



TRANSPORTATION RESEARCH SYNTHESIS

Minnesota Department of Transportation
Office of Policy Analysis, Research & Innovation
Research Services Section
(651) 366-3780
www.research.dot.state.mn.us

TRS 1307
Published June 2013

COST SHARING POLICIES OF STATE TRANSPORTATION AGENCIES

Introduction

State transportation agencies often enter into cooperative construction projects with local units of government where a mutual benefit and demonstrated transportation need exist. Determining which party is responsible for costs is typically defined in either legislation or in agency policy. State agencies are increasingly embracing a broader and more multimodal definition of transportation need often articulated in statewide multimodal plans and “complete streets” policies. While striving to be more multimodal, agencies are also under great pressure to limit the scope of projects and to use their limited resources on the repair or replacement of existing assets at the expense of potential system enhancements. In light of these tradeoffs, cost sharing or cost participation policies are being scrutinized. From a complete streets perspective, there is concern that cost sharing policies are not aligning with stated objectives. From an asset management perspective, expansion of project scope and increased costs are a legitimate concern.

With the passage of MAP-21 and the development of the National Highway Performance Program, states will be even more focused on meeting asset condition targets. Concurrently, the several state and local transportation agencies have developed complete streets policies or other cooperative programs.

The Minnesota Department of Transportation (MnDOT) is in the process of updating its cost participation policy and was interested in learning about other states’ cost sharing policies and cooperative programs for consideration in implementing applicable findings into this policy update. MnDOT’s current Policy Guideline (<http://www.dot.state.mn.us/stateaid/ProjDeliv/agreements/information/ds11.pdf>) “Highways (including Bikeways) 6.1.G-1: Policy and Procedures for Cooperative Construction Projects with Local Units of Government” was last updated in April, 2004. The policy describes local funding formulas and programs, policy guidelines for studies, preliminary engineering, design, right-of-way acquisition, cooperative construction projects, construction engineering, and maintenance. Also included are procedural guidelines including agreement procedures, methods for computing cost shares, policy liaisons and compliance oversight, policy revision, exception procedures, permits, and other types of agreements.

This transportation research synthesis includes a review of relevant state laws and policies, as submitted by state transportation agencies. It also identifies elements of effective policies and lessons learned from the

development and implementation of these policies. The review resulted in a compilation of survey results and in-depth summaries of five (5) case studies of effective policies, as selected by MnDOT.

This synthesis includes the following sections:

- **Approach** – Summarizes the process used for gathering information via a survey of state departments of transportation (DOTs) and the selection of case studies.
- **Summary** – Provides the results of the survey and in-depth summaries of the following case studies.
 - Case Study #1: Missouri DOT
 - Case Study #2: Utah DOT
 - Case Study #3: Wisconsin DOT
 - Case Study #4: Indiana DOT
 - Case Study #5: Iowa DOT
- **Appendix A** – Provides the survey questions
- **Appendix B** – Summarizes all survey responses received
- **Appendix C** – Includes 761 Chapter 150 of Iowa’s administrative code on improvements and maintenance on primary road extensions

Approach

In order to provide MnDOT with a summary of cost sharing practices from other state transportation agencies, information was first gathered from a survey administered to state DOTs. Then, based on the survey results, case studies were selected to provide MnDOT with additional details on effective cost sharing policies and practices. Additional details on development and dissemination of the survey as well as the selection of the case studies is provided below.

State DOT Survey

A survey was developed to gather information from State DOTs on their policies and related practices related to cost sharing with local units of government. The survey focused on collecting information about state laws, department policy, and cooperative programs with local governments (such as complete streets policies) that provide guidance on determining state and local cost shares for transportation improvement projects. The survey queried respondents about the effectiveness of such policies and programs, and inquired about issues encountered.

The following questions were distributed by MnDOT using the AASHTO Research Advisory Committee (RAC) email listserv. The listserv is utilized to solicit information from state DOT representatives regarding practices, policies, specifications, etc. in place within their agencies. When using the AASHTO RAC listserv, survey results are posted in the RAC Survey Results database and posted online (<http://research.transportation.org/Pages/RACSurveyResults.aspx>) in order to provide information back to those who participated in the survey as well as to other interested parties. The listserv includes state DOT research representatives who distribute survey questions to the appropriate staff within their agency for response.

Survey Questions – State DOT Cost Sharing Policies

1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used? Please provide a link to a document and indicate the applicable section(s) or reference number(s)

2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy? Please provide a link to a document and indicate the applicable section(s) or reference number(s)
3. What factors does your agency's Cost Sharing/Cost Participation policy use when determining cost shares? (Select all that apply) <ul style="list-style-type: none"> • Existence of a performance deficiency on the state highway • Functional class of the state highway • Initiating agency/party • Ability of the local agency to pay • Other (List all other factors)
4. Does your agency have a minimum contribution threshold for local agency cost participation? (For example, if the cost share for a local agency is determined to be \$3000 based on policy criteria, but the minimum participation amount is \$5000, then the local agency would not be required to pay.) If yes, what is the minimum amount?
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other? Please provide a link to a document and indicate the applicable section(s) or reference number(s). If yes, how does the policy address cost sharing on Complete Streets projects and maintenance activities?
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?
7. How effective would you say your Cost Sharing/Cost Participation policy has been in addressing cost participation on your projects? (Select one) <ul style="list-style-type: none"> • Somewhat effective • Moderately effective • Very effective
8. Describe aspects of your Cost Sharing/Cost Participation policy that have proven to be effective.
9. What issues have you encountered that have required you to make exceptions to your Cost Sharing/Cost Participation policy?

The questions were distributed in two formats: an interactive Microsoft Word document and as an online survey. The two formats were provided to allow the RAC listserv contact to review the questions and, as appropriate, request a response from key individuals within their. **Appendix A** included at the end of this synthesis includes the Microsoft Word format of the survey that was distributed. **Appendix B** includes a summary of all survey responses received. The **Summary** following this section includes an overview of the results of the survey.

Case Studies

The submitted survey responses included in **Appendix B** were reviewed by the project Technical Advisory Panel (TAP) to identify states as case studies, to document in-depth details of their cost sharing policies and practices. The TAP included MnDOT District Office staff and MnDOT Central Office Staff. It is important to note that the TAP is also serving as the project team that will recommend updates to MnDOT's current cost participation policy. The results of this synthesis report will be used as one resource for input to the policy update.

The following states were selected by the TAP as case studies for further review and summary in this synthesis report:

- **Case Study #1: Missouri DOT**
Missouri DOT was selected in order to document specific details on their economic development program, which was reported as being very effective and successful.
- **Case Study #2: Utah DOT**
Utah DOT was selected because of the level of detail provided describing division of maintenance responsibilities between Utah DOT and local agencies.
- **Case Study #3: Wisconsin DOT**
Wisconsin DOT was selected because of its proximity to Minnesota as a bordering state.
- **Case Study #4: Indiana DOT**
Indiana DOT was chosen as a case study due to its similarity to Minnesota in size and government structure.
- **Case Study #5: Iowa DOT**
Iowa DOT was selected because of its proximity to Minnesota as a bordering state.

Details of the in-depth review of the five (5) case studies are provided in the next section (**Summary**).

Summary

This section includes an overall summary of the survey responses received, observations and trends of the five (5) case studies, and in-depth summaries of each case study.

Survey Results

Following is an overview of the results of the survey responses. **Appendix B** of this synthesis includes all responses received.

- Sixteen (16) DOT's responded to survey distributed by MnDOT through the AASHTO RAC listserv.
 - Montana DOT
 - Wisconsin DOT
 - Missouri DOT
 - Arkansas State Highway and Transportation Department
 - Idaho Transportation Department
 - Michigan DOT
 - Connecticut DOT
 - Utah DOT
 - New Jersey DOT
 - Indiana DOT
 - Nebraska Department of Roads
 - New Mexico DOT
 - Mississippi DOT
 - DC DOT
 - Pennsylvania DOT
 - Iowa DOT

- Ten state DOTs indicated that they have laws, policies, guidelines, and/or cooperative program related to cost sharing with local governments and provided relevant materials. Upon initial cursory review of submitted laws, policies and practices, the following summary information was tabulated, as shown in the table below. Complete survey responses are included in **Appendix B**.

It is important to note that many variables exist within responding states (e.g. population size, number of lane-miles, government structure and division of highway ownership, percentage of rural roads vs. roads within urban areas, level of existing multi-modalism, relationships between DOT and local agencies, etc.) When attempting to compare policies and practices across states, these variables will influence how the states respond and the amount of applicability to MnDOT's policies and practices.

Overview of Relevant Laws Policies, Guidelines, and Cooperative Programs		
Montana DOT	State Law	State must assume maintenance responsibilities for paved roads. Guidance for construction of footpaths and trails.
	Guidelines	Cost contributions are proportional to benefit derived. Agreements can accelerate schedules.
Wisconsin DOT	State Law	WisDOT pays 90% of municipal utility relocation. WisDOT pays 100% of costs of roadway projects except for alternate designs suggested by municipality, the cost shares for sidewalks, curb, lighting, landscaping, & design engineering.
	Cooperative Program	WisDOT is 100% responsibilities for pedestrian/bike accommodations at roundabouts and 75% for bike accommodations for expansion with significant local traffic.
Missouri DOT	State Law	Cost share projects must be on the state highway system
	Cost Share/ Economic Development Program	Local entity must provide at least 50% costs. For economic development projects, MoDOT will provide up to 100% of the costs. A dedicated funding source exists. Local agencies apply via a competitive process.
Arkansas State Highway and Transp. Dept.	State Law	Does not appear to address cost sharing with local entities.
	Guidelines	Guidelines provide factors that will be considered for possible partnering but do not outline cost splits.
Idaho Transportation Dept.	State Law	Does not address cost sharing with local entities
	Cooperative Program	ADA Curb Ramp Program (\$500,000 per year) allows local entities to apply for IDOT funding to modify curb ramps.
Michigan DOT	State Law	Population-based approach for cost sharing with locals. Complete Streets law requires that not less than 1% of funds allocated from the MI transportation fund be used for construction or improvement of non-motorized services and facilities; does not address cost sharing/splits.
	Economic Development	For economic development funding, local shares vary based on available funding, jobs created, and project cost.
Connecticut DOT	Guidelines	Provided detailed tables showing funding splits
Utah DOT	State Law	50% match from locals is required for new interchanges. Includes allowance for counties and municipalities to

		provide match or participate through other methods. Contains detailed summary of maintenance responsibilities.
New Jersey DOT	DOT Policies	“Cost Sharing Agreements...” policy provides guidance for the development of agreements between NJDOT and nonfederal government agencies; does not address cost sharing/splits. “Complete Streets Policy” outlines departmental practices for pedestrian/bicycle accommodations; does not address cost sharing.
Indiana DOT	State Law	INDOT pays construction costs, except for additional drainage, restoration of tracks/pipes/conduits, and business routes. INDOT maintains the roadway within the limits of the street and regulates traffic. The city or town maintains sidewalks, grass plats, and connecting drainage facilities.
Pennsylvania DOT	DOT Practice	Cost splits are dependent upon who owns the facility. Agility Agreements are a mechanism for exchange of services between PennDOT and partners.
Iowa DOT	State Law	Iowa DOT pays construction costs to the minimum design criteria; the city pays for improvements beyond minimum design criteria. Maintenance responsibilities are defined by agreement; however, many details regarding maintenance responsibilities are defined in the law. Bike/pedestrian accommodations and ADA compliant curb ramps are also addressed in the law.

