





## What Does the New Law Mean by "Define" and "Prioritize"?

1. **Define:** States must select specific criteria to distinguish populations that they want to consider “high-need.” This is an opportunity to focus on communities – both people and neighborhoods – with a higher reliance on walking, biking, and transit for transportation and people and places that have experienced historic underinvestment in transportation facilities that serve community needs. States may focus on vulnerable road users - people outside of cars, people walking, bicycling, using mobility devices, etc. – transit-dependent populations, rural communities, and communities with histories of disinvestment, particularly communities with large populations of Black, Indigenous, and people of color. High-need communities will vary depending on the context of each state, so the definitions should prioritize populations based on the state demographics and objectives.
2. **Prioritize:** States can use their definition of high-need populations within their TAP funding application process to bolster projects coming from those communities. States may update their application to include targeted questions asking how the project will benefit high-need communities, award additional points during project scoring based on various metrics, or set aside a portion of funding specifically for projects benefitting “high need” populations.

## How to Define High-Need Communities

While “high-need” could mean many things, states should clearly define what they mean by this term. Selecting specific indicators that are available through the census or other data collection may make the application and scoring process easier. Some common categories that states include in their definitions of high-need include the following:

- **Low Income:** Many states use this category, but it has to be defined clearly to be meaningful.
  - Median household income below a certain threshold. In Colorado, one point is awarded if a project is in an area where the median household income is under \$50,000 and an additional point is awarded when the median household income is less than \$40,000.
  - Index to the federal government’s official poverty threshold. The federal government’s official poverty threshold varies by household size. Washington prioritizes places where household income is at or below 200% of the federal poverty level.
- **Race and Ethnicity:** Use demographic data to identify areas with higher proportions of priority racial and ethnic populations. States can break up the categories (i.e. African American, American Indian, Hispanic/Latino) or group them into people of color or what Colorado calls “minority or non-white population.”
- **Age:** The percentage of older and younger people can be a useful indicator of non-drivers and vulnerable road users. New Jersey considers people under age five and people over 64.<sup>2</sup>
- **Individuals with Disabilities**
- **Environmental Justice Communities**
- **Linguistically Isolated or Limited English Proficiency**
- **States that focus on Safe Routes to School often consider the following indicators:**
  - Title 1 Schools
  - Rate of Absenteeism
  - Percentage of students qualifying for Free and Reduced School Lunch

*To easily assess many of these indicators, states can use the federal Environmental Protection Agency’s [EJ SCREEN mapping tool](#) which uses US Census data.*

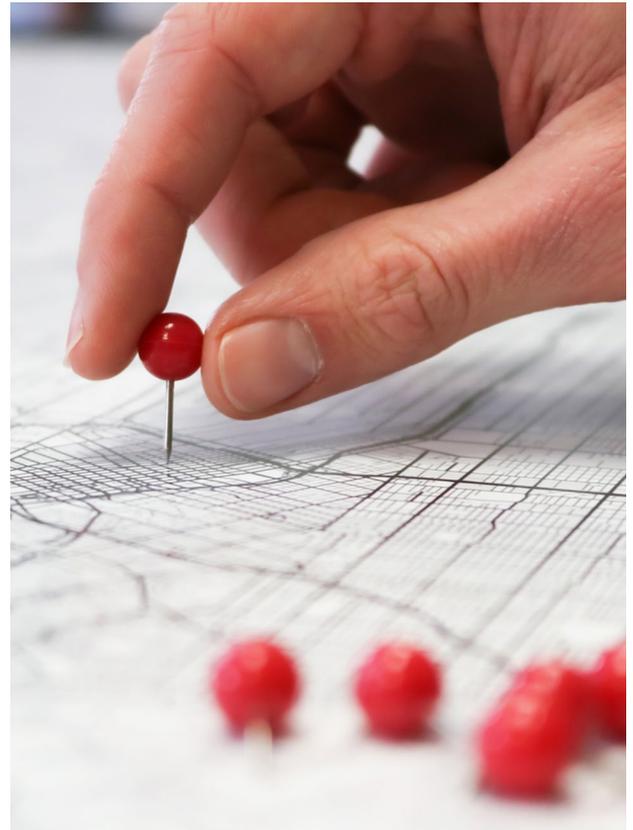
## How to Prioritize High-Need Communities

Once the state has a clear definition of what a high-need community is, it can use that information to prioritize applications. Regardless of how a state chooses to prioritize, it should be clear in the application and guidance on how different elements affect scoring. Many states will note how many points each question is worth on the application or include a rubric in the program guidance.

