

# Wisconsin Department of Transportation

## 2024-2028 Local Program Guidelines

Congestion Mitigation and Air Quality Improvement Program (CMAQ)

June 2023

### **Purpose and Description**

Beginning with the federal Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 through the most recent law, Infrastructure Investment & Jobs Act (IIJA, herein referred to as the Bipartisan Infrastructure Law [BIL]), the Wisconsin Department of Transportation (WisDOT) receives federal funds to administer a variety of improvement programs, including CMAQ. WisDOT administers CMAQ on behalf of the Federal Highway Administration (FHWA) to fund transportation-related projects that improve air quality and reduce congestion for air quality non-attainment and maintenance areas.

Pursuant to the BIL, transportation projects that fall into one of the following three broad categories are eligible for CMAQ funding:

1. Projects that reduce the number of vehicle trips and/or vehicle miles traveled (VMT),
2. Projects that reduce emissions related to traffic congestion, and/or
3. Projects that reduce the per-mile rate of vehicle emissions through improved vehicle and fuel technologies.

### **Current CMAQ Program Funding**

With respect to the 2024 – 2028 cycle, FHWA has clarified that CMAQ funding must be utilized only in Wisconsin counties that are current or historic nonattainment or maintenance areas. The BIL establishes federal funding levels through the federal fiscal year 2026. Future federal program funding levels (i.e., 2027 and 2028) for CMAQ will be determined by Congressional action. After these levels are established, Wisconsin program funding levels for CMAQ and the authority to spend future federal dollars will be established through the state biennial budgeting process.

For the current program cycle, WisDOT is programming projects primarily for fiscal years 2024 through 2028. Once awards are finalized, there will be the opportunity to work with WisDOT's Local Programs and Finance (LP&F) Section, the Regional Planning Commissions (RPC), and the regions to balance and/or move existing and new projects within the cycle's five-year period to maximize the opportunity to advance higher priority projects and to allow designs to begin earlier where possible. The Department makes multi-year programming commitments to ensure that projects can utilize federal funding immediately as it becomes available and to reflect the necessary timeline for selection and approval of projects.

WisDOT is programming CMAQ projects for the 2024-2028 award cycle under the assumption that the State Legislature will fund CMAQ approximately at State Fiscal Year (SFY) 2023 levels throughout the duration of the award cycle. The department will adjust the program budget and scheduling according to any future changes in the federal or state CMAQ funding.

## **PROGRAM ELIGIBILITY**

Local entities with the taxing authority to guarantee the availability of local match funds are eligible project sponsors. Counties, local units of government, transit operators, state agencies, and Indian Tribes are eligible for CMAQ funding.

**Eligible projects must take place and produce results in Wisconsin air quality nonattainment and maintenance areas in the following counties: Door, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, and Waukesha.**

The Environmental Protection Agency (EPA) defines nonattainment areas as “areas of the country where air pollution levels persistently exceed the national ambient air quality standards. . . .”<sup>1</sup> Wisconsin has nonattainment and maintenance counties for ozone (O<sub>3</sub>) and fine particulate matter (PM<sub>2.5</sub>), two criteria pollutants by which nonattainment areas are defined and measured.<sup>2</sup>

### **CMAQ Project Eligibility**

From a federal law perspective, CMAQ-eligible projects must include all three of the following elements:

- 1) Transportation Identity: a project must have a reasonable connection to surface transportation
- 2) Emissions Reduction
- 3) Location in, or benefit to, a nonattainment or maintenance area

Funds may be used for a transportation project or program that is likely to contribute to the attainment or maintenance of a national ambient air quality standard, with a high level of effectiveness in reducing air pollution, and that is included in the metropolitan planning organization’s (MPO’s) current transportation plan and transportation improvement program (TIP) or the current state transportation improvement program (STIP) in areas without an MPO.

The BIL continues legislation that calls for PM 2.5 (fine particulate matter) nonattainment and maintenance areas to use 25% of Wisconsin’s CMAQ apportionment for projects that reduce PM 2.5 in such areas. PM 2.5 counties in Wisconsin include Milwaukee, Racine, and Waukesha.

Furthermore, the BIL requires States to prioritize benefits to disadvantaged communities or low-income populations living in or adjacent to such areas, to the extent practicable.<sup>3</sup> CMAQ is a ‘[Covered Program](#)’ with the Justice40 initiative.<sup>4</sup>

---

<sup>1</sup> Source: <https://www.epa.gov/green-book>.

