

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY _____
DIVISION _____
DIVISION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ FAX NO. _____ E-MAIL _____
NAME OF PRESENTER AT COMMITTEE MEETING _____
PRESENTER E-MAIL _____

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule?

2. What is the subject of the proposed rule?

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes No

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

5. Is this a new rule? Yes No If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.

7. What is the purpose of this proposed rule? Why is it necessary?

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

9. Will a public hearing be held on this proposed rule? Yes No If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. _____

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). _____

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ FAX NO. _____ EMAIL: _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;
- b) The reason for adoption of the more costly rule;
- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Summary Transportation-Related Research & Workforce Development Grant Program (TRR&WDGP).

Act 705 of 2017 created the Transportation-Related Research Grant Program (TRRGP), codified at § 27-65-145, and gave the Arkansas Department of Transportation authority to promulgate rules necessary to implement the grant program. The “Rules for Transportation-Related Research Grant Program” set out procedures for selection committees, scoring criteria, award processes, and reporting requirements for grants awarded from the Future Transportation Research Fund for the TRRGP.

Act 884 of 2021 amended the program to include workforce development as an eligible category for grant awards, creating the Transportation-Related Research & Workforce Development Grant Program (TRR&WDGP). The Draft Rules have been updated to include grant awards for Workforce Development in addition to Transportation Related Research.

Arkansas Department of Transportation

**RULES FOR
TRANSPORTATION-RELATED
RESEARCH & WORKFORCE
DEVELOPMENT GRANT
PROGRAM**



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SECTION 1

Regulatory Authority

- 1.1 Authority for promulgating these rules is conferred upon the Arkansas Highway Commission and the Arkansas Department of Transportation (ARDOT) pursuant to Ark. Code Ann. § 27-65-145.
- 1.2 These rules shall be known as the Arkansas Department of Transportation Rules for Transportation-Related Research & Workforce Development Grants.
- 1.3 Pursuant to Act 705 of 2017, and Act 884 of 2021, codified at Ark. Code Ann. § 19-5-1258, ARDOT is responsible for the award and administration of grants under the Transportation-Related Research Grant Program (TRRG)~~Transportation-Related Research Grant Program (TRRG)~~Transportation-Related Research & Workforce Development Grant Program (TRRWDGP).

SECTION 2

Purpose

- 2.1 These rules describe the Arkansas State Highway Commission and the ARDOT procedures for awarding grants from the ~~Future Transportation Research Fund for the TRRG~~ Future Transportation Research Fund for the TRRWDGP.
- 2.2 ~~The purpose of the TRRG is to support the study of materials and sources in order to establish facts and reach new conclusions to provide resilient and sustainable logistics, processes, materials, and methods to ensure cost-effectiveness and the furtherance of education and economic development concerning all forms of transportation.~~
The purpose of the TRRWDGP is to support:
 - the study of materials and sources in order to establish facts and reach new conclusions to provide resilient and sustainable logistics, processes, materials, and methods to ensure cost-effectiveness and the furtherance of education and economic development concerning all forms of transportation; and
 - industry training, apprenticeship and educational programs to foster skills required for transportation related personnel development.

SECTION 3

Procedures

- 3.1 Potential applicants will be notified when an application period begins by email, letter, advertisement in applicable publications, and/or a notice on ARDOT's website.
- 3.2 The minimum amount requested for each application is \$20,000. There is no limit to the maximum amount that can be requested. However, it should be noted that only \$500,000 is available each year.

