

## ATP – 6 Operating Procedures/Policies

### I. Name:

The name of the Area Transportation Partnership (ATP) to be used for all official activities and communications is: ATP-6

### II. Purpose:

The ATP-6 was established to bring together the transportation improvement recommendations of the MPOs, Transit Operators, MnDOT, cities, and counties into an integrated list of transportation investments in the form of the Area Transportation Improvement Program (ATIP). The ATP-6 will also review and comment on the draft STIP, establish criteria for project selection, work with the MPOs to incorporate projects from their TIP, participate with the District in the development and/or review of policies and procedures for managing the program, and developing/reviewing priority lists for programs that are not included in the target. The ATP provides technical advice to the District Engineer who represents the Commissioner of the Department of Transportation.

### III. Area Served:

The ATP-6 serves an area made up of the 11 counties that comprise the MnDOT District 6 State Aid area: Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Rice, Steele, Wabasha, and Winona.

### IV. Membership

A. The membership of the ATP-6 currently consists of 12 members:

- **3 MnDOT Representatives:** The District Engineer appoints 3 representatives to ATP-6; typically these positions include: Assistant District Engineer-Program Delivery, Assistant District Engineer-State Aid, and the Transportation Planning Director.
- **2 Metropolitan Planning Organization Representatives (MPO):** Each MPO, La Crosse Area Planning Committee (LAPC) and the Rochester Olmsted Council of Governments (ROCOG) shall appoint a representative.
- **2 County Engineers:** The District County Engineers Association appoints two county engineers to ATP-6, with terms as the association determines. Examples include (but are not limited to) one member with a non-expiring term and one member with a two-year term; or two members with staggered four-year terms. In the absence of a regular member, any county engineer from the district may serve as an alternate.

- **2 City Engineers:** The City Engineers for cities of over 5,000 population in District 6 annually appoint two city engineers to the ATP-6. There are no term limits for City Engineer representatives. When a vacancy occurs (e.g. City Engineer chooses to step down), a new representative is selected by the thirteen (13) state aid city engineers.
- **2 Transit Representatives:** Public transit providers in District 6 appoint two representatives to the ATP-6. One representative should be from a large urban system and one from a small cities/rural system. There are no term limits and their appointments are re-affirmed annually.
- **1 Prairie Island Indian Community Representative:** The Prairie Island Indian Community shall appoint a representative. There are no term limits and their appointment should be re-affirmed annually.

*All organizations may appoint an alternate member to serve in the absence of their primary member.*

- B. Membership is reviewed by the ATP-6 on an annual basis. The size and composition of the membership may change as agreed to by the members of the ATP-6 with concurrence from the District Engineer.
- C. Each appointing body shall annually select or re-affirm their representative to the ATP-6. Notification of membership changes should be submitted to MnDOT District 6 each year. New terms will begin on July 1 of each year.
- D. The ATP-6 Chair shall be appointed by the MnDOT District Engineer. A MnDOT representative will serve as the Secretary and Recorder. The MnDOT State-Aid Engineer is a permanent member.
- E. Each member has the following responsibilities:
  - Shall provide an inclusive, impartial, system-wide, perspective on the candidate projects.
  - Shall pass information about ATP-6 activities on to their constituent group.
  - May serve on sub-committees or task forces as appointed by the chair or as defined in the ATP-6 operating procedures.
  - May select an alternate from their constituent group to stand in for the member as necessary. The regular member shall keep the alternate informed of ATP-6 activities.
- F. The role of **Transportation District Engineer** shall be ultimately accountable to see that the intent of the Federal Transportation Law and statewide investment goals are implemented, including:
  - Ensuring a fair, equitable and open process for project solicitation, evaluation and ranking.
  - Ensuring that the ATP-6 membership reflects the interests of the transportation partners.
  - Ensuring that the ATIP is completed in a timely manner.
  - Ensuring that adequate resources are available to staff and manage the activities of ATP-6.
  - Guaranteeing opportunities for ATP-6 member counties and communities participation in the ATP process and ensuring that minutes and meeting notifications are sent to interested parties, and that the ATP-6 ATIP is made available to the media, area legislators and the congressional delegation.

## V. Meetings

- A. The **chairperson** shall be responsible to:
  - Set agenda, date, and time of the meetings.
  - Conduct the meetings in an open, fair manner respecting the rights of all ATP-6 members to be fairly heard.

