



**ORIGINAL
STATE/MUNICIPAL
FINANCIAL AGREEMENT FOR
A STATE – LET HIGHWAY
PROJECT**

Date: 9/19/2024
 ID: 1130-65-76 (Design: 1130-63-01)
 Road Name: IH 41
 Title: Appleton – De Pere
 Limits: Ballard Rd (CTH E) Intchg
 County: Outagamie
 Roadway Length: 0.51 Miles

The signatories City of Appleton and Outagamie County, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and affect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request:

The IH 41 Project corridor, which has four travel lanes – two in each direction – is congested and sees a higher rate of crashes than similarly configured freeways in Wisconsin. By federal standards, the project area has multiple roadway design deficiencies, and much of its pavement and several bridges are nearing the end of their useful lives and must be replaced.

Much of the original pavement in the corridor was built in the 1960s and has reached the end of its useful life, meaning further rehabilitations are no longer cost-effective. The project corridor also has narrow road shoulders, outdated ramp designs, and interchanges spaced too closely to one another – deficiencies that can contribute to safety and operational problems.

Proposed Improvement – Nature of work:

The State identified the diverging diamond interchange as the preferred alternative for the Ballard Rd (CTH E) interchange. At the Ballard Rd interchange, the diverging diamond interchange (DDI) is the safest interchange option, has the best traffic operations, and has the support of the Municipality. Impacts between alternatives considered are not substantially different.

Ballard Road will be reconstructed, and bike lanes will be added from Capitol Drive to Evergreen Drive. Sidewalk and shared use paths impacted by reconstruction will be replaced. New storm sewer will be installed within the project limits. The existing structures carrying Ballard Road over IH 41 will be replaced with structures B-44-0324 and B-44-0325. Retaining walls R-44-0040 and R-44-0041 will be constructed. Sign structures S-44-0367, S-44-0369, S-44-0370, S-44-0371, S-44-0372, and S-44-0373 will be constructed. New traffic signals will be installed at the IH 41/ Ballard Road ramp terminals. MUTCD compliant signing and pavement markings will be installed with the project. Landscaping elements such as trees, bushes, and grass will be added to the medians and islands of the IH 41 and Ballard Road DDI and the trees in the IH 41 and Ballard Road Interchange median will be replaced with the project.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality:

The core and west approach to the Ballard Road/ Capitol Drive intersection will be reconstructed to allow for the addition of an eastbound left turn lane (two total eastbound left turn lanes after reconstruction). Bike lanes will be constructed on both sides of the Capitol Drive. Sidewalk will be replaced on the north side of Capitol Drive. The limits of the reconstruction of Capitol Drive extend from the core of the Ballard Road/ Capitol Drive intersection to 250 ft west of Commerce Court.

Work along Capitol Drive and Ballard Road/ Capitol Drive intersection core will also include storm sewer installation, erosion control, fertilizer/seed/mulch, permanent signing, traffic signals, pavement marking and temporary traffic control.

City of Appleton Intelligent Transportation Systems (ITS) infrastructure will be added to the IH 41 and Ballard Road DDI.

