



# Congestion Mitigation *and* Air Quality Improvement Program

CMAQ |  **dvrpc**

## **FY2020 Competitive Congestion Mitigation and Air Quality (CMAQ) Program for New Jersey Guidance** *(for New FY2022, FY2023, and FY2024 Projects)*

Updated on March 7, 2020 due to COVID-19





**The Delaware Valley Regional Planning Commission** is the federally designated Metropolitan Planning Organization for a diverse nine-county region in two states: Bucks, Chester, Delaware, Montgomery, and Philadelphia in Pennsylvania; and Burlington, Camden, Gloucester, and Mercer in New Jersey.



**DVRPC's vision** for the Greater Philadelphia Region is a prosperous, innovative, equitable, resilient, and sustainable region that increases mobility choices by investing in a safe and modern transportation system; that protects and preserves our natural resources while creating healthy communities; and that fosters greater opportunities for all.

**DVRPC's mission** is to achieve this vision by convening the widest array of partners to inform and facilitate data-driven decision-making. We are engaged across the region, and strive to be leaders and innovators, exploring new ideas and creating best practices.

**TITLE VI COMPLIANCE** | DVRPC fully complies with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related nondiscrimination mandates in all programs and activities. DVRPC's website, [www.dvrpc.org](http://www.dvrpc.org), may be translated into multiple languages. Publications and other public documents can usually be made available in alternative languages and formats, if requested. DVRPC's public meetings are always held in ADA-accessible facilities, and held in transit-accessible locations whenever possible. Translation, interpretation, or other auxiliary services can be provided to individuals who submit a request at least seven days prior to a public meeting. Translation and interpretation services for DVRPC's projects, products, and planning processes are available, generally free of charge, by calling (215) 592-1800. All requests will be accommodated to the greatest extent possible. Any person who believes they have been aggrieved by an unlawful discriminatory practice by DVRPC under Title VI has a right to file a formal complaint. Any such complaint must be in writing and filed with DVRPC's Title VI Compliance Manager and/or the appropriate state or federal agency within 180 days of the alleged discriminatory occurrence. For more information on DVRPC's Title VI program or to obtain a Title VI Complaint Form, please visit: [www.dvrpc.org/GetInvolved/TitleVI](http://www.dvrpc.org/GetInvolved/TitleVI), call (215) 592-1800, or email [public\\_affairs@dvrpc.org](mailto:public_affairs@dvrpc.org).

DVRPC is funded through a variety of funding sources including federal grants from the U.S. Department of Transportation's Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), the Pennsylvania and New Jersey departments of transportation, as well as by DVRPC's state and local member governments. The authors, however, are solely responsible for the findings and conclusions herein, which may not represent the official views or policies of the funding agencies.

# Table of Contents

<b>CHAPTER 1: Introduction .....</b>	<b>1</b>
1.1 About the CMAQ Program .....	1
1.2 About the DVRPC Competitive CMAQ Program .....	1
1.3 Tentative Program Schedule .....	3
<b>CHAPTER 2: Funding.....</b>	<b>5</b>
2.1 How Much Funding Is Available?.....	5
2.2 Minimum Project Cost Requests.....	5
2.3 Local Match Is Encouraged, Not Required .....	5
2.4 Accurate Cost Estimates Are Critical .....	5
2.5 Transit Vehicle Acquisition Cost .....	6
<b>CHAPTER 3: Who Is Eligible to Apply? .....</b>	<b>9</b>
3.1 Public Agency, Incorporated Private Firm, or Non-Profit Entity May Apply .....	9
3.2 Public–Private Partnerships (P3) May Apply .....	9
<b>CHAPTER 4: What Is Eligible? .....</b>	<b>11</b>
4.1 Eligible Project Types.....	11
Alternative Fuel Infrastructure .....	11
Bicycle and Pedestrian Facilities and Programs .....	11
Congestion Reduction and Traffic Flow Improvements.....	11
Experimental Pilot Projects .....	11
Extreme Low-Temperature Cold Start Programs .....	12
Freight/Intermodal.....	12
Idle Reduction.....	12
Inspection and Maintenance (I&M) Programs .....	12
Public Education, Outreach, and Training Activities.....	12
Transportation Control Measures.....	12
Transportation Demand Management (TDM) .....	12
Transit Vehicle Purchase to Expand an Existing or Introduce a New Service for the General Public .....	12
Transit Operating Assistance .....	13
4.2 Ineligible Project Types .....	14
<b>CHAPTER 5: Project Selection .....</b>	<b>17</b>
5.1 How Are Projects Selected? .....	17
Emissions Analysis .....	17
Minimum Project Requirements .....	18
Buy America Requirements .....	19
5.2 CMAQ Project Selection Criteria.....	19
Project Readiness (Weight: 25 out of 100).....	20
Sponsor Capacity (Weight: 25 out of 100) .....	21
Cost Effectiveness of Emissions Reduction (Weight: 20 out of 100).....	21
Long-Term Viability of Emissions Benefit (Weight: 20 out of 100) .....	21
EJ (Weight: 5 out of 100) .....	22
Level of Match (Weight: 5 out of 100) .....	22

5.3 Is the Project Scalable? .....	23
------------------------------------	----

## **CHAPTER 6: Application Submission and Instructions .....25**

6.1 By August 14, 2020: Meet with DVRPC before Application Submission .....	25
6.2 By August 21, 2020: Submit Required Application Materials .....	25
Application Checklist .....	25
Project Summary.....	25
Project Application Form .....	26
“Cost Breakdown” Table .....	26
Emissions Analysis Forms .....	27
Vehicle Inventory Form (for Transit Applicants) .....	27
6.3 By October 2, 2020: Submit Letter of Commitment/Intent, Support, Agreements, and/or Resolutions .....	27
6.4 How to Submit Application Materials in DVRPC’s CMAQ Application System .....	28
6.5 Helpful Resources .....	30

## **CHAPTER 7: Managing the Project.....33**

7.1 Assistance from DVRPC and NJDOT/NJ TRANSIT .....	33
7.2 Procedural and Regulatory Requirements Apply (after Award) .....	33
7.3 What If Cost Exceeds Expectations? What If Project Fails to Authorize, Implement, and/or Reach Completion? What If There Are Project Delays? .....	34

## **Figures**

<b>Figure 1:</b> Create New Project Application.....	29
<b>Figure 2:</b> DVRPC CMAQ Application Checklist.....	29

## **Tables**

<b>Table 1:</b> Program Schedule (Subject to Change) .....	3
<b>Table 2:</b> Transit Vehicle Cost Estimates for FY2022–FY2024 Procurement.....	7
<b>Table 3:</b> Federal FY and Annual Deadlines for Document Submission .....	20
<b>Table 4:</b> Examples of Project Life Periods for Project Evaluation .....	23
<b>Table 5:</b> Project Selection Criterion–EJ .....	23

## **Appendices**

<b>Appendix A: Selection Criteria .....</b>	<b>A-1</b>
<b>Appendix B: Project Implementation Procedural and Regulatory Requirements .....</b>	<b>B-1</b>
<b>Appendix C: County, Regional, and State Contacts.....</b>	<b>C-1</b>

## CHAPTER 1:

# Introduction

There are a number of procedures, stipulations, and limitations associated with the use of federal Congestion Mitigation and Air Quality Improvement (CMAQ) funds. **Interested applicants are strongly encouraged to review all sections within this document** that explain what an applicant must know about the program, how to apply for funds, and what regulations award recipients must follow to generate a successful project.

## 1.1 About the CMAQ Program

The CMAQ Program was created under the Intermodal Surface Transportation Efficiency Act of 1991; continued under the Transportation Equity Act for the 21st Century; and the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users; and was reauthorized by the Fixing America's Surface Transportation Act (FAST Act) in 2015. Every CMAQ project must meet three basic criteria: 1) be a transportation project; 2) generate a reduction in emissions; and 3) be located in or benefit a non-attainment or maintenance area for ozone, carbon monoxide, and particulate matter.

CMAQ funds are apportioned to states and are administered through state Departments of Transportation (DOTs) and/or Metropolitan Planning Organizations (MPOs). Each state and MPO has its own CMAQ project selection process. These entities determine how to select CMAQ projects, although the Federal Highway Administration (FHWA) requires an analysis of project emissions benefits as part of the funding criteria.

**To get started, please view the [FHWA “CMAQ 101 Training Course” video on YouTube](#). The video provides a basic introduction to the program, how CMAQ funds are distributed to states, and the types of projects eligible for the CMAQ Program.**

## 1.2 About the DVRPC Competitive CMAQ Program

Through the Delaware Valley Regional Planning Commission (DVRPC) Competitive CMAQ Program, DVRPC administers federal CMAQ funds allocated to the DVRPC New Jersey region by the New Jersey Department of Transportation (NJDOT) on behalf of the FHWA to fund transportation-related projects in the DVRPC New Jersey region. These projects must improve air quality and reduce congestion in air quality non-attainment and maintenance areas within the region.

**The CMAQ Program is a reimbursement program** for only those costs that are CMAQ eligible under federal law. This program cannot reimburse funds directly to private organizations or individuals; it will only reimburse the Project Sponsor (public agency). **This is not a grant program.** The Sponsor does not receive grant funds up front to start the project; rather, the Sponsor is reimbursed for costs incurred after receiving federal authorization of the project and a notice to proceed. Costs incurred prior to project award notification and notice to proceed will not be reimbursed.

In the DVRPC Fiscal Year (FY) 2020 Competitive CMAQ Program for New Jersey, **\$5 million** in CMAQ funds between federal FY2022 and FY2024 are available for new projects in New Jersey counties (Burlington, Camden, Gloucester, and Mercer) and cities (Camden and Trenton) that will contribute to the attainment of the Clean Air Act standards by reducing emissions from mobile sources. As in the previous round, \$1 million of the total amount is dedicated to construction-ready [Circuit](#) trail projects. **Through the appropriate state entity, such as NJDOT, the awarded projects must receive federal authorization, which is the federal government’s “commitment” to the federal share of the project cost, between October 1, 2021, and**



**August 31, 2024.** For transit vehicle acquisition projects, vehicles will be purchased by New Jersey Transit (NJ TRANSIT) on behalf of the Project Sponsor/Operator (subrecipient) through a Federal Transit Administration (FTA) compliant competitive vehicle procurement process between FY2022 and FY2024.

**Project Sponsors must submit applications by 5:00 PM on Aug. 21, 2020, and supplemental materials (i.e., commitment/support letters, resolutions, or agreements) by Oct. 2, 2020, to the DVRPC online CMAQ application system at [www.dvrpc.org/CMAQ](http://www.dvrpc.org/CMAQ).** The application system's direct link is: [www.dvrpc.org/asp/cmaqApplication/login.aspx](http://www.dvrpc.org/asp/cmaqApplication/login.aspx).

**A Sponsor agency may apply for more than one project.** In the application, the Sponsor agency must indicate the priority level for each project that is requesting CMAQ funds. Each project must have its own individual application in order to be considered.

