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U.S DEPARTMENT OF TRANSPORTATION
BEFORE THE
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE
SUBCOMMITTEE ON SURFACE TRANSPORTATION
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TRANSPORTATION ENHANCEMENTS, SCENIC BYWAYS, RECREATIONAL
TRAILS, AND BICYCLE/PEDESTRIAN PROGRAMS UNDER THE ISTEA**

Mr. Chairman, Members of the Committee, thank you for giving me the opportunity to speak with you about the Federal Highway Administration's (FHWA) efforts to implement several important provisions of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA); specifically, those concerning transportation enhancements, scenic byways, recreational trails, and bicycle and pedestrian programs. The ISTEA has been characterized as landmark legislation in part because of the innovative programs I wish to discuss with you today. Putting these new approaches into action required the FHWA to expand its efforts into new areas. We have worked diligently with our partners to implement these new programs as we work towards our major goal: to ensure that these ISTEA provisions translate into new and broader opportunities to improve our Nation's surface transportation system.

Our commitment to making these new programs successful coincides with the Administration's strong support for the environment and the Nation's infrastructure. The new Administration supports the ISTEA's forward-thinking environmental provisions; the Administration's and FY 94 budget proposals will further enhance these ISTEA goals.

Transportation Enhancements

Section 1007 of the ISTEA allows States to spend Federal-aid highway funds on transportation enhancement activities that go beyond the scope of traditional highway construction projects. This new program provides that 10 percent of all Surface Transportation Program (STP) funds apportioned to a State be made available *only* for transportation enhancement activities. This allows States to undertake certain enumerated types of environmental or historic preservation projects, either as part of larger transportation projects or as separate, stand-alone projects. Activities eligible to be accounted for as transportation enhancement activities include pedestrian and bicycle facilities, historic preservation, beautification, landscaping and mitigation of water pollution due to highway runoff. We issued interim guidance on this new program on April 24, 1992.

The Congress included the transportation enhancements mandate as a means to stimulate additional efforts in these types of activities. Measures that go beyond what is customarily provided as environmental mitigation can be considered as transportation enhancements. States may not use transportation enhancement funds to finance normal environmental mitigation work. We realize that the process of determining which activities will be considered as normal mitigation and which will be accounted for as transportation enhancement activities may be difficult. Initially, it has required close coordination between the State Departments of Transportation (State DOTs) and their FHWA Division Offices on a case-by-case basis.

The transportation enhancement provisions of the ISTEA have taken most State DOTs into new territory, in which they are dealing more closely with other State agencies traditionally responsible for recreation, historic preservation, and tourism. These activities have also brought States in closer contact with private, "grass-roots" organizations

endeavoring to implement improvements that might be financed with transportation enhancement funds.

Unfortunately, many States have had difficulties implementing this new program. To date, only 14.6 percent of the \$771,000,000 made available during FY 92 and FY 93 was obligated for enhancement projects. We believe there are several reasons for this slow rate of obligation. First, and fundamentally, many States have not yet (or only recently) decided upon a process for making needed funding decisions. Some of this delay may be attributed to high levels of interest in the program among many different organizations both within and without State government. As a result, some States are only slowly and cautiously developing their processes. Another probable reason for the slow rate of obligation is that in many cases States did not have transportation enhancement projects "on the shelf," while more traditional highway projects had been in development for many years. A lack of available matching funds is another potential problem; some States have restrictions on their ability to use State transportation funds for enhancement activities and are therefore having to rely on matching funds from other sources. Also, some States are placing relatively lower priority on transportation enhancements until they get obligational authority more in line with apportioned amounts of funds.

Of those funds that have been obligated for transportation enhancements, the largest share appears to have been dedicated to bicycle and pedestrian facilities, including rails-to-trails projects. The State of Colorado, to cite just one example, has used enhancement funds for bicycle paths, and has also programmed \$500,000 of enhancement funds for the removal of signs along scenic byways.

Other categories receiving major shares of the funding include landscaping and historic transportation facilities. Many States have begun highway landscaping projects that

they had not been able to fund in the past. In some cases the landscaping projects are initiated at the community level, often by groups such as garden clubs. As for historic transportation facilities, railroad stations and depots have received the most attention. Enhancements to these facilities have included renovations for use as intermodal transportation centers, museums and other uses. For example, Wyoming has thus far expended most of their enhancement funds on the preservation of a railroad depot in Cheyenne. The Wyoming Department of Transportation, in cooperation with a number of local entities, is modernizing the depot into a transportation museum and tourist information center.

Some State DOTs, as well as many local project sponsors, have complained that applying the full complement of Federal requirements applicable to multi-million dollar highway projects to modestly-funded transportation enhancements is burdensome and onerous. We are working on identifying the exact nature of the burden and on determining what streamlining approaches will make sense.

