

INTER

OFFICE

MEMO

To: HARRISBURG CITY COUNCIL
From: Kirk Petroski, City Clerk
LEGISLATIVE APPROVAL FORM

Date:

LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE

BILL NO. -2020 RESOLUTION NO. -2020

THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION AT THE HARRISBURG CITY SOLICITOR'S OFFICE ON:


Deputy City Solicitor

10-9-20
Date

Requested by Department/Bureau: Grants + Engineering

Department/Bureau Contact Person: R. Vollmer + W. Martin.

For Action on or before:

The attached was received in the Office of the City Clerk for introduction on

Received by: _____

Date: _____

RESOLUTION No. _____ - 2020

Moved by: _____

A Resolution authorizing the submission of a grant application to the Pennsylvania Department of Transportation Multimodal Transportation Fund for up to nine hundred and seventy-two thousand seven hundred and thirty dollars (\$972,730.00) to help fund the construction of the Courthouse Connection Multimodal Project.

WHEREAS, the City desires to apply for up to nine hundred and seventy-two thousand seven hundred and thirty dollars (\$972,730.00) of funding from the Pennsylvania Department of Transportation Multimodal Transportation Fund, the guidelines for which are attached hereto as “Exhibit A;” and

WHEREAS, the City desires to use part of the grant to help fund the construction of the Courthouse Connection Multimodal Project, which includes the Urban Meadow Extension and improvements on Reily and Sixth Streets; and

WHEREAS, the Courthouse Connection Multimodal Project will advance the City’s Vision Zero goals by creating safe multimodal thoroughfares that will connect Midtown to new government and commercial sites along North Sixth Street; and

WHEREAS, the grant requires at least a thirty percent local match, a minimum of two hundred ninety-one thousand eight hundred and twenty dollars (\$291,820.00) which the City intends to provide through a Dauphin County Gaming Grant of seventy-five thousand dollars (\$75,000.00), which it has already secured, Liquid Fuel Funds, and if necessary money from the General Fund.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF HARRISBURG, that the City of Harrisburg is authorized to submit a grant application to the Pennsylvania Department of Transportation Multimodal Transportation Fund for up to nine hundred and seventy-two thousand seven hundred and thirty dollars (\$972,730.00) to help fund the construction of the Courthouse Connection Multimodal Project.

BE IT FURTHER RESOLVED that the Mayor, City Controller and other appropriate City officials are authorized and directed to take all steps necessary to further effectuate the purpose of this resolution.

I second this resolution _____.

EXHIBIT A

**PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
GUIDELINES
Multimodal Transportation Fund (“MTF”)**

SECTION I – STATEMENT OF PURPOSE

The Multimodal Transportation Fund provides grants to ensure that a safe and reliable system of transportation is available to the residents of this commonwealth.

The program is intended to provide financial assistance to municipalities, councils of governments, businesses, economic development organizations, public transportation agencies, rail freight, passenger rail, and ports in order to improve transportation assets that enhance communities, pedestrian safety, and transit revitalization. The Department of Transportation (“PennDOT”) will administer activities directly initiated or undertaken by it related to grants for eligible multimodal programs in accordance with these guidelines.

SECTION II – ELIGIBILITY

A. Eligible Applicants

Eligible Multimodal Transportation Fund projects must be owned and maintained by an eligible applicant or the applicant must have an agreement with the owner for construction and ongoing maintenance of the resulting project asset.

1. **Municipality** – Any county, city, borough, school district, incorporated town, township, or home rule municipality.
2. **Council of Governments** – An entity organized by units of local government under an intergovernmental agreement, which provides cooperative planning, coordination, and technical assistance to its member governments on issues of mutual concern that cross jurisdictional lines, and which does not act under the direction and control of any single member government.
3. **Business/Non-profit** - A corporation, partnership, sole proprietorship, limited liability company, business trust, privately owned airport (must be open to the public), or other commercial entity. The term shall also include not-for-profit entities.
4. **Economic Development Organization** – A nonprofit corporation or association whose purpose is the enhancement of economic conditions in their community.
5. **Public Transportation Agency** – A public transit agency, including but not limited to an airport authority, public airport, port authority, or similar public entity, created through the laws of this commonwealth, charged with the provision of transportation services to the traveling public, that owns and maintains or is authorized to own and maintain a physical plant, including rolling stock, stations, shelters, hangars, runways, maintenance, and support facilities.