**All applicants and Project Sponsors must meet with DVRPC staff by Aug. 14, 2020,** prior to formal submission of their applications. DVRPC staff will review the applications for initial eligibility. Projects that withstand this screening process are then subjected to an air quality emissions analysis that is performed by DVRPC staff. According to federal guidelines, DVRPC staff will perform standardized tests on individual projects that must result in emissions reduction in order for projects to qualify for CMAQ funds. Based on their emissions reduction potential, as well as other criteria (described in this document), project candidates will be evaluated, selected, and presented to the DVRPC Board for approval. Upon approval, they will advance to the DVRPC Transportation Improvement Program (TIP) and NJDOT for inclusion in the [Statewide Transportation Improvement Program](#) (STIP) as part of the line-item, Local CMAQ Initiatives (DB #X065). **Once listed on the TIP and STIP, the Project Sponsors must work with the appropriate state entity(ies) to receive federal authorization between October 1, 2021, and August 31, 2024, followed by procurement and delivery or letting, bidding, and construction close-out within a reasonable amount of time. DVRPC reserves the right to withdraw the CMAQ award from a project for lack of progress or cooperation from the Project Sponsor.**

**The Project Sponsor must contact the appropriate municipal, county, and state government entities, and/or transit Operator(s) before applying,** in which the project will be implemented. The purpose is to inform them of the intent to apply and to coordinate the project effort prior to application deadline. Signal timing and equipment projects, in particular, are required to coordinate their project with the county and NJDOT before the application deadline. **Support letters will be required from these entities for all applications.**

Project Sponsors seeking to implement public transportation improvements must contact the public transit agency that provides service in the proposed project area, including the NJ TRANSIT Community Transportation Manager Anna Magri at [AMagri@njtransit.com](mailto:AMagri@njtransit.com) or (973) 491-7381. Applicants applying for transit vehicle purchases must work with NJ TRANSIT, the home county, and/or other state agency prior to applying for CMAQ funds, to secure an agency "champion" who is willing to shepherd the project through the federal obligation process. Again, support letters will be required from these entities.

County, regional, and state contacts are listed in Appendix C. Applicants are advised to speak with a human being and not give a "heads-up" via voicemail or email. Applicants should take note of the date and person they spoke with in the application.

### 1.3 Tentative Program Schedule

Per Table 1 below, the application period has been extended from May 29 to August 21, 2020 due to COVID-19. Following the deadline, all projects will be initially screened for eligibility and assessed for their emissions reduction potential during the early fall of 2020. The DVRPC CMAQ Selection Committee will then evaluate surviving projects by using a number of different factors (as described in Chapter 5: Project Selection). DVRPC anticipates final approval by the DVRPC Board to occur in winter of 2021. DVRPC intends to notify awarded applicants within two (2) weeks of the Board's action. After receiving the award letter, applicants should initiate the project by scheduling a kick-off scoping meeting with DVRPC and the appropriate state agency.

**Table 1:** Program Schedule (Updated on March 7, 2020 due to COVID-19)

DATE	ACTIVITY
March 10, 2020–August 21, 2020	DVRPC accepts applications for eligible projects
March 20, 2020, from 12:00 PM to 1:00 PM (Eastern Time)	Live informational webinar about the program (which has been recorded and posted on the DVRPC CMAQ web page)
By August 14, 2020	Mandatory applicant meetings with DVRPC (virtual)
August 21, 2020	Application deadline (except for commitment/support letters, resolutions, and/or agreements)
September to October 2020	Project screening, evaluation, and air quality analysis
October 2, 2020	Commitment/support letters, resolutions, and/or agreements due
October to December 2020	Project selection
January/February 2021	DVRPC staff presents recommended CMAQ projects to the DVRPC Regional Technical Committee and Board. DVRPC sends award and regret letters after Board approval.
Summer 2024	All projects selected from this round must submit authorization requests for federal approval <b>before or by the summer of 2024</b> . Generally speaking, the earlier applicants submit authorization requests, the more likely that DVRPC will be able to open a new competitive round to select new projects.

Source: DVRPC, 2020





## CHAPTER 2:

# Funding

### 2.1 How Much Funding Is Available?

A total of \$5 million in CMAQ funds is expected to be available between federal FY2022 and FY2024 in the DVRPC FY2020 TIP for New Jersey to support new projects in New Jersey counties (Burlington, Camden, Gloucester, and Mercer) and cities (Camden and Trenton) that contribute to the attainment of the Clean Air Act standards by reducing emissions from mobile sources. As in the previous round, \$1 million of the total amount is dedicated to construction-ready [Circuit](#) trail projects. The federal fiscal year begins October 1 and ends September 30.

### 2.2 Minimum Project Cost Requests

Minimum funding request limitations ensure administrative resources are efficiently utilized and projects with significant impacts are promoted. **The minimum amount to be requested for a construction project, including construction management/inspection, is \$250,000.**

For construction or transit projects, applicants must first expend their own funds for all pre-construction (i.e., environmental clearance, engineering, design, utilities, right-of-way) or pre-acquisition (i.e., vehicle specifications, lease arrangements, etc.) activities and costs before seeking CMAQ funds for the construction/purchasing phase. CMAQ funds can then be requested to fund the construction phase only.

If funds are awarded to Sponsors requesting CMAQ funds for NJ TRANSIT to purchase transit vehicle(s) on behalf of the Sponsor, then the Sponsor must submit a complete vehicle inventory, quarterly ridership reports, and other necessary documents that NJ TRANSIT may request, in a timely and reasonable manner.

### 2.3 Local Match Is Encouraged, Not Required

A local match is not required for this program's CMAQ requests. However, the project evaluation and selection process will consider more favorably CMAQ requests that have a match. Refer to the "Level of Match" selection criterion in Appendix A for further details. Local match funds may come from local funding sources and private contributions. Sponsors may use non-transportation related federal government funds to provide a local match. Collaborating with private entities may also help raise the local match for CMAQ projects. These sources must be *guaranteed*. For instance, if an applicant has applied to another funding program to potentially use as a local match for the project that is seeking CMAQ funds from this program, but the applicant has not received official award notification to use that program's funds by this CMAQ program's application deadline, the applicant is not permitted to use the other program's potential funding as a source for local match. If the applicant has or will receive official notice of funding from other program(s) by the application deadline, the applicant can include the *guaranteed* funding as local match.

### 2.4 Accurate Cost Estimates Are Critical

**Realistic, detailed, and accurate cost estimates for when the projects will be implemented in FY2022, FY2023, or FY2024 are essential** to clarify assumptions made in creating the budget, such that a third-party reviewer would be able to substantiate the cost assumptions. Applicants must complete and submit the "Cost Breakdown" table as part of their applications. The cost estimate should consider the future-year cost and identify the method used to arrive at the future-value cost from today's dollars (e.g., by using the [Construction Cost Index \[CCI\] that is calculated by Engineering News-Record](#) for construction projects).

Construction project applicants should refer to [NJDOT's Local Aid Project Duration by Phase flowchart](#) and NJDOT's annual deadlines (per Chapter 5) when preparing the project's schedule. The FHWA also provides [helpful guidelines on preparing the estimate, bid reviews, and evaluation](#). The Project Sponsor is responsible for providing all pre-construction activities of the project and will not be reimbursed through this program for those costs.

If no future-year cost estimate is available, DVRPC recommends that project applicants adjust the cost for inflation by applying a 3 percent inflation rate<sup>1</sup> and use the formula,  $P_n = P (1+i)^n$ , where:

- $P_n$  is the total inflated estimated cost;
- $P$  is the base/current estimated cost provided by the Project Sponsor;
- $i$  is the 3 percent inflation rate;
- $n$  is the difference between base/current year and program/authorization year; and
- $(1+i)^n$  is the inflation factor.

This formula calculates the new inflation price. For example, if the current estimated construction cost of a project is \$100,000, and construction is expected to authorize funding in FY2023, then  $\$109,273 = \$100,000(1+0.03)^3$ , where:

- $P_n$  value of \$109,273 is the total inflated estimated cost;
- $P$  value of \$100,000 is the base/current estimated cost provided by the Project Sponsor;
- $i$  is the 3 percent inflation rate;
- $n$  value of 3 is the difference between base/current year (2020) and program/authorization year (2023); and
- $(1+i)^n$ , or in this example,  $(1+0.03)^3$ , is the inflation factor.

If the applicant is providing a 20 percent match and CMAQ funds are requested to provide for the rest of the project, use 80 percent of the total inflated estimated cost ( $P_n$ ) for the CMAQ funds request. In this example, 80 percent of the  $P_n$  value (\$109,273) is \$87,418, and 20 percent of the value is \$21,855.

## 2.5 Transit Vehicle Acquisition Cost







**DVRPC is only accepting requests to provide for new or expanded transit service that will be open to the general public and can demonstrate air quality benefits.**

Applicants are advised to use vehicle price estimates provided by NJ TRANSIT in Table 2 on the next page (and provided in the "Cost Breakdown" spreadsheet). Please make sure that the total cost request in the application accounts for the 10 percent NJ TRANSIT administration cost. Besides contacting NJ TRANSIT Community Transportation Manager Anna Magri at [AMagri@njtransit.com](mailto:AMagri@njtransit.com) or (973) 491-7381, the applicant must complete and upload the vehicle inventory form for the Operator's entire vehicle fleet by the application deadline (May 29, 2020).

---

<sup>1</sup> A 3 percent inflation rate is recommended due to the fact that the CCI rose on average 2.9 percent per year between 2013 and 2017. The 3 percent rate provides a conservative approach in planning for a project's future-year cost and better prepares DVRPC and the Project Sponsor for possible increases to a future construction cost.

**Table 2:** Transit Vehicle Cost Estimates for FY2022–FY2024 Procurement

TYPE	COST	DESCRIPTION	SAMPLE PHOTO
<b>Small Cutaway</b>	\$66,000	This vehicle can transport up to eight ambulatory passengers and two mobility devices. When space permits and if no mobility device is being transported, a flip seat will be included to increase seating capacity. Useful Life is four years or 100,000 miles.	
<b>Standard Cutaway</b>	\$78,000	This vehicle can transport up to 12 ambulatory passengers and a minimum of two mobility devices. When space permits and if no mobility device is being transported, a flip seat will be included to increase seating capacity. Useful Life is five years or 150,000 miles.	
<b>Extended Cutaway Standard Floor</b>	\$81,000	This vehicle can transport up to 16 ambulatory passengers and a minimum of two mobility devices. When space permits and if no mobility device is being transported, a flip seat will be included to increase seating capacity. Useful Life is five years or 150,000 miles.	
<b>Extended Cutaway Low Floor</b>	\$128,000	See Extended Cutaway Standard Floor above. This vehicle can transport up to 16 ambulatory passengers and a minimum of two mobility devices.	
<b>Extended Cutaway Compressed Natural Gas (CNG)</b>	\$104,000	See Extended Cutaway Standard Floor above. This vehicle can transport up to 16 ambulatory passengers and a minimum of two mobility devices.	
<b>Medium Transit Style</b>	\$150,000	This vehicle is designed to transport between 24 to 28 ambulatory passengers and a minimum of two mobility devices. Bus is equipped with air brakes and requires driver to have an air brake certification on their Commercial Driver's License. This vehicle requires a higher insurance combined single limit coverage. Useful Life is seven years or 200,000 miles.	

Source: NJ TRANSIT, 2020

NJ TRANSIT will purchase vehicles through a federal-compliant competitive vehicle procurement process between FY2022 and FY2024 on behalf of the awardee (“subrecipient”). The vehicle is titled to the subrecipient with NJ TRANSIT as first lien holder, and the subrecipient will enter into a “vehicle” lease with NJ TRANSIT. NJ TRANSIT is responsible for all oversight of vehicles until federal Useful Life is met. It is also responsible for maintaining the required “satisfactory continuing control” over the vehicle until the federal interest has expired (which will depend on vehicle type) anywhere between four and seven years after the vehicle in-service date.

The NJ TRANSIT 10 percent administration fee covers the following (but is not limited to):

- preparing the FTA CMAQ application for submittal to [Transit Award Management System](#) and once all funds are expended, preparing grant closeout for the FTA;
- development of vehicle specifications for going out to bid;
- vehicle procurement, including traveling to the factory where vehicles are manufactured to do the “sign-off” from the production line;
- preparing all related administrative paperwork, including fully executed vehicle agreements, updating the status of the project on the quarterly reports for FTA, and ensuring insurance certifications are sent to NJ TRANSIT every year;
- performing regular on-site vehicle inspections;
- maintaining a vehicle inventory database on the purchased vehicle(s);
- reviewing quarterly ridership reports submitted by the Project Sponsor agency;
- providing training (e.g., driver training, use of the vehicle lift) and technical assistance to the Project Sponsor; and
- ensuring compliance with [FTA Transit Asset Management](#) and [National Transit Database](#) reporting.

