

Agency: North Dakota Department of Transportation (NDDOT)
Division: Local Government
Group: Executive Policy Manual
Category: II-Management, Project, and Program Development
Policy Number: II 8-1.4
Title: Urban Grant Program (Cities over 5,000 Population)
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PURPOSE: The intent of the program is to provide a funding mechanism focused on reinvesting and fortifying a community's existing transportation assets which maximizes the public return on investment. The program focuses transportation investments inward toward the established community rather than outward expansion. The objectives of the program are as follows:

I. Objectives

- A Preserve existing transportation assets
- B Ensure safety of all users of the transportation system
- C Improve multi-modal transportation options such as walking, bicycling, and public transportation
- D Enhance the economic vitality of the area by providing transportation assets that support:
 - 1. revitalization efforts
 - 2. development of vacant or underutilized parcels within existing urban areas; and/or
 - 3. redevelopment of established portions of communities
- E. Support economically sustainable growth, lessening the need for outward expansion of community transportation infrastructure and associated services

II. Funding

- A. Program funds are limited to Title 23 Code of Federal Regulations (CFR) eligible projects which further the objectives, within the existing corporate limits (at the time of application) of North Dakota's urban Local Public Agencies (communities 5,000 population or greater referred to as LPAs

throughout this document). Funding will be allocated through competitive grants on an annual basis.

- B. While the program focuses on transportation improvements, it is also intended to compliment programs that are administered by other State agencies to support reinvestment within North Dakota's LPAs.
- C. The annual amount of federal funding dedicated to this program shall be determined annually by the Director. NDDOT may cap or limit the funding for each project at the discretion of NDDOT. The Director may choose to use more than one year's worth of funding to complete project(s). For projects located on the State Highway System, NDDOT will decide which activities to complete with internal staff or hire a qualified consultant to complete. For projects located on a roadway owned by an LPA, that LPA will be responsible to hire a qualified consultant in accordance with the NDDOT Consultant Administrative Services (CAS) Manual, if they don't have the necessary staff inhouse.

III. Policy

- A. The Local Government Division will coordinate, develop, and administer this program to provide funding to LPAs within North Dakota.
- B. Before any preliminary engineering and bidding of a construction project, the NDDOT and the LPA must agree in writing on preconstruction and construction responsibilities, maintenance, right-of-way, encroachments, final project plans, and reimbursements of any matching funds or project items not eligible for federal participation.

IV. Project Eligibility

- A. Program funds are limited to North Dakota's LPAs with a population 5,000 or greater. Population estimates to determine an LPA population will be based on the latest official decennial census of population conducted by the United States Census Bureau. Funding will be limited to federal aid eligible facilities/projects within the corporate limits of an LPA. In general, projects which further the objectives of this program and are allowable under Title 23 CFR will be considered with the following exception: Projects which include/support an increase in passenger vehicle capacity at the edges of an LPA and/or contribute to the expansion of the LPAs geographic footprint are generally not consistent with the objectives of this program.
- B. In part, the program intends to maximize the public's return on investment by focusing on transportation projects that support revitalization, development of vacant or underutilized parcels within existing urban areas,

and/or redevelopment of the established built environment of the LPA. Examples of projects which might align with the objectives of this program could include but are not limited to:

1. Pedestrian, bicycle, and public transportation friendly corridor improvements
 2. Projects that improve safety for all users of the transportation system
 3. Traffic calming measures
 4. Road diets
 5. Bus stops and other eligible public transportation facilities
 6. Bus pull-outs
 7. Bike lanes/buffered bike lanes
 8. Landscaping and streetscape improvements
 9. Lighting
 10. Pedestrian controlled signalization
 11. Projects improving transportation system connectivity (including with multiple modes)
 12. Asset preservation projects, such as pavement overlays
- C. Stand-alone Title 23 eligible projects which meet most if not all the objectives are likely to compete more favorably. For all above work-type examples, the location and intent of the project are more critical than the type of work, if the work is Title 23 eligible.
- D. Projects which directly support a community's urban core or central business district, and which promote complete streets, walkability, and transit enhancements will be given preferential consideration. Additional consideration will be given to projects in MSI Communities and to projects which can demonstrate a return on investment.
- E. Prospective projects must be consistent with a locally established and publicly accepted/adopted plan or public involvement process for the subject area and/or community. The intent is to ensure community support for the proposed project through a publicly vetted process.