- Allow visitors/guests to participate in discussions within the confines of the agenda topics and time limits.
  - Serve as official signature for all ATP-6 documents.
  - Approve required amendments to ATIP projects up to \$100,000 or 10%, of the federal share whichever is less, without vote of the ATP-6.
  - Appoint a MnDOT ATP-6 member as a vice-chair to act in their absence
- B. The ATP-6 will review the operating procedures in the Fall of each year.
- C. All meetings of the ATP-6 are open to the public. Visitors may be allowed to participate in discussions within the confines of the agenda topics and time limits.

## VI. ATP Development:

- A. The ATP shall follow STIP funding guidance for each category of projects and shall integrate the priority lists into the four year ATIP.
- B. The ATP-6 shall annually solicit candidate projects in the following categories:
- Transportation Alternatives (TA)
  - STP – Small Cities
  - STP – Counties
  - STP – ROCOG

<b>FAST Act</b> (Enacted 12/4/2015, Expires 2020)	<b>STIP Process</b>
TA (now part of the Surface Transportation Block Grant Program)	Letter of Intent, full application, ATP review and ranking, ATP inclusion in ATIP
STP - Small Cities (24%) * (21%) **	City subcommittee (chaired by District State-Aid Engineer) review and ranking, ATP inclusion in ATIP
STP - Counties (46%) * (43%) **	County subcommittee (chaired by District State-Aid Engineer) review and ranking, ATP inclusion in ATIP
STP - ROCOG (30%) * (28%) **	ROCOG review and ranking, ATP inclusion in ATIP
STP – Transit (0%) * (8%) **	MnDOT District 6 Transit Project Manager provides ranked list of buses to ATP-6; buses are selected (in priority order) based on available funding

\*Transit Funded with Statewide Funding

\*\*Transit Funded with ATP-6 Funding

C. The ATP-6 has a role in the following categories:

- Highway/Rail Grade Crossings
- Off-System Bridges
- National Highway Freight Program
- HSIP (Local)
- Transit - *Currently funded using efficiencies from financial management to fund entire amounts requested statewide. In the future the State may not be able to fund entire requests and there would be a share requested from the ATP. The percentage splits of funding are shown above with \* Transit Funded With Statewide Efficiencies (current) and \*\* Transit Funded With ATP-6 Funding (possible in the future).*

FAST Act (Enacted 12/4/2015, Expires 2020)	STIP Process
Highway/Rail Grade Crossings	Selected by Central Office, provided to ATP for inclusion in ATIP
Off-System Bridges	Selected by Central Office (State Aid) with District input, provided to ATP for inclusion in ATIP
National Highway Freight Program	MnDOT Central Office/OTSM (Office of Transportation System Management) and OFCV (Office of Freight and Commercial Vehicle) operations has an interim plan for 2016, 2017, and 2018 project selections, provided to ATP for inclusion in ATIP
HSIP ATP (Local)	MnDOT solicits statewide, provided to ATP for inclusion in ATIP
Transit	Selected by Central Office, provided to ATP for inclusion in ATIP

D. District 6's role:

- **State trunk highway projects on the NHS system** are part of the Statewide Performance Program and districts have a role in selecting projects. Selected projects will be provided to the ATP for inclusion in the ATIP.
- **State trunk highway projects on the Non-NHS systems** are part of the District Risk Management Program and are selected by the District. Selected projects will be provided to the ATP for inclusion in the ATIP.

## VII. Transportation Alternatives (TA) Guidelines

- A. ATP-6 members meet to score and rank regional applications for TA funding each February.
- B. The TA solicitation is a competitive grant opportunity for local communities and regional agencies to fund projects for pedestrian and bicycle facilities, historic preservation, Safe Routes to School, and more.

