

CORRESPONDENCE/MEMORANDUM

PROJECT AGREEMENT ACCEPTANCE

DATE: October 31, 2016

SUBJECT: Revised #1 Project Agreement

City of Portage, Portage Canal
Wisconsin River to Fox River (HPP 6996-05-27)
Adams Street to Canadian Pacific Railway Bridge (HPP 6996-05-28)
Hamilton Street and Riverwood Apartments Bridges (TAP 6996-05-35)
City of Portage, Columbia County

The Attached Agreement Is Recommended For Approval:

WISDOT PROGRAM: Local Enhancement (6996-05-27/ 28); Bicycle and Pedestrian Facilities (6996-05-35)

LEGISLATIVE SUBPROGRAM: 290 – Transportation Alternatives

CONCEPTS COVERED by this AGREEMENT: Design and construction to rehabilitate the historic canal and provide adjacent pedestrian and bicycle facility.

ESTIMATED COST: \$1,450,991

PARTICIPATION: 80% Federal HPP funding limit of \$979,353; 80% Federal BFP Federal funding limit of \$181,440. City of Portage is responsible for the remaining costs.

EXECUTED BY: City of Portage

DATE: October 18, 2016

LET DATE: July 9, 2019

NOTES: SMA revised to remove concept and funding for project 6996-05-33 as the project did not meet commencement requirement per statute and was cancelled.

REGION REVIEWER:

MARILYN DANIELS
REGIONAL PROGRAM COORDINATOR

REGION: SW

OCTOBER 31, 2016
DATE

**Federal/State/Project Sponsor
High Priority Projects (HPP) Program
Transportation Alternatives Program (TAP) –
Subprogram 290
STATE LET
Revision #1 Project Agreement**

Revision #1 Date: June 16, 2016
Date: June 25, 2013

This agreement supersedes the agreement for 6996-05-27/28/33/35 signed by the Municipality on July 16, 2013 and approved by the State on July 23, 2013.

ID: 6996-05-27/28 (HPP)
6996-05-35 (TAP)
Highway: Non Highway
Project Name: City of Portage, Portage Canal
Limits: Wisconsin River to Fox River (HPP - 6996-05-27)
Adams Street to Canadian Pacific Railway Bridge (HPP - 6996-05-28)
Hamilton Street and Riverwood Apartments Bridges (TAP – 6996-05-35)
County: Columbia

The signatory, City of Portage, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the high priority project hereinafter described.

Wisconsin Statute 85.026(1) authorizes the State to administer a program to award grants of assistance to any political subdivision or state agency for transportation enhancement activities consistent with federal regulations promulgated under 23 USC 133 (b) (8).

The authority for the Municipality to enter into this Agreement with the State is provided by Section 86.25(1), (2) and (3) and Section 66.0301 of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Describe Project or Existing Facility – Give details and reason for request: The Portage Canal is on the National Register for Historic Places. It begins at the Wisconsin River where the Wisconsin River lock is located and runs northeast approximately 2.5 miles to its terminus at the Fox River, just north of the remnants of the Fort Winnebago lock. The canal is no longer used as a transportation route. It has been neglected and its condition has deteriorated.

Proposed Improvement - Nature of Work: It is proposed to provide a pedestrian and bicycle facility adjacent to Portage Canal, which will result in modifications to the canal. The first phase of construction between the Wisconsin River and Adams Street, including the rehabilitation of the Wisconsin River lock was completed in 2006. This phase will include reviewing the previous concepts to the Fox River, with construction proposed between Adams Street and the Canadian Pacific Railway bridge. It will also include a new pedestrian/bicycle bridge crossing at Hamilton Street and a new pedestrian/bicycle bridge across the Wisconsin River Locks near the Riverwood Apartments.

Non Participating Items: None.

Summary of Project Funding:

	Total Estimated Cost		HPP		TAP		Local Share	
	\$	%	Funds	%	Funds	%	\$	%
Design (6996-05-27)								
Plan Development	\$ 350,000	80%	\$ 280,000	80%	\$ -	N/A	\$ 70,000	20%
State Review	\$ 50,000	80%	\$ 40,000	80%	\$ -	N/A	\$ 10,000	20%
Total Design	\$ 400,000	80%	\$ 320,000	80%	\$ -	N/A	\$ 80,000	20%
Construction (6996-05-28):								
Participating	\$ 824,191	80%	\$ 659,353	80%	\$ -	N/A	\$ 164,838	20%
Non-participating	\$ -	0%	\$ -	0%	\$ -	N/A	\$ -	100%
(Non-Federally Eligible Items)	\$ -	0%	\$ -	0%	\$ -	N/A	\$ -	100%
Total Construction (6996-05-28)	\$ 824,191	80%	\$ 659,353	80%	\$ -	N/A	\$ 164,838	N/A
Construction (6996-05-35)								
Participating	\$ 226,800	N/A	\$ -	N/A	\$ 181,440	80%	\$ 45,360	20%
Non-participating	\$ -	N/A	\$ -	N/A	\$ -	0%	\$ -	100%
(Non-Federally Eligible Items)	\$ -	N/A	\$ -	N/A	\$ -	0%	\$ -	100%
Total Construction (6996-05-35)	\$ 226,800	N/A	\$ -	N/A	\$ 181,440	80%	\$ 45,360	20%
Total Construction	\$ 1,050,991	80%	\$ 659,353	80%	\$ 181,440	80%	\$ 210,198	N/A
Total Cost Distribution	\$ 1,450,991		\$ 979,353		\$ 181,440		\$ 290,198	
Maximum			\$ 979,353		\$ 181,440			

