

Questions and Answers Related to TRIP - "Regional Transportation Area" Issues

- **Q: In 2011, the Florida Legislature significantly revised Florida's growth management programs. Did any of these changes affect the TRIP program?** (Posted 7/6/12)
A: Yes, changes to Florida's growth management laws enacted in Chapter 2011-139, Laws of Florida (LOF) (HB 7207), affected the TRIP program. The most significant included the removal of Section 163.3180 (10), Florida Statutes that previously required local governments to adopt the level of service standard established by FDOT for roadways funded under TRIP. Conforming changes were made to the TRIP statute. Although local governments are not required to adopt the FDOT level of service standards for TRIP facilities, they should have joint processes for coordination with FDOT in establishing level of service standards where FDOT has the operation and maintenance responsibility for the facility.
- **Q: Does the FDOT LOS standard have to be adopted for transit projects funded through TRIP?** (posted 9/15/06)
A: No. Chapter 163, Florida Statutes, Section 3180 (Concurrency) states in paragraph 10: "for **roadway facilities** funded in accordance with s. 339.2819 [i.e., TRIP], local governments shall adopt the level-of-service standard established by the Department of Transportation by rule." The requirement to adopt the FDOT LOS standard applies to only roadway facilities funded through TRIP. It doesn't apply to transit projects or facilities funded through TRIP.
- **Q: The law states that projects funded through TRIP must adopt FDOT Level of Service standards. Under the current TRIP guidelines, no city will go after TRIP funds for primary arterials in congested urban core areas because the required LOS standard could not be met. Will the Department consider lowering its adopted LOS standards for TRIP projects in such areas?** (posted 9/15/05)
A:No. The Department does not have the authority to lower the LOS standards that are adopted by rule, except where a variance from the provisions of the rule is granted in accordance with Chapter 120, F.S. in those situations where a hardship can be demonstrated. Also, exceptions to concurrency requirements are available in certain designated areas as provided in s. 163.3180, Florida Statutes (e.g. concurrency exception areas, multimodal districts etc.).
- **Q: What if the congestion is so bad on a candidate project that it will never meet the FDOT LOS standard even if it is improved using TRIP funds? Should it still be considered?** (posted 9/15/05)
A:Yes. Project funding will be based on whether it is a priority of the regional entities as identified in the regional plan for the regional transportation area.
- **Q: On what basis are Intelligent Service System (ITS) projects to be evaluated?** (posted 9/15/05)
A:They should be evaluated based on whether they are located on a regionally significant facility and whether they improve vehicle throughput.
- **Q: Can a project be submitted for TRIP funds that does not originate from a Regional Transportation Plan? The legislation doesn't explicitly state that the projects must come from a plan.** (posted 6/23/05)
A:No. The project must come from an approved Regional Transportation Plan. The nexus between TRIP and the plan is found in the first paragraph of 339.2819, F.S. where it references 339.155(5), F.S. That is where the language on the Regional Transportation Plan is found.
- **Q: Can TRIP funds be used on the SIS?** (posted 6/23/05)
A:Yes. However, you cannot mix TRIP funds and SIS funds because both are state funds.

- Q: Does a project need to be included in the Regional Planning Council's Strategic Regional Policy Plan (SRPP) in order to be eligible for TRIP?** (posted 6/23/05)

A:No. What the regional transportation area deems to be regionally significant may not necessarily match what the RPC says is regionally significant.
- Q: What does it mean for a project to be "consistent with the Strategic Intermodal System Plan"?** (posted 6/23/05)

A:Being consistent with the SIS means that the project serves a national, statewide, or regional function, and it serves an integral part of an interconnected regional network.
- Q: Who decides what is regionally significant and what are the criteria?** (posted 6/6/05)

A:Regional transportation areas designate regionally significant facilities. The definition of "regionally significant" is expected to vary according to the characteristics and policies of each region. FDOT has provided guidance for these designations and identified characteristics for consideration. This guidance may be found in Section 6.2 of the Work Program Instructions.
- Q: This is similar to the question about the definition of the Regionally Significant Projects except substitute airports such as Tri-County Airport in Holmes County. To Washington, Holmes and Jackson Counties Tri-County is very much "Regionally Significant"** (posted 6/6/05)

A:The regional transportation area is responsible for designated regionally significant facilities for all modes. FDOT Districts will receive priorities for TRIP funds from all regions in the District. Based on the guidance developed by FDOT, the District may determine that a transportation facility that serves predominantly local travel will not be a high priority for TRIP funds within the District.
- Q: Who will define "Regionally Significant Facilities" when two rural counties form a regional transportation area? The FDOT guidance looks good from a statewide perspective, but if I'm a small rural county they have a completely different meaning. FS 339.155(5) has no reference to statewide significance.** (modified 6/6/05)

