



Meaningful Legislative Input into Project Selection

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Legislative Request

This report is issued to address [Laws of Minnesota 2021, 1st Spec. Sess., Chap. 5, Art. 4, Sec. 142](#). The language of the provision reads as follows:

Sec. 142. PROJECT SELECTION STUDY; DEPARTMENT OF TRANSPORTATION.

(a) By January 15, 2022, the Commissioner of transportation must report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation finance and policy on ways to include meaningful legislative input into the project selection process. At a minimum, the report must:

- (1) identify and evaluate options to include meaningful legislative input into project selection and programming procedures, including but not limited to the following: corridors of commerce, the transportation economic development program, and the state transportation improvement program;
- (2) identify and evaluate options to include meaningful legislative input into internal department decision making processes, including but not limited to the decisions made by the Transportation Programming and Investment Committee;
- (3) make recommendations on how to best include meaningful legislative input into the project selection process; and
- (4) include proposed legislation to implement the recommendations.

(b) For purposes of this section, meaningful legislative input means direct input from the Legislature that the Commissioner must consider when selecting projects. Meaningful legislative input does not include the following: legislator participation in the existing processes in the same manner that is open to every resident; allowing the Legislature to provide advisory or informational information to the Commissioner that the Commissioner is not required to consider; or requiring legislative input in a manner that gives the input so little weight or consideration that is not effective input.

The cost of preparing this report is about \$110,00. This cost does not include the time of legislators or stakeholders who were interviewed.

Summary

To assist in addressing the legislative request, the Minnesota Department of Transportation engaged the consulting firm WSP USA to independently prepare this report.

Defined Meaningful Input

The biggest challenge in assembling the consultant’s recommendations was understanding what constitutes “meaningful input.” Other than noting that “meaningful input” means direct input that must be considered by the commissioner, this was defined in the legislation largely in terms of what it is not.

The consultant concluded that “meaningful input” was to be interpreted as the communication of legislators’ positions on projects currently in some form of development or projects that were not under consideration but (according to legislators) should be, and that venues and channels for such communication are in place. To facilitate this, MnDOT needs to make it more efficient and more transparent for legislators to understand MnDOT’s practices in selecting projects, be aware of the status of projects in the queue and know the reasons behind MnDOT’s decisions. Moreover, “meaningful input” would mean that legislators are confident their views are heard and addressed.

From the legislation:

“For purposes of this section, meaningful legislative input means direct input from the Legislature that the Commissioner must consider when selecting projects. Meaningful legislative input does not include the following: legislator participation in the existing processes in the same manner that is open to every resident; allowing the Legislature to provide advisory or informational information to the Commissioner that the Commissioner is not required to consider; or requiring legislative input in a manner that gives the input so little weight or consideration that is not effective input.”

Conduct Interviews

The consultant conducted 23 interviews with more than 50 people, including legislators, legislative staff, MnDOT staff, and stakeholders. They asked participants what they understood “meaningful input” to mean. The responses made it clear that there was no consensus on the meaning of this term; in fact, the majority of the interviewees freely admitted there could be many interpretations of the term “meaningful input”.

Responses spanned a wide range, with some interviewees asserting that legislators already had “meaningful input,” while others felt that meaningful input would mean legislators have the power to earmark transportation projects. Various opinions between these two extremes were expressed, along with differing views on how to increase communication between MnDOT and legislators and how to refine the communication methods.

The consultant reported they heard a lot of positive comments about MnDOT’s responsiveness, its leadership and the quality of the information it provides, particularly from legislators and stakeholders. They heard more than once that MnDOT is the most responsive state department in Minnesota. At the same time, they heard about the difficulty in figuring out how MnDOT accomplishes its business and understanding its emphasis on preserving and maintaining the existing infrastructure before expanding it. On the other hand, people with whom they spoke in

all groups recognized that MnDOT was, and frankly had to be, driven by technical and safety factors. Finally, several stakeholder representatives indicated a belief that the communication issue was related to legislators wanting to get specific projects developed to respond to their constituents and it was not about the process.

Considered Peer DOTs

The consultant conducted background research and interviews with five peer state DOTs, specifically investigating best practices that could be helpful for adaptation in Minnesota. They focused on the project selection processes that the peer state DOTs use and the role of the other states' legislatures in the process. They found peer state DOTs with legislatures having virtually no role in project selection (North Carolina) and one whose legislature determined all projects (Washington). They found a number of practices that they suggested be considered for Minnesota, largely relating to regular, frequent two-way communications with legislators, consistent messaging, transparent, user-friendly websites, and the use of other communications channels as needed to describe project selection processes, project status and why projects were selected.

Highlighted Common Themes

The consultant looked for commonality of concerns across the interview responses. They reported themes from at least several interviewees, especially when they represented different interview groups. Most of their interviewees gave the consultants their diagnoses of the problem, but specific, actionable solutions were harder to come by.

The consultant stayed away from suggestions that fell at either end of the spectrum. They also accepted that some issues cannot be addressed by their recommendations. Most interviewees called attention to a partisan divide that complicated relationships. Most also called attention to a transportation budget that was inadequate to meet the demands placed upon it. While the consultant acknowledges that these factors are significant, they were out of scope of the recommendations of this report.

As they were to make independent third-party recommendations, the consultant applied the experience working within DOTs and with legislators on complex infrastructure investment initiatives.

Crafted Recommendations

The consultant assembled their recommendations based on the themes they discerned:

- The Minnesota transportation program is complex, and the project selection process is complicated and hard to understand outside MnDOT. It is made more intricate by the long-term nature of projects that often stretch 10 years or more. It is unlike most other state agencies in many ways.
- The value and need of preservation projects and maintaining the existing network is not as well understood outside MnDOT as it could be.
- There is room for improvement in MnDOT/legislator communications.

- There is a gap between legislators who believe they are closest to the ground in understanding what constituents want and MnDOT staff who feel they must focus on technical criteria and safety factors, MnDOT staff are also balancing the needs of specific regions of the state with overall state interests to ensure effective decision-making.

As a result, the consultant sought to make recommendations that provide specific avenues for legislators’ input beyond those currently used, as well as ways to make MnDOT’s work more understandable while improving relationships between MnDOT and the Legislature along the way. They grouped 15 recommendations into four broad categories as shown below in Table 1.

Table 1: Report Recommendations

| Proactive legislator engagement by MnDOT | Improved MnDOT communications | Better explanation of preservation needs | Consistent local constituent input |
|---|--|---|---|
| <p>“Relentless” explanation and demonstration of needs, approach, and quantification of the impacts of neglecting preservation investments.</p> <p>Identification of methods for increased visibility of preservation projects and bringing in and sharing credit with legislators</p> <p>Identify program-level allocations to occur at a specific point in the process.</p> | <p>Sponsor district ride-along with local legislators and district staff.</p> <p>Hold scheduled, regular district visits with program overview, based on consistent agendas.</p> <p>Clarify and establish consistent expectations for district communications.</p> <p>Create specific legislative input points in the project selection process.</p> | <p>Prepare an annual state of transportation playbook and implement across MnDOT.</p> <p>Craft an executive summary of STIP categories.</p> <p>Prepare constituent-focused interactive project maps.</p> <p>Design funding dashboards for transparency.</p> <p>Create and distribute project selection brochure.</p> <p>Review legislative reports and streamline for legislator effectiveness.</p> | <p>Provide consistent formats across the state with area transportation partnerships*/meeting goals</p> <p>Leverage ATPs/MPOs to prioritize and communicate local priorities.</p> |

*The Metropolitan Council is the federally designated Metropolitan Planning Organization (MPO) for the Twin Cities Metropolitan area. The Metropolitan Council along with the Transportation Advisory Board (TAB) and its subordinate committees fulfill the role of an Area Transportation Partnership in MnDOT’s Metro District. The council develops the area transportation plan and transportation improvement program, and coordinates the transportation planning process through a continuing, cooperative and comprehensive planning process.

Finally, their recommendations were evaluated for implementation and an implementation schedule was created (Figure 6 in the recommendations section).

By structuring the recommendations into the three delivery tiers, some items will be implemented and in action in 2022, while others will take longer. Transportation program delivery is complicated, with the various fund types and federal and state requirements, fiscal constraints, and growing demands. Improvements in legislative interaction and engagement, as well as changes in the project selection process, will be ongoing and should continue to be reviewed and adapted for what works best for Minnesotans.

Methodology

This study entailed analyzing and synthesizing considerations, using the steps shown in Figure 1.

Figure 1: Study Methodology



The consultant team began by reviewing existing MnDOT documents and conducting interviews.

Document Review – The consultant team reviewed MnDOT’s website for pertinent information such as project lists, project reports and project development. The team also reviewed materials requested from MnDOT, such as examples of communications and materials that support project selection.

Interviews – Following the document review, the consultant team conducted interviews to create a 360-degree perspective on MnDOT’s project selection process. The consultant team interviewed identified individuals and organizations in Minnesota to expand on the information already found and to further investigate areas that fall within the scope of this study.

Once the majority of interviews were completed, the consultant team selected five DOTs in other states for examination of best practices. The team interviewed key staff at five peer agencies to expand on the information already found and to further investigate areas that fall within the scope of this study. The consultant team used the interviews, and materials publicly available for the peer state DOTs, to identify best practices that may be helpful in Minnesota’s efforts to improve its program and communications.

The consultant team synthesized this information to identify key themes for improving meaningful input into project selection. Using areas identified as opportunities, and the best practices identified from the peer DOTs, the team facilitated a workshop with the MnDOT commissioner and her key staff to identify recommendations to better incorporate meaningful legislative input into transportation project selection.

It should also be noted that the recently enacted federal Infrastructure Investment and Jobs Act will bring additional money to Minnesota. However, this report and its recommendations do not address how that will impact, if at all, the MnDOT project selection process, because it is too early to make such an assessment.

Transportation Project Selection Process

MnDOT Project Selection Process

An overview of MnDOT’s project selection process and the history and rationale behind the process’s development are publicly available on the MnDOT website.¹ MnDOT’s project selection policy ([MnDOT Policy \(OP016; 11-30-2018\)](#)) and its technical companion document, “[Guide to MnDOT Project Selection](#),” provide an overview of the evaluation and prioritization of capital construction projects on state-owned highways either delivered or selected by MnDOT. It primarily discusses the decision to add a project to either the 10-year Capital Highway Investment Plan or the State Transportation Improvement Program.

The policy states that the MnDOT project selection process will be objective and transparent and that MnDOT will document and make it publicly available for each selection process or program. The main elements of the process are:

- The criteria and process for assigning a numeric score and selecting projects.
- The list of candidate projects considered.
- The scores assigned to projects and reasoning behind selection decisions not included in the score.

The technical guide is primarily intended for asset management and targeted safety improvement projects, although it also covers competitive grant programs. These grant programs typically have specific funding and objectives. Significant capacity expansion and mobility projects, such as Corridors of Commerce, are usually selected through these competitive grant programs.

In general, the MnDOT project selection process scores, selects, and prioritizes projects identified through local, regional and state planning processes in Minnesota (starting with the Minnesota GO 50-Year Vision and the Statewide Multimodal Transportation Plan). Through this process, MnDOT decides whether to add a project to either the 10-year CHIP or the STIP. The STIP comprises the first four years of the CHIP. Project selection is constrained by overall funding goals and amounts by project type, as defined in the Minnesota State Highway Investment Plan (MnSHIP). MnDOT receives input from legislative officials, members of the public, and stakeholders during the planning stages that precede project selection, and during development activities for individual projects after projects are selected. During project selection, stakeholder engagement occurs with Area

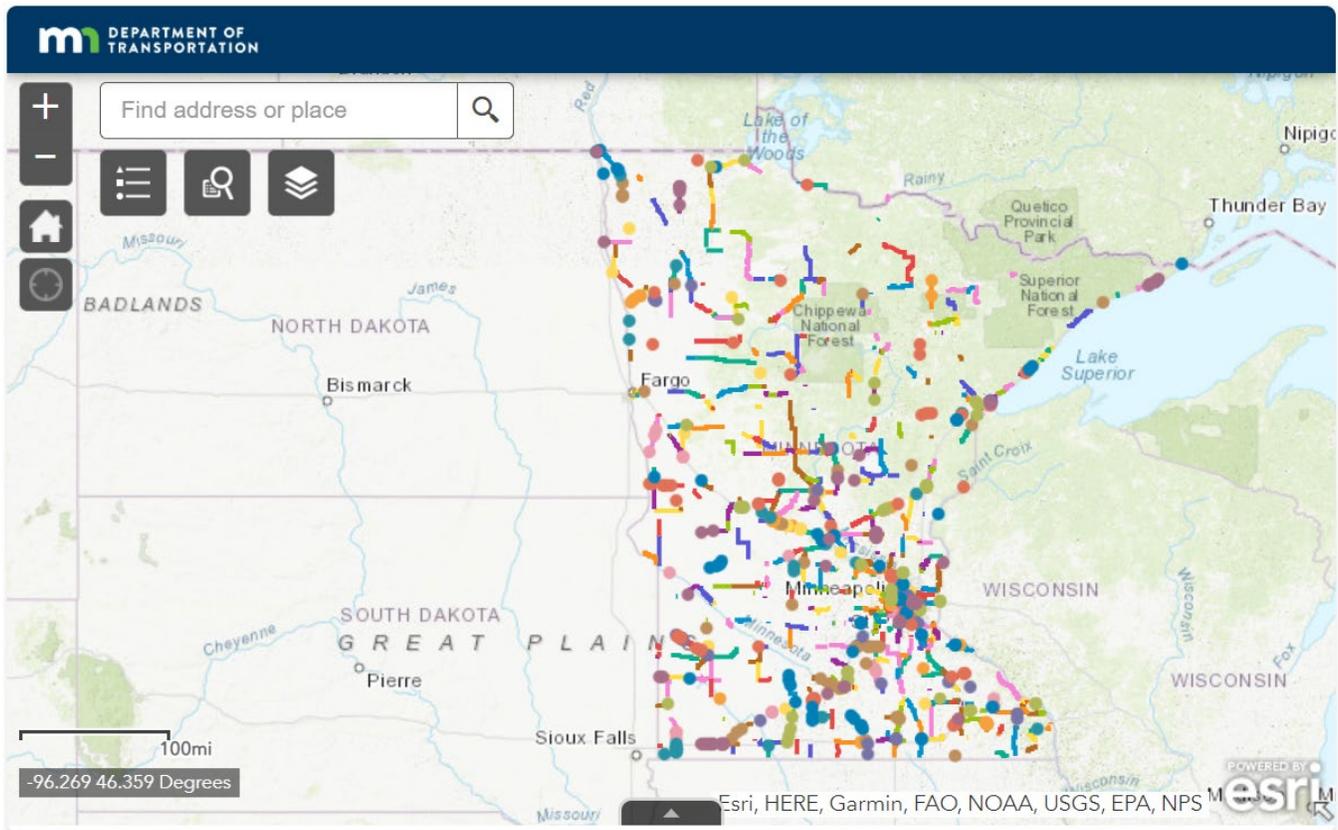
| Project Categories |
|--|
| <p>The majority of MnDOT projects are selected within categories of projects based on the guidance of the 20-year Minnesota State Highway Investment Plan. Broadly, these categories include:</p> <ul style="list-style-type: none">• Asset management: the rehabilitation and replacement of pavement, bridges and other infrastructure• Targeted safety improvements: improvements to reduce the number of crashes and people injured or killed on Minnesota state highways• Mobility and capacity expansion: improvements to traffic flow, congestion relief and travel time; reliability; the movement of freight; or that create new connections for active transportation users |

¹ MnDOT [About the project selection process and policy](#) and MnDOT [Project selection](#)

Transportation Partnerships where elected officials, members of the public, and stakeholders may review and comment on draft project selection decisions. These two plans typically consider the needs of the transportation system and what is required to meet the needs with a 20-year outlook.

