



KYOVA

Interstate Planning Commission

Sub-allocated Funding Process and Application Package

This packet includes information and guidance about the process used by KYOVA Interstate Planning Commission to select, prioritize, and award Surface Transportation Block Grant Program (STBGP), Transportation Alternatives Program (TAP), and the CMAQ Program for the urbanized area of Lawrence County, Ohio. The funding programs and their project type are:

Infrastructure (Construction and Transit Capital Projects)

- Surface Transportation Block Grant Program (STBGP)
- Transportation Alternatives Program (TAP)

Non-Infrastructure (Planning Studies and Design Projects)

- Surface Transportation Block Grant Program (STBGP)
- Transportation Alternatives Program (TAP)

Air Quality

- Congestion Mitigation and Air Quality (CMAQ) Improvement Program - Ohio only

FY 2019 Application Cycle (October 15, 2018 through January 18, 2019)

Intent to Apply Deadline: Friday, November 16, 2018 – close of business

Application Deadline: Friday, January 18, 2019 – close of business

Introduction

The purpose of this document is to provide information and application guidance about the process used by the KYOVA Interstate Planning Commission to select, prioritize and award Surface Transportation Block Grant Program (STBGP) suballocated federal funds from the West Virginia Division of Highways (WVDOH), the Kentucky Transportation Cabinet (KYTC), and the Ohio Department of Transportation (ODOT) towards implementation of projects that further the goals of the continuing, coordinated, and comprehensive (“3-C”) nature of transportation planning. It also provides information for the Congestion Mitigation and Air Quality (CMAQ) Improvement Program for the urbanized portion of Lawrence County, Ohio. This document is divided into four sections:

- PREFACE: FIXING AMERICA’S SURFACE TRANSPORTATION ACT (FAST ACT) UPDATE
- SECTION 1: GENERAL INFORMATION
- SECTION 2: PROJECT CATEGORIES
 - Surface Transportation Block Grant Program (STBGP)
 - Transportation Alternatives Program (TAP)
 - Congestion Mitigation and Air Quality (CMAQ) Improvement Program - Ohio only
- SECTION 3: APPLICATION PROCESS AND APPLICATIONS
 - Surface Transportation Block Grant Program (STBGP) – **Infrastructure**
 - Generally used for construction, transit and transit facilities projects
 - Transportation Alternatives Program (TAP) – **Infrastructure**
 - Generally used for construction of non-motorized projects (bicycle and pedestrian)
 - Surface Transportation Block Grant Program (STBGP) and Transportation Alternatives Program (TAP) – **Non-Infrastructure**
 - Generally used for non-construction, studies, planning, and design reports
 - Congestion Mitigation and Air Quality (CMAQ) Improvement Program - Ohio only
 - Projects focused on reducing emissions
- ATTACHMENT A: KYOVA Interstate Planning Commission Planning Boundary Map

PREFACE: FIXING AMERICA'S SURFACE TRANSPORTATION (FAST ACT) UPDATE*

The Fixing America's Surface Transportation Act (FAST Act), signed into law on December 4, 2015 converted the long-standing Surface Transportation Program into the Surface Transportation Block Grant Program (STBGP). The STBGP has the most flexible eligibilities among all Federal-aid highway programs.

The FAST Act eliminated the MAP-21 Transportation Alternatives Program (TAP) and replaced it with a set-aside of Surface Transportation Block Grant Program (STBGP) funding for transportation alternatives (TA). These TA 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, community improvements such as historic preservation and vegetation management, and environmental mitigation related to stormwater and habitat connectivity. As under the earlier TAP, the FAST Act requires all STBGP TA set-aside projects to be funded through a competitive process. Eligible applicants now include nonprofit entities responsible for the administration of local transportation safety programs in addition to those previously eligible through the TAP.

