

NOTICE OF PROPOSED GUIDANCE DOCUMENT

DTIMBTLRRH8

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DTIMBTLRRH8, Chapter Trans 28, 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=DTIMBTLRRH8>

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 wisconsindot.gov to allow for ongoing comment.

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Harbor Assistance Program

Guidelines and Instructions

for Grant Applications

Application Due Date: August 1

Bureau of Transit, Local Roads, Railroads and Harbors
Wisconsin Department of Transportation
P.O. Box 7913
Madison, Wisconsin 53707-7913

Staff Contact: Lisa Stern (608) 266-1010

(This information and the HAP application are available electronically upon request)

1.0 THE PROGRAM

The Harbor Assistance Program provides financial assistance to harbor facilities on the Great Lakes and Mississippi River for projects that improve or maintain waterborne commerce.

WisDOT (Bureau of Transit, Local Roads, Railroads and Harbors) administers the Wisconsin Harbor Assistance Program under the authority of Wis. Stats. 85.095 and under Chapter TRANS 28, Wisconsin Administrative Code.

2.0 ELIGIBLE PROJECTS

Eligible projects include dredging, dredged material disposal (including acquisition, construction, operation and maintenance of a disposal site and the cost of transporting dredged material to the site), construction and repair of dock walls and other harbor improvement projects that benefit commercial transportation.

3.0 ELIGIBLE APPLICANTS

An eligible applicant must first be a county, municipality, town or agency thereof, a board of harbor commissioners organized under s.30.37, Wis. Stats., a federally recognized tribal governing body or a private owner of a harbor facility, and second must have had a three-year Harbor Statement of Intentions formally endorsed by the appropriate governing body or board of directors and submitted to WisDOT **on or before each April 1st prior to the application date.**

4.0 GRANT AMOUNTS

Harbor Assistance Program grant funds may be used to finance up to 80 percent of eligible project costs or, if U.S. Army Corps of Engineers financing is involved, up to 50 percent of the local share of eligible project costs.

5.0 KEY PROVISIONS OF THE PROGRAM

1. The objective of this program is to provide necessary water access and to maintain or improve the economically effective commodity movement capabilities of Wisconsin's commercial harbors on the Great Lakes and Mississippi River system.
2. Eligible projects must be located in Great Lakes or Mississippi River harbors where:
 - a. Vessels take on or discharge a combined total of more than 1,000 tons of commercial cargo per year;
 - b. Commercial, naval or recreational vessels are built;

- c. Passenger or vehicle-carrying ferry service connects Wisconsin communities along the Great Lakes and Mississippi River or connects the Wisconsin mainland with other states, Canadian Provinces or populated islands in Wisconsin; or
 - d. Commercial fishing vessels unload fish.
3. Projects may be undertaken solely by the eligible applicant, or by the eligible applicant in conjunction with the U.S. Army Corps of Engineers or other government agencies.
4. Applications will be evaluated according to the following criteria:
 - a. Economic impact of project -- benefits must exceed costs.
 - b. Urgency of project.
 - c. Type of project -- maintenance projects have higher priority.
 - d. Tonnage moved in waterborne commerce.
5. Projects may be denied funding if:
 - a. The application was submitted by an ineligible applicant or was submitted after the due date.
 - b. The application is incomplete.
 - c. The project is inconsistent with the criteria in TRANS 28.
 - d. Harbor Assistance Program funds are inadequate.
 - e. The project is speculative; that is, the applicant for a new project development has no firm financial commitment from a potential lessee or operator that ensures future, productive use of the work performed under the project.
 - f. The project has a lower priority than others requiring Harbor Assistance Program funding during the current biennium.
 - g. The applicant has not met the program planning requirements under TRANS 28.10.
 - h. The project proposed is inconsistent with applicable harbor development plans or local comprehensive plans.
6. Projects selected for funding shall be implemented through formal contracts between the Department and the eligible applicant. General conditions of the contracts are described in TRANS 28.08.
7. All grant recipients will be required to maintain project books and records and to make periodic progress reports to the Department.

6.0 APPLICATION FORM AND CONTENT

The Program application consists of the form titled APPLICATION WISCONSIN HARBOR ASSISTANCE PROGRAM, plus attachments and other supporting documents provided by the applicant in support of the information and representations made in the application form.

The applicant is advised and encouraged to provide as complete a response to the application requests as possible and to include additional pages or other documentation which the applicant believes suited to explain, clarify and support its application. It is expected that material supplied by the applicant may exceed the space provided in the form. Additional sheets of paper may be used if the response is properly identified with the corresponding block number from the form.

The Department may, at its option, require additional information, analysis or documentation from the applicant in support of the application and may deny the application if such material is not provided in a timely manner.

