



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


NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

~~May 2018~~ revised February 1, 2019

Prepared and Updated by NDOT Intermodal Planning Division/Planning Unit



Contents

Introduction	4
Purpose of Operating Manual	4
Governor’s Designee for MPO	6
Nebraska MPO	7
Section One: Unified Planning Work Program	8
Unified Planning Work Programs	8
UPWP Timeline	10
Section Two: Funding	11
MPO Federal Funding Sources	11
Section Three: Agreements	13
Memorandum of Agreement	13
Metropolitan Planning Funds (PL) Agreement	13
Agreement Amendments	14
Agreement Amendment Procedure	15
Section Four: Certifications	16
Self-Certification of the Planning Process	16
Section Five: Reimbursement Requests and Invoicing	18
MPO Reimbursement Request Process	18
MPO Reimbursement Request Timeline	19
Indirect Cost Rates and Payroll Additive Rates	20
NDOT Planning Staff - MPO Invoice Process Checklist	21
Why Invoices are Returned	22
Section Six: Purchases	23
Equipment Purchasing	23
Prior Approval	23
Section Seven: Audit	26
Financial Management	26
Section Eight: Transportation Improvement Program	28
Transportation Improvement Programs (TIPs)	28
TIP Amendments	30
Amendment	31
Process for TIP/STIP Amendments	33
Statewide Transportation Improvement Program (STIP)	34
STIP Amendments and Linkage to MPO TIP	34
MPO TIP Checklist required for Final MPO TIP Approval	35
MPO TIP Checklist – Required for Final MPO TIP Approval	35
STIP CHECKLIST	36
STIP Checklist	36
Section Nine: Long Range Transportation Plan	37
MPO Metropolitan Transportation Plans (MTP)	37

Fiscal Constraint of Metropolitan Long Range Transportation Plan.....	38
Long Range Transportation Plans Objectives and Goals	40
Section Ten: Consultant Hire Process	42
Steps for the Consultant Hire Process.....	42
Section Eleven: Performance Measures	45
Performance Measure Documentation.....	46
Nebraska HSIP Performance Measures BASELINE 2016 – TARGET 2018 – PM 1.....	50
TAMP Requirements – PM2	55
Freight and Travel Time Reliability-PM3	56
Coordination between NDOT and MPO	57
Performance Measure #1: Safety Performance Measures.....	57
Performance Measure #2: Pavement and Bridge Condition Performance Measures	59
Performance Measure #3: Travel Time Reliability and Freight Movement	61
Section Twelve: MPO General Information.....	63
NDOT, FHWA and FTA Contacts	65
Terms and Definitions	66
Tracking document for Planning’s Use	70

Introduction

Purpose of Operating Manual

On December 4, 2015, President Obama signed into law Public Law 114-94, the Fixing America's Surface Transportation Act (FAST Act). The FAST Act funded surface transportation programs for fiscal years (FY) 2016 through 2020. The Moving Ahead for Progress in the 21st Century Act (MAP-21), enacted in 2012, included provisions to make the Federal surface transportation more streamlined, performance-based, and multimodal. MAP-21 made a number of reforms to the metropolitan and statewide transportation planning processes, including incorporating performance goals, measures, and targets into the process of identifying needed transportation improvements and project selection. The FAST Act builds on the changes made by MAP-21 and it includes provisions to support and enhance these reforms.

The FAST Act continues requirements for a long-range plan and a short-term transportation improvement program (TIP), with the long-range statewide and metropolitan plans now required to include facilities that support intercity transportation, including intercity buses. The statewide and metropolitan long-range plans must describe the performance measures and targets that States and MPO use in assessing system performance and progress in achieving the performance targets. Additionally, the FAST Act requires the planning process to consider projects and or strategies that improve the resilience and reliability of the transportation system and those that enhance travel and tourism.

The FAST Act also requires that the planning process include private transportation providers and further encourages MPO to consult with officials of other types of planning activities, including tourism and natural disaster risk reduction. MAP-21 and the FAST Act also changed criteria for MPO officials to provide transit provider representatives with equal authority and allow the representative to serve as the representative of a local municipality.

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) Intermodal Planning Division/Planning Unit(Planning Unit), Program Management Division, and Materials & Research Division/Local Projects Section (Local Projects Section) 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 Long Range Transportation Plans (LRTPs), Transportation Improvement Programs (TIPs), and Unified Planning Work Programs (UPWPs).

- **Provide** guidance for working with the MPO on other associated tasks including billing procedures and audit requirements types of Federal funding.

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

The four Nebraska MPOs are the Metropolitan Area Planning Agency (MAPA) located Omaha, the Lincoln Metropolitan Planning Organization (Lincoln MPO) located in Lincoln, the Grand Island Metropolitan Planning Organization (GIAMPO) in Grand Island, and Siouxland Interstate Metropolitan Planning Council (SIMPCO) located in Sioux City, Iowa. The MPO provide a forum for cooperative transportation decision making in metropolitan areas. Metropolitan planning funds 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 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 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 Program Block Grants-Metropolitan (STPBG-M) funds. FHWA funds transferred to the FTA 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 population greater than 200,000, this portion is to be divided among those areas based on their relative share of population, unless the Secretary approves a joint request from the State and relevant MPO(s) to use other factors. STPBG eligibilities detailed on the FAST Act website <https://www.fhwa.dot.gov/fastact/factsheets/stbgfs.cfm>.

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

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,

A handwritten signature in blue ink that reads "Pete Ricketts".

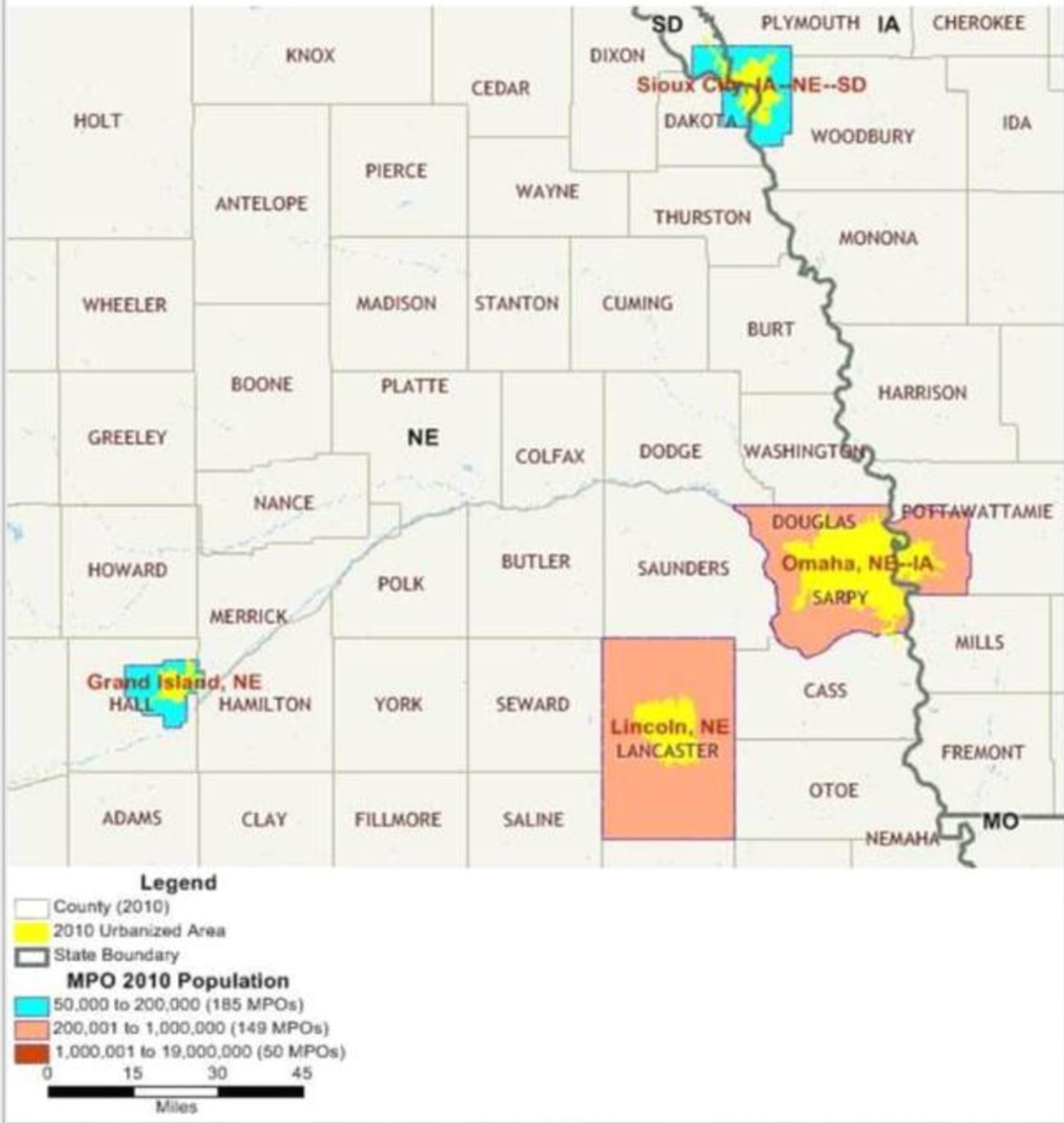
Pete Ricketts
Governor

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

Nebraska MPO

MPO Boundaries - MPO 2010 Population



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

Section One: Unified Planning Work Program

Unified Planning Work Programs

Unified Planning Work Programs (UPWPs) is a document of transportation planning activities performed within the metropolitan planning areas, or urbanized areas with populations of 50,000 or more. The UPWPs describe planning activities, with estimate 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 includes 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 required by 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 Long Range Transportation Plans (LRTPs).

