

NOTICE OF PROPOSED GUIDANCE DOCUMENT

DTIMBTLRRH13

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DTIMBTLRRH13 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=DTIMBTLRRH13>

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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Wisconsin Department of Transportation 2018-2022 Transportation Alternatives Program Guidelines

Updated October 2017





**Wisconsin Department of Transportation (WisDOT)
Transportation Alternatives Program (TAP) Goals**

- WisDOT and all partners in TAP project delivery will strive to deliver projects according to the budget and timeline as outlined in complete and accurate project applications.
- WisDOT will select and administer TAP projects in a manner that best reflects national performance goals as established by the Fixing America's Surface Transportation (FAST) Act as well as performance measures established by the State and the Department.
- WisDOT will select, administer, and report on TAP projects in order to best demonstrate the benefits of quality multi-modal projects.

WisDOT 2018-2022 Local Program Guidelines

Transportation Alternatives Program

October 2017

Purpose and Description

These guidelines provide direction to applicants for funding in the WisDOT 2018-2022 TAP award cycle.

TAP is the State of Wisconsin's program for what is now the federal TA-Set Aside Program. On December 4, 2015, President Obama signed the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94)¹ into law. The FAST Act eliminates the MAP-21 Transportation Alternatives Program (TAP) and replaces it with a set-aside of Surface Transportation Block Grant (STBG) program funding for transportation alternatives (TA). These set-aside funds include all projects and activities that were previously eligible under TAP, encompassing a variety of smaller-scale transportation projects such as pedestrian and bicycle facilities, recreational trails, safe routes to school projects, and community improvements such as historic preservation.

All TAP projects require project sponsors to pay 20% of approved project costs. TAP projects are capped. A TAP project may not be substituted for another project. TAP projects must commence within four years of the award date.

Federal and State TAP Funding

The 2017-19 Wisconsin biennial budget funds TAP at the following levels:

SFY 2018	\$7,049,300 (Federal funds)
SFY 2019	\$7,049,300 (Federal funds)

WisDOT will distribute approximately half of the above-listed TAP funds to Transportation Management Areas (TMAs). TMAs, or areas over 200,000 in population, are listed on page 8 of these guidelines. The other half of the funding is targeted to smaller urban and rural communities.

WisDOT is programming TAP projects for the SFY 2018-2022 award cycle under the assumption that the State Legislature will fund TAP approximately at SFY 2018 & 2019 levels throughout the duration of the award cycle. The department reserves the right to adjust program budget and scheduling according to any future changes in the federal or state TAP funding.

WisDOT undertakes multi-year programming commitments to ensure that projects efficiently utilize Wisconsin's federal funding resources as funding is made available. Multi-year programming addresses the time necessary to select and approve projects, obtain local funding commitments, acquire real estate if applicable, and to design and construct infrastructure projects.

State DOTs have flexibility to distribute TAP funding among all eligible categories. As compared to SAFETEA-LU, WisDOT is not required to distribute TAP funds to particular funding categories such as SRTS or TE.

¹ <https://www.fhwa.dot.gov/fastact/>

TAP Eligibility

Local Sponsor Eligibility for TAP Funding

The following entities may sponsor TAP projects: ²

- Local governments
- Regional transportation authorities
- Transit agencies
- Natural resource or public land agencies
- School districts, local education agencies, or schools
- Tribal governments
- Nonprofit entities responsible for the administration of local transportation safety programs.
- Any other local or regional governmental entity with responsibility for oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) . . .

Applicants should note the following:

- With the exception of the Wisconsin Department of Natural Resources, Wisconsin state agencies cannot sponsor TAP projects.
- Metropolitan planning organizations cannot sponsor TAP projects. However, Regional Planning Commissions (RPCs) are eligible sponsors because RPCs are considered regional transportation authorities.
- Ineligible sponsors may partner with eligible sponsors to implement TAP projects.

Eligible sponsors must guarantee matching funds to carry out the proposed project. **WisDOT operates TAP as a reimbursement program that requires local entities to finance the project.** WisDOT reimburses project sponsors for the federal share of 80% of the approved project cost up to the limit of the award.

Private entities may apply for funds indirectly through an eligible public sponsor. If a private entity is providing matching project funds, a public-private agreement must outline at the time of application how the private group will transfer funds to the public sponsor. Federal regulations require that TAP sponsor's guarantee that the project will be maintained for its useful life.

Project Eligibility

Pursuant to federal requirements as established by FAST ACT, a proposed project must meet the following criteria in order to qualify for TAP funding:

- (1) The project must fit within one of the federal eligibility categories and must comply with any additional WisDOT TAP policies as outlined in these guidelines.
- (2) The project must relate to surface transportation..
- (3) The project must have an eligible sponsor.
- (4) The project must be selected through a competitive process.

Federal law permits project sponsors to utilize TAP funds within the following categories

² Eligible Entities 23 USC 133 (h)(4)(B) - <https://www.law.cornell.edu/uscode/text/23/133>

- Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation;
- Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers;
- Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users;
- Construction of turnouts, overlooks, and viewing areas;
- Community improvement activities, including:
 - Inventory, control, or removal of outdoor advertising;
 - Historic preservation and rehabilitation of historic transportation facilities;
 - Vegetation management practices in transportation rights-of-way; and
 - Archaeological activities relating to impacts from implementation of a transportation project;
- environmental mitigation activity;
- recreational trails program;
- Safe Routes to School (SRTS) program; and
- Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

The following former Transportation Enhancement project categories are not eligible TAP projects:

- Provision of safety and educational activities for pedestrians and bicyclists, except SRTS activities;
- Establishment of transportation museums;
- Operation of historic transportation facilities;
- Preservation and rehabilitation of historic buildings, structures, or facilities that have no relation to transportation;
- Archeological planning and research that is not related to impacts of a transportation project;
- Acquisition of scenic easements and scenic or historic sites; and
- Scenic or historic highway programs.

