

NOTICE OF PROPOSED GUIDANCE DOCUMENT

Multimodal Local Supplement: Frequently Asked Questions

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on the Multimodal Local Supplement Frequently Asked Questions, Wis. Stat. Ch.20.395(2)(fc), 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=MLS FAQ>

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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Multimodal Local Supplement: Frequently Asked Questions

MLS is a competitive one-time grant program designed to address critical transportation needs throughout Wisconsin and is available to local and tribal governments. As a result of recent informational webinar broadcasts, WisDOT has compiled a list of frequently asked questions.

Q1: Is there a limit to the number of applications one municipality can submit?

A: There is no limit to the number of applications a municipality can submit. It is useful to the review committee if the applications are prioritized by the applicant. Please submit all applications in a single email to WisDOT.

Q2: The guidelines indicate that any costs incurred prior to project approval and authorization will not be reimbursed. Is there a more definitive timeline for the committees to complete review and the DOT to notify recipients?

A: The announcement is likely to occur sometime in the first three months of the year, but a definitive date is not yet determined. SMAs will be issued shortly after awards are announced and must be fully executed prior to project bidding.

Q3: What qualifies as a "new" project?

A: For MLS purposes, a new project is defined as a project that does not have any previously dedicated state, federal or local funding assigned to it. Improvements with completed design are eligible for construction only MLS funding.

Q4: Can photos be included in multiple pages after the narrative?

A: Yes. Photos and spreadsheets are in addition to the one-page narrative limit. A single pdf is preferred when submitting attachments. If that is not possible, please submit the application and any attached documents in a single email to WisDOT.

Q5: Do you score more points from evaluators if you agree to contribute more than the 10% match?

A: Additional points are not added to the application score. The selection process is, however, expected to be competitive, so this may be considered by the committee.

Q6: We are considering applying for a project that would be roughly in the \$2 million range. Does applying for such a large project hurt our chances of receiving funding? Is it possible to explain in the narrative a budget maximum and dial back scope if 90% of the original scope cannot be met?

A: Applications are evaluated and awarded based on the defined scope and benefits of the improvement project.

Q7: To which committee are tribal government applications assigned?

A: If a tribal government application is related to a specific county or municipal facility, the application will be forwarded to that selection committee. If the application is not related to a facility, WisDOT will determine the appropriate committee to review the tribal government application.

Q8: How are the selection committee members being selected?

A: Please refer to MLS guidance posted to the website on committee structure and selection process.

Q9: Will there be any materials available prior to applications being due that will provide more information as to how the committees will be scoring projects?

A: The published scoring rubric is intended to give an overview of how points will be allocated to project applications during review by the committee. The guidelines speak to the evaluation criteria broadly and generally, and applicants are expected to speak to these criteria when submitting an application. WisDOT does not plan to publish additional materials on scoring.

Q10: Does submitting an application through the MLS program preclude your community from serving on the review committees?

A: Submitting an application does not preclude the municipality from serving on the review committee. Committee members are prevented from scoring any application in which they have an interest.

Q11: Will each committee be reviewing all projects, just projects relating to their type of community, or some other combination? For example, will the Towns Committee be reviewing all applications, only applications received from Towns, or some other combination of review?

A: The town committee will only review town applications. The same is true of the county and city/village committees for their respective applications. In the case of multijurisdictional applications, the application will be forwarded to the primary sponsor committee for program award and funding.

Q12: Does the County have to be the main sponsor for a project on a County Trunk Highway? Or can the Village that the highway runs through be the lead for the project

A: The ownership of the roadway determines both who the primary sponsor of the project would be and which committee reviews the application.

Q13: Can a project have more than one primary sponsor?

A: An application can have only one primary sponsor as the point of contact and holder of the state municipal agreement. Secondary sponsors with funding or project delivery obligations should be indicated on the application. The state is not party to agreements between the primary and secondary sponsor(s). A secondary sponsor may be a local unit of government, tribal government, or private organization with funding or project delivery obligations.

Q14: Is there any process for joint applications? I have several roads within Village limits that would have cost share between county and village.

A: Multijurisdictional improvement projects are eligible for funding. A single municipality must be identified as the primary project sponsor; the other(s) as secondary sponsors. The application is forwarded to the primary sponsor committee for evaluation.

Q15: Is it acceptable for a municipality to be a secondary sponsor on more than one application?

A: Yes. Municipalities can be the secondary sponsor for more than one MLS application.

Q16: If the primary sponsor's project passes through another municipality that is not contributing to funding, does the other municipality have to be a secondary sponsor? Is a letter of support included in the application sufficient?