The STBGP and STBGP Set-Aside (Transportation Alternatives) are approved through contract authority from the Highway Account of the Highway Trust Fund and are subject to the overall Federal-aid obligation limitation. As under MAP-21, the previous highway bill, the FAST Act directs FHWA to apportion funding a lump sum for each State then divides that total among apportioned programs. Each State's STBGP apportionment is calculated based on a percentage specified in law.

Based on the calculation, KYOVA receives a percentage from each State's (West Virginia, Kentucky, and Ohio) STBGP apportionment (after STBGP Set-Asides for Transportation Alternatives) which are obligated in three different areas, one of which is urbanized areas, such as the Huntington, WV-KY-OH Transportation Management Area (TMA), with population greater than 200,000. In general, STBGP projects may not be located on local roads or rural minor collectors. There are a few exceptions which may include safety projects; pedestrian and bicycle projects; safe routes to school projects; port terminal modifications; and projects within the pre-FAST Act title 23 definition of "transportation alternatives [(23 U.S.C 133 (c))].

*Summarized from Federal Highway Administration: FAST Act Surface Transportation Block Grant Program and Transportation Alternatives Fact Sheets; and MAP-21 Surface Transportation Program and Transportation Alternatives Program (TAP) Fact Sheets

SECTION 1: GENERAL INFORMATION

KYOVA Interstate Planning Commission (KYOVA) receives sub-allocations of federal Surface Transportation Block Grant Program (STBGP) funds which include a Set-Aside for the Transportation Alternatives Program (TAP) from the states of West Virginia, Kentucky, and Ohio. Funding is also available for the Congestion Mitigation and Air Quality (CMAQ) Improvement Program to eligible agencies in the urbanized portion of Lawrence County, Ohio – Kentucky and West Virginia DOTs have their own selection process. Funding for each program is provided for in the Federal Transportation Bill: Fixing America's Surface Transportation (FAST Act). The United States Department of Transportation (USDOT) divides Surface Transportation Block Grant Program (STBGP) funds each year among the states based on their respective amounts of highway mileage, vehicle miles traveled and fuel tax contributions. These funding amounts may vary from each highway transportation bill. Each state's Surface Transportation Block Grant Program (STBGP) sub-allocated funds are for use within their respective state (i.e. funds allocated for West Virginia and Ohio cannot fund projects in Kentucky unless it is a regional project). KYOVA has established the following process for soliciting, reviewing, and ranking highway, transit, non-highway, and CMAQ (urbanized area of Lawrence County, Ohio) projects utilizing these funds. KYOVA will solicit projects annually but reserves the right to solicit for an additional round if all funds are not expended. ***The FY 2019 application cycle will open October 15, 2018 and close January 18, 2019. The Intent to Apply Application Form, due November 16, 2018,*** will be reviewed in-house with our state and federal partners. Upon preliminary review KYOVA will contact applicants of eligibility and/or of additional requirements for the final application. Once ***Final Application are received (due January 18, 2019)*** each will be reviewed and ranked as outlined with the scoring process derived for the STBGP, TAP, and CMAQ application process. ***KYOVA reserves the right during and after review/ranking of projects to determine the best funding source and may modify applicant's requested funding program.*** West Virginia and Kentucky have developed a process and application specifically for CMAQ program funds. Therefore, applicants from West Virginia and Kentucky must follow their state's CMAQ application process. **SECTION 2** provides more details for each state's CMAQ program.

KYOVA Eligible Projects

- Projects must be located within KYOVA's Planning Boundary as depicted on the map in *Attachment A*.
- The local project sponsor must be a local unit of government or instrumentally thereof (such as the Huntington Tri-State Transit Authority, Lawrence County Community Action, or the Ashland Bus System) within KYOVA's planning boundary as a part of the Huntington, WV-KY-OH TMA. Additionally, the FAST Act allows for the inclusion of applicants that include nonprofit entities responsible for the administration of local transportation safety programs in addition to those previously eligible through the TAP.

