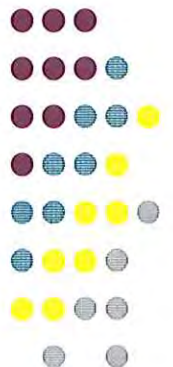


# Local Transportation Assistance Programs

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# Local Transportation Assistance Programs

This paper provides information about state transportation assistance programs that distribute state and federal funds for capital improvements on local roads, bridges, airports, and other types of transportation facilities. The programs discussed in this paper are: (a) the surface transportation program; (b) the local roads improvement program; (c) the local bridge improvement assistance program; (d) the aeronautics assistance program; (e) the harbor assistance program; (f) the freight rail assistance programs; (g) the transportation economic assistance program; (h) the transportation enhancements grant program; (i) the bicycle and pedestrian grant program; (j) the congestion mitigation and air quality improvement program; and (k) the safe routes to school grant program.

Transportation assistance programs can be distinguished from transportation aid programs, such as general transportation aids or mass transit operating assistance, by the types of activities that they fund. The assistance programs provide funds primarily or exclusively for capital improvement projects, while the aid programs provide funding for broader purposes, including capital projects, but also maintenance and operating costs. In part because of this distinction, the funds provided in the assistance programs are generally provided for a specific project, which the Department of Transportation (DOT) reviews to ensure that it complies with the relevant program criteria. In contrast, funds distributed in the aid programs are in the form of a payment with few or no conditions on how it may be spent. In theory, local assistance funds help local governments do projects that they may not otherwise do, while aid programs are seen as a reimbursement for a portion of the recipient's transportation costs. In practice, however, in both types of programs the state funds probably stimulate additional local transportation spending in some cases and, in others, replace local funds for

transportation spending that would occur even without the state funds. [For a discussion of the Department of Transportation's local aid programs, see the Legislative Fiscal Bureau's informational papers entitled "Transportation Aid" and "Urban Mass Transit Assistance."]

Some transportation assistance programs were impacted by the receipt of federal economic stimulus funds in 2008-09 and 2009-10 under the American Relief and Recovery Act of 2009 (ARRA). At the end of this paper is an appendix describing the use of these funds for local transportation projects. In the main body of the paper, the funding amounts cited exclude economic stimulus funds.

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## Surface Transportation Program

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Before offering a description of the surface transportation program, it may be helpful to make a distinction between two different uses for that term. Within the federal highway aid program, the term "surface transportation program" (STP) refers to one of several programs, or funding categories, that together constitute the federal highway aid distributed to states. Some of the other funding categories are the national highway system, bridge replacement and rehabilitation, interstate maintenance, and congestion mitigation and air quality improvement. STP is the largest of the highway aid categories and generally provides states with the most flexibility. STP funds may be used for capital projects on roads and highways under either state or local jurisdiction that are classified as either "arterials" or "collectors" under the Federal Highway Administration's functional classification system, as well as bridge improvement projects on all clas-

sifications of roads. In addition, STP funds can be used for a variety of nonhighway purposes, such as bicycle and pedestrian facilities, railroad crossing warning devices, transportation planning, transit capital purchases, and environmental mitigation related to transportation projects.

In Wisconsin, federal STP funds are used in the local assistance program called the "surface transportation program" that is described in this section, but also in several other programs, including the state highway construction programs, the railroad crossing protection and installation program, and the transportation enhancements grant program. Hereafter, the term "surface transportation program" or the abbreviation "STP" will be used to refer to the local assistance program administered by DOT, rather than the federal funding category, unless otherwise indicated. However, although this is the term that DOT uses for the program, it is not the term that is used in state statutes for the program. The federal funds appropriation in state statutes from which the funding for the surface transportation program is drawn is called "local transportation facility improvement assistance." In the 2009-11 biennium, \$72,272,900 was provided annually in this appropriation.

The state surface transportation program provides funds to local units of government for the rehabilitation of major roads under their jurisdiction. Under the program, the Department establishes a program schedule on a two-year cycle, although projects are scheduled for the following four years. That is, each project cycle involves the update of the schedule for the final two years of the previous cycle, plus the selection of new projects for the third and fourth years. In the fall of 2010, projects were scheduled for 2011 through 2014. The Department has typically initiated the project selection process in odd-numbered years, but in 2009 DOT delayed the solicitation of new projects until 2010 in order to devote staff time toward the management of projects funded with federal economic stimulus funds.

Since there are no state funds provided for this program, local recipients are responsible for paying the 20% match on the federal funds.