WisDOT Policies

WisDOT has utilized the flexibility afforded to state DOTs pursuant to federal law to establish the following state policies regarding TAP project eligibility::

Bicycle-Pedestrian Facilities

WisDOT policies place considerable emphasis on bicycle and pedestrian facilities that will serve at least some utilitarian trips—such as commuting to work or school—that might otherwise be made by automobile. Note that this category includes on-road and off-road facilities.

Outdoor Advertising & Vegetation Management

Because of limited funding for multi-modal transportation improvement programs, in the 2018-2022 TAP award cycle WisDOT will continue its historic policy decision not to utilize TAP funds for outdoor advertising or stand-alone vegetation management projects.

Recreational Trails Program

The Wisconsin Department of Natural Resources (WisDNR) administers Recreational Trails Program funding. Local entities that are interested in this eligibility category should not utilize the WisDOT TAP application process. Instead, please visit the WisDNR website <http://dnr.wi.gov/Aid/RTP.html>.

WisDOT allocates approximately \$2 million annually to WisDNR for the Recreational Trails Program. This program is an alternative funding option for applicants seeking funding for motorized trails, which are not generally funded through other TAP eligibility categories. Motorized trail use is discussed further below in the paragraph titled 'All Terrain Vehicle (ATV), Snowmobile and Equestrian Use Policy.'

Historic Project Requirements

Only preservation and rehabilitation are eligible activity. Operation is an ineligible expense. TAP eligibility is limited to historic transportation facilities as described in the bullet points below.

- Restoration and reuse of historic buildings with strong link to transportation history
- Restoration and reuse of historic buildings for transportation related purposes
- Interpretive displays at historic sites
- Access improvements to historic sites and buildings
- Restoration of railroad depots, bus stations, and lighthousesand
- Rehabilitation of rail trestles, tunnels, bridges, and canals.

Applicants must utilize application materials to demonstrate a historic project's relationship to surface transportation. Historic preservation and rehabilitation projects must involve a historic transportation facility. Applicants interested in pursuing a historic transportation project should review the applicable NTAC fact sheet at <http://www.ta-clearinghouse.info/activity06>.

Contact Diana Penkiunas at the Wisconsin Historical Society, (608) 264-6501 or at diana.penkiunas@wisconsinhistory.org, to obtain additional information.

WisDOT requires historic projects to meet the additional test of eligibility for the National or Wisconsin Register(s) of Historic places, or an official local historic register based on an adopted local landmarks ordinance. If a project does not already have register status, applicants may submit requisite documentation to the Wisconsin Historical Society to determine if the project would be deemed eligible for such status. The form for requesting determination of eligibility is available at: http://www.wisconsinhistory.org/hp/register/property_eligible.asp. Historic projects must meet this register status requirement **at the time of application** for TAP funding. More specifically, properties should clearly show historical status in the property record database available at <http://www.wisconsinhistory.org/hp/register/index.asp>.

Applicants interested in historic transportation projects should note the following MAP-21 eligibility changes:

- Historic tourist and welcome center facilities are not eligible TAP projects.
- Historic planning and research projects are ineligible for TAP funds.
- Eligible archaeological projects are limited to mitigation of impacts from a specific transportation project.

All Terrain Vehicle (ATV), Snowmobile and Equestrian Use Policy

TAP funds are targeted toward daily, utilitarian transportation uses rather than purely recreational activities. As such, **ATVs are not allowed on trails funded by WisDOT TAP funds. Snowmobiles are allowed only by local ordinance.**³ Sponsors must decide whether to allow snowmobiles and factor this into the surface type chosen

³ Source: Framework for Considering Motorized Use on Nonmotorized Trails and Pedestrian Walkways under 23 U.S.C. § 217, https://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/framework.cfm

for the facility and its maintenance policies. Sponsors who are seeking funding for motorized trails that permit ATV use should consult the WisDNR Recreational Trails Program website at <http://dnr.wi.gov/Aid/RTP.html>.

Please note that 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. WisDOT may reserve the right to require winter snowplowing for certain projects outside of the SRTS eligibility category where year-round bicycle and pedestrian use seems particularly warranted, such as an urban trail that is utilized for commuting purposes.

As a matter of policy, WisDOT discourages shared equestrian usage, though it is not forbidden by Federal Highway Administration (FHWA). In addition, WisDOT considers trail usage fees as a hindrance to use of a trail for daily transportation purposes. FHWA has determined that trail fees are permissible only if all fees are used to maintain the trail facility. Applications must clearly indicate whether sponsors intend to charge fees or allow shared equestrian usage on the proposed TAP project.

State and Federal Requirements

WisDOT administers federal TAP funding as an agent of FHWA. As such, all TAP project sponsors must comply with applicable federal and state laws and regulations for each project phase. The WisDOT region staff listed at the end of these guidelines may provide some technical assistance and documentation for applicable requirements. For example, bicycle-pedestrian projects must comply with the WisDOT's Bicycle Facilities Handbook and all TAP infrastructure projects must comply with the Americans with Disabilities Act (ADA). For a list of resource materials, see page 20 of these guidelines.