<sup>2</sup> Source: <https://www3.epa.gov/airquality/greenbook/anc13.html>.

<sup>3</sup> [§ 11115(5); 23 U.S.C. 149(k)(1)(A)]

<sup>4</sup> Source: <https://www.transportation.gov/priorities/equity/justice40/covered-programs>

Projects that reduce or mitigate PM 2.5 include, but are not limited to:

- Diesel retrofit
- New Compressed Natural Gas (CNG) buses
- Corridor-based traffic signalization

The BIL continues all prior federal-level CMAQ eligibilities\*, and adds four new eligibilities:

<ul style="list-style-type: none"> <li>• Diesel engine retrofits and other advanced truck technologies</li> <li>• Idle reduction</li> <li>• Congestion reduction and traffic flow improvements</li> <li>• Freight and intermodal</li> <li>• Transportation control measures</li> <li>• Transit improvements</li> <li>• Bicycle and pedestrian facilities and programs</li> <li>• Travel demand management</li> </ul>	<ul style="list-style-type: none"> <li>• Public education and outreach activities</li> <li>• Transportation management associations</li> <li>• Carpooling and vanpooling</li> <li>• Carsharing</li> <li>• Extreme low-temperature cold start program</li> <li>• Training</li> <li>• Inspection and maintenance programs</li> <li>• Alternative fuels and vehicles</li> <li>• Innovative projects</li> </ul>
--	---

\*Please Note: State-level eligibility for the CMAQ program may have additional requirements.

- **\*NEW\*** Shared micromobility, including bikesharing and shared scooter systems; [§ 11115(1); 23 U.S.C. 149(b)(7)]
- **\*NEW\*** Purchase of diesel replacements, or medium-duty or heavy-duty zero-emission vehicles and related charging equipment; [§ 11115(1); 23 U.S.C. 149(b)(8)]
- **\*NEW\*** Modernization or rehabilitation of a lock and dam, or a marine highway corridor, connector, or crossing if functionally connected to the Federal-aid highway system and likely to contribute to attainment or maintenance of national ambient air quality standards (capped at 10% of CMAQ apportionment); and [§ 11115(1) and (2); 23 U.S.C. 149(b)(10), (b)(11), and (c)(4)]
- **\*NEW\*** In alternative fuel projects, vehicle refueling infrastructure that would reduce emissions from nonroad vehicles and nonroad engines used in construction projects or port-related freight operations. [§ 11115(3); 23 U.S.C. 149(f)(4)(A)]

The BIL continues the priority consideration of cost-effective projects that result in the greatest emissions reductions for the least cost, and prioritizes, but does not mandate, the selection of diesel retrofit projects and electric and natural gas infrastructure projects. Under the prior federal legislation (FAST Act), program guidance modified certain CMAQ priorities and project eligibility guidelines:

- Verified technologies for non-road vehicles and non-road engines that are used in port-related freight operations including marine vessel engines and technology.
- The installation of vehicle-to-infrastructure communications equipment.
- Electric vehicle and natural gas vehicle infrastructure and adds a priority for infrastructure located on the corridors designated under 23 U.S.C. 151 which are electric vehicle charging and hydrogen, propane, and natural gas fueling corridors.

Historic MAP-21 and WisDOT guideline continuations to remember:

- WisDOT is beholden to State legislative guidance regarding program fund utilization. As such, funding availability based on project activity is determined as a part of the biennial budgeting process. Funding availability by project type is subject to change.
- Streetscaping projects such as street furniture, decorative lighting, etc., and reconstruction of existing bicycle and pedestrian facilities are not eligible CMAQ projects.
- Stand-alone sidewalk projects are eligible but tend not to receive approval.
- If bicycle facility projects are constructed in conjunction with road-related work, e.g., bicycle lanes, only the bike-related work, but not the road work, is eligible for CMAQ funding.
- WisDOT requires the inclusion of WisDOT's staff delivery (i.e., design, preliminary engineering, or construction oversight) costs in total project costs.

