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INTRODUCTION

Background - Requirements for project selection and priority.

1. Metropolitan Planning Organizations (MPO) are responsible for developing a Long Range Transportation Plan (LRTP) and a Transportation Improvement Program (TIP). The TIP must be consistent with the LRTP and must include all projects in the metropolitan area that are proposed for federal funding. States are required to develop a State Transportation Improvement Plan (STIP) which is consistent with MPO TIPs.

2. MPOs with populations over 200,000 like MVRPC are considered Transportation Management Areas (TMA) which are responsible for project selection of all highway and transit projects in consultation with the state. The exceptions are selected by the state in cooperation with the MPOs.

3. TIPs must be prioritized and include a financial plan demonstrating how projects are to be funded. The TIP must demonstrate that full funding can be reasonably anticipated in the time period contemplated for completion of the project.

4. MPOs are required to provide a reasonable opportunity for public comment on the LRTP and TIP. Appendix A - TIP Development Process provides a graphic overview of the TIP development process including a public comment period.

5. All project sponsors must know and implement the U.S. Department of Transportation Standard Title VI Assurances and Nondiscrimination Provisions, which states “No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income status, or limited English proficiency, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including FHWA”.

Use of MVRPC's Program Policies and Procedures in programming all federal transportation funds in the TIP.

1. MVRPC will use the Program Policies and Procedures to evaluate, rank, select and program suballocated Surface Transportation Program (STP) funds, Congestion Mitigation and Air Quality (CMAQ) improvement program funds and Transportation Alternatives (TA) funds.

2. MVRPC will also use the Program Policies and Procedures to evaluate, rank, select and program all other federal highway funds.

Funds Availability and Project Approval Process

Upon Board determination of funds availability, staff will update policies, procedures, and criteria, provide a seminar for jurisdictions, and solicit qualified member government entities for new STP, CMAQ and TA projects. The solicitation cycle will start on September 10, with applications being due on October 10 at MVRPC. A seminar for project applicants is conducted during the solicitation timeframe to provide potential applicants with information to assist them with completing the forms. After all
applications are received, staff will prepare a profile summarizing all applications that will be made available for public comments. Staff will then present the list to the Technical Advisory Committee (TAC) and Board of Directors as an information report. Staff will then review all project applications based upon the selection criteria outlined herein, and for consistency with the Regional Complete Streets Policy. Staff will create a draft ranking of the projects and hold project sponsor meetings, where a final consensus will be reached. Finally, staff will develop a draft list of preferred projects and financial plan that will be forwarded to the TAC and Board for final approval. Ultimately, the Board will make a final project adoption at or before their March meeting subsequently directing staff to notify all project sponsors of the result. Upon funding approval, project sponsors are required to attend biannual project review meetings as setup by MVRPC staff.

Appendix B – MVRPC Project Funding Prioritization Decision Making Process provides a graphic overview of MVRPC’s project funding prioritization decision making process.

Eligible Applicants and Projects

For required allocations of STP and TA funding, as well as CMAQ funding, applicants are limited to qualified member government entities located inside the boundaries of the MPO area. Both MPO and non-MPO member jurisdictions are eligible to compete for discretionary allocations of STP and TA funding.

Typical STP projects include: Capacity and maintenance projects such as lane additions, resurfacing/rehabilitation, safety upgrades…etc. (see Appendix D)

Typical CMAQ projects reduce congestion and improve air quality including but not limited to: turn lane additions, traffic signal interconnects, bikeway and pedestrian projects, Intelligent Transportation System (ITS) projects, High Occupancy Vehicle (HOV) lane, new transit services, pedestrian access, intermodal facilities, rideshare/ozone action programs, …etc. (see Appendix D)

The TA program provides funding for programs and projects defined as transportation alternatives, including on-road and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities, and environmental mitigation; recreational trail program projects; safe routes to school projects …etc. (see Appendix D)

All projects must be consistent with one or more of the 10 factors listed below as required by the Federal legislation.

1. Support the economic vitality of the metropolitan area
2. Increase safety
3. Increase security
4. Increase accessibility and mobility options for people and freight
5. Protect the environment, conserve energy, and improve quality of life
6. Enhance integration and connectivity of the transportation system
7. Promote efficiency
8. Emphasize preservation of the existing transportation system
9. Improve resiliency and reliability of the transportation system
10. Enhance travel and tourism
Projects must be consistent with one of the emphasis areas on comprehensive approaches to solving transportation problems, which include maintenance and improved efficiency, congestion reduction, coordination of transportation and land use planning, implementation of federal transportation control measures, and low cost operation or economically efficient improvements.

All project activities including design, right of way acquisition, ADA compliancy, etc. must adhere to all applicable federal and state laws.

Note: When Federal funds are used on a signal or signal project, warrants are required.

In addition to federal and state requirements, MVRPC requires that all projects:

- Be included or justified in a local plan or program.
- Are sponsored by an MVRPC member organization which has committed to a timely project development schedule.
- Be located within a member jurisdiction’s boundaries. Projects located within the boundaries of a non-member jurisdiction are not eligible for MVRPC controlled Federal funds unless the member jurisdiction applying for funds would be the owner or maintainer of the facility being constructed.
- Provide evidence that alternative project funding sources have been considered.
- Are compliant with the Regional Complete Streets Policy, adopted January 6, 2011; STP and CMAQ project applications that do not comply with the Regional Complete Streets Policy will not be considered for funding.
- Applications must be submitted in accordance with the format guidelines included in the application.
- Are listed in a resolution from the applicant’s governing body permitting the submission of an application, as well as detailing the local priority of the project. This resolution should also formally commit the jurisdiction to providing the local match (regardless of source) to the Federal funds as shown in the application. If there are multiple jurisdictions involved in the financing of a project, resolutions are required from each jurisdiction detailing their respective financial commitment to the project.
- Upon funding approval, applicant is required to attend biannual project review meetings as setup by MVRPC staff.
- If an MVRPC funded project is subsequently awarded additional sources of Federal or State funds, the MVRPC funds must be encumbered first (100% up to the project cap) prior to utilization of the additional funding sources.