- Four (4) states indicated that their cost sharing/cost participating policy has been very effective in addressing cost participation on projects as shown in the results below.
 - Very Effective
 - Wisconsin DOT
 - Missouri DOT
 - Nebraska Department of Roads (Note: Documentation of policy not provided)
 - Iowa DOT
 - Moderately Effective
 - Arkansas State Highway and Transportation Department
 - Michigan DOT
 - Connecticut DOT
 - Utah DOT
 - Pennsylvania DOT
 - Somewhat Effective
 - Idaho Transportation Department
- Five (5) states indicated that they offer incentives for construction and/or maintenance projects whose primary purpose is to encourage or create economic development:
 - Missouri DOT
 - Idaho Transportation Department
 - Michigan DOT
 - Utah DOT
 - Indiana DOT

Incentives and programs include dedicated funding, requirement of cost participation from others, and increased cost participation levels from the DOT if economic development opportunities are present.

- Six (7) states indicated that their state has policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other. Of these policies and programs, four (5) indicated that cost sharing is addressed in some way.
 - *Connecticut DOT* – Locals pay the 20% non-federal of the respective project phases
 - *Idaho Transportation Department* – Financial assistance is available from the DOT for local curb ramp improvements to become compliant with the American with Disabilities Act (ADA).
 - *Utah DOT* – Local betterment costs are paid by the local entity
 - *Wisconsin DOT* – Provided cost splits for bicycle and pedestrian accommodations at roundabouts and for expansion with significant local traffic
 - *Iowa DOT* – State law indicates that the cost of pedestrian accommodation made at the time of a highway improvement may be considered with funding obtained from local jurisdictions or other federal and non-road use tax state sources.
 - *New Jersey DOT* (does not address cost sharing)
 - *Michigan DOT* (does not address cost sharing)

Case Studies

As noted previously, the following five (5) case studies were selected for an in-depth review of state DOT's cost sharing policies with local governments.

- Case Study #1: Missouri DOT
- Case Study #2: Utah DOT
- Case Study #3: Wisconsin DOT
- Case Study #4: Indiana DOT
- Case Study #5: Iowa DOT

For each case study, the survey respondent was contacted to request an interview in order to clarify information submitted via the survey and to gather additional details. If an interview was conducted, it is noted in each case study summary on the following pages.

Each case study summarizes information gathered in the following categories:

- Source(s) for Guidance on Cost Participation with Local Units of Government
- Description of Law(s), Policy(ies) and/or Funding Programs for Cost Sharing
- Factors Used to Determine Cost Shares
- Maintenance Responsibilities*
- Aspects of Effectiveness
- Issues Encountered

*Note: If provided by the case state agency, an overview of state and local maintenance responsibilities for state roadways and adjacent features within municipalities is provided. Due to the nature of the survey questions, this information was not always provided. However, in some instances, relevant laws, policies, and practices were shared, and MnDOT was interested in learning more about these practices.

Case Studies Observations and Trends

The following provides overall observations and trends that were noted when comparing and contrasting the case studies to one another, to further identify patterns in state of practice.

- ***Documentation of cost sharing policy and practices:*** A majority of case study states (Wisconsin, Utah, Indiana, and Iowa) have cost sharing guidance documented in state law. In Utah, the transportation agency (Utah DOT) writes administrative rules, which have the binding effect of law, via Utah's Administrative Rulemaking process. The policies outlined in these states' laws tend to spread out in multiple sections rather than condensed in a central location. In contrast to having documented state law, the Missouri DOT handles all cost sharing on a case-by-case basis through negotiated agreements.
- ***Assignment of construction costs for state roadway improvement projects within the limits of municipalities:*** For the most part, policies and practices of the case study states assign construction cost responsibilities to local governments at a level that is equivalent to the benefit received. For example, the state agency is responsible for the majority or all of the construction costs for roadway projects, with the exception of "add-ons" or additional items that local agencies propose, in which case, the additional costs are typically paid by the local agency.
- ***Division of maintenance responsibilities within roadway limits:*** Utah's administrative code contains a great deal of detail about how maintenance responsibilities are divided between the Utah DOT and local agencies, as compared to the remainder of the case studies. In the majority of case studies who provided information about maintenance responsibilities, state DOTs are responsible for maintenance within the roadway limits.
- ***Maintenance of features adjacent to the roadway:*** Four (4) case study states provided information about maintenance responsibility for features adjacent to the roadway, such as sidewalks, grass plats, and connecting drainage facilities. Three (3) states assign responsibility to the local agency (Indiana, Utah, Iowa), and one (1) assigns responsibility to the DOT (Missouri.) According to Indiana state law, the city or town shall maintain the sidewalks, grass plats, and connecting drainage. In Utah, maintenance responsibility for park strips and sidewalks, including the portion of pedestrian access ramps behind the curb, belongs to the local government. Iowa state law indicates that the city shall be responsible for maintenance of sidewalks, retaining walls, and all areas between cure and right-of-way line. In contrast, the Missouri DOT is responsible for maintaining these features (including snow/ice removal), unless a special agreement is negotiated stating that the municipality will take over maintenance responsibilities.

Case Studies

The following pages include information documented for each of the selected case studies.

- Case Study #1: Missouri DOT
- Case Study #2: Utah DOT
- Case Study #3: Wisconsin DOT
- Case Study #4: Indiana DOT
- Case Study #5: Iowa DOT

Case Study #1: Missouri Department of Transportation (MoDOT)

Information used to document this case study was gathered from the following sources:

- *MoDOT's survey response (see Appendix B for the full response)*
- *Review of relevant program descriptions*
- *Interview with Carol Kliethermes, Financial Services, MoDOT (June 13, 2013)*

Source(s) for Guidance on Cost Participation with Local Units of Government

The following source was reviewed for this case study:

- MoDOT Cost Share/Economic Development Program:
<http://www.modot.org/PartnershipDevelopment/documents/CostShareProgramPolicy.pdf>

Description of Law(s), Policy(ies) and/or Funding Programs for Cost Sharing

MoDOT is responsible for 100% of all costs for transportation improvement projects on the state highway system, with the exception of additions proposed by local agencies. Local agencies often propose additional elements or amenities (e.g. decorative lighting, bridge enhancements, etc.) and are responsible for the resulting costs. In these cases, cost participation agreements are developed, the local agency provides the negotiated amount to MoDOT, and the additional elements are included in the construction plans. This practice is conducted under MoDOT operating procedures and is not documented in state law or department policy.

MoDOT is also typically responsible for maintenance of all state roadways and adjacent features, such as sidewalks, within municipalities. MoDOT may attempt to negotiate agreements in which local entities assume maintenance responsibilities for various roadway elements, especially if the local entity suggested a particular improvement. Agreements are drafted for this purpose and are negotiated on a case by case basis. This practice is conducted under MoDOT operating procedure and is not documented in state law or department policy. In the event where MoDOT re-routes a state highway (e.g. a bypass), the former roadway – which often becomes a “business route” -- is maintained by the city.

MoDOT Cost Share/Economic Development Program:

<http://www.modot.org/PartnershipDevelopment/documents/CostShareProgramPolicy.pdf>

The purpose of the MoDOT Cost Share/Economic Development Program is to build partnerships with local entities to pool efforts and resources to deliver state highway and bridge projects. The program allows local entities, in cooperation with MoDOT Districts, to initiate highway improvement projects by applying for cost share funding. The program was initiated in 2003 with a set-aside amount of \$20 million per year. Due to its popularity and success, the set-aside amount has grown to \$45 million per year in 2013. At a minimum of \$5 million per year is set-aside for projects that demonstrate economic development through job creation.

The program outlines two types of projects:

- **Cost Share:** MoDOT participates up to 50 percent of the total project costs on the state highway system. The amount of Cost Share/Economic Development funds allocated to a project is reduced by the estimated cost of activities performed by MoDOT such as preliminary engineering, right of way incidentals and construction inspection. In addition to providing these activities, the MoDOT District is expected to provide a portion of MoDOT's 50 percent of the total project costs in the form of funds distributed to the District. The local cost share needs to be at least 50 percent and can include contributions from private entities.
- **Economic Development:** MoDOT participates up to 100 percent of the total project costs on the state highway system, if the project creates jobs that have been verified by the Department of

Economic Development. Retail development projects are not eligible. The amount of Cost Share/Economic Development funds allocated to a project is reduced by the estimated amount of activities performed by MoDOT such as preliminary engineering, right of way incidentals and construction inspection. The project agreement will identify requirements for returning funds if jobs are not created as planned.

Applicants work with appropriate MoDOT district to determine project scope/costs and submit an application. Letters of support from the district engineer and the Metropolitan Planning Organization (MPO) or the Regional Planning Organization (RPO) are required. Funding requests are limited to \$20 million total and \$5 million per year. For economic development proposals, the Missouri Department of Economic Development (DED) works with the local entity and the new business to determine the number of jobs that will be created and a date by which the jobs will be in place. The number of jobs are verified by DED and documented in the cost share agreement between MoDOT and the local entity. Agreements include a clause stating that in the event that the job creation requirement is not reached within the stated time period, the local entity will be responsible for reimbursing MoDOT for each job that is not created; the amount of reimbursement is documented in the agreement.

Applications are reviewed and ranked by a Pre-approval Team based on the following criteria: 1) economic development, 2) transportation need, and 3) public benefit. The Pre-approval Team's recommendations are forwarded to the Cost Share/Economic Development Committee (which consists of the Chief Engineer, Chief Financial Officer and the Assistant Chief Engineer) for final selection and approval via a Statewide Transportation Improvement Program (STIP) amendment.

If cost share or economic development projects result in cost overruns, the local entity (and possibly the MoDOT district) is responsible for cost overages. If project costs are less than anticipated, cost savings are returned to MoDOT and the local entity at a pro-rated amount based on the contributions of each.

Factors Used to Determine Cost Shares

The following were noted as factors used to determine cost shares:

- Economic Development
- Transportation Need
- Public Benefit

Aspects of Effectiveness and Lessons Learned

The Cost Share/Economic Development Program within MoDOT is very effective and popular. The Missouri Highways and Transportation Commission set aside \$20 million for the program in 2003, and due to the program's success, the set-aside amount has grown to \$45 million in 2013. The balance is \$0 for 2013, 2014 and 2015, and \$20 million in 2016, indicating that successful proposals are resulting in cost share funds being allocated and construction of roadway improvement projects.

Without the Cost Share/Economic Development Program and the resulting local contribution, several projects would not be built.

Only one economic development agreement has come to the end of an interim deadline for verifying actual jobs created. For this project, the job creation requirement was met for the initial time period as stated in the agreement. For other projects, the documented time frames have not elapsed.

Issues Encountered

The biggest issue is limited funding for the Cost Share/Economic Development program.

Case Study #2: Utah Department of Transportation (UDOT)

Information used to document this case study was gathered from the following sources:

- UDOT's survey response (see Appendix B for the full response)
- Review of relevant laws, policies, and program descriptions

Source(s) for Guidance on Cost Participation with Local Units of Government

The following sources were reviewed for this case study:

- Utah Administrative Code Rule R940-6-6: Need for Local Government Participation for Interchanges
www.rules.utah.gov/publicat/code/r940/r940-006.htm#T6
- Utah Administrative Code Rule R926-8: Guidelines for Partnering with Local Governments
www.rules.utah.gov/publicat/code/r926/r926-008.htm
- Utah Administrative Code Rule R918-6: Maintenance Responsibility at Intersections, Overcrossings, and Interchanges between Class A Roads and Class B or Class C Roads
www.rules.utah.gov/publicat/code/r918/r918-006.htm

*Note: Policies that provide guidance for UDOT cost sharing with local governments and division of maintenance responsibilities are contained in Utah Administrative Code. According to the Utah Administrative Code website (www.rules.utah.gov/abtrules.htm), approximately one half of Utah's codified law is written by state agencies and documented in Utah Administrative Code. Statements written by state agencies which have the effect of law are called administrative rules. Detailed information about administrative rulemaking in Utah can be found at: www.rules.utah.gov/abtrules.htm.

