

Transportation Alternatives Set-Aside Program Evaluation Manual for the Quad Cities, Iowa/Illinois Metropolitan Planning Area

August 2023



Transportation Alternatives Set-Aside Program Evaluation Manual

for
The Quad Cities, Iowa/Illinois
Metropolitan Planning Area

August 2023

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Timothy Marshall (ex-officio, non-voting)
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Stuart Anderson, Director
Planning and Programming Division
Iowa Department of Transportation
(Alternate: Sam Shea,
District Transportation Planner)

¹ The Policy Committee voting is restricted to one vote for each voting member. Voting members may authorize an alternate, with the stipulation that alternates of elected officials also be an elected representative of the appropriate jurisdiction.

² Chair, Transportation Policy Committee

³ Vice-Chair, Transportation Policy Committee

⁴ The mayors of the cities of Buffalo, Eldridge, LeClaire, Princeton, and Riverdale in the Iowa portion and the cities and villages of Andalusia, Carbon Cliff, Coal Valley, Colona, Hampton, Milan, Oak Grove, Port Byron, Rapids City, and Silvis in the Illinois portion select a representative from their jurisdictions (Iowa and Illinois separately) to represent them on the Policy and Technical Committees.

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INTRODUCTION

The Infrastructure Investment and Jobs Act (IIJA) continues the Transportation Alternatives Program (TAP) as a set-aside of funds under the Surface Transportation Block Grant Program (STBG). For administrative purposes, the Federal Highway Administration (FHWA) will refer to these funds as the Transportation Alternatives (TA) Set-Aside. The TA Set-Aside authorizes funding for programs and projects defined as “transportation alternatives,” including on- and off-road pedestrian and bicycle facilities; infrastructure projects for improving non-driver access to public transportation and enhanced mobility; community improvement activities such as historic preservation and vegetation management; environmental mitigation related to stormwater and habitat connectivity; recreational trail projects; safe routes to school projects; and projects for planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former divided highways.¹ Each year the Quad Cities metropolitan planning area (MPA) is designated to receive a portion of the TA Set-Aside.

Programming of these funds is the responsibility of the Metropolitan Planning Organization (MPO), which is the Bi-State Regional Commission. The Commission has, in turn, delegated the authority for programming TA Set-Aside funds to the Transportation Policy Committee. The Policy Committee has directed the Transportation Technical Committee to develop and implement a process through which candidate projects for TA Set-Aside funding are submitted as needed, then evaluated and ranked in relation to each other and to assign them to three levels of priority. The resulting advisory prioritization assists the Policy Committee in determining which projects should be selected to receive TA Set-Aside funding. However, the Policy Committee reserves the right to select projects to receive TA Set-Aside funding as deemed necessary for the transportation system at any time. There may be circumstances where the TA Set-Aside evaluation process may not apply.

The Technical Committee periodically reviews the procedure for the technical evaluation and advisory ranking. This document shall define the methodology which reflects the nomenclature and essence of the current transportation act.

TRANSPORTATION ALTERNATIVES SET-ASIDE FUNDING

Under MAP-21, both the Iowa and Illinois Quad Cities had the ability to distribute federal Transportation Alternatives Program (TAP) dollars, which has continued under the FAST Act and the IIJA as part of the STBG Program. Under SAFETEA-LU, enhancement projects could vary from trail and sidewalk development to historic preservation to landscaping along transportation facilities. Under MAP-21, some activities were deemed no longer eligible, while other activities were newly considered eligible. A more qualitative process was used to rank Iowa Quad Cities TEP projects and laid the foundation for MAP-21 requirements of TAP funds that has continued under subsequent transportation acts. Projected TA Set-Aside funding, subject to availability, for the MPO is detailed in Table 1. The States of Iowa and Illinois also have statewide competitive funds for enhancement/alternatives projects with statewide significance.

