

NILES-BUCHANAN-CASS AREA TRANSPORTATION STUDY TECHNICAL ADVISORY and POLICY COMMITTEES MEETING

Tuesday, May 24, 2022

1:30 pm

In Person: Niles District Library
620 E Main St, Niles, MI 49120

Web: <https://us06web.zoom.us/j/9347787681?pwd=a3MrVUUxa3VMSmIPWXJLeU5NUzNjQT09>

Audio: Call in Number: 1 (312) 626-6799
Meeting ID: 934 778 7681
Passcode: 687880

AGENDA

1. Call to Order and Roll Call
2. Changes to the Agenda
3. Public Comment
4. Approve Minutes from April 26, 2022 Meeting (*enclosed*) *Action*
5. Staff report
 - MDOT Federal Buyout Announcement (*enclosed*)
 - Michigan's 2021 Roads and Bridges Annual Report (www.Michigan.gov/TAMC)
6. Project Updates & Amendments
 - Local Road Agencies
 - Public Transit/Niles Dial A Ride
 - MDOT (*enclosed*) *Action*
7. New Business
 - FY 2023 NATS Unified Work Program (https://www.swmpc.org/nats_uwp.asp) *Action*
 - FY 2023-2026 NATS Transportation Improvement Program (<https://www.swmpc.org/natstip.asp>) *Action*
8. Privilege of the Floor or Public Comment
9. Adjournment

Comments can be sent prior to the meeting to Brandon Kovnat at kovnatb@swmpc.org or calling (269) 925-1137 x 1524. For questions about accessibility or to request accommodations, please contact Kim Gallagher at (269) 925-1137 x 1518 or by email at gallagherk@swmpc.org

NILES BUCHANAN CASS AREA TRANSPORTATION STUDY (NATS)

Joint Technical Advisory Committee (TAC) & Policy Committee Minutes

April 26, 2022, Niles District Library & via Zoom

NATS MEMBER ORG./POSITION	MEMBERS (2022)	TAC	POL	J	F	M	A	M	J	J	A	S	O	N	D
Berrien Co. Board of Commissioners (1)	Michael Majerek		x	V	V		V								
Berrien Co. Board of Commissioners (2)	(vacant)		x	A											
Berrien Co. Community Dev. Dept.	Dan Fette	x		A	A		A								
Berrien Co. Planning Commission	Eric Lester, M.D.		x	V	V		V								
Berrien Co. Road Dept. (Policy)	(vacant)		x	A	A										
Berrien Co. Road Dept. (TAC)	Kevin Stack	X		A	A		A								
Bertrand Township	Butch Payton	x	x	V	V		IP								
Buchanan Township	Lynn Ferris	x	x	A	A		A								
Cass Co. Board of Commissioners (1)	Robert Benjamin		x	A	A		A								
Cass Co. Board of Commissioners (2)	Roseann Marchetti		x	P	IP		IP								
Cass Co. Planning Commission	(vacant)	x													
Cass Co. Road Comm. (Policy)	Sandra Seanor		x	A	V		IP								
Cass Co. Road Comm. (TAC)	Joe Bellina (TAC Chair)	x		A	V		A								
City of Buchanan	Don Ryman		x	A	A		A								
City of Buchanan	Heather Grace	x		A	A		A								
City of Niles (1)	Georgia Boggs		x	A	A		A								
City of Niles (2)	Serita Mason		x	V	V		V								
City of Niles (3)	Jessica Nelson		x	A	A		A								
City of Niles Community Dev. Director	(vacant)	x													
City of Niles Dial-A-Ride Transit	Pepper Miller	x	x		V		IP								
City of Niles Public Works Dir./Airport	Joe Ray	x		V	V		A								
Howard Township	Bill Kasprzak	x	x	P	IP		A								
Kinexus	(vacant)	x													
Mason Township	Doug Fetters	x	x	A	A		A								
MDOT - Bureau of Trans. Planning	Jim Sturdevant	x	x	V	V		V								
MDOT - Southwest Region	Brian Sanada	x	x	P	IP		IP								
MDOT - Southwest Region (Alternate)	Amy Lipset	Alt	Alt	A	A		A								
MDOT - Transportation Service Center	Jonathon Smith	x	x	V	V		A								
Milton Township	Susan Flowers	x	x	A	A		A								
Niles Charter Township	Richard Cooper (P. Ch.)	x	x	P	IP		IP								
Ontwa Township	Dawn Bolock	x	x	P	A		A								
Pokagon Band of Potawatomi Indians	(vacant)	x	x												
Village of Edwardsburg	Dennis Peak	x	x	A	A		A								
Federal Highway Administration	Andy Pickard	NV	NV	A	A		A								
Federal Transit Administration	Susan Weber	NV	NV	A	A		A								
EGLE - Air Quality	Breanna Bukowski	NV		A	A		A								
MDOT - Modeling	Jon Roberts	NV		A	A		A								
MDOT - Office of Passenger Trans.	Fred Featherly	NV		A	V		A								
Michiana Area Council of Governments	Caitlin Stevens	NV	NV	A	A		A								
Southwest Michigan Planning Comm.	Kim Gallagher	x	x	P	IP		IP								
Southwest Michigan Planning Comm.	Brandon Kovnat	NV	NV	P	IP		IP								