## CHAPTER 3:

# Who Is Eligible to Apply?

### 3.1 Public Agency, Incorporated Private Firm, or Non-Profit Entity May Apply

Any public agency or incorporated private firm or non-profit entity may apply to DVRPC for CMAQ funds as long as their project serves the DVRPC New Jersey region. However, there are certain restrictions that must be addressed if a private firm or non-profit entity is applying for funds. **Private firms and non-profits must partner with a local public agency sponsor and have a formal agreement in place with the public agency at the time of funding award** (see “Private Partnerships (P3) May Apply” section below). **Private individuals may not apply.**

### 3.2 Public–Private Partnerships (P3) May Apply

CMAQ funds may be used for projects that are cooperatively implemented under agreements between public agencies and incorporated private firms or non-profit entities. The public agency partner is responsible for applying for the CMAQ funds through DVRPC and overseeing and protecting the investment of the federal funds used in P3 project. Projects are not eligible if they result in creating a competitive advantage for one private entity over another. Further, P3 projects must demonstrate compliance with National Environmental Policy Act, Disadvantaged Business Enterprise, and all other applicable federal laws and regulations. CMAQ funding cannot be used to fund an obligation imposed upon the private sector.

Federal law requires that a legal, written agreement be in place between the public agency and private or non-profit entity before implementing any CMAQ-funded project, such as a Stewardship and Oversight Agreement. These agreements should clearly specify the purpose of CMAQ funding; the roles and responsibilities of the participating agencies; cost-sharing arrangements for capital investments and/or operating expenses; and how the disposition of land, facilities, and equipment will be affected should the original terms of the agreement be changed, such as by insolvency or a change in the ownership of the private entity. Although these agreements need not be submitted until October 2, 2020, the application must include letters of intent between the parties indicating willingness to enter into such agreement, if the project is selected. [Click here](#) to learn more about how the FHWA reviews P3s.

**A Project Sponsor (public agency) must have primary control of funded projects, or a contractual relationship must exist between the public agency and a private partner. Private ownership or operation must be cost effective. The Project Sponsor is ultimately responsible for ensuring staff capacity to satisfy all project requirements. This program cannot reimburse funds directly to private organizations or individuals; it will only reimburse the Project Sponsor.**

**This Page is Intentionally Left Blank**



## CHAPTER 4:

# What Is Eligible?

### 4.1 Eligible Project Types

To meet the requirements of the Clean Air Act and its amendments, every project that receives CMAQ funding must result in a reduction of emissions related to transportation, congestion reduction, and be for the public good (i.e., not benefiting one private entity over another, improvements must be used and accessible for general public use). All federal eligibility requirements for transportation projects must be met (see [FHWA CMAQ Eligibility Guidance](#) or the DVRPC CMAQ web page).

In addition to CMAQ requirements, certain activities are explicitly identified as either eligible or ineligible for CMAQ funding. Listed below are various **Transportation Clean Air Measures** that are **eligible** for CMAQ funding, which the DVRPC FY2020 Competitive CMAQ Program for New Jersey is accepting:

**Alternative Fuel Infrastructure**<sup>2</sup>;

**Bicycle and Pedestrian Facilities and Programs** (e.g., new bikeshare capital and equipment, new separated bike lanes on existing streets, or new non-motorized facilities that demonstrate single-occupancy vehicle (SOV) reduction and not exclusively recreational)<sup>3</sup>;

**Congestion Reduction and Traffic Flow Improvements** (e.g., traffic signal optimization, interconnection, or actuation; dynamic message signs; modern roundabouts; intersection improvements that do not add capacity);

**Experimental Pilot Projects**<sup>4</sup>;

---

<sup>2</sup> The **establishment of on-site fueling facilities and other infrastructure** needed to fill alternative-fueled vehicles **must be visible, conveniently located and open to the general public, and comply with FHWA's Buy America requirements** under this program. Applicants are not permitted to "double-dip" by stacking funding/incentives from other ongoing incentive programs, such as the NJDEP It Pay\$ to Plug-In Program and the NJBPU "Clean Fleet Electric Vehicle Incentive" Program, for the same infrastructure that is seeking CMAQ funds from this program (however, the location is an exception). For example, an electric vehicle charging station seeking CMAQ funds from this program must not be the same station being considered or funded by other incentive programs; but one may apply to provide for a different station at the same location. If applicants have applied to other incentive programs, they must acknowledge in the application form that the item(s) seeking CMAQ funds from this program are different. The conversion of individual or a fleet of conventionally powered vehicles to alternative fuels is CMAQ ineligible.

<sup>3</sup> Other eligible CMAQ examples include bicycle parking, bike racks on transit, bicycle storage or service centers at transit hubs, bridges/overcrossings for pedestrians and/or bicyclists, bicycle coordinator position, crosswalks (new or retrofit), curb cuts and ramps, maps (for pedestrians and/or bicyclists), paved shoulders for pedestrian and/or bicyclist use, shared use paths/transportation trails, sidewalks (new or retrofit), signed pedestrian/bicycle routes, trail bridges, trail/highway intersections, training, tunnels/undercrossings for pedestrians and/or bicyclists. For those interested in funding bicycle and pedestrian facilities and programs, the FHWA provides two excellent resources about CMAQ eligibility:

[www.fhwa.dot.gov/environment/bicycle\\_pedestrian/funding/funding\\_opportunities.cfm](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/funding_opportunities.cfm)

and [www.fhwa.dot.gov/environment/bicycle\\_pedestrian/funding/faq\\_bikeshare.cfm](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/faq_bikeshare.cfm). Further, Americans with Disabilities Act (ADA)-compliant curb ramps and sidewalks associated with a proposed air quality beneficial project are CMAQ eligible. In this program, any CMAQ requests for bike racks, shelters, and lockers must comply with FHWA's Buy America requirements. Under [FHWA's Buy America requirements](#), steel and iron purchased on a contract funded with Federal funds must be produced in the United States. These requirements apply only to the actual steel and iron that is incorporated into a product, and there is an allowance for a minimal amount of foreign-produced steel or iron (\$2,500, or one-tenth of one percent of the total contract price, whichever is greater).

<sup>4</sup> Recognizing that there could be many possible ways to use CMAQ funds in which federal, state and local authorities may have little experience, experimental pilot projects are innovative initiatives designed to provide a funding mechanism for well-thought-out strategies that extend beyond current experience and are not explicitly eligible under the law. These "experimental" projects must show potential in meeting the intended public purpose of the CMAQ Program in an innovative way. The CMAQ provisions of the [Transportation Equity Act for the 21st Century](#) allow experimentation, provided that the project or program can reasonably be defined as a "transportation" project and that emissions reductions

**Extreme Low-Temperature Cold Start Programs**<sup>5</sup>;

**Freight/Intermodal** projects and programs, such as construction of intermodal facilities that allow freight to cross between different modes of transportation efficiently and can improve mobility, reduce congestion, and cut costs; or those that target freight capital costs-rolling stock or ground infrastructure provided that air quality benefits can be demonstrated, and eligibility can apply to non-road mobile freight projects such as rail<sup>6</sup>;

**Idle Reduction**<sup>7</sup>;

**Inspection and Maintenance (I&M) Programs**<sup>8</sup>;

**Public Education, Outreach, and Training Activities** that will increase awareness and can lead to changes in travel behavior and ongoing emissions reductions;

**Transportation Control Measures** ([click here](#) to view measures identified in Section 108 of the Clean Air Act); and

**Transportation Demand Management (TDM)** programs/activities (new or expanded) that seek to optimize the performance of local and regional transportation networks and are explicitly aimed at reducing SOV travel and associated emissions.<sup>9</sup>

The program is also accepting two types of **Local Mobility Initiatives** listed below, in which **Transportation Management Associations, municipalities, and transportation system Operators in the DVRPC New Jersey region are eligible to apply.**

**Transit Vehicle Purchase to Expand an Existing or Introduce a New Service for the General Public** that is compliant with ADA, where vehicles will be procured by NJ TRANSIT on behalf of the

---

can reasonably be expected “through reductions in vehicle miles traveled, fuel consumption, or through other factors.” Before and after evaluations will be required to see if the experimental project has demonstrated air quality benefits.

<sup>5</sup> E.g., retrofitting vehicles and fleets with water and oil heaters and installing electrical outlets and equipment in publicly owned garages or fleet storage facilities.

<sup>6</sup> The transportation function of these freight/intermodal projects must be emphasized in the application. Examples include: railyard switch locomotives or shunters that fall into the generator-set or other clean engine category; large-scale container gantry cranes, or other heavy-duty container handling equipment that is a clear link in the intermodal process; and purchase or retrofit of airport handling equipment, including baggage handlers, aircraft tow motors, and other equipment that plays a role in this intermodal link. Public-private partnerships could be considered if private-sector businesses own and operate intermodal freight facilities.

<sup>7</sup> E.g., Truck Stop Electrification, On-Board Technology, and other devices verified by the U.S. Environmental Protection Agency (EPA).

<sup>8</sup> Per FHWA Guidance, CMAQ-eligible I&M activities include construction of facilities, purchase of equipment, I&M program development, and onetime start-up activities, such as updating quality assurance software or developing a mechanic training curriculum. The I&M program must constitute new or additional efforts, existing funding (including inspection fees) should not be displaced, and operating expenses are eligible for 5 years as discussed in Section VII.A.2. States or other sponsors planning new or expanded I&M programs that incorporate other elements of a state's vehicle administrative function, e.g. registration, safety inspection, titling, etc., must remove these line items from the CMAQ project. These tasks are not linked to the CMAQ purpose and are, therefore, not allowable costs.

In states that rely on privately owned I&M facilities, state or local I&M program-related administrative costs may be funded under the CMAQ Program as in states that use public I&M facilities. However, CMAQ support to establish I&M facilities at privately owned stations, such as service stations that own the equipment and conduct emissions test-and-repair services, requires a PPP. The establishment of “portable” I&M programs, including remote sensing, is also eligible under the CMAQ Program, provided that they are public services, reduce emissions, and do not conflict with statutory I&M requirements or EPA regulations.

<sup>9</sup> TDM activities may include carsharing, telecommuting, carpooling, and/or vanpooling, and the construction of telecommuting centers and computer and office equipment purchases.

subrecipient (Sponsor/Operator) either in FY2022, FY2023, or FY2024. This new transportation service must demonstrate air quality benefits. Subrecipients of new vehicles may not reduce existing service through the Useful Life of the vehicle. Please note that it may take up to 18 to 24 months after approval for the federal grant application and final approval process to be completed. Upon approval, administration of the program is transferred to NJ TRANSIT under FTA CMAQ (Section 5307). All agreements for operating service and vehicles are between NJ TRANSIT and the subrecipient. Services are expected to commence within six months of receipt of the contract. Delayed commencement of service beyond this timeframe may result in the reallocation of CMAQ resources or other actions. This eligible activity is not the same as the DVRPC bi-annual flex (transfer) of CMAQ funds for county paratransit vehicle replacements; and

**Transit Operating Assistance**, including labor, fuel, administration, and maintenance costs, is limited to new transit service open to the general public, or expanded existing transit services open to the general public. Operating assistance for bikesharing projects is not CMAQ eligible. **The intent is to provide “seed money” to start up a viable new bus route. This new transportation service must demonstrate air quality benefits and eventually cover their own operating costs. Other funding sources should supplement and ultimately replace CMAQ funds for operating assistance** because these projects are expected to eventually become part of the baseline transportation network. Therefore, operating assistance is limited to the first three years of funding with the flexibility to spread year-three funding into a fourth or fifth year. The fourth or fifth year of funding is an extension of year-three funding to allow applicants to access a larger share of the funding to initiate the project and then step that amount down to support the project as it progresses and becomes self-sustaining. Applicants must show that funding in years three and four is less than in years one and two.<sup>10</sup> **CMAQ funds cannot be used to replace existing funding sources or to further subsidize existing operations.**

**Local Mobility Initiatives projects must not duplicate existing publicly funded transit services.**

**All Local Mobility Initiatives services must be open to the general public and comply with ADA.**

**Applicants must demonstrate in the application the need for the proposed service.** The project should address a problem or fulfill a need identified in a plan, such as [the DVRPC Equity through Access; the DVRPC Long-Range Plan](#); NJ TRANSIT; NJDOT; Delaware River Port Authority/Port Authority Transit Corporation (DRPA/PATCO); or county, municipal, or state master plan or study. Applicants should also use the [DVRPC Transit Network Gap Analyzer](#) to demonstrate need. The project can also complement a planned transit or roadway capacity increase. In the application, please cite the source that identifies the need to be, or that is being, fulfilled. Quote appropriate sections of source material, and include excerpts with the application. Provide narrative, graphics, maps, and statistics as necessary to describe how the project will alleviate the need.