TAP project sponsors are responsible for ensuring that their staff or consultants have the expertise to complete the entire project in accordance with federal and state laws and regulations. If a project is sponsored on behalf of a private organization, the public sponsor will enter into a legal agreement with the private organization to ensure that the private party complies with the requirements and provides local match funding, but the public sponsor is ultimately responsible for the project.

To further ensure that local sponsors comply with applicable requirements, WisDOT and FHWA have a project oversight agreement that requires certification of local government units to handle Local Let Contracts. Local sponsors must agree to undergo certification training for approved projects. In addition, WisDOT must pre-approve local sponsors to undertake any Local Force Account (LFA) work. Further information regarding sponsor certification and the corresponding *WisDOT Sponsor's Guide to Non-Traditional Transportation Project Implementation* is available on the WisDOT TAP website at <http://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/aid/tap.aspx>.

MPOs and TMAs

MPOs

All projects, if the project takes place in an area represented by an MPO, must be ranked by the MPO. MPO ranking will be due by April 20, 2018. MPOs with TMAs will select projects. TMAs are urbanized areas with a population of 200,000 or more.

TMA's

WisDOT will distribute approximately half of the TAP funds to Transportation Management Areas (TMAs) which have a population over 200,000. These areas will receive nearly their full apportionment minus all prior projects. These large, urban TMAs select TAP project for their areas.

<u>Metropolitan Planning Organization</u>	<u>TMA or Urbanized Area</u>
<u>East Central Wisconsin Regional Planning Commission</u>	Appleton
<u>Green Bay MPO</u>	Green Bay
<u>Madison Area MPO</u>	Madison
<u>Southeastern Wisconsin Regional Planning Commission</u>	Milwaukee
<u>Minneapolis-St. Paul Metropolitan Council</u>	Minneapolis-St. Paul
<u>Southeastern Wisconsin Regional Planning Commission</u>	Round Lake Beach-McHenry-Grayslake

Projects not selected by the MPO for funding may be submitted to the statewide competition where the project will compete with projects that are not from a TMA. WisDOT will accept applications from any location within the State. However, applicants located within the jurisdiction of a TMA should note that WisDOT may limit its funding of TAP projects within TMAs in an effort to comply with FAST ACT.

Additional MPO contact information is provided on page 21 of these guidelines and on the [WisDOT TAP website](#).

2018-2022 Solicitation and Selection Timeline

Solicitation and Selection:

ACTIVITY	DATE
2018-2022 TAP Solicitation for Application is posted	30-Oct-17
2018-2022 TAP Applications DUE	26-Jan-18
Eligible TMA Applicants Move to the TMA Selection Process.	23-Feb-18
Eligible Statewide Applicants Move to Statewide Selection Process Local Resolution due to Local Program Manager; and MPOs submit their Project Ranking MPOs with TMAs forward projects for statewide competition	20-April-18
Statewide Selection Committee meets and recommends 2018-2022 TAP Cycle projects	May – June 18
Governor Announces Approved Statewide and MPO Projects	July or Aug 18
Certification Training	TBD

TAP Application Guidelines

As with the SFY 2016-2020 TAP award cycle, WisDOT Division of Transportation Investment Management (DTIM) will administer a **two-step application procedure**. The first step will involve assessing the application for eligibility, statewide projects that are eligible will then be chosen for funding by a selection committee of various stakeholders and TMA project that are eligible will be chosen for funding by the MPO.

WisDOT is soliciting projects in calendar year 2017 for SFY 2018-2022 projects.

TAP Funding Availability

Because of the department's financial commitment to projects approved in previous award cycles, WisDOT will primarily award new federal funding for non-infrastructure SRTS programming and construction projects that are scheduled for SFY 2021 (begins July 1, 2020) and beyond. WisDOT has limited funds for planning projects and design projects that sponsors wish to schedule prior to SFY 21.

A 100% locally funded design project is not subject to the availability of federal funds for design and may begin design right away. Locally-funded design work must meet all applicable federal and state requirements and standards.

Application Form and Instructions

The TAP application form and instructions are available for download on the WisDOT TAP website at <http://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/aid/tap.aspx>.

Applications are available on the WisDOT TAP website as of October 30, 2017. By January 26, 2018, applicants must email complete applications to the appropriate WisDOT region email address provided at the end of these guidelines.

Sponsors must provide realistic and accurate project schedule dates and timeframes in TAP project applications. **Local sponsors are responsible for project cost overruns**, so it is important that TAP applications include an accurate project timeframe and cost estimate that takes into consideration foreseeable problems.

Project Type

Project sponsors must **select one** of four discrete application types:

Areas \geq 200,000 <i>Appleton</i> <i>Green Bay</i> <i>Madison</i> <i>Milwaukee</i> <i>Round Lake Beach</i>	Areas 5,000 - 200,000	Areas < 5,000	Areas Region-wide <i>% of Areas</i> <i>> 200,000 (name of TMA)</i> 5,000-200,000 <i>< 5,000</i>
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For TMAs or **Areas \geq 200,000**, which include Appleton, Green Bay, Madison, Milwaukee and Round Lake Beach, each must compete for funding within their local MPOs. Projects not selected in the TMA process may choose to compete for funding made available statewide. WisDOT will accept applications from any location within the

State. However, applicants located within the jurisdiction of a TMA should note that WisDOT may limit its funding of TAP projects within TMAs in an effort to comply with MAP-21.