A [2017 study](#) from the Harvard T.H. Chan School of Public Health reviewed practices states used to award federal Safe Routes to School funds to low-income and vulnerable communities. This research identified several practices states implemented to successfully support high-need communities to receive and utilize these federal funds. Provision of funding match and awarding point priority in project scoring were the most frequent strategies reported by states that were successfully funding low-income communities.<sup>3</sup> However, multiple approaches can help prioritize high-need communities. Education and outreach can encourage people to apply, grant writing and engineering assistance can help them produce competitive applications, and project administration and engineering support can help ensure implementation goes smoothly.<sup>4</sup>

Below are examples of how to incorporate these strategies:

- **Targeted Application Questions:** States can add a question to their TAP application asking how projects benefit high-need communities. Providing a clear definition here will allow applicants to clearly outline the connection and ease the scoring process. Ask applicants to describe how their project benefits these communities and how it addressed state goals whether that is safety, mobility, access, or equity.
  - South Dakota asks “Is this project within a disadvantaged area or will it improve transportation options for an under-served population?” and allocates five points to projects that satisfy this goal.<sup>5</sup>
  - Maine allocates additional points for each priority group the project will benefit, such as individuals with disabilities (5 points), older adults (5 points) young children (5 points), other vulnerable populations (5 points), health disadvantaged counties (4 points), and Safe Routes to School (20 points).<sup>6</sup>
- **Indicator Maps:** Many states use an interactive map that overlays their selected indicators to produce a score for projects based on their location. After the passage of the Bipartisan Infrastructure Law, New Mexico has begun using a Composite Equity Map that assigns a score to each census block based on six variables linked to historic underinvestment: age, race, income, educational attainment, limited English proficiency, and access to a vehicle.<sup>7</sup>





- **Funding Set-aside:** States can stipulate that a certain percentage or amount of funding must go toward high-priority communities. Both California and Illinois set aside 25 percent of their funding for high-priority communities. Starting in 2020, Illinois supplemented its program with state funding. At least 25 percent of projects funded from this supplement will go toward high-need communities and the local match will be determined on a sliding scale.<sup>8</sup>
  - **Provision of Funding Match:** Recently, Oklahoma has decreased the match requirement for communities with fewer than 5,000 people. They will have a 10 percent match instead of 20 percent.<sup>9</sup> Illinois has a sliding scale determined by community size, median income, and total property tax base. For more information about the methodology, see page 24 of their program guide here.
  - **Pre-Application Support:** In Virginia, the department of transportation has historically provided pre-application assistance to smaller communities including pre-scoping evaluation of proposed projects, cost estimating, and basic engineering concepts.
  - **Design Assistance:** Beginning in 2023, New Jersey's new pilot TA Set-Aside Design Assistance program will provide consultant engineers to help applicants develop plans, specifications, and cost estimates.<sup>10</sup>
  - **Implementation Support:**
    - In Virginia, the department of transportation will help administer linear projects such as sidewalks and trails if the applicant requests it. Their support with design, construction, and oversight allows them to implement projects in smaller or high-need communities that might not otherwise succeed.
    - In Michigan, the Michigan Fitness Foundation and MDOT support eight pre-identified "distressed communities" by supporting planning, design, project implementation, and engineering.<sup>11</sup>
- Notably, the Bipartisan Infrastructure Law also allows states to use up to five percent of their TAP funds to provide technical assistance to applicants and support effective project delivery, so state departments of transportation have funding to help implement the strategies included above. To find out how much money your state has for technical assistance (and TAP, generally!), visit: <https://tinyurl.com/stateTAP>

## Future Steps

It is exciting to have a new requirement that will support access to federal funding for projects that improve safety, mobility, and connectivity in high-need communities across the country. Future research could be useful to understand how changes to definitions and various steps to prioritize high-need communities affect implementation and what benefit they have for priority populations.

