Nebraska Department of Transportation (NDOT) Operating Manual for Metropolitan Planning Organization (MPO) Transportation Planning

NEBRASKA
Good Life. Great Journey.
DEPARTMENT OF TRANSPORTATION

Revised August 2025
Prepared and updated by NDOT Strategic Planning Division/Planning Unit

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2 Introduction

2.1 Purpose of Operating Manual

The Nebraska Department of Transportation (NDOT) recognizes the essential role that Metropolitan Planning Organizations (MPOs) play in developing and implementing a comprehensive, coordinated, and performance-driven transportation planning process for the state's urbanized areas. MPOs serve as the regional transportation planning entities responsible for ensuring that federal transportation funds are invested through a cooperative, continuing, and comprehensive ("3C") process. This Operations Manual is intended to serve as a practical guide for MPOs and NDOT staff, clarifying expectations, roles, and responsibilities consistent with state policy and federal law. It also outlines key planning and programming activities—including the development of Metropolitan Transportation Plans (MTPs), Transportation Improvement Programs (TIPs), and Unified Planning Work Programs (UPWPs)—while promoting transparency, accountability, and collaboration between local, regional, and state partners.

The framework for MPO planning and operations has evolved through successive federal surface transportation authorizations. The Moving Ahead for Progress in the 21st Century Act (MAP-21) introduced a strong emphasis on performance-based planning and the alignment of investments with national goals. The Fixing America's Surface Transportation (FAST) Act continued those priorities, while reinforcing the importance of freight movement, intermodal connectivity, and resiliency. Most recently, the Infrastructure Investment and Jobs Act (IIJA) of 2021has expanded MPO responsibilities even further. This manual reflects these evolving federal requirements and supports MPOs in meeting both regulatory obligations and the broader goal of delivering a transportation system that is safe, efficient, and future-ready for Nebraska communities.Each MPO is responsible for planning to meet the transportation needs within its metropolitan planning area, the boundaries and size of which varies by MPO. In addition to planning for transportation needs, MPOs are required to plan for regionally significant transportation needs even if they fall partially outside of their boundaries. The purpose of this Operating Manual is to assist in that process and to:

- **Provide** guidance to the four Nebraska Metropolitan Planning Organizations (MPO) and the Nebraska Department of Transportation (NDOT) Strategic Planning Division/Planning Unit (Planning Unit), Program Management Division, Materials & Research Division, and Local Assistance Division staff for carrying out metropolitan transportation planning responsibilities that use federal transportation planning funds.
- **Outline** procedures, policies, and timelines for working with the MPO in the development of federally required planning products of the MPO such as the Metropolitan Transportation Plans (MTPs), Transportation Improvement Programs (TIPs), and Unified Planning Work Programs (UPWPs).
- **Provide** guidance for working with the MPO on other associated tasks including billing procedures, audit requirements and types of Federal funding.

Agencies that collaborate in the metropolitan transportation planning process include the MPOs, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and NDOT.

The four Nebraska MPOs are the Metropolitan Area Planning Agency (MAPA) located in Omaha, the Lincoln Metropolitan Planning Organization (Lincoln MPO) located in Lincoln, the Grand Island Metropolitan Planning Organization (GIAMPO) located in Grand Island, and Siouxland Interstate Metropolitan Planning Council (SIMPCO) located in Sioux City, Iowa. The MPO provides a forum for cooperative transportation decision-making in metropolitan areas. Metropolitan planning funds are apportioned by FHWA and FTA to NDOT annually and distributed to the MPO by formula. Planning funds (PL) are used by the MPO to carry out the metropolitan planning functions as defined by the provisions of 23 USC Section 134 and 49 USC 5303.

MAPA and Lincoln are designated as Transportation Management Areas (TMAs). A TMA is defined as an urbanized area with a population over 200,000 as defined by the Bureau of the Census and designated by the Secretary of Transportation, or any additional area where TMA designation is requested by the Governor and the MPO and designated by the U.S. DOT Secretary of Transportation. The two TMAs are eligible for Federal Surface Transportation Block Grants-Metropolitan (STBG-M) funds. FHWA funds transferred to the FTA are used for a number of transit improvements (see section 1). A percentage of a State's STBG apportionment (after set-asides for Transportation Alternatives) is to be obligated in proportion to their relative shares of the State's population. In urbanized areas with a population greater than 200,000, this portion is to be divided among those areas based on their relative share of the population, unless the Secretary approves a joint request from the State and relevant MPO(s) to use other factors. STBG eligibilities are detailed on the IIJA STBG fact sheet website.

The Operating Manual is updated as needed in cooperation with the MPOs, with more thorough revisions accompanying new federal transportation authorization. The NDOT Strategic Planning Division/Planning Unit (Planning Unit) maintains this manual. Please provide any comments, corrections, or omissions to jarrod.walker@nebraska.gov.

3 Governor's Designee for MPO

Pete Ricketts
Governor

STATE OF NEBRASKA
OFFICE OF THE GOVERNOR
P.O. Box 94848 • Lincoln, Nebraska 68509-4848
Phone: (402) 471-2244 • pete.ricketts@nebraska.gov

December 1, 2016

Mr. Ryan Huff
Intermodal Planning Engineer
Nebraska Department of Roads
P.O. Box 94759
Lincoln, NE 68509-4759

Re: Governor's Designee for Approval of MPO's Transportation Improvement Programs (TIPs) and/or Amendments to MPO's TIP

Dear Mr. Huff:

The purpose of this letter is to acknowledge who the Governor's Designee is for approval of Metropolitan Planning Organization (MPO) Transportation Improvement Programs (TIPs) in Nebraska.

Pursuant to 23 CFR Part 450.328, I hereby designate Mr. Ryan Huff, Division Head of the Intermodal Planning Division, the authority to approve TIPs, or approve amendments to TIPs, for the MPO areas in Nebraska (Lincoln, GIAMPO, MAPA and SIMPCO). This designation shall be ongoing in the future until the Governor of the State of Nebraska withdraws or otherwise terminates said designation.

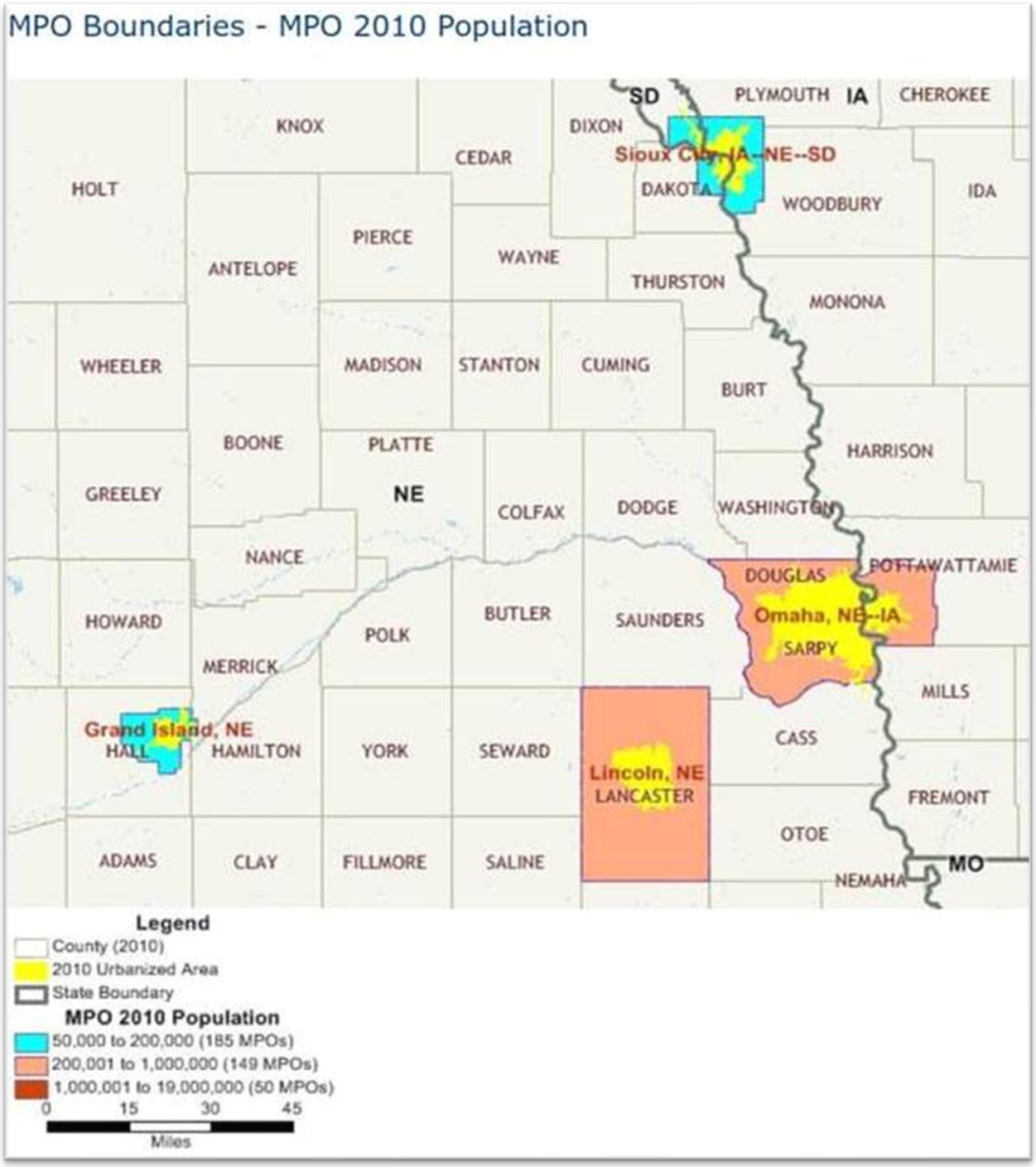
Sincerely,

Pete Ricketts
Governor

PR:KS:RH

cc: Kyle Schneweis, NDOR Director
Joseph Werning, FHWA
Justin Luther, FHWA
Mokhtee Ahmad, FTA
Daniel Nguyen, FTA
Mark Bechtel, FTA
Brad Zumwalt, NDOR Intermodal Planning Division

4 Nebraska MPO



Source: http://hepgis.fhwa.dot.gov

5 Section One: Unified Planning Work Program

5.1 Unified Planning Work Programs

The Unified Planning Work Programs (UPWPs) are documents of transportation planning activities performed within the respective metropolitan planning areas, or urbanized areas with populations of 50,000 or more. The UPWPs describe planning activities, with estimated cost for these planning activities, and indicate the lead agency. Transportation activities to design and build transportation infrastructure are usually not included in work programs; however, all federally funded studies should be included in UPWPs.

UPWPs are reviewed and approved annually and include details on work activities, who will perform the work (consultant, NDOT, MPO staff, etc.), a timeline and schedule for completing the work, the resulting deliverables, the proposed funding by activity/task and a summary of the total amount and sources of Federal and matching funds. PL funds used for tasks necessary to carry out the metropolitan planning process are outlined in 23 USC 134. Typical tasks include MPO administration, planning activities and studies, traffic volume counts, street system changes, transit system data, mapping, travel time studies, parking inventory, bicycle and pedestrian facilities inventory, transportation model updates, and staff time to prepare the Federally required documents such as UPWPs, Transportation Improvement Programs (TIPs), and Metropolitan Transportation Plans (MTPs).

UPWPs are officially adopted and approved by MPO Policy Boards and then by FHWA and FTA, upon the recommendation of the Planning Unit. The MPO may not begin a UPWP work activity without prior Federal approval of the UPWP and a signed metropolitan planning funds (PL) agreement.

The PL agreement outlines the use of FHWA PL funds and is a contractual mechanism between NDOT and the MPO. The MPO UPWP is an exhibit to the PL agreement. The agreement authorizes the MPO to spend the PL funds while the UPWPs describe the activities the MPO will accomplish with the PL funds and other funding sources. NDOT executes this agreement upon the signature of the MPO Board Chairman or their designee and the Governor's Designee.

Planning Unit staff monitors all UPWP activities supported by Federal funding to ensure the work is being performed according to the PL funding agreements as well as any MPO subcontracts that are the result of PL funds. Planning Unit staff, in coordination with the NDOT Agreements Unit (Agreements Unit) and NDOT Controller Division (Controller Division), is responsible for evaluating the progress of UPWP tasks and costs, and determines whether costs are allowable under 2 CFR, Part 225. The 2 CFR, Part 225 establishes principles and standards to provide a uniform approach for determining costs and promoting effective program delivery, efficiency, and better relationships between governmental units and the Federal Government.

UPWP Amendments

Amendments to UPWPs are required when:

- Adding or deleting planning funds from the UPWP Budget. Planning Unit staff will work with FHWA to determine the need to amend the UPWP when the addition or deletion of planning funds is minor. When the addition or deletion of funds results in a 10% change or greater an amendment is required (two CFR Part 200.308 (e)).
- Adding or deleting substantial portions of the activities/tasks listed in the Scope of Services (SOS) and UPWP or moving substantial funds from one activity/task to another.

All changes to work programs require prior written federal approval, unless waived by the awarding agency. Please refer to the table below:	
Request for **additional federal funding** 2 CFR 200.308(B) AND FTA Circular 5010.0C,I.6.e (1)	FHWA /FTA
Transfer of funds between categories, projects, functions, or activities which exceed 10 percent of total work program budget or $150,000 2 CFR 200.308 (e)	FHWA /FTA
Revision of scope or objectives of activities (i.e. adding or deleting activities or major change in scope of activity) 2 CFR 200.308 (c) (1)	FHWA /FTA
Transferring substantive programmatic work to third party (i.e. consultant) 2 CFR 200.308 (c) (6)	FHWA /FTA
Capital expenditures including equipment purchasing in excess of $10,000 2 CFR 200.439 (b) (2)	FHWA /FTA
Transfer of funds allotted for training allowances 2 CFR 200.308 (c) (5)	FHWA /FTA
Transfer of funds between categories, projects, functions, or activities which do not exceed 10 percent of total work program budget or when federal award share of total work program budget exceeds $150,000 2 CFR 200.308 (e)	State

Any change that does not fall into the above table will not have to go through the UPWP amendment process. The MPO must send a letter to the Planning Unit detailing the UPWP modification. Once NDOT determines the modification is not an amendment, a concurrence letter is sent to the MPO, and distributed to FHWA and key NDOT staff. The MPO can then update its UPWP with the change.

UPWP amendments require Planning Unit review and formal approval from the FHWA and or FTA. The MPO Policy Board and/or Officials Committee, FHWA and FTA must approve UPWP amendments prior to processing a PL Agreement Amendment. This also applies to STPBG-M agreements that support the UPWP. The MPO submits Amendments for UPWPs to the Planning Unit upon MPO board approval. The Planning Unit will coordinate FHWA/FTA approval. FHWA will then notify the Planning Unit that the amendment was approved copying the MPO on the approval letter.

5.2 UPWP Timeline

The UPWPs follow State fiscal year, which begins July 1 and ends June 30. Any UPWP activities that will not be completed by the end of the State fiscal year should be included in the next fiscal year's UPWP with an estimated cost associated with that activity. The schedule for UPWP development and approval follows.

January:

Controller Division provides estimates on the amount of NDOT planning funds expected to be available for the upcoming federal fiscal year and the carry over MPO fund balance. The Controller Division provides this estimate to the Planning Unit.

February:

The Planning Unit notifies the MPOs in writing of the estimated PL funds available for the upcoming fiscal year (new PL funds + carry over MPO PL fund balance). The MPOs structure their UPWP budgets on these estimates.

April 15:

MPOs provide draft UPWPs to the Planning Unit.

June 1:

UPWPs officially adopted and approved by MPO Policy Boards. The MPOs submit the approved UPWP and MPO Policy Board Resolution to the Planning Unit. NDOT submits a Letter of Concurrence to FHWA/FTA and asks them to review and approve MPO UPWP.

June 15:

After the Planning Unit reviews the MPO UPWP and sends to FHWA and FTA for review and approval, the Planning Unit then sends PL funding agreement based on approved MPO UPWP to each of the MPOs. Title VI assurance and Certification on Lobbying (See Certifications section below) are included in each new PL agreement. Agreements must be signed by MPOs and returned to NDOT by mid-June. The Planning Unit will get the Governor's Designee signature and funding executed by July 1 (effective July 1 – June 30).

June 15: The FHWA and FTA approve UPWPs before June 15 so that work may begin July 1. The Planning Unit will forward the approval letter from the FHWA and FTA to the MPO.

August 29:

The last date MPO billings are accepted for the previous fiscal year. The Planning Unit sends a review letter, Year End Financial Report, and Year End Summary Report to the FHWA and FTA no later than September 30.

6 Section Two: Funding

6.1 MPO Federal Funding Sources

Federal funding sources included in UPWPs:

- Metropolitan Planning Funds (PL) are FHWA PL funds distributed by NDOT to the MPO by formula. The formula is developed in cooperation with each MPO and ultimately approved by the FHWA according to 23CFR 420.109. The current allocations of NDOT funds (rounded) are MAPA, 66.8%; Lincoln, 26.3%; Grand Island, 5.1%; and SIMPCO, 1.7%. The PL match ratio is 80% federal and 20% local. PL funds are used to support MPO UPWP planning activities. An agreement between NDOT and each MPO follows the state fiscal year: July 1 to June 30. The Planning Unit is responsible for contract management.
- Surface Transportation Block Grant Program-Metropolitan (STPBG-M) MPOs may use a portion of their STPBG-M funds to support UPWP activities. The STPBG-M match ratio is 80% federal and 20% local. The Planning Unit is responsible for contract management. The use of these funds should be documented in the UPWP (23CFR 450.308(b)).

