

**ISLAND TRANSPORTATION PLANNING ORGANIZATION  
TECHNICAL ADVISORY COMMITTEE MEETING**

**1:00 PM, Thursday, Aug 11, 2016  
Room 131, Island County Law & Justice Building**

**AGENDA**

1. Welcome and Introductions
2. Approval of minutes from June 8 TAC
3. PSRC Commute Trends<sup>1</sup>
4. IRTPO Designation Update (Brian)
  - a. Draft ILA<sup>2</sup>
  - b. Bylaws<sup>3</sup>
5. HSTP (Brian)
  - a. Consolidated Grant Program/Schedule
  - b. Committee<sup>4</sup> Structure/Duties/Timeline
  - c. Project Scoring Discussion<sup>5</sup>
6. STIP Updates<sup>6</sup>/Consent Agenda
7. Call For Projects/Federal Funding<sup>7</sup> Discussion (Brian)
  - a. Whidbey Avenue Crossing Update (Arnie)
8. New Items / Roundtable conversation (All)

Attachments:

1. [PSRC Commute Trends](#)
2. [Draft ILA](#)
3. [Bylaws](#)
4. [HSTP Committee](#)
5. [Scoring Information](#)
6. [STIP Updates](#)
7. [Federal Funding](#)

**Acronym Key:**

PSRC: Puget Sound Regional Council  
ITPO: Island Transportation Planning Organization  
IRTPO: Island Regional Transportation Planning Organization  
ILA: Interlocal Agreement  
HSTP: Human Services Transportation Plan  
STIP: Statewide Transportation Improvement Program  
WSDOT: Washington State Department of Transportation

Please contact Brian Wood at (360) 678-7959 if there are any other items that you would like to have added to the agenda. Next meeting: Thursday, Sept 8, 2016.

# Technical Advisory Committee

August 11, 2016

## Meeting Materials

### Contents

|  |       |
|--|-------|
| Commuting Patterns                         | 1-2   |
| IRTPO Interlocal Agreement (ILA)           | 3-9   |
| IRTPO Bylaws                               | 10-15 |
| HSTP Committee Members                     | 16    |
| HSTP Scoring Criteria (Skagit-Island RTPO) | 18-19 |
| WSDOT STIP Amendments                      | 20-21 |
| Federal Funding Workplan                   | 22    |
| STBG Eligible Projects: STBG & TA          | 23-27 |
| STBG Eligible Projects: TA                 | 28-31 |

## Island County's Regional Employment Connection

The graphic below shows a selection of commuting data from the Puget Sound Regional Council's (PSRC) 2016 Travel Trends report. The data shows workers commuting into the PSRC's four county region: Snohomish, King, Kitsap, and Pierce.

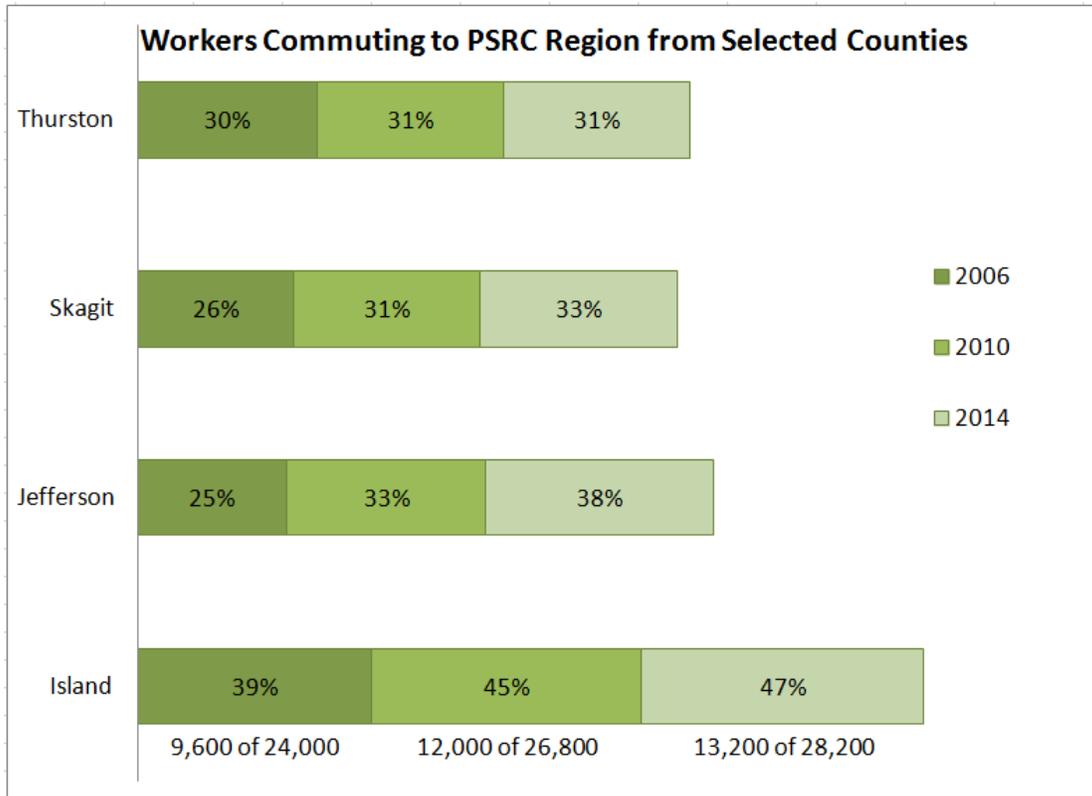
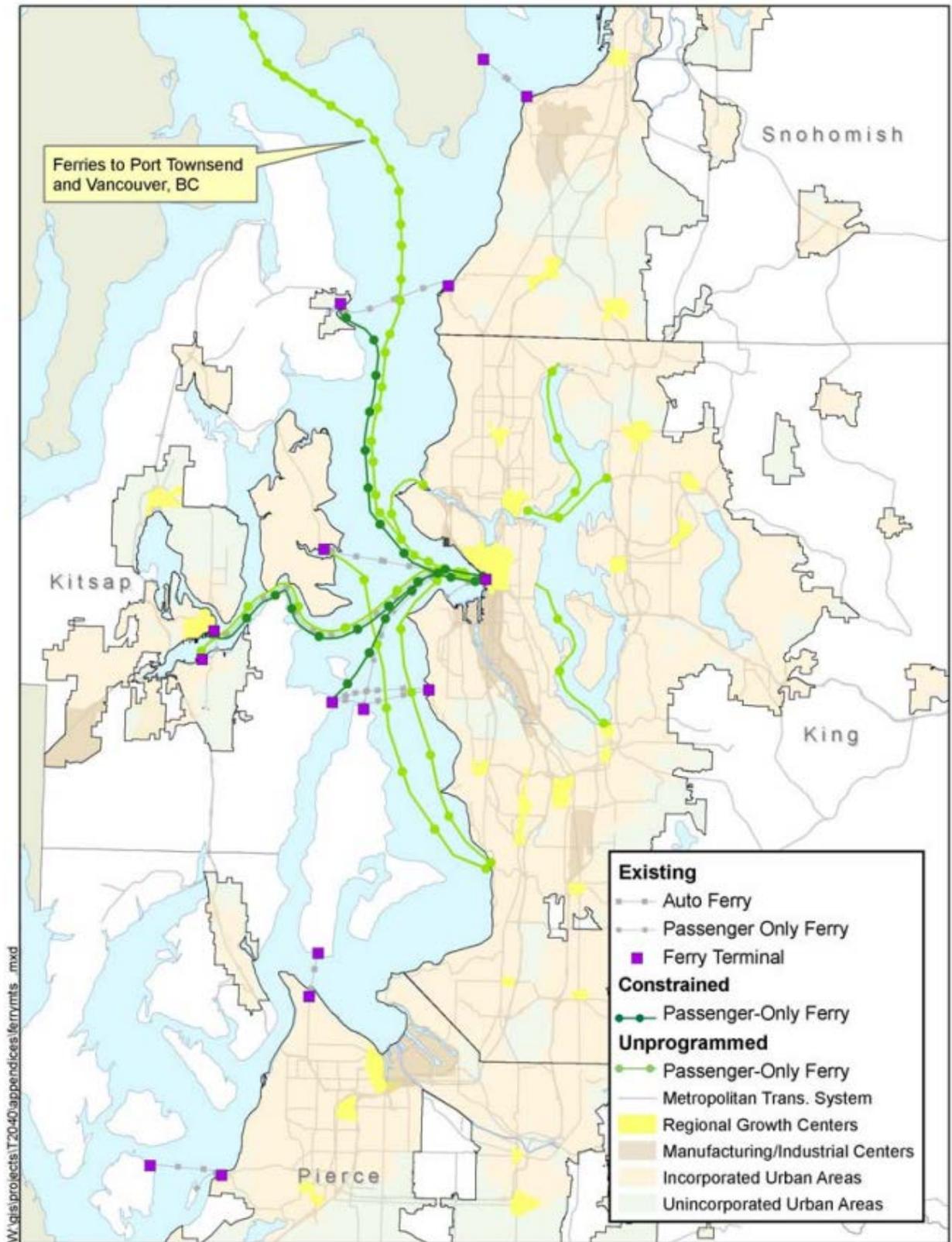


