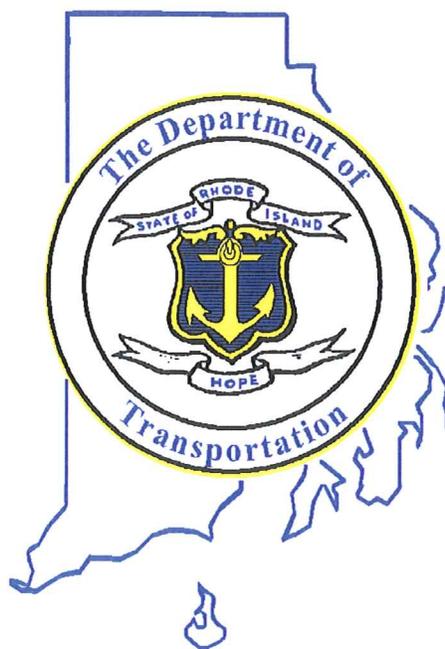


**THE STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS**

RHODE ISLAND DEPARTMENT OF TRANSPORTATION

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



September 2013

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

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1.0 Authority and Purpose

- 1.1 These Rules and Regulations are promulgated pursuant to Section 24-18-7 of the Rhode Island General Laws of 1956, as amended, which authorizes the Rhode Island Department of Transportation to evaluate submissions by municipalities of proposed infrastructure plans, identify eligible projects, and create a priority project list. These Rules and Regulations are promulgated in accordance with Section 42-35-1 *et seq.* of the Administrative Procedures Act.
- 1.2 The purpose of these Rules and Regulations is to establish a procedure for the submission of infrastructure plans, as well as evaluation criteria to be used in ranking infrastructure plans, pursuant to Section 24-18-7 of the Rhode Island General Laws of 1956, as amended.

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

- 2.1 Application – Municipal Road and Bridge Revolving Loan Fund Project Loan Application, attached to these regulations as Attachment A.
- 2.2 Approved project – any project approved by the Rhode Island Clean Water Finance Agency for financial assistance.
- 2.3 Department – The Rhode Island Department of Transportation.
- 2.4 Director – The Director of the Rhode Island Department of Transportation or his designee.
- 2.5 Eligible project – An infrastructure plan, or portion of an infrastructure plan, that meets the evaluation criteria established in Section 4.0 of these regulations and is consistent with the State Guide Plan.
- 2.6 Final agency decision – The decision of the Director, as indicated by written correspondence determining the Project Priority List.
- 2.6 Financial assistance – Any form of financial assistance other than grants provided by the Rhode Island Clean Water Finance Agency to a city or town in accordance with Chapter 18 of Title 24 of the Rhode Island General Laws for all or any part of the cost of an approved project, including, without limitation, temporary and permanent loans, with or without interest, guarantees, insurance, subsidies for the payment of debt service on loans, lines of credit, and similar forms of financial assistance.
- 2.7 Infrastructure plan – A project proposed by a city or town that would make capital improvements to roads, bridges and appurtenances thereto consistent with project evaluation criteria established in Section 4.0 of these regulations.

- 2.8 Project priority list – The list of eligible projects, ranked in the order in which financial assistance shall be awarded by the Rhode Island Clean Water Finance Agency.

3.0 Infrastructure Plan Submission Process

- 3.1 Municipalities interested in seeking financial assistance for calendar year 2014 may submit an infrastructure plan to the Department beginning September 15, 2013, according to the procedure delineated below.
- 3.2 A municipality must submit five collated copies of the completed application, additional narrative (if needed) and location maps by 3 p.m. on October 15, 2013:

Rhode Island Department of Transportation
ATTN: Planning & Finance Division
2 Capitol Hill, Room 247
Providence, RI 02903

The Department shall not evaluate applications received after October 15.