6. **Ports or Rail / Freight Entity** – Railroad owner, railroad lessee/operator, railroad user, and port terminal operators.

B. Eligible Projects

1. A project which coordinates local land use with transportation assets to enhance existing communities, including but not limited to: bus stops, park and ride facilities, sidewalk/crosswalk safety improvements, bicycle lanes/route designations, in-fill development by assisting with traffic impact mitigation, development of local highways and bridges which will benefit the state system and local economic development and greenways.
2. A project related to streetscape, lighting, sidewalk enhancement, and pedestrian safety, including but not limited to: sidewalk connections, crosswalks, pedestrian and traffic signals, pedestrian signs, and lighting.
3. A project improving connectivity or utilization of existing transportation assets, including but not limited to: improved signage, access roads, development or support of an integrated transportation corridor and/or improvements to the productivity, efficiency and security that support goods movement to and from PA ports, and port upgrades. Also, bicycle/shared lane markings and bicycle parking at transit stops.
4. A project related to transit-oriented development. The term does not refer to a single real estate project, but represents a collection of projects, usually mixed use, at a neighborhood scale that are oriented to a transit node.

NOTE: Because of restrictions on available MTF funding, applicants seeking funding for other types of transportation projects not identified above should contact PennDOT to discuss available funding programs.

C. Eligible Uses of Funds

1. Funds may be used for the development, rehabilitation, and enhancement of transportation assets to existing communities, streetscape, lighting, sidewalk enhancement, pedestrian safety, connectivity of transportation assets and transit-oriented development to include:
 - a. Acquisition of land and buildings, rights of way and easements
 - b. Construction activities
 - c. Capital equipment
 - d. The clearing and preparation of land
 - e. Demolition of structures
 - f. Environmental site assessment and environmental studies
 - g. Related engineering, design and inspection costs, which shall not exceed 10% of the grant award. This also includes professional services such as preparation of bid documents, archaeological surveys, land survey and appraisals.
 - h. Settlement costs of land acquisition activities

- i. Administrative costs of the applicant necessary to administer the grant. Administrative costs may include advertising, legal and audit costs, as well as documented staff expenses. Administrative costs shall not exceed 2% of the grant award.
- j. Project contingencies which shall not exceed 5% of the grant award.

Ineligible costs include, but are not limited to, fees for securing other financing, interest on borrowed funds, refinancing of existing debt, lobbying, fines, application preparation fees, reparations, and costs incurred prior to the approval of PennDOT.

SECTION III – PROGRAM REQUIREMENTS

A. Matching Funds Requirement

Financial assistance under the Multimodal Transportation Fund shall be matched by local funding in an amount not less than 30% of the amount awarded.

Matching funds from a county or a municipality shall consist only of cash contributions provided by one or more counties or municipalities. Liquid fuels tax, Act 13 impact fees, and other statutorily allocated fees/taxes paid directly to a county or municipality may be used as a local match if the project is an eligible use of such funds.

Matching funds from a council of governments, business, economic development organization, or public transportation agency shall consist only of cash contributions or cash equivalent for land following appraised value of real estate necessary to construct an eligible project. If using the value of real estate as a cash equivalent, an appraisal not older than one year is required and must be provided with the application submission.

Costs incurred for pre-construction activities can be used as part of the matching funds if the following conditions are met:

1. The costs identified in the project cost estimate exhibit are directly attributable and reasonable expenses of the project;
2. The expenditures are eligible costs of the MTF program;
3. The expenditures were incurred by the sponsor after November 25, 2013 (date Act 89 was enacted);
4. The expenditures meet all MTF program requirements, including selection of consultants for engineering, design, and inspection in accordance with Pub 93 or equivalent qualifications-based selection procedures;
5. The sponsor has provided full documentation of reasonable costs to PennDOT; and
6. The matching funds approved by PennDOT have not been used as project match funds under another funding source or program.

The project sponsor is responsible for any costs exceeding the award amount.

