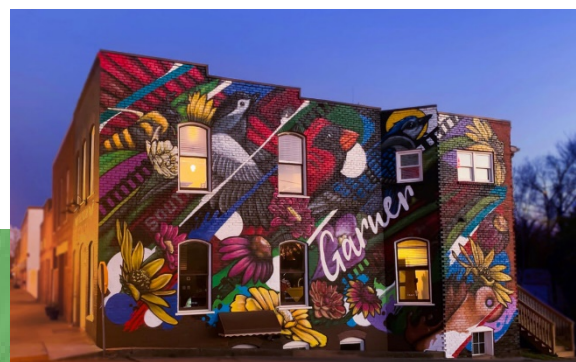


**ATTACHMENT D**

**WAKE TRANSIT  
ART FUNDING ELIGIBILITY POLICY**

**DRAFT – AUGUST 2021**



## Executive Summary

Wake County is home to an economically, socially, and demographically diverse population, and the needs of those who live and work here are equally varied. As the county continues to grow into one of the most dynamic and desirable urban areas, the need for diverse, reliable transportation options has also grown.

The Wake County Transit Plan outlines a 10-year strategy to meet this increasing need by building upon and enhancing Wake County's transit network. The goals of the plan, known as the "Four Big Moves," are to connect Wake County to the region, connect all communities within the county, provide frequent and reliable urban mobility, and provide greater access to transit services. Achieving these Big Moves requires significant investment in expanding services, enhancing the customer experience, and building transit-supportive infrastructure.

Public art is defined as an original work of art that is designed and created by artists and that is accessible to the public. But more importantly, public art can transform civic spaces, foster shared community interactions, and celebrate unique stories and collective history. Furthermore, high quality art and design can improve the customer experience and increase ridership while creating a sense of identity and adding vibrancy to transit systems.

Understanding the benefits of including local culture, history and art into community projects, the Wake County Transit Planning Advisory Committee (TPAC) initiated steps toward the formal development of a policy for integrating art into projects supported by Wake Transit tax revenues. An Art + Culture Workgroup was commissioned by the TPAC, and participants informed the development of the Wake Transit Art Funding Eligibility Policy.

The purpose of the policy is to identify projects that are eligible to receive Wake Transit funding for art, set funding parameters, guide Wake Transit project sponsors through the process of requesting art funding and reporting expenditures, and to provide program staff with the information necessary to implement the policy. The policy will be reviewed in conjunction with the Wake County Transit Plan update process, approximately every four (4) years.

The Wake Transit Art Funding Eligibility Policy identified two (2) project types for which art is an eligible expense: Fixed Guideway Projects (bus rapid transit, commuter rail, etc.), and Transit Centers. The maximum amount eligible for art is a set percentage of a project's total construction cost. The maximum amount of Wake Transit funding that can be used for art is limited to \$5 million per eligible project, regardless of the total construction cost. However, if a project's calculated maximum amount eligible for art is in excess of \$5 million, the project sponsor may request that the TPAC consider, on a case-by-case basis, an exception to the funding cap.

### Adoption Schedule:

The TPAC is scheduled to review and consider recommending adoption of the Wake Transit Art Funding Eligibility Policy to the two (2) Wake Transit governing boards on August 11, 2021. It is then anticipated that the Capital Area Metropolitan Planning Organization (CAMPO) Executive Board and GoTriangle Board of Trustees will consider it for adoption at their respective September 2021 meetings.

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## Section 1 – Introduction

Public art is defined as an original work of art that is designed and created by artists and that is accessible to the public. Moreover, public art can play a much more important role. It can transform civic spaces, foster shared community interactions, and celebrate our unique stories and collective history.

For more than 30 years, a trend has emerged of incorporating public art into transit systems. Cities and agencies are recognizing that high quality art and design can improve the customer experience and increase ridership while creating a sense of identity and adding vibrancy to transit systems.

### 1.1 History

In 2020, the Wake County Transit Planning Advisory Committee (TPAC) initiated steps toward the formal development of policies and procedures for integrating art that would be supported by Wake Transit tax revenues into transit projects. Confirming that art and culture elements in capital improvement projects have well-documented benefits, TPAC members supported the creation of an Art + Culture Workgroup and tasked it with informing the development of an Art Funding Eligibility Policy that outlines the application procedures and eligibility criteria for Wake Transit-funded capital projects.

