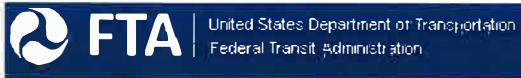


# Guidelines for Development of the Nebraska Statewide Transportation Improvement Program (STIP)

March 2023



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**NEBRASKA**  
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## Table of Contents

<b>STIP Development Timeline .....</b>	<b>ii</b>
<b>Purpose.....</b>	<b>1</b>
<b>Transportation Planning and Environmental Linkage .....</b>	<b>1</b>
<b>Funding Categories Shown in the STIP .....</b>	<b>3</b>
<b>Advance Construction.....</b>	<b>7</b>
<b>Federal Transit Assistance (Title 49) .....</b>	<b>8</b>
<b>NDOT's Role In MPO TIP Development .....</b>	<b>9</b>
<b>MPO's Role in STIP Development .....</b>	<b>10</b>
<b>FTA and State Transit Funding.....</b>	<b>10</b>
<b>Preparation of Draft STIP by NDOT.....</b>	<b>11</b>
<b>Public Participation Review of STIP .....</b>	<b>11</b>
<b>Approval of Final STIP .....</b>	<b>12</b>
<b>Revising an Approved STIP.....</b>	<b>12</b>
<b>Demonstrating Fiscal Constraint.....</b>	<b>14</b>
<b>Documenting Revision Procedures .....</b>	<b>14</b>
<b>Appendix A - MPO Checklist.....</b>	<b>15</b>
<b>Appendix B - STIP Checklist .....</b>	<b>17</b>
<b>Appendix C - Transportation Planning and the NEPA Process from LRTP.....</b>	<b>19</b>
<b>Glossary .....</b>	<b>20</b>

## STIP Development Timeline

Target Date	Task
December	MPO/NDOT/FHWA Coordination Meeting
January 15	NDOT sends projected funding targets to MPO's for upcoming fiscal year
February 15	NDOT sends list of State-sponsored projects to SIMPCO
March 15	NDOT sends list of State-sponsored projects to MAPA, Lincoln, and Grand Island MPOs
May 1 - July 1	NDOT coordinates with MPO's and approves their TIPs
<b>July 15</b>	<b>Last date that NDOT will accept MPO TIP's for review and inclusion in the upcoming STIP.</b>
July 1 – August 15	NDOT develops draft STIP
August 15	NDOT posts Draft STIP to NDOT website, advertises for public comment
August 15 – September 1	NDOT addresses public comments, revises STIP as needed
September 1	NDOT submits STIP to FHWA and FTA for review and approval
October 1	FHWA/FTA approval of final STIP

## Purpose

The Nebraska Department of Transportation (NDOT) has coordinated with the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to document procedures for developing the Nebraska Statewide Transportation Improvement Program (STIP). The three parties will review this document for consistency with laws, regulations, and best practices at least biannually but more frequently if necessary. Any questions regarding content or relating to the process should be directed to the Program Management Engineer, 1500 Highway 2, PO Box 94759, Lincoln, NE 68509-4759. Transit related questions should be directed to the Public Transportation Engineer at the above address.

Nebraska's STIP is developed annually through a cooperative effort with its four metropolitan planning organizations (MPO's.) The MPO's from the Lincoln, South Sioux City, Grand Island and Omaha areas develop Transportation Improvement Programs (TIPs) conforming with 23 USC 134 annually for the upcoming fiscal year plus at least the three following years. The MPO TIPs include all regionally significant transportation projects requiring action by FHWA and FTA regardless of funding source and are included by reference as part of the STIP. Federal and State requirements for TIP's and STIP's are contained in Appendices A and B.

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 Long Range Transportation Plan and the Nebraska Highway Needs Study. Projects included in the MPO TIPs must be consistent with their Long Range Transportation Plans.

The STIP and TIP must be fiscally constrained, which 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 the FTA annually.

## Planning and Environmental Linkage

NDOT is committed to protecting, preserving, and enhancing the environment where feasible. There are severe consequences for not adhering to the requirements of the **National Environmental Policy Act (NEPA)** including project delays, fines, and criminal liability, not to mention a negative public image.

In accordance with NEPA, environmental documents are prepared that state:

- The purpose and need of an NDOT or Local transportation project,
- Any existing environmental and socioeconomic conditions,
- Environmental consequences of the project, and
- Alternatives to the proposed alignment of the project.

23 CFR 450.212 and 23 CFR 450.318 encourage linkages between the transportation planning and project development and NEPA processes. Planning and Environment Linkages (PEL) represents a collaborative

and integrated approach to transportation decision-making that 1) considers environmental, community, and economic goals early in the transportation planning process, and 2) uses the information, analysis, and products developed during planning to inform the environmental review process.