V. Project Submission

- A. The Local Government Division will send a solicitation letter to the applicable LPAs notifying them of the submittal process.

- B. Interested LPAs will be required to submit a project application to Local Government by the given deadline to be considered for funding. Project applications, at a minimum, must include the information as identified in the application form. Projects located within a Metropolitan Planning Organization (MPO) area must comply with the respective MPO processes for submitting applications to the NDDOT.
- C. Project applications must be signed by the subject LPAs highest elected official. The LPA will also need to obtain the signature of the appropriate NDDOT District Engineer if the project directly impacts the ND State Highway System.

VI. Cost Participation

- A. Federal funding will be the primary source of funding under this program. As such, there are match requirements that need to be met in order to use these funds. The local match required and who is responsible for the local match will be dependent on the roadway/facility being improved and will be identified in the signed agreement between NDDOT and the LPA. If State funds will be used as part of the local match, those funds may also be capped or limited as determined by NDDOT. Projects on the Urban Roads System will be funded with federal aid, up to the award amount, and local match. Projects on the Urban Regional System will be funded with federal and state funds up to the award amount. All cost overruns or ineligible costs will be the responsibility of the LPA.
- B. The LPA will be required to cover all match needed for service road construction or improvements (typically 20 percent). Participation on side streets will be to the right of way line or to the radius point adjacent to the federal aid route if the radius point is beyond the right of way line, unless design guidelines/standards require construction activity beyond this limit, within reason.
- C. The LPA will be required to provide 100% funding for items not eligible for federal aid such as water lines, sanitary sewer, ineligible storm sewer costs, and items that exceed reasonable design specifications as determined by NDDOT. Federal or State funds from other state agencies may be used for non-transportation related items, as allowed by those programs.

VII. Maintenance

- A. State Highway System - The maintenance responsibilities shall be in accordance with NDDOT Policy II 8-1, "Urban Area Program (Cities over 5,000 Population)." All prior maintenance agreements will remain in effect unless they are superseded by a new agreement.

- B. LPA Owned Roadways/Facilities - The LPA will be responsible for all maintenance activities.

VIII. Project Selection

- A. Projects will be recommended by a selection committee specific to this program and whose composition includes the following representation:
 - 1. NDDOT Chair of Committee – Local Government Engineer
 - 2. North Dakota Department of Commerce
 - 3. Bank of North Dakota
 - 4. League of Cities
 - 5. Metropolitan Planning Organization representative
 - 6. NDDOT Programming Engineer
- B. The NDDOT Director will consider the selection committee's recommendations and will make final approval of the funded projects.
- C. Once a project is selected by the NDDOT Director, the LPA will be notified and informed of the funding available for the project, including the capped or limited amount. Approved projects will be incorporated into the NDDOT's Statewide Transportation Improvement Program (STIP). If the project is located within an MPO, the MPO must incorporate these projects into their respective Transportation Improvement Program (TIP).
- D. If the scope of the project changes significantly from the scope presented within the application, the NDDOT reserves the right to revoke funding from this program for the project.

IX. Project Phasing

- A. Phasing of projects is an option, however, the funding awarded for one fiscal year will not exceed the predetermined cap amount. Each phase of the project must have stand-alone or independent utility and does not require the completion of other phases to meet the project's intended purpose or function. Applications for future phases of a project will compete with other projects on an equal basis.

X. Project Readiness

- A. The project development process must be completed, and federal construction funds authorized in the federal fiscal year designated by the grant award. Applications should demonstrate the ability to meet the aforementioned time frame.