On August 11, 2021, the TPAC recommended adoption of the draft Wake Transit Art Funding Eligibility Policy to the two (2) Wake Transit governing boards. The Capital Area MPO Executive Board adopted the policy on XXX. The GoTriangle Board of Trustees adopted the policy on XXX, officially incorporating it into the Wake Transit Program.

### 1.2 Purpose

The purpose of this policy is to identify projects that are eligible to receive Wake Transit funding for art, set limits on Wake Transit funding that can be used for artistic elements, guide Wake Transit project sponsors through the process of requesting art funding for their eligible capital projects and to provide program staff with the information necessary for implementing the policy.

This policy will be reviewed and updated on the same update schedule as the Wake County Transit Plan, approximately every four (4) years.

### 1.3 Goals

Enhancing public spaces and facilities with high quality artwork has been proven to increase ridership and passenger interest and comfort. This policy will help achieve Wake County Transit Plan goals to improve the rider experience, attract new users, increase overall system ridership, and enhance Wake County's transit network.

General goals for including art in transit projects include:

**Partner Collaboration** – Promote relationships among community members, artists, engineers, architects and other design professions in the effort to integrate art into transit facilities.

**Community Engagement** – Engage with local communities in creating and integrating art that is representative of the unique experiences, history and cultural identity of the areas served.

**Enhanced Experience** – Use arts programming to further the goals of the Wake Transit program, enhance the perception of public transit and contribute to a positive experience for transit riders.

**Sense of Place** – Utilize art to enhance design, animate public spaces, affirm the distinct identity of the surrounding community and bring diverse people together.

## Section 2 – Eligible Projects

Wake County Transit Plan capital projects for which art is an eligible expense of Wake Transit tax revenues include:

1. Fixed Guideway Projects (BRT, CRT), and
2. Transit Centers, as designated by the Wake Transit Work Plan.

These two (2) project types have been selected because they are highly visible, public-facing facilities that will expose riders and the general community to all of the benefits that accompany the inclusion of art in transit systems. Given the very limited financial constraint of the Wake County Transit Plan at the time of this policy’s development and the Wake Transit implementation program’s need to meet public expectations and ensure financial solvency for the delivery of key projects, it is important to concentrate investment in artistic elements on planned facilities with the highest likely volume of passenger use, as well as those with the most prominence and permanence throughout the transit network.

A project is eligible to use Wake Transit tax revenues for art elements even if the subject project is partially funded by other funding sources. Further information on the applicability of funding limitations to projects that are partially supported by other sources of revenue is provided in Section 3.

Project sponsors are not required to incorporate art into their eligible projects. However, if they plan to use Wake Transit tax revenues for art to be installed as a component of a completed project and/or temporarily as a required mitigation measure during construction, they must specifically request funding for art through the submission of a project funding request as part of a Wake Transit Work Plan development cycle or as a Wake Transit Work Plan amendment request in conjunction with the corresponding request for the subject project. Projects funded in previous Work Plans are subject to the provisions outlined in Section 4.3 of this policy. Further, artistic elements that are eligible for funding with Wake Transit tax revenues must be physically and/or functionally integrated into the subject capital project. Art should be implemented in accordance with American Public Transportation Association (APTA) Best Practices for Integrating Art into Capital Projects.

## Section 3 – Funding

### 3.1 Art Funding Limitations

For eligible projects, art will become a permissible expense with Wake Transit tax revenues. Art funds are to be dedicated to the design, selection, fabrication, and installation of works of public art. The maximum amount of Wake Transit tax revenue eligible to be used for the selection, fabrication, and installation of art on an eligible project shall be determined by the following schedule:

Final Total Construction Cost of Subject Project	Maximum Amount Eligible for Art
Under \$50 million	1%
\$50 million to \$100 million	\$500,000 + 0.50% of the amount over \$50 million
Greater than \$100 million	\$750,000 + 0.25% of the amount over \$100 million

The final total construction cost used for the purposes of this policy shall mean the cost of construction specifically supported by the sum of Wake Transit tax revenues plus any of the following revenue sources that are used to support the subject project:

- Federal or state formula or discretionary funds that are allocated to the subject project’s construction costs for use in Wake County.
- Except in the case of projects funded through the Community Funding Area Program, any other local funds from the project sponsor’s general operating or capital funds that are allocated to the subject project’s construction costs for use in Wake County.

