



## CONGESTION MITIGATION AND AIR QUALITY

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# Office of Local Programs

The Kentucky Transportation Cabinet (KYTC) has established the Office of Local Programs to coordinate several federally funded transportation improvement programs. Transportation Enhancements (TE), Safe Routes to School (SRTS), Congestion Mitigation & Air Quality (CMAQ), Scenic Byways and Highways, and the Transportation, Community, and System Preservation Program (TCSP) are federal reimbursement programs, not grant programs.

The Congestion Mitigation and Air Quality (CMAQ) Program was established by the Intermodal Surface Transportation Efficiency Act (ISTEA) and continued through TEA-21 and SAFETEA-LU. CMAQ is concerned primarily with reducing emissions in designated areas of the United States.

## Overview

The purpose of the Congestion Mitigation and Air Quality (CMAQ) program is to fund transportation projects or programs that will contribute to attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide (CO), and particulate matter (PM).

The CMAQ program supports two important goals of the Department of Transportation: improving air quality and relieving congestion. The CMAQ program strives to reduce transportation-related emissions by providing state and local governments the option to fund different emission reduction and congestion reduction strategies. CMAQ funds provide for the implementation of a variety of unique projects, with examples ranging from bicycle and pedestrian facilities, ride sharing programs, transit improvements, traffic flow improvements, and truck stop electrification projects.

## Eligibility

The only applicants eligible for this funding are state and local government agencies as well as private entities through public-private partnerships. Projects by nonprofit organizations are to be in partnership with a government sponsor (state or local government agency) in order to receive funding. Kentucky Transportation Cabinet Highway District Offices are not eligible to apply unless approved in advance by the Commissioner of Highways.

Federal CMAQ funds must be spent in non-attainment or maintenance areas as determined by the Environmental Protection Agency (EPA). The following counties in Kentucky are eligible for funding:

Boone, Boyd, Bullitt, Campbell, Christian, Daviess, Edmonson, Fayette, Jefferson, Kenton, Marshall, Oldham, and Scott.

Portions of Greenup, Hancock, Lawrence, and Livingston Counties

Funds also may be used for projects in proximity to non-attainment and maintenance areas if the benefits will be realized primarily within the non-attainment or maintenance area. The delineation of an area considered “in proximity” should be discussed with the Federal Highway Administration (FHWA).

Projects are to serve a public purpose in perpetuity, and the facilities and/or services provided are to be on a nonprofit basis. **The government sponsor is responsible for:**

- Soliciting public support
- Obtaining required 20 percent matching funds (Cannot use other Federal funds for matching requirement)
- Making all arrangements for match funding and long-term maintenance (if applicable) locally before applying for federal funds
- Administering the project
- Identifying the project in its financial accounting and annual audits
- Adhering to the KYTC *Interim Federal-Aid Highway Program Project Development Guide for Local Public Agencies* (LPA Guide)

## Eligible Activities

Congestion Mitigation and Air Quality (CMAQ) eligibility in Kentucky is determined using the following three primary criteria.

### Capital Investment

CMAQ funds should be used for establishment of new or expanded transportation projects to help reduce emissions, including capital investments in transportation infrastructure, congestion relief efforts, diesel engine retrofits, or other capital projects.

### Emission Reductions

Projects funded under the CMAQ program must be expected to result in ozone, carbon monoxide (CO), and particulate matter (PM 2.5) reductions. This can be demonstrated by the assessment of anticipated emission reductions that is required for most projects.

### Public Good

CMAQ funded projects should be for the good of the general public. Public-private partnerships may be eligible, however, as long as public good (i.e., reduced emissions) results from the project.

A project application must meet the requirements of at least one of the following six categories to be considered for CMAQ funding. Projects may meet the requirements of more than one eligible category. CMAQ projects may be stand-alone projects or parts of larger projects.

## Eligible Categories

**There are six eligible categories: Inspection/Maintenance and Other Traffic Control Measures, Pedestrian/Bicycle, Shared Ride, Traffic Flow Improvements, Transit, and Demand Management.**

### I. Inspection/Maintenance and Other Transportation Control Measures

#### Alternative Fuels and Vehicles

Fuel—Establishing publicly-owned fueling facilities and related infrastructure to accommodate alternative-fuel vehicles is an eligible expense, unless privately-owned fueling stations are in place and reasonably accessible.

