

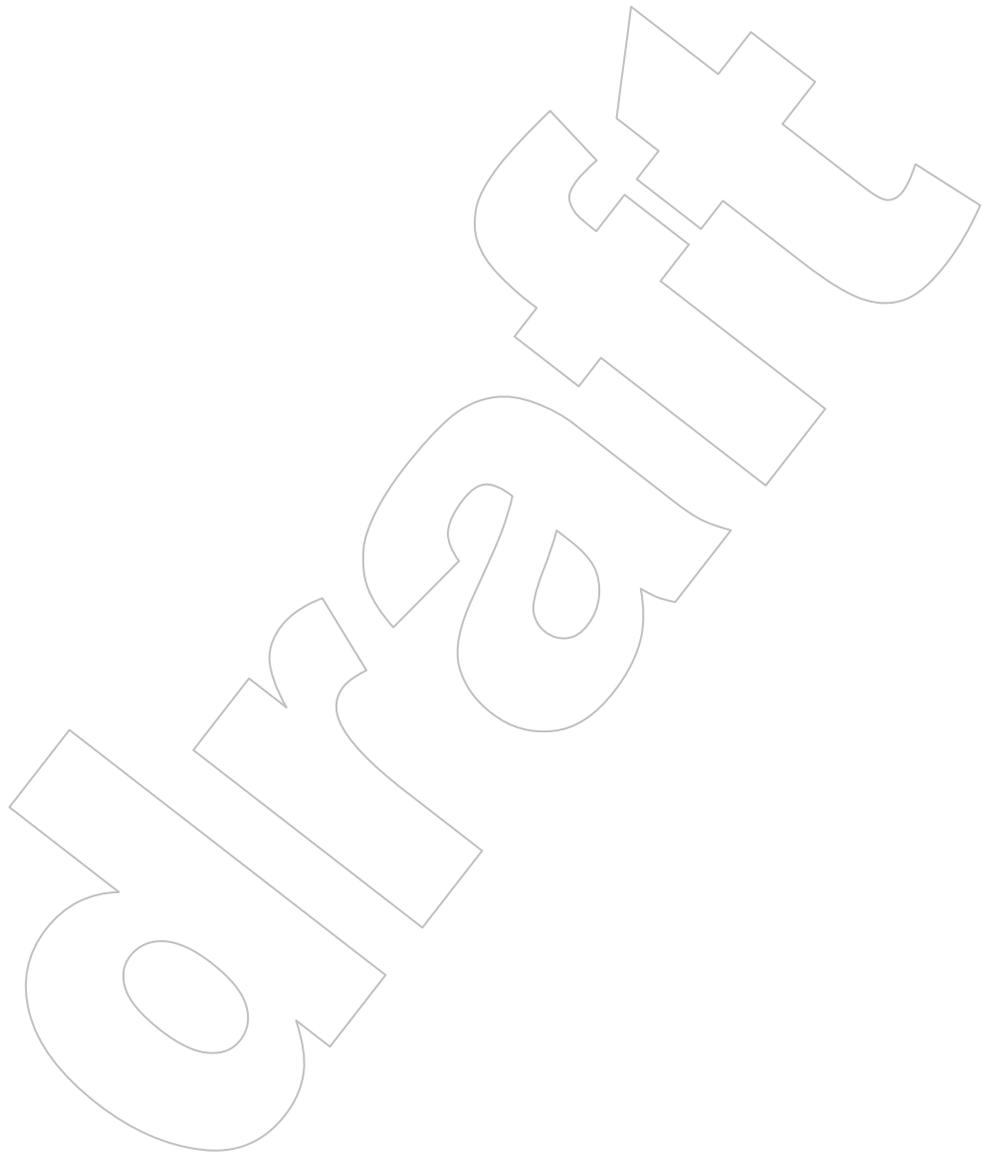


OahuMPO Transportation Alternatives Program

Guide for Sponsors and Applicants

Draft

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This guide focuses upon the Transportation Alternatives Program (TAP) for the Oahu Metropolitan Planning Organization (OahuMPO) and, as such, applies only to TAP activities on the island of Oahu.

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Introduction and Background

The Transportation Alternatives Program (TAP) provides funding for programs and projects defined as transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, and community improvement activities. The Federal government provides funding for TAP through its surface transportation legislation. It is a reimbursement program, meaning that all project costs must be paid for locally, and then appropriate documentation may be submitted for up to 80 percent Federal reimbursement of those costs.

