

NOTICE OF PROPOSED GUIDANCE DOCUMENT

DTIMBTLRRH15

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DTIMBTLRRH15 WI STAT 85.021, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website: <https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DTIMBTLRRH15>

2. Mailing written comments to:

Division of Transportation Investment Management
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7913
Madison, WI 53707-7913

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.dot.gov to allow for ongoing comment.

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WisDOT Transportation Alternatives Program Policy & Procedure Updates

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Purpose and Description

This document outlines the policies and procedures that BTLRRH will implement during its SFY 2014—2018 TAP award cycle.

Program Management & Administration

- 1) WisDOT will consider success of previous TE, BPFP and SRTS projects among the selection criteria for TAP projects.

Selection of quality projects that sponsors can efficiently deliver will increase the ability of the WisDOT TAP to meet MAP-21 and state performance measures. Consideration of historical project success will provide WisDOT with a tool to differentiate between otherwise similar TAP project applications and will allow the Department to efficiently utilize TAP funding.

- 2) TAP project agreements will include a sunset clause that mandates project completion within approximately six years.

WisDOT will define completion as submission of a project completion certificate form that is provided by WisDOT. The Department may grant a project completion extension for extenuating circumstances on a case-by-case basis. WisDOT's sunset policy affords project sponsors ample time to program and build improvements without risk of violating FHWA's 10-year requirement that project construction commence within 10 years of authorizing any design funds on that project. This policy also ensures that funding provided by Congress and the state Legislature for TAP improvements is utilized within a reasonable timeframe.

- 3) Project sponsors must fully fund the necessary state oversight and review of any 100% locally-funded design work.
- 4) WisDOT will not award multi-modal projects that propose stand-alone preliminary engineering work such as developing project-specific design or environmental documents unless an application also proposes project construction.

State Eligibility Policies

- 5) Trail Use & Maintenance

WisDOT will continue its existing policies regarding motorized trail use and elect not to fund motorized trails beyond the Recreational Trails set-aside. Per existing federal requirements, ATV use is prohibited and—with the exception of SRTS trails—snowmobile use is permitted if authorized by local ordinance.

WisDOT anticipates over-subscription to TAP based upon recent interest in the Department's multi-modal transportation improvement programs as outlined in the table immediately below. As such, BTLRRH will fund motorized trails only with the RTP set-aside and utilizing the remainder of limited TAP funding for other TAP eligibility categories.

| <u>Program</u> | <u>Award Cycle</u> | <u>Amount of Funding Requested by Applicants</u> | <u>Amount of Funding Approved by WisDOT</u> |
|---|--------------------|--|---|
| Safe Routes to School | 2013 | \$16,500,000 | \$3,656,190 |
| Statewide Multi-Modal Improvement Program (TE/BPFP) | 2011-2014 | \$85,214,662 | \$16,965,153 |

The decision to continue existing state policy is also logical in that application of similar policies to TAP, TE, and BPFP-funded trails avoids the burden of having disparate regulations apply to trails that may be geographically connected yet funded with multiple federal funding programs.

WisDOT will continue to reserve the right to define winter snowplowing as required project maintenance where year-round bicycle and pedestrian use seems particularly warranted. Project agreements for TAP projects within the SRTS eligibility category will require year-round facility maintenance due to SRTS program goals of providing means of transportation for students, including those with disabilities.

- 6) WisDOT will continue its historical SMIP policy of allocating little or no funding to certain eligibility categories such as outdoor advertising and vegetation management. Maintaining existing WisDOT policy will ease the transitional burden from SAFETEA-LU to MAP-21. And address the anticipation that TAP will be an oversubscribed program with limited available funding.

Project Cost Thresholds

- 7) WisDOT will increase minimum project cost as compared to previous SRTS, TE, and BPFP award cycles.

Historical project minimums:

| <u>Program</u> | <u>Non- Infrastructure Minimum</u> | <u>Infrastructure Minimum</u> |
|----------------|------------------------------------|-------------------------------|
| TE/BPFP | \$50,000 | \$200,000 |
| SRTS | \$10,000 | \$25,000 |

TAP project minimums:

| <u>Program</u> | <u>Non- Infrastructure Minimum</u> | <u>Infrastructure Minimum</u> |
|----------------|------------------------------------|-------------------------------|
| TAP | \$50,000 | \$300,000 |

Increasing the TAP project cost threshold is an important step toward ensuring that WisDOT efficiently allocates limited TAP funding to projects that will deliver on time and project sponsors that are committed to the success of their multi-modal projects. WisDOT also views an increase in the minimum project cost as a means of encouraging regional collaboration and acknowledging that sponsorship of non-traditional projects below a certain dollar amount is an unrealistic, uneconomic administrative

burden. Historically successful non-infrastructure projects have been well above the proposed TAP minimum project cost.