Non-transit vehicles—CMAQ funds may be used to purchase publicly-owned alternative fuel vehicles. Costs associated with converting fleets to run on alternative fuels are also eligible. When private vehicles are purchased, only the cost difference between the alternative fuel vehicles and comparable conventional fuel vehicles is eligible.

Hybrid vehicles—certain hybrid vehicles that have lower emission rates than their non-hybrid counterparts may be eligible for CMAQ investment. Hybrid passenger vehicles must meet Environmental Protection Agency requirements.

#### Inspection/Maintenance (I/M) Programs

Poor engine maintenance and malfunctioning of pollution control equipment can significantly increase the amount of emissions released per vehicle. CMAQ funds may be used to introduce, conduct, and provide start-up costs for automobile inspection and maintenance programs.

#### Extreme Low-Temperature Cold Start Programs

Projects intended to reduce emissions from extreme cold-start conditions are eligible for CMAQ funding. Such projects include retrofitting vehicles and fleets with water and oil heaters and installing electrical outlets and equipment in publicly-owned garages or fleet storage facilities.

#### Idle Reduction

Idle reduction projects that reduce emissions and are located within, or in proximity to and primarily benefiting, a non-attainment or maintenance area are eligible for CMAQ investment. Electrification or other idling reduction facilities and equipment that are constructed or located on rights-of-way of the Interstate system are also permitted.



## Diesel Engine Retrofits & Other Advanced Truck Technologies

The projects under this category include vehicle replacement, diesel engine replacement, full engine rebuilding and reconditioning, and other technologies determined by the EPA as appropriate for reducing emissions from diesel engines. CMAQ funds may also be used to purchase and install emission control equipment on school buses. Refueling is not eligible as a stand-alone project.

## Freight/Intermodal

Projects and programs targeting freight capital costs are eligible provided that air quality benefits can be demonstrated. Successful projects that reduce emissions could include new diesel engine technology or retrofits of vehicles or engines.

## Transportation Control Measures (TCMs)

TCM projects may include traffic flow improvement programs, programs to restrict vehicle use or to reduce the need for SOV travel, and construction of paths for non-motorized means of transportation.

## II. Bicycle/Pedestrian

Bicycle and pedestrian projects enable people who wish to use non-motorized forms of transportation to get around more easily. Eligible activities include construction of bicycle and pedestrian facilities (paths, racks, lockers) that are not exclusively recreational and reduce vehicle trips. The construction and maintenance of strictly recreational paths is **not** eligible for CMAQ funding.

Examples of bicycle and pedestrian projects include providing on-street bicycle lanes, off-street trails, and improved sidewalk connectivity. These projects tend to be one-time capital investments that generate multiyear benefits. Although they may not measurably decrease congestion levels, they do provide alternatives to driving and can open up access to non-drivers, including children, to access employment, schools, parks, libraries, and other facilities.



### III. Shared Ride

Transportation improvement projects make it easier for people to take advantage of the benefits of ridesharing. Park-and-Ride facilities provide a convenient place for people to join others in a carpool or vanpool or take advantage of transit service. Rideshare matching services help individual travelers find other people to join for rides.

These projects enable the road system to carry more people with fewer vehicles, thereby increasing the efficiency of the transportation network and reducing traffic congestion. They provide alternatives to driving alone, which can yield benefits, such as reducing parking and vehicle operating costs and reducing travel time if HOV facilities are available.

### IV. Traffic Flow Improvements

This strategy reduces emissions by promoting efficient traffic movement, thereby reducing unproductive travel delays and emissions resulting from engine idling. There are many ways to reduce and improve air quality by improving traffic flow. These include: traffic signal synchronization, channelization, high occupancy vehicle lanes, and transportation management improvements.

#### Traditional Improvements

Traditional traffic flow improvements, such as the construction of roundabouts, HOV lanes, left-turn or other managed lanes, are eligible for CMAQ funding provided they demonstrate net emissions benefits.

## Intelligent Transportation Systems

Intelligent Transportation Systems (ITS) projects, such as traffic signal synchronization projects, traffic management projects, and traveler information systems, can be effective in relieving traffic congestion, enhancing transit bus performance, and improving air quality.

