

KYTC AND MPO COORDINATION

**FINAL RECOMMENDATIONS OF THE
CONSOLIDATED PLANNING GUIDANCE
PROCESS TEAM**

July 20, 2007

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Table of Contents

Guiding Principles	3
Item I. STIP/TIP Amendment Triggers	4
STIP/TIP Administrative Modifications	5
STIP/TIP Amendments.....	7
Item II. Grouped Projects	8
Item III. Public Involvement	15
A. General	15
B. Public Review Periods	18
Item IV. Fiscal Constraint	21
Item V. Tracking TIP Projects: MPO STP-Urbanized Funding	24
APPENDIX	26

Guiding Principles

This report was developed in order to address procedural improvements for purposes of streamlining the development and revision of the Statewide Transportation Improvement Program (STIP) for Kentucky and the metropolitan Transportation Improvement Programs (TIPs) of the Commonwealth's Metropolitan Planning Organizations (MPOs). It establishes procedures for changing the TIP after adoption by the MPO and approval of the Governor and the STIP after joint approval by Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

The report has been developed with the following overriding principles in mind:

The MPOs and Kentucky Transportation Cabinet (KYTC) shall work closely together to examine federal regulations to give each agency the most flexibility possible to carry out their responsibilities to the public.

The MPOs and KYTC shall coordinate their work as much as possible through regular meetings and day-to-day contacts as needed.

Item I. STIP/TIP Amendment Triggers

Description of Issue:

Federal regulations allow for changes to the Statewide Transportation Improvement Program (STIP) and the Metropolitan Planning Organization's (MPO) Transportation Improvement Programs (TIP). The purpose of this guidance is to establish an understanding among all parties on procedures for changing the STIP/TIP.

Under provisions of Titles 23 and 49, United States Code, the approved STIP/TIP may be amended and modified in order to add new projects, delete projects, move projects among the years of STIP/TIP, make cost and phase of work changes and accommodate major scope changes to a project. Fiscal constraint shall be maintained when amending and modifying the STIP/TIP (see Item IV for more on Fiscal Constraint).

Other provisions in Titles 23 and 49 permit the development of expedited procedures for making changes to the STIP/TIP by agreement.

Relevant Regulations related to STIP/TIP amendments:

23 CFR 450.216 Statewide transportation improvement program (STIP).

(n) ...the STIP may be revised at any time under procedures agreed to by the State, MPO(s), and public transportation operator(s) consistent with the STIP development procedures established in this section, as well as the procedures for participation by interested parties (see Sec. 450.210(a)), subject to FHWA/FTA approval (see Sec. 450.218). Changes that affect fiscal constraint must take place by amendment of the STIP.

23 CFR 450.326 TIP revisions and relationship to the STIP

(a) An MPO may revise the TIP at any time under procedures agreed to by the cooperating parties consistent with the procedures established in this part for its development and approval. In nonattainment or maintenance areas for transportation-related pollutants, if a TIP amendment involves non-exempt projects (per 40 CFR part 93), or is replaced with an updated TIP, the MPO and the FHWA and the FTA must make a new conformity determination. In all areas, changes that affect fiscal constraint must take place by amendment of the TIP. Public participation procedures consistent with Sec. 450.316(a) shall be utilized in revising the TIP, except that these procedures are not required for administrative modifications.

Recommended Practice:

The STIP/TIP amendment process described below details procedures that are to be used to update an existing approved STIP or TIP.

In MPO areas, all TIP amendments must be consistent with Long Range Transportation Plans (LRTPs) and, if not, include corresponding language to amend the LRTP.

Planning Guidance

STIP/TIP Administrative Modifications

The following actions are eligible as Administrative Modifications to the STIP/TIP if determined to have no impact to air quality conformity or fiscal constraint:

- Correcting obvious minor data entry errors.
- Splitting or combining projects without modifying the original project design, concept, and scope or creating project segmentation.
- Changing or clarifying elements of a project description. This change would not alter the original project design, concept, and scope.*
- Moving a project from one federal funding category to another except for STP-Urbanized funding.
- Moving a project from federal funding to state funding.
- Shifting the schedule of a project or phase within the years covered by the STIP/TIP (only first 2 years for nonattainment and maintenance areas).
- Updating project cost estimates (within the original project scope and intent) .
- Moving any identified project phase programmed for previous year into a new TIP (rollover provision).**

* As allowed under 23 CFR 450.216 (j) and 23 CFR 450.324 (f), clarifying elements may include project specific information for grouped projects in the STIP/TIP (see Item II Grouped Projects for further details)

** When the STIP and MPO TIPs are adopted, project tables reflect funds expected to be obligated by the time the new TIP is in effect. However, it is normal that some projects or phases are delayed. The rollover provision allows these projects to automatically move into the new year.

