



REGIONAL TRANSPORTATION COMMISSION

Metropolitan Planning • Public Transportation & Operations • Engineering & Construction

Metropolitan Planning Organization of Washoe County, Nevada

Transportation Alternatives (TA) Set-Aside Program

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1.0 Purpose and Eligibility

In accordance with priorities set in the [Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America](#), projects funded through the Transportation Alternatives (TA) Set-Aside and other Bipartisan Infrastructure Law (BIL) programs are encouraged to upgrade the condition of streets, highways, and bridges and make them safe for all users, while at the same time modernizing them so that the transportation network is accessible for all users, provides people with better choices across all modes, accommodates new and emerging technologies, is more sustainable and resilient to a changing climate, and is more equitable. In response to the [National Roadway Safety Strategy](#)'s safety goals, funding recipients are also encouraged to prioritize safety in all appropriate projects. The TA Set-Aside Program is specifically intended to improve safety and accessibility for all in creating safe, connected, and equitable street and trail networks. TA funding can be used for a variety of projects including pedestrian and bicycle facilities, recreational trails, Safe Routes to School projects, road safety assessments, community improvements such as historic preservation and vegetation management, and environmental mitigation related to stormwater and habitat connectivity.

TA Set-Aside funding is suballocated to metropolitan planning organizations (MPOs) in the state based on relative population. With these funds, MPOs must select projects through a competitive process in consultation with the state. The Regional Transportation Commission of Washoe County (RTC), as the MPO for the Reno/Sparks region, works with the Nevada Department of Transportation (NDOT) in administering these funds. Projects awarded funding by RTC through the process described in this program document must execute an agreement with NDOT prior to project implementation. Below is a list of eligible entities and projects.

The BIL amended entities eligible to receive TA funds, as defined under 23 U.S.C. 133(h)(4)(A), to include:

1. **A local government** – Local government entities include any unit of local government below a state government agency. Examples include city, town, township, village, borough, parish, or county agencies.
2. **A regional transportation authority** – Regional transportation authorities are considered the same as the Regional Transportation Planning Organizations defined in the statewide planning regulations (23 U.S.C. 135(m)).
3. **A transit agency** – Transit agencies include any agency responsible for public transportation that is eligible for funds as determined by the Federal Transit Administration.
4. **A natural resource or public land agency** – Natural resource or public land agencies include any federal, tribal, state, or local agency responsible for natural resources or public land administration. Examples include state or local park or forest agencies; state or local fish and game or wildlife agencies; Department of the Interior land management agencies; and U.S. Forest Service.
5. **A school district, local education agency, or school** – School districts, local education agencies, or schools may include any public or nonprofit private school. Projects should benefit the general public and not solely a private entity.
6. **A tribal government.**
7. **A metropolitan planning organization (MPO) that serves an urbanized area with a population of 200,000 or fewer** – MPOs representing urbanized areas over 200,000 population are not eligible entities. However, MPOs with populations over 200,000 people (such as Washoe County) may partner with another eligible entity to carry out a project.
8. **A nonprofit entity** – The BIL removed the requirement that the nonprofit entity be responsible for the administration of local transportation safety programs.
9. **Any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails that the State determines to be eligible, consistent with the goals of 23 U.S.C. 133(h).**
10. **A state** – Must be at the request of an eligible entity listed above.

State DOTs and MPOs representing urbanized areas over 200,000 population are not eligible entities, except as described above. However, either may partner with any eligible applicant to carry out a project. After projects have been selected, the State DOT may manage projects.

Each eligible entity may only submit one application to the RTC per funding cycle. However, this does not preclude an eligible entity from submitting a separate application through NDOT's program. Applications and other resources are available on the [RTC's Transportation Alternatives Set-Aside Program website](#). A description of eligible projects is provided below.