Description of Law(s), Policy(ies), and/or Funding Programs for Cost Sharing

The Utah State Administrative Rules described below provide policy guidance related to cost sharing for highway improvements.

Utah Administrative Code Rule R940-6-6: "Need for Local Government Participation for Interchanges" www.rules.utah.gov/publicat/code/r940/r940-006.htm#T6

This rule indicates that new interchanges for economic development purposes on existing roads will not be included on the major new capacity project list unless the local government with geographical jurisdiction over the interchange location contributes at least 50% of the cost of the interchange from private, local, or other non-UDOT, funds.

Utah Administrative Code Rule R926-8: "Guidelines for Partnering with Local Governments" www.rules.utah.gov/publicat/code/r926/r926-008.htm

The purpose of this rule is to increase the state's ability to carry out improvements on state highways by allowing counties and municipalities to provide local matching dollars or participate through other methods, such as providing right-of-way. The rule includes a process for approving or denying proposals, factors used to consider proposals, and direction for developing agreements.

When a local government wishes to participate in a state highway improvement program, it must notify UDOT, in writing, to provide a description of the improvement, statement of whether the improvement has already been included in the Statewide Transportation Improvement Program (STIP) or the Transportation Improvement Program (TIP), status of environmental permits, the type and amount of local participation being proposed, and description of benefit. A number of criteria are outlined in the rule to determine whether a proposal for participation with local matching dollars will be accepted. For instance, proposals are accepted only if environmental clearances are completed or highly probable; the

improvement is already programmed in the STIP or TIP; and the improvement is part of the Long-Range Plan and the Commission determines that advancing the project will not defer other projects that are already prioritized and programmed.

Factors Used to Determine Cost Shares

Per Utah Administrative Code Rule R926-8 Guidelines for Partnering with Local Governments, factors used to consider local government proposals to participate in highway improvement projects include:

- Whether the improvement is part of the STIP
- Benefits of the improvement
- Costs of the improvement
- Level of local commitment
- Whether the proposed improvement was subject to a local planning initiative
- Whether the improvement will alleviate significant existing or future congestion hazards to the traveling public
- Whether the proposal has the potential to extend department resources to other needs
- Whether the proposed improvement fulfills a need widely recognized by the public, elected officials, and transportation planners

Maintenance Responsibilities

Maintenance responsibilities between the department and the local government entity for roadway and roadside features at the intersection of state and local roads are described in the following administrative rule.

Utah Administrative Code, Rule R918-6. Maintenance Responsibility at Intersections, Overcrossings, and Interchanges between Class A Roads and Class B or Class C Roads

www.rules.utah.gov/publicat/code/r918/r918-006.htm

UDOT is responsible for the maintenance of all state roads, including roadside features associated with those roads, except as otherwise delineated in state law. Likewise, county and municipal governments are responsible for roads under their jurisdiction. This rule is intended to clarify which jurisdiction has responsibility for various roadway elements and features. In instances where unusual circumstances or geometry render logical division of responsibilities difficult, formal agreements between the parties involved are appropriate and encouraged.

Section R918-6-4 “General Maintenance Responsibilities” provides state and local maintenance responsibilities for the following items:

- | | |
|--|--|
| • Signal Systems | • Signs |
| • Park Strips, Sidewalks, and Pedestrian Ramps | • Crash Cushions, Barrier, etc. |
| • Curb and Gutter | • Sweeping |
| • Snow Removal | • Graffiti |
| • Pavement Maintenance | • Cattle Guards |
| • Traffic Islands | • Weed Control |
| • Pavement Striping and Messages | • Decorative Landscaping |
| • Highway Lighting | • Drainage Facilities such as catch basins, culverts, etc. |

Following are three specific examples of how this rule addresses and clarifies division of responsibility:

- **Park Strips, Sidewalks, and Pedestrian Ramps:** Maintenance responsibility for park strips and sidewalks, including that portion of pedestrian access ramps behind the curb, belongs to the local government. Replacement and upgrading as part of road improvement projects may be done by UDOT.
- **Snow Removal:** Responsibility for snow removal from the roadway belongs to UDOT for state routes, and to the local government for local routes. UDOT is responsible for snow removal on ramps at interchanges on state routes.
- **Pavement Striping and Messages:** Responsibility for pavement striping and marking belongs to UDOT for state routes, and to the local government for local routes. Local jurisdiction responsibility includes stop bars and crosswalks on the local legs of unsignalized intersections. At signalized intersections, UDOT is responsible for stop bars and crosswalks on all legs, and the local government is responsible for lane lines and other markings or messages on the local legs.

Section R918-6-5 provides guidance for state and local maintenance responsibilities for structures where a state route crosses over a local route. UDOT is responsible for maintenance, repairs, and replacement of all structural elements, drains, retaining walls, fence on the structure and its approach ramps, and vegetation control along the state route. The local jurisdiction is responsible for maintenance of drainage under the structure, vegetation control along the local route, and decorative landscaping beyond the UDOT Aesthetics Guideline baseline.

Section R918-6-6 provides guidance for state and local maintenance responsibilities for structures and surrounding items where a state route crosses under a local route. UDOT is responsible for maintenance of major structural elements, retaining walls, drainage under the structure, vegetation control, and fence under the structure. The local jurisdiction is responsible for minor deck and parapet maintenance, drains on the structure, fence on the structure and its approaches, vegetation control, and decorative landscaping beyond the UDOT Aesthetics Guideline baseline.

Aspects of Effectiveness and Lessons Learned

Local Agency Betterments may consist of the construction of new facilities, or the upsizing or upgrading existing facilities that require relocation as a result of the project.

The processes and agreements for betterments are deemed as effective by UDOT. The costs for local betterments (e.g. improvements proposed by local agencies) are paid by the proposing local agency. For example, enhanced landscaping projects at interchanges as a community gateway become the responsibility of the local entity to maintain.

Early identification of potential betterment opportunities is encouraged, to give local agencies time to secure funding for the betterment work, and insures that the work becomes included in the project scope from the beginning.

Details about UDOT's local betterments process and an agreement form can be found at:
www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:2443.

Issues Encountered

None noted.

Case Study #3: Wisconsin Department of Transportation (WisDOT)

Information used to document this case study was gathered from the following sources:

- WisDOT's survey response (see Appendix B for the full response)
- Review of relevant laws, policies, and program descriptions

Source(s) for Guidance on Cost Participation with Local Units of Government

The following sources were reviewed for this case study:

- Wisconsin State Statute 84.295 Freeways and Expressways
<https://docs.legis.wisconsin.gov/statutes/statutes/84/295>
- WisDOT Facilities Development Manual
<http://roadwaystandards.dot.wi.gov/standards/fdm/index.htm>

Description of Law(s), Policy(ies) and/or Funding Programs for Cost Sharing

General Cost Responsibility for Roadway Projects

Per WisDOT's survey response, WisDOT is 100 percent responsible for the costs necessitated by roadway projects (grading, paving, etc.) unless otherwise noted below.

- **Alternate Designs:** Where an alternate design acceptable to WisDOT is requested by the municipality, 80 percent of the cost equivalent to a sidewalk meeting WisDOT standards is eligible for WisDOT participation, not to exceed 80 percent of actual costs.
- **Driveways:** When replacement driveways are necessitated by street or road construction and there is a sidewalk, concrete from curb to sidewalk and replacement in kind beyond the sidewalk is eligible for WisDOT participation. When there is no sidewalk, replacement-in-kind beyond the curb is eligible. New driveways are not eligible unless they are part of a right-of-way agreement or a WisDOT-initiated access modification.
- **Lighting Systems:** In urban areas, provided the affected municipality(ies) agree to accept responsibility for the energy, operation, maintenance, and replacement of the lighting system (including associated costs), WisDOT is responsible for 50 percent of new continuous street lighting designed to WisDOT standards.
- **Landscaping:** Landscaping is 80 percent eligible for WisDOT participation when placement is in the right-of-way or when the municipality or WisDOT legally arranges for placement on private property in cases where there is insufficient space in the right-of-way.
- **Design Engineering:** The municipality is responsible for 25 percent cost share of the design engineering for connecting highway projects.

Utility Relocation for Freeways Undertaken by WisDOT

Wisconsin State Statute s.84.295 (4m) (a) (<https://docs.legis.wisconsin.gov/statutes/statutes/84/295>) states that 90 percent of the eligible costs of the relocation or replacement of any municipal utility facilities required by the construction of any freeway undertaken by WisDOT. The affected municipality shall pay the remainder of the costs.

Pedestrian and Bicycle Accommodations

Per the survey response, cost shares for pedestrian and bicycle accommodations at roundabouts and in areas of expansion with significant local traffic are addressed in the following way:

- **Pedestrian Accommodations at Roundabouts:** WisDOT is 100 percent responsible for construction costs of pedestrian accommodations required for newly constructed roundabouts and is provided as a shared-use path. WisDOT will pay for 100 percent of on-street marked or non-marked bicycle accommodations where recommended per the WisDOT Facilities

Development Manual (FDM).

- **Bicycle Accommodations at Roundabouts:** WisDOT will pay 100 percent of bicycle accommodations required for roundabouts per the FDM. For a series of roundabouts where the distance between roundabouts (roughly measured from the exit to the middle of the roundabout taper entrance) is less than 500 feet, WisDOT will pay 100 percent of the costs for on street accommodation and the costs for providing a shared-use path between the two roundabouts. If the distance between roundabouts exceeds 500 feet, the path connection is considered off-street bicycle accommodation and normal cost share policy applies.
- **Expansion with Significant Local Traffic:** WisDOT is responsible for 75 percent of on-street marked or non-marked bicycle accommodations where warranted and cost effective (or practicable).

Factors Used to Determine Cost Shares

The following were noted as factors used to determine cost shares:

- Existence of a performance deficiency on the state highway
- Functional class of the state highway
- Initiating agency/party
- Parking
- % Local traffic
- Connecting highway

Maintenance Responsibilities

Information not provided.

Aspects of Effectiveness and Lessons Learned

Both the overall intent of the cost share policy and the appeals process (described below) have proven effective for WisDOT and have resulted in municipal acceptance and buy-in.

The overall intent of local financial involvement in funding improvements to state or connecting highway system projects is to have a local level of participation reflect the local benefit from the proposed improvement. The policy attempts to link past and future land use decisions to the transportation costs directly related to those decisions. It is appropriate for the local jurisdictions and/or private developers directly benefiting from a highway project to share in its costs.

When a project is proposed for consideration, WisDOT uses a 20-year horizon to predict the highway needs. When WisDOT and affected local jurisdiction(s) disagree about whether a project serves significant localized traffic needs, a traffic analysis must be performed. This may include:

- An origin-destination study to determine the nature of the existing traffic, or
- A traffic impact analysis for access purposes.

Local plans for the area surrounding the proposed project will be reviewed, and projections for traffic in the design year will be evaluated to determine whether significant local use is occurring or will occur in or before the design year.

Issues Encountered

There have been some negative reactions by members of the public, media, legislature related to CSS funding. Continued education efforts to legislators and communities are required to ensure that consistency is maintained across regions and projects.

Case Study #4: Indiana Department of Transportation (INDOT)

Information used to document this case study was gathered from the following sources:

- INDOT's survey response (see Appendix B for the full response)
- Review of relevant laws, policies, and program descriptions

Source(s) for Guidance on Cost Participation with Local Units of Government

The following source was reviewed for this case study:

- Indiana Code Title 8; Article 23, Chapter 6. State Highways in Municipalities
www.in.gov/legislative/ic/code/title8/ar23/ch6.html

Description of Law(s), Policy(ies) and/or Funding Programs for Cost Sharing and Maintenance

The state law detailed in this section provides guidance on cost sharing and maintenance responsibilities between INDOT and local governments.