Applicants seeking operating assistance must demonstrate success of the proposed new or expanded service by describing/providing:

- ridership counts for at least the last five years of service, including time and location information (if requesting vehicle replacements);
- existing transportation demand and projected ridership, and the sources and methods used to make that determination (if requesting operating assistance);
- typical trip replaced by existing service/to be replaced by the proposed service;

---

<sup>10</sup> Learn more in [Section VII. Project Eligibility Provisions of the FHWA’s CMAQ 2013 Guidance](#) and the [FHWA’s July 2014 Revised Interim Guidance on CMAQ Operating Assistance under MAP-21](#).

- regional impacts of the services proposed/provided;
- how this service will or has provided a useful and usable connection to transit;
- plan to market in order to attract and retain riders; and
- plan to attract and retain private and local public financial support to extend the service beyond its proposed CMAQ funding (if requesting operating assistance), or provide continued operations and capital replacement (if requesting vehicle replacements).

**Recipients of capital and operating assistance must comply with FTA requirements related to the contracting of services. More information is available at [www.fta.dot.gov/legislation\\_law/12349\\_8641.html](http://www.fta.dot.gov/legislation_law/12349_8641.html). This includes but is not limited to a Title VI plan and FTA drug and alcohol testing.**

**If there are matching funds, applicants must provide a letter of commitment from the provider of matching funds.**

**Applicants must provide a support letter from the government of where the service will be provided.**

Further explanation of each eligible project type and activity above is given in the [FHWA CMAQ Program Guidance \(November 12, 2013\)](#). This guidance and a sampling of previously funded projects through the CMAQ Program are found at [www.dvrpc.org/CMAQ](http://www.dvrpc.org/CMAQ) and the FHWA's website at [www.fhwa.dot.gov/environment/air\\_quality/cmaq/policy\\_and\\_guidance](http://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance). Successful projects should augment existing environmentally beneficial programs with new and innovative approaches, take advantage of cross-jurisdictional partnerships, have the potential to inspire or support further actions, garner public support and interest, and leverage other funding sources.

## 4.2 Ineligible Project Types

Highway or transit maintenance and reconstruction projects and the construction of SOV capacity are generally not CMAQ-eligible activities because they do not provide an air quality benefit. Some examples of ineligible activities that do not provide an air quality benefit include but are not limited to the following listed:

- operating costs for bikeshare programs;
- projects that are solely recreational or have a strong recreational purpose;
- traffic signal replacement in-kind without interconnecting or optimizing;
- upgrading traffic signals without interconnecting or optimizing;
- moving roadways or intersections without an air quality benefit;
- stand-alone projects to purchase fuel;
- air quality monitoring systems;
- compliance with a government requirement;
- litigation costs;
- light-duty vehicle scrappage programs;
- road rehabilitation or reconstruction projects;
- planning activities, such as studies;
- measures that are statutorily mandated;
- State of Good Repair projects;

- vehicle fuel conversion;
- funding for a project that will result in the construction of new capacity available to SOVs;
- streetscaping, including decorative crosswalk, street lighting, traffic and crosswalk striping, and signs; and
- activities that previously received three years of transit operating assistance under prior authorizations of the CMAQ program (because they are not considered to be in a start-up phase and are therefore not eligible for a new CMAQ funded transit operating assistance from the FY2020 CMAQ program).

DVRPC, in consultation with the FHWA and FTA, will determine if any other activities are not eligible under the federal rules and guidelines on a case by case basis. [Section VII. Project Eligibility Provisions of the FHWA's Interim Program Guidance under MAP-21 from 2013](#) also lists types of ineligible projects.

The DVRPC FY2020 Competitive CMAQ Program for New Jersey is also **not accepting** the following project activities:

- diesel retrofit projects, including diesel engine repower and replacement projects (due to processing delays with [Buy America](#) requirements, unless a Buy America certification is submitted to DVRPC by October 2, 2020;
- advanced technology vehicles<sup>11</sup>;
- requests to purchase transit vehicles for a new or expanded service that will not serve the general public;
- pre-construction activities<sup>12</sup>; and
- transit facilities and transit-associated development activities.<sup>13</sup>

DVRPC retains the prerogative to declare a class of projects not eligible as a matter of policy, if such use is determined to be not in the best interest of the region. DVRPC may also deny funding to an otherwise eligible project if funding is determined to provide one private firm an undue competitive advantage over another—a federal regulation that must be observed.

---

<sup>11</sup> Advanced technology vehicles include hybrid cars or sports utility vehicles, electric vehicles, CNG/Ultra Low Emissions vehicles, or alternative fuel (e.g., clean diesel) vehicles, due to processing delays with Buy America requirements, unless a Buy America certification is submitted to DVRPC by Oct. 2, 2020.

<sup>12</sup> Examples of preconstruction activities include planning, technical, and feasibility studies, or right-of-way and design work.

<sup>13</sup> Transit facility project types may include capital costs of system/service expansion by providing new rail systems and extensions; new roadways or reserved lanes on existing roads for exclusive bus/High Occupancy Vehicle use; and capital costs of initiating commuter rail or ferry service; or by providing new transit stations, track and signalization improvements, or intermodal transfer facilities. Transit-associated development projects may include various types of retail and other services located in or very close to transit facilities that offer convenience for the transit patron but are not required for the functioning of the system (e.g., child-care center adjacent to a transit station).

**This Page is Intentionally Left Blank**



## CHAPTER 5:

# Project Selection

## 5.1 How Are Projects Selected?

DVRPC staff will initially screen all applications for completeness and basic eligibility prior to sharing them with the CMAQ Selection Committee for consideration. After a proposed project is determined to meet the basic eligibility requirements outlined in the federal guidance, the project will be further scrutinized according to a variety of criteria per Appendix A.

After initial screening for eligibility, the project candidate will be evaluated based on its emissions reduction potential, as well as other factors, including:

- Project Readiness;
- Sponsor Capacity;
- Cost Effectiveness of Emissions Reduction (per CMAQ dollar requested);
- Long-Term Viability of Emissions Benefit;
- Environmental Justice (EJ);
- Level of Match (e.g., local contribution); and
- degree to which the project implements the regional [DVRPC Long-Range Plan](#); Master Plan; any State of New Jersey plans; and for a transit project, [Equity Through Access: Greater Philadelphia's Coordinated Human Services Transportation Plan](#), plus the level of need and potential for/demonstrated success. The [DVRPC Transit Network Gap Analyzer](#) may help demonstrate the need for the proposed transit project.

The project selection criteria and their relative weights are identified in this chapter, as well as in Appendix A of this document. The CMAQ Selection Committee will also consider project distribution with regard to geographic location, including the desire to produce a balanced program of mixed project types. However, a project cannot be selected unless the project results in reduced mobile source transportation emissions and congestion to provide an air quality benefit no matter how well the project scores in these other criteria.

Following careful review and analysis with the CMAQ Selection Committee, DVRPC staff will recommend selected projects to the DVRPC Board for approval. Board approval will amend the projects into the region's [TIP](#) and provide eligibility for federal funding (see Table 1 for the tentative schedule for when Board action could occur). The steps to be taken after the project is selected for the TIP are outlined in Chapter 7: Managing the Project. Applicants applying for traditional project types are encouraged to review [NJDOT's Project Duration by Phase](#) and the [Federal-Aid Handbook Excerpt](#).

## Emissions Analysis

DVRPC staff will evaluate project candidates that passed initial eligibility screening for their effect on air quality by using a standardized set of analysis tools developed for NJDOT. Evaluation results will enable the projects to be rated based on the following air quality and congestion mitigation factors: volatile organic compounds (VOC), nitrogen oxides (NO<sub>x</sub>), and fine particles (PM<sub>2.5</sub>).

DVRPC staff will perform this analysis based on information provided in the Emissions Analysis Forms that are required to be submitted with the project application. If an Emissions Analysis Form is not provided for the project type, the applicant must work with DVRPC staff to provide adequate information about the project in

order to determine its emissions impact. Please download the Emissions Analysis Forms from the [DVRPC online CMAQ application system](#).

Besides a basic program requirement, the cost effectiveness of emissions reduction (per CMAQ dollar requested) and long-term benefit of emissions reductions from the project is part of the project selection criteria.

In order to assist the applicant with judging the relative emissions or congestion mitigation benefits of their project, links to FHWA and U.S. Environmental Protection Agency (EPA) studies that provide estimates of the relative emissions benefits of the different project types are available at [www.dvrpc.org/CMAQ](http://www.dvrpc.org/CMAQ).

### Minimum Project Requirements

In addition to demonstrating emissions reduction and cost requests for certain project types (per Chapter 2: Funding), all applicants are expected to meet the following criteria for their project to be considered for the FY2020 Competitive CMAQ Program for New Jersey.

*Project must be consistent with the DVRPC Long-Range Plan and/or county master plan goals. Transit improvement project types must also support the Equity through Access: Greater Philadelphia's Coordinated Human Services Transportation Plan, and demonstrate need and the potential for/demonstrated success, besides air quality improvements.*

In order to promote good planning and to encourage implementation of the DVRPC [Long-Range Plan](#) for the region, as well as county master plans, proposed projects are required to be consistent with the goals of these plans. Applicants are required to identify which plan goal(s) their project will implement.

*Project location(s) must be within a DVRPC Congested Subcorridor.*

One of the CMAQ Program goals is to reduce congestion to better air quality. In order to promote congestion reduction in the region, projects must be located within a congested subcorridor, as identified by DVRPC's Congestion Management Process (CMP).

Applicants are required to identify which congested subcorridor or corridors the project is located in. Applicants are encouraged to use the interactive CMP web page for corridor maps and lists of appropriate strategies to implement in those corridors via this link: [www.dvrpc.org/webmaps/CMP2015](http://www.dvrpc.org/webmaps/CMP2015).

Projects that are solely air quality improvements, and do not have a congestion reduction component, will not be judged on this question.

Direct all questions regarding the CMP congested subcorridors or the mapping tool to Tom Edinger at [tedinger@dvrpc.org](mailto:tedinger@dvrpc.org) and copy [khui@dvrpc.org](mailto:khui@dvrpc.org), with the subject line, "2020 NJ CMAQ Application Assistance."

*The project must receive federal authorization to proceed to construction/procurement between October 1, 2021, and August 31, 2024.*

Funding for this round is between FY2022 and FY2024, and federal funds are "use it or lose it." These dates are important to meet in order to guarantee the project's CMAQ award. The earlier that the projects awarded in this round are authorized, the sooner that DVRPC may be able to open another round to select a new batch of projects and not "lose" federal funds in the region.

*The Project Sponsor must be a public agency, even if it is a P3.*

According to FHWA guidance, an eligible applicant must be a public agency or have a public agency sponsor the project. The Project Sponsor agency is the local unit of government that is financially responsible for working with NJDOT (or NJ TRANSIT) and DVRPC to advance a proposed project toward federal

authorization. See Chapter 3: Who Is Eligible to Apply?, for more details regarding applicant eligibility and the requirements for a P3.

*The Project Sponsor must agree to keep DVRPC, NJDOT, county/city, and/or NJ TRANSIT informed of the project's progress toward advancement in a timely and reasonable manner, should CMAQ funds be awarded.*

After a project is selected for the award, the project should be implemented and completed in a timely manner, which requires good communication among the Project Sponsor, NJDOT (or NJ TRANSIT), DVRPC staff, and/or county/city.