### **Allocation of Program Funds to Program Subcomponents**

The Department divides the surface transportation program into two principal parts, one called surface transportation program-urban (STP-U) for grants to areas with a population above 5,000 and one called surface transportation program-rural (STP-R) for making grants to counties for improvements on county highways outside of urban areas. Within STP-U, funds are further divided between categories of urban areas (hereafter called "STP-U groups") according to population, as follows: (a) urbanized areas with a population over 200,000 (the Madison and Milwaukee urbanized areas and the portion of the Round Lake Beach, Illinois, urbanized area that lies in Kenosha County); (b) urbanized areas with a population between 50,000 and 200,000; (c) urban areas with a population between 20,000 and 50,000; and (d) urban areas with a population between 5,000 and 20,000. (The term "urbanized area" is used by the Census Bureau for an area that is over 50,000 in population while the term "urban area" is for an area that is over 5,000 in population, but less than 50,000 in population, and that does not lie within an urbanized area.)

The boundaries of urban (or urbanized) areas are determined by the Census Bureau according to population density, and are usually not limited to a single city. For instance, the La Crosse urbanized area includes the City of La Crosse, as well as the Cities of Onalaska and La Crescent (Minnesota), the Villages of Holmen and West Salem, and several of the towns surrounding these municipalities. (Since this particular urbanized area includes parts of Minnesota, the area is eligible to receive federal STP funds that are distributed to that state.) The population figures for the areas are determined using the most recent decennial census.

The Department allocates funds to these sub-components generally in accordance with the historical allocation of funds under previous federal transportation law. Current federal provisions require states to allocate certain minimum percentages to various areas according to population, but generally these limitations are less restrictive than prior allocation formulas. Nevertheless, DOT has generally followed a policy of providing proportional increases to the various groups, as the total amount of federal funding available for local projects has increased over time. Consequently, the relative amount of funding provided for each group has not changed significantly since these distribution patterns were established.

Table 1 shows the annual allocation of surface transportation program funds to the various sub-components of the program for the next program cycle. These amounts represent the Department's estimates of the funds that will be made available for each year, although, as noted above, some or all of the annual allocation in the first two years is committed to projects awarded in the previous funding cycle. In addition to the amounts shown in the table, the local transportation facility improvement assistance appropriation also funds contract change orders for approved projects and projects under a separate program for spot safety improvements.

**Table 1: Allocation of Surface Transportation Program Funds to Subcomponents, Estimated Annual Program Amounts for 2011 through 2014**

Surface Transportation Program -- Rural	\$24,891,000
Surface Transportation Program -- Urban	
Urbanized Areas over 200,000	\$30,006,400
Urbanized Areas 50,000 to 200,000	8,349,200
Urban Areas 20,000 to 50,000	1,398,600
Urban Areas 5,000 to 20,000	<u>2,627,700</u>
Subtotal	\$42,381,900
Total Surface Transportation Program	\$67,272,900

**Distribution Formulas for STP-U**

Under STP-U, funds are distributed within each

group based upon the area's proportionate share of the population within its particular group. While the urban area is the unit used to distribute funds within each group, the actual recipients of STP-U funds are local governments that fall within an urban area. In addition, while the distribution of STP-U funds to urban areas within the four STP-U groupings is based on population, the distribution within each urban area to the local governments that comprise the area is based on other factors.

For the two largest STP-U groups (urbanized areas with a population between 50,000 to 200,000 and urbanized areas with a population above 200,000), the area's metropolitan planning organization (MPO) chooses the projects that are funded. Under federal law, these larger urbanized areas must have an MPO, which is composed of representatives of the local units of government that comprise the urbanized area, to conduct regional transportation planning and establish a transportation program. The MPO's transportation program, which is a list of projects that will be constructed using federal transportation funds over the next several years, is used in allocating STP-U funds to local governments within the urbanized area.

Funds are distributed to these larger urbanized areas on an annual basis since they are generally large enough to have enough qualifying projects every year to use their share of the funding. Many urban areas below 50,000 in population, in contrast, may not have enough qualifying projects underway in each year to completely use their proportional share of the funding every year. For this reason, the formula for distributing funds to these smaller urban areas does not provide a proportional share of funds to each area on an annual basis. Instead, the formula, in effect, allows these smaller areas to "bank" their share for years in which they have a larger project. Consequently, in any given year, urban areas in the smallest two STP groups may not receive any funds, or, alternatively, they may receive an amount that exceeds their proportionate share. Over a period of several years, however, the average amount of funding

they receive will generally be proportionate to their population.

### Distribution Formula for STP-R

Within STP-R, funds are distributed to counties using a formula based 60% on each county's proportionate share of eligible mileage and 40% on each county's proportionate share of vehicles registered in rural areas. As with the two smaller STP-U groupings, however, these proportionate factors are not used for the annual distribution of funds. Instead, proportionate mileage and rural vehicle registration are used to weight the selection process in such a way that over time funds are distributed proportionately, but in any given year, certain counties' projects are funded while other counties' projects are not funded.

