

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATIONBeneficiary State of Wisconsin

Lead Agency Authorized to Act on Behalf of the Beneficiary Department of Administration (DOA)
 (Any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency)

Action Title:	Transit Capital Assistance Grant Program
Beneficiary's Project ID:	VW-BUS-01
Funding Request No.	(sequential) ¹
Request Type: (select one or more)	<input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action	<input checked="" type="checkbox"/> Appendix D-2 item (specify): <u>2 - Class 4-8 School Bus, Shuttle Bus, or Transit Bus (Eligible Buses)</u>
Action Type	<input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal):
Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1): See attached	
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): See attached	
Estimate of Anticipated NOx Reductions (5.2.3): See attached	
Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1): See attached	
Describe how the Beneficiary will make documentation publicly available (5.2.7.2). See attached	
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). See attached	
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9). See attached	

State of Wisconsin

Appendix D-4: Beneficiary Eligible Mitigation Action Certification Narrative Response Summary

Period of Performance SFY 18 through SFY20 (TED Oct. 2, 2017 through Jun. 30, 2020)

EMA #2 – Eligible Buses

Transit Capital Assistance Grant Program & State Fleet Replacement Program

June 25, 2021

Explanation of how funding request fits into Beneficiary’s Mitigation Plan (5.2.1):

The 2017-19 State Budget Bill, 2017 Wisconsin Act 59, authorizes \$32 million of Wisconsin's allocation to be utilized beginning in the 2017-19 biennium to establish a DOA-led competitive statewide Transit Capital Assistance Grant Program (“Program”) to fund the replacement of eligible public transit vehicles. 2017 Wisconsin Act 59 authorized creation of the Program through state statute. The Department of Administration (DOA) is the lead agency to develop and implement a Beneficiary Mitigation Plan (BMP). DOA incorporated Wisconsin statute pertaining to the Program in the BMP, which was published on May 1, 2018. Page 5 of Wisconsin’s BMP contains a summary of the Transit Capital Assistance Grant Program and page 7 of the BMP contains a summary of administrative activities.

The 2017-19 State Budget Bill, 2017 Wisconsin Act 59, authorizes up to \$10 million of Wisconsin's allocation to be utilized beginning in the 2017-19 biennium to replace eligible state fleet vehicles. 2017 Wisconsin Act 59 authorized creation of the Program through state statute. The Department of Administration (DOA) is the lead agency to develop and implement a Beneficiary Mitigation Plan (BMP). DOA incorporated Wisconsin statute pertaining to the Program in the BMP, which was published on May 1, 2018. Page 4 and 5 of Wisconsin’s BMP contains a summary of the State Fleet Replacement Program and page 7 of the BMP contains a summary of administrative activities.

This funding request totals \$2,018,146.76 and constitutes reimbursement of eligible administrative expenditures and programmatic capital costs (vehicle replacements) under Eligible Mitigation Action (EMA) #2 Eligible Buses and encompasses a three-year period from July 1, 2017 through June 30, 2020 coinciding with state fiscal years 18, 19 and 20, summarized as follows.

	SFY18	SFY19	SFY20	Subtotals
Administrative	\$21,475.47	\$75,430.15	\$92,433.14	\$189,338.76
Programmatic (capital)	\$0.00	\$0.00	\$1,828,808.00	\$1,828,808.00

Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):

The Transit Capital Assistance Grant Program competitively awarded \$32 million to eligible applicants to replace eligible public transit vehicles, giving preference to communities or routes that DOA determines are critical for connecting employees with employers. The Program carries out the purposes of the Trust by replacing and scrapping old diesel buses to maximize air quality benefits in Wisconsin, including reduction of NOx and PM2.5.