Additional Requirements

- Project sponsors wishing to apply for funding through KYOVA's STBGP, TAP, and CMAQ programs must complete KYOVA's *Intent to Apply* and submit prior to the determined deadline.
- KYOVA's applications will be used to establish project eligibility and to score proposed transportation projects. The prioritization resulting from the application's scoring system will allow fair competition and selection based on a project's individual characteristics, status, and local commitment relative to other proposed projects.
- KYOVA will notify the state DOT (WVDOH/KYTC/ODOT) of the programming of projects and will provide copies of required documents (i.e. description, funding source, local match, preliminary cost estimate, project sponsor, etc.).
- The local match for all phases must be consistent with the program for which is being applied – normally no less than 20 percent of total project cost.
- Projects that fail to be ready to be obligated by the Federal Fiscal year in which they were selected for funding will be jointly assessed by the project sponsor, KYOVA, the state DOT, and USDOT to determine if the project should be terminated and funds reprogrammed. Reprogrammed funds will be made immediately available for projects that are ready to proceed.
- Project selection and approval will be considered final after the project is approved by the KYOVA Policy Committee and included in the Metropolitan Transportation Plan (MTP) and/or the Transportation Improvement Plan (TIP).
- A signed Resolution and/or Letter of Commitment from the project sponsor's chief official must be submitted with the Intent to Apply. The Resolution and/or Letter should describe the project, including the type of improvement, project location, total project cost, and funding commitment of matching funds source with requested funding amount.
- ***Per 23 CFR 630.112(c)(2) - Preliminary Engineering (PE) - In the event that right-of-way acquisition for, or actual construction of, the road/project for which PE is undertaken is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the applicant will repay to FHWA and/or the state the sum or sums of Federal funds paid to them under the terms of the agreement. Applicants may request a time extension for any PE project beyond the 10-year limit with no repayment of Federal funds, and the FHWA and/or the state may approve this request if it is considered reasonable. Meaning, that if an agency is awarded funds for a project and are reimbursed for expenditures; if they do not build the project because of any reason other than an environmental issue or if they do not act on a project within 10 years of the award; they must return all funds reimbursed.***

KYOVA Suballocated Funds Project Monitoring

It is the responsibility of each state's Department of Transportation to keep KYOVA informed of the status of all KYOVA STBGP, TAP, and CMAQ projects within the KYOVA's Planning Boundary. To expedite project selection KYOVA Staff will:

- Establish a project solicitation period based on the current Transportation Improvement Program (TIP)/Statewide Transportation Improvement Program (STIP) development schedule responsive to the needs of each state's transportation agencies.
- Distribute a "Call for Projects" application package to local public agencies located within KYOVA's Planning Boundary within the Huntington, WV-KY-OH TMA. The package will include the application process, Intent to Apply, Final Project Application, statement of deadlines, and scoring procedures.

- Review the proposed project(s) (s) for eligibility and develop a prioritized list based on a scoring system recommended by KYOVA Interstate Planning Commission Staff and adopted by KYOVA's Policy Committee. A prioritized candidate project list will be prepared utilizing the available funding for each state and program.
- Present the prioritized candidate project list to the KYOVA Technical Advisory Committee and the Policy Committee after eligibility and ranking is established – these committees may designate special review committees. The Policy Committee will make the final approval for project selection.
- Notify the applicants of the evaluation results.
- Request MTP/TIP/STIP inclusion as they pertain to each state upon completion of review and approval from KYOVA's Policy Committee.

Project Conditions

The following funding limitations will be applied to each project.

- Funding will be provided at the amount shown on each application. Applicants should make sure their request is sufficient to cover the cost of the activities shown in their application. If funding is not sufficient, it is not guaranteed that additional funding will be available to complete the project. It is the responsibility of the applicant to ensure funding to complete the project. ***Meaning, receiving funding through the STBGP and the STBGP Set-Aside Program does NOT guarantee future funding to complete a project.***
- The local match requirement for all phases must be consistent with each funding program. The match for most programs is 20 percent. Applicants should be prepared to dedicate these funds through local sources. A signed Resolution or commitment letter from the applicant's chief official stating funds will be dedicated toward the project will be required with the Intent to Apply.