## Value/Congestion Pricing

Congestion pricing is a market-based mechanism that allows tolls to rise and fall depending on capacity and demand. Eligible expenses may include tolling infrastructure and small roadway modifications to enable tolling if the project will generate an emissions reduction.

Parking pricing can include time-of-day parking charges that reflect congested conditions. These strategies should be designated to influence trip-making behavior and may include charges for using a parking facility at peak periods, or a range of employer-based parking cash-out policies that provide financial incentives to avoid parking or driving alone.

## V. Transit

Many transit projects are eligible for CMAQ funds. The general guideline for determining eligibility is whether the project increases capacity and would likely result in an increase in transit ridership and a potential reduction in congestion. Eligible transit projects may fall in the areas of new or modified transit facilities and vehicles. In addition, conventional or alternative fuel may also be eligible when part of project providing operating assistance for new or expanded transit service under the CMAQ Program.

Transit services include buses, light rail, heavy rail, commuter rail, and ferry operations, as well as small buses and vans providing more customized service. Projects to expand the transit system, such as new bus and shuttle services, can increase mobility by providing new opportunities to reach more destinations. Transit system improvements, such as busways, bus priority systems, and rail projects, often can increase the speed of transit services, reducing travel time for passengers and attracting people who might otherwise drive.

Advanced transit technologies, which increase the reliability and ease of using transit, and customer amenities, such as benches and shelters, can help to increase the comfort associated with transit and attract customers. New ways of monitoring and maintaining transit fleets through advanced locating devices and equipment monitoring systems help improve the reliability of transit services. Real-time transit information systems provide access to better information about services.

Electronic fare-payment systems, or smart cards, enable passengers to pay for parking, bus, and rail fares, and to easily transfer between transit systems using one smart card, rather than using exact change. CMAQ funds may also be used to subsidize regular transit fares in an effort to reduce emissions; however, these projects must meet a series of eligibility requirements.



## VI. Demand Management

### Travel Demand Management

Travel demand management includes a diverse set of activities that focus on physical assets and services that support better decision-making for travelers choosing modes, times, routes, and locations. The demand for transportation can be moderated by adopting incentives that minimize the aggregate number of Single Occupancy Vehicle (SOV) trips and miles traveled. Such projects can help ease congestion and reduce SOV use—contributing to mobility, while enhancing air quality and saving energy resources. Travel demand management encompasses a diverse set of activities ranging from traditional carpool and vanpool programs to more innovative parking management and road pricing measures.

The following activities are eligible if they are explicitly aimed at reducing SOV travel and associated emissions:

- Fringe parking (park and ride lots)
- Traveler information services
- Shuttle services
- Guaranteed ride home programs
- Carpools, vanpools
- Traffic calming measures
- Parking pricing
- Variable road pricing
- Telecommuting
- Employer-based commuter choice programs

### Other Eligible Activities

Each of the six categories list above (Demand Management, Inspection/Maintenance and other Transportation Control Measures, Pedestrian/Bicycle, Shared Ride, Traffic Flow Improvements, and Transit) may also include Public Education and Outreach Activities, Experimental Pilot Projects, and Public-Private Partnerships.

## Public Education and Outreach Activities

The goal of CMAQ-funded public education and outreach activities is to educate the public, community leaders, and potential project sponsors about connections among trip making and transportation mode choices, traffic congestion, and air quality. Public education and outreach can help communities reduce emissions and congestion by inducing drivers to change their transportation choices. More important, an informed public is likely to support larger regional measures necessary to reduce congestion and meet emission requirements.

## Experimental Pilot Projects

For a project or program to qualify as an experimental pilot, it must be defined as a transportation project and be expected to reduce emissions by decreasing vehicle miles traveled (VMT), fuel consumption, congestion, or by other factors. The Federal Highway Association (FHWA) encourages agencies to creatively address their air quality problems and to experiment with new services, innovative financing arrangements, public-private partnerships, and complementary approaches that use transportation strategies to reach clean air goals.

Given the untried nature of these pilot projects, before-and-after studies are required to determine actual project impacts on air quality as measure by net emissions reduced. These assessments should document the project's immediate impacts in addition long-term benefits. These experimental pilots are not intended to bypass the definition of basic project eligibility but seek to better define the projects' future role in strategies to reduce emissions.