The Program funds the replacement of 1992-2009 engine model year class 4-8 transit buses with new diesel or alternate fueled or all-electric vehicles. In addition, the Program provides an allowance for

costs associated with the scrapping of replaced buses. The State is seeking to achieve four primary objectives with this grant program:

- Replace and scrap eligible public transit vehicles in accordance with the settlement guidelines and applicable state law.
- Replace eligible public transit vehicles in communities or on routes that are critical for connecting employees with employers.
- Improve air quality in areas that bear a disproportionate share of the air pollution burden within its jurisdiction
- Fund projects that can be implemented efficiently and effectively (cost and time).

In the first round of grant awards announced on November 28, 2018, DOA competitively awarded \$32 million of Volkswagen Trust funds to ten communities for the replacement of 58 eligible public transit buses. Communities will benefit from more reliable transit service and improved air quality.

Separately, the State Fleet Replacement Program will replace two (2) eligible heavy-duty passenger transport buses (motor coaches) owned by the State of Wisconsin used for transporting persons in state custody to medical appointments, between secure institutions and other purposes. Only the administrative expenses of administering this program are reflected within this funding request.

Estimate of Anticipated NOx Reductions (5.2.3):

The Program utilized data provided from applicants and the US EPA Diesel Emissions Quantifier (DEQ) tool to estimate emissions impacts of projects. The Program estimates that replacement of 59 eligible transit buses will result in a lifetime reduction of 18.386 NOx short tons.

The Program will utilize the US EPA Diesel Emissions Quantifier (DEQ) tool to estimate emissions impacts of the two state-owned fleet motorcoaches based on the mileage and use of the old and new motorcoaches but does not have an estimate of reductions at this time.

Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1):

Wisconsin Department of Administration, Division of Enterprise Operations (DEO).

Describe how the Beneficiary will make documentation publicly available (5.2.7.2).

In addition to publishing program details in Wisconsin's BMP, DOA maintains a public facing website where Program materials have been posted and will continue to be made available. DOA has posted the Grant Announcement, Program Application, Notice of Intent to Award, Question and Answer document, Scoring Rubric, Award Process, template reporting forms and each applicant's non-confidential application materials. Program materials can be found at the following URL:

<https://doa.wi.gov/Pages/vwsettlementwisconsin.aspx>

In addition, the Program will make records available in accordance with Wisconsin's public records law (Wis. Stat. §19.31).

Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).

None. The Program funded 100% of eligible bus replacement costs and state fleet replacement costs.

Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).

DOA, acting as Lead Agency for the State of Wisconsin, complied with subparagraph 4.2.8 by supplying notice to required Federal Agencies not later than 30 Days after being deemed a Beneficiary. Wisconsin was designated a Trust Beneficiary on January 29, 2018. On February 27, 2018 DOA supplied email notices in accordance with subparagraph 4.2.8 to the following:

Bret Anderson or Designated Representative
U.S. Department of Agriculture, National Air Modeling Coordinator
Re: VW Settlement
Baanderson02@fs.fed.us

Linda Geiser or Designated Representative
U.S. Department of Agriculture, National Air Program Manager
Re: VW Settlement
lgeiser@fs.fed.us

U.S. Department of the Interior, National Park Service, Air Resources Division
VW Settlement
P.O. Box 25287
Denver, CO 80225-0287
vwsettlement@nps.gov

Tim Allen or Designated Representative
U.S. Department of the Interior, Fish and Wildlife Service, National Wildlife Refuge System, Branch of Air Quality
Re: VW Settlement
7333 W. Jefferson Ave., Suite 375
Lakewood, CO 80235-2017
VW_Settlement@fws.gov

If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10).

The Transit Capital Assistance Grant Program application requested applicants “[i]nclude a description of how bus replacement will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of these emissions”. Evaluators awarded points for applicants that demonstrated, through examples and narrative, how projects would mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of these emissions.