WisDOT highly recommends that sponsors review FHWA CMAQ guidance prior to submitting any funding application(s) to WisDOT. Guidance is available from WisDOT Region staff or the following FHWA websites:

- [FHWA Congestion Mitigation and Air Quality Program](#)
- [Bipartisan Infrastructure Law CMAQ Fact Sheet](#)
- [Revised Interim Guidance on CMAQ Operating Assistance under MAP-21](#)
- USC: [OLRC Home \(house.gov\)](#)
- CFR: [eCFR :: Title 23 of the CFR -- Highways](#)

### **All-Terrain Vehicle (ATV), Snowmobile, and Equestrian Use**

Eligible CMAQ projects focus on daily, utilitarian transportation uses rather than purely recreational activities. Program applicants are encouraged to invest in projects that upgrade the condition of streets, highways, and bridges and make them safe for all users, while at the same time modernizing them so that the transportation network is accessible for all users, provides people with better choices across all modes, accommodates new and emerging technologies, is more sustainable and resilient to a changing climate, and is more equitable. As a matter of policy, **ATVs are generally not allowed on trails funded by WisDOT CMAQ funds. However, snowmobiles are allowed only by local ordinance**<sup>3</sup> WisDOT may require sponsors to maintain CMAQ-funded trails by snowplowing them in the winter. This is often the case if year-round bicycle and pedestrian use seem warranted, such as when a bicycle path is used for commuting.

As a matter of policy, WisDOT discourages shared equestrian usage, though it is not forbidden by Federal Highway Administration (FHWA). In addition, WisDOT considers trail usage fees as a hindrance to use of a trail for daily transportation purposes. FHWA has determined that trail fees are permissible only if all fees are used to maintain the trail facility. Applications must clearly indicate whether sponsors intend to charge fees or allow shared equestrian usage on the proposed CMAQ project.

---

<sup>3</sup> Source: Framework for Considering Motorized Use on Nonmotorized Trails and Pedestrian Walkways under 23 U.S.C. § 217, [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/guidance/framework.cfm](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/framework.cfm)

## Right of Way (ROW)

If your project contains or may contain any permanent or temporary row acquisitions, WisDOT Region staff must review the project. Contact the appropriate regional Real Estate Coordinator found at the end of this document for proposal-specific guidance. The local sponsor must obtain any necessary permits and determine applicable federal and state standards regardless of whether federal funds are used to acquire real estate or ROW. WisDOT recommends sponsors and applicants review the real estate webpage at: <https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/aid/lpa-re-info.aspx>

## Historical, Natural, and Archaeological Resources

Common sources of project delay include the presence of protected historical, natural resource or archaeological resources, or contaminated soils. Please direct questions regarding these issues to the WisDOT Regional or Statewide contacts listed at the end of this document.

## State and Federal Requirements

CMAQ project sponsors must comply with all applicable state and federal regulations for each phase of a project. The sponsor is ultimately responsible for ensuring staff capacity to satisfy all project requirements. FHWA and WisDOT require local units of government to become certified to deliver Local Let Contracts (LLCs). Project sponsors with approved CMAQ applications for infrastructure projects agree to participate in certification training as a condition of receiving project funding. WisDOT offers certification training workshops to successful applicants after the announcement of approved CMAQ projects. Sponsors are notified by WisDOT regarding the time and location of the trainings. Further information about [certification training](#) is available online.

### Other notable state & federal requirements include:

- The proposed project must provide a strong public benefit.
- The project must make the state responsible for protecting the ongoing public interest investment related to the project.
- The project has a six-year sunset.
- A public agency must have primary control of funded projects, or a contractual relationship must exist between the public agency and a private partner, and private ownership or operation must be cost-effective.
- CMAQ funding cannot be used to fund an obligation imposed upon the private sector; pursuant to the Clean Air Act or any other federal law.
- CMAQ funding is not a permanent source for [administrative and operating costs](#).
- **\*NEW\*** The BIL allows CMAQ funds to be used for operating assistance (without time limitation) in association with a transit system located in certain areas. [§ 11115(7); 23 U.S.C. 149(m)(2)]. Upon application, WisDOT will review this activity.
- WisDOT cannot reimburse funds directly to private organizations or individuals.
- State agencies applying for projects on state-owned land must coordinate with the Department of Administration (DOA) in project management and as co-sponsors of the Project Agreement.

## CMAQ Application Guidelines

CMAQ is a multi-year program. In this program cycle, a sponsor may propose projects for fiscal years 2024–2028. For example, a sponsor may propose a project that involves a design stage in FY 2024, and construction in FY 2026.