Flexing Funds (FHWA to FTA or vice versa)

Flexible funds can be used either for transit or highway purposes. FHWA funds transferred to the FTA can be used for a number of transit improvements, such as fixed guideway projects, bus purchases, construction, rehabilitation of rail stations, maintenance facility construction, renovations, alternatively fueled bus purchases, bus transfer facilities, multimodal transportation centers, and advanced technology fare collection systems.

STPBG Funds transferred from FHWA to FTA and used in this way.

Once transferred to the FTA for a transit project, the funds may be used with the same funding match requirements imposed by the FHWA. STPBG funds can be used for both transit projects and transit planning. Funds used for capital funding for public transportation improvements, car and vanpool projects, fringe and corridor parking facilities, bicycle and pedestrian facilities, and both intercity and intra-city bus terminals and bus facilities. STPBG dollars can be used for planning activities such as surface transportation, wetland mitigation, transit research/development, environmental analysis, transit safety improvements, and most transportation control measures.

In urbanized areas with a population of 200,000 or more, the MPOs decide in coordination with the transit agency whether to transfer flexible funds. In areas with fewer than 200,000 people, the MPOs makes the decision in cooperation with NDOT. In all cases, the decision to transfer funds should follow the priorities established during the transportation planning process.

The Process to Flex Funds

1. The MPO initiates the flex-fund request through a TIP amendment approved by their policy board or an administrative modification.
2. NDOT Governor's Designee approves the TIP amendment. The Planning Unit Highway Planning Manager concurs with TIP administrative modification.
3. If amendment is necessary (see #2), the Program Management Division assures that the newly approved TIP is amended into the approved STIP. Once the FHWA approves the STIP amendment, the transfer request form can be processed (see #4).
4. The Planning Unit completes the FHWA Transfer Request Form #1576 and forwards to the Controller Division.
5. The Controller Division approves the Transfer Request Form and forwards it to the FHWA Finance Specialist.
6. The FHWA Finance Specialist approves the Transfer Request Form, and then forwards to the FHWA Office of the Budget with a copy to the FHWA Transportation Planner and FTA Transportation Planner.
7. When the FHWA Office of the Budget approves the transfer and posts the transaction in FMIS, the FHWA Finance Specialist sends a notification with a copy of approved transfer request to the FTA and Controller Division who then notifies the Planning Unit.
8. The Planning Unit emails the approved form to the MPO, Program Management Division, and Transit Unit in the NDOT Strategic Planning Division.

7 Section Three: Agreements

7.1 Memorandum of Agreement

The Memorandum of Agreement (MOA) is the umbrella agreement between the NDOT and each MPO and transit agency where appropriate. The MOA describes the roles and responsibilities of participating agencies for the development of the following three main planning products of the MPO: the MTP, TIP, and UPWP. NDOT and each of the MPOs should review the MOA at least once every four years to make sure it reflects current practices and laws, and when major legislation (i.e. New Highway Authorization) is enacted. Revisions developed cooperatively by the NDOT, MPOs, and other State Agencies where appropriate.

After the MPO Policy Board approves an MOA, the MPO Executive Director signs two or three copies. Planning Unit staff arranges for the NDOT Director to sign the two or three copies of the MOA. The NDOT Planning, MPO, and State (if applicable) will keep a fully signed original, and an electronic copy will be sent to the FHWA and FTA.

Last Update	MAPA 2018	LINCOLN 2017	GIAMPO 2018	SIMPCO 2018

7.2 Metropolitan Planning Funds (PL) Agreement

Metropolitan Planning Funds (PL) agreements are the financial document that authorizes the MPO to spend PL funds, while the UPWP is the detailed planning work program. PL agreements are developed each year in May, reviewed and approved by MPOs by mid-June, and executed by July 1 (effective July 1 – June 30). The PL agreement contains a Scope of Services (SOS), based on the UPWP, addressing major MPO activities completed with PL funds. PL agreements are more specific in their scope of work than MOA's, which are broad umbrella agreements between the NDOT and MPO.

PL Agreements are one-year agreements between each individual MPO and the NDOT. These agreements include the federal, state, and local regulations, guidelines, and procedures followed by the MPO and NDOT and the amount of PL funding the NDOT will distribute to each MPO.

MPOs engaging consultants to perform planning related projects or services must adhere to the Consultant Procurement and Agreement Procedure for Federal-aid Projects outlined in the LPA Guidelines Manual for Federal-aid projects (https://dot.nebraska.gov/media/fgebaqjj/lpa-guidelines.pdf). The Local Assistance Division oversees the procurement process and will review all documents related to planning projects funded with PL funds according to the document referenced above.

The NDOT provides MPOs with a one-year estimate of PL funding to be available for distribution to the MPOs. An Agreement for PL funding will be executed for the estimated amount. The amount in the PL agreement must match the amount of PL funds listed in the UPWP. The agreement reflects PL funding

expected to be available for the upcoming state fiscal year and the carry over MPO PL fund balance. All PL activities will be completed during the state fiscal year.

PL and STPBG-M Agreement Scope of Services Requirements

The Scope of Services (SOS) should contain tasks, schedules, deliverables, and total budgets estimated for activities for the one-year work program, including total dollars by year and funding source. The SOS should describe the kind of federal funds (PL only, STPBG-M only, or both) that will be used for each task and should have, at the least, a bottom-line (net) figure for the total budget and the total sources of funds (local match or STPBG-M). The SOS must include carry over funds from the previous fiscal year. The SOS for MAPA and SIMPCO must show a breakout by state. The SOS should also reference the UPWP and quarterly report submissions. Description of work activities should be succinct and include the major MPO deliverable required by federal and state laws and regulations. The SOS should include a brief description of the following tasks or items:

- Develop and adopt a one-year UPWP consistent with federal and state requirements through the prescribed MPO planning process
- Develop, adopt, and manage a four-year TIP and any necessary amendments
- Develop, adopt, and manage a Metropolitan Transportation Plan and any necessary amendments
- Include a range of possible out-of-state travel meetings and conferences with an estimated total travel budget
- Include equipment purchase requirements and budgets and other capital expenses in excess of $10,000 and
- Estimate the overall cost of expected activities for the one-year period, including a budget for the year.

7.3 Agreement Amendments

Agreement Amendments are used to modify funding and Supplements are used to modify SOS. MPOs must first amend their UPWP to revise funding or activities. UPWP amendments must be approved by the MPO and FHWA. The NDOT concurs with the amendment and forwards to the FHWA prior to the initiation of an Agreement Amendment. The Planning Unit in conjunction with the Controller Division must also verify that the Agreement Amendment does not exceed available agreement amounts. Agreement Amendments require signatures by the MPO and Governor's Designee.

An Agreement Amendment is required when there are:

- Changes in estimated or actual Federal funds
- Additions or deletions of tasks identified in the SOS, with corresponding changes in funding
- Additions in funding from a previous agreement.

Note: An Agreement Amendment is not required to reflect changes in local overmatch.

7.4 Agreement Amendment Procedure

MPOs submit amended SOSs for PL/STPBG-M agreements to the Planning Unit. The Planning Unit reviews and forwards the SOS to the Agreements Unit. The Agreements Unit prepares an Agreement Amendment incorporating the SOS adding funding to the agreement. Once UPWP amendments are adopted by the MPO, they are forwarded to the Planning Unit for review and forwarded to the FHWA and FTA. SOSs must be consistent with approved UPWPs.

The Agreements Unit provides final Agreement Amendments and SOSs to the Planning Unit for review prior to distribution. After review is completed, the Planning Unit distributes the Agreement Amendment and SOSs to the MPO once all signatures are obtained. Then the amendment becomes executed.

8 Section Four: Certifications

Three certifications are required of MPOs: one is tied to the submittal of the TIP, and the other two are tied to annual UPWP contract.

8.1 Self-Certification of the Planning Process

Concurrent with the annual submittal of the TIP, MPOs and the NDOT certify to the FHWA and FTA that the planning process is being carried out in accordance with all applicable requirements set forth in 23 CFR 450.336. MPOs must submit the Self-Certification of the Planning Process to NDOT with the submittal of a new TIP (see Section 3 TIP Approval Process). The certification signed by the Executive Director of the MPO, then sent to the Planning Unit for signature by the Governor's Designee. One copy is retained by the Planning Unit, one by the MPO, and an electronic one sent to the FHWA and FTA as part of the TIP approval process.

For all MPOs, concurrent with the submittal of the entire proposed TIP to the FHWA and the FTA as part of the STIP approval, the State and the MPO shall certify at least every four years that the metropolitan transportation planning process is carried out in accordance with all applicable requirements including:

(1) 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;
(2) In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
(3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
(4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
(5) Section 1101(b) of the FAST Act (Pub. L. 114-357) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
(6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
(7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
(8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination based on age in programs or activities receiving Federal financial assistance;
(9) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
(10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

8.1.1 Title VI Assurance

MPO must provide an assurance of compliance with Title VI of the Civil Rights Act, as amended (42 USC 2000d-1 and 49 CFR part 21 and 49 USC 5332). The Title VI assurance incorporated into each new signed PL agreement.

In addition to Title VI assurance, MPO must incorporate Environmental Justice into their planning process.

Environmental Justice requires the MPO to:

- Examine the allocation of benefits and burdens, currently and in the planned future
- Ensure that minority and low-income communities are treated equitably in the provision of transportation services and projects
- Provide full participation for minority and low-income communities to advise the MPO during its planning and decision-making process

Certification Regarding Lobbying

MPOs must certify that no federal funds are used by the MPO to influence or attempt to influence an officer or employee of any agency, a member of Congress, or an employee of a member of Congress in connection with any of the following activities (31 USC 1352):

- Making or awarding of any federal grants;
- Making of any federal loans;
- Entering into any cooperative agreement; and
- Extending, continuing, renewing, amending, or modifying any federal contract, grant, loan, or cooperative agreement.

Other laws and regulations (49 USC 301, 49 CFR 20, and Office of Management and Budget2CFR 200, also found in 2 CFR 225) together prohibit use of federal funds to lobby state or local legislators to favor or oppose the adoption of any specific legislative proposal pending before a state or local legislative body. However, officials are specifically allowed in 49 USC 301 to testify before legislative bodies or state executive offices when requested.

The Certification Regarding Lobbying is incorporated into each new signed PL agreement.

FHWA and FTA Certification of TMAs

Every four years, the FHWA and FTA conduct a certification review of the planning process within the TMA areas to determine that the process meets requirements of 23 CFR 450.336 (b). The FHWA and FTA must certify the planning process, either with or without conditions. A certification report documents findings and/or corrective actions directed, as well as highlighting MPO best practices, to the TMA and NDOT. If certification cannot be completed, the FHWA and FTA are required to withhold federal funds from the region.

Last Update	MAPA July 2018	LINCOLN May 2018	GIAMPO May 2018	SIMPCO June 2018

The FHWA will initiate the review by sending the MPO and Planning Unit a formal notice of when the certification review is scheduled. The FHWA and FTA schedule a site review, which typically lasts about one and half days, with a closeout meeting during which the FHWA, FTA, MPO, Planning Unit, and other planning partners discuss the transportation planning processes.

9 Section Five: Reimbursement Requests and Invoicing

MPOs may request reimbursement from federal funds for eligible costs by submitting an invoice to the NDOT. Reimbursement requests need to be for incurred expenses. On-site review of an MPO's financial records may occur during audits.

9.1 MPO Reimbursement Request Process

MPOs are required to submit their reimbursement requests through OnBase (an electronic invoice workflow application utilized by the NDOT). Reimbursement requests are submitted via the NDOT OnBase System to the NDOT Highway Planning Manager.

In addition to an invoice showing the amount of the reimbursement request and the local share, the reimbursement request must also include: a cost breakdown form, progress report, and proof of payment(s) to outside services.

1. **Invoice** – the invoice must include the following breakdown of costs:
   a. For Actual Cost Agreements:
   b. Direct Labor Costs (hours worked multiplied by the actual labor rate)
   c. Labor Fringe Benefits and/or, if appropriate, Indirect (Overhead) Costs
   d. Fee for Profit (as negotiated in the professional services agreement)
   e. Direct Non-Labor Costs
   f. Dates of service
   g. Federal balance due to the MPO for the current period
   h. Federal and local share breakdown of the expenses

2. **NDOT Cost Breakdown**:
   a. An NDOT Payment Request Form (currently DR162C) properly prepared, signed, and dated

3. **Progress Report** – must include the following:
   a. Comparison of actual work performance with established goals
   b. Progress in meeting the schedules
   c. Comparison of budgeted (approved) amounts and actual costs incurred
   d. Cost overruns and under runs
   e. Approved planning program revisions
   f. Other pertinent supporting data

4. **Proof of Payment to Outside services and sub-consultants**
   MPOs should submit the same documentation for the consultant and/or subcontractors they are paying as if the consultant was submitting a request to NDOT on their own.

This information in the block below must be on the invoice of payment(s).

Name of MPO Expense Authorization Voucher

Date_____

Project Information [Project # /agreement #] _____

Amount Paid_____

Authorization signature_____

5. **Reports or documents on completed tasks (for those tasks which result in a specific deliverable)**
   The MPOs provide the Planning Unit with a copy of all deliverables identified within their UPWP, by hard copy format, electronic version, or web links that point to where the deliverables can be downloaded from the MPO website.

   The Planning Unit will perform an initial check to verify that all necessary documentation is accurate and complete and will then forward all quarterly reports to the FHWA.

The State will reimburse the MPOs for the Federal share of the eligible actual costs and will make a reasonable effort to pay MPOs within 25 days of receipt of the MPO reimbursement request.

9.2 MPO Reimbursement Request Timeline

The reimbursement request timetable is based on the NDOT fiscal year: July 1 to June 30. Reimbursement requests are due a maximum of 60 days after the end of each quarter. August 29th is the last date MPO reimbursement requests are accepted for the previous fiscal year.

Quarters:

- First Quarter – July 1 to September 30
- Second Quarter – October 1 to December 31
- Third Quarter – January 1 to March 31
- Fourth Quarter – April 1 to June 30

9.3 Indirect Cost Rates and Payroll Additive Rates

MPOs that desire to claim indirect costs must furnish a copy of its Indirect Cost Allocation Plan and Indirect Cost Rate Proposal in compliance with 2 CFR Part 225 – Cost Principles from State, Local and Indian Tribal Governments (see 2 CFR Part 200).

Indirect cost allocation plans and rate proposals are developed and submitted annually to the Controller Division, within 60 days after the close of the MPO fiscal year– Audit Section, unless an exception is approved by the MPO cognizant agency.

If the FHWA is the cognizant agency, entities must submit to the NDOT the indirect cost allocation plans (and, if applicable, fringe rate plans) and supporting information to calculate the rate(s) within sixty days after the end of the fiscal year. After they receive the receipt of the indirect cost allocation plan, the NDOT Controller will review and recommend the appropriate rate to the FHWA within ninety days. The FHWA will approve or recommend revision of the rate within thirty days. Until new rates are approved, the MPO may use the rate they calculated for the fiscal year as an interim rate.

If the FHWA is not the cognizant agency, entities must submit a letter with the approved rate(s) from their cognizant agency with the first applicable billing of the fiscal year to the NDOT. Information on developing indirect and fringe rate plans is found at: https://www.fhwa.dot.gov/cfo/indirect_costs.cfm

Additional information on which entities need an indirect and fringe rate, what is allowable, what are direct costs and indirect costs, how to document employee compensation when working on multiple federal projects, and how to compute indirect and fringe rates can be found at: https://www.dol.gov/agencies/oasam/centers-offices/office-of-the-senior-procurement-executive/cost-price-determination-division/guide-for-indirect-cost-rate-determination-for-nonprofit.

In conjunction with or separate from the indirect cost, the MPO may recover their fringe benefit costs through a payroll additive rate. The payroll additive rate may be calculated individually by employee or aggregate for all employees.

If the rate is calculated by individual employee, the MPO must submit a copy of the calculation with each quarterly billing. The Local Assistance Division or Agreements Unit can provide a template to assist in this calculation.

If the rate is a calculated aggregate, the rate must be submitted to the NDOT and FHWA for review and approval similar to the indirect cost rate. For a payroll additive rate calculated aggregate, the rate must include an adjustment each year to account for any prior year overage or underage in amount recovered. As with the indirect cost rate, an interim rate is used until the rate is approved, and a copy of the approved rate should be attached to the first applicable rate after approval.

MPOs typically submit indirect cost allocation plans and payroll additive rates directly to the Controller Division. The Planning Unit needs to be copied on submittals to the Controller Division.

9.3.1 NDOT Planning Staff - MPO Invoice Process Checklist

- ✓ Is the work or purchase eligible for federal participation?
- ✓ The invoiced work or purchase must be in the MPO UPWP.
- ✓ Check the dates of work or the date of purchase against the Federal authorization date.
- ✓ Are there enough federal funds authorized to cover the invoice?
- ✓ If the invoice includes purchased equipment, does the unit cost exceed $10,000?
    - If yes, did the MPO get FHWA's advance approval in writing?
- ✓ If the invoice includes a sole source of proprietary items purchase, did the MPO or its subsidiary get the FHWA's advance approval in writing?
- ✓ If the invoice includes purchased equipment, were statutes regarding purchase of equipment followed correctly?
- ✓ For labor charges, is there sufficient justification for the staff time?
    - Name of staff member(s)
    - Tasks accomplished by each staff member
    - Hours worked
    - Wages (MPO are required to send their approved indirect or benefit cost rates at before or at the first invoice or as part of the UPWP)
- ✓ Does the MPO have an approved Indirect Cost Allocation Plan (ICAP)?
    - If yes, what is the approved ICAP rate?
    - If yes, does the invoice use the approved ICAP rate?
- ✓ Does the MPO have an approved Payroll Additive Rate (PAR)?
    - If yes, what is the approved PAR?
    - If yes, does the invoice use the approved PAR?
- ✓ Is the math correct?
- ✓ Is proof of payment for outside services and sub-consultants included? Proof of payment contains these elements: name of who is being paid, the transaction date, what services were paid, the amount paid, the date paid, and the authority signature of payment (RC is acceptable).
- ✓ Make sure all coding/agreement/invoice numbers are correct.
- ✓ Invoicing documentation is for the invoicing period. (Example - billing by month March 1, 2018 to March 30, 2018 receipts should be for that month or billing by quarter January 1, 2018 to March 30, 2018 the receipts should be for that quarter.)

