowest responsive and responsible bidder, in accordance with the appropriate procurement procedures. The sponsor may advertise materials and construct projects with their own resources. A co-sponsor may not bid on the proposed project but may manage it through an agreement with the project sponsor.

All potential projects in the City of Baltimore must be submitted by the Baltimore City Department of Transportation.

**Transportation Alternatives Program Project Eligibility Criteria**

To be eligible for TAP funding, a project must first meet two essential requirements:

(1) Projects must relate to surface transportation.
(2) Projects must meet the criteria for one of the nine qualifying TAP categories listed in federal legislation.

TAP projects in Maryland must also:

- Benefit all potential users and allow free use by a broad segment of the public;
- Maintain a reasonable duration of the intended public use, as determined by SHA;
- Be located on publicly owned right-of-way or on right-of-way encumbered with a permanent easement held by a state agency or the government agency sponsoring or co-sponsoring the project; and
- Comply with ADA, NEPA, and all other applicable state and federal regulations (e.g., pedestrian and bicycle facilities must meet state and federal standards for width, grade, signing, and materials).

**Relationship to Surface Transportation**

All TAP projects must have a relationship to surface transportation; they exclude airports or aviation-related projects. Factors that can help establish this relationship to surface transportation include the project’s:

- Proximity to an existing or planned roadway or a pedestrian/bicycle corridor;
- Enhancement of the aesthetic, cultural, or historical aspects of the travel experience; or
- Current or past transportation purpose.

A project may relate to surface transportation because of the project’s function, impact, and/or proximity, as described below.

- **Function** – The facility was/is part of, or closely related to, Maryland’s intermodal transportation system. Examples include a project restoring an historic railroad depot because the building has a past transportation function, or the construction of a new pedestrian path that links a metro station with an existing pedestrian path because the path connects one transportation facility to another.
- **Impact** – The facility will positively affect users of Maryland’s intermodal transportation system. Examples include the construction of a sidewalk to provide alternative access to a school (which may have a safety impact), or the creation of a wetland to aid in managing stormwater runoff (which will have a positive environmental impact).
• **Proximity** – The facility not only provides travelers with a service but is also close to Maryland’s intermodal transportation system and can be enjoyed by its users. Proximity to a transportation facility alone (e.g., a historic site that is close to a major roadway) is not usually sufficient to establish a relationship to surface transportation. Demonstrating that a project substantially enhances the travel experience could help establish its relationship to surface transportation. An environmental mitigation project to address water pollution due to highway runoff is an example of a project that relates to surface transportation solely because of its proximity.

### Qualifying Transportation Alternatives Program Eligible Categories

A proposed TAP project must clearly fit within one of the nine qualifying categories listed in the federal legislation. This section of the manual identifies each of the categories, provides eligibility criteria for each category, and identifies the type of projects that may fall within each category. This section also provides examples of activities that TAP would fund for each qualifying category. These examples are not inclusive of all eligible project types. Potential project sponsors should contact SHA about project types not mentioned in the following list of examples.

1) **Provision of facilities for pedestrians and bicyclists**

- Eligible projects in this category include the planning and design, rehabilitation, or construction of on- and off-road trail facilities for pedestrians, bicyclists, and users of other non-motorized forms of transportation.
- Transportation projects must achieve compliance with the Americans with Disabilities Act (ADA) of 1990.
- Facilities must be supporting links in the regional intermodal transportation system, not stand-alone projects or exclusively for recreational use.
- Trail projects must provide connections to a regional system or link significant land uses; they cannot be internal paths in a neighborhood, park, campus, or other internal facility.
- Facilities must adhere to the latest versions of [SHA’s Accessibility Guidelines for Pedestrian Facilities along State Roadways](https://www.maryland.gov/SHA/Infrastructure/Transportation-Alternatives-Program/Pages/Accessibility-Guidelines-for-Pedestrian-Facilities-along-State-Roadways.aspx).

**PLEASE NOTE:**
If a project combines elements, only eligible TAP activities will be considered for funding.

- Although trailheads should be constructed at the same time a new trail system is constructed, trailheads for existing regional pedestrian and bicycle trails are also eligible. All trailhead facilities must comply with SHA’s policy on trailheads, found in Appendix B - Policies, Forms & Checklists.

**Typical Activities Eligible for TAP Funding under Category 1**

- Facilities may include on- and off-road shared-use trails, sidewalks, trailheads, bike parking, bike-lane striping that is part of an off-road system, and bike and pedestrian bridges and underpasses.
- Construction of on- or off-road trails with logical termini (e.g., between residential neighborhoods, park and ride lots, schools, colleges, businesses, or parks).
- Major resurfacing of an existing shared-use trail to be compliant with the Americans with Disabilities Act (ADA) of 1990.
- Construction of trailheads and related pedestrian and bicycle amenities.
- Construction of bike and pedestrian bridges or underpasses.
- Amenities related to or part of an eligible project may be eligible for funding. (Amenities may include safety lighting, bike lockers, small parking lots, safety fencing, and restrooms.)
- Facilities that provide traffic-calming techniques, lighting, and other safety-related infrastructure.
- Sidewalk improvements may include new sidewalks, sidewalk widening, sidewalk gap closures, curbs, gutters, and curb ramps.
- Replacement of existing pedestrian signals with LED and audible-countdown signals.

**Typical Activities Ineligible for TAP Funding**

- Construction of a closed-loop running track or bike trail.
- Installation of amenities for non-transportation use, including gazebos, playground equipment, flagpoles, streetlights, monuments, picnic facilities, etc.
- Construction of portions of an eligible trailhead building that will be used for commercial activities.
- Construction of general parking, parking exceeding that required for trail use, or parking lots for a future use.
- Marketing, staffing, maintenance, or operations costs of a trailhead facility.

**2) Infrastructure-related projects and systems that will provide safe routes for non-drivers**

Eligible projects in this category include planning, design, and construction of infrastructure-related projects that will provide safe routes by which non-drivers, including children, older adults, and individuals with disabilities, can access their daily needs.
Typical Activities Eligible for TAP Funding under Category 2

- Traffic calming and speed-reduction improvements: roundabouts, bulb-outs, speed humps (not permitted on state routes), raised crossings, raised intersections, median refuges, narrowed traffic lanes, lane reductions, full- or half-street closures, automated speed enforcement, and variable speed limits.
- ADA pedestrian- and bicycle-crossing improvements: crossings, median refuges, raised crossings, raised intersections, traffic-control devices (including new or upgraded traffic signals, pavement markings, traffic stripes, in-roadway crossing lights, flashing beacons, bicycle-sensitive signal-activation devices, pedestrian countdown signals, vehicle-speed feedback signs, and pedestrian-activated signal upgrades), and sight-distance improvements.
- On-street bicycle facilities: new or upgraded bicycle lanes, widened outside lanes or roadway shoulders, geometric improvements, turning lanes, channelization and roadway realignment, traffic signs, and pavement markings.
- Off-street bicycle and pedestrian facilities: exclusive multi-use bicycle and pedestrian trails and pathways that are separated from a roadway.
- Secure bicycle-parking facilities: bicycle-parking racks, bicycle lockers, designated areas with safety lighting, and covered bicycle shelters.
- Traffic-diversion improvements: separation of pedestrians and bicycles from vehicular traffic adjacent to school facilities, and traffic diversion away from school zones or designated routes to a school.
- Activities to encourage walking and bicycling to school: Public-awareness campaigns and outreach to the media and community leaders, traffic education and enforcement in the vicinity of schools, and student assemblies or curriculum on bicycle and pedestrian safety, health, and the environment.

Great Allegheny Passage, Maryland (image courtesy of The National Transportation Alternatives Clearinghouse Image Library via Jason Pratt)
Typical Activities Ineligible for TAP Funding

- The development and implementation of safety-related activities or programs designed to promote pedestrian and bicycle safety, unless in connection with Safe Routes to School.
- The development of promotional or education materials, unless in connection with Safe Routes to School.

3) Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users

Eligible projects in this category include the conversion of abandoned railway corridors for an off-road pedestrian or bicycle trail, or a canal facility.

- Eligible railway corridors must be officially abandoned, have abandonment proceedings pending, or be available for purchase from the legal owner of the property.
- Trails must be transportation-oriented and not exclusively for recreational use.
- Trails must provide connections to Maryland’s intermodal transportation system or link significant land uses.
- Projects on publicly owned right-of-way will be given preference.

Bicycle facilities must adhere to the latest versions of SHA’s Accessibility Guidelines for Pedestrian Facilities along State Highways, SHA’s Bicycle and Pedestrian Design Guidelines, and the AASHTO Guide for Development of New Bicycle Facilities, which provides information about upgrading existing bicycle and pedestrian facilities; developing new bicycle facilities, including planning considerations and design and construction guidelines; and operation and maintenance recommendations.

Typical Activities Eligible for TAP Funding under Category 3

- Construction of pedestrian or bicycle trails adjacent to abandoned railroad corridors.
- Installation of pedestrian and bicycle amenities at intermodal nodes or trailheads.

4) Construction of turnouts, overlooks, and viewing areas

Eligible projects in this category include widening a highway in a scenic area to allow vehicles to safely pull over and park, or constructing an off-road scenic overlook with a viewing area.

- Eligible activities include the construction of turnouts, overlooks, viewing areas, and scenic byways.
- All related facilities in this category must be constructed within or immediately adjacent to the right-of-way of, and be directly related to, the scenic byway.
- Such construction includes all elements necessary for and incidental to the function and aesthetic appearance of a turnout, overlook, viewing area, and scenic bypass.
- The project should serve the state’s economic development, preservation, and conservation efforts by providing opportunities for travelers to learn more about Maryland’s unique cultural and natural resources, and/or provide the conveniences, safety, and services necessary for the roadway traveler’s rest and relaxation.
Typical Activities Eligible for TAP Funding under Category 4

- Turnout, overlook, viewing area, or scenic bypass site construction for all vehicular, pedestrian, special needs, and transportation improvements that are necessary to safely, efficiently, and conveniently serve the purpose of the turnout, overlook, viewing area or scenic bypass.
- Turnout, overlook, viewing area, or scenic bypass new building or existing building renovation or improvement construction, including restroom, interpretive, and other structures necessary to safely, efficiently, and conveniently serve the purpose of the turnout, overlook, viewing area, or scenic bypass. Construction may include the necessary water, sewerage, electrical, and telecommunications connections/services.
- Interpretive signs, displays, structures, or other elements that describe, explain, interpret or that are otherwise necessary to safely, efficiently, and conveniently serve the purpose of the turnout, overlook, viewing area, or scenic bypass.
- Functional enhancements and related improvements that support the purpose of the turnout, overlook, viewing area, or scenic bypass and/or serve the safe, efficient, and convenient use of the turnout, overlook, viewing area, or scenic bypass.

5) Inventory, control, and removal of outdoor advertising

Eligible projects in this category include the inventory, control, and removal of existing billboards, illegal signs, and other nonconforming outdoor advertising along roadways.

- Projects must be consistent with the Outdoor Advertising Control requirements found in 23 CFR 750 Subpart G and should contribute to the viewshed of the traveling public.
- Costs associated with the removal of billboards or other outdoor advertising must be based on an equitable estimate.
- Inventory control may include data collection, acquisition and maintenance of digital aerial photography, video logging, scanning and imaging of data, and developing and maintaining an inventory and control database of outdoor advertising.

PLEASE NOTE:
Contact the SHA Office of Real Estate Outdoor Advertising Representative about items potentially eligible under category 5.
Typical Activities Eligible for TAP Funding under Category 5

- Activities associated with billboard inventory-control measures.
- Removal of billboards that are not in compliance with existing zoning ordinances.
- Transaction costs associated with the removal of billboards.
- Typical Activities Ineligible for TAP funding.
- Removal of billboards on private property without property-owner approval.

PLEASE NOTE: Contact the SHA Office of Real Estate Outdoor Advertising Representative 1-800-752-4793 about items potentially eligible under Category 5.

6) Historic preservation and rehabilitation, and historic transportation buildings, structures, or facilities, including historic railroad facilities and canals

Eligible projects in this category include the rehabilitation of historic transportation buildings, structures, or facilities that are part of the intermodal transportation system and are listed on or eligible for the National Register of Historic Places.

- Rehabilitation and restoration can be accomplished by returning the property to a condition that makes a contemporary use possible, while preserving the significant historic features of the property.
- Eligible structures include railroad depots, bus stations, lighthouses, railcars, tunnels, and bridges.
- Projects must comply with the Secretary of the Interior’s Standards for Rehabilitation of Historic Properties. All proposed rehabilitation must be consistent with the historic character of the site and restore the historic site to a condition that will permit or enhance public use.
- Only improvements intended to serve a transportation-related use are eligible for funding.
- All facilities must be non-profit; any funds raised must be used primarily for the maintenance and improvement of the facility.
- Documentation from the State Historic Preservation Office (SHPO) or other appropriate agency with evidence of the historic nature of the site must be provided with the application. For the SHPO’s contact information, see Appendix C - TAP Contact Information. All improvements are subject to approval by the SHPO.
- Projects must improve or preserve an historic transportation site by documentation, recording, restoration, rehabilitation, stabilization, or other means to protect the site. The site may have had a significant transportation-related function in the past, may currently serve a transportation-related function, or may serve a transportation function after the project is completed.
- The project should enable a transportation-related use of the historic property or result in a publication that documents the facility.