[https://www.environment.fhwa.dot.gov/env\\_initiatives/PEL.aspx](https://www.environment.fhwa.dot.gov/env_initiatives/PEL.aspx)

## Transportation Planning and the NEPA Process

The STIP can serve as a tool for prioritizing and scheduling NEPA compliance activities. A project must meet various planning and NEPA requirements. The procedures of the different requirements, direct the project sponsors to meet all the following:

- All Projects requiring Federal action or that are to be implemented with Federal-aid must come from a fiscally constrained Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) or from a fiscally constrained Statewide Transportation Planning Program (STIP) [23 CFR Part 450].
- The TIP shall include a Project, or an identified phase of a Project, only if full funding can reasonably be anticipated to be available for the Project or the identified phase within the time period contemplated for completion of the Project or the identified phase. [23 U.S.C. § 134(j)(3)(D)].
- The STIP shall include a Project, or an identified phase of a Project, only if full funding can reasonably be anticipated to be available for the Project within the time period contemplated for completion of the Project. [23 U.S.C. § 135(g)(4)(E)].
- NEPA project approval can only be given when the NEPA documents meet all applicable environmental laws and Executive Orders or reasonable assurances of compliance are provided in accordance with 23 CFR § 771.133.

NDOT works with the MPOs, state and federal oversight agencies, FHWA, and FTA to ensure NEPA processes are complete before a project in the STIP is constructed or implemented. Importantly, before the FHWA (or NDOT for Assigned CE's) can sign the final NEPA decision (i.e., ROD, FONSI, or CE), the proposed Project ("Project") as defined in the NEPA document must meet the following specific criteria:

- **For Metropolitan Planning Areas (within a MPO):**
  - The Project or phases of the Project within the time horizon of the MTP must be included in the fiscally constrained MTP, and other phases of the Project and the associated costs beyond the MTP horizon must be referenced in the Plan.
  - The Project or phase of the Project must be in the fiscally constrained TIP, which includes:
    - At least one subsequent Project phase or the description of the next Project phase for information purposes only in unusual instances<sup>3</sup>.
    - All Federal-aid Projects or Project phases and non-federally funded, regionally significant projects that require a Federal action. [23 CFR § 450.326(f)]
  - Full funding is reasonably available for the completion of all the phase(s) of the Project within the time period anticipated for completion of the Project.<sup>4</sup> [23 CFR § 450.326(k)]

- **For Non-metropolitan Areas:**

- The Project must be consistent with the Long Range Statewide Transportation Plan (also referred to as SLRP).
- The Project or phase of the Project must be in the fiscally constrained STIP, which includes:
  - If the completion of the Project is beyond the timeframe of the STIP, the STIP must contain at least one subsequent Project phase, or a description of the next Project phase for informational purposes.
  - All Federal-aid projects or project phases and non-federally funded, regionally significant projects that require a Federal action [23 CFR § 450.218]
  - Full funding is reasonably available for the completion of all phase(s) of the Project. [23 CFR § 450.218]

**Fiscal Constraint Requirement before Approving the NEPA Decision**

<b>Before a Final Environmental Decision (ROD, FONSI, CE) is approved in:</b>	<b>Fiscal Constraint must be demonstrated by:</b>
Metropolitan Areas	<ul style="list-style-type: none"> <li>• Entire Project is in the MTP</li> <li>• At least one subsequent phase of the Project is in the TIP (more if within TIP timeframe)</li> <li>• Full funding is reasonably available for the completion of the entire Project</li> </ul>
Non-Metropolitan Areas (Outside MPO)	<ul style="list-style-type: none"> <li>• Project is consistent with the SLRP</li> <li>• At least one subsequent phase of the Project is in the STIP (more if within STIP timeframe)</li> <li>• Full funding is reasonably available for the completion of the entire Project</li> </ul>

The goals and objectives of the STIP are consistent with those of the Long Range Transportation plan: <http://dot.nebraska.gov/media/115755/ndot-lrtp-final-document.pdf>

For further information please follow the following link to find the FHWA memorandums: [http://www.fhwa.dot.gov/planning/tpr\\_and\\_nepa/supplementmemo.cfm](http://www.fhwa.dot.gov/planning/tpr_and_nepa/supplementmemo.cfm)  
[https://www.fhwa.dot.gov/planning/clarify\\_fiscal\\_constraint.cfm](https://www.fhwa.dot.gov/planning/clarify_fiscal_constraint.cfm)

**Funding Categories shown in the STIP**

Federal fund categories used in the STIP reflect the actual categories of funds apportioned to NDOT by the Federal Highway Administration. Brief descriptions of how Nebraska uses these fund categories are:

**NHPP – National Highway Performance Program**

The NHPP provides support for the condition and performance of the National Highway System (NHS), for the construction of new facilities on the NHS, and to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in a State's asset management plan for the NHS. A complete description of the National

Highway System, including maps, can be found at: [NHPP - Federal-aid Programs - Federal-aid Programs and Special Funding - Federal Highway Administration \(dot.gov\)](#)

Common eligible activities include:

- Construction, reconstruction, resurfacing, restoration, rehabilitation, preservation, or operational improvements of NHS segments.
- Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) of NHS bridges and tunnels.
- Bridge and tunnel inspection and evaluation on the NHS and inspection and evaluation of other NHS highway infrastructure assets.
- Development and implementation of a State Asset Management Plan for the NHS including data collection, maintenance and integration, software costs, and equipment costs.