¹ Source: FHWA, http://www.fhwa.dot.gov/environment/transportation_alternatives/

**Table 1
Quad Cities Federal Aid-Transportation Alternatives/TA Set-Aside Program (TAP/TA Set-Aside)**

Illinois Quad Cities*	2022	2023	2024	2025	2026	2027
TAP/TASA Target	\$151,043	\$151,043	\$151,043	\$151,043	\$151,043	\$151,043
Total Available for Programming	\$805,884	\$706,990	\$225,498	\$376,541	\$183,964	\$335,007
Total TAP/TASA Programmed	-\$249,937	-\$632,535	\$0	-\$343,620	\$0	\$0
TAP/TASA Balance	\$555,947	\$74,455	\$225,498	\$32,921	\$183,964	\$335,007
Iowa Quad Cities	2022	2023	2024	2025	2026	2027
TAP/TASA Target	\$203,474	\$467,235	\$455,202	\$470,000	\$486,000	\$501,000
TAP/TASA Flex Target	\$154,989					
Total Available for Programming	\$1,408,061	\$1,875,296	\$2,142,824	\$719,987	\$1,205,987	\$1,706,987
Total TAP/TASA Flex Programmed		-\$187,674	-\$1,892,837	\$0	\$0	\$0
TAP/TAP Flex Balance	\$1,408,061	\$1,687,622	\$249,987	\$719,987	\$1,205,987	\$1,706,987

* *Illinois TASA Target does not reflect increases of the IJA for FFY2023. Target will be revised after an Illinois DOT statewide program is announced.*

PRIORITY GROUPINGS EXPLANATION

Beginning with MAP-21 and continuing through subsequent acts, the Transportation Technical Committee rated the TAP eligible activities and identified priorities for those eligible items as part of MAP-21 programmatic transitions. With limited funding available to the Quad Cities MPA, this prioritization allows the most valued eligible activities to receive greater weighting in the scoring process. The following Table 2 outlines these priorities and groups them into two categories. For example, Category A: Pedestrians, Trails and Bicycle Grouping will be given the highest priority to fund Transportation Alternatives Program projects within the metropolitan area. A project identified in this category would receive an additional 40 points. Planning activities are not eligible as part of the MPA project selection process. It is the expectation that project planning will occur in advance of the project selection process in order to make the most of the limited TAP monies and bring projects to construction in a timely manner. Projects must be identified as Group A or Group B. Eligible activities identified can be combined in a project, but if the eligible activity is a stand-alone project, then it must be in one category or the other. If it is a combined project, then the majority of the project must be clearly identified as either Group A or Group B.

Table 2

A: Pedestrians, Trails and Bicycle Grouping (40 Points is awarded if project is within this category.)	B: Scenic, Historic, Archaeological and Environmental Grouping (20 Points is awarded if project is within this category.)
<ul style="list-style-type: none"> • Construction and design of on-road and off-road trail facilities. • Construction and design of infrastructure-related projects and systems for safe routes. • A construction project eligible under the Safe Routes to School program under section 11119 of the IJA. • Conversion and use of abandoned railroad corridors for trails. 	<ul style="list-style-type: none"> • Any environmental mitigation activity. • Construction of turnouts, overlooks and viewing areas. • Historic preservation and rehabilitation of historic transportation facilities. • Archaeological activities relating to impacts from implementation of a transportation project eligible under this title.

ELIGIBILITY EXPLANATIONS

The following are eligible activities for stand-alone or combined activities with a project scope. These activities are listed in order of priority under the Quad Cities, Iowa/Illinois MPA TA Set-Aside Project Selection and Evaluation Process. Eligible projects are specified in 23 U.S.C.133 (h)(3)(A) and summarized below. Go to:

https://www.fhwa.dot.gov/environment/transportation_alternatives/guidance/

- Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, **including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure**, and transportation projects to achieve **compliance with the Americans with Disabilities Act of 1990** (42 U.S.C. 12101 et seq.).
- Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
- A construction project eligible under the **Safe Routes to School program** under section 11119 of the IJA.
- Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to address **stormwater management, control and water pollution prevention or abatement** related to highway construction or due to highway runoff; or reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
- Construction of **turnouts, overlooks and viewing areas**.
- Conversion and use of abandoned railroad corridors **for trails for pedestrians, bicyclists or other non-motorized transportation users**.
- Historic preservation and rehabilitation of **historic transportation facilities**.
- Archaeological activities relating to impacts from implementation of a transportation project eligible under this title.

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Recreational Trails are not eligible. Note that projects eligible under the federal recreational trails program will not be considered by the MPA project selection process. The States of Iowa and Illinois have chosen to set-aside monies for respective recreational trails programs. Recreational trails projects are encouraged to submit applications through their respective statewide competitive process.

