

Attachment D

Memorandum

TO: Transit Planning Advisory Committee (TPAC)
FROM: Sharon Chavis, Wake Transit Program Coordinator, GoTriangle
DATE: June 1, 2020
RE: Funding Policy for Major Capital Project Art and Culture Elements

The FY20 Work Task List of TPAC's Budget & Finance and Planning & Prioritization Subcommittees include developing funding guidelines to incorporate functional art and culture elements into capital projects. The purpose of this memo is to share research findings to assist TPAC with determining the desire for Wake Transit to fund art and culture elements in major capital projects.

Background

In the past few years, funding eligibility regulations regarding the inclusion of art and culture elements in FTA funded projects changed significantly. A decade ago, art was not just suggested but required in most transit projects. Today, allowable expenses are limited to functional art and landscaping enhancements, and some of the design efforts needed to incorporate them.

In 2013, FTA's regulation (49 USC 5302) changed to no longer consider non-functional art, such as sculptures, an eligible project expense. In response to this change, the law was amended by the Moving Ahead for Progress in the 21st Century Act (MAP 21) which stated that transit agencies could "use FTA funds to support the employment of an artist as a member of a design team, or other costs associated with art, provided that the artist elements were integrally related to the facility or served a functional transit-related purpose."

Congress enacted the Fixing America's Surface Transportation Act (FAST Act) in FY2016. This enactment prohibited the use of FTA funds for "incremental costs of incorporating art or non-functional landscaping into facilities, including the costs of an artist on the design team." (49 USC 5323(h)(2) as amended by FAST.)

FTA provided the following examples of project costs that are allowable and not allowed:

- **Allowable:** Speakers in a transit station, intended to amplify announcements and/or provide background sound (e.g., white noise, music)
Not Allowed: Commissioning an original musical composition to be played through speakers in the facility
- **Allowable:** Arranging and installing colorful or decorative tiles that are available commercially
Not Allowed: The incremental cost of hiring an artist to develop the design or arrange the tiles in such a way as to serve a primarily aesthetic purpose
- **Allowable:** Visually appealing signage directing passengers within or around the facility
Not Allowed: Murals, paintings, or other visual installations that are primarily intended to provide visual appeal
- **Allowable:** Functionally operable gates or fences designed using materials, images, or techniques inspired by local industries
Not Allowed: A stone or steel sculpture within a waiting area drawing visitor's attention to the history of local industry. If placed on a rail platform or other surface requiring additional support, the cost to reinforce the platform or other surface under the sculpture would not be eligible.
- **Allowable:** When part of an eligible transit project that includes renovation of a historic transportation facility, restoration of murals, paintings, tiles, or other aesthetic features.

Benefits

Research completed by GoTriangle staff concluded that there were numerous benefits for incorporating art and culture in transit capital projects. The most noteworthy benefits identified by the American Public Transportation Association (APTA) include an increase of ridership, and it attracts new riders. Visible art incorporated into capital projects provides for a positive perception of transit, it advances community livability, and it deters graffiti and other vandalism. Art heightens customer experience when public transit agencies display positive cultural images and aspirations. Lastly, a well-lit and -designed transit facility may afford riders a sense of safety and security.

Peer Reviews

Policies were received from three (3) peer transit agencies, including Valley Metro RPTA in Phoenix, AZ; San Francisco Bay Area Rapid Transit (BART); and Charlotte Area Transit System (CATS). CATS provided additional information for CTA in Chicago, and Tri-Met Transit Agency in Portland, OR. Transit art funding comparisons are in the table below.

Transit Agency	Allocation	Annual Operating Funds	Staff Salary Funded
BART	<ul style="list-style-type: none"> 2% of the construction cost of capital improvements to stations and areas adjacent to stations (e.g., parking and intermodal facilities) 25% of capital improvements 25% of new train car procurement Exception: capital projects related to life safety, system critical, ADA 	Minimum \$200,000 annual allocation – operating budget, with approximate \$100,000 prioritized for temporary and performance art	1 staff position
CATS	<ul style="list-style-type: none"> 1% - design and construction budgets, CIP projects Exception: rolling stock and real estate acquisitions 	N/A	1 staff position
Valley Metro	Up to 1% construction budget – local/regional funds (major rail capital projects)	N/A	3 staff positions
CTA	1% Capital Plan (major projects, stations and facilities) Exception: excludes rail infrastructure, rolling stock and like projects	\$625,000 average annual funding for art projects	2 staff positions
Tri-Met	1.5% civil construction budgets (visible elements) on capital construction budgets > \$100,000 Excludes: all items that are not “visible elements”	N/A	1 FTE; additional staff only on federally funded projects

Eligible projects identified were metro rail transit facilities, metro bus systems, capital projects including station improvement projects involving architectural work, park-and-ride facilities, bus shelters, signage system elements through rail and rapid bus alignments, and corridor improvements.

Subsequent to a recommendation to move forward by the TPAC, an Arts and Culture Workgroup will convene to develop recommended Wake Transit funding guidelines for art and culture elements on major capital projects.