Indiana Code Title 8; Article 23, Chapter 6. State Highways in Municipalities

(www.in.gov/legislative/ic/code/title8/ar23/ch6.html)

For highway improvements, INDOT typically pays construction costs, with the following exceptions:

- Additional non-necessary drainage is paid by the beneficiary of the additional drainage.
- Restoration of tracks, pipes, or conduits as determined by INDOT are paid by the owner of tracks, pipes, or conduits.
- Improvements to designated business routes that are alternates to state highways are paid by the city or town.

Maintenance responsibilities are divided as noted:

- Upon the completion of a street, INDOT shall maintain the roadway of the street, including the curbs and gutters, catch basins, and inlets within the limits of the street or highway that form integral parts of the street or highway. Whenever INDOT has responsibility for maintenance of a street within a city or town, INDOT shall regulate traffic on the street and may remove any hazard to traffic.
- The city or town shall maintain the sidewalks, grass plats, and the connecting drainage facilities.

A summary of relevant sections in Chapter 6 are provided below:

- **Selection of routes; maintenance: construction of drainage facilities** – This section provides overall guidance for construction and maintenance costs. INDOT shall maintain and, as it determines necessary and as the funds required are available, may construct and improve the roadway of the streets or part of the streets. As a part of the construction work, INDOT shall construct within the limits of the street the curbs and gutters, manholes, catch basins, and the necessary drainage structures and facilities.
- **Construction of outside drainage facilities and sidewalks**– This section outlines that if construction of a street necessitates connecting drainage facilities outside the street limits, these are included in the construction plans and paid by INDOT. If the drainage facilities outside the street limits are added in order to be used for a purpose that is in addition to that of draining the street, the cost of construction shall be paid by the beneficiaries as determined by a ratio of the amount of waste water attributed to the other uses as compared with the total capacity of the drainage facilities. If the construction requires a new bridge, overhead or subway structure, and

sidewalks are required as part of the structure, the sidewalks are paid by INDOT.

- ***Construction and maintenance of streets surrounding railway tracks, pipes and conduits, drainage facilities, and sidewalks; regulation of traffic*** – This section provides guidance on construction and maintenance of streets on the state highway system that are occupied by street railway, interurban railway, or steam railroad.

In addition, this section provides guidance for maintenance and regulation of traffic. Upon the completion of a street, INDOT shall maintain the roadway of the street, including the curbs and gutters, catch basins, and inlets within the limits of the street or highway that form integral parts of the street or highway. The city or town shall maintain the sidewalks, grass plats, and the connecting drainage facilities. Whenever INDOT has responsibility for maintenance of a street within a city or town, the department shall regulate traffic on the street and may remove any hazard to traffic.

- ***Business routes; improvement and maintenance*** – This section indicates that whenever INDOT designates a business route or a special route as an alternate to a state highway, the route is laid out through a city or town, and no other state highway is routed over the business or alternate route, the city of town is responsible for improvements and maintenance of the street.
- ***Construction, improvement, and maintenance by municipalities*** – This section outlines the rights of a city or town to improve the sidewalks and curbs along a street forming the route of a state highway, to construct sewers and drains, or to construct or maintain a part of the roadway of the street not improved or maintained by the department. It also discusses the rights of a city or town to regulate traffic over a street over which a highway is routed or to relieve the city or town of liability now imposed by law.

Factors Used to Determine Cost Shares

Information not provided.

Aspects of Effectiveness and Lessons Learned

Information not provided.

Issues Encountered

Information not provided.

Case Study #5: Iowa Department of Transportation (INDOT)

Information used to document this case study was gathered from the following sources:

- Iowa DOT's survey response (see Appendix B for the full response)
- Review of relevant laws, policies, and program descriptions

Source(s) for Guidance on Cost Participation with Local Units of Government

The following source was reviewed for this case study:

- 761 Iowa Administrative Code (IAC), Chapter 150:
<https://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/Chapter.761.150.pdf>

Description of Law(s), Policy(ies) and/or Funding Programs for Cost Sharing and Maintenance

Primary highway improvements that involve county roads are not governed by a policy; instead, they are negotiated on a case-by-case basis.

761 IA Administrative Code, Chapt. 150 "Improvements and Maintenance on Primary Road Extensions" specifies whether the city or DOT pays for certain aspects of construction and maintenance on extensions of primary highways inside city limits. Specific cost shares, other than those specified by this chapter, are negotiated by the DOT and local agency on a case-by-case basis. Usually if the local agency initiates the project, it will bear most of the costs; likewise, if the DOT initiates the project, it will bear most of the costs.

Highlights from relevant sections of Chapter 150 are noted below. The full text of can be found in **Appendix C** of this report and at: www.legis.iowa.gov/DOCS/ACO/IAC/LINC/Chapter.761.150.pdf.

Construction: The department shall be responsible for all right-of-way and construction costs to construct nonfreeway primary highways and their extensions to the minimum design criteria as established by the department. Construction improvement costs beyond minimum design criteria shall be the responsibility of the city, as specified in the project agreement. Minimum design criteria shall be in accordance with "A Policy on Geometric Design of Highways and Streets, 2001" (Fourth Edition Green Book). This section also addresses storm sewers, local service roads, and the city's responsibilities for providing right-of-way.

Maintenance: The department shall enter into an agreement with a city regarding the maintenance of primary roads within the corporate city limits. This is intended to include corporate line roads, when appropriate. Unless otherwise mutually agreed to and specified in the agreement, maintenance responsibilities are assigned in this section of the law.

- General maintenance responsibilities assigned to the DOT:
On primary roads constructed with a curbed cross section, the department is responsible for: (1) Maintenance and repairs to pavement and subgrade from face of curb to face of curb exclusive of parking lanes, culverts, intakes, manholes, public or private utilities, sanitary sewers and storm sewers. (2) Primary road signing for moving traffic, pavement markings for traffic lanes, guardrail and stop signs at intersecting streets. (3) Surface drainage only, within the limits of pavement maintenance. (4) Plowing of snow from the traffic lanes of pavement and bridges and treatment of traffic lanes with abrasives and chemicals. (5) Inspection, painting and structural maintenance of bridges.

On primary roads constructed with a rural cross section (no curb), the department shall be

responsible for all maintenance, except that tree removal, sidewalks, retaining walls and repairs due to utility construction and maintenance shall be the city's responsibility.

- General maintenance responsibilities assigned to the city:
On primary roads constructed with a curbed cross section, the city shall be responsible for: (1) Maintenance and repairs to pavement in parking lanes, intersections beyond the limits of department pavement maintenance, curbs used to contain drainage, and repairs to all pavement due to utility construction, maintenance and repair. (2) Painting of parking stalls, stop lines and crosswalks, and the installation and maintenance of flashing lights. Pavement markings shall conform to the MUTCD. (3) Maintenance of all storm sewers, manholes, intakes, catch basins and culverts used for collection and disposal of surface drainage. (4) Removal of snow windrowed by departmental plowing operations, removal of snow and ice from all areas outside the traffic lanes, loading or hauling of snow which the city considers necessary and removal of snow and ice from sidewalks on bridges used for pedestrian traffic. (5) Maintenance of sidewalks, retaining walls and all areas between curb and right-of-way line. (6) Cleaning, sweeping and washing of streets. (7) Maintenance and repair of pedestrian overpasses and underpasses including snow removal, painting and structural repairs.

Other aspects of cost responsibilities outlined in the law include lighting; traffic signals; signing; removal or prevention of encroachments and obstructions; utility relocation and removal; and pedestrian, equestrian, and bicycle routes. DOT and city responsibilities for pedestrian, equestrian, and bicycle routes are described below:

Pedestrian, equestrian, and bicycle routes (sidewalks):

- The department shall remove and replace portions of existing routes as required by construction.
- The department will consider the impacts to pedestrian accommodation at all stages of the project development process and encourage pedestrian accommodation efforts when pedestrian accommodation is impacted by highway construction. The cost of pedestrian accommodation made at the time of the highway improvement may be considered an additional roadway construction cost. Providing pedestrian accommodation independent of a highway construction project may be considered with construction funding obtained from local jurisdictions or other federal and non-road use tax state sources.
- If a project is initiated by the department, the department shall fund 100 percent of all curb ramps within the right-of-way of primary road extensions to meet the requirements of the Americans with Disabilities Act. If a project is initiated by a local jurisdiction, the department may participate by funding 55 percent of the cost of constructing curb ramps on existing sidewalks within the right-of-way of primary road extensions to meet the requirements of the Americans with Disabilities Act. However, departmental participation shall not exceed \$250,000 per year for any one local jurisdiction and \$5 million per year in total.

Overpasses and underpasses for pedestrian, equestrian, and bicycle routes.

- During initial construction of freeways and other relocated primary road extensions and when user-volumes and topographic conditions warrant the construction of a separation, the cost shall be shared between the department and the city on the basis of the current U-STEP cost apportionment.
- The department may participate in a city-initiated separation as an unscheduled project.

Factors Used to Determine Cost Shares

Initiating Agency/Party

Aspects of Effectiveness and Lessons Learned

The aspect of effectiveness noted in the survey response was flexibility -- the ability to negotiate cost shares based on the relative importance of the project to the DOT and other considerations.

Issues Encountered

None noted.

Appendix A - Survey Administered to State DOTs

Survey of U.S. State Transportation Agencies Cost Sharing Policies for Transportation Projects

How to Submit Responses:

- 1) Complete the survey online at: <http://www.surveymonkey.com/s/Q7T28JT>

OR

- 2) Email this completed Word document form to:

Linda Taylor, Minnesota Department of Transportation (MnDOT)

Email: Linda.Taylor@state.mn.us

To fill out the survey, click on a shaded checkbox or type in a shaded region (as appropriate).

I. Responder's Name and Contact Information

Name:	
Agency:	
Email Address:	
Phone Number:	

II. Survey Questions

1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	
<input type="checkbox"/>	Yes – Please provide a link to a document or attach to your response: Indicate the applicable section(s) or reference number(s):
<input type="checkbox"/>	No

2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy regarding affected local units of government to pay some aspect or percentage of state highway construction projects (e.g. expansion projects, intersection improvements, roundabouts, new interchanges, or other types of projects)?	
<input type="checkbox"/>	Yes – Please provide a link to a document or attach to your response: Indicate the applicable section(s) or reference number(s):
<input type="checkbox"/>	No

3. What factors does your agency's Cost Sharing/Cost Participation policy use when determining cost shares? (Select all that apply)	
<input type="checkbox"/>	Existence of a performance deficiency on the state highway
<input type="checkbox"/>	Functional class of the state highway
<input type="checkbox"/>	Initiating agency/party
<input type="checkbox"/>	Ability of the local agency to pay
<input type="checkbox"/>	Other (List all other factors):

4. Does your agency have a minimum contribution threshold for local agency cost participation? (For example, if the cost share for a local agency is determined to be \$3000 based on policy criteria, but the minimum participation amount is \$5000, then the local agency would not be required to pay.)	
<input type="checkbox"/>	Yes– The minimum contribution amount from local agencies is:
<input type="checkbox"/>	No

5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other?

<input type="checkbox"/>	Yes – Please provide a link to a document or attach to your response: Indicate the applicable section(s) or reference number(s):
If yes, how does the policy address cost sharing on Complete Streets projects and maintenance activities?	
<input type="checkbox"/>	No

6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?

--

7. How effective would you say your Cost Sharing/Cost Participation policy has been in addressing cost participation on your projects? (Select one)

<input type="checkbox"/>	Somewhat effective
<input type="checkbox"/>	Moderately effective
<input type="checkbox"/>	Very effective
Comments (Optional):	

8. Describe aspects of your Cost Sharing/Cost Participation policy that have proven to be effective.

--

9. What issues have you encountered that have required you to make exceptions to your Cost Sharing/Cost Participation policy?

