### NOTICE OF PROPOSED GUIDANCE DOCUMENT

### DTIM-BPED33

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DTIM-BPED33, 23 CFR 450, a proposed guidance document.

### PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

- 1. Department's website: https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DTIM-BPED33
- 2. Mailing written comments to:

Division of Transportation Investment Management Wisconsin Department of Transportation 4822 Madison Yards Way PO Box 7913 Madison, WI 53707-7913

### WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at <u>wisconsindot.gov</u> to allow for ongoing comment.

### **AGENCY CONTACT**

Kaleb Vander Wiele DOTDTIMGuidanceDocs@DOT.WI.GOV

# **TIP Preparation Guide**

Guidelines for Developing MPO
Transportation Improvement Programs



**Updated December 2018** 

### Table of Contents

1.0 Background	4
1.1 Purpose of the TIP Preparation Guide	4
1.2 How MPO TIP and the STIP Work Together to Program Transportation Pr	ojects.4
2.0 TIP Update Cycle and Schedule	6
2.1 Update Cycle – New TIPs	6
2.2 New TIP Schedule	6
2.3 TIP Amendments	7
3.0 TIP Development Process	8
3.1 Project Solicitation	8
3.1.1 Regional Significance	9
3.1.2 WisDOT Projects	9
3.2 Draft TIP Creation	9
3.2.1 Certifications	10
3.2.2 Conformity Justification (for non-attainment and maintenance areas	only) 10
3.2.3 Financial Plan	11
3.2.4 Performance Management	13
3.2.5 Project Listing	15
3.2.6 Public Participation	
3.2.7 Optional Information	20
3.3 MPO Driven Public Involvement and WisDOT Draft Review	21
3.4 MPO Policy Board Action on Final TIP	21
3.5 Adopted TIP and Approval Materials Submitted to WisDOT	21
3.6 Federal Review and Action	21
3.7 WisDOT incorporates the TIPs into the Next Year's Draft STIP	21
3.8 Approved by Reference in the Federally Approved STIP	21
4.0 TIP Amendment Process	22
4.1 Administrative Modification	22
4.2 Amendments	22
4.3 Minor Amendments	22
4.4 Major Amendments	23
Appendices	
Appendix A Certifications to Include in the TIP	25
Appendix B Performance Measure Cooperation Written Documentation	29

Appendix C Funding Program Code List for Project Listing Tables	31
Appendix D Distribution and Submittal of TIP Drafts, Finals, and Amendments	32
Appendix E Example of Project Listing Table	33
Appendix F TIP, Local Program, and STIP Schedule	34

### 1.0 Background

### 1.1 Purpose of the TIP Preparation Guide

This document provides guidance to prepare the transportation programming document for the metropolitan planning organization (MPO) areas known as transportation improvement programs (TIPs). TIPs are jointly developed by local governments, local transit providers, MPOs, and the Wisconsin Department of Transportation (WisDOT). MPOs lead the TIP process.<sup>1</sup>

The document's purpose is to:

- Facilitate consistency in TIP development and presentation
- Coordinate the activities of the various agencies involved
- Document relevant rules and regulations
- Provide a limited set of standard operating procedures to successfully develop a TIP

WisDOT will update this guide as new requirements or related procedural changes warrant. This document updates the April 2009 guide.

## 1.2 How MPO TIP and the STIP Work Together to Program Transportation Projects

The Fixing America's Surface Transportation Act (FAST Act) continues the requirement of an extensive, ongoing and cooperative 3C planning effort for the programming of federal transportation funds.<sup>2</sup> MPO TIPs and the Statewide Transportation Improvement Program (STIP) are two essential components of this planning effort.

The STIP produces a four-year plan of highway and transit projects programmed for the state of Wisconsin under various state and federal funding programs. All current project fund commitments anticipated by WisDOT during the four-year period are listed. Projects within MPO areas are included in each MPO's TIP, which are included by reference in the STIP.

