



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
HARRISBURG, PENNSYLVANIA

OFFICE OF  
SECRETARY OF TRANSPORTATION

August 23, 2016

Dr. Vincent Troia, Chief Executive Officer  
Ohio River Trail Council  
1100 Pennsylvania Ave  
Monaca, PA 15061

Re: Bike PA Route A—Coraopolis to New Brighton

Dear Dr. Troia:

Mr. Roy Gothie, Bicycle and Pedestrian Coordinator in our Multimodal Deputate, asked me to respond to your letter dated March 28, 2016, as this topic falls within my area of responsibility. Please accept my apologies for the delayed response regarding the possible availability of funding for the Bike PA Route A—Coraopolis to New Brighton project. We have just recently finalized the first portion of the repurposing plan as described below.

The Pennsylvania Department of Transportation (PennDOT) has completed work to identify Federal Highway Administration (FHWA) controlled earmarks authorized before September 30, 2005, which have had less than 10 percent of the funding obligated, and those earmarks programmed that have excess funds that are completely closed out and final vouchered. These funds have become available as a result of the opportunity to repurpose unused federal transportation earmarks as provided under Section 125 of the Consolidated Appropriations Act of 2016. To avoid the possibility of lapsing these funds, projects (new or existing) within 50 miles of the original earmark designation can be the recipient of these repurposed funds provided that they meet the appropriate federal eligibility requirements. Funds can only be repurposed once, and must then be obligated before September 30, 2019. To ensure that the earmarked funds do not lapse, PennDOT has implemented a plan to apply the funds to projects underway or that are scheduled to be underway within the next 18 months. This strategy will free up Transportation Improvement Program (TIP) funds (non-earmarked) that are already programmed on the current TIP which can then be used on other projects, or moved to a regional TIP funding line item. Please note that PennDOT's finalized plan to repurpose the federal earmarks was submitted to FHWA in early July 2016.

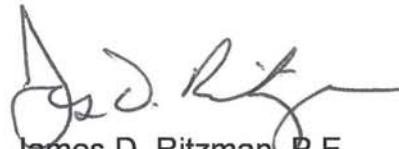
I encourage you to work with the Southwestern Pennsylvania Commission (SPC) Metropolitan Planning Organization (MPO), as they begin coordinating with the region's transportation stakeholders to prioritize and advance projects on the regions

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Transportation Improvement Program that can move forward as a result of funding released by the repurposing of the earmarked funds.

Thank you for your interest in the Transportation Program in southwestern Pennsylvania. If you have additional questions, please contact Mr. Kevin McCullough of my staff at 717.783.2261.

Sincerely,

A handwritten signature in black ink, appearing to read "J.D. Ritzman", with a long horizontal flourish extending to the right.

James D. Ritzman, P.E.  
Deputy Secretary for Planning

cc: Leslie S. Richards, Secretary, PennDOT  
Scott Bricker, Executive Director, BikePGH  
Dr. James R. Hassinger, Executive Director, SPC



Dear Trail Professional,

A new funding source for trail projects—and a potential funding threat—has emerged from an unlikely source: “orphaned” federal earmarks.

The Federal Highway Administration (FHWA) recently announced that it is giving states the opportunity to “repurpose” more than \$2 billion in unspent—or *orphaned*—funds that were originally earmarked for specific projects before Sept. 30, 2005.

Last December’s budget bill allows states to notify FHWA that they intend to use these funds for other purposes. There are a few conditions for these funds to be considered for repurposing:

- The project must either have less than 10 percent of the earmarked funds obligated or the earmarked project must be final vouchered and closed with funds remaining.
- The project must have been administered by FHWA or, if administered by another agency, vouchered and closed with remaining funds.
- States may only repurpose these funds to other projects within the same state.
- The new project must be located within 50 miles of the original earmarked project.

