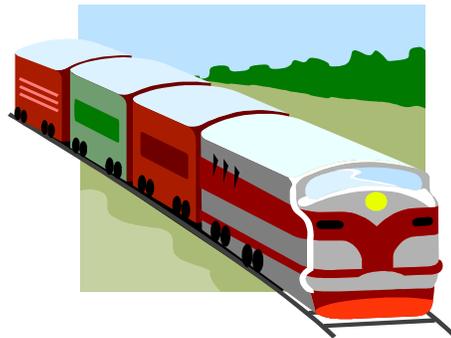


# TRANSPORTATION ENHANCEMENT

## PROJECT APPLICATION



**MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
PLANNING DIVISION  
P. O. BOX 1850  
JACKSON, MS 39215-1850**

**NOVEMBER 1998**

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***The Mississippi Transportation Commission announces the solicitation of projects for the Transportation Enhancement program established by the Transportation Equity Act for the 21st Century (TEA-21)***

## ***TRANSPORTATION ENHANCEMENT PROGRAM***

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### **1. INTRODUCTION:**

The *Transportation Commission* invites any City Government, County Government, State Agency, or Rails to Trails District to apply for funding approval of a *Transportation Enhancement* project. The *Transportation Commission* will make available \$21 million in *Transportation Enhancement* Federal funds apportioned to the State of Mississippi for distribution to applicants. The program utilizes Federal funds that contribute up to 80% of the project cost.

This document is a guide and is intended to provide eligible applicants and interested parties with the Program guidelines and necessary procedures to follow in preparing an application for Federal Transportation Enhancement Program funds.

This document provides:

- Federal and State guidelines for *Transportation Enhancement* projects;
- Application procedures for proposed projects; and,
- Forms and typical contractual agreements required to establish a working project.

There are many Federal and State regulations and project implementation procedures that will be necessary if a project is approved. The Mississippi Department of Transportation (MDOT) will work with all successful applicants to make sure projects are completed.

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## 2. APPLICATION CHECK LIST:

The following list of items and requirements are necessary for a *Transportation Enhancement* Program application to be considered for funding by the Mississippi Department of Transportation (MDOT).

**Eligible Applicant:** State Agency, City or County Government, *Rails-to-Trails* District. **Project meets one or more of the eligible twelve (12) exclusive activities** as specified in the 1998 United States *Transportation Equity Act for the 21st Century* (TEA-21). **Complete the Application Form**, pass a board order, and have the appropriate government official sign.

### Complete the following Attachments:

- ATTACHMENT A: *Description of Proposed Project*.
- ATTACHMENT B: *Maps, plans, and Photographs* (which denote the project location, area, Right-of-Way, existing and proposed facilities, etc.)
- ATTACHMENT C: *Evidence of Eligibility* (demonstrate that the proposed project is an eligible activity.)
- ATTACHMENT D: *Benefits* (list benefits and objectives.)
- ATTACHMENT E: *Environmental Review* (adequately consider environmental consequences and compliance.)
- ATTACHMENT F: *Budget and Implementation Schedule*.
- ATTACHMENT G: *Legal and Compliance Certification* (certify that there are no known legal impediments and that applicant will comply with required codes, standards, and regulations.)
- ATTACHMENT H: *Maintenance Plans, Agreements, and Covenants* (Rail-to-Trail Districts must include contract agreement with government entity that agrees to maintain project.)
- ATTACHMENT I: *Memorandum of Understanding (MOU)*: Execute the MOU. This will show that the applicant is willing to participate in the *Transportation Enhancement* Program funding and regulatory requirements of both the Federal and State governments. The MOU is to be included in the **original** copy of the application only.

Once the announcement for applications is made submit the application to the Executive Director of the MDOT, or if the project is within an Urbanized Area then submit to the appropriate *Metropolitan Planning Organization* (MPO.) Submit an original (to include the MOU) and 8 copies of the application.

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### **3. FEDERAL-STATE PROGRAM ELIGIBLE ACTIVITIES:**

The TEA-21 specified twelve(12) activities that are eligible for the *Transportation Enhancement* Program. These activities are exclusive. Exclusive means that only the twelve activities are eligible for the program. These activities are:

1. Provision of facilities for bicyclists and pedestrians.
2. Provision of safety and educational activities for bicyclists and pedestrians.
3. Acquisition of scenic easements and scenic or historic sites.
4. Scenic or historic highway programs (including the provision of tourist and welcome center facilities).
5. Landscaping and other scenic beautification.
6. Historic preservation.
7. Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals).
8. Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails).
9. Control and removal of outdoor advertising.
10. Archaeological planning and research.
11. Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.
12. Establishment of transportation museums

#### **3.1 PARTICIPATION IN TRANSPORTATION ENHANCEMENT PROJECTS:**

The *Transportation Enhancement* program is restricted to both Federal rules and guidelines plus those imposed by the Mississippi *Transportation Commission*. The additional rules required by the *Commission* are designed to comply with limitations imposed by Mississippi law.

The Federal Highway Administration (FHWA) Guidelines allow

*"enhancement activities to be developed in cooperation with other State and Local agencies. However, the State DOT shall remain responsible to the FHWA for the enhancement project."*

Because the MDOT is responsible for these projects, the Mississippi *Transportation Commission* has adopted certain eligibility and participation rules as detailed in the remainder of this document.