The Federal-Aid Highway Program, which includes STP, CMAQ and TA, is a federally funded state administered program. It is not a grant program, but rather a reimbursement program, meaning that FHWA reimburses the state for the funded share of the actual expenses it incurs on a project as the project proceeds. The state then reimburses the local project sponsor as the project progresses. In no case will costs be eligible for reimbursement until the project is approved by ODOT and the Federal Highway Administration (FHWA).
STP-CMAQ Funding Provisions

Project sponsors for either the STP or CMAQ program funds are encouraged to finance architectural/engineering plans, environmental assessment studies, right-of-way plans, right-of-way purchase and environmental remediation, if necessary. These costs are eligible for reimbursement, however, to maximize the region’s resources the project advocate is encouraged to undertake these costs locally.

MVRPC’s STP and CMAQ programs are very competitive; as such MVRPC’s project evaluation system awards bonus points on a gradient scale for projects that include more than the minimum local match required. Applicants providing greater than 20% local match for project phases funded with regionally controlled Federal funds will score bonus points in the overall ranking and scoring process.

For STP and CMAQ projects, MVRPC will provide up to 80% (federal) of the cost for individual phases of a project. The maximum amount of STP funds available per project is $3,000,000. In the event that multiple phases of a project are awarded STP funds, no more $3,000,000 STP will be programmed in a single SFY. The applicant is required to provide a minimum of 20% (non-federal) of the cost for individual phases of the project. Projects such as signal interconnections and the Rideshare program are eligible for up to 100% funding.

MVRPC receives approximately $11.7 million of STP funding annually. Of this amount, 92% (approximately $10.8 million) is a required STP allocation and the remaining 8% (approximately $940,000) is a discretionary STP allocation. By law, the required allocation can only be spent on eligible projects within the MPO boundary. The discretionary allocation can be spent on projects both within the MPO boundary and outside of the MPO boundary. The discretionary STP funding is not set aside for MVRPC non-MPO members but it allows the non-MPO member jurisdictions to submit eligible applications to compete for STP funding up to the discretionary STP allocation annually.

Please note that Ohio’s large MPOs no longer have direct control over CMAQ funds. A Statewide CMAQ Committee is in place and it has been determined that a CMAQ project solicitation will take place on a biennial basis. As such, the CMAQ project solicitation will be included this year.

STP Resurfacing Program Funding Provisions

From time to time, a certain amount of STP funds may be set aside to fund Federally eligible simple resurfacing projects. The amount set aside for these resurfacing projects will be determined on an annual basis. This year, it has been determined that due to lack of available funding in earlier fiscal years, the STP Resurfacing Program set aside will be suspended for the current solicitation round. This type of project remains eligible under the standard STP project application process.
The intent of dedicating a specific set-aside for simple resurfacing projects is that these are the types of projects that, while eligible for STP funds, typically don’t score well using the standard Project Evaluation System. These are also the types of projects that can be developed and awarded much more quickly than standard reconstruction projects. Therefore, projects including ADA ramp work will NOT be eligible for funding under this program and any necessary ADA ramp work must be completed prior to submitting the STP Resurfacing set-aside application to MVRPC. Projects that include curb and gutter work will be considered for funding, but STP Resurfacing set-aside funds will only be used to fund the resurfacing portion of the project. Curb and gutter work can be part of the project but will be completed using local funds.

When applying specifically for this component of the STP program, the project sponsor should mark the appropriate box on the front page of the application and fill out STP Resurfacing evaluation form.

**TA Funding Provisions**

The TA program will provide up to 80% (federal) of the construction or implementation cost of a project. The maximum amount of TA funds available per project is $350,000. The applicant is required to provide a minimum of 20% (non-federal) of the construction or implementation cost. The applicant is required to finance architectural/engineering plans, environmental assessment studies, right-of-way plans, right-of-way purchase and environmental remediation, if necessary. These costs cannot be credited toward the applicant’s cost of the construction or implementation costs. Applicants providing greater than 20% local match for the construction/implementation phase will score bonus points in the overall ranking and scoring process.

MVRPC receives approximately $1.18 million of TA funding annually. Of this amount, 67% (approximately $785,000) is a required TA allocation and the remaining 33% (approximately $391,000) is a discretionary TA allocation. By law, the required allocation can only be spent on eligible projects within the MPO boundary. The discretionary allocation can be spent on projects both within the MPO boundary and outside of the MPO boundary. The discretionary TA funding is not set aside for MVRPC non-MPO members but it allows the non-MPO member jurisdictions to submit eligible applications to compete for TA funding up to the discretionary TA allocation annually.

Please note that non-infrastructure projects, while eligible for TA funds, typically don’t score well using the standard Project Evaluation System. Applicants interested in Safe Routes to School non-infrastructure projects under the TA program are encouraged to apply directly to ODOT’s Safe Routes to School Program. Jurisdictions interested in completing travel plans near schools, adopting complete streets policies, conducting walking audits, or extending local trails should contact Kjirsten Frank-Hoppe, MVRPC regional planner. Mrs. Frank-Hoppe will provide applicants with essential information for project justification. She is a planning resource during the preparation of the application by the local jurisdiction and development of plans.
General Funding Provisions

Appendix G provides information about ADA compliance and right-of-way control certification that must be addressed prior to submitting an application for funding.

NOTE: Roadway projects utilizing MVRPC controlled Federal funds must be located on roadways functionally classified as Urban Collector or above or Rural Major Collector or above. Interactive functional classification maps can be found at: http://www.mvrpc.org/pes/map.html

The amount of federal funds available for reimbursement for a project will be capped at the MVRPC Board approved amount. If during the Environmental phase of a project, issues are discovered which would unexpectedly increase the cost of the project, exceptions to the funding cap may be considered. It is expected that all cost estimates will be reliable, well researched, inflated to year of expenditure and not expected to increase. In addition, cost estimates must be certified by a professional engineer. When compiling cost estimates, please take into consideration that there can be significant costs associated with compliance to federal regulations. Failure to account for such costs may result in your application’s approval with insufficient funds to enable the project to be realized. All cost overruns realized at bid opening will be the sole responsibility of the project sponsor. Once approved, a project’s scope can not be changed without the Board’s approval.