#### **BRO – Off- System Bridge Program**

- The funds are apportioned to the States funds for the replacement, rehabilitation, or repair of bridges not on Federal-aid highways (off-system bridges)
  - Includes Bridge Formula Program for Off-System *Bridges* for off-system bridge replacement, rehabilitation, preservation, protection, and construction projects.

#### **BRI – Bridge Replacement and Rehabilitation Program**

- The funds are apportioned to the States funds that may be used on highway projects for bridge replacement and rehabilitation
  - Includes Bridge Formula Program funds are apportioned to the States funds for highway replacement, rehabilitation, preservation, protection, and construction projects

#### **STBGP – Surface Transportation Block Grant Program**

Flexible funding that may be used for projects to preserve and improve the conditions and performance on any Federal-aid highway, bridge and tunnel projects on any public road, pedestrian, and bicycle infrastructure.

Common eligible activities include:

- Construction, reconstruction, rehabilitation, resurfacing, restoration, preservation, or operational improvements for highways
- Replacement, rehabilitation, preservation, protection, and anti-icing/deicing for bridges and tunnels on any public road, including construction or reconstruction necessary to accommodate other modes.
- Construction of new bridges and tunnels on a Federal-aid highway.
- Inspection and evaluation of bridges, tunnels, and other highway assets as well as training for bridge and tunnel inspectors.
- Transportation alternatives --newly defined, includes most transportation enhancement eligibilities. [See separate "Transportation Alternatives" section]



- Infrastructure-based ITS capital improvements.
- Truck parking facilities.
- Development and implementation of State asset management plan for the NHS, and similar activities related to the development and implementation of a performance-based management program for other public roads.
- Workforce development, training, and education activities.

In addition to funds apportioned in the STBGP category, NDOT also uses other apportioned funds on STBGP projects. These apportionments are included in the STBGP summary balance.

- Congestion Mitigation and Air Quality (CMAQ) funds are apportioned to the States funds for use on projects designed to alleviate traffic congestion in areas that do not meet federal regulations for ozone and carbon monoxide levels. Because there are currently no such areas in Nebraska, NDOT generally uses these funds on STBGP- eligible projects. MPO's request CMAQ funds for CMAQ-type projects through NDOT's Chief Strategy Officer. The Chief Strategy Officer will consider requests and approve on a case-by-case basis.
- Carbon Reduction Program (CRP) funds are apportioned to the States funds for use on projects designed to reduce transportation emissions, defined as carbon dioxide (CO2) emissions from on-road highway sources.
- Promoting Resilient Operations for Transformative, Efficient, Cost-Saving Transportation (PROTECT) Formula Program are apportioned to the States funds to help make surface transportation more resilient to natural hazards, including climate change, sea level rise, flooding, extreme weather events, and other natural disasters through support of planning activities, resilience improvements, community resilience and evacuation routes, and at-risk coastal infrastructure.
  - NDOT selected PROTECT fund projects will be designated by using the "PROTECT" prefix in the Project Number
- Other funds that NDOT uses for STBGP eligible projects have come under such designations as Equity Bonus, Redistributed Funds, Extension of Allocated Programs and Minimum Guarantee Funds. NDOT plans to use any such current or future funding on STBGP-eligible projects.

#### **NEVI – National Electric Vehicle Infrastructure Formula Program**

- National Electric Vehicle Infrastructure Formula Program (NEVI) are apportioned to the States funds to strategically deploy electric vehicle (EV) charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability.

#### **STBGP-LIN / STBGP-MAPA – STBGP funds set aside for use in the Lincoln and MAPA (Omaha) metropolitan areas**

Any of the eligible STBGP purposes listed above.

#### **EM – Earmarks – Grouping of discretionary funding categories that are allocated on a project or program basis by Highway Transportation Bills and Acts or by FHWA**

- A detailed list of NDOT's discretionary funded projects can be found on NDOT's Statewide Transportation Improvement Program (STIP) webpage: <https://dot.nebraska.gov/projects/publications/stip/>
  - The listing will be updated as necessary and NDOT will demonstrate fiscal constraint within the STIP document.
- For more information on all Grant funding use the following link:

**SFTY – Safety Programs that include the Highway Safety Improvement Program (HSIP) and Rail Safety Programs (RRX, RRZ)**

HSIP - strategies, activities, and projects on a public road that are consistent with a State strategic highway safety plan and -

- (a) correct or improve a hazardous road location or feature; or
- (b) address a highway safety problem.