MPO TIPs serve as a list of DOT and locally sponsored federal-aid eligible and regionally significant surface transportation improvements within its area. The Federal Highway Administration's (FHWA) and Federal Transit Agency's (FTA) computerized financial systems can authorize projects only after they have been included in the STIP or a TIP. Individual MPO TIPs and WisDOT's project listings are consolidated to create the STIP. MPOs are responsible for screening TIP projects to ensure they are consistent with their approved transportation plan.

<sup>&</sup>lt;sup>1</sup> TIP development is required under 23 C.F.R. 450.362(a) https://www.law.cornell.edu/C.F.R./text/23/450.326

<sup>&</sup>lt;sup>2</sup> The 3C planning process is cooperative, continuing, comprehensive, and involves consultation. Definitions are in 23 C.F.R. 450.104 <a href="https://www.law.cornell.edu/C.F.R./text/23/450.104">https://www.law.cornell.edu/C.F.R./text/23/450.104</a>

<sup>&</sup>lt;sup>3</sup> See section 3.1.1 for a discussion of regional significance

The STIP is kept current in several ways. The annual STIP published in January of every year includes project listings and TIPs adopted as of December of the previous year. Monthly STIP updates occur to incorporate changes to WisDOT's project listings as well as any amendments to MPO TIPs. FHWA and FTA approve changes to the STIP.

STIPs are intended to satisfy the requirements of 23 U.S.C. Sections 134 and 135 and their implementing regulations 23 C.F.R. 450 and 49 C.F.R. 613. <sup>4</sup> This prepares the project listings and TIPs to be implemented through the project delivery and grant delivery processes.

<sup>&</sup>lt;sup>4</sup> See each STIP's Tab 1, certifications subsection, for a complete list of federal statutorily and regulatory references. 2018-2021 STIP cite <a href="https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/stip.aspx">https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/stip.aspx</a>

### 2.0 TIP Update Cycle and Schedule

### 2.1 Update Cycle – New TIPs

MPOs use the amendment process to keep current with the dynamic nature of project programming and construction. Federal regulation requires MPOs to produce a new TIP at least once every four years.<sup>5</sup>

TIPs may include additional program years beyond these periods for informational purposes. This also assists in coordinating upcoming project schedules across the project sponsoring agencies. However, informational projects will not meet federal funding requirements until officially moved into the TIP active window (four years, as above) using the amendment process.

### 2.2 New TIP Schedule

TIP preparation involves a series of sequential steps to reach the project approval stage. It is a cooperative effort between the MPO, WisDOT, FTA, FHWA, any applicable out-of-state DOT, transit operators, and local agencies responsible for implementing transportation projects. The TIP production schedule reflects coordination among announcements on the availability of funds, WisDOT program development, local capital improvement budget processes, MPO public involvement requirements, air quality conformity determination (where applicable) and the STIP development process.

Important schedule milestones include:

- 1. Project solicitation MPO begins in May or June
- 2. Draft TIP creation June/July/August (including conformity justification if required)
- 3. MPO driven draft TIP Public Involvement and WisDOT draft review August/September
- 4. MPO Policy Board action on final TIP September/October
- 5. Adopted TIP and approval materials submitted to WisDOT November 1
- 6. Federal review and action November 1 30
- 7. Incorporation into next year's draft STIP by WisDOT December
- 8. Approved by reference in the federally approved STIP January

Appendix F outlines a general schedule of funding program cycles, TIP and STIP development.

Changes to the TIP/STIP schedule may be necessary where a MPO area extends into another state where the TIP/STIP deadline dates are different. WisDOT will work with each affected MPO, FHWA, FTA and the appropriate out-of-state DOT partner to arrive at a mutually agreeable solution to any schedule conflicts.

\_

<sup>&</sup>lt;sup>5</sup> 23 C.F.R. 450.362(a) <a href="https://www.law.cornell.edu/cfrcfr/text/23/450.326">https://www.law.cornell.edu/cfrcfr/text/23/450.326</a>

<u>2.3 TIP Amendments</u>
TIP amendments may occur at any time of the year. Amendment requirements are detailed in Section 4 TIP Amendment Process.