WisDOT Region staff determines which projects to program each year based upon evaluation of project progress from previous award cycles. WisDOT is soliciting projects in calendar year 2023 for years 2024–2028. However, because projects approved in previous award cycles are already programmed for 2024 through 2026, WisDOT will primarily allocate new federal funding to projects starting in state fiscal year (SFY) 2027 (begins July 1, 2026) and later. Sponsors with projects that do not fit within these time frames should work with their WisDOT region contact to determine if an earlier fiscal year schedule may be accommodated or consider not applying for funds. WisDOT anticipates recommending CMAQ projects to the U.S. Department of Transportation in late spring of 2024 and making formal announcements in the spring of 2024.

## Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP)

Approved CMAQ projects that will benefit and/or take place within a metropolitan planning area must be included in the appropriate TIP prior to project funding. Please consult the table below for additional information. All projects must be incorporated into the STIP prior to final authorization to incur costs. See the table below for specific TIP/STIP guidance:

<b>Location of Approved Project (County or Counties)</b>	<b>Action Needed</b>
Kenosha, Racine, Milwaukee, Waukesha, Ozaukee, Walworth, Washington	Include project in TIP prepared by Southeastern Wisconsin Regional Planning Commission (SEWRPC)
Sheboygan Metropolitan Planning Area	Include project in TIP prepared by Bay-Lake Regional Planning Commission (BLRPC)
Outside of metropolitan planning areas: Door, Kewaunee, Manitowoc, rural portions of Sheboygan	Include project in STIP

## Application Form and Instructions

CMAQ applications, guidelines & instructions are available on the [WisDOT CMAQ](#) website. The CMAQ application is accompanied by instructions that discuss additional information that sponsors must submit prior to consideration for funding.

Sponsors must email completed application(s) and attachments to the appropriate WisDOT Region email address. WisDOT contact information is provided at the end of this document.

**Applications are available on June 30, 2023 and are due on September 1, 2023.**

### **Application Project Costs Guidelines**

Sponsors must include the estimated total project cost and clearly identify the proposed sources of funding needed to achieve the expected emissions benefits outlined in the corresponding project application. Sponsors must also identify the funding necessary to complete the below-listed phases of project implementation in accordance with Federal aid requirements:

- Preliminary design
- Compliance with the National Environmental Policy Act (NEPA)
- Final design
- Real estate
- Utilities
- Construction

**CMAQ applications for individual phases of work will not be considered without clear identification and commitment of funding necessary to complete the entire project.**

#### 1. Minimum Project Funding Amounts

Minimum project funding amounts apply to state and locally let CMAQ projects. Funding limitations ensure efficient utilization of local and state administrative resources and promote projects with significant impacts.

- **Construction projects must have a total projected expense of \$200,000 or more, including design, real estate acquisition, and construction engineering work.**
- **Non-construction projects must have a total projected expense of \$50,000 or more.** This applies to all non-construction projects including equipment acquisition, public information/education, marketing, demand management, etc. WisDOT Region and MPO staff will only consider exceptions to this restriction before applications are submitted. Similar to construction costs, equipment, and materials acquisition are allowable but the expenses will only be reimbursed after they have been installed or used for the project.

#### 2. Project Costs and Timeline Recommendations

You must attach a detailed breakdown of project costs in Microsoft Excel. This detailed breakdown must clarify assumptions made in creating the budget such that a third-party reviewer would be able to substantiate the assumptions. Sponsors should consult with appropriate WisDOT Region staff to determine if commitments to previously approved projects permit project scheduling as proposed in the Sponsor's application.

Sponsors should submit a separate application and budget for each project or stand-alone project segment, such as a bike trail section that could function as a separate facility. The CMAQ selection committee does not generally consider partial funding of proposed projects for PE, ROW or Construction.

### **Emission Reduction Estimations**

The CMAQ program improves air quality in Wisconsin's non-attainment and maintenance areas for ozone (O<sub>3</sub>) and fine particulate matter (PM<sub>2.5</sub>). Evaluating agencies—including WisDOT, affected MPOs, and Wisconsin Department of Natural Resources (DNR)—estimate CMAQ project emission reductions and report estimates to FHWA. Each application should demonstrate how proposed projects would result in new, sustainable, and measurable reductions in transportation emissions, although applicants are not responsible for producing actual emissions reduction calculations. However, applicants must cooperate with WisDOT to provide all information necessary for evaluating agencies to accurately calculate potential emissions reductions. Project sponsors must respond to CMAQ selection committee requests for emissions reduction information, and the committee may request such information before and/or after project approval. Sponsors and private partners are also required to monitor and report on project implementation and effectiveness.