*The minimum amount to be requested for a construction project, including construction management/inspection, is \$250,000 to ensure administrative resources are efficiently utilized and projects with significant impacts are promoted.*

## Buy America Requirements

The CMAQ Program follows Buy America criteria. Buy America differs from “Buy American”; it requires a federally funded project with steel or iron products (including protective coatings) to use steel or iron that is manufactured in the United States. Buy America requirements will apply to any entire federal-aid project even if some steel or iron products are purchased with non-federal funds. Therefore, when determining the types of facilities to submit as part of the CMAQ request, **applicants must submit a Buy America certification by no later than October 2, 2020.** Typically, the certification states: “All manufacturing processes for these steel and iron materials, including the application of coatings, have occurred in the United States.” The certification must be current, dated, signed and be specific to the material and project at hand. Step certification is encouraged when manufacturing occurs at different locations. This involves separate, self-supporting, certifications that are prepared at each location and accompany the product to the job site—a documentation trail confirming all manufacturing in the country. A step certification is a process under which each handler (supplier, fabricator, manufacturer, processor, etc.) of the iron and steel products certifies that their step in the process was domestically performed. [Click here](#) or go to [www.dvrpc.org/cmaq/pdf/Buy-America.pdf](http://www.dvrpc.org/cmaq/pdf/Buy-America.pdf) to view NJDOT's Buy America guidance, and [click here](#) to read the FHWA Buy America Question and Answer page. Transit project applicants can visit the FTA Buy America webpage to learn more at <https://www.transit.dot.gov/buyamerica>.

## 5.2 CMAQ Project Selection Criteria

In addition to the emissions analysis and minimum eligibility questions, projects will be evaluated by using criteria that will help the CMAQ Selection Committee choose projects that reflect programmatic and regional priorities and exhibit likelihood of timely and successful federal authorization and implementation. A summary of the evaluation criteria is described below. Appendix A details the weights, as well as the project scoring definitions, of each criterion. Additional decision-making considerations are that the program will represent a balanced mix of project types and geographic diversity of the region.

Projects are scored by using a simple formula that includes a “weight” for each of the selection criteria and a “score” indicating how well each project meets the selection criteria. The criteria weight will be multiplied by the project's score for that criterion to yield a weighted score. “Points” are then assigned, based upon the “weight.” The weighted scores are then summed to produce a total project score (maximum of 100 points). Each project will have a total average score from all the CMAQ Selection Committee members total project scores.

Project Readiness and Sponsor Capacity carry the highest weight (25 percent each), followed by Cost Effectiveness and Long-Term Viability of Emissions Benefit (20 percent each) because awarded projects are required to meet the CMAQ Program goals and must be able to obligate CMAQ funds by the end of summer 2024. Finally, a score is given to an EJ component (5 percent) and Level of Match (5 percent).

## Project Readiness (Weight: 25 out of 100)

Project Readiness refers to the likelihood that a project will be implemented in a timely fashion. Project candidates are viewed more favorably when they have preliminary work or preparation completed in advance of CMAQ funding, or can successfully demonstrate that work is able to begin soon after the CMAQ award is approved by the DVRPC Board. Candidates with a high level of project readiness will have completed categorical exclusion documents (CED) and have no right-of-way concerns (or completed right-of-way) for construction projects, or are implementing a recommendation of an adopted plan or survey for education, TDM, or outreach projects. Projects that have a high level of readiness can also have matching funding sources secured and have identified a clear, realistic process and schedule for implementation.

**Applicants must demonstrate project readiness and feasibility of implementation by providing a realistic schedule that includes milestones achieved and remaining for DVRPC, NJDOT and/or NJ TRANSIT review and approval.** The project milestones are intended to identify the key steps in advancing the project toward funding authorization and, ultimately, implementation and completion. They will be unique to each project depending on the project type, complexity, and coordination required.

**Applicants are advised that demonstrating the ability to complete pre-construction activities before October 1, 2023, may make the project more favorable in the evaluation process as a part of the “Project Readiness” selection criterion.** Applicants are advised to provide a realistic timeline of pre-construction activities to make the project favorable in the evaluation process. The Project Sponsor is responsible for all pre-construction activities and costs.

**Should a construction project be awarded with CMAQ funds from this round**, the Project Sponsor should follow the annual submission deadlines in Table 3 in order to successfully achieve project authorization in federal FY2022, FY2023, or FY2024.

**Table 3:** Federal FY and Annual Deadlines for Document Submission

MAJOR MILESTONE	DEADLINE
<b>Federal FY begins.</b>	October 1
Project Sponsor prepares <b>CED</b> and other documents for environmental review, as appropriate.	October–March
Project Sponsor submits <b>Initial Plans, Specifications, &amp; Estimates (PS&amp;E) Package</b> to NJDOT Local Aid for review and feedback.	April 30
Project Sponsor submits <b>Final PS&amp;E Package</b> to NJDOT Local Aid for review. NJDOT Local Aid then submits the authorization request to NJDOT Headquarters for processing.	June 30
While NJDOT Headquarters and the FHWA work to process all submitted <b>federal authorization requests</b> year-round, July and August are the last two months to process such requests.	July–August
<b>Federal FY ends.</b> September is often too late for NJDOT and the FHWA/FTA to process authorization requests for the federal FY.	September 30

Source: DVRPC, 2020

Although these deadlines have no relationship with the Competitive Program application, evaluation, and selection schedule, they are critical for the success of the awarded project’s CMAQ authorization. Further, work performed on the project *prior* to authorization will not be reimbursed. To achieve federal authorization, a

number of documents must be submitted to NJDOT for review and approval (e.g., CED, PS&E Package) before or by summer, every year.

These annual deadlines are important as they allow adequate review, revision, and processing time among agencies to ensure timely authorization. The federal fiscal year begins on September 1 and ends on October 30. To meet the FY2022 authorization deadline, for example, the Sponsor should submit a CED to NJDOT Local Aid by March 1, 2022 (or earlier); and the authorization package request should be submitted by June 30, 2022 (or earlier), and no later than August 31, 2022, to guarantee the CMAQ award.

### **Sponsor Capacity (Weight: 25 out of 100)**

Sponsor Capacity refers to the Project Sponsor's ability and commitment to deliver the project should CMAQ funding be awarded. Candidate projects should demonstrate that the Sponsors have a clear commitment to own, implement, operate, and maintain the project, during and after the CMAQ funding period. Successful candidates will show the institutional capacity to manage the project and obtain the necessary permits, bids, and contracts. Sponsors with a good history of implementing federally funded projects, in which NJDOT (or NJ TRANSIT), DVRPC, and/or the county also had a good experience in working with the Sponsor, are considered to have a high level of Sponsor capacity.

**The applicant should convey the Project Sponsor's capacity by describing their experience successfully managing grants for similar projects, clearly defining the roles and responsibilities of each of the project partners, and demonstrating that matching funds and other sources of project funds are/will be secured in the application.**

### **Cost Effectiveness of Emissions Reduction (Weight: 20 out of 100)**

DVRPC staff will use the Emissions Analysis Form provided by the applicant that pertains to their project type to calculate a single cost-effectiveness number for each project. Staff will divide the CMAQ portion of a project's total cost by the sum of the project's lifetime NO<sub>x</sub>, VOC and PM<sub>2.5</sub> emissions reductions.

For projects that are purchasing capital assets, such as traffic signals or transit vehicles, total lifetime reductions are calculated by multiplying the annual NO<sub>x</sub>, VOC, and PM<sub>2.5</sub> emissions reductions by the purchased item(s)' remaining Useful Life (based on the applicant's replacement schedule).

Applicants with project types that cannot be analyzed, or do not have Emissions Analysis Forms provided, must provide sufficient information about the projects in their applications. DVRPC will use the information to determine emissions impacts.

Direct all questions regarding the Emissions Analysis Form to Sean Greene at 215-238-2860 or [sgreene@dvrpc.org](mailto:sgreene@dvrpc.org) and copy [khui@dvrpc.org](mailto:khui@dvrpc.org), with the subject line, "2020 NJ CMAQ Application Assistance."

### **Long-Term Viability of Emissions Benefit (Weight: 20 out of 100)**

The value of a project for helping the region meet and maintain the air quality standards depends on whether those benefits can be sustained over time. Some projects will continue to provide air quality or emissions reduction benefits into the future; other projects will have a defined lifespan that will decrease as technologies change or equipment needs to be replaced; and a third category of projects will provide air quality benefits only as long as the project is receiving funding. Projects that can demonstrate air quality benefits for more than 10 years will receive a "high" ranking for this criterion; between five and 10 years will receive a "medium" ranking; and projects that cannot definitively demonstrate benefits beyond five years or have fewer than five

years of benefits will receive a “low” score for this criterion. See examples in Table 4: Examples of Project Life Periods for Project Evaluation.

Applicants should explain, as specifically as possible, the long-term outlook and lifespan of the air quality benefits of the project in the application form.

### **EJ (Weight: 5 out of 100)**

The Executive Order on Environmental Justice (#12898) provides guidance for federal funding recipients and subrecipients to prevent, avoid, and/or mitigate high and adverse human health or environmental effects in their programs, policies, and activities on historically discriminated-against communities and population groups, defined as minority and low-income populations. The DVRPC FY2020 Competitive CMAQ Program for New Jersey supports projects that will further EJ in the Greater Philadelphia Region by allocating points for projects that benefit census tracts with high concentrations of specific population groups.

Applicants should use the DVRPC Equity Analysis tool at [www.dvrpc.org/webmaps/IPD](http://www.dvrpc.org/webmaps/IPD) to answer questions in the project application form.

DVRPC's Equity Analysis includes nine populations that are considered under Title VI of the Civil Rights Act, Executive Order on Environmental Justice (#12898), and other federal non-discrimination mandates. For this section, the three population groups that are considered under EJ will be used to calculate the score: low-income, racial minority, and ethnic minority. The project's EJ score is calculated by summing the individual score for each indicator (ranging from 0 to 4), resulting in an EJ score (ranging from 0 to 12). If the project area is across multiple tracts, then choose the highest score for each of the three indicators.

The CMAQ project selection criteria considers the EJ score of a census tract that a project location may impact, as well as how the project may benefit the community. To answer this open-ended question, the applicant should consider the three EJ population groups of low-income, racial minority, and ethnic minority. The applicant can detail how the project would positively or negatively impact the populations within or adjacent to the project area and how the project will mitigate any negative consequences on the identified population groups.

Applicants should also identify community groups or stakeholders in the project's geographic area that the Project Sponsor would partner with, as well as mitigation and outreach strategies that will be included in the project scope of work. This qualitative section will be awarded up to 1 point. See Table 5: Project Selection Criterion—EJ about how an application can receive up to 5 available points for EJ.

Direct all questions regarding the EJ or the DVRPC Equity Analysis tool to Shoshana Akins at [sakins@dvrpc.org](mailto:sakins@dvrpc.org) and copy [khui@dvrpc.org](mailto:khui@dvrpc.org) with the subject line, “2020 NJ CMAQ Application Assistance.”

### **Level of Match (Weight: 5 out of 100)**

Due to limited federal funding, local contributions are increasingly important to enhance a program's reach. A good project candidate will demonstrate local commitment to the project through innovative funding and a larger percentage of non-federal matching funds. The percentage of the total project cost represented by local contribution will be used to score the project for this criterion. A larger local contribution will result in a higher score for this criterion. The applicant should describe all preliminary work performed to prepare the project for implementation and quantify cash contributions and in-kind services dedicated to the project.

Applicants must provide information for this criterion in the “Cost Breakdown” table and in the project application form.