B. Other Requirements

1. Conflict of Interest Provision

If the applicant is a municipality, public transportation agency, other governmental entity, or nonprofit entity; an officer, director, or employee of the applicant who is a party to or has a private interest in a project shall disclose the nature and extent of the interest to the governing body of the applicant, and may not vote on action of the applicant concerning the project, nor participate in the deliberations of the applicant concerning the project.

2. Nondiscrimination

No assistance is awarded to an applicant under this program unless the applicant certifies to PennDOT that it shall not discriminate against any employee or against any person seeking employment because of race, color, disability, national origin, age, or gender. In addition, all contracts for work to be paid with program assistance must contain the Commonwealth's official nondiscrimination and American with Disabilities Act clauses.

3. Project Records

The applicant must maintain full and accurate records with respect to the project and must ensure adequate control over related parties in the project. PennDOT requires access to such records, as well as the ability to inspect all work, invoices, materials, and other relevant records at reasonable times and places. Upon request of PennDOT, the applicant must furnish all data, reports, contracts, documents, and other information relevant to the project.

4. Pennsylvania Prevailing Wage Act

All or a portion of the construction work associated with the project may be subject to the Pennsylvania Prevailing Wage Act, as determined by the Pennsylvania Department of Labor & Industry ("L&I"). It is the responsibility of the funding recipient to ensure that the Pennsylvania Prevailing Wage Act is followed if applicable. The funding recipient must contact L&I, not PennDOT, with any questions concerning the applicability of the Prevailing Wage Act.

5. Proof of Notification

The applicant must provide proof that the county and host municipality or municipalities have been notified about the intended project.

SECTION IV - GRANTS

1. Grants are available for projects with a total cost of \$100,000 or more.
2. Grants shall normally not exceed \$3,000,000 for any project. The PennDOT Office of Multimodal Transportation will consider grant requests over \$3,000,000 for projects that will significantly impact PennDOT's goal to leverage private investment and create jobs in the Commonwealth.
3. To be eligible for a Multimodal Transportation grant, all other funding must be secured and documented for the proposed project by the application deadline.

4. Commencement of construction [work] prior to receiving PennDOT approval will result in the project being ineligible for funding consideration. PennDOT approval is normally reflected by the execution and approval of a grant agreement.
5. To be eligible for reimbursement, project costs must not only be approved by PennDOT, but must be incurred after November 25, 2013, the date when Act 89 was approved, and completed by the work completion date specified by the grant agreement.
6. Any project receiving PennDOT MTF funding must use prequalified construction contractor(s) to perform the construction work, whether the grant recipient is following Publication 9 or Publication 740 to bid and advertise the work. If the contractor is using subcontractors, the subcontractors must also be prequalified subcontractors. The requirement also applies to work planned to be performed under a highway occupancy permit.

SECTION V – APPLICATION PROCESS

A. Application Procedures

To apply for funding, the applicant must submit an application for the PennDOT Multimodal Transportation Fund online at <https://sportal.dot.pa.gov/Planning/AppReg/MTF/Pages/Home.aspx>. Required supplemental information outlined in Appendices I and II of these guidelines must be attached electronically to the application as directed on the Attachments tab. *Applications which do not include required supplemental information will be deemed incomplete and will not be evaluated or considered for funding.* For inquiries on the application process, contact David Bratina in the PennDOT Office of Multimodal Transportation at (717) 705-1230 or:

David J. Bratina
PennDOT Office of Multimodal Transportation
Commonwealth Keystone Building
400 North Street, 8th Floor
Harrisburg, PA 17105-3151

B. Application Evaluation

PennDOT will review all applications for financial assistance to determine eligibility and competitiveness of the proposed project. Projects will be evaluated using the appropriate criteria from the following list of evaluation criteria for the various types of eligible projects:

1. The economic conditions of the region where the project is located
2. Consistency with local, regional, and statewide planning
3. Benefits to safety, mobility, economic competitiveness, and transportation system integration

4. The technical and financial feasibility of the project. Applicants must show that all financial commitments will be in place to achieve the project goals and ensure the project will be fully completed with the use of these funds.
5. The degree of matching funds above the 30% requirement and local financial support
6. The number and quality of jobs to be created or preserved in Pennsylvania by the project
7. Regional nature of the project
8. Project readiness
9. Energy efficiency
10. Operational sustainability of the project over the long term
11. Multimodal nature of the project

The Department will consult with the chair and minority chair of the Transportation Committee of the Senate and the chair and minority chair of the Transportation Committee of the House of Representatives.

