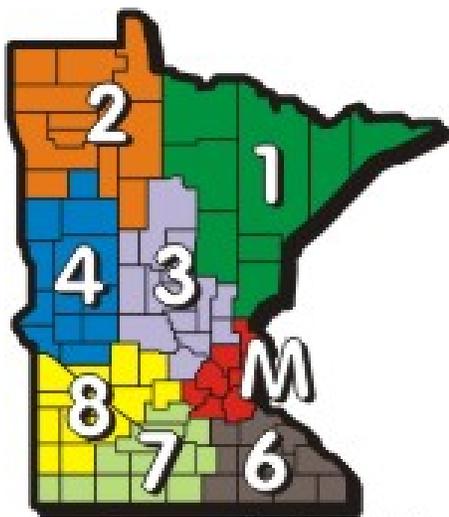


Transportation Alternatives Program (TAP)

Solicitation
Fall 2013



Area Transportation Partnership
Boundaries

LETTER OF INTENT (LOI)
GUIDEBOOK & WORKSHEET

TRANSPORTATION ALTERNATIVES PROGRAM LETTER OF INTENT (LOI) GUIDEBOOK & WORKSHEET

September 2013

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Transportation Alternatives Program Information

Federal Program Requirements

Following is a partial listing of the regulations that apply to any project receiving federal transportation funds. These requirements must be taken in to consideration during the project development and project implementation stages.

Davis-Bacon and Copeland Acts: Payment of pre-determined wage is applicable to all federal-aid construction contracts exceeding \$2,000 and to all related subcontracts.

ADA Requirements: All Transportation Alternatives projects must comply with the federal and state handicapped accessibility mandates.

Anti-Discrimination Laws: Each sponsoring participant must comply with applicable federal and state Anti-discrimination laws and be able to demonstrate compliance.

Project Supervision: All projects must be under the direct supervision of a Minnesota Licensed Professional Engineer.

Additional Requirements and Specifications: Successful applicants will be provided with additional information as needed by MnDOT.

Qualifying Activities

Federal law defines the following activities as eligible for Transportation Alternatives Program (TAP) funding:

1. Transportation Alternatives as defined in 23 U.S.C. 101(a)(29) (MAP-21 §1103):
 - a. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 ([42 U.S.C. 12101](#) et seq.).
 - b. Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
 - c. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.
 - d. Construction of turnouts, overlooks, and viewing areas.
 - e. Community improvement activities, including—
 - i. inventory, control, or removal of outdoor advertising;
 - ii. historic preservation and rehabilitation of historic transportation facilities;
 - iii. vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
 - iv. archaeological activities relating to impacts from implementation of a transportation project eligible under this title.
 - f. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to—

- i. address storm water management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections [133 \(b\)\(11\)](#), [328 \(a\)](#), and [329](#); or
 - ii. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
2. The recreational trails program under section 206 of title 23. [NOTE: This program is administered through separate process]
3. The safe routes to school program eligible projects and activities listed at section 1404(f) of the SAFETEA-LU:
 - a. [Infrastructure-related projects](#).
 - b. [Noninfrastructure-related activities](#).
 - c. Safe Routes to School coordinator.
4. Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

TAP projects are not required to be located along Federal-aid highways.

Non-Qualifying Activities

Federal law identifies the following activities as ineligible for Transportation Alternatives Program (TAP) funding:

- State or Metropolitan Planning Organization (MPO) administrative purposes, except for SRTS administration, and administrative costs of the State permitted for RTP set-aside funds.
- Promotional activities, except as permitted under the SRTS.
- General recreation and park facilities, playground equipment, sports fields, campgrounds, picnic areas and pavilions, etc.
- Routine maintenance and operations.

Careful consideration should be given to whether an activity falls within the eligibilities created under TAP. Section 1103 of MAP-21 eliminated the definition of Transportation Enhancement activities in section 101 of title 23 and inserted in its place a definition of Transportation Alternatives. The Transportation Alternatives definition contained in 23 U.S.C. 101(a)(29) created different categories of activities than those included under the previous transportation enhancement definition. As a result, some activities that were previously eligible as independent Transportation Enhancement projects are no longer eligible; some categories of eligibility remain, but for a different range of activities. In some cases, activities that are no longer eligible for funding as independent TAP projects may be eligible for FHWA participation under other title 23 provisions, such as project mitigation measures when determined necessary to mitigate project impacts (including the impacts of a TAP project).