Thank you for completing this survey. You may be contacted by a representative of Athey Creek Consultants (MnDOT's consultant for this project) to obtain clarification and/or additional information about your responses.

If you have questions about this survey, contact Mark Gieseke, MnDOT, at Mark.Gieseke@state.mn.us.

Appendix B - Survey Responses

- Following are all the responses received from the survey distributed to the AASHTO RAC Listserv for this Transportation Research Synthesis. The following sixteen (16) DOTs responded to survey

- | | |
|--|-----------------------------------|
| ○ Montana DOT | ○ Idaho Transportation Department |
| ○ DC DOT | ○ Michigan DOT |
| ○ Wisconsin DOT | ○ New Mexico DOT |
| ○ New Jersey DOT | ○ Connecticut DOT |
| ○ Missouri DOT | ○ Nebraska Department of Roads |
| ○ Indiana DOT | ○ Utah DOT |
| ○ Mississippi DOT | ○ Pennsylvania DOT |
| ○ Arkansas State Highway and Transportation Department | ○ Iowa DOT |

Montana DOT Survey Responses

Respondent: Nicole Pallister
npallister@mt.gov
406-444-0884

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	Yes (Montana annotated Code, Title 60, Chapters 2 and 3)
1a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Montana Code Title 60, Chapter 2 http://data.opi.mt.gov/bills/mca_toc/60_2_2.htm Montana Code Title 60, Chapter 3 http://data.opi.mt.gov/bills/mca_toc/60_3.htm
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	No, but "Commission Guidelines" document ways in which locals can participate in state projects in order to accelerate the schedule.
2a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Montana Commission Guidelines http://www.mdt.mt.gov/other/dir/external/commission/policies/transportation_partnerships.pdf

NOTE: There were no responses received for questions 3 – 9.

District DOT (District of Columbia) Responses

Respondent: Stephanie Dock
stephanie.dock@dc.gov

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	N/A - they are both a state and local agency
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	N/A - they are both a state and local agency

NOTE: There were no responses received for questions 3 - 9.

Wisconsin DOT Survey Responses

Respondent: Kasey Deiss
kasey.deiss@dot.wi.gov
608-264-7263

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	Yes
1a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Wisconsin Statutes http://docs.legis.wisconsin.gov/statutes/statutes/84.pdf
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	Yes
2a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	In accordance with s.84.295(4m)(a), Wis. Stats., WisDOT will pay 90 percent of the eligible costs of the relocation or replacement of any municipal utility facilities required by the construction of any freeway undertaken by WisDOT. WisDOT is 100 percent responsible for the costs necessitated by the roadway project (grading, paving, etc.) unless otherwise noted in the sections below. Where an alternate design acceptable to WisDOT is requested by the municipality, 80 percent of the cost equivalent to a sidewalk meeting WisDOT standards is eligible for WisDOT participation, not to exceed 80 percent of actual costs. When replacement driveways are necessitated by street or road construction and there is a sidewalk, concrete from curb to sidewalk and replacement in kind beyond the sidewalk is eligible for WisDOT participation. When there is no sidewalk, replacement-in-kind beyond the curb is eligible. New driveways are not eligible unless they are part of a right-of-way agreement or a WisDOT-initiated access modification. In urban areas, provided the affected municipality(ies) agree to accept responsibility for the energy, operation, maintenance, and replacement of the lighting system (including associated costs), WisDOT is responsible for 50 percent of new continuous street lighting designed to WisDOT standards. Landscaping is 80 percent eligible for WisDOT participation when placement is in the right-of-way or when the municipality or WisDOT legally arranges for placement on private property in cases where there is insufficient space in the right-of-way. The municipality is responsible for 25 percent cost share of the design engineering for connecting highway projects.
3. What factors does your agency's Cost Sharing/Cost Participation policy use when determining cost shares? (Existence of a performance deficiency on the state highway, Functional class of the state	<ul style="list-style-type: none"> • Existence of a performance deficiency on the state highway • Functional class of the state highway

highway, Initiating agency/party, Ability of the local agency to pay)	<ul style="list-style-type: none"> • Initiating agency/party
3a. Other factors used to determine cost shares (List all other factors)	<ul style="list-style-type: none"> • Parking • % Local traffic • Connecting highway
4. Does your agency have a minimum contribution threshold for local agency cost participation?	No
If yes, what is the minimum amount?	
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other? Please provide a link to a document and indicate the applicable section(s) or reference number(s)	<p>Yes</p> <p>STATE TRUNK HIGHWAYS: WisDOT is 100 percent responsible for construction costs of pedestrian accommodations required for newly constructed roundabouts as defined in the FDM and is provided as a shared-use path. WisDOT will pay for 100 percent of on-street marked or non-marked bicycle accommodations where recommended per the FDM. WisDOT will pay 100 percent of bicycle accommodations required for roundabouts per the FDM.</p> <p>For a series of roundabouts where the distance between roundabouts (roughly measured from the exit to the middle of the roundabout taper entrance) is less than 500 feet, WisDOT will pay 100 percent of the costs for on street accommodation and the costs for providing a shared-use path between the two roundabouts. If the distance between roundabouts exceeds 500 feet, the path connection is considered off-street bicycle accommodation and normal cost share policy applies.</p> <p>Expansion with significant local traffic: WisDOT is responsible for 75 percent of on-street marked or non-marked bicycle accommodations where warranted and cost effective (or practicable).</p>
5a. If you answered "Yes" to the previous question, how does the policy address cost sharing on Complete Streets projects and maintenance activities?	Wisconsin complies with federal and state complete Street laws and regulations.
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?	No set rule, would be governed by other cost share policy relevant to the roadway or determined in the application and awarding process.
7. How effective would you say your Cost Sharing/Cost Participation policy has been in addressing cost participation on your projects?	Very effective

8. Describe aspects of your Cost Sharing/Cost Participation policy that have proven to be effective.	<p>Local financial involvement in funding improvements to state or connecting highway system projects is to have a local level of participation reflect the local benefit from the proposed improvement. The policy attempts to link past and future land use decisions to the transportation costs directly related to those decisions. It is appropriate for the local jurisdictions/private developers directly benefiting from a highway project to share in its costs. When a project is proposed for consideration, WisDOT uses a 20-year horizon to predict the highway needs.</p> <p>When WisDOT and affected local jurisdiction(s) disagree about whether a project serves significant localized traffic needs, a traffic analysis must be performed. This may include an origin-destination study to determine the nature of the existing traffic, or a traffic impact analysis for access purposes.</p> <p>Local plans for the area surrounding the proposed project will be reviewed, and projections for traffic in the design year will be evaluated to determine whether significant local use is occurring or will occur in or before the design year.</p> <p>Both the overall intent of the cost share policy and the appeals process have proven effective and resulted in municipal acceptance and buy in.</p>
9. What issues have you encountered that have required you to make exceptions to your Cost Sharing/Cost Participation policy?	Continued education efforts to legislators and communities is required to ensure that consistency is maintained across regions and projects. There have been some negative reactions by members of the public/media/legislature related to CSS funding.

New Jersey DOT Responses

Respondent: Stefanie Potapa
Stefanie.Potapa@dot.state.nj.us

Question	Response
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	Yes – NJ Department Policy “Cost Sharing Agreements & Contracts as Related to Other Parties”
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other? Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Yes –Complete Streets Policy www.smartgrowthamerica.org/documents/cs/policy/cs-nj-dotpolicy.pdf

NOTE: There were no responses received for questions 1 3, 4, and 6 - 9.

Missouri DOT Survey Responses

Respondent: Carol Kliethermes
Carol.Kliethermes@modot.mo.gov
573-526-2561

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	Yes (did not provide a link to the legislation)
1a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Our cost share projects must be on the state highway system
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	Yes
2a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	MoDOT Cost Share/Economic Development Program www.modot.org/PartnershipDevelopment/documents/CostShareProgramPolicy.pdf
3a. Other factors used to determine cost shares (List all other factors)	<ul style="list-style-type: none"> Economic Development Transportation Need Public Benefit
4. Does your agency have a minimum contribution threshold for local agency cost participation? If yes, what is the minimum amount?	Yes On cost share projects, the local entity must provide at least 50% of the cost. For economic development projects with job creation, we will provide up to 100% of the cost.
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other? Please provide a link to a document and indicate the applicable section(s) or reference number(s)	No
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?	For economic development projects, we will contributed a higher percentage (up to 100%) of the project.
7. How effective would you say your Cost Sharing/Cost Participation policy has been in addressing cost participation on your projects?	Very effective
7a. Comments related to previous question	The Cost Share/Economic Development Program is very popular. Our Commission set aside \$20 million in 2003 and is currently at \$45 million per year. Our balance is \$0 for 2013, 2014 and 2015 and \$20 million in 2016. Without the Cost Share/Economic Development Program several projects would not be built without the local contribution.
8. Describe aspects of your Cost Sharing/Cost Participation policy that have proven to be effective.	Because of the popularity of the program, we have limited the amount for a project to \$5 million per year up to a maximum of \$20 million. We also have a Pre-Approval Team that reviews the applications for consistency, outstanding issues and ranks/recommends

	the applications before the applications are presented to the Cost Share/Economic Development Committee.
9. What issues have you encountered that have required you to make exceptions to your Cost Sharing/Cost Participation policy?	Limited funding is our biggest issue.

Indiana DOT Responses

Respondent: Gary Eaton
geaton@indot.in.gov
317-232-5643

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	Yes
1a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Indiana Code Title 8; Article 14; Chapters 1,2,10,14 and 15. Article 23 covers our Agency for reference http://www.state.in.us/legislative/ic/code/
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	No
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?	The State of Indiana has an Agency, Indiana Economic Development Corporation, whose purpose is to work with businesses considering coming to Indiana, or those considering offers to move out of Indiana. We have allocated \$5M of our funds for their use to offer to these businesses for Road (transportation) improvements as needed to make the deal. We made significant investment in 2007 to attract new business, such as the new Honda Plant in Greensburg, IN that built a new plant that employs over 2,000 workers. We did not ask for any funds from Honda to make the road improvements

NOTE: There were no responses received for questions 3 - 5 and 7 - 9.

Mississippi DOT Responses

Respondent: Jeffrey Altman
jaltman@mdot.ms.gov
601-359-7675

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	No
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	No

NOTE: There were no responses received for questions 3 - 9.

Arkansas State Highway and Transportation Department Responses

Respondent: Kassie Bornds
kassie.bornds@ahtd.ar.gov
501-569-2465

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	Yes (Arkansas Motor Vehicle and Traffic Laws and State Highway Commission Regulations, Chapters 65-67)
1a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Arkansas Motor Vehicle and Traffic Laws and State Highway Commission Regulations, Chapters 65-67
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	Yes – Partnering Program Guidelines
3. What factors does your agency's Cost Sharing/Cost Participation policy use when determining cost shares? (Existence of a performance deficiency on the state highway, Functional class of the state highway, Initiating agency/party, Ability of the local agency to pay)	<ul style="list-style-type: none"> • Existence of a performance deficiency on the state highway • Functional class of the state highway • Initiating agency/party • Ability of the local agency to pay
3a. Other factors used to determine cost shares (List all other factors)	see Partnering Program Guidelines
4. Does your agency have a minimum contribution threshold for local agency cost participation?	No
If yes, what is the minimum amount?	
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other?	No
Please provide a link to a document and indicate the applicable section(s) or reference number(s)	
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?	The same Partnering Program Guidelines apply (see answer #2)
7. How effective would you say your Cost Sharing/Cost Participation policy has been in addressing cost participation on your projects?	Moderately effective
8. Describe aspects of your Cost Sharing/Cost Participation policy that have proven to be effective.	Partnering can advance a project to construction when it previously had no source of funding identified.
9. What issues have you encountered that have required you to make exceptions to your Cost Sharing/Cost Participation policy?	Partnering projects may need to be limited to one at a time per agency in order to assure funding availability. Also, local agencies must make ROW purchase and/or Utilities relocation a priority in order to meet the annual obligation deadline.

