

Letter of Intent Review sheet

(Applicants do not need to complete this check-list, but should be prepared to answer these questions during a follow-up conversation with their respective regional representative).

Proposed project name: _____

Applicant/Sponsor interviewed: _____

Date of LOI interview: _____

Interviewer: _____

The following is a list of questions that the reviewing party should discuss with the applicant prior to recommending the project to continue to the full application.

1. Is the project eligible to receive federal funding through the Transportation Alternatives (TA) program?

Does the project meet one of the qualifying criteria below?

- 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.).
- 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.
- 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—
 - a. inventory, control, or removal of outdoor advertising;
 - b. historic preservation and rehabilitation of historic transportation facilities;
 - c. vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
 - d. archaeological activities relating to impacts from implementation of a transportation project eligible under this title.
- Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:
 - a. 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 12 U.S.C. 133 (b)(3) [as amended under the FAST Act], 328 (a), and 329 of title 23; or
 - b. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats (Former 23 U.S.C 213(b)(2)-(4)).

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- The [recreational trails program](#) under 23 U.S.C. 206 of title 23.
- The [scenic byways program](#) under U.S.C. 162 of title 23.
- The [safe routes to school program](#) eligible projects and activities listed at section 1404(f) of the SAFETEA-LU:
 - Infrastructure-related projects.
 - Non-infrastructure related activities.
 - SRTS coordinator. SAFETEA-LU section 1404(f)(2)(A) lists “managers of safe routes to school programs” as eligible under the non-infrastructure projects.
- Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.
 - See [Boulevards from Divided Highways](#) for examples.

2. Is the projects primary function a transportation purpose?

“Transportation purpose.” has been defined as primarily serving a commuting purpose and/or that connect two destination points; a facility may serve both a transportation purpose and a recreational purpose; a facility that connects people to recreational destinations may be considered to have a transportation purpose

- The projects primary function is a transportation purpose

3. Does the applicant have a clear concept of the project for which they are applying for TA funding as well as a clear understanding of the costs associated with the project?

Have the applicant tell you about their project. You should be able to gauge their level of knowledge and project readiness by the depth of clarity about the project details.

- Are they clear about what they want to do?
- Are they searching for funds and creating a project to fit the funds?
- Is it more than a concept?
- Has there been good communication with an engineer who can identify costs involved with the various stages of the project?

4. Has the project received written support or equivalent from the applicant agency and/or sponsoring agency, including elected officials and engineers responsible for project delivery?

- Do they have written support/resolution from their local unit of government?
- Do they have written support/resolution from their sponsoring agency, if required?

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- Does the sponsoring agency's Engineer support the project?
- Does the project involve partnering with and / or crossing private, railroad, other local, state or federal agency controlled land / rights of way? If so, the full application should include a Letter of Support from the agency(ies) involved.
- Do you have a licensed engineer hired to handle project development / delivery?
- Do they have a current contract with their licensed engineer of record¹?

5. Does this project involve the need to acquire Right-of-Way or temporary easement (including railroad)²? Yes No

6. If yes to question 5, does the applicant and/or sponsoring agency have a plan or commitment and timeline to acquire or purchase the necessary right of way? Yes No

7. These questions will help reduce any potential for project "slippage". They should be aware of the following potential issues:

Does the project use Section 4(f) Park Lands or properties and / or Section 6(f)?³

Yes No (I am 25% 50% 75% 100% certain)

Does the project occur within any areas of effect on properties listed, or eligible for listing, on the National Register of Historic Places?

Yes No (I am 25% 50% 75% 100% certain)

Does the project affect species or critical habitat protected by the Endangered Species Act?

Yes No (I am 25% 50% 75% 100% certain)

Does the project involve removal of trees??⁴

Yes No (I am 25% 50% 75% 100% certain)

Does the property involve redevelopment of an area? What was the previous land use?

Yes No (I am 25% 50% 75% 100% certain)

Does the project involve properties with previous uses that involved hazardous materials?⁵

Yes No (I am 25% 50% 75% 100% certain)

¹ If the community uses a consulting engineer, the city council must have a current contract or annual resolution "re-appointing" the consulting engineer. For communities with full-time staff serving in the engineering position, they must have a current employment contract. The community must be able to produce this document if the project is audited by FHWA.

² NOTE: Public ROW should be alright, Private ROW may be a challenge – ask the city/county engineer to advise applicant of the process and time it takes to accomplish activities so project would be delivered on time if selected.

³ Section 4(f) includes school property with public use areas, pocket parks, see: for more information

<https://www.environment.fhwa.dot.gov/4f/4fAtGlance.asp> 6(f) is LAWCON <http://www.dnr.state.mn.us/aboutdnr/lawcon/index.html>

⁴ Tree removal is turning out to be a huge issue with the Northern Long-eared Bat. The entire state is possible habitat currently. Northern Long-eared Bat info: <http://www.fws.gov/midwest/endangered/mammals/nlebb/>, more info on this State Aid newsletter (page 3) <http://www.dot.state.mn.us/stateaid/scene/2015/june-issue72.pdf>

⁵ MPCA Hazardous Materials info: <http://www.pca.state.mn.us/index.php/waste/waste-and-cleanup/waste-management/hazardous-waste/index.html> (there are more links within this link for contact info and more information).