UPWPs are officially adopted and approved by MPO Policy Boards and then by FHWA and FTA, upon the recommendation of the Planning Unit. 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 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 subcontract 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, costs and determines whether costs are allowable under 2 CFR, Part 225. The 2 CFR, Part 225 which establishes principles and standards to provide a uniform approach for determining costs and to promote 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 \$5,000 2 CFR 200.439 (a) (2) {OMB Circular A-87}	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 sent to the MPO, distributed to FHWA and key NDOT Staff. 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. MPO submits Amendments for UPWP's to 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.

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

April 15:

MPO provide draft UPWPs to the Planning Unit.

June 1:

UPWPs officially adopted and approved by MPO Policy Boards. The MPO 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 Planning Unit reviews the MPO UPWP and sends to FHWA and FTA for review and approval. Planning Unit then sends PL funding agreement based on approved MPO UPWP to each of the MPO. Title VI assurance and Certification on Lobbying (See Certifications section below) are included in each new PL agreement. Agreements must be signed by MPO 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: FHWA and FTA approve UPWPs before June 15 so that work may begin July 1. Planning Unit will forward approval letter from FHWA and FTA to the MPO.

August 29:

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

Section Two: Funding

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 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 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)** MPO 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 FTA for a transit project, the funds may be used with the same funding match requirements imposed by 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 planning activities, wetland mitigation, transit research/development, environmental analysis, transit safety improvements, and most transportation control measures.

In urbanized areas with populations of 200,000 or more, the MPO decide in coordination with the transit agency whether to transfer flexible funds. In areas with fewer than 200,000 people, the MPO 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 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 FHWA approves the STIP amendment, the transfer request form can be processed (see #4).
4. The Planning Unit completes FHWA Transfer Request Form #1576 and forwards to Controller Division.
5. Controller Division approves Transfer Request Form and forwards to FHWA Finance Specialist.
6. FHWA Finance Specialist approves Transfer Request Form, and then forwards to FHWA Office of the Budget with copy to the FHWA Transportation Planner and FTA Transportation Planner.
7. When FHWA Office of the Budget approves the transfer and posts the transaction in FMIS, the FHWA Finance Specialist sends notification with copy of approved transfer request to FTA and Controller Division who then notifies the Planning Unit.
8. Planning Unit emails approved form to MPO, Program Management Division, and the Transit Unit in the NDOT Intermodal Planning Division.

Section Three: Agreements

Memorandum of Agreement

The Memorandum of Agreement (MOA) is the umbrella agreement between 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 LRTP, TIP, and UPWP. NDOT and each of the MPO should review the MOA at least once every four years to make sure it reflects current practice and law and when major legislation (i.e. New Highway Authorization) is enacted. Revisions developed cooperatively by NDOT, MPO, and other State Agencies where appropriate.

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

Last Update	MAPA 2018	LINCOLN 2017	GIAMPO 2018	SIMPACO 2018
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Metropolitan Planning Funds (PL) Agreement

Metropolitan Planning Funds (PL) agreements are the financial document that authorize 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 MPO 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 broad umbrella agreements between NDOT and the MPO.

PL Agreements are one-year agreement between each individual MPO and 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 NDOT will distribute to each MPO.

MPO 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/6319/lpa-guidelines.pdf>). The Local Projects Section oversees the procurement process and will review all documents related to planning projects funded with PL funds according to the document referenced above.

NDOT provides MPO with a one-year estimate of PL funding to be available for distribution to the MPO. 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 long-range transportation plan and any necessary amendments;
- Include a range of possible out-of-state travel meetings and conferences with estimated total travel budget;
- Include equipment purchase requirements and budgets and other capital expenses in excess of \$5,000; and
- Estimate the overall cost of expected activities for the one-year period, including a budget for the year.

Agreement Amendments

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

An Agreement Amendment is required:

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

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

Agreement Amendment Procedure

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

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

Section Four: Certifications

Three certifications are required of MPO; one tied to the submittal of the TIP and the other two tied to annual UPWP contract.

Self-Certification of the Planning Process

Concurrent with the annual submittal of the TIP, MPO, and NDOT certify to FHWA and FTA that the planning process is being carried out in accordance with all applicable requirements set forth in 23 CFR 450.336. MPO 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 retained by the Planning Unit, one by the MPO, and an electronic sent to FHWA and FTA as part of the TIP approval process.

For all MPO, 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.

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

MPO must certify that no federal funds 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 grant;
- Making of any federal loan;
- 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 Budget 2CFR 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 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, 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). 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 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
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FHWA will initiate the review by sending the MPO and the Planning Unit a formal notice of when the certification review is scheduled. FHWA and FTA schedule a site review, which typically lasts about one and half days with a closeout meeting in addition during which the FHWA and FTA, MPO, the Planning Unit and other planning partners discuss the transportation planning processes.

Section Five: Reimbursement Requests and Invoicing

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

MPO Reimbursement Request Process

MPO are required to submit their reimbursement requests through OnBase (an electronic invoice workflow application utilized by the NDOT). Reimbursement requests submitted via NDOT OnBase System to 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; 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. 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 schedules;
 - c. Comparison of budgeted (approved) amounts and actual costs incurred;
 - d. Cost overruns and under runs;
 - e. Approved planning program revisions; and
 - f. Other pertinent supporting data.
4. **Proof of Payment to Outside services and sub-consultants**

MPO should submit the same documentation for the consultant and/or subcontractors they are paying as if the consultant was submitting request to NDOT on their own.

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

<u>Name of MPO</u> Expense Authorization Voucher	
Date	_____
Project Information	<input type="text" value="Project # /agreement #"/>
Amount Paid	_____
Authorization signature	_____

5. Reports or documents on completed tasks (for those tasks which result in a specific deliverable)

The MPO 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 downloading from the MPO website.

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

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

The unit sends a year-end summary report for the four MPO's to FHWA, and FTA and year-end funding report by September 30.

MPO Reimbursement Request Timeline

The reimbursement request timetable based on the NDOT fiscal year July 1 and 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

Indirect Cost Rates and Payroll Additive Rates

MPO 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 FHWA is the cognizant agency, entities must submit to NDOT 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 receipt of the indirect cost allocation plan, NDOT Controller will review and recommend the appropriate rate to FHWA within ninety days. 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 FHWA is not the cognizant agency, entities must submit to NDOT a letter with the approved rate(s) from their cognizant agency with the first applicable billing of the fiscal year. Information on developing indirect and fringe rate plans 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 found at:

<http://www.dol.gov/vets/programs/hvrp/ConferenceIndirectCosts.pdf>.

In conjunction with the indirect cost rate or separate from the indirect cost rate, 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 individually employee, the MPO must submit a copy of the calculation with each quarterly billing. Local Projects Section or Agreements Unit can provide a template to assist in this calculation.

If the rate is calculated aggregate, the rate must be submitted for 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.

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

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 date of Federal authorization date.
- ✓ Are there enough Federal funds authorized to cover the invoice?
- ✓ If the invoice includes purchased equipment, does the unit cost exceed \$5,000?
 - If yes, did the MPO get FHWA's advance approval in writing?
- ✓ If the invoice includes a sole source of proprietary item purchase, did the MPO or its subsidiary get 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; transaction date; what services were paid; amount paid; date paid and authority signature of payment (RC is acceptable).
- ✓ Make sure 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 quarterly invoice, then all the same required documentation of consultant charges must be included.