P. Ch.: Policy Chair; Alt: Alternate; NV: Non-voting; P: Present in Person; V- Present virtually; A: Absent.

Others Present: Anita Boughner, MDOT Statewide Planning

1. Call to Order and Roll Call

Policy Committee chair, Richard Cooper, called the meeting to Order at 1:30 pm. Kim Gallagher led roll call.

2. Changes to the Agenda

None

3. Public Comment

None

4. Approve Minutes from February 22, 2022 Meeting

Motion to approve the minutes from the NATS February 22, 2022 combined Technical Advisory Committee and Policy Committee meeting. Made by Butch Payton, and seconded by Roseann Marchetti. **Motion approved.**

5. New Business

Cass County Road Commission Project Amendments: Gallagher explained that costs for the Mason Street projects are higher than originally programmed, mostly due to inflation in material costs. Mason Street is funded with Surface transportation Block Grant (STBG) funds. NATS has unprogrammed STBG from the Infrastructure Investment and Jobs Act (IIJA) which will be added to the project.

The Reum Road project also had prices go up. This project is funded through the Highway Infrastructure program (HIP). MDOT contacted SWMPC staff about HIP funds that MDOT was awarded but was unable to use. They asked if NATS could use these funds, or else they would expire.

TAP Project Amendment: Seanor gave background information about the Ontwa US-12 Non-motorized Path. The path will connect Claire Street to Section Street within the Village of Edwardsburg. This will complete the non-motorized access from the proposed traffic signal on US-12 & Section Street with the Edwardsburg Sports Complex, in Ontwa Township. The design for the path is being done by MDOT, with the local match being supplied by Onawa Township. The design phase (PE) was approved by NATS in February, but the construction cost was not yet known. Gallagher presented the construction costs to the NATS Committees.

Motion for the Technical Advisory Committee to recommend that the Policy Committee approve the amendments to the 2020-2023 Transportation Improvement Program as contained in the meeting packet. Made by Butch Payton, and seconded by Brian Sanada. **Motion approved.**

Motion for the Policy Committee to approve the recommendation from the Technical Advisory Committee. Made by Roseann Marchetti, and seconded by Sandra Seanor. **Motion approved.**

Discussion of unprogrammed federal fund balances: Gallagher discussed the federal funds for programs that NATS is allocated: The Surface Transportation Block grant Program (STBG), Transportation Alternatives Program (TAP), and the Carbon Reduction Program (CRP). She said that the IIJA almost doubled NATS TAP funding. These funds can carry over between years. Gallagher t the CRP funding. These funds are meant to reduce carbon emissions. Since this is a new program, guidance from the federal and state government is still coming out.

Seanor noted that the current federal guides for CRP state that design/engineering is an eligible cost. She noted that currently MDOT does not allow design costs for TAP projects. She asked if MDOT would allow design cost for the CRP. MDOT said that they had yet to make rules for this program, but would bring this issue forward.

A timeline for a call for projects to use the TAP and CRP funds was presented. The call will be sent in June with a fall due date & selection.