TAP was authorized by the most recent Federal transportation funding Authorization – the Moving Ahead for Progress in the 21st Century (MAP-21) that was signed into law by President Obama on July 6, 2012. The State of Hawaii receives the State’s TAP funding. Fifty percent of TAP funds are distributed to areas based on population (sub-allocated). States and MPOs for urbanized areas with more than 200,000 people must conduct a competitive application and award process, in consultation with the Hawaii Department of Transportation (HDOT), for use of the sub-allocated funds.

This guide describes and defines the following features of the Oahu Metropolitan Planning Organization (OahuMPO) TAP:

- OahuMPO’s priorities for its TAP program, based upon the goals and objectives of the Oahu Regional Transportation Plan (ORTP);
- The eligibility requirements for a project to receive TAP funding;
- OahuMPO’s process to solicit and select proposed TAP projects on Oahu;
- The responsibilities of the project Sponsor; and
- The programming of TAP projects into the Transportation Improvement Program (TIP).

Program Goals and Priorities

The OahuMPO TAP has identified the following goals as related to TAP objectives and scope:

- Support the regional priorities as defined in the Oahu Regional Transportation Plan
- Support and enhance Complete Streets initiatives on Oahu
- Support and enhance Transit-Oriented Development by providing multi-modal connections
- Encourage and support the implementation of projects identified in existing State and County bicycle and pedestrian plans
- Support and encourage equity for all communities by providing multi-modal transportation options, especially for those who are traditionally underserved

Nature of the Program

TAP is a part of the United States Department of Transportation's Federal-aid Highway Program. Although the program is a "grant" program under Federal regulation, it is not an "up-front" grant program; funds are available on a reimbursement basis. Only *after* a project has been approved by the OahuMPO and the Federal Highway Administration (FHWA) Hawaii Division office can costs become eligible for reimbursement. This means project sponsors must finance the costs of the project when expenditures are incurred. Project costs incurred prior to approval and award of TAP funds are the sole responsibility of the project sponsor. Recipients of TAP funds must submit requests for reimbursement on a quarterly basis.

Any project for which TAP funds are being requested must have come from the most recently adopted Oahu Regional Transportation Plan (ORTP) or be consistent with the regional goals and objectives of the ORTP. It is the applicant's responsibility to demonstrate this consistency within the application.

All projects must also be consistent with the City & County of Honolulu's Complete Streets policy. Complete Streets, in general, consists of the following objectives:

- Improve safety;
- Apply a context-sensitive solution process that integrates community context with its surrounding environment, including land use;
- Protect and promote accessibility and mobility for all;
- Balance the needs and comfort of all modes and users;
- Improve energy efficiency in travel and mitigate vehicle emissions by providing non-motorized transportation options;
- Encourage opportunities for physical activity

Program Structure

Funding

OahuMPO's TAP funding is determined by dividing the national total among the States based on each State's proportionate share of Fiscal Year 2009 Transportation Enhancements funding.

First, there is a sub-apportionment for the Recreational Trails Program which is taken off the top of each State's total TAP funding. Of the remaining balance, 50 percent is sub-allocated to areas based on population, while the other 50 percent may be obligated to any area of the State. Of the 50 percent sub-allocated based on population, the amount attributable to large urbanized areas (over 200,000 people) will be administered by OahuMPO in consultation with HDOT. The divisions for the population-based sub-allocation are:

1. In urbanized areas of the State with an urbanized area population of over 200,000, also known as a Transportation Management Area; this, for Oahu, is determined to be the entire island;
2. In areas of the State other than urban areas with a population greater than 5,000; and

3. In areas of the State with a population less than 5,000.

TAP is funded by contract authority from the Highway Account of the Highway Trust Fund. TAP funds are subject to the annual obligation limitation imposed on the Federal-aid highway program.

Eligible Activities

The following activities, as authorized in MAP-21 for TAP funding, are considered eligible activities for OahuMPO's program. Eligible projects must relate to surface transportation, be located within the planning area of the MPO (Oahu), be located on publicly-accessible lands, and consist of one of the following:

1. Construction 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.
2. Construction 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.
3. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.