Figure 1 Adapted from PSRC's Transportation 2040 Update: Travel Trends presentation to the Transportation Policy Board, June 9, 2016. [http://www.psrc.org/assets/14682/Travel\\_Trends\\_v1.pdf](http://www.psrc.org/assets/14682/Travel_Trends_v1.pdf). Donated workforce and total workforce in county are shown for Island County.

- Island County brought the highest percentage of commuters to the PSRC of the 9 surrounding counties, for each year
- Island County donated the third highest number of employees to the PSRC, for each year (Thurston was first and Skagit Second)
- The growth in donated workers by Island County to the PSRC was the highest of the 9 surrounding counties

Figure 40. Auto and Passenger Ferry Investment Map (PSRC Transportation 2040)



Return To:

Island County  
P.O. Box 5000  
1 NE 7<sup>th</sup> Street  
Coupeville, WA 98239

AN INTERLOCAL AGREEMENT AMONG ISLAND COUNTY, CITY OF OAK HARBOR, CITY OF LANGLEY, TOWN OF COUPEVILLE, ISLAND COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION, PORT OF SOUTH WHIDBEY, AND PORT OF COUPEVILLE, TO FORM THE ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION (IRTPO), AND DEFINE ITS JURISDICTIONAL AREA AND DUTIES.

**THIS INTERLOCAL AGREEMENT “AGREEMENT”**, is made and entered into among Island County, a political subdivision of the State of Washington, hereinafter referred to as the “County,” the City of Oak Harbor, a municipal corporation of the State of Washington, the City of Langley, a municipal corporation of the State of Washington, the Town of Coupeville, a municipal corporation of the State of Washington, the Island County Public Transportation Benefit Area Corporation, herein referred to as “Island Transit,” the Port of South Whidbey, a public port district of the State of Washington, the Port of Coupeville, a public port district of the State of Washington, collectively referred to as the “Members.”

**WITNESSETH:**

**WHEREAS**, under chapter 39.34 RCW, counties, cities and other public agencies are authorized to enter into interlocal cooperative agreements to jointly engage in activities each is authorized by law to do on its own; and

**WHEREAS**, chapter 47.80 RCW authorizes the formation of a Regional Transportation Planning Organization (RTPO) by voluntary association of local governments within a county; and

**WHEREAS**, an RTPO may be created, pursuant to RCW 47.80.020, provided the RTPO shall:

- (1) Encompass at least one complete county;
- (2) . . . have a population of at least seventy-five thousand and contain a Washington state ferries terminal . . . and
- (3) Have as members at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

**WHEREAS**, Island County, the City of Oak Harbor, City of Langley , Town of Coupeville, Island Transit, Port of South Whidbey, and the Port of Coupeville, find it appropriate to form a county-wide, regionally focused transportation planning organization hereby known as the “ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION” or “IRTPO”; and

**WHEREAS**, each RTPO formed by local governments shall create a transportation policy board (“Executive Board”) to review, consider, and approve regional transportation policies of the RTPO and shall allow representatives of major employers within the region, the department of transportation, and member transit districts, port districts, cities, towns and the County within the region to participate in policy making; and

**WHEREAS**, among other duties, each RTPO shall perform the duties set forth in RCW 47.80.023, including, but not limited to, the following: (i) develop and periodically update a regional transportation plan in cooperation with the State Department of Transportation, providers of public transportation, ports, and local governments within the region; and (ii) designate a lead planning agency to coordinate preparation of said regional transportation plan and carry out the other responsibilities of the Organization; and

**WHEREAS**, a cooperative process between Island County, the City of Langley, the City of Oak Harbor and the Town of Coupeville resulted in the development of the current Island County Countywide Planning Policies, which were adopted by Ordinance C-100-15 in 2015; and

**WHEREAS**, the Countywide Planning Policies’ (CWPP) stated transportation goal in CWPP 2.10 is that “Island County should be served by an efficient, well connected, multimodal transportation system. Transportation plans, spending decisions, and regulations will be consistent with, and reinforce adopted land use and economic development plans”; and

**WHEREAS**, CWPP 3.8.1 states that “All transportation planning, including that of Federal or State agencies, and Port Districts, should be jointly and cooperatively developed, adopted and implemented through coordinated and collaborative planning efforts”; and

**WHEREAS**, CWPP 3.8.2 provides that “the County and Municipalities should each actively participate in multi-county, multi-jurisdictional, regional transportation planning, including planning for Washington State Ferries”; and

**NOW, THEREFORE**, in consideration of the following terms and conditions incorporated herein as part of this agreement, it is agreed among the Members:

### **Section 1: ORGANIZATION NAME AND MEMBERSHIP**

A regional transportation planning organization is hereby created and established in Island County and shall be hereby known as the Island Regional Transportation Planning Organization, referred to hereafter as the “IRTPO.” The membership of the IRTPO shall be comprised of the following Members: Island County; City of Oak Harbor; City of Langley; Town of Coupeville; Island Transit; Port of South Whidbey; and Port of Coupeville.