#### **3.2 ELIGIBLE PROJECT ACTIVITIES:**

**Eligibility:** Project applications will only be accepted by the MDOT from state agencies, city and county governments, and *Rails-to-Trails* Districts as defined in Mississippi Senate Bill No. 2512, of the 1994 Regular Session of the Mississippi Legislature.

The *Transportation Enhancement* program is a new concept in construction of transportation facilities in the Nation. According to the FHWA interim guide, Mississippi law, and the MDOT policy the following definitions and project descriptions are used in determining the eligibility of requested *Transportation Enhancement* projects.

### 3.2.1 Transportation Enhancement Categories, Detail Qualifications:

The twelve *Transportation Enhancement* categories included in the TEA-21 have been further clarified by Federal and Mississippi actions to have the following meaning:

1. *Provision of facilities for pedestrians and bicycles.*

Only special projects beyond ordinary street sidewalks will be considered. The facility must meet all design standards of the AASHTO (*American Association of State Highway and Transportation Officials*, the standards and design organization for transportation related construction in the US.) If a bike and/or pedestrian path is created along a roadway it shall be divided from the vehicle traffic way and pedestrians and bicycles separated from each other.

2. *Provision of safety and educational activities for pedestrians and bicyclists.*

Self explanatory.

3. *Acquisition of scenic easements and scenic or historic sites.*

A project may include the purchase of *scenic easements* for the "viewshed" of a highway designated as a "scenic road or byway." The *scenic easement* must encompass the entire view as seen from a moving vehicle on the roadway, must remove all advertising of any kind within view, must provide for permanent ownership of the *scenic easement* by the public entity making the application, and meet any and all Federal requirements for Right-of-Way acquisition. The *scenic easement* must also restrict all future use of the property to ensure the *scenic easement* will be kept in the correct condition to continue to qualify as a *scenic easement*.

The purchase of a *transportation linked* historic site may be considered a complete project provided the *Transportation Enhancement* project provides for the maintenance of the site in its current condition, or "restored condition," (as defined by the US Secretary of the Interior's standards for rehabilitation) for perpetuity by the public entity making the application.

4. *Scenic or historic highway programs (including the provision of tourist and welcome center facilities).*

A *Transportation Enhancement* project in this category can be applied only to a roadway that has been designated a "scenic byway" by both the State of Mississippi and the Federal Highway Administration; OR, a roadway that has been designated as *an historic road or trail* by the *Mississippi Department of Archives and History* or the US Department of the Interior. *Tourist and welcome center projects* must be along roadways designated as scenic or historic.

5. *Landscaping and other scenic beautification*

This type of project must be specialized landscaping of a transportation related facility. This can't be treatment of an existing transportation facility that is designed as ordinary erosion control. Ordinary erosion control is *a character of work* that is normal to the regular Federal Highway Program.

6. *Historic preservation.*

This type of project must involve a property of exceptional historic or prehistoric significance which is eligible for or listed on the *National Register of Historic Places* (or designated a *Mississippi Landmark* under the State Antiquities Act.)

The project may qualify under two methods:

- The project must either be an historic transportation facility, i.e. railroad depots, transportation administration buildings, toll facilities, port facilities, etc. or,
- The project is in close proximity to (in sight of) a public transportation facility. After restoration, the facility must then be operated as an amenity to the transportation facility operated by the APPLICANT and open to the public a minimum of six (6) days per week year round.

To be eligible for this category the application must be a project that will restore the facility in conformity with the US Secretary of the Interior's *Standards for Historic Preservation Projects*. NOTE: This category does not include any new construction.

7. *Rehabilitation and operation of historic transportation buildings, structures or facilities (including historic railroad facilities and canals).*

For this category the proposed *Transportation Enhancement* facility must be eligible for or listed on the *National Register of Historic Places* (or designated a *Mississippi Landmark* under the State Antiquities Act.) Projects of this category apply only to historic transportation facilities, i.e. railroad depots, transportation administration buildings, toll facilities, port facilities, etc. The MDOT has made a policy decision that *operation of facilities* will not normally be funded as a *Transportation Enhancement* project. This is due to restrictions in State law and regulations related to the way the MDOT must operate.

8. *Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails).*

A railroad corridor may be purchased as a *Transportation Enhancement* project provided all Federal regulations related to Right-of-Way acquisition are met. Also, the railroad corridor acquisition must follow the rules of the Federal Railroad Administration related to abandonment. This may be accomplished through a Mississippi *Rails-to-Trails* district as defined by Mississippi Law; however, if the project is from a *Rails-to-Trails* district then a maintenance agreement must accompany the application wherein a government entity agrees to maintain the corridor in perpetuity. Applications in this category will be given

higher priority in the selection process if it also includes the development of the corridor into a usable trail.

9. *Control and removal of outdoor advertising.*

Usually this would be done through the *scenic easement* category above; however, if an applicant wishes to have a project exclusively in this category then the following must apply. The advertising must be removed from an area that can be seen from the *viewshed* of a transportation facility. Provisions must be made to remove all advertising. Local ordinances must be passed that will guarantee advertising will never again be placed in view of the facility being protected with the project. Certified copies of the ordinance must accompany the application.

10. *Archaeological planning and research.*

Applications in this category will be accepted only if they are related to the construction of a transportation facility, on the existing property occupied by a transportation facility, or in the path of a proposed transportation facility construction.