Only applications for projects that are “ready-to-go” will be accepted. The definition of “ready-to-go” is a project that has cleared all significant barriers to implementation and is simply waiting for funding for construction. At time of application submittal, applicants must provide certifications that clearances have been obtained (or necessary arrangements have been made) so as not to delay the construction by delays due to inadequate coordination for right-of-way (ROW), utility relocations, National Environmental Policy Act (NEPA) environmental clearances, and other pre-construction coordination. Applicant must show assurance that FHWA's approvals for construction authorization and plans, specifications, and estimates (PS&E) have been secured. Significant steps in project development that should be complete or near completion prior to applying for TAP funding include:

- Planning studies
- NEPA and Hawaii Revised Statutes (HRS) Chapter 343 (Environmental Impact Statements) processes
- PS&E and related documents
- ROW acquisition
- Public review and comment
- Budgeting and committing funds
- Contracting and Memoranda of Agreement
- Permitting
- Utility agreements

Projects submitted for TAP funding will be evaluated, in part, based on their readiness. Better developed and more complete projects will be evaluated more favorably than those that are less well-developed.

Eligible Applicants and Sponsors

The following entities are eligible to apply for OahuMPO's Transportation Alternatives Funding:

- Local Governments
- Regional Transportation Authorities
- Transit Agencies

Not-for-profit organizations may only apply for OahuMPO's TAP funding when partnered with one of the above entities.

Eligible Costs

Only certain costs are eligible for reimbursement through the OahuMPO TAP. An obligation occurs when a project is approved and a project agreement is executed between the project sponsor, FHWA division office, and OahuMPO (see Appendix A for a sample project agreement). Although considerable time and money may have already been spent developing a project, an obligation marks the beginning of project costs which are eligible for reimbursement. Any design, feasibility studies, project development, engineering, and environmental work conducted prior to receipt of a Notice of Award and obligation of funds are not eligible.

After obligation, only construction costs and costs associated with construction management are eligible for reimbursement. Neither ROW property rights nor the acquisition of ROW are eligible expenses. Any costs associated with maintenance or general planning studies are also ineligible. The term "construction" means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction in performing Federal-aid project-related audits that directly benefit the Federal-aid highway program. For example, costs associated with construction management or environmental mitigation to address inadvertent findings would be eligible for reimbursement.

Local Match

The Federal government will pay for up to 80 percent of eligible project costs for a TAP project. A local match is required to pay for 20 percent or more of the remaining project costs. Noncash or in-kind contributions as a local match will not be accepted. There is neither a minimum nor a maximum amount of funding that may be requested in a project submittal. The limited TAP funds available to OahuMPO will constrain the number of eligible projects receiving awards.

Project Sponsor Responsibilities

The project sponsor must assure that 100 percent of the project costs are available.

- **IMPORTANT:** TAP is a reimbursement program – meaning that 100 percent of the project costs must be paid for locally. A request is then sent to OahuMPO for reimbursement of up to 80 percent of those costs.

The sponsor is responsible for the development and implementation of the project, including paying in full for qualified project expenses prior to applying for reimbursement of the Federal-

aid eligible share. The sponsor must appoint a knowledgeable and qualified project manager who will see the project through to completion. This manager will maintain regular contact with the OahuMPO TAP Coordinator throughout the life of the project, and will provide periodic updates as the project progresses through milestone activities. The project sponsor must provide assurances that an agency will maintain the proposed improvement at its sole cost and expense.

The allocation of TAP funds is a “not-to-exceed” amount. Project cost overruns are solely the responsibility of the project sponsor. Project sponsors may apply for additional funding in future years, but additional allocation of TAP funds is not guaranteed.

TAP funds are Federal funds, and, therefore, all projects must comply with all required provisions of Title 23 of the United States Codes – such as project agreements, authorization to proceed prior to incurring costs, prevailing wage rates (Davis-Bacon), competitive bidding, and other contracting requirements. It is the Project sponsor’s responsibility to know and fully comply with all Federal, State, and City and County of Honolulu requirements as they relate to the TAP project.

