

**THE STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS**

RHODE ISLAND DEPARTMENT OF TRANSPORTATION

**RULES AND REGULATIONS CONCERNING SUBMISSION
AND EVALUATION
OF MUNICIPAL INFRASTRUCTURE PLANS UNDER THE
MUNICIPAL ROAD AND BRIDGE
REVOLVING LOAN FUND PROGRAM**



**Rules and Regulations Concerning
Submission and Evaluation of
Municipal Infrastructure Plans under the Municipal Road and Bridge
Revolving Loan Fund Program**

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1.0 Authority and Purpose

- 1.1 These Rules and Regulations are promulgated pursuant to Section 24-18-7 of the Rhode Island General Laws of 1956, as amended, 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 Section 42-35-1 *et seq.* of the Administrative Procedures Act.
- 1.2 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 Section 24-18-7 of the Rhode Island General Laws of 1956, as amended.

2.0 Definitions – Except as otherwise indicated, the following definitions shall apply:

- 2.1 Application – Municipal Road and Bridge Revolving Loan Fund Project Loan Application, attached to these regulations as Attachment A.
- 2.2 Application Year - The calendar year prior to the year in which the project would receive financial assistance, if approved.
- 2.3 Approved Project – any project approved by the Rhode Island Clean Water Finance Agency for financial assistance.
- 2.4 Department – The Rhode Island Department of Transportation.
- 2.5 Director – The Director of the Rhode Island Department of Transportation or his designee.
- 2.6 Eligible Project – An infrastructure plan, or portion of an infrastructure plan, that is intended to proceed in the calendar year for which the Application is made, meets the evaluation criteria established in Section 4.0 of these regulations, and is consistent with the State Guide Plan.
- 2.7 Final Agency Decision – The decision of the Director, as indicated by written correspondence determining the Project Priority List.
- 2.8 Financial Assistance – Any form of financial assistance other than grants provided by the Rhode Island Clean Water Finance Agency to a city or town in accordance with Chapter 18 of Title 24 of the Rhode Island General Laws, 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.

- 2.9 Infrastructure Plan – 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 Section 4.0 of these regulations.
- 2.10 Project Priority List – The list of Eligible Projects, ranked in the order in which Financial Assistance shall be awarded by the Rhode Island Clean Water Finance Agency, as long as the Eligible Project and/or municipality meet the requirements for Financial Assistance set forth in the Rhode Island Clean Water Finance Agency program regulations.
- 2.11 Project Year - Calendar year in which a project would be constructed and would receive Financial Assistance, if approved.

3.0 Infrastructure Plan Submission Process

- 3.1 Municipalities interested in seeking Financial Assistance for any calendar year may submit an Infrastructure Plan to the Department beginning on September 15th of the Application Year, according to the procedure delineated below.
- 3.2 A municipality must submit five (5) collated copies of the complete Application, additional narrative, as necessary and location maps. The Application materials must be received no later than 3 p.m. on October 15th of the Application Year at the following address:

Rhode Island Department of Transportation
ATTN: Planning & Finance Division
2 Capitol Hill, Room 247
Providence, RI 02903
- 3.3 The Department shall not evaluate Applications received after 3 p.m. on October 15th of the Application Year.
- 3.4 In the event that October 15th falls on a Saturday, Sunday, or official State holiday, the deadline shall be extended to 3 p.m. on the next non-holiday business day.

4.0 Project Evaluation Criteria – The Department will evaluate and rank municipal Infrastructure Plans according to the following criteria:

- 4.1 The extent to which the project generates economic benefits;
- 4.2 The extent to which the project would be able to proceed at an earlier date;
- 4.3 The likelihood that the project would provide mobility benefits;

- 4.4 The cost effectiveness of the project;
 - 4.5 The likelihood that the project would increase safety; and
 - 4.6 The project's readiness to proceed within the forthcoming calendar year.
- 5.0 Review Process– The Department will take the following steps to evaluate and rank municipal Infrastructure Plans.
- 5.1 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.
 - 5.2 The panel will determine which Infrastructure Plans meet stated project evaluation criteria established in Section 4.0 of these regulations and are Eligible Projects.
 - 5.3 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.
 - 5.4 The Department will hold a public hearing on the proposed Project Priority List no later than the second Friday of December in the Application Year.
 - 5.4.1 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 fourteen (14) 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.
 - 5.4.2 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.
 - 5.4.3 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.
 - 5.5 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.
 - 5.6 As advised by the panel, the Department will adopt a final Project Priority List and provide the Rhode Island Clean Water Finance Agency and the Rhode

Island Statewide Planning Program with the Project Priority List for the forthcoming calendar year.

5.6.1 The decision of the Department in writing shall be the Final Agency Decision in determining the Project Priority List.

6.0 Severability – If a court of competent jurisdiction finds any provision of these Rules and Regulations or their application to any person, municipality, entity or circumstance to be invalid, the remainder of these Rules and Regulations shall not be affected thereby.

7.0 Application – These Rules and Regulations will take effect upon filing with the Secretary of State.

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CERTIFICATION

I hereby attest that the above Rules and Regulations Concerning Submission and Evaluation of Municipal Infrastructure Plans under the Municipal Road and Bridge Revolving Loan Fund Program have been adopted by the Rhode Island Department of Transportation and are true copies.

Michael P. Lewis
Director

Date

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