Why Invoices are Returned

Main reasons for invoice returned are

- ✓ Incorrect or missing Invoice Numbers & Dates
- ✓ Invoice Numbers & Dates not consistent on both the Invoice & 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 is able to charge to the project
- ✓ *No Staff Plan provided to NDOT before or with first invoice.*

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

- ✓ Project Number, Control Number & Project Location
- ✓ Service provided to and from dates
- ✓ Invoice Number & Invoice Date
- ✓ Calculations & Percentages

Before Invoicing NDOT needs to know:

- ✓ Staff Plan of those that can charge to the project, must be received before or with first billing.
- ✓ Have Indirect Cost Allocation Rate & Payroll Additive Rate been approved by 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 (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

Progress Report must include the following in accordance with 23 CFR 420.117:

- ✓ *Comparison of actual performance with established scope*
- ✓ *Progress in meeting schedules*
- ✓ *Comparison of approved budgeted and actual costs incurred.*
- ✓ *Other pertinent supporting data*

Section Six: Purchases

Equipment Purchasing

2 CFR 200.33 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 \$5,000. 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.

Prior Approval

Prior approval is required for all equipment purchases in excess of \$5,000 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 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 e.g. 10 separate items at \$500/ each would not require prior approval. If items do not have independent utility, the aggregate cost would go towards the threshold e.g. 10 collective items at \$500/ that are all need 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. MPO 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, the procurements conform to applicable Federal laws.

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. Justification provided to NDOT and FHWA for approval before the purchase.

The relevant CFRs related 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 MPO 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.

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

<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>

Section 7: Audit

Financial Management

Planning Unit staff works closely with Controller Division, Program Management Division and Local Projects Section on a variety of financial processes. Some routine processes are addressed in the following section.

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

Controller Division provides estimates of federal funds available for obligation by each local entity to Planning Unit, Program Management Division and Local Projects Section. Planning Unit performs any calculations necessary to distribute the PL funds and provides the amounts to the MPO.

Controller Division will provide a monthly reconciliation report of federal funds available and obligations to Local Projects Section who will in turn provide it to the MPO.

A-133 Audit

As a recipient of federal funds, MPO 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, iii) follows the Federal guidelines in OMB Circular A-133 (2CFR200)

MPO 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. MPO 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 shown appropriately in the report's Schedule of Expenditures of Federal Awards (SEFA),
- Provide 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 (see <http://harvester.census.gov/sac/>).

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

- Determine whether MPO 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; and
- Require MPO to permit 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.
- All records pertinent to the project need retained for three years after the project closed out in FMIS. 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, continued inability or unwillingness to comply with audit requirements, 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.

A-133 Audit Timeline

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

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

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

Section Eight: Transportation Improvement Program

Key STIP/TIP Dates

Target Date	Task
January 31	NDOT sends projected funding targets to MPO 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 MPO
May 1 to July 1	NDOT coordinates with MPO on the development of their TIPs
July 1	Last date that NDOT will accept MPO TIP's for review, approval and inclusion in the upcoming STIP
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 approval
October 1	FHWA and FTA approval of NDOT final STIP

Transportation Improvement Programs (TIPs)

Under 23 CFR 450.324 et seq., the MPO develop a Transportation Improvement Programs (TIPs) that define which federal transportation funds 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 not 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 Long Range Transportation Plans (LRTP). A project, if not regionally significant or specifically identified as a line item in the LRTP, must only be consistent with the LRTP. TIPs are financially constrained to assure project costs do not exceed reasonably available estimated revenues. MPO provide opportunities for public comment and review during TIP development and subsequent TIP amendment processes, in accordance with their public participation processes. These processes outlined in their public participation plan, which is a required document for all MPO. MPO serving a TMA (MAPA and Lincoln MPO) select all federally funded projects from the approved TIP (except those on the NHS) in consultation with NDOT and any affected public transportation operator(s). Projects on the NHS are selected from the approved TIP by NDOT in cooperation with the MAPA and Lincoln MPO designated for the area (23 U.S.C. 134(k) (4)). NDOT selects all Title 23 projects from the approved TIP in a non-TMA MPO (SIMPCO and Grand Island) planning area and 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, 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 LRTP, linking investment priorities to those performance targets.

TIP Updates

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

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.
3. Planning Unit forwards the TIP to Program Management Division and Local Projects Section. Program Management Division will check State projects for accuracy (project estimate, scope, schedule and termini), verify fiscal constraint, and alerts the Planning Unit of any issues. Local Projects Section checks local projects for accuracy (project estimate, scope, and termini), verifies fiscal constraint, and alerts Planning Unit of any issues. The Planning Unit reviews the draft TIP for consistency with the LRTP. The Planning Unit then forwards their comments along with comments from Program Management Division and Local Projects Section reviews to MPO.
4. Planning Unit facilitates the review process with 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 approved by the Governor or Governor's Designee. The Governor of Nebraska has delegated approval authority for TIP amendments to the Intermodal Planning Engineer.

7. The MPO prepares a letter to the NDOT Highway Planning Manager submitting the adopted TIP. The letter accompanied by the following:
 - MPO approved TIP;
 - Signed MPO Policy Board Resolution or Transmittal Letter adopting the TIP;
 - 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 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 is emailed to the MPO with an electronic copy sent to FHWA, FTA, Program Management Division and Materials & Research Division(M&R)/Local Projects Section.
10. The Program Management Division assures that the newly approved TIP is amended into the approved STIP.

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

TIP Amendments

Revisions defined as changes to a TIP that occur between their annual publications. 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". NDOT requires that each MPO adopt 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 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): <http://www.grand-island.com/your-government/public-works/metropolitan-planning-organization>

Revising an Approved TIP/STIP

Revisions are changes to a TIP that occur between their annual publications. 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. Amendments must demonstrate fiscal constraint. Public involvement procedures for amendments found in Section VI of the STIP Public Involvement Plan referenced earlier.

Four main components 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 percentage 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/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, MPO demonstrate fiscal constraint.

The following components determine if the change will processed as an administrative modification:

- **Project costs:** Projects, in which the federal aid and/or AC amount has changed by less than 20% or \$2 million, whichever is greater, processed with an administrative modification. For purposes of this calculation, combine federal aid and AC amounts.
- **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 STP to HSIP	Changing the distribution of funds between STP and HSIP that are already shown for the project *
Changing a bridge rehabilitation to a bridge replacement (changing design standard)	Adding guardrail to an 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	

NDOT Staff Analysis of TIP Amendments

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

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

- If a TIP amendment includes a project not in the current fiscally constrained LRTP;

- If the funding for the TIP project exceeds available funding; and
- If a project in the TIP was not included in the fiscally constrained LRTP because the funding source was not identified at the time of LRTP 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 Intermodal Planning Engineer/Chief Strategy Officer. The Planning Unit submits the MPO approved TIP amendments to the Intermodal Planning Engineer/Chief Strategy Officer for signature. Upon the receipt of the Intermodal 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.

Process for TIP/STIP Amendments

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

1. MPO sends proposed TIP amendments to their MPO Distribution List, including FHWA, FTA, Planning Unit, Local Projects Section, and Program Management Division at least one week prior to the MPO Transportation Advisory Committee (TAC) meeting where the amendment are recommended for approval.
2. The respective NDOT Unit, which will depend on the type of amendment, will notify MPO staff, and Planning Unit of any concerns. 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 arranges for approval of the MPO TIP amendment within one week of receipt.
5. Upon Governor’s Designee approval, the Planning Unit sends an electronic copy of the State Approval letter, copy of the resolution and revised TIP pages that demonstrate financial constraint to TIP amendment distribution list including the MPO, FHWA, FTA, Planning Unit, Local Projects Section, and Program Management Division.
6. Program Management Division processes the STIP amendment and submits to FHWA and FTA for approval.
7. FHWA sends an approval letter to NDOT and affected MPO

Statewide Transportation Improvement Program (STIP)

Nebraska's STIP 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 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.

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 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.

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 Projects Section, 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, Program Management Division finalizes project entries in the STIP as appropriate.

Link to the Nebraska Department of Transportation STIP

<https://dot.nebraska.gov/projects/publications/stip/>

MPO TIP Checklist required for Final MPO TIP Approval

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 450.218 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 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.
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. 1210 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 program 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.

STIP CHECKLIST

STIP Checklist

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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:

- 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.