Implementation of this new program has admittedly gotten off to a slow start. Nevertheless, we view the open process being used by most States to develop procedures as a healthy approach that will lead to a robust and widely supported program. In cooperation with the State DOTs and a variety of other partners, we are identifying and addressing critical implementation difficulties. For example, we have cosponsored a series of regional conferences on transportation planning for liveable communities and have participated in the U. S. Department of Agriculture's conferences on how the ISTEA can benefit rural America, both of which emphasized the ISTEA's transportation enhancement provisions. We believe a significant increase in the rate of obligations will occur over the next few months as many States bring their new processes into play.

Scenic Byways

Another innovative provision of the ISTEA is the Scenic Byways program. The ISTEA calls on the FHWA to establish this program, with the assistance of a 17-member Scenic Byways Advisory Committee. The Advisory Committee is to develop recommendations on minimum criteria and standards for use by State and Federal agencies in designating highways as Scenic Byways and All-American roads. The Committee has held three meetings and will soon hold its fourth. This latter meeting will be held June 1-2, 1993, and will be the Committee's last. We anticipate that the Committee will submit a report summarizing its recommendations to the Secretary and Congress by October 1, 1993.

In accordance with the ISTEA, we have initiated an Interim Scenic Byways Program while the national program is being developed. Under this program, grants are provided to assist States with existing scenic byways programs to undertake eligible project activities along designated scenic byways. Grants totaling \$10,000,000 were awarded to 21 States in FY 92. Highway and associated facility modifications, as well as tourism-related activities, were funded with 80 percent Federal dollars. Grant applications amounting to \$31,400,000 have been received from 27 States and Puerto Rico for FY 93. However, only \$10,000,000 are available for grants. Strict adherence will be given to the ISTEA approval priorities as grant requests are reviewed. We expect to make the approval decisions and notify the applicants by the end of May.

In implementing the interim program, we have been coordinating with various private organizations to establish public/private sector partnerships to undertake scenic byways technical assistance activities. Talks are underway concerning partnership arrangements for the establishment of a National Scenic Byways Clearinghouse operation, the development of technical assistance manuals, and the sponsorship of a national scenic byways

conference. We are currently considering initiating partnership agreements with the American Automobile Association, the American Recreation Coalition, the National Trust for Historic Preservation, and Scenic America. We have also been working diligently with our State partners, both on this program and their own "Back Roads" and Forest Scenic Highways programs.

The ISTEA prohibits the erection of new billboards not in compliance with 23 U.S.C. §131(c) along highways on the Federal-aid primary and Interstate systems which on, before, or after December 18, 1991, are designated as a scenic byway under a State's scenic byways program. The provision has the effect of prohibiting new billboards in zoned and unzoned commercial and industrial areas along scenic byways on the Federal-aid primary and Interstate System. In this regard, we have determined that a State is considered to have a scenic byways program when it has officially recognized a highway for its scenic, historic, natural, recreational, cultural, or archeological qualities. The determination concerning designated scenic byways is left up to the State based on its designated criteria.

Recreational Trails

The Symms National Recreational Trails Act of 1991 (SNRTA) was enacted as part of ISTEA. The FHWA administers this program in consultation with the Department of the Interior. This program opened a new working relationship between the Departments of Transportation, Interior, and Agriculture, State resource and park agencies, and grass-roots trails advocates. The FHWA is working with the National Park Service, the Bureau of Land Management, and the U.S. Forest Service to develop this program. We issued guidance on implementing the program to our regional and division offices on April 2, 1993.

Funds from the Trails Program can benefit all trail users. Funds can be used to construct and maintain recreational trails on public and private land for both motorized and

non-motorized recreational trail use. The program encourages innovative multi-use trail corridor sharing.

Funding for the Trails Program is to be obtained from revenue received by the Federal Highway Trust Fund from the Federal excise tax on fuel used off-road by recreational vehicles such as snowmobiles, off-road motorcycles, all-terrain vehicles (ATVs), and four wheel drive vehicles. This money is to be allocated according to the formula set forth in the SNRTA, with 50 percent divided equally among the States, and the remaining 50 percent divided according to each State's share of off-road recreational fuel use. We have a contract with the Oak Ridge National Laboratories to provide models for estimating off-road recreational fuel use for each State. This contract is scheduled for completion by October 1993.

The SNRTA intended these funds to be transferred from the Highway Trust Fund to the National Recreational Trails Trust Fund. The Trails Program, however, currently receives obligational authority from the Federal-aid Highways account through drawdowns under section 104 of Title 23, United States Code. No funds were appropriated in FY 92, while \$7,500,000 were set aside from Federal-aid Highways in FY 93. The President's proposed budget for FY 94 included \$15,000,000 for the Trails Program.

The SNRTA also established the National Recreational Trails Advisory Committee. The Committee has representatives from various trail user groups: hiking, cross-country skiing, off-road motorcycling, snowmobiling, horseback riding, ATV riding, bicycling, four-wheel driving, recreational boating, and hunting and fishing. The role of this Committee is to review how States use funds from this program, establish criteria for trail-side and trail-head facilities that can be funded under this program, and make recommendations to the Secretary of Transportation to advance the purposes of the SNRTA. The Committee met in

Washington, DC, in December 1992 and in Austin, Texas, in April 1993. The Committee approved a list of trail-side and trail-head facilities, and recommended topics for evaluating trail projects. The Committee has made several recommendations to the FHWA to advance the purposes of the SNRTA, including recommendations concerning State Recreational Trail Advisory Boards, State tax provisions for off-road fuel use, and multi-use trail issues.

