

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER g: PLANNING AND PROGRAMMING

PART 600
PORT FACILITIES CAPITAL INVESTMENT GRANT PROGRAM

Section	
600.5	Purpose
600.10	Definitions
600.15	Eligibility
600.20	Notice of Funding Opportunity
600.25	Application
600.30	Review and Selection
600.35	Prohibited Uses of Awards
600.40	Reimbursement Process
600.45	Exceptions to GATA

AUTHORITY: Implementing and authorized by Section 2705/2705-285 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-285].

SOURCE: Adopted at 44 Ill. Reg. _____, effective _____.

600.5 Purpose

The purpose of this Part is to establish the rules for the Department's Port Facilities Capital Investment Grant Program. The Program provides financial assistance to eligible public port districts for infrastructure improvement projects.

600.10 Definitions

For purposes of this Part, the words, terms, and phrases listed shall have the meanings ascribed to them as follows:

“Applicant” means the public port district which seeks financial assistance under this Program.

“Appropriation” means the legislated spending authority.

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

“Award” means financial assistance that provides support or stimulation to accomplish a public purpose.

“Catalog of State Financial Assistance” or “CSFA” means the single, authoritative, Statewide, comprehensive source document of State financial assistance program information maintained by the Governor’s Office of Management and Budget available at <http://grants.illinois.gov>.

“Department” means the Illinois Department of Transportation.

“DCEO” means the Illinois Department of Commerce and Economic Opportunity.

“Economically distressed” means a port district whose boundaries include, at time of application, both an environmental justice area and an opportunity zone as declared by the Illinois Environmental Protection Agency and Illinois Department of Commerce and Economic Opportunity, respectively.

“GATA” means the Grant Accountability Act, 30 ILCS 708/1 et seq.

“GATU” means the Grant Accountability and Transparency Unit within the Illinois Governor’s Office of Management and Budget.

“Notice of Funding Opportunity” or “NOFO” means the Department’s formally issued announcement of the availability of State, federal, or federal pass-through funding through one of its financial assistance programs. The announcement provides eligibility and evaluation criteria, funding preferences/priorities, the submission deadline, and information on how to obtain an application for the funding opportunity.

“Program” means the Port Facilities Capital Investment Grant Program.

“Project” means the infrastructure improvement project for which the applicant seeks financial assistance.

“Public Port District” means a special district formed by the Illinois General Assembly under Chapter 70 of the Illinois Compiled Statutes which operates ports and other transportation infrastructure.

“Secretary” means the Secretary of the Illinois Department of Transportation.

600.15 Eligibility

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- a) All public port districts are eligible to apply for funding under this Program.
- b) Projects eligible for this Program include
 - 1. Expansion activities such as site planning resulting in capital construction and land purchase;
 - 2. Dock and terminal repair, rehabilitation, or construction;
 - 3. Port roadway rehabilitation or construction;
 - 4. Improving or installing equipment for loading or off-loading cargo to or from a vessel;
 - 5. Warehouses or other commodity storage;
 - 6. Buildings or shelters for the storage of equipment;
 - 7. Procurement, installation, and maintenance of equipment to improve port security such as fences, lighting, or security systems;
 - 8. Navigational aids;
 - 9. Preliminary and final design engineering for eligible capital construction projects; and
 - 10. Other capital improvements that will result in documentable improvements to marine transportation.

600.20 Notice of Funding Opportunity

- a) Subject to the availability of appropriated funds, the Department will publish a Notice of Funding Opportunity (NOFO) in the CSFA.
- b) The NOFO will include the grant application and any additional forms required to apply for funding.
- c) The NOFO will identify any local match requirements. The Department may exempt economically distressed ports from match requirements.

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- d) The NOFO will be posted in the CSFA for a period of 60 days.

600.25 Application

- a) Before applying for funding, applicants shall
 - 1) Register in the grantee portal;
 - 2) Complete the internal control questionnaire; and
 - 3) Meet criteria to become pre-qualified under GATA.
- b) Applications shall include
 - 1) A map, sketch, or other depiction of the project site and its surrounding area including all transportation access facilities;
 - 2) A project layout or conceptual drawing, schematic plans, surrounding reports related to the project, such as environmental or development reports;
 - 3) Documentation showing whether the proposed project is consistent with development plans by local government, private sector local development plans approved by local governments (e.g., zoning or permitting), or the comprehensive plan of the local government if plans have been adopted. The only plans required to be submitted are those within the area of the public port district;
 - 4) A schedule of tasks and goals for project accomplishment;
 - 5) Documentation of the source of the required matching funds with reasonable assurances that these funds are available and enough to complete the project;
 - 6) A financial summary, on a form prescribed by the Department, that identifies the total cost for the project and the amount being requested from the Program;

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- 7) The port's master planning documents or assurance that a port master plan is to be completed;
 - 8) A completed standard GATA application form;
 - 9) A completed conflict of interest form;
 - 10) A completed programmatic risk assessment;
 - 11) A document identifying all the current members of the Port's board, the chairperson and officers of the board, if any, and a resolution signed by the board's chairperson, treasurer, secretary, or a board member authorized to sign showing the number of votes for and against to be a majority granting the authority to apply for the grant; and
 - 12) Any additional information required by the NOFO issued by the Department.
- c) Applications shall be due 60 days after the date the NOFO is published.
- d) Applications shall be electronically filed with the Department as outlined in the NOFO.

600.30 Review and Selection

- a) Applications determined by the Department to meet the requirements of Section 600.25 will be reviewed by a committee comprised of staff from the Department and DCEO. The committee may consult with other State agencies during their review.
- b) The committee will review and rank the applications based on assessment of need, prioritized based on standards published in the NOFO, and the information provided in the grant application.
- c) Projects ranked by the committee will be submitted to the Secretary for final review and selection or declination. Only projects determined eligible after compliance with the application process will be considered for grant funding from the Program.

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- d) The Secretary will select or decline applications for grant funding from the Program from the list of eligible projects made by eligible applicants.
- e) Applicants whose grant applications are not selected by the Department will be notified by electronic mail.
- f) Applicants whose grant applications are selected by the Department will be notified by a Notice of State Award.

600.35 Prohibited Uses of Awards

Awards shall not be used for

- a) Administrative costs, insurance costs, and legal costs to obtain an award;
- b) Any costs prior to award and execution of an intergovernmental agreement;
- c) Any operational costs associated with a political subdivision of the State of Illinois, public port district, private entity, or not-for-profit;
- d) The interest on money borrowed by the applicant or interest charged to the applicant for late payment of project costs;
- e) The costs related to the routine maintenance, repair, or operation of a commercial Illinois Marine Transportation System facility;
- f) The costs of maintenance dredging;
- g) Operational costs or outstanding debt;
- h) Preventative or routine activities;
- i) Salaries;
- j) Expendable items and supplies; or
- k) Any costs that cannot meet the multi-modal transportation bond requirements.

6.40 Reimbursement Process

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

- a) Invoices and supporting documentation verifying payments made by the public port district under this Program shall be submitted to the Department in duplicate.
- b) Supporting documentation shall include at a minimum
 - 1) Copies of all cancelled checks. If cancelled checks are not available, an affidavit from the recipient that payment was made;
 - 2) An itemization of all direct costs and unit rates for each direct cost item;
 - 3) A list of employees by classification, time spent by each employee on the project for the invoice service period, and the hourly rate of each employee; and
 - 4) The low bid amount and award date, if applicable.

6.45 Exceptions to GATA

This Program is subject to the requirements of GATA. Any exceptions approved by GATU will be published in the CSFA.