

VERMONT AGENCY OF TRANSPORTATION	ORIGINAL POLICY ADOPTED 11/02/2002	ORIGINAL POLICY IDENTIFIER 6013
POLICY MANUAL	EFFECTIVE DATE 12/06/2007	IDENTIFIER 6013.1
	RESPONSIBLE SECTION PDD	SUPERSEDES
SUBJECT: Enhancements to Transportation Projects	SCREEN/PAGE 1 OF 7	

STATUTORY REFERENCE/OTHER AUTHORITY: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), as amended.

APPROVAL DATE: December 6, 2007

APPROVED BY: Neale F. Lunderville, Secretary of Transportation

PURPOSE/COMMENT: To establish Agency of Transportation policy on enhancements to transportation projects.

POLICY STATEMENT: This policy defines the use limits of VTrans-administered funds (including both state and federal non-earmark funds) to support enhancements or amenities to transportation projects. The policy applies to projects administered or developed by VTrans, as well as municipal projects administered under a cooperative agreement between VTrans and the municipality. This policy is part of VTrans' effort to conserve funding and resources for preservation of transportation facilities in keeping with "Road to Affordability" priorities.

1. Q. What are VTrans' priorities under the "Road to Affordability" as they pertain to enhancements and amenities?

A. Under the "Road to Affordability," VTrans will give priority to projects that:

- Preserve the functionality of existing transportation infrastructure;
- Minimize the need to acquire additional rights-of-way;
- Minimize the need for utility adjustments;
- Minimize impacts on environmental and historic resources;
- Incorporate designs which provide safe and efficient transportation;
- Promote economic opportunities for Vermonters;
- Foster the best use of the state's natural and economic resources consistent with the planning goals listed in 24 V.S.A. § 4302 as amended by Act No. 200 of the Acts of the 1987 Adj. Sess. (1988) and Act No. 115 of the Acts of the 2003 Adj. Sess. (2004); and
- Give appropriate consideration of local, regional and state agency plans.

2. Q. How will VTrans determine what elements are included in a project's scope?

A. To accomplish the goals of the "Road to Affordability" initiative, VTrans will financially support (with state and federal non-earmark transportation funds allocated to Vermont) only project elements that are functionally necessary to carry out the core purpose of a transportation project. Municipalities can add elements to a project as long as the municipality is willing to pay for their cost. See question 10 for details about adding elements to a project.

3. Q. What is meant by "functional necessity?"

A. "Functional necessity" means features, components, elements, or materials of a transportation project that are required by:

- State or federal law;
- Permit requirements;
- The "Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets;"
- Other adopted Vermont state design policies and manuals;
- Vermont Standard Construction Drawings; and
- Other applicable industry standard design manuals that are essential to safely construct, operate, and maintain the project.

These items are essential to the performance and integrity of the roadway or structure in question, and should result in the lowest life-cycle cost of the project.

4. Q. How is "functional necessity" analyzed when there is a specific goal or purpose associated with earmarked funds?

A. Work elements needed to accomplish the specific goals or purposes for which specific federal (usually termed "earmarks") or state funds have been granted are considered to be functionally necessary only if that work is required by one or more of the above-noted documents, or if the project elements are part of the core project.

5. Q. What is the "core project"?

A. The "core project" means those features or elements of a project that are:

- Functionally necessary;
- Preexist the current project and/or are subject to a preexisting finance and maintenance agreement between VTrans and a municipality; and
- Need to be disturbed as a result of the project.

Generally for roadways, the core dimensions are the "curb-to-curb" or "ditch-to-ditch" width of the existing roadway. For bridges, this width is generally the width of the deck and the existing width of the pavement and shoulders on the roadway approaches. The core of a project also extends vertically downward to the extent of any excavation required for construction of the pavement and drainage structure, or upward to accommodate traffic signals, signs, and clearance of overpasses.

Features required by state or federal permits and/or mitigation required by a federal environmental document also are considered to be part of the core project, even though they may be physically outside the boundaries of the “curb-to-curb” or “ditch-to-ditch” limits. Features or components added to the project to comply with state law, federal law, grant approvals (in the case of earmarked projects), or updates in design standards or procedures (for example, ADA compliance) are considered part of the core project.

6. Q. Are elements such as benches, under grounding of utilities, landscaping, ornamental lighting, ornamental fences, etc. considered functionally necessary?

A. These elements generally are not considered functionally necessary. However, these elements could be considered core to a project or functionally necessary if they are specified in the language of an earmark.

7. Q. Are pedestrian and bicycle facilities considered to be functionally necessary?

A. In keeping with the VTrans Policies on Pedestrians and Bicycles, appropriate accommodation of pedestrians and bicycles will be incorporated into all transportation projects. Appropriateness will be determined by the VTrans Project Manager in consultation with his/her Program Manager and the VTrans Bicycle and Pedestrian and Safe Routes to Schools Managers.

8. Q. Who makes the determinations of functional necessity or core project?

A. Determinations as to functional necessity and core project are the responsibility of the VTrans project manager.

9. Q. Is there a process for reviewing such determinations?

A. A municipality can request that a project manager’s determination be reviewed by the VTrans program manager. A municipality can request further review by the Secretary of Transportation, whose determination is final.