Administrative Modification Procedures:

For projects located outside of the MPO areas STIP Administrative Modifications will be handled by KYTC.

For projects within MPO areas TIP Administrative Modifications will be tracked by MPO staff and made available to appropriate committees. No resolution or action is required of the MPO. The MPO staff will also promptly notify by letter or email all appropriate parties identified on KYTC's [Routing and Information Sheet](#). Since Administrative Modifications are non-action items, this notification does not have to be presented to MPO committees prior to issue. However, it is incumbent upon the MPO staff to flag potentially controversial projects or projects with negative impacts that may need more public discussion. If a project qualifies for an administrative modification but is flagged, the notification should include a stipulation that the action could be addressed as an amendment rather than as a modification. Notification should include a TIP replacement page.

The KYTC is responsible for ensuring that cost changes made to the STIP will be balanced during the STIP yearly update process. For further information on fiscal constraint, see Item IV.

Planning Guidance

Administrative Modifications do not require:

- Public review and comment,
- Redemonstration of fiscal constraint, or a
- Conformity determination.

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Planning Guidance

STIP/TIP Amendments

Amendments to the STIP/TIP would include the following:

- Add/Delete a project or phase(s) that requires a federal action (authorization) and is not eligible for an Administrative Modification.
- Change in design concept and scope of the project.
- Change in cost estimates that affect fiscal constraint.
- Change that affects air quality conformity in non-attainment areas including regional significant projects funded with non-federal funds.
- Change from non-federal to federal funds unless grouped project type.
- Addition of an approved TIP.

Public involvement will be carried out as determined by the Public Involvement Policy (or Participation Plan) of the MPO or the Statewide Transportation Planning Interested Parties, Public Involvement, and Consultation Plan. A recommended practice is provided in Item III.

Amendment Procedures:

TIP Amendments shall have sufficient descriptive material to identify the project and include the total estimated cost. The amendments shall identify the location and project sponsor, amounts and sources of funds to be obligated each year. In nonattainment areas, it shall also identify attainment and non-attainment areas and conformity type.

For all TIP amendments, the MPO is responsible for notification to KYTC (Division of Planning), FHWA-KY and FTA-R4 and others identified on KYTC's [Routing and Information Sheet](#) of action taken and assuring that the Amendment process and appropriate public involvement procedures have been followed. Notification may be by letter or email with all appropriate documentation including a signed resolution, a TIP replacement page, conformity finding (if nonattainment or maintenance area), and public notice documentation. All Federal agencies require hard copies.

To expedite the approval process, a MPO can approve a TIP amendment via phone or email process unless bylaws preclude these procedures. Bylaws should include the process for phone or email approvals and allow for discussion and comment by participants.

For a STIP amendment that is solely for inclusion of an approved TIP or approved amended TIP, public involvement is not necessary as this requirement was fulfilled by the MPO prior to KYTC approval.

The KYTC is responsible for ensuring that cost changes made to the STIP will be balanced during the STIP yearly update process. For further information on fiscal constraint, see Item IV.

Item II. Grouped Projects

Description of Issue:

There are a wide variety of highway improvements that are not controversial and produce negligible impacts (other than positive benefits for safety, traffic operations, or preservation). Typically, these types of projects are not produced by the planning process; they are usually initiated by traffic operations or maintenance functions to correct existing problems or deficiencies. In the regulation (23 CFR 450.324 (f)), as noted below, these projects may be “grouped” if they are not considered to be of appropriate scale for individual identification. KYTC identifies many of these types of projects as “zvarious”. Allowing “grouped” project changes to be processed without an amendment and its corresponding requirement for public review will streamline the process.

A related issue concerns estimated funding for each grouped project type for years covered in the STIP/TIP and the LRTP. During development of these documents, specific projects and costs are not known.

Relevant Regulations related to Grouped Projects:

23 CFR 450.216 (j) and 23 CFR 450.324 (f)

Projects that are not considered to be of appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area using the applicable classifications under 23 CFR 771.117(c) and (d) and/or 40 CFR part 93. In nonattainment and maintenance areas, project classifications must be consistent with the “exempt project” classifications contained in the EPA transportation conformity regulation (40 CFR part 93).