- ✓ If the MPO is requesting reimbursement for consultant services with the quarterly invoice, then all the same required documentation of consultant charges must be included.

9.4 Why Invoices are Returned

Main reasons for invoices being returned are:

- Incorrect or missing invoice numbers & dates
- Invoice numbers & dates are not consistent on both the Invoice and the Cost Breakdown Form
- Incorrect or missing: Agreement Number, Control Number, Project Number, Project Location
- Error in calculations
- Missing back-up documentation
- Unknown Staff Plan - Who can charge to the project?
- No Staff Plan provided to the NDOT before or with first invoice.

Make sure the required information on the invoice and Cost Breakdown Form are correct and match.

- Project Number, Control Number, and Project Location
- Service provided to and from dates
- Invoice Number and Invoice Date
- Calculations and percentages

Before Invoicing, the NDOT needs to know:

- The Staff Plan of those that can charge to the project. It must be received before or with first billing.
- Have the Indirect Cost Allocation Rate and Payroll Additive Rate been approved by the Controller Division?

Invoice Packet should include:

- Invoice
- NDOT Cost Breakdown Form
- Progress Report
- Back-up documentation receipts of payments to outside sources
- Documentation for sub-consultants/sub-contractors work (if applicable)
- Travel Log (if applicable)
- The same above items should be included from any consultant if the MPO is asking for reimbursement.

Invoice:

- Invoice with payee name and address
- Contact person for questions about the invoice
- Invoice number and date
- Invoice period (beginning date and ending dates of services)
- Invoicing receipts (e.g. billing by month March 1, 2018 to March 30, 2018 the receipts should be for that period or e.g. billing by quarter January 1, 2018 to March 30, 2018 the receipts should be for that period, not months prior)
- Project identification (Project Number, Control Number and Project Location/Description)
- Breakdown of expenses
- Signed by Responsible Charge

Cost Breakdown Form

- Use the correct Cost Breakdown Form
- NDOT Cost Breakdown Form, properly prepared, signed and dated.
- NDOT Cost Breakdown Form 162lpa can be found at http://dot.nebraska.gov/business-center/consultant/
- Direct Labor Costs (the hours worked multiplied by the actual labor rate)
- Labor-Fringe Benefits and/or, if appropriate, Indirect (Overhead) Costs Fee for Profit (as negotiated in the professional services agreement)
- Direct Non-Labor Costs
- Cost for Sub-contractors/Sub-consultant Expenses
- Signed by Responsible Charge

The progress report must include the following in accordance with 23 CFR 420.117:

- A comparison of actual performance with the established scope
- Progress in meeting the schedules
- A comparison of the approved budgeted and actual costs incurred
- Other pertinent supporting data

10 Section Six: Purchases

10.1 Equipment Purchasing

2 CFR 200 defines equipment as "tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $10,000". See also §200.12 Capital assets, §200.20 Computing devices, §200.48 General-purpose equipment, §200.58 Information technology systems, §200.89 Special purpose equipment, and §200.94 Supplies.

All equipment purchases should be explicitly outlined in the UPWP. A description of the type of proposed equipment and its use, as well as an estimated budget should be included in the UPWP. Additions or changes to the equipment schedule should be approved via a UPWP amendment or administrative modification (whichever is applicable) prior to the purchase of the equipment. Applicable regulatory citations include 23 CFR §450.308, (f) Administrative requirements for UPWPs and simplified statements of work are contained in 23 CFR part 420 and FTA Circular C8100.1B (Program Guidance and Application Instructions for Metropolitan Planning Grants).

2 CFR 225, Item 15(a) (4) (b) states the following rules of allow ability shall apply to equipment and other capital expenditures:

(1) Capital expenditures for general-purpose equipment, buildings, and land are unallowable as direct charges, except where approved in advance by the awarding agency.
(2) Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of $5000 or more have the prior approval of the awarding agency.
(3) Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior approval of the awarding agency.

10.2 Prior Approval

Prior approval is required for all equipment purchases in excess of $10,000 per unit prior to the purchase. **Inclusion in an approved UPWP does not constitute prior approval.** The MPO should submit the prior approval request to the Planning Unit. The Planning Unit will forward that request to the FHWA. A copy of the approval should accompany the submitted invoice requesting reimbursement for the equipment purchase.

The threshold for prior approval applies individually if items have independent utility. For example, 10 separate items at $1,000/each would not require prior approval. If items do not have independent utility, the aggregate cost would go towards the threshold. For example, 10 collective items at $1,000/ that are all needed for equipment to perform or function would not have independent utility and would require prior approval.

Local public agencies are required to follow all procurement guidelines, policies, and procedures as established by their governing bodies. This includes basic purchasing requirements, competitive bidding processes, contracts, and leases. MPOs and local public agencies must also follow federal procurement guidelines found in 49 CFR 18.36 (b) through (i). Specifically, this regulation states that grantees and sub-grantees will use their own procurement procedures, which reflect applicable state and local laws and regulations, if/when the procurements conform to applicable federal laws.

10.2.1 Non-Competitive Bids (Sole Source)

49 CFR 18.36 (f) states that grantees and sub-grantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offer or is required to submit the elements of his estimated cost, (e.g., under professional, consulting, and architectural engineering services contracts). A cost analysis will be necessary when adequate price competition is lacking and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. In all other instances to determine the reasonableness of the proposed contract price, a price analysis is completed.

In addition to the price analysis, a letter of justification is required for sole source purchases. Provide justification to the NDOT and FHWA for approval before the purchase.

The relevant CFRs related to sole source purchasing:

23 CFR 420.121 (j) Procurement: Procedures for the procurement of property and services with FHWA planning and research funds by the state DOTs must be in accordance with 49 CFR 18.36(a) and (i) and, if applicable, 18.36(t). Local government sub-recipients of state DOTs must follow the procedures specified by the State DOT. Universities, hospitals, and other non-profit organizations must follow the procedures in 49 CFR 19.40 through 19.48. The State DOTs and their sub-recipients must not use FHWA funds for procurements from persons (as defined in 49 CFR 29.105) who have been debarred or suspended in accordance with the provisions of 49 CFR part 29, subparts A through E.

23 CFR 420.121 (m) Sub-grants to local governments: The state DOTs and sub-recipients are responsible for administering FHWA planning and research funds passed through to MPO and local governments, for ensuring that such funds expended for eligible activities, and for ensuring that the funds administered in accordance with this part, 49 CFR part 18, Uniform Administrative. Requirements for Grants and Agreements to state and local Governments, and applicable OMB cost principles. The state DOTs shall follow state laws and procedures when awarding and administering sub-grants to MPOs and local governments and must ensure that the requirements of 49 CFR 18.37(a) have been satisfied.

49 CFR 18.36 (i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies:

(A) The item is available only from a single source;
(B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
(C) The awarding agency authorizes noncompetitive proposals; or
(D) After solicitation of a number of sources, competition is determined inadequate.

10.2.2 Buy America Provision

The FHWA's policy for Buy America provides for:

- a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in any project funded under Title 23
- alternate bid provisions
- minimal usage criteria for non-domestic products
- a waiver process based on public interest or the availability of domestic products

The thresholds and requirements for the Buy America provision can be found here: https://www.ecfr.gov/cgi-bin/searchECFR?ob=r&idno=&q1=buy+america+&rgn1=Section&op2=and&q2=&rgn2=Section&op3=and&q3=&rgn3=Section&SID=be389295ddcbfcabce87832df8495003&mc=true

11 Section 7: Audit

11.1 Financial Management

The Planning Unit staff works closely with the Controller, Program Management, and Local Assistance Divisions on a variety of financial processes. This section addresses some routine processes.

The following outlines the reconciliation process conducted by the NDOT and MPOs:

> The Controller Division provides estimates of federal funds available for obligation by each local entity to the Planning Unit, Program Management Division, and Local Assistance Division. The Planning Unit performs any calculations necessary to distribute the PL funds and provides the amounts to the MPOs.
>
> The Controller Division will provide a monthly reconciliation report of federal funds available and obligations to the Local Assistance Division who will in turn provide it to the MPOs.

11.1.1 A-133 Audit

As a recipient of federal funds, MPOs have certain audit responsibilities with respect to 2CFR Part 200. An A-133 Audit is a fiscal year audit which:

- is performed by an independent auditor or audit organization in accordance with generally accepted government auditing standards for financial audits;
- covers the MPO financial statements and their Federal Award expenditures; and
- follows the federal guidelines in OMB Circular A-133 (2CFR200)

MPOs spending more than $750,000 in federal funds (funds from all federal sources) in a fiscal year are responsible for obtaining audits in accordance with the Single Audit Act Amendments of 1996: (31 U.S.C. 7501-7507), 23 CFR 420.121(a), 2CFR Part 200 and the implementing regulations in OMB Circular A-133. The A-133 Audit covers all MPO operations to ensure compliance with applicable laws and regulations. MPOs are required to:

- Identify federal funds received and expended;
- Maintain internal controls;
- Comply with laws, regulations, and agreement/grant provisions;
- Prepare appropriate financial statements;
- Ensure that required audits are performed and submitted; and
- Follow up and take corrective actions on findings

At each MPO fiscal year end, the MPO shall review the level of federal expenditures and take the appropriate actions needed to comply with the A-133 audit mandate. If an A-133 audit is necessary, the MPO must:

- Ensure that federal expenditures related to NDOT projects are shown appropriately in the report's Schedule of Expenditures of Federal Awards (SEFA);
- Provide the NDOT with the published audit report (or electronic access to the report) and corrective action plan if applicable; and
- Submit the required reporting package and Data Collection Form (form SF-SAC) to the Federal Audit Clearinghouse web site (https://www.fac.gov/).

As the federal pass-through agency, the Controller Division has the following responsibilities under 2 CFR Part 200:

- Determine whether MPOs met yearly audit requirements;
- Review the audit to determine whether MPO Federal fund expenditures are in accordance with applicable laws and regulations;
- Ensure appropriate corrective action is taken within six months after receipt of the audit report in instances of noncompliance with federal laws and rules;
- Consider whether MPO audits necessitate adjustment of the MPO records;
- Require MPOs to permit the NDOT and its audit representatives to have access to the records and financial statements to the extent necessary to comply with sub-recipient monitoring requirements; and
- Retain all records pertinent to the project for three years after the project is closed out in FMIS. The NDOT will advise when close out is finalized for the project.

The Planning Unit is responsible for verifying the receipt of required A-133 audits with the Controller Division.

In cases of an MPO having continued inability or unwillingness to comply with audit requirements, the FHWA, FTA, and NDOT may:

- Withhold a percentage of MPO federal funds;
- Withhold or disallow MPO overhead costs;
- Suspend MPO federal funds until the audit is conducted; or
- Terminate MPO federal funding awards.

11.1.2 A-133 Audit Timeline

Within 9 months after the MPO fiscal year end: MPO A-133 Audits are due to the NDOT.

Within 6 months after the NDOT receives the MPO A-133 Audit: The NDOT management decision is made and corrective action is initiated as necessary.

April 30: The Planning Unit ensures that the NDOT Controller Division receives the MPO A-133 audits for review.

12 Section Eight: Transportation Improvement Program

12.1 Key STIP/TIP Dates

Target Date	Task
January 31	The NDOT sends projected funding targets to the MPOs for the upcoming fiscal year
February 15	The NDOT sends the list of state sponsored projects to SIMPCO
March 15	The NDOT sends the list of state sponsored projects to MAPA, Lincoln, and Grand Island MPOs
May 1 to July 1	The NDOT coordinates with MPOs on the development of their TIPs
July 1	The last date that the NDOT will accept MPO TIPs for review, approval, and inclusion in the upcoming STIP
July 1 – August 15	The NDOT develops a draft STIP
August 15	The NDOT posts a draft STIP to the NDOT website and advertises for public comment
August 15 – September 1	The NDOT addresses public comments and revises the STIP as needed
September 1	The NDOT submits the STIP to the FHWA and FTA for approval
October 1	The FHWA and FTA approves the NDOT final STIP

12.2 Transportation Improvement Programs (TIPs)

Under 23 CFR 450.324 et seq., the MPOs develop a Transportation Improvement Programs (TIPs) that define which federal transportation funds are pledged to specific transportation projects in the MPO regions. TIPs include all surface transportation projects funded with federal funding and all regionally significant projects, even if funded by state or local dollars. Federal rules require TIPs to cover a period of no less than four years, include project funding levels by year and funding source, and describe project work scopes.

For projects to be included in TIPs, they must first be in the MPO's Metropolitan Transportation Plan (MTP). A project, if not regionally significant or specifically identified as a line item in the MTP, must only be consistent with the MTP. TIPs are financially constrained to assure project costs do not exceed reasonably available estimated revenues. MPOs provide opportunities for public comment and review during TIP development and subsequent TIP amendment processes, in accordance with their public participation processes. These processes are outlined in their public participation plan, which is a required document for all MPOs. MPOs serving a TMA (MAPA and Lincoln MPO) select all federally funded projects from the approved TIP (except those on the NHS) in consultation with the NDOT and any affected public transportation operator(s). Projects on the NHS are selected from the approved TIP by the NDOT in cooperation with the MAPA and Lincoln MPOs designated for the area (23 U.S.C. 134(k)(4)). The NDOT selects all Title 23 projects from the approved TIP in a non-TMA MPO (SIMPCO and Grand Island) planning area. The designated recipient of public transportation funding selects Title 49 Chapter 53 projects from the approved TIP in cooperation with the MPO (23 U.S.C. 134(j)(5)).

Once implemented, the TIP is designed to progress toward achieving transportation system performance targets in (23 U.S.C.134 (h) (2)). TIPs shall include a description of the anticipated effect of the TIP toward achieving the performance targets established in the MTP, linking investment priorities to those performance targets.

TIP Updates

In Nebraska, TIPs are updated yearly and amended to reflect project changes, adjustments in project cost, and administrative changes. In addition, TIPs are maintained because they link to the STIP and must be budgeted accordingly. Projects are solicited primarily from local governments, the NDOT, and transit agencies. A cooperative evaluation process is used to select projects. The MPO Policy Boards, Governor's designee, and FHWA approve the TIPs.

12.2.1 NDOT TIP Approval Process

1. When the draft TIP is ready, the MPO releases it for review and comment by both the public and various state and federal agencies. The public review and comment period typically lasts 30 days (15 days for SIMPCO).

2. The MPO sends copies of the draft TIP to the various state and federal agencies with a letter requesting comments. Comments provided to the MPO should also be sent to the Planning Unit. A possible joint meeting between the reviewing parties to facilitate discussion and coordination of review comments can occur.

3. The Planning Unit forwards the TIP to the Program Management and Local Assistance Divisions. The Program Management Division will check state projects for accuracy (project estimate, scope, schedule, and termini), verify fiscal constraint, and alert the Planning Unit of any issues. The Local Assistance Division checks local projects for the same criteria and alerts the Planning Unit of any issues. The Planning Unit reviews the draft TIP for consistency with the MTP. The Planning Unit then forwards their comments along with comments from the Program Management and Local Assistance Divisions' reviews to the MPO.

4. The Planning Unit facilitates the review process with the MPO and communicates all issues to the MPO. The Planning Unit works with the parties involved to resolve any outstanding issues.

5. After the public review period, the MPO adopts the final version of the TIP and circulates copies for final comments and approval.

6. Per Federal regulations, TIPs are approved by the Governor or Governor's Designee. The Governor of Nebraska has delegated approval authority for TIP amendments to the Strategic Planning Engineer.

7. The MPO prepares a letter to the NDOT Highway Planning Manager submitting the adopted TIP. The letter is accompanied by the following:

    - The MPO approved TIP;
    - A signed MPO Policy Board Resolution or Transmittal Letter adopting the TIP;
    - A signed Certification of the Planning Process (See Certifications in Section 1). The Certification of the Planning Process requires the signature of the NDOT Governor's Designee prior to forwarding to the NDOT Highway Planning Manager.

8. The Planning Unit prepares a TIP approval letter addressed to the MPO verifying fiscal constraint demonstrated in TIP and consistency with the MTP and submits it to the Governor's Designee for signature.

9. The Governor's Designee approves the TIP by signing the TIP approval the letter. The letter, TIP, resolution, and self-certification are emailed to the MPO with an electronic copy sent to the FHWA, FTA, Program Management Division, Materials & Research Division (M&R), and Local Assistance Division.

10. The Program Management Division assures that the newly approved TIP is amended into the approved STIP.

The Planning Unit coordinates with the FHWA and FTA to ensure that the approved TIP is included into the STIP.

12.3 TIP Amendments

Revisions are defined as changes to a TIP that occur between their annual publications. There are two types of changes that occur under the umbrella of revision. The first is a major revision or "Amendment". The second is a minor revision or "Administrative Modification". The NDOT requires that each MPO adopts the definitions and thresholds at a minimum listed below when determining an amendment vs. an administrative modification. When the draft TIP amendment is ready, the MPO Policy Board releases it for review and comment by both the public and various state and Federal agencies. The public review and comment period typically lasts 30 days (15 days for Lincoln and SIMPCO). MPO public involvement procedures are found on their websites:

Lincoln: http://www.lincoln.ne.gov/city/plan/mpo/
Omaha (MAPA): http://www.mapacog.org/
South Sioux City (SIMPCO): http://www.simpco.org/
Grand Island (GIAMPO): https://www.grand-island.com/o/cgi/page/public-participation-plan

12.3.1 Revising an Approved TIP/STIP

Refer to the most current STIP Development Guidelines found at https://dot.nebraska.gov/media/21hc2mkm/stip-pd-guidelines.pdf for guidelines on TIP amendments/administrative modifications.