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### Local Roads Improvement Program

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The local roads improvement program (LRIP) provides grants of state funds on a biennial basis for capital improvements on existing county, town, and municipal (city or village) roads and for feasibility studies for such improvements. For the purposes of the program, a capital improvement is defined as a project with a projected design life of at least 10 years. Grants may cover up to 50% of the total project cost, with the balance being provided by the local recipient.

### Allocation of Program Funds

The program is divided into a formula-based component and a discretionary grant component, each with its own appropriation. Both of these components are further divided into county, town, and municipal subcomponents. Of the funds appropriated for the formula-based component, the statutes specify that 43% are to be allocated to county projects, while towns and municipalities are each allocated 28.5%. Of the funds appropri-

ated for the discretionary grant component, the Department is required to make the following allocation in the 2009-11 biennium: (a) \$10,254,000 for county highway discretionary projects with a projected cost of \$250,000 or more; (b) \$1,953,000 for municipal street discretionary projects with a projected cost of \$250,000 or more; and (c) \$1,465,000 for town road discretionary projects with a projected cost of \$100,000 or more. Table 2 shows the allocation of LRIP funds for the 2009-11 biennium. The following two sections describe the procedures used for the formula and discretionary components.

**Table 2: Allocation of LRIP Funds to Program Subcomponents for the 2009-11 Biennium**

<b>Formula-Based Allocation</b>	
Counties (43%)	\$13,929,400
Municipalities (28.5%)	9,232,300
Towns (28.5%)	<u>9,232,300</u>
Total Formula Funds	\$32,394,000
<b>Discretionary Allocation</b>	
Counties	\$10,254,000
Municipalities	1,953,000
Towns	<u>1,465,000</u>
Total Discretionary Funds	\$13,672,000
Biennial Program Total	\$46,066,000

### Formula Component

The statutes do not specify the precise formulas by which funds are distributed to the governmental units in each component, but do establish two conditions that must be met. First, in the county subcomponent, a minimum entitlement is established such that no county may receive less than 0.5% of the total amount of formula funds distributed to counties. Second, for the town and municipal subcomponents, the statutes specify that, with the exception of municipalities with a population of 20,000 or more ("large municipalities"), funds are to be distributed on a countywide basis. So, in other words, all of the towns in a particular county share an entitlement of funds and all of the municipalities under 20,000 in population in a county ("small municipalities") share an entitlement of

funds. Large municipalities receive their own entitlement.

The specific elements of the formulas for each subcomponent are established by administrative rule. For municipalities, the formula is based on population and street mileage, with each factor given equal weight. So, for a particular large municipality, one-half of its entitlement is determined by multiplying its proportionate share of municipal street mileage (the municipality's street mileage as a percentage of statewide municipal street mileage) by one-half the funds allocated to the municipal street formula subcomponent. The other half is determined by multiplying the municipality's proportionate share of municipal population by the other half of the funds allocated to the municipal street subcomponent. The calculation for small municipalities is similar, except that the street mileage and population for all such municipalities in each county is added together to determine those municipalities' collective entitlement.

For counties, the formula is also based upon proportionate population and proportionate county highway mileage, except that population determines 60% of the entitlement and mileage determines 40%. In the 2009-11 distribution, seven counties received the 0.5% minimum allocation (Ashland, Crawford, Florence, Forest, Iron, Menominee, and Pepin). For towns, the formula is based solely on proportionate town road mileage. As with small municipalities, the sum of all the town road mileage in each county is used to determine those towns' collective entitlement.

As noted above, counties and large municipalities receive their own entitlement, so those governments are solely responsible for project selection. Since towns and small municipalities must share an entitlement with the other like governments in their county, projects are selected by committees within each county (one for town road projects and one for small municipal street projects) made up of representatives of the respective governments.

## **Discretionary Component**

While the formula component generally provides funding for a large number of smaller projects across the state, the discretionary component is designed to fund a smaller number of higher-cost projects. As with project selection for towns and small municipalities, committees of local government representatives are established to choose projects for the discretionary programs. In the case of the town and municipal discretionary programs, the respective committees choose projects from applications received on a statewide basis. The DOT Secretary makes appointments to these committees from representatives of the local government associations.

For the county discretionary program, the funding allocated for discretionary projects is distributed in blocks to eight different regions in proportion to the total funding the counties in each region receive in the formula-based component of the program. For the purpose of this division, DOT generally uses the boundaries for the Department's five regional transportation districts, although the three larger regions are each divided into two parts. Projects for each multi-county region are chosen by a committee composed of the county highway commissioners from each of the counties in the region.