A:Designation is the responsibility of the regional transportation area. The FDOT guidance provides characteristics of regionally significant facilities. A TRIP project eligibility criterion states that projects must, at a minimum, "support facilities that serve national, statewide or regional functions and function as an integrated transportation system"; in addition, FDOT guidance states that "all facilities on the SIS and Emerging SIS are regionally significant."
- Q: Do the projects have to be on the SHS?** (posted 5/31/05)

A:No. Projects must be on regionally significant facilities, as designated by the regional transportation area. Projects for public transportation facilities that are regionally significant are also eligible.

Questions and Answers Related to TRIP - Funding/Programming Issues

- **Q: In 2012, the Florida Legislature again amended the TRIP statutes. How did these changes affect the funding and programming under TRIP?** (Posted 7/6/12)
A: Chapter 2012-174, Laws of Florida, revised the state match requirement from 50 percent of project costs to allow up to 50 percent of project costs to be funded under TRIP. This change will allow a higher local match or other sources of funds for projects to be funded under TRIP.
- **Q: Were there any other changes in 2012 that affect funding and programming under TRIP?** (Posted 7/6/12)
A: Yes, the revision to the TRIP statute prohibits the department from programming a project to be funded under TRIP unless the project meets the requirements of the TRIP program (see Section 339.2819, Florida Statutes). Generally, those requirements state that TRIP-funded projects:
 - Serve national, statewide, or regional functions and function as part of an integrated regional transportation system.
 - Be identified in the capital improvements element of a comprehensive plan and be in compliance with local comprehensive plan policies relative to corridor management.
 - Be consistent with the SIS Strategic Plan.
 - Have a commitment of local, regional, or private financial matching funds.
- **Q: Can TRIP funds be used to purchase replacement buses for a transit agency?** (posted 9/15/05)
A: No. The TRIP program is designed to address growth and development by expanding infrastructure to provide additional service and capacity. These funds are not eligible to be used to replace existing fleet.
- **Q: If Capital Improvements Programs must now be fiscally feasible by state law, and if a project must be in an adopted CIP in order to qualify for TRIP funds, how can the CIP be fiscally feasible if the TRIP funds have not yet been approved for the project?** (revised 6/23/05)
A: SB 360 defines "financial feasibility" to mean that, "sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule...". It states also that transportation facilities must be in place or under construction within 3 years of approving a building permit. By these definitions, projects within the first 3 years of the CIP are already fully funded and have the money in hand. New projects can be added to Years 4 and 5 of the CIP using TRIP funds as a "planned" funding source. If the project is not fully funded by Year 3 of the CIP, it cannot advance to Year 3 and cannot be used for conformity purposes in the issuance of a building permit.
- **Q: Are we only identifying TRIP projects for Fiscal Year 06 during this short cycle?** (revised 6/14/05)
A: There is no "short cycle" for TRIP. TRIP projects for funding in FYs 05/06 and 06/07 will be solicited during the work program development process in the Fall 2005.
- **Q: Will the application process be statewide or left up to districts?** (revised 6/14/05)
A: There will be no "application process" since this is not a grant program. Projects will be programmed using the process established in s. 339.135, Florida Statutes, related to development of the work program. FDOT Central Office will provide Districts with process guidelines, including some uniform dates. Districts may tailor their process to meet their circumstances (e.g., number of eligible regional transportation areas, demand for TRIP funding, etc.).