Safe Routes to Schools non-infrastructure projects are not eligible. Specific to Safe Routes to Schools Projects, a local decision has been made to fund infrastructure-only projects as an eligible activity. The design and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including:

- Sidewalk improvements
- Traffic calming and speed reduction improvements
- Pedestrian and bicycle crossing improvements
- On-street bicycle facilities
- Off-street bicycle and pedestrian facilities
- Secure bicycle parking facilities
- Traffic diversion improvements in the vicinity of schools

Eligible Applicants and Project Sponsors. While the IIJA authorizes a number of eligible entities, the Quad Cities Metropolitan Planning Area has identified the following as eligible applicants in the metropolitan area solicitations:

- Local Governments
- Transit Agencies
- Nonprofit Entities

Non-eligible project sponsors may partner with an eligible sponsor in applying for funds if the eligible sponsor is the lead on the project.

Eligible and Minimum Project Costs. Only certain costs are eligible for reimbursement through the TA Set-Aside. Projects are awarded by Bi-State Regional Commissions' delegated authority the MPA Transportation Policy Committee. Projects are administered through the respective state Department of Transportation and the respective states' Federal Aid Project Development Process. No projects are authorized to expend monies without Federal Highway Administration authorization. Awarded projects must also be included in the Quad Cities Transportation Improvement Program.

The MPA TA Set-Aside project selection process requires a minimum total project cost of \$125,000, based on 80/20 matching requirements. Actual federal funds applied to a project will not exceed 80 percent of the total project costs, or the maximum award amount, whichever is less.

Local Match. Project sponsors who are awarded funds receive up to 80 percent of eligible project costs or up to the maximum approved federal grant award by the Transportation Policy Committee, whichever is less. Federal funds cannot be used to match TA Set-Aside funds, unless expressly permitted by law. State funds are eligible for use as match. The TA Set-Aside

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award should comprise no less than 50 percent federal share and no more than 80 percent federal share of the total project cost, as determined by the local evaluation process requirements.

PROJECT SELECTION PROCESS

A call for projects must be made 30 days in advance of the programming of funds as identified in the Quad Cities MPO Public Participation Plan. A memorandum will be sent to the communities, counties, Technical Committee and Regional Transportation Advisory Group for notification of solicitation of projects within the MPA.

A sample application is included in Appendix A of this manual. An original and one reproducible electronic copy in Adobe Acrobat pdf format will be requested of each applicant. Applications will include a narrative describing the project, map/sketch plans, breakdown of project costs, timeline, endorsement by the submitting jurisdiction, public input process and minority impact statement. The application itself is modeled from the Iowa Department of Transportation application, so project information is consistent and can more easily move into the project development process once a project is awarded funds through the TA Set-Aside programming process. All applicants are required to include the Minority Impact Statement.

Bi-State Regional Commission staff will review applications for completeness and provide copies of the applications to the Technical Committee for review. The ranking sheet on the following page will be used by voting members of the Technical Committee.

The Technical Committee members will score applications submitted by jurisdictions within their own state, i.e. Technical Committee members from Iowa will only score applications from Iowa jurisdictions. Once applications are scored, Bi-State staff will compile the scores and present them at a Technical Committee meeting for review and consideration. The Technical Committee will then make a recommendation to the Policy Committee for consideration. Each Transportation Technical Committee member agency will be allowed one vote except for the City of Davenport, which will have three. The Policy Committee will consider the recommendation at a subsequent meeting. Projects will be considered “awarded” on approval by the Policy Committee.

AWARDED PROJECTS

Awarded projects will be required to proceed through the federal-aid project development process beginning with contact with the respective Department of Transportation, and will be subject to certain federal and applicable state laws and regulations related to public involvement, real estate, environmental regulations, conforming to ADA, DBE, wage, competitive bidding and permitting requirements, to name a few.

An award letter will be used to notify the local jurisdiction of the award amounts and expectations in working with the Departments of Transportation to proceed through the federal-aid project development process. The letter will be sent to the Chief Elected Official or Board Representative and to the appropriate Technical Committee representative, and a copy will be provided to the respective District Planner and/or other appropriate DOT staff. Awarded projects are expected to be included in the Quad Cities MPO Transportation Improvement Program (TIP), and may require an amendment through the MPO Policy Committee depending on the timing of the programming process.