Note: Construction also includes construction engineering.

The apportionment of costs for work necessary to finish the project (including non-participating work and work which will be undertaken by the Municipality) is as follows:

Summary of HPP Earmark Appropriation Remaining:

Note: Please see the Revised State/Municipal Agreement for Project ID 6996-05-06/07/12 signed by the Municipality on August 25, 2006 for the FFY 2005 and 2006 amounts. The total Federal Amount was \$1,760,000 and the Actual Federal Amount Available was \$1,583,824.

Federal Fiscal Year (FFY)	Federal Amount	Local Share	Actual Federal Amount Available (1)	Modified Local Share (2)	Cumulative Federal Funds Available
2007	\$352,000	\$88,000	\$324,271	\$81,068	\$324,271
2008	\$352,000	\$88,000	\$325,428	\$81,357	\$649,699
2009	\$352,000	\$88,000	\$329,654	\$82,414	\$979,353
Total	\$1,056,000	\$264,000	\$979,353	\$244,839	\$979,353

(1) The amount available will be determined when the Federal Highway Administration (FHWA) issues the Notice of Funding for the State for each Federal Fiscal Year (FFY). The amount includes or will include federal obligation limit and any applicable rescissions. The State will provide notice to the Municipality of the amount to be inserted when the information is available.

(2) The required local match must equal 20% of the total. The Municipality may choose to increase the local match or seek concurrence with the State to down-scope the project to compensate for any decreased federal funds or increases in costs above estimates. The State will provide notice or confirmation of the amount to be inserted after the Municipality and the State consult.

The federal High Priority Projects program under 23 USC 117 provides authorization for funding over five years, 20% each year, subject to the annual obligation limitation set by Congress in each year's appropriations bill.

In FFY 2007, the obligation limitation ratio was 90.549%, plus there was a Revenue-Aligned Budget Authority (RABA) adjustment of \$6,116. Therefore, the project received an allocation of \$324,271 in FFY 2007 ((20% of \$1,760,000) + \$6,116) for the RABA x 90.549%).

In FFY 2008, the obligation limitation ratio was 92.451%. Therefore, the project received an allocation of \$325,428 in FFY 2008 (92.451% of 20% of \$1,760,000).

In FFY 2009, the obligation limitation ratio was 93.652%. Therefore, the project received an allocation of \$329,654 in FFY 2009 (93.652% of 20% of \$1,760,000).

Project funding is a local responsibility and the State is statutorily unable to advance construct the project with State funds. Therefore, the Municipality has the option to wait until all federal funding for the project is received – after the FFY 2009 appropriations bill has been enacted – or front all of the project funds in excess of the federal funds currently available for reimbursement thus far. The Municipality must ensure that the non-federal match requirement is met. This project must be State let.

The State will bill the Municipality for the entire amount of the High Priority Project (HPP) work, less any federal funds actually currently available to the State for the specific project. The Municipality shall be responsible for all costs less the federal funds that actually are available.

(3) Project 6996-05-28 must be constructed and in final acceptance by June 30, 2019. The State may consider a written request to extend the completion deadline from the Municipality and may approve such a request in the presence of extenuating circumstances. The written request shall explain the reasons for project implementation delay and revised timeline for project completion. If the Wisconsin Department of Natural Resources is unable to complete its responsibilities associated with the remediation of the contaminated soils within this timeline, this should be included as one of the reasons.

The Municipality agrees to the following State Fiscal Year 2014 – 2018 TAP project funding conditions:

Project ID 6996-05-35 is funded with 80% federal funding up to a maximum of \$181,440 for all federal-funded project phases when the Municipality agrees to provide the remaining 20% and all funds in excess of the \$181,440 federal funding maximum, in accordance with TAP guidelines. Non-participating costs are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

Project 6996-05-35 must be commenced within four (4) years of the project award date or the grant is rescinded. Sec. 85.021, Wis. Stats.