1.1 Project Eligibility

The BIL retained previous TA Set-Aside eligibility and amended several sections of 23 U.S.C. that relate to projects eligible under the TA Set-Aside program. The following is a list of projects eligible for funding through the TA Set-Aside program, inclusive of these amendments:

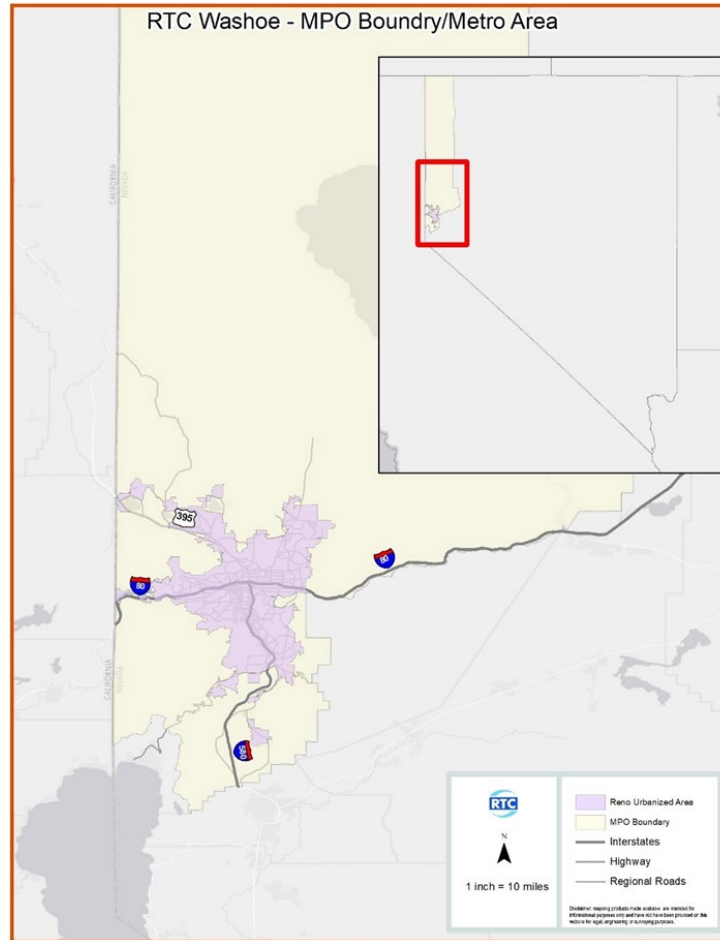
23 U.S.C. 133(h)(3)(A): projects or activities described in 23 U.S.C. 101(a)(29) or 23 U.S.C. 213 as in effect prior to the enactment of the FAST Act. Those sections contained the following eligible projects:

1. Transportation Alternatives as defined in 23 U.S.C. 101(a)(29) as it appeared prior to changes made by the FAST Act: The term “transportation alternatives” means any of the following activities when carried out as part of any program or project authorized or funded under title 23 U.S.C., or as an independent program or project related to surface transportation:
 - (A) Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.
 - (B) Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
 - (C) Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.
 - (D) Construction of turnouts, overlooks, and viewing areas.
 - (E) Community improvement activities, which include but are not limited to:
 - i. inventory, control, or removal of outdoor advertising;
 - ii. historic preservation and rehabilitation of historic transportation facilities;
 - iii. vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
 - iv. archaeological activities relating to impacts from implementation of a transportation project eligible under title 23, U.S.C.
 - (F) Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:
 - i. address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, or
 - ii. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
2. The recreational trails program (RTP) under 23 U.S.C. 206. Any project eligible under the RTP is eligible under the TA Set-Aside Program.
3. The safe routes to school (SRTS) program under 23 U.S.C. 208 and including (note: eligibility has been expanded from kindergarten through 8th grade to kindergarten through 12th grade):
 - o Infrastructure-related projects eligible under 23 U.S.C. 208(g)(1).
 - o Non-infrastructure-related activities eligible under 23 U.S.C. 208(g)(2).
 - o SRTS coordinators eligible under 23 U.S.C. 208(g)(3).
4. Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

23 U.S.C. 133(h)(3)(B): projects and activities under the safe routes to school program under 23 U.S.C. 208.

23 U.S.C. 133(h)(3)(C): activities in furtherance of a vulnerable road user safety assessment (as defined in 23 U.S.C. 148(a)).

Figure 1: RTC Washoe MPO Boundary



Projects funded through the TA Set-Aside Program must be located within RTC’s MPO boundary (see Figure 1). TA projects are not required to be located along Federal-aid highways. For SRTS non-infrastructure projects, traffic education and enforcement activities must take place within approximately two miles of a primary, middle, or high school. There are no other location restrictions on TA Set-Aside projects.