The Categorical Exclusion regulation [23 CFR 771.117] defines a categorical exclusion as an action that “based on past experience with similar actions, do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts.” The regulation lists 20 project type categories which meet these criteria and normally do not require any further NEPA approvals. These project types include: bicycle and pedestrian facilities; noise barriers; signs, pavement markings, passenger shelters, traffic signals, and railroad warning devices; emergency repairs; improvements to existing rest areas and truck weigh stations; ridesharing activities; purchase of transit vehicles; and other types not listed here. The regulation also lists 12 other project type categories that may be considered as categorical exclusions if they are deemed to meet the no significant impact criteria above. These project types include: highway resurfacing, restoration, rehabilitation, and reconstruction including adding shoulders and auxiliary lanes; highway safety or traffic operations improvements; bridge rehabilitation, reconstruction or replacement and grade separation of railroad crossings; fringe parking facilities; construction of new rest areas and truck weigh stations;

Planning Guidance

construction of transit storage, maintenance, and transfer facilities; and other types not listed here (see Appendix for complete list).

The Transportation Conformity Rule [40 CFR 93.126] lists highway and transit project types that are exempt from the requirement to determine air quality conformity. Such projects may proceed to implementation even in the absence of a conforming LRTP and TIP if an interim plan of exempt projects has been prepared. The regulation lists 20 safety project types, 11 public transportation project types, 2 air quality project types, and 10 other project types (see Appendix for complete list). Even though the presentation and project type descriptions are slightly different than the categorical exclusion list, the project types that are exempt from air quality conformity are very similar to the categorical exclusions that are exempt from NEPA approval.

Summary of the Requirements:

Regulations allow grouping of projects by function and work type if they are of appropriate scale. These project types must be identified in the Categorical Exclusion regulation. Grouped project type descriptions should come from classifications listed in the conformity rule exempt listings.

Recommended Practice:

It is recommended that two types of project groupings apply to statewide and metropolitan transportation plans and transportation improvement programs.

The first type will be described as “program-project placeholders” and are program-determined projects that have an individual project scope, termini, cost, and year and should be individually listed in the STIP/TIP. By listing these placeholders in plans, and STIP/TIPs and including a program description, the public and stakeholders will be informed of the type of possible projects and that they may be added at a future date. These program-projects, once determined, can be added to the TIPs and STIP by administrative modification. It is suggested that each MPO TIP and Plan include line items for program-project placeholders. Each program-project placeholder should list the program cost as a minimal amount, until such time as the actual project and project cost are known. These projects will not require additional public review and comment, re-demonstration of fiscal constraint, or a conformity determination.

These projects usually include only work types that meet the definition of a Categorical Exclusions (CE) as contained in 23 CFR 771.117 (c) and (d); and/or are Exempt Projects under 49 CFR part 93 for non-attainment and maintenance areas. They are also further described as CE Level 1 and Level 2 type projects in the August 2003 “Categorical Exclusion Agreement” between the FHWA and KYTC.

Planning Guidance

Following is an example of a STIP/TIP table for “program-project place holders”.

Program-Project Types	Congestion mitigation and air quality (CMAQ)	\$100,000
	Transportation enhancements (TE)	\$10,000
	Safe routes to school (SR2S)	\$1,000
	Hazard elimination/highway safety improvement program (HES/HSIP) – high cost improvements	\$10,000
	Bridge deck overlays (IM)	\$10,000
	ITS expansion (NH)	\$10,000
	Bridge painting (NH)	\$10,000
	Pavement rehabilitation (IM and STP)	\$100,000
	Pavement markers and striping (STP and NH)	\$1,000
	Traffic signal systems and upgrades (STP)	\$1,000
	Bridge inspection (BRO, BRZ, and BRX)	\$1,000
	Forest highways (FH)	\$1,000
	Rail Protection (RRP)	\$1,000
	Rail Separation (RRS)	\$1,000
	Scenic byways (KYD)	\$1,000
	Median guardrail projects (IM)	\$1,000
	Bridge scour projects (BRO)	\$1,000
Bridge replacement (BRO, BRZ, and BRX)	\$10,000	

The second type will be described as “grouped” projects and are projects that are generally smaller scale and involve a limited number of similar work types and functions. It is suggested that each MPO TIP and Plan include line items for grouped projects. A general discussion on the procedures and utilization of grouped projects should be included in the MPO Participation Plans, TIPs, and LRTPs.

In the MPO TIP, each “grouped project” should list a minimal cost. as these projects are selected by the KYTC on an annual or ongoing basis. Fiscal constraint will be demonstrated and maintained statewide with the STIP. No additional public review and comment or conformity determination will be required. No “Administrative Modification” or “Amendment” is required. These projects should be listed in the “Annual Listing of Obligated Projects”.

These projects must include only work types that meet the definition of a Categorical Exclusions (CE) as contained in 23 CFR 771.117 (c) and (d) and; and/or are Exempt Projects under 49 CFR part 93 for non-attainment and maintenance areas.