If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10).
See attached

ATTACHMENTS
(CHECK BOX IF ATTACHED)

- Attachment A** **Funding Request and Direction.**
- Attachment B** **Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).**
- Attachment C** **Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).**
- Attachment D** **Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6). [Attach only if project involves vendor expenditures exceeding \$25,000.]**
- Attachment E** **DERA Option (5.2.12). [Attach only if using DERA option.]**
- Attachment F** **Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13). [Attach only if this is a joint application involving multiple beneficiaries.]**

CERTIFICATIONS

By submitting this application, the Lead Agency makes the following certifications:

- 1. This application is submitted on behalf of Beneficiary State of Wisconsin, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.**
- 2. Beneficiary requests and directs that the Trustee make the payments described in this application and Attachment A to this Form.**
- 3. This application contains all information and certifications required by Paragraph 5.2 of the Trust Agreement, and the Trustee may rely on this application, Attachment A, and related certifications in making disbursements of trust funds for the aforementioned Project ID.**
- 4. Any vendors were or will be selected in accordance with a jurisdiction's public contracting law as applicable. (5.2.5)**
- 5. Beneficiary will maintain and make publicly available all documentation submitted in**

support of this funding request and all records supporting all expenditures of eligible mitigation action funds subject to applicable laws governing the publication of confidential business information and personally identifiable information. (5.2.7.2)

DATED: June 25, 2021

DocuSigned by:
Jana Steinmetz
F20FC4D2600F4F4...

7/22/2021 | 5:27 PM CDT

Jana Steinmetz

[NAME]

[TITLE]

Department of Administration

[LEAD AGENCY]

for

State of Wisconsin

[BENEFICIARY]

ATTACHMENT A**FUNDING REQUEST AND DIRECTION**

(Attachment to Appendix D-4, Beneficiary Eligible Mitigation Action Certification, pursuant to Paragraph 5.2 of the Environmental Mitigation Trust Agreement)

Pursuant to the authority granted to Department of Administration [*insert Lead Agency*] to act on behalf of Beneficiary State of Wisconsin under the Mitigation Trust, [*Lead Agency*] directs the Trustee to make the following payments from its subaccount no. _____ to the following payees, for the amounts specified on the dates specified below.

LEAD AGENCY INFORMATION

Beneficiary Name:	<u>State of Wisconsin</u>	Lead Agency Contact Person:	<u>Jana Steinmetz</u>
Lead Agency Name:	<u>Department of Administration</u>	Lead Agency Email Address:	<u>jana.steinmetz@wisconsin.gov</u>
Lead Agency Address:	<u>101 E. Wilson Street, Madison, WI 53707</u>	Lead Agency Fax:	<u>(608) 209-7463</u>
Lead Agency Phone:	<u>(608) 267-9634</u>	Lead Agency TIN:	_____

Contact information entered above may correspond to Lead Agency or any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency

MITIGATION ACTION INFORMATION

Action Title:	<u>Transit Capital Assistance Grant Program</u>	Funding Request No:	<u>1</u>
Beneficiary's Project ID:	<u>VW-BUS-01</u>		

PAYMENTS REQUESTED

(attach additional pages if needed)

Amount	Requested Date	Payee	Request Type
\$2,018,146.76	June 25, 2021	State of Wisconsin	Reimbursement

State of Wisconsin

Attachment B to Appendix D-4

In accordance with section 5.2.4 of the State Trust Agreement

EMA #2 - Eligible Buses

Period of Performance SFY 18, SFY19 & SFY20 (TED Oct. 2, 2017 through Jun. 30, 2020)