The BIL and FHWA policy encourage States and MPOs to prioritize and promote safety, equity, and climate sustainability in the project selection process. Projects must align with one or more of the goals from the [Regional Transportation Plan](#) (long-range metropolitan transportation plan developed by the RTC) and/or the [One Nevada Transportation Plan](#) (long-range statewide transportation plan developed by NDOT). Goals from these documents are consistent with federal policy and investment priorities and are integrated into the application evaluation and scoring process described in Section 3.0.

1.2 Ineligible Activities

Generally, projects ineligible for TA Set-Aside funding consists of the following:

- MPO administrative purposes (except when applied as an indirect expense, per FHWA’s memo on “Allocating Indirect Costs to Projects” dated September 4, 2015).
- Promotional activities, except as permitted under the SRTS (2 CFR 200.421(e)(3)).
- Routine maintenance and operations, except trail maintenance and restoration as permitted under the RTP.
- General recreation and park facilities, playground equipment, sports fields, campgrounds, picnic areas, pavilions, or other facilities that do not serve an eligible TA Set-Aside, RTP, or SRTS purpose.

Appendix A contains examples of both eligible and ineligible projects and activities under the TA Set-Aside program.

2.0 Process

The RTC will issue a call for projects as funding becomes available. The call for projects will be placed on the agendas of the RTC Technical Advisory Committee and the Citizens Multimodal Advisory Committee. A notice will also be posted on the agency's website. Eligible applicants may submit one application to the RTC per Federal fiscal year of available funding.

Applications will be reviewed by RTC staff for eligibility and completeness. If an application is incomplete or ineligible for TA funds, it will be returned to the applicant who will have a maximum of fifteen (15) days to make the required revisions. Once an application is deemed to be complete, it will undergo the following process:

- Applications will be scored and ranked by staff.
- Staff will meet with all applicants to review scored projects and discuss funding (i.e., when there are more requests than available funding, evaluating whether projects may be scaled back).
- Scored and ranked applications will be presented to the RTC advisory committees for recommendation to the RTC Board.
- RTC advisory committee recommendations will be presented to the RTC Board for final approval for project funding.

Once approved by the RTC Board, RTC staff will issue a notice of award to each approved applicant and to schedule a project kick-off meeting to go over the next steps. The applicant may then engage NDOT to begin the process of executing an agreement to carry out the project. General responsibilities of the applicant, from project application to implementation, are outlined below:

- Verify eligibility of the applicant and proposed project. Potential applicants are encouraged to visit the RTC's [Transportation Alternatives Set-Aside Program website](#) for more information about eligibility requirements.
- Complete TA application.
 - Include supporting documentation such as a detailed budget, map(s), and any other information relevant to the project.
- Attend project kick-off meeting (if awarded) to discuss the status of prerequisites to project implementation such as the process of executing an agreement with NDOT and incorporating the project into the Regional Transportation Improvement Program (RTIP) and Statewide Transportation Improvement Program (STIP).
- Attend quarterly project status meetings with RTC.
- Complete and submit reports, as required by NDOT (see [NDOT's Transportation Alternatives Program website](#) for more information).
- Ensure projects are completed on time and within budget.

3.0 Scoring Criteria

Applications that meet eligibility and completeness will be evaluated and scored under a competitive selection process, according to the following criteria:

Scoring Criterion #1: Project Benefits/Safety Enhancement: (5 points possible)

- Project is included in an adopted plan, study, or program, or aligns with at least one stated goal of the Regional Transportation Plan or the One Nevada Transportation Plan (must state applicable plan(s) and demonstrate how project aligns with goal(s)). **(1 point)**
- Project provides traffic calming measures or safety measures that benefit non-motorized road users **(2points)**
- Project serves multiple modes of transportation **(1 point)**
- Project provides connectivity to an existing regional transportation facility or provides clear benefits to the community according to the stated purpose of the TA Set-Aside Program **(1 point)**

Scoring Criterion #2: Equity and Environmental Justice (2 points possible)

- Project located in an area serving an Environmental Justice population (see [Regional Transportation Plan Chapter 10, Maps 10.1 – 10.4](#)) **(1 point)**
- Project provides access to essential services, including medical, employment, or educational facilities **(1 point)**

Scoring Criterion #3: Project Readiness (5 points possible)

The purpose of this criterion is to encourage projects that accelerate project completion through eliminating delays in project development and delivery. For the purpose of this scoring criterion, priority shall be given to projects that are ready to proceed to construction within a short timeframe after receiving a notice of award.