Transportation Enhancement categories that are no longer expressly described as eligible activities under the definition of Transportation Alternatives are:

- Safety and educational activities for pedestrians and bicyclists. **Exception:** Activities targeting children in Kindergarten through 8th grade are eligible under SRTS (an eligible activity under the TAP funding). **Note:** Some of these activities may be eligible under HSIP. Non-construction projects for bicycle safety remain broadly eligible for STP funds.

- Acquisition of scenic easements and scenic or historic sites (including historic battlefields), and scenic or historic highway programs (including tourist and welcome center facilities). **Exceptions:** A few specific activities under this category are eligible for funding as TAP projects, including construction of turnouts, overlooks, and viewing areas; historic preservation and rehabilitation of historic transportation facilities; and bicycle and pedestrian facilities.
- Landscaping and other scenic beautification. However, under the "community improvement activities" category, projects such as streetscaping and corridor landscaping may be eligible under TAP if selected through the required competitive process. States may use TAP funds to meet junkyard screening and removal requirements under 23 U.S.C. 136 if selected through the competitive process. Landscaping and scenic enhancement features, including junkyard removal and screening, may be eligible as part of the construction of any Federal-aid highway project under [23 U.S.C. 319](#), including TAP-funded projects.
- Historic preservation, and rehabilitation and operation of historic buildings, structures, or facilities (including historic railroad facilities and canals). Historic preservation activities now are limited to historic preservation and rehabilitation activities relating to a historic transportation facility. See section 101(a)(29)(E). Operation of historic transportation facilities is not eligible under TAP.
- Archaeological planning and research. Under TAP, archaeological activities must relate to impacts from implementation of a transportation project eligible under title 23.
- Establishment of transportation museums. There is no eligibility for this activity under TAP.

Eligible projects must not be part of the mitigation of a transportation project.

Federal law requires that alternative funds not be used to implement mitigation of adverse impacts associated with implementation of transportation projects. Environmental measures conducted as routine or customary elements of transportation projects or those provided to mitigate project impacts in compliance with the requirements of environmental, historic preservation or other laws are not eligible for alternative funding. With this interpretation, the category "mitigation of water pollution due to highway runoff" is limited to facilities and programs that are in addition to current requirements/procedures for mitigation.

Alternative activities are over and above normal mitigation of transportation projects. Typically, a normal transportation project involves mitigation, including landscaping, other permit requirements and provisions negotiated as a condition of obtaining a permit for the transportation project. Permitting agencies might include federal agencies such as the US Forest Service, Bureau of Land Management or US Corps of Engineers. State permitting agencies might include the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency or the Minnesota Historical Society. Regional agencies might include watershed districts and local might include cities/counties.

The Minnesota Department of Transportation (MnDOT) has elected that the following activities are also considered ineligible for TAP funding, even if not prohibited federally.

- Engineering activities
- Purchase of Right-of-Way

Eligible Project Sponsors

Federal law identified the following entities as eligible to receive Transportation Alternatives Program (TAP) funding:

- Local governments;
- Regional transportation authorities;
- Transit agencies;
- Natural resource or public land agencies;
- School districts, local education agencies, or schools;
- Tribal governments; and
- 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) that the State determines to be eligible, consistent with the goals of subsection (c) of section 213 of title 23.

State DOTs and MPOs are not eligible entities and therefore are not eligible project sponsors for TAP funds. However, State DOTs and MPOs may partner with an eligible entity project sponsor to carry out a project.

Nonprofit organizations are not eligible as direct grant recipients for TAP funds unless they qualify through one of the eligible entity categories (e.g., where a nonprofit organization is a designated transit agency or a school). Nonprofits are eligible to partner with any eligible entity on a TAP project, if State or local requirements permit.

- Local government entities include any unit of local government below a State government agency, except for a Metropolitan Planning Organization. Examples include city, town, township, village, borough, parish, or county agencies.
- Regional transportation authorities are considered the same as the Regional Transportation Planning Organizations defined in the statewide planning section (23 U.S.C. 135(m)).
- Transit agencies include any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration.
- Natural resource or public land agencies include any Federal, Tribal, State, or local agency responsible for natural resources or public land administration. Examples include:
 - State or local park or forest agencies
 - State or local fish and game or wildlife agencies
 - Department of the Interior Land Management Agencies
 - U.S. Forest Service
- School districts, local education agencies, or schools may include any public or nonprofit private school. Projects should benefit the general public, and not only a private entity.