Planning Guidance

It is further recommended that the Participation Plan include a stipulation that any individual project could be subject to public involvement requirements if the MPO determines that public review is proper due to a potential for controversy, negative impacts, or public concern for any other reason.

Following is an example of a STIP/TIP table for “grouped projects”. If utilized, these titles should be used to be consistent with the listings in the STIP.

The example provided below is a comprehensive list and may be modified for individual or local needs. In order to clarify potential funding types, the example identifies several federal categories.

DRAFT

Planning Guidance

Example of a TIP table (refer to page 14 for list of acronyms):

Category/Funding Types *	Grouped Project Types	Estimated Funding
Other Safety IM, NH, HPP, STP, HES, HSIP, KYD	Shoulder improvements Increasing sight distance Traffic control devices and operating assistance Guardrails, median barriers, crash cushions Pavement resurfacing, restoration, and rehabilitation Pavement marking Emergency relief Fencing Changes in access control for safety Skid treatments Adding medians Truck climbing lanes outside the urbanized area Lighting improvements Widening narrow pavements or reconstruction, rehabilitation or replacement of bridges (no additional travel lanes) Emergency truck pullovers Safety roadside rest areas Changes in vertical and horizontal alignment Truck size and weight inspection stations Interchange reconfiguration projects Intersection signalization at individual intersections Intersection channelization HSIP: Low Cost Safety Improvements HSIP High Risk Rural Road Program HSIP Lane Departure-Resurfacing HSIP Roadway Section Improvements HSIP Safety Corridors HSIP Rail Highway Protective Devices	\$10,000

Planning Guidance

<p>Other Transit NH, HPP, STP, KYD, FTA SECTION 5307, 5309, 5310, 5311</p>	<p>Operation assistance to transit agencies Purchase of transit support vehicles Rehabilitation of transit vehicles Purchase of office, shop, and operating equipment for existing transit facilities Purchase of operating equipment for transit vehicles (e.g. radios, fareboxes, lifts, etc.) Construction or renovation of power, signal, and communications systems for transit Alterations to facilities of vehicles in order to make them accessible for elderly and handicapped persons Construction of small transit passenger shelters and information kiosks Reconstruction or renovation of transit buildings and structures Purchase of new buses or rail cars to replace existing vehicles or for minor expansion Transportation corridor fringe parking facilities Bus terminal and transfer points Construction of new bus or rail storage/maintenance facilities Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way</p>	<p>\$100,000</p>
<p>Other Air Quality NH, HPP, STP, HES, HSIP, KYD</p>	<p>Continuation of ride-sharing and van-pooling promotion activities at current levels Bicycle and pedestrian facilities</p>	<p>\$10,000</p>
<p>Other Minor Projects IM, NH, HPP, STP, HES, HSIP, KYD</p>	<p>Planning and technical studies Engineering to assess social, economic, and environmental effects of the proposed action Noise attenuation Emergency or hardship advance land acquisitions Acquisitions of scenic easements Planting and landscaping Directional and informational signs Repair of damage caused by natural disasters, civil unrest, or terrorist acts</p>	<p>\$10,000</p>

Planning Guidance

Note: Funding for grouped projects is determined at a statewide level and may vary considerably from year to year and location to location. In MPO areas, actual funding obligations will be published with their annual report.

*

IM	Interstate Maintenance
NH	National Highway Systems
HPP	High Priority Projects
TE	Transportation Enhancement Program
CMAQ	Congestion Mitigation and Air Quality
SRTS	Safe Routes to School
STP	Statewide Transportation Program
BRO	Bridge Replacement On System
BRZ	Bridge Replacement Off System
BRX	Bridge Replacement On/Off System
FH	Forest Highway
RRP	Safety-Railroad Protection
HES	Safety-Hazard Elimination
HSIP	Safety-Highway Safety Improvement
KYD	Demonstration Funds to Kentucky
FTA	Federal Transit Administration

Item III. Public Involvement

A. General

Description of Issue:

Public involvement is a critical part of the planning process and new regulations spell out specific requirements and groups to consult.

Relevant Regulations related to Public Involvement:

23 CFR 450.210 Interested parties, public involvement, and consultation [statewide]

(a) In carrying out the statewide transportation planning process, including development of the long-range statewide transportation plan and the STIP, the State shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points.

(b) The State shall provide for non-metropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP.

23 CFR 450.316 Interested parties, public involvement, and consultation [metropolitan]

(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:

- (1) Recipients of assistance under title 49 U.S.C. Chapter 53;
- (2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other

Planning Guidance

than the U.S. Department of Transportation to provide non-emergency transportation services; and

(3) Recipients of assistance under 23 U.S.C. 204.

