



# Santa Fe Metropolitan Planning Organization

*"Promoting Interconnected Transportation Options"*



## MEMORANDUM

Date: September 14, 2016  
From: Keith Wilson, MPO Senior Planner *KPW*  
To: Bicycle and Trails Advisory Committee

Re: **Congestion Mitigation and Air Quality Improvement Program (CMAQ)**

### Background

The CMAQ program provides a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter (nonattainment areas) and for former nonattainment areas that are now in compliance (maintenance areas). In addition, those States that have no nonattainment or maintenance areas still receive a minimum apportionment of CMAQ funding for either air quality projects or other elements of flexible federal aid highway spending. Administered by FHWA, the CMAQ program has been reauthorized under every successive Transportation Bill up to and including the FAST Act in 2015.

Santa Fe is in attainment of all National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter.

### Eligible Projects to be Funded by CMAQ

See attached FHWA Table showing Pedestrian and Bicycle Funding Opportunities

### CMAQ Funded Projects within the Santa Fe MPO Planning Area

- S100390 – FFY2015/16 Construction of the Acequia Trail Underpass  
[\$3,665,772 CMAQ/\$624,691 Match]
- S100460 – FFY2017 Design and ROW for the Guadalupe Street Reconstruction "Road Diet"  
[\$320,400 CMAQ/\$54,600 Match] (Construction funded with Federal HSIP Funding in FFY2019)
- S100470 – FFY2017 Design for the Rail Trail Underpass at St Michaels Drive  
[\$243,504 CMAQ/\$41,496 Match] (Construction funded with Federal HSIP Funding in FFY2019)

### Status of CMAQ Program in New Mexico

Q. How much CMAQ Funding is available each year in New Mexico?

A. Historically, the state is allocated around **\$11.4 million** per federal fiscal year (FFY). A portion of those funds must be spent in "mandatory" areas of the state designated as non-attainment or maintenance areas. Mid Region MPO is no longer a maintenance area and will no longer receive a mandatory CMAQ allocation. However, with the new O3 designation, there are portions of Dona Ana County that will eventually be designated non-attainment for O3. The recommendation from NM Environmental Department is that only the southern portion of the county (Sunland Park and Santa Teresa) be designated; however, the final decision rests with Environmental Protection Agency to define the

boundaries of the designated area. NMDOT is monitoring this situation as the amount of CMAQ Flex (funding able to be used anywhere in the State) available for programming will be affected by designation of the non-attainment area.

- Q. Now that Mid Region MPO is formally a “former non-attainment area” are those funds pooled together with the entire fund?
- A. NMDOT will honor commitments in the Mid Region MPO Transportation Improvement Program (TIP) through FFY2017. For FFY2018 and beyond, the funding will revert back to flexible funding and NMDOT will determine how best to program the funds.
- Q. Does NMDOT have a process to prioritize and program CMAQ funds at this time?
- A. This is a work in progress. We are studying the procedures and practices of other state DOT’s that receive CMAQ Flex program funds. After that study concludes (hopefully by the end of January) it will inform the next steps of developing a prioritization process and procedure for distribution of the statewide funding. Our goal is to have a process in place for FFY2019 funding.
- Q. If the City were to detail a project that clearly falls in line with eligibility criteria outlined in the FAST Act 23/USC 149 would a letter to the NMDOT outlining the desired project with a proposed budget be an appropriate first step to begin the conversation?
- A. NMDOT is not accepting project proposals at this time. We will keep everyone informed on the program and any determinations made regarding funding opportunities for Tribal/Local Public Agencies.

## Pedestrian and Bicycle Funding Opportunities

### U.S. Department of Transportation Transit, Highway, and Safety Funds

Revised August 12, 2016

This table indicates potential eligibility for pedestrian and bicycle projects under U.S. Department of Transportation surface transportation funding programs. Additional restrictions may apply. See notes and basic program requirements below, and see program guidance for detailed requirements. Project sponsors should fully integrate nonmotorized accommodation into surface transportation projects. Section 1404 of the Fixing America's Surface Transportation (FAST) Act modified 23 U.S.C. 109 to require federally-funded projects on the National Highway System to consider access for other modes of transportation, and provides greater design flexibility to do so.