Section Nine: Long Range Transportation Plan

MPO Metropolitan Transportation Plans (MTP)

MPO develop a MTP, which is a Long-Range Transportation Plan (LRTP) with a minimum 20-year planning horizon (23 CFR 450.324). The MTPs updated at least every five years. All MTPs 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
- Projected transportation demand for movement of persons and goods
- Existing and proposed transportation facilities
- Description of performance measures and performance 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
- 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
- Development of project cost estimates in year of expenditure
- A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities
- Evaluation of the transportation, socioeconomic, environmental, and financial impact of the overall plan
- Consideration of MTP impact on land-use, housing, community development, employment and environmental resources and environmental justice; and 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 Projects Section and Program Management Divisions review the draft LRTP to determine it has met the requirements of fiscal constraint (23 CFR 450.324) and is consistent with NDOT policies.

Fiscal Constraint of Metropolitan Long Range Transportation Plan

Each LRTP 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 LRTP as unfunded (“illustrative”).

The MPO works with 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 LRTP.

MPO must demonstrate fiscal constraint by funding category in the fiscally constrained LRTPs. The Planning Unit reviews the LRTP listing of projects and resource allocation for project expenditures (by funding category) with the Local Projects Section and Program Management Division. The Planning Unit consolidates the comments from the Local Projects Section and Program Management Division and forwards them to the MPO.

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

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

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

Circumstances may occur between regularly scheduled updates of the LRTPs that require an addition, deletion, or other change to the LRTP. Amendments to LRTP will follow the same process as the adopted LRTP above.

Four main components that can be used to determine whether a project change rises to the level of a Long Range Transportation Plan (LRTP) amendment:

- **Project Costs:** Determination made based on the percentage change or dollar amount of change in federal aid. Projects, in which the federal aid changed by 20% or \$2 million, whichever is greater, will require an LRTP amendment. Anything less can be processed with an administrative modification. For projects financed with non-federal funds, NDOT suggests the MPO use the same 20%/\$2 million threshold in order to provide transparency to the public.
- **Adding a Regionally Significant Project** which requires FHWA or FTA funding or approval
- **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 Term Changes:** Substantial changes to project scope shown in the approved STIP or project termini changes greater than 0.25 mile will require an amendment.

A project change that does not meet the above criteria will be considered an LRTP minor revision or administrative modification.

The public involvement procedure and reviewing body necessary for an LRTP amendment and an LRTP administrative modification should be determined at the MPO level. MPO 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 LRTP amendment, then the procedure must be clearly outlined in the MPO Public Involvement Plan and the MPO LRTP. Amendment procedures must be documented in the LRTP, TIP and Public Participation Plan.

Long Range Transportation Plans Objectives and Goals

Long Range Transportation Plan Objectives and Goals for Linking Transportation Planning and the NEPA Process

Planning / Design

Objective I: Increase 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 LRTP).

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 impacts to the surrounding neighborhood and traveling public due to construction related impacts.

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: Manual to avoid impacts on major resources.

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

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

Nebraska Statewide Transportation Plan

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 MPO. The Statewide Transportation Plan integrates the MPO LRTPs and includes NDOT existing system conditions, policies, resource allocation, needs and long-range goals, objectives, strategies and performance measures.

Vision 2032, adopted in 2012, is available at: <https://dot.nebraska.gov/projects/publications/lrtp/>

Section Ten: Consultant Hire Process

Steps for the Consultant Hire Process

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

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

Step 1. MPO Submits Request Letter

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

Step 2. MPO Draft RFP

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

Step 3. MPO Consultant Selection

- MPO reviews all the applicants and completes a Short List Ranking form that outlines their selection from the applicants.
- MPO sends all consultant applications and the Short list ranking form to NDOT for review.
- After 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/>

- MPO notifies consultant selected and the consultants not selected.
- Pre negotiation memo
- **Notice to Proceed** given by email to do negotiations with selected consultant.
- Post negotiation memo.
- Draft Scope of Services
- Independent Cost (ICE) <
- Fixed Fee worksheet
- Determine if consultant will bill NDOT 100% and NDOT bill MPO for 20% or if MPO will pay the Consultant and MPO bill NDOT.

These three are in one excel workbook on NDOT website called "Consultant Fee Proposal"

- Routing of invoices is done via NDOT OnBase system to the MPO responsible charge (RC) and then the RC will forward the invoice via NDOT OnBase system to NDOT Project Coordinator (PC)
- Draft Agreement is created.
 - NDOT can supply the template for negotiation purpose.
 - Consultants will complete audit at state fiscal year end with Controller Division and a true up of indirect costs completed.
- Draft Agreements signed by MPO and Consultant will be returned to Planning Unit with these items.
 - Detailed work plan
 - Consultant conflict of interest form
 - Consultant certification form
 - Staff plan (note that if staff changes 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 City (Which is the cities / MPO board adoption of agreement between City & Consultant)

Step 5. MPO Consultant Agreement

- MPO returns all final documents and draft agreement to NDOT.
- NDOT reviews all final documents and prepares Final Draft Agreement for signatures including the following consultant final documents as exhibits.
 - EXHIBIT A
 - Detailed work plan
 - Consultant conflict of interest form
 - Consultant certification form
 - Staff plan (note that if staff changes 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 is 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. Planning Unit will get the signature of the Governor's Designee.

- Planning Unit will return two final signed agreements to the MPO. The MPO will return one copy to the Consultant.
- Planning Unit given will give MPO and Consultant **Notice to proceed** to begin work with 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 NDOT pays the consultant, the full 100% of charges, then the MPO reimburses NDOT their 20%.
 - Consultant or MPO can route invoices via NDOT OnBase system to the MPO responsible charge (RC) and then the RC will forward the invoice via NDOT OnBase system to NDOT Project Coordinator (PC)
- Forms needed for invoicing are
 - Invoice, NDOT 162 cost breakdown
 - Progress Report
 - Travel Log
 - Receipts {Receipts (e.g. 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 NDOT website under Consultant Services Information.
- NDOT electronic signature form for invoicing needs to be signed by the Consultant.
- NDOT instructions for loading invoice to OnBase can be found on the NDOT website under Consultant Information.

Step 8 MPO & Consultant Agreement audit

- Consultants 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.
- End of contract a NDOT39 consultant services agreement closeout needs completed.

Location for forms and instructions can be found on <http://dot.nebraska.gov/business-center>
Under Consultant Service Information or the Local Projects Section

Section Eleven: Performance Measures

As part of the Fixing America's Transportation System (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 MPO 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 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 in 49 CFR Part 673.

Performance Measure Documentation

TPM Element	Measure:	NDOT Compliance Date:	NDOT Action:	MPO Compliance Date:	MPO Action:	G	S	L	M
						I	I	I	A
						A	M	N	P
						O	P	C	O
						P	O	L	A
						Board Meeting dates			
PM1: Safety	<ol style="list-style-type: none"> Number of Fatalities; Rate of Fatalities per 100 million in VMT; Number of Serious Injuries; Rate of Serious Injuries per 100 million in VMT; Number of Non-Motorized Fatalities and Serious Injuries. 	PM1: 8/30/2017	Establish Targets and Coordinate with MPO	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	<p>Pavement:</p> <ol style="list-style-type: none"> % of Interstate pavements in Good condition; % of Interstate pavements in Poor condition; % of non-Interstate NHS pavements in Good condition; % of non-Interstate NHS pavements in Poor condition. <p>Bridge:</p> <ol style="list-style-type: none"> % of NHS bridges by deck area classified as Good condition; % 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	<p>Freight Movement on the Interstate System (Truck Travel Time Reliability (TTTR) Index):</p> <ol style="list-style-type: none"> % of mileage traveled on the Interstate that are reliable <p>Performance of NHS (Travel Time Reliability Measure):</p> <ol style="list-style-type: none"> % of person-miles traveled on the Interstate that are reliable; % 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	<p>NDOT requests for Asset Management Plan Development Process Certification: NDOT submits to FHWA a State-approved initial Asset Management Plan that meets the requirements of 23 CFR 515.11(b). FHWA will review the processes described in the initial plan and make a process certification decision.</p> <p>FHWA Determination of Plan Compliance: If 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 FHWA will not approve any further projects using National Highway Performance Program funds.</p>	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	<p>NDOT shall submit their Data Quality Management Program that meets the requirements of 23 CFR 490.319 to 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.</p>	5/20/2018	Develop and Submit program to 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 LRTP 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	<p>FHWA Determination of MAP-21, Section 1106(b) Penalty: Subject to the extension provision in 23 CFR 515.15(b)(2), if 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 FHWA will not approve any further projects using National Highway Performance Program funds until the State DOT has complied with those requirements.</p>	As of November 20, 2018
TAMP	<p>Consistency Determination Penalty Assessment Pursuant to 23 U.S.C. 119 (e)(5): If 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.</p>	Beginning on October 1, 2019, and each fiscal year thereafter
PM1 Safety	<p>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:</p> <p>(1) Use obligation authority equal to the HSIP apportionment for the year prior to the target year, only for HSIP projects.</p> <p>(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.</p>	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	<p>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.</p> <p>If 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:</p> <p>(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</p> <p>(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).</p>	Determination by October 1, 2020 and October 1, 2022
PM2: Bridge	<p>FHWA determination of minimum NHS bridge condition level: If 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.</p> <p>(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.</p> <p>(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 FHWA.</p> <p>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. <i>(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).</i></p>	By October 1, 2018 and annually thereafter
PM3: Freight & Travel Time	<p>FHWA will determine significant progress toward the achievement of a State DOT's NHPP and NHFP target. If 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 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: (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.</p>	Expected by December 2020 and every 2 years thereafter

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, MPO, and the NDOT and is included in table on page 40.