MnDOT has been invested in modernizing its communication tools with websites such as [the interactive CHIP project map](#) shown in Figure 2.

Figure 2: CHIP Interactive Project Map



MnDOT districts select projects that follow the MnSHIP investment direction, while progressing toward MnDOT goals and objectives. Once the selected projects are moved into the CHIP and STIP, MnDOT determines the next steps based on the type and extent of the project. Smaller repair projects may be scheduled for construction immediately, while larger projects may require planning and studies, preliminary engineering and environmental studies, final design, and right-of-way acquisition prior to construction.

A more detailed overview of MnDOT's project planning and selection process can be found in Appendix D.

Interviews

The consultant conducted independent interviews, without the presence of MnDOT, except when MnDOT was the interviewee. This chapter is their report to MnDOT, written from the consultant’s perspective.

Interviews Conducted

The twenty-three interviews conducted for this report, spanned three constituency groups: legislators /legislative staff, external stakeholders and MnDOT leaders. For the purpose of this discussion, stakeholders are defined as individuals or groups that have an interest in any decision or activity of an organization. Stakeholders are often directly affected by those decisions.

A complete listing of those interviews can be found in Appendix A, and they are summarized in Table 2.

Table 2: Interviews Conducted

| Constituency Group | Number of Interviews | Number of People Interviewed |
|---------------------|----------------------|------------------------------|
| Legislative Members | 5 | 5 |
| Legislative Staff | 5 | 7 |
| Stakeholders | 9 | 16 |
| MnDOT Staff | 4 | 26 |

MnDOT and the consultant team jointly developed the list of interviewees. The consultant team determined the interviews’ grouping, order and cadence to best achieve the study objective within the allowable budget. Each interview was conducted with a standing list of questions tailored to the particular constituency group and adapted in real time to each interviewee’s specific knowledge and perspective. While specific questions were developed for each constituency group and then adapted based on the nature of each interview, some types of questions included:

- Describe the key communications channels you use with a member of the Legislature/MnDOT.
- If a member of the Legislature wants to advocate for a specific project, how do they go about it?
- What does “meaningful input” mean to you?
- When thinking about how you receive and act upon concerns and viewpoints, how do you provide follow-up? How do you demonstrate you have listened and heard?
- If you had a magic wand to improve project selection, what would you do?

Interview Themes

Within and across constituency groups, the consultant group found a range of perspectives and few areas of consensus. To represent all viewpoints, themes were created that represented the views of several interviewees, rather than universal themes across the entire group, and when we referred to a point made by only one

individual, we noted that. The themes presented below are not attributed to any particular interviewee and are grouped by legislative members and staff, stakeholders and MnDOT staff. A summary of the perspectives is shown in Table 3. A discussion of the specific themes by constituency group can be found in Appendix B.

Table 3: Themes of Constituency Groups

| | No consensus on the definition of “meaningful input” |
|---|--|
| Legislators, Stakeholders and MnDOT Staff | <p>There was no consensus on the definition across the constituency groups:</p> <ul style="list-style-type: none"> • Interviewee’s definitions ran the spectrum from those who expressed that meaningful input was already achieved in the status quo, to those who asserted that this term would imply legislators earmarking/voting on projects. • Those in the middle expressed that meaningful input would mean establishing clearer input channels and points in the process for input. |

Figure 3: Spectrum of Legislative Input



| | MnDOT communications can be improved |
|--------------|---|
| Legislators | <ul style="list-style-type: none"> • Project selection process is complex and difficult to understand. • Information overload/overly technical. • Little understanding of infrastructure preservation issue. |
| Stakeholders | <ul style="list-style-type: none"> • No user-friendly way to understand the status of approved projects. • Need to explain infrastructure preservation needs better. |
| MnDOT Staff | <ul style="list-style-type: none"> • MnDOT can overcomplicate communications. • Can find ways to improve communications. |

| | Project selection process in general is not clear |
|--------------|---|
| Legislators | <ul style="list-style-type: none"> • Process is not understood. • Some are more interested in getting projects that constituents want than in understanding the selection process. • Some believe project selection should be made by DOT professionals and not elected officials. |
| Stakeholders | <ul style="list-style-type: none"> • General lack of understanding of selection process. |
| MnDOT Staff | <ul style="list-style-type: none"> • MnDOT makes fact-based decisions on sound safety and engineering principles. |

| | Less understanding of importance of preservation versus expansion |
|--------------|--|
| Legislators | <ul style="list-style-type: none"> • Some believe MnDOT focuses on preservation to the exclusion of expansion projects. • Lack of understanding of preservation needs and the consequences of ignoring or deferring those needs. |
| Stakeholders | <ul style="list-style-type: none"> • Agree preservation is important but still advocate for expansion projects. |
| MnDOT Staff | <ul style="list-style-type: none"> • Strong sense of responsibility for maintaining current infrastructure. • Note legislative and federal requirements for priority of preservation work. |

| | Information, related to decision-making, could be more transparent |
|--------------|--|
| Legislators | <ul style="list-style-type: none"> • STIP is difficult to understand. • Where projects stand in the queue is hard to determine. • Programmatic funding split between preservation and capacity improvements is not clear. • Project scoring is not easily available. |
| Stakeholders | <ul style="list-style-type: none"> • STIP is difficult to understand. It's unclear what projects are in progress. • Project scoring is not easily available. |
| MnDOT Staff | <ul style="list-style-type: none"> • Recognition of a tendency to overcomplicate in its explanations and communications. |

“No one can tell me why a project wasn’t selected, all they tell me is there wasn’t enough money”

| | Corridors of Commerce is, in general, highly regarded |
|---|---|
| Legislators, Stakeholders and MnDOT Staff | <ul style="list-style-type: none"> • The transportation program is, in general, highly regarded by all groups. • Some dissatisfaction as a result of 2017 legislative changes, which some see as having reduced the effectiveness of the program (e.g., the criteria and process dictated in statute didn’t produce expected results). There was concern that there was less flexibility now in project selection. <ul style="list-style-type: none"> • Some noted an “if you build it and they will come” concern of creating infrastructure before the need was demonstrated. |

| | MnDOT staff responsiveness is excellent* |
|------------------------------|---|
| Legislators and Stakeholders | <ul style="list-style-type: none"> • When thinking of specific instances, high praise for interactions with staff was given. • When asked how they compare to other state agencies, this group frequently identified MnDOT as a top state agency for responsiveness. <ul style="list-style-type: none"> • Great respect for commissioner, particularly from legislators. • District offices are an important source of information and data. |

*Question was not asked of MnDOT staff

| | Solid themes frequently expressed by interviewees, but solutions lie beyond the scope of this report |
|---|--|
| Legislators, Stakeholders and MnDOT Staff | <ul style="list-style-type: none"> • Insufficient levels of transportation funding to meet demand. • Partisan politics impact perceptions and motives. |

Peer Department of Transportation Practices

Range of Governance Models

Every state executive branch has a transportation agency, known as a DOT, which is responsible for roads, bridges and transportation functional activities. State DOTs vary by structure, size and mode over which the DOT has jurisdiction. As executive branch agencies, DOTs fall under the authority of state governors, and therefore governors play a substantial role in transportation governance and oversight. Many DOT leaders serve in the governor’s cabinet. There is a range of engagement across the states, from active gubernatorial involvement, to liaisons, to state transportation commissions, to delegating much of the responsibility to the DOT.

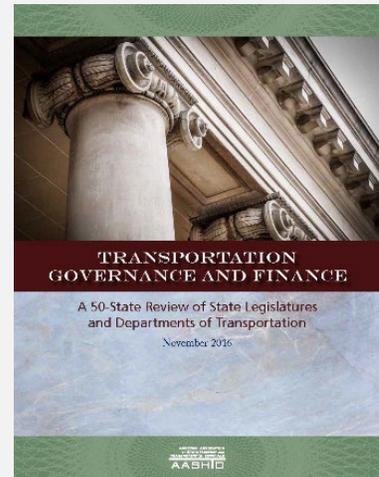
State DOTs in about half of the country are governed by a state transportation board, council or commission. Most of these are independent oversight bodies with decision-making authority, although their specific roles vary. Some commissions maintain program-level authority over funding allocation, project selection, administrative rule-making, policy setting, toll-rate setting, and long-term planning. In some states, the head of the DOT is a member of the commission ex officio.

Many states have other governmental agencies to oversee non-highway modes of transportation (such as aviation or transit), and a variety of other state government agencies and quasi-state entities influence state transportation. Quasi-state entities could include authorities such as toll facilities, airports, ports and others. These are established in statute and have some level of financial independence from the state. In some states, the head of the DOT serves on the quasi-state entities’ boards or commissions ex officio.

State Departments (or Divisions) of Motor Vehicles (DMVs) and highway patrol offices can be organized separately from the DOT (at times, with other departments such as the Department of Revenue) or housed within the DOT.

Due to the variation in areas of responsibility (mode of transportation, DMV, highway patrol, etc.), geographic needs, urban and rural needs, and political landscape, the practices of peer states should be taken as inspiration, rather than an exact model, for adoption in Minnesota, adapted as needed to Minnesota’s specific environment and needs.

Legislature and DOT Governance

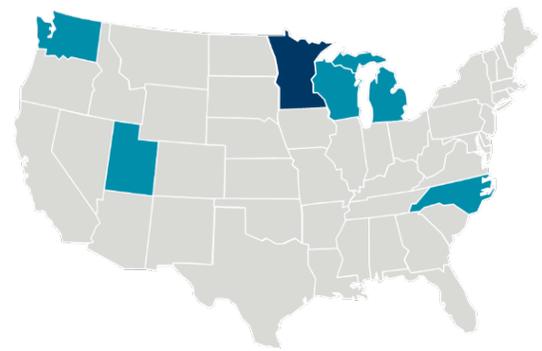


The National Conference of State Legislatures and the American Association of State Highway and Transportation Officials (AASHTO) collaborated on [A 50-State Review of State Legislatures and Departments of Transportation](#), first published in 2011 and updated 2016. The report is currently being updated, with a publish date anticipated in late spring 2022.

Peer DOT Review

To identify peer DOT best practices, the consultant contacted both the American Association of State and Highway Transportation Officials and the National Council of State Legislatures to identify DOTs that were known for effective communication between the state legislature and the DOT. This was narrowed to a list of five DOTs, (see Figure 4). A detailed overview of each of the state DOT's and the key takeaways from that state are included in Appendix C.

Figure 4: Peer DOT States



Summary of Best Practices

Across the DOTs researched for this report, there were some similarities in how they planned and selected projects, and some areas where they had tailored processes unique to their state. The following chapter provides details about the specific context of each state and the specific examples uncovered.

The peer reviewed DOTs had a number of similar attributes:

- Transportation funding and programming is complex. The requirements for using various types of state and federal funds come with detailed rules and procedures. Over time, states have made commitments that take various funding sources and subdivide them by geography and fund type, making it difficult to describe the total funding picture in simple terms.
- Engaging with elected leaders is key. Engaging with legislative members in particular, takes significant initiative and effort on the part of a DOT and requires similar messaging at all levels of the DOT.
- Partisan politics can be a factor in working relationships between and within branches of state government. DOTs that are most successful at communication continually seek to find messaging and outcomes that meet each party's interests.
- Not surprisingly, states with proportionately larger allocations of transportation funding had fewer conflicts around project selection.
- Explaining the need for projects that preserve the condition of current assets and demonstrate the impacts of neglecting the needs of the existing infrastructure was a challenge for all states.

Across the peer reviewed DOTs, there were a number of practices that stuck out as potentially applicable to Minnesota:

- Provide transparent, user-friendly websites for project maps and to explain funding allocations, and project scoring.
- Use consistent and persistent messaging about the state of repair of the assets and transparent modeling of condition deterioration based on investment levels.
- Make graphical, plain-language communications about complex topics in a variety of venues and channels.
- Deliver annual reports to the Legislature on strategies, priorities and progress. These formed the core of most communications throughout the year, creating consistent messaging.

- Offer regular, frequent communications with legislators for two-way conversations. This necessitated outreach from the DOTs and overcoming the challenges of getting on legislators' usually crowded calendars.
- Establish specific allocation amounts for funding rural and smaller projects that did not have to compete with larger, urban improvements.
- Adopt a "no surprise" policy, whereby legislators are informed of any DOT developments before they might learn about it from the media (e.g., landslides, news releases, etc.)

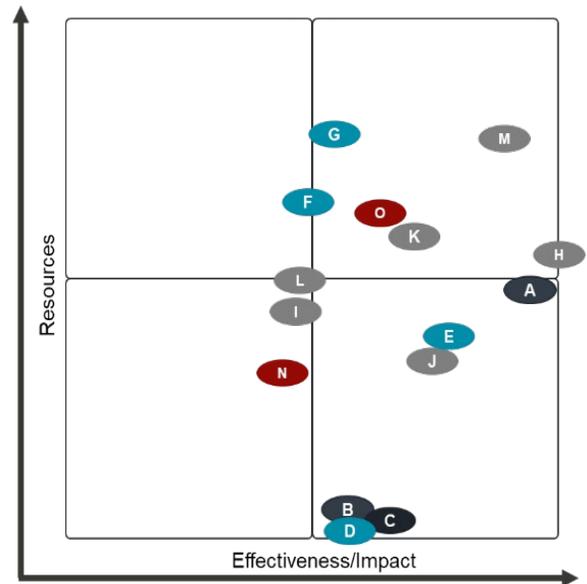
Recommendations

Based on the themes of the interviews and the background materials, the consultant team identified more than 30 potential options to address meaningful legislative input in Minnesota. The team then evaluated potential options against the objectives of this report, the breadth of feedback received, and the peer agency practices. These options were narrowed to 15, which were further described and vetted as potential recommendations. Recommendations were given an alphabet letter for distinction and grouped into four themes:

- **Better explanation of preservation needs (A→C)**
- **Proactive legislator engagement at all levels of MnDOT (D→G)**
- **MnDOT communications (H→M)**
- **Consistent local constituent input (N→O)**

These recommendations were assessed in terms of effectiveness or impact toward more meaningful input into project selection, and the level of effort or resources to achieve that impact. Using a resources/impact 2x2 matrix (Figure 5), the 15 recommendations were sifted into three tiers for implementation consideration.

Figure 5: Resources/Impact 2x2 Matrix



Tier 1

Tier 1 recommendations have higher impact/effectiveness outcomes and require less effort or fewer resources. Tier 1 recommendations start right away and are expected to begin implementation in 2022 and are shown in Table 4.