Funding Set-Asides

8) Eligibility Categories

As compared to previous federal transportation legislation, MAP-21 does not require a funding set-aside for certain multi-modal programs such as TE or SRTS. In consideration of the additional \$1 million of state funds that was included in the 2013-2015 biennial state budget for TAP bicycle-pedestrian projects, WisDOT will not establish any additional set-aside for particular TAP eligibility categories. However, WisDOT will establish equitable TAP project selection criteria that do not automatically favor more traditional, large-scale infrastructure projects.

Local Match Issues

- 9) Previous federal transportation legislation authorized SRTS as a 100% federally-funded program. MAP-21 continued SRTS as a TAP eligibility category but federally authorized SRTS as a more traditional 80% federally-funded transportation improvement program.

BTLRRH will administer its first TAP award cycle in alignment with the vast majority of WisDOT funding programs do not allow for a local soft match. Successful TAP projects will stem from broad community commitment rather than the support of a handful of individuals. In light of the anticipated over-subscription to TAP, WisDOT will most efficiently allocate its limited funding by awarding projects in communities that demonstrate willingness to financially commit to a proposed project. The Department may revisit this soft match policy if the first TAP award cycle demonstrates that the requisite 20% match significantly hinders project delivery or decreases public interest in applying for TAP projects.

TAP Project Selection & Selection Committee

- 10) WisDOT will conduct a “pre-scoping” application process as a means of maximizing the selection of quality, effectively delivered TAP projects. This two-stage process is consistent with project selection procedures utilized in other WisDOT programs as well as other state agencies.
- 11) WisDOT will form TAP sub-committees to rate and rank submitted notices of intent. A full TAP selection committee will vote on comprehensive applications submitted during the second step of the WisDOT TAP project selection process.

Due to program over-subscription, WisDOT has historically needed to ask SMIP and SRTS selection committee members to make a significant time investment in review and selection of applications. Meaningful application review was difficult due to the high level of program interest. Therefore, WisDOT will form sub-committees to review applications at the pre-scoping or notice of intent stage of the TAP project selection process. Formation of sub-committees also acknowledges that selection committee members will come from varying fields of expertise. BTLRRH is working to determine the composition of specific sub-committees.

A full selection committee will rate and rank a more manageable number of applications that were approved through the pre-scoping process. MPOs will continue to comment on and prioritize full applications that WisDOT is considering for TAP funding.

Geographic Distribution of TAP Projects

12) WisDOT will continue to accept TAP applications for projects that would occur in TMAs.

BTLRRH will operate its first TAP award cycle to prioritize selection of quality projects while complying with the TAP funding sub-allocation procedures outlined in MAP-21. Federal legislation requires WisDOT to distribute half of its funding according to population as outlined in the flow chart included in Attachment C. At a minimum, WisDOT will distribute this population-based TAP funding utilizing a scoring mechanism that considers equitable geographic distribution of TAP projects throughout the state.

Considering that WisDOT is operating its first TAP award cycle and is uncertain as to the amount, geographic distribution, and quality of TAP applications that WisDOT will receive, it would be unduly restrictive to prohibit WisDOT funding of TMA TAP projects. Maintaining flexibility at this early stage of the TAP administration process will reserve the Department's ability to later select projects based upon geographic equity or other factors. For example, WisDOT could decide to select projects within a TMA jurisdiction only if that project would have regional or statewide significance. Allowing TMA applications to compete for WisDOT funds will also acknowledge the very limited TAP sub-allocation that each TMA will receive. TAP funding sub-allocations for Wisconsin TMAs are annexed hereto as Attachment B.

ATTACHMENT A

ACRONYM DIRECTORY

| | |
|--------|---|
| ATV | All-Terrain Vehicle |
| BPPF | Bicycle & Pedestrian Facilities Program |
| BTLRRH | WisDOT Bureau of Transit, Local Roads, Railroads & Harbors |
| FHWA | Federal Highway Administration |
| MAP-21 | The Moving Ahead for Progress in the 21 st Century Act |
| MPO | Metropolitan Planning Organizations |
| SFY | State Fiscal Year |
| SMIP | State Multi-Modal Improvement Program |
| SRTS | Safe Routes to School |
| TAP | Transportation Alternatives Program |
| TE | Transportation Enhancements |
| TMA | Transportation Management Area |
| WisDOT | Wisconsin Department of Transportation |