<b>Key:</b> \$ = Funds may be used for this activity (restrictions may apply). \$* = See program-specific notes for restrictions. ~\$ = Eligible, but not competitive unless part of a larger project.															
<b>Pedestrian and Bicycle Funding Opportunities</b>															
<b>U.S. Department of Transportation Transit, Highway, and Safety Funds</b>															
Activity or Project Type	<u>TIGER</u>	<u>TIFIA</u>	<u>FTA</u>	<u>ATI</u>	<u>CMAQ</u>	<u>HSIP</u>	<u>NHPP</u>	<u>STBG</u>	<u>TA</u>	<u>RTP</u>	<u>SRTS</u>	<u>PLAN</u>	NHTSA <u>402</u>	NHTSA <u>405</u>	<u>FLTPP</u>
Access enhancements to public transportation (includes benches, bus pads)	\$	\$	\$	\$	\$		\$	\$	\$						\$
ADA/504 Self Evaluation / Transition Plan								\$	\$	\$		\$			\$
Bicycle plans			\$					\$	\$		\$	\$			\$
Bicycle helmets (project or training related)								\$	\$SRTS		\$		\$*		
Bicycle helmets (safety promotion)								\$	\$SRTS		\$				
Bicycle lanes on road	\$	\$	\$	\$	\$	\$	\$	\$	\$		\$				\$
Bicycle parking	~\$	~\$	\$	\$	\$		\$	\$	\$	\$	\$				\$
Bike racks on transit	\$	\$	\$	\$	\$			\$	\$						\$
Bicycle share (capital and equipment; not operations)	\$	\$	\$	\$	\$		\$	\$	\$						\$
Bicycle storage or service centers at transit hubs	~\$	~\$	\$	\$	\$			\$	\$						\$
Bridges / overcrossings for pedestrians and/or bicyclists	\$	\$	\$	\$	\$*	\$	\$	\$	\$	\$	\$				\$
Bus shelters and benches	\$	\$	\$	\$	\$		\$	\$	\$						\$
Coordinator positions (State or local)					\$ 1 per State			\$	\$SRTS		\$				
Crosswalks (new or retrofit)	\$	\$	\$	\$	\$*	\$	\$	\$	\$	\$	\$				\$
Curb cuts and ramps	\$	\$	\$	\$	\$*	\$	\$	\$	\$	\$	\$				\$
Counting equipment			\$	\$		\$	\$	\$	\$	\$	\$	\$*			\$
Data collection and monitoring for pedestrians and/or bicyclists			\$	\$		\$	\$	\$	\$	\$	\$	\$*			\$
Historic preservation (pedestrian and bicycle and transit facilities)	\$	\$	\$	\$				\$	\$						\$
Landscaping, streetscaping (pedestrian and/or bicycle route; transit access); related amenities (benches, water fountains); generally as part of a larger project	~\$	~\$	\$	\$			\$	\$	\$						\$
Lighting (pedestrian and bicyclist scale associated with pedestrian/bicyclist project)	\$	\$	\$	\$		\$	\$	\$	\$	\$	\$				\$
Maps (for pedestrians and/or bicyclists)			\$	\$	\$			\$	\$		\$	\$*			
Paved shoulders for pedestrian and/or bicyclist use	\$	\$			\$*	\$	\$	\$	\$		\$				\$

**Key:** \$ = Funds may be used for this activity (restrictions may apply). \$\* = See program-specific notes for restrictions. ~\$ = Eligible, but not competitive unless part of a larger project.