Table 4: Tier 1 Recommendations

| Symbol | Option for Improvement | Practical Actions | Expected Outcome |
|-----------------|---|---|--|
| <p>A</p> | <p>“Relentless” explanation and demonstration of needs, approach, and quantification of the impacts of neglecting preservation investments.</p> | <p>Consistent, constant, accessible and proactive messaging about investment in current infrastructure at legislative hearings, private meetings, stakeholder discussions, area transportation partnerships (ATPs), MPOs, chamber of commerce meetings, etc., using all communications media. This should come from people at all levels of MnDOT and be communicated equitably and plainly to reduce technical jargon.</p> | <p>Stakeholders and policy makers understand the importance of preservation (asset management) investment across Minnesota and are better able to understand decisions that favor preservation over capacity expansion.</p> |
| <p>B</p> | <p>Identification of methods for increased visibility of preservation projects and bringing in and sharing credit with legislators</p> | <p>Hold ribbon cuttings and celebratory events with legislators for major preservation projects. Invite local leaders and press. Consider activities to demonstrate improvement of the infrastructure, such as driving over new surface with a steady full glass of water, or testimonials from local leaders. Discuss impacts of project, including minutes saved, reduced wear and tear on vehicles, benefits for freight transport, etc.</p> | <p>Focus attention of legislators, stakeholders and members of the public on the value of state of good repair improvements being invested in communities and business. Provide elected officials an opportunity to celebrate and take credit.</p> |
| <p>C</p> | <p>Identify program-level allocations to occur at a specific point in the process.</p> | <p>Specific to a funding program cycle, identify a policy decision in the program development process, wherein investment levels are determined, and projects are then prioritized within that investment category. Forecast impact alternatives based on various investment scenarios.</p> <p>The TPIC (or commissioner) should approve the investment scenario to move forward to project identification.</p> | <p>Provide transparency for each funding cycle about decisions being made and resultant tradeoffs from program funding allocations (pavement preservation, safety, bridge repair/replacement, modernization etc.).</p> |

| Symbol | Option for Improvement | Practical Actions | Expected Outcome |
|--------|---|---|---|
| D | Sponsor district ride-along with local legislators and district staff. | Target transportation committee members but invite any/all House and Senate members. Invite them to “ride along” with a district engineer or other local staff and tour the district to see the projects, and the problems. Shake hands with the local crews. Cover a broad range of transportation issues, from preservation to bridge to safety to modernization. | Connect legislators to the “boots on the ground” transportation needs in their district (WSDOT best practice). Allow legislators to report to constituents based on personal knowledge of projects. |
| E | Hold scheduled, regular district visits with program overview, based on consistent agendas. | District engineers are charged with visiting legislators in January before the start of the session, with varying results. These visits should be formalized, be scheduled well in advance, and rely on a district overview of projects underway, as well as in the 4- and 10-year plans, and content from the state of transportation playbook. Along with the district engineer, perhaps include Central Office representation. Maintain minutes of meeting and follow with summary letter to legislators of items discussed and comments received as well as responses and action items. | Formalize opportunity for input with legislators in a legislator-only setting with a formal document that legislator can share locally. |
| J | Prepare constituent-focused interactive project maps. | GIS or similar interactive publicly-available mapping showing currently programmed and future planned investments. Examples: Utah, North Carolina, Oregon, Missouri, Michigan Utah, North Carolina, Oregon, Missouri, Michigan. This can support a number of recommendations above, including consistent district communications and regularly scheduled legislator visits in their districts. | Provide transportation program transparency with clear and consistent information on project status. |

Tier 2

Tier 2 recommendations have higher effectiveness outcomes. These recommendations are longer term to marshal resources and plan for successful execution. Tier 2 recommendations will begin planning during 2022 and target deployment for 2023 and are shown in Table 5.

Table 5: Tier 2 Recommendations

| Symbol | Option for Improvement | Practical Actions | Expected Outcome |
|--------|---|--|--|
| H | Prepare an annual state of transportation playbook and implement across MnDOT. | Develop an annual messaging playbook in plain language to be used at all levels of external conversation (same graphics, same messages, entire gamut of transportation messaging), and distribute across MnDOT widely. Example: Washington State | Ensure consistent messages in plain language |
| K | Design funding dashboards for transparency. | Develop an interactive dashboard breaking down revenue and expenditures of transportation funding Examples: Utah , Texas | Provide transparency to funding revenues and expenditures, accessible any time by policy makers and stakeholders. Provide clear and consistent information. |
| L | Create and distribute project selection brochure. | Develop and publish a short overview describing the project selection process from a 50-year vision to an approved STIP. It would be targeted to legislators and citizens interested in transportation projects. It could be a placemat, brochure, 1-2 pager i.e., a short format that is easily digestible. | Make available a document that MnDOT can point to and freely distribute to emphasize how it goes about its business. |
| N | Provide consistent formats across the state with area transportation partnerships/meeting goals | Establish a consistent agenda (could be a consistent subset of the agenda), with minimum expectations of who is invited to attend. Establish a consistent role for the district engineer and the purpose of the ATPs. | Offer consistency in expectations from stakeholders and elected officials, reduces confusion and increases meaningful engagement. Ensure equivalent participant experience regardless of location. |

Tier 3

Tier 3 recommendations have lower relative effectiveness or higher effort to accomplish than Tiers 1 and 2. Recommendations identified as Tier 3 will be evaluated after Tier 1 and Tier 2 actions have been substantially completed and are shown in Table 6.

Table 6: Tier 3 Recommendations

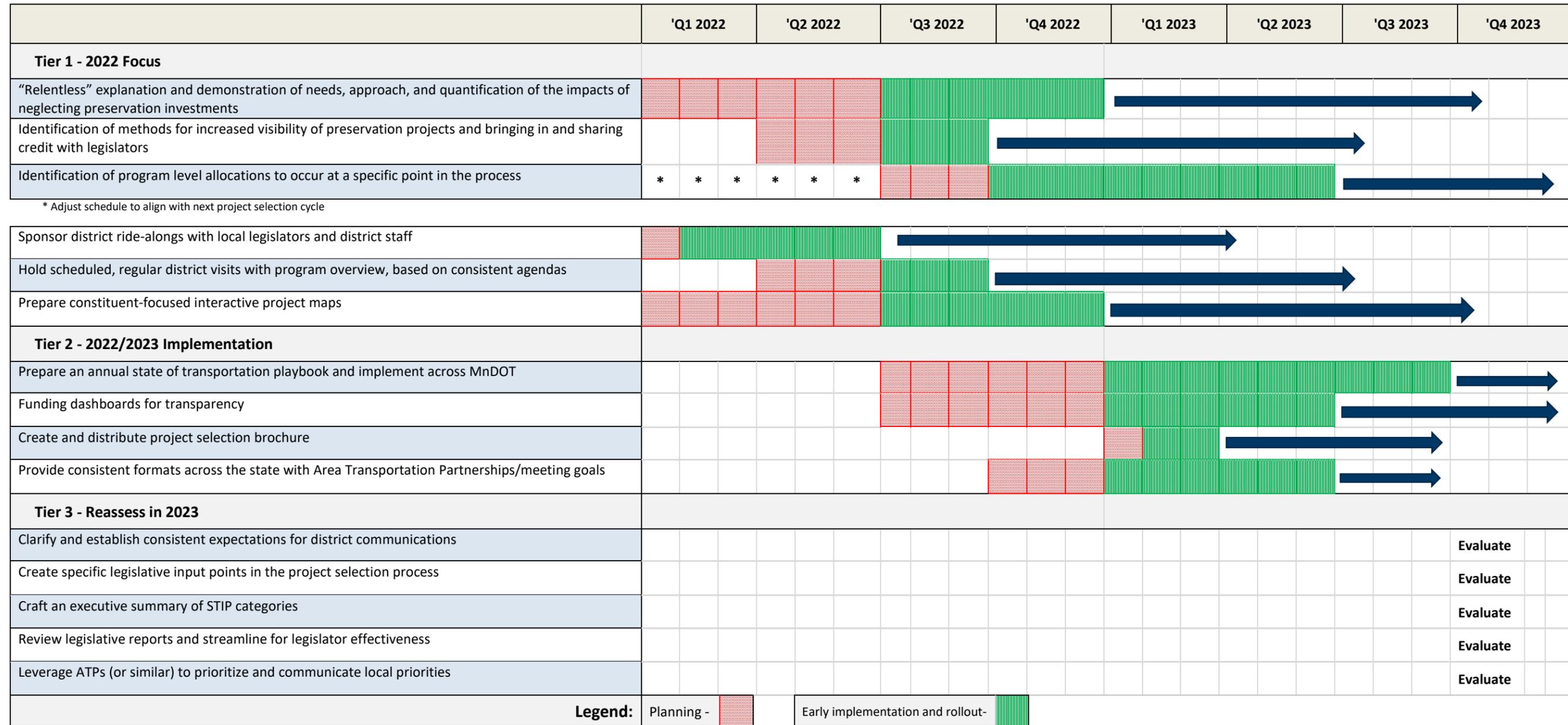
| Symbol | Option for Improvement | Practical Actions | Expected Outcome |
|---|---|--|---|
| <p style="text-align: center;">F</p> | <p>Clarify and establish consistent expectations for district communications.</p> | <p>Many legislative districts cross MnDOT districts. District engineers will be expected to contact legislators on specific topics and in specific ways. Provide district engineers with training, as well as standard messages that can be used across all districts about MnDOT approaches and activity. Focus on message accessibility and equity, reducing/ eliminating technical jargon where possible.</p> | <p>Allow legislators and stakeholders to take away clear and consistent messages and engagement interactions across MnDOT representatives. Some district engineers do a great job of this now, but it varies from district to district.</p> |
| <p style="text-align: center;">G</p> | <p>Create specific legislative input points in the project selection process.</p> | <p>Establish one or two points in the project development process between the 10-year plan and draft STIP. Potential input points could include</p> <ul style="list-style-type: none"> • Program-level allocation (briefing, taking comments). • Updates on projects over a certain dollar amount, on their progress through the environmental process, including highlighting local support and technical challenges. • Long-range planning efforts identifying larger projects and realistic steps for project development. <p>Legislators should increase the frequency at which MnDOT is requested to appear at hearings. There should be standard requirements or expectations for MnDOT to come report to each chamber of the legislature on their projects and programs.</p> | <p>Provide additional channels for input before final decisions are made.</p> |

| Symbol | Option for Improvement | Practical Actions | Expected Outcome |
|---|--|--|--|
|  | Write an executive summary of STIP categories. | This is a simple summary of the STIP in categories with three or four key statistics for each. It should emphasize user-friendliness and accessibility and avoid jargon as much as possible. | Offer user-friendly format to understand the current program, which could build awareness and understanding of stakeholders and legislators. |
|  | Review legislative reports and streamline for legislator effectiveness. | Undertake a review of all reporting documents to determine what they contain, who uses them, and recipient evaluation. Consider creating a committee of MnDOT and legislative staff to conduct reviews and make recommendations. Adjust, as appropriate, including in the level of detail and the frequency. | Create a suite of modern reporting materials that are tuned to the needs of MnDOT staff, legislative staff, legislators, stakeholders and the general public. |
|  | Leverage Area Transportation Partnerships (or similar) to prioritize and communicate local priorities. | ATPs are already used in a limited fashion; leveraging them (or a similar group) to provide local ranking of priorities can provide a venue for local constituent input and for legislative alignment. | Establishes one place for local priorities to be consolidated, allows legislators to use that venue as one place of input, and allows MnDOT a more consistent approach to constituent input. |

Implementation Schedule

To better anticipate the development and deployment of the recommendations, the consultant prepared a proposed implementation schedule (Figure 6) that displays the relative sequencing and effort in planning and rollout of the efforts within each tier.

Figure 6: Proposed Implementation Schedule



Proposed Legislation

The majority of the recommendations can be implemented without new legislation to enable the effort. Table 7 below displays the authority to implement the various recommendations, ranging from MnDOT has the authority, to legislation is needed.

Table 7: Legislative support to the recommendations

| Recommendation | Symbol | MnDOT has authority to implement | Implementation could be enhanced by legislative direction | Legislation is needed to implement |
|--|--------|----------------------------------|---|------------------------------------|
| “Relentless” explanation and demonstration of needs, approach, and quantification of the impacts of neglecting preservation investments. | A | ✓ | | |
| Identification of methods for increased visibility of preservation projects and bringing in and sharing credit with legislators | B | ✓ | | |
| Identify program-level allocations to occur at a specific point in the process. | C | ✓ | ✓ | |
| Sponsor district ride-along with local legislators and district staff. | D | ✓ | | |
| Hold scheduled, regular district visits with program overview, based on consistent agendas. | E | ✓ | | |
| Clarify and establish consistent expectations for district communications. | F | ✓ | | |
| Create specific legislative input points in the project selection process. | G | ✓ | ✓ | |
| Prepare an annual state of transportation playbook and implement across MnDOT. | H | ✓ | | |
| Craft an executive summary of STIP categories. | I | ✓ | | |
| Prepare constituent-focused interactive project maps. | J | ✓ | | |
| Design funding dashboards for transparency. | K | ✓ | ✓ | |
| Create and distribute project selection brochure. | L | ✓ | | |

| Recommendation | Symbol | MnDOT has authority to implement | Implementation could be enhanced by legislative direction | Legislation is needed to implement |
|--|---|----------------------------------|---|------------------------------------|
| Review legislative reports and streamline for legislator effectiveness. |  | | ✓ | ✓ |
| Provide consistent formats across the state with area transportation partnerships/meeting goals |  | ✓ | | |
| Leverage Area Transportation Partnerships (or similar) to prioritize and communicate local priorities. |  | ✓ | | |

Legislation Options to Implement

Table 7 Option C

Identify program-level allocations to occur at a specific point in the process.

- a) Specific to a funding program cycle, the commissioner must identify a policy decision in the program development process, wherein program investment levels are determined. Department staff must forecast impact alternatives based on various investment scenarios.
- b) Based on a recommendation from the Transportation Programming and Investment Committee, the commissioner must approve the investment scenario to move forward to project selection. If the commissioner does not approve the investment scenario, the commissioner must provide the committee written explanation of the disapproval.
- c) The investment scenario must provide transparency for each funding cycle about decisions being made. This should include resultant tradeoffs from program funding allocations including but not limited to, pavement preservation, safety, bridge repair and replacement, and modernization.

Table 7 Option G

Create specific legislative input points in the project selection process.

The House and Senate committees with jurisdiction over transportation annually must invite department staff to a hearing to provide an update on:

- a) project selection decisions made in the last year and anticipated schedule for selection decisions in coming year;
- b) corridor and other planning studies underway to identify future projects;
- c) identification of system enhancement projects coming out of any corridor and planning studies completed in the last year;
- d) realistic next steps for development of identified system enhancements into potential projects; and
- e) an overview of all currently programmed system enhancement projects.

The overview of all currently programmed system enhancement projects must include information about:

- a) progress of the projects through the environmental process,
- b) local support for the projects; and
- c) any technical challenges to completing the projects.

For the purpose of this section, “system enhancement projects” mean projects with more than one mile of new lane capacity, the addition of a new interchange or grade separation, large bridge replacements, and similar projects.

Table 7 Option K

Design funding dashboards for transparency.

By October 1, 2022, the commissioner of transportation must develop an interactive dashboard breaking down transportation funding revenues and expenditures. The dashboard must:

- a) be updated annually by April 1;
- b) provide transparent, clear, and consistent information about transportation funding revenues and expenditures; and
- c) be accessible on the Department of Transportation website.

Table 7 Option M

Review legislative reports and streamline for legislator effectiveness.

By January 15, 2023, the commissioner of transportation must review all legislative reports to determine what they contain and who uses them. Results of the review must be submitted to the House and Senate committees with jurisdiction over transportation. As part of the review process, the commissioner must:

- a) conduct an evaluation that includes feedback from the recipients of the reports;
- b) create a review committee made up of department and legislative staff
 - to conduct the review and make recommendations, including recommendations about the level of detail of the reports and the frequency of the reports.

