



MEMO

To: Public Art Network
From: Americans for the Arts, Government & Public Affairs
Re: Congress Considers Transportation Enhancement Program Changes

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The Transportation Enhancement program (TE), funded through the U.S. Department of Transportation and administered by state transportation agencies through competitive grants, may be undergoing legislative changes. The TE program is important to the arts sector because of the funding made available locally for public art, museums, design and historic preservation projects. Direct connections between the arts and the TE program are outlined in the Americans for the Arts Federal [Resource Guide](#). This memo outlines the proposed changes, status of congressional action and actions to take in response.

On November 9, 2011, **Sen. Barbara Boxer (D-CA)**, chairwoman of the Senate Environment and Public Works Committee led a markup of a two-year surface transportation bill named “Moving Ahead for Progress in the 21st Century” or MAP-21. The committee approved the bill unanimously.

The \$83.8 billion measure (S.1813) would retain the Transportation Enhancement program that has become a favorite target of some Republicans. But a major overhaul would expand the variety of work that could be funded — in some cases including planning, design and construction of new roads. States would be permitted to spend enhancement money - currently set aside for 12 categories such as bicycle and pedestrian paths, historical preservation, and environmental mitigation - on other projects such as high-occupancy vehicle lanes or other “congestion reduction activities that increase the efficiency of the existing road network.” The bill narrows the funding eligibility for transportation museums, and “landscaping or scenic beautification”, both types of projects that drew strong criticism during recent Senate floor debate.

Since 1992, the TE program has provided \$12 billion to states (about \$550 mil. annually) and more than \$148 million to support 296 projects for transportation-related museums, which has allowed states and communities to restore historic structures and revitalize local historic districts. Landscaping and scenic beautification (the Federal Highway Administration specifically includes public art in this category) is the second most popular category (following pedestrian and bicycle projects) receiving 19% of total TE funding.¹

¹ Research from “Transportation Enhancements Spending [Report](#)” May 2011, National Transportation Enhancement Clearinghouse.

During a separate, but related Senate floor debate in October, Sen. Tom Coburn (R-OK) argued that states should decide for themselves how to spend the 10 percent of Surface Transportation Program funds now set aside for enhancements. With so much of the nation's infrastructure in disrepair, Coburn said, funds diverted to enhancements might be better spent on roads and bridges.

Sen. John McCain, (R-AZ) took a similar stand following Sen. Coburn in pressing for an amendment to spending legislation that would have barred expenditures on a narrow range of enhancements permitted under the law, including removal of unused outdoor advertising and maintenance of historic highways and bridges. Both the Coburn and McCain amendments were soundly defeated.

In consideration of the MAP-21 bill on Nov.9th **Ranking Member Jim Inhofe (R-OK)** offered his position on TE in his opening statement before the Senate Environment & Public Works Committee:

"One of the areas of greatest contention was transportation enhancements, or TE. This was a pot of money in the last 3 highway bills that could only be used for bike paths, walking trails, highway beautification, museums, and a number of other activities that I believe do not reduce congestion or improve the condition of our crumbling infrastructure. I would have preferred to eliminate this funding altogether, but Senator Boxer believes strongly in TE funding and activities.

Since one of the hallmarks of the bill is flexibility, the compromise was to keep many of the eligibilities, but to add some additional activities so that states were not forced to spend money on beautification when their infrastructure is literally crumbling. For the first time ever, a state like Oklahoma, that doesn't want to spend money on the old TE activities, can now spend it instead on unfunded mandates, including stormwater mitigation, wetlands mitigation, historic preservation, Americans with Disabilities, Endangered Species Act mitigation, etc."

Both **Senators Ben Cardin (D-MD)** and **Jeff Merkley (D-OR)** are planning to offer floor amendments to address aspects of the changes to the TE program. But, with only four weeks remaining on the Senate calendar, and the current transportation authorization lasting into March 2012, it is not expected that MAP-21 will be considered on the Senate floor until early 2012.

In the House

House Transportation & Infrastructure **Chairman John Mica (R-FL)** has said that he's more in favor of a six-year authorization bill (as opposed to the MAP-21 bill which is for 2 years). While Chairman Mica's committee has not yet released a bill, they have published a summary proposal which says that states "will not be required to spend a specific amount of funding on specific types of projects, such as transportation museums or landscaping" which is similar language to the Senate's MAP-21 bill.

Take Action!

Americans for the Arts has set up an [E-Alert for advocates to take action](#) directly with their members of Congress. The alert, which only takes two minutes to complete, can be customized by the user to include specific Transportation Enhancement examples from your state and community. [State-specific TE projects](#) can be identified through the National Transportation Enhancement Clearinghouse [website](#). Advocacy to Congress on this issue should start immediately and through the New Year.

Questions? Please contact Senior Director of Federal Affairs Narric Rome at nrome@artsusa.org, or follow him on Twitter @NarricAFTA. Further updates will be posted on the PAN [blog](#) page.