Project Prioritization Process

The Transportation Improvement Program (TIP) is the “short-range planning element” of the Metropolitan Transportation Plan (MTP). Meaning each highway and transit project contained within the KYOVA TIP must demonstrate that it conforms to the goals and objectives listed in the KYOVA MTP. This conformity is achieved through the adopted scoring process that has taken the TIP and MTP goals and objectives into consideration. Prior to the TIP’s required update, the KYOVA Staff will determine if adjustments to the application evaluation factors are necessary. If necessary, adjustments will be made, and the proposed project categories will be updated.

SECTION 2: PROJECT CATEGORIES AND ELIGIBILITY

Surface Transportation Block Grant Program (STBGP)

KYOVA Interstate Planning Commission, a planning organization within the Huntington, WV-KY-OH Transportation Management Area (TMA), is required to establish a selection process for distribution of Surface Transportation Block Grant Program (STBGP) funds. Priority funding will be given to projects that meet KYOVA's Metropolitan Transportation Plan (MTP) and the KYOVA's Transportation Improvement Program (TIP) Goals and Objectives. The MTP and TIP can be found on-line at the KYOVA Interstate Planning Commission website (<http://www.kyovapic.org/>). Hard copies are available upon request and may take up to 10 days after the request to be distributed. If agencies are requesting hard copies please make sure the delivery time is taken into consideration while completing the applications.

The proposed projects will be evaluated for eligibility and prioritized based on a 100-point grading system as noted in the application. Selected projects will be included in KYOVA's Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), and submitted to the respective state for inclusion into their STIP.

Transportation Alternatives Program (TAP)

"The FAST Act eliminated the MAP-21 Transportation Alternatives Program (TAP) and replaced it with a Set-Aside of the Surface Transportation Block Grant Program (STBGP) 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, community improvements such as historic preservation and vegetation management, and environmental mitigation related to stormwater and habitat connectivity". KYOVA will refer to the STBGP Set-Aside projects as TAP Projects. *Source: Federal Highway Administration Transportation Alternatives Fact Sheet.*

Projects eligible under the MAP-21, which carries over to the current FAST Act STBGP TA Set-Aside (TAP Projects) include on-and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities; environmental mitigation; recreational trail program projects; safe routes to school projects; and projects for planning, designing, or constructing boulevards, and other roadways largely in the right of way of former Interstate System routes or other divided highways.

TAP funded activities must be accessible to the general public or targeted to a broad segment of the general public. Eligible applicants are limited to local governments, transit agencies, natural resource or public land agencies, 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 states determine to be eligible, consistent with the goals of subsection (C) of Title 23 Section 213. Non-profits are not eligible as direct grant recipients of the funds. However, a nonprofit may partner with an eligible applicant through a Public Private Partnership (PPP) with the eligible sponsor as the applicant. The application may be submitted under only one (1) of the qualifying categories.

Note: The Kentucky Department for Local Government (DLG) administers funding for Kentucky's Recreational Trails Program (RTP). More information may be found at Kentucky DLG's website: www.dlg.ky.gov.

Congestion Mitigation and Air Quality (CMAQ) Improvement Program

The Congestion Mitigation and Air Quality (CMAQ) Improvement Program is a funding program focused on reducing emissions in areas designated as nonattainment for the National Ambient Air Quality Standards (NAAQS). CMAQ funds are available to state and local government agencies as well as private entities through Public Private Partnerships (PPP). Nonprofit organizations may also apply in partnership with a state or local governmental agency.

CMAQ projects must meet three basic criteria:

- It must be a transportation project.
- It must generate an emissions reduction.
- It must be located in or benefit a nonattainment or maintenance area.