The remaining Surface Transportation Block grant (STBG) funds were discussed. The currently selected projects for 2023-2026 was shown with the percent local match. Gallagher said that federal funds could be added to any project

that had more than the minimum 18.15% required local match. Illustrative projects (projects submitted but not selected), could also be programed with the extra funds. A project review subcommittee will be held to discuss the options. No new call for projects utilizing STBG funds will be sent out.

6. Privilege of the Floor or Public Comment

Pepper Miller introduced herself, as the director of the Niles Dial A Ride replacing Kelly Getman-Dissette. She mentioned that ridership in Buchanan was up since the merger with Niles Dial A Ride. She also talked about how Niles Dial A Ride is collaborating with a local employer, Bonell Aluminum, to provide rides to employees.

7. Adjournment

The meeting was adjourned at 2:18 PM. the next meeting is scheduled for May 24, 2022.

Minutes compiled by Brandon Kovnat, SWMPC Associate Planner

Federal Aid Buyout Program Current Status

May 5, 2022

Implementing Public Act 49 of 2022

Approved by the Governor March 29, 2022

Effective October 1, 2022 (FY 2023)

Federal Aid Buyout Bill Overview

Links to relevant Legislation -

SB 465 <http://legislature.mi.gov/doc.aspx?2021-SB-0465>

SB 466 <http://legislature.mi.gov/doc.aspx?2021-SB-0466>

The state trunkline funding made available for Fiscal Year (FY) buyout (*subsection 8*)

FY 2023	\$25 million
FY 2024	\$35 million
FY 2025	\$45 million

Public ACT 49 directs the Michigan Department of Transportation (MDOT) to develop a Federal Aid Buyout program. Requirements outlined in the legislation include:

- Buyout projects must be in the federally approved Statewide Transportation Improvement Program (STIP), either in a Metropolitan Planning Organization (MPO) transportation improvement program or in the rural transportation improvement program based on the project location (*subsection 9*)
- MDOT is directed to create an announcement, instructions, forms, and deadlines, and make them available online (*subsection 9*)
- Buyouts must be awarded in the order received (*subsection 9*)
- The exchange rate is 90 cents per dollar of federal aid programmed to the job phase as listed in the STIP (*subsection 10*)
- MDOT must receive sufficient obligation authority to complete the buyout (*subsection 11*)
- The local agency must complete the project that was funded in the buyout:
 - Surplus funds can be used on any federal aid eligible project or returned to MDOT (*subsection 12*)
 - Completed work must be reported to the transportation asset management council investment reporting tool or any successor system (*subsection 12*)
 - If the local agency cannot complete the project within 3 years, they must notify MDOT, MPO or Rural Task Force (RTF), and identify an alternative project, that is federal aid eligible, that can be constructed within the original 3-year period or return the funds to MDOT (*subsection 13*)
 - Must follow policy that governs the number of force accounts and the total amount of money spent on force account project cost authorizations in a fiscal year (*subsection 14*)

- Contracts between local road agencies and contractors must contain a federal wage and benefits schedule consistent with Section IV of Form Federal Highway Administration 1273, revised May 1, 2012, or any successor form (*subsection 15*)

Buyout Timeline (DRAFT)	FY 2023 Call	Future Calls
Call for Buyouts for FY	June 2022	November 1 st of prior FY
Buyout Requests Due	June 31, 2022	January 3 rd of prior FY
Selections of Buyouts Announcement	August 1, 2022	Mid-February of prior FY

It is recommended to start the Call for Federal Aid Buyouts at a specific hour of the day, such as 8:00 am. An email address has been created: MDOT-FederalAidBuyout@michigan.gov

This timeline is important because in the Local Agency Programs (LAP) timeline for project submittals, a local agency should get **National Environmental Policy Act** (NEPA) documents to LAP by March for the following FY obligations, and time is needed to prepare these documents. July is when grade inspection packages should be submitted to LAP for the following FY obligations.