1) Transportation performance data

- a. NDOT will provide MPO 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.
- b. If MPO 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.

2) Selection of performance targets

- a. NDOT will develop draft statewide performance targets in coordination with MPO. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. MPO will be given an opportunity to provide comments on statewide targets before final statewide targets are adopted.
- b. If an MPO chooses to adopt their own target for any measure, they will develop draft MPO performance targets in coordination with NDOT. Coordination methods will be at the discretion of the MPO, and should include NDOT an opportunity to provide comments on draft MPO performance targets prior to final approval.

3) Reporting of performance targets

- a. NDOT performance targets will be reported to FHWA and FTA, as applicable. MPO will be notified by email when NDOT has reported final statewide targets.
- b. 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.
 - i. 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.
 - ii. If a quantifiable target is set for the MPO planning area, the MPO will provide any supplemental data used in determining any such target.
 - iii. 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.

c. 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.

d. MPO 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.

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

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

a. NDOT will provide MPO 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.

5) The collection of data for the State asset management plans for the NHS

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

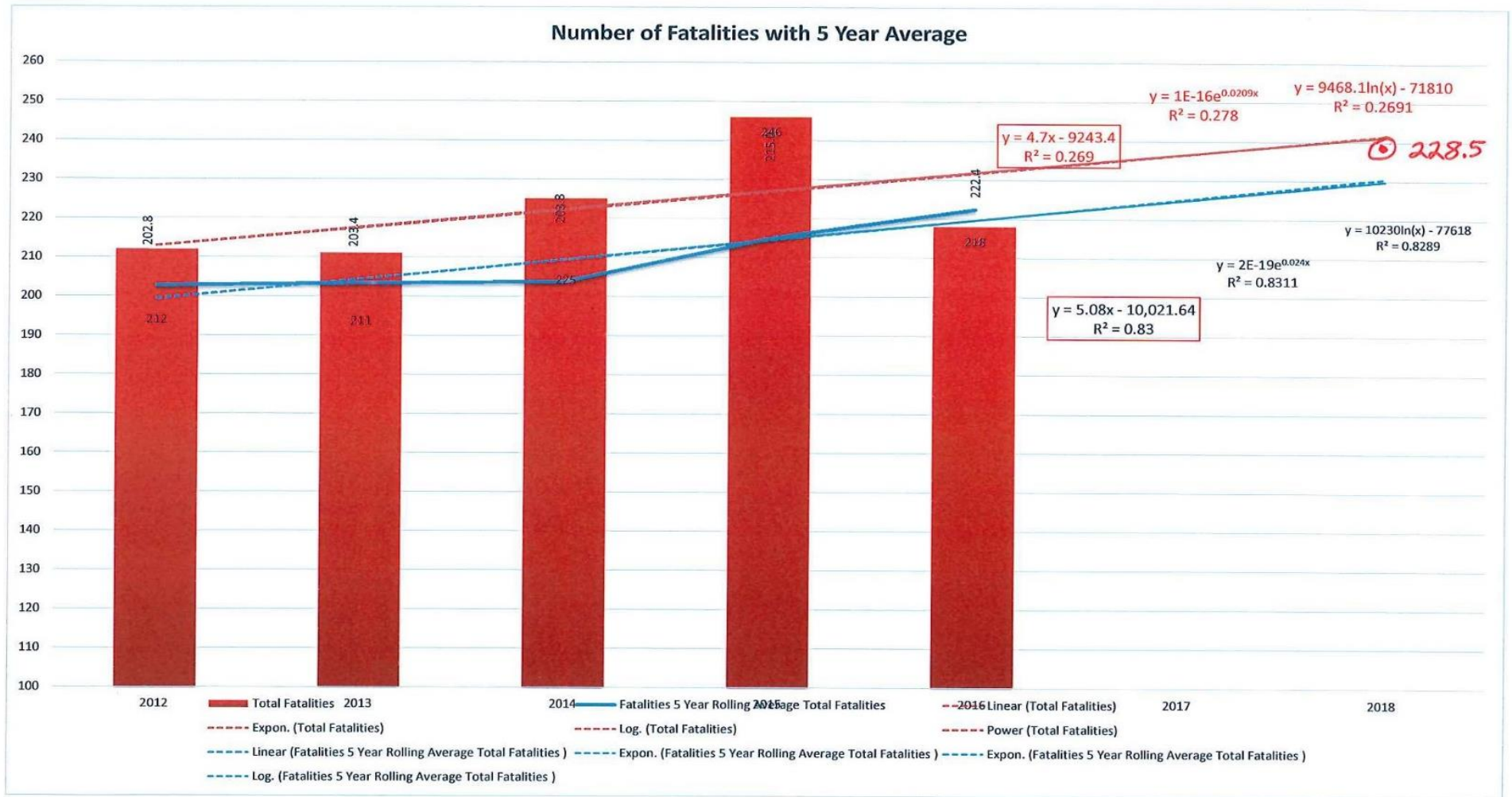
Nebraska HSIP Performance Measures BASELINE 2016 – TARGET 2018 – PM 1

NDOT Targets for PM1 Performance Measures

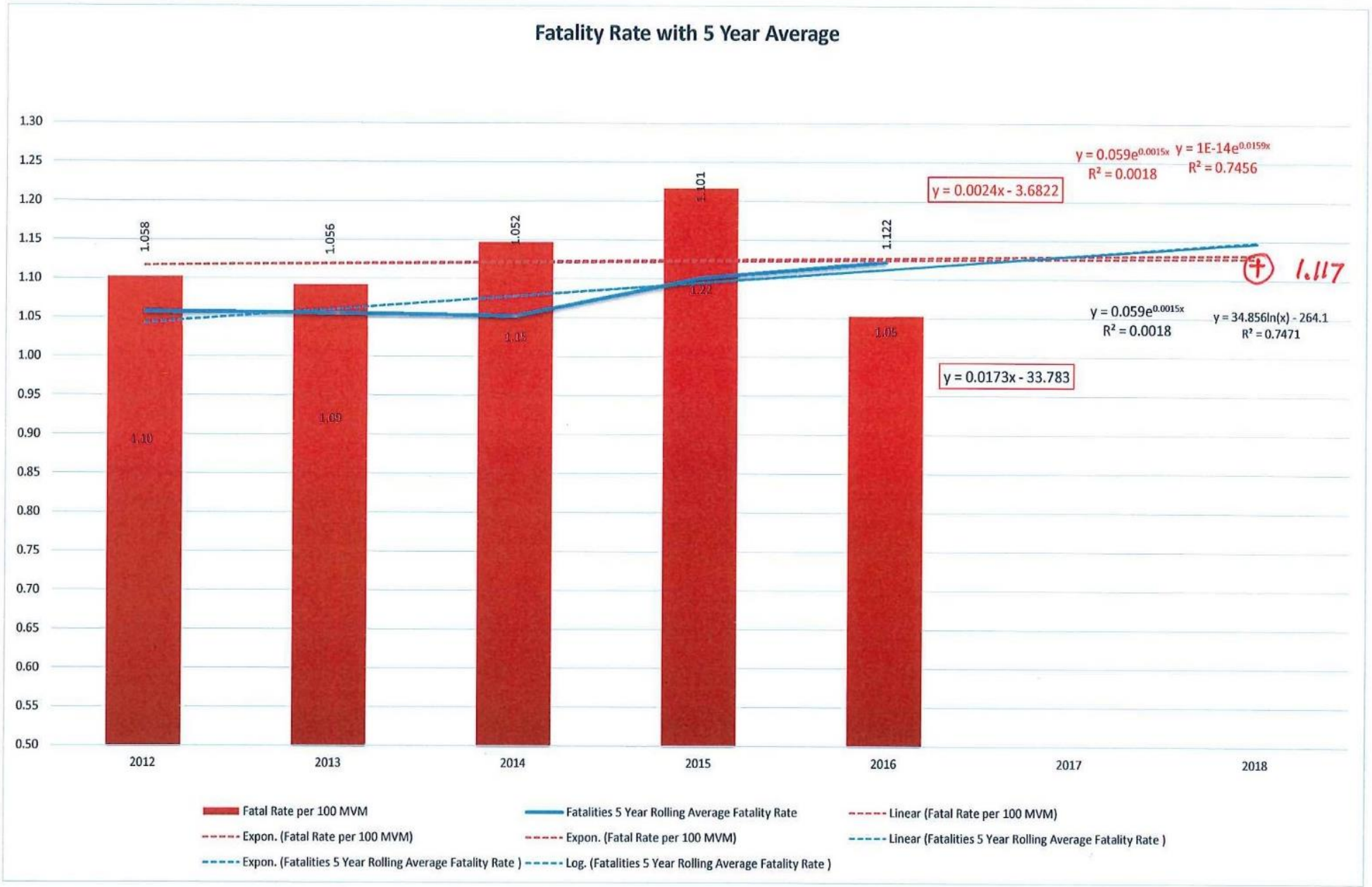
NEBRASKA HSIP PERFORMANCE MEASURES - Baseline 2016 - Target Goal 2018						
HSIP PERFORMANCE MEASURE	Projected 2014-2018 Actual Avg	Projected 2014-2018 Rolling Avg.	2016 Yearend Actual Values	5-Year Rolling Average		
				NDOR Target 2014-2018^A	Actual 2011-2018^B	Baseline 2012-2016^C
Number of Fatalities	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%