Typical Activities Eligible for TAP Funding under Category 6

- Construction associated with the restoration or rehabilitation of railway depots, bridges, trestles, railways, lighthouses, tunnels, canal viaducts, bus stations, ferry terminals, etc., that are listed on or eligible for the National Register of Historic Places and will be operable and serve a transportation-related use after construction.
• Construction associated with the historic preservation of a transportation-related historic site, district, structure, or object for public use.
• Preservation of historic building facades.
• Tasks associated with identification, restoration, documentation, interpretation, rehabilitation, or stabilization of an historic transportation structure.
• Restoration of an historic lighthouse, boat, railcar, or other transportation-related object.
• Creation of an archive of surface-transportation history.
• Production of books, scholarly documents, films, website information, or CDs/DVDs.
• Documentation of production to preserve an historic transportation site.

**Typical Activities Ineligible for TAP Funding**
• Construction associated with the restoration or rehabilitation of a transportation-related structure not listed on or eligible for the National Register of Historic Places.
• Construction of improvements to an historic transportation-related structure intended to serve a non-transportation use, such as a barn, post office, museum, house, etc.
• Any work that would risk the historic status of a structure, site, or object.
• Staffing, maintenance, or operation costs of an eligible transportation facility.
• Replication or duplication of an historic site, object, or structure.
• Acquisition of historic artifact collections or exhibits.

7) **Vegetation management**

Eligible projects in this category include vegetation management practices in transportation rights-of-way to improve roadway safety, prevent invasive species, and provide erosion control along state or federal roadways.

• Projects may include vegetation management.
• Projects that fall within an historic district require a review by the SHPO and official local historic-preservation groups. For the SHPO’s contact information, see Appendix C – TAP Contact Information.
**Typical Activities Eligible for TAP Funding under Category 7**

- Reintroduction of native or endangered plants or trees along a highway.
- Removal of invasive species.

**Typical Activities Ineligible for TAP Funding**

- Maintenance activities, such as mowing, tree pruning or removal, erosion control, etc.
- Landscaping associated with an existing reforestation project.

**8) Archeological activities relating to impacts from implementation of a transportation project eligible under this title**

Eligible projects in this category include archeological research, interpretation, and documentation of transportation-related sites relating to impacts from implementation of a transportation project.

- Projects may involve transportation-related archeological site preservation and interpretation to improve identification, evaluation, and treatment of sites; data recovery; or research on archeological sites.
- The analysis and synthesis of data derived from transportation-related archeology projects.
- All relevant work must comply with the [Secretary of Interior’s Standards and Guidelines for Archeology and Historic Preservation](#) and must be reviewed by the SHPO. For contact information, see [Appendix C – TAP Contact Information](#).
- Documentation from the SHPO or other appropriate agency with evidence of the historic nature of the site must be provided with the TAP application.
- Additional coordination with the SHPO may be required.

**Typical Activities Eligible for TAP Funding under Category 8**

- Research, preservation, and interpretation of archeological sites impacted by transportation projects.
- Preparation and cataloguing for exhibition of artifacts related to transportation or transportation projects.
- Archeological research, planning, or data recovery associated with or required by an existing or planned transportation project.

**Typical Activities Ineligible for TAP Funding**

- Archeological research or studies unrelated to surface transportation.
- Development of a project guide that documents for future use the rationale, methods, and results of the current study.
9) **Environmental mitigation activities, including pollution prevention and pollution abatement activities and mitigation, to** (1) **address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including sections 133(b)(11), 328(a), and 329,** (2) **reduce vehicle-caused wildlife mortality, or (3) restore and maintain connectivity among terrestrial or aquatic habitats.**

Eligible projects in this category must be (1) environmental mitigation projects that minimize, correct, or collect stormwater runoff from roadways and (2) projects that reduce wildlife mortality caused by vehicle incidents on roadways, without disconnecting wildlife habitat.

- Eligible mitigation activities include wetland creation, stream-channel improvements, erosion-control measures, drainage-facility restoration, and permanent filtering systems (e.g., the addition of vegetated ditches or detention basins).
- Projects must rectify current or past impacts from transportation facilities.
- Projects intended to reduce wildlife mortality resulting from vehicles must be located at documented wildlife-mortality sites or documented wildlife-crossing sites near new roads.
- Projects may include the installation of fencing in wildlife-crossing locations; the construction of wildlife overpasses, underpasses, or culverts; the planting of native vegetation as sight buffers or grazing deterrents; or the monitoring and collection of data on habitat fragmentation and vehicle-related wildlife mortality.
- This category is not limited to rare, threatened, or endangered (RTE) species, but includes any wildlife mortality directly caused by vehicles. Funding preference will be given for species identified as RTE by the federal or state government.

**HELPFUL HINT:**
Routine, non-major maintenance of trails, buildings, bridges, or other structures of eligible TAP projects, as well as any maintenance equipment are NOT eligible for funding.

**Typical Activities Eligible for TAP Funding under Category 9**
- Restoration and creation of wetlands, improvements to stream channels, installation of erosion-control measures, and other methods to address water pollution linked to highway runoff.
• Creation of vegetative ditches, detention basins, or other filtering systems for highway runoff.
• Installation of or improvements to drainage facilities degraded by highway construction.
• Installation and/or construction costs of fencing, overpasses, culverts, or underpasses for wildlife passage.
• Monitoring and collection of data on habitat fragmentation and vehicle-caused wildlife mortality.
• Compulsory mitigation, avoidance, or minimization activities required or associated with an existing or planned transportation-improvement project.
• Mitigation not associated with water pollution linked to highway runoff or highway construction.

**Typical Activities Ineligible for TAP Funding**

• Installation and construction of wildlife passages along roadways with no documented evidence of wildlife crossing and wildlife mortality caused by vehicles.

**Activities Ineligible for Funding in the Transportation Alternatives Program**

The following activities are NOT eligible for TAP funding, regardless of the qualifying category:

• Capital Improvements, including sidewalk retrofits, roadway construction, roadway lighting, roadway paving, undergrounding of utilities, and drainage or sewer improvements;
• Streetscape projects;
• Directional, way-finding, and neighborhood-identification signage not directly related to an approved project to promote historic or cultural areas;
• Loop trails within a park or around a facility, especially a trail without a connection to a regional pedestrian/bicycle facility network;
• Parks or recreation areas or facilities;
• Parking garages;
• Parking lots that are not an integral part of an eligible TAP project (i.e., a trailhead or access point), or that include parking in excess of that which would reasonably be provided for the project;

**HELPFUL HINT:**
Project Sponsors are encouraged to call the TAP Manager at SHA before submitting an application for TAP funding for assistance in determining eligibility, answering preliminary questions, and providing additional guidance related to specific projects.
• Improvements to or acquisition of commercial properties or properties intended for commercial use;  
• Noise barriers;  
• Artwork or artistic enhancements, including monuments, sculptures, statues, murals, and historical reproductions;  
• Projects that have not followed all applicable rules and regulations, including procurement regulations;  
• Operating costs of eligible TAP projects;  
• Activities on private property or property unencumbered with an easement held by a government agency that may otherwise be eligible for TAP funding; and  
• TAP staff activities of private, non-profit, or for-profit groups or state or local government agencies, unless for the purposes of Safe Routes to School projects.  
• Routine, non-major maintenance of trails, buildings, bridges, or other structures of eligible TAP projects and maintenance equipment are NOT eligible for funding.
Project Sponsor Responsibilities

Project sponsors are responsible for the timely completion of each phase of a TAP project, including the advertisement of the project within two years. Each phase is discussed in general terms within this manual. The project sponsor’s responsibilities will be outlined in a Memorandum of Understanding (MOU) between the sponsoring agency and SHA. Generally, the project sponsor’s responsibilities include, but are not limited to:

- Preparing and submitting a complete application package to SHA;
- Keeping written documentation of all actual project costs and making that documentation available upon request;
- Providing project management;
- Ensuring funding is available to complete the project;
- Obtaining public support;
- Acquiring right-of-way;
- Completing engineering design to the 60-percent stage within one year of the kickoff meeting;
- Completing engineering design;
- Promoting or marketing the project;
- Obtaining environmental surveys, including wetland delineations, hazardous materials surveys, and archeological surveys;
- Obtaining scour analysis and borings, as needed;
- Completing and submitting all necessary NEPA documentation to SHA;
- Coordinating with the SHPO on all projects involving facilities on or eligible for the National Register of Historic Places;
- Obtaining necessary permits;
- Submitting complete and timely requests for permission to advertise;
- Advertising for construction or other services within two years of the kickoff meeting;
- Constructing, developing, and/or implementing the project;
- Inspecting construction projects;
- Testing materials used in construction;
- Producing a publication of research findings, as appropriate;
- Sending monthly progress reports (MPR) to SHA;
- Accepting responsibility for cost increases;
- Accepting responsibility for project maintenance before, during, and after construction; and
- Submitting requests for reimbursement in a timely manner.
SHA Assistance for Transportation Alternatives Program

Project Sponsors

SHA will assist project sponsors in meeting the TAP requirements throughout the life of a project. SHA’s responsibilities include, but are not limited to:

- Holding a kickoff meeting to orient sponsors to the program;
- Preparing an MOU;
- Reviewing letters to environmental agencies;
- Submitting NEPA documentation for FHWA approval;
- Reviewing structural plans and specifications;
- Reviewing construction plans, specifications, and estimates (PS&E);
- Seeking federal funding approval;
- Providing a minimum Minority Business Enterprise (MBE) goal;
- Providing approval to advertise;
- Reviewing complete bid packages;
- Providing Concurrence in Award (CIA);
- Monitoring construction work and spot-checking record-keeping practices;
- Providing inspections and materials testing, for a fee (if requested and when staff is available); and
- Processing reimbursement requests.

Public Events

All project-related promotional materials, including press releases, public event materials, and informational signage, must include funding credit for MDOT and FHWA. Project sponsors must notify SHA at least six weeks before scheduling any public event. Failure to do so may jeopardize future funding considerations.

*Three Notch Trail, Mechanicsville, Maryland*
Funding Fundamentals

Chapter 3 provides an overview of Maryland’s TAP funding procedures. Please note that TAP is a federal reimbursement funding program, not a grant program.

Project sponsors must first establish whether the proposed project is eligible for TAP funding by determining its qualifying category and its relationship to surface transportation. If the project is eligible, the project sponsor should prepare and submit a TAP application. The estimated costs as presented in the Project Costs section of the TAP application will serve as the official request for funding. Potential project sponsors should not assume that additional TAP funding will be available if the initial funding request is inadequate and should ensure that they understand all TAP funding criteria before they complete their application.

Reimbursable Requests

In Maryland, TAP funding can be requested for up to 80 percent of a project’s total reimbursable cost, as presented in the application. The project sponsor is required to fund the balance, which is called the “match.” Because the TAP is a reimbursement program, the project sponsor must pay for project costs before requesting reimbursement for eligible activities.

Since all TAP projects that involve construction must have at least 30 percent design at the time of application, project sponsors may be reimbursed for project expenses that account for 30 percent to 100 percent of the design of the project’s construction or construction-related aspects. Associated right-of-way acquisitions or project planning and administrative costs will not be reimbursed. In addition to design, examples of reimbursable construction project costs include:

- Construction management
- Soil disturbances (clearing, grubbing, excavation, etc.)
- Foundations
Only construction expenses that directly relate to eligible TAP activities are eligible for TAP funding. For example, in the general scope of a project that addresses the construction of a trailhead, the cost of constructing restrooms would directly relate to the project, as would the cost of constructing a required stormwater management pond. However, the cost of constructing an area to be used for a coffee shop would not be directly related and would not be eligible for TAP funding.

Some categories of TAP projects do not require construction. Therefore, project sponsors will be reimbursed for project activities specific to the category. For example, costs associated with archeological research and billboard removal will be considered for reimbursement, depending on the project’s qualifying category.

Project sponsors should use the descriptions in the Qualifying TAP Categories section of this manual as a guide to determine which activities associated with each category are eligible for TAP funding. SHA, in coordination with FHWA guidance, will make the final determination of activities that are reimbursable based on the state and federal criteria. For questions concerning project eligibility or reimbursable activities, project sponsors should contact the TAP Manager.

**Matching Requirements**

At a minimum, project sponsors must provide a non-federal cash match of 20 percent of a project’s total reimbursable costs. This criterion must be met for a project to be eligible for reimbursement. The category and type of project that is being requested will determine which activities are eligible for reimbursement. For construction projects, potentially reimbursable activities include design activities (after 30 percent design), actual construction, and related activities.

All match activities must be directly related to the proposed TAP project. Neither the costs of adjacent, past, or future project activities nor the costs from a similar project or another phase of the project will be considered a cash match.
Funding from local, state, and federal agencies and private, in-kind donations are considered as contributions toward the project costs. Donated materials or services can be used as a cash match, require approval. Donated services are valued at a rate equivalent to the rate ordinarily paid for the type of work, and donated materials are valued at the market rate of the materials or supplies at the time of donation.

Many construction projects have components that are not eligible for TAP reimbursement. The costs of these non-reimbursable components may not be counted toward the project sponsor's match requirements. An Memorandum Of Understanding (MOU) between the project sponsor and SHA will document the reimbursable project costs, the costs that can be used as a match, and the project costs that are neither reimbursable nor considered a match.