Infrastructure projects (5 points possible)

- Project would be easy to construct and can be implemented within 12 months. The project does not require acquisition of right-of-way, utility relocation, and/or project meets the criteria for a categorical exclusion, according to 23 C.F.R. 771.117(c). Note: 30% design or equivalent documentation must be provided. **(5 points)**
- The project will take up to 36 months to construct. Project includes right-of-way acquisition, utility relocation, and/or the project will require an environmental assessment/impact statement. **(1 point)**

Non-infrastructure projects (5 points possible)

- The educational/outreach program is established, and schools/partnerships have been identified. Project evaluation criteria are in place to measure program effectiveness. Project can be implemented within 12 months. Note: evidence of an established educational/outreach program, communication about the program with schools and/or other partners, and project evaluation criteria must be provided. **(5 points)**
- The Educational/outreach program will need to be developed, partnerships will need to be established and identified. Evaluation criteria will need to be developed to measure the effectiveness of the project. This project may take 24 months or more to implement. **(1 point)**

4.0 Implementation of Funded Projects

Prior to initiation of the project, it must be identified in the Statewide Transportation Improvement Program (STIP) and the Regional Transportation Improvement Program (RTIP) and authorized by the Federal Highway Administration (FHWA). The RTC will determine, in collaboration with the project applicant, whether it is most appropriate for the RTC or the applicant to be the lead implementing agency. If the project applicant will be the lead implementing agency, a fully executed legal agreement with NDOT is required prior to NDOT's issuance of a Notice to Proceed. The TA Set-Aside Program will provide up to 95 percent of the project costs as the federal share. The applicant is required to provide a minimum of 5 percent of total project costs as the match share. The TA Set-Aside Program is a cost reimbursement program. Applicants will receive program funding only after submitting proof of expenses, according to the agreement referenced above. Expenses incurred prior to the execution of an agreement will not be reimbursed.

It is the project applicant's responsibility to ensure that the cost estimate is realistic and will fully meet the project's needs. The applicant is responsible for all costs over and above the approved awarded funding amount. Funding for project costs in excess of those awarded initially will not be reimbursed. Therefore, obtaining realistic cost estimates for the services/tasks to be performed are extremely important to ensure that adequate funding is provided. Applicants should carefully control increases and overruns as they may jeopardize completion of the entire project. If the applicant is unable or unwilling to complete a project, the applicant will reimburse all expenditures reimbursed with federal funds to NDOT, according to the terms of the agreement. Applicants should keep in mind that projects involving the acquisition of right-of-way or NEPA documentation generally require additional funding and time to complete. Right-of-way acquisition can also include temporary construction easements and may sometimes involve utilities relocation. These additional costs should be carefully considered and factored into project budgets.

Funded projects under agreement with NDOT will be monitored regularly for progress. Project progress will be assessed at the quarterly meetings referenced in Section 2.0 above and separately according to NDOT requirements. Should circumstances prevent a project from moving forward, the agreement may be terminated and/or project funding reallocated to another project submittal that was not selected during the competitive

selection process. RTC may also issue a new call for projects in the pursuit of viable projects that can be implemented within a reasonable timeframe in order to prevent funds from exceeding federal expiration dates.

Along with the competitive selection criteria and eligibility requirements outlined above, applicants that are awarded TA Set-Aside funding are required to comply with all applicable federal, state, and local requirements. Select requirements are provided below, with more detailed project requirements provided on [NDOT's Transportation Alternatives Program website](#) and in [NDOT's Local Public Agency Manual](#). Generally, applicants assure that they will comply with all applicable Federal statutes, regulations, executive orders, directives, and other Federal administrative requirements in carrying out any project supported by the TA Set-Aside Program. Applicants acknowledge that they are under a continuing obligation to comply with the terms and conditions of the agreement issued for projects under this Program, unless provided a written determination stating otherwise. Applicants should understand that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of their project.

ADA with Disabilities Act/Section 504 of the Rehabilitation Act

Per FHWA guidance: "The Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination against people with disabilities and ensure equal opportunity and access for persons with disabilities. The Department of Transportation's Section 504 regulations apply to recipients of the Department's financial assistance (see 49 CFR 27.3(a)). Title II of the ADA applies to public entities regardless of whether they receive Federal financial assistance (see 28 CFR 35.102(a)). The ADA requires that no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity (28 CFR 35.149). A public entity's pedestrian facilities are considered a "service, program, or activity" of the public entity. As a result, public entities and recipients of Federal financial assistance are required to ensure the accessibility of pedestrian facilities in the public right-of-way, such as curb ramps, sidewalks, crosswalks, pedestrian signals, and transit stops in accordance with applicable regulations."