The following list includes some of the Federal requirements; however, it is not comprehensive:

- Projects must conform to the NEPA requirement and the National Historic Preservation Act. To comply with these laws, projects will need a Federal environmental review and may need a State environmental review, depending upon the project. Work involving historic structures or archaeological sites must conform to the U.S. Secretary of the Interior’s standards and guidelines for archeological and historic preservation.
- Any right-of-way acquisition must conform to the Uniform Relocation Assistance and Real Property Acquisition Act .
- All designs must conform to the current regulations from the Americans with Disabilities Act (ADA).
- Section 4(f) of the U.S. Department of Transportation Act states that FHWA cannot approve a project that uses land from a Section 4(f) resource (publicly-owned parks, recreation areas, wildlife and waterfowl refuges, and national, state, or local historical sites) unless the project sponsor is also the owner/administrator of the park, or FHWA determines that no feasible alternative exists. In such a case, all efforts must be made to minimize harm to the resource.
- Section 106 National Historic Preservation Act (NHPA) of 1966 requires Federal agencies to consider the potential effects of a project on a property that is listed in or eligible for the National Register of Historic Places.
- The Brooks Act requires federally-assisted consultant contracts for engineering and design services to use qualification-based selection procedures, which disallow price as a factor in the selection process.
- Competitive Bidding requires that construction projects be advertised and awarded to the lowest responsible and responsive bidder through open competitive bidding.

- Predetermined Minimum Wage (Davis-Bacon) Act requires that the minimum prevailing wage rate must be paid to all workers on Federal-aid highway projects that exceed \$2,000. Note that if the project is a transportation facility and is eligible solely on function (e.g., restoration of a railroad station, an independent bike path, etc.), then this Act does not apply unless the project is physically located within the existing right-of-way of a Federal-aid highway.
- Buy America requires that construction projects provide for:
 - a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in any project funded under Title 23
 - alternate bid provisions
 - minimal usage criteria for non-domestic products
 - a waiver process based on public interest or the availability of domestic products

Application Process

Cycle

OahuMPO will hold an annual call for projects. Eligible project sponsors or not-for-profit organizations in partnership with an eligible sponsor may submit the *OahuMPO Transportation Alternatives Program Application* (Appendix B) in response to the call for projects with all required documents defined below. Applications will be evaluated as submitted; however, OahuMPO may request additional information for clarity purposes.

Required Documents

Required documents must be submitted to the OahuMPO in both electronic files and hard copies (3 copies).

- *OahuMPO Transportation Alternatives Program Application*
- A project map that clearly identifies the location and termini of the project
- ROW information, as applicable
- Project cost estimates and project schedule, prepared by an engineer licensed in the State of Hawaii with experience managing similar Federal-aid projects
- Letter of commitment from sponsor agency (if applicant is a not-for-profit organization)
- Documentation of commitment of up-front cash for completion of the project by the project sponsor

Applications that are incomplete or received after submittal deadline will be deemed ineligible and not subject to further evaluation.

Project Evaluation and Ranking

Evaluation Criteria

OahuMPO staff will conduct a preliminary review of all applications received to determine compliance and completeness. Those applications determined compliant and complete will then be distributed to members of the OahuMPO TAP Evaluation Committee (TAPEC), consisting of OahuMPO staff, representatives from its partner agencies, and members from its Technical and Citizen Advisory Committees for evaluation and ranking of all eligible and complete applications. TAPEC composition will be adjusted based upon the applications received. Any sponsor agency with an active project application submitted will be ineligible to serve on the TAPEC for that evaluation and ranking process. All applicant projects will be evaluated against the following criteria (using the corresponding weights assigned to each):

Transportation and Mobility (20 points)

- Project increases pedestrian and/or bicycle activity
- Project promotes ridesharing or transit ridership
- Project provides facilities and services for persons with disabilities
- Project encourages public/private partnerships to provide services or facilities

Intermodal Connection (20 points)

- Project supports a multi-modal transport system
- Project provides connections for users desiring to move about by bicycle, pedestrian facility, and intermodal connectors

Safety (15 points)

- Project increases the safety of users of bicycle and pedestrian facilities
- Project reduces transportation-related injuries and fatalities
- Project enhances the safety and security of transit users

Equity (15 points)

- Project maintains and improves the transportation system in a manner that supports community-wide values relating to civil rights
- Project enhances access to affordable and reliable transportation options for underserved communities and economically vulnerable populations

Human Environment and Quality of Life (10 points)

- Project maintains and improves the transportation system in a manner that sustains environmental quality
- Project maintains and improves the transportation system in a manner that supports community-wide values related to health, safety, and culture