Idaho Transportation Department Responses

Respondent: John Krause
john.krause@itd.idaho.gov
208-334-8292

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	Yes (Idaho Code Title 40, Chapter 7 has multiple citations controlling the use of both federal and state transportation funding by the state DOT, other state agencies, and local public agencies. Additionally, US Code Title 23 and Title 49 contain regulatory information regarding the use of federal transportation funding, both FHWA and FTA.)
1a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Idaho Code Title 40, Chapter 7 http://legislature.idaho.gov/idstat/Title40/T40CH7.htm
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	No
2a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	
4. Does your agency have a minimum contribution threshold for local agency cost participation?	No
If yes, what is the minimum amount?	
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other?	Yes – see 5a.
Please provide a link to a document and indicate the applicable section(s) or reference number(s)	
5a. If you answered "Yes" to the previous question, how does the policy address cost sharing on Complete Streets projects and maintenance activities?	Not through a policy but through programs and on an ad hoc or project by project basis. Three examples: 1) ITD maintains an ADA Curb Ramp program which is geared toward identifying and replacing curb ramps on the state highway system that are found to not meet ADA standards. Over 9,000 curb ramp locations have been identified and documented. ITD's ADA curb ramp program is described at http://itd.idaho.gov/adatransitionplan/ To support corrections to existing defective curb ramps across the state, ITD has annually conducted a solicitation for projects that would correct curb ramps in Idaho towns and cities which are on the state highway system and which would use State transportation dollars to make repairs or reconstruct these curb ramps. Annually, approximately \$500,000 is targeted for this program.

	<p>2) In ITD's District 6 in the eastern part of the state, Idaho has entered into an agreement with Battelle Energy Alliance to cost share the expenses of mowing and other maintenance expenses on roads in this area.</p> <p>3) ITD provides a process for Cooperative Transportation Research Program projects to be introduced and cost shared by ITD. Following is a link to a blank copy of the ITD Form 1013 used to initiate this process: http://itd.idaho.gov/highways/research/forms/Form%201013.pdf#zoom=75</p>
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?	<p>ITD guiding strategic principles are to improve safety, increase mobility, and increase economic opportunities. ITD will cooperate and engage in cost sharing relationships with private industry and with state agencies such as the Idaho Department of Commerce to enable projects that improve economic vitality. An example is a current project currently under consideration that would construct turnbays on a US highway in Idaho in a location that is adjacent to a private company (Nunhem Seed, Inc) and located in a rural part of Idaho. This project would be funded with \$100,000 from Nunhem, \$50,000 from the Idaho Department of Commerce and the remaining \$350,000 from State funds through ITD.</p> <p>As another example of an approach and supporting document for sharing of roadway construction expenses in Idaho between ITD and local entities, I've attached the draft of a state local agreement that defines cost sharing characteristics for the project.</p>
7. How effective would you say your Cost Sharing/Cost Participation policy has been in addressing cost participation on your projects?	Somewhat effective
7a. Comments related to previous question	In the absence of a formal policy defining Cost Sharing / Cost Sharing, ITD nonetheless has been somewhat effective by making these funding decisions in an ad hoc case-by-case basis.
8. Describe aspects of your Cost Sharing/Cost Participation policy that have proven to be effective.	NA
9. What issues have you encountered that have required you to make exceptions to your Cost Sharing/Cost Participation policy?	NA

NOTE: There were no responses received for question 3.

Michigan DOT Responses

Respondent: Larry Doyle
DoyleL@Michigan.gov
517-335-2233

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	Yes Applicable section(s) or reference number(s): Michigan Act 51 of 1951)
1a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Michigan Act 51 http://www.michigan.gov/documents/act51simple_28749_7.pdf
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	Yes
2a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Michigan Cost Sharing Policy (Michigan Act 51) http://www.legislature.mi.gov/(S(0lrxwcbjnz5tym55ntc5vg45))/mileg.aspx?page=getObject&objectName=mcl-247-651c
3. What factors does your agency's Cost Sharing/Cost Participation policy use when determining cost shares? (Existence of a performance deficiency on the state highway, Functional class of the state highway, Initiating agency/party, Ability of the local agency to pay)	<ul style="list-style-type: none"> • Functional class of state highway • Initiating agency/party
3a. Other factors used to determine cost shares (List all other factors)	Whether items are federal participating, population size determines cost share percentage of non-fed cost.
4. Does your agency have a minimum contribution threshold for local agency cost participation?	No
If yes, what is the minimum amount?	
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other?	Yes
Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Michigan Cooperative Projects http://www.michigan.gov/mdot/0,4616,7-151-9623_31969_57564---,00.html
5a. If you answered "Yes" to the previous question, how does the policy address cost sharing on Complete Streets projects and maintenance activities?	Does not address cost sharing
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?	For Economic Development funding local share varies case by case based on available funding, number of jobs created, and project cost.
7. How effective would you say your Cost Sharing/Cost Participation policy has been in addressing cost participation on your projects?	Moderately effective
8. Describe aspects of your Cost Sharing/Cost Participation policy that have proven to be effective.	Having local share of non-federal portion defined by population size of local agency is effective. Local cost sharing for local projects have resulted in

	spending over 90% of local safety funding available, over 75% of local enhancement funding and 94% of local STP funding.
9. What issues have you encountered that have required you to make exceptions to your Cost Sharing/Cost Participation policy?	Local agency ability to pay match especially agencies with emergency financial manager.

New Mexico DOT Responses

Respondent: Anne McLaughlin
anne.mclaughlin@state.nm.us
505-827-5508

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	No
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	No
3a. Other factors used to determine cost shares (List all other factors)	cost share based on federal match requirements
4. Does your agency have a minimum contribution threshold for local agency cost participation? If yes, what is the minimum amount?	No
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other? Please provide a link to a document and indicate the applicable section(s) or reference number(s)	No
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?	no special provisions

NOTE: There were no responses received for questions 7 - 9.

Connecticut DOT Responses

Respondent: Hugh Hayward
Hugh.Hayward@ct.gov
860-594-3219

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	No
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	No formal policy, but guidance document (a table with splits) and web links submitted
2a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	<ul style="list-style-type: none"> Table showing CONNDOT Funding Splits Connecticut Web Link 1 http://www.ct.gov/dot/cwp/view.asp?a=3609&Q=430366&PM=1 Connecticut Web Link 2

3. What factors does your agency's Cost Sharing/Cost Participation policy use when determining cost shares? (Existence of a performance deficiency on the state highway, Functional class of the state highway, Initiating agency/party, Ability of the local agency to pay)	Initiating agency/party
3a. Other factors used to determine cost shares (List all other factors)	We have practices with regard to cost sharing by the LPA's depending on the specific federal aid program, ie STP-U, Transportation Alternatives, HPP, etc.
4. Does your agency have a minimum contribution threshold for local agency cost participation? If yes, what is the minimum amount?	No
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other? Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Yes CONNDOT Complete Streets Law http://www.cga.ct.gov/2009/ACT/PA/2009PA-00154-R00SB-00735-PA.htm
5a. If you answered "Yes" to the previous question, how does the policy address cost sharing on Complete Streets projects and maintenance activities?	Generally, the locals pay the 20% non-federal of the respective project phases.
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?	Generally the state will pay the 20% non federal share although we don't typically have stand alone economic development projects.
7. How effective would you say your Cost Sharing/Cost Participation policy has been in addressing cost participation on your projects?	Moderately effective
8. Describe aspects of your Cost Sharing/Cost Participation policy that have proven to be effective.	When the locals have some level of participation there is generally more of an interest and commitment to make the project successful.
9. What issues have you encountered that have required you to make exceptions to your Cost Sharing/Cost Participation policy?	In certain federal aid programs we will allow a non participating (100% local funds) PE phase to have more federal funds towards construction or to not go through a lengthy QBS selection process.

Nebraska Department of Roads Responses

Respondent: James Knott
Jim.knott@nebraska.gov
402-479-4601

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	Yes
1a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	(Document not provided)
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	Yes
2a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	(Document not provided)
3. What factors does your agency's Cost Sharing/Cost Participation policy use when determining cost shares? (Existence of a performance deficiency on the state highway, Functional class of the state highway, Initiating agency/party, Ability of the local agency to pay)	-
3a. Other factors used to determine cost shares (List all other factors)	Size of municipality and type of project
4. Does your agency have a minimum contribution threshold for local agency cost participation?	Yes - \$10,000
If yes, what is the minimum amount?	
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other? Please provide a link to a document and indicate the applicable section(s) or reference number(s)	No
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?	Project work outside the scope of a project and completed at the request of the community is 100% local funds
7. How effective would you say your Cost Sharing/Cost Participation policy has been in addressing cost participation on your projects?	Very effective
8. Describe aspects of your Cost Sharing/Cost Participation policy that have proven to be effective.	Department policy that is enforced on all projects
9. What issues have you encountered that have required you to make exceptions to your Cost Sharing/Cost Participation policy?	Work outside the scope that benefit both the state and local government may merit exceptions to the policy.

Utah DOT Responses

Respondent: Bill Lawrence
BillLawrence@utah.gov
801-964-4468

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	Yes
1a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Utah Code: Title 72 Transportation Code http://le.utah.gov/~code/TITLE72/htm/72_01_0102_00.htm
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	Yes
2a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Utah Administrative Code R918. Transportation, Operations, Maintenance http://www.rules.utah.gov/publicat/code/r918/r918-006.htm R940-6-6. Need for Local Government Participation for Interchanges http://www.rules.utah.gov/publicat/code/r940/r940-006.htm#T6
3. What factors does your agency's Cost Sharing/Cost Participation policy use when determining cost shares? (Existence of a performance deficiency on the state highway, Functional class of the state highway, Initiating agency/party, Ability of the local agency to pay)	Initiating agency/party
4. Does your agency have a minimum contribution threshold for local agency cost participation?	No
If yes, what is the minimum amount?	
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other?	Yes
Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Rule R926-8. Guidelines for Partnering with Local Governments http://www.rules.utah.gov/publicat/code/r926/r926-008.htm
5a. If you answered "Yes" to the previous question, how does the policy address cost sharing on Complete Streets projects and maintenance activities?	Local betterments cost are required of the local. Enhanced landscaping projects at interchanges as a community gateway (as an example) become the responsibility of the local to maintain.
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?	We're working on this, but right now we have one where if an interchange is requested due to economic development purposes, 50% of cost is required by others. Evaluated on a case by case basis.
7. How effective would you say your Cost Sharing/Cost Participation policy has been in addressing cost participation on your projects?	Moderately effective
8. Describe aspects of your Cost Sharing/Cost	Betterment agreements and process.

Participation policy that have proven to be effective.

9. What issues have you encountered that have required you to make exceptions to your Cost Sharing/Cost Participation policy? None that I'm aware of.