11. *Environmental mitigation to address water pollution due to highway runoff or vehicle-caused wildlife mortality while maintaining habitat connectivity.*

Applications to address water pollution will be accepted for two conditions: 1) If proposed construction of a highway facility will create water pollution endangering a sensitive area; or 2) Highway runoff is already causing a problem. Applications which will assist in reducing wildlife deaths on roadways such as fencing, underpasses, or other mitigation are eligible for funding.

12. *Establishment of Transportation museums.*

If an applicant proposes to establish a transportation museum in a building which is not a historic transportation facility then only that portion of the building which actually houses the museum may be eligible for improvements. NOTE: Non-permanent items such as, furniture, equipment, or other items which by State or Federal law are require to be inventoried are not eligible for federal funding participation.

### **3.2.2 Project Linkage:**

All *Transportation Enhancement* activities must have a direct relationship to the intermodal transportation system.

*"This does not mean that the project must be linked to a current planned highway project. This relationship must be one of function, proximity, or impact. For example, an independent bike path is a functional component of the intermodal transportation system. Also, removal of advertising and obtaining permanent*

*scenic easements in the viewshed of a scenic highway is justified in light of its proximity. Retrofitting an existing highway by creating a wetland to filter runoff from the highway would qualify based on the impact of the highway in terms of water pollution. Once a relationship to the intermodal transportation system is established, Transportation Enhancement activities can be implemented in a variety of ways. They can be developed as part of larger transportation projects, as parts of larger joint development projects, or as stand-alone projects."*

### **3.2.3 Complete (or Stand-alone) Project Requirement:**

The MDOT will only approve applications that represent a complete finished project within the initial construction. "Stage" construction or Phase I of II, etc. will not be accepted. The applicant's proposed project must be a complete finished product upon expenditure of the requested funds plus the applicant's matching funds. Examples:

- A bicycle path that proposes to build a section of the total route with the current application and then complete the total path in a later project will not be approved.
- A project that would restore the exterior of an historic railroad depot and propose to restore the interior with a later project will not be approved.
- A project that will purchase an historic site without provision for preservation or rehabilitation of the included buildings and facilities will not be approved.

Projects must also not be contingent upon potential funding for completion but be able to be completed within committed funds.

### **3.2.4 Historic Program Activities:**

Projects that are eligible for *Transportation Enhancement* Program funding as Historic activities include:

- acquisition of historic transportation sites;
- historic highway programs;
- preservation of historic transportation facilities;
- establishment of transportation museums.
- rehabilitation of historic transportation buildings, structures or facilities (including historic railroad facilities and canals). Rehabilitation includes all allowed construction as defined by the US Secretary of the Interior's *Standards for Rehabilitation*. The Mississippi Department of Archives and History will aid applicants in making this determination;
- preservation and interpretation of exceptionally significant historic and prehistoric and prehistoric properties eligible for or listed on the *National Register of Historic Places* or a *Mississippi Landmark* (and if not a transportation facility then is in close proximity to a transportation facility and will be used as an amenity to the transportation facility.)
- and archaeological planning and research related to or in the path of transportation construction.

### 3.2.5 Scenic and Environmental Program Activities:

Projects that are eligible for *Transportation Enhancement* Program funding as Scenic and Environmental activities include:

- acquisition of scenic highway easements and scenic sites as viewed from a highway or highway rest area;
- scenic highway programs, including the provision of tourist and welcome center facilities.
- landscaping and other scenic beautification of a transportation facility;
- control and removal of outdoor advertising along or viewed from a transportation facility;
- mitigation of water due to highway runoff.
- mitigation to reduce vehicle-caused wildlife mortality.

### 3.2.6 Pedestrian and Bicycle Program Activities:

Projects that are eligible for *Transportation Enhancement* Program funding as Pedestrian and bicycle activities include:

- provision of special facilities for pedestrians and bicycles;
- preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian and bicycle trails.)
- provision of safety and educational activities for pedestrians and bicyclists.

### 3.2.7 Funding Participation:

Project cost which are eligible for Federal Transportation Enhancement funding participation are:

- Preliminary Engineering and Design Engineering cost. This includes Environmental studies and reports, architectural fees, and administrative cost.
- Right-of-way acquisition as part of an Enhancement project
- Acquisition of land as part of the purchase of an existing historical or scenic facility for the purpose of preservation is eligible for Federal fund participation. All right-of way acquisition must meet federal right-of-way requirements for both acquisition and relocation assistance.
- Project Construction Cost.

**NOTE:** Although Right-of-way, Preliminary Engineering and Design cost are eligible for federal funding participation, these cost will only be reimbursed after the project is authorized and a construction contract has been executed with a qualified contractor with MDOT approval. Applicants should not select a consultant for Preliminary Engineering or project Design prior to MDOT approval.

MDOT will assist in determining the associated costs that receive Federal participation. The APPLICANT is responsible for at least 20% of the total project cost. The *Transportation Enhancement* Program rules under TEA-21 allow the 20% non-federal share to come from other

Federal funds (non-federal-aid highway funds) and the value of other contributions (as determined by FHWA & MDOT) to be credited toward the non-federal share of the costs of a project to carry out a transportation enhancement activity.

During the project implementation phase MDOT and FHWA will review each project and determine if any of the 20% non-federal share may come from other federal funds or other allowable project contributions.

### **3.3 WORK NOT FUNDED:**

*Transportation Enhancement* projects must be **in addition** to usual transportation construction. The ISTEA excludes from eligibility any routine or customary transportation *character-of-work* that constitutes what is considered a normal construction activity of the Federal transportation program. Activities that are either an eligible *character-of-work* under the FHWA construction standards or part of the required construction items can not be interpreted to be enhancement.

