STP Project Selection Committee
Annotated Agenda
Wednesday, November 28, 2018
9:30 a.m.

Cook County Conference Room
233 S. Wacker Drive, Suite 800
Chicago, Illinois

1.0 Call to Order 9:30 a.m.

2.0 Agenda Changes and Announcements

3.0 Approval of Minutes – September 26, 2018
ACTION REQUESTED: Approval

4.0 Proposal for Use of Transportation Development Credits
IDOT has adopted the attached policy for the use of Transportation Development Credits for Highways (TDCHs). This policy requires CMAP to establish an MPO policy for the use of TDCs. Staff has updated the draft policy discussed in September, based on the attached comments from the South Suburban Mayors and Managers Association Transportation Committee and is requesting STP PSC approval of the revised policy.
ACTION REQUESTED: Approval

5.0 STP Shared Fund Call for Projects – Tentative Schedule
The attached tentative schedule provides timeframes for the upcoming calls for STP Shared Fund, CMAQ, and TAP-L projects. This schedule was considered when developing the 2019 meeting schedule to be discussed under agenda item 6.0.
ACTION REQUESTED: Information

6.0 2019 STP Project Selection Committee (PSC) Meeting Schedule
Staff is proposing shifting the STP PSC meetings to Thursdays at 9:30 am to better align with the CMAQ PSC schedule for 2019. The proposed dates are:

- Thursday, January 24, 2019
- Thursday, February 28, 2019
- Thursday, March 28, 2019
- Thursday, April 11, 2019
- Thursday, July 18, 2019
- Thursday, September 5, 2019
- Thursday, October 31, 2019

ACTION REQUESTED: Approval

7.0 Other Business
8.0 Public Comment
This is an opportunity for comments from members of the audience. The amount of time available to speak will be at the chair’s discretion.

9.0 Next Meeting
The next meeting is scheduled for Thursday, January 24, 2019 at 9:30 a.m.

10.0 Adjournment

STP Project Selection Committee Members:

_____ Dan Burke  _____ Lorri Newson*  _____ Jeffery Schielke
_____ John Donovan*  _____ Kevin O’Malley  _____ Eugene Williams
_____ Jesse Elam  _____ Chad Riddle*  _____ John Yonan*
_____ Luann Hamilton  _____ Leon Rockingham

*Advisory

Others Present: Erin Aleman, Dave Bennett, Larry Bury, Len Cannata, Karen Darch, Grant Davis, Cecilia Diaz, Jackie Forbes, Mark Fowler, Cole Jackson, Emily Karry, Tom Kelso, Mike Klemens, Josh Klingenstein, Kelsey Mulhausen, Dan Persky, Ryan Peterson, Leslie Phemister, Cody Sheriff, Troy Simpson

Staff Present: Teri Dixon, Kama Dobbs, Doug Ferguson, Elizabeth Irvin, Erin Kenney, Stephane Phifer, Russell Pietrowiak, Simone Weil, Barbara Zubek

1.0 Call to Order
Mr. Elam called the meeting to order at 9:33 a.m.

2.0 Agenda Changes and Announcements
There were no agenda changes or announcements.

3.0 Approval of Minutes – August 22, 2018
A motion to approve the minutes as presented, made by Mayor Rockingham, seconded by Ms. Hamilton, carried.
4.0 **Responses to Comments**
Ms. Dobbs provided an overview of the comments received, the responses to those comments, and proposed changes to the Shared Fund Application Booklet and Active Program Management Policies. Ms. Hamilton asked for a definition of the percentage of pre-final plans and Mr. Riddle responded that it is 95%. Ms. Hamilton asked what the percentage is for preliminary plans and Mr. Riddle said that local roads does not review preliminary plans. He suggested that a PDF of the preliminary plans be submitted to the committee for review. Ms. Dobbs clarified that preliminary plans is 60% complete. Mr. O’Malley asked if the process is different for transit stations. Ms. Dobbs stated that if the transit stations are being processed through local roads it is the same percentage of completion. Mr. Elam stated that instead of submitting preliminary plans to IDOT, the final application booklet will reflect that applicants will submit a PDF of preliminary plans to CMAP staff for assessment of completeness. President Darch asked if there is a reason for the half mile area for the transit investment points and stated that could possibly limit the benefit capture. Mr. Elam replied that the purpose is to encourage a level of density near transit stations. Mayor Rockingham stated in his communities there are places that shuttle employees over a half mile and he is concerned that projects will not score well in that planning factor. Mr. Elam replied that the intention of the scoring is to encourage a connection between land use planning and transportation programming, and investments in transit are maximized if land use development is near transit. Ms. Irvin added that the shuttle service that Mayor Rockingham referred to would be captured in the travel shed analysis, rather than the planning factors.