## Public-Private Partnerships

In a Public-Private Partnership, a private or non-profit entity's resources replace or supplement State or local funds and possibly a portion of the Federal-aid in a selected project. Partnerships must have a legal, written agreement in place between the public agency and the private or non-profit entity before a CMAQ-funded project may be implemented. These agreements should be developed under relevant State contract law and should specify the intended use for CMAQ funding; the roles and responsibilities of the participating entities, and how the disposition of land, facilities, and equipment will be carried out should the original terms of the contract be altered. Public funds should not be invested where a strong public benefit cannot be demonstrated. Consequently, CMAQ funds must be devoted only to Public-Private Partnerships that benefit the general public by clearly reducing emissions, not for financing marginal projects.

## Ineligible Activities

### ➤ Highway and Transit Maintenance and Reconstruction Projects

Routine maintenance projects are not eligible for CMAQ funding. Routine maintenance and rehabilitation on existing facilities maintains the existing levels of highway and transit service, and therefore maintains existing ambient air quality levels.

### ➤ Construction of SOV Capacity

Construction projects which will add new capacity for single occupancy vehicles (SOV) are not eligible under this program. For purposes of this program, construction of added capacity for SOV means the addition of general purpose through lanes to an existing facility which are not HOV lanes, or construction of a highway at a new location.

- Light-duty vehicle scrappage programs
- Stand-alone projects to purchase fuel
- Salaries, Fringe Benefits, and Overhead

Salary, fringe benefits, and overhead are not eligible for reimbursement with CMAQ funds in Kentucky. The CMAQ Program will reimburse staff time directly related to an eligible project activity. Fringe benefits may count toward the required local match.

## Additional Eligibility Requirements

### Financial

The Congestion Mitigation and Air Quality (CMAQ) program is a reimbursement program. Therefore, the proposed project shall be selected, approved, programmed, and contracted with the Kentucky Transportation Cabinet prior to the expenditure of any funds included in the request. Any funds expended by the applicant before contract execution shall not be reimbursed. The project shall include a minimum local match of 20 percent of the total project cost. Written confirmation(s) of the match by the appropriate official or contributor is required to be included in the full application. Other Federal funds cannot be used as match for CMAQ projects.

Only elements of a project deemed eligible shall be reimbursed with CMAQ funds. In-kind contributions (e.g., donated labor, materials, and equipment) may be credited toward the local match if approved by Office of Local Programs. A written request for approval of in-kind contributions toward the match is required.

### Budget and Maintenance Plans

A comprehensive budget as well as a maintenance plan, if applicable, must be attached to the contracted executed by the KYTC. Therefore, a detailed, accurate budget is required throughout the application process. Operating and maintenance costs shall be included and the funding source identified.

The total cost estimate provided in the application will be used to determine the amount of funds awarded. A project may receive funds for a reduced scope or in an amount less than requested.

Due to the limited amount of funding, the total project amount funded with CMAQ funds will be the maximum amount reimbursed. If costs exceed the estimate, the sponsor will be responsible for covering the additional costs and must demonstrate the ability to do so. If a sponsor would like to request to reallocate items in the budget, a budget amendment may be submitted to the

Office of Local Programs for review. **Only two budget amendments will be accepted during the project life cycle.**

A maintenance plan, if applicable, should include a description of how the government sponsor plans to maintain the infrastructure funded by the project after all of the CMAQ federal funds have been expended. Sponsors are required to maintain this project in perpetuity for the public.

### Property Management

Federal Highway Administration (FHWA) property management rules require that income generated by the lease, sale, or other use of real property acquired with federal funds shall be on the basis of fair market value. Such income shall be used on this Congestion Mitigation and Air Quality (CMAQ) project or any other Title 23 (transportation) eligible project. Occupancy of any structure constructed or improved with CMAQ funds is restricted to public entities and nonprofit organizations.

### Appraisals

Appraisals for the acquisition of real-property interests or for donation credit shall be prepared in accordance with the KYTC and FHWA policies and guidelines using a KYTC pre-qualified appraiser. No appraisal work is to be started until the appraiser has met with the Division of Right of Way and Utilities appraisal personnel to discuss standards, requirements, and valuation problems that may be encountered on the assignment. Preservation easements shall be required on all properties acquired prior to the reimbursement of funds, and the projects shall provide for the public access. Any appraisal must be reviewed and approved by KYTC Central Office review appraisers. Project sponsors shall submit three (3) copies of the appraisal to the OLP for review.