Readiness and Likelihood of Success (10 points)

- Project is developed and complete, increasing the probability of success

- Project applicant demonstrates the ability to complete the project, shows experience with Federal and State requirements, and has the resources and experience to keep project on schedule

Viability (5 points)

- Project application is accurate, comprehensive, and complete
- Project application demonstrates community need and support

Inclusion in existing plan (5 points)

- Project is currently identified in the Statewide Pedestrian Master Plan, the Hawaii State Bike Plan, the Hawaii Strategic Highway Safety Plan, or the Oahu Bike Plan

Project Ranking

The TAPEC will utilize a quantitative ranking and prioritization method based upon the evaluation criteria to ensure a consistent, fair, equitable, and transparent process is undertaken. The awarded numerical score for each eligible application will determine the prioritized list of potential TAP projects.

The prioritized list will undergo a period of review by the OahuMPO Policy, Technical Advisory, and Citizen Advisory Committees, as well as governmental agencies and the public.

The final prioritized listing of projects as developed by the TAPEC and comments received on that listing will then be considered by the OahuMPO Policy Committee for approval and subsequent awards. OahuMPO's Transportation Alternatives funds are limited and may not be sufficient to fund all proposed activities.

Project Approval, Notification, and Programming

Based upon the amount of funding available, the Policy Committee will determine the top priority projects that will receive TAP awards. Letters of Award will be sent to the sponsors of those projects from Policy Committee.

Once a project sponsor has received a Letter of Award, the sponsor must execute all necessary agreements, hire a contractor through a competitive bidding process, and begin construction within the following 12-month period. The projects sponsor shall provide OahuMPO with hard copies of the executed contract and the Notice to Proceed within this time period.

All projects approved by the Policy Committee for TAP funding will go through the process of being programmed into the Transportation Improvement Program (TIP). Once the TIP (or a Revision of the TIP) is approved by the Policy Committee and the Governor, all projects will then be incorporated into the Statewide TIP.

Project Implementation and Delivery

All OahuMPO TAP projects are subject to FHWA's project implementation and delivery requirements for Federal-aid funded projects.

- The project sponsor may be required to submit a project management plan.
- The project sponsor may be required to sign a Memorandum of Agreement (MOA) between the eligible sponsor, the not-for-profit organization, and OahuMPO. This MOA would define roles and responsibilities for project implementation and delivery.

Every project selected through TAP should progress through development and implementation in a reasonable timeframe as Federal funding will be set aside expressly for each approved project. Long delays effectively tie up funding and prevent expected benefits from being realized. For this reason, the implementation expectations are:

- The project applicant must have completed the contracting process within one year of receipt of the Letter of Award from the Policy Committee. Applicant must furnish proof of compliance with the requirements of 103D-310(c), HRS.
- The project must be completed and final construction inspection accepted within five years of funding approval.
- Project Close-out should be initiated within three months of Final Construction Inspection acceptance.

Project Schedule

The project sponsor must submit a final schedule for approval to the OahuMPO within 12 months of the Letter of Award and prior to the start of construction. See Appendix C for an example of a project schedule.

Reimbursement and Project Closure

Final inspection of the project is performed by the sponsor in cooperation with OahuMPO. When construction is complete, the sponsor is responsible for:

- Formally accepting construction of the project; and
- Notifying OahuMPO of project acceptance.

To close the project, the sponsor submits the following documentation to OahuMPO:

- A final reimbursement request
- A Certification of Construction Inspection
- A Certification of Construction Acceptance
- A Project Financial Summary
- A final Disadvantaged Business Enterprise (DBE) Utilization Report
- A final Prime Contractor Report of Contract Payments
- A final Equal Employment Opportunity (EEO) Utilization Report
- A final Certification of Vendor Compliance (HCE)

Upon receipt of the above documentation, OahuMPO will make final reimbursement to the sponsor and will close the State/Sponsor project agreement. The project must be completed and final construction inspection accepted within five years of funding approval; and Close-out should be initiated within three months of Final Construction.

Federal Requirements and Standards

A federally-funded facility must be operated and maintained for its useful life. In the event that a federally-funded facility does not perform as intended for its useful life, the sponsor will be asked to pay back the prorated portion of project funds. Federal funds cannot be used for routine maintenance.

NOTE: Appendix A, Appendix B, and Appendix C are not currently included with this draft.

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