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## **Local Bridge Improvement Assistance Program**

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The local bridge improvement assistance program makes grants using both state and federal funds for bridges not on state trunk highways or connecting highways (urban streets marked with a state highway or U.S. highway number). As with the surface transportation program, projects are programmed every other year for the following four years and local governments must provide a match equal to at least 20% of the total cost of the awarded project. Also like the surface transporta-

tion program, the Department delayed the 2009 project selection until 2010 in order to devote staff resources to economic stimulus projects. Total funding for the program in the 2009-11 biennium is \$32,890,300 annually. Of that amount, \$24,431,100 annually is provided with federal funds and \$8,459,200 annually is provided from the state transportation fund.

Although all units of local government may request funds for a bridge project under their jurisdiction, the county highway commissioner is responsible for prioritizing the submitted project requests from local governments within the county. The number of projects that are funded from each county's priority list, in turn, is determined using the local bridge assistance distribution formula.

While the distribution formulas for the other local transportation assistance programs are generally based on either population or road mileage, the formula for the local bridge assistance program is based entirely upon the relative condition and replacement cost of local bridges. Every two years, all local bridges are inspected and given a sufficiency rating score using federally-approved inspection and rating criteria. The sufficiency rating is a numerical score on a 100-point scale, with higher numbers indicating better condition. Bridges that are rated below 50 are considered to be seriously deteriorated and are eligible for replacement under the program, while bridges that are below 80 are eligible for rehabilitation, if the proposed project meets certain other conditions.

Upon completion of the inspection and rating process, DOT estimates the cost to replace all seriously deteriorated bridges. Each county's proportionate share of the statewide total replacement cost is used as the factor for determining an "entitlement" for the county for the funding cycle. That is, each county's entitlement equals the county's proportionate share of the statewide replacement cost, multiplied by the total amount of funding determined to be available during the funding cycle.

As with the surface transportation program entitlement, however, this funding entitlement is not the amount of funding received by the county each year. Instead, the county's proportionate share of funding is used to rate all projects statewide and projects are funded in order of their rating. Consequently, the higher a county's entitlement, the higher its bridge projects will be rated, which increases the likelihood that these projects will be funded.

Any part of a county's entitlement that is not used in a funding cycle is carried over to the next cycle, which has the effect of increasing the relative rating for projects submitted by the county in that cycle. It should be noted that while only the replacement cost of bridges with a sufficiency rating below 50 is used to determine each county's share of funding, program funds may be used for the rehabilitation of any bridge with a sufficiency rating below 80.

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### **Airport Improvement Program**

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The state's airport improvement program provides funding from state and federal sources for various types of airport projects at commercial and general aviation airports in the state. While local governments are generally responsible for managing transportation projects funded under the other local assistance projects discussed above, projects funded in the airport improvement program are selected, designed, and managed by the state through the Department of Transportation's Bureau of Aeronautics.

Eligible projects must be at one of the 98 airports that are identified in the state's airport system plan, a list that includes both commercial carrier and cargo airports as well as general aviation airports. All publicly-owned airports are included, as well as a few private airports that are formally recognized as reliever airports for commercial service



airports by the Federal Aviation Administration. Of the 98 airports in the state's airport system plan, 87 are also identified in the national airport system plan, and, therefore, are eligible for federal aid.

The types of eligible projects vary depending upon the type of airport, but include the construction or rehabilitation of runways, taxiways, and aprons, the purchase and installation of airfield lighting, navigational aids, and weather monitoring equipment, the construction of terminal buildings, and the installation of fencing and other security improvements. The construction of aircraft hangers, pavement maintenance, the installation of fueling facilities, and environmental cleanup projects are usually not eligible for assistance.

Federal airport improvement funds play a central role in the financing of airport projects. All of the federal aid is received by the state, although some is provided exclusively for particular airports. For instance, there are eight airports in the state classified under federal law as "primary commercial" airports. A federal entitlement is calculated for each of these airports based upon their number of annual commercial passenger enplanements. The airport owners have discretion with how to use the entitlement, but the projects funded with the entitlement are managed by the state. Similarly, commercial and general aviation airports frequently receive discretionary federal grants for particular projects, but, again, this money is received and administered by the state. Other federal aid received by the state may be spent on any eligible airport project. In 2010, the state received a total of \$67,509,600 in federal airport aid.

As with federal highway aid used in other local assistance programs, federal airport improvement aid generally requires a nonfederal match. Depending upon the type of project, the match varies from 10% to 40%. In Wisconsin, the state's policy is to pay half of the matching funds and to require the local airport owner to pay the other half of the match.