## How States Defined and Prioritized “High-Need” Communities Within TAP Project Selection Before the Bipartisan Infrastructure Law (2021)

STATE	DETAILS ON HOW STATE DEFINES AND PRIORITIZES HIGH-NEED COMMUNITIES IN PROJECT SELECTION	LINK TO MORE INFORMATION (IF AVAILABLE)
<b>Alaska</b>	Weighted scoring for health and quality of life. Application asks about impact on disadvantaged communities. "Examples include projects that provide mobility options for underserved populations, safe activity transportation to schools and learning centers, and pedestrian mobility for seniors and disabled persons and active friendly routes to everyday destinations."	Part of TAP application
<b>California</b>	<p>The Active Transportation Program goals include ensuring that disadvantaged communities fully share in the benefits of the program. The community served by the project must meet at least one of the following criteria to qualify as a DAC: MHI is less than 80% of the statewide median based on the most current census tract level data; CalEnviroScreen area among the most disadvantaged 25% in the state; National School Lunch Program- at least 75% of public school students in the project area are eligible to receive free or reduced-price meals; Healthy Places Index census tracts among the highest percentiles; or Native American Tribal Lands.</p> <p>For projects to qualify as directly benefiting a disadvantaged community, the project must be located within or within reasonable proximity to a disadvantaged community, have direct connection to a disadvantaged community, or be an extension or segment of a larger project connecting to or adjacent to a disadvantaged community.</p>	<a href="https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/atp/cy6/adopted-2023-active-transportation-program-guidelines-a11y.pdf">https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/atp/cy6/adopted-2023-active-transportation-program-guidelines-a11y.pdf</a>
<b>Colorado</b>	8 additional points for indicators related to income, race/ethnicity, age, and disabilities. After initial scoring, projects ranked based on how they achieve a number of goals, including transportation equity.	Part of TAP application
<b>District of Columbia</b>	Uses MWCOC equity emphasis area when prioritizing projects.	<a href="https://gis.mwcog.org/webmaps/tpb/clrp/ej/">https://gis.mwcog.org/webmaps/tpb/clrp/ej/</a>
<b>Illinois</b>	Starting in 2020, 25% set aside for low-income (state funds); Within Safe Routes to School set-aside prioritizes projects serving low-income and disabled students	<a href="https://idot.illinois.gov/Assets/uploads/files/Doing-Business/Pamphlets-&amp;Brochures/Highways/ITEP/Cycle-14/Cycle%2014%20ITEP%20Program%20Guidelines%20Final.pdf">https://idot.illinois.gov/Assets/uploads/files/Doing-Business/Pamphlets-&amp;Brochures/Highways/ITEP/Cycle-14/Cycle%2014%20ITEP%20Program%20Guidelines%20Final.pdf</a>
<b>Kentucky</b>	Application asks for description of how project will improve mobility for disadvantaged populations to include the elderly, disabled, minorities, and low-income residents	Part of TAP application
<b>Maine</b>	MaineDOT utilizes a 100-point scoring rubric within its application package. Additional points provided for: Access to employment/ education (2), individuals with disabilities (5), older adults (5) young children (5), other vulnerable populations (5), health disadvantaged counties (4), Safe Routes to School (20)	Part of TAP application