**Table 4:** Examples of Project Life Periods for Project Evaluation

CATEGORY	PROJECT LIFE EXPECTANCY (YEARS)
Traffic Flow Improvements	10–20
Shared Ride Programs—Operational	1–2
Shared Ride Programs Infrastructure	12
Travel Demand Management	1–2
Bicycle/Pedestrian Facilities	15
Transit Improvements—Operational/Amenities	1–2
Transit Improvements—Infrastructure	10–30
Technology Improvements (New Transit Vehicles)	4
Dust Mitigation	20
Freight Intermodal	20

Source: Volpe National Transportation Systems Center, Congestions Mitigation and Air Quality (CMAQ) Improvement Program, Cost-Effectiveness Tables Development and Methodology, 2015

**Table 5:** Project Selection Criterion–EJ

IPD SCORE FOR CENSUS TRACT (EJ Population Groups Only)	0	1–3	4–6	7–9	10–12
POINTS IN CMAQ APPLICATION	0	1	2	3	4

Up to 1 point awarded for quality of response to the open-ended question about the project's potential benefit and/or mitigation to nearby EJ communities of concern. IPD = Indicators of Potential Disadvantage.

Source: DVRPC, 2020

### 5.3 Is the Project Scalable?

Project Sponsors must indicate in the application form if the submission is scalable in the event of partial funding availability for a project. If applicants want to be considered for partial or scaled-back funding, they must indicate on the application form how they will implement or what their strategies are to scale back the project scope.

**This Page is Intentionally Left Blank**

## CHAPTER 6:

# Application Submission and Instructions

## 6.1 By August 14, 2020: Meet with DVRPC before Application Submission

Prior to submitting applications, **all applicants are required to meet with DVRPC staff by Aug. 14, 2020. Please email Kwan Hui at [khui@dvrpc.org](mailto:khui@dvrpc.org) to schedule a meeting (conference call or in-person; it is flexible). At least three days before the scheduled meeting, please provide DVRPC a description and funding request amount, including maps, pictures, and other helpful references, that explain the project seeking CMAQ funds.** If it is an in-person meeting, the applicant must make available hardcopies for the meeting.

The purpose of this applicant meeting is to discuss the applicant's project proposal(s) to ensure applicants and Sponsor agencies know what their proposal(s) must contain, including all information required, for the CMAQ Selection Committee to make a decision; identify any fatal flaws or issues of the proposed projects; ensure applicants know what further steps need to be taken by the applicants or the Sponsor agency; and answer questions. These meetings will not provide preliminary decisions on the content of the application or discuss other matters that are outside of DVRPC's purview.

**DVRPC will not provide direct assistance to applicants with completing their applications. It is DVRPC's intention to remain neutral and objective in the role as program coordinator.**

## 6.2 By August 21, 2020: Submit Required Application Materials

Applicants must upload and submit the following forms and documents in [DVRPC's online CMAQ application system](#) by **5:00 PM (Eastern Time) on August 21, 2020**, in order for DVRPC to consider the application complete:

- project application form;
- "Cost Breakdown" table;
- Emissions Analysis form (if applicable to the proposed project);
- Complete Vehicle Inventory form (only for transit vehicle purchases); and
- other helpful documents for the reviewers to understand your proposed project (e.g., concept plans, maps, pictures, policies, etc.).

**Failure to submit documents by deadline will automatically withdraw the project candidate from the program.**

## Application Checklist

Built into the online CMAQ Application Portal, an application checklist shows all components that make the application complete for program consideration. This checklist will assist the applicant to ensure that all of the required forms and attachments are submitted with the application. This checklist has its own page titled "DVRPC CMAQ Application Checklist." See Figure 2 in subsequent pages of this document.

## Project Summary

The project summary is a brief description of the applicant's proposal that is no more than 300 words. The summary will provide reviewers with a quick synopsis of the project proposal and assist them in initial screening of the project and sponsor eligibility. See Figure 1 in subsequent pages of this document.

## Project Application Form

**The project application form is long** and poses a series of questions to help ensure that candidate projects are CMAQ eligible, that Project Sponsors are eligible or have/will execute the necessary agreements for public-private partnerships, and that projects are consistent with regional and county plans and the [DVRPC CMP](#). There are many questions listed to thoroughly address the project selection criteria, and not all questions will apply to every proposed project. **Applicants should skip questions that are not applicable to their proposed project.**

The Project Readiness section of the application form will assist the reviewer in knowing the types of actions that have been taken (and still need to be taken) to advance the project in preparation for federal funding. Construction projects are one of the most complex types of projects and, for this reason, have more questions for applicants to answer in order to ensure the project can be realistically ready for funding authorization, implementation, and completion. Other project types, such as transit vehicle purchases and outreach programs, must also demonstrate a level of preparedness in order to score well under this criterion.

A key feature of the FAST Act of December 2015 is the establishment of a performance- and outcome-based program. The objective is for states and MPOs to invest resources in projects that would collectively make progress toward the achievement of nationally set goals. Since congestion reduction is one of the seven areas and one of the goals of the CMAQ Program, all applicants must answer if their projects will support non-SOV travel.

In this round, CMAQ-eligible operating assistance acts as “seed money” for only new or expanded transit service opened to the general public. Therefore, CMAQ-eligible projects for operating assistance are limited to three years of CMAQ funding for operating assistance that can be spread up to five years. Projects that fall into this category must

- include a plan for continuing the service beyond the third, fourth, or fifth year of operation; and
- demonstrate a reduced need for CMAQ operating funds as a project progresses from the first year to the third year of operations, what the source of funds will be that will supplant CMAQ funding, and how the service will become self-supporting.

CMAQ-eligible operating assistance includes all costs of providing new transportation services, including, but not limited to, labor, fuel, administrative costs, and maintenance.

## “Cost Breakdown” Table

Per Chapter 2: Funding, realistic and accurate cost estimates are essential. Make sure to complete and submit the “Cost Breakdown” table as part of the application.

Construction project applicants should refer to [NJDOT’s Local Aid Project Duration by Phase flowchart](#) and NJDOT Local Aid’s annual submission deadlines from Section 5.2 of this document in preparing the project’s schedule and cost, as well as the FHWA’s [helpful guidelines on preparing the estimate, bid reviews and evaluation](#). The Project Sponsor is responsible for all pre-construction activities and costs.

DVRPC recommends (but does not require) that applicants adjust the cost for inflation by 3 percent (see Chapter 2 for the formula) if a future-year cost is not considered, except for vehicle acquisition requests. Transit vehicle requests should use the current vehicle price list in the spreadsheet or in this document (see Chapter 2) and include the 10 percent NJ TRANSIT administration fee in the cost request.

## Emissions Analysis Forms

For most eligible project types, DVRPC has supplied the following Emissions Analysis Forms that indicate to the applicant what information is required in order for DVRPC staff to measure a project candidate's estimated emissions benefits:

1. Transit Vehicle Replacement;
2. Roundabout
3. Bicycle and/or Pedestrian Improvements;
4. Carpool and Vanpool Improvements;
5. Signal Synchronization; and
6. Intersections.

All applicants, especially those with project types where DVRPC does not provide Emissions Analysis Forms, must explain in the project application form how the project will reduce transportation-related emissions and mitigate traffic congestion.

For project types that lack an Emissions Analysis Form, DVRPC staff will work with applicants to request the needed information in order to perform an emissions analysis.

Both EPA and the FHWA have provided resources that can be used to compare different project types to each other with regard to emissions reductions and cost effectiveness. These resources are very general and are provided to give the applicant a general sense of how their project will compare with other project types. Links to these documents are available at [www.dvrpc.org/CMAQ](http://www.dvrpc.org/CMAQ).

## Vehicle Inventory Form (for Transit Applicants)

All transit applicants must complete an inventory form for their entire fleet and, in the application form, demonstrate the need for the proposed new or expanded service in the community and how their service will provide the region's general public, especially the EJ population, better access to major employment centers.

## 6.3 By October 2, 2020: Submit Letter of Commitment/Intent, Support, Agreements, and/or Resolutions

In addition to technical data, the applicant is required to submit Letters of Commitment/Intent, Support, Agreements, and/or Resolutions demonstrating that they will own, operate, and maintain the project in DVRPC's CMAQ application system **by no later than 5:00 PM on October 2, 2020**. This deadline is for documents that may require more time to prepare to verify support for proposed project.

For multi-municipal projects, all municipalities involved must submit individual resolutions. Projects that involve multiple municipalities or entities must submit a letter from each party involved. An official who is authorized to represent the organization, such as the municipal administrator, must sign the letters.

Support letters for the proposed application from all appropriate government entity(ies) are required.

**Failure to submit these documents by deadline will automatically withdraw the project from the program.**

## 6.4 How to Submit Application Materials in DVRPC's CMAQ Application System

**First, create an account in the DVRPC online CMAQ application system at**


[www.dvrpc.org/asp/cmaqApplication/login.aspx](http://www.dvrpc.org/asp/cmaqApplication/login.aspx) (applicants should bookmark this link). Enter an email address as the user name. The system will send the user an email confirmation with a password. The user can then return to the site with the user name and password to continue to create a new application. There is no limit to the number of applications that a user creates, saves, and submits.


After a user account is created, the user can log out and return to the online CMAQ application system anytime. The user can return at another time to log into the system to make revisions or finish a project application.

**To create an application, or download and upload application materials, log into the system and pass a 10-question True/False quiz.** The user must pass a quiz by answering all questions correctly before the system allows the user to create a new application. The intent of the quiz is to ensure that applicants have reviewed this document and/or participated in the webinar.

After the quiz is passed, click on “New Project” at the top right corner of the home page. Complete the general information fields of the “Create New Project Application” page (Figure 1) and select “Save” when finished. The “DVRPC CMAQ Application Checklist” (Figure 2) will then appear. The user will be able to download, complete, and upload all materials. After a user completes uploading a document, the system will automatically save the uploaded documents.

If a project application has been created, select the automatically generated project application ID on the home page. The home page (after the user logs into system) will display all the applications created by user. After the application ID is selected, the “DVRPC CMAQ Application Checklist” page (Figure 2) will open. On this page, download the documents by clicking on the document titles. Complete the documents. Then upload

them by using the “Upload”  function for each item. Once a document is successfully uploaded, the

text for the button will automatically change to “Download” . You can upload (green icon) or delete (red icon) uploaded files (PDF, Word, JPG, GIF, etc.). There is no document size limit.

**To modify the general information provided in the system,** select a project type and update the project summary by clicking “Update” at the top right corner of the “DVRPC CMAQ Application Checklist” page (Figure 2) after the project record is created. All applicants are required to meet with DVRPC staff by March 22, 2020, as part of the application process.

**After meeting with DVRPC staff and when the applicant is completely satisfied with the uploaded documents, the applicant should click “Submit” at the top right corner of the “DVRPC CMAQ Application Checklist” page (Figure 2).** The application system will then automatically lock the application record, and an automatically generated confirmation email for the submission will be sent to the applicant (user) and DVRPC. If an applicant does not receive this email, they should contact Kwan Hui at [khui@dvrpc.org](mailto:khui@dvrpc.org) or (215) 238-2894.

**The system will automatically lock all CMAQ applications after 5:00 PM on Aug. 21, 2020. If there are Letters of Commitment/Intent, Support, Agreements, and/or Resolutions that need to be submitted by Oct. 2nd, please notify Kwan Hui at [khui@dvrpc.org](mailto:khui@dvrpc.org) or 215-238-2894 to unlock the system for uploading.**



**Figure 1: Create New Project Application**

**dvRPC** Home Logout

### Create New Project Application

Please fill in general information to create a new record in the database.

**Project Title**

**County**

**Municipality**

**Other Locations**

**Sponsor**

**Requested CMAQ Amount** (Round to the nearest thousand. Enter numerical digits only. Do not enter the dollar sign \$)

**Local Match Amount** if Any (Round to the nearest thousand. Enter numerical digits only. Do not enter the dollar sign \$)

**Total Project Cost**

**Project Type**  
Select a project type

**Project Summary** (In 300 words or less, please concisely and accurately summarize your project and what CMAQ funds would provide for in the project.)