- **Q: Do we consider all phases for all the new programs in Fiscal Year 06 or are we to only look at construction?** (posted 6/6/05)
A: All phases can be considered, but right of way and construction phases should receive the highest priority in the early years of the program.
- **Q: How much funding will be allocated to each district (statutory formula?)** (posted 6/6/05)
A: Yes, the statutory formula (equal parts of population and motor fuel tax collections) will be used to allocate funds to the Districts each year. This formula is updated each year, normally the first part of August upon receipt of the latest motor fuel tax collection data. Population is updated annually by the University of Florida. See Schedule A of the current Work Program Instructions for current district allocations.
- **Q. How will TRIP projects be added to the Work Program in FY 05/06?** (posted 6/6/05)
A. When an eligible project has been identified and approved for TRIP funding, the project will be added to the Adopted Work Program through a Work Program amendment in accordance with s. 339.135, F.S.
- **Q: SB 360, page 94, beginning with line 5: prior to this required list of prioritized regionally significant projects being developed, what criteria to we use to choose projects for FY 06?** (posted 6/6/05)
A: There is no difference in the requirements: a regional transportation area will have to be formed, meeting the statutory requirements in s. 339.155(5), Florida Statutes; a regional plan will have to be adopted; and a list of project priorities will have to be submitted to FDOT. Approved projects will be added to the FY 05/06 Adopted Work Program through a Work Program amendment in accordance with s. 339.135, F.S.
- **Q: Can TRIP funds be used to fund aviation and port projects?** (posted 5/31/05)
A: Yes, provided that the aviation and port facilities are designated as regionally significant and matching funds are committed for the projects.
- **Q: SB 360, page 82, beginning with line 23: are TRIP funds not be used on the SIS? (Page 83, line 29 states priority is to be given to projects that provide connectivity to the SIS).** (posted 5/31/05)
A: TRIP funds may be used on the SIS provided that SIS facilities are designated by the regional transportation area and matching funds are committed to a SIS project. FDOT guidance on regional significance provides that SIS facilities are regionally significant.
- **Q: Is TRIP a grant program?** (posted 5/31/05)
A: No. FDOT is selecting projects as part of its annual work program development process.
- **Q: Do we compete with regions throughout Florida for state funds?** (posted 5/31/05)
A: No. TRIP funds are distributed annually to FDOT Districts, based on their share of population and motor fuel tax collections. Regions only compete with other regions in their District.
- **Q: How can the private sector participate?** (posted 5/31/05)
A: Private sector interests should work with MPOs and counties to secure local matching funds for projects on regionally significant facilities. Private funds may be part of local matching funds.
- **Q: Can my MPO or county receive state TRIP funds if we are not in a regional transportation area?** (posted 5/31/05)
A: No. State TRIP funds are an incentive for MPOs and counties to join with their neighbors to designate, plan for, and help fund projects that serve their region.
- **Q: Does this mean local governments will be paying for improvements on the SHS on a 50/50 basis?** (posted 5/31/05)
A: Yes, if a regional transportation area determines that such projects are a high priority for the region and if funds are committed to match state funds.

Questions and Answers Related to TRIP - Matching Fund Issues

- **Q: Can XU funds be used as the local match for a TRIP transit project?** (posted 7/30/07)
A: Yes. For Public Transportation projects, XU funds may be used to fund 50% of the project costs, on an XU eligible project. XU funds require a 25% match. In accordance with s. 339.135 (3) (d), F.S., if XU funds are used off the State Highway System, State funds are limited to one-half of the required 25% match (12.5%). However, the Department is not required to match Federal Funds allocated to projects off the State Highway System. In light of the intent of the use of TRIP funds to add growth to the transportation program, a policy decision has been made that the required match for Federal XU funds used for Public Transportation projects (as a match for TRIP funds) must be provided through Local funds.
- **Q: Can any other federal funds besides XU be used on a roadway project?** (posted 9/15/05)
A: Yes, other federal funds can be used, but only as supplemental funds. XU funds are the only eligible federal funds that may be used to match TRIP. For every dollar of TRIP funds, there must be a dollar match from local sources. The local match can be local public funds, private funds, or XU funds. If other federal funds are used, they would be in addition to TRIP and local match. For example: Assume a project costs \$100M. If \$25M comes from TRIP, there must be a match of \$25M in local funds. The remaining \$50M can come from some other federal, state, or private source.
- **Q: Can federal earmarks be used as the local match for TRIP?** (posted 9/15/05)
A: No. They cannot be used as the local match for TRIP. However, they can be used as supplemental funds.
- **Q: Is there anything to preclude using TRIP funds to obtain expansion or replacement buses with a SIB loan and XU as the 50/25/25 match and also repay the SIB loan with future XU allocations?** (posted 9/15/05 *Answer updated 8/29/07)
A: No. There is nothing to preclude this. A SIB loan must be repaid with local funds. For the purposes of TRIP, XU funds are treated like local funds. Therefore, XU funds can be used as the local match for TRIP and/or to pay back a SIB loan. However, keep in mind that XU funds themselves require a 25% local match. Department policy requires that the 25% match for XU funds used for Public Transportation projects (as a match for TRIP) be provided through Local Funds.
- **Q: Are there any restrictions to what can be used to repay TRIP SIBs?** (posted 9/15/05)
A: See the answer to the previous question. A SIB loan used as local share must be repaid with local funds. The same types of restrictions required for all state funded SIB loans will apply to the TRIP SIB loans. Primarily this means the pledged source must be established local revenue (local option taxes, tolls, fares, or local government budgetary appropriation secured by resolution) and backstopped by the applicant with a secondary pledge of local funds that is also considered recurring and secure.
- **Q: Is the application period for TRIP SIBs on the web site with a deadline of December 16 for FY 05/06 or for 06/07?** (posted 9/15/05)
A: FY 05/06 and 06/07. Any project for 05/06 will require a Work Program Amendment to add to the program.
- **Q: If an eligible rural county is granted a waiver or reduction for its share of the non-TRIP match of project costs, can TRIP funds be used to cover the balance?** (posted 9/15/05)
A: In those instances where a match has been waived or reduced, the scope of the project will have to be reduced. For example, if the original total project cost was \$1 million, and the county was granted a waiver for its 50% share, the scope of work will have to be reduced so that the new total project cost is \$500K. TRIP funds could then be used to pay for 100% of the \$500K project