Examples:

- A highway *rest-area* is a normal highway construction activity and may not be eligible as a *Transportation Enhancement* project; however, if the *rest-area* also includes an historical site purchased and developed as an interpretive site then the historic portion could qualify.
- Parking facilities, lots, etc. Parking facilities which are incidental and part of a *Enhancement* project may be eligible.
- Sidewalks. Special pedestrian facilities may qualify provided they are not ordinary street sidewalks and they function to relieve congestion of roads and improve transportation safety.
- Any items of work which normally would be classified as maintenance activities.
- Roadway construction (except for roadways which have been designated scenic or historic).
- Those construction activities considered to be a normal *character-of-work* under the regular Federal Highway program.
- Non-permanent items are not eligible under MDOT policy. These include furniture, equipment and any items which by State law must be inventoried. Any feature that is part of the building structure may be eligible provided it is part of the acceptable restoration and rehabilitation rules. Examples of potentially eligible items are shelves, counters, etc. that are part of the building permanent structure and are also part of the historic restoration.
- New buildings (not normally eligible.)

Some of these items may be eligible under certain circumstances where they are incidental to eligible projects. As an example: if a historic preservation of a railroad depot was approved and some incidental construction to restore or construct minor driveways and parking related to the project was included then these incidental drives and parking may be eligible. A final determination of eligibility must be determined by both the MDOT and the FHWA.

### **3.3.1 Non-Participation Activities:**

The MDOT considers the following as non-participating cost (i.e. Not eligible to be included in the Federal *Transportation Enhancement* funds portion of the project):

- All cost incurred prior to project approval.
- Overruns and extras beyond the amount funded are non-participating and will be the responsibility of the applicant.

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## **4. MISSISSIPPI DEPARTMENT OF TRANSPORTATION PROJECT SELECTION PROCESS:**

Project applications will only be accepted from state agencies, city and county governments, and Rail-to-Trails districts (as authorized by the 1994 Mississippi Legislature.) Applications for projects which are located within urbanized areas (populations greater than 50,000) must be submitted through Metropolitan Planning Organizations (MPOs).

After the applications have been received and screened for general acceptability by the MDOT they will be evaluated by a special selection committee. This committee will first evaluate the projects for eligibility as a *Transportation Enhancement* project based on Federal Guidelines, the MDOT's policies, State laws, and requirements identified in this document. All projects passing this first analysis will then be prioritized according to the *Project Review and Selection Factors* listed below.

### **4.1 PROJECT REVIEW AND SELECTION FACTORS:**

The internal MDOT review and decision process will be guided by the following priority factors (in no particular order):

- Projects that clearly enhance the quality or utility of existing or new transportation facilities or services. As an example: if a special bicycle path is proposed that will relieve bike traffic on a nearby arterial street; therefore, making the situation safer for both the cyclist and vehicle traffic.
- Projects that will be completed with the *Transportation Enhancement* Funds requested and the matching funds pledged by the applicant. The project must not be dependent on other funding contingencies. As an example: the applicant must commit funds from existing sources and not be dependent on a bond issue, additional taxes, or other grant applications.
- Projects that will be a complete and usable entity at the completion of the construction of the current project. As an example: the project must represent a complete, identifiable, and usable facility or entity rather than a component of a larger project. Stage construction is not permissible. The project can't be dependent on a future Phase II for the entire project to be completed. The project must be a complete entity within the defined application and a final ready-to-use facility when the *Transportation Enhancement* construction is completed.
- Projects that benefit a relatively large percentage of the community's, region's, or State's population.
- Projects that enhance the State's travel and tourism efforts.

- Projects that contribute to a wide geographical dispersion of *Transportation Enhancement* Funds within the State.
- Consistency with local comprehensive land use and transportation plans. Higher priority shall be assigned to projects which actively advance the goals and policies contained in such plans.
- Projects that are supported by other local governments in the vicinity of the project, as well as by the applicant. As an example: this can be demonstrated by joint application of two or more government entities or endorsement by the governing board of an adjacent government entity.
- Projects that have the support of clearly recognized public or not-for-profit organizations of national, statewide, or regional scope with expertise in the subject matter of the application. As an example: an historical restoration of an existing railroad depot that has the written endorsement of local, regional, or larger historical societies and / or the *Mississippi Department of Archives and History*.
- The extent to which applicants indicate a commitment to provide extra effort or contributions above and beyond the minimum matching fund requirements. As an example: if an applicant is willing to commit more than the minimum 20% matching funds from local funding sources toward making the project more meaningful.
- Projects that serve more than one of the eligible items set forth under the Surface Transportation Program and which do so in a logical and coordinated fashion. As an example: a bicycle path that accesses an historic site.

The MDOT or other qualified representatives of the MDOT will furnish guidance in meeting all Federal requirements regarding the design and Right-of-Way acquisition procedures including all public hearings and environmental requirements. It should be demonstrated that the *Transportation Enhancement* Funds plus the local matching funds will result in a complete and fully funded project.

All historic applications shall involve only properties listed on the National or State Historic Registers or shall meet the *Mississippi State Department of Archives and History* criteria.

#### **4.2 APPLICATION REQUIREMENTS:**

The applicant should complete and return the application form along with Attachments A through I as required to be considered for funding.