SECTION 4

Selection Committee

- 4.1 Applications will be reviewed and scored by the ~~TRRG~~ TRRWDGP Committee. It will be the duty of the ~~TRRG~~ TRRWDGP Committee to rate the quality of each application in order to recommend which applications will receive funding.
- 4.2 The ~~TRRG~~ TRRWDGP Committee will be comprised of the following members:
- ARDOT Assistant Chief Engineer – Planning, ~~TRRG~~ TRRWDGP Chairman
 - ARDOT Materials Division Head
 - ARDOT Transportation Planning and Policy Division Head
 - ARDOT System Information and Research Division Head
 - ARDOT Human Resources Division Head
 - ARDOT Workforce Development Section Head
 - ARDOT Staff Research Engineer

SECTION 5

Scoring Criteria

- 5.1 ~~The scoring criteria will be in accordance with Act 705, which defined “transportation-related research” as the systematic investigation into and study of materials and sources in order to establish facts and reach new conclusions to provide resilient and sustainable logistics, processes, materials and methods to ensure cost effectiveness and the furtherance of education and economic development concerning all forms of transportation, including without limitation rail, public transportation, aviation, and waterborne transportation.~~

SECTION 5

Eligible Applicants

- 5.1 Any publicly funded institution of higher education may submit an application to receive a grant for transportation-related research or workforce development to the Arkansas Department of Transportation.

SECTION 6

Scoring Criteria

- 6.1 Pursuant to Ark. Code Ann. § 27-65-145, “transportation-related research” is defined as the systematic investigation into and study of materials and sources in order to establish facts and reach new conclusions to provide resilient and sustainable logistics, processes, materials and methods to ensure cost effectiveness and the furtherance of education and economic development concerning all forms of transportation, including without limitation rail, public transportation, aviation, and waterborne transportation.
- 6.2 Pursuant to Ark. Code Ann. § 27-65-145, “workforce development” is defined as industry training, apprenticeship, and educational programs that foster skills required for transportation related personnel development.

SECTION 6 SECTION 7

Award Process

- ~~6.1~~ 7.1 The ~~TRRG~~ TRRWDGP Committee will submit their recommendation(s) for award of ~~TRRG~~ TRRWDGP funding to the ARDOT Director. Upon the Director's approval, a Minute Order will be submitted to the Arkansas Highway Commission for their approval. Upon approval, a letter will be sent to each applicant informing them of the award amount granted for their application.
- ~~6.2~~ 7.2 An Agreement of Understanding will be prepared by ARDOT for each grant recipient. The recipient and the ARDOT Director must both sign the Agreement of Understanding before funds will be distributed.

SECTION 7 SECTION 8

Reporting Requirements

- ~~7.1~~ 8.1 At the end of each State Fiscal Year, the recipient must provide ARDOT with certification that expenditures were an appropriate use of the ~~TRRG~~ TRRWDGP funds accompanied with a summarized expenditure report.
- ~~7.2~~ 8.2 Additionally, upon expenditure of all ~~TRRG~~ TRRWDGP funds or completion of the project, whichever occurs first, the recipient must submit a final report detailing what has been accomplished by the project and certifying that all expenditures were made in accordance with the ~~TRRG~~ TRRWDGP.

NOTICE OF PROPOSED RULE AMENDMENT

ARKANSAS STATE HIGHWAY COMMISSION

Notice is hereby given that the Arkansas State Highway Commission intends to amend Rules for Transportation-Related Research Grant Program and that the thirty (30) day Notice period for receipt of comments begins the 8th day of August 2021.

All interested persons will be given an opportunity to provide comments on the issues related to the above-stated matter. To obtain a copy of the proposed rules, you may access them online at <https://www.ardot.gov/trrwdgp> or contact Gill Rogers at 501.569.2108 or by email at Gill.Rogers@ardot.gov.

Any written comments on the proposed rules may be submitted to Mr. Rogers via email or regular mail at ARDOT, Attn: Gill Rogers, P.O. Box 2261, Little Rock, Arkansas 72203-2261. Comments received after the expiration of the thirty (30) day comment period on September 7, 2021 will not be considered. A public hearing will be held at the Arkansas Department of Transportation on September 10, 2021 at 10:00 a.m. at 10324 Interstate 30, Little Rock, AR 72209.