

Title 15. Natural Resources and Economic Development

Chapter IX. Arkansas Waterways Commission, Department of Commerce

Subchapter A. Generally

Part 210. Arkansas Port, Intermodal, and Waterway Development Grant Program

Subpart 1. Generally

15 CAR § 210-101. Generally.

(a) The Arkansas Waterways Commission was established by Acts 1967, No. 242, and its powers and duties were amended by Acts 1973, No. 414.

(b) The commission's general authority is codified at Arkansas Code § 15-23-201.

(c) The commission is the sole state agency responsible for developing, promoting, and protecting waterborne transportation in Arkansas.

(d) The commission also promotes economic development for ports on the five (5) commercially navigable rivers of the state, the Arkansas, Mississippi, Ouachita, Red, and White Rivers.

Authority. Arkansas Code § 15-23-205.

15 CAR § 210-102. Purpose.

This part governs the Arkansas Port, Intermodal, and Waterway Development Grant Program.

Authority. Arkansas Code § 15-23-205.

15 CAR § 210-103. Program description.

(a) The Arkansas Port, Intermodal, and Waterway Development Grant Program provides financial assistance to port authorities and intermodal authorities for the purpose of funding port development projects.

(b) The goals of the program are to:

- (1) Provide public funds to build land-side infrastructure; and
- (2) Dredge ports and waterways.

(c) Funding this infrastructure will provide jobs and competitive transportation costs for moving cargo, thereby minimizing highway congestion, improving safety, and reducing maintenance costs related to Arkansas's highways.

(d) This program will also allow Arkansas products to reach additional markets.

Authority. Arkansas Code § 15-23-205.

15 CAR § 210-104. Type of award.

(a) The total maximum funding will be limited to the amount of money made available to the Arkansas Waterways Commission for the program.

(b)(1) There is no minimum amount of funding that may be applied for by an eligible applicant.

(2) The maximum amount that may be applied for by an eligible applicant is the maximum amount of funds available.

(c) There is no maximum number of awards that can be received for an eligible applicant in one (1) state fiscal year.

(d) Funds granted may not exceed ninety percent (90%) of construction costs or fifty percent (50%) of dredging costs.

Authority. Arkansas Code § 15-23-205.

15 CAR § 210-105. Eligibility criteria.

(a)(1) Eligible applicants are an Arkansas public port authority or public intermodal authority with facilities located on the Arkansas, Mississippi, Ouachita, White, or Red Rivers.

(2) A port facility can include an intermodal facility and maritime-related industrial park infrastructure development.

(b)(1) Eligible projects are construction, improvement, capital facility rehabilitation, and expansion of a public port facility.

(2) Dredging projects are also eligible.

(c) Planning projects and feasibility studies shall not be eligible.

(d) Funds granted may not exceed ninety percent (90%) of the cost of construction or fifty percent (50%) of dredging costs.

(e) Eligible projects may be projects that were completed within a year prior to the grant application.

Authority. Arkansas Code § 15-23-205.

15 CAR § 210-106. Conflict of interest.

(a) No director, officer, or employee of the Arkansas Waterways Commission, for purpose of personal gain, shall have or attempt to have, directly or indirectly, any interest in any contract or agreement of the commission in connection with the Arkansas Port, Intermodal, and Waterway Development Grant Program.

(b) It shall not be a conflict of interest for the commission to permit any port, intermodal, or waterway with which a director of the commission is affiliated to participate in any program of the commission, provided that such director shall promptly disclose the nature of the affiliation to the commission.

Authority. Arkansas Code § 15-23-205.

15 CAR § 210-107. Application process.

(a) Applications for the Arkansas Port, Intermodal, and Waterway Development Grant Program shall be submitted on the form prescribed by the Arkansas Waterways Commission.

(b)(1) A resolution passed by the board of the grant applicant must be enclosed with the application.

(2) The resolution must have the signature of the chair of the board.

(c) The commission reserves the right to request additional information as required for evaluation.

(d) Cost estimate submitted with application must come from a certified engineer, construction company, or manufacturer with vendor's logo and contact information on the documentation submitted.

Authority. Arkansas Code § 15-23-205.

15 CAR § 210-108. Evaluation.

(a) Projects will be evaluated by the Arkansas Waterways Commission, which may request the assistance of appropriate representatives from:

- (1) Academia;
- (2) Private enterprise; or
- (3) The public sector.

(b) Applications meeting the eligibility requirements will be evaluated on the basis of the evaluation criteria outlined below.

Authority. Arkansas Code § 15-23-205.

15 CAR § 210-109. Evaluation criteria.

(a) The qualified applicant and the associated enterprise must have the support and resources available to ensure a reasonable probability of project success if a development grant is awarded.

(b)(1) The proposed development project must have commercial feasibility and positively impact a commercially navigable waterway in the State of Arkansas.

(2) The development should provide the port, intermodal, or waterway with the ability to compete more effectively in the marketplace.

Authority. Arkansas Code § 15-23-205.

15 CAR § 210-110. Grant awards.

(a)(1) The Arkansas Waterways Commission shall make the final decision to select recipients of funding from the Arkansas Port, Intermodal, and Waterway Development Grant Program.

(2) Funding decisions will be based on information derived from the program review.

(b) The commission will notify all applicants, selected or not, within fifteen (15) business days of the commission's decision.

(c) The commission will notify the office of the Treasurer of State, and the office of the Treasurer of State will mail warrants or direct deposit funds for approved projects.

(d)(1) Grant recipients shall designate a bank account with routing information for grant funds and matching funds.

(2) Before grant award is remitted, grant recipient must demonstrate that the cash match is in this account within sixty (60) days of notice of award to recipient, or forfeiture of grant award will occur.

(e)(1) Grant recipients must expend grant funds within a year from award date or the commission must grant an extension upon proof that all reasonable efforts have been made to comply.

(2) Grant funds shall be utilized and expended by the applicant solely and exclusively for the payment of authorized and allowable costs and expenses of the project for which assistance was approved.

(f) If all grant funds are not utilized and expended by the applicant for the specific project for which such funds were furnished within one (1) year:

(1) The grant recipient shall return or otherwise pay or reimburse to the commission any and all such unused funds or any amounts of funds used and expended for unauthorized or unallowable purposes; or

(2)(A) The applicant may submit a request to the Director of the Arkansas Waterways Commission to use leftover funds for another project.

(B) The commissioners shall approve or disapprove the request.

(g)(1) The grant award recipient must deposit the exact amount applicant stated in the grant application if awarded the full amount requested.

(2) If the full amount requested is not awarded, the applicant will deposit ten percent (10%) of the awarded amount, unless it is a dredge project, in which case fifty percent (50%) must be deposited.

Authority. Arkansas Code § 15-23-205.

15 CAR § 210-111. Grant reporting.

(a) Grantees shall complete a quarterly, signed expenditure report and submit it to the Arkansas Waterways Commission within thirty (30) days of report being due, certifying the accurate expenditure of funds, to remain in compliance and be eligible for the next year's program.

(b) Grantees shall complete a final, signed expenditure report and submit it to the commission within thirty (30) days of the final expenditure, certifying the accurate expenditure of funds, to remain in compliance and be eligible for the next year's program.

(c) All reports shall be subject to review by the Arkansas Legislative Audit.

Authority. Arkansas Code § 15-23-205.

15 CAR § 210-112. Freedom of Information Act of 1967.

All information submitted in applications is subject to the provisions of the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

Authority. Arkansas Code § 15-23-205.