For any eligible project funded through the Community Funding Area Program, the final total construction cost used to determine the maximum amount of Wake Transit tax revenue that can be used for art shall be limited to the amount specifically contributed as the necessary match from the Community Funding Area Program (CFAP) funding recipient toward the construction budget for the subject project. For example, if a CFAP funding recipient commits a match of local and/or other permissible sources of revenue under the program that totals 70 percent of the construction cost of an eligible project, the amount of Wake Transit tax revenue eligible to use toward art for the subject project will be based on 70 percent of the project’s total construction cost.

The final total construction cost used for the purposes of this policy shall not include the cost of construction specifically supported by the following revenue sources:

- Transit-dedicated tax revenues collected from counties other than Wake County; and
- Federal or state formula or discretionary funds that are allocated to the subject project’s construction costs for use in counties other than Wake County.

For any eligible project in which partial funding comes from Wake Transit tax revenues and partial funding comes from transit-dedicated tax revenues collected from counties other than Wake County, and the subject project, or any portion thereof, is located in a county other than Wake County, the final total construction cost used to determine the maximum amount of Wake Transit tax revenue that can be used for art shall be equal to:

- The cost of construction specifically supported by the sum of the Wake Transit tax revenues; plus
- The portion of any federal or state formula or discretionary funds that are acquired for use on the subject project in which the Wake Transit tax revenues can be attributed as the necessary match to leverage that amount of federal or state formula or discretionary funds.

### 3.2 Other Funding Notes

The maximum amount of Wake Transit tax revenue funding that is eligible for art shall be \$5 million per eligible project, regardless of the total construction cost. However, if an eligible project’s calculated maximum amount eligible for art is in excess of \$5 million (calculated according to Section 3.1), the project’s maximum amount of eligible art funding will be evaluated on a case-by-case basis through a Wake Transit Work Plan development cycle or Work Plan amendment request (see Section 4.2). Additionally, the Wake Transit Art Funding Eligibility Policy does not preclude project sponsors (of eligible or non-eligible projects as identified in Section 2) or other potential project funding participants from using their own separate funding sources (e.g., non-Wake Transit tax revenues) to incorporate art into projects that are not eligible under this policy or to add funding to projects that are eligible.

### 3.3 Artist Retention Fee

All projects eligible for art funding will be entitled to a lump sum of \$30,000 during their preliminary design phase. The purpose of this one (1)-time sum is to enable project sponsors to bring an artist on board as a member of the design team. The early inclusion of an artist is important in developing the opportunities, locations, and materials for future artwork.

The role of the selected artist will be determined by the project sponsor. The retention fee does not count against art funding limitations set in Section 3.1.

## Section 4 – Policy Administration

### 4.1 Request for Art Funding

Project sponsors will request art funding via submission of Wake Transit Work Plan project funding request forms or Work Plan amendment request forms. Project sponsors will be required to answer specific eligibility questions to be considered for receiving art funding for their project. The Wake Transit Work Plan project funding request and Work Plan amendment request forms and any other associated materials will be updated upon adoption of this policy by the Wake Transit governing boards: the CAMPO Executive Board and the GoTriangle Board of Trustees. Questions added to the form will include:

- Are you requesting to use Wake Transit funds for art?
- Are you requesting the \$30,000 artist retention fee for the preliminary design phase?
- Are you requesting construction funds at this time?
  - If yes, what is the total construction cost estimate for the project?
  - What are the funding sources and respective shares for the construction phase of the project?

### 4.2 Amendment Policy

The adopted [Wake Transit Work Plan Amendment Policy](#) is followed to process all amendment requests, including those that include art funding. For example, if the estimated construction cost for an eligible project increases, the project sponsor may submit an amendment request detailing the financial change and may include with its request a recalculation of the maximum amount of funding that can be allocated to art for the subject project.