For **Areas 5000 and -200,000**, **Areas \leq 5000**, and **Region-wide** the selection will be administered by WisDOT through a statewide competitive process. The Statewide process will involve ranking all eligible projects regardless of area size, then parsing them into their requisite categories. This will ensure a fair way to assess region-wide projects.

Project Cost Guidelines

TAP projects receive a capped amount of federal funding, and applicants should note that TAP sponsors are responsible for all project costs that exceed the approved federal project amount. Local project sponsors are responsible for costs overruns regardless of the cause for excess project costs, including inaccurate project costs and/or timeline as well as any other unforeseen issues.

1. Minimum / Maximum Project Funding Amounts

WisDOT recommends the below-listed minimum TAP project costs to encourage efficient utilization of local and state administrative resources and to promote projects with significant impacts..

Infrastructure projects	Though there is no minimum or maximum project amount, ideal project costs are between \$300,000 and \$1 million.
Non-Infrastructure projects	Minimum project cost of \$50,000

WisDOT chose not to establish a maximum project cost threshold, but the department is limited in its ability to fund projects requesting \$1 million or more. However, projects in excess of \$1 million that do provide a statewide benefit will be considered for funding.

These project cost policies apply to Locally Let and State Let projects. WisDOT assumes that TAP projects will be Locally Let, unless the local sponsor and WisDOT region agree to undertake the project as a State Let. Equipment and materials acquisition are allowable but may be considered construction-related because federal reimbursement will only occur after installation of the materials to ensure that the project is completed.

2. Non-Infrastructure Projects

Applicants may apply for non-infrastructure or planning projects with a project minimum of \$50,000. Eligible non-infrastructure projects still include SRTS planning and bicycle-pedestrian plans such as County or City-wide **planning that doesn't relate to a specific projects.**

Applicants interested in Safe Routes to School non-infrastructure projects should note that eligibility did not change as compared to previous SRTS award cycles. Please refer to the FHWA SRTS website at http://www.fhwa.dot.gov/environment/safe_routes_to_school/ and/or the WisDOT SRTS website at <http://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/aid/safe-routes/default.aspx> for more information and for specific examples of eligible non-infrastructure SRTS projects.

Please note that WisDOT **will not award multi-modal** projects that propose **stand-alone** preliminary engineering work such as developing **project-specific design or environmental documents.**

3. Project Costs and Timeline Recommendations

If an applicant proposes project construction in phases throughout multiple years, applications should list and schedule the project costs as appropriate and describe costs in the narrative project description. Due to WisDOT financial commitment to previously approved projects, funds for major construction and/or real estate phases will not likely be available sooner than SFY 2021, which begins on July 1, 2020. Applicants may check with appropriate WisDOT region staff to determine if commitments to previous years' projects permit scheduling as proposed in TAP applications. Finally, applicants must attach a detailed breakdown of proposed project costs as part of the additional allowed attachments.

Application Tips

- Utilize narrative aspects of the application to demonstrate local political and financial support to provide the 20% local project match. All potential project sponsors and other involved parties should agree to the project scope, local match shares, roles and responsibilities, and other project details well in advance of submitting the application.
- Applicants should submit a separate application and budget for each project or stand-alone project segment. For example, potential sponsors should submit an application for each bike trail segment that could function as a separate facility.
- Applicants should develop an accurate project cost estimate with assistance from professional staff or contracted expert(s), if necessary. However, consultants who develop a TAP application are generally not able to compete for design work if that sponsor is ultimately awarded for the same TAP project. However, a sponsor could start their QBS consultant selection process early enough and make the application part of a scope of service.
- Bicycle-pedestrian project cost estimates must take into account ADA Public Right of Way requirement and design standards, including WisDOT's Bicycle Facilities Handbook as well as the Facilities Development Manual facility standards. Links to these resources are provided on page 19 of these guidelines. Again, local sponsors are responsible for cost overruns, so it is important that TAP applications include an accurate project timeframe and cost estimate that takes into consideration foreseeable problems.
- Common sources of project delay include the presence of protected historical, natural resource or archeological resources, contaminated soils, and circumstances that require the purchase or use of railroad right-of-way (ROW), including railroad crossings. Sponsors should resolve such issues prior to application submission, or at the very least demonstrate thorough consideration of these issues in TAP project applications. **WisDOT may deem ineligible any applications that do not address such issues, precluding applications from further consideration for funding.**
- If a proposed project involves a state or federal highway, either crossing, within or parallel to the ROW, WisDOT region staff must review the proposal. The local sponsor must obtain any necessary permits and determine compliance with all applicable standards.
- TAP applications should indicate if a state project with Context Sensitive Solutions funding is already partially funding the proposed project. Indicate the project ID number and amount if available.

- Projects that are sponsored by the DNR on state-owned land should work with the Department of Administration (DOA) Division of Facilities Development. Since the DOA must co-sign the Project Agreement, contact DOA immediately to coordinate on the project.

Project Application Review Process and Schedule

The Transportation Alternatives Program is subject to two requirements that affect how WisDOT selects TAP projects and distributes TAP funding:

- 1) All state DOTs must distribute TAP funding to [Transportation Management Area \(TMAs\)](#), which are Metropolitan Planning Organizations over 200,000 in population. TMAs are listed on page 8 of these guidelines.
- 2) TMAs must independently rate, rank and select projects submitted within their jurisdiction. All applicants must complete WisDOT application documentation as WisDOT ultimately administers all approved TAP projects, regardless of geographic location, and as such the department must obtain certain information from all project applicants.