TA Set-Aside funds are available to improve accessibility and to implement recipients' ADA transition plans and upgrade their facilities to eliminate physical obstacles and provide for accessibility for individuals with disabilities. The FHWA will provide oversight to recipients of TA Set-Aside funds to ensure that each public agency's project planning, design, and construction programs comply with ADA and Section 504 accessibility requirements.

Public Participation

Federal-aid recipients, including recipients of TA Set-Aside funds, are responsible for involving the public, including traditionally underserved and underrepresented populations, in transportation planning and complying with participation and consultation requirements in 23 CFR 450.210 and 23 CFR 450.316, as applicable. "Underserved populations" include minority and low-income populations but may also include many other demographic categories that face challenges engaging with the transportation process and receiving equitable benefits.

Civil Rights/Title VI

Title VI of the Civil Rights Act of 1964 prohibits exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on grounds of race, color or national origin. Recipients are also required to assure equitable treatment of workers and trainees on highway projects through compliance with Equal Employment Opportunity requirements under 23 CFR 230, subpart A.

Davis-Bacon

The minimum prevailing wage rate must be paid to all workers on Federal-aid highway projects that exceed \$2,000. Note that if the project is a transportation facility and is eligible solely on function (e.g., restoration of a railroad station, an independent bike path, etc.), then this Act does not apply unless the project is physically located within the existing right-of-way of a Federal-aid highway.

Buy America

TA Set-Aside projects are subject to the Buy America statutory provisions in 23 U.S.C. 313 and the regulatory provisions in 23 CFR 635.410. The Build America, Buy America (BABA) Act, established under BIL (see Public Law 117-58 § 70901-52), establishes several procedural and substantive requirements with respect to Buy America. Additional guidance on Buy America and BABA can be found on the [FHWA website](#).

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (The Uniform Act), As Amended

This act ensures that people displaced as a direct result of federal or federally assisted projects are treated fairly, consistently and equitably so that such people will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole. Note that all TA Set-Aside projects are subject to The Uniform Act, except those that do not involve acquisition of additional property or relocations.

National Environmental Policy Act (NEPA)

This act requires Federal agencies to disclose and consider, through an Environmental Assessment and, sometimes, through an Environmental Impact Statement, any significant effect a project may have on the environment (including cultural, natural, social and historical resources). Except in unusual circumstances, a TA Set-Aside project will be processed as a categorical exclusion (CE). A CE does not mean that no environmental work is required, only that there is not a significant environmental effect, and therefore, requires less documentation. It should be noted that infrastructure projects must receive NEPA approval through NDOT and the FHWA prior to construction.

Eligible Activity Examples

Eligible project types and activities conform to federal guidance and are described in Section 1.1 of this document. This Appendix includes examples of projects that may be considered eligible under this guidance.

Pedestrian, bicycle, and non-motorized planning and facilities

- New or reconstructed sidewalks, walkways, or curb ramps
- Bicycle lane striping
- Wide paved shoulders
- Bicycle parking and bus racks
- New or reconstructed off-road shared-use paths
- Bicycle and pedestrian bridges and underpasses

Infrastructure-related activities that enhance safety for non-drivers

- Planning and design of facilities for non-drivers
- Infrastructure and programs that improve the ability of non-drivers to access daily needs such as schools, clinics, libraries, markets, and public transportation
- Construction or reconstruction of sidewalks, transit shelters, and transit stops

Conversion and use of abandoned railroad corridors for trails

- Planning, designing, and constructing multi-use trails along a railroad right-of-way
- Major reconstructions of multi-use trails along a railroad right-of-way
- Developing rail-to-trail or rail-with-trail projects
- Purchasing unused railroad property for reuse

Construction of turnouts, overlooks, and viewing areas

- Planning, designing, and constructing turnouts that allow vehicles to pull safely off the road, or to allow buses to safely board and alight passengers out of the flow of traffic
- Planning, designing, and constructing overlooks, or other viewing areas, that provide a static viewshed; inclusive of a roadside improvement with parking and/or other facilities that enable safe viewing