10. Q. What if a municipality wishes to incorporate non-functional or non-core elements to a VTrans project?

A. If a municipality desires to have elements included in a project that are not determined to be functionally necessary, it can do so as non-participating costs if the municipality agrees by a Finance and Maintenance Agreement to fund 100 percent of the construction cost of those items as well as agree to maintain those items with 100 percent locally secured funds. However, for new projects or projects in the early design stage, VTrans must be notified of the municipality’s desire to include additional elements no later than the Conceptual Design phase of project development. Once

notified, the VTrans project manager will arrange for development of a Finance and Maintenance Agreement or an amendment to an existing Finance and Maintenance Agreement which will be sent to the municipality for review, approval and execution before VTrans moves forward with inclusion of the additional elements. The estimated costs of these elements will be included in the project's estimated costs for determining a project's benefit/cost ratio in the VTrans project prioritization system.

For projects currently in the design process or "pipeline" that have attained the level of accepted/approved "Preliminary Plans," the project manager will review the most current plan for consistency with this policy's definitions of Core Project and Functional Necessity. Those features determined by the project manager to be inconsistent with those definitions will be incorporated into a detailed listing. This listing will then be reviewed with VTrans' Program Management before being reviewed with appropriate municipal officials and before VTrans determines which features no longer will be eligible for VTrans' financial support.

After this review, VTrans may elect to continue its financial support for some items or elements that might otherwise be considered functionally unnecessary had the project not already been in the "pipeline." In these cases, the Agency's financial support will continue through construction only if the municipality agrees to pay for the amenity's future maintenance and/or replacement.

Those features which remain a part of the project either with VTrans financial support or at 100 percent municipal cost will be specifically listed in the Finance and Maintenance Agreement by amendment subsequent to the joint VTrans/municipal review as either financially supported by VTrans and maintained by the municipality or financially supported and maintained by the municipality.

The Finance and Maintenance Agreement will be modified subsequent to the joint VTrans/municipal review to include a provision that specifically indicates that non-functionally necessary or non-core project elements will be maintained for their useful life by the municipality at 100 percent municipal cost. Further project development will be suspended until the Finance and Maintenance Agreement is signed by the municipality.

11. Q. What does "financial support" mean?

A. "Financial support" means payment with non-earmarked funds. Earmarks are made by either the U.S. Congress or the Vermont State Legislature specifically for an amenity or enhancement. The Vermont Legislature simply including funding for a project in the annual Transportation Bill or Budget Adjustment Bill is not considered an earmark unless the legislation specifically specifies that the amenity or enhancement must be included in the overall project appropriation.

12. Q. Will inclusion of non-functional or non-core elements have an effect on a project's priority in the VTrans' prioritization systems?

A. The estimated costs of the non-functional or non-core elements that might remain in a project financially supported by VTrans will be included in the project's estimated costs for determining a project's benefit/cost ratio. Such inclusion could lower a project's priority.

The estimated costs of non-functional or non-core elements that will be borne entirely by the municipality will not be included in the project's estimated costs for determining a project's benefit/cost ratio in the VTrans project prioritization system. Excluding these costs will raise the project's benefit/cost ratio and could raise a project's priority.

13. Q. What is the effect of element inclusion in the Finance and Maintenance Agreement?

A. Upon inclusion in the Finance and Maintenance Agreement, only those elements specifically listed will be eligible for VTrans financial support. The assumed cost of these elements will also be included in the project's estimated cost for determining a project's benefit/cost ratio or cost in the VTrans Project Prioritization systems.

Additional non-functional or non-core elements that are subsequently desired by the municipality will only be included in a project if the municipality agrees to pay for the construction, maintenance and replacement of the elements.

14. Q. How does this policy relate to VTrans' Project Definition Team (PDT)?

A. Projects which have not advanced to the accepted/approved Preliminary Plans at the time of adoption of this policy – including projects that have been processed through the PDT – will be reviewed by the VTrans project manager who will determine the functional necessity and core project elements for the project. The project manager will notify the municipality in which the project is located about his/her determination and how that determination limits financial support. The project manager will inquire about the municipality's desire and ability to pay for and maintain work elements not determined to be functionally necessary. Finance and Maintenance Agreements will be appropriately modified to reflect the municipality's decision.

The project manager will also advise the municipality as to those projects that are to be scheduled for PDT review. The PDT process will be bound by this policy. Any amenities or enhancements that are deemed functionally unnecessary or not part of the core project are subject to the same financial constraints as any other VTrans project. The PDT has no authority to make its own financial decisions.

15. Q. How does this policy affect the freestanding Enhancement Program?

A. This policy does not affect the freestanding Transportation Enhancement Grant Program described in 19 V.S.A. § 38.

POLICY HISTORY

ORIGINAL POLICY ADOPTION DATE: 11/22/2002

REVISION NO: 1 **EFFECTIVE DATE:** 12/06/2007 **REASON:** Affordability/Funding shortfall

REVISION NO: **EFFECTIVE DATE:** __/__/__ **REASON:**

REVISION NO: **EFFECTIVE DATE:** __/__/__ **REASON:**