## **Section 2: PURPOSE**

Recognizing that coordinated transportation planning of the Counties, Cities and Towns, Washington State Department of Transportation, the ports, transit districts, and other jurisdictions are necessarily interwoven and interdependent and that the interests of all citizens will best be served by coordinated, cooperative, and comprehensive transportation planning, this IRTPO is established to facilitate such appropriate coordination and cooperation and provide for continuing area wide transportation planning in accordance with Section 3, herein.

The IRTPO is neither intended to, nor is it authorized to, supersede the authority vested in the County, Cities and Towns, Washington State Department of Transportation (WSDOT) or Washington State Transportation Commission, but is intended to meet the prerequisites of RCW Chapter 47.80, and 468-86 WAC.

## **Section 3: DUTIES**

The duties of the RTPO shall be as follows:

- (a) To perform the functions of a Regional Transportation Planning Organization (RTPO) as set forth in Ch. 47.80 RCW and Ch. 468-86 WAC, as currently adopted or as amended, specifically:
  - (1) to prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies.
  - (2) to prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with countywide planning policies and with County, city, and town comprehensive plans, and state transportation plans.
  - (3) to certify that the transportation elements of comprehensive plans adopted by counties, cities, and towns with the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and where appropriate, conform with the requirements of RCW 36.70A.070.
  - (4) where appropriate, to certify that countywide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.
  - (5) to develop, pursuant to the requirements in RCW 47.80.023(5), in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The program shall be updated at least every two years for the ensuing six-year period.

(6) to include specific opportunities and projects to advance special needs coordinated transportation, as defined in RCW 47.06B.012, in the coordinated transit-human services transportation plan, after providing opportunity for public comment.

(7) to designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization.

(8) to review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(9) to work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

(10) to submit to the agency council on coordinated transportation, as provided in chapter 47.06B RCW, beginning on July 1, 2007, and every four years thereafter, an updated plan that includes the elements identified by the council. Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

- (b) To administer regional transportation funding programs.
- (c) To participate in the development and maintenance of transportation related information necessary to support the functions and responsibilities of the RTPO.
- (d) To promote the regional transportation interests, plans and projects to local, state and federal public and private entities.
- (e) To create committees as necessary to advise the Executive Board (as defined herein) on regional transportation related matters. At a minimum this shall include the Technical Advisory Committee (TAC) whose composition and responsibilities shall be defined by the Executive Board.
- (f) To comply with any other transportation planning requirement set forth in Ch. 47.80 RCW not otherwise mentioned above.
- (g) To perform such other transportation planning and program related functions as the Board may hereinafter determine to be in the best interests of the RTPO in carrying out the duties of the RTPO and the members thereof, which are consistent with the terms of this Agreement and related federal and state law.

#### **Section 4: JURISDICTIONAL AND TRANSPORTATION PLANNING AREA DEFINED**

The Organization's jurisdictional area shall consist of all incorporated and unincorporated areas of Island County in Washington State.

#### **Section 5: GOVERNING BODY AND OFFICERS**

- A. The governing body (the "Executive Board") of the IRTPO shall include a representative(s) from Island County, the City of Oak Harbor, Town of Coupeville, City of Langley, Island Transit, WSDOT, and the Port of Coupeville and Port of South Whidbey. The Bylaws of the IRTPO shall govern the membership, meetings, and voting process of the Executive Board of the RTPO.
- B. The Executive Board is responsible for taking official actions performing the duties of the RTPO as set forth in Section 3 of this Agreement. The Executive Board is to receive technical assistance from

the Technical Advisory Committee as described below. The Executive Board shall also appoint the lead agency, through resolution of the RTPO, and shall have the power to create a special subcommittee if one is necessary for a special purpose or project.

#### **Section 6: TECHNICAL ADVISORY COMMITTEE**

- A. The advisory body (the “Technical Advisory Committee” or “TAC”) of the RTPO shall be comprised of the TAC committee members as listed in Appendix A to the IRTPO Bylaws. The TAC may vote according to the rules established within the Bylaws for Island Regional Transportation Planning Organization. Although the TAC meetings shall be available to the public, the TAC is not subject to the requirements of the Open Public Meetings Act, chapter 42.30 RCW, because the TAC is advisory only as it provides recommendations to the Executive Board for consideration and official action.
- B. The primary role of the TAC is to provide technical advice and information to the Executive Board, to support the Executive Board in the fulfillment of its duties. In addition to the TAC, a broad range of stakeholders including, but not limited to, regional employers, school districts, and community groups may provide technical assistance and input to the IRTPO Executive Board whether directly, or through the TAC, upon request of the Executive Board.

#### **Section 7: DURATION**

This Agreement is perpetual unless a Member of the IRTPO decides to terminate its own membership pursuant to Section 10 of this Agreement. The effect of a Member withdrawing from the IRTPO will not affect the Agreement as to the remaining Members, unless the participation requirements in RCW 47.80.020(3) are no longer met.

#### **Section 8: MEETINGS AND VOTING**

The IRTPO Executive Board shall hold its meetings and conduct its voting in accordance with the Bylaws of the IRTPO.

#### **Section 9: ADMINISTRATIVE STAFF AND SUPPORT**

The Lead Agency, appointed by the IRTPO Executive Board, shall provide administrative support and assistance to the Regional Transportation Planning Organization, including its Executive Board and Technical Advisory Committee.

#### **Section 10: TERMINATION OF MEMBERSHIP**

An individual Member agency may withdraw from the Island Regional Transportation Planning Organization by giving sixty (60) days written notice to the Island Regional Transportation Planning Organization. Any Voting Member agencies that withdraws does not absolve such member agency from

the responsibility for meeting any obligations or agreements which exist between the Island Regional Transportation Planning Organization and its Member organizations at the time of withdrawal, if any.

Note that should sufficient members terminate their membership in the IRTPO, the ability of the organization to maintain viability within this agreement may be compromised as per 47.80 RCW.

**Section 11: PRIOR WRITTEN AGREEMENTS**

All prior agreements regarding the Island Transportation Planning Organization are superseded by this agreement.

**Section 12: EFFECTIVE DATE**

This Agreement shall become effective upon the signature of each of the Members' governing bodies or executive with signing authority and the recording of this agreement with the Island County Auditor on the same date as the last signatory to sign this document. This Agreement may be signed in counterparts, each which shall be considered the same as an original.

**Section 13: NO FINANCIAL OBLIGATION FOR MEMBERS**

No dues or other finances will be imposed upon members of the Transportation Planning Organization.

**Section 14: PROPERTY UPON TERMINATION**

No property will be purchased by or shared between Members in a formal capacity as a function of their involvement in the Transportation Planning Organization.

**Section 15: INDEMNIFICATION**

Each party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to the fullest extent required by law, and further agrees to hold the other party(s) to this Interlocal Agreement harmless from any such liability.

**Section 16: SEVERABILITY**

If any provision of this Agreement, or its application to any person or circumstance is held invalid, the remainder of the Agreement, or the application of the provision to other persons or circumstances is not affected.