Community improvements

- Billboard inventories, including those done with GIS/GPS
- Removal of illegal and non-conforming billboards
- Restoration and reuse of historic buildings with strong link to transportation history
- Restoration and reuse of historic buildings for transportation-related purposes
- Interpretive displays at historic sites
- Access improvements to historic sites and buildings
- Restoration of railroad depots, bus stations, and lighthouses
- Rehabilitation of rail trestles, tunnels, bridges, and canals
- Clearing low-hanging branches or other vegetation encroaching on a travel corridor
- Landscaping to improve sightlines or other safety considerations
- Planting grasses or wildflowers to manage erosion along transportation corridors
- Removal or prevention of invasive vegetative species

Archaeological activities related to impacts from a transportation project

- Research, planning, interpretation, and preservation
- Developing interpretive signs, exhibits, and guides
- Inventories and surveys

Environmental mitigation, including pollution prevention and abatement and wildlife management

- Planning, design, and construction of detention and sediment basins
- Stream channel stabilization
- Storm drain stenciling and river clean-ups

- Water pollution studies
- Wetlands acquisition and restoration
- Wildlife underpasses or overpasses which may include bridge extensions to provide or improve wildlife passage and wildlife habitat connectivity
- Monitoring and data collection on habitat fragmentation and vehicle-caused wildlife mortality

Recreational Trails Program activities

- Maintenance and restoration of existing recreational trails
- Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails
- Purchase and lease of recreational trail construction and maintenance equipment
- Construction of new recreational trails (with restrictions for new trails on Federal lands)
- Acquisition of easements and property for recreational trails or recreational trail corridors
- Assessment of trail conditions for accessibility and maintenance
- Development and dissemination of publications and operation of educational programs to promote safety and environmental protection (with restrictions related to application and amount)

Safe Routes to School Program activities

- Planning, design, and construction of infrastructure-related projects that substantially improve the ability of students to walk and bicycle to school
- Sidewalk and crossing improvements
- On- and off-street bicycle and pedestrian facilities
- Traffic calming and diversion as well as speed reduction improvements
- Secure bicycle parking facilities
- Public awareness campaigns and outreach to press and community leaders
- Traffic education and enforcement
- Student training related to bicycle and pedestrian safety, health, and environment
- Expenses related to training, volunteers, and managers of SRTS programs
- Salary, equipment, and other expenses related to staffing a Safe Routes to School coordinator

Roadway and safety improvements

- Planning, design, and constructing of roadways largely in the right-of-way of former Interstate System routes or other divided highways
- Implementation of projects in furtherance of a vulnerable road user safety assessment

Ineligible Activity Examples

Ineligible project types and activities conform to federal guidance and are described in Section 1.2 of this document. This Appendix includes examples of projects that may be considered ineligible under this guidance.

- Recreational projects, such as pedestrian or bicycle loops around ball fields, parks, lakes, or other public areas.
- Roadway resurfacing or reconstruction.
- Playground equipment, sports fields, campgrounds, picnic areas, and pavilions.
- Safety and educational activities for pedestrians and bicyclists, except activities targeting children in kindergarten through 12th grade, which are eligible under SRTS.
- Acquisition of scenic easements and scenic or historic sites.
- Scenic or historic highway programs, including visitor, historic sites, or safety rest areas.
- Landscaping and other scenic beautification as independent projects. However, landscaping may be done as a complement to, or incidental component of, any highway project, including TAP projects. While there is little flexibility, landscaping should generally be

immediately adjacent to infrastructure improvements and reasonable in terms of expanse and cost.

- Rip-rapping for water runoff as an independent project.
- Routine maintenance and operations, including incidental (e.g., grass cutting, tree pruning, tree removal, soil stabilization, noise barriers, drainage improvements).
- Historic preservation as an independent activity unrelated to historic transportation facilities.
- Operation of historic buildings, structures, or facilities.
- Archaeological planning and research undertaken for proactive planning. This category can only be used as mitigation for highway projects.
- Transportation museums.
- Lighting that is not pedestrian-scale (i.e., street lighting, cobra-head lamps).
- Hardscapes (e.g., monuments/statues, welcome/gateway signs, water fountains, towers, flag poles).
- Developing ADA transition plans. However, TAP funds are available to implement recipients' ADA transition plans.