President Darch asked about partial credit for partial land acquisition. Mr. Elam replied that staff could not find a workable way to include partial credit for both phase 2 and right of way. President Darch also commented that the transportation impact score does not take into account projects that do not have transit alternatives located in close proximity. Mr. Elam replied that the objective is to have a balanced proposal to benefit the entire region. He explained that there is a modest incentive for projects that have a transit benefit and stated that it is not an eligibility factor but a planning factor.

5.0 **Shared Fund Application Booklet**
Mr. Elam asked for a motion to approve the Shared Fund Application Booklet with the revised phase 2 completion evaluation. A motion to approve the Shared Fund Application booklet with that change made by Mayor Williams, seconded by Mr. Burke, carried.

6.0 **Active Program Management Policy**
A motion to approve the Active Program Management Policy as presented made by Ms. Hamilton, seconded by Mayor Williams, carried.
Mr. Elam thanked the committee for the time they put into the process to develop the new program.

7.0 Proposal for Use of Transportation Development Credits
Mr. Ferguson reviewed the draft policy that CMAP staff developed for the use of transportation development credits. Ms. Phemister stated she is concerned that many high need communities who border communities that are not high need will not apply for regional projects if those multijurisdictional projects cannot request TDCHs and Mayor Rockingham asked for clarification on projects needing to be entirely within a TDCH eligible jurisdiction. Mr. Ferguson responded that it comes down to processing agreements through IDOT and it could become a difficult split if portions of a project can utilize TDCHs and another portion cannot. He clarified that a project that is not fully within a high need community would still be eligible to apply but would not be able to request the use of TDCHs. Mr. Riddle suggested that projects that are not entirely within high need communities could stage or split up the project and use TDCHs for only the portion of the project that is within the high need community. Ms. Phemister expressed concerns about splitting up a project into stages and gave an example of a project that is 98% within a high need community. Mr. Elam suggested that the committee may be able to consider projects in this situation on a case-by-case basis. Ms. Phemister requested that language be added to the policy to address projects that are “mostly” within a high need community. Mr. Donovan stated there should be coordination with IDOT first to determine what they will accept as policy. Ms. Dixon stated that staff will look at the language and bring it back to the committee. Mr. Bennett asked if the 20% limit applies to individual programs. Mr. Ferguson stated that the limit applies to the entire program.

8.0 Other Business
Ms. Hamilton complimented CMAP staff for the work they have done on guiding the committee through the policy development process and congratulated staff for a job well done.

9.0 Public Comment
There was no public comment.

10.0 Next Meeting
The next meeting is scheduled for October 24, 2018

11.0 Adjournment
On a motion by Mayor Rockingham, seconded by Ms. Hamilton, the meeting adjourned at 10:22 a.m.
1. **POLICY**

   It is the policy of the Department of Transportation to utilize Transportation Development Credits (TDC) for highway projects if necessary.

2. **PERSONS AFFECTED**

   This Policy affects:

   - Office of Finance & Administration
   - Office of Highways Project Implementation
   - Office of Planning & Programming

3. **PURPOSE**

   The purpose of this policy is to define the approval, implementation, and tracking procedures for Transportation Development Credits for Highways (TDCH).