### Disadvantaged Business Enterprise (DBE)

The DBE Program ensures equal opportunity to socially and economically disadvantaged small businesses. The Kentucky Transportation Cabinet's DBE Directories can be found at: [www.transportation.ky.gov/OBOD/DBE\\_Directory.pdf](http://www.transportation.ky.gov/OBOD/DBE_Directory.pdf)

### Wage Requirements

The Davis-Bacon Act (prevailing federal wage) shall apply to Congestion Mitigation and Air Quality (CMAQ) projects of \$2,000 or greater within the right of way of a federal-aid highway. If the CMAQ project is outside the right of way, the Davis-Bacon Act does not apply. If the cost within the federal-aid highway right of way is greater than \$2,000 for a project partially on and off the right of way, the Davis-Bacon Act applies. Prevailing state wage rates shall apply to all projects with a total cost of \$250,000 or greater. Cost estimates prepared shall consider these requirements.

### Projects shall comply with:

Model Procurement Code as it relates to local public agencies (KRS 45A.343, 345-460)

Title VI of the Civil Rights Act and Environmental Justice, Disadvantaged Business Enterprise Manual on Uniform Traffic Control Devices (MUTCD)

Other requirements are qualifications-based selection of professional services, including engineering and architectural services, and competitive bidding procedures for construction and related activities in addition to any other applicable requirements for federal funding of the specific project.

### [Americans with Disabilities Act \(ADA\)](#)

A commitment shall be made to comply with ADA accessibility requirements.

ADA Information Lines: **800-514-0301 (voice) 800-514-0383 (TDD)**

U.S. Department of Justice ADA web site: <http://www.usdoj.gov/crt/ada/>

### [Environmental Compliance](#)

All Congestion Mitigation and Air Quality projects shall conform with:

National Environmental Policy Act (NEPA)  
Section 4(f) of 49 United States Code (USC) 303  
National Historic Preservation Act  
Section 404 of the Clean Water Act

### ADDITIONAL WEBSITE INFORMATION:

#### [Environmental Protection Agency](#)

<http://www.epa.gov/>

#### [Federal Highway Administration CMAQ Brochure](#)

<http://www.fhwa.dot.gov/environment/cmaqbroc.pdf>

#### [Federal Highway Administration CMAQ Program Guidance](#)

<http://www.fhwa.dot.gov/environment/cmaq06gd.pdf>

#### [Federal Highway Administration CMAQ website](#)

<http://www.fhwa.dot.gov/environment/cmaqpgs/index.htm>

#### [Kentucky Division of Air Quality](#)

<http://www.air.ky.gov/>

#### [Kentucky Transportation Cabinet CMAQ](#)

[http://tea21.ky.gov/air\\_quality.asp](http://tea21.ky.gov/air_quality.asp)

## Contracting

Following the announcement of Congestion Mitigation and Air Quality (CMAQ) funding, the project application is sent to the Division of Environmental Analysis (DEA) for clearance. Upon approval from the DEA, the project is submitted to the Kentucky Transportation Cabinet (KYTC) Programming for inclusion in the Statewide Transportation Improvement Plan (STIP) and the Transportation Improvement Plan (TIP). Following legal review, the CMAQ contract is routed to the sponsor for signatures and a city or county resolution accepting the contract. Once the project completes the programming stage and the sponsor submits the contract to the Office of Local Programs (OLP), the contract will be submitted to the KYTC Secretary for final execution. The fully executed copy of the contract will be sent via mail to the sponsor. No work can commence until the sponsor receives the fully executed contract from the KYTC.

## Submission of Plans

If the project requires creation or modification of infrastructure, the sponsor must submit all final plans and specifications to the (OLP) for review. The sponsor must also submit plans to the appropriate highway district office for approval. **Construction cannot start until the plans are approved by the OLP and written documentation has been sent to the project sponsor.** All applicants are encouraged to work with the historic preservation coordinator within the OLP and their respective District LPA Coordinator during the design and preparation process of the final plans. Once submitted to the OLP, the plans will be reviewed within thirty (30) days by the OLP's historic preservation coordinator for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Americans with Disabilities Act Guidelines, and the Kentucky Heritage Council's Streetscape Design Guidelines for Historic Commercial Districts as applicable to each project.