PROJECT SCHEDULE AND MILESTONES

Milestone	Date
2017 Wisconsin Act 59 Authorizes Transit Capital Assistance Grant Program	September 21, 2017
Dept. of Administration (Lead Agency) Publishes Beneficiary Mitigation Plan (BMP)	May 1, 2018
Lead Agency Publishes Transit Capital Assistance Grant Announcement - Round 1	August 23, 2018
Lead Agency Publishes Question and Answer Document	September 7, 2018
Grant Applications Due to Lead Agency	September 28, 2018
Lead Agency Publishes Notice of Intent to Award Grant Funds	November 18, 2018
Lead Agency Enters into Contract Negotiations with Successful Applicants	Fourth Quarter 2018
Lead Agency Submits Grant Agreements to Project Sponsors for Review and Completion	March 22, 2019
Lead Agency Begins Accepting and Executing Grant Agreements	Second Quarter 2019
Grantees Begin Procurements, Submit Purchase Orders	Second Quarter 2019
All Grant Agreements Fully Executed	Fourth Quarter 2019
First Delivery of Replacement Buses	First Quarter 2020
Lead Agency Begins Accepting Reimbursement Documentation from Grantees, Including Documentation to Support Reimbursement Request to Trustee	Second Quarter 2020
Lead Agency Submits First Reimbursement Request to Trustee for Project Administrative and Programmatic Expenses (anticipated)	Third Quarter 2021
Project Monitoring, Bus Procurements, Vehicle Scrapping, Bus Orders, Deliveries and Reimbursements Continue (anticipated)	2020 through 2022
Grantees Submit Project Semi-Annual Reports to Lead Agency (due date)	Semi-annual on January 15 and July 15
Lead Agency Submits Semi-Annual Reports to Trustee	As Required by Trust
Lead Agency Submits Periodic Reimbursement Requests to Trustee (est. 2/yr)	Semi-annually
Lead Agency Submits Final Project Reimbursement Request to Trustee (anticipated)	Fourth Quarter 2022
Lead Agency Reports Project Completion (anticipated)	Fourth Quarter 2022

State of Wisconsin

Attachment B to Appendix D-4

In accordance with section 5.2.4 of the State Trust Agreement

EMA #2 - Eligible Buses

Period of Performance SFY 18, SFY19 & SFY20 (TED Oct. 2, 2017 through Jun. 30, 2020)

PROJECT BUDGET

Period of Performance: July 1, 2017 through June 30, 2020

Budget Category	Total Approved Budget	Share of Total Budget to be Funded by the Trust	Cost-Share, if applicable (Entity #1)	Cost-Share, if applicable (Entity #2)
1. Equipment Expenditure	\$ 32,000,000.00	\$ 32,000,000.00	\$ -	\$ -
2. Contractor Support <i>(Provide List of Approved Contractors as Attachment with approved funding ceilings)</i>	\$ -	\$ -	\$ -	\$ -
3. Subrecipient Support <i>(Provide List of Approved Subrecipients or Grant Awardees as Attachment with approved funding ceilings)</i>	\$ -	\$ -	\$ -	\$ -
4. Administrative ¹	\$ 125,000.00	\$ 125,000.00	\$ -	\$ -
Project Totals	\$ 32,125,000.00	\$ 32,125,000.00	\$ -	\$ -
Percentage	100.0%	100.0%	0.0%	0.0%

¹Subject to Appendix D-2 15% administrative cap.

State of Wisconsin

Attachment B to Appendix D-4

In accordance with section 5.2.4 of the State Trust Agreement

EMA #2 - Eligible Buses

Period of Performance SFY 18, SFY19 & SFY20 (TED Oct. 2, 2017 through Jun. 30, 2020)

PROJECTED TRUST ALLOCATIONS:State of Wisconsin VW Trust Allocation: \$ **67,077,457.70**Transit Capital Assistance Grants Allocation: \$ **32,000,000.00**

	SFY2017	SFY2018	SFY2019	SFY2020
1. Anticipated Annual Project Funding Request to be paid through the Trust	\$ -	\$ 21,475.47	\$ 75,430.15	\$ 1,921,241.14
2. Anticipated Annual Cost Share	\$ -	\$ -	\$ -	\$ -
3. Anticipated Total Project Funding by Year (line 1 plus line 2)	\$ -	\$ 21,475.47	\$ 75,430.15	\$ 1,921,241.14
4. Cumulative Trustee Payments Made to Date Against Cumulative Approved Beneficiary Allocation	\$ -	\$ -	\$ -	\$ -
5. Current Beneficiary Project Funding to be paid through the Trust (line 1)	\$ -	\$ 21,475.47	\$ 75,430.15	\$ 1,921,241.14
6. Total Funding Allocated to for Beneficiary, inclusive of Current Action by Year (line 4 plus line 5)	\$ -	\$ 21,475.47	\$ 75,430.15	\$ 1,921,241.14
7. Beneficiary Share of Estimated Funds Remaining in Trust	\$ 67,077,457.70	\$ 67,077,457.70	\$ 67,077,457.70	\$ 67,002,027.55
8. Net Beneficiary Funds Remaining in Trust, net of cumulative Beneficiary Funding Actions (line 7 minus line 6)	\$ 67,077,457.70	\$ 67,055,982.23	\$ 67,002,027.55	\$ 65,080,786.41