Application Instructions *(Application available electronically upon request)*

- block 1) Self explanatory.
- block 2) Provide the name and telephone number of the person responsible for the management of the proposed project.
- block 3) Self explanatory.
- block 4) Check as applicable. If the proposed project has several elements, more than one check may be necessary. For example, a project might include both maintenance dredging and dock wall repair.
- block 5) Self explanatory.
- block 6) Cost apportionment - Complete this block and identify all sources of funds and dollar amounts (use additional sheets as necessary). The source(s) of funds for the applicant's matching share could include revenue bonds, general obligation bonds, property tax revenues, occupational taxes, direct contributions from a private terminal operator, etc.

Federal funds may be committed to some projects. If U.S. Army Corps of Engineers financing is involved, the Harbor Assistance Program grant amount shall not exceed 50 percent of the required local share of eligible project costs.

block 7) The resolution from the eligible applicant shall contain the information required under TRANS 28.09(2)(a). The applicant may include a series of statements setting forth the reasons for, and explanation of the application. These statements often begin with the word WHEREAS. After the reasons are set forth, a statement, "Now, therefore, let it be resolved that:" usually follows. The resolution then may include the following statements:

1. The (name of eligible applicant agency) hereby requests a grant of (dollar amount) from the Wisconsin Harbor Assistance Program for the project identified as (applicant's name or identification for the proposed project).
2. (Name or names of persons) is (are) the representative(s) of the (name of eligible applicant agency) authorized to sign agreements, forms, claims and other required documents binding upon (name of eligible applicant agency) in connection with the application for Wisconsin Harbor Assistance Program funds.
3. The (name of eligible applicant agency) hereby accepts all responsibilities for the operation and maintenance of the (applicant's name or identification for the proposed project) upon completion of the work funded under a Harbor Assistance Program grant.
4. The (name of eligible applicant) hereby assures that the (applicant's name or identification for the proposed project) is consistent with the harbor development plan or comprehensive plan for (name of harbor in which project is located) titled (name or title of harbor plan and effective date of the plan).
5. The (name of eligible applicant) hereby assures that the proposed project is consistent with the three year harbor development statement of intentions submitted to WisDOT under the requirements of s.85.095(3), Wis. Stats.
6. The (name of eligible applicant) hereby agrees to provide to the department, in a timely manner, additional analysis or documentation in support of the application, if necessary for the review process.
7. The (name of eligible applicant) hereby warrants that it will provide such amounts of matching funds as may be required up to a maximum amount of _____ upon the signing of a grant agreement and at a time and manner specified by WisDOT.

If a harbor plan has been developed, a copy should be forwarded with the application. If a harbor plan or comprehensive plan has not been developed, item 4 above should be modified to reflect that a plan is not in force.

- block 8) The applicant agency official named in the resolution under block 7 signs this certification on behalf of the applicant agency.
- block 9) Block 9 is a summary of the key features of the project. It is necessary for the applicant to provide an expanded narrative description of the proposed project. The narrative should address, but is not limited to, the following:
- A. A detailed description of all work elements to be performed accompanied by plans, drawings, sounding reports or other information necessary to fully describe the project. **If the project involves dockwall construction or rehabilitation, be sure to include the range of water levels upon which engineering is based.**
 - B. A description of the means by which the work is to be performed (sealed bid, force account, etc.).
 - C. A statement and justification of the reasons for accomplishing the project, including **a discussion of alternatives.** The Department's economic analysis on harbor projects consists of a comparison of the costs of doing the project with the costs of the next likely alternative of not doing the project. **It is especially important to describe the next likely alternative with associated costs, i.e. additional port handling costs, truck operating costs, etc.**
 - D. A map, sketch or other device appropriate for locating the project site.
 - E. A statement of ownership of the project site and facilities. A copy of the deed should be attached.
 - F. A time schedule for major project work elements.
- block 10) Check each item applicable to the proposed project. Provide supporting documentation for each item checked. Documentation may include such items as Corps of Engineers studies, grounding reports, siltation studies, engineering inspection reports, photographs, written correspondence from shippers or shipping lines, or such other information deemed appropriate by the applicant to verify and support its statement of urgency. Please note that the definition of urgency in TRANS 28.05(1)(b) 1 is very specific.
- block 11) Check the appropriate response for each of the statements. **Provide support documentation for each response.** Support documentation for each respective statement may include, but is not limited to:

1. Copies of economic impact studies, benefit/cost analyses, return on investment studies, profit and loss analyses, marketing studies and employment impact analyses.
2. Copies of environmental screening worksheets, environmental assessments, environmental impact statements, and public hearing reports, prepared by the applicant, EPA, DNR, or other applicable agency. If an environmental assessment or impact statement is not attached to this application, the applicant will be expected to submit it with hearing summaries before a department decision on the application is made.
3. Copies of conceptual designs, dredging and dredge disposal plans, architectural drawings, blueprints, engineering drawings, construction plans, specification lists, construction permits.

block 12) Self explanatory.