The availability of funds is subject to the type of budget authority authorized for federal TA Set-Aside funds. The time period established in legislation determines when funds must be

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obligated. It will be important for projects to be timely in carrying out the project development process to prevent lapsing of these funds if the respective State Department of Transportation cannot carry balances of the TA Set-Aside program as a whole.

Awarded projects are expected to be authorized or let within 5 years of the designated fiscal year the funds are awarded to the project. The start date of the five years begins with the fiscal year of funds awarded to the project with a notation of the date of approval by the Policy Committee. For example, a project being awarded funds from Fiscal Year 2024, would be expected to be authorized or let no later than 2029. Awarded projects not proceeding to implementation within the 5 years must request an extension by the Policy Committee or return the funds to the MPO pool for reprogramming.

Changes in scope of work from the original awarded application will be required to be approved by the Policy Committee.

Quad Cities, IA/IL Metropolitan Planning Area Ranking Jurisdiction: _____

Transportation Alternatives (TA) Set-Aside Program Evaluation Form

Applicant/Jurisdiction: _____ **Project:** _____

QUAD CITIES, IA/IL TA Set-Aside PROGRAM – RANKING SHEET

(See ranking definitions listed below.)

Evaluation Criteria	Lowest Score 0	1	2	3	Highest Score 4
1. Ability to enhance roadway safety					
2. Accessibility to the public					
3. Compatibility with the surroundings					
4. Connectivity with existing facilities					
5. Cost in relation to public benefit					
6. Environmental and social impacts					
7. Inclusion in state, regional, or local plans					
8. Level of local support					
9. Predicted usage; relative to population					
10. Relationship to active transportation facilities					
11. Relationship to inactive transportation facilities					
12. Visibility from public right-of-way					
13. Additional beneficial effects					
14. Readiness to proceed					
	Sub Total				
Priority Grouping: (A or B): ____ A=40 B=20	Priority Group Points				
	Total Score				

- 0 - The project demonstrates no or negative impact on the criteria.
- 1 - The project demonstrates very little impact on the criteria.
- 2 - The project demonstrates some positive impact on the criteria.
- 3 - The project demonstrates good impact on the criteria.
- 4 - The project demonstrates great impact on the criteria.

NOTE: Minimum total project cost of \$125,000 is required, based on 80/20 matching requirements.

Members of the Urbanized Area Transportation Technical Committee will rank each project based on the voting outlined in the Technical Committee – Committee and Meeting Procedures.

**Table 3
QUAD CITIES, IA/IL TA Set-Aside PROGRAM – EVALUATION CRITERIA EXPLANATION**

1. Ability to enhance roadway safety	Improves or enhances roadway safety by providing alternatives for pedestrians, bicyclists and other forms of non-motorized transportation.
2. Accessibility to the public	Creates a new access to the public in the project area.
3. Compatibility with the surroundings	Is consistent with the surroundings and context of the area (downtown, residential, rural, etc.), related to how and who will use the facility.
4. Connectivity with existing facilities	The project provides a connection to existing facilities and/or fills a gap between facilities or modes of transportation.
5. Cost in relation to public benefit	Based on the expected/predicted usage, does the cost appear to be reasonable compared to the benefit?
6. Environmental and social effects	Does the applicant explain the potential impacts on the environment? Who will benefit and are there any disproportionate benefits/costs to any one population?
7. Inclusion in state, regional, or local plans	Identified in a local, regional or state plan and cited in the application.
8. Level of local support	Identified in a Capital Improvement Program or supported with local resolution from the submitting jurisdiction. Match commitment. Letters of support. Public input on the project.
9. Predicted usage; relative to population	Estimated usage or population to be served.
10. Relationship to active transportation facilities	Supports mobility, active lifestyles and benefits community health.
11. Relationship to inactive transportation facilities	Supports passive recreation, viewing, preserving history or the environment.
12. Visibility from public right-of-way	Designed in compatibility and connection with the existing street/roadway network with consideration of multiple users, regardless of ability.
13. Additional beneficial effects	Identifies benefits beyond those already noted.
14. Readiness to proceed	Applicant identifies reasonable timeline and expected project letting timeframe and/or estimated construction start. Expected to be less than five years from project award and programming of funds.