Attachment C to Appendix D-4 Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).

State of Wisconsin

EMA #2 - Eligible Buses

Period of Performance SFY 18 through SFY20 (TED Oct. 2, 2017 through Jun. 30, 2020)

Transit Capital Assistance Grant Program & State Fleet Replacement Program

June 25, 2021

Transit Capital Assistance Grant Program applicants and grantees shall supply the Department of Administration (DOA) with vehicle information, application details, programmatic updates, emissions data and other relevant data necessary to comply with applicable State Trust Agreement provisions, state and federal law, and for purposes of reporting program information to the public and VW Trustee. Further, the Program has posted the Grant Announcement, Program Application, Notice of Intent to Award, Question and Answer document, Scoring Rubric, Award Process, template reporting forms and each applicant's non-confidential application materials on the Program website.

The State Fleet Replacement Program has collected, will maintain and will report on state fleet vehicle data such as vehicle information, usage details, cost estimates, emissions data and other relevant data necessary to comply with applicable State Trust Agreement provisions, state and federal law, and for purposes of reporting program information to the public and VW Trustee.

DOA shall submit semi-annual reports to the Trustee as required by the State Trust Agreement and post semi-annual reports to the VW Mitigation website. Additionally, DOA intends to issue program notifications via periodic public notices, press releases or email distribution list updates. Finally, DOA maintains a public facing website where Program materials have been posted and will continue to be made available. Program materials can be found at the following URL:

<https://doa.wi.gov/Pages/vwsettlementwisconsin.aspx>

In addition, the Program will make records available in accordance with Wisconsin's public records law (Wis. Stat. §19.31).

Attachment D to Appendix D-4 Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6).

State of Wisconsin

Period of Performance SFY 18 through SFY20 (TED Oct. 2, 2017 through Jun. 30, 2020)

EMA #2 – Eligible Buses

Transit Capital Assistance Grant Program & State Fleet Replacement Program

June 25, 2021

Transit Capital Assistance Grant Program applicants and grantees have supplied the Department with cost estimates in application materials. These estimates are based on either existing vendor contracts, previous purchases of like equipment and buses, existing procurement materials, a cost estimate provided by a vendor or other similar documentation. Estimates are included in the table below. Payments for potential costs incurred for scrapping buses are capped by the Program at \$1,500 per bus and are not included in Attachment D as they do not exceed the \$25,000 threshold.

Propulsion Type	Est. Avg. Cost	Quantity	Total Cost	Total funded by Program
Diesel	\$484,043.71	49	\$23,718,142.00	\$23,718,142.00
Diesel-Electric Hybrid	\$655,400.00	3	\$1,966,200.00	\$1,966,200.00
Battery Electric	\$1,038,109.67	6	\$6,228,658.00	\$6,228,658.00

The State Fleet Replacement Program will replace two (2) eligible heavy-duty passenger transport buses (motor coaches) during the summer of 2021. Cost estimates are provided below and are based on an existing vendor price quote. Please note actual replacement of the motor coaches and associated cost will not occur during this payment request's period of performance.

Propulsion Type	Est. Avg. Cost	Quantity	Total Cost	Total funded by Program
Diesel	\$594,264.00	2	\$1,188,528.00	\$1,188,528.00