The first projects to carry out the purposes of the SNRTA will be underway by this summer. The Congress stipulated that SNRTA funds are to be made available for projects which have been planned and developed under the otherwise existing laws, policies, and administrative procedures within each State, and which are identified in, or which further a specific goal of, a trail plan included or referenced in a Statewide Comprehensive Outdoor Recreation Plan (SCORP) required by the Land and Water Conservation Fund Act. All States have SCORPs.

Pennsylvania provides a good example of how the program is working. Pennsylvania has a statewide trails plan which identifies 15 different objectives that can be met with the expenditure of SNRTA funds. Pennsylvania committed early on in the program to plan and implement the SNRTA. The FHWA Division office in Harrisburg provided guidance and oversight during a carefully designed public participation process that resulted in the State announcing a SNRTA project funding cycle between November 1, 1992, and January 15, 1993. Pennsylvania created PARTAB, the Pennsylvania Recreational Trails Advisory Board, on October 29, 1992, to assist the State in carrying out the provisions of the SNRTA.

As a result of these coordinated efforts by Pennsylvania, the State received 87 SNRTA applications for projects totalling \$3,565,000. The 87 applications were reviewed, rated, and ranked by the PARTAB. Due partially to the limited Federal funds available, the

PARTAB was only able to recommend 17 projects for funding totalling \$231,837 in SNRTA assistance.

FHWA Bicycle and Pedestrian Program

Finally, I would like to tell you about the progress we have made in implementing those provisions of the ISTEA concerning bicycle and pedestrian programs. To date, 49 of 50 States have named bicycle/pedestrian coordinators, as required by the ISTEA. Hawaii, the only remaining State, will soon introduce legislation to permit the creation of such a position. The FHWA sponsored a conference of the State coordinators on March 25, and 26. Forty-six State coordinators attended, along with 45 other representatives of Federal agencies and national bicycling and walking organizations.

Federal-aid funding for bicycle and pedestrian programs and projects has increased significantly since the passage of the ISTEA. Many bicycle and pedestrian projects have been funded under the Transportation Enhancements Program, as well as the Congestion Mitigation and Air Quality Program (CMAQ).

In the 16 years of Federal-aid funding prior to FY 91, \$31,500,000 was spent for independent bicycle and pedestrian facilities. Incidental projects were not able to be separately tabulated. In FY 91, \$9,131,000 was spent for independent bicycle and pedestrian projects, and \$40,000,000 has been spent to date. In the one-and-one-half years since the enactment of the ISTEA, according to figures provided by the Rails to Trails Conservancy, \$48,000,000 in enhancements money was spent for bicycle and pedestrian facilities, and \$39,000,000 was spent for rail-to-trail conversions to bicycle/pedestrian trails. We estimate that \$6,958,024 has been spent for independent bicycle/pedestrian facilities, and \$2,214,753 has been spent for incidental projects.

Information on funding programs for bicyclists and pedestrians under the ISTEA has been distributed to FHWA field offices, to numerous conference attendees, and to local public interest groups. This information has been very well received.

We are completing work on the National Bicycling and Walking Study required by the 1991 Department of Transportation Appropriations Act. Public input was received through the establishment of a public docket, a national meeting on the Study, and workshops at national conferences. The draft of the final study report is under review and should be issued this summer. The study report delineates an action plan for Federal activities to promote increased use and safety of bicycling and walking. The report also puts forth recommended activities for State and local governments.

We issued guidance to the States through our region and division offices on January 28, 1992, in an effort to aid them in filling the bicycle/pedestrian coordinator positions. We are now working with the assistance of several State coordinators to prepare guidance on the bicycle and pedestrian planning requirements in the ISTEA. The FHWA's notices of proposed rulemaking on statewide transportation planning and metropolitan planning, published on March 2, 1993, include language on incorporating bicycle and pedestrian plans into State and metropolitan transportation plans.

Conclusion

These four programs, on Transportation Enhancements, Scenic Byways, Recreational Trails, and Bicycles and Pedestrians, represent some of the new challenges presented to the FHWA in the ISTEA. These programs are still in the early stages of development, but we are confident that with the help of our partners they will prove over time to be of great benefit to our Nation's surface transportation system. We are working with the States and other interested parties to implement these provisions in a proactive way, such as: holding

meetings throughout the country; issuing guidance; and incorporating these new programs into our training courses for Federal and State employees. Full funding for the ISTEAs, as was provided for in the President's Economic Stimulus package, would amplify the effects of these programs and aid in our implementation efforts. We look forward to working with the Committee to make these new approaches as successful as possible.