**Save**

Source: DVRPC, 2020

**Figure 2: DVRPC CMAQ Application Checklist**

**dvRPC** Home Logout

### DVRPC CMAQ Application Checklist

**Testing project (Status: Saved)**

County: Chester Municipality: Uxwrtan Township Other Location: Upper Uwrtan Township

Request Amount: \$100 Local Amount: \$20 Total Cost: \$120 Sponsor:

Project Type: Bicycle and Pedestrian Facilities and Programs

Project Summary:

DVRPC CMAQ Eligible: FHWA CMAQ Eligible:

Please download, complete, and upload all required application materials for this proposed project by deadline. Use the icons to delete (red) or upload (green) any file. To provide additional information for project (e.g. map, support letters), click 'Upload' in the 'Additional Information' section at the bottom of this page. When you are completely satisfied with your uploaded materials and ready for formal submission, click 'Submit' at the top right corner of this page. Otherwise, the system will automatically 'Save' the uploaded documents.

Application Category	Requirement	Notes
Project Application form	Required for all projects	
Cost Breakdown Sheet	Required for all projects	
Vehicle Inventory	Required for transit projects	
Project Environmental Analysis forms, as needed (see below)		
1. Transit Vehicle Assessment	If applicable	
2. Roadbook	If applicable	
3. Bicycle and Pedestrian Improvements	If applicable	
4. Canal and Vessel Improvements	If applicable	
5. Signal System Improvements	If applicable	
6. Intersections	If applicable	

Additional Information, as needed (e.g. maps, reports, letters)

**Update**  
**Submit**

Source: DVRPC, 2020

## 6.5 Helpful Resources

Besides this guidance document, applicants are encouraged to view the recorded version of the informational webinar that was held on Friday, March 20, 2020, from 12:00 PM to 1:00 PM (Eastern Time). It will provide general information about the program and answer questions. Please visit the DVRPC CMAQ web page, [www.dvrpc.org/CMAQ](http://www.dvrpc.org/CMAQ), to download. The webinar was recorded and made available on the web page after March 20.

Applicants are encouraged to thoroughly review the [FHWA CMAQ guidance](#) before starting the application process. It provides more details regarding the eligibility requirements of the CMAQ Program.

Before and after CMAQ funds are awarded to their projects, applicants with traditional construction projects should review NJDOT Local Aid's website at [www.state.nj.us/transportation/business/localaid/fedaid.shtm](http://www.state.nj.us/transportation/business/localaid/fedaid.shtm) and the [Federal Aid Handbook](#) that provide guidance for federal-aid projects.

**This Page is Intentionally Left Blank**



## CHAPTER 7:

# Managing the Project

## 7.1 Assistance from DVRPC and NJDOT/NJ TRANSIT

**During the application and evaluation phase:** DVRPC will answer all questions concerning the eligibility of a project, in consultation with members on the CMAQ Selection Committee. DVRPC staff will also answer questions on how to submit an application. DVRPC will not provide direct assistance to applicants with completing their applications. It is DVRPC's intention to remain neutral and objective in the role as program coordinator.

**After Project Award:** The Project Sponsor's primary responsibility is to obtain federal authorization of CMAQ funds for the project, in coordination with DVRPC and appropriate state entity, between October 1, 2021, and August 31, 2024. Each Project Sponsor will establish the implementation schedule for their project. The state entity and DVRPC will be available to answer questions or address concerns, but it is the Project Sponsor's responsibility to manage the project schedule and communication.

**After Project's CMAQ Authorization (Implementation Phase):** DVRPC and the state entity will provide technical assistance and guidance to the Project Sponsor in the development and implementation of the CMAQ-funded project. In particular, state DOT or transit project management staff can provide assistance to the Project Sponsor in following all appropriate federal and state regulations to ensure that project funding is not jeopardized.

## 7.2 Procedural and Regulatory Requirements Apply (after Award)

There are a number of procedural and regulatory requirements that apply to the projects implemented under the CMAQ Program. Project Sponsors may not be acquainted with NJDOT, FHWA, or FTA procedures. If necessary, Project Sponsors are expected to secure professional services (consulting engineers, architects, or vendors) through the federal competitive process to assist them in satisfying these requirements and advancing their projects. NJDOT, NJ TRANSIT and DVRPC staff are also available to assist with the interpretation and application of these requirements. A brief discussion of these requirements covering the following topics is provided in Appendix B (actual requirements may vary slightly).

### Typical Procedural and Regulatory Requirements

- Initiation of Project;
- Reimbursement Agreement/Notice to Proceed;
- Environmental Clearance;
- Project Engineering;
- Standards and Guidelines;
- Right-of-Way Acquisition;
- Utility Clearance;
- Permits;
- Public Utility Commission Involvement;
- Bidding;
- Construction and Implementation;
- Maintenance; and
- Project Cancellation.

### 7.3 What If Cost Exceeds Expectations? What If Project Fails to Authorize, Implement, and/or Reach Completion? What If There Are Project Delays?

While DVRPC, the project's home county, NJ TRANSIT, and/or NJDOT will work with the Project Sponsor to resolve cost over-runs or delays and ensure the project is implemented and completed in a timely manner, **Project Sponsors must not expect additional funding from the program. They should be prepared to provide additional costs needed to complete their projects.**

The Project Sponsor must first contact DVRPC and the state-designated Project Manager should an awarded project scope need to be reduced, expanded, or changed from what was submitted in the application; or if the project must break into sections and obtain other funding sources for those unfunded sections.

**DVRPC reserves the right to withdraw the CMAQ award from a Project Sponsor** for lack of progress/communication with DVRPC, NJDOT, or NJ TRANSIT from project authorization to close-out; or if activities identified in application that requested CMAQ funds are found to differ and/or are no longer CMAQ eligible.

The Project Sponsor must immediately contact DVRPC and the state-designated Project Manager if:

- the Sponsor agency decides to cancel the project or drop out of the program (before or after the project is authorized, has received notice to proceed, and has started implementation);
- the project encounters significant environmental or right-of-way delays that were not anticipated at the time of the project award, which will delay authorization to beyond FY2024;
- there is significant public or political controversy or opposition to the project after funding is awarded; or
- The Project Sponsor (Local Public Agency) fails to be [certified by NJDOT Local Aid](#) in the use of federal funds.



# Appendices

- A. Selection Criteria
- B. Project Implementation Procedural and Regulatory Requirements
- C. County, Regional, and State Contacts



**This Page is Intentionally Left Blank**

## Appendix A: Selection Criteria

**Table A-1:** Selection Criteria and Weights

CRITERIA	WEIGHT (SCORE)	POINTS
<b>PROJECT READINESS (FOR FEDERAL AUTHORIZATION)</b>	<b>25%</b>	<b>25.00</b>
<p><b>High</b></p> <p>The CMAQ Selection Committee has a <u>high degree of confidence</u> that the Sponsor can authorize funds for the proposed project within the given timeframe. The project candidate has identified a clear process for implementation and provides a realistic schedule to attain authorization by deadline. For example, construction projects with a high level of project readiness will have minimal or no environmental issues and no right-of-way concerns (or completed right-of-way).</p>	100%	25.00
<p><b>Medium</b></p> <p>The CMAQ Selection Committee is <u>somewhat confident</u> that the Sponsor can obligate funds for the proposed project within the given timeframe. The project candidate demonstrates a realistic schedule with milestones achieved and remaining for review and approval. Although the project candidate may have a few environmental issues or right-of-way concerns, the CMAQ Selection Committee believes that they have zero to minimal risk of delaying the project from attaining authorization by deadline.</p>	50%	12.50
<p><b>Low</b></p> <p>The CMAQ Selection Committee is <u>slightly confident</u> that the Sponsor can obligate funds for the proposed project within the given timeframe. There are concerns about the schedule being realistic, which might not improve with further guidance/assistance/follow-up from the Pennsylvania Department of Transportation, DVRPC, or the county. There are potential environmental issues, right-of-way, or other concerns that the CMAQ Selection Committee believes could risk significant delay of the project candidate from attaining authorization by deadline.</p>	0%	0

**Table A-1 (Continued):** Selection Criteria and Weights

CRITERIA	WEIGHT (SCORE)	POINTS
<b>SPONSOR CAPACITY</b>	<b>25%</b>	<b>25.00</b>
<p><b>High</b></p> <p>The Sponsor has continuously demonstrated to be <u>very successful</u> in the authorization and implementation of federally funded projects, in which NJDOT/NJ TRANSIT, DVRPC, and/or county also had a good experience in working with the Sponsor. The Sponsor was also generally cooperative and responsive to requests in a timely manner. The Sponsor demonstrates clear commitment to implement, operate, and maintain the project, during and after the CMAQ funding period. The Sponsor demonstrates adequate, if not excellent, institutional capacity to manage the project and obtain the necessary permits, bids, and contracts.</p>	100%	25.00
<p><b>Medium</b></p> <p>The Sponsor has implemented federally funded projects, in which NJDOT/NJ TRANSIT, DVRPC, and/or the county generally had no poor experience in working with the Sponsor. The Sponsor demonstrates commitment to implement, operate, and maintain the project, during and after the CMAQ funding period. The Sponsor demonstrates adequate institutional capacity to manage the project and obtain the necessary permits, bids, and contracts with or without NJDOT/NJ TRANSIT, DVRPC, and/or county guidance. NJDOT/NJ TRANSIT, DVRPC, and/or the county, including the majority of the CMAQ Selection Committee, believe that the Sponsor's capacity will not become an issue should the project receive a CMAQ award.</p>	50%	12.5
<p><b>Low</b></p> <p>The CMAQ Selection Committee is not confident that the Sponsor has adequate capacity and commitment to implement the project should CMAQ funding be awarded. NJDOT/NJ TRANSIT, DVRPC, and/or the county found the Sponsor, from prior experience, not cooperative or not responsive during the process of authorizing state or federally funded projects. Or the Sponsor did not make any progress toward project authorization by failing to make the required submissions in a timely manner or was not cooperative/ responsive to NJDOT/TRANSIT or DVRPC, thus resulting in missed authorization deadlines. Or the Sponsor had more than once missed authorization deadlines, was debarred from federal funds, violated the federal process, or despite guidance, did not comply with the federal process.</p>	0%	0

**Table A-1 (Continued):** Selection Criteria and Weights

CRITERIA	WEIGHT (SCORE)	POINTS
<b>COST EFFECTIVENESS OF EMISSIONS REDUCTION</b>	<b>20%</b>	<b>20.00</b>
Total Project CMAQ Requested Dollars divided by Total lifetime NO <sub>x</sub> + PM <sub>2.5</sub> + VOC emissions reductions.		
<b>High Cost Effectiveness</b> Up to \$99,999/ton of Pollutant Reduced	100%	20.00
<b>Medium-High Cost Effectiveness</b> \$100,000/ton of Pollutant Reduced to \$499,999/ton of Pollutant Reduced	75%	15.00
<b>Medium Cost Effectiveness</b> \$500,000/ton of Pollutant Reduced to \$1,999,999/ton of Pollutant Reduced	50%	10.00
<b>Medium-Low Cost Effectiveness</b> \$2,000,000/ton of Pollutant Reduced and to \$9,999,999/ton of Pollutant Reduced	25%	5.00
<b>Low Cost Effectiveness</b> \$10,000,000/ton of Pollutant Reduced	0%	0.00
<b>LONG-TERM VIABILITY OF EMISSIONS BENEFIT</b>	<b>20%</b>	<b>20.00</b>
<b>High</b> Projects that provide benefits for reducing emissions, improving operations, or reducing congestion for more than 10 years.	100%	20.00
<b>Medium</b> Projects with five to 10 years of identifiable emissions benefit (benefit may expire as technology is replaced or equipment ages) or outreach project or transit subsidy with an identified funding source.	50%	10.00
<b>Low</b> Projects that cannot definitively demonstrate benefits beyond five years or have fewer than five years of an identifiable emissions benefit.	25%	5.00
<b>Environmental Justice<sup>14</sup></b> Projects that will further EJ in the New Jersey portion of the Greater Philadelphia Region and can demonstrate benefits to communities of concern/population group(s) susceptible to air pollution will receive a higher score in this criterion. The higher the project location's EJ score (ranging from 0 to 12), using DVRPC's <a href="#">Equity Analysis tool</a> , the higher the score for this section. The 5 points for this section are allocated according to the following EJ scores: 0 EJ score is 0 points, 1–3 EJ score is 1 point, 4–6 EJ score is 2 points, 7–9 EJ score is 3 points, and 10–12 EJ score is 4 points. Up to 1 point is awarded for the open-ended question addressing potential benefits and/or mitigation.	<b>5%</b>	<b>5.00<sup>2</sup></b>