### 3.0 TIP Development Process

As noted in the previous section, the schedule milestones represent the steps that must be followed to create the TIP. Each of these steps is discussed in the following sections.

Basic steps in the TIP process include:

- 1. Project Solicitation
- 2. Draft TIP creation
- 3. MPO driven draft TIP Public Involvement and WisDOT draft review
- 4. MPO Policy Board action on final TIP
- 5. Adopted TIP and approval materials submitted to WisDOT
- 6. Federal review and action
- 7. Incorporation into the next year's draft STIP by WisDOT
- 8. Approved by reference in the federally approved STIP

### 3.1 Project Solicitation

The TIP identifies the planned federal-aid eligible surface transportation improvements within the MPO metropolitan planning area (MPA) that are expected to utilize federal-aid funds or that are of regional significance. The MPA is an area determined by agreement between the MPO and the Governor. It includes the census defined urbanized area plus contiguous areas expected to become urbanized within the 20-year forecast period of the MPO long-range transportation plan.

Each MPO solicits projects from potential implementing agencies. These agencies submit their listings of proposed projects to the MPO with the required level of detail.<sup>6</sup> A project's sponsoring agency is responsible for assuring the project is included in the current TIP/STIP. WisDOT Regional Offices and local MPOs are responsible for working with local implementing agencies to ensure MPA projects are included in TIPs. The appropriate WisDOT Regional Office is responsible for projects in rural areas outside the MPA boundaries.

The TIP shall include all transportation projects falling into these categories:

- Planned federal-aid eligible surface transportation projects involving federal approval.
- All highways, transit, bicycle, pedestrian and other transportation projects requiring a federal action other than funding approval (ex. NEPA determination, access approval, waiver of federal design standards, etc.)<sup>7</sup> located in the MPA.
- Any regionally significant projects scheduled for implementation within the MPA, regardless of funding.

<sup>&</sup>lt;sup>6</sup> See Section 3.2.5 Project Listing for more information on required level of detail

<sup>&</sup>lt;sup>7</sup> Major federal action is defined in 40 C.F.R. 1508.18 - Major Federal action <a href="https://www.law.cornell.edu/cfr/text/40/1508.18">https://www.law.cornell.edu/cfr/text/40/1508.18</a> and in NEPA CEQ rules as set out in Title 40 C.F.R. Parts 1500 to 1508 as well as related case law.

### 3.1.1 Regional Significance

Understanding the concept of a project on a regionally significant facility is very important to understanding what to include in the TIP and when to do amendments. The federal regulatory definition is:

Regionally significant project means a transportation project (other than projects that may be grouped in the TIP and/or STIP or exempt projects as defined in EPA's transportation conformity regulation (40 C.F.R. part 93)) that is on a facility which serves regional transportation needs (such as access to and from the area outside the region; major activity centers in the region; major planned developments such as new retail malls, sports complexes, or employment centers; or transportation terminals) and would normally be included in the modeling of the metropolitan area's transportation network. At a minimum, this includes all principal arterial highways and all fixed guide-way transit facilities that offer a significant alternative to regional highway travel. 8

Some of the regional significance items in the Code of Federal Regulations definition are distinct. Others are less so because the size and complexity of regional transportation systems varies so much between MPOs. Any party may consult FHWA/FTA with questions on this issue.

### 3.1.2 WisDOT Projects

WisDOT and the MPOs work together in planning and programming of state projects in the MPO area. WisDOT involves the MPOs in corridor and project planning to ensure consistency between state projects in the TIP and the MPO's long range transportation plan.

WisDOT uses an automated application called FIIPS (Financial Integrated Improvement Programming System) for planning, scheduling, estimating, funding, and tracking projects. MPOs receive information from FIIPS report downloads from WisDOT Regional Offices during the project solicitation process. This information about WisDOT related projects is then added to those from other sources to create the draft TIP project listing table which includes projects from multiple jurisdictions.

### 3.2 Draft TIP Creation

The MPO is responsible for leading the TIP process.

TIP elements are listed below. Together they act to provide the level of detail used to meet federal requirements and implement projects.