### **APPLICATION TIPS**

**Sponsors should verify the following information prior to application submission:**

- Project eligibility
- Sufficient community and political support for the project
- Access to the required 20% local sponsor funding match
- All collaborating agencies and organizations agree to project scope, local match shares, roles and responsibilities
- Availability of an accurate cost estimate calculated with help from accounting staff or consultant. **Local sponsors are responsible for cost overruns**, so it is important that project sponsors consider special situations such as railroad crossings, lack of right of way or presence of historical artifacts, which could add to project costs
- Any bicycle or pedestrian project cost estimates consider ADA standards and the [Wisconsin Bicycle Facility Design Handbook](#)
- Consistency between the amounts requested within the application and the estimated amounts with the budget
- Correct contact information



## **PROJECT APPLICATION REVIEW PROCESS AND SCHEDULE**

### **Application Review Process**

Local sponsors accept and review project applications from all departments or private organizations within their jurisdiction. Sponsors are then responsible for prioritizing all submitted project proposals. Each sponsor incorporates the project(s) into the necessary budget process to ensure availability of matching funds. Sponsors submit applications to the appropriate WisDOT Region office. After a brief period of review, the region forwards all projects in an urbanized area to appropriate MPO staff. Please consult the WisDOT Region and MPO contact information that is provided at the end of these guidelines.

WisDOT Region staff can provide technical assistance to sponsors. In addition, WisDOT Region and Local Programs and Finance (LPF) staff review applications for eligibility and can provide some technical assistance.

WisDOT LPF staff prepares a comprehensive list of eligible project applications, which the CMAQ project selection committee reviews and ranks. The CMAQ selection committee consists of MPOs, WisDOT, and DNR staff, as well as representatives from FHWA, FTA, and EPA. The committee ranks projects based on guidelines provided by WisDOT staff, the quality of responses to the major application questions, and the priorities provided by MPOs.

WisDOT encourages communities to look at a full range of eligible CMAQ activities when designing emission reduction projects. Cost-effectiveness is taken into account during evaluation of all proposals, and WisDOT also gives priority to applications that demonstrate one or more of the following factors:

- Produces a high level of vehicle emissions reduction for a project of its type
- Shows significant potential to reduce vehicle trips and/or vehicle miles traveled (VMT)
- Produces sustainable, long-term reduction in traffic congestion and/or vehicle emissions
- Implements a strategy that is incorporated into an MPO Congestion Management Process
- Promotes technology-based improvements in vehicle and/or fuel emissions
- Stimulates inter-jurisdictional/inter-organizational coordination and cooperation that is otherwise unlikely
- Improves connections between travel modes and/or efficiency of the transportation system
- Involves collaboration of the public and private sectors to improve air quality and mobility
- Expands scope, convenience, and/or level of service of a public transportation system, or reinstates a canceled route not previously funded by the CMAQ program
- Implements a comprehensive, well-planned overall trip reduction strategy
- Is innovative, and has the potential for widespread implementation
- Implements local and regional transportation planning goals
- If the project is an alternative fuel dispenser, it will be located close to a freeway or other concentrated source of potential users, and will be open to the public
- Demonstrates high levels of utilitarian (non-recreational) trips (bicycle and pedestrian facilities)
- If the project involves traffic control, it is a comprehensive effort of corridor, area, or system-wide scope. In general, stand-alone signals or roundabouts at individual intersections will not be funded

WisDOT and the affected MPOs consult with DNR, FHWA, and EPA to determine which CMAQ application projects meet federal criteria based on application information alone. Selection committee agencies evaluate the suitability and priority of submitted applications as described above and with reference to the following factors:

- Is resource allocation timely?
- Are emissions benefits realistic, measurable, and sustainable?
- Is other funding committed to implement the project on schedule if the total project costs exceed the amount of available CMAQ funds?
- Does the project provide the most emissions reductions per dollar invested?
- Is the project consistent with the goals of the MPO transportation plan?

As part of the effort to have a balanced program of projects, the percentage of funds committed to one category of projects may play a factor in project selection. The selection committee provides a list of recommended projects to the WisDOT Secretary. If the Secretary approves the recommended CMAQ projects, the projects are forwarded to FHWA and FTA for concurrence of eligibility, and the State notifies sponsors of approval.