SECTION VI – PROCEDURES FOR ACCESSING FUNDS

Following approval of an application by PennDOT, PennDOT will issue an award/commitment letter to the applicant. This letter must be signed and returned to PennDOT within 45 days of the date on the letter, or PennDOT may withdraw the offer. In addition, signing this letter does not constitute a binding agreement, but merely provides the Department with confirmation of your interest in receiving MTF funds.

Following acceptance of an offer by the applicant, a PennDOT representative will initiate a kickoff meeting with the sponsor. A review of the grant agreement and its requirements will take place at this meeting. When the agreement is completed and sent to the sponsor, it must be signed and returned to PennDOT. Once at PennDOT, the grant agreement will be signed by PennDOT and approved by various Commonwealth fiscal and legal officials before becoming fully executed and effective. Once the grant agreement is fully executed and approved, the applicant will be notified and can then proceed with the project. PennDOT will reimburse funds to the grantee on a monthly basis based upon paid invoices submitted by the grantee.

SECTION VII – PROGRAM INQUIRIES

Program inquiries should be directed to:

PennDOT Office of Multimodal Transportation
Commonwealth Keystone Building
400 North Street, 8th Floor
Harrisburg, PA 17105-3151
Telephone (717) 705-1230
Fax (717) 787-5491
E-mail: RA-PDMultimodalFund@pa.gov

APPENDIX I – SUPPLEMENTAL INFORMATION

In addition to completing the Multimodal Transportation Fund Project Application, please include the following items when applying for a grant:

- Exhibit 1** A statement as to the estimated cost of the project. The estimate must be prepared by an engineer or other qualified professional and should be accompanied where appropriate by copies of the signed bid/quotations, contractor estimates, sales agreements, or other documentation that verifies project cost estimates.
- Exhibit 2** Funding commitment letters, if available, from all other project funding sources (including equity commitments). Funding commitments for the entire project should include the term, rate, and collateral conditions and must be signed and dated.
- Exhibit 3** A color-coded map detailing the location of the proposed project.
- Exhibit 4** The most recent audited financial statements of the applicant. Financial statement should include balance sheets, income statements, and notes to financials.
- Exhibit 5** A statement as to the amount of grant funding requested.
- Exhibit 6** A list of all state, federal, and local planning and permit approvals required for the project.
- Exhibit 7** A letter from the appropriate planning agency certifying that the proposed project is in compliance with comprehensive land use plans.
- Exhibit 8** For acquisition projects, provide a copy of the sales agreement or easement and an appraisal prepared by a PA State Certified Appraiser.
- Exhibit 9** For all applicants, provide copies of notifications provided to county and municipal governing bodies advising them of the proposed project.
- Exhibit 10** (For Rail Freight projects only) Complete rail freight carloadings information worksheet:
<https://sportal.dot.pa.gov/Planning/AppReg/MTF/Pages/Home.aspx>

APPENDIX II – AUTHORIZED OFFICIAL RESOLUTION

Be it RESOLVED, that the _____ (Name of Applicant) of _____ (Name of County) hereby requests a Multimodal Transportation Fund grant of \$_____ from the Pennsylvania Department of Transportation to be used for _____.

Be it FURTHER RESOLVED, that the Applicant does hereby designate _____ (Name and Title) and _____ (Name and Title) as the official(s) to execute all documents and agreements between the _____ (Name of Applicant) and the Pennsylvania Department of Transportation to facilitate and assist in obtaining the requested grant.

I, _____, duly qualified Secretary of the _____ (Name of Applicant), _____ (Name of County) _____, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the _____ (Governing Body) at a regular meeting held _____ (Date) and said Resolution has been recorded in the Minutes of the _____ (Applicant) and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the _____ (Applicant),
this ____ day of _____, 20____.

Name of Applicant

County

Secretary