After the initial review, the OLP will make a recommendation and the plans will be sent to the Kentucky Heritage Council (KHC) for additional review and compliance of the above guidelines. The KHC also has a thirty (30) day review period. If at any time during the review process there are problems, or if changes are necessary with the plans and specifications, new plans illustrating the changes may be required to be submitted for review. Upon completion of the review, the KHC will send a recommendation back to the OLP. The OLP will notify the project applicants by letter with the results of the reviews.

## Reimbursement

There are several steps a sponsor must follow In order to be reimbursed for incurred expenses.

- Submit the official OLP reimbursement request form signed by the sponsor.
- Document the contract number in all correspondence.
- Document the Federal Program number in all correspondence.
- Include a brief description of the invoices and work completed.
- Support the invoices with detailed receipts and cancelled checks.
  - All receipts and invoices must have a header with the name and address of the vendor.
  - A description of the services or items purchased must be included.
- Identify the amount of Disadvantaged Business Enterprise (DBE) participation for each invoice submitted.

- Document the funding match with time sheets, property documents, and records of in-kind contributions.

### [Progress Report](#)

The Project contact shall send a bi-annual progress report, available online at [www.tea21.ky.gov](http://www.tea21.ky.gov), to the Office of Local Programs (OLP). The report shall include at a minimum:

- Current status of the project
- Funds expended
- Detailed timeline for completion of the project
- Justification for the delay if the project is behind schedule

### [Timeline](#)

The applicant should be prepared to provide information necessary for programming the funds and entering into a contract agreement with the Kentucky Transportation Cabinet within one (1) year after the announcement. If the contract agreement is not executed within one (1) year of the announcement, funds may be recaptured.

When funds are programmed and a contract agreement executed, the recipient of funding shall have three (3) years to complete the project. Failure to show substantive progress toward completion within the three (3) years may result in the cancellation of Congestion Mitigation and Air Quality (CMAQ) funding.

### [Project Closure](#)

When the project is completed, the sponsor should submit the final invoice along with the project closure form, available online at [www.tea21.ky.gov](http://www.tea21.ky.gov), to the Kentucky Transportation Cabinet (KYTC) Office of Local Programs (OLP). After this form is submitted, the OLP will audit the project site and the final reimbursement request will be processed. The sponsor will be paid either the balance remaining on the total funding award or the amount of the final reimbursement request, whichever is less.

### [Contact Information](#)

Kentucky Transportation Cabinet  
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## **Information on Projects that are in a Transportation Management Area (TMA)**

Federal transportation legislation requires that a Metropolitan Planning Organization (MPO) be designated for each urban area with a population of more than 50,000 people in order to carry out the metropolitan transportation planning process. Each urban area with a population greater than 200,000 is designated as a Transportation Management Area (TMA).

The following Kentucky counties all fall within a Metropolitan Planning Organization (MPO):

**Boone, Boyd, Bullitt, Campbell, Christian, Daviess, Fayette, Greenup, Hardin, Henderson, Jefferson, Kenton, Oldham, Warren**

Any Transportation Enhancements (TE), Safe Routes to School (SRTS), Scenic Byways, or Transportation Community and System Preservation (TCSP) project located in one of these counties must be added to the Transportation Improvement Plan (TIP) of the Metropolitan Planning Organization (MPO) for that area. Typically this process takes **4 months** from start to finish, if there are no problems or constraints

Once information on the project has been submitted by the Transportation Cabinet to the MPO, the Cabinet must wait to move forward with the contract process.

After the project has been added to the TIP of the MPO, the project information is sent to the Federal Highway Administration (FHWA) for review and inclusion into the Statewide Transportation Improvement Plan (STIP).

Once the project is reviewed and approved by FHWA, the Office of Local Programs can move forward with the preparation of a contract between the Cabinet and the project sponsor.

**Please note that while the addition of a project to a MPOs TIP and the Cabinet's STIP usually takes 4 months, the process can take much longer.**