The regulations further specify what type of involvement is required and to whom it must be addressed. Those requirements are summarized in the following section.

Summary of the Requirements:

Through the public involvement process, statewide planning must:

- Establish early and continuous opportunities that provide timely information on issues and decisionmaking processes
- Provide reasonable public access to technical and policy information
- Provide adequate public notice of involvement activities and time for review and comment at key decision points
- Ensure public meetings are held at convenient and accessible locations and times
- Use visualization techniques
- Make information available electronically
- Consider and respond to public input
- Seek out and consider needs of the traditionally underserved
- Provide periodic review of public involvement effectiveness

Through the participation plan, metropolitan planning must:

- Provide adequate public notice of involvement activities and time for review and comment at key decision points
- Provide timely notice and reasonable access to information on issues and processes
- Use visualization techniques
- Make information available electronically
- Ensure public meetings are held at convenient and accessible locations and times
- Consider and respond to public input
- Seek out and consider needs of the traditionally underserved
- Provide additional public comment if final documents differ substantially from public drafts
- Coordinate with statewide public involvement
- Provide periodic review of public involvement effectiveness

Groups and types of involvement

For statewide and metropolitan planning processes:

Early and continuous opportunities that provide timely information on issues and decisionmaking processes to:

- Citizens
- Affected public agencies
- Representative of public transportation employees
- Freight shippers

Planning Guidance

- Private providers of transportation
- Representatives of users of public transportation
- Representatives of users of pedestrian and bicycle facilities
- Representatives of the disabled
- Providers of freight services
- Other interested parties

For statewide planning process:

Non-metropolitan local officials must be provided the opportunity to participate in the development of the STP and STIP.

For metropolitan planning process:

The LRTP and TIP should be developed in consultation with the following groups/agencies (or coordinate its planning process with planning activities of):

- State and local planned growth
- Economic development
- Environmental protection
- Airport operations
- Freight movement

The LRTP shall be developed in consultation with the following agencies:

- Federal, State, and Tribal land management, wildlife, and regulatory
- Local land use management
- Natural resources
- Environmental protection
- Conservation
- Historic preservation

Federal regulations related to public involvement provide for many groups that are impacted by transportation to be involved early in the process and be notified of the decision-making process. Further, the regulations provide that the State and MPO may determine that public involvement activities related to these products satisfy the broader public involvement requirements for the metropolitan area.

Recommended Practice:

Participation plans should be prepared to allow adequate and appropriate public involvement and interagency consultation. The Summary of Requirements listed above enumerates with whom and how public involvement and agency consultation must be undertaken. These requirements should be addressed in the Statewide Transportation Planning Interested Parties, Public Involvement, and Consultation Process and the MPO's participation plans. Participation Plans should also include a listing of grouped projects so that all interested parties are aware of streamlining efforts to include projects in the STIP/TIP by administrative modification rather than amendment.

B. Public Review Periods

Description of issue:

Public review periods related to MPO and State planning documents vary between MPOs and KYTC. While the regulations allow flexibility, it is desirable to have some consistency in statewide practice. The only required review periods apply to statewide and metropolitan participation plans and consultation procedures.

Relevant Regulations on Public Review Periods:

23 CFR 450.210 Interested parties, public involvement, and consultation [statewide]

(a) In carrying out the statewide transportation planning process, including development of the long-range statewide transportation plan and the STIP, the State shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points.

(2) The State shall provide for public comment on existing and proposed processes for public involvement in the development of the long-range statewide transportation plan and the STIP. At a minimum, the State shall allow 45 calendar days for public review and written comment before the procedures and any major revisions to existing procedures are adopted.

(b)(1) At least once every five years (as of February 24, 2006), the State shall review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the consultation process and any proposed changes. A specific request for comments shall be directed to the State association of counties, State municipal league, regional planning agencies, or directly to non-metropolitan local officials.

23 CFR 450.316 Interested parties, participation, and consultation [metropolitan]

(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO.

23 CFR 450.322 Development and content of the metropolitan transportation plan.

Planning Guidance

(i) The MPO shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under Sec. 450.316(a).

23 CFR 450.324 Development and content of the transportation improvement program (TIP).

(b) The MPO shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by Sec. 450.316(a). In addition, in nonattainment area TMAs, the MPO shall provide at least one formal public meeting during the TIP development process, which should be addressed through the participation plan described in Sec. 450.316(a). In addition, the TIP shall be published or otherwise made readily available by the MPO for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in Sec. 450.316(a).

23 CFR 450.326 TIP revisions and relationship to the STIP.

(a) Public participation procedures consistent with Sec. 450.316(a) shall be utilized in revising the TIP, except that these procedures are not required for administrative modifications.