NDOT Staff Analysis of TIP Amendments

The Planning Unit reviews TIP amendments for consistency with the MTP and ensure demonstration of fiscal constraint. Amendments involving transit revisions are forwarded to the NDOT Transit Unit for review.

In some cases, the TIP is not amended until the MTP amendments are reviewed and approved. These instances include:

- If a TIP amendment includes a project not in the current fiscally constrained MTP;
- If the funding for the TIP project exceeds available funding; and
- If a project in the TIP was not included in the fiscally constrained MTP because the funding source was not identified at the time of MTP adoption but has since become available.

Approval of TIP Amendments

Per Federal regulations, the Governor or Governor's Designee must approve all TIP amendments**.** The Governor of Nebraska has delegated approval authority for TIP amendments to the Strategic Planning Engineer/Chief Strategy Officer. The Planning Unit submits the MPO approved TIP amendments to the Strategic Planning Engineer/Chief Strategy Officer for signature. Upon the receipt of the Strategic Planning Engineer/Chief Strategy Officer signature, TIP amendments are entered and approved into the STIP. The TIP memo and supporting documentation are then forwarded to the FHWA and FTA for approval.

12.4 Process for TIP/STIP Amendments

The following outlines steps for the MPO and NDOT to follow when processing TIP/STIP amendments:

1. The MPO sends proposed TIP amendments to their MPO Distribution List, including the FHWA, FTA, Planning Unit, Local Assistance Division, and Program Management Division at least one week prior to the MPO Transportation Advisory Committee (TAC) meeting where the amendments are recommended for approval.

2. The respective NDOT unit, which will depend on the type of amendment, will notify MPO staff, and the Planning Unit of any concerns. The Planning Unit will raise any concerns about the proposed amendment, if appropriate, at the MPO TAC meeting.

3. After the MPO Policy Board approves the TIP amendment, the MPO will send an electronic copy of the resolution and revised TIP pages that demonstrate financial constraint to the Planning Unit for review and approval.

4. The Planning Unit reviews the TIP amendment for consistency with the MTP and distributes the TIP amendment to Program Management and/or Local Assistance for final review (project estimate, scope, schedule, and termini).

5. The Planning Unit arranges for approval of the MPO TIP amendment within one week of the receipt.

6. Upon the Governor's Designee approval, the Planning Unit sends an electronic copy of the State Approval letter, a copy of the resolution, and revised TIP pages that demonstrate financial constraint to the TIP amendment distribution list including the MPO, FHWA, FTA, Planning Unit, Local Assistance Division, and Program Management Division.

7. Program Management Division processes the STIP amendment and submits it to the FHWA and FTA for approval.

8. The FHWA sends an approval letter to the NDOT and affected MPO.

12.5 Statewide Transportation Improvement Program (STIP)

Nebraska's STIP is developed annually through a cooperative effort with its MPOs. The MPOs develop their TIPs conforming to 23 USC 134 annually for the upcoming fiscal year and for, at least, the three following years. The MPO TIPs include all regionally significant transportation projects requiring action by the FHWA and FTA regardless of funding source and are included by reference as part of the STIP.

The STIP is a four-year listing of projects for which federal-aid funding under Title 23 (Federal Highway Funding) and Title 49 (Federal Transit Assistance) of the United States Code is proposed. The STIP is a programming tool that is approved on a yearly basis. All projects included in the STIP are consistent with the Nebraska Metropolitan Transportation Plan and the Nebraska Highway Needs Study. Projects included in the MPO TIPs must be consistent with their Metropolitan Transportation Plans.

The STIP and TIP must be fiscally constrained. This is defined as a demonstration of sufficient funds (federal, state, local, and private) to implement proposed transportation system improvements, as well as to operate and maintain the entire system, through the comparison of revenues and costs.

Cost and revenue estimates for the TIPs and STIP must use an inflation rate(s) to reflect "year of expenditure dollars," based on reasonable financial principles and information. If no data is available, a minimum of 4% per year will be used. The NDOT requests the joint approval of the STIP by the FHWA and FTA annually.

12.6 STIP Amendments and Linkage to MPO TIP

Any change to STIP projects located in MPO areas must first be reflected in the MPO TIP as a TIP Amendment. The TIP Amendment, once approved, is incorporated without modification into the STIP.

The Program Management Division is responsible for making the necessary changes in the STIP to incorporate MPO TIP amendments. The Program Management Division coordinates with the Local Assistance Division and Planning Unit, on the programming of non-construction and transit projects in the STIP.

The Program Management Division assures that newly approved TIPs and TIP Amendments are amended into the STIP without modification. Following TIP approval, the Program Management Division finalizes project entries in the STIP as is appropriate.

Link to the Nebraska Department of Transportation STIP can be found here:
https://dot.nebraska.gov/projects/publications/stip/

13 MPO TIP Checklist Required for Final MPO TIP Approval

- A list of all federal-aid projects proposed for FHWA or FTA funds for four federal fiscal years
- A status report of all previously authorized significant MPO projects still underway
- A summary of costs by fund source and fiscal year
- A demonstration of sufficient funds (federal, local and private) to implement the proposed transportation system improvements and to operate and maintain the entire system, through the comparison of revenues and costs
- A resolution or policy action of adoption of the TIP by the MPO
- Discussion about the MPO project selection procedures
- Discussion concerning the MPO public participation process and the public comments received
- Self-certification of the MPO planning process

Section 23 CFR 450.218 describes several certifications that the MPO must make when submitting their proposed TIP and amendments, as necessary, to the NDOT, FHWA, and FTA for approval. The MPO shall certify that their transportation planning process is being carried out in accordance with the following requirements:

- 23 U.S.C. 134 & 135, 49 U.S.C. 5303 and 5304
- Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21
- 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity
- Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26, regarding the involvement of disadvantaged business enterprises in USDOT funded projects
- 23 CFR part 230, regarding implementation of an equal opportunity program on federal and federal-aid highway construction contracts
- The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 1210 et seq.) and 49 CFR parts 27, 37, and 38.
- The Older Americans Act, as amended (42 U.S.C. 6101) prohibiting discrimination on the basis of age in programs or activities receiving federal financial assistance.
- Section 324 of title 23 U.S.C, regarding the prohibition of discrimination based on gender
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27, regarding discrimination against individuals with disabilities

Sections 174 and 176 (c) & (d) of the Clean Air Act do not apply because there are no nonattainment or maintenance areas in Nebraska.

- A financial capacity analysis for the MPO transit program included in the TIP or Consolidated Transit Funding Application
- Self-certification of the MPO financial capacity analysis
- Planning justification (narrative) for all transit projects included in the Consolidated Transit Funding Application.
- A Feasibility Study for any transit facility projects programmed in the first year of the TIP included in the Consolidated Transit Funding Application
- Vehicle numbers for all projects to replace, remanufacture, or rehabilitate transit rolling stock
- Identification of all transit projects that are not intended to implement aspects of the ADA plan

14 STIP CHECKLIST

14.1 STIP Checklist

Section 23 CFR 450.218 describes several certifications that the state must make when submitting their proposed STIP and amendments as necessary to the FHWA and FTA for approval. The state shall certify that their transportation planning process is being carried out in accordance with the following requirements:

- 23 U.S.C 134 & 135, 49 U.S.C. 5303 and 5304
- Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 200d-1), and 49 CFR part 21
- 49 U.S.C 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity
- Section 1101 (b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26, regarding the involvement of disadvantaged business enterprises in USDOT funded projects
- 23 CFR part 230, regarding implementation of an equal opportunity program on federal and federal-aid highway construction contracts
- The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38
- The Older Americans Act, as amended (42 U.S.C 6101), prohibiting discrimination on the basis of age in programs or activities receiving federal financial assistance
- Section 324 of title 23 U.S.C., regarding the prohibition of discrimination based on gender
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27, regarding discrimination against individuals with disabilities

Sections 174 and 176 (c) & (d) of the Clean Air Act do not apply because there are no nonattainment or maintenance areas in Nebraska.

Other stipulations of 23 CFR 450.216 addressed during development of the STIP are:

- Adherence to requirements for public involvement
- Inclusion of projects only if consistent with state and local long-range plans
- Inclusion of federal-aid projects and all regionally significant transportation projects requiring FHWA or FTA consideration during the four-year program period
- Cost estimates reflecting an inflation rate based on reasonable financial principles and information
- Inclusion of tables showing the STIP is fiscally constrained by year

In addition to these certifications, Section 450.216 describes a number of requirements that the state should also ensure are met when submitting the STIP. These requirements are as follows:

- Provide opportunities for public involvement during the development of the STIP as required by 450.212

- Include the metropolitan planning area TIPs without modification, directly or by reference, and have them approved by the Governor or his designee
- Include only transportation projects in nonattainment and maintenance areas found to conform, or from programs that conform, to the requirements contained in 40 CFR part 51
- Include only projects consistent with the long-range statewide transportation plan and MPO Metropolitan Transportation Plans
- Include a list of priority projects to be carried out in the first four years of the current program
- Include all regionally significant transportation projects requiring action by the FHWA or FTA

15 Section Nine: Metropolitan Transportation Plan

15.1 MPO Metropolitan Transportation Plans (MTP)

MPOs develop a Metropolitan Transportation Plan (MTP) with a minimum 20-year planning horizon (23 CFR 450.324). The MTPs are updated at least every five years and contain a fiscally constrained component.

MTPs must include the following elements:

- Incorporate the ten FAST act planning factors identified in section 5303 subsection (h) into its goals and objectives
- A projected transportation demand for movement of persons and goods
- Existing and proposed transportation facilities
- A description of performance measures and targets used in assessing the performance of the transportation system
- A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets
- Operational and management strategies to improve the performance of the existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods
- Consideration of the results of the congestion management process in TMAs
- Pedestrian and bicycle transportation elements
- An assessment of capital investment and other measures necessary to preserve the existing transportation system
- Transportation and transit enhancement activities
- Design concept and design scope descriptions of all existing and proposed transportation facilities
- A development of project cost estimates in the year of expenditure
- A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities
- An evaluation of the transportation, socioeconomic, environmental, and financial impact of the overall plan
- Consideration of MTP impact on land-use, housing, community development, employment, environmental resources, and environmental justice
- A financial plan that demonstrates the consistency of proposed transportation investments with available and projected sources of revenue

Before final adoption of the MTP by an MPO, the Planning Unit, Local Assistance Division, and Program Management Divisions review the draft MTP to determine if it has met the requirements of fiscal constraint (23 CFR 450.324) and is consistent with NDOT policies.

15.2 Fiscal Constraint of Metropolitan Transportation Plan

Each MTP contains a fiscally constrained component that includes only metropolitan planning area strategies or projects that have a reasonable expectation of funding based on NDOT resource allocation. In addition to the fiscally constrained component, other needed projects can be listed in the MTP as unfunded ("illustrative").

The MPO works with the Planning Unit to:

- Provide financial information, showing fiscal constraint by funding category
- Provide data (e.g. safety, traffic, and bridge data and maps) necessary to select and accurately depict projects
- Provide dates, locations, and announcement of public involvement activities to ensure the public involvement process is followed
- Provide drafts of the MTP

MPOs must demonstrate fiscal constraint by funding category in the fiscally constrained MTPs. The Planning Unit reviews the MTP listing of projects and resource allocation for project expenditures (by funding category) with the Local Assistance and Program Management Divisions. The Planning Unit consolidates the comments from the Local Assistance and Program Management Divisions and forwards them to the MPO.

The MPO forwards a final draft of their MTP to the FHWA and FTA in order to provide them an opportunity for review and comment. The FHWA and FTA review the MTP in the same manner as the NDOT and forward their comments to the MPO.

The Planning Unit, working with the MPO, develops a timeline to ensure all agencies review the MTP expeditiously. Generally, the process occurs as follows:

- The MPO drafts the MTP and starts the public comment period
- The Planning Unit, FHWA, and FTA review the draft MTP for fiscal constraint and consistency with federal regulations and policies and consistency with statewide visions, followed by providing comments to MPO
- The MPO adopts the MTP
- The MPO-approved MTP is forwarded to the NDOT, FHWA and FTA for their information (not approval)

Circumstances may occur between regularly scheduled updates of the MTPs that require a project addition, deletion, or other change to the MTP in order to maintain conformance with the TIP. These changes can be accomplished with either an administrative modification or an amendment.

Administrative Modification

A minor revision to an MTP is an administrative modification. It includes changes to projects, including projects using advanced construction (AC) procedures, already included in the MTP. Administrative modifications do not require public review and comment, however, they still require the MPO to demonstrate fiscal constraint per 450.324(f)(11).

The following changes may be processed as an administrative modification:

- **Additions/Deletions**: Projects or phases of projects not of regional significance.
- **Funding sources**: Adding federal funding sources or changing from one federal funding category to another (including converting AC) OR redistribution of federal funding or AC among funding sources already listed with the project.
- **Minor Project Cost/Scope Changes:** Cost/Scope change criteria consistent with current TIP/STIP development guidelines.

Amendment

The following represent significant changes to the MTP and must be processed as an amendment:

- **AddItion of a Regionally Significant Project:** Adding a regionally significant project that requires FHWA or FTA funding or approval.
- **Significant Project Cost/Scope Changes:** Cost/Scope change criteria consistent with current TIP/STIP development guidelines.

The public involvement procedure and reviewing body are necessary for an MTP amendment. An MTP administrative modification should be determined at the MPO level. MPOs may set multiple thresholds as long as the first level meets the minimum threshold outlined above. If the MPO chooses to have multiple thresholds/levels of public involvement for an MTP amendment, then the procedure must be clearly outlined in the MPO Public Involvement Plan and the MPO MTP. Amendment procedures must be documented in the MTP, TIP, and Public Participation Plan.

16 Metropolitan Transportation PlanMetropolitan Transportation Plans Objectives and Goals

Metropolitan Transportation PlanMetropolitan Transportation Plan Objectives and Goals for Linking Transportation Planning and the NEPA Process

Planning / Design

Objective I: Increase the participation of stakeholders in the early planning process.

Strategy I: Develop early consultation strategies by engaging stakeholders at the NDOT's Interagency Coordination meeting.

Strategy II: Incorporate the natural and environmental concern in the planning process (e.g. STIP and MTP).

Strategy III: Document the planning environmental linkage procedure for carrying planning decisions into NEPA.

Strategy IV: To address livability, invite resource agencies including HUD and the EPA, as well as other public interest groups to the Highway Commission program meetings.

Construction

Objective II: Ensure environmental commitments made during planning, NEPA, and design are carried forward in construction.

Strategy I: Create and then follow an approved NDOT Public Involvement Plan to ensure adequate and consistent outreach to the affected public prior to and during construction.

Strategy II: During the NEPA and design process, look for possible construction-related impacts to the surrounding neighborhood and traveling public.

Strategy III: Market projects through educational efforts highlighting positive aspects of highway projects.

Strategy IV: Identify sensitive resource areas that are to be avoided within the project plan.

Strategy V: Ensure stakeholder concerns from planning are carried forward to preliminary design / NEPA.

Strategy VI: Ensure NEPA commitments are carried forward to the contract document via "Green Sheets".

Strategy VII: During construction, inspect projects in order to document that commitments made during planning and NEPA are carried forward in construction.

Operations

Objective III: Encourage an environmentally sustainable Nebraska transportation system.

Strategy I: Develop a statewide environmental resource database to identify existing resources within NDOT's right of way parcels.

Strategy II: Incorporate Environmental Best Management practices into the District Maintenance Manual to avoid impacts on major resources.

Strategy III: Promote community stewardship of the highways utilizing programs such as adopt-a-highway.

Strategy IV: Create and then follow the NDOT Public Involvement Plan to ensure adequate and consistent outreach to the affected public is completed for maintenance activities that affect the surrounding neighborhoods and the traveling public.

Strategy V: Sustain and enhance a recycling program with the NDOT.

16.1 Nebraska Statewide Transportation Plan

The NDOT develops a multi-modal Statewide Transportation Plan with a minimum 20-year planning horizon every five to seven years and coordinates the plan update schedule with the MPOs. The Statewide Transportation Plan integrates the MPO MTPs and includes the NDOT's existing system conditions, policies, resource allocation, needs and long-range goals, objectives, strategies and performance measures.

17 Section Ten: Consultant Hire Process

17.1 Steps for the Consultant Hire Process

For full procedures, see the NDOT LPA Manual on the NDOT website. https://dot.nebraska.gov/

If the MPO wants to hire consultants, the local project must first be in the MPO UPWP or TIP.

Step 1: MPO Submits Request Letter

- The MPO writes a request to the NDOT outlining the request to use federal funds to hire a consultant and detailing the scope of work.

Step 2: MPO Draft RFP

- The MPO prepares a draft RFP, scope of work, and draft advertisement to hire a consultant.
  - An RFP template can be obtained from the Agreements Unit.
- The NDOT reviews the draft RFP, scope of work, and draft advertisement and sends back a **notice to proceed** by email.
- The MPO posts the RFP for a specific number of days. If the MPO desires, the RFP can also be posted by the NDOT Agreements Unit to the NDOT website.
  - The NDOT approved consultants list can be found on the NDOT website.
  - Consultants should submit an application, scope of services, independent cost, and plan matrix. *All forms are found on the NDOT website:* http://dot.nebraska.gov/business-center/consultant/

Step 3: MPO Consultant Selection

- The MPO reviews all the applicants and completes a Short List Ranking form that outlines their selection from the applicants.
- The MPO sends all consultant applications and the Short List Ranking form to the NDOT for review.
- After the Planning Unit reviews, a **notice to proceed** will be emailed to MPO to set up interviews.