NOTE: All projects approved for funding must be programmed with ODOT within three months of the project approval date to avoid retraction of funds. It is the responsibility of the project sponsor to program their project with ODOT, MVRPC will assist in this process if requested.

In order to prevent jeopardizing the regionally controlled Federal funds, once a State Fiscal Year (SFY) for the Federal funds has been requested by the project sponsor, every effort should be made by the project sponsor to ensure the funds are used in those years. When considering whether to allow a delay in the use of regionally controlled Federal funds, MVRPC will take into account the project sponsor’s ability to obtain a waiver under ODOT’s Annual Budget Carryover Reduction Policy. If existing projects that utilize MVRPC controlled Federal funds are allowed to be delayed from one SFY to another, a penalty of -5 points per project delay may be assessed to every future application by the project sponsor for the next application cycle or until the delayed project has been awarded. Similarly, if a sponsor withdraws a funded project, a penalty of -5 points per project withdrawn may be assessed to every application submitted to the next application cycle.

PROJECT EVALUATION AND RANKING PROCESS

All proposed projects are reviewed using a two step project evaluation and ranking process. The first step is an initial screening which includes items discussed previously under the project eligibility and funding provision sections. If the proposed project meets all of the pre-screening criteria, it will be assigned to either the STP, CMAQ or TA funding category. After funding categories have been determined for each project they will be advanced to the second step, ranking, using the criteria attached to the project application. The evaluation system is broken down into three categories of projects:
roadway, transit and bikeway/pedestrian. The scoring system was devised to equitably rank all three types of projects regardless of project type.

Once the draft scores from the project evaluation system are compiled, some projects may be reassigned to a different funding category. A final analysis would then be completed based upon the above criteria. In order to assure timely obligation of funds, annual TIP programming priority will be determined based upon funding rank, anticipated date of expenditure and funds availability.

**SUMMARY**

MVRPC’s Program Policies and Procedures states the general practices of the MVRPC Board of Directors regarding programming projects with federal funds. The policies and procedures will enable communities to evaluate projects for funding eligibility prior to submittal to MVRPC. They also provide a means of continuously monitoring the program so that only projects which are actively pursued will ultimately receive federal funds. Exceptions to these general policies and procedures will be considered on a case by case basis. For further information please visit our web site at [www.mvrpc.org](http://www.mvrpc.org) or contact:

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Appendix A — MVRPC’s TIP DEVELOPMENT PROCESS

- Highways
- Transit
- Bikeway / Pedestrian
- Railroads
- Airports
- Project Evaluation System (PES)
- Congestion Management System (CMS)

State Implementation Plan (Transportation Control Measures)

- Project Consistent with Local Plans

Long Range Transportation Plan

MVRPC Determines FAST Act Funding Sources and Availability and Requests Board Authorization to Solicit for New Projects

- Project Sponsors Submit Funding Request

MVRPC Creates Summary Profile of All New Applications

Public Involvement Kickoff Meeting

MVRPC Assigns Project to Appropriate FAST Act Category

MVRPC Re-Assigns FAST Act Category

MVRPC Evaluates Projects Based On:
- Regional Context/Cooperation
- Transportation Choices
- Transportation System Management
- Land Use
- Economic Development
- Environment
- Compliance with Complete Streets Policy
- Other Regional Considerations

Public Participation Meeting

Consider Comments

Distribute for Review and Comment

Prepare Draft TIP (Including New Projects Recommended From Solicitation)

Conduct Project Sponsor Project Review

Adopt Draft TIP and Distribute for ODOT, FHWA, and FTA Review and Comment

Prepare Air Quality Conformity

Prepare Financial Plan

Prepare Final TIP

Public Involvement Meeting

Consider Comments

Adopt Final TIP
MVRPC PROJECT FUNDING PRIORITIZATION DECISION MAKING PROCESS

(Fairness, Transparency, and Equity)

Update Policies/Procedures/Criteria

Seminar for Jurisdictions

Project Solicitation

Project Sponsor Application will include a project self-scoring using criteria previously approved by the Board

Public Input
- Public Participation Meetings

Complete Streets
Policy Adherence

Staff Project Review
- Project-by-Project
- Cross Examinations Among Projects

Staff Project Recommendation – Release Draft Results

Project Sponsors Meeting(s) to reach consensus – Modify results as necessary

MVRPC Technical Advisory Committee Endorsement

MVRPC Board of Directors Adoption
Appendix C - STP AND CMAQ COMPLETE STREETS ADHERENCE PROCESS
Appendix D - ELIGIBLE STP, CMAQ and TA FUNDING ACTIVITIES

Eligible STP activities

- Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways including Interstate highways and bridges (including bridges on public roads of all functional classifications), including any such construction or reconstruction necessary to accommodate other transportation modes, and including the seismic retrofit and painting of and application of calcium magnesium acetate, sodium acetate formate, or other environmentally acceptable, or minimally corrosive anti-icing and de-icing compositions on bridges and approaches thereto and other elevated structures, mitigation of damage to wildlife, habitat, and ecosystems caused by a transportation project funded under Title 23, United States Code
- Capital costs for transit projects eligible for assistance under chapter 53 of Title 49, United States Code, including vehicles and facilities, whether publicly or privately owned that are used to provide intercity passenger service by bus
- Carpool projects, fringe and corridor parking facilities and programs, bicycle and pedestrian facilities (off-road or on-road, including modification of walkways) on any public roads in accordance with 23 U.S.C 217 and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
- Highway and transit safety infrastructure improvements and programs, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings
- Highway and transit research and development and technology transfer programs
- Capital and operating costs for traffic monitoring, management, and control facilities and programs
- Surface transportation planning programs
- Transportation enhancement activities
- Transportation control measures listed in Section 108(f)(1)(AQ) (other than clause xvi) of the Clean Air Act (42 U.S.C. 7407(d)
- Development and establishment of management system under 23 U.S.C. 303
- Habitat and wetlands mitigation efforts related to Title 23 projects
- Infrastructure based intelligent transportation systems capital improvements
- Environmental restoration and pollution abatement projects to address water pollution or environmental degradations caused or contributed to by transportation facilities, which projects shall be carried out when the transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the such environmental restoration or pollution abatement shall not exceed 20 percent of the cost of the 4R project
Eligible CMAQ activities