SUMMARY OF COSTS								
¹ Phase	Total Est. Cost	Federal/State Funds	%	City of Appleton	%	Outagamie County	%	
Design Engineering	N/A	N/A	100%	\$0.00	0%	\$0.00	0%	
Real Estate Acquisition	N/A	N/A	100%	\$0.00	0%	\$0.00	0%	
Municipal Utility Coordination	N/A	N/A	100%	\$0.00	0%	\$0.00	0%	
² Construction: 1130-65-76								
Category	Description							
1000	Roadway Items	\$14,162,000	\$14,162,000	100%	\$0	0%	\$0	0%
1100	Lighting	\$508,000	\$508,000	100%	\$0	0%	\$0	0%
1200	FTMS/ITS	\$258,000	\$258,000	100%	\$0	0%	\$0	0%
1300	Traffic Signals, DDI	\$601,000	\$601,000	100%	\$0	0%	\$0	0%
1310	Traffic Signals, Ballard and Capitol	\$313,000	\$156,500	50%	\$78,250	25%	\$78,250	25%
1400	1130-65-76 CSD Items ³	\$350,000	\$280,000	80%	\$35,000	10% +BAL	\$35,000	10% +BAL
1410	1130-65-76 Landscaping Replacement	\$21,000	\$16,800	80%	\$2,100	10%	\$2,100	10%
1600	Local/ Non Participating , Ballard & Capitol Int.	\$560,000	\$0	0%	\$280,000	50%	\$280,000	50%
1610	Local/ Non Participating, City of Appleton	\$24,000	\$0	0%	\$24,000	100%	\$0	0%
1620	Local/ Non Participating, Outagamie County	\$15	\$0	0%	\$0	0%	\$15	100%
1700	Utilities, City of Appleton	\$17,000	\$15,300	90%	\$1,700	10%	\$0	0%
1800	100% State Funded	\$22,000	\$22,000	100%	\$0	0%	\$0	0%
2000	Structure B-44-0324	\$2,176,000	\$2,176,000	100%	\$0	0%	\$0	0%
2010	Structure B-44-0325	\$1,987,000	\$1,987,000	100%	\$0	0%	\$0	0%
4000	Structure R-44-0040	\$641,000	\$641,000	100%	\$0	0%	\$0	0%
4010	Structure R-44-0041	\$685,000	\$685,000	100%	\$0	0%	\$0	0%
6000	Structure S-44-0367	\$147,000	\$147,000	100%	\$0	0%	\$0	0%
6010	Structure S-44-0369	\$150,000	\$150,000	100%	\$0	0%	\$0	0%
6020	Structure S-44-0370	\$150,000	\$150,000	100%	\$0	0%	\$0	0%
6030	Structure S-44-0371	\$84,000	\$84,000	100%	\$0	0%	\$0	0%
6040	Structure S-44-0373	\$147,000	\$147,000	100%	\$0	0%	\$0	0%
6050	Structure S-44-0401	\$77,000	\$77,000	100%	\$0	0%	\$0	0%
6060	Structure S-44-0403	\$20,000	\$0	0%	\$10,000.00	50%	\$10,000	50%
Construction Subtotal		\$23,100,015	\$22,263,600		\$431,050		\$405,365	
Total Est. Cost Distributio		\$23,100,015	\$22,263,600		\$431,050		\$405,365	

¹. Costs shown are estimates only and may be updated as design progresses

². Estimates include construction engineering.

³Federal Community Sensitive Design (CSD) amenities funding limit = \$350,000

State funding shall not be used for CSD items. Federal and Municipal funding is permitted for CSD items.

Costs in excess of the federal amenities funding limit shall be the responsibility of the Municipality.

This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages [3] – [10]); is made by the undersigned under proper authority to make such request for the designated Municipality, upon signature by the State, upon fully executed signature of applicable State Municipal Maintenance Agreement and delivery to the Municipality. The initiation and accomplishment of the improvement will be subject to the applicable federal and state regulations. No term or provision of neither the State/Municipal Financial Agreement nor any of its attachments may be changed, waived, or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Financial Agreement.

Signed for and in behalf of the City of Appleton	
Name <small>(print)</small>	Title
Signature	Date
Signed for and in behalf of Outagamie County	
Name <small>(print)</small>	Title
Signature	Date
Signed for and in behalf of the State	
Name <small>(print)</small>	Title
Signature	Date

(please sign in blue ink)

TERMS AND CONDITIONS:

1. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceeds federal/state financing commitments or are ineligible for federal/state financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from General Transportation Aids or any moneys otherwise due and payable by the State to the Municipality.
2. Funding of each project phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter, and structure costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers, and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
 - (k) Eligible Community Sensitive Design (CSD) amenities, not to exceed federal CSD funding limits for the project.

3. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner includes the following items:
 - (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and bridge width in excess of standards.
 - (d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
 - (e) Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.
 - (f) Parking lane costs.
 - (g) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance with state and federal regulations.
 - (h) Ballard and Capitol Intersection costs.
 - Compensable utility adjustment and railroad force work necessitated for the project.
 - The grading, base, pavement, curb and gutter, and structure costs to State standards
 - Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - Signing and pavement marking necessitated for the safe and efficient flow of traffic.
 - Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
 - Replacement of existing driveways, in kind, necessitated by the project.
 - New installations or alteration resulting from roadway construction of standard street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
 - (i) 20% of cost eligible Community Sensitive Design (CSD) amenities up to the CSD funding limit for the project plus 100% of the cost eligible CSD amenities in excess of the federal funding limit for the project.
4. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
5. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State on behalf of the project.
6. The work will be administered by the State and may include items not eligible for federal/state participation.

7. The Municipality shall, in cooperation with the State, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
8. Basis for local participation:

Design Engineering, Real Estate Acquisition, Utility Coordination:

The State will pay 100% of the cost for design engineering, real estate acquisition, and utility coordination.

Costs for design engineering, real estate acquisition, and utility coordination are shown as not applicable (N/A) in the summary of costs table due to the complexities of isolating individual Let Project costs from the Appleton-Green Bay corridor wide design ID (1130-63-01) and this information is not relevant to the municipal construction cost share.

Construction ID: 1130-65-76

The Project Agreement will be revised, if necessary, as the project progresses. All costs shown are approximate and subject to final audit.