The following example reflects the proposed costs of a typical project eligible for TAP funding: The Total Project Cost for the project is $1,350,000. The project sponsor requested funding for construction only. In this example design is not eligible for reimbursement. Right-of-way is not eligible for MD TAP funding.

<table>
<thead>
<tr>
<th>EXAMPLE PROJECT 1 - CONSTRUCTION ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Development</td>
</tr>
<tr>
<td>Design Costs</td>
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<tr>
<td>Right-of-Way Acquisition Costs</td>
</tr>
<tr>
<td>Construction, Construction Management, and Inspection Costs</td>
</tr>
<tr>
<td><strong>Total Project Costs</strong> (Planning+Design+Property+Construction costs)</td>
</tr>
<tr>
<td><strong>Maximum TAP Request</strong> (not to exceed 80 percent of total reimbursable costs)</td>
</tr>
<tr>
<td><strong>Minimum Project Cash Match</strong> (20 percent of total reimbursable costs)</td>
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</tbody>
</table>
**Funding Amount Changes**

Once a project is approved for funding, TAP award amounts are based on the estimated project costs presented in the application. Therefore, accurate cost estimates in the application are essential. **If the actual final cost of the project is more than the amount presented in the application, the award will not be increased automatically.** All cost increases are the responsibility of the project sponsor.

Project sponsors may request additional TAP funding after the original TAP award is given and **before the project is awarded to a contractor.** SHA will consider increases up to an additional 10 percent above the original award amount. Requests for increases over 10 percent will require TAP Technical and Executive Committee approval. The project sponsor must present a written, clear, and reasonable justification for additional funding. Funding increases are discouraged. SHA will not consider award changes for cost increases that occur after the start of construction.

Since the amount of the TAP award **does not** increase if the construction costs increase, the **percentage of the cash match will increase.** The project sponsor is responsible for increased costs, regardless of the cash match identified in the original TAP application and the MOU.

If the actual final cost of the TAP project is less than the estimated project costs outlined in the application, the TAP award amount may decrease proportionally. For example, the project in Table 1 – TAP Funding Summary shows the total project cost as $1,350,000, the maximum TAP award as $800,000, and the match as $200,000. However, if the actual project costs had totaled $1,000,000 and the reimbursable costs had decreased to $800,000, the final TAP award would have been reduced to $640,000, and the match would have been reduced to $160,000.

**PLEASE NOTE:**
After a proposed project is approved for TAP funding, significant project schedule changes or scope changes are strongly discouraged, as they may result in project funds being withdrawn. If withdrawal is determined appropriate, the project sponsor may resubmit an application during a subsequent program cycle.
**Transportation Alternatives Program**

**Project Process**

This section serves as a reference to assist project sponsors in understanding and meeting the requirements of each phase of a TAP project. Most projects will require some type of construction, even if part of the TAP award is used for design. Other projects may include archeological activities related to impacts caused by the implementation of a transportation project or by vegetation management within transportation rights-of-way. Each type of project has a different general procedure, as outlined in flowcharts and explained throughout the chapter.

The Maryland State Highway Administration (SHA) will advise and assist project sponsors during each phase of the project. SHA assistance includes, but is not limited to:

- Informing project sponsors of general requirements specific to their project;
- Preparing a Memorandum of Understanding (MOU) defining project responsibilities of the sponsor and SHA;
- Reviewing letters to environmental agencies;
- Requesting environmental or NEPA clearance from FHWA;
- Reviewing design plans and specifications;
- Approving requests to advertise;
- Providing Concurrence in Award (CIA);
- Processing requests for reimbursement;
- Reviewing close-out information; and
- Responding to questions, issues, and concerns throughout the project.

**STEP 1 – Project Selection**

In the application, project sponsors are responsible for clearly defining the project’s scope, providing a reasonable and feasible schedule and budget, and including all other necessary information. Upon receipt of the TAP
applications, SHA staff will screen them for eligibility, completeness, and adherence to program criteria. If time permits, project sponsors may be given the opportunity to clarify portions their applications. Following SHA screening, eligible projects will compete for available funding.

Projects within the following Metropolitan Planning Organization (MPO) regions will be reviewed and approved by that MPO’s selection committee:

- Baltimore Regional Transportation Board: Anne Arundel, Baltimore, Carroll, Harford, and Howard counties, and Baltimore City
- Washington Council of Governments: Charles, Frederick, Montgomery, and Prince George’s counties
- Wilmington Metropolitan Planning Organization: Cecil County

For projects outside the MPO area, eligible applications will be forwarded to the TAP Technical Committee for review. The Technical Committee will make recommendations to the TAP Executive Committee, which will make funding decisions based on a summary of all project applications, the availability of uncommitted program funds, the categorical and statewide distribution of projects, and the Technical Committee’s recommendations. The TAP Executive Committee comprises the following:

- Secretary of Maryland Department of Transportation (MDOT)
- Secretary or Assistant Secretary of the Maryland Department of Natural Resources (DNR)
- SHA Administrator
- Maryland Transit Administration (MTA) Administrator State Historic Preservation Officer

Projects awarded TAP funding will receive notification from the governor or the applicable MPO.

Once projects are awarded TAP funding, SHA recommends that the project sponsor not proceed with design, development, and/or right-of-way acquisitions until SHA provides guidance at the project kickoff meeting. Any action performed that is not in accordance with federal requirements may make the project or a portion of the project ineligible for TAP funding. The cost of project activities performed before the kickoff meeting cannot be reimbursed.
STEP 2 - Kickoff Meeting

SHA will schedule a kickoff meeting with the project sponsor after the project is awarded TAP funding. Kickoff meetings are technical discussions important to the development of the project. Generally, the project sponsor will discuss the project’s scope in detail and update SHA staff on any changes since the application was submitted.

SHA staff will familiarize the project sponsor with the major state and federal requirements for the specific TAP project. In addition to the project sponsor, the project manager and others who may play a major role in the project (e.g., the project engineer) should attend the kickoff meeting. Elected officials typically do not attend. Topics of discussion include:

- Project scope and activities
- Memorandum of Understanding (MOU) process
- Environmental approvals determination
- Project schedule
- Cost estimate or budget
- FHWA right-of-way acquisition process, if right-of-way is needed
- Engineering design or project-development update
- SHA review process
- PS&E and Advertisement processes
- Reimbursement process

Following the kickoff meeting, the project sponsor must begin submitting a Monthly Progress Report (MPR) to the TAP Assistant. Due at the beginning of each month, the MPR should be submitted by email. Information to include in the email can be found in Appendix B – Policies, Forms and Checklists.

STEP 3 – Preparation for Advertisement

This section is important for all project sponsors whose projects require advertisement to solicit bids for supplies or for design, construction, or other services. Project sponsors are responsible for meeting certain requirements before requesting permission from SHA to advertise, and each process described in this section must be completed before advertisement. Many of the following processes will apply to most projects, depending on the individual scope of work. All TAP projects must have an executed MOU and obtain National Environmental Policy...
Act (NEPA) clearance, which can be done concurrent with project design or development.

**Memorandum of Understanding (MOU) Process**
SHA will prepare an MOU for each awarded TAP project. The MOU is a formal agreement between SHA (on behalf of MDOT) and the government agency sponsoring or co-sponsoring the project. The MOU will list the mutual commitments of SHA and the project sponsor. SHA will begin to prepare an MOU for a project following its kickoff meeting, and the MOU will reflect the topics discussed in the meeting and the corresponding TAP application. The MOU will include the following:

- Project description
- Activities eligible for reimbursement
- Responsibilities of SHA and the project sponsor
- TAP award and matching requirements
- Change-order requirements
- Project close-out
- Reimbursement process
- General program provisions

It is the project sponsor’s responsibility to ensure that the scope and costs outlined in the MOU are accurate. **Failure to adhere to the requirements set forth or referenced in the MOU could make all or part of the project ineligible for reimbursement.**

SHA will provide the project sponsor an opportunity to review and comment on the draft MOU. Once the sponsor agrees to the language in the MOU, SHA will provide copies of the MOU for signature. The sponsor will then send the originals to SHA to be executed. SHA will provide the project sponsor one (or more, if required) original for the sponsor’s files. For tracking purposes, the executed MOU must be delivered to SHA in person or by a delivery service.

The MOU must be executed before FHWA can set aside federal funds for the project. An executed MOU is also a prerequisite for permission to advertise.

**Project sponsors should not wait for the MOU to be executed to continue project activities that occur prior to advertisement.**
**National Environmental Policy Act (NEPA) and Environmental Requirements**

All projects that receive federal funding must conform to the requirements of (1) **NEPA**, (2) the **National Historic Preservation Act** – Section 106, (3) Section 7 of the Endangered Species Act, (4) the United States Department of Transportation Act – Section 4(f), (5) the **Clean Water Act** – Section 404, and (6) the **Chesapeake Bay Critical Area Act**, as discussed below. Depending on the specific project activities, other federal and state laws and regulations may be pertinent. It is the project sponsor’s responsibility to ensure that the project adheres to all applicable environmental regulations and processes.

If the NEPA coordination and documentation process is not already underway, TAP project sponsors should begin that process immediately following the kickoff meeting. The NEPA documentation and approval process generally takes four to six months to complete. **NEPA approval is required before a TAP project can be approved for advertisement.** The project sponsor’s responsibilities for the major federal environmental laws and regulations are outlined below.

- **The National Environmental Policy Act (NEPA)** – requires sponsors of projects receiving federal funds to consider natural and socioeconomic factors using a systematic, interdisciplinary approach, which requires coordination with various environmental agencies to obtain information on cultural, socioeconomic, and natural resources within the project area, documentation of any impacts upon those resources, and consideration of ways to avoid or minimize impacts, as appropriate. To satisfy the requirements of NEPA, the project sponsor also needs to adhere to the following laws and regulations.

- **The National Historic Preservation Act** – Section 106 – requires that the effect of federally assisted actions on significant historic sites or structures and archeological resources is considered.

  For all projects involving construction, project sponsors should provide Maryland Historic Trust (MHT) and associated local organizations a letter that includes a detailed scope of work, a historical and archeological inventory, and a determination of project effects on any historic resources eligible for or listed on the National Register of Historic Places. Project sponsors must define the Area of Potential Effects (APE) for cultural resources, taking into account direct impacts, including visual intrusions, noise, and property acquisition and determine whether significant historic structures, sites, or districts are present within the APE. Project sponsors must provide SHA copies of the letter to, and the response or concurrence from, MHT, as part of the environmental documentation.

- **Section 7 of the Endangered Species Act** – requires that federally assisted actions do not affect the continued existence of any rare, threatened, or endangered (RTE) species or anadromous fish species or adversely modify the critical habitat of such species.

  For all TAP projects involving construction outside paved areas, project sponsors must prepare letters requesting information about the presence of RTE or anadromous fish species in the project area. The letters should be sent to the following agencies:

  - US Fish and Wildlife Service (USFWS)
• DNR-Wildlife and Heritage Service
• DNR-Environmental Review Unit

The project sponsor may be required to conduct a habitat assessment or species survey if documented RTE species or species of special concern are present within the immediate vicinity of the project area, or the cultural habitat of RTE species may be affected by the project. Avoidance or mitigation may also be required. Project sponsors must provide SHA survey reports and copies of letters to, and responses from, USFWS and DNR as part of the environmental documentation.

*United States Department of Transportation Act Section 4(f)* – provides special protection for publicly owned public parks, recreation areas, wildlife and waterfowl refuges, and significant historic sites.

Project sponsors must determine whether Section 4(f) resources are located in the project area and if they will be permanently or temporarily affected. If Section 4(f) impacts are anticipated, the project sponsor will coordinate with the agency that has jurisdiction over the resource and undertake avoidance and minimization strategies. Project sponsors must provide all correspondence concerning Section 4(f) coordination as part of the environmental documentation.

*Clean Water Act* – Section 404 – regulates the discharge of dredged or fill material into wetlands and waterways by requiring a permit for all development projects. Appropriate steps to avoid and minimize impacts are required. Unavoidable impacts should be mitigated through activities that restore or create wetlands or waterways.

Project sponsors must determine whether wetlands, waterways, or floodplains are present and if they will be impacted. If impacts are anticipated, the project sponsor will coordinate with the United States Army Corps of Engineers (USACE) and the Maryland Department of the Environment (MDE) and will do the following:

- Perform a wetland delineation of the affected area;
- Implement efforts to avoid or minimize impacts;
- Prepare permits;
- Submit permits; and
- Prepare mitigation plans, if required.

USACE and MDE will confirm field delineations and assist with the determination of the appropriate type of permit. A copy of the permit application and/or the issued permit will be provided to SHA, as part of the environmental documentation.

*Critical Area Commission (CAC) for the Chesapeake and Atlantic Coastal Bays (Chesapeake Bay Critical Area Act)* – establishes land-use policies for development in the Critical Area (any area within 1,000 feet of tidal influence) to accommodate growth, minimize adverse impacts on water quality, and conserve the habitat of fish, wildlife, and plants.
If the project is located within the Critical Area, the project sponsor will coordinate with the Critical Area Commission (CAC) or the local planning and zoning agency to obtain the necessary development approvals. The CAC will review project design plans. Project sponsors must provide copies of letters to, and approvals from, the CAC and/or local planning and zoning agency, as part of the environmental documentation.