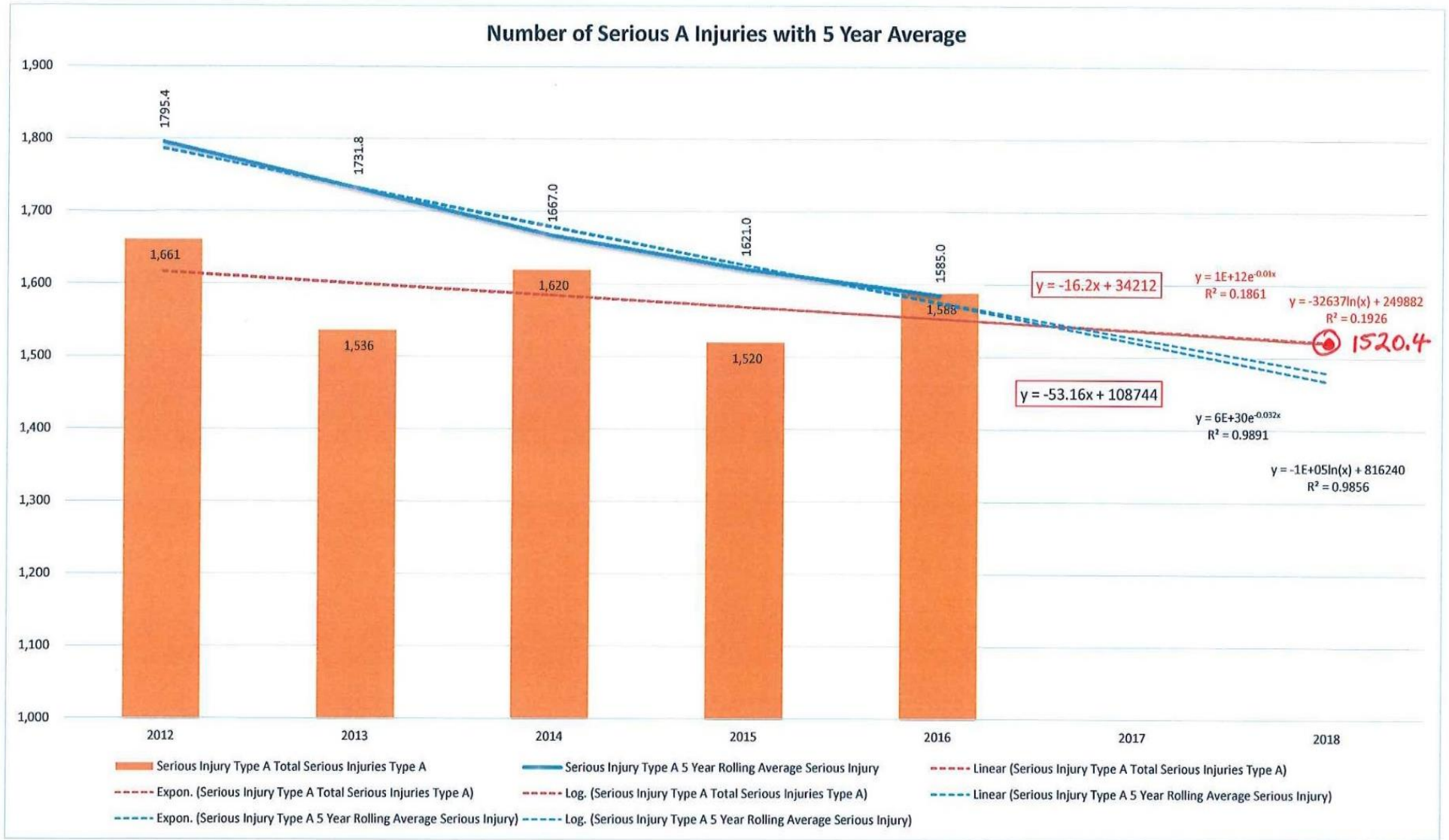
2012-2016 Past 5 Year Crash History with 5 Year Rolling Average 5 Year Trend Line with 2 Year Projection