Category 1000 – Roadway Items

The State will pay 100% of the construction costs under Category 1000 – Roadway Items unless otherwise noted.

Category 1100 – Lighting

The State will pay 100% of the construction costs under Category 1100 – Lighting (standard WisDOT Lighting) unless otherwise noted.

Category 1200 – FTMS / ITS

The State will pay 100% of the construction costs under Category 1200 – FTMS / ITS unless otherwise noted.

Category 1300 – Traffic Signals, DDI

The State will pay 100% of the construction costs under Category 1300 – Traffic Signals, DDI unless otherwise noted.

Category 1310 – Traffic Signals, Ballard and Capitol Int

One half of the replacement of the traffic signals at the Ballard and Capitol Intersection is need due to the non-participating work associated with the reconstruction of the Ballard and Capitol intersection.

In accordance with Local Participation Policy Section 3-25-5 of the State’s Program Management Manual proposed improvements requested by the Municipality within the project limits, but outside the original project scope, are considered 100% the responsibility of the Municipality.

The traffic signals at the Ballard and Capitol intersection is 50 percent eligible for WisDOT participation because it is needed for the reconstruction of the IH 41 and Ballard Road.

Traffic Signals, Ballard and Capitol Int costs are estimated to be \$313,000.

The State will pay 50% of the construction cost, the city of Appleton will pay 25% of the construction cost, and Outagamie County will pay 25% of the construction cost of Category 1310 – Traffic Signals, Ballard and Capitol Int.

Category 1400 – 1130-65-76 CSD Items

In accordance with PMM 3-25-15, for large projects with a total cost in excess of \$200 million (which include multiple construction lets), a CSD amenities funding cap of \$3 million will be maintained across the project corridor. Agreed to CSD amenities will have a 20% local cost share which is included in the \$3 million funding cap. The department will determine and track the amount of CSD funding for each project. CSD amenity costs over the departments CSD funding limit will be the responsibility of the municipality. The federal CSD Funding limit for the project may be adjusted in construction for justifiable quantity overruns/ underruns or agreed contract change orders

In accordance with state stature 85.0205(1m), state funding shall not be used for CSD items. Federal and Municipal funding is permitted for CSD items.

1130-65-76 CSD items requested by the municipality and included in this project:

- Staining Structure B-44-0324 - \$16,000
- Staining Structure B-44-0325 - \$18,000
- Staining Structure R-44-0040 - \$14,000
- Staining Structure R-44-0041 - \$15,000
- Diverging Diamond Interchange Landscaping - \$287,000

1130-65-76 CSD Items costs are estimated to be \$350,000

Federal CSD Funding Limit for project 1130-65-76 is \$350,000.

The State will pay 80% of the construction cost up to the federal CSD funding limit. The city of Appleton will pay 10% of the construction cost, and Outagamie County will pay 10% of the construction cost of Category 1400 – 1130-65-76 CSD Items and any funds in excess of the federal CSD funding limit.

Category 1410 –1130-65-76 Landscaping Replacement

In accordance with the Local Participation Policy Section 3-25-5 of the State’s Program Management Manual landscaping replacement in the median or terrace area that is approved by WisDOT is eligible for WisDOT participation.

Landscaping is 80 percent eligible for WisDOT participation when placement is in the right-of-way or when the municipality or WisDOT legally arranges for placement on private property in cases where there is insufficient space in the right-of-way.

Landscaping will be consistent with the adopted WisDOT standards (limited to trees and shrubs as appropriate), provided the municipality or property owner accepts responsibility for the maintenance of the landscaping items.

1130-65-76 Landscaping replacement costs are estimated to be \$18,000.

1130-65-76 Landscaping replacement requested by the municipality and included in this project:

- Exiting trees in the median at the interchange.

The State will pay 80% of the construction cost, the city of Appleton will pay 10% of the construction cost, and Outagamie County will pay 10% of the construction cost of Category 1410 -1130-65-76 Landscaping Replacement, the replacement of landscaping in the Ballard Road median, unless otherwise noted.

Category 1600 – Local/ Non-Participating, Ballard & Capitol Int.

In accordance with Local Participation Policy Section 3-25-5 of the State’s Program Management Manual proposed improvements requested by the Municipality within the project limits, but outside the original project scope, are considered 100% the responsibility of the Municipality.

Local/ Non-Participating Ballard & Capitol Int. costs are estimated to be \$618,000.

Ballard and Capitol Intersection items requested by the municipality and included in this project:

- Roadway Pavement and Base
- Storm Sewer
- Curb and Gutter
- Sidewalk
- Signing and Pavement Marking
- Traffic Control
- Erosion Control and Restoration
- Traffic Signals – Ballard Road and Capitol Drive Intersection

The city of Appleton will pay 50% of the construction cost and Outagamie County will pay 50% of the construction cost for Category 1600 - Local/ Non-Participating, Ballard & Capitol Int., the reconstruction of the core and west approach to the Ballard Road/ Capitol Drive intersection.