Application Review Process

The sponsor must submit their applications to the appropriate WisDOT region email address listed on the application form. The WisDOT region will determine the eligibility of the project.

Eligible projects will then be forwarded either to the applicable MPO with a TMA or to the Statewide Selection Committee. The MPOs and the Statewide Selection Committee will review and rank projects based on criteria or guidelines provided by WisDOT, the quality of responses to the major application questions, and local priorities. Each application advanced to the Statewide Selection Committee will be scored based upon a single set of criteria. Overall rank will be based on the sum of scores using those criteria.

The Statewide Selection Committee's and MPOs' recommendations for TAP funding are sent to the WisDOT Secretary. The Secretary issues final approval of TAP projects, which are announced to locals via letter.

Local Priorities

Before some projects are submitted to WisDOT they must be ranked locally if that project sponsor is submitting more than one application or if the project falls within a MPO area. WisDOT will factor rankings into the overall project scoring process.

All local sponsors who intend to submit more than one TAP application must review and prioritize proposed projects using appropriate fields provided in the WisDOT TAP application form. The sponsor will rank each project in priority order, e.g., 1 (highest) to 5 (lowest).

Additionally if a project is in an urbanized area, the sponsors must also submit their applications to the appropriate MPO staff for ranking. MPO staff will rank each project in priority order, e.g., 1 (highest) to 5 (lowest). See page 22 for WisDOT region and MPO contact information.

Evaluation Guidelines or Criteria

Stage 1- Eligibility

In order to proceed to the second stage of project selection, a project must be eligible. Eligibility will be based on three main criteria: 1) sponsorship, 2) activity, and 3) ability of the project to timely commence. Each of these criteria will be assessed in two ways in that 1) the application provides enough information to discern whether or not the criteria can be met and 2) from the information given the criteria can be met.

Sponsorship:

- 1.) Applicant is an eligible sponsor as defined on page 4 of the 2018-2022 Transportation Alternatives Program Guidelines.

Activity:

- 2.) Applicant provides a clear connection to surface transportation as defined on page 5 of the 2018-2022 Transportation Alternatives Program Guidelines.
- 3.) Applicant is proposing an eligible activity as defined on page 5 of the 2018-2022 Transportation Alternatives Program Guidelines.
- 4.) If there is land acquisition and/or ROW, it meets all FHWA requirements.

Ability to Timely Commence:

[Wis. STAT. § 85.021\(2\)\(b\)](#) states that “a planning project is commenced when a planning study is begun and an infrastructure project is commenced when construction is begun.” The timeline for commencement is measured from the date of the award letter.

For the purposes of the eligibility, WisDOT will presume that:

- A planning study is ‘begun’ on the execution date of the planning contract between the local and their planning vendor;
 - Construction of an infrastructure project is ‘begun’ on the execution date of the construction contract between the local and their construction vendor; and
 - Non-infrastructure projects that do not fall within either of the above categories commence on the date that the project sponsor submits the first reimbursement request to WisDOT, as noted on form DT1713 in the “Date Received” field ([DT1713](#) Reimbursement Request Programs using Local Let Contract (LLC) Process).
- 5.) Applicant defines a scope of work, studies and information on land acquisition or construction such that it is evident that general issues and costs associated with the project can be known. Details in the application are sufficient to evaluate eligibility and ability to commence.
 - 6.) Timeline clearly establishes commencement requirement can be met given available funding and schedule.
 - 7.) Applicant does not face delays because of ROW, Rail Coordination, or Environmental factors that make it unlikely that the applicant would meet commencement.
 - 8.) The applicant's scope of work is reflected accurately in the budget.
 - 9.) Applicant demonstrates availability of matching funds throughout the funding period.
 - 10.) There is no other reason this project will not timely commence?

Stage 2 –Ranking

The selection committee will assess the following criteria:

Project Planning & Preparation

1. Sponsor has planned for project prior to application by including the improvement in bicycle-pedestrian or similar municipal planning process.
2. Sponsor has prepared for project by resolving any potential obstacles (real estate, etc.) to project execution, or the project would not cause any such obstacles.
3. Sponsor is prepared for project as evidenced by application that demonstrates community support and/or regional collaboration with respect to proposed project.

Project Utility & Connectivity

The project serves utilitarian rather than recreational purposes.

1. The project connects existing multi-modal transportation networks.
2. The project is within close proximity to a school and/or commercial center
3. Application includes data demonstrating that project would go beyond community enhancement to address a specific community need
 - “Communities of concern”
 - Economics
 - Safety, supported by crash statistics?

Livability - Project Environmental & Public Health Impact

1. Project addresses environmental impact of a transportation project.
2. Project addresses environmental impact of SOV travel.
3. Project would have a demonstrable impact upon public health of applicant community.

Project Historical Significance

1. Project would have strong historical benefit.
2. Project demonstrates strong connection to surface transportation.

Project Location

Project selection would contribute to balanced geographic TAP award distribution throughout the state. There will also be some points given for projects not within a TMA.

History of Sponsor Success

1. Sponsor has previously received WisDOT multi-modal transportation improvement funding and has demonstrated the capacity to utilize such funding in a timely and compliant manner.
2. Project sponsor is a new applicant to TAP but has demonstrated throughout the application an understanding of program rules and capacity to carry out the project (*WisDOT will note new project applicants*)
3. Project Innovation



Capitalizes on or Supplements an Existing Road Improvement Project

There is a way to tie the project to an existing road improvement project that will allow the project sponsor to take advantage of the resources of a larger project. For SRTS projects, it addresses safety and education issues of walking and biking to school due to a recent or anticipated road improvement project.