For projects that use no federal funds, the local

project sponsor must pay at least 20% of the total project cost if the project involves runways, taxiways, aprons, lighting, or other projects related to serving aircraft and at least 50% of the total cost if the project involves terminal buildings or other projects that do not directly involve accommodations for aircraft.

The state share of projects is paid from a transportation fund appropriation, funded at \$13,206,000 annually in the 2009-11 biennium. In addition to providing the state share of design and construction costs, this appropriation also funds the administrative costs of the Department's Bureau of Aeronautics, which administers the improvement program and provides other services related to aviation.

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### **Harbor Assistance Program**

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The harbor assistance program provides grants for making capital improvements to harbors on the Great Lakes or the Mississippi River system. Eligible projects include dockwall and disposal facility construction, repair, maintenance, or rehabilitation, dredging and dredged materials disposal, or other physical improvements that maintain or increase commodity or passenger movement capabilities. Both publicly and privately owned harbors that serve freight or passenger vessels are eligible for assistance. Projects are selected primarily using a cost-benefit analysis, where the economic impact of the project is compared to its projected cost.

State funds provide up to 80% of the cost of the project, while the local sponsor must pay the remaining 20%. The state share is paid either from an appropriation from the transportation fund or from the proceeds of general obligation bonds provided for the program. The 2009-11 biennial budget act authorized \$12,700,000 in general obligation bonds and provided \$493,800 annually in the transportation fund appropriation for harbor projects (along with an additional appropriation of

\$81,400 annually for the administrative costs of the program). The debt service on the bonds is paid from a transportation fund appropriation. Table 3 shows the amount of new bonds authorized for the program per biennium since the 1997-99 biennium.

**Table 3: Bond Authorization for the Harbor Assistance Program**

Biennium	Harbor Bonds
1997-99	\$3,000,000
1999-01	7,000,000
2001-03	3,000,000
2003-05	3,000,000
2005-07	12,700,000
2007-09	12,700,000
2009-11	12,700,000

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### Freight Rail Assistance Programs

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The state has three assistance programs related to freight railroad service that, unlike the other assistance programs discussed in this paper, typically do not provide funding for local governments. These programs are the freight rail preservation program, the freight rail infrastructure improvement program, and the railroad crossing improvement and protection installation program.

#### Freight Rail Preservation Program

The purpose of the freight rail preservation program (FRPP) is twofold. First, FRPP funds are used to purchase rail lines that are being abandoned by railroads, in order to preserve them for future or continuing use. DOT may make the purchase directly or provide funds to a local government or local rail transit commission to make the purchase. Rail transit commissions are agencies established by one or more counties to manage publicly-owned lines. Typically, rail transit commissions make arrangements with a freight railroad company to operate on these lines. The second purpose of FRPP is to provide funds for the improvement of existing, publicly-owned lines. Improvement funds may be provided to a local

government, a rail transit commission, or a railroad operating on publicly-owned lines. The recipient of funds for an improvement project must pay 20% of the cost of the improvement.

Typically in cases where a line is abandoned, railroads have determined that it would not be profitable to continue operating on the line due to a low volume of shipments. The goal of purchasing abandoned lines and making improvements through FRPP is to preserve or improve rail service to shippers on the lines. There are currently over 529 miles of publicly-owned rail lines in the state. The Wisconsin and Southern Railroad is the primary railroad operating on this track, although other railroads operate on certain short segments.

FRPP is funded with general obligation bonds, with debt service paid from the transportation fund. In the 2009-11 biennium, \$60,000,000 in bonding authority was provided for this program. Table 4 shows the amount of new bonds authorized for the program per biennium since the 1997-99 biennium.

**Table 4: Bond Authorization for the Freight Rail Preservation Program**

Biennium	Freight Rail Bonds
1997-99	\$4,500,000
1999-01	4,500,000
2001-03	4,500,000
2003-05	4,500,000
2005-07	12,000,000
2007-09	22,000,000
2009-11	60,000,000

#### Freight Rail Infrastructure Improvement Program

The freight rail infrastructure improvement program provides low- or no-interest loans from a revolving fund to railroads, shippers, or local governments to perform a variety of capital improvements related to freight rail service. When the program was established in 1993-94, it had an annual appropriation from the transportation fund of \$5,579,800. This amount was gradually reduced,

beginning in 1997-98, as the original loans were repaid, providing additional funds for new loans. Between 1993-94 and 2002-03 (the last year new state funding was provided), a total of \$42.3 million of new appropriations were provided for the program's revolving load fund. The Department currently receives loan repayments of approximately \$4 million to \$6 million each year and provides new loans with the repaid funds.

