

Transportation Alternatives Set-Aside Program Evaluation Manual

for the Iowa Region 9 Transportation Planning Area

September 2023



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Transportation Alternatives Set-Aside Program Evaluation Manual – Region 9

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¹ Transportation Technical Committee Chair

² Transportation Technical Committee Vice Chair

³ Represents the staff of the cities under 5,000 in the non-urbanized areas of Muscatine and Scott Counties.

⁴ Ex-officio Non-Voting Members

Note: Each jurisdiction has one vote, except for ex-officio members.

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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 the 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 federal fiscal year, the Iowa Region 9 Planning Authority (RPA 9) is designated to receive a portion of the TA Set-Aside.

Programming of these funds is the responsibility of the Bi-State Regional Commission. The Commission has, in turn, delegated the authority for programming these TAP funds to the Region 9 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 that reflects the nomenclature and essence of the current transportation act.

TRANSPORTATION ALTERNATIVE PROGRAM FUNDING

Under MAP-21, Iowa Region 9 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/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 originally was used to rank Iowa Region 9 projects and laid the foundation for the current requirements of TA Set-Aside funds. Under IIJA, there is an eligibility change regarding qualifying applicants. Projected TA Set-Aside funding, subject to availability, for the region is detailed in Table 1. The State of Iowa also has statewide competitive funds for enhancement/alternatives projects with statewide significance.

An ancillary program created by the Iowa Department of Transportation called STBG-TAP Flex funds has been discontinued. These funds were able to be used either for STBG or TAP projects through FFY2022, and not available in FFY2023 and moving forward.

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

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Table 1
Region 9 Federal Aid-Transportation Alternatives Set-Aside Program

	Transportation Alternatives Set-Aside (TASA) Program Estimated Apportionments
FFY2024	\$185,737
FFY2025	\$192,000
FFY2026	\$198,000
FFY2027	\$205,000

* A call for projects with programming through FFY2027 is anticipated in fall 2023 with programming of funds anticipated to occur in winter 2023-24.

Table 2
Region 9 TASA Balance

Balance Carried Over From 2023	2024	2025	2026	2027
TASA Target	\$185,737	\$192,000	\$198,000	\$205,000
Total TASA Available for Programming	\$232,099	\$81,196	\$48,770	\$246,770
Total TASA Programmed	\$336,640	\$224,426	\$0	\$0
TASA Balance	\$232,099	\$81,196	\$48,770	\$451,700

Table 3
Region 9 TASA Projects

TASA Programmed Projects Remaining	Amount Debited/Federal Limit	Revised Program Year (FFY)	Year Approved (CY)/Year Programmed (FFY)
Long Grove – 1 st St. Multi-Use Path Phase I - Grove Rd. to Pine St.)	\$0/\$384,000	2023	2019/2023
Long Grove – 1 st Street Multi-Use Path Phase 2 – (Pine St. – N. Corporate Limits at N. Prairie Ball Diamond Park)	\$0/\$336,640	2024	2021/2024
Wilton – West 5 th Street Shared Use Path (US6 – Liberty St.)	\$0/224,426	2025	2021/2025

Source: Iowa Department of Transportation and Bi-State Regional Commission

PRIORITY GROUPINGS EXPLANATION

The Transportation Technical Committee considered the TA Set-Aside eligible activities and identified priorities for those eligible items as part of IJJA programmatic transitions. With limited funding available to Region 9, this prioritization allows the most valued eligible activities to

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receive greater weighting in the scoring process. Table 3 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 Region 9. A project identified in this category would receive an additional 40 points. Planning activities are not eligible as part of the Region 9 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 TA Set-Aside monies and limiting time for construction of projects. 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 3

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 IIJA. • 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 Region 9 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 and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized 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 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 IIJA.
- 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, including activities described in sections 133(b)(11), 328(a), and 329; 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**.

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- Archaeological activities relating to impacts from implementation of a transportation project eligible under this title.

Recreational Trails are not eligible. Note that projects eligible under the federal recreational trails program will not be considered by the Region 9 project selection process. The State of Iowa has chosen to set aside monies for respective recreational trails programs. Recreational trails projects are encouraged to submit applications through the 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, includes:

- 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 FAST authorizes a number of eligible entities, the Iowa Region 9 Transportation Planning Area has identified the following as eligible applicants in the Iowa Region 9 area solicitations:

- Local and State 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. All eligible applicants and project sponsors must demonstrate capacity to administer a federal grant through the Iowa Department of Transportation project development process.

Eligible and Minimum Project Costs. Only certain costs are eligible for reimbursement through the TA Set-Aside Program. Projects are awarded by Bi-State Regional Commissions' delegated authority the Region 9 Transportation Policy Committee. Projects are administered through the Iowa Department of Transportation and the state's 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 Region 9 Transportation Improvement Program.

The Region 9 TA Set-Aside project selection process requires a minimum total project cost of \$125,0000, 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.

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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.

PROJECT SELECTION PROCESS

A call for projects must be made 30 days in advance of the programming of funds as identified in the Region 9 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 Region 9. Iowa Department of Transportation TA Program Manager will also be notified of a Region 9 TA Set-Aside solicitation.

A sample application is included in the Appendix of this manual. An original and one reproducible copy 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.

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.

Once applications are scored by the Technical Committee, 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. The Policy Committee will consider the recommendation at a subsequent meeting.

AWARDED PROJECTS

Awarded projects will be required to proceed through the federal-aid project development process beginning with contact with the Iowa 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 project sponsor of the award amounts and expectations in working with the Department 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 Region 9 Transportation Improvement Program (TIP), and may require an amendment through the RPA 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 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.

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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 RPA pool for reprogramming.

Changes in scope of work from the original awarded application will be required to be approved by the Policy Committee and amended in the Region 9 Transportation Improvement Program (TIP).

Region 9 Transportation Planning Area Ranking Jurisdiction: ____

Transportation Alternatives (TA) Set-Aside Program Evaluation Form

Applicant/Jurisdiction: _____ Project: _____

Region 9 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 Region 9 Transportation Technical Committee will rank each project based on the voting outlined in the Technical Committee – Committee and Meeting Procedures.

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Table 4
REGION 9 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



**SAMPLE APPLICATION INSTRUCTIONS
FOR**

REGION 9 TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM FUNDING

This application form shall be used to submit a Region 9 Transportation Alternatives (TA) Set-Aside Program project proposal.

1. Two copies, one of which is reproducible by non-color copier, must be submitted, by the stated deadline, either by mail or e-mail. 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 Iowa 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 **To be determined** to:

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

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

Gena McCullough at (309)793-6300, extension 1146, or
Zach Sutton at (309) 793-6300, extension 1127, zsutton@bistateonline.org

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REQUEST FOR IOWA REGION 9 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?

Project Category

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

Applicant Match (20% Minimum) \$ _____

Are any state funds involved in this project? Yes No

If yes, please explain the source and conditions _____

Are any other federal funds involved in this project? Yes No

If yes, please explain the source and conditions

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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 and a written statement on the project sponsor's capacity to administer federal funds.

The award of Region 9 Transportation Alternatives Program (TAP) 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 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 project sponsor 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 Region 9 Transportation Policy Committee, an executed contract between the applicant and the Iowa Department of Transportation is required prior to the authorization of funds.

Representing the _____

Signature

Date

Typed Name and Title

Date



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 affected:

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.

Describe the negative impact expected from this project.

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

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

Indicate which group is affected:

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.

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

Name: _____

Title: _____

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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.