Local Priority

Project Issues and Post-Approval Process

After WisDOT announces a group of approved TAP projects, local sponsors will receive and sign a state-municipal project agreement from WisDOT. WisDOT region staff will notify sponsors of approved projects when a project phase is authorized for expenditure of federal funding. **Local project sponsors will not receive reimbursement for any expenses incurred prior to receipt of notification that the relevant approved project phase is authorized for charges by FHWA.**

WisDOT will invite sponsors of approved TAP projects to mandatory certification training on the *WisDOT Sponsor's Guide to Non-Traditional Transportation Project Implementation*. Infrastructure project applicants must complete this certification training prior to receipt of a project state-municipal agreement.

For project sponsors wishing to pay for design using 100% local funds, the Project sponsors must fully fund the necessary state oversight and review of any 100% locally-funded design work.

Approved TAP **infrastructure** projects will involve one or more of the following project phases, each phase with specific applicable requirements and processes. Applicants should reference the WisDOT 2012 Cost Estimate Table at <http://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/tools.aspx> for assistance and information regarding estimating accurate project costs for the below project phases.

Preliminary Engineering and Design

Sponsors of TAP infrastructure projects may use qualified staff or staff from other government units to prepare the project Plans, Specifications and Estimates (PS&E). Alternatively, sponsors may contract with a qualified private consultant who is familiar with state and federal laws, regulations and procedures.

Local project sponsors must follow federal Qualifications Based Selection (QBS) procedures when contracting with private consultant(s) and expecting federal reimbursement for consultant costs. Sponsors are not permitted simply to contract with a local engineer and/or architectural firm with whom the sponsor is familiar. WisDOT region staff is the first point of contact for sponsors with questions about federal and state preliminary project requirements, such as filling out the appropriate environmental documents.

Real Estate

TAP project sponsors must locally fund any real estate costs under \$100,000. Compliance with state and federal real estate laws is less complicated when a local sponsor owns the land for the proposed project. Applicants and sponsors should consult with the Local Public Agency (LPA) coordinator in the appropriate WisDOT region to ensure compliance with all requirements of the real estate acquisition process, especially when a project involves private property owned by third parties. Failure to follow proper real estate procedures will jeopardize reimbursement of eligible project costs. TAP applicants for projects that involve real estate should thoroughly address project cost and timeline implications in the appropriate fields within the WisDOT TAP application. WisDOT Real Estate contacts are listed at the end of these guidelines.

Railroad Crossing

TAP projects that cross or are near an active rail line will likely necessitate separate project procedures to address construction-related work involving railroad tracks and right-of-way (ROW). Sponsors proposing project(s) that involve railroad facilities should coordinate with WisDOT region staff utilizing the contact information on page 21 of these guidelines. Based upon federal and state rules, a project need not physically cross an active rail line for railroad requirements to apply to a project.

Construction

The majority of TAP projects will be locally let to the lowest cost qualified bidder. Applicants and sponsors should consult appropriate WisDOT region staff listed on page 21 of these guidelines for more information regarding construction rules and regulations, including but not limited to: advertising; Disadvantaged Business Enterprise (DBE) goals; federal and state wage rates; and awarding bids.

Projects located in federal highway right-of-way must comply with federal Davis-Bacon wage rate requirements that require paying prevailing union wage rates for labor. For projects where Davis-Bacon wage rates do not apply, project sponsors should be cognizant of all other wage requirements which may impact their projects.

WisDOT may administer a TAP project as a state let when the project may be completed more efficiently as part of a larger state highway project, such as installing a local bicycle or pedestrian facility in conjunction with a state highway project. For large projects estimated at \$1M or more, or for complex projects, WisDOT may require state letting.

Local project sponsors who wish to perform construction work with their own forces must obtain approval from WisDOT region staff through a federal cost effectiveness finding that demonstrates that the sponsor can carry out the project for less cost and demonstrates that it is in the public interest to have local forces do the construction work at issue. As stated above, FHWA policy requires that local sponsors be certified as adequately staffed and suitably equipped to handle LFA work. Furthermore, applicants should note that WisDOT is restricted in its ability to enter into LFA agreements on or after July 1, 2015. This will impact the department's ability to allow sponsors to use LFA work on TAP projects.

Delivery and oversight are funded as any other project costs, typically 80% federal and 20% local or according to the percentage split requested by the sponsor funding more than 20% of project costs.

Local sponsors are expected to keep accurate records and reports, such as payroll documents and material specifications pertaining to construction activities, in case of audit. Federal law generally requires record retention for seven years from the date a project Sponsor requests final reimbursement, with exceptions in the instance of project audit, negotiation, or litigation.

Once the project is in a sponsor's budget and approved in the Statewide Transportation Improvement Program and, if applicable, a local MPO's Transportation Improvement Program (TIP), the sponsor must enter into a Project Agreement with WisDOT. WisDOT Region Staff initiates paperwork to authorize infrastructure projects for federal charges, whereas WisDOT DTIM generates and executes non-infrastructure contracts. The federal government will not reimburse for costs incurred prior to authorization of a project. **Sponsors will be responsible for any costs incurred prior to federal authorization and notification by WisDOT that a project phase is authorized to incur charges.** Please note that receipt of the Governor's letter announcing the project award does not carry with it the authority to begin work on the project.

