SB 257

Bicycle and Pedestrian Planning Grant Program Provision

Dear Senator Davis:

We appreciate the comments from your office regarding the Bicycle and Pedestrian Planning Grant provision contained in the Senate Budget (SB 257). We agree that funding a plan that will sit on a shelf and not be used is a waste of taxpayer money. We want to see bicycle and pedestrian infrastructure built, not just planned. After speaking with NCDOT staff and with transportation planners across the state, the problem is not the planning grant program. The grant application process is very competitive and the winnowing process ensures that the most motivated and committed localities are accepted into the program.  These communities *very much want* to get projects built and avail of the many benefits of active transportation.  However, this provision would present a deterrent to communities (a looming financial risk of repaying the grant), especially for small rural communities that most need these planning grant funds. The provision presents a risk factor especially for smaller communities, while unfortunately would not actually help communities overcome the external barriers they face in getting projects implemented.

The grant program has a strong track record of helping communities plan and implement safety improvements and walkable communities that their citizens want. Implementation action plans are a key (required) component of each plan. However, if the Legislature has concerns about the pace of implementation, there are strategies that would more directly address the issues communities face in moving their projects forward – be it through improved funding mechanisms (e.g., allowing the use of state funds for the local match to 80% federal dollars), potential future adjustments to the prioritization criteria and process, or a focus on other factors, outside of localities’ control, that can delay projects.

We have the following concerns with the proposed provision:

* **The lack of a state matching funds for bicycle/pedestrian projects** has been a significant limiting factor with funding bicycle/pedestrian projects, especially for rural communities.  Some communities have chosen not to submit projects for statewide prioritization, and some submitted projects have not been programmed due to the inability of the local community, particularly in hard-hit smaller towns and rural communities, to provide the matching funds. It is important to note that the state provides the matching funds (20% local funds required to match the 80% funded by the federal government) for all other transportation modes. We need to develop a toolbox for local communities to come up with the 20% matching funds or allow state funds to be used as match on bicycle/pedestrian projects.
* **Specifying a timeframe and burdening \*only\* the locality, when multiple other partners are involved, is an onerous provision because towns and counties do not control the timeframe for project implementation:** Project construction depends on many factors, a number of which are not directly or not at all within a locality’s control.  Economic conditions, public-private partnerships, the availability of federal and state funding, STIP prioritization, and divisional project competitiveness in the prioritization process all affect whether and how soon projects can be built.  The proposed legislation puts the municipality on the hook for the actions of others.  It is both punitive of the wrong entity, and not well targeted at the more common barriers to project implementation -- which arise not from local reluctance to get projects built, but other factors.

* **Project Implementation Timeline:** In response to the email from your office, NCDOT clarified that the six-year timeframe is a best-case scenario and is (a) after the plan is completed and approved and (b) assumes the project got immediately programmed. It takes about two years from grant receipt to develop a plan and have it approved/adopted by the community. NCDOT has clarified that the state prioritized programming process alone can take in typical situations 8 to 15 years, or longer, from the time of project submittal. The six-year project implementation window was based on a completed and approved plan takes two years for the state prioritization process (prioritization pursuant to the Strategic Transportation Investments, STI, law), two years for design and two years for construction if the project is selected and immediately funded. The state’s prioritization plan (the State Transportation Improvement Plan, STIP) is a 10-year plan, so even if the project is programmed, it may not be scheduled until year 10.

In addition, the plans are but the first step toward “shovel-ready” infrastructure projects.  Engineered designs and constraints studies are necessary next steps before construction can begin. Thus, once funding for a project is in place, many of the projects must still undergo a more rigorous feasibility study, scoping process, potentially have right-of-way issues to work out (encroachments/easements), and have actual design plans drawn up before they’re built.

Given that the Bicycle and Pedestrian projects are competing with other modes of transportation at the Division level, the likelihood of a project getting funded immediately, progressing without any delays, and therefore meeting the six-year deadline, is very small.  For example, there were **over 460** bicycle and pedestrian projects submitted to be considered in the prioritization process (NCDOT calls this the SPOT 3.0 process) and **only 70** were programmed in the 2016-2025 STIP.

Other modes of transportation are part of this same prioritization process and thus the timeframes are equally as long. The added challenge for bicycle and pedestrian is the lack of state matching funds unlike other modes.