**Voting Members**

Board of Island County Commissioners  
Island County, Washington

City of Oak Harbor

\_\_\_\_\_  
Richard M. Hannold, Chair      Date

\_\_\_\_\_  
Bob Severns, Mayor      Date

City of Langley

Town of Coupeville

\_\_\_\_\_  
Tim Callison, Mayor      Date

\_\_\_\_\_  
Molly Hughes, Mayor      Date

Port of South Whidbey

Port of Coupeville

\_\_\_\_\_  
Curt Gordon, Commissioner      Date

\_\_\_\_\_  
John Mishasek, Commissioner      Date

Island County Public Transportation Benefit Area Corporation dba Island Transit

\_\_\_\_\_  
Jackie Henderson, Secretary      Date

Island Regional Transportation Planning Organization  
Bylaws

**Article I**

**Name of the Organization**

- 1.1** This organization shall be known as the Island Regional Transportation Planning Organization, herein referred to as the “Transportation Planning Organization” or “IRTPO.”

**Article II**

**Purpose and Duties**

- 2.1** The purpose of the Transportation Planning Organization shall be to coordinate transportation planning among regional jurisdictions and develop a regional transportation plan aimed at solving transportation issues of mutual interest and concern. Specific duties include, but are not limited to, the duties and functions listed in Section 3 of the IRTPO Interlocal Agreement.

**Article III**

**Membership**

- 3.1** The Transportation Planning Organization Advisory Board (hereby referred to as the “Executive Board”) shall include representation from Island County, the City of Oak Harbor, Town of Coupeville, City of Langley, the Ports of Coupeville and South Whidbey, the Island County Public Transportation Benefit Area Corporation dba Island Transit, Naval Air Station Whidbey Island, and the Washington State Department of Transportation.
- 3.2** Voting members of the Executive Board are as follows: Island County shall be represented by the three county commissioners (3 votes). The cities and towns shall be represented by the mayor of each jurisdiction (1 vote per mayor). Each port commission shall select one port commissioner to represent their port district (1 vote per selected port commissioner). The board of the Island County Public Transportation Benefit Area Corporation dba Island Transit shall be represented by its board chair or its

designee (the chair or designee equals 1 vote). WSDOT shall be represented by an appointed representative from the Northwest Region / Mount Baker Area office (1 vote). There are a total of ten (10) voting Executive Board members.

- 3.3** The community planning liaison from Naval Air Station Whidbey Island shall be a non-voting Executive Board member. Any members of the state House of Representatives or the Senate whose districts are wholly or partly within the boundaries of the Transportation Planning Organization are considered ex officio, non-voting Executive Board members.
- 3.4** Each voting member of the Executive Board may designate an alternate to act in the member's absence. The alternate designation must be in writing for voting members, signed by the member, and be on file with the Transportation Planning Organization in order for the alternate to be allowed to act on the members' behalf. If voting on fund allocations, the alternate must be an elected official.

#### **Article IV**

##### **Officers and Lead Agency**

- 4.1** The officers of the Transportation Planning Organization Executive Board shall be a Chairperson and Vice-Chairperson. The officers shall be elected during the first meeting of each calendar year. The selection of the officers shall be effective upon a motion that passes by a majority of the voting members of the Executive Board present so long as there is a quorum of voting members.
- 4.2** The Executive Board shall appoint the lead agency by resolution.

#### **Article V**

##### **Executive Board Meetings**

- 5.1** The chair shall preside over Executive Board meetings. In absence of the chair, the vice-chair shall preside. In absence of both officers, any other voting member may preside, after a motion to that effect is made and passed by a majority of the voting members of the Executive Board present, so long as there is a quorum of voting members.

- 5.2** Meetings will be held on the fourth Wednesday of the month at 11:00 am in the Island County Commissioner’s Hearing Room. Special meetings may also be called by the chair or by any five voting members of the Transportation Planning Organization. Notice of meetings shall be provided to each member at least one week (7 days) prior to the meeting.
- 5.3** Meetings of the Transportation Planning Organization Executive Board shall be governed by the Open Public Meetings Act, RCW 42.30.
- 5.4** The Chair of the Executive Board, as well as the Vice-Chair, shall be elected at the first meeting of each calendar year. To be eligible for the Chair position, the IRTPO Executive Board Member representative shall have served on the Executive Board for at least one (1) year.
- 5.5** A quorum for conducting business shall be a majority (six (6) out of ten (10)) of voting members present. All decisions must be made by a majority vote of the quorum present at a meeting.
- 5.6** The Chair shall sign all official documents that relate to specific action taken by the Transportation Planning Organization. The Vice Chair may sign documents when the Chair is absent.

## **Article VI**

### **IRTPO Technical Advisory Committee**

- 6.1** The IRTPO Technical Advisory Committee (TAC) shall be represented by the appointed staff as listed in Section 6 of the Interlocal Agreement. Each appointed TAC member is entitled to one vote. A list of appointed TAC members is attached herein as Appendix A. The Executive Board shall take official action to amend Appendix A when TAC members change.
- 6.2** A citizen from each County Commissioner District shall also be appointed by the Commissioner from the respective district to serve on the TAC. Terms for citizen representatives shall be three years and may be renewed. Terms shall be staggered with one citizen representative position available each year.
- 6.3** Citizen representatives may be removed for failing to attend meetings on a repeated unexcused basis.

- 6.4** A quorum of TAC members for conducting business shall be a minimum of eight voting members. All recommendations to the Executive Board must be made by a majority vote of the quorum present at a meeting.
- 6.5** The Island County Transportation Planner shall preside over Technical Advisory Committee meetings. In absence of the Transportation Planner, any other member may preside.
- 6.6** Meetings will be held on the second Thursday of the month at 1:00 pm in Island County Law and Justice Room 131.

**Article VII**  
**Parliamentary Authority**

- 7.1** Robert's Rules of Order shall be an advisory document pertaining to parliamentary authority for use by the Transportation Planning Organization in parliamentary situations that are not provided in law or these bylaws.

**Article VIII**  
**Amendments**

- 8.1** These Bylaws may be amended by a unanimous vote of a quorum of voting members. Amendments approved by the Transportation Planning Organization are effective immediately.

**Adopted** by a unanimous motion of the Transportation Planning Organization on the \_\_\_th day of \_\_\_\_\_, 2016 and signed by the participating jurisdictions as follows:

Board of Island County Commissioners  
Island County, Washington

City of Oak Harbor

\_\_\_\_\_  
Richard M. Hannold, Chair      Date

\_\_\_\_\_  
Bob Severns, Mayor      Date

City of Langley

Town of Coupeville

\_\_\_\_\_  
Tim Callison, Mayor      Date

\_\_\_\_\_  
Molly Hughes, Mayor      Date

Port of South Whidbey

Port of Coupeville

\_\_\_\_\_  
Curt Gordon, Commissioner      Date

\_\_\_\_\_  
John Mishasek, Commissioner      Date

Island County Public Transportation Benefit Area Corporation dba Island Transit

\_\_\_\_\_  
Jackie Henderson      Date

**Appendix A**  
**Technical Advisory Committee Members**

|   |                    |
|---|--------------------|
| Island County Public Works                          | Connie Bowers      |
| Island County Planning & Community Development      | Nathan Howard      |
| Island County District 1 Citizen                    | Don Meehan         |
| Island County District 2 Citizen                    | Vacant             |
| Island County District 3 Citizen                    | Bob Monize         |
| City of Oak Harbor Public Works                     | Arnie Peterschmidt |
| City of Oak Harbor Planning & Community Development | Cac Kamak          |
| City of Langley                                     | Stan Berryman      |
| Town of Coupeville                                  | Vacant             |
| Port of Coupeville                                  | Forrest Rambo      |
| Port of South Whidbey                               | Angi Mozer         |
| Island Transit                                      | Mike Nortier       |
| Island County Economic Development Council          | Ron Nelson         |
| Naval Air Station Whidbey Island                    | Bryan Tyhuis       |
| Washington State Dept. of Transportation            | John Shambaugh     |