Category 1610 – Local/ Non-Participating, City of Appleton

In accordance with Local Participation Policy Section 3-25-5 of the State’s Program Management Manual proposed improvements requested by the Municipality within the project limits, but outside the original project scope, are considered 100% the responsibility of the Municipality.

Local/ Non-Participating, City of Appleton costs are estimated to be \$24,000.

Items requested by the municipality and included in this project:

- FTMS/ ITS Items

The city of Appleton will pay 100% of the construction cost under Category 1610 – Local/ Non-Participating, City of Appleton unless otherwise noted.

Category 1620 – Local/ Non-Participating Outagamie County

In accordance with Local Participation Policy Section 3-25-5 of the State’s Program Management Manual proposed improvements requested by the Municipality within the project limits, but outside the original project scope, are considered 100% the responsibility of the Municipality.

Local/ Non-Participating Outagamie County costs are estimated to be \$15

Items requested by the municipality and included in this project:

- 1 ton of Base Aggregate Dense

Outagamie County will pay 100% of the construction cost under Category 1630 – Local/ Non-Participating Outagamie County unless otherwise noted.

Category 1700 – Utilities, City of Appleton

Wisconsin State Statute 84.295 (4m) Municipal Utility Relocation; Freeway Construction

- (a) The state shall pay 90 percent of the eligible costs of the relocation or replacement of any municipal utility facilities required by the construction of any freeway undertaken by the department. The affected municipal utility shall pay the balance of such costs.

Utilities, City of Appleton costs are estimated to be \$20,000.

City of Appleton Utility items requested by the municipality and included in this project:

- Sanitary Manhole Reconstruction
- Sanitary Manhole Adjustments
- Water Valve Box Adjustments
- Insulation Board

The State will pay 90% of the construction cost and the city of Appleton will pay 10% of the construction cost for Category 1700 – Utilities, City of Appleton unless otherwise noted.

Category 1800 – 100% State Funded

The State will pay 100% of the construction costs under Category 1800 – 100% State Funded Items unless otherwise noted.

Category 2000 – Structure B-44-0324

The State will pay 100% of the construction costs under Category 2000 – Structure B-44-0324 unless otherwise noted.

Category 2010 – Structure B-44-0325

The State will pay 100% of the construction costs under Category 2010 – Structure B-44-0325 unless otherwise noted.

Category 4000 – Structure R-44-0040

The State will pay 100% of the construction costs under Category 4000 – Structure R-44-0040 unless otherwise noted.

Category 4010 – Structure R-44-0041

The State will pay 100% of the construction costs under Category 4010 – Structure R-44-0041 unless otherwise noted.

Category 6000 – Structure S-44-00367

The State will pay 100% of the construction costs under Category 6000 – Structure S-44-0367 unless otherwise noted.

Category 6010 – Structure S-44-00369

The State will pay 100% of the construction costs under Category 6010 – Structure S-44-0369 unless otherwise noted.

Category 6020 – Structure S-44-00370

The State will pay 100% of the construction costs under Category 6020 – Structure S-44-0370 unless otherwise noted.

Category 6030 – Structure S-44-00371

The State will pay 100% of the construction costs under Category 6030 – Structure S-44-0371 unless otherwise noted.

Category 6040 – Structure S-44-0373

The State will pay 100% of the construction costs under Category 6040 – Structure S-44-0373 unless otherwise noted.

Category 6050 – Structure S-44-0401

The State will pay 100% of the construction costs under Category 6050 – Structure S-44-0401 unless otherwise noted.

Category 6060 – Structure S-44-0403

In accordance with Local Participation Policy Section 3-25-5 of the State’s Program Management Manual proposed improvements requested by the Municipality within the project limits, but outside the original project scope, are considered 100% the responsibility of the Municipality.

Structure S-44-0403 costs are estimated to be \$20,000.

Structure S-44-0403 is an overhead sign structure for lane designation signing for eastbound traffic at the Ballard Rd. and Capitol Drive intersection.

The city of Appleton will pay 50% of the construction cost and Outagamie County will pay 50% of the construction cost for Category 6060 – Structure S-44-0403.

Comments and Clarification: This agreement is an active agreement that may need to be amended as the project is designed. It is understood that these amendments may be needed as some issues have not been fully evaluated or resolved. The purpose of this agreement is to specify the local and state involvement in funding the project. A signed agreement is required before the State will prepare or participate in the preparation of detailed designs, acquire right-of-way, or participate in construction of a project that merits local involvement.