Pennsylvania DOT Responses

Respondent: Gary Kleist
GKLEIST@pa.gov
717-787-5914

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	Yes
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	<p>No. Relevant practices:</p> <ol style="list-style-type: none">1) With regard to costs splits for state roadway improvements within municipalities, it is dependent upon who owns the facility. If it is a state owned roadway, we would typically use the 80/20 split with state and federal money. If it is a locally owned facility, we typically use liquid fuels funds. The liquid fuels manual (Publication 9) is located at: ftp://ftp.dot.state.pa.us/public/PubsForms/Publications/PUB%209.pdf2) Maintenance of sidewalks: Local entity signs a maintenance agreement with the Department.3) Agility Agreements provide a mechanism for exchange of services between PennDOT and a partner, such as a local agency. www.yellowdot.pa.gov/Internet/Bureaus/pdAgility.nsf/infoAgilityCenterGlossary <p>PennDOT is in the process of completing a re-write of our local project delivery manual. The anticipated delivery date is late August/early September 2013. The DRAFT Manual is available at: ftp://ftp.mccormicktaylor.com/ Username: Local_Project_Delivery Password: Local</p>
3. What factors does your agency's Cost Sharing/Cost Participation policy use when determining cost shares? (Existence of a performance deficiency on the state highway, Functional class of the state highway, Initiating agency/party, Ability of the local agency to pay)	Ownership of the facility
3a. Other factors used to determine cost shares (List all other factors)	

4. Does your agency have a minimum contribution threshold for local agency cost participation?	No
If yes, what is the minimum amount?	
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other? Please provide a link to a document and indicate the applicable section(s) or reference number(s)	No
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?	Toll Credits can be utilized on certain projects provided the project sponsors pays the full costs of preconstruction activities. www.fhwa.dot.gov/specialfunding/020807.cfm www.fhwa.dot.gov/ipd/finance/tools_programs/federal_aid/matching_strategies/toll_credits.htm
7. How effective would you say your Cost Sharing/Cost Participation policy has been in addressing cost participation on your projects?	Moderately effective
8. Describe aspects of your Cost Sharing/Cost Participation policy that have proven to be effective.	Popular and active participation in toll credits noted in #6 for TE/TA projects. Most other projects require some sort of local matching funds on a locally owned facility.
9. What issues have you encountered that have required you to make exceptions to your Cost Sharing/Cost Participation policy?	Inability of project sponsors to pay their share has necessitated exceptions to the toll credits policy.

Iowa DOT Responses

Respondent: Charlie Purcel/Jon Ranney
Charlie.purcel@dot.iowa.gov/ejon.ranney@dot.iowa.gov
515-239-1532/515-239-1500

Question	Response
1. Does your state have any constitutional or statutory laws that restrict how transportation funds can be used?	Yes
1a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Iowa Code Section 312.6: Limitation on use of funds (funds received by municipal corporations may only be used for street or highway purposes). https://www.legis.iowa.gov/DOCS/ACO/IC/LINC/2013.Chapter.312.PDF Iowa Code Section 313.4: Disbursement of fund (primary road fund). https://www.legis.iowa.gov/DOCS/ACO/IC/LINC/2013.Chapter.313.PDF
2. Does your transportation agency have a documented Cost Sharing/Cost Participation policy?	Yes

2a. Please provide a link to a document and indicate the applicable section(s) or reference number(s)	761 Iowa Administrative Code (IAC), Chapter 150, specifies whether the city or DOT pays for certain aspects of construction and maintenance on extensions of primary highways inside city limits. Primary highway improvements that involve county roads are not governed by a policy; instead, they are negotiated on a case-by-case basis. https://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/Chapter.761.150.pdf
3. What factors does your agency's Cost Sharing/Cost Participation policy use when determining cost shares? (Existence of a performance deficiency on the state highway, Functional class of the state highway, Initiating agency/party, Ability of the local agency to pay)	Initiating agency/party
3a. Other factors used to determine cost shares (List all other factors)	Specific cost shares, other than those specified by the administrative rule cited above, are negotiated by the DOT and local agency on a case-by-case basis. Usually if the local agency initiates the project, it will bear most of the costs; likewise, if the DOT initiates the project, it will bear most of the costs.
4. Does your agency have a minimum contribution threshold for local agency cost participation?	No
If yes, what is the minimum amount?	
5. Does your state have policies or programs for cooperative projects with local agencies, such as Complete Streets, pedestrian/bike routes, or other? Please provide a link to a document and indicate the applicable section(s) or reference number(s)	Yes We don't have a Complete Streets policy, but 761 IAC 150.4(3) addresses cost sharing for bicycle and pedestrian accommodations on primary highways.
6. For state highway construction and/or maintenance projects whose primary purpose is to encourage or create economic development, how does your state address cost participation?	Negotiated on a case-by-case basis.
7. How effective would you say your Cost Sharing/Cost Participation policy has been in addressing cost participation on your projects?	Very effective
8. Describe aspects of your Cost Sharing/Cost Participation policy that have proven to be effective.	Flexibility - the ability to negotiate cost shares based on the relative importance of the project to the DOT and other considerations.

NOTE: There was no response received for question 9.

Appendix C – 761 Iowa Administrative Code (IAC), Chapter 150

IAC 12/12/12

Transportation[761]

Ch 150, p.1

PRIMARY ROAD EXTENSIONS

CHAPTER 150

IMPROVEMENTS AND MAINTENANCE ON PRIMARY ROAD EXTENSIONS

[Prior to 6/3/87, Transportation Department[820]—(06,L) Ch 1]

761—150.1(306) Definitions.

“City” means a municipal corporation as defined in Iowa Code section 362.2.

“Federal control limits” means the area within the primary highway right-of-way limits, including right-of-way lines extended across side streets and roads. The term includes areas on side streets and roads where the department has acquired access control rights in accordance with 761—Chapter 112.

“Freeway” means a primary highway constructed with Priority I access control. For the purpose of highway lighting, “freeway” means a primary highway constructed with Priority I access control for a length of five miles or greater.

“MUTCD” means the “Manual on Uniform Traffic Control Devices,” as adopted in 761—Chapter 130.

“Nonfreeway primary highway” means a primary highway that is not a freeway.

“Right-of-way” means the land for any public road, street or highway, including the entire area between the property lines.

This rule is intended to implement Iowa Code sections 306.2, 306.3 and 362.2.

761—150.2(306) Improvements and maintenance on extensions of freeways.

150.2(1) Construction. Except as otherwise provided, the department shall be responsible for all right-of-way and construction costs associated with the construction of freeways and their extensions.

a. The department shall expect the city to be responsible for providing, without cost to the department, all necessary right-of-way which involves:

(1) Dedicated streets or alleys, and

(2) Other city-owned lands, except parklands, subject to the condition that the department may reimburse the city for the functional replacement value of improved property and advanced purchases negotiated by the city for project purposes.

b. Outside the federal control limits, the department shall be responsible for the costs of construction of longitudinal and outlet storm sewers made necessary by highway construction in the proportion that the street right-of-way of the primary road extension bears to the total drainage area to be served by the proposed sewers. The city shall be expected to be responsible for the remaining portion of storm sewer costs not paid for by the department.

c. The department shall be responsible for all storm-sewer related costs within the federal control limits.

150.2(2) Maintenance. The department shall have an agreement with a city regarding the maintenance of primary roads within the corporate city limits. This is intended to include corporate line roads, when appropriate. Unless otherwise mutually agreed to and specified in the agreement, maintenance responsibilities shall be as follows:

a. The department shall be responsible for all maintenance costs on the through roadway, the on and off ramps, and the roadside features from right-of-way line to right-of-way line.

b. Where city streets cross the freeway, the department shall be responsible for:

(1) Roadside maintenance within the limits of the freeway fence.

(2) Surface drainage of the right-of-way.

(3) Traffic signs and pavement markings required for freeway operation.

(4) Guardrail at piers and bridge approaches.

(5) Expansion relief joints in approach pavement and leveling of bridge approach panel(s).

(6) All maintenance of bridges including deck repair, structural repair, berm slope protection, painting, and inspection, except as noted in paragraph “c” of this subrule.

c. Where city streets cross the freeway, the department shall expect the city to be responsible for:

(1) All roadside maintenance outside the freeway fence.

(2) All pavement, subgrade and shoulder maintenance on the cross street except expansion relief joints and bridge approach panel leveling.

(3) All traffic lane markings on the cross street.

(4) Snow removal on the cross street including bridges over the freeway.

(5) Cleaning and sweeping bridge decks on streets crossing over the freeway.

d. The department shall expect the city to be responsible for maintenance and repair of pedestrian overpasses and underpasses including snow removal, painting, lighting and structural repairs.

e. Should local service roads or streets be constructed as a part of a project, upon completion they shall become a part of the city street system. The department shall not be responsible for the maintenance of these roads or streets and corresponding drainage structures.

150.2(3) Lighting.

a. The department shall be responsible for the cost of installation of lighting on the main-traveled-way lanes and the on and off ramps including the terminals with cross streets when the department determines that lighting is required under established warrants.

b. The department shall be responsible for the energy and maintenance costs of lighting on the main-traveled-way lanes.

c. The department shall be responsible for the energy and maintenance costs of lighting through interchange areas and ramps thereto at interchanges between freeways which do not provide service to local streets.

d. The department shall be responsible for the energy and maintenance costs of lighting in interchange areas at interchanges between freeways and primary roads which are on corporate lines.

e. At interchanges with city cross streets, the department shall be responsible for the energy and maintenance costs of lighting on the main-traveled-way lanes, on and off ramps, ramp terminals, and, when the department determines full interchange lighting is required, the cross street between the outermost ramp terminals.

f. The department shall not be responsible for the installation, energy, and maintenance costs of any lighting on cross streets in advance of interchanges and between the outermost ramp terminals at interchanges where the department determines partial interchange lighting or no lighting is required.

g. Warrants for the lighting of freeways shall be according to the 1984 "AASHTO Information Guide for Roadway Lighting."

150.2(4) Traffic signals at ramp terminals with cross streets.

a. All traffic signal installations shall meet the standards and warrants established in the MUTCD.

b. On projects initiated by the department, the department may install, at no cost to the city, traffic signals warranted when replacing existing pavement or adding new lanes. In conjunction with these projects, the department may also participate in the cost of signals that are for pedestrian use only. If the department participates, the department's share of the installation costs shall be based on the current U-STEP cost apportionment.

c. When new pavement construction or additional lanes are not involved, the department may participate in the installation costs of new and modernized traffic signals or signals that are for pedestrian use only. If the department participates, the department's share of the installation costs shall be based on the current U-STEP cost apportionment; the city shall prepare plans, award the contract, supervise the installation, and be responsible for the remaining installation costs.

d. Modifications made to the traffic signal system to coordinate it with other city signal systems (not on the primary road extension system) shall be the sole financial responsibility of the city.

e. The department shall not assume ownership and shall not be responsible for the energy and maintenance costs involved in the operation of traffic signals.

f. Signal phasing, initial and future, as well as timing and coordination between intersections shall be coordinated between the department and the city.

This rule is intended to implement Iowa Code sections 306.4, 313.4, 313.5, 313.21 to 313.24, 313.27, 313.36, 314.5 and 314.6 and chapter 306A.

761—150.3(306) Improvements and maintenance on extensions of nonfreeway primary highways.**150.3(1) Construction.**

a. The department shall be responsible for all right-of-way and construction costs to construct nonfreeway primary highways and their extensions to the minimum design criteria as established by the department. Construction improvement costs beyond minimum design criteria shall be the responsibility of the city, as specified in the project agreement. Minimum design criteria shall be in accordance with “A Policy on Geometric Design of Highways and Streets, 2001” (Fourth Edition Green Book).

b. The department shall expect the city to be responsible for providing, without cost to the department, all necessary right-of-way which involves:

(1) Dedicated streets or alleys, and

(2) Other city-owned lands, except parklands, subject to the condition that the department may reimburse the city for the functional replacement value of improved property and advanced purchases negotiated by the city for project purposes.

c. The city shall be expected to take all necessary legal action to discontinue and prohibit any past or present use of project right-of-way for private purposes. The city shall be expected to prevent any future encroachment or obstruction within the limits of project right-of-way.

d. The department shall be responsible for the costs of construction of longitudinal and outlet storm sewers made necessary by highway construction and construction of local service roads developed as a part of the construction or reconstruction of the through traffic lanes in the proportion that the right-of-way of the primary road extension bears to the total drainage area to be served by the proposed sewers. The city shall be expected to be responsible for the remaining portion of storm sewer costs not paid for by the department.

e. Unless otherwise mutually agreed to and specified in the agreement, the department shall be responsible for the cost of right-of-way and construction of local service roads developed as a part of the construction or reconstruction of the through traffic lanes.