- Transportation activities in an approved State Implementation Plan
- Transportation control measures to assist areas designated as non-attainment under the Clean Air Act Amendments (CAAA) of 1990
- Pedestrian/bicycle facilities
- Traffic management/monitoring/congestion relief strategies
- Transit (new system/service expansion or operations)
- Transit vehicle replacement
- Alternative fuel projects (including vehicle refueling infrastructure)
- Inspection and maintenance (I/M) programs
- Intermodal freight
- Telecommunications
- Travel demand management
- Project development activities for new services and programs with air quality benefits
- Public education and outreach activities
- Rideshare programs
- Establishing/contraction with transportation management associations (TMAs)
- Fare/fee subsidy programs
- HOV programs
- Diesel retrofits
- Truck-stop electrification
- Experimental pilot projects
- Other Transportation projects with air quality benefits

NOTE: Ineligible CMAQ projects include construction of projects which add new capacity for single-occupancy vehicles.

The purpose of the CMAQ program is to fund transportation projects or programs that will contribute to attainment or maintenance of clean air standards. The primary eligibility requirement is that they will demonstrably contribute to attainment or maintenance of clean air standards.

For a complete listing of eligible projects, please visit the following link to review FHWA’s Final CMAQ Program Guidance: http://www.fhwa.dot.gov/environment/air_quality/cmaq/index.cfm

Upon MVRPC’s initial project approval, sponsors may be asked to provide more detailed project information in order for MVRPC staff to conduct the required emissions reduction analysis. Assuming the analysis is favorable it will be forwarded to ODOT in a request for concurrence of the use of CMAQ funds. Following ODOT’s determination of concurrence, ODOT will forward the analysis and a letter of concurrence to the FHWA and request final approval of the use of CMAQ funds.
Eligible TA activities

TA projects are not required to be located along Federal-aid highways. Activities eligible under TA are eligible for STP funds (23 U.S.C. 133(b)(11)).

Under 23 U.S.C. 133(c)(2), TA-eligible projects funded with STP funds are exempt from the location restriction in 23 U.S.C. 133(c).

For SRTS noninfrastructure projects, traffic education and enforcement activities must take place within approximately two miles of a primary or middle school (grades K - 8). Other eligible noninfrastructure activities do not have a location restriction. SRTS infrastructure projects are eligible for TA funds regardless of their ability to serve school populations, and SRTS infrastructure projects are broadly eligible under other TA eligibilities, which do not have any location restrictions.

Under 23 U.S.C. 213(b), eligible activities under the TA program consist of:

   A. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized 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 (42 USC 12101 et seq.).
   B. Construction, planning, and design 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.
   C. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.
   D. Construction of turnouts, overlooks, and viewing areas.
   E. Community improvement activities, which include but are not limited to:
      i. inventory, control, or removal of outdoor advertising;
      ii. historic preservation and rehabilitation of historic transportation facilities;
      iii. vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
      iv. archaeological activities relating to impacts from implementation of a transportation project eligible under title 23.
   F. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:
      i. address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 133(b)(11), 328(a), and 329 of title 23; or
      ii. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
2. The recreational trails program under section 206 of title 23.
3. The safe routes to school program eligible projects and activities listed at section 1404(f) of the SAFETEA-LU:
A. Infrastructure-related projects.
B. Noninfrastructure-related activities.
C. Safe Routes to School coordinator.

4. Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

Transportation enhancement categories that are no longer expressly described as eligible activities under the definition of transportation alternatives are:

Landscaping and other scenic beautification. However, under the "community improvement activities" category, projects such as streetscaping and corridor landscaping may be eligible under TAP if selected through the required competitive process. States may use TAP funds to meet junkyard screening and removal requirements under 23 U.S.C. 136 if selected through the competitive process. Landscaping and scenic enhancement features, including junkyard removal and screening, may be eligible as part of the construction of any Federal-aid highway project under 23 U.S.C. 319, including TAP-funded projects.

For a complete listing of eligible projects, please visit the following link to review FHWA’s Final TA Program Guidance:
Appendix E - MVRPC STATE INFRASTRUCTURE BANK (SIB)

LOAN REPAYMENT POLICY

April 2014

Background

In an effort to expedite regional priority projects and make such projects more competitive for other funding sources, MVRPC has developed a policy to guide the process of applying for Surface Transportation Program (STP) funds as a means of repaying a State Infrastructure Bank (SIB) loan.

Financial Resources

After approval of the Board’s resolution approving a SIB loan repayment project, MVRPC will set aside up to $775,000 of its annual STP allocation for the purpose of loan (principal only) repayment. The years that STP funds are set aside for repayment of the loan will be clearly spelled out in the Board’s resolution. At no time will the SIB loan repayment interrupt approved MVRPC projects that are on the Transportation Improvement Program (TIP).

For comparison purposes, $775,000 is approximately 7 percent of the current SFY 2013 STP allocation for the Region. This amount will be reviewed and modified when necessary due to future allocations. No more than $400,000 annually shall be made available to any one project. There is a limit of one project per local sponsor. MVRPC’s federal STP funds must be matched by the local project sponsor at a minimum of 20 percent. An additional SIB loan for repayment of the 20 percent local match could be allowed as determined by ODOT. MVRPC funds shall not be used to repay a SIB loan that repays local match.

MVRPC’s policy requires that a local project sponsor initiates taking out the loan, submits the funding application to the SIB, pays closing costs, and pays interest payments for the duration of the loan. MVRPC would in turn commit to paying back the loan principal as long as federal STP funds are available. No other MVRPC grants, operating, or capital funds are to be used for loan repayment.