During the past several years, loans have been made primarily to companies that ship by rail in order to construct or make improvements on loading or storage facilities or track spurs. DOT selects projects based on a cost-benefit analysis.

### **Railroad Crossing Improvement and Protection Installation Program**

Under the railroad crossing improvement and protection installation program, DOT works in conjunction with the Office of the Commissioner of Railroads to improve the safety at railroad crossings. All railroad crossing improvements, which may be the installation of railroad gates, signal lights, or other physical improvements to the crossing, are conducted by the railroad that owns or operates on the track at the crossing. Funds from the crossing improvement program are used to reimburse the railroad for the costs of the improvement.

In the 2009-11 biennium, the program is funded with \$1,595,700 annually from the transportation fund and \$3,297,100 annually in federal rail safety funds. By mutual arrangement between the Office of the Commissioner of Railroads and DOT, about \$1,000,000 of the total funds provided in the program each year is reserved for projects at crossings on state highways that DOT determines are a priority, while the remaining funding is used to make improvements at crossings on any type of street or highway where a safety improvement has been ordered by the Commissioner of Railroads.

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## **Transportation Economic Assistance Program**

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The transportation economic assistance program (TEA) provides grants to local governments for making infrastructure improvements designed to retain or attract businesses in the state by facilitating access to an economic development project. Typically, the economic development project involves a business or businesses locating or expanding operations within the local sponsor's jurisdiction. The transportation improvements may involve the construction or reconstruction of a highway or road, an airport runway, taxiway, or apron, a harbor facility, or a railroad track or spur. DOT is required to accept applications for projects throughout the year and make a determination on an application within a reasonable amount of time after receiving it.

To be eligible for a TEA grant, DOT must determine that the proposed project meets the following screening criteria: (a) the economic development project would be unlikely to occur in the state unless the transportation facility improvement is built; (b) the transportation facility improvement would be unlikely to occur without the TEA grant; (c) the economic development project directly and significantly increases the number of jobs in the state; and (d) construction of the transportation facility improvement would be scheduled to begin within three years of the date when a grant is awarded for the improvement.

Projects that meet these screening criteria are then evaluated on, among other factors, the total estimated cost of the transportation improvement relative to how many jobs would be created by the economic development project, whether the project is located in an area of high unemployment or low average income, and whether the business that would be helped is financially sound. Projects that rate favorably on these criteria have the best chance of receiving a TEA grant.

The amount of the TEA grant is capped at the lower of the following: (a) 50% of the total estimated cost of the transportation improvement project (the local sponsor is responsible for the remainder); or (b) an amount equal to \$5,000 for each job that would be created by the economic development project. Also, no grant may exceed \$1,000,000.

In the 2009-11 biennium, the program is funded through a state transportation fund appropriation of \$3,402,600 annually.

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### **Transportation Enhancements Program**

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The transportation enhancements grant program provides grants using federal funds to local governments for nontraditional transportation improvements. Under the federal guidelines for the use of these funds, there are twelve eligible project categories, all of which must relate to a surface transportation facility. The twelve categories are as follows: (a) bicycle and pedestrian facilities (such as paths or bridges); (b) rehabilitation and operation of historic transportation buildings or structures; (c) historic preservation; (d) landscaping and other scenic beautification; (e) provision of safety and educational activities for pedestrians and bicyclists; (f) acquisition of scenic easements and scenic or historic sites; (g) preservation of abandoned railway corridors; (h) control and removal of outdoor advertising; (i) archaeological planning and research; (j) mitigation of water pollution due to highway runoff or reduction of vehicle-caused wildlife mortality; (k) establishment of transportation museums; and (l) scenic or historic highway programs.

In Wisconsin, the most common projects involve bicycle and pedestrian facilities, historic preservation projects, and urban "streetscaping" projects (under the landscaping and scenic beautification category). Projects are rated and selected by a committee established by DOT with represen-

tatives from several state agencies, citizen groups related to bicycle advocacy and historic preservation, and members of the Legislature. Applications are accepted and grant awards are made every two years, in the even-numbered years.

Federal transportation enhancements funds are a subcomponent of the federal surface transportation program funds. Since there are no state funds provided for this grant program, the local project sponsors are responsible for paying the 20% match for the use of the federal funds. In the 2009-11 biennium, \$6,251,600 in federal funds are provided annually for the program.