150.3(2) Maintenance. The department shall enter into an agreement with a city regarding the maintenance of primary roads within the corporate city limits. This is intended to include corporate line roads, when appropriate. Unless otherwise mutually agreed to and specified in the agreement, maintenance responsibilities shall be as follows:

a. On primary roads constructed with a curbed cross section, the department shall be responsible for:

(1) Maintenance and repairs to pavement and subgrade from face of curb to face of curb exclusive of parking lanes, culverts, intakes, manholes, public or private utilities, sanitary sewers and storm sewers.

(2) Primary road signing for moving traffic as set out in subrule 150.4(1), pavement markings for traffic lanes, guardrail and stop signs at intersecting streets.

(3) Surface drainage only, within the limits of pavement maintenance.

(4) Plowing of snow from the traffic lanes of pavement and bridges and treatment of traffic lanes with abrasives and chemicals.

(5) Inspection, painting and structural maintenance of bridges as defined in Iowa Code section 309.75.

b. On primary roads constructed with a rural cross section (no curb), the department shall be responsible for all maintenance, except that tree removal, sidewalks, retaining walls and repairs due to utility construction and maintenance shall be the city's responsibility.

c. On primary roads constructed with a curbed cross section, the city shall be responsible for:

(1) Maintenance and repairs to pavement in parking lanes, intersections beyond the limits of department pavement maintenance, curbs used to contain drainage, and repairs to all pavement due to utility construction, maintenance and repair.

(2) Painting of parking stalls, stop lines and crosswalks, and the installation and maintenance of flashing lights. Pavement markings shall conform to the MUTCD.

(3) Maintenance of all storm sewers, manholes, intakes, catch basins and culverts used for collection and disposal of surface drainage.

(4) Removal of snow windrowed by departmental plowing operations, removal of snow and ice from all areas outside the traffic lanes, loading or hauling of snow which the city considers necessary and removal of snow and ice from sidewalks on bridges used for pedestrian traffic.

(5) Maintenance of sidewalks, retaining walls and all areas between curb and right-of-way line.

(6) Cleaning, sweeping and washing of streets.

(7) Maintenance and repair of pedestrian overpasses and underpasses including snow removal, painting and structural repairs.

d. The department shall expect the city to comply with the access control policy of the department as adopted in 761—Chapter 112, and to obtain prior approval from the department for any changes to existing entrances or for the construction of new entrances.

e. Drainage district assessments levied against the primary road within the corporate limits of the city shall be shared equally by the department and the city.

f. Should local service roads or streets be constructed as a part of a project, upon completion they shall become a part of the city street system. The department shall not be responsible for the maintenance of these roads or streets and corresponding drainage structures.

g. Rescinded IAB 10/2/02, effective 11/6/02.

150.3(3) Lighting.

a. The department shall not be responsible for the installation, energy, and maintenance costs of lighting on extensions of nonfreeway primary highways. The city may elect to provide lighting at its own expense. However:

(1) For cities with a population of 5,000 or less, the department may elect to install interchange lighting and to be responsible for or to participate in the energy and maintenance costs of this lighting.

(2) On a new construction project that results in a predominately fully controlled access highway, but incorporates some nonfreeway segments, the department may elect to participate in the installation of lighting at conflict points if the city agrees to be responsible for the energy and maintenance costs of this lighting.

b. At corporate line primary road junctions, the lighting shall be installed where necessary by the department in accordance with department warrants. The department shall be responsible for the installation costs. Unless otherwise agreed, the energy and maintenance costs shall be shared by the city and department in proportion to the number of luminaires in each jurisdiction as established by the corporate line. When and if the corporate line is extended to include any part of the lighting installation or a greater proportion of luminaires, the proportionate costs for maintenance and energy shall be redetermined on the basis of the number of luminaires in each jurisdiction as established by the new location of the corporate line.

150.3(4) Traffic signals.

a. All traffic signal installations shall meet the standards and warrants established in the MUTCD.

b. On projects initiated by the department, the department may install, at no cost to the city, traffic signals warranted when replacing existing pavement or adding new lanes. In conjunction with these projects, the department may also participate in the cost of signals that are for pedestrian use only. If the department participates, the department's share of the installation costs shall be based on the current U-STEP cost apportionment.

c. When new pavement construction or additional lanes are not involved, the department may participate in the installation costs of new and modernized traffic signals or signals that are for pedestrian use only. If the department participates, the department's share of the installation costs shall be based on the current U-STEP cost apportionment; the city shall prepare plans, award the contract, supervise the installation, and be responsible for the remaining installation costs.

d. Modifications made to the traffic signal system to coordinate it with other city signal systems (not on the primary road extension system) shall be the sole financial responsibility of the city.

e. The department shall not participate in the cost of signals for commercial use only.

f. The department shall not participate in the signalization of primary road stub routes which terminate within the city.

g. The department shall not assume ownership and shall not be responsible for any energy or maintenance costs for traffic signals.

h. Signal phasing, initial and future, as well as timing and coordination between intersections shall be coordinated between the department and the city.

150.3(5) *Overdimensional and overweight vehicles.* The city shall comply with all current statutes, rules and regulations pertaining to overdimensional and overweight vehicles using primary roads when issuing special permits for overdimensional and overweight vehicles.

This rule is intended to implement Iowa Code sections 306.4, 313.5, 313.21 to 313.24, 313.27, 313.36, 314.5, 314.6 and 321E.2 and chapter 306A.

761—150.4(306) General requirements for primary road extensions.

150.4(1) *Signing.*

a. The department shall be responsible for permanent traffic control signing on primary road extensions.

b. The department shall not be responsible for construction and maintenance work zone signing unless the work is being done by the department.

c. The department shall not be responsible for street name signs, any regulatory parking signs which denote special regulations as may be determined by the city in cooperation with the department, and those signs which regulate parking as to time, hours and days of the week.

d. The department shall not be responsible for signs facing traffic on primary road extensions which regulate traffic movements on city cross streets (one-way traffic).

e. "Business District" signs on primary road extensions may be permitted upon application by the city to the department.

f. All signing within the right-of-way shall conform to the MUTCD.

150.4(2) *Encroachments or obstructions.*

a. The department shall expect the city to remove any existing encroachment or obstruction and prevent any further encroachment or obstruction within the right-of-way. This includes private signs within the right-of-way.

b. The department shall expect the city to prevent the erection on private property of any private sign, awning, marquee, etc., which will overhang the right-of-way and obstruct the view of any portion of the road or the traffic signs or traffic control devices located thereon in such a manner as to render it dangerous within the meaning of Iowa Code section 319.10.

c. No overhanging sign shall be permitted within two feet of the inside edge of the curb.

150.4(3) *Pedestrian, equestrian, and bicycle routes (sidewalks).*

a. The department shall remove and replace portions of existing routes as required by construction.

b. The department will consider the impacts to pedestrian accommodation at all stages of the project development process and encourage pedestrian accommodation efforts when pedestrian accommodation is impacted by highway construction. The cost of pedestrian accommodation made at the time of the highway improvement may be considered an additional roadway construction cost. Providing pedestrian accommodation independent of a highway construction project may be considered with construction funding obtained from local jurisdictions or other federal and non-road use tax state sources.

c. If a project is initiated by the department, the department shall fund 100 percent of all curb ramps within the right-of-way of primary road extensions to meet the requirements of the Americans with Disabilities Act. If a project is initiated by a local jurisdiction, the department may participate by funding 55 percent of the cost of constructing curb ramps on existing sidewalks within the right-of-way of primary road extensions to meet the requirements of the Americans with Disabilities Act. However, departmental participation shall not exceed \$250,000 per year for any one local jurisdiction and \$5 million per year in total.

150.4(4) *Overpasses and underpasses for pedestrian, equestrian, and bicycle routes.*

a. During initial construction of freeways and other relocated primary road extensions and when user-volumes and topographic conditions warrant the construction of a separation, the cost shall be shared between the department and the city on the basis of the current U-STEP cost apportionment.

b. The department may participate in a city-initiated separation as an unscheduled project.

150.4(5) *Utility relocation and removal.*

a. Except as otherwise provided by paragraph “b” of this subrule, the department shall expect the city to relocate or cause to be relocated, without cost to the department, all utilities necessary for construction when these utilities are within the existing street or alley right-of-way. The department shall reimburse the owner of a utility which is located on private right-of-way for the costs of relocation or removal, including the costs of installation in a new location.

b. Iowa Code section 306A.10 authorizes the department to pay the costs of relocation or removal, including the costs of installation in a new location, of utilities within existing street right-of-way when determined necessary for the construction of a project on routes of the national system of interstate and defense highways or resulting from interstate substitutions in a qualified metropolitan area. In accordance with Iowa Code section 306A.12, no reimbursement shall be made for any relocation or removal of facilities unless funds to be provided by federal aid amount to at least 85 percent of each reimbursement payment.

c. The department shall expect the city to comply with the utility accommodation policy of the department, as adopted in 761—Chapter 115.

d. The term “utility” shall be as defined in Iowa Code section 306A.13.

150.4(6) *Project concept statements and predesign project agreements for proposed construction projects.*

a. As early as possible after an urban project is included in the department’s “Five-Year Construction Program,” a concept statement for the project shall be developed and shall be reviewed with the officials of the city prior to the public hearing.

b. During the design process, a predesign project agreement may be submitted to city officials for their approval. It shall include:

- (1) A preliminary description of the project,
- (2) The general concepts of the project,
- (3) Responsibilities for right-of-way acquisition, storm sewer costs and utility adjustment costs,
- (4) The parking and access control restrictions to be applied to the project, and
- (5) Financial participation above minimum standards.

150.4(7) *Preconstruction project agreements for proposed construction projects.*

a. The department shall maintain a close liaison with the city during the development of the project plan so that all parties will be fully informed of the details involved in the proposed improvement.

b. When the plan is sufficiently complete to provide typical cross sections, plan and profile drawings and incidental details, the department shall submit a preconstruction project agreement, which shall include known design data, to city officials for their approval. Terms for reimbursement to the state and local financial participation shall be stated in this agreement.

c. Modifications to this agreement necessitated by design changes encountered during construction shall be made by extra work order agreed to in writing by the city, the contractor, and the department.

150.4(8) *Reverting primary road extensions.* Rescinded IAB 10/2/02, effective 11/6/02.

This rule is intended to implement Iowa Code sections 306.4, 313.21 to 313.24, 313.27, 313.36, 314.5 and 314.6, and chapters 306A and 319.

[ARC 0478C, IAB 12/12/12, effective 1/16/13]

[Filed 7/1/75]

[Filed 4/4/85, Notice 2/13/85—published 4/24/85, effective 5/29/85]

[Filed emergency 7/18/85—published 8/14/85, effective 7/19/85]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed emergency 8/26/88 after Notice of 7/13/88—published 9/21/88, effective 8/26/88]

[Filed 5/19/89, Notice 4/5/89—published 6/14/89, effective 7/19/89]

[Filed emergency 4/17/96 after Notice 3/13/96—published 5/8/96, effective 4/18/96]

[Filed 7/20/00, Notice 5/17/00—published 8/9/00, effective 9/13/00]

[Filed 9/10/02, Notice 7/10/02—published 10/2/02, effective 11/6/02]

[Filed ARC 0478C (Notice ARC 0333C, IAB 9/19/12), IAB 12/12/12, effective 1/16/13]