# HSTP Committee Members

Connie Bowers, Island County Public Works

Jackie Henderson, Island County Human Services/Island Transit Board

Dana Sawyers, Island County Veterans Services

Megan Frazier, Juvenile & Superior Court

Mike Etzell, Human Services Island County

Vivian Rogers-Decker, Spin Café/Oak Harbor Public Schools

Mary Anderson, Oak Harbor Senior Center

Lisa Clark, Opportunity Council

Teri Anania, Housing Authority Of Island County

Mike Nortier, Island Transit Executive Director

Dee Wells, Island Transit

Meg Heppner, Island Transit

Ashlee Wiley, Program Manager Service Alternatives Island County CES

Lou Cox, Island County Manager Compass Health

Mary Campbell, Managing Librarian, Oak Harbor Library

Heidi Saunders, WhidbeyHealth Medical Center

Karla Jacks, Camano Center

Mike Brenaman, Service Officer, Disabled American Veterans

# Skagit-Island RTPO Project Scoring Criteria

Figure 10: Prioritized Strategies and Weights

| Implementation Strategies  | Weights |
|--|---------|
| S1 Preserve Existing Services: maintain or restore existing service levels and vehicle fleet   | 15      |
| S2 Expand Services: increase service levels  | 15      |
| S3 Address High Need Areas: provide service to areas scoring high in human services transportation need index  | 15      |
| S4 Improve Regional Connections: improve cross-regional connections  | 15      |
| S5 Increase User Knowledge: increase knowledge of available transportation options to targeted users   | 10      |
| S6 Improve Existing Service Timeliness: improve quality of timeliness of service   | 5       |
| S7 Utilize Existing Services: improve utilization of existing transportation services  | 5       |
| S8 Expand Driver Training: promote driver training to encourage “compassionate professionalism”  | 5       |
| S9 Improve Provider-User Coordination: improve coordination between transit service providers, human services providers and users                          | 5       |
| S10 Utilize Technology: utilize technology to provide improved efficiency and user access to mobility options  | 5       |
| S11 Inform Users of Mobility Options: assist human service providers in guiding users to the most efficient mobility options                               | 5       |
| S12 Improve Provider Regional Coordination: improve coordination between regional and cross-regional transit service providers                             | 5       |
| S13 Promote Innovation: promote innovative programs, processes and tools that improve efficiency and reduce cost   | 5       |
| S14 Promote Environmental Sustainability: incorporate environmentally sustainable practices into regional coordinated transportation planning and services | 5       |
| S15 Leverage Funding: further leverage available funding   | 5       |

# Skagit-Island RTPO Project Scoring Criteria

| Criteria   | Skagit Transit Projects |              |              | Community Action Project | Island Transit Projects |              |              |
|--|-------------------------|--------------|--------------|--------------------------|-------------------------|--------------|--------------|
|  | #1                      | #2           | #3           | #1                       | #1                      | #2           | #3           |
| Preserve Existing Services (max. 15)                                   | 2.50                    | 3.17         | 3.17         | 5.83                     | 15.00                   | 14.33        | 15.00        |
| Expand Services (max. 15)  | 14.67                   | 9.83         | 2.17         | 2.50                     | 1.00                    | 1.00         | 3.00         |
| Address High Need Area (max. 15)                                       | 13.00                   | 9.50         | 9.50         | 12.83                    | 13.33                   | 10.83        | 15.00        |
| Improve Regional Connections (max. 15)                                 | 13.17                   | 4.83         | 5.50         | 6.67                     | 7.00                    | 6.40         | 14.17        |
| Increase User Knowledge (max. 10)                                      | 2.00                    | 5.67         | 10.00        | 8.67                     | 0.00                    | 2.00         | 0.00         |
| Improve Existing Service Timeliness (max. 5)                           | 4.67                    | 4.50         | 4.17         | 2.83                     | 2.00                    | 4.50         | 2.83         |
| Utilize Existing Services (max. 5)                                     | 2.17                    | 4.17         | 5.00         | 3.50                     | 3.00                    | 3.67         | 2.83         |
| Expand Driver Training (max. 5)  | 0.00                    | 1.17         | 1.33         | 1.50                     | 0.00                    | 0.00         | 0.00         |
| Improve Provider-User Coordination (max. 5)                            | 1.33                    | 1.50         | 5.00         | 4.83                     | 0.60                    | 1.17         | 2.60         |
| Utilize Technology (max. 5)  | 0.67                    | 5.00         | 1.00         | 1.83                     | 1.67                    | 2.00         | 0.00         |
| Inform Users of Mobility Options (max. 5)                              | 1.83                    | 1.67         | 5.00         | 4.00                     | 1.40                    | 1.00         | 0.00         |
| Improve Provider Regional Coordination (max. 5)                        | 4.50                    | 1.50         | 2.50         | 2.50                     | 2.00                    | 0.60         | 2.20         |
| Promote Innovation (max. 5)  | 1.50                    | 2.50         | 3.50         | 2.17                     | 1.00                    | 1.80         | 0.00         |
| Promote Environmental Sustainability (max. 5)                          | 1.00                    | 1.00         | 1.83         | 2.00                     | 1.00                    | 1.00         | 1.40         |
| Leverage Funding (max. 5)  | 3.33                    | 3.33         | 2.17         | 5.00                     | 3.33                    | 2.17         | 1.17         |
| <b>Average Total</b>   | <b>66.33</b>            | <b>59.33</b> | <b>61.83</b> | <b>66.67</b>             | <b>52.33</b>            | <b>52.47</b> | <b>60.20</b> |
| <b>Rank</b>  | <b>2</b>                | <b>5</b>     | <b>3</b>     | <b>1</b>                 | <b>7</b>                | <b>6</b>     | <b>4</b>     |
| <b>Skagit-Island Special Needs Committee Recommended Letter Grade*</b> | <b>A</b>                | <b>B</b>     | <b>A</b>     | <b>A</b>                 | <b>A</b>                | <b>B</b>     | <b>A</b>     |

\*Note: Skagit-Island has 5 "A's", 5 "B's" and 4 "C's"

| Project Key          |   |      | Funding Request |
|----------------------|---|------|-----------------|
| Skagit Transit #1:   | Expansion of Fixed Route Services in Sedro Woolley and Burlington   | 408  | \$ 446,         |
| Skagit Transit #2:   | ADA Next Stop Announcement System   | 172  | \$ 296,         |
| Skagit Transit #3:   | Mobility Management Specialist  | 410  | \$ 123,         |
| Community Action #1: | Utilize Existing Services: Improve Utilization of Existing Transportation Services  | ,000 | \$ 50           |
| Island Transit #1:   | Five Medium Duty Cutaways and Five 7-8 Passenger Vans   | 286  | \$ 778,         |
| Island Transit #2:   | Preserve and Replace Capital Equipment and Bus Communications: 2 Bus Shelters; Paint Oak Harbor Transit Station; 10 Bus Surveillance Systems; 65 Tablets; 11 Rebuilt Engines; Alignment Machine | 535  | \$ 382,         |
| Island Transit #3:   | Specific Operating Assistance to Preserve Existing Service  |      | Incomplete      |

Washington State S. T. I. P.