Financial Procedures for Approved Projects

TAP sponsors must incur project costs and then submit reimbursement requests, along with sufficient supporting documentation, to WisDOT for payment of the federal share of 80% project costs, to the limit of the federal funding reward. Sponsors must submit requests to the state on a periodic basis—no less than once every six months—to receive reimbursement for the federal share of funds the sponsor has spent to date. Generally, submission of monthly reimbursement requests to the state is preferable. WisDOT ensures consistency with federal requirements by following a reimbursement process that requires the sponsor to pay the full amount of the contractor's interim billing as a project progresses.

Matching Requirements

TAP is operated as a reimbursement program – **it is not a traditional grant program**. Project sponsors must pay for project costs prior to requesting reimbursement and must commit 20% of the project's cost through the appropriate local budget process. Because TAP projects receive a capped amount of federal funding, **any project costs in excess of the approved project amount will be funded entirely by the local sponsor**.

In keeping with historical WisDOT multi-modal program requirements, project sponsors cannot utilize a 'soft match' to fund the requisite 20% local match. However, sponsors are encouraged to defer local costs with fundraising and soft match donations provided that sponsors can ultimately translate these efforts into a cash match to pay for 20% of TAP project costs.

Project sponsors cannot provide their 20% match with other sources of federal or state transportation funds. Sponsors have very limited ability to use other federal funds to pay the local portion of project costs.

Successful applicants receive 80% federal funding to the cap of the project award. Only MPOs with TMAs may choose to fund TAP projects as low as 50% federal share to the limit of the award.

Commencement- July 2022

There is a statutory requirement that TAP project commencement within four years from the date of project award.⁴ It states that "a planning project is commenced when a planning study is begun and an infrastructure project is commenced when construction is begun."⁵ Applicants should note that WisDOT is not afforded any statutory flexibility with respect to this provision and as such cannot grant exceptions to the commencement requirements. State-municipal agreements for approved TAP projects will memorialize a sponsor's commitment to commencing a project in compliance with state budget requirements. The commencement deadline for projects in this cycle will likely be sometime in July of 2022.

Sunset/ All Work Complete Date – June 30, 2025

In accordance with WisDOT policy, project sunsets are memorialized within the State Municipal Agreement (SMA). For TAP projects sunset is the FHWA mandated anticipated all work complete date. Sunset mandates project completion within six state fiscal years. Completion is defined as submission of a project completion certificate form provided by WisDOT. The Department may grant an extension for extenuating circumstances on a case-by-case basis, and where FHWA must concur, only with FHWA concurrence. Per the Federal Highway Administration (FHWA) implementation guidance, a period of performance is now required for all federal-aid highway projects⁶, and costs incurred after the project end date will not be eligible for federal reimbursement.

Schedule and Scope Changes

WisDOT may consider project scope change requests from sponsors who wish to change the project scope as outlined in an approved TAP application. Submission and approval procedures for extension and scope change

⁴ Wis. STAT. § 85.021(2)(b).

⁵ Id.

⁶ 2 CFR Part 200

requests are outlined in the *WisDOT Sponsor's Guide to Non-Traditional Transportation Project Implementation*, the most current version of which is maintained on the [WisDOT TAP website](#).

Similarly WisDOT may consider changes to when a project is scheduled. WisDOT permission is required in most instances of a change to schedule. Changes will be granted if there are sufficient funds available for the newly requested time and wherein commencement and sunset requirements will not be violated.

Maintenance

Sponsors are required to maintain the project for its useful life. Failure to do so, or the sale of a TAP-funded improvement prior to the end of its useful life, requires repayment of federal funds or legal guarantees that will protect the public benefit of TAP projects.



Resources

ADA Standards for Streets & Sidewalks (Public Rights-of-Way Accessibility Guidelines and Shared-Use Paths)
<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks>

FHWA Transportation Alternatives Guidance
https://www.fhwa.dot.gov/environment/transportation_alternatives/guidance/guidance_2016.cfm

US Code, Title 23 – Highways
<http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=BROWSE&title=23usc>

WisDNR Recreational Trails Program
<http://dnr.wi.gov/Aid/RTP.html>

WisDOT Facilities Development Manual (FDM)
<http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/rdwy/fdm.aspx>

WisDOT Bicycle Facility Design Handbook
<http://wisconsindot.gov/Documents/projects/multimodal/bike/facility.pdf>

WisDOT Bicycle Planning Guide for Metropolitan Planning Organizations & Communities
<http://wisconsindot.gov/Documents/projects/multimodal/bike/guidance.pdf>

WisDOT Guide to Pedestrian Best Practices
<http://wisconsindot.gov/Documents/projects/multimodal/ped/guide-chap5.pdf>

WisDOT Rural Bicycle Planning Guide
<http://dotnet/dtim-bop/docs/bicycle-rural-guide.pdf>

WisDOT Sponsor’s Guide to Non-Traditional Transportation Project Implementation
Current version of the Sponsor’s Guide maintained on the WisDOT TAP website at
<http://wisconsindot.gov/Documents/doing-bus/local-gov/astnce-pgms/aid/sponsors.pdf>

WisDOT Region Contacts

WisDOT Region Email Addresses for Submission of Completed TAP Applications

WisDOT Region	Email
SE Region	DOTDTSDETEBPFP@dot.wi.gov
SW Region	DOTDTSWSWTEBPFP@dot.wi.gov
NW Region	DOTDTSNWTBFP@dot.wi.gov
NC Region	DOTDTSNCTBFP@dot.wi.gov
NE Region	DOTDTSNETAP@dot.wi.gov