This means three things for trail advocates and their projects:

1. If there is a trail project that has been in the works for more than 10 years, **advocates for the trail should ensure that the state Department of Transportation (DOT) does not repurpose those funds to other projects.** The lists of earmarked projects with less than 10 percent of the funds obligated are **[here](http://support.railstotrails.org/site/R?i=XAOC9PkV_q6Sm40FZEnxHA)** ([http://support.railstotrails.org/site/R?i=XAOC9PkV\\_q6Sm40FZEnxHA](http://support.railstotrails.org/site/R?i=XAOC9PkV_q6Sm40FZEnxHA)) and **[here](http://support.railstotrails.org/site/R?i=cxcpybVtB_W0wvFKIT9PJA)** ([http://support.railstotrails.org/site/R?i=cxcpybVtB\\_W0wvFKIT9PJA](http://support.railstotrails.org/site/R?i=cxcpybVtB_W0wvFKIT9PJA)). **If you have a trail project that is on one of those lists, be sure to contact your state DOT.**
2. If you have a trail project that is not yet funded, **you may have an opportunity to obtain additional funds to complete your project.** If any of the projects listed in the links above are within 50 miles of any portion of your incomplete project, the funds may qualify to be repurposed to help complete your project. In particular, if a trail project has received earmarks but is no longer going forward, you can make a strong argument that these funds should be dedicated to another trail project to ensure that they are used for something close to their original purpose.
3. If there is a completed trail project funded by earmarks that are more than 10 years old, and final vouchers of payments have been processed and closed

out, **any remaining funds can be repurposed within a 50-mile radius of the completed project.** Lists of projects with more than 10 percent of funds obligated are **here** ([http://support.railstotrails.org/site/R?i=1ErVV4iTaWV9C\\_Pw5m6IwQ](http://support.railstotrails.org/site/R?i=1ErVV4iTaWV9C_Pw5m6IwQ)) and **here** (<http://support.railstotrails.org/site/R?i=MEbzo39fA05RUQrgLCdMLg>). Anyone interested in obtaining these funds should check with their state DOT to find out which projects are final vouchered and closed.

Each state DOT must set up its own process for determining the projects for which funds will be repurposed, **so it is important for trail advocates and their partners to reach out to contacts at the state DOT.** State DOTs are the only entities allowed to make requests to FHWA to repurpose funds.

Please note that while the U.S. Department of Transportation made every effort to include all projects in their list, some may be missing. If you feel that a project is missing, please inquire with your state DOT, which will have the full list. Your state DOT can then notify FHWA to add it into their system so that the earmark can be repurposed.

Examples of trail projects that have received earmarked funds that now might be up for grabs include the following:

- Montgomery, Alabama, Riverwalk
- Construction of trail between Lake Lucille and Big Lake in Matanuska-Sustain Borough, Alaska
- Trails and bikeways plan for the Golden Gate National Recreation Area and Presidio in California
- Improvements to Groton Bicycle and Pedestrian Trails and Facilities in Connecticut

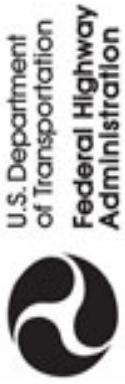
More information about this process is available on the **FHWA website** (<http://support.railstotrails.org/site/R?i=aun8TyeI1oPdbSLzHJO2Pg>). If you have questions about the process, **please email me directly.** (<mailto:patrick@railstotrails.org?subject=Orphaned%20Earmarks>)

Sincerely,

Patrick Wojahn  
Director of Government Relations  
Rails-to-Trails Conservancy

**Web Version** (<http://support.railstotrails.org/site/R?i=NRKoF3S5oxK7SEJ-o4fc6w>) | **Forward to a Friend**

([http://support.railstotrails.org/site/R?i=jYIJ\\_1rPWYL7D9316QnKrQ](http://support.railstotrails.org/site/R?i=jYIJ_1rPWYL7D9316QnKrQ)) | **RTC Home** (<http://support.railstotrails.org/site/R?i=SgxtLAaX8NbM2IZ4mCjJbQ>)