Examples of HSIP projects include, but are not limited to, the following:

- An intersection safety improvement.
- Pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition).
- Installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities.
- Installation of a skid-resistant surface at an intersection or other location with a high frequency of crashes.
- An improvement for pedestrian or bicyclist safety or safety of persons with disabilities.
- Construction and improvement of a railway-highway grade crossing safety feature, including installation of protective devices.
- The conduct of a model traffic enforcement activity at a railway-highway crossing.
- Construction of a traffic calming feature.
- Elimination of a roadside hazard.
- Installation, replacement, and other improvement of highway signage and pavement markings, or a project to maintain minimum levels of retro reflectivity, that addresses a highway safety problem consistent with a State strategic highway safety plan.
- Installation of a priority control system for emergency vehicles at signalized intersections.
- Installation of a traffic control or other warning device at a location with high crash potential.
- Transportation safety planning.
- Collection, analysis, and improvement of safety data.
- Planning integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to work zone safety.
- Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of road users and workers), and crash attenuators.
- The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.
- Construction and operational improvements on high-risk rural roads.
- promotes public awareness and informs the public regarding highway safety matters (including safety for motorcyclists, bicyclists, pedestrians, individuals with disabilities, and other road users);
- facilitates enforcement of traffic safety laws;
- provides infrastructure and infrastructure-related equipment to support emergency services;
- conducts safety-related research to evaluate experimental safety countermeasures or equipment; or
- supports safe routes to school non-infrastructure-related activities described in [23 U.S.C.] 208(g)(2).

RRX / RRZ funds are used to carry out safety improvements at railroad crossings, such as:

- New grade separation structures
- Protection measures at crossings
- Reconstruction of existing railroad grade crossing structures
- Relocation of highways to eliminate grade crossings

### **NHFP – National Highway Freight Program**

NHFP funds are intended to improve the condition and performance of the National Highway Freight Network. The freight network consists of federally designated corridors and up to 150 miles established by each state within their borders. NDOT is in the process of establishing their freight corridors and developing a freight plan to use NHFP funds.

Eligible activities include:

- Intelligent transportation systems and other technology to improve the flow of freight, including intelligent freight transportation systems.
- Efforts to reduce the environmental impacts of freight movement.
- Railway-highway grade separation.
- Geometric improvements to interchanges and ramps.
- Truck-only lanes.
- Climbing and runaway truck lanes.
- Adding or widening of shoulders.
- Real-time traffic, truck parking, roadway condition, and multimodal transportation information systems.
- Electronic screening and credentialing systems for vehicles, including weigh-in-motion truck inspection technologies.
- Traffic signal optimization, including synchronized and adaptive signals.
- Work zone management and information systems.
- Additional road capacity to address highway freight bottlenecks.
- Any other surface transportation project to improve the flow of freight into and out of an eligible intermodal freight facility.

### **TAP – Transportation Alternatives Programs that include TAP funds set aside for use in the Lincoln and MAPA (Omaha) metropolitan areas**

- Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation.
- Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
- Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.
- Construction of turnouts, overlooks, and viewing areas.
- Community improvement activities, including—

- inventory, control, or removal of outdoor advertising;
- historic preservation and rehabilitation of historic transportation facilities;
- vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
- archaeological activities relating to impacts from implementation of a transportation project eligible under 23 USC.
- Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to—
  - address storm water management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff; or
  - reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

In addition to defined Transportation Alternatives (as described above), the

- The safe routes to school program under §1404 of SAFETEA-LU.
- BIL codified this as 23 USC Section 208, which is subsequently referenced under both the TA Set-Aside program and the Highway Safety Improvement program.
  - The new Section 208 re-introduced original text from SAFETEA-LU Section 1404
  - SRTS is expanded to explicitly include High Schools (i.e. K-12th grade)
- Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.
- Workforce development, training, and education activities

### **RTP – Recreational Trails Program**

- RTP funds are used to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses. Examples of trail uses include hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles.
- Each State administers its own program, usually through a State resource or park agency. NDOT has chosen the Nebraska Game and Parks Commission to administrate the program.

### **Grouped Projects**

Federal law governing STIP/TIP procedures allows projects that are not of significant scale and/or are not regionally significant to be grouped by function, work type or geographic area. NDOT groups the following work types for the first year of the STIP and shows them on individual listings on the STIP web page at <http://dot.nebraska.gov/projects/publications/stip/>.

- Minor Safety Projects – Small scale safety projects that are not regionally significant, such as traffic signal upgrades, guardrail, rumble strips and protective devices at railroad crossings
- Recreational Trails – all projects using RTP funds
- Transportation Alternatives – all projects using TAP funds

The listings will be updated as necessary and NDOT will demonstrate fiscal constraint on each group. MPO projects that fit into these groupings must be shown in the appropriate TIP to be included in the listings.

## **Advance Construction**

Advance construction (AC) is a technique that allows NDOT or a Local Public Agency (LPA) to initiate a project using non-federal funds while preserving eligibility for future Federal-aid funds. Eligibility means that FHWA has determined that the project technically qualifies for Federal-aid; however, no present or future Federal funds are committed to the project. After an advance construction project is authorized, the State may convert the project to regular Federal-aid funding provided Federal funds are made available for the project.

An advance construction project must meet the same requirements and be processed in the same manner as a regular Federal-aid project, except the FHWA authorization does not constitute a commitment of Federal funds on the project.

At the time of project approval, FHWA and the State will execute a project agreement. The project agreement contains provisions for advance construction project and specifies that the total cost of the project is an obligation of the State or LPA. No Federal obligation is created until the project is converted to a regular Federal-aid project.