<sup>14</sup> The EJ score is calculated based on the project's score for the three identified populations (low-income, racial minority, and ethnic minority) by using the DVRPC Equity Analysis tool. Each indicator can get a maximum of 4 points so the total EJ score ranges from 0 to 12. However, the CMAQ Selection Committee will also assess the qualitative answers provided

**Table A-1 (Continued):** Selection Criteria and Weights

CRITERIA	WEIGHT (SCORE)	POINTS
<b>LEVEL OF MATCH</b>	<b>5%</b>	<b>5.00</b>
More than 30%	100%	5.00
More than 20% but less than 30%	80%	4.00
More than 10% but less than 20%	50%	2.50
More than 5% but less than 10%	20%	1.00
Match less than 5%	10%	0.50
No match	0%	0.00
<b>A PROJECT'S MAXIMUM SCORE:</b>	<b>100%</b>	<b>100</b>

Source: DVRPC, 2020

in the application form. If you have questions on this section, please email Shoshana Akins at [sakins@dvrpc.org](mailto:sakins@dvrpc.org) and copy [khui@dvrpc.org](mailto:khui@dvrpc.org) with the subject line, "2020 NJ CMAQ Application Assistance."



# Appendix B: Project Implementation Procedural and Regulatory Requirements

## Initiate the Project

The Sponsor must initiate their project for funding authorization before FY2024. A construction project is considered initiated when the Sponsor has contacted NJDOT to become a [certified Local Public Agency](#) and then schedule a kick-off meeting with the appropriate NJDOT Local Aid office. Sponsors should also consult [NJDOT's Federal Aid Handbook](#) as they begin the process. The federal highway program is a reimbursable program. Only those costs specifically associated with the implementation of the project are to be charged to the project. When there is a third-party consultant or contractor performing the work, the administrative costs of the Sponsor are not eligible.

## Reimbursement Agreement

The federal highway program is a reimbursable program, not a grant. Record keeping must be in accordance with the "Federal Guidance for Third-Party Agreements." Only those costs specifically associated with the implementation of the project are to be charged to the project. When there is a third-party consultant or contractor performing the work, the administrative costs of the Sponsor are not eligible. **Project costs incurred prior to the execution of a project reimbursement agreement are not eligible for reimbursement.**

## Environmental Clearance

All projects involving construction will require an environmental clearance document. This document may be a Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement. NJDOT will determine the level of detail required based on the nature of the specific project. Normally, when the scope of the project is being determined, a decision will be made on the type of documentation required. The Project Sponsor is responsible for preparing the environmental document.

## Project Engineering

Projects must follow standard federal and state procedures for all phases of work. If Project Sponsors do not have a qualified professional on staff, they should acquire the services of a consultant to oversee the development and implementation of the project and ensure compliance with all state and federal requirements. The acquisition of consultant services must be in accordance with federal procedures. In the case of municipal Sponsored projects, municipalities may choose to use their municipal engineers with NJDOT approval, or follow an approved consultant selection process. It is important to recognize that the design and/or construction engineers are employed by the Project Sponsor.

## Standards and Guidelines

Standards are established to protect public health and safety. All projects must be designed to meet federal and state standards. However, in some instances, traditional federal and state highway standards may not apply to a particular project. In such cases, Sponsors should follow any guidance available that applies to their project with federal and state concurrence. Examples include guidelines prepared by the Rails to Trails Conservancy, the American Association of State Highway and Transportation Officials, the Secretary of Interior's Standards for the Treatment of Historic Properties, and the *Manual of Uniform Traffic Control Devices*.

## Right-of-Way Acquisition

All right-of-way coordination must follow federal regulations and the Uniform Relocation Assistance Act. In particular, property owners must be advised that federal funding is being used to implement the project and that they are entitled to fair market value for their property. In addition, if the Sponsor does not have the authority to acquire property by eminent domain, the property owner must be so advised prior to any offer being made. This requirement does not preclude the voluntary donations of property to the project. Proof of ownership of the right-of-way will be required for all projects prior to advertising for construction bids. For more information, [click here](#) to view the FHWA's Real Estate Acquisition Guide for Local Public Agencies.

## Utility Clearance

All projects involving construction must have utility clearance prior to the advertisement for bids. This procedure requires that the Sponsor certify that all necessary arrangements have been completed for the relocation of any affected utility. State personnel will provide assistance with this process.

## Permits

The Project Sponsor is responsible for securing all necessary permits to design and implement the project. These may involve Departments of Environmental Resources, the U.S. Army Corps of Engineers, local municipal permits, DOT highway occupancy permits, etc.

## Public Utility Commission Involvement

Certain projects, such as rails to trails projects or those involving railroad crossings, may require the involvement of the Public Utility Commission. It is the Project Sponsor's responsibility to contact the Public Utility Commission to secure the necessary actions by that agency.

## Bidding

For projects that require a contractor to perform physical construction, the Sponsor's professional engineer will assemble the contract proposal package. NJDOT will review the preliminary and final PS&E Package. Bidding will be managed by the Project Sponsor or NJDOT or by NJ TRANSIT for transit vehicle purchases, as agreed upon at project inception, and must follow federal procurement procedures.

## Construction and Implementation

Project Sponsors may proceed with the construction or implementation phase of the project upon receipt of written authorization to do so from the appropriate state agency, such as NJDOT. This will ensure that all necessary approvals have been secured. Construction or implementation must be performed by an approved contractor. All material used in conjunction with the project must meet project specifications.

## Control, Use, and Maintenance

The Project Sponsor is responsible for the continuing control, use, and maintenance of the project after completion of construction. No federal CMAQ funding will be provided for maintenance activities.

## Project Cancellation

A Project Sponsor may, at any time in the project development process, decide to cancel the project and drop out of the program. In this situation, the Project Sponsor must notify the appropriate state entity and DVRPC. The Sponsor is responsible for the reimbursement of all federal funds received as of that date and for the payment of all outstanding invoices to engineers or contractors.

## Appendix C: County, Regional, and State Contacts

### Burlington County

Carol Thomas | (856) 642-3800 | [cthomas@co.burlington.nj.us](mailto:cthomas@co.burlington.nj.us)

### Camden County

Andrew Levecchia | (856) 566-3120 | [andrew.levecchia@camdencounty.com](mailto:andrew.levecchia@camdencounty.com)

### Gloucester County

Theresa Ziegler | (856) 307-6650 | [tziegler@co.gloucester.nj.us](mailto:tziegler@co.gloucester.nj.us)

### Mercer County

Matthew Lawson | (609) 989-6546 | [mlawson@mercercounty.org](mailto:mlawson@mercercounty.org)

### City of Camden

Dr. Edward Williams | (856) 757-7135 | [edwillia@ci.camden.nj.us](mailto:edwillia@ci.camden.nj.us)

### City of Trenton

Jeffrey Wilkerson | (609) 989-3505 | [jwilkerson@trentonnj.org](mailto:jwilkerson@trentonnj.org)

### New Jersey Department of Transportation (NJDOT)

Jamie DeRose | 609-963-2207 | [jamie.deroose@dot.nj.gov](mailto:jamie.deroose@dot.nj.gov)

### New Jersey Department of Community Affairs (NJDCA)

Sean Thompson | (609) 292-1337 | [sean.thompson@dca.state.nj.us](mailto:sean.thompson@dca.state.nj.us)

### New Jersey Department of Environmental Protection (NJDEP)

Melissa Evanego (Bureau of Mobile Sources) | (609) 292-1637 | [Melissa.Evanego@dep.nj.gov](mailto:Melissa.Evanego@dep.nj.gov)

### New Jersey Office of Planning Advocacy

Barry Ableman | (609) 292-3228 | [Barry.Ableman@sos.state.nj.us](mailto:Barry.Ableman@sos.state.nj.us)

### New Jersey Transit (NJ TRANSIT)

Anna Magri | (973) 491-7381 | [AMagri@njtransit.com](mailto:AMagri@njtransit.com)

### Delaware River Port Authority/Port Authority Transit Corporation (DRPA/PATCO)

Barbara Holcomb | (856) 968-2107 | [b\\_holcomb@drpa.org](mailto:b_holcomb@drpa.org)

### Cross County Connection Transportation Demand Association

Ronda R. Urkowitz | (856) 596-8228 | [urkowitz@driveless.com](mailto:urkowitz@driveless.com)

### Greater Mercer Transportation Demand Association

Cheryl Kastrenakes | (609) 452-1491 | [ckastrenakes@gmtma.org](mailto:ckastrenakes@gmtma.org)

### Delaware Goods Movement Task Force

Kelvin MacKavanagh | (609) 704-1270 | [kelmack@verizon.net](mailto:kelmack@verizon.net)



# FY2020 Competitive Congestion Mitigation and Air Quality (CMAQ) Program for New Jersey Guidance

*(For New FY2022, FY2023, and FY2024 Projects)*

**Publication Number:** 20014

**Date Published:** March 2020

**Geographic Area Covered:**

DVRPC New Jersey Region (Burlington, Camden, Gloucester, and Mercer counties)

**Key Words:**

Air Quality, Authorization, Bike and Pedestrian, Buy America, CMAQ, CMP, Conformity, Congestion Mitigation and Air Quality, Congestion Reduction, Construction, Cost Effectiveness, DRPA/PATCO, Emissions Analysis, Emissions Benefit, Emissions Reduction, Environmental Justice, Equity, Extreme Low-Temperature Cold Start Programs, FAST Act, Federal Transit Administration, Federally Funded Projects, Fine Particles, Fixing America's Surface Transportation Act, Freight, FTA, Funding, Goods Movement, Highways, Idle Reduction, Indicators of Potential Disadvantage, Infrastructure Capital, Inspection and Maintenance Programs, Intermodal, IPD, MAP-21, Match, Moving Ahead for Progress in the 21st Century, New Jersey Department of Transportation, Nitrogen Oxides, NJ TRANSIT, NO<sub>x</sub>, Operating Assistance, Particulate Matter, PM<sub>2.5</sub>, Project Readiness, Sponsor Capacity, Surface Transportation, TDM, TIP, Traffic Flow Improvements, Transit, Transportation, Transportation Control Measures, Transportation Demand Management, Transportation Improvement Program, Public Education, Public Outreach, Public–Private Partnership, P3, Training, VOC, Volatile Organic Compounds

**Abstract:**

The FY2020 Competitive Congestion Mitigation and Air Quality (CMAQ) Program for New Jersey Guidance document explains in detail what an applicant must know about the program, how to apply for funds, and what regulations award recipients must follow to submit and generate a successful project, as there are procedures, stipulations, and limitations associated with the use of federal CMAQ funds.

---

**Staff Contact:**

Kwan Hui  
Manager, NJ Capital Programs  
215.238.2894  
khui@dvrpc.org



190 N Independence Mall West  
8th Floor  
Philadelphia, PA 19106-1520  
215.592.1800 | fax: 215.592.9125  
[www.dvrpc.org](http://www.dvrpc.org)



## Congestion Mitigation *and* Air Quality Improvement Program

CMAQ |  **dvrpc**



190 N Independence Mall West  
8th Floor  
Philadelphia, PA 19106-1520  
215.592.1800 | fax: 215.592.9125  
[www.dvrpc.org](http://www.dvrpc.org)

Connect With Us!     