Summary of Requirements:

Reasonable opportunities for involvement are required. The amount of time provided for public review of statewide planning documents is to be determined by the State and local officials and is specified in KYTC's Statewide Transportation Planning Interested Parties, Public Involvement, and Consultation Process. Public involvement activities carried out in a MPO in response to LRTP (450.322(i)) or TIP (450.324(b)) satisfy the requirements by agreement between the State and MPO. In nonattainment areas, classified as serious and above, the comment period shall be at least 30 days for the plan, TIP, and amendments. Kentucky has no areas classified in these categories at this time. A 45-day public comment period is required for Participation Plans (PP).

Planning Guidance

Recommended Practice:

	<u>Time Required</u>	<u>Time Recommended</u>
<u>PP</u> New/Update PP or PP Revision	45 days	45 days
<u>STP/STIP</u> New/Update STP/STIP	Reasonable	30 days
Amendment	Adequate	15 days
Administrative Modification	N/A	N/A
<u>LRTP/TIP</u> New/Update LRTP/TIP	Reasonable	30 days
LRTP/TIP Amendment	Adequate	15 days
Administrative Modification	N/A	N/A

Note: If MPO LRTP or TIP final document differs significantly from draft versions available for public review, then additional comment period will be provided. The significance of comments received will be determined by the MPO.

Item IV. Fiscal Constraint

Description of Issue:

The MPO TIP/LRTP must be consistent with the STIP to ensure fiscal constraint. Each update or amendment of the TIP/LRTP must be checked for consistency with the STIP. If the TIP extends beyond the STIP, projects in the out years are considered illustrative. The MPO LRTP must demonstrate reasonable funding for plan implementation.

Regulatory Reference:

23 CFR: 450.216 (b) Development and content of the statewide transportation improvement program (STIP)

(l) The STIP may include a financial plan that demonstrates how the approved STIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the STIP, and recommends any additional financing strategies for needed projects and programs. In addition, for illustrative purposes, the financial plan may (but is not required to) include additional projects that would be included in the adopted STIP if reasonable additional resources beyond those identified in the financial plan were to become available. The State is not required to select any project from the illustrative list for implementation, and projects on the illustrative list cannot be advanced to implementation without an action by the FHWA and the FTA on the STIP. Starting December 11, 2007, revenue and cost estimates for the STIP must use an inflation rate(s) to reflect "year of expenditure dollars," based on reasonable financial principles and information, developed cooperatively by the State, MPOs, and public transportation operators.

(m) The STIP shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project. In nonattainment and maintenance areas, projects included in the first two years of the STIP shall be limited to those for which funds are available or committed. Financial constraint of the STIP shall be demonstrated and maintained by year and shall include sufficient financial information to demonstrate which projects are to be implemented using current and/or reasonably available revenues, while federally-supported facilities are being adequately operated and maintained. In the case of proposed funding sources, strategies for ensuring their availability shall be identified in the financial plan consistent with paragraph (l) of this section. For purposes of transportation operations and maintenance, the STIP shall include financial information containing system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways (as defined by 23 U.S.C. 101(a)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53).

23 CFR: 450.324 (h)(i) Development and content of the transportation improvement program (TIP)

(h) The TIP shall include a financial plan that demonstrates how the approved TIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the TIP, and recommends any additional financing strategies for needed projects and programs. In developing the TIP,

Planning Guidance

the MPO, State(s), and public transportation operator(s) shall cooperatively develop estimates of funds that are reasonably expected to be available to support TIP implementation, in accordance with Sec. 450.314(a). Only projects for which construction or operating funds can reasonably be expected to be available may be included. In the case of new funding sources, strategies for ensuring their availability shall be identified. In developing the financial plan, the MPO shall take into account all projects and strategies funded under title 23 U.S.C., title 49 U.S.C. Chapter 53 and other Federal funds; and regionally significant projects that are not federally funded. For purposes of transportation operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways (as defined by 23 U.S.C. 101(a)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53). In addition, for illustrative purposes, the financial plan may (but is not required to) include additional projects that would be included in the TIP if reasonable additional resources beyond those identified in the financial plan were to become available. Starting [Insert date 270 days after effective date], revenue and cost estimates for the TIP must use an inflation rate(s) to reflect "year of expenditure dollars," based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s).