#### **4.3 APPLICATION PROCEDURE:**

##### **4.3.1 Application Form:**

The applicant should complete the enclosed Application Form and Attachments to enable the MDOT to determine the feasibility and justification for the project.

##### **4.3.2 Memorandum of Understanding:**

Each APPLICANT must execute the Memorandum of Understanding (hereinafter called the MOU) indicating their willingness to participate in the STP-TE program and the terms and conditions, to ensure Federal and State Rules and regulations will be followed. Include the MOU with the application.

#### **4.3.3 Projects in Urbanized Areas:**

An APPLICANT whose project lies within the Federal Urban boundary of an Urbanized area within the State must be submitted to the MDOT through the designated Metropolitan Planning Organization (MPO.) All other project applications should be submitted directly to the MDOT.

#### **4.3.4 MDOT Project Selection:**

After applications have been received and screened for general acceptability by the MDOT and the FHWA, they will be distributed to special program coordinators within the MDOT (and other agencies if applicable) for review and analysis. Once review and prioritization is complete, the projects, along with their respective rationale, will be presented to the MDOT Program Review Committee (PRC.) The PRC will be responsible for selecting the final list of projects for funding.

#### **4.3.5 Selected Projects Announcement:**

The Transportation Commission will announce the selected projects once the project review and selection process is complete and official commission approval has been given.

#### **4.3.6 General Agreement:**

After the APPLICANT has been notified their project has been selected for inclusion in the Federally approved STIP, (or TIP in urbanized areas with population greater than 50,000) the MDOT will transmit the *General Agreement* to the APPLICANT and it should be executed and returned to the Mississippi Department of Transportation.

#### **4.3.7 Project Programming and Design:**

After the APPLICANT has been notified their project has been selected the APPLICANT should then contact the Mississippi Department of Transportation District Office for guidance on programming and the requirements for Federal Highway Administration related environmental documents. Prior to the actual project programming the APPLICANT must clearly define and articulate the complete project concept and obtain Federal Highway Administration approval that the concept is eligible for *Transportation Enhancement*. This concept approval must be coordinated through the Mississippi Department of Transportation District Office. For all projects requested under any of the *historical* categories the *Mississippi Department of Archives and History* must also approve the concept. Upon assignment of a project number by the MDOT the applicant should proceed with plans, specifications, design, Right-of-Way, etc. in a timely manner to meet the required authorization schedule.

#### **4.3.8 Contract Award and Participation:**

Upon awarding of a project contract the APPLICANT will be required to deposit with the MDOT the 20% matching funds and/or other non-federal-aid highway fund contributions toward the project cost.

#### **4.4 STEPS REQUIRED FOR FINAL AUTHORIZATION FOR CONTRACT**

##### **AWARD:**

##### **4.4.1 General Agreement:**

Local Government (either Mayor / Board of Alderman or Board of Supervisors) formally execute "General Agreement" document.

##### **4.4.2 Project Environmental, Program, and Historic Assessment:**

Compile information necessary to initiate the Project and submit to the MDOT District Engineer.

##### **4.4.3 Preliminary Plans and Concept:**

Submit current project information and preliminary conceptual plans to the MDOT for the FHWA review and authorization to proceed.

##### **4.4.4 Surveys, Plans, and Design:**

Make field surveys and prepare preliminary plans for review by the MDOT.

##### **4.4.5 Field Inspection:**

Joint field inspection by the MDOT, the FHWA, Local Government, *Mississippi Department of Archives and History* (if applicable) and the Consultant (if one has been obtained.)

##### **4.4.6 Detail Environmental Studies:**

In consultation with the Mississippi Department of Transportation District Engineer the APPLICANT shall conduct all required environmental studies. The Mississippi Department of Transportation Environmental Engineer will provide support and guidance if the APPLICANT needs help. This should be requested through the District Engineer. The Federal Highway Administration Area Engineer and Environmental Coordinator may be asked by the MDOT Environmental Engineer to participate. This process must include coordination with the *Mississippi Department of Archives and History* for all projects related to *historical* categories. These documents must have the approval of all applicable public agencies (e.g. FHWA, MDOT, *Mississippi Department of Archives and History*, etc.) The APPLICANT must have final approval of the Environmental Documents before proceeding with any Right-of-Way acquisition.

##### **4.4.7 Right-of-Way:**

Obtain clear title to all properties involved in the project and provide the MDOT with a Certificate of Title. All Federal rules and regulations for Right-of-Way acquisition and relocation assistance must be followed to make the project eligible for Federal funding.

##### **4.4.8 Final Design:**

Complete all project design and specifications for contract award. The design must be approved by the MDOT and the *Mississippi Department of Archives and History* (if applicable.)

#### **4.4.9 Utility, Wetland, etc. Permits:**

Obtain all required permits.

#### **4.4.10 Final Project P S & E Assembly:**

Submit three complete sets of the final project package:

- Construction Plans;
- Specifications and proposal documents;
- Agreement between the Applicant and the MDOT;
- Agreement between the Applicant and the Railroad Company (if applicable);
- Agreement between the Applicant and the owners of the property where the project is located (if easements are required);
- Agreement between the Applicant and the Consultant for construction engineering, if employed;
- Utility agreement, if required;
- Construction cost estimate;
- Right-of-Way certification;
- Utility Certification.

#### **4.4.11 FHWA Authorization:**

Upon approval of the contract package by all required State agencies the MDOT will request the FHWA approval. The FHWA approval will be the final authorization for contract award.