To comply with NEPA, project sponsors must also conduct appropriate public involvement activities.

The following table relates specific environmental resources to the applicable environmental regulations and the agency that regulates each type of resource. NEPA requires project sponsors to comply with the environmental resources listed in the table, as they apply to the project.

*See Table 1 on following page*

Examples of letters that project sponsors prepare for the various environmental agencies and other related reference information are located in Appendix D – NEPA Contacts and Examples. The project sponsor may ask SHA to review draft coordination letters before they are submitted to the environmental agencies. The sponsor must submit final copies of all environmental documentation submitted to and received from environmental agencies to the TAP NEPA Liaison, who will be the project sponsor’s point-of-contact for questions and guidance concerning environmental coordination, regulations, and documentation. Typically, it takes 30-60 days to receive responses from the agencies. SHA prefers that project sponsors send environmental documentation to SHA as soon as it is received. It is not necessary to submit everything at the same time. Project sponsors should also submit evidence of public involvement to the TAP NEPA Liaison.

Using the environmental documentation and the project information from the submitted TAP application, SHA will summarize all NEPA coordination efforts and environmental impacts in a Categorical Exclusion (CE) letter to FHWA or a Programmatic Categorical Exclusion (PCE) on behalf of the project sponsor. **FHWA approval of a CE serves as NEPA or environmental compliance. SHA approval of a PCE serves as NEPA or environmental compliance.**

**PLEASE NOTE:**
SHA will use information provided in the original application to complete the Categorical Exclusion (CE) letter. Project sponsors must report any changes in the project description, scope of work, and public involvement plan to prevent delays in NEPA compliance.
## Table 1 – Environmental Impacts

<table>
<thead>
<tr>
<th><strong>ENVIRONMENTAL RESOURCE</strong></th>
<th><strong>ENVIRONMENTAL REGULATION</strong></th>
<th><strong>REGULATORY AGENCY</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Lands</td>
<td>NEPA</td>
<td>Maryland Department of Agriculture (MDA)</td>
</tr>
<tr>
<td>Recreational, Parklands, or Wildlife and Waterfowl Refuges</td>
<td>Section 4(f); NEPA</td>
<td>Local Governments or National Park Service (NPS)</td>
</tr>
<tr>
<td>Historic Sites - archeological resources or standing structures</td>
<td>Section 106; NEPA</td>
<td>Maryland Historical Trust (MHT)</td>
</tr>
<tr>
<td>Wetlands or Waters of the US</td>
<td>Section 404; NEPA</td>
<td>Maryland Department of the Environment (MDE); US Army Corps of Engineers (USACE)</td>
</tr>
<tr>
<td>Floodplains</td>
<td>Section 404; NEPA</td>
<td>MDE; USACE</td>
</tr>
<tr>
<td>Forests</td>
<td>NEPA</td>
<td>Local Governments or NPS</td>
</tr>
<tr>
<td>Critical Areas/Coastal Zones</td>
<td>Chesapeake Bay Critical Area Act; NEPA</td>
<td>Critical Area Commission (CAC)</td>
</tr>
<tr>
<td>RTE Species</td>
<td>Section 7; NEPA</td>
<td>Department of Natural Resources (DNR); US Fish and Wildlife Service (USFWS)</td>
</tr>
<tr>
<td>Hazardous Waste Sites/ Hazardous Materials</td>
<td>NEPA</td>
<td>Environmental Protection Agency (EPA)</td>
</tr>
<tr>
<td>Consistency with Local Development Plans</td>
<td>NEPA</td>
<td>Local Agencies</td>
</tr>
<tr>
<td>Community Cohesion/Quality of life/Displacements</td>
<td>NEPA</td>
<td>Local Agencies</td>
</tr>
<tr>
<td>Air quality</td>
<td>NEPA</td>
<td>EPA; MDE</td>
</tr>
<tr>
<td>Noise</td>
<td>NEPA</td>
<td>EPA</td>
</tr>
<tr>
<td>Economic</td>
<td>NEPA</td>
<td>Local Agencies</td>
</tr>
</tbody>
</table>

**NOTE:** other state and/or local regulations may apply.
For the vast majority of TAP projects, which do not result in significant environmental impacts and usually provide significant social and environmental benefits, a CE letter or PCE will satisfy NEPA requirements. A project qualifies for a CE or PCE only if the proposed actions do not:

- Induce significant impacts on planned growth or land use for the area;
- Require the relocation of a significant number of people;
- Have significant impacts on any natural, cultural, recreational, historic, or other resource;
- Involve significant air, noise, or water-quality impacts;
- Have significant impacts on travel patterns; or
- Have significant environmental impacts, either individually or cumulatively.

**Right-Of-Way Acquisition Process**
All TAP project activities must be located on publicly owned right-of-way or right-of-way encumbered with a permanent easement held by a public agency. Any right-of-way not meeting those criteria must be acquired by fee-simple ownership or permanent easement by the public agency sponsoring or co-sponsoring the project. The term “right-of-way” encompasses not only the property on which the project will be constructed, but also any property needed for temporary use and other property rights required to complete the project. Right-of-way includes land used for water drainage, land entered upon to adjust terrain slopes, land used for stormwater management outfalls, land needed for construction staging or access, etc.

**Right-of-Way Process for Construction Projects**
For construction-related projects, the sponsoring agency may negotiate for or acquire right-of-way before submitting an application. Once the sponsoring agency submits a project application for TAP funding, the local agency must follow the Federal Uniform Assistance and Real Property Acquisition Policies Act, as amended, and other applicable FHWA reimbursement regulations and requirements.

Because projects cannot receive TAP funds for right-of-way acquisitions, project sponsors may elect to continue right-of-way negotiations without interruption after they submit the TAP application, or they can put all negotiation activities on hold until the project receives NEPA clearance. If the project sponsor chooses to wait for NEPA clearance, the sponsor may maintain contact with property owners, but may make no offer to acquire the property or conduct any other form of negotiation between

**PLEASE NOTE:**
There should be no pre-existing encumbrances against any right-of-way to be acquired.
PLEASE NOTE:
Before the project is advertised for construction, the project sponsor must provide SHA a Right-of-Way Certification Letter, even if all right-of-way within the project area is publicly owned.

SHA’s TAP Right-of-Way Liaison will be available for guidance throughout the right-of-way process. The project sponsor may take primary responsibility for completing the right-of-way process or may hire a private contractor to take primary responsibility. SHA’s Office of Real Estate (ORE) may be available to act as a private contractor for this purpose. In either case, an official detailed negotiating record must be kept, and the acquisition process is the same.

In accordance with the Uniform Act, the general process to acquire right-of-way for construction-related projects is outlined below.

- The property must be appraised by an SHA-certified appraiser.
  - Project sponsors must offer property owners the option of accompanying the appraiser when the property is inspected.
  - The property appraisal must be reviewed and accepted by a second certified appraiser.
- Following the appraisal review, the negotiator may begin making offers to property owners in order to acquire the necessary right-of-way.
  - A written Letter of Offer that details the components of each offer must be given to the property owner, along with a plan or drawing of the property to be acquired and the deed or agreement needed to transfer the property rights.
  - The offer must be based on fair market value.
  - The offer may be made in person or by mail.
  - After the first offer, the negotiator should remain in communication with the property owner, attempting to resolve the property-owner’s concerns or issues in attempt to reach an amicable settlement.
  - The sponsoring agency may ask the property owners to donate the right-of-way required for construction-related projects. However, the property owners must be informed that they have the right to be compensated for...
any use of their property and that, by donating their property; they are waiving their right to compensation. Such a donation may be tax-deductible.

- Upon completion of successful negotiations, both parties will sign a deed, option contract, or easement agreement to transfer the property rights. The final settlement or closing may occur later, when payment is made to the property owner.
  - A deed is a legal document that transfers certain property or property rights to the sponsoring agency. Upon execution, it must be recorded in the land records of the local jurisdiction.
  - An option contract is a legally binding contract that stipulates that the public agency has the option to acquire the right-of-way for an agreed-upon amount within a specified duration of time, and will include any other agreed-upon provisions.
  - An easement agreement is a legal document that conveys the legal right for the public agency to use the right-of-way for a specific purpose.
  - The negotiator must sign a negotiator’s certificate.

- Upon completion of the right-of-way acquisition, the TAP Right-of-Way Liaison will review the sponsoring agency’s acquisition activities and records to ensure compliance with the federal procedures.
  - Records should include the appraisal and appraisal review, the signed deed or easement document, and a summary of the negotiation activities.
  - If the right-of-way acquisition process complies with all federal regulations, the TAP Right-of-Way Liaison will prepare a Right-of-Way Certification Letter and send it to the project sponsor and FHWA. At this point, the right-of-way acquisition is cleared.

**PLEASE NOTE:**
All right-of-way acquisitions should be completed before the project sponsor requests approval to advertise for construction bids. It is possible to advertise a project before all right-of-way is acquired, provided that the sponsoring agency has made offers to acquire all properties, and the TAP Right-of-Way Liaison has reviewed and approved the acquisition process up to that point. If all paperwork is acceptable, the Liaison may issue a Limited Certification Letter, allowing the project sponsor to advertise for bids. Before the winning bid is awarded for construction, the sponsoring agency must complete the right-of-way process. The TAP Right-of-Way Liaison will review the completed right-of-way acquisition process records and, if all actions are acceptable, issue a Letter of Certification stating that the right-of-way is cleared. This process is considered an exception and is allowed in emergency cases only.

If the required right-of-way is publicly owned by an agency other than the agency sponsoring the TAP project, the property owner is usually supportive of the project and willingly gives permission to the sponsoring agency to use the property. In these cases, a Letter of Permission may be sufficient documentation of right-of-way requirements. In other cases, a more detailed acquisition process may be required, and the procedure will vary by incident.

**Design Requirements**
Planning projects that have a concept at the time of the application submittal and will require design services to bring the project to 30 percent. Design services are solicited via a RFP (Request for Proposal) and proposal
reviewed and ranked. Prices are requested from most qualified and negotiation of price may occur. Please contact “Office of Procurement and Contract Management” 4th floor, (Norie Calvert) for all the details.

Professional engineering design is required for all TAP projects involving any type of construction, rehabilitation, or mitigation. Most project sponsors use a consultant to supply the required professional engineering work. The design for a project should be at 30-percent completion at the time the application is submitted. Design activities can continue without interruption after submission if the sponsor does not intend to request reimbursement for design costs. If a sponsor has secured a consultant for project design and would like to request reimbursement for design costs after 30 percent, the consultant must be secured through the federal procurement process. If the original design consultant was not procured through the federal process, in order to qualify for reimbursement the sponsor must procure a different consultant, since the federal process prohibits any potential contract bidder from having an unfair advantage over other potential bidders.

Project sponsors are expected to proceed from the 30-percent plans and may not restart design until funding has been approved. Major scope changes are discouraged. If the project, as proposed, cannot be accomplished, the project should be withdrawn. A new, revised project can be developed, and a new application can be submitted in a subsequent year. If the projects design changes, substantively, after the application has been submitted, before proceeding the project sponsor must submit a letter to the TAP Manager requesting approval to change the scope. The letter must clearly identify the proposed changes, the reason for the changes, and any associated schedule and/or budget modifications. Scope change requests should be sent as changes occur. Once the MOU has been executed or NEPA clearance has been obtained, only minor scope changes should be needed. The project must still be advertised within 24 months of the date of the TAP award to comply with the Milestone Policy.

All TAP projects are required to comply with the Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination on the basis of disability. TAP project sponsors should use the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) to ensure that their projects comply with the ADA. If the project links to or includes a transportation facility, such as a shared-use trail, walkway, driveway, or access path, or is located along or intersects with a state roadway, SHA’s Accessibility Policy & Guidelines for Pedestrian Facilities along State Highways must be followed.
The ADAAG recognizes that some requirements may not be fully achieved for all elements of all facilities because of conditions such as terrain and historic integrity. Professional design judgment and good-faith effort must be exercised to ensure that all new and rehabilitated facilities are accessible. All parking, restrooms, access paths, displays, water fountains, and telephones built as a part of a TAP project must comply with the ADA. Project sponsors must discuss any potential requests for design exceptions with the TAP Community Design Liaison before submitting for review. Approval of such exceptions is not guaranteed.

The TAP design process for ALL bridge and structural construction projects should be guided by the latest version of the Bridge Replacement and Rehabilitation Program Guidelines for Local Governments. A copy of these guidelines is available at each county’s Department of Public Works. Additional policies and publications that provide design guidance include:

- Maryland State Highway Administration Bicycle Policy and Design Guidelines
- AASHTO’s Guide for Development of New Bicycle Facilities
- The Secretary of Interior’s Standards and Guidelines for Archeology and Historic Preservation
- The ADA Accessibility Guidelines for Buildings and Facilities (ADAAG)
- SHA’s Accessibility Policy & Guidelines for Pedestrian Facilities along State Highways
- SHA’s Standards for Highways, Incidental Structures and Traffic Control Applications by and for the Maryland State Highway Administration
- MDOT’s Standard Specifications for Construction and Materials
- The Maryland Stormwater Design Manual
- The Manual on Uniform Traffic Control Devices
- The International Code Council publications, including the International Building Code

Maryland’s stormwater-management and erosion- and sediment-control regulations apply to each project. The project sponsor is responsible for determining and meeting the requirements of any additional regulations relating to the design of approved TAP projects, including local zoning ordinances.
Project sponsors must obtain all permits required by federal, state, or local authorities, including, but not limited to, Erosion and Sediment Control, Stormwater Management, Critical Areas, Joint Permit Application, Tree Permit, Building Permits, Utility Permits, Airport Permit, and Access Permit. An Access Permit from SHA is required for any project that will modify or create new access points to or across any SHA right-of-way.