Appendix A: Interviewees

Table 8: Interviews Conducted

| Name(s) | Representing | Constituency Group |
|--|---------------------------------|--------------------|
| Senator Scott Newman, <i>Chair</i> Senator Scott Dibble, <i>Minority Lead</i> | Senate Transportation Committee | Legislators |
| Representative Frank Hornstein, <i>Chair</i> Representative John Petersburg, <i>Minority Lead</i> Representative Paul Torkelson, <i>Former Chair</i> | House Transportation Committee | Legislators |
| Krista Boyd, <i>Non-Partisan Staff</i> Alexis Stangl, <i>Non-Partisan Staff</i> | Senate Transportation Committee | Legislative Staff |
| Matt Burress, <i>Non-Partisan Staff</i> Andy Lee, <i>Non-Partisan Staff</i> | House Transportation Committee | Legislative Staff |
| Dave Fraser, <i>Partisan Staff (R)</i> Ryan Majerus*, <i>Partisan Staff (DFL)</i> | Senate Transportation Committee | Legislative Staff |
| Joe Marble, <i>Partisan Staff (R)</i> Jennifer Nelson, <i>Partisan Staff (DFL)</i> | House Transportation Committee | Legislative Staff |
| Margaret Anderson Kelliher, <i>Commissioner</i> Kim Collins, <i>Deputy Commissioner</i> Sara Severs, <i>Chief of Staff</i> Kristi Schroedl, <i>Chief Financial Officer</i> Nancy Daubenberger, <i>Deputy Commissioner and Chief Engineer</i> Craig Gustafson, <i>Chief Counsel</i> Edward Idzorek, <i>Director of the Office of Transportation System Management</i> Jacob Loesch, <i>Communications and Public Engagement Director</i> | MnDOT Senior Staff | MnDOT Staff |
| Erik Rudeen, <i>Government Affairs Director</i> John Dukich, <i>Legislative Affairs Manager</i> | MnDOT Government Affairs Staff | MnDOT Staff |
| Duane Hill John Anderson Megan DeSchepper Mike Ginnaty Susann Karnowski Gregory Paulson Shiloh Wahl Greg Ous Jon Huseby | MnDOT District Engineers | MnDOT Staff |

| Name(s) | Representing | Constituency Group |
|---|---|--------------------|
| Melissa Barnes Lynn Clarkowski April Crockett Adam Josephson Ryan Wilson | MnDOT Metro Area Managers | MnDOT Staff |
| Randy Maluchnik* | SW Corridor Coalition (US 212) | Stakeholders |
| Shane Zhart, <i>Lobbyist</i> Karen Foreman, <i>Former U.S. Highway 14 Partnership President</i> Kevin Raney, <i>Current U.S. Highway 14 Partnership President</i> | Highway 14 Corridor Coalition | Stakeholders |
| Steve Bot, <i>St. Michael City Administrator</i> | I-94 West Corridor Coalition | Stakeholders |
| Bentley Graves | Minnesota Chamber of Commerce | Stakeholders |
| Brad Meier Brad Gruhot Ken Warner Jennifer Harmening Tara Bitzan Matt Kilian | Greater Minnesota Chamber of Commerce | Stakeholders |
| Margaret Donahoe, <i>Director</i> | Minnesota Transportation Alliance | Stakeholders |
| Mary McComber, <i>Mayor of Oak Park Heights</i> | League of Minnesota Cities | Stakeholders |
| Marc Culver, <i>Legislative Chair of the City Engineers Association of Minnesota</i> | City Engineers Association of Minnesota | Stakeholders |
| Vance Steuhrenberg | Association of Minnesota Counties | Stakeholders |
| Brian Giese | Minnesota County Engineers Association | Stakeholders |

* Requested interview – without success in scheduling an appointment

All interviews conducted by WSP investigators/principal consultants Eryca Dinsdale and Ron Hartman.

Appendix B: Themes by Constituency Group

Summary of themes by constituency group

As summarized in the Interviews section and summarized in Table 3, this appendix discusses the interview themes by constituency group and was produced by the consultant as a report to MnDOT.

Minnesota Legislators and Legislative Staff Themes

Driving Force for Legislation

Minnesota's Meaningful Impact legislation emerged from a compromise on another bill ([SF 1364](#)) that would have placed Legislature representation on MnDOT's Transportation Programming and Investment Committee (TPIC). The language that led to the need for this report was developed by several legislators in response to their perception that projects they support never become a priority in MnDOT's capital program.

Several themes emerged in the conversations with legislative leaders on both the House and Senate sides and members of both the Republican and Democratic-Farmer-Labor parties. The Minnesota Legislature also includes several Independent members that were not interviewed for this report. The major themes are described below.

1. **There is no clear consensus on what the Legislature's role should be in MnDOT's transportation project selection process**, and consequently, there is no consensus on what "meaningful input" means. There is difficulty in reaching agreement on precisely what form that should take. When we asked both staff and legislators what "meaningful input" means, the first reply was often that they had no idea.

Based on what we heard, it became clear that there was a spectrum of viewpoints on what would constitute "meaningful input," with some stating that such input is present in the current practice (prioritizing projects of higher need and performance), and others asserting that meaningful input would entail earmarking specific projects (regardless of performance or need). In the middle of the spectrum is a range of actions that include letter writing and other forms of project advocacy, meetings with MnDOT officials at which only legislators are present, and more direct approaches that provide specific forums for legislators, possibly including the formation of review bodies that would include legislator participation and would provide positions on projects that could be advisory or binding.

Some legislative members strongly felt that legislators should not be part of the decision-making process because that would lead to projects getting green lights based on political factors and the level of influence held by individual legislators. They argued that Minnesota employs a DOT made up of professionals who bring an even-handed, fact-based approach to decisions. As one legislator observed, "Members of the House and Senate will always find a way to be heard."

Others expressed an equally strong view that legislators are down on the ground, representing their constituents, knowledgeable about local issues, and, in the end, in control of the purse strings. This view holds that as a state agency, MnDOT should be bound to do what the Legislature says.

We heard a lot from both sides of the political divide about not being carefully listened to or receiving detailed answers that were more than just asserting that there is not enough money. Even those who felt the status quo was acceptable acknowledged that there can always be improvement. Articulating those improvements was challenging, but for those whose perspectives were somewhere in the middle of the spectrum, the solutions had to do with better communication of the process and better explanation of the reasons for decisions. One legislator noted that MnDOT should not be just “checking the box” that it listened, but making it clear what they heard and how they will seriously consider what they heard. What that would look like in practice was less apparent.

2. **Legislators feel stuck between MnDOT and their constituents.** Legislators struggle to explain to their constituents why projects the constituents want do not move forward or, sometimes, even where they stand on the priorities. This is particularly true regarding roads that have had significant numbers of crashes and fatalities. While not explicitly stated, many legislators suggested that they are not comfortable not having answers for their constituents. Legislators would like nothing better than to say they were able to get action on a project of importance to their constituents. Being able to demonstrate more clout in the project selection process would help in this regard.
3. **Legislators do not understand the project selection process.** Some legislators say they do not understand how the decisions are made. They complain about a lack of transparency and lack of explanation of the decision-making process. However, some legislators indicated that understanding the process was less important than getting their desired projects accomplished. Some legislators on both sides of the aisle expressed confidence in the selection process. Many acknowledged that developing project priorities for a program as vast as that of MnDOT is very complex and that does make it hard to explain. One legislator noted that “Members don’t understand the selection process, but in the end, they want the project they want.”
4. **Legislators have trouble finding out where projects stand in the pipeline.** This may be a subcategory of the larger issue of lack of understanding of the project selection process. Some legislators expressed concern that they do not find out about project decisions until it is too late to influence those decisions. This also feeds into the concern that legislators cannot give good information to constituents on the status of projects. Legislative staff expressed frustration about the tools they have to look up projects, saying that the STIP they are given is complicated and not user friendly. Staff commented that there is a disconnect between the governor’s budget and a project list, which is found in the STIP. Staff and legislators indicated that the STIP is hard to understand and difficult to navigate. The disconnect and difficulty in matching the documents leads to suspicions of a lack of transparency.
5. **Legislators have a range of opinions as to whether MnDOT has too much independence.** The Legislature approves the MnDOT budget each year and some legislators claim they then hear little about how the funds were spent. Some legislative staff acknowledged the volumes of documents provided and the quick responsiveness of MnDOT staff when there are questions.
6. **Earmarks make sense to some legislators and make no sense to others.** There is a line of thinking that earmarks are not bad and that they are appreciated by constituents. “No one has ever scolded me for putting in an earmark,” said one legislator. Others believe that earmarks simply reflect legislator clout and are outside of the legislative purview. Earmarks end up bypassing a fact-based selection process that could lead to low-priority projects or projects favoring a particular legislator’s interests. One legislator said, “we cannot give

carte blanche” to legislators. Some legislators were overt in their concern to not “tie MNDOT up” with a bunch of earmarks. They were concerned about project readiness and appropriating the needed cost and schedule to deliver the projects successfully.

7. **There is a perceived lack of transparency.** Some legislative staff noted that legislators occasionally approach them with information received from MnDOT and ask for further explanation. On the other hand, legislative staff ultimately felt that MnDOT staff were responsive, transparent and willing to answer any question. One example that surfaced in a few interviews and seemed to indicate a lack of understanding, and even suspicion, related specifically to Highway 14. Funding hadn’t been identified to finish the corridor improvements. Later in the process, MnDOT was able to come up with a loan program that filled the financial gap. Some legislators and staff wondered if this was a partisan solution for a DFL district and cited this as an example of MnDOT’s lack of transparency and resistance until pressured. MnDOT explained that they were only doing what they should be doing—looking at every financing option—and that unfortunately, in this case they did not discover this funding program until late in the process.

One legislator noted that legislators need to know that MnDOT will always be open with them, even when MnDOT staff know it is something the legislator does not want to hear. Conversely, MnDOT staff need to be confident that legislators will not go out and “bash” them publicly when they don’t do what legislators want.

Some legislators and stakeholders spoke of the need to simply build relationships through a variety of means. Many legislators also reported excellent relationships with some MnDOT staff and the commissioner.

8. **There is general agreement on the importance of project selection criteria.** However, there is a range of viewpoints on how the current criteria were developed, with some legislators saying they had little involvement and others feeling that they did have input. Most legislators and staff agreed that economic development is not currently one of the criteria that is frequently considered in MnDOT’s project selection, yet economic development is often at the root of legislator-proposed trunk highway projects.
9. **Corridors of Commerce is generally well regarded** by legislators and legislative staff. Some felt that the program, designed to fund large projects, has been successful. Some stakeholders complained that the project selection process was changed in law a few years ago and is now less flexible regarding which projects will be selected. The program may need to be reviewed again.
10. On an individual basis, **all legislators and staff expressed satisfaction with MnDOT’s staff and its responsiveness.** Great respect was expressed for the commissioner. Even after expressing concerns about transparency and not understanding decisions, legislators and staff were quick to agree that MnDOT is generally the most responsive state agency in Minnesota and that MnDOT staff are conscientious about providing information when requested. This is one of the contradictions we came across repeatedly. There is a strong appreciation of the district engineers and their receptiveness to legislator and stakeholder requests for information and their willingness to engage in discussions. Some legislators noted differences across the regional offices and how they function, which leads to inconsistent expectations. Among the few concerns expressed was a “we know better” attitude from some senior bureaucrats.

Overall, there are clearly good relationships among individuals, and most legislator concerns appear to be related to larger institutional issues. Many legislators volunteered that they had an outstanding relationship with Commissioner Anderson Kelliher. They noted her willingness to reach out and expressed that having served in the House, first as a member then as a speaker, she understood and appreciated all sides of an issue.

11. **Partisan politics color the relationship.** In general, although not exclusively, DFL members appeared happier with MnDOT and its decisions than Republican members. Most legislators and legislative staff we interviewed, as well as stakeholders, noted partisan politics as a serious stumbling block in the MnDOT/Legislature relationship. The partisan split is also reflected in the differing rural (outstate)/metro interests. Most rural legislators are Republicans, and they noted that the rural areas have the highest levels of miles traveled. Metro legislators, who are primarily DFL, contended that their areas have the most traffic and generate the most gas tax proceeds. Some rural/outstate legislators take issue with non-highway expenditures in the metro region for public transportation and bicycle facilities.

Legislative staff mused about the differences between the involvement of the Senate and House transportation committees. The House committee was involved in transportation funding topics throughout the lifecycle of the appropriation bills. Therefore, staff said they were more comfortable with the topics and had already vetted their questions. **Communication is an issue.** There are many facets to this general topic. Legislators say that MnDOT does not brief them often enough, and MnDOT says that they are not invited, or legislators do not have time when they ask for meetings. While MnDOT has made several presentations on how projects are selected, some legislators say they do not understand the process. Of even greater import, some legislators are concerned that they don't know where projects are situated in the process. This relates to the concerns expressed about transparency.

Further, most acknowledge that MnDOT provides a steady stream of reports but say that is too much to digest, especially by legislators who often have extremely tight schedules. Several legislators and staff reported that the reports are hard for not-transportation experts to understand. At the same time, there are few regularly scheduled formal meetings to provide program overviews. According to legislators, most hearings and briefings are related to a specific issue that has some urgency.

Legislators noted that most of the channels open to them for input to MnDOT are the same ones available to members of the public. The language in the Meaningful Input legislation specifically indicates that having the same communication venues as members of the public does not constitute meaningful input.

12. **Funding levels are at the heart of the issues.** Some legislators (as well as their MnDOT and stakeholder counterparts) concede that funding is a root cause of many conflicts. A constrained budget that is insufficient to meet the state's transportation needs forces many of the issues identified. Partisan politics further complicated the funding level conversation. Members of the DFL speak of increasing revenues through gas tax increments, while Republican members speak about making what they have work through better decision-making.

13. **Preservation vs expansion is a significant part of the debate.** The projects that are most advocated by legislators and stakeholders tend to be expansion and capacity improvements. However, the overwhelming share of MnDOT's expenditures goes to preserving the existing network. MnDOT staff indicated they stretch to cover preservation needs. They also note that the law requires them to prioritize preservation of the transportation system. Some legislators interpret this to mean that MnDOT has no interest in expansion and only cares about pavement protection.

Few that we talked to could articulate the need gap between current funding levels and the cost of allowing transportation assets to fall into disrepair. The last gas tax increase yielding new revenue occurred after the 2007 tragic collapse of the Interstate 35W bridge over the Mississippi River, in which 13 people were killed. One legislator even questioned any need for new infrastructure in an era of climate change. He maintained that the project selection process should reflect the state's values and the common good.

Minnesota Department of Transportation Staff Themes

Driving Force for Legislation

MnDOT staff understand the reasons behind the Meaningful Input legislation, while feeling that legislators currently have opportunities to make their views on projects known. At the same time, the senior staff believe there is always room for improvement and are interested in actions that might better serve legislators and strengthen the project selection process. –

Staff are concerned that when individuals get elected to the Legislature, new members are surprised to learn that they do not vote on specific projects, and this causes confusion. The staff also recognize that legislators would like credit from their constituents for getting projects and local funding. Based on our discussion with senior MnDOT staff, the following observations and issues were documented:

- 1. There is no shared understanding of what legislators mean by “meaningful input.”** Staff believe that some legislators will never be satisfied with anything short of earmarking specific projects, while others are happy with the project selection process as it exists today. Staff stressed their belief that legislators want to be heard in forums where the public is not present. Most of this mirrors what we heard from individual legislators.
- 2. Legislators have limited time for MnDOT staff to provide briefings on most issues other than time-sensitive, high-profile ones, or to attend meetings and other events.** MnDOT staff believe they try to reach out but are often unsuccessful due to the range of other demands on legislators’ time. As a result, relationship building suffers. Most staff expressed the view that few legislators attend Area Transportation Partnerships/MPO meetings or other venues that are open to local community advocates and the public.
- 3. MnDOT believes its top priority is the maintenance of the existing highway network.** Staff point out that this priority is in the law, and it is recognized good practice to take care of what you already have before adding to it. This prioritization also reflects federal requirements that accompany grant money and obligate the state to take care of existing infrastructure. MnDOT staff mentioned that the extensive public input received during the planning processes that reinforces preservation of the existing system should be MnDOT’s highest priority. MnDOT staff maintain that they are not against expansion, but the limited funds they have to work with preclude most new projects or major expansions unless there are serious, documented safety issues. They noted that most legislators are on the same page when it comes to preservation, observing, e.g., “after all, they put the requirements in the law.” Most years, the funds authorized for MnDOT barely cover preservation needs. The allocations made to districts only cover preservation and do not include money for any expansion. Staff also noted that requests for brand new projects are rare.