Step 4: MPO Pre & Post Negotiations with selected Consultant

http://dot.nebraska.gov/business-center/consultant/

- The MPO notifies the selected consultant and the consultants not selected.
- Pre negotiation memo
- A **notice to proceed** is given by email to do negotiations with the selected consultant.
- Post negotiation memo
- Draft Scope of Services
- Independent Cost (ICE) <
- Fixed Fee worksheet

These three are in one excel workbook on the NDOT website called “Consultant Fee Proposal”

- The MPO will pay the consultant, and the MPO bills the NDOT.

- The draft agreement is created.
    - The NDOT can supply the template for negotiation purposes.
    - Consultants will complete an audit at state fiscal year end with the Controller Division and a true up of indirect costs.
- The draft agreements signed by the MPO and consultant will be returned to the Planning Unit with these items.
    - Detailed work plan
    - Consultant conflict of interest form
    - Consultant certification form
    - Staff plan (note that if the staff changes, the NDOT must be notified with a new plan)
    - Final scope of services
    - Final fixed fee worksheet
    - Final overhead cost rate/benefit rate
    - Fees & payments
    - Proof of Insurance Requirements
    - Resolution from the City (Which are the cities / MPO board adoption of agreement between City & Consultant)

Step 5: MPO Consultant Agreement

- The MPO returns all final documents and the draft agreement to the NDOT.
- The NDOT reviews all final documents and prepares the Final Draft Agreement for signatures, including as exhibits the following consultant final documents:
    - EXHIBIT A
        - Detailed work plan
        - Consultant conflict of interest form
        - Consultant certification form
        - Staff plan (note that if the staff changes the NDOT must be notified with a new plan)
        - Final scope of services
        - Final fixed fee worksheet
        - Final overhead cost rate/benefit rate
    - EXHIBIT B in Agreement
        - Fees & payments
    - EXHIBIT C in Agreement
        - Proof of Insurance Requirements
    - Resolution from City
        - (Which are the cities / MPO board adoption of agreement between City & Consultant)

Step 6: MPO & Consultant Agreement

- The MPO & the consultant will sign three agreements and all three will be returned to the Planning Unit. The Planning Unit will get the signature of the Governor's Designee.
- The Planning Unit will return two final signed agreements to the MPO. The MPO will return one copy to the consultant.

- The Planning Unit will give the MPO and consultant a **notice to proceed** to begin work with the letter returned with signed and executed agreements.

Step 7: MPO & Consultant Invoicing and work begins

- Consultant invoicing forms can be found through the NDOT Business Center.
  - Main page: https://dot.nebraska.gov/business-center/consultant/
  - Forms: https://dot.nebraska.gov/business-center/consultant/manuals-forms/
- If the NDOT pays the consultant the full 100% of charges, then the MPO reimburses the NDOT their 20%.
  - MPOs will route invoices via the NDOT OnBase system to the NDOT Project Coordinator
- Forms needed for invoicing:
  - Invoice, NDOT 162 cost breakdown
  - Progress Report
  - Travel Log
  - Receipts *(should be for the billing period – if monthly billing March 1, 2018 to March 30, 2018 receipts should be for that billing period and if billing quarterly January 1, 2018 to March 30, 2018 receipts should be for that billing period.)* Receipts should include staff names, charges, and the task they completed. Further information can be found on the NDOT website under Consultant Services Information.
- An NDOT electronic signature form for invoicing needs to be signed by the consultant.
- NDOT instructions for loading invoices to OnBase can be found on the NDOT website under Consultant Information.

Step 8: MPO & Consultant Agreement Audit

- Consultant's contracts will have a yearly audit done in coordination with the state fiscal year end, and, at that time, a true up will be completed for the indirect cost rate.
- For the end of contract, an NDOT39 consultant services agreement closeout needs to be completed.

Location for forms and instructions can be found at http://dot.nebraska.gov/business-center under Consultant Service Information or the Local Assistance Division .

18 Section Eleven: Performance Measures

As part of the Fixing America's Surface Transportation (FAST) Act, 23 CFR 450.314 (h) was amended to include:

> "…The MPO(s), State(s), and the providers of public transportation shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO (see §450.306(d)), and the collection of data for the State asset management plans for the NHS for each of the following circumstances: When one MPO serves an UZA, when more than one MPO serves an UZA, and when an MPA includes an UZA that has been designated as a TMA as well as a UZA that is not a TMA…"

These provisions are to be documented either as part of the metropolitan planning agreements (MOAs) required under paragraphs (a), (e), and (g) of 23 CFR 450.314, or documented in some other means outside of the metropolitan planning agreements as determined cooperatively by the MPO(s), state(s), and providers of public transportation. The preference in the state of Nebraska is to have these agreements documented in the MOA; however, some MPOs have chosen to document these as part of their UPWP.

Performance measures require coordination with the MPO to set performance targets, collect performance measure data, and report performance measure data to the FHWA and or FTA. These requirements are included in this MPO manual as detailed in this section and identify the responsibilities for carrying out performance-based planning and programming in the metropolitan planning area (23 CFR 450.314(h)).

This section includes the provisions for cooperatively developing and sharing information related to transportation performance data, selecting performance targets, reporting performance targets, performance used in tracking progress toward attainment of critical outcomes for the region of the MPO, and collecting data for the State Transportation Asset Management Plan (TAMP) for the NHS.

National goals and performance management measures are identified in 23 U.S.C §150 and federal transit performance measures for capital assets are identified in 49 CFR §625.43 and safety is defined in 49 CFR Part 673.

18.1 Performance Measure Documentation

TPM Element	Measure:	NDOT Compliance Date:	NDOT Action:	MPO Compliance Date:	MPO Action:	GIAMPO	SIMPCO	LINCOLN	MAPA
						Board Meeting dates			
PM1: Safety	1. Number of Fatalities 2. Rate of Fatalities per 100 million in VMT 3. Number of Serious Injuries 4. Rate of Serious Injuries per 100 million in VMT 5. Number of Non-Motorized Fatalities and Serious Injuries	**PM1:** 8/30/2017	Establish Targets and Coordinate with MPOs	2/26/2018	Set own regional targets or Accept NDOT Targets	Feb 27 2018	Jan 5, 2018	Feb 2, 2018	Feb 22, 2018
PM2: Pavement & Bridge	**Pavement:** 1. % of Interstate pavements in Good condition; 2. % of Interstate pavements in Poor condition; 3. % of non-Interstate NHS pavements in Good condition; 4. % of non-Interstate NHS pavements in Poor condition. **Bridge:** 1. % of NHS bridges by deck area classified as Good condition; 2. % of NHS bridges by deck area classified as in Poor condition.	**PM2:** 5/20/2018	Establish Targets and Coordinate with MPO	**PM2:** 11/16/2018	Set own regional targets or Accept NDOT Targets	TBD - Based on MPO Policy Board meeting schedule for the Fall.			
PM3 Freight & Travel Time	**Freight Movement on the Interstate System (Truck Travel Time Reliability (TTTR) Index):** 1. % of mileage traveled on the Interstate that are reliable **Performance of NHS (Travel Time Reliability Measure):** 1. % of person-miles traveled on the Interstate that are reliable; 2. % of person-miles traveled on the non-Interstate NHS that are reliable.	**PM3:** 5/20/2018	Establish Targets and Coordinate with MPO	**PM3:** 11/16/2018	Set own regional targets or Accept NDOT Targets	TBD - Based on MPO Policy Board meeting schedule for the Fall.			
TAMP	***NDOT requests for Asset Management Plan Development Process Certification:*** The NDOT submits to the FHWA a state-approved initial Asset Management Plan that meets the requirements of 23 CFR 515.11(b). The FHWA will review the processes described in the initial plan and make a process certification decision. ***FHWA Determination of Plan Compliance:*** If the FHWA determines that the state DOT has not developed and implemented a state Asset Management Plan that is consistent with the requirements of 23 U.S.C. 119 and Part 515, or has not established performance targets for NHS pavements and bridges, then the FHWA will not approve any further projects using National Highway Performance Program funds.	**Draft TAMP:** 4/30/2018 **FHWA Determination of Compliance:** 11/20/2018	Develop and submit TAMP FHWA for certification. Coordinate with MPO.						
Data Quality Management Program	***The NDOT shall submit their Data Quality Management Program that meets the requirements of 23 CFR 490.319 to the FHWA for approval.*** *Includes: (i)* Data collection equipment calibration and certification; (ii) Certification process for persons performing manual data collection; (iii) Data quality control measures to be conducted before data collection begins and periodically during the data collection program; (iv) Data sampling, review and checking processes; and (v) Error resolution procedures and data acceptance criteria.	5/20/2018	Develop and Submit program to the FHWA for Approval						
Planning Documents to be Updated or Amended									
LRSTP / MTP	***Updates or amendments to the long-range statewide transportation plan (LRSTP) AND Metropolitan Transportation Plan (MTP)*** must be developed according to the performance-based provisions of 23 CFR Part 450 and the safety performance measure requirements.	**PM1:** 5/27/2018 **PM 2 & PM3:** 5/20/2019	Amend NDOT MTP to Include Performance Measures	**PM1:** 5/27/2018 **PM 2 & PM3:** 5/20/2019	Amend/ Adopt for Performance Measures	PM1: May 22, 2018	PM1: March 22, 2018	PM1: May 8, 2018	PM 1: April 19, 2018
S/TIP	***Updates or amendments to the Statewide Transportation Improvement Program (STIP) AND Transportation Improvement Program (TIP)*** must be developed according to the performance-based provisions of 23 CFR Part 450 and the safety performance measure requirements.	**PM1:** 5/27/2018 **PM 2:** 5/20/2019 **PM 3:** 5/20/2019	Amend NDOT STIP to include Performance Measures	**PM1:** 5/27/2018 **PM 2:** 5/20/2019 **PM 3:** 5/20/2019	Amend S/TIP - discussion on PM and how program is working toward targets	MAY 22, 2018	March 22, 2018	May 8 2018	April 19, 2018
Planning Agreements	Update the planning agreements according to the performance-based provisions of 23 CFR Part 450.	5/27/2018	Execute	5/27/2018	Agreement between NDOT and MPO	May 22, 2018	March 22, 2018	May 8, 2018	April 19, 2018

Penalties		
TAMP	***FHWA Determination of MAP-21, Section 1106(b) Penalty:*** Subject to the extension provision in 23 CFR 515.15(b)(2), if the FHWA determines that the state DOT has not developed and implemented a state asset management plan that is consistent with the requirements of 23 U.S.C. 119 and Part 515, or has not established its 23 U.S.C. 150(d) performance targets for NHS pavements and bridges, then the FHWA will not approve any further projects using National Highway Performance Program funds until the state DOT has complied with those requirements.	As of November 20, 2018
TAMP	***Consistency Determination Penalty Assessment Pursuant to*** 23 U.S.C. 119 ***(e)(5)***: If the FHWA determines that a state DOT has not developed and implemented an asset management plan consistent with the requirements of 23 U.S.C. 119, the maximum federal share for National Highway Performance Program projects and activities carried out by the state in that fiscal year shall be 65 percent.	Beginning on October 1, 2019, and each fiscal year thereafter
PM1 Safety	**FHWA determine if a state has met or made significant progress.** If a state has not met or made significant progress toward meeting its targets, the state must comply with the provisions set forth in 23 USC 148(i) for the subsequent fiscal year. The state shall: (1) Use obligation authority equal to the HSIP apportionment for the year prior to the target year, only for HSIP projects. ***(2)*** Submit an HSIP Implementation Plan that describes actions the state will take to meet or make significant progress toward meeting its targets. The HSIP Implementation Plan should guide the state's project decisions so that the combined 148(i) provisions lead to the state meeting or making significant progress toward meeting its safety performance targets in subsequent years.	The FHWA will begin to assess significant progress for the 2014-2018 HSIP targets in December 2019 and will report its findings to states no later than March 2020.
PM2: Pavement	***FHWA shall extract data contained within the HPMS on June 15 that represents conditions from the prior calendar year for Interstate System pavement conditions to carry out 23 CFR 490.317 (a) beginning with data collected during the 2018 calendar year.*** If the FHWA determines a state DOT to be out of compliance with 23 U.S.C. 119(f)(1) then the state DOT shall, during the following fiscal year: (1) Obligate, from the amounts apportioned to the state DOT under 23 U.S.C. 104(b)(1) (for the NHPP), an amount that is not less than the amount of funds apportioned to the state for federal fiscal year 2009 under the Interstate Maintenance program for the purposes described in 23 U.S.C. 119 (as in effect on the day before the date of enactment of the MAP-21), except that for each year after federal fiscal year 2013, the amount required to be obligated under this clause shall be increased by 2 percent over the amount required to be obligated in the previous fiscal year; and ***(2)*** Transfer, from the amounts apportioned to the state DOT under 23 U.S.C. 104(b)(2) (for the Surface Transportation Program) (other than amounts sub-allocated to metropolitan areas and other areas of the State under 23 U.S.C. 133(d)) to the apportionment of the State under 23 U.S.C. 104(b)(1), an amount equal to 10 percent of the amount of funds apportioned to the state for fiscal year 2009 under the Interstate Maintenance program for the purposes described in 23 U.S.C. 119 (as in effect on the day before the date of enactment of the MAP-21).	Determination by October 1, 2020 and October 1, 2022
PM2: Bridge	***FHWA determination of minimum NHS bridge condition level***: If the FHWA determines for the 3-year period preceding the date of the determination, that more than 10.0 percent of the total deck area of bridges in the state on the NHS is located on bridges that have been classified as Structurally Deficient, the following requirements will apply. (1) During the fiscal year following the determination, the state DOT shall obligate and set aside in an amount equal to 50 percent of funds apportioned to such state for fiscal year 2009 to carry out 23 U.S.C. 144 (as in effect the day before enactment of MAP-21) from amounts apportioned to a state for a fiscal year under 23 U.S.C. 104(b)(1) only for eligible projects on bridges on the NHS. (2) (2) The set-aside and obligation requirement for bridges on the NHS in a state in paragraph (a) of this section for a fiscal year shall remain in effect for each subsequent fiscal year until less than 10 percent of the total deck area of bridges in the state on the NHS is located on bridges that have been classified as Structurally Deficient as determined by the FHWA. The FHWA makes the minimum NHS bridge condition level with the new definition of "Structurally Deficient" for the CY 2018 calculation, and annually thereafter, and notifies state DOTs. *(Note: A new definition a bridge will be classified as "Structurally Deficient" when that bridge has any component in Poor or worse condition. The penalty provision requires a data point from 3 consecutive years. In CY 2018, the new definition of "Structurally Deficient" will be applied to the CY 2018 calculation, the data points for CY 2016 and CY2017 will be based on the legacy definition).*	By October 1, 2018 and annually thereafter
PM3: Freight & Travel Time	***The FHWA will determine significant progress toward the achievement of a state DOT's NHPP and NHFP target.*** If the FHWA determines that a state DOT has not made significant progress toward the achieving of NHPP targets, then the state DOT shall include as part of the next performance target report under 23 U.S.C. 150(e) [the Biennial Performance Report] a description of the actions the state DOT will undertake to achieve the targets related to the measure in which significant progress was not achieved as follows: If significant progress is not made for either target established for the Travel Time Reliability measures, §490.507(a)(1) and(2), then the state DOT shall document the actions it will take to achieve the NHS travel time targets. If the FHWA determines that a state DOT has not made significant progress toward achieving the target established for the Freight Reliability measure in §490.607, then the state DOT shall provide: (i) An identification of significant freight system trends, needs, and issues within the state. (ii) A description of the freight policies and strategies that will guide the freight-related transportation investments of the state. (iii) An inventory of truck freight bottlenecks within the state and a description of the ways in which the state DOT is allocating funding under title 23 U.S.C. to improve those bottlenecks.	Expected by December 2020 and every 2 years thereafter

18.2 Performance Measure Data Collection and Federal Highway Administration Reporting

This section identifies the responsibilities for the performance measure data collection and Federal Highway Administration (FHWA) reporting. A general description of the required performance measures, target setting, and compliance dates has been developed cooperatively between the FHWA, MPOs, and NDOT and is included in table on page 40.

- **Transportation performance data**
    - The NDOT will provide MPOs with the statewide performance data used in developing statewide targets and will also provide MPOs with subsets of the statewide data, based on their planning area boundaries.
    - If MPOs choose to develop their own target for any measure, they will provide the NDOT with any supplemental data they utilize in the target-setting process.
- **Selection of performance targets**
    - The NDOT will develop draft statewide performance targets in coordination with MPOs. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. MPOs will be given an opportunity to provide comments on statewide targets before final statewide targets are adopted.
    - If an MPO chooses to adopt their own target for any measure, they will develop draft MPO performance targets in coordination with the NDOT. Coordination methods will be at the discretion of the MPO and should include an opportunity for the NDOT to provide comments on draft MPO performance targets prior to final approval.
- **Reporting of performance targets**
    - NDOT performance targets will be reported to the FHWA and FTA, as applicable. MPOs will be notified by email when the NDOT has reported final statewide targets.
    - MPO performance targets will be reported to the NDOT and FHWA by email. For each target, the MPO will provide the following information no later than 180 days after the date the NDOT or relevant provider of public transportation establishes performance targets, or the date specified by federal code.
        - A determination of whether the MPO is 1) agreeing to plan and program projects so that they contribute toward the accomplishment of the Nebraska DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the MPO planning area.
        - If a quantifiable target is set for the MPO planning area, the MPO will provide any supplemental data used in determining any such target.