**PLEASE NOTE:**
Office of Structures review is concurrent with the design process and requires a minimum of 5 weeks per submittal.

**Failure to meet ADA and other required design standards may jeopardize TAP funding.** Project sponsors should contact the TAP Community Design Liaison for general questions concerning design.

**Bridge or Structure Review**
A project that includes the construction or alteration of bridges, retaining walls, boardwalks, large culverts, or foundations of structures or that proposes an improvement that may impact an existing SHA structure will require review and concurrence by SHA’s Office of Structures (OOS). The project sponsor must submit a complete set of design plans, specifications, and estimates to OOS when they are approximately 50 percent and 95 percent complete. OOS will review the first submittal (50 percent) for Type, Size, and Location (TSL) of structures, soil boring reports, and scour and foundation design. After addressing OOS’s comments, the sponsor must receive OOS’s concurrence before submitting the second set of plans at 95 percent. OOS will review the Final and Structural designs during the second submittal. If the project’s complexity warrants, OOS may request separate, independent submittals of necessary design components. The **Federal Highway Bridge Program Guidelines** provide a detailed list of requirements for each review stage.

**Scour Analysis**
SHA policy requires that a scour evaluation or assessment be performed and approved for the rehabilitation or replacement of any bridge or bottomless culvert over a waterway when federal or state funds are provided. When conducting a scour evaluation or assessment and when preparing the report, the project sponsor must follow the Office of Structures, **Hydrology and Hydraulics Design Manual**.

OOS’s review and concurrence of the structural design will be needed before the sponsor requests SHA’s approval to advertise the project.

**State Historic Preservation Office (SHPO) Review**
Projects that involve any historic site or structure will require a design
review by the SHPO (i.e., the Maryland Historic Trust (MHT) in Maryland). The design review is in addition to the NEPA requirements.

The project sponsor should submit the design plans to MHT when they are approximately 30%-percent complete. Design plans should be developed to a stage at which, at a minimum, the location and size of all proposed improvements are shown. However, plans should be submitted early enough in the process to allow for requested design changes, if necessary. MHT must be invited to the Final Review Meeting with SHA. See Appendix C - TAP Contact Information.

**Design-Build**
TAP project sponsors may use a Design-Build approach to construct their projects. The Design-Build method differs from the more typical Design-Bid-Build method in that it shifts the responsibility of completing the final design and construction to a Design-Build Team. The advertised design plans for a Design-Build project are completed to about the 30-percent stage to establish bidding, product, and construction requirements. For more information on an approach to Design-Build projects, please contact SHA’s Design Build Coordinator.

**This approach should be carefully evaluated.** It may not meet the needs of the project and will require extensive project sponsor participation as design and construction progress.

**Utility Relocations**
Project sponsors are responsible for coordinating all necessary utility relocations with the appropriate public or private agency, business, or owner. Utilities relocation should be addressed early in the design phase, as it could affect costs and schedules. A utilities statement should be prepared to document the utilities relocation process. Concurrence of the utilities statement from the SHA District Office that corresponds with the project’s location is needed before project sponsors can request permission to advertise. For more information, contact the Utility Engineer in the appropriate SHA District Office.

If the project impacts utilities within SHA right-of-way, the project sponsor must determine the date that the right-of-way was acquired by the utility company or the date the utilities were installed, and the date that SHA acquired the right-of-way (commonly referred to as Prior Rights). If the utility company’s right-of-way ownership or installation preceded

**PLEASE NOTE:**
Coordinating the relocation of utilities is especially important for projects involving an active railroad, since relocation can be a lengthy process.
SHA’s ownership, the project sponsor is solely responsible for the design and relocation of the utilities. If SHA’s ownership preceded the utility company’s right-of-way ownership or installation, SHA may consider exercising its prior rights and may request that the utility company move the utility at the utility company’s sole expense. The latter will be evaluated on a case-by-case basis. For more information on utilities relocation within SHA right-of-way, see SHA’s Utility Policy.

Traffic Control Plan
Project sponsors must prepare a traffic control plan for all projects that will affect vehicular or pedestrian movement during construction. SHA District Office concurrence on the traffic control plan is needed before project sponsors can request permission to advertise.

Additional Approvals and Concurrences
Other SHA approvals and concurrences may be necessary, depending upon the scope of the project. Project sponsors may need:

- The SHA Access Management Division to request an a new access or changes to an existing access point serving commercial entrances, street connections and highway improvements.
- The SHA District Office’s approval to construct within or to cross SHA right-of-way; and/or
- Design exception from SHA if established design guidelines or regulation cannot be met after due diligence.

Consult the TAP Community Design Liaison for more information on design exceptions.

All required SHA reviews and concurrences of all TAP projects must be completed before the sponsor requests SHA’s approval to advertise.

Specifications Book
Project sponsors must prepare the project’s specifications book, invitation for bids, and project manual, which must include all required permits, approval letters, and specifications required for the construction of the project. The specifications book should contain general provisions, terms and conditions, technical requirements for construction and materials, a bid proposal form, and any other associated project information that may be needed to comply with Code of Maryland Regulations (COMAR), SHA, FHWA, state, and other applicable regulations. Specification books

PLEASE NOTE: The state contract and federal-identification numbers must be included on the design plans and in the specifications book.
are considered legal documents. SHA recommends that project sponsors use the general SHA format – *Standard Specifications for Construction and Materials* – in preparing the specifications book. The specifications book will be used in conjunction with the design plans as the primary source for potential contractors to determine bids for construction. These documents, together with the design plans, constitute the advertisement documents, or contract, that potential bidders will use to develop bids for construction.

**Publication Requirements**

Project sponsors of Safe Routes to School projects that will result in any type of publication or program material must contact the [TAP Manager](#) before advertising for any service. All publications must comply with the ADA, which prohibits discrimination on the basis of disability.

All publications or program materials must be reviewed by SHA when they are approximately 50- percent complete. Subsequent SHA reviews and reviews by other agencies may be necessary and will vary, depending on the type of project.

**PLEASE NOTE:**
The SHA logo must be included in any publication.
STEP 4 – Final Review Meeting

All TAP construction projects are required to have a Final Review Meeting. Participants should include key persons on the project sponsor’s team; SHA staff with insight into the project design, and all other project stakeholders or interested parties whose participation would not affect the contractor’s bidding process. The meeting can be described as a peer review of the proposed design and will provide the final opportunity for SHA and other stakeholders to make comments or edits before a request for approval to advertise is submitted. Each page of each document will be reviewed during the meeting. To prepare for this meeting, the project sponsor must submit to SHA, Design Plans, Specifications Book, and Engineer’s Estimate (PS&E), which represent the proposed advertised document, according to the distribution list. This list should be verified with the TAP Manager. The documents should be about 90-95 percent complete.

Project sponsors must solicit reviews of the Final Review package from all non-SHA project stakeholders. All stakeholders should be prepared to discuss project details and offer comments in the Final Review Meeting. General topics of discussion include design, engineer’s estimate, constructability, project goals and/or restrictions, contract, advertisement, construction, and future maintenance of the project.

After the Final Review Meeting has been held the project sponsor must develop and provide a Final Review Report. The report must reflect a summary of all comments, recommendations, and edits presented at the Final Review Meeting, and indicate how the project manager addressed and resolved each comment or recommendation following the meeting. The Sponsor should deliver the final review report and obtain concurrence by the reviewer prior to PS&E submittal. This will expedite the PS&E review process.

STEP 5 – Advertisement

Small Procurement
Projects with a Total Cost under $25K may be able to follow Small Procurement Procedures. This often includes projects such as Safe Routes to School education and encouragement activities and projects with a small scope of work.
Small Procurement Procedures:

**Step 1:** Prepare a detailed description with all applicable specifications of what exact services are to be provided by the perspective vendor and an estimate of the total anticipated costs.

**Step 2:** Solicit written bids from at least three potential vendors for work to be done or services to be provided. Documentation must be provided and shall include:
   a. List of vendors contacted, including name, address, and phone number. Identify as many qualified Minority Business Enterprise firms as reasonable, to afford ample opportunity to bid equally against other vendors.

**Step 3:** Evaluate and open the bids to determine which vendor will receive the award. The award shall be made to the lowest responsive and responsible bid. Submit to SHA’s Transportation Alternatives Manager documentation of all bidders, bid costs and a recommendation of award. Award of the contract cannot be given to a prospective bidder until SHA has concurred with the recommendation and issues a written notice to proceed.

Planning/Design Projects
Planning projects that have a concept at the time of the application submittal and will require design services to bring the project to 30 percent. Design services over $25k may be solicited via a RFP (Request for Proposal) and proposal reviewed and ranked. Prices are requested from most qualified and negotiation of price may occur. Please contact “Office of Procurement and Contract Management” 410-545-0437 for all the details.

Approval to Advertise and Bid Packet
Project sponsors must submit a written request to obtain SHA’s approval to advertise. In advertising for bids, project sponsors are soliciting vendors who can provide materials or services needed for a project. For projects involving construction, a ready-to-advertise Plans, Specifications & Estimates (PS&E) or Bid Packet, must accompany the request for approval to advertise. The packet should be completed before it is delivered to SHA. The PS&E Checklist, which is provided to ensure that the packet is complete, should accompany the packet.
Two identical packets should be sent to the TAP Community Design Liaison. It takes approximately 4-6 weeks for SHA and FHWA to review completed packets and provide approval to advertise. The PS&E packet must include all of the following:

- **100 Percent-Complete Design Plans and Specifications Book**
  - Design Plans and Specifications Book must provide all details necessary to bid on and construct the proposed project.

- **Engineer’s Estimate**
  - Itemizing all construction items, anticipated bid cost, and associated funding source.
  - The estimate should be presented in a spreadsheet that lists all construction elements, their quantities, the predicted bid unit price, and the total project cost.
  - The estimate should identify which elements will and will not use TAP funding and the amount of funding for each element.
  - Reinforced structures (ie: retaining walls, bridge, etc..), lumps sum/&or grouped items others may need a breakout of cost and quantities for review of project’s recommended DBE % goal review by the Procurement Review Group (PRG).

- **Environmental Permit Form**
  - The form should indicate the status of all required permits for this project.
  - See Appendix B – Policies, Forms and Checklists for an example.

- **Public Awareness Letter/Documentation**
  - The documents should explain how the public was informed of the proposed construction and state the majority position on the project.
  - Letters of support from elected representatives are recommended.

- **Final Review Report**
  - Report should reflect edits and comments presented at the Final Review Meeting. Sponsor should obtain concurrence of edits and/or responses from SHA prior to PS&E to expedite the PS&E review.

- **Traffic Control Plan Concurrence, if applicable**
- **Utilities Statement Concurrence, if applicable**
- **Design Exception Approval, if applicable**
• OOS Concurrence of Structural Design, if applicable
• Executed MOU
• FHWA-approved PCE, CE, EA, or EIS, which serves as environmental clearance
• Right-of-Way Certification Letter, if applicable
  • All construction projects require a right-of-way certification letter.
• Other SHA Approvals and Concurrences, if applicable

SHA will issue written approval to advertise after all requirements are met and FHWA has obligated federal funds for the individual project. It is important to note: if a project is advertised before this approval is received, the project sponsor will be required to cancel the advertisement or reject bids and re-advertise to maintain eligibility for reimbursement of federal funds. After the project has received SHA and FHWA approval to advertise, any modifications to the contract must be approved by SHA before the modification or addendum is issued. If approved, addendums must be provided to all purchasers of bid documents and made part of the contract document.

If a non-construction project requires advertisement for supplies and services, the project sponsor must coordinate with the TAP Community Design Liaison before submitting a written request for SHA’s approval to advertise. This request includes advertisement for services such as design, archeology, publishing, printing, document production, graphic design, etc. Design services that require an Architectural and Engineering (A&E) contracts will need to be reviewed and approved by the Office of Procurement and Contract Management.

Advertisement
Before the project is advertised for construction, the SHA’s Federal-Aid Program Division must sign-off on the completed advertisement packet and the project sponsor must notify the TAP Community Design Liaison of the advertisement date. Advertisements for construction bids must comply with state and federal regulations.

All TAP construction projects are required to be advertised for a minimum of 21 continuous calendar days with the bid opening held on the 22nd day. The advertisement must include the project title, the SHA and FHWA project numbers, and the project sponsor’s contact information. The advertisement must appear on the Maryland Department of General

PLEASE NOTE:
Any proposed PS&E requirement modification will be made on a case-by-case basis.
Services’ website, www.emarylandmarketplace.com. Additional advertising is encouraged, and options include:

- A newspaper with the primary circulation in a major metropolitan area;
- A newspaper with a local circulation relative to the project’s geographic location;
- A newspaper that is certified by MDOT as an MBE; and
- Direct and indirect notices.

Project sponsors are encouraged, but not required, to conduct pre-bid meeting(s) with potential contractors. Attendance at any pre-bid meeting cannot be mandatory, but should be strongly recommended. Records of all pre-bid meetings must be shared with all plan purchasers and included in the project document.

