

# Memo

To: McMAHON Staff and Clients

Re: Bipartisan Infrastructure Law (BIL) Funding Update

This document was prepared based on current information provided by WisDOT and our experience with the funding process. This document is intended to provide a condensed source of information regarding the available funding for McMAHON clients. Refer to latest information below.

## 1. Bipartisan Infrastructure Law (BIL) and the WisDOT Local Program

- A. Signed into law on November 15, 2021.
- B. The state of Wisconsin will receive an additional \$1.29 billion in federal funding over a 5-year period (2022 to 2026) for roads and bridges. This includes a significant increase in federal funds for WisDOT local funding programs.
- C. New federal dollars will be distributed across the following existing federally funded WisDOT Local Programs:
  - Surface Transportation Program (STP-Urban, STP-Rural, and STP-Local (new program))
  - Local Bridge
  - Transportation Alternatives Program (TAP)
  - Congestion Mitigation and Air Quality (CMAQ)
  - Note- The amount of federal funding available for each program has yet to be announced.
- D. General Requirements for All Programs
  - The applicable funding program is based on the functional classification of the roadway and population groups.
  - Design to meet WisDOT standards, but exception process is available.
  - Property acquisition, environmental reports, and design study report protocols need to be followed.
  - Except for TAP and CMAQ, all projects will be state let with WisDOT also being responsible for construction administration.

## 2. Program Descriptions

- A. **STP-Urban Projects, Large (Urbanized Area with population > 50,000)**
  - Located within the limits of a Metropolitan Planning Area (MPA)
  - Urban principal arterials, urban minor arterials, and urban collectors.
  - Projects are selected by the Metropolitan Planning Organizations (MPOs).
  - Most projects are 80/20 cost share rate (excludes parking lanes).
- B. **STP-Urban Projects, Small (Urban area with populations between 5,000 and 50,000)**
  - Urban principal arterials, urban minor arterials, and urban collectors.
  - Projects are selected by WisDOT based on statewide rating and ranking of projects.
  - Most projects are 80/20 cost share rate (excludes parking lanes).
- C. **STP-Rural Projects (outside urban area, less than 5,000 population)**
  - Rural principal arterials, rural minor arterials, and rural major collectors.
  - Projects are selected by WisDOT based on statewide rating and ranking of projects.
  - Most projects are 80/20 cost share rate (excludes parking lanes).
- D. **STP-Local Projects (adjusted census defined areas of less than 50,000 population)**

- New “flex” program. BIL allows WisDOT to earmark 15% of funding from the STP-Rural and STP-Urban, small programs to the STP-Local program.
- Functionally classified as rural minor collectors, rural local roads, and urban local roads. These roadways have not previously been eligible for federal funding under the Surface Transportation Program.
- Projects are selected by a committee, similar to LRIP state-wide ranking / competition.
- Most projects are 80/20 cost share rate (excludes parking lanes).
- Communities within the boundary of an MPA are not eligible for STP-Local funds.

**E. TAP – All local governments may sponsor a project**

- Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation.
- Safe routes to schools.
- Typical projects include bike lanes, sidewalk, and trails. Other infrastructure improvements may be eligible if needed to construct the multi-modal improvements, i.e., curb & gutter, storm sewer, etc.
- Projects within the limits of an MPA will be selected by the MPO.
- All other projects are selected by WisDOT based on statewide rating and ranking of projects.
- This is a reimbursement program. WisDOT reimburses the project sponsor up to 80% of the project cost.

**F. CMAQ – All governments located within the following non-attainment and maintenance counties: Milwaukee, Racine, Kenosha, Waukesha, Washington, Ozaukee, Walworth, Sheboygan, Kewaunee, Manitowoc, and Door.**

- Projects that improve air quality by reducing vehicle trips and vehicle miles traveled.
  - Typical projects include bike and pedestrian facilities, ridesharing facilities, and public transit.
- Projects that reduce emissions related to traffic congestion.
  - Typical projects include traffic flow improvements such as turn lanes and traffic signals.
- Projects are selected by WisDOT based on statewide rating and ranking of projects.
- This is a reimbursement program. WisDOT reimburses the project sponsor up to 80% of the project cost.

**G. Local Bridges - Counties, cities, villages, and towns** are eligible for rehabilitation funding on bridges with sufficiency ratings of 80 or less, and replacement funding on bridges with sufficiency ratings less than 50.

- Structures must be greater than 20-ft in length measured along the centerline of roadway
- Structures must be on current WisDOT Bridge List
- Structure must be locally owned and on public roadway
- Wisconsin uses a statewide ranking process to distribute funds to each County.
- County highway commissioners establish bridge priorities and submit to WisDOT.

**3. WisDOT Solicitations**

**A. January solicitations, published on January 31, 2022, for Federal Fiscal Year (FFY) 2022.**

- Application Deadline is April 1<sup>st</sup> of 2022 to the WisDOT
- Selections announced in May.
- Funding applications are only being accepted for the STP programs and Local Bridge program
- Construction projects only
- Projects must be able to meet an August 1, 2022, PS&E date to be let by WisDOT in November.

- To meet these tight deadlines, projects must be kept simple, i.e., no environmental, real estate, utilities, or railroads.
- Allowable projects are preservation type projects including mill & overlay, resurface, pavement replacement, bridge rehabilitation and replacement projects.
- Except for the local bridge program, any funding not appropriated by WisDOT in the FFY 2022 will be lost to the state, i.e., funds do not roll over to the following year. Applications are being encouraged.

**B. February solicitations, published on February 28, 2022, for FFY 2023 thru FFY 2026**

- Application Deadline is June 3<sup>rd</sup> of 2022 to WisDOT.
- Selections to be announced in July.
- Funding applications include all programs except for TAP. TAP applications are coming out in August.
- Design and construction projects
- PS&E and Bid dates will vary based on the FFY that the project is assigned to
- Except for the local bridge program, any funding not appropriated by WisDOT in FFY 2022 thru FFY 2026 will be lost to the state, i.e., they do not roll over to the following year. Applications are being encouraged.

**4. Services that McMAHON can provide**

**A. Funding Applications**

- McMAHON staff has experience in completing the funding applications for each of the funding programs.
- The cost estimates included with the applications are critical. The project sponsor is responsible for 100% of the project overruns. Some overruns may be fundable through the local program change management process but are on a case-by-case basis.

**B. Design Engineering Services**

McMAHON staff has experience with completing all aspects of the design process required by the WisDOT Local Program for each of the funding programs

**C. Federal Requirements for Design Engineering**

If federal funding for design engineering is requested in the funding application, all federal procurement policies must be followed when selecting a design consultant. Information on the quality-based selection (QBS) process is included in the applications. Cost cannot be considered in the QBS process.