### 4.3 Retroactivity

Projects that received funding in Work Plans adopted prior to the adoption of this policy shall be subject to the art funding limitations and guidelines set within this policy. An eligible project that is less advanced than the 60% design threshold may request to receive the \$30,000 one-time artist retention fee and spend up to the appropriate percentage of its total construction cost on art implementation. An eligible project that is more advanced than the 60% design threshold may request to spend up to the appropriate percentage of its total construction cost on art implementation but is not eligible to receive an artist retention fee.

### 4.4 Presentation of Art Components

All projects eligible for art funding are considered priority investments of the Wake Transit program. Project sponsors of these projects typically provide progress updates to the TPAC as they reach certain milestones throughout the implementation of the project. Project sponsors should include updates on the status of art implementation as part of regular progress updates to the TPAC on the overall project. TPAC members may be interested in elements such as:

- Name and background of the artist(s) retained for the project
- Role the artist(s) has/have played in the design process
- Art funding or maintenance partnerships that have been established
- Summary of community engagement activities conducted for art selection
- Description of the art (include renderings, graphic representations, photos, if available)
- Life expectancy/useful life of the artwork(s)
- Maintenance plan
- Location(s) of art installation(s)

## 4.5 Compliance

Each project sponsor is responsible for ensuring that its projects, including the art components incorporated into them, are developed and implemented in compliance with established public engagement and non-discrimination policies, set maintenance standards, and other applicable Wake Transit program-level rules and regulations. This includes compliance with the Wake Transit Community Engagement Policy, Work Plan Amendment Policy and Process, reporting and reimbursement request procedures, and executed master and project-level agreements.

## Section 5 – Reporting and Reimbursements

Art expenditures and art planning progress updates will be tracked and reported utilizing the established Wake Transit quarterly progress reporting and reimbursement request procedures.

### 5.1 Quarterly Reporting

A notation of art eligibility will be added to the scope of projects that have requested to use Wake Transit tax revenues to fund art. Activities occurring for the art components of the project should be included in the written “Project Status Updates” section of the quarterly progress report form for the subject project.

Examples of reported art-related milestones may include: hiring an artist to support the project, art-related engagement activities, completion of the final art design, location selection, or a decision to not move forward with incorporating art in the final project construction plan.

### 5.2 Reimbursement Requests

Project sponsors that request to use Wake Transit tax revenues to fund art will be required to internally monitor their art funding allocations. At the end of each quarter, project sponsors will report any art expenditures to the Wake County Transit tax district administration agency noting the total budget for artistic elements compared to inception spending against that budget to date. The information will be reported to the Wake County Transit tax district administration agency to verify that project sponsors are not exceeding the allowable art-related budget. The financial status of all projects eligible for art per this policy will be included in a one-page appendix in the fourth (4<sup>th</sup>) quarter Wake Transit project progress report prepared by the tax district administration agency after the end of each fiscal year. Project sponsors will use a specific template supplied by the Wake County Transit tax district administration agency. All supporting documentation will be maintained by the project sponsor and will be available upon request to the Wake County Transit tax district administration agency.

## Section 6 – Definitions

- **Artwork or Work of Art:** A tangible creation by an artist.
- **Artist Design Services:** Professional services by artists to develop designs for artworks or other architectural, landscape, or urban design elements, either individually or as a member of design team.
- **Arts Professional:** A trained professional with expertise in the arts and artistic processes.
- **Percent for Art:** A method of financing public art programs by requiring that a percentage of capital project construction budgets be appropriated for artworks.



- **Project Team (or Design Team):** Professionals, including artists, architects, engineers, city/organization staff and landscape architects engaged in the collaborative design of CIP projects. Capital Improvement Program: program for advance planning of capital project development and delivery.
- **Project Sponsor:** Initiates project and takes responsibility for its implementation; designated by TPAC and the CAMPO Executive Board.
- **Public Art:** Works of art in any media, created by an artist and planned and executed with the specific intention of being publicly accessible and in the physical public domain.
- **Transit Center:** As designated by the Wake Transit Work Plan, facilities located outside a public right-of-way that serve the purpose of staging people and vehicles to make transfers among transit routes where greater than two (2) transit routes converge