Project sponsors may also request qualifications from contractors to qualify a bidder before the contractor’s price bid is opened. This is usually done when highly specialized work is required. If qualifications are requested, a two-stage sealed-bid opening – qualification and price – will be conducted. Contractor qualifications must be kept in a separate envelope, which will be opened before the bids are opened.

**Bid-Opening Guidelines**

Once the advertisement period has passed and bid proposals have been received, the project sponsor will conduct a public opening of the sealed bid proposals, which must be attended by an SHA representative. After opening all bids and upon determination of the lowest bidder, review of the bid for responsiveness and satisfaction that the bidder is responsible, the contract may be awarded to that bidder or the Sponsor may choose to reject all bids. The bid rejection shall be sent to all vendors that submitted bids. All bids will be retained by SHA. It is the project sponsor’s responsibility to review and evaluate all bid documents to determine the lowest responsive, responsible bidder (i.e., the lowest bid submitted in response to an advertisement that conforms to the requirements contained in the specifications book and design plans, including Minority Business Enterprises (MBE) requirements).

If the project sponsor systematically rejects all bids, the project must be re-advertised. Prior to re-advertisement, project sponsors must submit a written request for SHA’s approval. An updated PS&E packet, copies of rejection letters for the previous bids, and justification for those rejections

**PLEASE NOTE:**

An award based on a weighted system (such as preference based on the geographic location of a contractor) is not allowed.
must accompany the written request. The updated PS&E packet should:

- Be modified to address the reasons for the rejection of all bids;
- Be modified to improve competitive bidding; and
- Include an outline of all PS&E modifications.

Project sponsors should review the entire PS&E packet before resubmitting it, because certain changes may affect multiple documents. If any modifications significantly affect the approved scope or limit of work, as outlined in the MOU, a scope change must be requested and approved before SHA will grant approval to re-advertise.

**Concurrence in Award (CIA)**

CIA is SHA’s written concurrence that the project sponsor followed appropriate state and federal regulations in selecting the contractor and the corresponding bid proposal. Project sponsors must request SHA’s CIA after bids have been opened and evaluated, and before the contract is awarded and the contractor Notice to Proceed (NTP) is issued. The project sponsor’s written request for CIA should include a package of documents and information for SHA review, which should be sent to the TAP Community Design Liaison. The CIA request should include the following:

- **MDOT DBE Forms C&D which document intentions to meet or surpass the contract DBE percentage goal**
  - The MBE/DBE goals are determined by Procurement Review Group/Committee (PRG/C) through the SHA Office of Construction (OOC) prior to advertisement.
  - Original signatures are required on DBE forms.
  - If the MBE/DBE goal is not met, the contractor is required to demonstrate and document to the Local Government and SHA for concurrence a Good Faith Effort to obtain MBE/DBE participation, which must be sent to SHA with MBE. The local government must then review, verify, and support the contractor’s request for a reduction of the MBE/DBE goal, the documentation of a Good Faith Effort, and the project’s affirmative action plan.

- **Copy of Advertisement, as posted**
- **Copy of Contractor-signed Bid Proposal**
- **Certified Bid Tabulation**
  - The tabulation should show the bids, by unit price, of all bidders and information announced or inventoried (e.g., bid bond) at the bid opening.

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**PLEASE NOTE:**
SHA requires a minimum of 4 weeks to review the CIA package.
• The project sponsor must certify that the document is true and correct.

• **Certified Bid Analysis**
  • The analysis should compare and calculate line-item costs and percent difference between the lowest responsive, responsible bid and the approved engineer’s estimate for each bid.
  • The project sponsor must certify that the document is true and correct.

• **Non-collusion Affidavit from Bid Proposal**

• **Experience and Equipment Form**
  • Project sponsors should use SHA’s standard form.
  • The contractor must have the form notarized.

• **Bid Justification, if applicable**
  • A bid justification letter is required when the contractor’s bid is 10 percent or greater than, or more than 15 percent less than, the approved engineer’s estimate.

• **Request for an Exception to Contract Requirements, if applicable**

Examples of the MDOT DBE forms, bid tabulation, bid analysis, experience and equipment form, and bid justification are found in Appendix B – Policies, Forms and Checklists.

**Notice to Proceed (NTP)**

Project sponsors may issue NTP to the contractor only after receiving SHA’s written CIA. The SHA District Office that corresponds to the project’s location should be invited to the pre-construction meeting with the contractor and given a proposed construction schedule. To determine the SHA district that corresponds to each Maryland County, and for contact information, see Appendix C - TAP Contact Information.

**STEP 6 – Construction**

Sponsors of projects that require construction must contact the SHA District Office before commencing construction (see Appendix C - TAP Contact Information). The District Office will assign a project engineer to provide general oversight for SHA during construction to assure that the project is adhering to its scope and responsibilities, and ensure that SHA’s interests are being addressed. The frequency and depth of the District Office’s oversight will vary, depending on the scope of the project. The
project sponsor may contact the project engineer for questions about the type of work that requires a certified inspection, the materials that must be sampled or tested, and the types of changes that require a change order.

During construction, project sponsors are encouraged to use the SHA Office of Construction; Construction Manual, which reflects the SHA Standards and Specifications and current construction practices and techniques.

Preconstruction and Construction Meetings
The preconstruction meeting is the responsibility of the project sponsor. Every person or agency with a stake in the project, including the District Office project engineer, should be invited to the meeting. The details of construction, including the schedule, are discussed in the meeting.

It is recommended that the project sponsor hold monthly meetings with the contractor to discuss construction progress. The minutes of all construction progress meetings must be sent to the District Office.

Construction Management, Inspection, and Materials Testing
Project sponsors are responsible for the management, construction inspection, and materials testing of their projects. The construction manager should oversee the project construction and have the capacity to approve minor modifications to the original design to facilitate construction with minor oversight from SHA Office of Construction. The project sponsor is responsible for ensuring that the construction inspectors are SHA-certified, with experience in the type of inspection that they are required to oversee.

The materials testing must be done in an SHA-certified lab or in the field by an inspector who has been certified by SHA. The SHA District Office may be available for hire to perform inspection services, depending on Office workload. If such District Office service is desired, contact with the SHA District Office should be made at the Final Review Meeting. For contact information, see Appendix C - TAP Contact Information.

Change Orders
Change orders are required for moderate to significant deviations from the contract. All change orders or extra work orders required during construction must be approved by SHA before they will be issued. Change orders should be sent to the District Office Assistant District Engineer (ADE) of Construction for approval. SHA will notify the project sponsor in writing of approval or rejection of change orders. The District Office project engineer may approve emergency change orders by telephone; however, a written change order must be submitted within 14 days.

Although change orders may be approved for amounts that exceed the original amount of the contract awarded to the contractor, approval of the change order does not imply that the additional construction costs will be reimbursed. The TAP Award cannot be increased after the contractor is awarded NTP.

PLEASE NOTE: Failure to receive SHA approval for change orders may jeopardize TAP reimbursement.
Figure V-1 – General TAP Procedure For Construction Projects

1. Project Awarded TAP Funding
2. Kickoff Meeting
3. MOU
4. NEPA & Environmental Requirements
5. Right-of-Way
6. Design
7. Final Review
8. Approval to Advertise Request (PS&E Submittal)
9. Approval to Advertise
10. Advertisement
11. Bid Opening
12. Concurrence in Award Request
13. Concurrence in Award
14. Notice to Proceed
15. Funding Reimbursement
16. Construction
17. Notice to Proceed
Figure V-2 – General TAP Procedure For Non-Constrution Projects

- Project Awarded TA Funding
- Kickoff Meeting
  - MOU
  - NEPA & Environmental Requirements
  - Project Development
  - Approval to Advertise Request; PS&E Submittal
  - Approval to Advertise
  - Advertisement
  - Concurrence in Award Request
  - Concurrence in Award
  - Notice to Proceed
  - Publication/Implementation
  - Funding Reimbursement
- Project Closeout
APPENDIX B
POLICIES, FORMS AND CHECKLISTS

Great Allegheny Passage, Maryland
(image courtesy of The National Transportation Alternatives Clearinghouse Image Library via Jon Dawson)
**Form/Checklist Links**

- **Monthly Progress Reports** (form currently under construction, contact TAP Manager)
- **Environmental Permit Form** (form currently under construction, contact TAP Manager)
- **Reimbursement Request Form** (form currently under construction, contact TAP Manager)
- **Plans, Specifications, and Estimates Packet Checklist** (form currently under construction, contact TAP Manager)

**Concurrence in Award Documents Checklist**

- Bid Tabulation Example
- Bid Analysis Example
- Bid Justification Example
- Experience and Equipment Form

Examples of these documents will be provided prior to advertisement.

**Transportation Alternatives Program Trailhead Funding Policy**

Requests to improve existing, or construct new, trailhead facilities must meet the following qualifications to be considered for TAP funding.

**Location**

- Trailhead facilities must be on or adjacent to an established trail system of regional significance or should be constructed at the same time a new trail system of regional significance is constructed.
- The trailhead should be located where potential trail users can safely and conveniently enter the trail system.
- A trailhead must be primarily for the benefit of bicyclists and pedestrians.

**Facilities/Services Provided**

**Basic Services:**

- At a minimum, a trailhead should provide a place for all trail users to enter a trail system and could include space to park and unload bicycles or other trail equipment.
- Sufficient space should be provided to accommodate predicted demand.

**Large Trailheads must provide basic services and may add the following:**

- Restrooms and water for washing hands.
- Potable water, sinks, and places for tent camping overnight.
- A small building to house additional services.

**Large Trailheads should also meet the following criteria:**

- The number of restrooms should be in proportion to the size of the facility and the number of users to be served.
• The size and cost of the trailhead should be reasonable for the number of trail users.
• Parking should be in proportion to the size of the trailhead and the number of users.
• User information will be made available through literature, maps, interpretive displays, or photographs.
• A portion of the building may be leased (for a fee) to activities/businesses that generate income, for uses such as a café, a gift shop, leased office space, or non-profit organization offices/use, but construction or interior fixtures for any business will not be reimbursable.
• A portion of fees or money earned by any commercial enterprise must be used for operating and/or maintenance expenses of the facility. The intent, and the amount, of fees for displays must be included in the application.
• The manner of staffing and the number of staff persons, if any, must be specified in the application.
• Planned operating hours must be reasonable and must be included in the application.

General Information

• Use of trailheads and their facilities must be free of charge.
• The trailhead must be entirely ADA-compliant.
• The site and any structures must be owned by a governmental entity or have a permanent easement held by a public agency.
• A maintenance plan must be included in the application.

Activities not TAP eligible

• Portions of a building intended for commercial operation.
• Operation costs and staffing.
• Operation equipment.
• Maintenance.
• Commercial activities and equipment (these activities may not be used as match).
• Displays for promoting a business (these activities may not be used as match).

Transportation Alternatives Program Milestone Policy

May, 2011

Project sponsors must include 30-percent design plans with their TAP applications. The 30-percent plans are the starting point of further project development. Plans for the approved projects should not drop below this 30-percent stage after the Executive Committee has approved them. Projects requiring a restart of the design process should be withdrawn and resubmitted when 30-percent design plans are again achieved.

Project sponsors expected to bring their projects to the 60-percent design stage within one year of the kickoff meeting and must advertise construction projects within two years of the project kick-off meeting. The kickoff meeting is held for all approved projects within two months of the date on which the governor signs the approval letter. Projects that do not meet the Milestone Policy requirement may have their funding withdrawn.
at the sole discretion of the Maryland Department of Transportation. SHA will notify project sponsors one year, six months, 90 days, and 30 days before the deadline, then poll the Technical and Executive Committees for final approval to withdraw the funds for each project. At that point, SHA will notify the project sponsors that funding is being withdrawn.

30 Percent Status for Project Applications

The following table provides a summary of general items that make up 30-percent plans for eligible streams, wetlands, trails, buildings, and bridge (structures) projects. This summary is not inclusive of all activities that may be needed, and the absence of an item on the list does not mean that it is not needed or required. Planning, development, design, and execution of projects will vary, as will project needs and the state and federal rules and regulations that apply.