MDOT's Current Draft Administration Framework for the Federal Aid Buyout (DRAFT)

1. Limit the buyout to only Surface Transportation Block Grant (STBG) and STBG flex funding only.
2. Exchange requests will be e-mailed to MDOT-FederalAidBuyout@michigan.gov. The call for exchange requests will be send out 2 weeks before the call opens. The call will start at a specific time on the first day of the call for exchange applications and close at a specific date and time as specified in the call letter. The received timestamp on email will identify the order received. Plan to have an auto generated received e-mail send to the submitter to confirm receipt of the exchange request. Publish a received list on the MDOT website for review to allow an agency to dispute (if agency can show they sent an email did not go through). Allow 2-weeks to review for discrepancies.
3. The amounts of the buy-out will be capped at the STIP approved federal amount. If the available amount of federal aid is decreased from the estimated amount for a given fiscal year, then the amount of the exchange may be decreased.
4. Projects would be locally let and would not be let by MDOT LAP
5. Projects cannot be part of the federal aid buyout and be part the Local Federal Fund Exchange (LFFE) program
6. Projects that are utilizing advance construction cannot be part of the buyout
7. If the project has other federal aid sources that are not eligible for the buyout (ex: HIP, CMAQ) then the project cannot be exchanged.

8. You must buyout the entire project and complete it with state or local funds.
9. Contract requirements will follow the guidelines of the buyout. Compliance will be on the local to demonstrate.
10. If an MPO deems a project regionally significant that is in the buyout, then the MPO can re-program it as a locally funded regionally significant project and it will remain on the MPO TIP.
11. Program contacts must be the local agency and not a consultant.
12. Buyouts can only be for construction phases
13. Subject to change and based on funding availability. Ex: if a gas tax holiday is passed and there is a decrease in available state aid.
14. Local agency will report to MDOT once the project is completed including confirmation that the federal wage and benefits were adhered to, confirmation that force account policy was adhered to, state the amount spend on the project, and state what federal aid eligible activity any surplus funds spend on.

Items under consideration

1. Determine whether a cap or maximum amount per agency should be set to ensure that the opportunity is spread across more participants rather than a few large projects.
2. Determining a process for limiting the program once the minimum program level is reached.
3. Interpret the Act 49 subsection 12 language reference to *any surplus must be applied to federal-aid-eligible projects* to mean that surplus funds can be used for the local agencies federal aid eligible activities and improvements (excluding routine maintenance) as outlined in Section 10c(l) of Michigan Public Act 51 of 1951 (MCL247.660c, Section 10c(l)), OR, as matching funds on any federal aid project undertaken by the local agency. (This is the same language used in the LFFE program guidelines)

Products that MDOT is developing

- Program guidelines
- Call for projects letter
- Submittal form
- Program email MDOT-FederalAidBuyout@michigan.gov
- Internal MDOT process after project selection
- Program Agreement/Contract
- Final project completion report form or format

Please submit any comments, concerns, or questions regarding the federal aid buyout program to MDOT-FederalAidBuyout@michigan.gov.

MDOT Project Amendments – May 2022

Contact: Brain Sanada, Region Planner sanadab1@michigan.gov

M-51 PE – Job #211815 – Change of Limits / location

	Currently Approved	Proposed
Limits	M-139 and M-63 in Berrien County	All of M-51
Work Description	Durable all-weather markings with centerline and shoulder corrugations	
Cost (NATS area only – no change)		
Federal HSIP	\$9,960	
Local Match	\$1,077	
Total Cost	\$10,767	

Pavement Markings CON – Job #207341 – Cost Increase

Limits	All trunkline in NATS Area	
Work Description	Pavement marking retroreflectivity readings	
Cost Increase		
	Currently Approved	Proposed
Federal HSIP	\$1,406	\$2,555
Local Match	\$156	\$284
Total Cost	\$1,562	\$2,839

US-12 CON – Job # 127449 – Scope Change

	Currently Approved	Proposed
Work Description	One Course Asphalt Overlay	Shoulder Rehabilitation
Limits	Galien Township line to west of Mayflower Road	
Cost (NATS area only – no change)		
Federal STBG	\$8,336,423	
Local Match	\$1,848,578	
Total Cost	\$10,185,001	

Due to cost increases, MDOT had to change the work to fit their budget. Construction will be moved from 2023 to 2025 but the funding/obligation will remain in as FY 2023