#### **4.4.12 Matching Share Deposit:**

The Applicant must deposit to the MDOT the full amount (or deposit one third) of the Applicants share of the cost at the time of the contract award. If the Applicant elects to make a 1/3 partial deposit, then an additional 1/3 of the Applicants share of the cost must be submitted before or with the first construction estimate. The remaining balance will then be required with the next Contractor's estimate.

#### **4.4.13 Final Project Authorization Deadline:**

Final Project authorization by the FHWA must be made prior to \_\_\_\_\_ (date) \_\_\_\_\_.

### **4.5 INSTRUCTIONS FOR APPLICANTS:**

The following attachments are required for each application:

#### **APPLICATION FORM**

The APPLICATION FORM for the *Transportation Enhancement Project* is a one page summary of applicant information, project information, funds requested and Approvals. The application form and all other attachments must be completed for the application to be considered.

**Attachment A: Description of the Proposed Project. (form attached)**

Describe the proposed project. Clearly describe all work to be performed as part of this project. Clearly describe any Right-of-Way or easements that are required. Describe the linkage between the project and the transportation system or facility. Describe any other work associated with the proposed project.

**Attachment B: Maps, plans, and Photographs.**

Describe the project location using local or county maps. Clearly show the project limits, and area of major work. Show all Right-of-Way. Include photographs of any existing facility and drawings of the proposed project. A site plan of the proposed construction or illustrations of the proposed work are especially helpful in evaluating proposed projects. For bicycle / pedestrian facilities, typical cross-sections should be included.

**Attachment C: Evidence of Eligibility by Project Category. (form attached)**

Illustrate evidence of eligibility by addressing the specific eligibility requirements for the project activity. The intent of this attachment is to demonstrate that the proposed project clearly qualifies for proposed *Transportation Enhancement* funds.

**Attachment D: Benefits of Proposed Project: (form attached)**

List benefits and objectives of the proposed project. The degree and type of public support for the project should be discussed, as well as the projected demand for the facility.

**Attachment E: Environmental Review. (form attached)**

The intent of this attachment is to demonstrate to the reviewers that the applicant has adequately considered the environmental consequences of the *Transportation Enhancement* project. The reviewers will evaluate the environmental information provided by the applicant in this attachment to determine the likelihood that the project will be able to comply with the environmental requirements and if the proposed project is practical from an environmental standpoint. The applicant must be able to clearly demonstrate that all potential environmental problems have been accurately identified, that the applicant has appropriately dealt with those issues, or has reasonable strategy for dealing with the issues, and that the applicant is willing to, and can comply with all environmental requirements.

The applicant is responsible for complying with all local, state, and federal environmental laws, regulations, and requirements for the project.

**Attachment F: Budget and Implementation Schedule. (form attached)**

Attach a complete budget and work schedule. All cost estimates must meet current design standards for the type of improvement requested. A copy of the estimate computations, together with the source of those figures should be included. List in as much detail as possible. Include any detailed estimates that have been prepared for the proposed work. Include all cost.

**Attachment G: Legal and Compliance Certification.**

Certify that no known foreseeable legal impediments exist that would prohibit completion of the project and that the project complies with all applicable codes, standards and/or

regulations required for completion. This certification must be executed by either the Mayor, President of the Board of Supervisors, or State Agency Head, whichever applies to the applicant. The certification must be in the form of a Board order for local governments, indicating the approval of either the Board of Aldermen or Board of Supervisors.

**Attachment H: Proposed Maintenance Agreements, and Preservation Covenants.**

Attach proposed maintenance plans, agreements, and preservation covenants. Include an estimate of the annual cost of maintenance and the source of those funds. Rails-to-Trails Districts must include an executed contract agreement with a government entity that agrees to maintain the proposed project.

**Attachment I: Memorandum of Understanding (attached)**

Each applicant must execute the Memorandum of Understanding indicating their willingness to participate in the *Transportation Enhancement* program and the terms and conditions, to ensure Federal and State rules and regulations will be followed.

**4.6 APPLICATION SUBMITTAL:**

An original and eight (8) copies of the application and attachments must be submitted. They must be bound separately. **DO NOT** submit applications in three ring binders, or other binders that make the proposal larger than 8 1/2 by 11 inches in size. Illustrations, maps, drawings, etc. up to 11 by 17 inches will be accepted provided they are folded to 8 1/2 by 11 inches. Please keep attachments in order.

**Submit all requests for Transportation Enhancement projects to:**

**Kenneth I. Warren, Executive Director  
Mississippi Department of Transportation  
Post Office Box 1850  
Jackson, Mississippi 39215-1850  
Attention: Planning Division**

If the project will lie within (or partially within) an urbanized area (places designated by the US Census as having an urban population of 50,000 or greater) then the project must be submitted through the *Metropolitan Planning Organization* (MPO.) Mississippi's Urbanized Areas and the appropriate MPOs are as follows:

Jackson Urbanized Area MPO:

Central Mississippi Planning and Development District  
1170 Lakeland Drive, P. O. Box 4935  
Jackson, MS 39296-4935  
Phone 601-981-1511  
Includes any project within Hinds, Madison, and Rankin counties.

Biloxi / Gulfport and Pascagoula / Moss Point Urbanized Areas MPO:

Gulf Regional Planning Commission  
1232 Pass Road  
Gulfport, MS 39501  
Phone 601-864-1167

Includes any project within Hancock, Harrison, and Jackson counties.