Transportation policies are codified in statute in [Section 174.01](#)

4. **MnDOT has made efforts to explain how projects move through the state planning process to execution.** We were supplied with several PowerPoint presentations that MnDOT staff have made to legislative committees. District engineers report that legislators often contact them to explain how the selection process works and where individual projects sit in the progression. Staff also acknowledged that the project selection process is complex and can be difficult to follow. It is further complicated by various federal requirements, grant application and receipt cycles, and other factors that can affect the order in which projects receive attention. Some staff believe that legislators have a lot to do and cannot devote the amount of time and attention necessary to understand how projects are selected.
5. **Funding is cited by MnDOT staff as a root cause of the difficulty in getting projects done.** Similar to what some legislators told us, some staff noted that a larger funding stream would allow MnDOT greater flexibility to meet the asset preservation targets and to bring projects other than preservation to the fore. Staff expressed frustration with legislators who earmark projects but won't provide associated funding.
6. **The transportation project planning and development cycle is long.** MnDOT staff acknowledged that the transportation funding cycle is longer than the cycle for most other capital programs that state government funds. With limited funding and a focus on preservation, it is difficult for large projects to move forward. As a result, even if a project fares well against established criteria and represents an important part of the network, a 10-year implementation process can occur and is likely common. Legislators and constituents are frustrated that seemingly important improvements take so long. Upgrading Highway 14 with additional lanes and safety features is noted as a success story by both legislators and MnDOT. Yet, the time from when stakeholders first considered improvements to the project's completion was a very long period, 60 years by one account.
7. **Legislators and constituents don't understand how little flexibility the commissioner has in moving projects around in the selection process, nor interest in doing so.** By the time the transportation program was formulated, it had gone through numerous reviews, guided by criteria and developed by transportation professionals. It is a data-driven and decentralized process, and the commissioner, as well as those before her, is loath to make changes. Commissioners are not involved in day-to-day planning activities, leaving the development of the plans and programs to the technical specialists. There is a strong view at MnDOT that acting differently would only open the program to politics and decisions that were not supported by facts and good practice.
8. **MnDOT has tried various ways to increase transparency.** In 2014, the agency prepared a scenario list of potential investment levels (NexTen), illustrating specific investments that MnDOT would undertake with additional new revenue, as a part of the governor's transportation funding plan. These lists were shared with the Legislature in 2015. Staff expected a strong response but were disappointed when there was little response or impact.
9. **MnDOT recognizes it is seen as anti-business.** Staff vigorously maintain that MnDOT is not anti-business. They also acknowledge that they are focused on safety issues above everything else. Staff are quick to point out that the criteria currently used to assess projects do not include economic development, except with respect to the Corridors of Commerce and Transportation Economic Development programs.

Legislative requests for projects are sometimes built on economic development foundations. These include the need for a new interchange on a highway adjacent to new existing or planned development. Staff maintain that some of these examples have been successful, and others have not, where new highway connections did not generate the expected growth.

- 10. Partisan politics enter into the equation.** While conceding that partisan politics exists in the Legislature, most MnDOT staff make great efforts to stay above the fray. They acknowledge that it can be a barrier to communications, but they also understand that they are beholden to all citizens of the state. District engineers, particularly, noted that politics rarely enters into their dealings with local legislators.
- 11. Relationships with legislators are generally good from MnDOT staff perspectives.** Staff in both central and district offices make efforts to reach out and offer visits to legislators. They report that these generate mixed results, with some meetings going on for hours and others a perfunctory 15 minutes. Relationships are almost always characterized as positive. Most discussions (estimated by some at 70%) are devoted to projects and constituent needs.
- 12. MnDOT staff agree that communications can be improved.** Other than formal meetings such as hearings, there seem to be few regularly scheduled meetings for the purpose of general updates. Legislators seem to reach out, especially to the district engineers and directly to the commissioner, regarding a specific issue or when something reaches a crisis. There seems to be little opportunity for general discussions of policy and philosophy on transportation matters. Legislative staff reach out to Legislative Affairs regularly and always report good responses. MnDOT acknowledges that 75-80% of its communications are reactive rather than proactive.

MnDOT has made considerable effort to explain to legislators how projects are selected. There has been less effort to explain the importance of infrastructure investment and the impacts of not making those efforts. At least one staff member noted that the department should consider more project tours, going out to the district where a project is located. There is also a shared view among staff that MnDOT might communicate so much in writing that it is not read and not understood. At least one staff member noted that the department has a habit of overcomplicating things. Staff generally acknowledged, though, that when they devote some time to clearly explaining a decision to a legislator, it solves the problem most of the time.

MnDOT staff and legislators both acknowledged that there is probably some shared blame for less-than-ideal communications.

- 13. MnDOT staff are committed to fact-based, fair decision-making.** This was a frequent refrain among staff interviews. Staff see themselves as the keepers of rational decision-making in the interest of the entire state. There is a concern that some advocates want to push their favored projects ahead of others and MnDOT must balance those wishes against its statewide responsibilities. Staff noted that it must be facts that win out at the end of the day. They offered examples of anecdotal safety information—numbers of fatalities and/or accidents—being offered to justify decisions. However, they noted that verified, detailed safety statistics often lead to different conclusions and show that an advocated project is less urgent than another one that is receiving less attention.

14. Project ranking is not viewed favorably by MnDOT staff. Several legislators pointed to capital programs in the university system or funding projects within the Public Facilities Authority, wherein projects are ranked according to objective and agreed-upon criteria, and then the number of projects that can be accommodated in the funding allocation go-ahead. They offered this as a potential model for MnDOT. MnDOT staff responded that this strategy does not work for the transportation capital program. MnDOT is dealing with far more projects—numbered in the thousands—and many limiting factors can impact even highly ranked projects. These include federal funding applications and grant cycles. Even two projects that are highly ranked but in the same corridor, cannot go forward at the same time because of the level of disruption that the simultaneous development would cause. Moreover, the time horizons for MnDOT projects in comparison to the others are vastly longer, which would further complicate ranking efforts.

Stakeholder Themes

Driving Force for Legislation

Stakeholders tend to see both sides of the issue. However, they frequently expressed that the project selection process is opaque to them, so it is understandable that stakeholders are frustrated when, year after year, they don't see their favored projects emerge.

- 1. There is no shared understanding of what legislators mean by “meaningful input.”** As with the other two groups, none of the stakeholder interviewees were able to articulate what “meaningful input” means. Stakeholders believe the legislated request for improved means of “meaningful input” comes from a lack of understanding of the project selection process but were less able to suggest where legislators should have their say. One stakeholder observed that legislators probably do not know what they want, and that they can always put in more earmarks to get the ultimate say. The view was expressed that legislators have a lot more power than they admit, and they often don't use the tools already available to them. One interviewee observed, “They want to complain, but they don't want to act.” Some stakeholders acknowledged that there are good arguments on all sides of the issue. Earmarks can be good because they reflect constituent needs. On the other hand, MnDOT has to balance the needs of all regions across the state. Some argued that earmarking makes legislators care and observed that they have never seen a bad project get earmarked.
- 2. Preservation vs. expansion remains an issue.** Stakeholders understand the need for preservation. They spoke of the impacts of poor highways, which lead to slower traffic, bridge restrictions, and the like, particularly in the agricultural parts of the state, where efficient trucking and freight movement is critical to the economy. But they also believe that some expansion needs to be part of the discussion, and they generally don't see that occurring. One stakeholder observed that some legislators fear MnDOT will ultimately stop all expansion of capacity and only fund preservation.
- 3. Constrained financial resources are at the root.** As noted earlier, this is a widely held view across all of the groups with whom we spoke. Funding is limited, which pushes various priorities against each other. One stakeholder told us that legislators do not want to confront reality when it comes to funding, saying, “They think MnDOT has an unlimited pot.”
- 4. Stakeholders don't understand the selection process.** They recognize that tough choices have to be made, but they don't see the mechanics of those decisions. They look at their major recourse as strong advocacy for projects—with loud voices and legislators speaking on their behalf. Some speak of the three- and one-year plans that cities have but see no counterpart in MnDOT. Admittedly, some of the stakeholders are much more familiar with working with local jurisdictions. Some complained about not understanding where projects stand in the MnDOT queue or whether they stand at all.
- 5. Stakeholders place great value on the district offices.** In general, stakeholders appreciate the efforts of the district offices. They indicated that district engineers live in the community and understand the problems. They spoke of MnDOT's central office staff being unable to understand the issues MnDOT faces, whereas the district staff get it and are willing to act on what they hear.

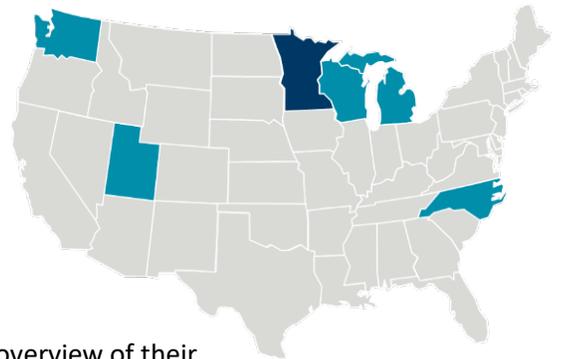
- 6. Concerns with legislators.** While stakeholders generally report good relationships with local legislators, as they do with local MnDOT employees, some note legislators' hesitation to engage on some issues, especially funding levels. They see legislators as unable to bring long-term thinking to the transportation program. They also feel that legislators spend too little time on MnDOT matters. One noted that budget committees used to review the MnDOT budget line by line, but now it is dealt with in one two-hour meeting, which they believe is insufficient given the breadth and reach of MnDOT. This was expressed most strongly by stakeholders representing statewide organizations. In the end, stakeholders don't seem to care whether MnDOT or the legislators are the heroes—they just want to get their projects developed.
- 7. Area Transportation Partnership meetings.** Stakeholders' impressions of these meetings vary widely. Some think the meetings are important and can become more important with greater participation, particularly by legislators and other advocacy groups. Others had never heard of the meetings. Some argued that the sessions should be more about discussion and decision-making, with less MnDOT presentation.
- 8. There are mixed views on partisan politics.** Some say it is a huge issue and others say it is not. One advocate pointed out that roads and bridges are neither red nor blue. It is clearly not a big issue in dealings with the districts. Some said the greatest political divide relates to issues of public transit.
- 9. Stakeholder relations with MnDOT are generally good.** Most stakeholders expressed the view that MnDOT is excellent to work with, although a few indicated that MnDOT understands that if stakeholders don't get satisfactory answers, their next call is to their House or Senate representative. Stakeholders believe MnDOT listens and is especially open to facts. Advocates say that if they can demonstrate factors such as minutes of delays or business impacts, MnDOT is very responsive. Most stakeholders indicated they want to be on the same page as MnDOT as they rely on them for information, particularly around funding. Stakeholders, in general, want to be helpful to MnDOT. Some said they have also been in the role of brokering deals between MnDOT and legislators. They go back and forth between MnDOT and legislators to get their desired projects developed.
- 10. Communications can improve.** Some stakeholders believe that MnDOT can improve its communications, and this may solve some of the problems with legislators. They suggested that MnDOT should do more to communicate preservation needs and show how much it spends by district. There needs to be a better system for everyone to see the status of projects. Stakeholders complain about seeing no path to completion. One interviewee noted that while it should be expected that members of the House and Senate Transportation Finance and Policy committees understand the numbers, some do not. A commonly expressed view was that better explanations of why projects do not get funded will help but will never satisfy every legislator. They noted that both legislators and MnDOT staff complain the other side doesn't understand, but there is not a lot of effort to bridge the gap.

Appendix C: Peer Review of Other DOTs

Overview

To identify peer DOT best practices, the consultant contacted both AASHTO and NCSL to identify DOTs that were known for successful communication between the state legislature and the DOT. The consultant narrowed the list to include states in geographic proximity to Minnesota, as well as geographic coverage of the United States (see Figure 7).

Figure 7: Peer DOT States Interviewed



The peer DOT states selected for interviews are shown in Table 9. An overview of their governance structure and highlights of their best practices are provided in the following sections.

Table 9: Comparison of Peer DOTs²

| | Minnesota | Michigan | North Carolina | Utah | Washington State | Wisconsin |
|--|--------------------------------|---------------------------------|-----------------------------|--------------------------------|--|-----------------------------|
| Staff Size* | 5,100 | 2,900 | 12,300 | 1,700 | 7,000 | 1,800 |
| Roads and Bridges | | | | | | |
| Total lane miles | 285,083 | 256,747 | 225,973 | 97,273 | 166,908 | 238,608 |
| Rural | 236,244 | 171,081 | 135,235 | 71,486 | 114,100 | 186,362 |
| Urban | 48,839 | 85,666 | 90,738 | 25,787 | 52,808 | 52,248 |
| Bridges | 13,301 | 11,092 | 18,124 | 2,791 | 7,353 | 14,116 |
| State Transportation Boards, Councils and Commissions | None | State Transportation Commission | Board of Transportation | Utah Transportation Commission | Washington State Transportation Commission | None |
| Title of Head Transportation Official | Commissioner of Transportation | MDOT Director | Secretary of Transportation | Executive Director of UDOT | Secretary of Transportation | Secretary of Transportation |
| State gas tax (per gallon)** | 28.6¢ | 26.30¢ | 36.1¢ | 31.4¢ | 49.4¢ | 30.9¢ |
| <u>U.S. state rank for highest gas tax and fees³ ***</u> | 26 th | 10 th | 14 th | 24 th | 8 th | 22 nd |

* Staff size between Departments of Transportation can vary greatly based on level of responsibility and modes included. A few factors that typically impact staff size are which modes are under the responsibility of the DOT (e.g., Ferries, Operating Transit, DMV, State Highway Patrol, and others) and the level of outsourcing or local partnership of particular functions such as maintenance.

** Shown here as the state gas tax rate per gallon is the raw rate charged, it does not include the 18.4¢/gallon federal excise tax rate on gas. In addition to the raw gas tax, states have additional fees that vary state to state such as state sales tax applied to fuel, environmental fees, and other fees and taxes.

*** The American Petroleum Institute’s methodology determines the average tax rate on a gallon of fuel, including excise taxes, environmental fees, storage tank taxes, other fees or taxes, and general sales taxes. It does not include the 18.4¢/gallon federal excise tax rate on gas.

² AASHTO’s [50-State Review of State Legislatures and Departments of Transportation](#)

³ [How High are Gas Taxes in Your State?](#)

MICHIGAN DEPARTMENT OF TRANSPORTATION



Practices for Consideration at MnDOT

Michigan officials acknowledged a time during the mid-2000s when the relationship between MDOT and the legislature was considered confrontational. MDOT indicated that it has worked diligently to change that in the recent past and believes it has been successful, relying on improved levels of communication, transparency and timely responses. They provided frequent presentations about the program as a whole, as well as specific projects of interest. Department staff also note their close working relationships with local communities, which provide dividends in terms of legislator support.