Activity or Project Type	Pedestrian and Bicycle Funding Opportunities U.S. Department of Transportation Transit, Highway, and Safety Funds														
	TIGER	TIFIA	FTA	ATI	CMAQ	HSIP	NHPP	STBG	TA	RTP	SRTS	PLAN	NHTSA 402	NHTSA 405	FLTPP
Pedestrian plans			\$					\$	\$		\$	\$			\$
Recreational trails	~\$	~\$						\$	\$	\$					\$
Road Diets (pedestrian and bicycle portions)	\$	\$					\$	\$	\$	\$					\$
Road Safety Assessment for pedestrians and bicyclists							\$		\$	\$		\$			\$
Safety education and awareness activities and programs to inform pedestrians, bicyclists, and motorists on ped/bike safety								\$SRTS	\$SRTS		\$	\$*	\$*	\$*	
Safety education positions								\$SRTS	\$SRTS		\$		\$*		
Safety enforcement (including police patrols)								\$SRTS	\$SRTS		\$		\$*	\$*	
Safety program technical assessment (for peds/bicyclists)								\$SRTS	\$SRTS		\$	\$*	\$		
Separated bicycle lanes	\$	\$	\$	\$	\$	\$	\$	\$	\$		\$				\$
Shared use paths / transportation trails	\$	\$	\$	\$	\$*	\$	\$	\$	\$	\$	\$				\$
Sidewalks (new or retrofit)	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$				\$
Signs / signals / signal improvements	\$	\$	\$	\$	\$	\$	\$	\$	\$		\$				\$
Signed pedestrian or bicycle routes	\$	\$	\$	\$	\$		\$	\$	\$		\$				\$
Spot improvement programs	\$	\$	\$			\$	\$	\$	\$	\$	\$				\$
Stormwater impacts related to pedestrian and bicycle projects	\$	\$	\$	\$		\$	\$	\$	\$	\$	\$				\$
Traffic calming	\$	\$	\$			\$	\$	\$	\$		\$				\$
Trail bridges	\$	\$			\$*	\$	\$	\$	\$	\$	\$				\$
Trail construction and maintenance equipment								\$RTP	\$RTP	\$					
Trail/highway intersections	\$	\$			\$*	\$	\$	\$	\$	\$	\$				\$
Trailside and trailhead facilities (includes restrooms and water, but not general park amenities; see guidance)	~\$*	~\$*						\$*	\$*	\$*					\$
Training					\$	\$		\$	\$	\$	\$	\$*	\$*		
Training for law enforcement on ped/bicyclist safety laws								\$SRTS	\$SRTS		\$			\$*	
Tunnels / undercrossings for pedestrians and/or bicyclists	\$	\$	\$	\$	\$*	\$	\$	\$	\$	\$	\$				\$

#### Abbreviations

ADA/504: Americans with Disabilities Act of 1990 / Section 504 of the Rehabilitation Act of 1973

**TIGER:** Transportation Investment Generating Economic Recovery Discretionary Grant program

**TIFIA:** Transportation Infrastructure Finance and Innovation Act (loans)

**FTA:** Federal Transit Administration Capital Funds

**ATI:** Associated Transit Improvement (1% set-aside of FTA)

**CMAQ:** Congestion Mitigation and Air Quality Improvement Program

**HSIP:** Highway Safety Improvement Program

**NHPP:** National Highway Performance Program

**STBG:** Surface Transportation Block Grant Program

**TA:** Transportation Alternatives Set-Aside (formerly Transportation Alternatives Program)

**RTP:** Recreational Trails Program

**SRTS:** Safe Routes to School Program / Activities

**PLAN:** Statewide Planning and Research (SPR) or Metropolitan Planning funds

**NHTSA 402:** State and Community Highway Safety Grant Program

**NHTSA 405:** National Priority Safety Programs (Nonmotorized safety)

**FLTPP:** Federal Lands and Tribal Transportation Programs (Federal Lands Access Program, Federal Lands Transportation Program, Tribal Transportation Program, Nationally Significant Federal Lands and Tribal Projects)

#### Program-specific notes

Federal-aid funding programs have specific requirements that projects must meet, and eligibility must be determined on a case-by-case basis. For example:

- TIGER: Subject to annual appropriations.
- TIFIA: Program offers assistance only in the form of secured loans, loan guarantees, or standby lines of credit, but can be combined with other grant sources, subject to total Federal assistance limitations.
- FTA/ATI: Project funded with FTA transit funds must provide access to transit. See [Bikes and Transit](#) and the FTA Final Policy Statement on the [Eligibility of Pedestrian and Bicycle Improvements under Federal Transit Law](#).
  - Bicycle infrastructure plans and projects funded with FTA funds must be within a 3 mile radius of a transit stop or station, or if further than 3 miles, must be within the distance that people could be expected to safely and conveniently bike to use the particular stop or station.
  - Pedestrian infrastructure plans and projects funded with FTA funds must be within a ½ mile radius of a transit stop or station, or if further than ½ mile, must be within the distance that people could be expected to safely and conveniently walk to use the particular stop or station.
  - FTA funds cannot be used to purchase bicycles for bike share systems.
  - FTA encourages grantees to use FHWA funds as a primary source for public right-of-way projects.
- CMAQ projects must demonstrate emissions reduction and benefit air quality. See the CMAQ guidance at [www.fhwa.dot.gov/environment/air\\_quality/cmaq/](http://www.fhwa.dot.gov/environment/air_quality/cmaq/) for a list of projects that may be eligible for CMAQ funds. Several activities may be eligible for CMAQ funds as part of a bicycle and pedestrian-related project, but not as a highway project. CMAQ funds may be used for shared use paths, but may not be used for trails that are primarily for recreational use.
- HSIP projects must be consistent with a State’s [Strategic Highway Safety Plan](#) and either (1) correct or improve a hazardous road location or feature, or (2) address a highway safety problem.
- NHPP projects must benefit National Highway System (NHS) corridors.
- STBG and TA Set-Aside: Activities marked “\$SRTS” means eligible only as an SRTS project benefiting schools for kindergarten through 8<sup>th</sup> grade. Bicycle transportation nonconstruction projects related to safe bicycle use are eligible under STBG, but not under TA (23 U.S.C. 217(a)).
- RTP must benefit recreational trails, but for any recreational trail use. RTP projects are eligible under TA and STBG, but States may require a transportation purpose.
- SRTS: FY 2012 was the last year for SRTS funds, but SRTS funds are available until expended.
- Planning funds must be used for planning purposes, for example:
  - Maps: System maps and GIS;
  - Safety education and awareness: for transportation safety planning;
  - Safety program technical assessment: for transportation safety planning;
  - Training: bicycle and pedestrian system planning training.
- Federal Lands and Tribal Transportation Programs (FLTTP) projects must provide access to or within Federal or tribal lands:
  - Federal Lands Access Program (FLAP): Open to State and local entities for projects that provide access to or within Federal or tribal lands.
  - Federal Lands Transportation Program: For Federal agencies for projects that provide access within Federal lands.
  - Tribal Transportation Program: available for federally-recognized tribal governments for projects within tribal boundaries and public roads that access tribal lands.
- NHTSA 402 project activity must be included in the State’s Highway Safety Plan. Contact the State Highway Safety Office for details: <http://www.ghsa.org/html/about/shsos.html>
- NHTSA 405 funds are subject to State eligibility, application, and award. Project activity must be included in the State’s Highway Safety Plan. Contact the State Highway Safety Office for details: <http://www.ghsa.org/html/about/shsos.html>

#### Cross-cutting notes

- FHWA Bicycle and Pedestrian Guidance: [http://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/)
- **Applicability of 23 U.S.C. 217(i) for Bicycle Projects:** 23 U.S.C. 217(i) requires that bicycle facilities “be principally for transportation, rather than recreation, purposes”. However, sections 133(b)(6) and 133(h) list “recreational trails projects” as eligible activities under STBG. Therefore, the requirement in 23 U.S.C. 217(i) does not apply to recreational trails projects (including for bicycle use) using STBG funds. Section 217(i) continues to apply to bicycle facilities other than trail-related projects, and section 217(i) continues to apply to bicycle facilities using other Federal-aid Highway Program funds (NHPP, HSIP, CMAQ). The transportation requirement under section 217(i) is applicable only to bicycle projects; it does not apply to any other trail use or transportation mode.
- There may be occasional DOT or agency incentive grants for specific research or technical assistance purposes.
- Aspects of many DOT initiatives may be eligible as individual projects. For example, activities above may benefit Ladders of Opportunity; safe, comfortable, interconnected networks; environmental justice; equity; etc.