

290-RICR-20-00-2

TITLE 290 - DEPARTMENT OF TRANSPORTATION

CHAPTER 20 - GOVERNMENT AND UTILITIES

SUBCHAPTER 00 - N/A

PART 2 - Submission and Evaluation of Municipal Infrastructure Plans Under the Municipal Road and Bridge Revolving Loan Fund Program

2.1 Authority

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws § 24-18-7 which authorizes the Rhode Island Department of Transportation to evaluate submissions by municipalities of proposed infrastructure plans, identify eligible projects, and create a Project Priority List. These Rules and Regulations are promulgated in accordance with R.I. Gen. Laws Chapter 42-35-1 *et seq.* of the Administrative Procedures Act.

2.2 Purpose

The purpose of these Rules and Regulations is to establish a procedure for the submission of infrastructure plans, as well as evaluation criteria to be used in ranking infrastructure plans, pursuant to R.I. Gen. Laws § 24-18-7.

2.3 Definitions

- A. Except as otherwise indicated, the following definitions shall apply:
1. "Application" means Municipal Road and Bridge Revolving Loan Fund Project Loan Application.
 2. "Approved Project" means any project approved by the Rhode Island Infrastructure Bank for financial assistance.
 3. "Bank" means the Rhode Island Infrastructure Bank.
 4. "Department" means The Rhode Island Department of Transportation.
 5. "Eligible Project" means an infrastructure plan, or portion of an infrastructure plan, that is intended to proceed within the upcoming calendar year, which meets the evaluation criteria established in § 2.5 of

this Part and is consistent with the State Guide Plan, R.I. Gen. Laws § 42-11-10.

6. "Final Agency Decision" means the decision of the Department, as indicated by written correspondence determining the Project Priority List.
7. "Financial Assistance" means any form of financial assistance other than grants provided by the Bank to a city or town in accordance with R.I. Gen. Laws § 24-18- 7, as amended for all or any part of the cost of an Approved Project, including, without limitation, temporary and permanent loans, with or without interest, guarantees, insurance, subsidies for the payment of debt service on loans, lines of credit, and similar forms of financial assistance.
- 8 "Infrastructure Plan" means a project proposed by a city or town that would make capital improvements to roads, bridges and appurtenances thereto consistent with project evaluation criteria established in § 2.5 of this Part.
9. "Project Priority List" means the list of Eligible Projects, ranked in the order in which Financial Assistance shall be awarded by the Bank, as long as the Eligible Project and/or municipality meet the requirements for Financial Assistance set forth in the program regulations for the Municipal Road and Bridge Revolving Fund established by the Bank.
10. "Project Year" means calendar year in which a project would be constructed and would receive Financial Assistance, if approved.

2.4 Infrastructure Plan Submission Process

- A. Municipalities interested in seeking Financial Assistance for any calendar year may submit an Infrastructure Plan to the Department, according to the procedure delineated below.
- B. A municipality must submit one copy of the complete Application, additional narrative, as necessary, and location maps in digital form or as a paper copy with no staples or folds. The Application materials must be sent to the address specified on the application.

2.5 Project Evaluation Criteria

- A. The Department will evaluate and rank municipal Infrastructure Plans according to the following criteria:
 1. The extent to which the project generates economic benefits.

2. The extent to which the project would be able to proceed at an earlier date.
3. The likelihood that the project would provide mobility benefits.
4. The cost effectiveness of the project.
5. The likelihood that the project would increase safety.
6. The project's readiness to proceed within the forthcoming calendar year.
7. Any other criteria related to project readiness, resilience, severe weather events, inclusion in the Transportation Improvement Program, or other asset management risks and concerns related to transportation infrastructure.

2.6 Review Process

- A. Beginning on April 1 of each year, the Department will take the following steps to evaluate and rank municipal Infrastructure Plans:
 1. The Department will convene a panel of experts from staff within the Rhode Island Department of Transportation; the Rhode Island Department of Administration, Division of Planning (Statewide Planning Program), and the Rhode Island Commerce Corporation to review projects.
 2. The panel will determine which Infrastructure Plans meet stated project evaluation criteria established in § 2.5 of this Part and are Eligible Projects.
 3. The panel will review all available Application materials and may contact the municipality to request additional information in order to establish a proposed Project Priority List for all Eligible Projects.
 4. The Department will hold a public hearing on the proposed Project Priority List in the month of April. The Public Notice of the availability of the proposed Project Priority List shall be published on the Department's website: www.dot.ri.gov.
 - a. Public notice of the availability of the proposed Project Priority List and the place and time of the public hearing shall be published on the Department's website, for at least three (3) calendar days in advance of the hearing to afford all interested persons reasonable opportunity to submit data, views, or comments concerning the proposed Project Priority List.

- b. The public notice shall indicate the location where copies of the Project Priority List may be obtained and/or reviewed by interested parties prior to the hearing.
 - c. The panel shall accept written comments on the Project Priority List from the time of public notice of availability until the close of the public hearing.
- 5. The panel shall consider fully all written and oral submissions respecting the proposed Project Priority List, and make any changes deemed necessary to serve the purposes of these regulations.
- 6. As advised by the panel, the Department will adopt a final Project Priority List and provide the Bank and the Rhode Island Statewide Planning Program with the proposed Project Priority List no later than May 1 of any year.
 - a. The decision of the Department in writing shall be the Final Agency decision in determining the Project Priority List.
 - b. Subject to availability of funds, the Department may add projects to the Project Priority List after the close of the annual evaluation period after giving no less than ten (10) days' public notice of such action, and provided that no project previously included on the Project Priority List, which remains an Eligible Project, will be unfunded or underfunded as a result.\

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Municipal Road and Bridge Revolving Loan Fund Program (290-RICR-20-00-2)

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Editorial Note: This Part was filed with the Department of State prior to the launch of the Rhode Island Code of Regulations. As a result, this digital copy is presented solely as a reference tool. To obtain a certified copy of this Part, contact the Administrative Records Office at (401) 222-2473.