Hattiesburg / Petal Urbanized Area MPO:

Hattiesburg Dept. of Planning and Community Development  
City Hall, 200 Forrest Street  
P. O. Box 1898  
Hattiesburg, MS 39403-1898  
Phone 601-545-4591

Includes the area with the official designated urban boundary of parts of Forrest and Lamar counties.

Memphis / Southaven MS Urbanized Area MPO:

Memphis - Shelby County Office of Planning and Development  
City Hall, 125 N. Mid America Mall  
Memphis, TN 38103-2084  
Phone 901-576-6601

Includes the northern part of DeSoto county that lies within the official designated urban boundary of the Memphis Urbanized Area (Southaven and some unincorporated area.)

For details on actual locations in the above urbanized areas that do not include complete counties you may inquire of the MDOT for additional clarification. For further information please contact the District Engineer for your area:

District 1, Tupelo District Office,

District 2, Batesville District Office,

District 3, Yazoo City District Office,

District 5, Newton District Office,

District 6, Hattiesburg District Office,

District 7, McComb District Office, or

Acting Planning Division Administrator, Planning Division  
Room 7043, MDOT Administration Building  
401 North West Street

Jackson, Mississippi 39201  
Post Office Box 1850  
Jackson, Mississippi 39215-1850  
Telephone (601) 359-7685  
FAX 601-359-7652.

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## **5. FUNDING INFORMATION:**

Federal Transportation Funds are not GRANT monies. All Federal Highway Funds are reimbursable. Transportation Enhancement recipients must do the following:

- Proceed through all project application and approval procedures as described above.
- Proceed through all required environmental, Right-of-Way acquisition, engineering, public hearings, and all other activities to award a construction contract. This process must comply with all Federal and State laws and rules and all the MDOT rules. The project must have the prior approval of both the MDOT and the FHWA.
- Deposit the State, regional, or local matching funds with the MDOT.
- Proceed with construction following all the FHWA and the MDOT rules and procedures to monitor and inspect the work of the contractor as required.
- The MDOT will request reimbursement of the Federal portion of the contractor's estimate from the FHWA.

The above process requires that the recipient follow all required testing, inspection, and record keeping rules. The recipient must follow the retainage requirements for Federal and State transportation projects. The contractor's retainage is to be paid after final inspection of the work in accordance with the MDOT's rules and procedures. Further details on this process can be obtained from the MDOT.

# Transportation Enhancement Project Application

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

Contact Person: \_\_\_\_\_

(Technical / Administrative, i.e. Engineer, Public Works Director, etc.)

Address: \_\_\_\_\_

Project Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<b>PROJECT COSTS:</b>	<b>FEDERAL*</b>	<b>OTHER</b>	<b>TOTAL</b>
Preliminary Engineering & Design Cost:	_____	_____	_____
Right-of-Way Cost:	_____	_____	_____
Construction Cost:	_____	_____	_____
<b>Subtotal:</b>	_____	_____	_____
Contingency: (10%)	_____	_____	_____
<b>Grand Total:</b>	_____	_____	_____

\*Maximum Federal Share = 80% of Total Cost

### APPROVALS:

Applicant: \_\_\_\_\_ Title: \_\_\_\_\_  
(Mayor, Pres. Board, or Agency Head)

Approved Eligible: \_\_\_\_\_ Date: \_\_\_\_\_  
(Executive Director MDOT)

Approved Eligible: \_\_\_\_\_ Date: \_\_\_\_\_  
(MS Division Administrator FHWA)

(Include all required attachments)

**ATTACHMENT A: DESCRIPTION OF PROPOSED PROJECT:**

**Describe the project for which funding is requested. Include description of any existing or proposed facilities and its relationship to the proposed project. (Attach up to two additional pages, if necessary.)**

**Attachment B: Maps, Plans, and Photographs:**

**Attachment C: EVIDENCE OF ELIGIBILITY BY PROJECT ACTIVITY:**

**Refer to ELIGIBILITY REQUIREMENTS and address Eligibility Criteria as appropriate.**

**Attachment D: BENEFITS OF PROPOSED PROJECT:**

**Describe benefits of the proposed project. Attach one additional page, if necessary.**

**Attachment E: ENVIRONMENTAL REVIEW:**

**Describe the natural environmental setting of the project area. Review environmental factors and describe all anticipated areas of impact in as much detail as possible.**

**Attachment F: BUDGET AND IMPLEMENTATION SCHEDULE:**

**Provide a detailed estimate of all cost items, including a breakdown of construction costs and project schedule below.**

**Attachment I: MEMORANDUM OF UNDERSTANDING:**

**MEMORANDUM OF UNDERSTANDING**

The government entity of , \_\_\_\_\_, Mississippi, (hereinafter referred to as the APPLICANT) for the purpose of committing to the agreed conditions under which the APPLICANT may utilize special Federal Surface Transportation Program Transportation Enhancement Funds provided by the 1991 *Intermodal Surface Transportation Efficiency Act* (ISTEA) and subsequent acts hereby agrees to the following:

**WHEREAS**, it is understood that conditions presented herein are general in nature with details and specific requirements contained in the MDOT Standard Operating Procedures and the Federal Highway Administration (herein after referred to as the FHWA) Federal aid Program Guide; and

**WHEREAS**, the APPLICANT proposes to construct, reconstruct or improve a facility utilizing the *Transportation Enhancement* Funds provided by the 1991 ISTEA and subsequent acts as allocated to the MDOT; and

**WHEREAS**, the MDOT has allocated a specific amount of *Transportation Enhancement* Funds to be used throughout the State of Mississippi and intends to allocate additional *Transportation Enhancement* Funds as these funds become available; and

**WHEREAS**, the allocated *Transportation Enhancement* Funds may be used for funding approved projects using the maximum allowable funding ratio unless full participation would result in an amount greater than the MDOT has uncommitted and available at which time the Federal participation will be reduced accordingly so that the total construction cost of the project will not be exceeded.