### **Schedule for CMAQ Project Approval**

Applications Due to WisDOT Region Office: **September 1, 2023**

Technical Assessment Timeline: **September – October 2023**

Review Committee Begins: **December 2023**

Awards Approved and Announced: **Early 2024**

### **Project Issues and Post-Approval Process:**

Once project awards are announced, WisDOT sends local sponsors a project agreement, called a State-Municipal Agreement (SMA), for signature from an authorized sponsor representative. WisDOT Region staff will notify sponsors when to proceed with each phase of a project, because each project phase must be authorized for charges by FHWA before costs are reimbursable.

Sponsors pay for costs as incurred and seek reimbursement through the WisDOT Region Office. Included in the project cost are WisDOT activity costs for delivery and oversight. Oversight and delivery costs are split 80% federal and 20% local. Any locally funded design work must meet all applicable federal and state requirements and standards. Locally funded designs must pay the entire cost of state staff and management consultant oversight.

The sponsor is responsible for completing the entire project in accordance with federal and state laws and regulations. If a project is sponsored on behalf of a private organization, the public sponsor retains ultimate responsibility for the project. However, the public sponsor will enter into a legal agreement with the private organization to ensure that the private party complies with all applicable requirements and provides the necessary local match funding.

Once the sponsor enters into a project agreement with the appropriate WisDOT Region office, the project sponsor's funding must be approved in the appropriate TIP and/or STIP. The Region then initiates paperwork authorizing the project for federal charges. Sponsors are responsible for all project costs incurred prior to notification that federal project authorization has occurred. **Receipt of the Governor's letter announcing the project award does not carry with it the authority to begin work on the project. Sponsors must not begin work on each phase of the project until receipt of notification from the WisDOT Region office that this work can begin to incur costs. The sponsor will not receive any reimbursement for expenses incurred before receipt of this necessary notification from the Region.**

The WisDOT [Sponsor's Guide to Non-Traditional Transportation Project Implementation](#) provides important information about the CMAQ project development process and requirements. Copies of the Sponsor's Guide are available online at, or available from WisDOT Region and Statewide Office contacts provided at the end of these guidelines. **Transit projects must comply with FTA requirements that may differ from FHWA requirements. Sponsors must review the Sponsor's Guide carefully prior to project implementation.**

Sponsors must develop approved projects in compliance with federal and state laws and regulations. Applicable regulations include but are not limited to:

- Qualifications Based Selection (QBS) process for design and engineering services
- Federal and state real estate acquisition requirements
- State and national environmental regulations
- Disadvantaged Business Enterprise (DBE) participation goals
- Competitive bidding of construction work, including federal Davis-Bacon wage rates where applicable or state wage rates and use of American-made materials
- Bicycle and pedestrian facilities must comply with the applicable requirements of the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines
- Intelligent Transportation Systems (ITS) projects must demonstrate consistency with the regional ITS architecture

WisDOT Region staff can provide technical aid in meeting the above-listed requirements. Environmental review beyond identification of likely air quality impacts is not required prior to application submission.

Sponsors must design and develop CMAQ projects in accordance with industry technical standards. The sponsor must also apply WisDOT technical standards when applicable. If specific, applicable WisDOT standards do not exist, sponsors should follow industry standards. For example, projects involving alternative fuels must be designed in accordance with National Fire Prevention Association (NFPA) standards and all applicable local codes and regulations. Bicycle projects are designed in accordance with a current version of the *Wisconsin Bicycle Facility Design Handbook*, which is available at: <http://wisconsindot.gov/Documents/projects/multimodal/bike/facility.pdf>.

WisDOT urges sponsors to review the *Sponsor's Guide to Non-Traditional Transportation Project Implementation*, become familiar with all relevant technical standards, and conduct a site visit prior to developing project budgets and timelines. Allow ample time for state and federal review of environmental documents, plans, specifications, construction estimates, etc. **All costs exceeding approved State/Federal amounts are the responsibility of the Local Sponsor.**

Each approved CMAQ project will involve one or more of the following project phases, each with unique requirements and processes:

### **Preliminary Engineering and Design**

Because CMAQ projects are let for competitive bid, local sponsors must develop a plan to ensure proper construction of the project. Local governments may use their own staff or staff from other government units, including planning staff, provided the staff is qualified to perform the necessary work. If a sponsor does not have adequate and qualified staff to prepare the Plans, Specifications, and Estimates (PS&E), the sponsor may hire a qualified private consulting firm that is familiar with all applicable state and federal laws, regulations, and procedures. For example, a sponsor should hire an engineer to work on the project design and construction of bicycle amenities, and an architect could consult on historic rehabilitation.