Appendix



**APPLICATION INSTRUCTIONS
FOR
QUAD CITIES TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM
(TA SET-ASIDE) FUNDING**

This application form shall be used to submit a Quad Cities Transportation Alternatives (TA) Set-Aside Program project proposal.

1. Two copies, one of which is reproducible electronic copy (Adobe Acrobat format), must be submitted, by the stated deadline, by mail/delivered and email. Information must be clear, concise, and accurate. Photocopies of this form may be used or requested in an electronic format. Additional pages may be attached if the space provided is inadequate. [*This application is modeled from the Iowa Department of Transportation statewide application for consistency and will become part of the documentation for the project development process if a project is awarded funds.*]
2. Complete the attached Minority Impact Statement (Form 105101) for the proposed Transportation Alternatives project. [*This will be used by the respective Department of Transportation if a project is awarded funds.*]
3. All information submitted as part of this application, as well as any additional information requested by the Bi-State Regional Commission staff, will be used to evaluate the application.
4. Submit the completed application and all attachments by **10/20/23 4:30 p.m.** to:

Attn: Bryan Schmid, Principal Planner
Bi-State Regional Commission
1504 Third Avenue, Third Floor
Rock Island, IL 61201
(309) 793-6300 (General Phone)
(309) 793-6305 (Fax)
bschmid@bistateonline.org

If there are questions related to the application process, contact:

Gena McCullough at (309)793-6300, extension 1146,
gmccullough@bistateonline.org or

Bryan Schmid at (309) 793-6300, extension 1123, bschmid@bistateonline.org



**REQUEST FOR QUAD CITIES METROPOLITAN AREA
TRANSPORTATION ALTERNATIVES (TA) SET-ASIDE PROGRAM
FUNDS**

General Information

Applicant Agency: _____ e-Mail: _____

Contact Person (Name & Title): _____

Complete Mailing Address: _____
Street Address and/or Box No.

City State Zip Daytime Phone

If more than one agency or organization is involved in this project, please state the name, contact person, mailing address, and telephone number of the second agency. (Attach an additional page if more than two agencies are involved.)

Applicant Agency: _____ e-Mail: _____

Contact Person (Name & Title): _____

Complete Mailing Address: _____
Street Address and/or Box No.

City State Zip Daytime Phone

Project Information

Project Title: _____

Project Description(including length, if applicable) required: _____

If this project includes land acquisition, how many acres or square feet (units)? _____

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Estimated Project Development Schedule:

Design Start Date _____ Completion Date _____

Land Acquisition Start Date _____ Completion Date _____

Construction Start Date _____ Completion Date _____

Has any part of this project been started? Yes No

Will this project be open to the public? Yes No

Do you intend to charge a fee to users? Yes No

If yes, how much? \$ _____

What will it be used for? _____

Required Documentation and Narrative Information

The following documents and narratives must be attached to this application. In the upper right-hand corner of each document or narrative, write the corresponding letter shown below.

- A. A NARRATIVE assessing existing conditions, outlining the concept of the proposed project, and providing adequate project justification. Transportation alternatives must have a direct relationship to the multi-modal transportation system, either as it exists or as it is planned. Assess your project in regard to the transportation system relative to its functional relationship, proximity, or impact to an existing or planned transportation facility. Assess the value of this project from a statewide, regional and/or local perspective and how it will be a functional addition to the transportation system and the state as a whole if no additional development funds are received. Refer to the evaluation criteria as part of the scoring process for additional points of explanation.
- B. A MAP identifying the location of the project.
- C. A SKETCH-PLAN of the project, including cross-section for bicycle, pedestrian, overlooks, and structural facilities.
- D. An ITEMIZED BREAKDOWN of the total project costs. This documentation does not need to be a detailed line-item type estimate. It must show the method by which the cost estimate was prepared; and it must allow the reviewer to determine if the cost estimate is reasonable. This will depend on the type, scope and complexity of the project. Identify whether there are land acquisition costs, preliminary design/engineering, utility relocation, construction engineering, construction costs, in-kind contribution costs, and indirect costs (if applicable).
- E. A TIME SCHEDULE for the total project development. Funding for projects which fail to make satisfactory progress may be rescheduled or removed from the program by the respective Department of Transportation. There should be an indication of estimated timeframe of letting or construction/start in relation to the potential programmed year of funding that is awarded/available. To support project readiness, documentation should include supporting information of the project identified in a capital improvement program or resolution/statement by the jurisdiction supporting project timing and readiness.