- C. Projects must utilize a minimum of \$200,000 TA funds (\$250,000 project) to cover up to 80% of their proposed projects eligible costs; state or local funding must provide at least a 20% match.
- D. The grant solicitation opens annually each September, with letters of Intent due in October and a full application due the following January.
- E. Projects must be completed within four years after being awarded to have eligible project expenses reimbursed.
- F. Process/timing for review of TA applications:
  - ATP members receive completed applications one week prior to the review meeting; they may choose to assign an interim score (based on their review of the application), or they may wait until the applicant has presented the project before assigning a score;
  - Applicants will be allowed 30 minutes for their presentation and Q&A. The ATP chair will be responsible for managing the time to ensure that applicants do not exceed the 30 minutes allowed.
  - 10 minutes will be allocated between presentations. This will allow ATP members to talk amongst themselves and clarify any outstanding issues/concerns regarding that respective project;
  - Once all of the applicants have presented their projects, there will be 20 minutes for general discussion amongst ATP members;
  - At the close of the 20 minute discussion period, ATP members will finish scoring their projects;
  - Once scores are assigned, ATP members will convert their score to a rank (for example, the top scoring project will be ranked #1, second highest scoring project will be ranked #2, etc.). No projects should receive a tie ranking; individual ATP members will need to decide how to break the tie. This could be accomplished through that member's assigning of "other factors" points.
- G. It is rare that the available funding would exactly match the funding request for the top ranked project(s), thus to fit the available funding, usually necessitates one or more projects funded, but at a lesser amount than what was requested. Generally a minimum of two projects will be funded. Project funding will generally be in the following manner:
  - The top ranked project(s) will generally be funded at the requested dollar amount up to 80% of eligible costs.
  - The lowest-ranked funded project will generally be funded at a minimum of 50% of eligible costs.
  - The next lowest-ranked funded project will generally be funded between 50% and 80% as necessary to fund the lowest ranked project at a minimum of 50% of eligible costs.
  - NOTE: Actual project dollar amounts and project scalability may necessitate the ATP to use discretion and vary from the above guidelines to match the available funding to the highest-ranking projects. Projects will be funded at a minimum of \$200,000 of TA funds.
- H. If a project has been awarded all of the funds allowed under the above funding breakdown, but has not been funded at the full 80%, ATP members can choose to apply more funds to the project if additional dollars become available.

## VIII. ATIP Management

- A. Project Changes:

- a. Subcommittee(s) are charged with reviewing project scope changes, year changes, and cost adjustments and will make recommendations to the ATP for approval.
- b. Project changes, including added inflation costs, are to be managed within the current STIP funding guidance.

B. Funding Protection:

Once a project has been listed in the approved STIP, that project will continue to retain funding unless the ATP has determined that the scope of the project has changed substantially from the original submittal; unless the sponsoring agency requests that the project be withdrawn; or unless the ATP experiences a significant decrease in the funding target resulting in a reprioritization of all projects in that year of the STIP.

a. STIP Amendments/Administrative Modifications \*\*\*

- The STIP, once it is approved by FHWA, may be updated throughout the course of the year, and needs to be updated prior to a project's federal authorization and bid opening, if certain project changes have occurred.
- Generally, STIP Amendments are needed when:
  - A new project is being added to the STIP
  - There is a change in overall project length of more than 0.3 miles
  - Adding or removing phases of work which increases or decreases the total project cost
  - Changing project scope
  - When the project cost changes by a certain percentage based on the overall cost of the project
- Generally Administrative Modifications are needed when:
  - The project cost changes by a certain percentage based on the overall cost of the project
  - Project identified that will use a set aside
  - Change of STIP year
  - Addition of a state funded project to the STIP
  - Adding a locally funded project to a federally funded project
  - Technical corrections
  - Adding or removing advance construction
  - Removing a project
  - Splitting a project up

b. Process

- The District, or partners, will initiate the amendment or modification and the District (in consultation with partners) will determine which document is appropriate and if and how financial constraint is maintained.
- The needed document is drafted by the District and sent to MnDOT's central office for their review and processing. Central Office compiles the requests statewide, and submits them around the middle of the month to FHWA (of FTA) for their approval.
- For STIP Amendments, the District will briefly describe project changes that require(d) a STIP Amendment to the ATP as part of the STIP status updates.
- The ATP will be informed of any MPO TIP amendments.
- See April 15, 2015 FHWA/FTA and MnDOT Guidance for more detail.

## **ATP-6 ATIP Amendment and Administrative Modification Policy – November 5, 2010**

On November 5, 2010, ATP-6 took action to approve a policy that provides guidance on when formal action is required to amend its four-year Area Transportation Improvement Program (ATIP) and when such action is not warranted. The approved policy took into account the guidance developed by Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Mn/DOT Office of Capital Programs and Performance Measures (OCPPM) for processing amendments and administrative modifications to the State Transportation Improvement Program (STIP).