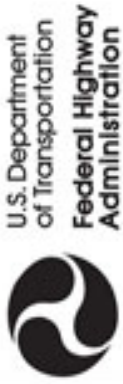


**ALLOCATED EARMARK PROJECTS STATUS FOR FUND AVAILABLE IN FMIS**  
 DEMO by STATE or TERRITORY LESS THAN 10% OBLIGATED, As of December 18, 2015

State or Territory	Demo ID	Demo Description	Allocated Amount*	Obligated Amount	Unobligated Balance	% Obligated	Comment
PENNSYLVANIA	PA468	Design, engineering, ROW acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking and roadway redesign on West Cemetery Street and Frederick Courts in Ashley Borough, Luzerne County. [ref P.L. 110-244, Sec 105(a)(120)]	\$160,236.00	\$0.00	\$160,236.00	0.00%	
PENNSYLVANIA	PA472	Design, engineering, ROW acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking and roadway redesign in Moosic Borough, Lackawanna County	\$160,236.00	\$0.00	\$160,236.00	0.00%	
PENNSYLVANIA	PA475	Reconstruct intersection of SR 51 and Franklin Ave, Beaver County.	\$1,722,537.00	\$0.00	\$1,722,537.00	0.00%	
PENNSYLVANIA	PA483	Jeannette Truck Route	\$400,590.00	\$0.00	\$400,590.00	0.00%	
PENNSYLVANIA	PA490	Transportation enhancements along the Delaware Canal between Yardley, PA and Bristol, PA.	\$2,403,540.00	\$0.00	\$2,403,540.00	0.00%	
PENNSYLVANIA	PA491	Provide 4 through-lanes on PA 100 by constructing two thru lanes to the east of Ludwigs Corner	\$4,005,900.00	\$0.00	\$4,005,900.00	0.00%	
PENNSYLVANIA	PA495	Design and Construction of Portzer Road Connector, Bucks County	\$1,602,360.00	\$0.00	\$1,602,360.00	0.00%	
PENNSYLVANIA	PA500	Design engineering, ROW acquisition and Construction of Streetscaping enhancement, paving, lighting, safety improvements, parking and roadway redesi	\$160,236.00	\$0.00	\$160,236.00	0.00%	
PENNSYLVANIA	PA506	Westmoreland County, Pennsylvania, four lane limited access facility connecting State Road 119 to the Pennsylvania Turnpike (Sony Connector).	\$3,204,720.00	\$0.00	\$3,204,720.00	0.00%	
PENNSYLVANIA	PA514	Northfield site roadway extension from Rt. 60 to Industrial Park near the Pittsburgh International Airport.	\$400,590.00	\$0.00	\$400,590.00	0.00%	
PENNSYLVANIA	PA515	Armstrong County, PA Slatelick Interchange for PA 28 at SR 3017	\$1,922,832.00	\$0.00	\$1,922,832.00	0.00%	
PENNSYLVANIA	PA516	Street improvements along North Broad Street, Hatfield Borough	\$100,148.00	\$0.00	\$100,148.00	0.00%	
PENNSYLVANIA	PA518	Street improvements to Ridge Pike and Joshua Road, Whitemarsh Township.	\$640,944.00	\$0.00	\$640,944.00	0.00%	
PENNSYLVANIA	PA520	Street Improvements, Upper Dublin Township.	\$1,201,770.00	\$0.00	\$1,201,770.00	0.00%	
PENNSYLVANIA	PA521	Street Improvements, Upper Gwynedd Township	\$300,443.00	\$0.00	\$300,443.00	0.00%	
PENNSYLVANIA	PA526	Safety improvements at Liberty Street intersection with PA Route 61 in W. Brunswick and N. Manheim Twp., Schuylkill County	\$1,526,808.88	\$0.00	\$1,526,808.88	0.00%	
PENNSYLVANIA	PA527	Replace Stosstertown Bridge (Main Street) over West Creek in Branch Township, Schuylkill County.	\$400,590.00	\$0.00	\$400,590.00	0.00%	
PENNSYLVANIA	PA528	Replace bridge over Little Mahantongo Creek at intersection of Hepler and Valley Roads in Upper Mahantongo Twp., Schuylkill County.	\$200,295.00	\$0.00	\$200,295.00	0.00%	
PENNSYLVANIA	PA529	Replace Union Street Bridge over Middle Creek in the borough of Tremont, Schuylkill County.	\$400,590.00	\$0.00	\$400,590.00	0.00%	

\*Note: The amounts authorized in legislation may differ from the actual allocated amounts due to additional RABA funds, rescissions, adjustments due to obligation limitation, transfers, and other adjustments.