The projects must be included on the STIP and meet the tests of financial constraint. The total amount that may be advance constructed will be limited as follows: the Federal share of all advance construction projects (amount not converted to Federal-aid) cannot exceed the sum of the State's current unobligated balance of apportionments plus the amount of Federal funds anticipated in the subsequent fiscal years of an approved STIP, i.e., the amount used in developing the approved STIP. If this limit is reached, the FHWA Division Administrator will not approve any additional advance construction projects. NDOT's Controller Division is responsible for monitoring the amount of AC committed.

**Projects to be authorized as AC will be shown in the STIP with "AC" added after the federal funding source that is to be advance constructed, i.e. STBGP-AC, NHPP-AC.**

### **Conversion to a Regular Federal-aid Project**

The State may request to the FHWA that a project be converted to a regular Federal-aid project at any time provided that sufficient Federal-aid funds and obligation authority are available. The State may request a partial conversion where only a portion of the Federal share of project costs is obligated and the remainder may be converted at a later time provided funds are available. Only the amount converted is an obligation of the Federal Government. The project is to be identified on the STIP each year a conversion occurs.

Partial conversion of advance construction is a somewhat different approach in which the state converts, obligates, and receives reimbursement for only a portion of the Federal share of project costs. This removes any requirement to wait until the full amount of spending authority is available. The state can therefore convert an advance-constructed project to a Federal-aid project in stages, based on cash flow requirements and availability of spending authority, rather than all at once on a single future date. This flexibility enables a state to begin some projects earlier, delivering the benefits to the public sooner.

**Projects to be converted from AC to regular Federal aid will be shown in the STIP with "AC Conv" added after the federal funding source that is to be converted, i.e. STBGP AC Conv, NHPP AC Conv. The amount of federal funds will show in the estimate column.**

**When Congress does not make full federal highway funding available at the beginning of the fiscal year, funds are apportioned in increments throughout the year under a Continuing Resolution. This may force NDOT to authorize projects as AC when they had planned to obligate federal funds. As long as the project is still expected to be converted to regular federal aid in the same fiscal year, it will be shown in the STIP as a regular non-AC project. This process is only applicable when NDOT is operating under a Continuing Resolution.**

## **Federal Transit Assistance (Title 49)**

A portion of federal fuel tax revenue is placed in the Mass Transit Account of the Federal Highway Trust Fund. These funds, and General Fund appropriations, are reserved for transit purposes and are administered by the Federal Transit Administration (FTA.) Similar to the FHWA programs, the transit funding authorized by the IIJA Act is managed in several ways. The largest amount is distributed to the states or to large metropolitan areas by formula.

- Metropolitan Planning Program (Section 5303). FTA provides funding for this program to the state based on urbanized area population. The funds are dedicated to support transportation planning projects in urbanized areas with more than 50,000 population.
- Statewide Transportation Planning Program (Section 5304). These funds come to the states based on population and are used to support transportation planning projects in non-urbanized areas.
- Urbanized Area Formula Program (Section 5307). FTA provides transit operating, planning and capital assistance funds directly to local recipients in small (population 50,000-199,999) and large (population 200,000 or more). Local recipients, for whom projects are programmed by the MPO, must apply directly to FTA.
- Specialized Transportation for the Elderly and Disabled (Section 5310). Funding is provided through this program to increase the mobility for the elderly and persons with disabilities. Funds are used to purchase transportation services or vehicles.
- Non-Urbanized Area Formula Program (Section 5311). This program provides funds to purchase vehicles used in the provision of rural public transportation, transit-related construction projects and operating assistance for rural transit systems. Up to 15 percent of these funds are allocated to intercity bus projects.
- Rural Transit Assistance Program (RTAP – Section 5311(b)(3)). This funding is also used for statewide training events and to support transit training scholarships for rural transit managers and drivers and to support the State Transit Association.
- Bus and Bus Facilities (Section 5339). This funding is apportioned directly to states for projects in small urban and rural areas of the state for the purpose of financing capital rolling stock (vehicles) and transit-related construction projects.

## **NDOT's Role in MPO TIP Development**

### **State Sponsored Projects**

Each year, the NDOT, in consultation with the MPO, develops a listing of all projects selected at the state level that are within the boundaries of the Metropolitan Planning Area (MPA.) NDOT will meet annually with the MPO's to discuss these projects.

The NDOT will also supply information to assist the MPOs in fulfilling the requirement that they provide a status report for current projects. This information includes the status of every project listed in the first year of the previous TIP, whether under construction, completed or delayed until a future fiscal year along with the amount of federal aid obligated and the type and amount of matching funds.

### **Locally Sponsored Projects**

NDOT provides each MPO an estimated amount of their TAP and STBGP-Urban Attributable funds for programming of eligible projects at the time they are developing their TIPs. This amount is an estimate of future apportionments and is provided solely for planning purposes. Each MPO is subject to an annual obligation limitation which may be less than the actual apportionment. An MPO will not be allowed to obligate more than their obligation limitation unless NDOT determines it to be in the best interest of the Department.

Other local projects (bridge, safety, Transportation Alternatives, etc.) are developed in cooperation with the appropriate NDOT Division and will be included in the TIP once they are programmed.