2016 to 2019

(Project Funds to Nearest Dollar)

MPO/RTPO: Island

N Inside

Y Outside

June 28, 2016

County:

Agency: WSDOT - NW

| Func Cls | Project Number | PIN     | STIP ID  | Imp Type | Total Project Length | Environmental Type | RW Required | Begin Termini | End Termini | Total Est. Cost of Project | STIP Amend. No. |
|----------|----------------|---------|----------|----------|----------------------|--------------------|-------------|---------------|-------------|----------------------------|-----------------|
| 02       | 0020(184)      | 102011C | WA-07793 | 21       | 0.020                | CE                 | No          | MP 21.83      | MP 21.85    | 122,791                    | D               |

A

SR 20/Main Street Vicinity - ADA Compliance

This project will improve pedestrian safety by upgrading ADA sidewalk ramps within the project limits.

Funding

| Phase          | Start Date | Federal Fund Code | Federal Funds | State Fund Code | State Funds | Local Funds | Total   |
|----------------|------------|-------------------|---------------|-----------------|-------------|-------------|---------|
| CN             | 2016       | NHPP              | 112,198       |                 | 0           | 2,290       | 114,488 |
| Project Totals |            |                   | 112,198       |                 | 0           | 2,290       | 114,488 |

C

Expenditure Schedule

| Phase  | 1st | 2nd     | 3rd   | 4th | 5th & 6th |
|--------|-----|---------|-------|-----|-----------|
| CN     | 184 | 110,481 | 3,823 | 0   | 0         |
| Totals | 184 | 110,481 | 3,823 | 0   | 0         |

|                              | Federal Funds | State Funds | Local Funds | Total   |
|------------------------------|---------------|-------------|-------------|---------|
| Agency Totals for WSDOT - NW | 112,198       | 0           | 2,290       | 114,488 |

B

Prior PE obligation 2015: \$8,303

Washington State S. T. I. P.

2016 to 2019

(Project Funds to Nearest Dollar)

MPO/RTPO: Island

N Inside

Y Outside

June 28, 2016

County:

Agency: WSDOT - NW

| Func Cls | Project Number | PIN     | STIP ID  | Imp Type | Total Project Length | Environmental Type | RW Required | Begin Termini | End Termini | Total Est. Cost of Project | STIP Amend. No. |
|----------|----------------|---------|----------|----------|----------------------|--------------------|-------------|---------------|-------------|----------------------------|-----------------|
| 02       |                | 152522D | WA-08667 | 21       | 0.020                | CE                 | No          | MP 11.09      | MP 11.11    | 126,442                    |                 |

SR 525/Cultus Bay Road Vic - ADA Compliance

A This project will evaluate and improve pedestrian safety by upgrading ADA sidewalk ramps within the project limits.

Funding

| Phase          | Start Date | Federal | Fund Code | Federal Funds | State Fund Code | State Funds | Local Funds | Total   |
|----------------|------------|---------|-----------|---------------|-----------------|-------------|-------------|---------|
| CN             | 2016       |         | NHPP      | 111,593       |                 | 0           | 2,278       | 113,871 |
| Project Totals |            |         |           | 111,593       |                 | 0           | 2,278       | 113,871 |

Expenditure Schedule

| Phase  | 1st | 2nd     | 3rd   | 4th | 5th & 6th |
|--------|-----|---------|-------|-----|-----------|
| CN     | 183 | 109,886 | 3,802 | 0   | 0         |
| Totals | 183 | 109,886 | 3,802 | 0   | 0         |

|                              | Federal Funds | State Funds | Local Funds | Total   |
|------------------------------|---------------|-------------|-------------|---------|
| Agency Totals for WSDOT - NW | 111,593       | 0           | 2,278       | 113,871 |

B Prior PE obligation 2015: \$12,571

| Federal Funding (ITPO STP / TAP workplan as of August 4, 2016) |                    |                    |                    |                        |
|--|--------------------|--------------------|--------------------|------------------------|
|  | 2017               | 2018               | 2019               | 2020-22                |
| <b>STP Projects</b>  |                    |                    |                    |                        |
| Crescent Harbor / Regatta Intersection (RW)                    |                    |                    |                    |                        |
| Freeland Trail--Segment 1                                      |                    |                    |                    |                        |
| Island Transit Interoperability (radio repeaters)              |                    |                    |                    |                        |
| RTPO Unified Work Program                                      | \$532,000          |                    |                    |                        |
| Swantown / Heller Intersection Improvements CN                 |                    | \$519,000          |                    |                        |
| Island County NonMotorized Plan Update                         |                    |                    |                    |                        |
| Crescent Harbor / Regatta Intersection CN                      |                    | \$1,200,000        |                    |                        |
| Crescent Harbor Resurfacing I                                  |                    |                    |                    |                        |
| Crescent Harbor Resurfacing II                                 |                    |                    |                    |                        |
| NW Heller Street Overlay                                       | \$269,015          |                    |                    |                        |
| Langley Cascade Ave Rest. (6th to Wharf)                       |                    |                    |                    |                        |
| Island Transit Replacement Vehicles                            |                    |                    |                    |                        |
| <b>Total Planned Obligation</b>                                | <b>\$801,015</b>   | <b>\$1,719,000</b> |                    |                        |
| Amount Obligated to date                                       |                    |                    |                    |                        |
| Obligation Target  | <i>\$1,040,000</i> | <i>\$1,040,000</i> | <i>\$1,040,000</i> | <i>\$1,040,000 x 3</i> |
| <i>difference (red under obligation)</i>                       | <i>(\$289,985)</i> | <i>\$679,000</i>   |                    |                        |
| <b>TAP*</b>  |                    |                    |                    |                        |
| Whidbey Ave. Ped Crossing CN \$201,500                         |                    |                    |                    |                        |
| Waterfront Trail Repair CN                                     |                    |                    |                    |                        |
| Freeland Trail--Segment 1                                      |                    |                    |                    |                        |
| South Whidbey Bike Route CN                                    | \$80,000           |                    |                    |                        |
| Camano Island Bike Loop PE + CN                                |                    |                    | \$125,000          |                        |
| <b>Total Planned Obligation</b>                                | <b>\$80,000</b>    |                    | <b>\$125,000</b>   |                        |
| Amount Obligated to date                                       |                    |                    |                    |                        |
| Obligation Target  | <i>\$93,000</i>    | <i>\$93,000</i>    | <i>\$93,000</i>    | <i>\$93,000 x 3</i>    |
| <i>difference (red under obligation)</i>                       | <i>(\$13,000)</i>  |                    | <i>\$157,000</i>   |                        |

Gray Italics indicates projected obligation target

\* Planned obligations for TAP funds account for rural/urban split

| 2016 Federal Grant Program Allocations |              |              |                 |              |
|--|--------------|--------------|-----------------|--------------|
|  | <u>Urban</u> | <u>Rural</u> | <u>Any Area</u> | <u>TOTAL</u> |
| <b>STBG</b>                            | \$489,204    | \$491,503    | \$60,180        | \$1,040,887  |
| <b>TA</b>                              | \$29,379     | \$29,517     | \$32,835        | \$91,730     |

---

# **Title 23, United States Code**

(current as of October 19, 2012, including public laws  
through P.L. 112-196)

### **Sec. 133. Surface transportation program**

(b) Eligible Projects. - A State may obligate funds apportioned to it under section 104(b)(2) for the surface transportation program only for the following:

(1) Construction, reconstruction, rehabilitation, resurfacing, restoration, preservation, or operational improvements for highways, including construction of designated routes of the Appalachian development highway system and local access roads under section 14501 of title 40.