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- F. An OFFICIAL ENDORSEMENT of the project from the authority to be responsible for its maintenance and operation. The authority must provide written assurance that it will adequately maintain the completed project for its intended public use for a minimum of 20 years following project completion (10 years for Safe Routes to Schools projects).
- G. A NARRATIVE discussing the public input process that was followed and the extent to which adjacent property owners and others have been informed of the proposed project and an assessment of their acceptance. Letters of support and/or documentation of this input should accompany the application.
- H. Completed Minority Impact Statement attached to application.

The award of Quad Cities Transportation Alternatives (TA) Set-Aside Program funds; any subsequent funding or letting of contracts for design, construction, reconstruction, improvement, or maintenance; and the furnishing of materials for this project shall not involve direct or indirect interest of any state, county, or city official, elective or appointive per the respective state code of conduct. Any award of funding or any letting of a contract in violation of the foregoing provisions shall invalidate the award of Federal Transportation Alternative (TA) Set-Aside Program funding and authorize a complete recovery of any funds previously disbursed.

Certification

To the best of my knowledge and belief, all information included in this application is true and accurate, including the commitment of all physical and financial resources. This application has been duly authorized by the participating local authority. I understand the attached OFFICIAL ENDORSEMENT(S) binds the participating local governments to assume responsibility for adequate maintenance of any new or improved facilities.

I understand that, although this information is sufficient to secure a commitment of funds through the Bi-State Regional Commission Quad Cities MPO Transportation Policy Committee, an executed contract between the applicant and the respective state Department of Transportation is required prior to the authorization of funds.

Representing the _____

_____ Signature	_____ Date
_____ Typed Name and Title	_____ Date



Form 105101 (03-09)

MINORITY IMPACT STATEMENT

Pursuant to 2008 Iowa Acts, HF 2393, Iowa Code Section 8.11, all grant applications submitted to the state of Iowa that are due beginning January 1, 2009 shall include a Minority Impact Statement. This is the state's mechanism for requiring grant applicants to consider the potential impact of the grant project's proposed programs or policies on minority groups.

Please choose the statement(s) that pertains to this grant application. Complete all the information requested for the chosen statement(s). Submit additional pages as necessary.

The proposed grant project programs or policies could have a disproportionate or unique **positive** impact on minority persons.

Describe the positive impact expected from this project.

Indicate which group is impacted:

- Women Persons with a disability Blacks Latinos Asians
- Pacific Islanders American Indians Alaskan Native Americans Other

The proposed grant project programs or policies could have a disproportionate or unique **negative** impact on minority persons.

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Describe the negative impact expected from this project.

Present the rationale for the existence of the proposed program or policy.

Provide evidence of consultation with representatives of the minority groups impacted.

Indicate which group is impacted:

- Women Persons with a disability Blacks Latinos Asians
- Pacific Islanders American Indians Alaskan Native Americans Other

- The proposed grant project programs or policies are **not expected to have** a disproportionate or unique impact on minority persons.

Present the rationale for determining no impact.

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I hereby certify that the information on this form is complete and accurate, to the best of my knowledge:

Name:

Title:

Definitions

“Minority Persons,” as defined in Iowa Code Section 8.11, means individuals who are women, persons with a disability, Blacks, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native Americans.

“Disability,” as defined in Iowa Code Section 15.102, subsection 7, paragraph “b,” subparagraph (1):

b. As used in this subsection:

- (1) “Disability” means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of physical or mental impairment that substantially limits one or more of the major life activities of the individual, or being regarded as an individual with a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

“Disability” does not include any of the following:

- (a) Homosexuality or bisexuality.
- (b) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments or other sexual behavior disorders.
- (c) Compulsive gambling, kleptomania, or pyromania.
- (d) Psychoactive substance abuse disorders resulting from current illegal use of drugs.

“State Agency,” as defined in Iowa Code Section 8.11, means a department, board, bureau, commission, or other agency or authority of the state of Iowa.