### **MPO's Role in STIP Development**

#### **FHWA Funding**

The MPOs should allow the NDOT an opportunity to review draft TIPs as they are developed in order to foster communication and expedite the approval of the final document. The MPO and NDOT may coordinate through special meetings or during the regularly scheduled MPO Coordination meetings.

All projects within the boundaries of the Metropolitan Planning Area (MPA) are selected in coordination with the City and/or County and the NDOT Local Projects Section.

If a project has termini that starts inside the MPO planning area boundary and then extends outside of the planning boundary, the project shall be listed on the MPO TIP and go through the MPO transportation planning and programming processes.

Each MPO develops a four-year (at least) TIP with each year and each federal, state, local and private funding category fiscally constrained. The MPO must program within the funding amounts provided by NDOT to submit a fiscally-constrained TIP. Projects are to be listed in their year of expenditure and show the total project cost and the cost by work phase (PE, ROW, Construction, etc.) A more detailed list of requirements is contained in Appendix A.

Local projects are subject to the MPO's public participation process. Each MPO will review their projects to be sure they are consistent with the MPO long-range transportation plan and can be obligated within the year specified.

For further information on MPO TIP procedures, see Section 8 of NDOT's Operating Manual for MPO Transportation Planning at:

<http://dot.nebraska.gov/media/6846/mpo-operating-manual.pdf>

#### **FTA and State Transit Funding**

Minimum information for inclusion in the STIP for transit projects shall include the grantee's name, the project description; the assistance category (operations support, capital improvement or planning); the type of capital purchase (replacement, rehabilitation, remanufacture or expansion); and the total cost and anticipated federal participation, both in whole dollars, plus identification of the federal program from which the federal funding will come, plus name of the project and termini(if applicable)?. To the extent

possible, projects with multiple funding sources should be shown as a separate line item for each funding source.

In addition, the following items are required for capital improvement projects. A feasibility study for the construction of a new transit facility or maintenance facility must accompany the TIP submittal for projects programmed in the first year of the STIP/TIP. Planning justification is required for all projects except like-kind rolling stock replacement and rehabilitation projects. Projects replacing a vehicle with a vehicle that differs substantially from the one being replaced must justify the need for such a change. "Useful life" is an appropriate guide to evaluate when an item needs to be replaced; however, it does not solely indicate the "need" to be replaced. More specific information is required.

### **Preparation of Draft STIP by NDOT**

Between July 1 and August 15, the Program Management Division develops a draft STIP using NDOT's computer databases of projects and funding information. References to MPO projects and funding amounts are added as TIPs or Draft MPO TIPs become available. Non-MPO local project information is supplied by the Local Projects Section through their coordination with local agencies. The Transit Manager supplies transit information. FHWA supplies information relating to tribal lands, federal lands and other programs not administered by the NDOT.

The Program Management Division thoroughly reviews all projects for eligibility before they are programmed for federal aid and added to the STIP.

Projects in the STIP are listed in their year of expenditure dollars, show the total project cost, and the cost by work phase. Work phases to be shown are preliminary engineering (PE), right-of-way (ROW) and Construction. For projects where utility work is expected to be authorized in advance of the bid letting for construction, a separate Utility work phase may be shown.

PE activities include feasibility studies, preliminary design/NEPA process and final design. *Preliminary design* defines the general project location and design concepts. It includes, but is not limited to, preliminary engineering and other activities and analyses, such as environmental assessments, topographic surveys, metes and bounds surveys, geotechnical investigations, hydrologic analysis, hydraulic analysis, utility engineering, traffic studies, financial plans, revenue estimates, hazardous materials assessments, general estimates of the types and quantities of materials, and other work needed to establish parameters for the final design. *Final design* includes any design activities following preliminary design and expressly includes the preparation of final construction plans and detailed specifications for the performance of construction work. The preliminary Design/NEPA work phase and final design work phase, even though shown in the STIP as PE, will be authorized as two separate actions by FHWA, preliminary design/NEPA and final design. Final design authorization will not be requested until the NEPA process is complete.

ROW activities include ROW design, appraisal, acquisition, and relocation. The construction phase work activities are utility work, construction, and construction engineering.

### **Public Participation and Agency Review of STIP**

Federal regulations require broad public involvement in the development of the STIP. Successful development of the STIP is dependent on accomplishment of statewide public participation during development of the state and MPO Long Range Transportation Plans and TIPs. Public participation and



agency coordination efforts for the highway and transit programs on state and local systems are accomplished by the NDOT and the four MPO's.

NDOT's approved STIP Public Involvement Plan which details project selection procedures can be found at:

<http://dot.nebraska.gov/media/5654/stip-pip-current.pdf>

MPO's also have designated procedures for public input / agency coordination and are developing criteria for project selection. Each MPO has both technical committees and policy boards that participate in review and selection of projects within their MPA. Their public involvement procedures and TIPs can be found at 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/departments/public-works/metropolitan-planning-organization>

### **Approval of Final STIP**

After statewide public review of the draft STIP has been accomplished and comments concerning the draft STIP have been addressed, which may require action or adjustments; the STIP will be submitted to the FHWA and FTA. Final MPO TIPs and the STIP will be concurrently submitted to the FHWA and FTA as approved by the NDOT. (Drafts will be provided to the FHWA and FTA as they are submitted to the NDOT to facilitate federal review). The target date for submittal to the FHWA/FTA is September 1, which is 30 days prior to the beginning of the federal fiscal year.