(i) The TIP shall include a project, or a phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project. In nonattainment and maintenance areas, projects included in the first two years of the TIP shall be limited to those for which funds are available or committed. For the TIP, financial constraint shall be demonstrated and maintained by year and shall include sufficient financial information to demonstrate which projects are to be implemented using current and/or reasonably available revenues, while federally supported facilities are being adequately operated and maintained. In the case of proposed funding sources, strategies for ensuring their availability shall be identified in the financial plan consistent with paragraph (h) of this section. In nonattainment and maintenance areas, the TIP shall give priority to eligible TCMs identified in the approved SIP in accordance with the EPA transportation conformity regulation (40 CFR part 93) and shall provide for their timely implementation.

Recommended Practice:

General Fiscal Constraint

- For federal projects, KYTC's STIP will be fiscally constrained.
- KYTC's STIP will undergo an annual fiscal constraint recalculation to account for project cost changes. This recalculation will be done on a statewide basis and will incorporate changes in the MPO areas.
- It is recommended that the STIP become a 4 year document. If the MPO TIPs cover years outside the years of the STIP, the "out years" shall be considered fiscally constrained by referencing the federal portion of KYTC's Six Year Plan and historical trends.
- State funded and locally funded projects may be included in TIPs only for informational purposes and will be so noted. However, in nonattainment/maintenance areas, all state or locally funded projects that are regionally significant will be included for conformity purposes.

Planning Guidance

STIP/TIP Amendments Fiscal Constraint

- For amendments of dedicated urban STP funded projects, reasonable fiscal constraint will be monitored and demonstrated by the MPO in consultation with KYTC.
- For amendments of all other federally funded projects, statewide fiscal constraint will be demonstrated by KYTC through an end of year review and fiscal constraint recalculation to the STIP.

Grouped Projects Fiscal Constraint

- Funding amounts for grouped project categories will be included in the STIP for statewide purposes and, as specific projects are developed (typically outside the MPO planning process), the MPO will be notified of projects within their area. If listed as a grouped project, then the MPO can administratively modify their TIP to include specific projects.

Operations and Maintenance Fiscal Constraint

- Operations and maintenance expenditures with state funds will be provided to the MPOs annually and be based on documented expenses in the Cabinet's audit report.
- It is recommended that MPOs include a summary table in the TIP which includes expected state maintenance expenses and other projects intended for system preservation.

Item V. Tracking TIP Projects: MPO STP-Urbanized Funding

Description of Issue:

Planning for the expenditure of STP-Urbanized funds does not always keep pace with nor is it able to reflect the dynamics of the project changes. These changes can continue through several years if dedicated funding is used for multiple phases of a project. Unforeseen costs may occur as projects advance. This can affect funding for other projects in the TIP. During project implementation, the amount of dedicated dollars in the TIP becomes out-of-date as the project advances. KYTC has identified these federally mandated set-asides in programming documents as SLO (Louisville), SNK (Cincinnati/N. Kentucky), SLX (Lexington), and SHN (Evansville/Henderson).

Regulatory Reference:

23 CFR 450.324 Development and content of the transportation improvement program (TIP)

(i) The TIP shall include a project, or a phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project. In nonattainment and maintenance areas, projects included in the first two years of the TIP shall be limited to those for which funds are available or committed. For the TIP, financial constraint shall be demonstrated and maintained by year and shall include sufficient financial information to demonstrate which projects are to be implemented using current and/or reasonably available revenues, while federally supported facilities are being adequately operated and maintained. In the case of proposed funding sources, strategies for ensuring their availability shall be identified in the financial plan consistent with paragraph (h) of this section. In nonattainment and maintenance areas, the TIP shall give priority to eligible TCMs identified in the approved SIP in accordance with the EPA transportation conformity regulation (40 CFR part 93) and shall provide for their timely implementation.

Summary of the Requirements:

Amounts of STP-Urbanized funding must be estimated and given to the MPOs. Project selection must have the approval of the MPO.

Recommended Practice:

Tracking of these funds is necessary during all project phases to consistently maintain a balance of funds. Included are all dedicated funding MPO areas: Louisville, Lexington, Evansville/Henderson and Cincinnati/Northern KY.

- a. KYTC will annually provide to each MPO the projected STP-Urbanized funding, based on the federal appropriations.
- b. KYTC will provide quarterly reports outlining available remaining

Planning Guidance

STP-Urbanized funding apportionments, year-to-date obligated
STP-Urbanized funding for:

1. New Starts
2. Increases (contract modifications) required to cover current projected expenditures for previously authorized funding
3. Closeouts releasing or requiring additional funding
4. Provide year-to-date listing of all project phases programmed using dedicated funding, including phase's closeouts