        - Documentation of the MPO target or support of the statewide or relevant public transportation provider target will be provided in the form of a resolution or meeting minutes.

    - The NDOT will include information outlined in 23 CFR 450.216 (f) in any statewide transportation plan amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.218 (q) in any statewide transportation improvement program amended or adopted after May 27, 2018.

    - MPOs will include information outlined in 23 CFR 450.324 (g) (3-4) in any metropolitan transportation plan amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.326 (d) in any transportation improvement program amended or adopted after May 27, 2018.

    - Reporting of targets and performance by the NDOT and MPOs shall conform to 23 CFR 490, 49 CFR 625, and 49 CFR 673.

- **Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO.**

    - The NDOT will provide MPOs with the statewide performance data used in developing statewide targets and will also provide MPO with subsets of the statewide data, based on their planning area boundaries. Updates of this data will include prior performance data.

- **The collection of data for the state asset management plans for the NHS**

    - The NDOT will be responsible for collecting bridge and pavement condition data for the state asset management plan for the NHS.

Nebraska HSIP Performance Measures BASELINE 2016 – TARGET 2018 – PM 1

NDOT Targets for PM1 Performance Measures

NEBRASKA HSIP PERFORMANCE MEASURES - Baseline 2016 - Target Goal 2018

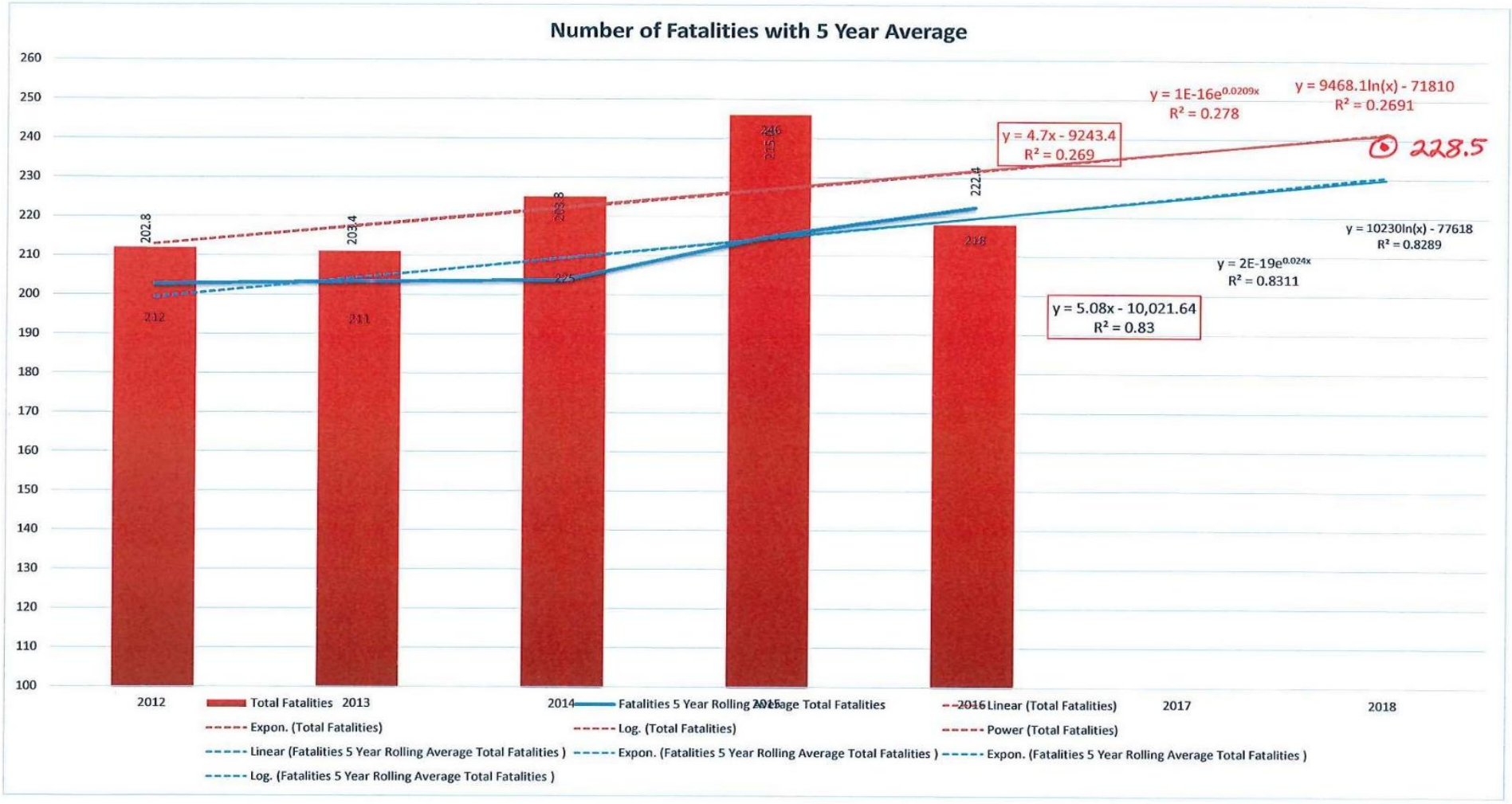
HSIP PERFORMANCE MEASURE	Projected 2014-2018 Actual Avg	Projected 2014-2018 Rolling Avg.	2016 Yearend Actual Values	5-Year Rolling Average		
				NDOR Target 2014-2018[A]	Actual 2011-2018[B]	Baseline 2012-2016[C]
Number of Fatalities	241.2	230	218	**228.5 ***		222.4
Fatality Rate	1.16	1.13	1.05	**1.117 ***		1.122
Number of Serious Injuries	1520.4	1467	1588	**1520.4**		1585.0
Serious Injury Rate	6.96	7.39	7.67	**7.386**		8.006
Number of Non-motorized Fatalities and Serious Injuries	121.2	147	125	**145.3 ***		140.4

*** 2018 Nebraska HSIP Target set on a reduction of the current increasing trend by 1%**

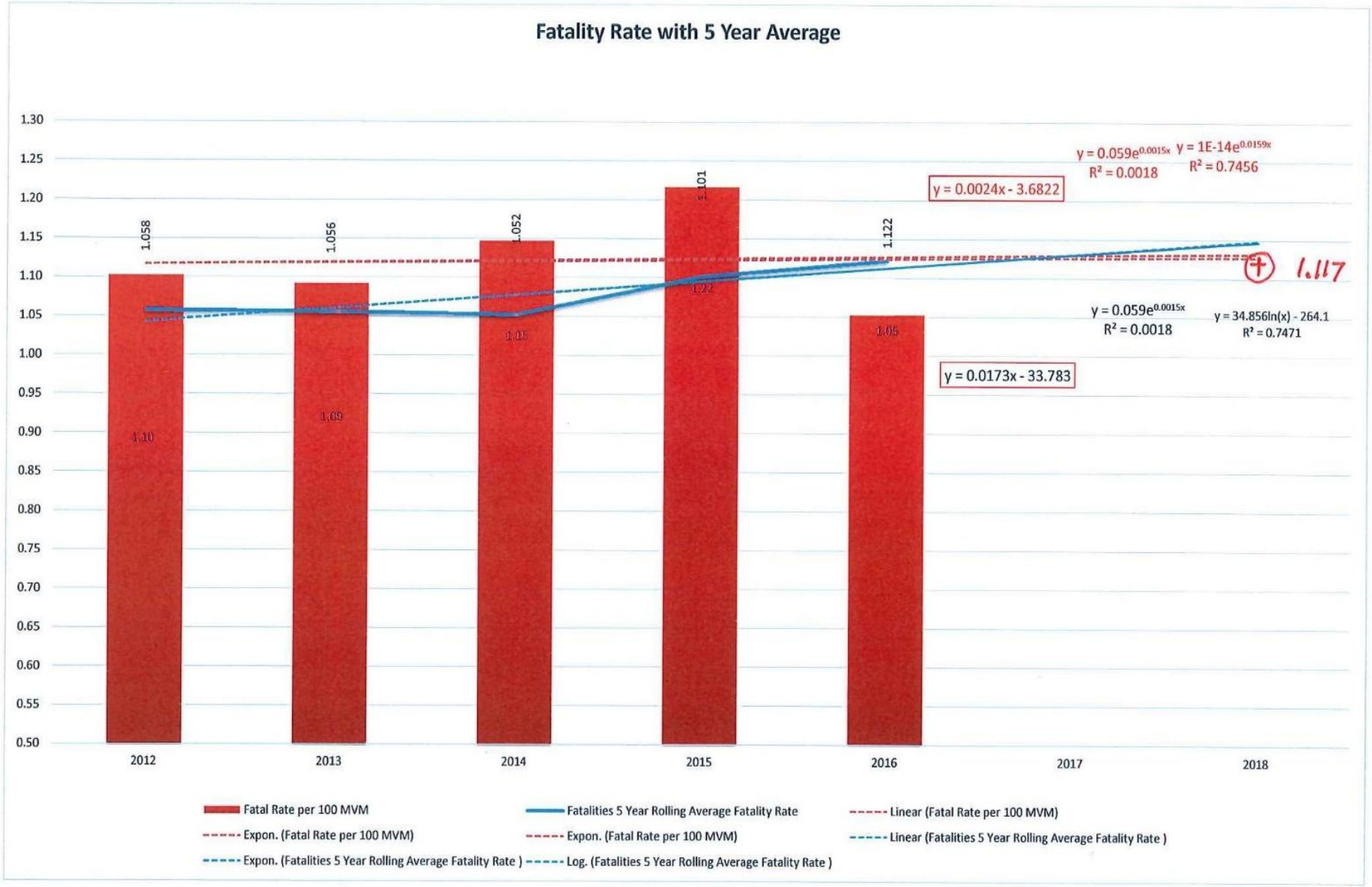
18.2.1 2012-2016 Past 5-Year Crash History

2012-2016 Past 5 Year Crash History with 5 Year Rolling Average

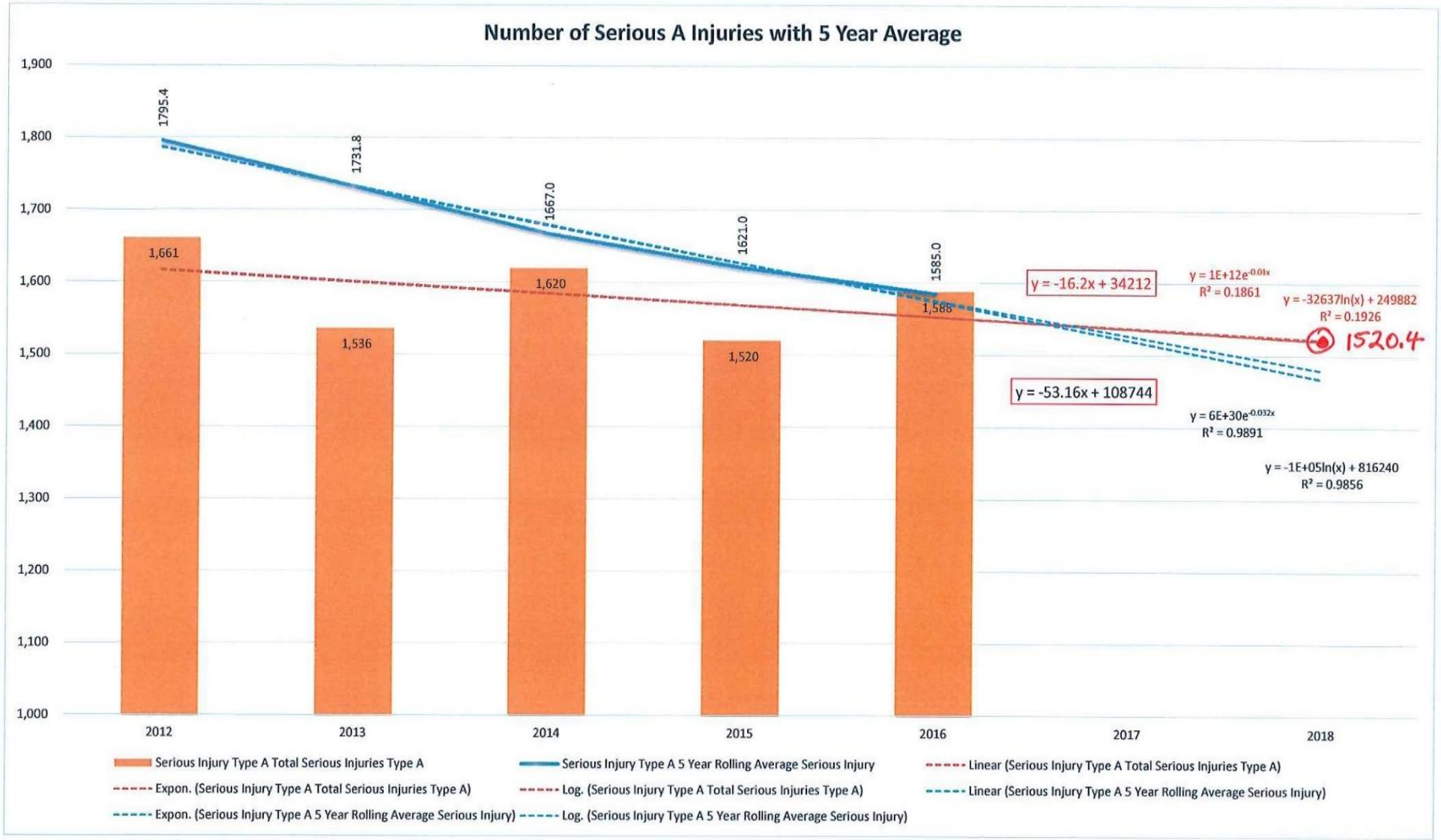
5 Year Trend Line with 2 Year Projection



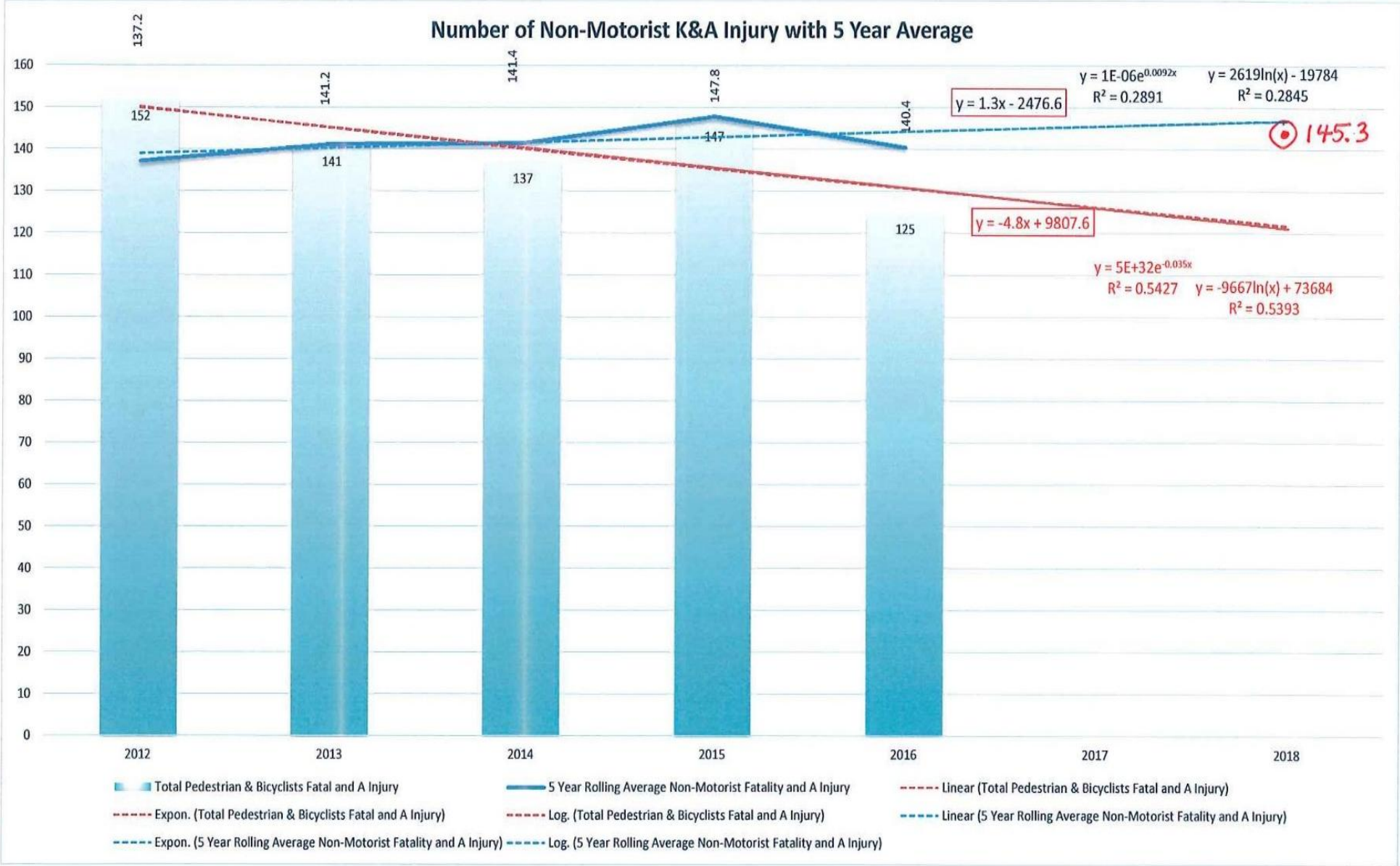
18.2.2 Fatality Rate with 5-Year Average