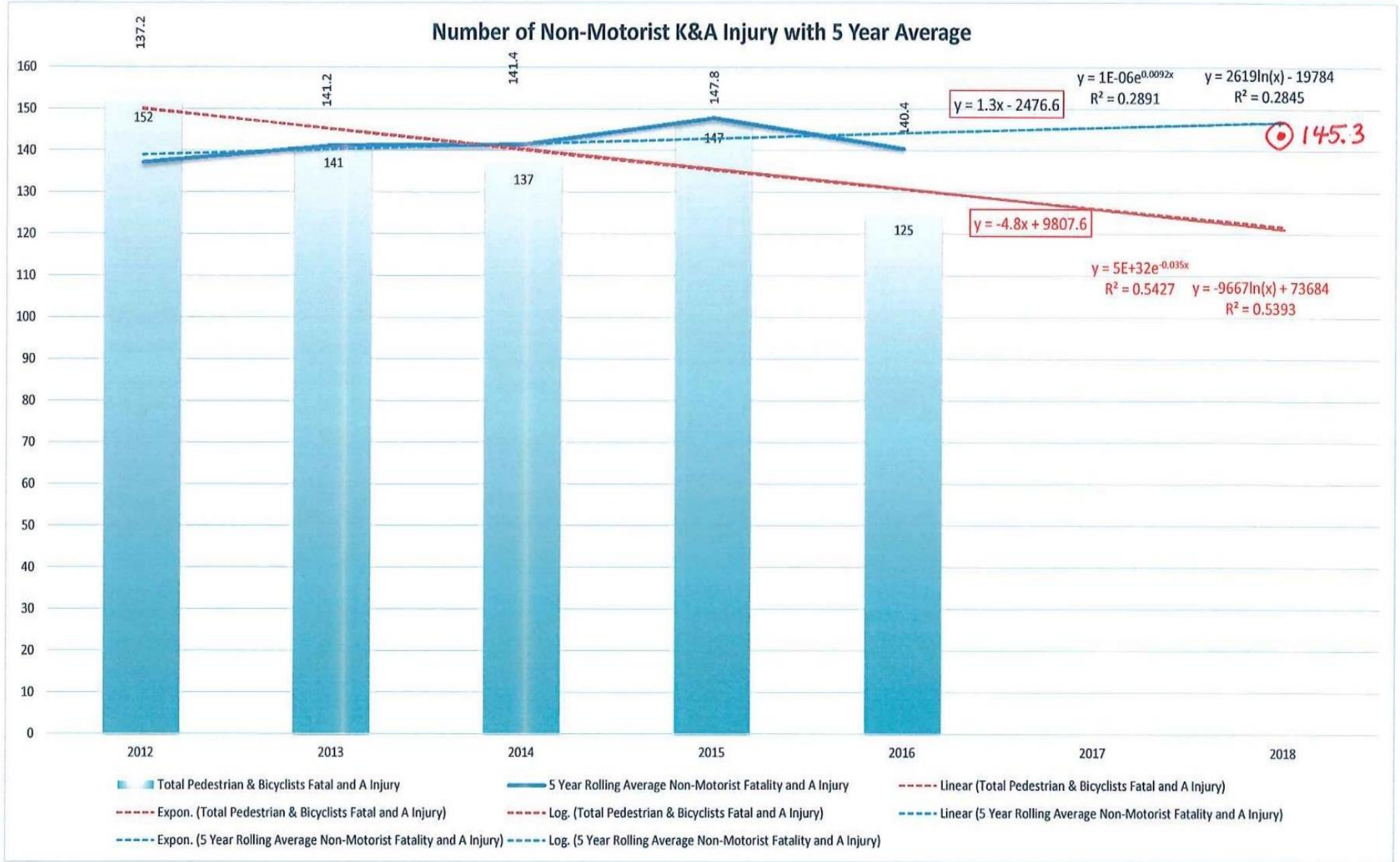
Fatality Rate with 5-Year Average



Number of Serious an Injuries with 5-Year Average



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%

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

Coordination between NDOT and MPO

Performance Measure #1: Safety Performance Measures

23 CFR 490 Subpart B

NDOT will:

- To 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 MPO 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

MPO will:

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

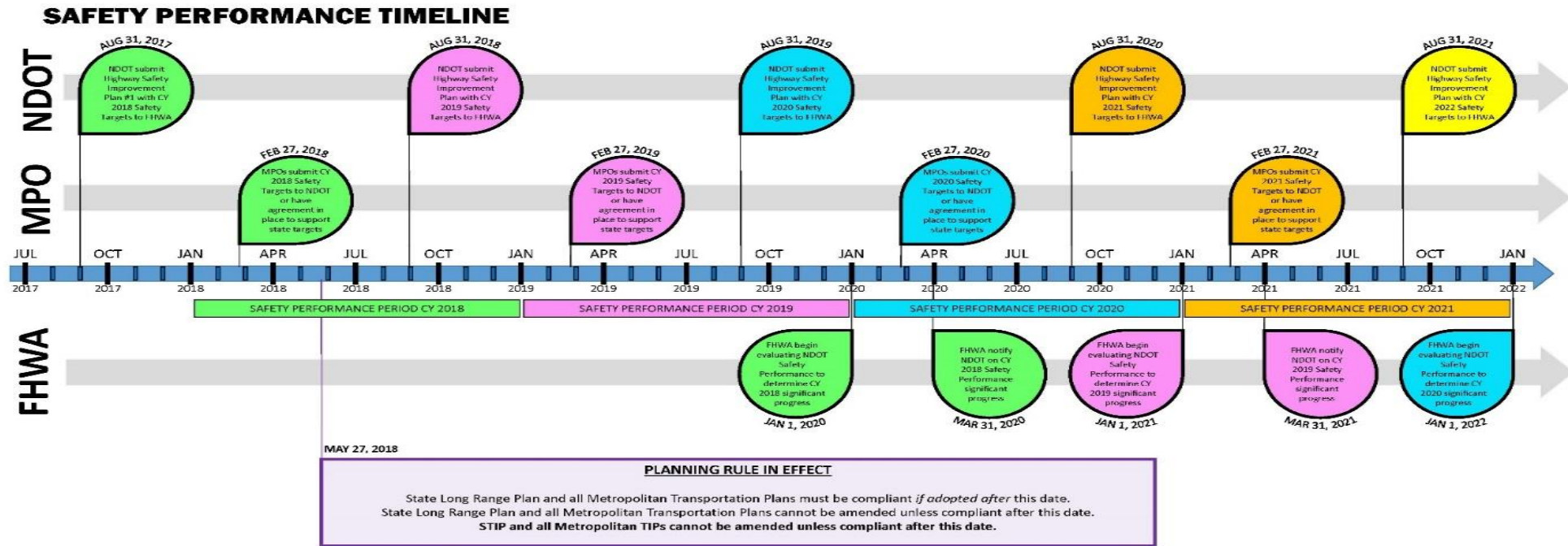
Option 1:

- 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 NDOT MPO targets by February 27 of each year
- Submit progress reports to 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

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...

- 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

If an MPO establishes its own HSIP target, the MPO would...

- 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

Performance Measure #2: Pavement and Bridge Condition Performance Measures

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

NDOT will:

- NDOT will collect pavement condition data on all Interstate and Non-Interstate NHS roadways per 23 CFR 490.309
- NDOT will set State pavement condition targets on all Interstate and Non-Interstate NHS rural and urban roadways per 23 CFR 490.309
- NDOT will collect bridge condition data NHS bridges per 23 CFR 490.409
- NDOT will set State bridge condition targets on NHS bridges per 23 CFR 490.409
- NDOT will coordinate with MPO on establishing pavement and bridge performance targets by November 16, 2018 and April 1, 2023 and every 4 years thereafter
- NDOT will submit report for Pavement Condition and Bridge Condition to FHWA according to 23 CFR 490.105

MPO will:

- Notify 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 State in the development of State pavement and bridge condition targets
- Keep at least 95% State-Owned Bridges in Good or Fair Condition
- Keep less than 10% state system of total deck area on 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

- MPO develops MPO targets, analyzes data, informs State of MPO targets and submits progress report to 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)

NDOT will:

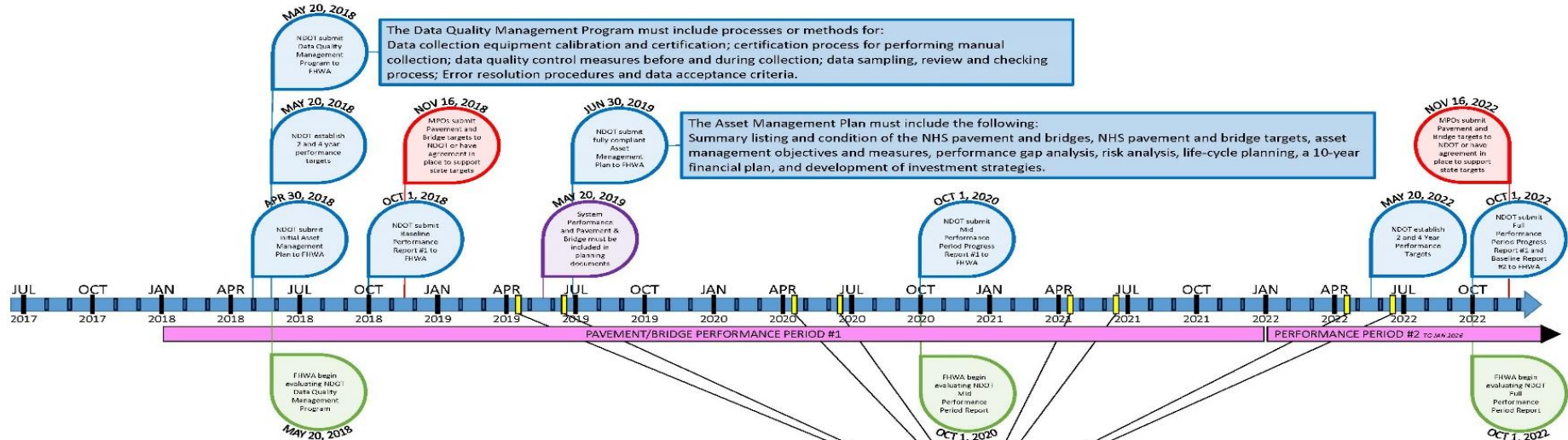
- Collect data on the NHS required for the asset management plan
- Coordinate with MPO on data collection needs when necessary
- NDOT will develop state asset plan

MPO Agrees to:

- Work with state on data collection when necessary

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

PAVEMENT/BRIDGE, ASSET MANAGEMENT PLAN TIMELINE



The Data Quality Management Program must include processes or methods for: Data collection equipment calibration and certification; certification process for performing manual collection; data quality control measures before and during collection; data sampling, review and checking process; Error resolution procedures and data acceptance criteria.