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<th>STREAM PROJECTS (30 Percent)</th>
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<td>• Title Sheet</td>
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<td>• Location Map</td>
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<td>• Stream Use and Closure Dates</td>
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<td>• Grading Plan</td>
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<td>• Construction Access</td>
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<td>• Preliminary sequence of construction</td>
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<td>• Baseline of construction</td>
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<td>• Land cover (tree line, floodplain limit, existing features)</td>
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<td>• In-stream Structure locations</td>
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<td>• Bank Stabilization</td>
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<td>• Detail Sheet(s)</td>
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<td>• Planting Plan</td>
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<td>• Planting Zones</td>
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<td>• Plant List</td>
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<td>• Property needed identified</td>
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**WETLAND PROJECTS (30 Percent)**

- Title Sheet
- Location Map
- Legend
- Scale
- Grading Plan
- Existing and proposed topography
- Wetland limits by type
- Groundwater well/piezometer location
- Property needed identified
- Construction Access
- Preliminary sequence of construction
- Baseline of construction
- Land cover (treeline, floodplain limit, existing features)
- Planting Plan
- Planting Zones
- Plant List

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**TRAIL PROJECTS (30 Percent)**

- Title Sheet with location map, legend for existing and proposed items, including shading, scale (largest 100’:1”), north arrow
- Design plan sheets
  - Survey line w/bench marks/datum used to locate existing facilities and topography for the project’s design
  - A feasible horizontal and vertical alignment of proposed primary trail, spurs trails, and destination/connector trails
  - Geometric values and stationing, on a table and on/near the alignment
  - Existing topography
    - Roadway traffic direction arrow
    - Identify existing facilities, buildings
    - Floodplain, streams, ditches, storm drain systems, etc.
- Utilities location/designation (horizontal location)
- Existing and proposed right-of-way lines
- Construction access location identified
- Limits of toe/top of fill/cut
- Typical sections (with existing and proposed surfaces) with applicable station limits
- Grade and cross slope
- Preliminary pavement section
- Cut and fill slopes
- Limit of work
- Propose Storm Water Management location and devices
- Cross section sheets at minimum 200ft. intervals
- Detail plan sheets
  - Detailed drawing of elements proposed such as non-SHA Book of Standards for C&G inlets, fencing, gates, ADA compliance design elements, short retaining walls, lighting structures (bridges, box culverts, and retaining walls), buildings, etc.
  - Projects that propose boardwalks (elevated walkways), bridges, and retaining walls will include information noted on applicable status lists
- All necessary dimensions and stations to identify and locate existing features, including topography and underground utilities
- Size and location of all major improvements, including trail alignments, trailheads, etc.
- If known, location of proposed amenities, such as fences, railing, barriers, lighting, landscaping, sidewalks, entrances, etc.
- Proposed edge of pavement
- Existing and proposed right-of-way
- Match lines
- Any needed demolition identified
- Property needed identified
- Major quantity estimate with specific line items for known elements, such as light fixtures, traffic barrier, structures, building, utility relocations, etc.
### BUILDING PROJECTS (30 Percent)

- Location Map
- Legend
- Scale
- Floor Plans
- Property lines
- All necessary dimensions
- Existing and proposed topography and adjoining structures
- Existing and proposed features
- Proposed improvements, including the function of each room
- If known, location of proposed amenities, including landscaping, sidewalks, benches, etc.
- Existing and preliminary utility locations, including plumbing, HVAC, electrical, and sewer
- ADA accommodations
- Property needed identified
- Parking facilities
- Edge of pavement
- Drainage facilities
- Signage locations
- Any needed demolition identified
- Limits of grading
- Major quantities estimate

### BRIDGE PROJECTS (30 Percent)

- Title Sheet
- Location map
- Legend
- Scale
- Typical Sections
- Station limits
- Grade and cross slope
- Type, class, and thickness of pavement and base
- Abutments
- Existing and proposed under-clearance
- Property needed identified
- Plan Sheets
- North arrow
- All necessary dimensions and stations
- Existing features, including topography and underground utilities
- Type, size, and line of structure
- Soil boring locations and logs included in plans
- Bridge thickness
- Elevation
- Toe of fill and slope of fill
- Limit of work
- Match lines
- Any needed demolition identified
60 Percent Status for Project Applications

The following table provides a summary of general items that make up 60-percent plans for eligible streams, wetlands, trails, buildings, and bridge (structures) projects. This summary is not inclusive of all activities that may be needed, and the absence of an item on the list does not mean that it is not needed or required. Design and execution of projects will vary, as will project needs and the state and federal rules and regulations that apply.

It is expected that these elements build upon the 30-percent design plans and maintain the same scope and limits of work approved for TAP funding submitted in the application.

<table>
<thead>
<tr>
<th>STREAM PROJECTS (60 Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>In addition to elements noted in the 30 percent status table:</td>
</tr>
<tr>
<td>• Completed title sheet</td>
</tr>
<tr>
<td>• Cross Sections with existing and proposed grades</td>
</tr>
<tr>
<td>• NEPA completed</td>
</tr>
<tr>
<td>• Planting plans/schedule/species identified</td>
</tr>
<tr>
<td>• Property acquisition underway or complete</td>
</tr>
<tr>
<td>• Detailed plans with property lines, utilities, and all design items</td>
</tr>
<tr>
<td>• Profile sheets</td>
</tr>
<tr>
<td>• Stream diversion details</td>
</tr>
<tr>
<td>• Structure details – if included</td>
</tr>
<tr>
<td>• Erosion and sediment control plans complete</td>
</tr>
<tr>
<td>• Refined construction estimate</td>
</tr>
</tbody>
</table>

<table>
<thead>
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<th>WETLAND PROJECTS (60 Percent)</th>
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</thead>
<tbody>
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<td>In addition to elements noted in the 30 percent status table:</td>
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<tr>
<td>• Completed title sheet</td>
</tr>
<tr>
<td>• Cross Sections with existing and proposed grades</td>
</tr>
<tr>
<td>• NEPA completed</td>
</tr>
<tr>
<td>• Property acquisition underway or complete</td>
</tr>
<tr>
<td>• Planting plans/schedule/species identified</td>
</tr>
<tr>
<td>• Detailed plans with property lines, utilities, and all design items</td>
</tr>
<tr>
<td>• Erosion and sediment control plans complete</td>
</tr>
<tr>
<td>• Refined construction estimate</td>
</tr>
</tbody>
</table>
# TRAIL PROJECTS (60 Percent)

In addition to elements noted in the 30 percent status table:

- Erosion and Sediment Control design plans and preliminary E&S permit approval
- Location and design of Stormwater Management facilities, closed storm drainage system, culverts and preliminary permit approval
- Cross sections at minimum 50 ft. interval
- Property lines, utilities, all design items, baseline, roadways
- NEPA completed and submitted to FHWA
- Trail projects that propose structures (bridges, box culverts, retaining walls, elevated walkways) have obtained SHA Office of Structures concurrence for TS&L, Foundation Design, Soil Boring Report, and Scour Analysis Report
- Line item construction estimate with breakdown of lump sum items
- Erosion and sediment control plans complete
- Value Engineering complete – if required
- Property acquisition underway or complete
- Location of proposed staging areas
- Typical sections with proposed elements, such as signage, traffic barrier, fencing, structures, etc.
- Plan sheet with connecting design details to adjoining/intersection properties’ entrances, roads, trails, and spur that demonstrate compliance with SHA ADA guidelines
- SHA concurrence on ADA compliance
- Vertical alignment with underground utilities and location of structures
- Proposed landscaping details and location
- Detail sheets demonstrating all proposed elements noted on design plans, such as pedestrian and traffic lighting plans, structures, regulatory and informational signage, etc.
- Refined construction estimate

# BUILDING PROJECTS (60 Percent)

In addition to elements noted in the 30 percent status table:

- Cross sections
- NEPA completed
- Refined construction estimate
- Detail plans with property lines, utilities, all design items, baseline, roadways
- Erosion and sediment control design plans and preliminary erosion and sediment control permit approval
- Value Engineering complete – if required
- Location and design of Stormwater Management facilities, closed storm drainage system, culverts, and preliminary permit approval
- SHA architect’s structural review completed and concurrence provided
- Property acquisition underway or complete
<table>
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<th>BRIDGE PROJECTS (60 Percent)</th>
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<tbody>
<tr>
<td>In addition to elements noted in the 30 percent status table:</td>
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<tr>
<td>• Cross sections</td>
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<tr>
<td>• Additional typical sections</td>
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<tr>
<td>• NEPA completed</td>
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<tr>
<td>• Refined construction estimate</td>
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<tr>
<td>• Property acquisition underway or complete</td>
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<tr>
<td>• Erosion and sediment control plans complete</td>
</tr>
<tr>
<td>• Value Engineering complete – if required</td>
</tr>
<tr>
<td>• SHA Office of Structures concurrence on TS&amp;L, Foundation Design, Soil Boring Report, and Scour Analysis Report. Structural and Final Design concurrence needed with submittal for FHWA authorization and approval to advertise</td>
</tr>
</tbody>
</table>
APPENDIX C

TAP CONTACT INFORMATION

Great Allegheny Passage, Maryland
(image courtesy of The National Transportation Alternatives Clearinghouse Image Library via Sumoud Cycle Works)
Contacts

Transportation Alternatives Program Manager
Ms. Jessica Silwick
Regional and Intermodal Planning Division
Maryland State Highway Administration
707 N. Calvert Street
Mail Stop C-502
Baltimore, MD 21202
410.545.5653 (phone) 410.209.5025 (fax)
JSilwick@sha.state.md.us

Transportation Alternatives Program Assistant
Ms. Kate Ellis
Regional and Intermodal Planning Division
Maryland State Highway Administration
707 N. Calvert Street
Mail Stop C-502
Baltimore, MD 21202
410.545.5665 (phone) 410.209.5025 (fax)
KEllis@sha.state.md.us

Transportation Alternatives Program Community Design Liaison
Mr. Victor Barreira
Office of Highway Development
Community Design
Maryland State Highway Administration
707 N. Calvert Street
Mail Stop C-102
Baltimore, MD 21202
410.545.8799 (phone) 410.209.5001 (fax)
VBarreira@sha.state.md.us

Transportation Alternatives Program NEPA Liaison
Ms. Adriene Metzbower
Regional and Intermodal Planning Division
Maryland State Highway Administration
707 N. Calvert Street
Mail Stop C-502
Baltimore, MD 21202
410.545.8042 (phone) 410.209.5025 (fax)
AMetzbower@sha.state.md.us
Transportation Alternatives Program Right-of-Way Liaison
Mr. Mark Jesko, LPA Coordinator
Office of Real Estate
Property Review and Compliance
Maryland State Highway Administration
211 E. Madison Street
Mail Stop M-303
Baltimore, MD 21202
410.545.0353 (phone) 410.209.5050 (fax)
MJesko@sha.state.md.us

Transportation Alternatives Program Right-of-Way Liaison
Ms. Bonita Carter, LPA Coordinator
Office of Real Estate
Property Review and Compliance
Maryland State Highway Administration
211 E. Madison Street
Mail Stop M-303
Baltimore, MD 21202
410.545.0353 (phone) 410.209.5050 (fax)
BCarter@sha.state.md.us

State Historic Preservation Office
Mr. Rodney Little, State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023
410.514.7600 (phone)
little@dhch.state.md.us

State Highway Administration Bicycle Pedestrian Coordinator
Mr. Dustin Kuzan
Regional and Intermodal Planning
Maryland State Highway Administration
707 N. Calvert Street
Mail Stop C-502
Baltimore, MD 21202
410.545.5656 (phone) 410.209.5025 (fax)
DKuzan@sha.state.md.us
State Highway Administration Office of Traffic and Safety
Mr. Cedric Ward
Office of Traffic and Safety
Maryland State Highway Administration
7491 Connelly Drive, Building #1
Hanover, MD 21076
410.787.5815 (phone)
CWard@sha.state.md.us

State Highway Administration Design Build Coordinator
Ms. Lisa Choplin
Office of Highway Development
Maryland State Highway Administration
707 N. Calvert Street
Baltimore, MD 21202
Mail Stop C-102
410.545.8824 (phone) 410.209.5001 (fax)
LChopin@sha.state.md.us

Baltimore City Department of Planning
Mr. Robert Quilter, Architect
410.396.4107 (phone)
Robert.Quilter@baltimorecity.gov

United States Fish and Wildlife Service
Mr. Trevor Clark
U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410-573-4527 (phone)

Maryland Department of Natural Resources – Wildlife and Heritage Division
Ms. Lori Byrne,
MD Department of Natural Resources
Tawes State Office Building, E-1
580 Taylor Avenue
Annapolis, MD 21401
410-260-8573 (phone)
Maryland Department of Natural Resources – Integrated Policy and Review Unit
Mr. Greg Golden
Department of Natural Resources
Tawes State Office Building, B-3
580 Taylor Avenue
Annapolis, MD 21401
410-260-8331 (phone)

United States Army Corps of Engineers
American Society Military Comptroller
Baltimore District
P.O. Box 1715
Baltimore, MD 21203
410.962.0646 (phone)

Maryland Department of the Environment

For permitting due to impacts to non-tidal wetlands:
Ms. Kim Turner, Administrative Officer
Water Management Administration
Non-Tidal Wetlands and Waterways Division
1800 Washington Boulevard, Suite 430
Baltimore, MD 21230-1718
410.537.3745 (phone)
kturner@mde.state.md.us

For permitting due to impacts to tidal wetlands:
[No Secretary at this time]
Water Management Administration
Tidal Wetlands Division
1800 Washington Boulevard, Suite 430
Baltimore, MD 21230-1718
410.537.3837 (phone)
Chesapeake Bay Commission

For general project questions, site plans, subdivisions, variances, violation, etc.:
Jurisdiction: Talbot County, Easton, Oxford, St. Michaels
Mr. Nick Kelly
Regional Program Chief
1804 West Street, Suite 100
Annapolis, MD 21401
410.260.3483 (phone)
nkelly@dnr.state.md.us

For general project and program questions, site plans, subdivisions, variances, violations etc.
Jurisdiction: Anne Arundel County
Ms. Kate Charbonneau
Regional Program Chief
410.260.3475
kcharbonneau@dnr.state.md.us

For general questions on the critical area law and criteria, and questions regarding administrative functions of the Commission and procedural issues:
Ms. Ann Pesiri Swanson
Executive Director
60 West Street, Suite 406
Annapolis, MD 21401
410.263.3420 (phone) 410.263.9338 (fax)
aswanson@chesbay.us