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### **Bicycle and Pedestrian Facilities Grant Program**

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The bicycle and pedestrian facilities grant program was created by the 2007-09 budget to provide a single appropriation exclusively for bicycle and pedestrian projects. As passed by the Legislature, that act would have consolidated a portion of funding from the existing transportation enhancements and congestion mitigation/air quality improvement programs into the bicycle and pedestrian grant program, leaving the other two programs responsible for other types of projects. However, a gubernatorial veto eliminated this change to program responsibilities, while retaining the bicycle and pedestrian program appropriation. Consequently, grants for bicycle and pedestrian projects may be funded from the bicycle and pedestrian facilities appropriation, but also from the transportation enhancements appropriation. Given the similar program responsibilities and requirements, the Department of Transportation administers the bicycle and pedestrian grant program jointly with the transportation enhancements program.

While the grants were initially funded exclusively with an allocation of the state's federal highway aid, the 2009-11 budget added a state transportation fund appropriation for the program.

In total, the 2009-11 budget act provided annual amounts of \$2,720,000 in federal funds and \$2,500,000 in state funds, for a total of \$5,220,000.

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### **Congestion Mitigation and Air Quality Improvement Grant Program**

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The congestion mitigation and air quality improvement (CMAQ) grant program provides grants using federal funds for projects designed to reduce transportation-related air pollution or reduce traffic congestion. Since the CMAQ program uses federal funds, federal regulations on the use of those funds govern project eligibility. Typical projects include the installation of alternate fueling facilities, improvements to traffic signal timing to improve traffic flow, the construction of bicycle facilities for commuters, and capital or operating assistance for new or alternate transit services. As with several of the other local assistance programs, local project sponsors must pay the 20% match on the federal funds.

Under federal law, CMAQ funds may only be used in counties that are classified as ozone non-attainment or ozone maintenance areas. In Wisconsin, these counties are Door, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, and Waukesha. Pro-

ject applications are solicited on a two-year cycle in the odd-numbered years. Projects are selected by DOT in cooperation with the metropolitan planning organizations or regional planning commissions for the eligible areas. In the 2009-11 biennium, \$11,619,000 in federal funds are provided annually for the program.

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### **Safe Routes to School Grant Program**

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The safe routes to school grant program was created by the 2007-09 budget act to distribute federal funds to local project sponsors for infrastructure projects and other activities designed to improve pedestrian and bike safety around schools. Federal funds may cover 100% of project costs, although the Department's policy is to require sponsors to cover cost overruns. Grants under the program are awarded on a biennial basis, in three program categories: (a) infrastructure projects, such as traffic calming or street crossing improvements; (b) noninfrastructure initiatives, such as bicycle and pedestrian safety programs; and (c) planning initiatives related to infrastructure or noninfrastructure elements. Projects are selected by a committee consisting of DOT staff and others with relevant expertise. In the 2009-11 biennium, the program is funded with federal funds of \$3,230,100 annually.



## APPENDIX

### Federal Economic Stimulus Funds For Transportation Projects

In state fiscal years 2008-09 and 2009-10, the state received funds under the transportation provisions of the federal American Recovery and Reinvestment Act of 2009 to aid in recovery from economic recession. Some of these funds were received for specific projects selected by the federal government, while in other cases, the state had discretion to allocate the funds to local or state projects. This appendix describes the transportation assistance projects that were funded and the process for selecting projects. A more complete description of the transportation aid received under the economic stimulus act, including a description of the use of funds for state highway and passenger rail programs, can be found in the Legislative Fiscal Bureau's informational paper entitled "Transportation Finance."

In response to the passage of the federal act, the Legislature included provisions in 2009 Act 2 governing the expenditure of those funds by the state. Accordingly, the Governor was required to submit a plan to the Joint Committee on Finance upon the receipt of federal funds. The Committee could approve, or modify and approve, the Governor's plan, and the Governor was required to implement the plan as approved.

#### **Local Highway, Bridge, and Transportation Enhancements Projects**

Under the federal economic stimulus legislation, \$26.6 billion was allocated to states, based on the proportion of federal highway aid each state received in 2008. Of the amounts received, states were required to allocate a total of 30% to specific areas within the state, based on population categories. Specifically, urbanized areas with a population over 200,000 each received their own allocation of these funds, while all areas with a popula-

tion under 200,000, and all areas with a population less than 5,000 received a shared allocation. For the purposes of these suballocations, the federal legislation used existing population-based formulas in the federal highway aid program.

In addition to the 30% set-aside for areas based on population, states were required to allocate 3% of the total received for transportation enhancements projects.

Wisconsin received a total of \$529,111,900 under the formula-based, highway aid component of the economic stimulus act, meaning that the 30% suballocation to population-based areas was \$158,733,500, while the transportation enhancements set-aside was \$15,873,400.