18.2.3 Number of Serious an Injuries with 5-Year Average



18.2.4 Number of Non-Motorist K & A Injury with 5-Year Average



TAMP Requirements – PM2

NDOT Targets for PM2 Performance Measures

Asset Type	Performance Measure	Target
Pavement	% of **Interstate** segments whose condition is rated "good" or "very good" based on **NSI**	**≥84%**
	% **of Non-Interstate NHS segments** whose condition is rated "good" or "very good" based on **NSI**	**≥84%**
	% of **Interstate** segments whose smoothness is rated "good" based on **IRI**	**≥69%**
	% of **Non-Interstate NHS** segments whose smoothness is rated "good" based on **IRI**	**≥69%**

18.2.5 Freight and Travel Time Reliability-PM3

NDOT Targets for PM3 Performance Measures

Region	Percent of Person-Miles Traveled on the Interstate That Are Reliable	Percent of Person-Miles Traveled on the Non-Interstate NHS That Are Reliable	Freight Reliability
Statewide	**98.2%**	**78.6%**	**1.09**
MAPA	95.1%	67.9%	1.24
Lincoln Area MPO	100%	69.4%	1.09
Sioux City MPO	99.9%	87%	1.29
Grand Island Area MPO	100%	100%	1.07

19 Coordination between NDOT and MPO

19.1 Performance Measure #1: Safety Performance Measures

23 CFR 490 Subpart B

The NDOT will:

- Establish performance measure targets for:
    1) Number of Fatalities
    2) Rate of Fatalities
    3) Number of Serious Injuries
    4) Rate of Serious Injuries
    5) Number of Non-Motorized Fatalities and Non-Motorized Serious Injuries
- Coordinate with MPOs on establishing safety targets on or before August 31 of every year
- Report targets in HSIP Annual report that is due on or before August 31 of each year according to 23 CFR 490.209

MPOs will:

- Notify the NDOT in writing of which option will be selected by February 27 of each year

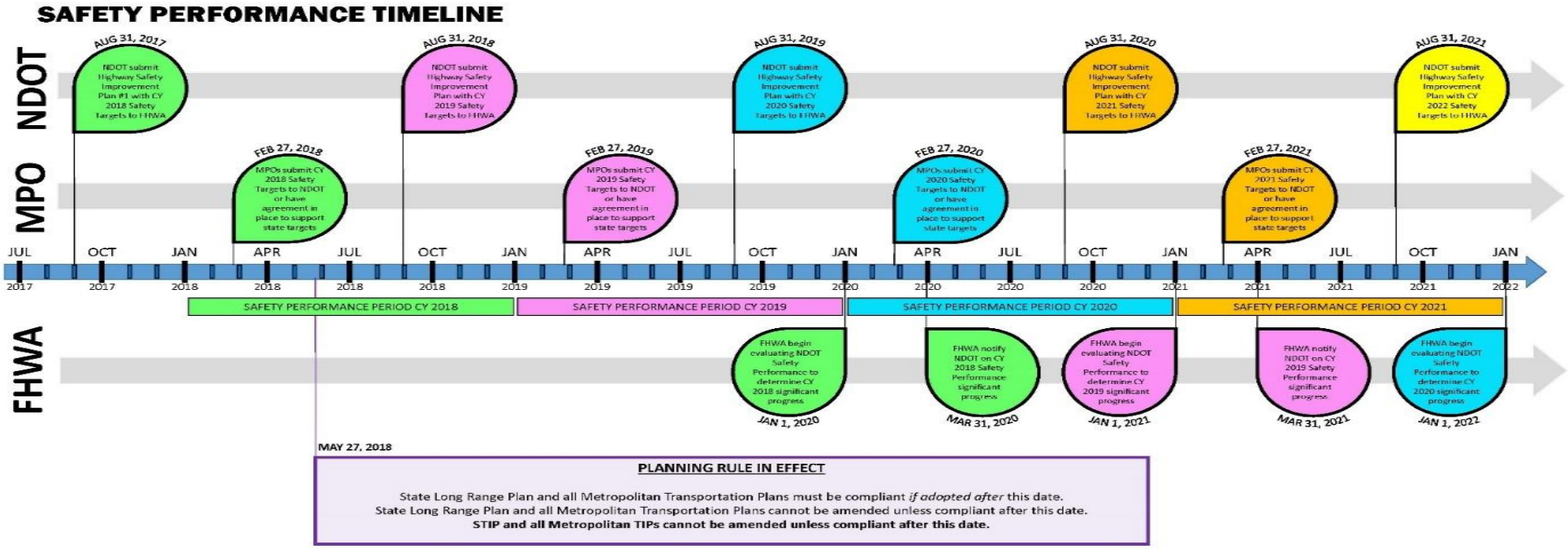
Option 1:

- Support state safety targets
- Coordinate with state in the development of safety targets
- Plan and program projects so they contribute towards the accomplishment of the state safety targets
- Include safety targets in the Metropolitan Transportation Plan
- Include in the TIP how projects are helping achieve safety targets

Option 2:

- Establish safety targets for all public roads within the MPO area on or before August 31 of every year
- Estimated VMT for all public roads within the MPO area for rate targets
- Inform the NDOT of MPO targets by February 27 of each year
- Submit progress reports to the NDOT by July 1 of each year
- Include safety targets in the Metropolitan Transportation Plan
- Include in the TIP how projects are helping achieve safety targets

19.1.1 FHWA – MPO – NDOT Safety Performance Measures Timeline Chart



The Performance Measures under this rule are:
Number of Fatalities (as reported in Fatality Analysis Reporting System)
Rate of Fatalities (FARS fatalities/100 million Vehicle Miles Traveled)
Number of Serious Injuries (State data, "A" type injuries)
Rate of Serious Injuries (State data/100 million Vehicle Miles Traveled)
Number of Non-motorized Fatalities and Serious Injuries (FARS and State data)
**All targets are reported as a 5-year rolling average, and must include all roads in the state/planning area regardless of functional class and ownership.*

States first establish targets in the August 31, 2017 Highway Safety Improvement Program (HSIP) and report annually thereafter. MPO's can either support and report on statewide targets, or make targets for the MPA. These are reported in planning documents (MTP Performance Report, see below).
For more information please see 23 CFR 924.15

State Targets
States will establish statewide targets for each of the safety performance measures. States also have the option to establish any number of urbanized area targets and one non-urbanized area target for any or all of the measures. Targets will be established annually, beginning in August 2017 for calendar year 2018. For common performance measures (number of fatalities, rate of fatalities and number of serious injuries), targets must be identical to the targets established for the NHTSA Highway Safety Grants program. The State DOT must also coordinate with the MPOs in the State on establishment of targets, to the maximum extent practicable. States will report targets to the FHWA in the HSIP report due in August of each year.

Where do MPOs report targets?
While States report their HSIP targets to FHWA in their annual HSIP report, MPOs do not report their HSIP targets directly to FHWA. Rather, the State(s) and MPO mutually agree on the manner in which the MPO reports the targets to its respective DOT(s). MPOs must include baseline safety performance, HSIP targets and progress toward achieving HSIP targets in the system performance report in the MTP.
Whether an MPO agrees to support a State HSIP target or establishes its own HSIP target the MPO would include in the MTP a systems performance report evaluating the condition and performance of the transportation system with respect to the safety performance targets described in the MTP including progress achieved by the MPO in achieving safety performance targets.

If an MPO agrees to support a State HSIP target, the MPO would...	If an MPO establishes its own HSIP target, the MPO would...
•Work with the State and safety stakeholders to address areas of concern for fatalities or serious injuries within the metropolitan planning area •Coordinate with the State and include the safety performance measures and the State's HSIP targets for those measures in the MTP (Metropolitan Transportation Plan) •Integrate into the metropolitan transportation planning process, the safety goals, objectives, performance measures and targets described in other State safety transportation plans and processes such as applicable portions of the HSIP, including the SHSP •Include a description in the TIP (Transportation Improvement Program) of the anticipated effect of the TIP toward achieving HSIP targets in the MTP, linking investment priorities in the TIP to those safety targets	•Establish HSIP targets for all public roads in the metropolitan planning area in coordination with the State •Estimate vehicles miles traveled (VMT) for all public roads within the metropolitan planning area for rate targets •Coordinate with the State and include the safety performance measures and the MPO's safety targets for those measures in the MTP •Integrate into the metropolitan transportation planning process, the safety goals, objectives, performance measures and targets described in other State safety transportation plans and processes such as applicable portions of the HSIP, including the SHSP •Include a description in the TIP of the anticipated effect of the TIP toward achieving HSIP targets in the MTP, linking investment priorities in the TIP to those safety targets

19.2 Performance Measure #2: Pavement and Bridge Condition Performance Measures

23 CFR 490 Subpart A (General Information); C (Pavement Condition Assessment); D (Bridge Condition Assessment)

The NDOT will:

- Collect pavement condition data on all Interstate and Non-Interstate NHS roadways per 23 CFR 490.309
- Set state pavement condition targets on all Interstate and Non-Interstate NHS rural and urban roadways per 23 CFR 490.309
- Collect bridge condition data NHS bridges per 23 CFR 490.409
- Set state bridge condition targets on NHS bridges per 23 CFR 490.409
- Coordinate with MPOs on establishing pavement and bridge performance targets by November 16, 2018 and April 1, 2023 and every 4 years thereafter
- Submit the report for Pavement Condition and Bridge Condition to the FHWA according to 23 CFR 490.105

MPOs will:

- Notify the NDOT in writing of which option will be selected by November 16, 2018 and April 1, 2023 and every 4 years thereafter

Option 1:

- Support state targets
- Coordinate with the state in the development of state pavement and bridge condition targets
- Keep at least 95% of state-owned bridges in good or fair condition
- Keep less than 10% of the state system of total deck area on the NHS classified as structurally deficient
- Include performance targets in the Metropolitan Transportation Plan
- Include in the TIP how projects are helping achieve targets

Option 2

- Develop MPO targets, analyzes data, informs the state of MPO targets, and submits progress report to the state according to 23 CFR 490
- Include targets in Metropolitan Transportation Plan
- Include in the TIP how projects are helping achieve targets
- Collection of Data for NDOT's Transportation Asset Management Plan (TAMP)

- 23 CFR 450.314 (h)(1)

The NDOT will:

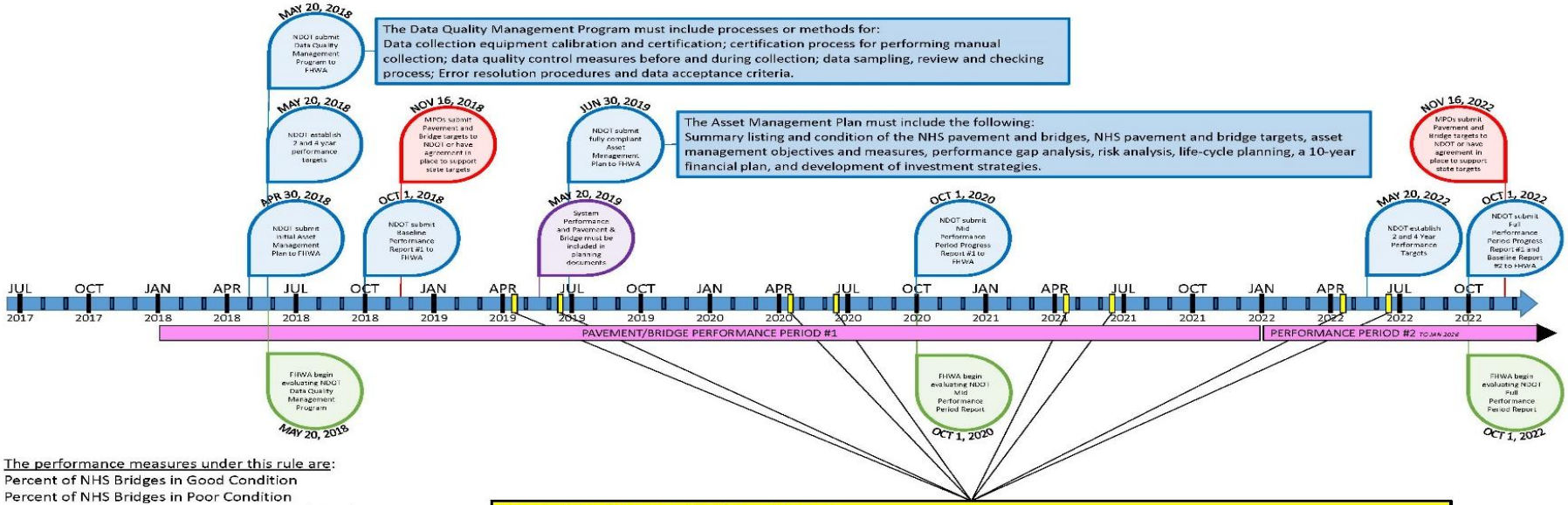
- Collect data on the NHS required for the asset management plan
- Coordinate with MPOs on data collection needs when necessary
- Develop a state asset plan

MPOs agree to:

- Work with the state on data collection when necessary

19.2.1 FHWA – MPO – NDOT Pavement and Bridge Condition Performance Measure Timeline Chart

PAVEMENT/BRIDGE, ASSET MANAGEMENT PLAN TIMELINE



The performance measures under this rule are:
Percent of NHS Bridges in Good Condition
Percent of NHS Bridges in Poor Condition
Percentage of Interstate pavements in Good Condition
Percentage of Interstate pavements in Poor Condition
Percentage of non-Interstate NHS pavements in Good Condition
Percentage of non-Interstate NHS pavements in Poor Condition

Data submissions for pavement/bridge condition are:
April 15 annually (2019+) for Interstate data, and must include the new rutting, cracking percent, and faulting data for 2018 data and beyond.
June 15 annually (2019+) for non-Interstate NHS data , and must include the new rutting, cracking percent, and faulting data for 2020 data and beyond.

Baseline Performance Reports must include: Baseline condition performance derived from the latest data collected through the beginning date of the performance period, relationship with other performance expectations, urbanized area boundaries and population data.
Mid Performance Period Reports must include: 2-year condition performance, 2-year progress in achieving performance targets, effectiveness of investment strategy discussion, target adjustment discussion, extenuating circumstances discussion (if applicable), NHPP target achievement discussion (if no significant progress is made).
Full Performance Period Reports must include: 4- year significant progress evaluation for NHPP targets, extenuating circumstances discussion (if applicable), NHPP target achievement discussion (if no significant progress is made).

HPMS Field Manual
(State DOTs report for each pavement section)

	Condition Metrics*	Inventory Data Elements	Effective Date
Interstate System	IRI, *Rutting, Faulting, Cracking Percent*	Through Lanes Surface Type Structure Type	January 1, 2018
Non-Interstate NHS	IRI, *Rutting, Faulting, Cracking Percent*	Through Lanes Surface Type Structure Type	January 1, 2020

**Per the existing HPMS Field Manual, only IRI and the inventory data elements are currently required for all segments of the NHS. This requirement changes on the effective date shown.*

Rating	Good	Fair	Poor
IRI *(inches/mile)*	<95	***95-170***	***>170***
PSR* *(0.0-5.0 value)*	≥4.0	2.0-4.0	≤2.0
Cracking Percent *(%)*	<5	***CRCP: 5-10 Jointed: 5-15 Asphalt: 5-20***	***>10 >15 >20***
Rutting *(inches)*	<0.20	0.20-0.40	>0.40
Faulting *(inches)*	***<0.10***	0.10-0.15	>0.15

**PSR may be used only on routes with posted speed limit < 40mph.*

NBI Rating Scale *(from 0 – 9)*	9 8 7 Good	6 5 Fair	4 3 2 1 0 Poor
Deck *(Item 58)*	≥7	5 or 6	≤4
Superstructure *(Item 59)*	≥ 7	5 or 6	≤ 4
Substructure *(Item 60)*	≥ 7	5 or 6	≤ 4
Culvert *(Item 62)*	≥ 7	5 or 6	≤ 4

19.3 Performance Measure #3: Travel Time Reliability and Freight Movement

23 CFR 490.509; 23 CFR 490.609

The NDOT will:

- Analyze Travel Time Reliability using a tool that analyzes NPMRDS data and set performance measure targets for:
    1) Performance of the interstate
    2) Performance of the non-interstate NHS
    3) Freight movement on the interstate system
- Coordinate with MPOs on establishing travel time reliability performance targets
- Submit travel time reliability report to the FHWA

MPOs will:

- Notify the NDOT in writing of which option will be selected by November 16, 2018 and April 1 2023 and every 4 years thereafter

Option 1:

- Support state targets
- Coordinate with the state in the development of state targets and performance measures
- Include performance targets in the Metropolitan Transportation Plan
- Include in the TIP how projects are helping achieve targets