**ALLOCATED EARMARK PROJECTS STATUS FOR FUND AVAILABLE IN FMIS**  
 DEMO by STATE or TERRITORY LESS THAN 10% OBLIGATED, As of December 18, 2015

State or Territory	Demo ID	Demo Description	Allocated Amount*	Obligated Amount	Unobligated Balance	% Obligated	Comment
PENNSYLVANIA	PA533	Planning, environment and preliminary engineering for East-West Corridor Rapid Transit, Pittsburgh.	\$1,001,475.00	\$0.00	\$1,001,475.00	0.00%	
PENNSYLVANIA	PA535	New interchange off Route 60 into proposed industrial park in Neshannock Township.	\$200,295.00	\$0.00	\$200,295.00	0.00%	
PENNSYLVANIA	PA537	Streetscape improvements, Geneva College	\$1,346,984.00	\$0.00	\$1,346,984.00	0.00%	
PENNSYLVANIA	PA538	Construct the Alle-Kiski Bridge and Connector, Pennsylvania	\$1,001,475.00	\$0.00	\$1,001,475.00	0.00%	
PENNSYLVANIA	PA542	Crows Run Relocation from SR 65 to Freedom Crider Road, Beaver County.	\$400,590.00	\$0.00	\$400,590.00	0.00%	
PENNSYLVANIA	PA543	Transportation Improvements to Jeannette Truck Route, Westmoreland County.	\$100,148.00	\$0.00	\$100,148.00	0.00%	
PENNSYLVANIA	PA559	Road impact improvements along Potomac River tributaries, Pennsylvania	\$250,369.00	\$0.00	\$250,369.00	0.00%	
PENNSYLVANIA	PA573	Construct PA 706 Wyalusing Bypass Bradford County, Pennsylvania	\$200,295.00	\$0.00	\$200,295.00	0.00%	
PENNSYLVANIA	PA577	Construction SR 3024, Middle Creek Bridge II, South Canaan, Wayne County	\$140,207.00	\$0.00	\$140,207.00	0.00%	
PENNSYLVANIA	PA579	Widening and improvements to SR 10, New Morgan Borough, Berks County.	\$1,001,475.00	\$0.00	\$1,001,475.00	0.00%	
PENNSYLVANIA	PA582	Design and Construction of Portzer Road Connector, Bucks County	\$1,602,360.00	\$0.00	\$1,602,360.00	0.00%	
PENNSYLVANIA	PA583	Construction of pedestrian tunnel under Cherry Street in Philadelphia.	\$2,002,950.00	\$0.00	\$2,002,950.00	0.00%	
PENNSYLVANIA	PA585	Two-lane Extension of Bristol Road, Bucks County	\$400,590.00	\$0.00	\$400,590.00	0.00%	
PENNSYLVANIA	PA594	Improvements from U.S. 11 to southbound ramp to I-81 in Antrim Township	\$250,369.00	\$0.00	\$250,369.00	0.00%	
PENNSYLVANIA	PA600	Reconstruct intersection of SR 51 and Franklin Ave, Beaver County.	\$400,590.00	\$0.00	\$400,590.00	0.00%	
PENNSYLVANIA	PA601	South Phila. Access Rd. Design and construction of port access road from South Phila Port and intermodal facilities, Philadelphia	\$500,738.00	\$0.00	\$500,738.00	0.00%	
PENNSYLVANIA	PA605	Construct a road along the North Delaware Riverfront Corridor from Buckius Street to Poquessing Creek	\$3,205,900.00	\$0.00	\$3,205,900.00	0.00%	
PENNSYLVANIA	PA605	Construct a road along the North Delaware Riverfront Corridor from Buckius Street to Poquessing Creek	\$800,000.00	\$40,000.00	\$760,000.00	5.00%	
PENNSYLVANIA	PA615	Construct the North Delaware River East Coast Greenway Trail	\$3,004,425.00	\$0.00	\$3,004,425.00	0.00%	
PENNSYLVANIA	PA616	Improvements to the Pleasant Valley and Sandy Hill Roads intersection with SR 130 in Penn Township	\$2,002,950.00	\$0.00	\$2,002,950.00	0.00%	
PENNSYLVANIA	PA624	Improvements to access roads at the Please Touch Museum, Philadelphia	\$1,001,475.00	\$0.00	\$1,001,475.00	0.00%	