4. **GUIDELINES FOR IMPLEMENTATION**

   **A. Program Description.** Title 23 U.S.C., Section 120 (i) describes terms and requirements for Credit for Non-Federal Share, currently known as Transportation Development Credits (TDC). These were previously known as Toll Credits. Under this provision a state is permitted to use certain capital expenditures of toll revenues as a credit toward the non-federal matching share of highway programs authorized by Title 23 except for the emergency relief program. Transportation Development Credits (TDC) may also be applied toward the non-federal matching share of transportation projects eligible under Chapter 53 of Title 49.

   **B.** The amount of TDCs for non-federal share to be earned by the state is based on revenue generated by toll authorities within the state that are used by the authorities to build and improve public highway facilities that carry vehicles involved in interstate commerce. The Illinois Department of Transportation (IDOT) in close cooperation with the Illinois State Toll Highway Authority (ISTHA) has secured Federal Highway Administration (FHWA) approval of TDCs that may be used for this match purpose. Use of TDC does not provide any additional funding, only a new way to finance a project.

   On September 22, 2004, IDOT was awarded a total of $696,236,242 of TDCs. Separate policy and guidelines were developed for the use of those TDCs which were reserved for transit use only. On February 29, 2012, IDOT was awarded additional TDCs in the amount of $1,144,143,585. The following policies and implementation guidelines apply to the 2012 TDCs hereinafter termed TDCH.
The use of TDCH adds administrative complexity to the already-complex processes for the state highway program. It is the department’s intent to confine the use of TDCH to fiscal years in which a definite benefit to the department can be justified.

C. Policy and Implementation Parameters:

1) TDCH can be used to match federal funds for federally-eligible highway projects.

2) TDCH will not be used on local projects without prior approval from the Office of Planning and Programming (OPP).

3) TDCH will be used on a project-by-project basis without being confined to certain federal fund types.

4) TDCH cannot be used retroactively, i.e., after a project has been awarded by the department.

5) TDCH cannot be used to increase the federal share of any project phase previously awarded by the department.

6) TDCH may be used for any federally eligible highway program project within the state of Illinois authorized by Title 23. However, use of TDCH may initially be limited to projects in IDOT Districts 1, 2, and 3 because those highway districts contain toll highways operated by ISTHA.

7) MPOs that have approved policies and guidance governing the use of TDCH may formally request to use the TDCH from OPP. Policies must be sent to Bureau of Planning – MPO Metro Manager for consideration and approval before requesting the use of TDCH. Each policy must indicate the amount (percentage of total program or fixed amount) allowable for using TDCH within the limits of this policy before it will be approved.

8) TDCs allow the federal funding to be used for up to 100% of project cost, and the local non-federal match required to be reduced by the amount of the TDCs used. TDCH to be requested is based on the local share percentage required by the FHWA for the project, and equal to the local non-federal match that would otherwise be required if TDCHs were not being used. For example, if the project’s federal/local cost share ratio is 80/20, and TDCHs will be used in lieu of the 20% local cash match required, the amount of TDCHs to be requested is equal to 20% (the local share percentage required) of the project cost. Therefore, if a project cost is $400,000 and the federal/local cost share ratio is 80/20, the Transit TDCHs needed will represent 20% of the project cost, or $80,000 (the local non-federal match that would otherwise be required), and the federal share will be $400,000.

9) TDCH will be tracked separately from the TDCs established in 2004. As toll credits previously established for Transit use are depleted, consideration will be given to transfer TDCH for use on eligible Transit projects.

10) Although not desirable, projects using TDCH may be placed on Advance Construction status.

11) Any TDCs established and approved by FHWA do not lapse but remain available until used by the state.

12) TDCH shall be considered “used” once the associated highway project has been awarded.

13) OPP will establish a tracking mechanism for the use of TDCH for highway projects.

14) The necessary Maintenance of Effort (MOE) calculations will be performed annually. If the MOE test is met in a given year, the department will apply for additional TDCs.
15) The Secretary of Transportation has final approval authority for use of TDCH on both individual projects and transfers for Transit use.

16) The provisions contained herein may, at IDOT’s discretion, be modified on a case-by-case basis to meet IDOT needs.