(2) Replacement (including replacement with fill material), rehabilitation, preservation, protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) and application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions for bridges (and approaches to bridges and other elevated structures) and tunnels on public roads of all functional classifications, including any such construction or reconstruction necessary to accommodate other transportation modes.

- (3) Construction of a new bridge or tunnel at a new location on a Federal-aid highway.
- (4) Inspection and evaluation of bridges and tunnels and training of bridge and tunnel inspectors (as defined in section 144), and inspection and evaluation of other highway assets (including signs, retaining walls, and drainage structures).
- (5) Capital costs for transit projects eligible for assistance under chapter 53 of title 49, including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus.
- (6) Carpool projects, fringe and corridor parking facilities and programs, including electric vehicle and natural gas vehicle infrastructure in accordance with section 137, bicycle transportation and pedestrian walkways in accordance with section 217, and the modifications of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
- (7) Highway and transit safety infrastructure improvements and programs, installation of safety barriers and nets on bridges, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings.
- (8) Highway and transit research and development and technology transfer programs.
- (9) Capital and operating costs for traffic monitoring, management, and control facilities and programs, including advanced truck stop electrification systems.
- (10) Surface transportation planning programs.
- (11) Transportation alternatives.
- (12) Transportation control measures listed in section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A)).
- (13) Development and establishment of management systems<sup>12</sup>
- (14) Environmental mitigation efforts relating to projects funded under this title in the same manner and to the same extent as such activities are eligible under section 119(g).
- (15) Projects relating to intersections that -
  - (A) have disproportionately high accident rates;
  - (B) have high levels of congestion, as evidenced by -
    - (i) interrupted traffic flow at the intersection; and
    - (ii) a level of service rating that is not better than "F" during peak travel hours, calculated in accordance with the Highway Capacity Manual issued by the Transportation Research Board; and
  - (C) are located on a Federal-aid highway.
- (16) Infrastructure-based intelligent transportation systems capital improvements.
- (17) Environmental restoration and pollution abatement in accordance with section 328.
- (18) Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with section 329.

<sup>12</sup> So in original. Probably should be followed by a period.

- (19) Projects and strategies designed to support congestion pricing, including electric toll collection and travel demand management strategies and programs.
- (20) Recreational trails projects eligible for funding under section 206.
- (21) Construction of ferry boats and ferry terminal facilities eligible for funding under section 129(c).
- (22) Border infrastructure projects eligible for funding under section 1303 of the SAFETEA-LU (23 U.S.C. 101 note; Public Law 109-59).
- (23) Truck parking facilities eligible for funding under section 1401 of the MAP-21.
- (24) Development and implementation of a State asset management plan for the National Highway System in accordance with section 119, including data collection, maintenance, and integration and the costs associated with obtaining, updating, and licensing software and equipment required for risk based asset management and performance based management, and for similar activities related to the development and implementation of a performance based management program for other public roads.
- (25) A project that, if located within the boundaries of a port terminal, includes only such surface transportation infrastructure modifications as are necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port.

- (26) Construction and operational improvements for any minor collector if -
  - (A) the minor collector, and the project to be carried out with respect to the minor collector, are in the same corridor as, and in proximity to, a Federal-aid highway designated as part of the National Highway System;
  - (B) the construction or improvements will enhance the level of service on the Federal-aid highway described in subparagraph (A) and improve regional traffic flow; and
  - (C) the construction or improvements are more cost-effective, as determined by a benefit-cost analysis, than an improvement to the Federal-aid highway described in subparagraph (A).

(c) Location of Projects. - Surface transportation program projects may not be undertaken on roads functionally classified as local or rural minor collectors unless the roads were on a Federal-aid highway system on January 1, 1991, except -

- (1) as provided in subsection (g);
- (2) for projects described in paragraphs (2), (4), (6), (7), (11), (20), (25), and (26) of subsection (b); and
- (3) as approved by the Secretary.

(d) Allocations of Apportioned Funds to Areas Based on Population. -

- (1) Calculation. - Of the funds apportioned to a State under section 104(b)(2) -
  - (A) 50 percent for a fiscal year shall be obligated under this section, in proportion to their relative shares of the population of the State -
    - (i) in urbanized areas of the State with an urbanized area population of over 200,000;
    - (ii) in areas of the State other than urban areas with a population greater than 5,000; and
    - (iii) in other areas of the State; and
  - (B) 50 percent may be obligated in any area of the State.

(2) Metropolitan areas. - Funds attributed to an urbanized area under paragraph (1)(A)(i) may be obligated in the metropolitan area established under section 134 that encompasses the urbanized area.

(3) Consultation with regional transportation planning organizations. - For purposes of paragraph (1)(A)(ii), before obligating funding attributed to an area with a population greater than 5,000 and less than 200,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.

(4) Distribution among urbanized areas of over 200,000 population. -

(A) In general. - Except as provided in subparagraph (B), the amount of funds that a State is required to obligate under paragraph (1)(A)(i) shall be obligated in urbanized areas described in paragraph (1)(A)(i) based on the relative population of the areas.

(B) Other factors. - The State may obligate the funds described in subparagraph (A) based on other factors if the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors and the Secretary grants the request.

(5) Applicability of planning requirements. - Programming and expenditure of funds for projects under this section shall be consistent with sections 134 and 135.

(e) Administration. -

(1) Submission of project agreement. - For each fiscal year, each State shall submit a project agreement that -

(A) certifies that the State will meet all the requirements of this section; and

(B) notifies the Secretary of the amount of obligations needed to carry out the program under this section.

(2) Request for adjustments of amounts. - Each State shall request from the Secretary such adjustments to the amount of obligations referred to in paragraph (1)(B) as the State determines to be necessary.

(3) Effect of approval by the secretary. - Approval by the Secretary of a project agreement under paragraph (1) shall be deemed a contractual obligation of the United States to pay surface transportation program funds made available under this title.

(f) Obligation Authority. -

(1) In general. - A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3)<sup>13</sup> shall make available during the period of fiscal years 2011 through 2014 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying -

(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during the period; and

<sup>13</sup> Section 104, referred to in subsec. (f)(1), was amended generally by Pub. L. 112-141, div. A, title I, §1105(a), July 6, 2012, 126 Stat. 427.

(B) (B) the ratio that -

(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

(2) Joint responsibility. - Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).

(g) Bridges Not on Federal-aid Highways. -

(1) Definition of off-system bridge. - In this subsection, the term "off-system bridge" means a highway bridge located on a public road, other than a bridge on a Federal-aid highway.