\*Note: The amounts authorized in legislation may differ from the actual allocated amounts due to additional RABA funds, rescissions, adjustments due to obligation limitation, transfers, and other adjustments.

## Federal Highway Administration

# GUIDANCE AND Q&A



LAWS, CODES  
AND REGULATIONS



GUIDANCE  
AND Q&A



TRANSPARENCY



FUNDING AND REPORTS



DOING BUSINESS WITH FHWA

## EARMARK REPURPOSING

The Consolidated Appropriations Act of 2016 allows States and territories to repurpose certain funds originally earmarked for specific projects more than 10 years ago. Please see the links below for more information.

### **Section 125 of the Department of Transportation Appropriations Act, 2016 (Pub. L. No. 114-113, Division L, Title I)**

Sec. 125. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory any earmarked amount, and any associated obligation limitation, provided that the Department of Transportation for the State or territory for which the earmarked amount was originally designated or directed notifies the Secretary of Transportation of its intent to use its authority under this section and submits a quarterly report to the Secretary identifying the projects to which the funding would be applied. Notwithstanding the original period of availability of funds to be obligated under this section, such funds and associated obligation limitation shall remain available for obligation for a period of 3 fiscal years after the fiscal year in which the Secretary of Transportation is notified. The Federal share of the cost of a project carried out with funds made available under this section shall be the same as associated with the earmark.

(b) In this section, the term "earmarked amount" means--

(1) congressionally directed spending, as defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, which was authorized to

be appropriated or appropriated more than 10 fiscal years prior to the fiscal year in which this Act becomes effective, and administered by the Federal Highway Administration; or

(2) a congressional earmark, as defined in rule XXI of the Rules of the House of Representatives identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the fiscal year in which this Act becomes effective, and administered by the Federal Highway Administration.

(c) The authority under subsection (a) may be exercised only for those projects or activities that have obligated less than 10 percent of the amount made available for obligation as of the effective date of this Act, and shall be applied to projects within the same general geographic area within 50 miles for which the funding was designated, except that a State or territory may apply such authority to unexpended balances of funds from projects or activities the State or territory certifies have been closed and for which payments have been made under a final voucher.

(d) The Secretary shall submit consolidated reports of the information provided by the States and territories each quarter to the House and Senate Committees on Appropriations.

## Guidance

- [Guidance Memorandum](#)
- [Attachment 1: Repurposing Process](#)
- Attachment 2: Modified Transfer Form
  - [Form FHWA-1575 \(ERP\)](#) (Excel, 771 KB)
  - [\(Example\) Form FHWA-1575 \(ERP\)](#) (Excel, 772 KB)
- [Program Code Crosswalk](#) (Excel, 20 KB)
- [Frequently Asked Questions](#)

## Project List

- [Allocated Earmarks Less than 10% Obligated](#) (PDF, 854 KB)
- [Allocated Earmarks More than 10% Obligated](#) (PDF, 1.74 MB)
- [Unallocated Earmarks Less than 10% Obligated](#) (PDF, 147 KB)
- [Unallocated Earmarks More than 10% Obligated](#) (PDF, 186 KB)
- [Unobligated Earmarks Balances as of 12-18-2015](#) (Excel, 774 KB)