D. Application/Approval Procedures:

1) The Bureaus of Programming and Budget and Fiscal Management (BFM) will establish the programmatic need to use TDCH during the annual development of the financial plan for the multiyear highway improvement program.

2) For locally sponsored projects, the Bureau of Local Roads and Streets will review the programming information and will verify with the Bureau of Programming – Project Control Section the sufficiency of available TDCH. If the request is eligible, and funding is available, the Bureau of Local Roads and Streets will process the agreement and supporting paperwork.

3) Any necessary coordination, administrative modifications or amendments to the MPO TIPs or the department STIP resulting from use of TDCH will be handled normally.

4) The Bureau of Programming and Bureau of Local Road and Streets will designate projects using TDCH by an appropriate OPP fund source code in the Program Planning System database (PPS). The Office of Planning and Programming will seek approval of the proposed projects from the Secretary if they are state sponsored projects.

5) When the Bureau of Design and Environment (BDE) receives the project from the Bureau of Programming, a traditional federal fund prefix (STP, NHPP, etc.) will be assigned to the federal project number to be followed by a secondary prefix, “TDCH” to indicate a TDCH supported project. While BDE will continue to report the traditional federal percentage (80%, for example), the project as authorized by FHWA would reflect 100% federal reimbursement.

6) The Project Control Unit in Bureau of Programming will be able to recognize the project by the “TDCH” designation in the federal project number and the federal bill for that project would be for 100%. Project Control will maintain a listing of actual TDCH usage and share this data with the Bureau of Programming so that there is a central tracking system to show the availability of TDCH.

7) The Bureau of Programming will coordinate the planned usage of TDCH with the Fiscal Analysis Section of BFM by notifying them of decisions to apply TDCH to projects as they are authorized.

8) Transfer of TDCH to Transit use: Request for transfer of TDCH to Transit use shall be made in writing by the Bureau of Planning to the Bureau of Programming. The request shall include the amount requested and a discussion of the need for the transfer. Request for concurrence will be sent to the Director of Planning and Programming who will seek approval for the transfer from the Secretary of Transportation. Upon concurrence, the requested amount of TDCH will be deducted from the available TDCH total and added to the TDC balance.

5. RESPONSIBILITIES

The following outlines the individual and office responsibilities to ensure compliance with the provisions of this directive and its appendixes (if applicable):

A. The **Office of Planning and Programming – Bureau of Programming** is responsible for establishing programmatic need for TDCH in consultation with the Bureau of Fiscal Management, for verifying TDCH availability, for needed STIP modifications, for designating projects to use TDCH, for tracking use of TDCH, and for administering application for and transfer of TDCH. The
Bureau of Programming is also responsible for working with the Bureau of Planning on requests for TDCs that come from eligible MPOs with approved policies for use of TDCH.

B. The Office of Finance and Administration – Bureau of Budget and Fiscal Management (BFM) is responsible for collection of necessary data, calculation of Maintenance of Effort (MOE), processing TDCH projects, and sharing information back to The Bureau of Programming regarding TDCH usage.

C. The Office of Highways Project Implementation – Bureau of Design and Environment is responsible for assigning a secondary project number prefix.

D. The Office of Highways Project Implementation – District Offices are responsible for initiating necessary TIP changes that may be required from the use of TDCH.

6. Revision History

This directive includes the following changes:

- This policy was formatted into the new Departmental Policy template, which includes removing the Accessibility Section and adding a Revision History.

- This policy has been revised to update Bureau/Office names due to reorganization.

- Establishes a process to allow MPOs to request the use of TDCHs if they have an approved policy in place.

Archive versions of this and all directives are available by contacting the Document Services Unit in the Bureau of Business Services at DOT.Policy@illinois.gov.

7. Closing Notice

October 18, 2018

Mr. Joe Szabo
Executive Director
Chicago Metropolitan Agency for Planning
233 S. Wacker Drive, Suite 800
Chicago, IL 60606

Dear Mr. Szabo:

The South Suburban Mayors and Managers Association (SSMMA) Transportation Committee appreciates the efforts of CMAP to develop the Transportation Development Credits Highway (TDCH) policy, and the special consideration that was made for the South Suburbs to participate in regional projects. This is a once in a lifetime opportunity for Cohort 4 communities to fund regional projects. There are 21 “high need” communities in the South Council, and they may not have another way to fund projects if these credits are not available. The credits could give communities the ability to fund regional projects beyond municipal borders, which is in CMAP’s inclusive Growth policy.

However, there is one disadvantage to the proposed policy found in section 3, which states that “Contiguous projects may not be “split” in order for one or more portions to be eligible for TDCHs. No project or project phase granted the use of TDCHs may be combined under a single funding agreement or contract with any other project or phase that is not eligible for or was not granted use of TDCHs.”

The new STP Shared Fund is for large regional projects with 3 or more entities or $5 million in total cost. In the South Council, many of our Cohort 4 municipalities have projects with other Cohorts. This policy, the way it states now, would eliminate the Cohort 4 communities from being a part of these big regional projects. This would perpetuate the current system of high need communities not getting projects due to the lack of match money.

We know your policy is intended to create projects that will connect all people to places. We need to change the language to allow Cohort 4 communities to access the TDCHs for the section of the project within their borders.
October 18, 2018

Mr. Joe Szabo
Executive Director
Chicago Metropolitan Agency for Planning
233 S. Wacker Drive, Suite 800
Chicago, IL 60606

Continued...

Thank you again for creating this policy, allowing TDCHs to be utilized, and taking our comments under consideration! Having a policy that works for the South Council communities will change our network and create inclusive growth.

SSMMA Transportation Committee

Mayor Michael Fishman
Chairman
MEMORANDUM

To: STP Project Selection Committee

From: CMAP Staff

Date: November 21, 2018

Re: Use of Transportation Development Credits with STP-Funded Projects to Aid Disadvantaged Communities

As part of the agreement for locally programmed Surface Transportation Program (STP-L) funding approved in October 2017, the parties agreed that providing assistance to disadvantaged communities so that they may have more opportunities to access the federal funds was a desired outcome. The issue of “haves versus have-nots” was raised as a point of concern in the discussions leading up to the agreement. The STP-L program provides an 80 percent federal cost-share with the remaining 20 percent of a project’s cost funded through state or local sources. While not the only barrier to reinvesting in local infrastructure, supplying the required match can be challenging and may discourage local officials in disadvantaged communities from seeking funding for needed projects.

Federal law allows states to accrue transportation development credits (TDCs), also known as “Toll Credits”, when capital investments are made on federally approved tolled facilities. The TDCs can be used in place of the 20 percent local/state match and a project can be funded at essentially 100 percent federal funds. The Illinois Tollway has historically generated a great deal of these credits, considerably more than are used in a given year, and previously Illinois Department of Transportation (IDOT) policy has allowed them to be used on transit projects but not local roads projects. IDOT has adopted a new policy that includes local use on non-transit project types, referred to as Transportation Development Credits for Highways (TDCH). The use of TDCs for transit projects is still handled under the existing IDOT policy for transit projects and remains unaffected. Note that the Illinois Tollway is not involved in determining the usage of transportation development credits.

The attached CMAP policy will be part of the STP-L application and program management guidelines. It is intended to complement IDOT’s TDCH policy to consider TDCHs for use on local agency projects if the request is in accordance with MPO policy. By using TDCHs, the overall STP program will be reduced in size, so the region must judiciously use them. This policy is wholly to support disadvantaged communities.

ACTION REQUESTED: Approval
CMA Policy for the use of TDCH for STP funded projects

1. Eligible municipal jurisdictions are determined based upon CMAP’s Local Technical Assistance (LTA) program community need measures, which may be updated from time to time. Eligibility for City of Chicago projects is based on a computation of these capacity measures at the Chicago Community Area (CCA) geography. Only jurisdictions or CCAs in the highest need group are considered eligible to utilize TDCHs as local match for STP-L. Eligibility is determined at the time of application.

2. STP-L projects that are being implemented by private or non-profit entities may not use TDCHs for the purpose of supporting disadvantaged communities.

3. Except as noted in subparagraph a below, the project limits must be entirely within the TDCH-eligible jurisdiction(s) or Chicago Community Areas(s) to qualify to request TDCHs to support disadvantaged communities. For multijurisdictional projects, all municipal partner agencies or CCAs must be TDCH-eligible. Contiguous projects may not be “split” in order for one or more portions to be eligible for TDCHs. No project or project phase granted the use of TDCHs may be combined under a single funding agreement or contract with any other project or phase that is not eligible for or was not granted use of TDCHs.

   a. If it was determined through FHWA/IDOT coordination during Phase 1 or Phase 2 engineering that the logical termini of the project must be extended beyond the boundaries of the TDCH-eligible jurisdiction(s) in order to have a feasible project, the use of TDCHs may be requested for the entire project limits, provided the TDCH-eligible jurisdiction will be the lead agency for project implementation.

4. Eligibility for TDCHs does not guarantee that the project will be selected for STP-L funding or that IDOT will ultimately approve the use of TDCHs for that project.

5. The TDCHs can be used on any project type that is eligible under the Surface Transportation Block Grant program.

6. TDCHs cannot be used for “non-participating” or individual ineligible scope or pay items, regardless of overall project eligibility.

7. For the purpose of ranking shared fund applications, TDCHs will not be considered “committed” funds, and will be considered as a portion of the “requested STP funds” when allocating points for financial commitments.

8. No more than 20 percent of the STP program in any federal fiscal year may be composed of TDCHs. The use of TDCHs within the threshold shall be determined by the programming decisions of the individual Councils or CDOT for the local programs and the STP Project Selection Committee for the Shared Fund.
9. The TDCHs cannot be used retroactively on projects that were programmed prior to the establishment of this policy, and the use of TDCHs must be requested on the project application. Once a program of projects is adopted by the selecting body, TDCHs cannot be added to individual projects.

10. TDCHs cannot be used as local match on the right-of-way acquisition phase of any project. All other eligible phases, per council or CDOT policies for the local programs or STP Project Selection Committee policies for the Shared Fund, can use TDCHs as match.

11. CMAP staff will be responsible for tracking the use of the TDCHs for local match on all STP-L programmed projects in the CMAP region. The TDCHs must be approved by IDOT and identified in the TIP.
## CMAQ, TAP-L and STP-Shared Selection Process Timeline

*Tentative*

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<th>Date (2019)</th>
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<tr>
<td>January 8</td>
<td>CFP eTIP preview for PLs</td>
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<tr>
<td>January 15</td>
<td>Call for projects released</td>
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<td>January 15</td>
<td>Webinar on CFP – overview of programs and requirements</td>
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<td>January 17</td>
<td>Webinar on CFP submittal process in eTIP</td>
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<td>March 1</td>
<td>Planning Liaison eTIP review deadline (suggested)</td>
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<td>March 15</td>
<td>Applications due by the end of business day</td>
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<td>March-May</td>
<td>Staff evaluation of project applications</td>
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<td>May 17</td>
<td>Deadline for Councils/CDOT to submit bonus points allocation (STP only)</td>
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<td>May-June</td>
<td>Review of analysis and focus group input (CMAQ/TAP only)</td>
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<td>June 1</td>
<td>Cutoff for obtaining design approval or submission of PDR documents</td>
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<td>June</td>
<td>Hold meetings with sponsors based upon number of applications or a complex application, as needed</td>
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<td>June-July</td>
<td>Develop staff recommended program</td>
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<td>July</td>
<td>Finalize staff recommendation for PSCs’ meeting postings</td>
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<td>July 18</td>
<td>PSCs consider staff recommended draft programs</td>
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<td>July 18-</td>
<td>Public comment and review period</td>
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<td>August 16</td>
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<td>September 5</td>
<td>Public comments reviewed with final program consideration by PSCs</td>
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<td>October 10</td>
<td>CMAP Board and MPO Policy Committee consider proposed programs</td>
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<tr>
<td>November</td>
<td>Federal eligibility determination (CMAQ only) and funding notification</td>
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