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- Does the project come near (within 600') of railroad property? ⁶
 Yes No (I am 25% 50% 75% 100% certain)
- Is the project within the airport influence zone? ⁷
 Yes No (I am 25% 50% 75% 100% certain)
- Does the project involve placement of fill into Waters of the U.S.?
 Yes No (I am 25% 50% 75% 100% certain)
- Does the project encroach into a floodplain / wetlands?
 Yes No (I am 25% 50% 75% 100% certain)
- Does the project significantly impact air quality in a negative manner?
 Yes No (I am 25% 50% 75% 100% certain)
- Is the project anticipated to be controversial?
 Yes No (I am 25% 50% 75% 100% certain)
- Will the project involved relocation of utilities? (pipeline, water, sewer, electric, cable)⁸
 Yes No (I am 25% 50% 75% 100% certain)
- Will the project address ADA? Yes No

8. Is the applicant aware of the federal transportation project development process and other requirements associated with the receipt of TA funding, including the environmental documentation requirements? ⁹

Following is a partial listing of the regulations that apply to any project receiving federal transportation funds. Ask the applicant if they are familiar with the following federal regulations:

- 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 alternative projects must comply with the federal and state handicapped accessibility mandates (ADA Transition Plans or self-assessments).
- 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.
- Environmental Documentation (NEPA) - Avoid, Minimize Mitigate.
- Contract procurement laws and requirements.

⁶ Connect applicant up with the [office of Freight and Waterways](#) for a diagnostic; 600' triggers potential railroad involvement;

⁷ Connect applicant up with the aeronautics office- the contact is Rylan Juran, - rylan.juran@state.mn.us - 651-234-7190 airport influence map www.dot.state.mn.us/aero/airportinfluencemaps.html May want to connect the applicant with local airport to see if it is in Zone A, B, C.

⁸ Gopher 1 call can place a planning request – so the application would have a good idea. It normally takes a couple of weeks – because it is not priority for gopher 1 I talked to Gopher 1 and they said they cannot do this – all they can do is help identify what companies are there and the individual / project would need to connect with the individual companies.

⁹ Federal requirements for transportation projects are not the same as for USDA projects.

9. Is the project identified in a Plan?

Preference will be given to projects that have been identified in a local, regional, or state plan, and have included public involvement.

- The plan is adopted by local agencies (counties, cities, school districts, etc.)
- The project is identified in a plan _____
(Name of all plans)
 - What year was the plan completed? _____
 - Has the plan been updated recently? If yes, what year? _____
- The plan development included a robust public involvement process
- Does the public have knowledge of the project and support it? ¹⁰
- There has not been any public objection to this project
- Applicant is aware that they need to submit the page from the plan that identifies this project¹¹
- Describe proactive promotion of bike and pedestrian facilities / use if applicable.

10. Is the project identified in a Safe Routes to School plan?

- The project is a SRTS project
- Is the project identified in a SRTS plan?
 - What year was the plan adopted? _____
 - Did the planning process include the following:
 - Parent survey (year) _____
 - Student travel tallies (year) _____
 - A.M. and P.M. observations (year) _____
- Does the school/community have a comprehensive 6E program? Is the applicant pursuing or demonstrating all 6Es?
- The MnDOT SRTS Coordinator is aware of the project and supports the application
- The applicant understands that the MnDOT SRTS Coordinator will need to sign off on the TA application

11. Evaluation

- Does the project have multiple phases/components? Have other phases/components been completed? If so, how does the community evaluate the impact/usefulness of previous phases to ensure effectiveness?
- Community should utilize bike/pedestrian counters (these are available to use from MnDOT)

¹⁰ Describe – there are various levels of public support or involvement.

¹¹ Planner may wish to ask for copy of the plans if they are unfamiliar with them

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12. If the proposed project includes Rehabilitation / Replacement / Reconstruction, how was the facility originally funded?

If previously funded with federal TEA \$ we need to make sure it is beyond the life of the project (20 years).

- Past TEA project _____ year constructed
- Does the community have documentation of past maintenance?

13. 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?¹²

This question will help gauge their understanding of required match. It is also important to identify whether their match has been verbally committed, is budgeted, or has actually been set aside. *Their match has been:*

- Verbally committed
- Budgeted
- Funds are already encumbered and specifically designated for this project

Do they understand that the TA program can only cover “federal eligible costs” (examples of “ineligible” costs include right of way acquisition, preliminary and construction engineering, etc.)? Yes No

If additional funds are required due to unforeseen circumstances, would they be able to come up with the additional funds?

Are there other funding sources they will be using for this project (e.g. DNR, LCCMR, State Aid)?

- Yes No _____

Do any of the funds have time related requirements? If yes, will the schedule work with the TA funding schedule? _____

What year(s) for construction _____

Are you looking at advance construction? Yes: year _____ No

¹² The project funding estimate should be based on the funding for a federal transportation project with all its requirements.