A: The municipality with ownership must be included on the application as the secondary sponsor. The funding agreement between state and municipality is with the primary sponsor. A letter of support can be included with the application. The secondary sponsor must sign the application.

Q17: Does the secondary sponsor assume any cost-share responsibility?

A: MLS agreements will be with the primary sponsor only, any agreement where the secondary sponsor assumes project cost-share responsibility will be between the primary and secondary sponsor, not with WisDOT. Project reimbursement for costs incurred is to the primary sponsor. All project documentation must be submitted by the primary sponsor.

Q18: Will State Review be required for MLS projects, including construction only MLS projects?

A: State administrative oversight for projects is determined on an application-by-application basis and is generally due to project complexity. A primary sponsor may request state oversight regardless of project complexity.

Q19: What is considered a “complex” project that WisDOT would require review for?

A: Complex projects that may require state oversight are those with a federal interest, multiple environmental impacts, or of regional significance in an urbanized planning area.

Q20: Do you need to provide exception to standards if no WisDOT oversight?

A: Trans Code design standards apply, including the exception to standards process.

Q21: The village is wondering about applying for MLS to pay for the Street portion of the project, and then apply to Wisconsin DOA for CDBG funding for the remaining sewer/water/etc. Would this be acceptable?

A: MLS funding is only eligible for projects that are not funded by another state or federal source.

Q22: What is the definition of a local approved project? For example, a local road project (no state or federal funds) that I’m considering putting in an MLS application is listed in our 5 year CIP which our City Council approves annually. Would inclusion in our 5year CIP constitute a “local approved project” and therefore not be eligible for MLS funding?

A: Project inclusion in an approved municipal planning document does not necessarily constitute local funding.

Q23: One of our potential applicants said he was told that even though other funding sources could not be used as match money during the application process, other funding sources that were applied for and awarded after the MLS funds were awarded could be used as match money. Is this true?

A: The local match on an MLS awarded project must be local funds. Other state or federal fund sources are not eligible fund sources on an MLS project.

Q24: Can ineligible costs (i.e. utility work) be paid for using another program (DNR Clean Water Fund or Safe Drinking Water Loan Program)?

A: Ineligible costs are the responsibility of the local sponsor. The project may not have other state or federal funds.

Q25: Can a local sponsor apply for funding through a different source (ex. DNR) at the same time as they submit an MLS application? Will that hurt an MLS application?

A: Yes, a project sponsor can apply for funding in another program at the same time as applying to MLS. The project application must meet all of the eligibility rules for each of the programs the application is being submitted. Applying for other programs concurrently will not negatively impact your MLS application score. An accepted MLS funding award would prevent acceptance of an award for the same application in the other programs.

Q26: What is your definition of “shovel-ready”, and are shovel-ready projects more likely to be awarded funding?

A: “Shovel-ready” indicates that design is essentially complete and that it is possible for a project to go to construction shortly after receiving the authorization to incur costs. Shovel-ready projects may be a consideration by the committee in awarding funds; however, they are not scored additional points.

Q27: Can preliminary engineering, which is done to prepare an accurate budget/cost estimate, be reimbursed? Can this count as the 10% match if it cannot be reimbursed?

A: Preliminary engineering work to prepare a project cost estimate is not eligible for reimbursement since the work occurred prior to an award and execution of the state municipal agreement. It does not count as part of the local ten percent match.

Q28: Do ineligible costs count toward the minimum project cost?

A: Yes. The application should list total project cost and then separate eligible and ineligible costs.

Q29: Does the project have to be bid in FY2020 or FY2021?

A: Projects will not be awarded until early 2020. MLS projects have six years to complete from date of project award.

Q30: Are fees for environmental permitting eligible for funding under design?

A: Yes. Fees paid for environmental permitting are eligible project costs. These costs would be eligible for reimbursement provided that they were incurred after the primary sponsor receives the authorization to incur costs.

Q31: Can you please verify that if a consultant completes the application that they are eligible to be chosen as the design consultant on that project?

A: Yes. A consultant may complete the application and is still eligible to complete the design.

Q32: Can a county apply for a project and also complete the work for the project if it is awarded?

A: All MLS construction projects must be competitively bid.

Q33: Can the local share be in-kind work from a city rather than just financial contribution?

A: All MLS work must be competitively bid.

Q34: Does the real estate purchase of an existing facility qualify for funding?

A: Purchase of an existing facility as part of a larger improvement project may be eligible for funding; stand-alone real estate purchases are not eligible for funding.

Q35: If a project falls into more than one modal category, should the cost estimates be broken down between categories?