Local Match and Cost Sharing Requirements

For all Transportation Alternatives Program (TAP) projects, including Safe Routes to School (SRTS) projects funded with TAP funds, the Federal share is the same as for the general Federal-aid highway program: 80 percent Federal/20 percent State or local match subject to the [sliding scale adjustment](#). (23 U.S.C. 120)

As provided in 49 CFR 18.24 "Matching or cost sharing", the following requirements are emphasized:

- *18.24(b) Qualifications and exceptions-(1) Costs borne by other Federal grant agreements. Except as provided by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant. This prohibition does not apply to income earned by a grantee or subgrantee from a contract awarded under another Federal grant.*
- *(3) Cost or contributions counted towards other Federal costs-sharing requirements. Neither costs nor the values of third party in-kind contributions may count towards satisfying a cost sharing or matching requirement of a grant agreement if they have been or will be counted towards satisfying a cost sharing or matching requirement of another Federal grant agreement, a Federal procurement contract, or any other award of Federal funds.*

Timeline Guidance for Project Development

26-52 weeks	Eligible agency completes planning and preliminary work to describe and estimate cost of project. (26-52 weeks but public input and collaboration with land owners could take longer)		
	↓		
52-78 weeks	Project is selected in four year State Transportation Improvement Program (STIP). (26 weeks)		
	↓		
78-130 weeks	Eligible agency completes preliminary engineering to assess social, environmental and economic impacts and to apply design criteria. (26-52 weeks)		
	↓		
80-132 weeks	Preliminary discussions and review scoping as to appropriate document. (2 weeks)		
	↓		
84-145 weeks	Eligible agency prepares environmental document (4-13 weeks)		
	↓		
90-153 weeks	Eligible agency submits document to District State Aid Engineer (DSAE) with original signatures. (6-8 weeks)	←	Eligible agency corrects and resubmits
	↓		↑
96-161 weeks	Are document components appropriate/correct? (Add 6-8 weeks if second draft is needed)	→ NO →	Contact eligible agency to resolve.
	↓		
104-171 weeks	State Aid Engineer reviews; comments and/or approves. (8-10 weeks)		
	↓		
105-173 weeks	State Aid for Local Transportation notifies DSAE and eligible agency to proceed with right of way and detailed plans. (1-2 weeks)		
	↓		
128-199 weeks	Eligible agency completes and submits plans and completed right-of-way. (13-26 weeks)		
	↓		
138-209 weeks	Plan review by District State Aid Engineer and State Aid for Local Transportation. (10 weeks)		
	↓		
143-214 weeks	Authorization to let project. (5 weeks)		
	↓		
145-216 weeks	Bid opening and certification of Disadvantaged Business Enterprises. (2 weeks)		
	↓		
147-218 weeks	Contractor secures bond and signs contract. (2 weeks)		
	↓		
150-221 weeks	Contract approval and initiation of construction. (3 weeks)		
Total 150-221 weeks			

Letter of Intent (LOI) Review Information

Review Process

Interested applicants must first complete a Letter of Intent (LOI) for their project to be eligible to participate in the TAP project solicitation. Upon completion, the LOIs will be distributed to the appropriate Regional Development Organization (RDO), Metropolitan Planning Organization (MPO) or MnDOT District (see maps/contact information on following pages) for review before an applicant may proceed. The reviewing party should discuss the project with the applicant and either recommend or not recommend that the applicant proceed to the full TAP application. The goal of this initial review is to ensure project eligibility and determine project readiness prior to submittal of the full application. A recommendation to proceed will be received by the applicant on or before December 1, 2013.

Reviewers

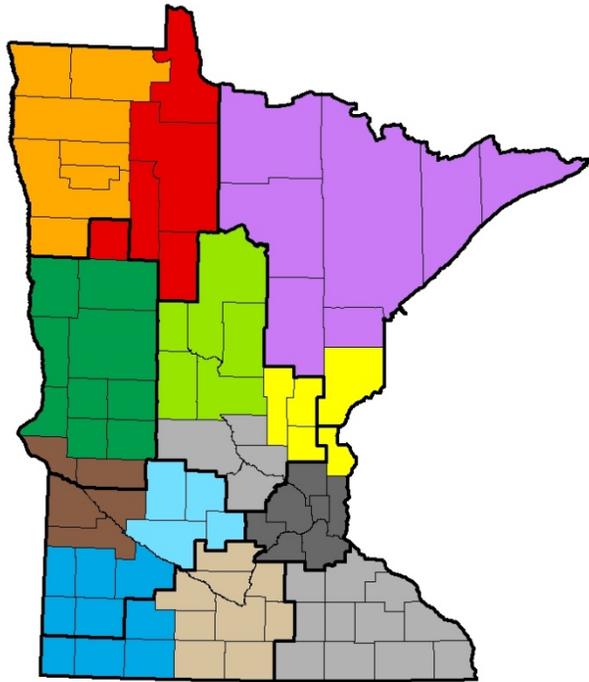
The TAP Letter of Intent should be, at a minimum, reviewed by the RDO, MPO or MnDOT District for the area in which the majority project is located. Additional reviewers may be recommended depending on project type, scale and/or scope. For example, if a project spans more than one region, multiple RDOs/MPOs/Districts may be asked to review the LOI. Additionally, for projects that are a part of a specific program (SRTS, Scenic Byways, etc.), the appropriate program coordinator may be asked to review the LOI as well.