MVRPC’s current funding commitments as documented in the current Transportation Improvement Program (TIP) shall not be affected by this policy. Future loan requests will be accommodated starting with the first year of available STP capacity.

STP allocations (or other equivalent federal funds) may be subject to change over time and this policy will be adjusted accordingly.
Eligible Projects

Regional priority projects must meet the following conditions to be eligible for the STP SIB loan repayment program.

- The project is eligible to receive MVRPC STP funds and is included in the Region’s most current Long Range Transportation Plan.
- Environmental document is complete and project development is underway.
- Project addresses a regional transportation goal such as improving safety or congestion.
- Project is included in a regional priority list.
- Project is supported by all directly affected communities.
- A long term funding plan has been prepared and has been agreed to by all local and state funding partners.

Consistent with MVRPC funding policy, the MVRPC portion of the payments shall be made available to the construction phase(s) of the project and the construction phase of the project must be estimated to be at least $15 million.

Loan Request Process

A local member jurisdiction contacts MVRPC staff to initiate a loan request for a specific project. Requests may be made at any time during the year. Since the SIB loan repayment program is unlikely to be the sole funding source for a project, the project sponsor must also provide a complete funding package, including any additional resources made available by the project sponsor and resolution of support by the jurisdiction’s government body.

MVRPC staff would then verify financial capacity, project eligibility and work with the project sponsor to develop a MVRPC resolution detailing the financial arrangement of the proposed loan including loan amount, term, interest, and other relevant details as coordinated with the ODOT State Infrastructure Bank.

The loan request would be made available to the next two TAC/Board cycles, first as an information item and then as an action item. The loan request would also be made available on the MVRPC website and publicized via press release to provide for the opportunity for comment by the general public and other interested parties.

Following Board approval, MVRPC and the local jurisdiction will work with the ODOT SIB loan staff to finalize the loan agreement.
Example 1 – MOT-35 – PID 89130 – Yes

Project is eligible to receive MVRPC STP funds and is included in the current Long Range Plan. Environmental is complete and plans are finished. Project addresses congestion by adding an additional lane to US-35 in Montgomery County. Project has been on the TRAC list for several years and is supported by all directly affected communities. The construction phase of the project is estimated to be greater than $15 million.

Answer: Based on the information above, the project would be eligible for a MVRPC STP repaid SIB loan based on the policy.

Example 2 – GRE-35 – PID 80468 – No

Project is eligible to receive MVRPC STP funds and is included in the current Long Range Plan. Environmental is not complete and plans are not finished. Project addresses safety by eliminating at-grade intersections on US-35 in Greene County. Project has been on the TRAC list for several years and is supported by all directly affected communities. The construction phase of the project is estimated to be greater than $15 million.

Answer: Based on the information above, the project would not currently be eligible for a MVRPC STP repaid SIB loan based on the policy because Environmental and Design are not complete.

Example 3 – No

A member jurisdiction would like to utilize the MVRPC SIB loan program for a roadway (minor arterial) reconstruction project that is estimated to cost $5 million for construction. Project is eligible for MVRPC STP funds and Environmental and Design are completed. The project is not in the Long Range Plan, as it does not add capacity and has never been included on a regional priority list.

Answer: Based on the information above, the project would not be eligible for a MVRPC STP repaid SIB loan based on the policy because it is not on the Long Range Plan, does not address a regional transportation goal, it has never been on a regional priority list and the construction cost is estimated to be less than $15 million.

Example 4 – No

A member jurisdiction would like to utilize the MVRPC SIB loan program for a multi-jurisdictional roadway widening project that is estimated to cost $20 million for construction. One directly affected community is opposed to the project. Project is eligible for MVRPC STP funds and Environmental and Design are completed. The project is in the Long Range Plan and has been included on a regional priority list.

Answer: Based on the information above, the project would be not eligible for a MVRPC STP repaid SIB loan based on the policy because it is not supported by all directly affected communities.
## Appendix F – MVRPC’s LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4R</td>
<td>New Construction/Reconstruction</td>
</tr>
<tr>
<td>ADA</td>
<td>Americans with Disabilities Act 1990</td>
</tr>
<tr>
<td>CAAA</td>
<td>Clean Air Act Amendments 1990</td>
</tr>
<tr>
<td>CMAQ</td>
<td>Congestion Mitigation and Air Quality – MVRPC’s historical allocation of this Federal funding source is approximately $6.4 million each year</td>
</tr>
<tr>
<td>CMP</td>
<td>Congestion Management Process</td>
</tr>
<tr>
<td>ELLIS</td>
<td>A web-based application designed to be a “major management system linking ODOT’s new approaches to project delivery, planning, system forecasting and financial management.</td>
</tr>
<tr>
<td>FAST Act</td>
<td>Fixing America’s Surface Transportation Act – Current Transportation Bill</td>
</tr>
<tr>
<td>FHWA</td>
<td>Federal Highway Administration, a department of the U.S. Department of Transportation</td>
</tr>
<tr>
<td>FTA</td>
<td>Federal Transit Administration</td>
</tr>
<tr>
<td>HOV</td>
<td>High Occupancy Vehicle</td>
</tr>
<tr>
<td>I/M</td>
<td>Inspection and Maintenance programs</td>
</tr>
<tr>
<td>ISTEA</td>
<td>Intermodal Surface Transportation Efficiency Act – Former Transportation Bill</td>
</tr>
<tr>
<td>ITS</td>
<td>Intelligent Transportation System</td>
</tr>
<tr>
<td>LRTP</td>
<td>MVRPC Long Range Transportation Plan</td>
</tr>
<tr>
<td>MAP-21</td>
<td>Moving Ahead for Progress in the 21st Century – Former Transportation Bill</td>
</tr>
<tr>
<td>MPO</td>
<td>Metropolitan Planning Organization</td>
</tr>
<tr>
<td>MVRPC</td>
<td>Miami Valley Regional Planning Commission</td>
</tr>
<tr>
<td>ODOT</td>
<td>Ohio Department of Transportation</td>
</tr>
<tr>
<td>PES</td>
<td>Project Evaluation System – Project scoring system for MVRPC projects</td>
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<tr>
<td>SAFETEA-LU</td>
<td>The Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users – Former Transportation Bill</td>
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<td>SFY</td>
<td>State Fiscal Year - July 1&lt;sup&gt;st&lt;/sup&gt; – June 30&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>SIB Loan</td>
<td>State Infrastructure Bank Loan</td>
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<tr>
<td>STIP</td>
<td>State Transportation Improvement Program</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<td>-------------</td>
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<tr>
<td>STP</td>
<td>Surface Transportation Program – MVRPC’s allocation of this Federal funding source is approximately $11.8 million each year</td>
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<td>SRTS</td>
<td>Safe Routes to School</td>
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<td>TA</td>
<td>Transportation Alternatives - MVRPC’s allocation of this Federal funding source is approximately $1.2 million each year</td>
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<td>TAC</td>
<td>Technical Advisory Committee</td>
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<td>Transportation Equity Act for the 21st Century – Former Transportation Bill</td>
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<td>Transportation Management Areas</td>
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<td>Transportation Review Advisory Council</td>
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</table>
Appendix G – Information Regarding ADA Compliance and Right-of-Way Control Certification