**NOW THEREFORE**, the APPLICANT agrees that for the attached project application the APPLICANT will:

- **ARTICLE I:** After notification that the project has been approved by the Transportation Commission, execute the General Agreement.
- **ARTICLE II:** After receipt of the executed General Agreement, prepare or compile the necessary information to initiate the project and submit it to the MDOT District Engineer.
- **ARTICLE III:** Submit current project information and preliminary conceptual plans to the MDOT and the FHWA, for review and authorization to proceed.
- **ARTICLE IV:** Make field surveys and prepare preliminary plans for review by the MDOT District Engineer.
- **ARTICLE V:** Conduct joint field inspection with the MDOT, the FHWA, *Department of Archives and History* (if applicable) and the Consultant (if one has been obtained.)
- **ARTICLE VI:** Conduct all required environmental studies.
- **ARTICLE VII:** Obtain clear title to all properties involved in the project and provide the MDOT with a Certificate of Title.
- **ARTICLE VIII:** Complete all project design and specifications for contract award. The design must be approved by the MDOT and the *Department of Archives and History* (if applicable.)
- **ARTICLE IX:** Obtain all required permits.

- **ARTICLE X:** Submit the final project package:
  - Three (3) sets of review plans and three (3) draft copies of the specifications and proposal documents for review by the MDOT, the FHWA, and *Department of Archives and History* (if applicable.) After corrections, if necessary, furnish the MDOT three (3) copies of each of the following:
    - (a) Agreement between the APPLICANT and the MDOT;
    - (b) Agreement between the APPLICANT and the Railroad Company (if applicable);
    - (c) Agreement between the APPLICANT and the owners of the property where the project is located (if easements are required);
    - (d) Agreement between the APPLICANT and the Consultant for construction engineering, if employed;
    - (e) Utility agreement, if required;
    - (f) Construction cost estimate;
    - (g) Right-of-Way and Utility Certification;
    - (h) Construction Plan;
    - (i) Specifications and Contract Documents.
- **ARTICLE XI:** After opening of bids, if it is the intention of the APPLICANT to recommend award of the contract, submit the required APPLICANT matching funds for construction and construction engineering to the MDOT for deposit. The APPLICANT may choose to deposit the full amount of deposit only one third (1/3) of the APPLICANT's share of the cost at this time. If the APPLICANT elects to make the partial deposit, the APPLICANT agrees to deposit an additional one third (1/3) of the APPLICANT's share of the cost before or with the first contractor's estimate. The APPLICANT also agrees to deposit the remaining balance with the next contractor's estimate. If cost overruns increase the cost of the project beyond the amount of the existing project fund, the APPLICANT agrees to deposit the additional required matching funds with the MDOT prior to the submittal of an invoice which would exceed that amount. Any APPLICANT matching funds remaining in the project fund upon completion of the project will be returned to APPLICANT.
- **ARTICLE XII:** After the concurrence by the MDOT and the FHWA in the award of the contract, the APPLICANT agrees to execute the contract with the contractor and issue a notice to proceed with the work as detailed in the General Agreement.
- **ARTICLE XIII:** Maintain and operate or provide for the maintenance and operation of the completed project. Do not permit any changes to be made which would affect traffic and/or traffic control at the completed improvement without the prior approval of the MDOT. Do not permit any changes to be made to the completed improvement which would alter the approved definition of the facility as a *Transportation Enhancement* Project without the prior approval of the MDOT. Acceptable changes must be in conformance with current standards and with provisions of the Manual on Uniform Traffic Control Devices for Streets and Highways and Informational Guide for Preparing Private Driveway Regulations for Major Highways, American Association of State Highway and Transportation Officials (AASHTO.) The APPLICANT understands that failure to fulfill this responsibility in regard to maintenance of the improvement, its operation or regulation will disqualify the

APPLICANT from receiving any *Transportation Enhancement* Funds until such time as the deficiencies are corrected to the satisfaction of the MDOT and the FHWA, and if the deficiencies are not corrected the APPLICANT may be required to reimburse the MDOT for all project cost.

- **ARTICLE XIV:** Assume all responsibility for and save the MDOT harmless from any suits, action or claims of any character, brought for any injuries or damages received or sustained by any person, persons or property, growing out of any action or omission to act in the conduct of this work.

**IN WITNESS WHEREOF**, the parties have affixed their signatures on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, Minute Book\_\_\_\_, Page \_\_\_\_ thereof.

**APPLICATION OF**, (Agency Name, OR City, OR County) LOCATED IN THE COUNTY OF \_\_\_\_\_, State of Mississippi,

\_\_\_\_\_  
TITLE: \_\_\_\_\_

\_\_\_\_\_  
(Typed Name: Agency Head, OR Mayor, OR President Board of Supervisors)

ATTEST \_\_\_\_\_  
CLERK (Signature)