WisDOT Region Contact List: to determine which region should receive your application, consult the WisDOT region map available at <http://wisconsindot.gov/Pages/about-wisdot/who-we-are/dtsd/dtsd-region-offices.aspx>

WisDOT Region	Contact	Phone	Email
SE Region	Bob Schmidt	(262) 548-8789	robert1.schmidt@dot.wi.gov
SW Region	Tom Koprowski	(608) 246-3869	thomas.koprowski@dot.wi.gov
NW Region	Bill Zimmer	(715) 635-5014	william.zimmer@dot.wi.gov
NC Region	Sandy Stankevich	(715) 365-5784	sandy.stankevich@dot.wi.gov
NE Region	Sandy Carpenter	(920) 492-5681	sandra.carpenter@dot.wi.gov

Other WisDOT Contacts

WisDOT Region Railroad Coordinators

WisDOT Region	Contact	Phone	Email
SE Region	Paul Derksen	(262) 548-8770	paul.derksen@dot.wi.gov
SW Region	Roger Larson	(608) 246-7916	roger.larson@dot.wi.gov
NW Region	Anna Davey	(715) 392-7960	anna.davey@dot.wi.gov
NC Region	Steve Kienitz	(715) 365-5762	stephen.kienitz@dot.wi.gov
NE Region	Jared Kinziger	(920) 492-7113	jared.kinziger@dot.wi.gov

WisDOT LPA Real Estate Coordinators

WisDOT Region	Contact
NC, NW, SW	Cindy Michalski , Wisconsin Rapids / (715) 421-8350
SE	Debi Radtke , Waukesha / (262) 548-5927
NE, Statewide	Kerry Paruleski , Milwaukee / (414) 220-5461

MPO Contacts for TAP Application Submissions

MPO Name	Contact	Email
Bay Lake RPC (Sheboygan)	Jeff Agee-Aguayo	jagee@baylake.org
Brown County Planning Commission (Green Bay)	Lisa Conard	Conard_LJ@co.brown.wi.us
Chippewa-Eau Claire MPO (WCWRPC – Eau Claire)	Ann Schell	aschell@wccwrpc.org
Dubuque Metropolitan Area Planning Study	Chandra Ravada	cravada@ecia.org
Duluth/Superior Metropolitan Interstate Committee (Superior)	Ron Chicka	rchicka@ardc.org
East Central Wisconsin RPC (Appleton, Oshkosh)	Melissa Kraemer Badtke	mbadtke@eastcentralrpc.org
Fond du Lac MPO (Fond du Lac)	Melissa Kraemer Badtke	mbadtke@eastcentralrpc.org
Janesville MPO (Janesville)	Terry Nolan	nolant@ci.janesville.wi.us
La Crosse Area Planning Committee (La Crosse)	Jackie Eastwood	jeastwood@lacrossecounty.org
Madison Area MPO (Madison)	Renee Callaway	recallaway@cityofmadison.com
Marathon County MPO (Wausau)	Dave Mack	dave.mack@co.marathon.wi.us
Southeastern Wisconsin RPC (SEWRPC - Waukesha)	Ryan Hoel	rhoel@sewrpc.org
Stateline Area Transportation Study (Beloit)	T.J. Nee	neet@beloitwi.gov

Applicants should utilize this map to determine if a proposed project is located in an MPO area:

<http://wisconsin.gov/Documents/doing-bus/local-gov/plning-orgs/map.pdf>

WisDOT Statewide TAP Contact

Tanya Iverson, Statewide Multi-Modal Programs Manager

Phone: (608) 266-2574 / E-mail: tanya2.iverson@dot.wi.gov.

Acronym Database

ATV	All-Terrain Vehicle
BFPF	Bicycle & Pedestrian Facilities Program
DTIM	WisDOT Division of Transportation Investment Management
FAST	Fixing America’s Surface Transportation (FAST) Act
FHWA	Federal Highway Administration
LFA	Local Force Account
LPA	Local Public Agency, also known as local project sponsor or project sponsor
MAP-21	The Moving Ahead for Progress in the 21 st Century Act
MPO	Metropolitan Planning Organization
NTAC	National Transportation Alternatives Clearinghouse
RPC	Regional Planning Commission
SFY	State Fiscal Year
SMA	State Municipal Agreement
SRTS	Safe Routes to School
TAP	Transportation Alternatives Program
TE	Transportation Enhancements
TMA	Transportation Management Area
WisDNR	Wisconsin Department of Natural Resources
WisDOT	Wisconsin Department of Transportation

Definition of State Fiscal Years

State Fiscal Year	Timeframe
2018	July 1 st , 2017 to June 30 th , 2018
2019	July 1 st , 2018 to June 30 th , 2019
2020	July 1 st , 2019 to June 30 th , 2020
2021	July 1 st , 2020 to June 30 th , 2021
2022	July 1 st , 2021 to June 30 th , 2022
2023	July 1 st , 2022 to June 30 th , 2023
2024	July 1 st , 2023 to June 30 th , 2024
2025	July 1 st , 2024 to June 30 th , 2025



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Photo: Fox River Trail in Green Bay, WI. Source: Matt Clark, *National Transportation Alternatives Clearinghouse* / www.ta-clearinghouse.info.



**Wisconsin Department of Transportation
2018-2022 Transportation Alternatives Program Guidelines**

Updated September 2017