ODOT FAQ on ADA Curb Ramp Requirements

Reference: FHWA Q&A on ADA requirements to provide curb ramps when streets, roads or highways are altered through resurfacing.

https://www.fhwa.dot.gov/civilrights/programs/ada_resurfacing_qa.cfm

1.) Resurfacing projects on federal aid highways

Q: What are the requirements for ADA Curb Ramps?

A: If a curb ramp was built or altered prior to March 15, 2012, and complies with the requirements for curb ramps in either the 1991 ADA Standards for Accessible Design (1991 Standards, known prior to 2010 as the 1991 ADA Accessibility Guidelines, or the 1991 ADAAG) or Uniform Federal Accessibility Standards UFAS, it does not have to be modified to comply with the requirements in the 2010 Standards. 1991 designed curb ramps require truncated domes.

Prior to the MVRPC application period, LPAs will be required to check all existing curb ramps within proposed project limits for compliance to either 1991 or 2010 design standards.

2.) Design Standards

Q: Where can you find the ADA Standards for Accessible Design?


3.) Proof of ADA Compliance

Q: What will ODOT require as documentation to demonstrate all ADA Curb Ramps are in compliance with either 1991 or 2010 design standards?

A: Either existing construction plans or field verification that all ADA Curb Ramps meet the appropriate design standards. ODOT is working on a documentation form.

4.) Construction of ADA Curb Ramps

Q: When does an LPA have to construct ADA Curb Ramps?

A: If an LPA is going to apply for MVRPC funding on a resurfacing project, then all required ADA Curb Ramps must be completed prior to the application submittal.

Note: If the resurfacing project includes new curb ramp construction, then full survey and design is required to verify whether temporary and/or permanent right of way is needed for proper installation (will also consider impacts to utilities).
# Curb Ramp Evaluation Form

## Curb Ramp Lay-outs

<table>
<thead>
<tr>
<th>Interaction Location</th>
<th>Date</th>
<th>Signer</th>
<th>Reviewer</th>
</tr>
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</table>

Describe each curb ramp's location (if not a common layout, attach a sketch of the interaction and describe below)

### Curb Ramp A:

### Curb Ramp B:

### Curb Ramp C:

### Curb Ramp D:

### Curb Ramp E:

### Curb Ramp F:

### Curb Ramp G:

### Curb Ramp H:

<table>
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<tr>
<th>Ref. #</th>
<th>Curb Ramp A</th>
<th>Curb Ramp B</th>
<th>Curb Ramp C</th>
<th>Curb Ramp D</th>
<th>Curb Ramp E</th>
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### Notes:

(A) 1991 ADA requirements include a 36° minimum ramp width. The Ohio Revised Code requires a 40° width. Figure 1 shows the current ODOT standard of 48°.

(B) The maximum running slope of the ramp is 6.25% or 2:12, as shown in Figure 1.

(C) The maximum grade of the curb ramp is 3% as shown in Figure 2.

(D) See Figure 5

(E) The maximum grade of the curb ramp is 3% or less.

(F) If the curb ramp is less than 60° wide, the maximum grade of the curb ramp is 3% or less.

(G) If the curb ramp is less than 45° wide, the maximum grade of the curb ramp is 3% or less.

(H) If the curb ramp is less than 30° wide, the maximum grade of the curb ramp is 3% or less.

(I) If the curb ramp is less than 20° wide, the maximum grade of the curb ramp is 3% or less.

(J) The use of diagonal curb ramps is only allowed for existing sidewalks, and when site constraints prohibit other designs. See Figure 5.
DATE: July 27, 2015

TO: District Deputy Directors, District Production & Engineering Administrators, District Real Estate Administrators

FROM: David E. Slatzer, Deputy Director, Division of Engineering

SUBJECT: Right of Way Control Certification on Right of Way Projects

Similar to the issue of adjuncts to existing buildings encroaching into sidewalk area right of way, Streetscaping and similar maintenance projects may also experience situations where existing “public” sidewalk or pedestrian walks may be on property not technically covered by the acquiring agency with a highway easement or warranty deed. However, the municipal government involved had heretofore always been able to effectively manage said sidewalk or pedestrian area requirements via the enforcement of local building codes and the like. Property owners either individually maintained these areas themselves, or the local government took care of the work, paying for it by way of assessing costs back to the property owner. Either way, these sidewalk and pedestrian walk areas have historically been considered to be open access areas and did not necessitate addressing the property right issues associated with their public use.