The Government Relations and Communications units within MDOT work closely to shape messaging and communication channels with the Legislature. The value of preserving current assets is advanced proactively and is frequently at the heart of briefings. Members of the Legislature frequently turn over, given term-limit requirements, making it more essential that the department frequently explains why and how decisions are made. Some key activities that MDOT staff identify as having been helpful in improving the relationship with the Legislature and ensuring that legislator concerns are heard and acted upon include the following:

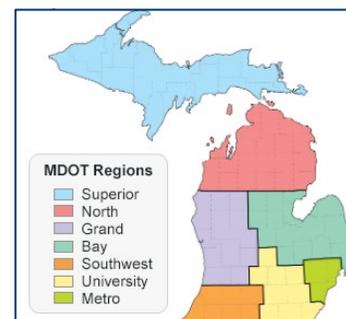
- MDOT produces a [user-friendly five-year plan](#) with strong interactive graphics on project status, both underway and somewhere in the queue.
- [Searchable GIS maps](#) and open data sources are available on the website to provide project status and related information.
- Dashboard websites for specific projects are also available online.
- The Office of Government Relations and Communications regularly coordinates their efforts to ensure consistent and effective messaging and communications with respect to legislative matters.
- MDOT reports that it maintains a frequent meeting schedule with legislators, and a preservation message is included in each one.
- The department provides a Friday update to DOT staff about what is going on in the Legislature and messages they can use in districts and with members of the public

Overview

MDOT is responsible for Michigan's 9,669-mile state highway system, comprising all Interstate, U.S., and state routes (Figure 8). MDOT also administers other state and federal transportation programs, including those related to aviation, intercity passenger services, rail freight, local public transit services, and the Transportation Economic Development Fund. MDOT has about 2,700 employees (2019).

MDOT is organized into seven regional offices, each handling transportation-related construction, maintenance and programs within their geographic boundaries. Regional offices are managed by professional

Figure 8: MDOT Transportation



engineers who direct and oversee the transportation activities and programs of their respective regions.⁴

Governance

MDOT's director is appointed by the governor, with the advice and consent of the Senate, and within broad statutory requirements for executive and administrative abilities.⁵

Michigan established the [Michigan State Transportation Commission](#) (STC), which sets policy for MDOT in relation to transportation programs, facilities and other activity related to transportation development. The commission's responsibilities include developing and implementing comprehensive transportation plans for the entire state, including aeronautics and bus and rail transit, providing professional and technical assistance, and overseeing the administration of state and federal funds allocated for these programs.

Commission Membership

The STC is composed of six members appointed by the governor with the advice and consent of the state Senate and within constitutional requirements for partisan balance.⁶

Political Landscape

The majority party for the Michigan House of Representatives and Senate is the Republican Party, and the governor is a member of the Democratic Party.^{7, 8}

Term Limits: In 1992 Michigan voters backed Proposal B, the Michigan Term Limits Amendment, which amended the State Constitution to enact term limits limiting the times a person could be elected to the House of Representatives to three times (six years) and to the Senate two times (eight years).⁹

Funding

Transportation revenue in Michigan comes primarily from road-use fees. State taxes on fuel and vehicles can only be used for road work and public transportation, per Michigan's constitution. In addition, 4.65% of vehicle-related sales tax is used for public transportation. Roughly one-third of Michigan transportation revenue comes from state road-use fees applied to gasoline and diesel fuel. Another third of transportation funding comes from Michigan's vehicle registration tax and title fees. The last third of state transportation funding comes from federal aid.

⁴ MDOT [The Official Guide to MDOT](#)

⁵ [\(Mich. Comp. Laws Ann. §16.455 and §§247.801 et seq.; Mich. Const. art. V, §28\).](#)

⁶ MDOT [Michigan State Transportation Commission \(STC\)](#).

⁷ MDOT [Michigan House Leadership Teams](#)

⁸ Michigan State Senate [Michigan Senate Leadership](#)

⁹ [Michigan Legislature](#)

Transportation Plans

Long-Range Transportation Plan

The State Long-Range Transportation Plan establishes the vision, goals and objectives for Michigan's transportation system and sets the policy framework for transportation investment decisions. Known as the [2040 MI Transportation Plan \(2040 MITP\)](#), the plan identifies current and emerging needs for all modes of transportation within the state and sets investment priorities for meeting those needs. The 2040 MITP spans a 20-year period and is updated approximately every five years.

Five-Year Transportation Program

The purpose of the [MDOT Five-Year Transportation Program](#) (5YTP) is to show anticipated investments across all modes as early in the planning process as possible, supporting successful program delivery, encouraging local coordination, and guaranteeing opportunities for meaningful public input. The 5YTP is approved annually by the State Transportation Commission and includes planned investments for highways, bridges, public transit, rail, aviation, marine and nonmotorized transportation.

The highway portion is an annual rolling program. Each year, the first year is implemented and a new fifth year is added. Program/project adjustments are made to the other years. The road and bridge projects proposed in the 5YTP also are incorporated into MDOT's STIP.¹⁰

State Transportation Improvement Program (STIP)

The [STIP](#) is the four-year planning document. It lists surface transportation, transit and multimodal projects that are funded with federal aid provided under the federal-aid transportation program, and projects utilizing other funding sources that are designated as regionally significant by the metropolitan planning organization or MDOT.

Michigan produces an [annual guide to project selection and MDOT as an organization](#). The guide outlines the top-level functions of the agency, various planning and project documents, and detailed charts showing how funding is allocated.¹¹

Project Selection

In Michigan, the state has jurisdiction over just 8.1% of the state's road miles. The rest is controlled by 616 local road agencies. MDOT guides the project selection process and selects projects for its annually updated 5YTP, which outlines its capital program for roads and bridges. Projects are selected mainly to meet pavement and bridge performance goals and for statewide geographic distribution.

¹⁰ MDOT [The Official Guide to MDOT](#)

¹¹ MDOT [FY 2020-2023 State Transportation Improvement Program. Michigan Department of Transportation.](#)

Legislative Role

Historically, the Michigan Legislature has not been involved in the project selection process. The Legislature reviews but does not approve the five-year plan. It approves the transportation budget, although it is largely pre-determined.

Earmarks

The Legislature has included some earmarks in the annual budgets that could be considered capital projects. In FY 2014, \$230.0 million in general fund revenue was appropriated for state road and bridge programs, and the governor allowed legislative leadership to participate in project selection. In addition, both the FY 2016 and FY 2017 budgets include several legislatively designated or earmarked projects.¹²

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION



Practices for Consideration MnDOT

A turning point for NCDOT came in 2013, when new legislation introduced the data-driven Strategic Transportation Investment (STI) law, which moved away from a board choosing projects. The new law prescribed criteria for selecting projects, as well as accounting for local input. It represented a legislative consensus that this was a more responsible, efficient and credible way of advancing North Carolina's transportation initiatives in support of statewide goals for economic growth, job creation and quality of life. According to NCDOT staff, the project selection process balances statewide and regional perspectives while also providing for local needs. The results of STI feed into the STIP, which outlines projects to be funded over a 10-year period.

The STI law establishes 10 characteristics to use in scoring projects. Prior to STI, the governor was firm in establishing that preservation projects were to receive the majority of funding, but money was specifically made available for new projects. Department staff note that STI's performance has won over some legislators and even NCDOT personnel who were originally skeptical but are now supporters.

One of the issues that NCDOT recently encountered was incorrect cost estimates for projects, which resulted in cost increases. As a result, project development was paused while new cost estimates were assembled. After this, some projects could no longer be accommodated but the department engaged in an effort to reschedule projects in the program. The result has been more realistic estimating of project expenditures.

The STI legislation also provides for a work group that includes no more than 50% NCDOT staff, including a rotating group of district engineers, with the remainder being representatives of local organizations, MPOs, and regional bodies. The group members rotate and generally deal with scoring factors, restructuring projects, forecasting changes, allocations, and project cost issues. The group does not vote, and instead works to achieve consensus.

¹² Page 269 of AASHTO's [50-State Review of State Legislatures and Departments of Transportation](#)

Below are some of the key items that NCDOT cites as being helpful in working with the state Legislature.

- The Legislature abandoned a system in which it chose projects and replaced it with a data-driven system.
- The result was the Strategic Transportation Investment law, which establishes the Strategic Mobility Formula, allocating available revenues based on data-driven scoring and local input. It is used to develop the STIP, which identifies the projects that will receive funding during a 10-year period. It prescribes how to score and select projects.
- Money is divided into separate tiers for statewide and regional purposes.
- The ongoing NCDOT workgroup decides scoring factors and must decide by consensus rather than scoring.
- NCDOT provides annual reports to the Joint Legislative Oversight Committee on projects, scoring and changing factors.
- NCDOT provides user-friendly, interactive graphics to describe project status and plans.
- Among other tools, the website includes a section called “How a Road Gets Built” that explains selection process in straightforward manner.

Overview

NCDOT is responsible for all modes of transportation in North Carolina. This includes highways, rail, aviation, ferries, public transit, and bicycle and pedestrian transportation. The department also oversees the state’s DMV and the governor’s Highway Safety Program, which promotes safety awareness to reduce highway crashes and fatalities. Additionally, NCDOT helps expand economic growth opportunities through oversight of the North Carolina State Ports, North Carolina Global TransPark and North Carolina Turnpike Authority.¹³

North Carolina is divided into 14 regions—referred to as highway divisions—in which NCDOT’s Division of Highways distributes the duties of building and maintaining state-owned bridges and highways (see Figure 9). Each region has an office that receives support from various sections and units within the Division of Highways.¹⁴

Figure 9: NCDOT Regions (also known as highway divisions)



Governance

The secretary of transportation is appointed by the governor, with no legislative involvement.¹⁵

The [Board of Transportation](#) works with the secretary of transportation to make decisions about transportation priorities. The purpose of the board is to assist the secretary with setting

Board of Transportation

The board has 20 members, of which 19 are voting members. The secretary serves ex officio as a non-voting member. Members are appointed to staggered four-year terms by the governor, with no legislative involvement and within statutory requirements for geographic

¹³ NCDOT [North Carolina Department of Transportation 2020 Annual Report](#)

¹⁴ NCDOT [North Carolina Department of Transportation. Highway Divisions](#)

¹⁵ [\(N.C. Gen. Stat. §143B-9\)](#)

priorities and policies and approve investment decisions, including the annual STIP. The board approves both modernization and preservation investment programs. In addition, [N.C. Gen. Stat §143B-350](#) lists 17 additional duties, ranging from authorizing right-of-way acquisition to turnpike partnership agreements.

representation and partisan balance. Fourteen members represent the state’s highway divisions, and five serve the state at large. One of the five at-large members must have knowledge of environmental issues, one of ports and aviation, one of government-related finance and accounting, one (who must live in a rural area) of rural transportation issues, and one (who must live in an urban area) of public transit issues.

Political Landscape

The majority party in the North Carolina House of Representatives and Senate is the Republican Party, and the governor is a member of the Democratic Party.

Funding

NCDOT has an annual budget of approximately \$5 billion.

NCDOT’s transportation funding comprises approximately 75% state revenues and 25% federal revenues. State revenues come from three sources: the motor fuel tax, DMV fees, and the highway use tax on vehicle title transfers. Federal transportation accounts for approximately 25% of NCDOT’s overall budget and about 50% of its construction budget.¹⁶

The motor fuels tax accounts for 54% of transportation funding. This tax changes each year based on a statutory formula that takes into consideration both population and energy cost inflation. The current motor fuels tax rate is 36.1 cents per gallon, as of January 1, 2021. Of this revenue, 71% goes into the State’s Highway Fund and 29% goes into the state’s Highway Trust Fund.

Transportation Plans

Like other DOTs, NCDOT uses a suite of long-range planning documents to guide investments and policies.

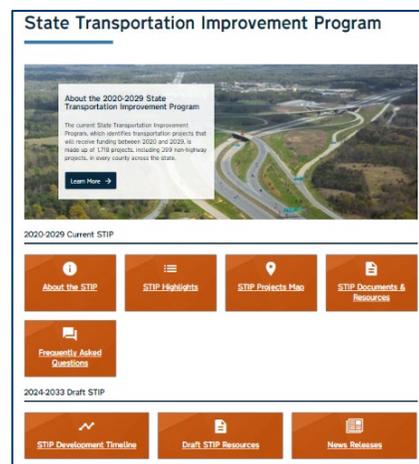
[NC Moves 2050](#) is a strategic transportation plan that focuses on shaping the future of transportation in North Carolina. This 50-year plan anticipates significant population growth and is focused on creating a more responsive, diverse and inclusive transportation system to keep people and freight moving safely and efficiently.

The [2040 Plan](#) is a 30-year transportation blueprint for the state that doesn’t focus on specific projects but stipulates the highest transportation priorities of ensuring safety, preserving existing transportation systems and focusing on services and facilities with statewide significance.

Figure 10: NCDOT “How a Road Gets Built” Tutorial



Figure 11: NCDOT's Interactive STIP Web Portal

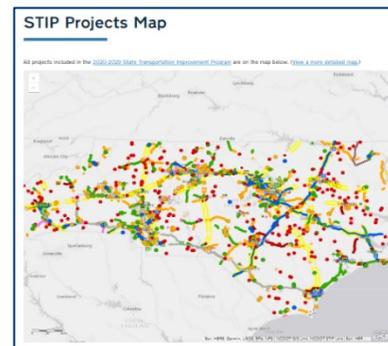


¹⁶ NCDOT [Finance & Budget](#)

NCDOT provides information related to project prioritization and selection. The department's website includes a section called, [How a Road Gets Built](#), to which explains in plain language the steps involved (see 10). To help explain the project prioritization process, the site links specifically to their data-driven scoring process, where each project can be reviewed to see the [results of the scoring](#). NCDOT also provides a [video overview](#) of the STIP prioritization and programming process.

North Carolina's STIP¹⁷ covers 10 years, with the first six years referred to as the delivery STIP and the latter four years as the development STIP (see Figure 10). North Carolina's STIP is updated every two years, and state law requires board of transportation action to approve the STIP.¹⁸

Figure 32: NCDOT STIP Projects Map



Selection Process

NCDOT uses a statutorily mandated process for prioritizing major transportation projects and making investment decisions. This “strategic prioritization process,” which NCDOT first started developing in 2009 in response to an executive order (2009 Executive Order No. 02), was enacted into law in 2013 (N.C. Gen. Stat. §§136-189.10 et seq.). Every other year, projects are evaluated based on existing and future conditions, expected benefits, multimodal characteristics, and how they fit in with local priorities. Projects are ranked in each of NCDOT's six modes of transportation (highway, ferry, rail, public transit, bicycle/pedestrian, and aviation). The results of this process serve as input to an updated 10-year STIP, which is released to the public for review and comment before being approved by the board of transportation and reviewed by the general assembly. In addition, the general assembly approves specific transit and rail projects as part of the appropriation process.¹⁹

NCDOT maintains an [interactive map](#) of the current status of all the projects in their STIP, shown in Figure 12.

Legislative Role

The North Carolina Legislature has a limited role in the project planning process. Projects are prioritized according to a process that the general assembly enacted into law in 2013. The general assembly reviews the STIP and other transportation plans but does not approve or modify them. NCDOT submits annual reports to the general assembly about its projects and the project prioritization process. The general assembly reviews and approves the NCDOT budget, and approves specific transit and rail projects, as part of the appropriation process. The general assembly is not, however, involved in individual project selection.²⁰

¹⁷ NCDOT [2020-2029 NCDOT State Transportation Improvement Plan](#)

¹⁸ NCDOT [2020-2029 NCDOT State Transportation Improvement Plan](#)

¹⁹ Page 372 of AASHTO's [50-State Review of State Legislatures and Departments of Transportation](#)

²⁰ Page 372 of AASHTO's [50-State Review of State Legislatures and Departments of Transportation](#)

Practices for Consideration at MnDOT

With both houses of the Utah Legislature and the executive branch headed by the same political party, there seems to be less dissension here than in some other states. Nevertheless, as a result of a task force looking into the issues in 2005, the Legislature chose to remove itself further from involvement in transportation project decision-making. The Utah Transportation Commission appointed by the governor took on the role of establishing policy, criteria and priorities for projects. It is not made up of current legislators but may include past members, business representatives or community leaders. The threshold is selecting commissioners with credibility. The commission works closely with the UDOT executive director. Local governments, among others, can make project recommendations to the commission.