- 1) For construction projects, a project is commenced when construction is begun.
- 2) For planning projects, a planning project is commenced when the planning study is begun.
- 3) For non-infrastructure projects that do not fall within any of the above categories, a project is considered commenced on the date that WisDOT receives the first reimbursement request from the project sponsor, as noted on form DT1713 in the 'Date Received' field.

Project Award date: Miscellaneous

Commencement deadline: 7/1/2014

Completion deadline: 6/30/2021

The project commencement deadline is fixed by statute, and may not be extended.

Project 6996-05-35 must be constructed and in final acceptance by June 30, 2021. The State may consider a written request to extend the completion deadline from the Municipality and may approve such a request in the presence of extenuating circumstances. The written request shall explain the reasons for project implementation delay and revised timeline for project completion. If the Wisconsin Department of Natural Resources is unable to complete its responsibilities associated with the remediation of the contaminated soils within this timeline, this should be included as one of the reasons.

The Catalogue of Federal Domestic Assistance (CFDA) number for this project is 20.205 – Highway Planning and Construction.

This request is subject to the terms and conditions that follow (pages 6 and 7) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon acceptance by the State shall constitute agreement between the Municipality and the State.

Signed for and on behalf of Municipality:	
Signature <i>Rick Dodd</i>	Title Mayor
Name (Written Clearly) RICK DODD	Date 10-18-16
Signature <i>Marie A. Moe</i>	Title Clerk
Name (Written Clearly) Marie A. Moe	Date 10-18-16

Accepted for and on behalf of the State and returned to Municipality:	
Signature <i>Todd Matheson</i>	Title PDS Southwest Region Planning Chief
Name (Written Clearly) TODD MATHESON	Date 10/31/16

-Terms and Conditions Begin on the Next Page-

TERMS AND CONDITIONS

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality will pay to the State all costs incurred by the State in connection with the improvement which exceed the current amount of Cumulative Federal Funds Available to the State as shown in the table on the first page of this Agreement or are ineligible for Federal/State financing.
3. Funding of each project phase (preliminary engineering, real estate, construction, and other) is subject to inclusion in an approved program. Federal aid and/or State transportation fund financing will be limited to participation in the costs of the following items as specified in the estimate summary:
 - a. Preliminary engineering and state review services.
 - b. The grading, base, pavement, curb and gutter, retaining wall, and restoration of the canal, including dredging, construction of revetment walls, and bridges.
 - c. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
 - d. Construction engineering incidental to inspection and supervision of actual construction work.
 - e. Signing and pavement marking, including detour routes.
 - f. Storm sewer mains necessary for the surface water drainage.
 - g. Construction or replacement of sidewalks and surfacing of private driveways.
 - h. New installations or alteration of street lighting and traffic signals or devices.
 - i. Landscaping.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner or other responsible party (not including the State) includes the following items:
 - a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - b. Damages to abutting property due to change in street or sidewalk widths, grades or drainage.
 - c. Conditioning, if required, and maintenance of detour routes.
 - d. Repair of damages to roads or streets caused by reason of their use in hauling materials incidental to the improvement.
 - e. Real estate for the improvement.
5. As the work progresses, the Municipality will be billed for and agrees to pay for work completed which exceeds the current amount of Cumulative Federal Funds Available to the State as shown in the table on the first page of this Agreement or which is ineligible for Federal/State financing. Upon completion of

the project, a final audit will be made to determine the final division of costs and the Municipality agrees to pay any required reimbursement to the State.

6. If the Municipality should withdraw from the project, it will reimburse the State for any costs incurred by the State on behalf of the project.
7. The work will be administered by the State and may include items not eligible for Federal/State participation.
8. The Municipality will at its own cost and expense:
 - a. Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements, in a manner satisfactory to the State and will make ample provision for such maintenance each year.
 - b. Prohibit angle parking.
 - c. Regulate or prohibit all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - d. Regulate and prohibit parking at all times in the vicinity of the proposed improvements during their construction.
 - e. Assume general responsibility for all public information and public relations for the project and to make fitting announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
 - f. Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy that has equal or more restrictive controls.
9. Project ID 6996-05-28 must be constructed and in final acceptance by June 30, 2019. Project ID 6996-05-35 must be constructed and in final acceptance by June 30, 2021. The State may consider a written request to extend the completion deadline from the Municipality and may approve such a request in the presence of extenuating circumstances. The written request shall explain the reasons for project implementation delay and revised timeline for project completion. If the Wisconsin Department of Natural Resources is unable to complete its responsibilities associated with the remediation of the contaminated soils within this timeline, this should be included as one of the reasons.
10. Basis for local participation:

ID 6996-05-27/28:	High Priority Projects Program, Section 1702 of SAFETEA-LU, 80% federal up to the maximum available at this time, or \$979,353, with 100% Local for non-federally eligible items, if necessary.
ID 6996-05-35:	80% Transportation Alternatives Program, with a maximum cap of \$181,440; and 20% Local.
11. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.