

# Action Transmittal

Transportation Advisory Board



**Committee Meeting Date:** May 17, 2023

**Date:** May 9, 2023

## Action Transmittal: 2023-25

2024 Regional Solicitation: Policies, Qualifying Criteria, and Eligibility

**To:** Transportation Advisory Board  
**From:** Technical Advisory Committee  
**Prepared By:** Steve Peterson, Senior Manager of Highway Planning and TAB/TAC Process  
(Steven.Peterson@metc.state.mn.us)  
Joe Barbeau, Senior Planner (Joseph.Barbeau@metc.state.mn.us)

### Requested Action

Approve policies, qualifying criteria, and project eligibility for the 2024 Regional Solicitation.

### Recommended Motions

- That the Transportation Advisory Board (TAB) adopt the other attached policies, qualifying criteria, and project eligibility for the 2024 Regional Solicitation including use of Tie Breaker Option 2 with the provision that an applicant with two tied projects in the same application category can break the tie themselves.
- That the TAB adopt retention of the \$32M bus rapid transit federal maximum rule.
- That the TAB adopt a qualifying requirement that operators of the facility confirm with a check box that they will remove snow and ice for year-round bicycle and pedestrian use for any bicycle or pedestrian facility, including in roadway projects.

### Background and Purpose

TAB must approve qualifying requirements, project eligibility, and other policy concerns as part of the overall application. Attached are three sections of the Regional Solicitation: Introduction, Qualifying Requirements, and Forms. Few changes are being shown in the attachments. Along with small housekeeping changes, key changes tracked below include:

- Introduction
  - Breaking ties (See below)
  - No change to rule limiting BRT projects to \$32M
- Qualifying Criteria
  - Requiring letters from the operator of the facility confirming that they will remove snow and ice for year-round bicycle and pedestrian use for any bicycle or pedestrian facility, including in roadway projects. This rule had previously only applied to the Multiuse Trails and Bicycle Facilities category.
- Forms
  - Request for applicants to describe which specific project elements of your project and associated are eligible to receive PROTECT funds.

## **Breaking Ties**

Historically, TAB has been unwilling to “break” ties (i.e., fund one out of two projects with the same total score within a funding category). This can lead to underfunding or overfunding an application category or not addressing geographic balance. TAB and Technical Committee members have expressed willingness to allow tie breakers. Two suggested options are shown below:

### *Option 1:*

*Scoring committees should use a tiebreaker to sort the ranking of two or more projects with the same score. For the 2024 Regional Solicitation, ties will be broken within funding categories by favoring the higher-scoring project in the safety-related measure shown below.*

- a) Traffic Management Technologies (6A), Spot Mobility and Safety (4B), Strategic Capacity (6A), and Roadway Reconstruction/Modernization (6A): **Crashes Reduced**
- b) Bridge Rehabilitation/Replacement: **Distance to Nearest Parallel Bridge** (Measure 1A)
- c) Transit Expansion (4) and Transit Modernization (5): **Bicycle and Pedestrian Elements and Connections**
- d) Travel Demand Management: Project Innovations & Geographic Expansion (Measure 5)
- e) Multiuse Trails and Bicycle Facilities, Pedestrian Facilities and Safe Routes to School: **Deficiencies Corrected / Safety Problems Addressed** (Measure 4B)

*Any ties that remain after this will favor (step 1) the lower federal amount of funding requested and (step 2 if step 1 results in a tie) the lower total cost for the proposed project.*

### *Option 2:*

*Scoring committees should use a tiebreaker to sort the ranking of two or more projects with the same score. For the 2024 Regional Solicitation, ties will be broken within funding categories by favoring the higher-scoring project in the highest-weighted<sup>1</sup> (in most application categories, this is safety) criterion. If that score is tied, the tiebreaker will move down to the next-highest-weighted criterion until there is no tie. In any instance in which a tied score is between two projects with the same sponsor, that sponsor can select which project is ranked higher.*

Other changes could be reflected in these attachments depending on other decisions, such as the proposed addition of points for safety and other scoring measures.

## **Relationship to Regional Policy**

TAB develops and issues a Regional Solicitation for federal funding.

## **Committee Comments and Actions**

At its April 20, 2023, meeting, the TAC Funding & Programming Committee recommended adoption of the attached policies, qualifying criteria, and project eligibility for the 2024 Regional Solicitation including use of Tie Breaker Option 2 with the provision that an applicant with two tied projects in the same application category can break the tie themselves and increasing the bus rapid transit (BRT) federal funding maximum to \$39 million.

Members were hesitant to make any changes related to not allowing for project elements to be applied for in multiple categories. Tiebreaking Option 2 was favored because it favors safety in the categories with collision-based scores while picking the most important criteria in other categories.

At its May 3, 2023, meeting, the Technical Advisory Committee made three recommendations. They are:

- That the Transportation Advisory Board (TAB) adopt the other attached policies, qualifying criteria, and project eligibility for the 2024 Regional Solicitation including use of Tie Breaker Option 2 with the provision that an applicant with two tied projects in the same application

---

<sup>1</sup> In most application categories, this is safety.

- category can break the tie themselves.
- That the TAB adopt retention of the \$32M bus rapid transit federal maximum rule.
- That the TAB adopt a qualifying requirement that operators of the facility confirm with a check box that they will remove snow and ice for year-round bicycle and pedestrian use for any bicycle or pedestrian facility, including in roadway projects.

After the TAC meeting, staff identified that the qualifying requirement for maintaining year-round use already exists in the application and only needs minor edits to align with TAC's recommendation.

11. The owner/operator of the facility must operate and maintain the project year-round for the useful life of the improvement, [this includes assurance of year-round use of bicycle, pedestrian, and transit facilities](#), per [FHWA direction established 8/27/2008 and updated 4/15/2019](#). Unique projects are exempt from this qualifying requirement.

## Routing

To	Action Requested	Date Scheduled / Completed
TAC Funding & Programming Committee	Review & Recommend	April 20, 2023
Technical Advisory Committee	Review & Recommend	May 3, 2023
Transportation Advisory Board	Review & Adopt	May 17, 2023