If the federal agencies find all documents submitted in conformance with federal requirements, the NDOT will be notified of the joint approval of the STIP by FHWA and FTA. If additional material is required, the FHWA and FTA will notify the NDOT of the needed material. The goal is to have approval of the STIP annually, by October 1. The approval of the STIP prior to the start of the Federal fiscal year will allow authorization of federal-aid for projects without delay.

### **Revising an Approved STIP/TIP**

Revisions are changes to a TIP or STIP 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".

#### **Amendment**

An amendment is a revision to a STIP/TIP that involves a major change to a project included in the TIP/STIP. Amendments require public review and comment and demonstration of fiscal constraint. Public involvement procedures for amendments are found in Section VI of the STIP Public Involvement Plan referenced earlier.

There are four main components that can be used to determine whether a project change rises to the level of an amendment:

**Project costs-** Amendments are required whenever the Federal-aid amount changes by 20% or \$2 million, whichever is greater. For computing the % change, standard rounding procedures will be

used; 19.50% and greater is considered to be 20% and therefore would require an amendment.

**Additions/Deletions-** Projects or phases of projects which are added or deleted from the first four years of the TIP/STIP will be processed as amendments (excluding grouped projects).

**Funding sources-**Adding federal funding sources or changing from one federal funding category to another (including converting advanced construction) will require an amendment.

**Scope and termini changes-**Substantial changes to project scope shown in the approved STIP or project termini changes greater than 0.25 mile will require an amendment.

### Administrative Modification

A minor revision to a TIP or STIP is an administrative modification. It includes minor changes to projects, including projects using advanced construction (AC) procedures, already included in the STIP. Administrative modifications do not require public review and comment, however NDOT must demonstrate fiscal constraint. The following components should be used to determine if a change can be processed as an administrative modification:

**Project costs-** Projects in which the federal aid and/or AC amount has been changed by less than 20% or \$2 million, whichever is greater, can be processed with an administrative modification. For purposes of this calculation federal aid and AC amounts will be combined.

**Additions/Deletions -** Projects or phases of projects added to group listings explained earlier will be processed as administrative modifications.

**Schedule changes-** Changes in schedules to projects which are included in the first four years of the TIP/STIP will be considered administrative modifications

**Funding sources-**Redistribution of federal funding or AC among funding sources already listed with the project can be done with an administrative modification.

**Scope and termini changes-**Minor changes to project scope and termini changes of less than 0.25 mi. can be made with a modification. For MPO areas, project termini not consistent with the Long Range plan will require an amendment.

### Amendment vs. Administrative Modification Examples

Amendment	Modification
Increasing the Federal-aid amount from \$4,000,000 to \$6,100,000. This change exceeds 20% and \$2,000,000	Increasing the Federal-aid amount from \$55,000 to \$110,000. While this is a 100% increase, the monetary change is less than \$2,000,000.
Decreasing the AC amount from \$4,000,000 to \$1,900,000. This change exceeds 20% and \$2,000,000	Decreasing the AC amount from \$11,000,000 to \$8,900,000. While this change is more than \$2,000,000, the percentage decrease is 19%.

Adding a project or phase of project that was in the previous STIP but was inadvertently omitted from the first 4 years of the current STIP	Moving an existing STIP project from the 2nd year of the STIP to the 1st year
Adding a project to convert AC	Moving the year of conversion for an existing AC project from the 3rd year of the STIP to the 1st year.
Adding ROW work phase to an existing STIP project	Making a post letting adjustment to a project that was obligated under a previous STIP*
Changing the Federal funding source on an existing project from STBGP to HSIP	Changing the distribution of funds between STBGP and HSIP that are already shown for the project *
Changing a bridge rehabilitation to a bridge replacement (changing design standard)	Adding guardrail to a listed bridge project
Changing from a 3R to a 4R design standard	Adding concrete repair to an asphalt resurfacing project
Adding a newly programmed regionally significant project	Adding a project to the Minor Safety, RTP or TAP listings
* Changes to Federal-aid or AC amounts must be within the 20%/ \$2 million threshold	

### **Demonstrating Fiscal Constraint**

At least quarterly, NDOT will adjust the financial summary page or the project listing if the project is in the current STIP to reflect funding changes caused by administrative modifications in order to redemonstrate fiscal constraint over the life of the STIP. These adjustments will also include those made to projects not on the STIP, such as letting adjustments, modified agreements, and final vouchers.

Should funding adjustments through administrative modifications and/or amendments cause the STIP to exceed anticipated funding available, NDOT will adjust existing STIP projects in order to maintain fiscal constraint. This may involve removal, reprogramming to another fiscal year, or conversion to advance construction.

MPO's are responsible for demonstrating and maintaining fiscal constraint of their TIPs. NDOT will include MPO funding adjustments in their quarterly reports and verify fiscal constraint before approving any TIP amendments. Administrative Modifications will be approved by NDOT and will be shown in the next STIP revision. Approval by NDOT constitutes inclusion of the modification in the STIP.