Although the federal stimulus act required states to set aside funds as described, the funds were not required to go to highway, bridge, and transportation enhancements projects under local jurisdiction. Instead, the set-asides were the minimum amounts that had to be spent within the respective areas, on either state or local highways that are eligible for federal aid.

Nevertheless, the Department of Transportation made the decision to make the full amount of the set-asides available to projects under local jurisdiction. Accordingly, the Department solicited applications from local governments beginning shortly after the federal economic stimulus act was passed. Since one of the goals of the stimulus legislation was to increase construction employment as quickly as possible, the Department recommended an initial set of 48 local highway and bridge projects and one transportation enhancements project, which were ready for construction in the early part of the 2009 construction season. The Governor sub-

mitted a request to the Joint Finance Committee for approval of these projects on March 11, 2009, and the Committee approved the request on March 17. [One of these projects, within the Milwaukee urbanized area, was later eliminated from consideration because the metropolitan planning commission for the area did not approve the project, as was required under the federal legislation.]

On May 8, 2009, the Governor requested approval of funds for another 30 bridge and highway projects and two enhancements projects, which the Department had determined could also be constructed during the 2009 construction season. The Committee approved this request on May 12.

The Department selected subsequent highway and bridge projects for construction during the 2010 season using procedures similar to those used in the STP-U, STP-R, local bridge assistance, and transportation enhancements programs. As noted above, each urbanized area with a population above 200,000 received its own set-aside under the federal legislation. Projects in each of these areas were chosen by the respective metropolitan planning organizations from a list of projects deemed to be ready for construction. For urbanized areas with a population between 50,000 and 200,000, the Department provided an allotment of funds based on population and the number of eligible miles of highway (after making deductions to account for projects approved for construction in 2009). For smaller urban areas, the Department used an entitlement process, based on population and eligible miles, to rank projects. Projects were awarded funding from highest to lowest rank until funding in the respective categories was exhausted.

For the selection of transportation enhancements projects, the Department convened a subcommittee of the normal transportation enhancements review committee to consider and rank the applications for eligible projects.

On June 16, 2009, the Governor submitted a request to the Joint Finance Committee to allocate

stimulus funds to 96 local highway and bridge projects and 17 transportation enhancements projects selected as the result of this process. The Committee approved the request on June 30.

The Department indicated at the time of the June request that the approved projects used all of the remaining funds set aside for local projects. However, on August 14, 2009, the Governor submitted a request for the approval of 66 local highway and bridge projects and nine transportation enhancements projects, using stimulus funds reallocated from two sources. First, the state realized savings from original project estimates for projects that had been approved for construction in 2009, allowing additional projects to be approved. Second, the Department decided to allocate some stimulus funds that had been appropriated for state highway programs by the 2009-11 biennial budget to allow more local projects to receive funding. The Committee approved the Governor's request on August 26.

On June 14, 2010, the Governor submitted a final request for two local highway projects using additional savings from earlier projects, which was approved on June 23. This request also included nine state highway and bridge projects to utilize any remaining stimulus project savings prior to federal deadlines.

In total, the federal stimulus funds were allocated to 241 local highway and bridge projects and 29 transportation enhancements projects. The following table shows the allocation of the formula-

**Allocation of Federal Stimulus Funds  
(in Millions)**

Local Highway Projects	\$153.3
Local Bridge Projects	39.0
Transportation Enhancements	<u>18.2</u>
Total Local Assistance Projects	\$210.5
State Highway Rehabilitation	\$179.9
Southeast WI Freeways	103.9
Major Highway Development	<u>34.8</u>
Total State Highways	\$318.6
Total Stimulus Funds for Highways	\$529.1



based stimulus funds for highways, bridges, and transportation enhancements, based on project cost reports at the end of 2010 (most projects were complete or nearly complete at that time).

### **Airport Improvement Projects**

The federal economic stimulus act provided \$1.1 billion nationwide for capital improvement projects at airports. Funds were awarded to projects by the Federal Aviation Administration on a discretionary basis. Wisconsin received a total of \$25,857,100 for seven airport improvement projects. The Joint Committee on Finance approved the Governor's requests for expenditure of stimulus funds on these projects.

### **Other Local Projects**

Two additional discretionary grants for transportation projects were received by local governments, although the state administered the grants. In August, 2009, the Village of Cassville, in Grant County, received a grant of \$1.8 million for the replacement of the Cassville car ferry. This grant was made from a \$60.0 million set-aside for ferry boat projects.

In June, 2010, the City of Milwaukee received a grant of \$21.5 million for the reconstruction of lift bridges on Wisconsin Avenue and Juneau Avenue. This grant was made from a \$1.5 billion allocation for large projects, selected at the discretion of the U.S. Department of Transportation.