The Asset Management Plan must include the following: Summary listing and condition of the NHS pavement and bridges, NHS pavement and bridge targets, asset management objectives and measures, performance gap analysis, risk analysis, life-cycle planning, a 10-year financial plan, and development of investment strategies.

- 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	6	5	4	3	2	1	0
	Good			Fair			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			

Performance Measure #3: Travel Time Reliability and Freight Movement

23 CFR 490.509; 23 CFR 490.609

NDOT will:

- 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;
- NDOT will coordinate with MPO on establishing travel time reliability performance targets
- NDOT will submit travel time reliability report to FHWA

MPO will:

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

Option 1:

- Support State targets
- Coordinate with 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

- MPO develops MPO targets, analyzes data, informs State of MPO targets and submits progress report to 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

FHWA – MPO – NDOT System Performance Timeline Chart

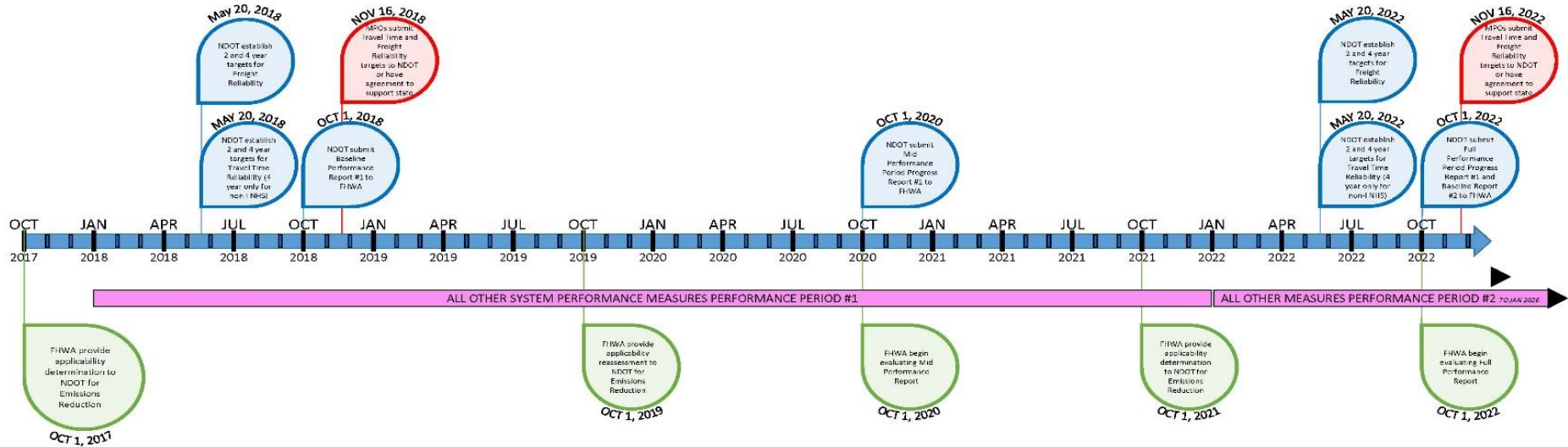
SYSTEM PERFORMANCE and FREIGHT

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		Freight Relevant Data	
Relevant Data	Data Source(s)	Relevant Data	Data Source Options
<ul style="list-style-type: none"> Travel times NHS travel time segments 	<ul style="list-style-type: none"> National Performance Management Research Data Set (NPMRDS), OR Equivalent data set 	<ul style="list-style-type: none"> Truck travel times Interstate travel time segments 	<ul style="list-style-type: none"> NPMRDS, OR Equivalent data set
<ul style="list-style-type: none"> AADT/volumes Annual traffic volume (AADT x 365) 	<ul style="list-style-type: none"> Highway Performance Monitoring System (HPMS) 		
<ul style="list-style-type: none"> Occupancy factors 	<ul style="list-style-type: none"> Provided by FHWA, likely based on national surveys, OR Other allowed data sources 		

Section Twelve: MPO General Information

Grand Island Metropolitan Planning Agency

100 East First Street

Grand Island, NE 68801

Phone: (308) 389-0273

Fax: (308) (385)-5488

allanz@grand-island.com

<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

Lincoln MPO

Michael Brienzo - Transportation Planner, Lincoln/Lancaster County Planning Dept.

555 South 10th St/Suite 213

Lincoln, NE 68508

Phone: (402) 441-6369

Fax: (402) 441-6377

mbrienzo@lincoln.ne.gov

<http://www.lincoln.ne.gov/city/plan/mpo/>

NDOT District: 1

MPO Area: Lancaster County

TMA: Yes

Key Staff

Mike Brienzo, Transportation Planner

(402) 441-6369

mbrienzo@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

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
Greg Youell, Executive Director
(402) 444-6866 ext. 214
gyouell@mapacog.org

Michael Helgerson, Transportation and Data Manager
(402) 444-6866 ext. 229
mfelschow@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.

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

NDOT, FHWA and FTA Contacts

Organization Unit	Name	Title	Phone	E-Mail
NDOT Intermodal Planning Division	Ryan Huff	Intermodal Planning Engineer Chief Strategy Officer	402-479-3797	Ryan.Huff@nebraska.gov
	Mark Fischer	Assistant Planning Engineer	402-479-4417	Mark.Fischer@Nebraska.gov
	Craig Wacker	Highway Planning Manager (MPO Liaison)	402-479-4623	craig.wacker@nebraska.gov
	David Schoenmaker	Traffic Analysis Unit Supervisor	402-479-4520	David.Schoenmaker@nebraska.gov
NDOT Local Projects Section	Mick Syslo	Division Head Materials and Research	402-479-4750	Mick.Syslo@nebraska.gov
	Jodi Gibson	Local Projects Section Head	402-479-4337	Jodi.gibson@nebraska.gov
	Jeff Soula	Urban Engineer	402-479-4881	Jeffrey.Soula@nebraska.gov
NDOT Program Management Division	Amy Starr	Division Head Program Management	402-479-4708	Amy.Starr@nebraska.gov
NDOT Program Management Division	Kendall Tonjes	Highway Project Funds Manager	402-479-4386	Kendall.Tonjes@nebraska.gov
NDOT Region 1	Thomas Goodbarn	District Engineer	402-471-0850	Thomas.Goodbarn@nebraska.gov
NDOT Region 2	Tim Weander	District Engineer	402-595-2534	Tim.Weander@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)	Joseph Werning	FHWA Division Administrator	402-742-8461	Joseph.Werning@dot.gov
Federal Highway Administration (FHWA)	Justin Luther	Transportation Planner and Realty Officer	402-742-8464	Justin.Luther@dot.gov
Federal Transit Administration (FTA)	Mokhtee Ahmad	FTA Regional Administrator	816-329-3920	mokhtee.ahmad@fta.dot.gov
Federal Transit Administration (FTA)	Mark Bechtel	Team Leader – Planning and Program Development	816-329-3937	Mark.Bechteler@dot.gov
	Daniel Nguyen	Community Planner	816-329-3938	Daniel.Nguyen@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

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 re-demonstration 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

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 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 highway, 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 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 Transportation Plan (LRTP)

MPO 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 MPO.

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

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 MPO, 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 schedule 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. 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

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.

Tracking document for Planning's Use

MPO yearly document tracking by FISCAL YEAR								
location of file \\dotfs\Modal\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 designee and FHWA/FTA	June 15	due to NDOT by July 1					
UPWP (created by MPO) & Indirect Cost Rate Plan	Governor's designee and FHWA/FTA	April 15	June 15					
PL FEDERAL FUNDING AGREEMENT (created by NDOT)	MPO board approval/resolution & 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/resolution & signaturesand governor designee		June 15					
Memorandum of Agreement (MOA) (created by NDOT)	MPO board approval/resolution & 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 designee and FHWA/FTA	June 15	due to NDOT by July 1					
UPWP (created by MPO) & Indirect Cost Rate Plan	Governor's designee and FHWA/FTA	April 15	June 15					
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SIMPICO								
TIP (created by MPO) - is part of the state TIP (Kendall - Program Mgmt must have state TIP submitted by June 15)	Governor's designee and FHWA/FTA		due to NDOT by July 1					
UPWP (created by MPO) & Indirect Cost Rate Plan	Governor's designee and FHWA/FTA	April 15	June 15					
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MAPA								
TIP (created by MPO) - is part of the state TIP (Kendall - Program Mgmt must have state TIP submitted by June 15)	Governor's designee and FHWA/FTA		due to NDOT by July 1					
UPWP (created by MPO) & Indirect Cost Rate Plan	Governor's designee and FHWA/FTA	April 15	June 1					
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