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

- 4.1 The extent to which the project generates economic benefits;
- 4.2 The extent to which the project would be able to proceed at an earlier date;
- 4.3 The likelihood that the project would provide mobility benefits;
- 4.4 The cost effectiveness of the project;
- 4.5 The likelihood that the project would increase safety; and
- 4.6 The project’s readiness to proceed within the forthcoming calendar year.

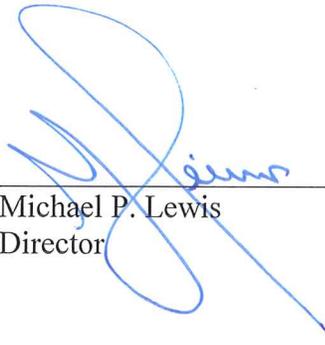
5.0 Review Process– The Department will take the following steps to evaluate and rank municipal infrastructure plans.

- 5.1 The Department will convene a panel of experts from staff within the Rhode Island Department of Transportation; the Rhode Island Department of Administration, Division of Planning (Statewide Planning Program), and the Rhode Island Economic Development Corporation to review projects.

- 5.2 The panel will determine which infrastructure plans meet stated project evaluation criteria established in Section 4.0 of these regulations and are eligible projects.
- 5.3 The panel will review all available materials and may contact the municipality to request additional information in order to establish a proposed project priority list for all eligible projects.
- 5.4 The Department will hold a public hearing on the proposed project priority list no later than December 13, 2013.
 - 5.4.1 Public notice of the availability of the proposed project priority list and the place and time of the public hearing shall be published on the Department's website, for at least thirty (30) calendar days, or as required by RIGL 42-35, in advance of the hearing to afford all interested persons reasonable opportunity to submit data, views, or comments concerning the proposed project priority list.
 - 5.4.2 The public notice shall indicate the location where copies of the project priority list may be obtained and/or reviewed by interested parties prior to the hearing.
 - 5.4.3 The panel shall accept written comments on the project priority list from the time of public notice of availability until seven (7) calendar days following the public hearing.
- 5.5 The panel shall consider fully all written and oral submissions respecting the proposed project priority list, and make any changes deemed necessary to serve the purposes of these regulations.
- 5.6 As advised by the panel, the Department will adopt a final project priority list and provide the Rhode Island Clean Water Finance Agency and the Rhode Island Statewide Planning Program with the project priority list for the forthcoming calendar year.
 - 5.6.1 The decision of the Department in writing shall be the final agency decision in determining the project priority list.
- 6.0 Severability — If a court of competent jurisdiction finds any provision of these Rules and Regulations or their application to any person, municipality, entity or circumstance to be invalid, the remainder of these Rules and Regulations shall not be affected thereby.
- 7.0 Application — These Emergency Rules and Regulations will take effect upon filing with the Secretary of State.

CERTIFICATION

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



Michael P. Lewis 8/30/13
Director Date

Legislative Criteria

Explain how the project meets the legislative criteria listed below. Use this form or provide the explanation on a separate sheet. Submissions must not exceed 2 pages, single spaced, 12-point font.

1. The extent to which the project generates economic benefits:
2. The extent to which the project would be able to proceed at an earlier date:
3. The likelihood the project would provide mobility benefits:
4. The cost effectiveness of the project:
5. The likelihood that the project would increase safety:
6. The project's readiness to proceed within the forthcoming calendar year:

Certification/Signature

Attest: The information provided on this application is true and accurate

Applicant's Signature _____ Date _____

Chief Executive Official's Signature _____ Date _____

Application Checklist - Submitted by October 15, 2013 at 3:00 p.m.

- 5 Collated Copies of Completed Application
Forms - Project Application
Attached 2-page narrative (if used)
Location Maps

- Mail to:
Rhode Island Department of Transportation
ATTN: Planning & Finance Division
Two Capitol Hill, Room 247
Providence, RI 02908

Official Use Only

Submission Date _____

Accepted by _____

SIGNATURE

ADMINISTRATIVE