Review Questions

The following is a list of the type of questions that the reviewing party may discuss with the applicant prior to recommending the project to continue to the full application. Reviewers are responsible for determining the specific questions they feel are appropriate to ensure project eligibility and readiness.

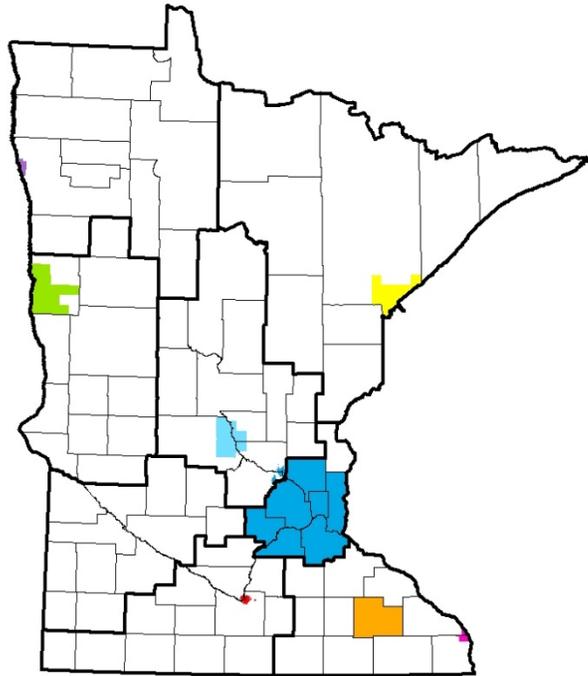
1. Is the project eligible to receive federal funding through the Transportation Alternatives Program?
2. Does the applicant have a clear concept of the project for which they are applying for TAP funding as well as a clear understanding of the costs associated with the project?
3. Has the project received written support or equivalent from the sponsoring agency including elected officials and engineers responsible for project delivery?
4. Has the applicant and/or sponsoring agency developed a financial strategy to match the federal funding and any additional funding necessary to complete your proposed project?
5. Do the applicant and/or sponsoring have a plan or commitment to acquire or purchase the necessary right of way (if applicable)?
6. Is the applicant aware of the federal project development process and other requirements associated with the receipt of TAP funding, including the environmental documentation requirements?
7. Is the project identified in a Statewide and/or Regional Plan?
8. Is the project an approved Safe Routes to School project?
9. Is the projects primary function a transportation purpose?

Contact Information for Regional Development Organizations (RDOs)