Sponsors must follow federal Qualifications Based Selection (QBS) procedures for hiring a private consultant. Sponsors may not simply hire a local firm or a firm that has routinely performed work for the local sponsor. WisDOT Region staff can answer questions about applicable federal and state requirements.

### **Real Estate**

Federal and state real estate requirements may complicate CMAQ projects. As such, real estate project costs under \$100,000 must be entirely locally funded. Sponsors should consult with the appropriate [WisDOT Regional Real Estate Coordinator](#) to ensure compliance with all federal and state requirements of the real estate acquisition process, including the Uniform Act.

WisDOT recommends sponsors and applicants review the real estate webpage at: <https://wisconsin.gov/Pages/doing-bus/local-gov/astnce-pgms/aid/lpa-re-info.aspx>.

### **Railroad Crossing**

If a project crosses an active rail line, Sponsors must complete a separate project application involving the railroad's tracks and right-of-way (ROW). The railroad company or its contractors will conduct the necessary work. The WisDOT Region Railroad Coordinator will coordinate projects involving railroad facilities. The appropriate WisDOT Region Office can provide contact information.

## **MATCHING REQUIREMENTS & FINANCIAL PROCEDURES FOR APPROVED PROJECTS**

***CMAQ is a REIMBURSEMENT program, not a grant program.*** The project sponsor initially finances the entire project through their local budget process. WisDOT reimburses up to 80% of the project cost after the sponsor submits invoices for project expenses. **The sponsor is responsible for all project costs**

**beyond the approved federal government funding share.** Local match funds may come from local funding sources and private contributions. Sponsors may also use non-transportation related federal government funds to provide the requisite local match. Sponsors may provide funds beyond the required match, but this usually does not affect funding decisions.

**Public-Private Partnerships (PPPs):** CMAQ funds may be used to establish public-private partnerships. Private entities may apply for funding through an eligible public sponsor. Collaborating with private entities may help communities raise the minimum 20% match that is required for CMAQ projects.

Most projects will be Locally Let to the lowest cost qualified bidder. Consult the appropriate WisDOT Region office for details on bid-letting procedures and requirements such as advertising, Disadvantaged Business Enterprise (DBE) goals, federal and state wage rate requirements, and awarding the bid. If the project is in federal highway right-of-way, local sponsors must follow Davis-Bacon wage rate requirements requiring sponsors to pay prevailing union wage rates for labor. For projects where Davis-Bacon wage rates do not apply, state “white sheet” rates still require payment of the prevailing union wage rates in parts of the state where the project is located. ***Sponsors should consider the cost impact of these requirements on their project when developing project estimates.***

WisDOT may administer a local project as state let under some circumstances. For example, it may be more efficient to administer a CMAQ project as state let when installing a local bicycle or pedestrian facility in conjunction with a larger state highway project. For complex projects or projects with a cost estimate of \$1,000,000 or more, a state let may be required. It is possible to use voluntary labor or donated materials if appropriate guidelines are followed and preapproval is received from WisDOT.

If WisDOT carries out the local project as a state let, the local sponsors will be charged accordingly. **Certain state review and administration costs are incorporated into approved project budgets after project review and determination of appropriate add-on amounts.** It is not possible to assign an accurate cost prior to project review because design and administration costs vary with project complexity. As a general rule, state review constitutes a higher percentage of low-cost projects because many review costs are fixed. The cost of local project administration must be 100% locally funded. Local project administration includes project agreement review, attending project meetings, and other administrative work.

WisDOT expects sponsors to maintain records and reports for a minimum of seven years, such as payroll documents and material specifications pertaining to construction activities, in the event of an audit.

### **Project Changes**

Sponsors must contact WisDOT Region staff and/or the appropriate Municipal Consultant if a project cannot be implemented as outlined in an original application. CMAQ funding is both limited and competitive, so communities with project change requests may have to re-compete for funds for the newly requested work scope. Contact WisDOT DTIM Local Programs & Finance for additional details.

### **Funding Reimbursement and Project Completion**

Sponsors should periodically submit reimbursement requests to the appropriate WisDOT Region office,

along with supporting documents, for payment of the federal share of the project. Most sponsors submit invoices on a quarterly basis. The state then submits bills to the federal government for the reimbursement of money paid to the sponsor. WisDOT ensures consistency with FHWA procedures by adhering to a reimbursement process that requires the sponsor to pay the full amount of the contractor's interim billing as the project progresses.