Given this perspective on the historical aspects of managing and maintaining public sidewalk and pedestrian walk areas, the required right of way certification to FHWA for such projects may henceforth be based upon the participating local government’s certification or written assurance to ODOT that the local government possesses effective authority over the sidewalk or pedestrian walk lands and that such control is adequate for the prosecution and completion of the proposed project activities involved. The FHWA Ohio Division Office has reviewed this matter with the Department and has accepted this method of addressing such projects having such right of way situations.

To require that the Department or the local government involved acquire full easement or warranty deed property rights over these sidewalk or pedestrian walk areas where none were previously deemed needed, will necessarily result in continued delays on projects, wasted financial resources, and undue enrichment of the recipient property owners. This is an aspect of project delivery that our program never envisioned.

With this mutual understanding in place, affected projects can advance to construction in a much more reasonable and timely fashion. Should you have any question about this issue, please do not hesitate to contact the Office of Real Estate directly.

C: John Maynard, Office of Real Estate Administrator
(Date)

Ohio Department of Transportation
District (XX)
(Address)

RE: Project (C/R/S & P/D)
   Effective Authority of Project Area (attachment to LPA Right of Way Control Letter)
   Federal Project Number: (XXXXXXX)

Dear (Name):

We are aware that at the locations shown and highlighted on the attached plans, the existing and/or proposed sidewalks are located outside of the established right of way, as surveyed.

We hereby certify that we have effective and adequate control over these areas, as needed for the construction and maintenance of said sidewalks. Further, we understand that construction delays resulting from property owners contesting our control over these areas will be our sole responsibility.

Respectfully,

(Responsible agent of the LPA)

c: project file
BIKEPATH PROJECTS: EMINENT DOMAIN, APPROPRIATION & QUICKTAKE

Stand Alone Bikepath Projects:
ODOT does not have quick take authority on these projects.
LPA’s may use quick take on bikepath projects if their legal department is in agreement with the use of quick take.
Both ODOT and LPA’s can appropriate bikepath projects, this does not mean they have the authority to use quick take.

Road Project with Bikepath/Pedestrian Facility:
ODOT and LPA’s have the authority to appropriate and use quick take when the bikepath/pedestrian facility is part of a roadway project.

Eminent domain - is the inherent and innate power of a sovereign government to take private property for a public purpose.
ODOT is authorized to use the power of eminent domain to appropriate real property needed for highway purposes; this power of eminent domain is exercised by ODOT commencing an action to appropriate the needed property.
Appropriation - the appropriation process starts when a petition to appropriate is filed in the common pleas or probate court of the county in which the property, or a part of it, is located. Upon the filing of the petition to appropriate, ODOT deposits with the Clerk of Courts the amount of money which ODOT has determined to be just compensation for the property taken and damages, if any, to the residue.
Quick Take Authority - This authority gives ODOT the right to enter upon and take possession of the property that is to be appropriated on the condition that the deposit has been made to the court at the time of the filing of the petition.
ADA TRANSITION PLAN

Background
• An ADA transition plan identifies the steps and strategies to make the necessary changes to an agency’s inventoried facilities within the public rights of way (ROW) and programs to bring them to ADA standards.
• Federal regulations require that Federal-aid recipients comply with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504).
• Required for government agencies with more than 50 employees.
• For FHWA programs, recipients and public entities with responsibility for public roadways and pedestrian facilities are required to ensure that these facilities are accessible to and usable by persons with disabilities.

Why Does This Matter to Your MPO?
• The ADA transition plan either required for ODOT or applicable local public agency should be integrated with State and MPO planning processes.
• Federal planning regulations also require MPOs to self-certify compliance with ADA and Section 504.
• Since your MPO self certifies compliance with ADA and Section 504 on a periodic basis, MPO’s need to be aware of the requirements and cooperate with ODOT and other local partners as they work to address any ADA Transition Plan deficiencies.

Elements of an ADA Transition Plan
• Location of barriers
• Methods to remove barriers
• Timetable to address
• Official responsible for implementation
• Estimated Cost

More information
• Please visit the following FHWA websites for an overview of the regulations and specific needs of an ADA Transition Plan.
  o Foundations of ADA/504 [https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=72](https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=72)
• The FHWA Ohio Division and ODOT intend to provide training opportunities in the near future
• FHWA Ohio Division Contact: Andy Johns, andy.johns@dot.gov, 614.280.6850
MIAMI VALLEY REGIONAL PLANNING COMMISSION
TECHNICAL ADVISORY COMMITTEE
APRIL 21, 2016
MINUTES

Ed Amrhein, Beavercreek Township
Pete Bales, City of Fairborn
Jennifer Barclay, City of Clayton
Russell Bergman, City of Huber Heights
Steve Bergstresser, City of Kettering James
Brinegar, City of Centerville
Joe Brzozowski, City of Dayton
Gary Burkholder, City of Brookville
Ann Burns, MVRPC
Dan Casson, Municipality of Carlisle
Barry Conway, City of Franklin
Robert Cron, City of Vandalia
Bradley Daniel, MVRPC
Chad Dixon, City of Springboro
Joseph Dura, Montgomery Co. Engineer's
Andrew Fluegemann, ODOT District 8
Matt Gardner, LJB, Inc.
Robert Geyer, Greene County Engineer
Paul Gruner, Montgomery County Engineer
Jay Hamilton, Mead Hunt
Mike Hammes, City of Moraine
Amy Havenar, City of Piqua
Kirsten Frank Hoppe, MVRPC
Dan Hoying, LJB, Inc.
Paul Huelskamp, Miami County Engineer
Chad Ingle, City of Kettering
Shelby Ingle, CMT Engineers
Matt Kendall, ODOT District 7
Scott Knebel, CMT Engineers
Aaron Lee, MVRPC Matthew
Lindsay, MVRPC
Brian Martin, MVRPC
Ami Parikh, MVRPC
Matt Parrill, ODOT District 7
Jillian Rhoades, City of Troy
Carrie Scarff, Five Rivers Metro Parks
John Sliemers, City of Kettering
Christopher Snyder, Miami Township
Keith Steeber, City of Dayton
Ronald Thuma, Monroe Township
Rob Uhlhorn, MVRPC
Joe Weinel, City of Dayton
Ben Wiltheiss, ODOT District 7
Steve Woolf, Clay Township

I. INTRODUCTION

Chair Huelskamp called the meeting to order. Self-introductions were made.