For program and policy issues of or relating to habitat protection, wetlands, streams and water quality:
Ms. LeeAnne Chandler, Science Advisor
410.260.3477 (phone)
lchandler@dnr.state.md.us

For Calvert County, Chesapeake Beach, North Beach, Kent County, Betterton, Chestertown, Millington, Rock Hall, Ocean City, Queen Anne’s County, Centerville, Church Hill, Queen Anne, Queenstown, Worcester County, Snow Hill, Chesapeake City, Perryville, Port Deposit, Crisfield, Princess Anne:
Mr. Roby Hurley, Natural Resources Planner
410.260.3468 (phone)
rhurley@dnr.state.md.us
For Baltimore County, Caroline County, Denton, Federalsburg, Greensboro, Hillsboro, Cecil County, Charlestown, Elkton, North East, Charles County, Indian Head, Dorchester County, Cambridge, Secretary, Vienna, Somerset County:
Ms. Julie Roberts, Natural Resources Planner
410.260.3476 (phone)
jroberts@dnr.state.md.us

For Annapolis, Baltimore City, Fruitland, Highland Beach, Leonardtown, Mardela Springs, MNCPPC, Prince George’s County, Salisbury, Sharptown, St. Mary’s County, Wicomico County, WSSC:
Ms. Amber Wildmayer, Natural Resources Planner
410.260.3481 (phone)
awidmayer@dnr.state.md.us

For general questions on the Critical Area Law & Criteria
Ren Serey, Executive Director
410.260.3462
rserey@dnr.state.md.us

For General Critical Area Commission Questions’
410.260.3460 (phone)

Metropolitan Planning Organizations (MPO)

For Frederick County, Montgomery County, Prince George’s County, City of College Park, City of Greenbelt, City of Rockville, and City of Towson Park:
Metropolitan Washington Council of Governments
777 North Capitol Street, NE, Suite 300
Washington, DC 20002
202.962.3200 (phone); 202.962.3201 (fax)
www.mwcog.org

For Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Harford County, Howard County, and City and Annapolis:
Baltimore Metropolitan Council
1500 Whetstone Way, Suite 300
Baltimore, MD 21230
410.732.0500 (phone); 410.732.8248 (fax)
www.baltometro.org
For Allegany County, City of Cumberland, City of Frostburg
Cumberland Metropolitan Planning Organization
Allegany County Office Building
701 Kelly Road
Cumberland, MD 21502-2803
301.777.5911 (phone)
cumberlandMPO@allconet.org

For Washington County and City of Hagerstown:
Hagerstown/Eastern Panhandle Metropolitan Planning Organization
33 West Washington Street
4th Floor, Suite 402
Hagerstown, MD 21740
240.313.2480 (phone)
info@hepmpo.net
www.hepmpo.org

For Cecil County:
Wilmington Area Planning Council
850 Library Avenue, Suite 100
Newark, DE 19711
302.737.6205 (phone) 888.808.7088 (toll free) 302.737.9584 (fax)
www.wilmapco.org
<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>COUNTIES</th>
<th>ADDRESS</th>
<th>PHONE</th>
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<tr>
<td>1</td>
<td>Dorchester, Somerset, Wicomico, Wicomico, Worcester</td>
<td>P.O. Box 2679 660 West Road Salisbury, MD 21802</td>
<td>410-677-4000</td>
</tr>
<tr>
<td>2</td>
<td>Caroline, Cecil, Kent, Queen Anne's, Talbot</td>
<td>P.O. Box 299 615 Morgnec Road Chestertown, MD 21620</td>
<td>410-677-4000</td>
</tr>
<tr>
<td>3</td>
<td>Montgomery, Prince George's</td>
<td>9300 Kenilworth Avenue Greenbelt, MD 20770</td>
<td>301-513-7300</td>
</tr>
<tr>
<td>4</td>
<td>Baltimore, Harford</td>
<td>320 West Warren Road Hunt Valley, MD 21030</td>
<td>410-229-2300</td>
</tr>
<tr>
<td>5</td>
<td>Anne Arundel, Calvert, Charles, St. Mary's</td>
<td>138 Defense Highway Annapolis, MD 21401</td>
<td>410-841-1000</td>
</tr>
<tr>
<td>6</td>
<td>Allegany, Garrett, Washington</td>
<td>1251 Vocke Road LaVale, MD 21502</td>
<td>301-729-8400</td>
</tr>
<tr>
<td>7</td>
<td>Carroll, Frederick, Howard</td>
<td>5111 Buckeysville Pike Frederick, MD 21704</td>
<td>301-624-8100</td>
</tr>
<tr>
<td>—</td>
<td>Baltimore City</td>
<td>SHA Office of Construction 211 East Madison Street Baltimore, MD 21202</td>
<td>410-545-0072</td>
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</tbody>
</table>
APPENDIX D

NEPA CONTACTS AND EXAMPLES

Rock Creek Watershed Restoration, Montgomery County, Maryland
(image courtesy of The National Transportation Alternatives Clearinghouse Image Library)
NEPA Contacts

Maryland Historical Trust
Attn: Mr. J. Rodney Little
100 Community Place
Crownsville, MD 21032
410-514-7600 (phone)

United States Fish and Wildlife Service
Wildlife and Heritage Division
Attn: Ms. Lori Byrne
Tawes State Office Building, E-1
580 Taylor Avenue
Annapolis, MD 21401
410-260-8573 (phone)

Maryland Department of Natural Resources
Integrated Policy and Review Unit
Attn: Mr. Greg Golden
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401
410-260-8331 (phone)

Sample Letters for Agency Coordination:
See following following pages.
<insert date>

RE: Project No. xxxxxxxx
Project limits
Scope of Work
County

Mr. Devin Ray
U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis MD 21401

Dear Mr. Ray:

The (Project Sponsor) is proposing to use federal funds to complete (scope of work) along (project limits) in (County). Work consists of (work items). All work will be completed within existing right-of-way. The project location is identified on the attached map.

We request any information concerning federally listed threatened or endangered plant or animal species in the study area.

Very truly yours,

(Director)
(County Agency)

by: ________________________
(Name)
Project Manager

NOTE:
The U.S. Fish and Wildlife Service (USFWS) has developed a new online tool to expedite and simplify their request process http://www.fws.gov/chesapeakebay/EndSppWeb/ELEMENTS/listreq.html. For projects that are located within a USGS topo quad with no federally listed species, a formal request letter is no longer required. Rather, the County can self certify these projects using the online certification form http://www.fws.gov/chesapeakebay/EndSppWeb/ELEMENTS/onlineletter.html. Only send a request letter to USFWS for projects that are not located in one of the quads that can be self-certified.
Dear Ms. Byrne:

The (Project Sponsor) is proposing to use federal funds to complete (scope of work) along (project limits) in (County). Work consists of (work items). All work will be completed within existing right-of-way. The project location is identified on the attached map.

We request any information concerning the presence of state threatened or endangered species and unique habitat that may occur in this area.

Very truly yours,

(Director)
(County Agency)

by: _______________________
(Name)
Project Manager
<insert date>

RE: Project No. xxxxxxxx
Project limits
Scope of Work
County

Mr. J. Rodney Little
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032

Dear Mr. Little:

The (Project Sponsor) is proposing to use federal funds to complete (scope of work) along (project limits) in (County). Work consists of (work items). All work will be completed within existing right-of-way. The project location is identified on the attached map.

We request any information concerning historical, cultural, architectural, or archeological resources within the study area that may be affected by the proposed project.

Very truly yours,

(Director)
(County Agency)

by: ________________________
(Name)
Project Manager
<insert date>

RE: Project No. xxxxxxxx
   Project limits
   Scope of Work
   County

Mr. Greg Golden
Maryland Department of Natural Resources
Integrated Policy and Review Unit
Tawes State Office Building
580 Taylor Avenue
Annapolis MD 21401

Dear Mr. Golden:

The (County agency) is proposing to use federal funds to complete (scope of work) along (project limits) in (County). Work consists of (work items). All work will be completed within existing right-of-way. The project location is identified on the attached map.

We request any information concerning the presence of anadromous finfish or other fish within the project area.

Very truly yours,

(Director)
(County Agency)

by: ______________________
(Name)
Project Manager
Types of Environmental Documents

This section provides a summary of the different types of environmental documents that can be required for federally funded projects. It is anticipated that most TAP projects will be classified as a CE or PCE, and that some will also require the preparation of a Section 4(f) Evaluation. The Environmental Liaison will assist the TAP project sponsor in determining the type of environmental document that is applicable to a project.

A. Categorical Exclusion (CE)
CEs are defined as projects that do not result in significant environmental effects and are therefore excluded from the requirement to prepare an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS). A project qualifies for a CE only if the proposed actions do not:

- Induce significant impacts on planned growth or land use for the area;
- Require the relocation of significant numbers of people;
- Have significant impact on any natural, cultural, recreational, historic or other resource;
- Involve significant air, noise, or water-quality impacts;
- Have significant impacts on travel patterns; and
- Either individually or cumulatively, have any significant environmental impacts.

A typical CE is three to five pages long and also includes the required attachments. Documentation of agency coordination will be attached to the CE. All CEs, including those with a Section 4(f) Evaluation, will be forwarded by SHA to FHWA for comments and approval.

B. Programmatic Categorical Exclusion (PCE)
PCEs are a type of CE; however, they generally apply to projects that almost always have little or no environmental impact. PCEs offer a streamlined way to complete CEs under an agreement between SHA and FHWA. PCEs are divided into two categories: PCEs, and Statewide PCEs (SWPCE).

SWPCEs represent an additional streamlined category that is applied to projects that happen on a recurring basis and have no environmental impacts (e.g., replacing traffic-signal heads county-wide). SHA and FHWA will determine the applicability of a PCE or SWPCE to a project. The EM will assist the project sponsor in determining whether a PCE/SWPCE applies to a project.

A PCE is a five-page checklist that includes all required attachments. PCEs will be approved by SHA’s Division Chief or Assistant Division Chief of the Environmental Planning Division. An SWPCE is a two-page checklist that includes all required attachments. SWPCEs will be approved by SHA’s Assistant Division Chief of the Environmental Planning Division.
C. Re-evaluation

A written re-evaluation of the approved environmental document is necessary when any one of the following conditions exists:

- A change is made to the project scope.
- The Final EIS has not been submitted to FHWA within three years from the date on which the Draft EIS was circulated.
- Federal approvals of major steps to advance the project (e.g., FHWA approval of PS&E) have not been granted within three years of NEPA approval.

New information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in a Final Review Reevaluation (FRR) includes a standard form letter and the required attachments. Re-evaluations for CEs and PCEs will be approved by SHA's Division Chief of the Environmental Planning Division.

Click here for more information about Environmental Documents.
ACRONYMS

Forest Glen Pedestrian Bridge
(image courtesy of The National Transportation Alternatives Clearinghouse Image Library)
<table>
<thead>
<tr>
<th>Acronym</th>
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<tr>
<td>AASHTO</td>
<td>American Association of State and Highway Transportation Officials</td>
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<tr>
<td>ADA</td>
<td>Americans with Disabilities Act</td>
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<td>ADAAG</td>
<td>Americans with Disabilities Act Accessibility Guidelines</td>
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<td>APE</td>
<td>Area of Potential Effect</td>
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<td>BPW</td>
<td>Maryland Board of Public Works</td>
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<td>CAC</td>
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<td>CE</td>
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<td>Code of Federal Regulations</td>
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<td>CIA</td>
<td>Concurrence in Award</td>
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<td>DNR</td>
<td>Maryland Department of Natural Resources</td>
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<td>FHWA</td>
<td>Federal Highway Administration</td>
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<td>MAP-21</td>
<td>Moving Ahead for Progress in the 21st Century</td>
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<td>MBE</td>
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<td>MDE</td>
<td>Maryland Department of the Environment</td>
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<td>MDOT</td>
<td>Maryland Department of Transportation</td>
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<td>MHT</td>
<td>Maryland Historical Trust</td>
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<td>MOU</td>
<td>Memorandum of Understanding</td>
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<td>MPO</td>
<td>Metropolitan Planning Organization</td>
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<td>MPR</td>
<td>Monthly Progress Report</td>
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<td>MTA</td>
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<td>NPS</td>
<td>National Park Service</td>
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<td>NTP</td>
<td>Notice to Proceed</td>
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<td>OOS</td>
<td>Office of Structures (SHA)</td>
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<td>OOC</td>
<td>Office of Construction (SHA)</td>
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<td>ORE</td>
<td>Office of Real Estate (SHA)</td>
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<td>PCE</td>
<td>Programmatic Categorical Exclusion</td>
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<td>PS&amp;E</td>
<td>Plans, Specifications, and Estimates</td>
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<td>RTE</td>
<td>Rare, Threatened, &amp; Endangered Species</td>
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Section 106  National Historic Preservation Act – Section 106
Section 404  Clean Water Act – Section 404
Section 4(f)  United States Department of Transportation Act – Section 4(f)
Section 7   Endangered Species Act – Section 7
SHA       Maryland State Highway Administration
SHPO      State Historic Preservation Office
STP       Surface Transportation Program
TAP       Transportation Alternatives Program
TCP       Traffic Control Plan
TS&L      Type, Size, & Location
USACE     United States Army Corps of Engineers
USDOT     United States Department of Transportation
USFWS     United States Fish & Wildlife Service