Private sector grantees must receive reimbursement through a collaborating public sponsor. More information regarding the reimbursement process is available in [The Sponsor's Guide to Non-Traditional Transportation Project Implementation](#). Public transit projects are transferred to the Federal Transit Administration (FTA) and are administered by WisDOT as part of the annual Transit Capital and Operating Assistance Grant.

WisDOT will make the final reimbursement payment on a project only after a field certification verifies that all CMAQ-funded work was completed in accordance with project requirements. Design firms may provide construction oversight only if there is a responsible local official in charge who can certify that the project was completed according to plan.

### **Timeline for Project Completion and Maintenance**

Sponsors of 2024-2028 CMAQ projects must complete projects and submit a project completion within six years, according to the timeline memorialized in State-Municipal Agreements. WisDOT DTIM will grant extensions only for extenuating circumstances on a case-by-case basis. Project sponsors must submit a written extension request that provides a specific revised timeline for project completion and indicates the reason that an extension is necessary. Sponsors of CMAQ construction projects should also note the FHWA requirement that project construction begins no more than ten years after the project is authorized for receipt of federal funding.

Sponsors are required to maintain awarded projects. Failure to do so, or the sale of a property without written authorization requires partial repayment of federal funds or execution of legal guarantees that protect the projects' public benefit.

### **Additional Resources**

Sponsors are responsible for review and knowledge of the following reference materials: Sponsors should note the various limitations on building separated paths adjacent to urban and suburban roadways. WisDOT Region staff can also provide technical assistance and documentation with respect to the above-listed reference materials. Bicycle-pedestrian projects must be consistent with the WisDOT's Bicycle Facilities Handbook.

- US Code, Title 23 – Highways:  
<https://uscode.house.gov/browse/prelim@title23&edition=prelim>
- WisDOT Sponsor's Guide to Non-Traditional Transportation Project Implementation:  
<https://wisconsin.gov/Documents/doing-bus/local-gov/lpm/sponsor-guide-2022.pdf>
- The Americans with Disabilities Act (ADA) Standards for Transportation Facilities:  
<https://www.access-board.gov/ada/>

- US Department of the Interior Standards for Rehabilitation:  
<http://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>;
- WisDOT Facilities Development Manual (FDM):  
<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/rdwy/fdm.aspx>;
- Wisconsin Bicycle Facility Design Handbook:  
<http://wisconsindot.gov/Documents/projects/multimodal/bike/facility.pdf>

### WisDOT Contact Information

If you have questions about the CMAQ program and the application guidelines, please consult the appropriate contact listed on the following page.

WisDOT Region	Contact	Phone	Email
DTIM Central	Tim Olusegun	(608) 266-0254	<a href="mailto:tim.olusegun@dot.wi.gov">tim.olusegun@dot.wi.gov</a>

WisDOT Region	Contact	Phone	Email
SE Region	Jacob Varnes	(262) 548-8789	<a href="mailto:jacob.varnes@dot.wi.gov">jacob.varnes@dot.wi.gov</a>
NE Region	Kelsey Lorenz	(920) 492-0142	<a href="mailto:kelsey.lorenz@dot.wi.gov">kelsey.lorenz@dot.wi.gov</a>

WisDOT/Real Estate staff		
North Central (NC)	<a href="#">E. Jay Viste</a>	(920) 360-1672
Southwest (SW)	<a href="#">Angie Kneip</a>	(608) 245-2623
Northwest (NW)	<a href="#">Angie Kneip</a>	(608) 245-2623
Southeast (SE)	<a href="#">MeriKate Bock</a>	(414) 750-0679
Northeast (NE)	<a href="#">E. Jay Viste</a>	(920) 360-1672
Statewide	<a href="#">Abby Ringel</a>	(920) 883-8324 (Cell) (920) 492-7708 (Office)

MPO Contact	Contact	Phone	Email
Bay-Lake RPC	Heena Bhatt	(920) 448-2820	<a href="mailto:hbhatt@baylakerpc.org">hbhatt@baylakerpc.org</a>
SEWRPC	Chris Hiebert Or Ryan Hoel	(262) 953-3227  (262) 953-4285	<a href="mailto:chiebert@sewrpc.org">chiebert@sewrpc.org</a>  <a href="mailto:Rhoel@sewrpc.org">Rhoel@sewrpc.org</a>

Determine if a proposed CMAQ project is in an MPO area by visiting this website:

<http://wisconsindot.gov/Documents/doing-bus/local-gov/plning-orgs/map.pdf>

# Wisconsin RPCs and MPOs