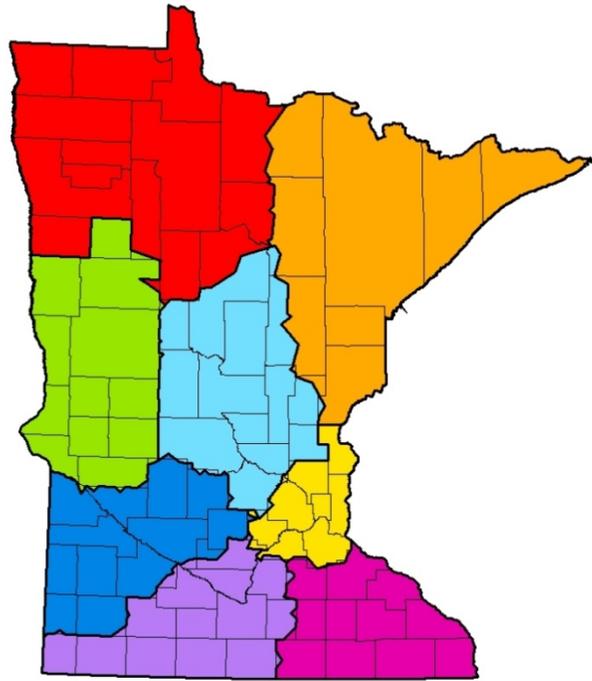
NWRDC 115 S Main St Warren, MN 56762 218-745-6733 www.nwrdc.org	HRDC 403 4th St NW P.O. Box 906 Bemidji, MN 56601 218-444-4732 www.hrdc.org	ARDC 221 West 1st St Duluth, MN 55802 218-722-5545 www.ardc.org
R5DC 200 1st Street NE, Suite 2 Staples, MN 56479 218-894-3233 www.regionfive.org	ECRDC 100 S Park St Mora, MN 55051 320-679-4065 www.region7erdc.org	UMVRDC 323 W Schlieman Ave Appleton, MN 56208 320-289-1981 www.umvrdc.org
MMDC 333 SW 6th St Suite 2 Willmar, MN 56201 320-235-8504 www.mmrdc.org	SRDC 2401 Broadway Ave Suite 1 Slayton, MN 56172 507-836-8547 www.swrdc.org	Region 9 10 Civic Ctr Plaza, 3rd Floor P.O. Box 3367 Mankato, MN 56002 507-387-5643 www.rndc.org
WCI 1000 Western Ave PO Box 318 Fergus Falls, MN 56538 218-739-2239 www.wcif.org	Metropolitan Council www.metrocouncil.org	Non-RDC Area (See MnDOT District map for contact information)

Contact Information for Metropolitan Planning Organizations (MPOs)



<p>Rochester-Olmsted Council of Governments 2122 Campus Drive SE, Suite 100 Rochester, MN 55904 507-328-7100 www.co.olmsted.mn.us</p>	<p>Mankato-North Mankato Area Planning Organization 10 Civic Center Plaza Mankato, MN 56001 507-387-8600 www.mankato-mn.gov</p>	<p>St. Cloud Area Planning Organization 1040 County Road 4 St. Cloud, MN 56303 320-252-7568 www.stcloudapo.org</p>
<p>Fargo-Moorhead Metropolitan Council of Governments 1 2nd Street N, Suite 232 Fargo, ND 58102 701-232-3242 www.fmmetrocog.org</p>	<p>Duluth-Superior Metropolitan Interstate Council 221 W 1st Street Duluth MN 218-529-7509 www.dsmic.org</p>	<p>La Crosse Area Planning Committee 400 N 4th Street, Rm 2300 La Crosse, WI 54601 608-785-5977 www.lapc.org</p>
<p>Grand Forks-East Grand Forks Metropolitan Planning Organization 255 N 4th Street Grand Forks, ND 58206 701-746-2660 www.theforksmppo.org</p>	<p>Twin Cities Metropolitan Council 390 Robert Street N St. Paul, MN 55101 651-602-1000 www.metrocouncil.org</p>	

Contact Information for MnDOT Districts



<p>District 1 - Duluth 1123 Mesaba Ave Duluth, MN 55811 218-725-2700</p>	<p>District 2 - Bemidji 3920 Highway 2 West Bemidji, MN 56601 218-755-6500</p>	<p>District 3 – Baxter 7694 Industrial Park Road Baxter, MN 56425 218-828-5700</p>
<p>District 4 – Detroit Lakes 1000 Highway 10 West Detroit Lakes, MN 56501 218-846-3600</p>	<p>Metro District – Roseville 1500 West Co Rd B-2 Roseville, MN 55113 651-234-7500</p>	<p>District 6 – Rochester 2900 48th Street NW Rochester, MN 55901 507-286-7500</p>
<p>District 7 – Mankato 2151 Bassett Drive Mankato, MN 56001 507-304-6100</p>	<p>District 8 – Willmar 2505 Transportation Road Willmar, MN 56201 320-231-5195</p>	

Letter of Intent (LOI)

NOTES: If you wish to apply, please use this worksheet to prepare all your responses before submitting online. TAP will only review LOI submitted through its webpage. All requests must be submitted by **November 15, 2013**. Throughout this LOI please be specific about the work for which you are seeking support and avoid jargon.

Name of Applicant Organization:

Title of Project:

Applicant Information:

Name of Contact

Address

City

State

County

Postal Code

Phone

Email

Please provide the following information:

1. One sentence description of the work for which you are seeking support:

2. Amount requested from TAP:

