

MEMORANDUM

TO: Advisory Committee on Transportation System Planning and Programming for the Milwaukee Urbanized Area.

FROM: SEWRPC Staff

DATE: January 19, 2011

SUBJECT: PROPOSED ALLOCATION OF FY 2013 and 2014 SURFACE TRANSPORTATION PROGRAM FUNDS AND SELECTION OF PROJECTS FOR FUNDING WITHIN THE MILWAUKEE URBANIZED AREA.

INTRODUCTION

There is a need at this time to select those transportation projects to be funded in the years 2013 and 2014 with Federal Highway Administration Surface Transportation Program (STP) funds designated for the Milwaukee urbanized area. The Advisory Committee on Transportation System Planning and Programming for the Milwaukee Urbanized Area (Milwaukee Area TIP Committee) has developed guidelines for the selection of projects to be funded with STP-Milwaukee urbanized area funds; has previously selected projects for funding for the years 1992 through 2012 under those guidelines; and has programmed those projects for implementation in previous transportation improvement programs for southeastern Wisconsin.

The purpose of this memorandum is to review the guidelines, and apply the guidelines for the years 2013 and 2014, so that projects can be recommended for funding.

GUIDELINES FOR SELECTION OF PROJECTS FOR FUNDING

At meetings held on April 16 and May 28, 1992, April 20, 1993, September 15, 1995, November 6, 1997, January 5, 2000, February 7, 2002, November 12, 2003, January 19, 2006, and April 14, 2008, the Committee acted to recommend, and/or reaffirm, to the Regional Planning Commission as the Metropolitan Transportation Planning Organization (MPO) for the Milwaukee urbanized area, guidelines for the selection of projects to receive Milwaukee urbanized area STP funds. The following briefly summarizes the Committee's recommendations to date:

1. Projects of a "safety" and "transportation enhancement" nature should be funded through funds made available on a statewide basis for these two Federal program categories, and not with STP funds allocated to the Milwaukee urbanized area.

2. Projects of a “transportation control” nature, having positive air quality impacts, should be funded with Federal congestion mitigation and air quality (CMAQ) improvement program funds which apply to the entire air quality nonattainment area in Wisconsin, and not with STP funds allocated to the Milwaukee urbanized area.
3. Prior to November 2003, projects on those arterial streets and highways identified for inclusion in the National Highway System (NHS) were to be funded with Federal funds provided statewide for this purpose, and not with STP funds allocated to the Milwaukee urbanized area. In addition, the lane-miles of NHS arterial facilities were not used for STP fund allocation. At its November 2003 meeting, the TIP Committee determined that projects on NHS facilities under the jurisdiction of county and municipal governments would be eligible for funding with STP-M funds because available NHS funds prior to that date had been spent almost exclusively on facilities under the jurisdiction of the Wisconsin Department of Transportation (WisDOT). It was also determined that lane-miles of NHS facilities under county and municipal jurisdiction would be used for STP fund allocation. Lastly, it was recommended in November 2003 that efforts to obtain an NHS local program should continue, and should they be successful, county and municipal NHS lane-miles would then cease to be used for STP fund allocation.
4. Projects on streets and highways identified as arterials on the adopted regional transportation system and county jurisdictional highway system plans should be funded with STP funds allocated to the Milwaukee urbanized area. Projects on non-arterials—collector and land access streets—which are not identified in regional transportation or county jurisdictional highway system plans should not be funded with STP funds designated for the Milwaukee urbanized area.
5. Both major categories of Federal transportation funds which are allocated by the U.S. Department of Transportation directly to the Milwaukee urbanized area—Federal Highway Administration (FHWA) STP funds and the Federal Transit Administration (FTA) Section 5307 (formerly Section 9) capital funds—should be considered flexible as to allocation to transportation mode, being available to meet both arterial highway and transit capital needs as identified under the adopted regional transportation system plan. Federal law explicitly encourages such flexible treatment of funds. The FTA Section 5307 capital and FHWA STP funds allocated to the Milwaukee urbanized area would be divided between public transit and county and local arterial highways based upon their capital funding needs as determined by the adopted regional transportation system plan. That need under the adopted year 2035 regional plan has been determined to result in an allocation of 37 percent of the available capital funds to the transit mode and 63 percent of the available funds to the highway mode. Such allocation of funds based on the year 2035 plan is proposed to be used by the Advisory Committee and the Commission to allocate FHWA STP and FTA Section 5307 funding between arterial highways and public transit for the years 2013 through 2014. The year 2035 plan was used to allocate funding for the years 2010 through 2012; the year 2020 plan was used to allocate such funding for the years year 2002 through 2009; the year 2010 plan was used to allocate such funding for the years 1997 through 2001, and the year 2000 plan was used to allocate such funding for the years 1995 and 1996.
6. All STP funds determined to be available for transit would be kept in a single “pool” for use by all transit operators in the Milwaukee urbanized area. Prior to the year 2001 the operators

annually negotiated a division of FTA Section 5307 capital funding in the Milwaukee urbanized area. Since 2001, the transit operators determined to use a formula to allocate FTA Section 5307 funds annually among the transit operators. The transit operators could choose to use that same formula or some other method, such as a negotiation and selection of projects to be funded, to allocate STP funds among the transit operators.

7. The TIP Committee recommended that all STP funds be expended annually on eligible projects, with the selection of such projects to be related to a “paper” allocation system whereby each governmental unit having current jurisdictional responsibility for eligible facilities (all arterial facilities on the year 2035 regional transportation plan except those facilities on the NHS prior to November 2003, and all arterial facilities on the year 2035 regional transportation plan under the jurisdiction of county and local governments since November 2003) would be credited STP funds annually based on its proportion of total eligible existing and planned system facility lane-miles in the year 2035 regional transportation plan. The “paper” allocations would be accumulated from year-to-year, with debits to occur from each account as projects are selected for implementation. The ratio of each governmental unit’s account balance to the Federal share of a proposed project would constitute the primary basis for arterial highway project selection annually.
8. The amount of annual funding historically allocated to the City of Milwaukee (approximately \$4 to \$5 million) has permitted the City to implement each year a number of substantial highway improvement projects. For the remaining local communities and for the counties involved, implementation of a substantial project is possible perhaps once every few or several years or more. Consequently, a project evaluation and ranking procedure is used to rank projects for Federal funding for these local governments. This procedure considers for each project the potential Federal funding requested and the Federal funding balance credited to the community concerned.

These recommendations of the Committee were accepted by the MPO when the Commission approved the 1993-1998 TIP and its successors, the 1995-1997 TIP, the 1998-2000 TIP, the 2000-2002 TIP, the 2002-2004 TIP, the 2005-2007 TIP, the 2007-2010 TIP, and the 2009-2012 TIP.

A first step in applying these guidelines for the years 2013 and 2014 is to allocate STP funds for the years 2013 and 2014 between highway and transit projects. The guideline recommends that Milwaukee area FHWA STP funds and FTA section 5307 funds should be combined and allocated between highway and transit needs based upon their relative capital project needs as set forth in the year 2035 regional transportation plan. In that plan Milwaukee area county and local arterial highway capital project needs represent an estimated 63 percent of total area capital project needs, and Milwaukee area public transit capital project needs represent 37 percent of total area capital project needs. It is unknown at this time how much Federal funding the U.S. Congress will authorize and appropriate in FY 2013 and 2014 with respect to FTA Section 5307 and FHWA STP funds for the Milwaukee urbanized area. Accordingly, it is necessary to estimate those authorizations and appropriations, recognizing that the actual appropriations may be more or less than the estimate, and that the quantitative analysis set forth herein may need to be revised. Based on historic annual authorized and appropriated funding levels, the Federal funding for the Milwaukee urbanized area for FY 2013 and 2014 is estimated to include \$21.8 million annually of FHWA STP funds and \$21.3 million annually of FTA Section 5307 funds (based year 2010 FTA funding), for an annual total of \$43.1 million of Federal funds.

To support planning operations, the Regional Planning Commission has received an annual allocation of \$150,000 of Milwaukee urbanized area FTA Section 5307 capital funds since 1990, and an annual allocation of STP funds since 1996, with the latest allocation being \$500,000 annually in 2010, 2011 and 2012. The Commission is requesting for the years 2013 and 2014 a continued annual allocation of \$150,000 of FTA funds and \$500,000 of STP funds to support Commission transportation planning and programming, including air quality conformity analyses.

Given the estimated annual funding levels for FY 2013 and 2014 noted above (total of \$43.1 million) and adjusting those funding levels to account for the proposed Commission planning needs, about \$42.4 million of Federal funds is expected to be available annually to the Milwaukee urbanized area for capital highway and transit projects – \$21.3 million of STP funds and \$21.1 million of Section 5307 funds. Applying the foregoing principles which would allocate the available funding between transit and highways based upon the funding needs established in the year 2035 regional transportation plan, the following allocation to the two modes results:

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| <u>Transit:</u> | \$42.4 million x 37 percent = \$15.7 million annual funding |
| <u>Highways:</u> | \$42.4 million x 63 percent = \$26.7 million annual funding |

This potential allocation of Federal funds would entail the transfer of \$5.4 million annually of FTA section 5307 transit funds to arterial streets and highways. Consistent with past advisory committee practice, the Commission staff recommends that no transfer of FTA Section 5307 funds be made to streets and highways, and that the balance of STP funds for public transit capital projects not be reduced. The FTA Section 5307 funds may be used by Milwaukee area transit operators to fund transit operating cost as well as capital projects.

SELECTION OF PROJECTS TO RECEIVE FTA SECTION 5307 AND FHWA STP FUNDING

The currently approved procedure for selecting transit capital projects to be Federally funded with FTA Section 5307 funds is for the Milwaukee area public transit operators to program projects against the FTA Section 5307 funds (\$21.1 million annually in 2013 and 2014) allocated to each operator by formula. With respect to STP funds to be used for transit projects, the transit operators could through negotiation select transit projects to be proposed for STP funding. Alternatively, each Milwaukee area transit operator could be allocated their portion of the “paper” balance of \$10.7 million of STP funds allocated to transit in previous years with such allocation based upon the same procedure with which FTA Section 5307 funds are distributed, and each operator could then request STP funding for their transit project(s). Milwaukee County in 2002 requested and received approval for \$10.0 million of STP funding in 2004 and 2005 for the construction of the downtown connector project, but the use of these funds were deferred while a study was conducted to determine the locally preferred alternative for the project. This has resulted in highway projects ready for implementation being advanced to ensure that all of the annual allocation of STP funding is spent each year. In 2010, Milwaukee County requested and received approval from the Milwaukee Area TIP Committee to transfer the \$10.0 million of STP funding from the downtown connector project to a project which would replace a portion of Milwaukee County Transit System’s (MCTS) existing fleet of buses.

With respect to arterial streets and highways, each unit of government—municipal and county—is allocated an annual amount of the STP funds determined to be available for highways based on its proportionate share of the planned lane-miles of eligible arterial facilities on the adopted regional transportation system plan under its current jurisdiction within the appropriate adjusted Census defined

Milwaukee urbanized area—the year 1990 adjusted Census defined area prior to November 2003, and the year 2000 adjusted Census defined urbanized area since November 2003.

The estimated eligible planned arterial lane-miles by municipality and county based on the adopted regional transportation plan for the year 2000 adjusted Census defined Milwaukee urbanized area is shown on Table 1. Table 1 also sets forth the proportionate share of Milwaukee urbanized area planned lane-miles of eligible arterial facilities by municipality and county.

Table 2 shows the estimated current and potential 2013 and 2014 STP funds to be credited to each municipality and county based upon the 2000 Census adjusted areas, under the adopted allocation methodology, along with the estimated 2014 fund balance for each unit of government. Of the \$21.3 million of annual STP funding to be allocated under the recommended alternative to arterial streets and highways in the years 2013 and 2014, approximately 27 percent, or \$5.8 million annually, would be allocated to the City of Milwaukee; and the remaining 73 percent, or \$15.5 million annually, would be allocated to all other local units of government in the Milwaukee urbanized area.

Table 2 also shows the transfer of STP balance approved by the Milwaukee Area TIP Committee as a condition of projects receiving American Recovery and Reinvestment Act (ARRA) funding in excess of a municipality's or county's allocated ARRA funding. While this was a onetime allocation of funding, such municipalities were proposed to return 80 percent of the excess ARRA funding received through transfer of their existing STP-M balance to municipalities not receiving a project. Municipalities and counties with sufficient allocated ARRA funding to fully fund, or nearly fully fund, a project would not transfer any of their existing STP balances. A total of three projects were approved for ARRA funding in municipalities which were not allocated sufficient ARRA funding:

- Rehabilitation of River Road Bridge over Indian Creek in the Village of River Hills (STP balance of \$199,320 to be returned to communities in Milwaukee County)
- Rehabilitation of Valentine Road bridge over Oconomowoc Lake in the Village of Oconomowoc Lake (STP balance of \$119,860 to be returned to communities in Waukesha County)
- Reconstruction with additional traffic lanes of County Line Road (CTH Q) between USH 41/45 and Pilgrim Road in Washington County (STP balance of \$625,322 of Washington County and \$1,923,788 of the Village of Germantown, or a total of \$2,549,110, to be returned to communities in Ozaukee, Waukesha, and Racine Counties.)

Tables 3 and 4 summarize the distribution of STP balances from municipalities receiving ARRA funding for projects in excess of their onetime ARRA allocation to municipalities not receiving an ARRA project as approved by the Milwaukee Area TIP Committee. These adjustments are reflected in each municipality's estimated balance through 2012 in Table 2.

The amount of annual funding historically allocated to the City of Milwaukee (about \$5.8 million annually in 2013 and 2014) has permitted the City to implement each year a number of substantial highway improvement projects. For the remaining local communities and for the counties involved, implementation of a substantial project was only possible perhaps once every few or several years. Consequently, a project evaluation and ranking procedure was used to rank projects for Federal funding. This procedure considers for each project the potential Federal funding requested and the Federal funding balance credited to the community concerned and as well for transit projects. The estimated STP fund

balance as of the end of Federal fiscal year 2012 for each local unit of government and for transit projects in the Milwaukee urbanized area is provided in Table 2. The estimated annual funding allocated in 2013 and 2014 to the Federal Surface Transportation Program fund balances for local communities within the Milwaukee urbanized area other than the City of Milwaukee ranges from less than \$1,000 to about \$5.0 million.

EVALUATION OF CANDIDATE PROJECTS

In March 2010, local communities within the Milwaukee urbanized area were requested to submit candidate arterial street and highway projects for consideration for Federal funding. The Wisconsin Department of Transportation Southeast Region staff has reviewed the projects to assure that the schedule and cost estimate for each project is reasonable. A total of 42 candidate projects requesting STP funds were submitted and are listed in Table 5. The evaluation of candidate projects and ranking of projects for use of STP funds is documented in Tables 6 and 7. The projects were evaluated by comparing each community's or county's estimated potential Federal fiscal year 2014 STP fund balance to the requested Federal funding share of each candidate project. Projects from communities having positive 2014 STP fund balances—including the Federal cost of the requested project—were ranked higher than projects from communities or counties with negative balances. With respect to projects submitted by those communities or counties having a positive balance of STP funding as of 2014, the ratio of the Federal share of the cost of the candidate project to the 2014 STP balance for the community was calculated, and projects were ranked with the project with the lowest ratio being ranked first. The ratio so calculated would indicate the proportion of a community's or county's fund balance necessary to implement the project.

With respect to projects from those communities with an estimated negative balance of STP funding in 2014 (including the Federal cost of the requested project), the ratio of the negative fund balance for the community (including the Federal funding for the requested project) to the estimated STP funding allocated annually to the community was calculated, and the project with the lowest ratio was ranked first among these communities with negative fund balances. The ratio so calculated indicates the number of years it may require a community to eliminate its negative balance.

As already noted, a total of 42 candidate projects with total attendant Federal STP funding of about \$78.0 million were submitted by local governments and counties in the Milwaukee urbanized area. The preliminary engineering, right-of-way, and construction elements of each project are shown in Tables 5 and 6.

Table 7 identifies the ranking of the candidate projects for Federal STP funding approval. With respect to funding approval, the projects are grouped into three categories: "funded", "potential", and "not funded" projects. "Funded" projects are the highest priority projects and are recommended to receive funding in 2013 through 2014 and could be advanced into 2011 or 2012, should prior programmed funds become available. "Potential" projects are the next priority projects and are recommended to be approved for funding if "funded" projects are advanced into 2011 or 2012 and leave funding available in years 2013 and 2014; or if "funded" projects are dropped or deferred and thus funding becomes available.

The total amount of funding estimated to be available over the years 2013 and 2014 for "funded" projects is about \$15.5 million annually, or a total of \$31.1 million. Milwaukee County intends to utilize \$10.0 million in STP funding approved in 2010 by the Milwaukee Area TIP Committee to implement the replacement of a portion of MCTS's existing fleet of buses. These STP funds were previously approved

in 2002 for the construction of the Downtown Connector project. The funding of this project was deferred while a study was conducted to determine the locally preferred alternative for the project. This resulted in “potential” highway projects which were ready for implementation being advanced and funded to ensure that all of the annual allocation of STP funding was spent each year. As a result, it is necessary to allocate \$10.0 million of the \$31.1 million of STP funding allocated to all other local units of government in the Milwaukee urbanized area outside of the City of Milwaukee in the years 2013 and 2014 for the MCTS bus replacement project. This results in \$21.1 million, or \$10.5 million annually, in STP funds being available for candidate projects in the communities and counties within the Milwaukee urbanized area and outside of the City of Milwaukee. The total funding allocated to approved, “funded” projects—\$22.5 million—is somewhat more than the \$21.1 million in available funding. This is because the last approved project has a total Federal funding need of \$9.7 million. “Potential” projects represent another \$20 million in project Federal Funding. “Not funded” projects represent an additional \$35 million.

It is the joint responsibility of local governments with “funded” projects and the Wisconsin Department of Transportation to work together to utilize this approved 2013 through 2014 Federal funding, and to explore the potential to use any available 2011 or 2012 funding.

With respect to local governments with “potential” projects, it is the responsibility of the Wisconsin Department of Transportation to notify local governments of possible opportunities for funding—for 2013 and 2014. The “potential” projects are not approved at this time for funding, but are to be held in reserve in case a project selected for funding is deferred or dropped, or should Milwaukee County choose to not use all of the \$10.0 million of STP funding approved for the replacement of a portion of MCTS’s existing fleet of buses in the years 2013 and 2014. The highest ranked “potential” project may then be approved for funding. The Wisconsin Department of Transportation is to notify communities and approve funding if such reserve projects become eligible for funding.

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