cost. Supplemental funds from other state or federal sources may be used to fund the remainder of the original project cost.

- **Q: Can a big ticket project be broken up into segments if the locals do not have enough matching funds to cover 50% of the project in its entirety?** (posted 9/15/05)
A: Yes, however each use of TRIP funds will require a 50% match.
- **Q: Can local impact fee credits be used toward the local match?** (posted 9/15/05)
A: Yes. Any combination of local/private developer funds is eligible for the local match as long as the match comes from a local government or eligible entity.
- **Q: Can the "proportionate share" provided by the developers be considered part of the local match?** (posted 7/25/05)
A: Yes. If the "proportionate share" provided by the developer is tied directly to the candidate TRIP project, it can be considered part of the local match.
- **Q: We have a transit project that is normally funded 80% Federal, 10% State, 10% Local. What percentage will TRIP cover for this project?** (posted 7/25/05)
A: The law states that TRIP will cover up to 50% of the non-federal share for public transportation facility projects. In this case, the non-federal share is that 20% that remains. TRIP will cover up to half of that. So the split would be 80% Federal, 10% State (TRIP), and 10% Local.
- **Q: Can SIS funds be used to match TRIP funds?** (posted 6/23/05)
A: No. TRIP provides 50% of the total project costs with state TRIP funds. The other 50% must come from local funds or federal Surface Transportation Program funds allocated for urbanized areas over 200,000 population (i.e. XU funds). SIS funds are state funds, and cannot be used as the local match.
- **Q: There is no mention of how to fund the 50% match if in an Area of Critical Economic Concern in FDOT Work Program Instructions.** (posted 6/6/05)
A: Language regarding the potential for waiver of the match requirement for eligible counties is in Section 3.5 of the Work Program Instructions. A reference to this section will be added to the Instructions for TRIP.
- **Q: Regarding TRIP - if a waiver is requested by a county of Critical Economic Concern, how do you fund the other 50%?** (posted 6/6/05)
A: Additional funding will not generally be available to cover the amount of the match being waived or reduced, but additional funding is not prohibited. In the case where additional funds are not available, the scope of the project will need to be reduced.
- **Q: If a percentage match requirement is identified, will match valued above that percentage be able to be applied toward another project either on the corridor, in the region or elsewhere?** (posted 6/6/05)
A: Generally, the answer is "no." However, exceptions may be granted on a case-by-case basis, such as for project segments in a regional corridor that are part of an implementation plan for that corridor.
- **Q: What are the rules for the "in-kind" matches (i.e. Right of Way contributions)?** (posted 6/6/05)
A: In-kind services are goods, commodities or services received in lieu of cash payments. Goods and commodities should be valued based on their current market value in accordance with generally accepted accounting standards as determined by the Office of the Comptroller. This includes right of way donations.
- **Q: Regarding TRIP - if the local entity wants to offer right of way as the "in kind services" portion of their 50%, what are the rules that the right of way would have to be acquired under so as not to jeopardize any federal funds in the future?** (posted 6/6/05)
A: Property donated by local governments for right of way as the local share for a qualified project, must comply with the requirements of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601, et sec., and

implementing federal regulations, 49 CFR Part 24 and 23 CFR Part 710, if federal funds will be used in any phase of the project.

- **Q: Match for land: how will the value be determined and validated? Land is likely to be the more difficult to come to an agreed value. A consistent methodology statewide is important. Some considerations for donated land: (1) stated value by someone (who?); (2) tax role value; (3) purchase cost (may have been purchased for \$.50/\$1.00 valued); (4) appraised value, current condition (whose appraisal?); (5) appraised value, future condition (whose appraisal?).** (posted 6/6/05)

A: The value for land donated is the current market value, as properly supported.