<b>Massachusetts</b>	Within Safe Routes to School component of TAP funds, application asks about Title 1 schools (4 points-4%) and percentage of students that are economically disadvantaged (4 points-4%).	Part of TAP application
<b>Michigan</b>	Have a three-tiered program factor scoring measure that's based on median household income which is ability to pay. More points are awarded in our competitive process to higher-need communities.	Part of TAP application
<b>Mississippi</b>	"Although we do not list a point/ranking criterion for low-income or high need communities, this is part of our review process. We specifically discuss prior funding, high need and do in person reviews at the project sites prior to developing a priority ranking."	Part of TAP application
<b>New Jersey</b>	Extra consideration for projects in census tracts with higher %s of Title VI, Environmental Justice, Limited English Proficiency and individuals with disabilities	Part of TAP application
<b>New York</b>	"Consideration will be given to projects for activities that provide demonstrable greenhouse gas emission mitigation benefits in Environmental Justice Communities."	Part of TAP application
<b>North Carolina</b>	In Safe Routes to School criteria (funded through TAP), application asks about equity. Does the project meet the need of a disadvantaged group or area?	Part of TAP application
<b>North Dakota</b>	Scoring criteria include whether the project benefits "transportation disadvantaged" segment such as children, elderly, low income, or disabled.	Part of TAP application
<b>Ohio</b>	For the Safe Routes to School program, scoring looks at economic status/need.	Part of TAP application
<b>Oregon</b>	Community Paths program prioritizes transportation disadvantaged communities and emphasizes outreach to transportation disadvantaged communities as part of the application questionnaire. Within the Safe Routes to School program, project applications receive additional considerations for serving schools with high percentages of families with low income, schools with above the state average of students of color, chronic absenteeism, students with disabilities, and English learners. Transportation disadvantaged areas are areas with a high proportion of residents/workers who are youth, seniors, low income, non-white, Hispanic, and/or have a disability. The Safe Routes to School Non-Infrastructure program awards extra points for Title 1 schools, some additional demographic data, and rates of chronic absenteeism.	<a href="https://www.oregon.gov/odot/RPTD/RPTD%20Document%20Library/2021-2022-OCPP-Program-Guidelines.pdf">https://www.oregon.gov/odot/RPTD/RPTD%20Document%20Library/2021-2022-OCPP-Program-Guidelines.pdf</a>
<b>Pennsylvania</b>	Up to 10 points: Environmental justice Based on 2020 Census Data for each MPO/RPO What percentage of the population in the block group where the project is located is minority? How will the project provide transportation benefits to minority populations in the immediate vicinity?(5) What percentage of the population in the block group where the project is located is low income? How will the provide transportation benefits to low-income populations in the immediate vicinity? (5) (10 points)	<a href="https://pennshare.maps.arcgis.com/apps/View/index.html?appid=5d492f77b5e44f4f82de5b425a7f4568">https://pennshare.maps.arcgis.com/apps/View/index.html?appid=5d492f77b5e44f4f82de5b425a7f4568</a> or PennDOT Pub 746 – Project Level Environmental Justice Guidance

<b>South Dakota</b>	Applicants get 5 points if serving disadvantaged communities.	Part of TAP application
<b>Tennessee</b>	Application asks: How will this project serve economically disadvantaged populations or aid economic development in the community? Application award goals and considerations include: Concentrate on distressed and at-risk counties.	Part of TAP application
<b>Texas</b>	TxDOT's scoring criteria includes an emphasis on providing access in underserved communities; projects proposed in low income and minority communities received points for meeting this criterion in the evaluation process.	Part of TAP application
<b>Utah</b>	Safe Routes to School (funded through TAP) prioritizes Title 1 schools, schools with high percentages of students qualifying for free and reduced school lunch, and projects serving students with disabilities.	Part of TAP application
<b>Virginia</b>	For Safe Routes to School, asks about Title 1 Schools. With the current TA application cycle, consideration and additional score was given to TA projects that provided improvements in underserved communities. The department has historically provided pre-application assistance to smaller communities including pre-scoping evaluation of proposed projects, cost estimating and basic engineering concepts. On linear projects including sidewalks and trails, the department will administer the project including design, construction and oversight if requested by the applicant. This allows for construction of many projects that may not otherwise succeed in smaller and often-times underserved communities.	Part of TAP application
<b>Washington</b>	For TAP, it depends on region since they run the competitions. For Safe Routes to School, up to 16% of consideration Project in census tract with higher than state average population for people of color; people with a Hispanic heritage; household incomes at or below 200% of federal poverty level; and people with disabilities	
<b>Wisconsin</b>	Evaluation criteria includes: Project addresses a specific population of non-drivers including elderly, disabled, minority, and low-income populations.	Part of TAP application

## References

- 23 U.S. Code § 133 (h)(4)(D) Prioritization.—The competitive process described in subparagraph (B) shall include prioritization of project location and impact in high-need areas as defined by the State, such as low-income, transit-dependent, rural, or other areas.
- Transportation Alternatives Set-Aside Program Handbook 2023 . New Jersey Department of Transportation Division of Local Aid and Economic Development, n.d. [https://www.state.nj.us/transportation/contribute/business/localaid/documents/FINAL\\_2023TASet-AsideHandbook\\_5-20-22.pdf](https://www.state.nj.us/transportation/contribute/business/localaid/documents/FINAL_2023TASet-AsideHandbook_5-20-22.pdf).
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- Transportation Alternatives Set-Aside Program Handbook 2023 . New Jersey Department of Transportation Division of Local Aid and Economic Development, n.d. [https://www.state.nj.us/transportation/contribute/business/localaid/documents/FINAL\\_2023TASet-AsideHandbook\\_5-20-22.pdf](https://www.state.nj.us/transportation/contribute/business/localaid/documents/FINAL_2023TASet-AsideHandbook_5-20-22.pdf).
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