 A couple other points

* Provision Language Needs Clarification: the email from your office stated that the provision as currently written only requires the municipality or county to build **a** project identified in the plan. The words “a project” can be read to be “all” or “at least one of,” so as written it is not clear that the community only has to implement “one” project to avoid returning the grant funds. Read the [text of the provision here.](http://www.bikewalknc.org/wp-content/uploads/2017/05/SB257BikePedPlanningGrantProvision.docx)
* **To compete in STI/Prioritization, bicycle and pedestrian projects need be identified in an adopted plan.**Therefore this planning grant program is important for small rural towns and counties that might not otherwise be able to complete these plans and thus would not be able to compete for funding for their desired bicycle/pedestrian projects. Most towns and counties realize this active transportation infrastructure makes their town or county more desirable, healthier, and more economically vibrant.
* The $351,000 awarded in grants in FY2016 was a combination of federal State Planning and Research (SP&R) funds ($195,000) and state allocations ($156,000).
* Bicycle and pedestrian infrastructure are critical for the economic success of communities. People want to live in and visit (tourism) towns and counties, large and small, with connected pedestrian and bicycling infrastructure. These are the only modes available to get to work for many working people with low income. Seniors and children need safe crossings and safe areas to walk. With the increasing trend to walk and/or ride a bicycle for transportation, health, and recreation, we must a build the necessary infrastructure to make it safe. Currently, NC has one of the highest serious injury and fatality rates for bicyclist and pedestrians in the nation. We cannot let this continue ethically. In financial terms, according to the Centers for Disease Control and Prevention (CDC), in North Carolina, the cost of crash-related deaths is $1.71 billion annually; $282 million is cost from bicyclist and pedestrian mode.

**Black Mountain Example:**

In the email from your office, the Black Mountain planning grant is used as an example for lack of implementation within six years:

*In looking at the bicycle plan awarded in 2014 to Black Mountain, projects identified ranged in cost from $10,000 - $2,000,000, a copy of the plan can be found [here](https://connect.ncdot.gov/municipalities/PlanningGrants/Documents/Black%20Mountain%20Bike%20Plan.pdf" \t "_blank). The total amount awarded to Black Mountain for the development of the plan was $32,000.*

This is actually a good example to illustrate the challenges for implementation.

First of all, 2014 is only 3 years ago, barely enough time to complete the plan and adopt the plan (the plan was adopted in fall 2016). Black Mountain’s top priority project in their plan- the Riverwalk Greenway Phase II- has been funded by MPO STBG-DA funds for construction in FY 2019.

1.       **Municipalities in RPOs don’t have the same funding opportunities** as the Town of Black Mountain. Riverwalk Greenway Phase II was submitted for funding SPOT 3.0 and 4.0 (this is the prioritization process managed by the SPOT/Strategic Prioritization Office) and failed to be programmed, but was able to receive funding through the MPO’s STBG-DA funding. Not to mention Black Mountain is doing relatively well (can supply the local match for the project), unlike a lot of other municipalities.

2.       **Cost does not equal ease of implementation.**The email from your office points out that there are projects that do not cost much in the plan, but it should be pointed out that many of those projects (US 70, NC 9) are on NCDOT right-of-way and- it is our understanding- the local division has concerns about some of those projects and have requested they be studied further before implementing. So besides the process of state-programmed funding, there is also state-approved implementation as another hurdle/process in some cases. This is an example of how the proposed provision would cause a local government to bear all the risk for decisions that are made at the state level or in a state agency.

3.       **Riverwalk Greenway Phase II was very successful in getting funding and it still might not make the six-year deadline.** The speed and funding with which this project is proceeding is more the exception than the rule. The project has been applying for funding since at least 2013; and – again – had funding opportunities municipalities in RPOs do not have. Not to mention this project might take a while to build since it goes over a river (twice) and under a railroad. In other words, this project had a head-start (applying for funding before the grant was awarded) and still might not make the deadline.

**We respectfully request that this provision be removed from the budget bill**. If the Legislature has concerns about the pace of implementation, there are better strategies that could get at the issues communities – particularly rural places – face in moving their projects forward – be it through improved funding mechanisms (e.g., modify STI to allow state funding for bicycle and pedestrian projects), potential future adjustments to the prioritization criteria and process, or a focus on other factors that in some cases have presented difficulties for communities.

Thank you for your time and consideration of this request.

Lisa Riegel

Executive Director

BikeWalk NC