### **Documenting Revision Procedures**

Each MPO must document their procedures for processing amendments and administrative modifications. The procedures adopted by each of the MPO's must be consistent with the STIP Guidelines. For all LRTP and TIP amendments, the MPO's shall use the same thresholds contained in this document. (i.e. 20 % or \$2 million, whichever is greater). Amendment procedures must be documented in the LRTP, TIP and Public Participation Plan.

Documentation needs to include the definitions of amendment and administrative modification. It should also include detailed procedures on how each type of revision is processed. For example, notification procedures, posting procedures, comment periods, staff/board actions etc. The NDOT will not require that each MPO follow the same procedures for public involvement but will monitor each MPO's process for adherence to FHWA regulations.

**FHWA Funding Transferred to FTA – See Section 2 of NDOT’s Operating Manual for MPO Transportation Planning at:**

<http://dot.nebraska.gov/media/6846/mpo-operating-manual.pdf>

## Appendix A

### MPO TIP Checklist Required for Final MPO TIP Approval

- Listing of all federal-aid projects proposed for FHWA or FTA funds for four federal fiscal years, plus a status report of all previously authorized significant MPO projects still underway.
- 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 as well as to operate and maintain the entire system, through the comparison of revenues and costs.
- 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 450.336 describes several certifications that the MPO must make when submitting their proposed TIP, and amendments as necessary, to 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:

1. 23 U.S.C. 134 & 135, 49 U.S.C. 5303 and 5304.
2. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21.
3. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity.
4. Section 11101(e) of the IJIA Act (Pub. L. 117-58) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects.
5. 23 CFR part 230, regarding implementation of an equal opportunity program on Federal and Federal-aid highway construction contracts.
6. 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.
7. 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.
8. Section 324 of title 23 U.S.C., regarding the prohibition of discrimination based on gender.
9. 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.

- Financial capacity analysis for MPO transit programs included in TIP or Consolidated Transit

Funding Application.

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

## Appendix B

### STIP Checklist

Section 23 CFR 450.220 describes several certifications that the state must make when submitting their proposed STIP, and amendments as necessary, to FHWA and FTA for approval. The state shall certify that their transportation planning process is being carried out in accordance with the following requirements:

1. 23 U.S.C. 134 & 135, 49 U.S.C. 5303 and 5304.
2. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21.
3. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity.
4. Section 11101(e) of the IJA Act (Pub. L. 117-58) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects.
5. 23 CFR part 230, regarding implementation of an equal opportunity program on Federal and Federal-aid highway construction contracts.
6. 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.
7. 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.
8. Section 324 of title 23 U.S.C., regarding the prohibition of discrimination based on gender.
9. 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 450.218 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 450.218 describes a number of requirements that the state should also ensure are met when submitting the STIP. These requirements are as follows:

- Public involvement was provided for in the development of the STIP as required by 450.212.
- The metropolitan planning area TIPs are included without modification, directly or by reference, and have been approved by the Governor or his designee.

- The STIP, in nonattainment and maintenance areas, contains only transportation projects found to conform, or from programs that conform, to the requirements contained in 40 CFR part 51.
- The STIP contains only projects consistent with the long-range statewide transportation plan and MPO Long Range Transportation plans;
- The STIP includes a list of priority projects to be carried out in the first four years of the current program;
- The STIP contains all regionally significant transportation projects requiring action by FHWA or FTA

## Glossary

*Administrative modification* means 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* means 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 lanes). 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* means 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.

*Financial plan* means 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 of Federal, State, local, and private revenues and the costs of implementing proposed transportation system improvements.

*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 is being adequately operated and maintained. For the TIP and the STIP, financial constraint/fiscal constraint applies to each program year.



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

*Long-range statewide transportation plan* means 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)* means 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) plus the contiguous area expected to become urbanized within 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)* means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

*Metropolitan transportation plan* means the 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* means a geographic area outside a designated metropolitan planning area.

*Non-metropolitan local officials* means elected and appointed officials of general purpose local government in a non-metropolitan area with responsibility for transportation.

*Obligated projects* means strategies and projects funded under title 23 U.S.C. and title 49 U.S.C. Chapter 53 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* means the procedures 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* means 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, or intercity bus transportation or intercity passenger rail transportation provided by Amtrak.

*Regionally significant project* means 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) and 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* means 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)* means 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* means a plan developed by the State DOT in accordance with the requirements of 23 U.S.C. 148(a)(6).

*Transportation improvement program (TIP)* means 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.

*Transportation management area (TMA)* means 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 Secretary of Transportation.

*Unified planning work program (UPWP)* means a statement of work identifying the planning priorities and activities to be carried out within a metropolitan planning area. At a minimum, a UPWP includes a description of the planning work and resulting products, who will perform the work, time frames for completing the work, the cost of the work, and the source(s) of funds.

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

*Users of public transportation* means any person, or groups representing such persons, who use transportation open to the general public, other than taxis and other privately funded and operated vehicles.