- block 13) A. Estimated Project Costs - The format of this block may be used or, if more appropriate, it may be restructured to better accommodate the cost elements of the proposed project and submitted on an attached sheet. Applicant should recognize that **only costs incurred after the grant agreement is signed are eligible for reimbursement under the grant. Please also note that grant administration costs are not eligible for reimbursement.**
- B. Other Development Costs - In some cases, the applicant is requesting Harbor Assistance Program Funds for the water-related portions of a much larger harbor development. In these cases, the usefulness of the "project" often depends upon the eventual completion of elements of a much larger development that may need to be in operation to justify the water-related project.

The applicant should:

- 1) Identify the costs of the larger development related to transportation that are not to be funded by the grant, but are necessary for successful operation of the proposed project that is to be funded by the grant (generally, facilities for transfer of a commodity from a ship/barge to storage and/or to truck or railcar).
- 2) Identify the market value of existing land and facilities that are essential to the success of the project.
- 3) Identify the estimated costs of additional site development which are essential to the success of the project, but which are not included under block 13A.

block 14) Estimated Annual Revenues and Costs - Estimate as accurately as possible the applicant's revenues from the project (or revenues lost if the project is not completed) and the annual project maintenance costs. **Attach detailed support materials.** Applicant revenues, if any, may be generated by leases, through-put charges or other fees.

If major maintenance costs, for example, dredging, are expected to occur after the five year interval shown in block 14, please indicate what the work would be and provide an estimate of cost.

block 15) Jobs - Estimate the total number of jobs **directly** attributable to the project (if construction jobs, indicate as such), or those jobs which would be lost if the project were not completed.

block 16) Tonnage - For existing facilities, list commodities, tonnage, origin and destination for the most recent calendar year, and provide documentation. Origin and destination should be listed as precisely as possible by community, state and country. Specify if the tonnage amount is in long tons.

For expected increases in tonnage at existing facilities, add information describing the commodity expected to increase, the tonnage increase, the origin and destination of the commodity and the reason for the increase. If this detail is competitively sensitive, use the continent if foreign, country if North America, region of the USA if not Wisconsin. For new facilities, list commodities (tonnage, origin and destination) expected to be handled, and provide documentation.

block 17) Self explanatory.

7.0 APPLICATION SUBMITTAL PROCEDURES

7.1 **Application Deadline.**

Applications for funding of projects must be delivered to the Bureau of Transit, Local Roads, Railroads and Harbors, of the Hill Farms State Transportation Building, 4822 Madison Yards Way, 6th Floor South, P.O. Box 7913, Madison, Wisconsin, 53707-7913 **on or before the close of business on August 1.** Applications may be submitted by mail but must be **postmarked no later than August 1 and sent by certified mail, return receipt requested.**

7.2 Copies of Applications and Supporting Documentation.

The applicant is to provide an original and eight legible hard copies (a total of NINE copies) and an electronic version of ALL application materials. This includes plans, drawings, reports, maps, and the like. The reason for multiple copies is to supply non-DOT members of the advisory council with a review copy. Because of the potential volume of material supplied (considering the possible amount of support documentation), each document must be clearly identified with the applicant's name, the identification or name of the project and the phrase, "document in support of application block__."

To the extent possible, application material should be "loose leaf" bound to provide both ease of handling and a secure binding. Bulky items such as harbor plans or blueprints which cannot reasonably be bound with other items must be clearly identified. The application should contain an index or other device for referencing attachments and supplemental materials to the data called for on the form. Page numbers or marginal tabs should also be used.

8.0 GRANT AWARD PROCEDURES

8.1 Project Evaluation and Selection.

Projects will be evaluated on the criteria identified in TRANS 28. To help the Department evaluate the merits of the projects, the Department will prepare an economic analysis of each project. **A project must have a benefit-cost ratio greater than one to be considered for funding.**

The Harbor Advisory Council will conduct its work in a timely fashion following the application deadline. The Department will notify applicants of their project's selection or non-selection for funding following the Council's deliberations.

8.2 Grant Agreement.

Upon selection of a project, the Department will prepare a contractual agreement, the terms of which will be negotiated between the Department and the successful applicant. This agreement shall include, but not be limited to, terms which set forth project performance measures, binding commitments for provision of applicant's share of costs, commitments regarding continued facility operation and maintenance, and the like. Should work not be underway on or before December 31 for grants awarded on the basis of August 1 applications, the grant award will be withdrawn. Applicants may resubmit an unsuccessful application under subsequent funding cycles.