

## Overview & Eligibility

The Congestion Mitigation and Air Quality (CMAQ) Program is a transportation improvement program focused on reducing emissions in areas designated as nonattainment or maintenance for the National Ambient Air Quality Standards (NAAQS). CMAQ funds are available to state and local government agencies as well as private entities through public/private partnerships. Nonprofit organizations may also apply in partnership with a state or local government agency.

CMAQ funds must be used for projects that benefit, or are located in, nonattainment or maintenance areas as determined by the Environmental Protection Agency (EPA). The following counties in Kentucky are eligible for funding:

- Boone, Boyd, Bullitt, Campbell, Christian, Daviess, Edmonson, Fayette, Jefferson, Kenton, Marshall, Oldham, Scott
  
- Portions of Greenup, Hancock, Lawrence, Livingston

The project must be transportation related and reduce emissions but cannot increase roadway capacity. Information on the eligible project categories can be found in the Federal Highway Administration (FHWA) [Interim CMAQ Guidance](#). Applicants must complete requirements from Federal Highway Administration, the Kentucky Transportation Cabinet (KYTC) Office of Local Programs (OLP), and the State Clearinghouse to be considered for funding. Recipients will be required to adhere to the [Federal-Aid Highway Project Development Guide for Local Public Agencies](#) (LPA Guide).

If an applicant is only requesting utility, Right-of-Way and/or construction funds, the design and plans for the project must be complete and reviewed by KYTC before the project will be awarded funding. Plans should meet the requirements set forth in the *KYTC LPA Guide*, even if no federal funds will be used for the design phase of the project. Right-of-Way must also be acquired following the Uniform Act, regardless of whether federal funds will be used for the purchase of any property. If only requesting construction funds, keep in mind KYTC will be unable to set up federal funds (and therefore a contract with the project sponsor) until the Project Development Checklist (PDC) items are complete.

Unless otherwise noted in the MOA, all project sponsors will be expected to maintain the completed project for public use.

### **Public Private Partnerships**

If a public private partnership is formed between an eligible state or local government and a private agency, the application must be submitted by the eligible entity. In addition, the Person in Responsible Charge must be an employee of the public entity, not the private agency. If selected for funding the project Memorandum of Agreement (MOA) will be between the Kentucky Transportation Cabinet and the state or local government sponsor. The state or local sponsor will be required to have an approved public private partnership agreement with the

private entity prior to the execution of the project MOA. If an application for a P3 project contains any proprietary information, the applicant must indicate this on the application and include a letter outlining the proprietary information. As applications are subject to the Kentucky Open Records Act, this allows KYTC to ensure no proprietary information is disclosed as part of an open records request.

### **Application Submittal**

Applications for funding should be submitted to the Office of Local Programs and the applicant's Metropolitan Planning Organization (MPO). Applications for projects not within the boundaries of a MPO may be submitted directly to the Office of Local Programs. Once the application cycle has concluded, the MPO will make a prioritized recommendation list of the applications from their region and submit it to the OLP. The OLP will then coordinate with FHWA to determine project eligibility and will review all roadway infrastructure projects with the appropriate KYTC District Office. **Applications with missing information or ineligible activities will be returned to the applicant for corrections and the applicant will have until the close of the application cycle to resubmit the application.**

When submitting an application, the applicant must include all required attachments and the emissions calculations section **must be filled out**. If you have no emissions reductions for one of the pollutants you must still enter a zero.

There is no limitation on the number of applications an applicant may submit or the amount of funding requested. However, keep in mind there is a limited amount of CMAQ funding apportioned to the state each fiscal year. A 20% match is required for all projects.

Applications must be e-mailed to Jackie Jones at [Jackie.Jones@ky.gov](mailto:Jackie.Jones@ky.gov). Applicants will receive a confirmation email upon receipt of the application.

## Required Attachments to the Application

**NOTE:** Do not attach any documents other than those listed below.

### **Attachment A – Location Map(s) of Proposed Site(s)**

An 8 ½" x 11" location map identifying the site in proximity to federal, state, or local highways must be attached.

Aerial maps are preferred.

If the project involves acquiring a real-property interest, include:

- Current ownership of the property
- Plat or property sketch
- Type of title being acquired
- Identification of any improvements
- Size of tract or size of the area acquired
- Parent tract if it is a partial acquisition

### **Attachment B – Detailed Engineer’s Estimate or Project Cost Estimate (Non-infrastructure projects)**

A detailed engineer’s estimate should be included with this application. The estimate will be used to assess the project construction costs. The estimate should include costs for design, ROW, Utilities and Construction of the project, using an escalated rate for time. If applying for a non-infrastructure project, please attach a detailed cost estimate.

### **Attachment C-Maintenance Plan (only for projects not maintained for public use)**

Explain how the project will be maintained and any timeline for replacement.

### **Attachment D – Public Private Partnership Acknowledgement (only for PPP projects)**

If the submitted project is the result of a Public-Private Partnership please attach a letter from the private entity that indicates their acknowledgement that if funded, the project must follow all applicable state and federal guidelines and a Public-Private Partnership agreement between the private entity and the LPA will be required before the KYTC enters into any agreement with the LPA applicant for funding. The letter should also outline any match to be provided by the private entity.