UDOT prides itself on transparency. Its website provides a significant amount of information on projects, including rankings. UDOT staff invest a great deal of time in getting to know and working with legislators. Senior UDOT district personnel are required to know their local mayors and legislators. The department believes it has increased the level of transparency with legislators by being constantly present with information and paying attention to what they want to know. The Unified Transportation Plan is cited as one-stop shopping for understanding what the department is doing and where it is going.

UDOT staff stress the importance of a project selection process that is simple and easily digestible. They use ranking factors, but these are not always the final say. The department can and will change things if circumstances warrant.

As with other DOTs, UDOT struggles with the importance of preservation. The executive director used the word “relentless” in his messaging about preservation and the impacts of not keeping up with the need to maintain existing infrastructure. UDOT staff acknowledge that legislators do want to discuss expansion, but the department is always ready to push back with preservation needs. However, UDOT does have the luxury of funding levels that allow it to meet a substantial amount of both demands.

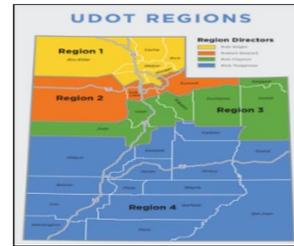
UDOT specifically emphasizes the following items as key to maintaining a good relationship with the Legislature:

- Preservation is discussed by UDOT officials “relentlessly.” It is part of most conversations, to some extent.
- UDOT prides itself on transparency, displaying virtually every aspect of its program and the decisions behind it on its website. Legislators, as well as everyone else, can determine why projects are selected or not selected with the display of factors that inform the department’s decisions.
- Staff point to the department’s proactive and frequent schedule of meetings with legislators to explain how the department is spending its budget and, more importantly, why.
- UDOT leadership believes the commission has played a productive role by ratifying department decisions and bringing a business approach to the factors that determine the program and how projects are ranked.
- The UDOT website provides an array of understandable documents and graphics that enhance understanding of the program and the status of projects.

Overview

UDOT is responsible for all transportation-related governmental functions in the state. UDOT operates through four regions, which oversee administration, construction and maintenance of the state roads, highways and freeways within their areas (Figure 13).²¹

Figure 4: UDOT Regions



Governance

The executive director of UDOT is appointed by the governor after consultation with the commission and with the consent of the Senate, within broad statutory guidelines for experience and training.²²

The commission serves as an independent advisory committee and is responsible for prioritizing funding for transportation projects. UDOT provides the commission with data-driven project rankings for their use in setting the program for the upcoming four years. The commission approves funding and the scope of projects proposed by UDOT.

Commission Membership

The commission comprises seven members appointed by the governor and with the consent by the Senate. Four commissioners represent geographic areas consistent with the four UDOT region boundaries, and there are three commissioners at-large.²³

Political Landscape

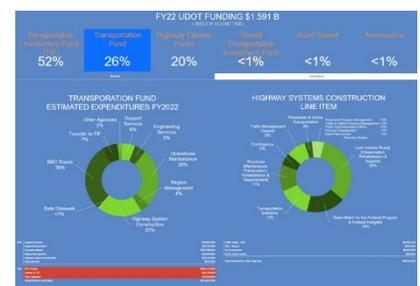
The Utah Legislature is currently led by a Republican majority in the House and Senate, and the governor is a member of the Republican Party as well.

Funding

The state Motor Fuels tax accounts for approximately 62% of funding for UDOT. Sales tax, vehicle use fees, and motor carrier fees also contribute. Specific breakdown of revenue and expenditures are interactively displayed on UDOT's [strategic direction funding website](#).

FY2022 UDOT funding is \$1.591 billion, 52% of which (\$828.75M) is for the Transportation Investment Fund (TIF), which funds expansion and modernization projects. Twenty-six percent of funding is dedicated to the Transportation Fund, which primarily funds highway maintenance projects.

Figure 5: Interactive Funding Information



²¹ Utah Department of Transportation [Getting to Know UDOT](#)

²² [Utah Code Ann. §72-1-202](#)

²³ Utah Department of Transportation [Getting to Know UDOT](#)

²⁴ UDOT [Keeping Utah Moving](#)

Transportation Plans

Utah's long-range plan "[Utah's Transportation Vision; Pathway to Quality of Life](#)" provides the framework for long-term transportation planning by UDOT and other agencies.

Utah uses an [interactive portal](#) to connect long-range planning documents to project selection. Headings for interactive data include UVision, Unified Plan, Programs, Prioritization List, TIF, Funded Projects, and Construction Projects.

The cornerstone of Utah's planning process is [Utah's Unified Transportation Plan](#). This plan is a collaborative effort among transportation agencies across the state that develops common goals, planning time horizons, performance measures and financial assumptions so that plans are consistent while meeting local needs. The end result is a unified plan that sets out project needs, as well as timing, funding and measures of effectiveness in meeting shared objectives. Using the interactive viewer (Figure 15), residents and legislators can navigate to any project to see the current status and information about the project.

Figure 6: Utah's Unified Plan Viewer



Clicking on the tabs on the project portal provides increasing detail to the funding allocated and the projects selected. From initial program areas through projects in construction, the portal provides a comprehensive one-stop shop for information needs related to funding and projects.

The Programs tab of the portal is a graphical interface to follow money, from funding through program allocation. The "Allocations" tab provides a fact sheet for each allocation that describes the funding assigned, what is included, and a summary of the strategy.

The Prioritization List tab displays the final prioritization scoring for all projects in a transparent view.

Project Selection

The state's project selection first requires the adoption of a long-range plan; then priority projects from that plan are added to the six-year STIP. In general, UDOT and MPOs identify projects.

The Utah Transportation Commission prioritizes new transportation capacity projects using a statutorily provided process, the Decision Support System (Utah Code Ann. §72-1-304 and §72-1-305). Smaller-scale projects to alleviate specific traffic bottlenecks also are prioritized. UDOT's role is to recommend construction projects to the commission, and the commission approves or rejects this recommendation.²⁵

Legislative Role

The Legislature plays a limited role in Utah's project selection process. In 2005, as the result of a [two-year legislative task force](#), the Utah Legislature adopted legislation to reduce legislative influence in the project selection process,

²⁵ Page 470 of AASHTO's [50-State Review of State Legislatures and Departments of Transportation](#)

and instead to statutorily solidify efforts by the Utah Transportation Commission and UDOT to prioritize projects based on a data-driven, weighted prioritization process. The Legislative Management Committee reviews but does not approve amendments to this process (Utah Code Ann. §72-1-304 and §72-1-305; 2005 Utah Laws, Chap. 245). The Legislature determines general funding levels and can fund specific new capacity projects in the annual appropriations act, although it has generally refrained from earmarking any projects of substantial value.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

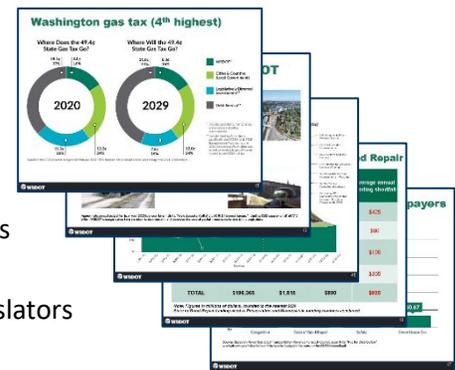
Practices for Consideration at MnDOT



Washington is the only state in our sample where the Legislature approves specific projects other than preservation or maintenance. The Legislature approves the WSDOT budget, as well as earmarks specific projects. In general, projects in the budget are those recommended by the governor. WSDOT has continued to press for the importance of preservation and believes that message is getting through to legislators.

One of the success factors WSDOT points to is the annual [State of Transportation playbook](#) (Figure 16). The playbook is essentially a collection of slides covering a range of transportation topics and is presented by the secretary of transportation annually to the Senate and House transportation committees. Using these same graphics and talking points, it is then used by other staff throughout the year, ensuring consistent messaging in plain language for complicated transportation topics. As an example, when focusing on preservation, the playbook often has slides depicting the cost of not performing adequate preservation activities, including poor safety and the impact of congestion. Staff note that some legislators have now earmarked preservation projects.

Figure 7: WSDOT State of Transportation playbook



The department describes its communication with the Legislature as “early, often, and transparent.” The department frequently offers work sessions and provides lists of topics on a regular basis. The Legislative Director meets weekly with key committee chairs, and the leadership team works to create relationships with legislators. Regional administrators serve on local MPOs and become very engaged with mayors and local legislators. One interviewee commented that “Regional administrators feel like WSDOT’s Government Affairs Department is their real boss.”

WSDOT notes that it has improved its relationship with the legislature. Its successful communications are attributed to leadership staying in touch with elected officials and community leaders on a regular basis. The department employs a “no surprises” policy that keeps legislators abreast of events, so they do not find out about transportation matters in the press. During transportation-related incidents, WSDOT officials continually provide updates, which they believe has built an enormous amount of trust. WSDOT recently conducted a [performance-based project selection feasibility model review](#), which also describes their communications materials.

Specific measures of WSDOT’s set of practices are described below:

- WSDOT compiles a playbook that lays out the annual program and why decisions are what they are. It is prepared for the secretary’s annual presentation to the Legislature. In a PowerPoint template format, it is

shared across the department. Public and legislative-facing staff incorporate sections of it in their own messages. It helps to ensure consistent messaging from WSDOT to legislators and the public.

- Regional administrators conduct regular ride-alongs for legislators to visit projects, including preservation activities. This gives the legislators firsthand information that they can convey to their constituents from a position of knowledge and understanding.
- The department conducts and share quantitative analyses to show legislators what can happen when preservation needs are not satisfied.
- WSDOT describes its heavy emphasis on frequent, useful communications. Efforts are made to inform legislators of developments before they are in the press (i.e., no surprises). During incidents and crises, regular status reports and updates are provided multiple times per day.

Overview

WSDOT is responsible for a multimodal transportation system and ensuring that people and goods move safely and efficiently. In addition to building, maintaining and operating the state highway system, WSDOT is responsible for the state ferry system and works in partnership with others to maintain and improve local roads, railroads and airports, as well as to support alternatives to driving, such as public transportation, bicycles and pedestrian programs. WSDOT is organized in six geographical regions (Figure 17).

Figure 8: WSDOT Regions



Governance

The secretary of transportation is appointed by the governor, with the advice and consent of the Senate, and serves at the pleasure of the governor.²⁶

The Washington State Transportation Commission provides an open public forum for transportation policy development. It reviews and assesses how the entire transportation system works across the state and issues the state’s 20-year Transportation Plan. As the State Tolling Authority, the commission adopts state highway tolls and sets ferry fares. It also conducts special studies and projects as directed by the Legislature.

Commission Membership

The seven voting members of the Washington State Transportation Commission are appointed to up to two consecutive six-year terms by the governor, with the consent of the Senate and within statutory requirements for geographic representation. Members should reflect a “wide range of transportation interests” and cannot otherwise be state officials or employees. The governor or governor’s designee and the secretary of transportation serve as ex officio, non-voting members.²⁷

²⁶ [\(Wash. Rev. Code Ann. §47.01.041\)](#)

²⁷ [\(Wash. Rev. Code Ann. §47.01.051\)](#)

Political Landscape

The Washington Legislature is currently led by a Democratic majority in both the House and Senate. The governor of Washington is also a member of the Democratic Party.²⁸ The governor appoints the secretary of transportation.

Funding

Washington’s transportation revenues come from numerous taxes, fees, permits, tolls, and other revenues. Gasoline fuel taxes are the largest share, at 39.8%, but this share has declined during this pandemic period as fuel tax revenue have been hit the hardest. With the addition of diesel fuel taxes, motor vehicle fuel taxes make up 51% of all revenues. Licenses, permits and fee revenues form the second largest share, at 26.8%. The three largest revenue sources are projected to consist of 77.8% of revenues in the 2021-23 biennium. The remaining 22% consists of ferry fares, toll revenue, driver related revenue and other transportation-related revenue.²⁹

WSDOT publishes a [budget card](#) (as shown in Figure 18) to provide an overview of the approved budget and revenue in plain language.

Another graphic that WSDOT used in prior years is the “Penny Chart” (as shown in Figure 19). The penny chart displays as an infographic how the state fuels tax is allocated.

Figure 9: WSDOT 2021-23 Enacted Budget Card

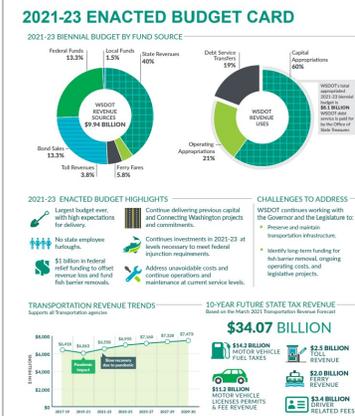
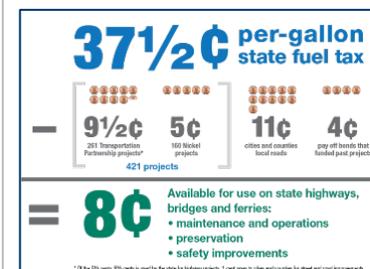


Figure 10: WSDOT 'Penny Chart'



Transportation Plans

The Washington Transportation Plan establishes the 20-year vision for the development of the statewide transportation system. It is based on the six transportation policy goals established by the Legislature: preservation, safety, mobility, environment, stewardship, and economic vitality. It is broken into two phases, the [Washington Transportation Plan 2035](#) and the [Implementation Plan 2017-2040](#). Additional [statewide plans](#) guide investments.

²⁸ [Washington State Legislature House of Representatives](#) and [Washington State Legislature Senate](#)

²⁹ [Transportation Revenue Forecast Council September 2021 Transportation Economic and Revenue Forecasts](#)

[WSDOT's Project Delivery plan](#) is updated annually and identifies six years of projects. It meets the Federal Highway Administration's requirement for states to program four years of projects in their STIP, and includes all projects funded by the Legislature. This plan prioritizes where project funds will be spent first.

Project Selection

In general, the Washington State Transportation Commission conducts statewide and long-range planning activities (Wash. Rev. Code Ann. §47.01.071), while WSDOT is charged with project identification and prioritization. WSDOT takes the lead in developing the state's modal plans and the annually updated four-year STIP. The governor's office also plays a significant role in identifying, selecting and prioritizing projects through the budget process. MPOs, transit agencies, port authorities and local governments are solely responsible for local programming, but play only a minor role in state projects, mainly through lobbying. The Legislature approves the budget and also selects, approves and funds specific projects.³⁰

Legislative Role

The Legislature approves the overall WSDOT budget and regularly earmarks federal and state funds for specific projects. The Legislature must authorize any bond financing in legislation that identifies the projects for which the bonds can be used. WSDOT sometimes seeks input from legislative transportation committee chairs about how to allocate certain federal funds for capital purposes.³¹

WISCONSIN DEPARTMENT OF TRANSPORTATION



Practices for Consideration

Highway projects in Wisconsin generally go through the Transportation Projects Commission, where they are approved to be put in the budget, based on Wisconsin Department of Transportation (WisDOT) recommendation. WisDOT views the Commission as helping to build consensus around capital improvements. Projects can also be put in the budget directly by legislators but, generally, these projects have already been vetted and assessed by WisDOT. However, if a project is budgeted that WisDOT believes is wasteful or will not achieve what it is designed to achieve, the Governor can exercise a line-item veto.