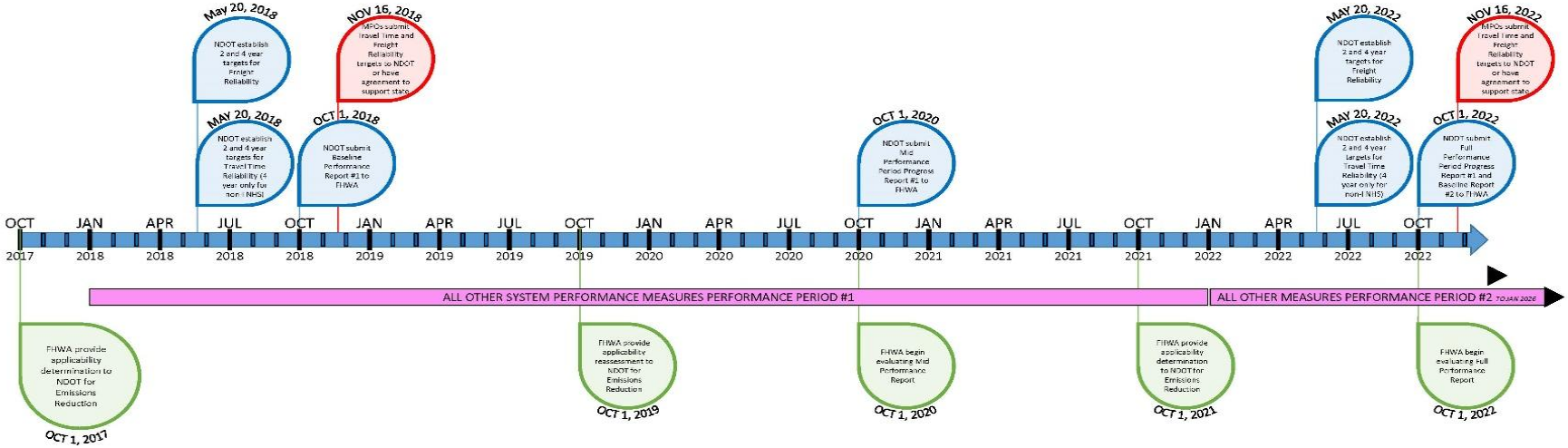
Option 2

- Develop MPO targets, analyzes data, informs the state of MPO targets, and submits a progress report to the state on or before June 15 of every year according to 23 CFR 490
- Include targets in Metropolitan Transportation Plan
- Include in the TIP how projects are helping achieve targets

19.3.1 FHWA – MPO – NDOT System Performance Timeline Chart

SYSTEM PERFORMANCE and FREIGHT

The performance measures under this rule are:
Interstate Travel Time Reliability Measure (% of person-miles traveled on the Interstate that are reliable)
Non-Interstate Travel Time Reliability Measure (% of person-miles traveled on the non-Interstate NHS that are reliable)
Truck Travel Time Reliability Index (Sum of max TTTR for each segment/total Interstate system miles)



Travel Time Relevant Data

Relevant Data	Data Source(s)
• **Travel times** • **NHS travel time segments**	• National Performance Management Research Data Set (NPMRDS) , ***OR*** • Equivalent data set
• **AADT/volumes** • **Annual traffic volume** (AADT x 365)	• Highway Performance Monitoring System (HPMS)
• **Occupancy factors**	• Provided by FHWA, likely based on national surveys, ***OR*** • Other allowed data sources

Freight Relevant Data

Relevant Data	Data Source Options
• Truck travel times • Interstate travel time segments	• NPMRDS, ***OR*** • Equivalent data set

20 Section Twelve: MPO General Information

20.1 Grand Island Metropolitan Planning Agency

100 East First Street
Grand Island, NE 68801
Phone: (308) 389-0273
Fax: (308) (385)-5488
http://www.grand-island.com/your-government/public-works/metropolitan-planning-organization
NDOT District: 4
MPO Area: Hall County urbanized area plus 20-year growth, small section of Merrick County
TMA: No

Key Staff
Allan Zafft, MPO Program Manager
(308) 389-0273
allanz@grand-island.com

Board and Committee Meetings
Policy Board: fourth Tuesday of every odd month
Transportation Technical Advisory Committee: meets on the second Monday of every even month at 10:00 AM

20.2 Lincoln MPO

Paul Barnes - Principal Planner, Lincoln/Lancaster County Planning Dept.
555 South 10th St/Suite 213
Lincoln, NE 68508
Phone: (402) 441-6372
Fax: (402) 441-6377
pbarnes@lincoln.ne.gov
http://www.lincoln.ne.gov/city/plan/mpo/

NDOT District: 1
MPO Area: Lancaster County
TMA: Yes

Key Staff
Rachel Christopher, Transportation Planner
(402) 441-7603
rchristopher@lincoln.ne.gov

Board and Committee Meetings
Officials Committee: meets quarterly, see MPO website for scheduled meetings

Transportation Technical Advisory Committee: bi-monthly, see MPO website for scheduled meeting

20.3 Omaha Metropolitan Area Planning Agency (MAPA)

2222 Cuming Street
Omaha, NE 68102
Phone: (402) 444 - 6866
Fax: (402) 342 – 0949
mapa@mapacog.org
http://www.mapacog.org/

NDOT District: 2
MPO Area: Urbanized areas of Douglas and Sarpy Counties in Nebraska, a small section of Cass County, and Pottawattamie County in Iowa
TMA: Yes

Key Staff
Michael Helgerson, Executive Director
(402) 444-6866 ext. 214
mhelgerson@mapacog.org

Carlos Morales, Transportation and Data Manager
(402) 444-6866 ext. 229
cmorales@mapacog.org

Board and Committee Meetings
Board of Directors: last Thursday of each month at 1:30pm

Transportation Technical Advisory Committee: monthly on the third Friday of the month starting in January of the calendar year at 10:00 a.m.

20.4 Siouxland Interstate Metropolitan Planning Council

1122 Pierce Street
Sioux City IA 51105
Phone: (712) 279-6286
Fax: (712) 279-6920
simpco@simpco.org

NDOT District: 3
MPO Area: Plymouth and Woodbury County in Iowa, Union County in South Dakota, and Dakota County in Nebraska
TMA: No

Key Staff
Michelle Bostinelos, Executive Director
(712) 279-6286
MBostinelos@simpco.org

Jacob Heil – Transportation Director
(712) 279-6286 ext. 124
Jacob@simpco.org

Board and Committee Meetings
Policy Board: bi-monthly on the First Thursday of each month at 1:30pm

Transportation Technical Committee: bi-monthly on the first Wednesday of the month starting in January of the calendar year at 1:30pm

21 NDOT, FHWA and FTA Contacts

Organization Unit	Name	Title	Phone	E-Mail
NDOT Strategic Planning Division	Ryan Huff	Strategic Planning Engineer Chief Strategy Officer	402-479-3797	Ryan.Huff@nebraska.gov
	Jarrod Walker	Highway Planning Manager (MPO Liaison)	402-540-0493	jarrod.walker@nebraska.gov
	Nam Nguyen	Traffic Analysis Unit Supervisor	402-479-3924	nam.nguyen@nebraska.gov
NDOT Local Assistance Division	Jodi Gibson	Local Assistance Division Manager	402-479-4750	Jodi.gibson@nebraska.gov
	Jeff Soula	Urban Engineer	402-479-4881	Jeffrey.Soula@nebraska.gov
NDOT Program Management Division	Jaime Kamarad	Highway Project Funds Manager	402-479-3739	jaime.kamarad@nebraska.gov
NDOT Region 1	Brandon Varilek	District Engineer	402-471-0850	brandon.varilek@nebraska.gov
NDOT Region 2	Thomas Goodbarn	District Engineer	402-595-2534	thomas.goodbarn@nebraska.gov
NDOT Region 3	Kevin Domogalla	District Engineer	402-370-3470	Kevin.Domogalla@nebraska.gov
NDOT Region 4	Wes Wahlgren	District Engineer	308-385-6269	Wes.Wahlgren@nebraska.gov
Federal Highway Administration (FHWA)	Wayne Fedora	FHWA Division Administrator	402-742-8461	r.wayne.fedora@dot.gov
	Justin Luther	FHWA Deputy Division Administrator	402-742-8464	justin.luther@dot.gov
Federal Transit Administration (FTA)	Carrie Butler	FTA Regional Administrator	816-329-3920	carrie.butler@dot.gov
	Gerri Doyle	Community Planner	816-329-3928	gerri.doyle@dot.gov

Federal Transportation Planning Regulations and Additional Resources https://www.fhwa.dot.gov/

Federal Statute

United States Code (USC) Title 23 – Highways; 23 USC 14 – Metropolitan Transportation Planning; United States code (USC) Title 49 – Transportation

Federal Regulations

Code of Federal Regulations (CFR) Title 23 – Highways; Chapter 1 Federal Highway Administration, Department of Transportation; Subchapter E – Planning and Research Part 450 – Planning Assistance and Standards

22 Terms and Definitions

Administrative Modification
Is a minor revision to a long-range statewide or metropolitan transportation plan, Transportation Improvement Program (TIP), OR Statewide Transportation Improvement Program (STIP) that includes minor changes to project/project phase costs, minor changes to funding sources of previously included projects, and minor changes to project/project phase initiation dates. An administrative modification is a revision that does not require public review and comment.

Amendment
Is a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lane.) An amendment is a revision that requires public review and comment and redemonstration of fiscal constraint. In the context of a long-range statewide transportation plan, an amendment is a revision approved by the State in accordance with its public involvement process.

Available funds
Are funds derived from an existing source dedicated to or historically used for transportation purposes. For federal funds, authorized and/or appropriated funds, and the extrapolation of formula and discretionary funds at historic rates of increase are considered "available." A similar approach may be used for state and local funds that are dedicated to or historically used for transportation purposes.

Congestion Mitigation and Air Quality Improvement Program (CMAQ)
The CMAQ program funds transportation projects and programs in air quality non-attainment and maintenance areas that reduce traffic congestion and transportation related emissions (ozone, carbon monoxide, particulate matter).

Financial Plan
Is documentation required to be included with a metropolitan transportation plan and TIP (and optional for the long-range statewide transportation plan and STIP) that demonstrates the consistency between reasonably available and projected sources for federal, state, local, and private revenues and the costs of implementing proposed transportation system improvements.

Financially constrained or fiscal constraint
Financially constrained or fiscal constraint means that the metropolitan transportation plan, TIP, and STIP includes sufficient financial information for demonstrating that projects in the metropolitan transportation plan, TIP, and STIP can be implemented using committed, available, or reasonably available revenue sources, with reasonable assurance that the federally supported transportation system being adequately operated and maintained. For the TIP and the STIP, financial constraint/fiscal constraint applies to each program year.

Fixing America's Surface Transportation (FAST) Act
On December 4, 2015, President Obama signed the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) into law—the first federal law in over a decade to provide long-term funding certainty for surface transportation infrastructure planning and investment. The FAST Act authorizes $305 billion over fiscal years 2016 through 2020 for highways, highway and motor vehicle safety, public

transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs. The FAST Act maintains our focus on safety, keeps intact the established structure of the various highway-related programs we manage, continues efforts to streamline project delivery and, for the first time, provides a dedicated source of federal dollars for freight projects. With the enactment of the FAST Act, states and local governments are now moving forward with critical transportation projects with the confidence that they will have a federal partner over the long term.

Illustrative Project
Illustrative project means an additional transportation project that may (but is not required to) be included in a financial plan for a metropolitan transportation plan, TIP, or STIP if reasonable additional resources were to become available.

Indian Tribal government
A duly formed governing body for an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, Public Law 103-454.

Local project
A local project is a project that is sponsored by agencies or private entities outside the federal and state governments (cities, counties, etc.). Most federal aid fund categories require the local entity to provide funds to match the federal contribution.

Metropolitan Transportation PlanMetropolitan Transportation Plan (MTP)
MPOs are required to update the 20-year long-range plan every four years per federal regulation. Based on state and local agreement, federal rules require the updating of all long range plans every four years to maintain a consistent statewide planning cycle among the MPOs.

Long Range Statewide Transportation Plan
The official, statewide, multimodal, transportation plan covering a period of no less than 20 years developed through the statewide transportation planning process.

Metropolitan Planning Area (MPA)
The geographic area determined by agreement between the metropolitan planning organization (MPO) for the area and the Governor, in which the metropolitan transportation planning process is carried out. At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) and the contiguous area expected to become urbanized with a 20-year forecast period for the metropolitan transportation plan. The MPA boundaries may be further expanded to encompass the entire metropolitan statistical area or combined statistical area, as defined by the Office of Management and Budget (23 CFR 450.312).

Metropolitan Planning Organization (MPO)
An MPO is a forum for cooperative transportation decision-making for metropolitan planning areas. To be designated an MPO, an urban area must have a population of at least 50,000 as defined by the US Census Bureau.

Metropolitan Planning Organization Board
An MPO Board is a policy board of an organization created and designated to carry out the metropolitan transportation planning process.

Metropolitan Transportation Plan
Official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process.

Non-Metropolitan Area
Geographic area outside a designated metropolitan planning area.

Non-Metropolitan Local Officials
Elected and appointed officials of general-purpose local government in a non-metropolitan area with responsibility for transportation.

Obligated Projects
Strategies and projects funded under title 23 U.S.C. and title 49 U.S.C. Chapter 43 for which the supporting federal funds were authorized and committed by the state or designated recipient in the preceding program year and authorized by the FHWA or awarded as a grant by the FTA.

Project Selection
Project Selection is the procedure followed by MPOs, states, and public transportation operators to advance projects from the first four years of an approved TIP and/or STIP to implementation, in accordance with agreed upon procedures.

Public Transportation Operator
Public transportation operator is the public entity, which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304. And is the designated recipient of federal funds under title 49 U.S.C. Chapter 53 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter bus, or intercity bus transportation or intercity passenger rail transportation provided by Amtrak.

Regionally Significant Project
Regionally significant project is a transportation project that is on a facility which serves regional transportation needs (such as access to and from the area outside the region; major activity centers in the region; major planned developments such as new retail malls, sports complexes, or employment centers; or transportation terminals). These would normally be included in the modeling of the metropolitan area's transportation network. At a minimum, this includes all principal arterial highways and all fixed guideway transit facilities that offer a significant alternative to regional highway travel.

Revision
Revision is a change to a long-range statewide or metropolitan transportation plan, TIP, or STIP that occurs between scheduled periodic updates. A major revision is an "amendment," while a minor revision is an "administrative modification."

Statewide Transportation Improvement Program (STIP)
The STIP is a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C and title 49 U.S.C. Chapter 53.

Strategic Highway Safety Plan
Is a plan developed by the state DOT in accordance with the requirements of 23 U.S.C. 148(a)(6)

Surface Transportation Block Grant Program—Metropolitan Funds (STPBG-M)
STPBG-Metro funds are flexible and can be either used for projects or planning. The NDOT matching requirements are 80% federal and 20% local.

Transportation Management Area (TMA)
An urbanized area with a population over 200,000 (as determined by the latest decennial census) or other area when TMA designation is requested by the Governor and the MPO (or affected local officials), and officially designated by the administrators of the FHWA and FTA. The TMA designation applies to the entire metropolitan planning area(s).

Transportation Improvement Program (TIP)
A TIP is a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C and title 49 U.S.C. Chapter 53.

Unified Planning Work Program (UPWP)
UPWP means a scope of services identifying as the planning priorities and activities to be carried out within a metropolitan planning area. At a minimum, a UPWP includes a description of planning work and resulting products, who will perform the work, periods for completing the work, the cost of the work, and the source(s) of funds.

Urbanized Area
A geographic area with a population of 50,000 or more, as designated by the Bureau of the Census.

Users of Public Transportation
Any person, or group representing such persons, who use transportation open to the public, other than taxis and other privately funded and operated vehicles.

22.1 Tracking document for Planning's Use

MPO yearly document tracking by FISCAL YEAR location of file \\dotfs\IModal\Planning\Planning Unit

FY2020 (July 1, 2019 to June 30, 2020)

MPO document types	document approval needed	due date for draft documents	DUE DATE OF FINAL DOCUMENTS	SENT TO MPO BY NDOT	NDOT RECEIVED FROM MPO	RETURNED TO NDOT FOR INTERNAL PROCESS	DATE RETURNED TO MPO BY NDOT	NDOT FORWARDS TO FHWA / FTA
City of Lincoln MPO								
TIP (created by MPO) - is part of the state TIP (Kendall - Program Mgmt must have state TIP submitted by June 15)	Governor's desginee and FHWA/FTA	June 15	due to NDOT by July 1					
UPWP (created by MPO) & Indirect Cost Rate Plan	Governor's desginee and FHWA/FTA	April 15	June 15					
PL FEDERAL FUNDING AGREEMENT (created by NDOT)	MPO board approval/resoultion & signaturesand governor designee	May 5	June 15					doesn't go to FHWA/FTA for approval
Self Certification (created by NDOT) and must accompany final MPO UPWP & TIP	MPO board approval/resoultion & signaturesand governor designee		June 15					
Memorandum of Agreement (MOA) (created by NDOT)	MPO board approval/resoultion & signaturesand governor designee							
GIAMPO								
TIP (created by MPO) - is part of the state TIP (Kendall - Program Mgmt must have state TIP submitted by June 15)	Governor's desginee and FHWA/FTA	June 15	due to NDOT by July 1					
UPWP (created by MPO) & Indirect Cost Rate Plan	Governor's desginee and FHWA/FTA	April 15	June 15					
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Memorandum of Agreement (MOA) (created by NDOT)	MPO board approval/resoultion & signaturesand governor designee							
SIMPCO								
TIP (created by MPO) - is part of the state TIP (Kendall - Program Mgmt must have state TIP submitted by June 15)	Governor's desginee and FHWA/FTA		due to NDOT by July 1					
UPWP (created by MPO) & Indirect Cost Rate Plan	Governor's desginee and FHWA/FTA	April 15	June 15					
PL FEDERAL FUNDING AGREEMENT (created by NDOT)	MPO board approval/resoultion & signaturesand governor designee	May 5	June 15					doesn't go to FHWA/FTA for approval
Self Certification (created by NDOT) and must accompany final MPO UPWP & TIP	MPO board approval/resoultion & signaturesand governor designee		June 15					
Memorandum of Agreement (MOA) (created by NDOT)	MPO board approval/resoultion & signaturesand governor designee							
MAPA								
TIP (created by MPO) - is part of the state TIP (Kendall - Program Mgmt must have state TIP submitted by June 15)	Governor's desginee and FHWA/FTA		due to NDOT by July 1					
UPWP (created by MPO) & Indirect Cost Rate Plan	Governor's desginee and FHWA/FTA	April 15	June 1					
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