ATP-6's policy builds upon its past practices for managing state and local projects in the ATIP, as outlined in the *ATP-6 Operating Procedures/Policies*. ATP-6 made an effort to better translate its current ATIP management policies into an overarching ATIP amendment policy that is more closely aligned with the STIP amendment and administrative modification guidance developed by OCPPM in consultation with FHWA and FTA. The result is a policy that better clarifies ATP-6's ATIP amendment requirements, serves to streamline the ATIP amendment decision-making process, and minimizes potential delays to projects that would otherwise require formal action by ATP-6.

The following is ATP-6's official approved guidance for considering ATIP amendments and administrative modifications:

### ATP Action Not Required:

1. The total cost of a project increases to warrant an amendment under OCPPM's guidance. The increase is not caused by a scope change. The lead agency agrees to fund the difference in project cost. Fiscal constraint of the ATIP is maintained. For state projects, Mn/DOT District 6 may approve cost and scope changes so long as local federal projects are not adversely affected.
2. There is a minor change in the scope of a project whereby the changes to the project scope remain consistent with the original intent of the programmed project. The lead agency agrees to fund the difference in project cost. Fiscal constraint of the ATIP is maintained.
3. Advancements and deferrals of local projects recommended by the District 6 State Aid Engineer necessary to maintain fiscal constraint of the local federal aid program in the ATIP.
4. Advancements, deferrals, and additions of state trunk highway projects recommended by Mn/DOT District 6 to maintain fiscal constraint of the state trunk highway construction program in the ATIP.
5. A new project is being recommended for inclusion in the STIP, whereby the funding source(s) for this project do not involve the use of the federal formula funds targeted to ATP-6. These projects may include federal high priority, appropriations, and earmark projects determined by Congress and the President; FTA Section 5309 transit capital projects; Public Lands; Forest Highways, Scenic Byways, and various state funded projects determined by the State Legislature and Governor.
6. A new project is being recommended for inclusion in the STIP, whereby ATP-6 is not granted the opportunity to participate in the project solicitation and selection process. These types of projects may include any federal or state funded projects where Mn/DOT is chiefly responsible for project selection. Recent examples include projects funded by the American Recovery and Reinvestment Act, Minnesota Chapter 152, Certain Allocated Funds, Safe Routes to School, Highway Safety Improvement Program, etc.

### ATP Action Required:

1. The total cost of a project increases to warrant an amendment under OCPPM's guidance. The change in total project cost may affect either the original programmed project or is caused by a scope change to this project. The lead agency is seeking additional federal formula funding from ATP-6 to cover the difference. ATP-6 meets to consider the request and, if approval is granted, ensures fiscal constraint of the ATIP is maintained.
2. ATP-6 experiences an increase or reduction in its federal funding target that cannot be addressed as part of its normal ATIP update process. ATP-6 is asked to manage the increase or reduction in federal funding to ensure fiscal constraint of the ATIP is maintained. The changes required to the program are complicated and do not otherwise neatly conform to ATP-6's existing policy on managing increases and reductions in federal funding. ATP-6 meets to consider these requests and takes action as it deems appropriate.
3. Any unforeseen requirements necessitating an amendment that is not already covered by this policy.
4. There is a major change in the scope of a project or a change in project termini.

MnDOT District 6 staff will provide regular updates to ATP-6 regarding changes to the ATIP and will keep members posted of actions that may require an amendment or administrative modification of the STIP. ATP-6 reserves the right to act independently from these policies at its discretion.

C. Failure to Deliver:

Proposer will inform ATP-6 by March 1 if a project will not be deliverable by the deadlines established and based on the end of the state fiscal year. (State Fiscal Year is July 1 through June 30 – Federal Fiscal Year is October 1 through September 30).

**History of Federal Surface Transportation Bills**

<b>Year</b>	<b>Federal Authorization Bill</b>	<b>Administration</b>
2015	Fixing America’s Surface Transportation Act (FAST Act)	Obama
2012	Moving Ahead for Progress in the 21 <sup>st</sup> Century (MAP-21)	Obama
2005	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)	Bush
1998	Transportation Equity Act for the 21st Century (TEA-21)	Clinton
1991	Intermodal Surface Transportation Efficiency Act (ISTEA)	H.W. Bush
1987	Surface Transportation and Uniform Relocation Assistance Act (STURRA)	Reagan

*Adoption date: November 17, 2017*