ATTACHMENT B

COMPUTATIONS FOR FISCAL YEAR 2013 TRANSPORTATION ALTERNATIVES PROGRAM (TAP)
SET-ASIDE
SUBALLOCATION OF TAP FUNDS TO INDIVIDUAL URBANIZED AREAS WITH POPULATION
OVER 200,000¹

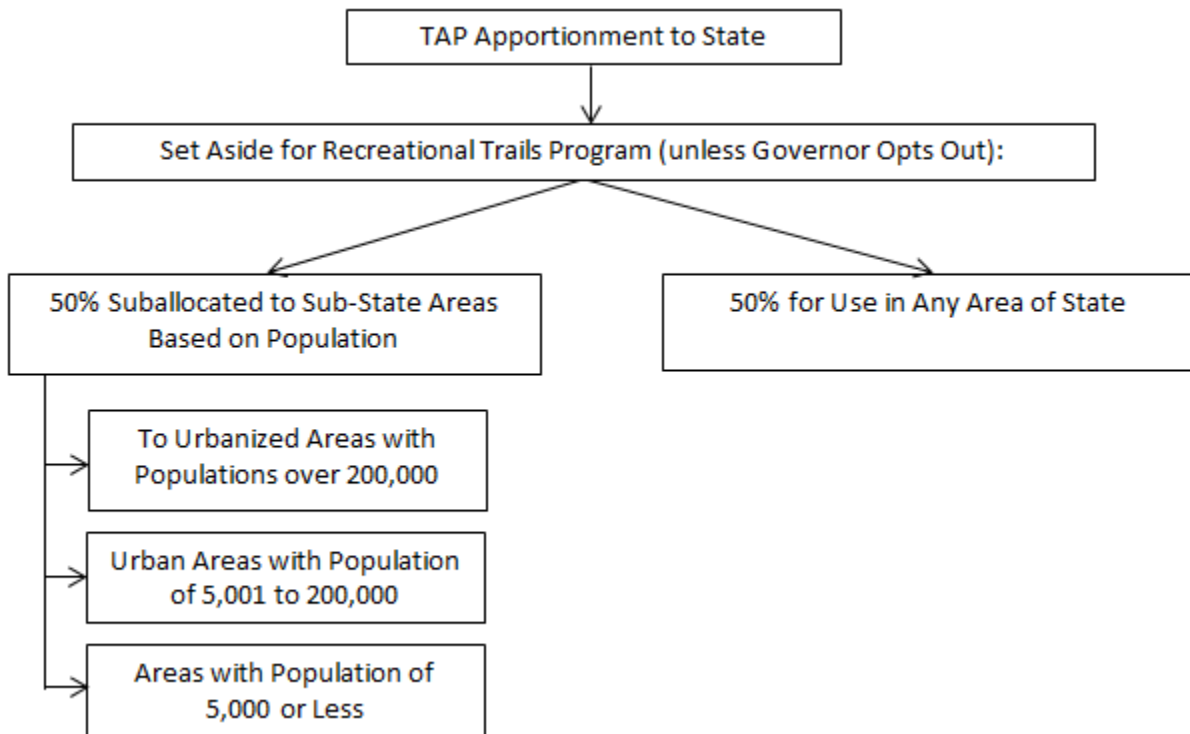
| <u>STATE</u> | <u>URBANIZED AREA</u> | <u>TAP SUBALLOCATION</u> |
|--------------|--------------------------------------|--------------------------|
| Wisconsin | | |
| | Appleton | 314,140 |
| | Green Bay | 300,139 |
| | Madison | 583,740 |
| | Milwaukee | 2,000,454 |
| | Minneapolis--St. Paul | 401 |
| | Round Lake Beach--McHenry--Grayslake | 44,416 |
| | Total | 3,243,290 |

¹ Source: Federal Highway Administration Fiscal Year 2013 Computational Tables, available at http://www.fhwa.dot.gov/map21/docs/fy2013_computational_tables.pdf.

ATTACHMENT C

Transportation Alternatives Program Sub-allocation

Source: <http://www.fhwa.dot.gov/map21/qandas/qasuballocation.cfm>



MAP-21 Text:

23 U.S.C. 213(c) Allocations of Funds.--

(1) Calculation.--Of the funds reserved in a State under this section--

(A) 50 percent for a fiscal year shall be obligated under this section to any eligible entity in proportion to their relative shares of the population of the State--

(i) in urbanized areas of the State with an urbanized area population of over 200,000;

(ii) in areas of the State other than urban areas with a population greater than 5,000; and

(iii) in other areas of the State; and

(B) 50 percent shall be obligated in any area of the State.