(2) Special rule. -

(A) Set-aside. - Of the amounts apportioned to a State for fiscal year 2013 and each fiscal year thereafter under this section, the State shall obligate for activities described in subsection (b)(2) for off-system bridges an amount that is not less than 15 percent of the amount of funds apportioned to the State for the highway bridge program for fiscal year 2009, except that amounts allocated under subsection (d) shall not be obligated to carry out this subsection.

(B) Reduction of expenditures. - The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

(3) Credit for bridges not on federal-aid highways. - Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway for the replacement of a bridge or rehabilitation of a bridge that is wholly funded from State and local sources, is eligible for Federal funds under this section, is noncontroversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge -

(A) any amount expended after the date of enactment of this subsection from State and local sources for the project in excess of 20 percent of the cost of construction of the project may be credited to the non-Federal share of the cost of other bridge projects in the State that are eligible for Federal funds under this section; and

(B) that crediting shall be conducted in accordance with procedures established by the Secretary.

(h) Special Rule for Areas of Less Than 5,000 Population. -

(1) Special rule. - Notwithstanding subsection (c), and except as provided in paragraph (2), up to 15 percent of the amounts required to be obligated by a State under subsection (d)(1)(A)(iii) for each of fiscal years 2013 through 2014 may be obligated on roads functionally classified as minor collectors.

(2) Suspension. - The Secretary may suspend the application of paragraph (1) with respect to a State if the Secretary determines that the authority provided under paragraph (1) is being used excessively by the State

**Sec. 212. [Repealed]**

**Sec. 213. Transportation alternatives**

(a) Reservation of Funds. -

(1) In general. - On October 1 of each of fiscal years 2013 and 2014, the Secretary shall proportionally reserve from the funds apportioned to a State under section 104(b) to carry out the requirements of this section an amount equal to the amount obtained by multiplying the amount determined under paragraph (2) by the ratio that -

(A) the amount apportioned to the State for the transportation enhancements program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of the MAP-21; bears to

(B) the total amount of funds apportioned to all States for that fiscal year for the transportation enhancements program for fiscal year 2009.

(2) Calculation of national amount. - The Secretary shall determine an amount for each fiscal year that is equal to 2 percent of the amounts authorized to be appropriated for such fiscal year from the Highway Trust Fund (other than the Mass Transit Account) to carry out chapters 1, 2, 5, and 6 of this title.

(b) Eligible Projects. - A State may obligate the funds reserved under this section for any of the following projects or activities:

(1) Transportation alternatives, as defined in section 101.

(2) The recreational trails program under section 206.

(3) The safe routes to school program under section 1404 of the SAFETEA-LU (23 U.S.C. 402 note; Public Law 109-59).

(4) Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

(c) Allocations of Funds. -

(1) Calculation. - Of the funds reserved in a State under this section -

(A) 50 percent for a fiscal year shall be obligated under this section to any eligible entity in proportion to their relative shares of the population of the State -

(i) in urbanized areas of the State with an urbanized area population of over 200,000;

(ii) in areas of the State other than urban areas with a population greater than 5,000; and

(iii) in other areas of the State; and

(B) 50 percent shall be obligated in any area of the State.

(2) Metropolitan areas. - Funds attributed to an urbanized area under paragraph (1)(A)(i) may be obligated in the metropolitan area established under section 134 that encompasses the urbanized area.

(3) Distribution among urbanized areas of over 200,000 population. -

(A) In general. - Except as provided in paragraph (1)(B), the amount of funds that a State is required to obligate under paragraph (1)(A)(i) shall be obligated in

urbanized areas described in paragraph (1)(A)(i) based on the relative population of the areas.

(B) Other factors. - A State may obligate the funds described in subparagraph (A) based on other factors if the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors and the Secretary grants the request.

(4) Access to funds. -

(A) In general. - Each State or metropolitan planning organization required to obligate funds in accordance with paragraph (1) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection.

(B) Definition of eligible entity. - In this paragraph, the term "eligible entity" means -

- (i) a local government;
- (ii) a regional transportation authority;
- (iii) a transit agency;
- (iv) a natural resource or public land agency;
- (v) a school district, local education agency, or school;
- (vi) a tribal government; and
- (vii) 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 this subsection.

(5) Selection of projects. - For funds reserved in a State under this section and suballocated to a metropolitan planning area under paragraph (1)(A)(i), each such metropolitan planning organization shall select projects carried out within the boundaries of the applicable metropolitan planning area, in consultation with the relevant State.

(d) Flexibility of Excess Reserved Funding. - Beginning in the second fiscal year after the date of enactment of the MAP-21, if on August 1 of that fiscal year the unobligated balance of available funds reserved by a State under this section exceeds 100 percent of such reserved amount in such fiscal year, the State may thereafter obligate the amount of excess funds for any activity -

(1) that is eligible to receive funding under this section; or

(2) for which the Secretary has approved the obligation of funds for any State under section 149.

(e) Treatment of Projects. - Notwithstanding any other provision of law, projects funded under this section (excluding those carried out under subsection (f)) shall be treated as projects on a Federal-aid highway under this chapter.

(f) Continuation of Certain Recreational Trails Projects. - Each State shall -

(1) obligate an amount of funds reserved under this section equal to the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2) for projects relating to recreational trails under section 206;

(2) return 1 percent of those funds to the Secretary for the administration of that program; and

(3) comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds described under subsection (d)(3)(A) of that section.

(g) State Flexibility. - A State may opt out of the recreational trails program under subsection (f) if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year.

**Sec. 214. [Repealed]**

**Sec. 215. [Repealed]**

**Sec. 216. [Repealed]**

**Sec. 217. Bicycle transportation and pedestrian walkways**

(a) Use of STP and Congestion Mitigation Program Funds. - Subject to project approval by the Secretary, a State may obligate funds apportioned to it under sections 104(b)(2) and 104(b)(3)<sup>28</sup> of this title for construction of pedestrian walkways and bicycle transportation facilities and for carrying out nonconstruction projects related to safe bicycle use.

(b) Use of National Highway Performance Program Funds. - Subject to project approval by the Secretary, a State may obligate funds apportioned to it under section 104(b)(1)<sup>29</sup> of this title for construction of pedestrian walkways and bicycle transportation facilities on land adjacent to any highway on the National Highway System.

(c) Use of Federal Lands Highway Funds. - Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of pedestrian walkways and bicycle transportation facilities.

(d) State Bicycle and Pedestrian Coordinators. - Each State receiving an apportionment under sections 104(b)(2) and 104(b)(3)<sup>30</sup> of this title shall use such amount of the apportionment as may be necessary to fund in the State department of transportation a position of bicycle and pedestrian coordinator for promoting and facilitating the increased use of nonmotorized modes of transportation, including developing facilities for the use of pedestrians and bicyclists and public education, promotional, and safety programs for using such facilities.

(e) Bridges. - In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway on which bicycles are permitted to operate at each

<sup>28</sup> Section 104 of this title, referred to in subsecs. (a), (b), and (d), was amended generally by Pub. L. 112–141, div. A, title I, §1105(a), July 6, 2012, 126 Stat. 427.

<sup>29</sup> See prior footnote.

<sup>30</sup> See prior footnote.