WisDOT staff believe their relationships with legislators is generally good. They credit this to being transparent and pragmatic, trying to respond positively to legislator requests by finding a way for something to responsibly work. They do acknowledge this is not always possible and then they offer a clear understanding of why something cannot happen.

³⁰ Page 498 of AASHTO's [50-State Review of State Legislatures and Departments of Transportation](#)

³¹ Page 498 of AASHTO's [50-State Review of State Legislatures and Departments of Transportation](#)

Overview

WisDOT supports all forms of transportation. The department is responsible for planning, building and maintaining Wisconsin's network of state highways and Interstate highway system. The department shares the costs of building and operating county and local transportation systems - from highways to public transit and other modes. WisDOT plans, promotes and financially supports statewide air, rail and water transportation. WisDOT operates with five regions (Figure 20).

Figure 20: Wisconsin DOT Regions



Governance

Wisconsin created the Transportation Projects Commission in 1983. The TPC reviews major highway project candidates and makes recommendations to the governor and Legislature regarding projects to be “enumerated” for inclusion in the next two-year state budget.

Commission Membership

The TPC includes five state senators, five Assembly representatives and three citizen members. The Governor serves as the Commission Chairman. The Wisconsin Department of Transportation (WisDOT) Secretary serves as a non-voting member.

Political Landscape

Wisconsin’s Legislature is currently led by a Republican majority in the House and Senate, and the Governor is a member of the Democratic Party. The secretary of transportation is appointed by the Governor with the advice and consent of the Senate³²

Funding

Funding for WisDOT is outlined in the *2019-21 Biennial Budget Highlights*. Nearly 63% (62.7%, or \$4,544.6 million) of income comes from state funds, 24.5% (\$1,775.3 million) from federal funds, 5.0% (\$366.3 million) from bond funds, 4.3% (\$315.4 million) from General Purpose Revenue and 3.5% (\$252.3 million) from other funds.³³

Transportation Plans

[Connect 2050](#) is Wisconsin’s statewide, long-range transportation policy plan. The plan will guide WisDOT’s decision-making about changes to and investments in the statewide system for the next 30 years. The plan is expected to be adopted in 2022. Wisconsin has an additional five [long-range plans](#). WisDOT has identified a series of [system-level priority corridors](#) that are critical to Wisconsin’s travel patterns and support the State’s economy.

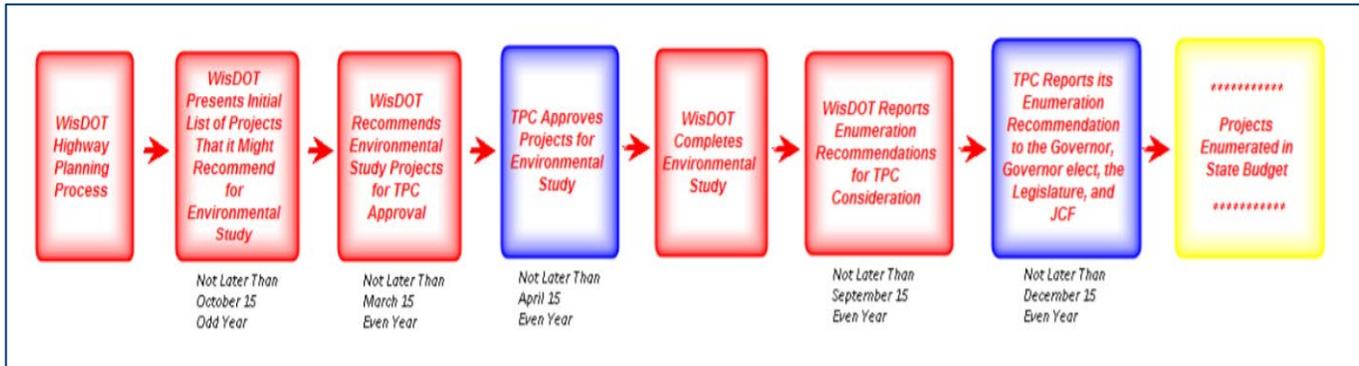
³² [\(Wis. Stat. Ann. §15.05\)](#)

³³ Wisconsin Department of Transportation [2019-21 Biennial Budget Highlights, 2019 Wisconsin Act 9](#)

Project Selection

[Projects are selected](#) with the WisDOT Regions working closely with the public to define and assess the project concept. If it is selected to be funded, it becomes part of the State's [Six Year highway improvement program](#). WisDOT's Program Development Process is shown in Figure 21.

Figure 21: WisDOT Program Development Process



A Major Highway Project is a complex and costly project which requires a capacity expansion of over five miles or creation of two and a half miles of highway on a new location. Major highway projects require more extensive environmental review, public involvement, and approval by the TPC, the state Legislature and the governor. The TPC considers major highway project candidates on a two-year cycle. In the fall of odd-numbered years, the TPC begins the process by looking at projects to advance to the environmental study stage. In the fall of even numbered years, the commission reviews projects that have successfully completed the environmental review phase. It can also recommend for projects to be identified in the state budget. State law prevents the TPC from recommending projects unless funding is available to begin work within six years.³⁴

WisDOT is responsible for both short- and long-term multimodal planning. Project identification is an iterative process that begins with a needs analysis conducted by the central WisDOT office. WisDOT regional planning sections review the analysis and develop a range of alternatives. “Backbone” projects (multi-lane highways connecting all major population and economic regions of the state) are ranked using a comprehensive prioritization process focused on safety and lifecycle cost estimates. These projects are approved by a statewide peer review process. In this process, WisDOT works closely with MPOs to coordinate transportation planning in metropolitan areas. By law, major highway projects have an added layer of analysis and require legislative approval. These planning activities result in a long-term multimodal plan, the annually updated four-year Statewide Transportation Improvement Program (STIP), and a list of major highway projects that is typically approved by the Legislature in the biennial budget process.³⁵

³⁴ State of Wisconsin Department of Transportation [Transportation Projects Commission \(TPC\)](#)

³⁵ Page 516 of AASHTO's [50-State Review of State Legislatures and Departments of Transportation](#)

Legislative Role

The Legislature reviews and approves major highway projects and project studies for projects that require significant capacity expansion. The review is performed largely by the TPC, relying upon recommendations from WisDOT, as part of the biennial budget process. After projects are approved by the commission, they then must be approved by the full Legislature and identified in statute (Wis. Stat. Ann. §13.489 and §84.013). The Legislature also approves overall funding levels in the biennial budget bill.³⁶

³⁶ Page 516 of AASHTO's [50-State Review of State Legislatures and Departments of Transportation](#)

Appendix D: Overview of MnDOT's Process

This appendix provides a high-level overview of the steps in MnDOT's planning and capital program development process. It outlines the plans and elements of the plans, which are the building blocks of moving from the state vision for transportation to the identification of specific projects.

Statewide Multimodal Transportation Plan (20 years)³⁷

"The Statewide Multimodal Transportation Plan is Minnesota's highest level policy plan for transportation. It is a 20-year plan based on Minnesota GO—a vision of a transportation system that maximizes the health of people, the environment, and our economy. The plan is for all types of transportation and all transportation partners. It covers more than just roadways and applies to more than just the Minnesota Department of Transportation. It evaluates the status of the transportation system, what's changing, and how we're going to move forward over the next twenty years."³⁸ It follows these guiding principles:

- *Leverage public investments to achieve multiple purposes.*
- *Build to a maintainable scale.*
- *Emphasize reliable and predictable options.*
- *Ensure accessibility.*
- *Ensure regional connections.*
- *Strategically fix the system.*
- *Integrate safety.*
- *Use partnerships.*

The 20-year plan responds to the following legislative objectives³⁹ by providing descriptions, performance measures, and strategies for each:

- (1) to minimize fatalities and injuries for transportation users throughout the state;
- (2) to provide multimodal and intermodal transportation facilities and services to increase access for all persons and businesses and to ensure economic well-being and quality of life without undue burden placed on any community;
- (3) to provide a reasonable travel time for commuters;
- (4) to enhance economic development and provide for the economical, efficient, and safe movement of goods to and from markets by rail, highway, and waterway;
- (5) to encourage tourism by providing appropriate transportation to Minnesota facilities designed to attract tourists and to enhance the appeal, through transportation investments, of tourist destinations across the state;
- (6) to provide transit services to all counties in the state to meet the needs of transit users;

³⁷ MnDOT [Statewide Multimodal Transportation Plan 2017 to 2036](#)

³⁸ MnDOT [Statewide Multimodal Transportation Plan 2017 to 2036](#)

³⁹ MnDOT [Statewide Multimodal Transportation Plan 2017 to 2036](#)

- (7) to promote accountability through systematic management of system performance and productivity through the utilization of technological advancements;
- (8) to maximize the long-term benefits received for each state transportation investment;
- (9) to provide for and prioritize funding of transportation investments that ensures that the state's transportation infrastructure is maintained in a state of good repair;
- (10) to ensure that the planning and implementation of all modes of transportation are consistent with the environmental and energy goals of the state;
- (11) to promote and increase the use of high-occupancy vehicles and low-emission vehicles;
- (12) to provide an air transportation system sufficient to encourage economic growth and allow all regions of the state the ability to participate in the global economy;
- (13) to increase use of transit as a percentage of all trips statewide by giving highest priority to the transportation modes with the greatest people-moving capacity and lowest long-term economic and environmental cost;
- (14) to promote and increase bicycling and walking as a percentage of all trips as energy-efficient, nonpolluting, and healthy forms of transportation;
- (15) to reduce greenhouse gas emissions from the state's transportation sector; and
- (16) to accomplish these goals with minimal impact on the environment.

Minnesota State Highway Investment Plan (MnSHIP)

“The 20-year MnSHIP directs capital investment for Minnesota’s state highway system. The plan must identify investment priorities given current and expected funding. It is updated every four years, as required by the Minnesota Statute. The current MnSHIP update spans the 20-year planning period from 2018 to 2037.”⁴⁰

Table 10 below indicates the priorities that MnDOT follows to assess projects at this relatively early stage. At this point, project proposals come from a virtually all sources including legislators, local government, community members, stakeholders, and MnDOT’s own staff.

⁴⁰ MnDOT [20-Year State Highway Investment Plan 2018-2037](#)

Table 10: MnDOT project selection qualities

| Investment Priorities/Categories | Projects that go into the plan come from a variety of sources including: | District and Specialty Office Identification of Potential Projects based on: |
|---|--|--|
| <ul style="list-style-type: none"> • Pavement Condition • Bridge Condition • Roadside Infrastructure • Regional & Community Investment Priorities • Traveler Safety • Highway Mobility • Freight • Accessible Pedestrian Infrastructure • Bicycle Infrastructure | <ul style="list-style-type: none"> • Local government identified issues/projects • Public identified issues/projects • District staff identified issues/projects • Legislator identified issues/projects • System condition issues • Area Transportation Partnership identified issues/projects • MPO plans and identified issues | <ul style="list-style-type: none"> • Federal and State Funding Requirements • Available Funding Programs |

Planning Studies and Engineering Evaluations

Projects are vetted to better define and assess likely outcomes, feasibility, and options. This is where projects are better defined and assessed as to their impacts to decide whether they are ready to go into the 10-year plan. Fatal flaws, location, design, and construction options and alternatives are reviewed to help avoid serious problems as the project moves into the final decision stage.

MnDOT 10-Year Capital Highway Investment Plan (CHIP)

“The 10-year Capital Highway Investment Plan details MnDOT’s capital highway investments for the next ten years on the state highway network. The CHIP is updated yearly to remove projects that are currently being constructed, adjust timing of existing planned projects, and add new planned projects. The primary purpose of the document is to communicate programmed and planned capital highway projects over the next 10 years. The document serves as a check to ensure that MnDOT is meeting the investment levels and performance outcomes identified in MnDOT's 20-year State Highway Investment Plan and explains any change in direction or outcomes from the investment direction.”⁴¹

Projects selected for CHIP reflect the new selection policy referenced in the Transportation Project Selection chapter of this report, as enacted by the Legislature in 2017. Projects reflect the new selection policy, enacted by the Legislature in 2017. The first four years of the CHIP represent projects which are in the committed construction program and are part of the federally required State Transportation Improvement Program (STIP). In addition to these STIP project, additional projects are going through various analysis and review cycles including,

⁴¹ MnDOT [10-Year Capital Highway Investment Plan \(MnCHIP\)](#)

focused on whether they should be built. Examples of activities for these additional projects that are included in CHIP are:

- Project scoping
- Stakeholder conversations including counties adjacent to projects and key regional agencies
- Public engagement process at district level
- Review of consistency with MPO policy plans
- Review of alternatives
- Investment criteria/categories still guiding; assure projects are not out of line
- Cost ranges
- Review against forecasted revenue

Draft State Transportation Improvement Program (STIP)

“The State Transportation Improvement Program is a federally required public document which lists Minnesota’s four-year transportation improvement program. The STIP includes all state and local transportation projects which are using federal highway and/or federal transit funding along with those state transportation projects which are using 100% state funds. Information contained within the STIP includes the cost, schedule, and funding sources for the identified projects. The STIP is developed on an annual basis, and it is updated throughout the year to reflect significant changes in the program. In addition to federal highway and transit projects, the STIP includes rail and port projects for informational purposes.”⁴²Each year, every Metropolitan Planning Organization, including the Metropolitan Council, prepares a draft Transportation Improvement Program (TIP) in consultation with MnDOT district staff. The TIP is required by federal regulation 23 CFR 450.326 and is a four-year multi-modal program including highway, transit, bike, walk and transportation enhancement projects and programs proposed for federal funding in the Metropolitan Planning Area. Projects that are consistent with the MPO’s Transportation Plan priorities and MnDOT’s Statewide Transportation Plan are selected for inclusion in the TIP. The adopted TIP must be included without change in the STIP as required by federal regulations under 23CFR 450.218

Once a project is identified and placed in the Draft STIP, the following steps are completed to further vet and refine the projects.

- When the project moves from planned (potential) investment to a committed investment, the focus turns from “if” to how the project will be built.
- Public and local government engagement meetings focus on the details of each project as well as the impacts of communities when construction is underway.
- Area Transportation Partnership meetings review the status of approved projects including schedules, project descriptions, and community impacts.
- Projects are reviewed in connection with MPO transportation improvement programs
- District staff provide their input knowing projects well from the inception
- The environmental review process is conducted with project adjustments made as appropriate
- Budget forecasting is completed

⁴² State of Minnesota [2021-2024 State Transportation Improvement Program \(STIP\)](#)

- There is a review to ensure alignment with MnSHIP which is designed to assure that the state achieves what it set out to do.
- During the process, there is an opportunity for late-breaking concerns to be expressed now that the project is detailed which can result in the discovery of previously unforeseen impacts. The draft STIP goes to Federal Highway Administration generally September-October

Final State Transportation Improvement Plan (STIP)

This is the final step in the process where the STIP is returned after Federal Highway Administration review. The process typically follows the following outline:

- Approved STIP generally back in January
- Approved STIP reflects new federal grant programs or legislative programs
- The approved STIP is used to seek budget authority from Legislature
- Environmental documentation assembled including public comment
- District engineers publicize STIP in district
- District engineers make legislative visits, generally in January

The STIP is a four-year rolling capital improvement plan. Projects are added to the end of the STIP cycle, where they begin initial project development activities. Typical activities in the active STIP years are shown in Table 11.

Table 11: STIP activities

| STIP years 1-2 | STIP years 3-4 |
|---|--|
| <ul style="list-style-type: none"> • Final design completed • Right-of-way completed • Projects bid for construction | <ul style="list-style-type: none"> • Right-of-way initiated • Project preliminary design initiated |