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APPENDIX

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40CFR93.126 - Air Quality Conformity Exempt Projects		
Reference	Project Type Description	CE X-Ref
S1	Railroad/highway crossing	d(3)
S2	Hazard elimination program	d(2)
S3	Safer non-Federal-aid system roads	-
S4	Shoulder improvements	d(1)
S5	Increasing sight distance	d(2)
S6	Safety improvement program	c(4)
S7	Traffic control devices and operating assistance other than signalization projects	c(8),d(2)
S8	Railroad/highway crossing warning devices	c(8)
S9	Guardrails, median barriers, crash cushions	d(2)
S10	Pavement resurfacing and/or rehabilitation	d(1)
S11	Pavement marking demonstration	c(8)
S12	Emergency relief (23 USC 125)	c(9)
S13	Fencing	c(8)
S14	Skid treatments	d(2)
S15	Safety roadside rest areas	c(12),d(5)
S16	Adding medians	d(1)
S17	Truck climbing lanes outside the urbanized area	d(1)
S18	Lighting improvements	d(2)
S19	Widening narrow pavements or reconstructing bridges (no additional travel lanes)	d(3)
S20	Emergency truck pullovers	d(1)
T1	Operating assistance to public transportation agencies	c(16)
T2	Purchase of support vehicles	c(17)
T3	Rehabilitation of transit vehicles	c(14)
T4	Purchase of office, shop, and operating equipment for existing facilities	c(19)
T5	Purchase of operating equipment for vehicles (e.g. radios, fareboxes, lifts, etc.)	-
T6	Construction or renovation of power, signal, and communications systems	c(19)
T7	Construction of small passenger shelters and information kiosks	c(8)
T8	Reconstruction or renovation of transit buildings and structures (e.g. rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures)	d(9)
T9	Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way	c(18)
T10	Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of fleet	c(17)
T11	Construction of new bus or rail storage/maintenance facilities categorically excluded in 23CFR771	d(8),d(11)
AQ1	Continuation of ride-sharing and van-pooling promotion activities at current levels	c(13)
AQ2	Bicycle and Pedestrian Facilities	c(3)
O1	Activities which do not involve or lead directly to construction, such as planning and technical studies, training, research, and Federal-aid systems revisions	c(1),c(16)
O2	Engineering to assess social, economic, and environmental effects of a proposed action	c(1)
O3	Noise attenuation	c(6)
O4	Emergency or hardship advance land acquisitions (23 CFR 712.204(d))	d(12)
O5	Acquisition of scenic easements	c(10)
O6	Plantings, landscaping, etc.	c(7)
O7	Sign removal	c(8)

23CFR771.117 - Categorical Exclusions		
Reference	Project Type Description	AQ X-Ref
c (1)	Activities which do not involve or lead directly to construction, such as planning, technical studies, and research.	O1,O2
c (2)	Approval of utility installations along or across a transportation facility.	-
c (3)	Construction of bicycle and pedestrian lanes, paths, and facilities.	AQ2
c (4)	Activities included in the State's highway safety plan under 23USC402 (education, enforcement, reporting).	S6
c (5)	Transfer of Federal lands pursuant to 23USC317 when the subsequent action is not an FHWA action.	-
c (6)	Installation of noise barriers or alterations to existing publicly owned buildings to provide noise reduction.	O3
c (7)	Landscaping.	O6
c (8)	Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.	S13,S7,O8,S11,T7,S8
c (9)	Emergency repairs under 23USC125.	S12,O10
c (10)	Acquisition of scenic easements.	O5
c (11)	Determination of payback under 23CFR480 for property previously acquired with Federal-aid participation.	-
c (12)	Improvements to existing rest areas and truck weigh stations.	S15
c (13)	Ridesharing activities.	AQ1
c (14)	Bus and rail car rehabilitation.	T3
c (15)	Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.	-
c (16)	Program administration, technical assistance, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.	T1,O1
c (17)	Purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.	T10,T2
c (18)	Track and rail bed maintenance and improvements when carried out within the existing right-of-way.	T9
c (19)	Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.	T4,T6
c (20)	Promulgation of rules, regulations, and directives.	O1
d (1)	Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).	S10,S4,S16,S17
d (2)	Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.	S2,S5,S7,S9,S14
d (3)	Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.	S19,S1
d (4)	Transportation corridor fringe parking facilities.	-
d (5)	Construction of new truck weigh stations or rest areas.	S15
d (6)	Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.	-
d (7)	Approvals for changes in access control.	-
d (8)	Construction of new bus storage/maintenance facilities in areas not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.	T11
d (9)	Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.	T8
d (10)	Construction of bus transfer facilities (passenger shelters and boarding areas) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.	-
d (11)	Construction of rail storage and maintenance facilities in areas not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.	T11
d (12)	Acquisition of land for hardship or protective purposes; advance land acquisition loans under section 3(b) of the UMT Act.	O4