II. APPROVAL OF MARCH 17, 2016 MEETING MINUTES

Mr. Amhrein made a motion to approve minutes. Mr. Bergstresser seconded. The motion passed unanimously.

III. Public Comment Period on Action Items

None

V. MPO (METROPOLITAN PLANNING ORGANIZATION) ACTION ITEMS

A. Recommended Adoption of 2040 Long Range Transportation Plan Update and Summary of Public Participation Meeting.

Ms. Ramirez provided an overview of the process involved in updating the Long Range Plan. The plan is updated every 4 years; it has a 20+ year horizon and includes multi-modal strategies and projects. She also explained that the plan is fiscally constrained and is in conformance with the State Implementation (Air Quality) Plan.
Ms. Ramirez explained how the Congestion Management Projects are incorporated into the plan and provided a financial summary of highway projects. She also reviewed transit and alternative mode strategies, and reviewed a map illustrating regional bikeway and pedestrian projects. Ms. Ramirez provided a table showing a summary of funding for the transit and alternative mode projects. She also reviewed tables showing the air quality and regional emissions analysis. Ms. Ramirez reported that a public meeting was held on April 6th and that no formal comments were received. She thanked the Committee for their involvement and participation in the plan update and requested approval of the resolution on page 36. Ms. Scarff made a motion to recommend approval. Mr. Conway seconded the motion. The motion passed unanimously.

V. INFORMATION ITEMS

A. Update on TRAC Solicitation

Mr. Daniel referred to a memo on page 37 of the mailout which provided a list of important dates concerning the TRAC Solicitation process. He noted that the solicitation will begin on April 29th and the applications are due to ODOT by June 3, 2016. Mr. Daniel explained that this is the same process that has been followed in the past, and reviewed the link to the web site that provides additional information and TRAC documents.

B. Roundtable Discussion: ODOT Requirements on LPA Projects – ADA Curb Ramp Compliance, Right of Way requirements for sidewalks, and ADA Transition Plans

Mr. Parrill referred to page 38 of the mailout which provided guideline information and FAQ’s on ADA curb ramp requirements. He explained that this information is being presented due to recent questions regarding curb ramps and design standards in relation to resurfacing projects. Mr. Parrill noted that there is language in the U.S. DOT/FHWA guidance that states if curb ramps are in compliance with 1991 design standards, and in good condition, they could remain in place for resurfacing treatment projects. He reviewed other information from the fact sheet on page 38. He noted that ODOT is working on an ADA Compliance form and will be forwarding it to MVRPC as well as the locals. Ms. Rhoades asked who is responsible for reviewing this if ODOT is doing a resurfacing project in a city. Mr. Parrill explained that ODOT staff will contact the City early enough so that city staff can complete the compliance check and/or get the curb ramps done prior to awarding the funds for the resurfacing project. Ms. Ramirez added this applies to resurfacing, not full reconstruction projects, in which case the sponsor would be expected to upgrade to most current standards. Mr. Geyer asked how these regulations would apply to a traffic signal upgrade. Mr. Parrill stated it would have to be reviewed on an individual basis depending on the circumstances and how it affects the sidewalks and curb ramps.

Mr. Kendall referred to a memo on page 39 of the mailout regarding Right of Way control certification on enhancement projects. He explained that ODOT has received direction from central office and FHWA that if you can certify that you have control of right of way, they will no longer require you to obtain right of way to replace existing sidewalks. Mr. Kendell also referred to a fact sheet regarding eminent domain, appropriation and quicktake for bikepath projects both stand alone and with a road project. Mr. Kendall provided some additional information on the quicktake process explaining that it is up to the LPA’s legal department whether to pursue quicktake on a bike path because ODOT does not have that authority. Mr. Bergstresser asked if the Right-of-Way control letter can be used for curb/ramp reconstruction. He has heard that a 4-6 ft. easement behind the curb ramp is required for grading. Mr. Kendell stated that the control letter could be used for this as it is defined right now.
Mr. Parrill stated that Ms. Ramirez will be talking about the ADA Transition Plan, noting that ODOT is under the same requirement and central office will be looking into each district’s compliance with the transition plan. Ms. Ramirez referred to page 42 of the mailout, noting that it has recently been discussed that Ohio is not keeping up with ADA regulations as well as it should. She explained that any agency that has more than 50 employees is required to have an ADA Transition Plan. She reviewed in more detail the requirements of this plan. Ms. Ramirez noted this is a requirement and any agency that does not currently have a plan should start working on it. This applies to any agency that receives Federal funds. She reviewed the elements of an ADA Transition Plan and also provided links to the FHWA website where more information can be found. Ms. Ramirez stated that the next round of STP/CMAQ applications will include a question regarding agencies implementing an ADA transition plan, and asking to provide a copy. Mr. Cron asked what constitutes a transition plan. Ms. Scarff stated that Five Rivers Metroparks does have a transition plan. They first hired a consultant to review all public facilities including, buildings, parking lots, restrooms, roadways, and sidewalks. The consultant reviewed every element in the agency, public and staff based, and documented every area that was not in compliance, prepared a cost estimate and multi-year transition plan to come into compliance. Ms. Ramirez noted that this can often be an on-going process to remain in compliance. Ms. Scarff noted she could share their transition plan as well as discuss the process if anyone is interested.

VI. EXECUTIVE DIRECTOR’S REPORT

Mr. Martin referred to his April report on page 43 of the mailout announcing that Eldean Road project in Miami County was awarded the Ohio Conaway Award. He also referred to a list of pedestrian safety tips and reported on the Annual dinner that was held on April 14th. The report also provided information on grants and funding resources as well as a list of upcoming meetings.

VIII. ADJOURNMENT

Mr. Gruner made a motion to adjourn. Mr. Geyer seconded the motion. The motion passed unanimously.