Eligible nonattainment or maintenance areas as determined by the Environmental Protection Agency (EPA) within the Huntington, WV-KY-OH TMA boundary are:

- West Virginia: Cabell County, Wayne County
- Kentucky: Boyd County and a portion of Greenup County
- Ohio: Lawrence County – urbanized area

The funding process for CMAQ funds varies from state to state. The process for each state is outlined below. However, it is advised to contact KYOVA prior to your application process. Additional information on eligible projects can be found on the FHWA CMAQ Guidance website: (http://www.fhwa.dot.gov/environment/air_quality/cmaq/).

West Virginia – Cabell County and Wayne County

West Virginia applicants must complete the West Virginia Department of Highway (WVDOH) application. WVDOH will advise KYOVA of the availability of funds, the application process, and deadline.

Kentucky – Boyd County and a portion of Greenup County

Kentucky applicants must complete the Kentucky Transportation Cabinet's (KYTC) Office of Local Programs (OLP) application. KYTC OLP website (<http://transportation.ky.gov/Local-Programs/Pages/default.aspx>) has information pertaining to their process. Kentucky recipients will be required to adhere to the Federal-Aid Highway Program Project Development Guide for Local Public Agencies (LPA Guide). Additionally, prior to submission, all applicants must complete the Kentucky State Clearinghouse form which may be found at <http://dlq.ky.gov/clearinghouse/>. KYTC will advise KYOVA of the availability of funds, the application process, and deadline.

Ohio – Lawrence County

KYOVA Interstate Planning Commission solicits and accepts CMAQ – Ohio applications for projects located within the urbanized boundaries of Lawrence County, Ohio. See **Section 3** for the CMAQ (Lawrence County, Ohio) application.

Funding Ratios

Projects will be funded at a ratio of 80 percent federal funds and 20 percent local funds for eligible project costs. Certain safety projects may be funded at 100 percent of the cost by federal funds upon approval by the state's Department of Transportation. Such safety projects are described in Title 23, USC, Section 120(c), and include traffic control signalization, pavement marking, commuter carpooling and vanpooling, installation of traffic signs, traffic lights, guardrails, concrete barrier end treatments, breakaway utility poles or priority control systems for emergency vehicles at signalized intersections.

All state and federal requirements in conjunction with the use of federal funds (i.e., uniform relocation, Davis-Bacon, NEPA, etc.) must also be met.

SECTION 3: APPLICATIONS

- **Surface Transportation Block Grant Program (STBGP) – Infrastructure**
 - Generally used for construction, transit, and transit facilities projects
- **Transportation Alternatives Program (TAP) – Infrastructure**
 - Generally used for bicycle and pedestrian design/planning and construction projects
- **Surface Transportation Block Grant Program (STBGP) and Transportation Alternatives Program (TAP) – Non-Infrastructure**
 - Generally used for non-construction, planning studies, and design projects
- **Congestion Mitigation and Air Quality (CMAQ) Improvement Program**
 - Projects focused on reducing emissions
- **Attachment A**
 - MAP of KYOVA Interstate Planning Boundary within the Huntington, WV-KY-OH Transportation Management Area (TMA)

Attachment A

KYOVA Interstate Planning Commission Boundary within the Huntington, WV-KY-OH Transportation Management Area (TMA).

Projects within the planning boundaries of the KYOVA Interstate Planning Commission's portion of the Huntington, WV-KY-OH TMA (Cabell and Wayne counties, West Virginia, Boyd and Greenup counties, Kentucky and the urbanized portion of Lawrence County, Ohio) are eligible to apply for funds from the Surface Transportation Block Grant Program (STPBGP) and the Transportation Alternatives Program (TA) - STBGP Set-Aside. Additionally, the urbanized portion of Lawrence County, Ohio may apply for Congestion Mitigation and Air Quality Improvement Program (CMAQ) – Ohio funds.