A: The applicant should breakdown project component costs in the financial section of the application, including eligible and ineligible costs.

Q36: How long does it take for WisDOT to process reimbursement?

A: WisDOT processes requests for reimbursement within 30 days of receipt. Each request for reimbursement must provide supporting documentation for submitted reimbursement activities.

Q37: Would the town's 10% count towards our GTA spending?

A: Transportation related local expenditures are reported annually and used by WisDOT to calculate general transportation aids.

Q38: Is the project sponsor required to solicit multiple proposals for design? If yes, do QBS laws apply for proposals?

A: Design engineering services can be the responsibility of the sponsor or the municipality's contracted consultant. QBS rules do not apply for MLS locally administered projects.

Q39: What is an example of a historic preservation project under Bicycle/Ped Improvement modal type?

A: Examples include a train depot, or a transit center. Restoration and reuse of historic buildings must have a transportation-related purpose. Applicants must demonstrate the project's relationship to surface transportation.

Q40: It is my understanding that on-road/off road facilities are eligible but mixed use trails are not. Can you provide clarification/examples of the types of ped trails/facilities that this grant may be used for?

A: Examples of bicycle/pedestrian improvements would include on-road and off-road trail facilities, rails to trails projects on abandoned railway corridors, ATV and snowmobile *non-mixed-use* trails (i.e. motorized only) and upgrades to historic transportation facilities. Mixed use trails are not eligible for MLS funding.

Q41: Can supportive features along a pedestrian trail be included? For example, a park shelter/restroom that services a pedestrian trail.

A: These are potentially eligible costs when included as components of a pedestrian trail project application. Utility costs associated with these supportive features are not eligible for MLS funding.

Q42: If a Town wants to construct a trail within the right of way of a State Trunk Highway is that eligible?

A: The town must own the right of way.

Q43: Can you please clarify what costs might be incurred for construction of a bicycle/pedestrian trail project that would be considered ineligible?

A: Vegetation management, signage or advertising are considered ineligible.

Q44: Are EPA-recommended "Green Street" improvements considered for reimbursement through MLS, or is MLS more tailored to traditional improvement projects?

A: A stand-alone green street project is not eligible for MLS funding. Green Street improvements, as a component of an MLS surface transportation project, are eligible if they do not constitute the majority of the project costs.

Q45: If a bicycle pedestrian trail is already in place but is not yet paved, would it be eligible for funding? There is no previous state/federal funding on the trail.

A: Paving a trail is an eligible bicycle/pedestrian improvement. The pavement cannot be the final work component for the bicycle/pedestrian trail funded as part of another project.

Q46: Can a school district act as a secondary sponsor? In other words, are secondary sponsors expected to fund the portions of projects attributable to them, or does the MLS grant to the primary sponsor fund the entire project (assuming the secondary sponsor portion is included as an eligible project cost in the application)?

A: Road reconstruction with bike pedestrian paths is an eligible multimodal MLS project application. The school district is an eligible secondary sponsor. A secondary sponsor may have funding or delivery responsibilities as determined in the agreement between the primary and secondary sponsors. The state municipal agreement is with the primary sponsor.

Q47: What is a connecting highway?

A: Connecting highways are local streets and roads that carry state highway travel through cities and villages. The quarterly disbursement of Connecting Highway Aids (CHA) help local governments maintain these streets and roads at state trunk highway (STH) system standards.

Q48: Can a roadway improvement application contain various, non-connected roads as a single improvement project?

A: A single roadway project application may have multiple segments. All segments of the project should be clearly identified on the map submitted with the application.

Q49: Would a stormwater pond needed as part of a road project be eligible for funding?

A: A stormwater pond is an eligible component of an MLS roadway project, provided that the stormwater pond does not constitute the majority of project costs.

Q50: We have a 5-phase transit infrastructure project. Each phase has independent utility. All 5 phases are in the city's capital budget, but there is no federal or state funding. It is all city funding, and it is costly. Is an individual phase eligible for the multimodal local supplement?

A: If any of the locally funded phases are part of a larger, already funded project, the phase is ineligible for MLS funding.

Q51: Are bridge deck replacements subject to replace-in-kind?

A: Bridge replacements are not subject to replace-in-kind.

Q52: Would costs for a new at-grade railroad crossing, that has been approved by the OCR, be eligible?

A: New at-grade railroad crossings are eligible for MLS funding, but the project cannot be a component of an already funded project and must meet all other MLS eligibility requirements.

Q53: Can we convert an existing railroad crossing to a better crossing that will allow cars to go under or over the road?

A: Converting the existing railroad crossing to improve traffic flow is an eligible MLS project.