Elements of a TIP include:

1. Certifications

<sup>&</sup>lt;sup>8</sup> Many of the definitions included in this Guide are in 23 C.F.R. 450.104 https://www.law.cornell.edu/cfr/text/23/450.104

- 2. Conformity justification (for non-attainment and maintenance areas only)
- 3. Financial plan
- 4. Performance management (new)
- Project listing
- 6. Public participation
- 7. Optional Information

### 3.2.1 Certifications

MPO planning processes are conducted in accordance with various federal requirements including transportation statutes, financial management, the Clean Air Act, the Civil Rights Act, and the Americans with Disabilities Act. MPOs certify their compliance with these requirements by including a certification section within the TIP. These certification sections cite the relevant statutes and provide brief summaries of how the MPO is meeting the certification requirements.

A listing of citations is included in Appendix A. Examples of how an MPO might typically describe how it meets each citation are also provided.

### 3.2.2 Conformity Justification (for non-attainment and maintenance areas only)

Transportation conformity ("conformity") is a provision of the Clean Air Act that ensures that Federal funding and approval goes to transportation activities consistent with air quality goals. Conformity applies to transportation plans and projects funded or approved by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA) in areas that do not meet or previously have not met air quality standards for ozone, carbon monoxide, particulate matter, or nitrogen dioxide.<sup>9</sup>

For a TIP to be approved and implemented, FHWA and FTA must jointly find for non-attainment and maintenance areas that: 10

- The TIP conforms to the adopted State Implementation Plan (SIP).
- Priority has been given to the timely implementation of SIP Transportation Control Measures (TCMs).
- The TIP projects are consistent with those in the MPO long range plan.

The MPO submits an inventory of emissions based on forecasted travel on the transportation network resulting from TIP implementation. The MPO also demonstrates the forecasted emissions will not exceed emission levels budgeted to the area in the SIP. FHWA/FTA issue a determination of conformity if their review shows the TIP is in conformance with the SIP.

<sup>&</sup>lt;sup>9</sup> The primary TIP related air quality statutory requirements pursuant to 42 U.S.C. §7506 and SAFETEA-LU Pub. L. No. 109-59 Section: 6011, <a href="https://www.fhwa.dot.gov/safetealu/factsheets/conformity.htm">https://www.fhwa.dot.gov/safetealu/factsheets/conformity.htm</a>
<sup>10</sup> Wisconsin's SIP is available at the EPA website: <a href="https://www.epa.gov/sips-wi">https://www.epa.gov/sips-wi</a>

If the TIP is found to be in non-conformance with the SIP by FHWA or FTA, it is returned to the WisDOT Secretary and the MPO with the finding. The TIP will not be approved for implementation until changed to obtain conformance.

### 3.2.3 Financial Plan

Each TIP demonstrates fiscal constraint by showing financial data comparing costs with expected funding. The MPO, WisDOT, local units of government and transit operators develop estimates of funds reasonably expected to be available to support TIP implementation.

Federal regulation provides some guidance as to what constitutes a fiscally constrained financial plan:<sup>11</sup>

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... For the TIP and STIP, financial constraint/fiscal constraint applies to each program year. Additionally, projects in air quality non-attainment and maintenance areas can be included in the first two years of the TIP and STIP only if funds are "available" or "committed."

The standard federal definitions of fund availability types are: 12

- Available funds mean funds derived from an existing source dedicated or historically used for transportation. This includes state or federal funds authorized or appropriated funds and discretionary funds projected at a historical rate of increase.
- Committed funds means funds that have been dedicated or obligated for transportation. For projects involving 49 U.S.C. 5309 funding, a Full Funding Grant Agreement (or equivalent) or a Project Construction Grant Agreement shall be counted as a multi-year dedication of federal funds. State funds not dedicated to transportation are committed when the Governor approves the TIP where they are included. Private or local funds not typically dedicated to transportation are considered dedicated when a party in control of the funds puts the commitment in writing.
- Obligated funds are a form of committed funds. Obligated funds are those funded under title 23 U.S.C. Chapter 53 that are authorized or committed by the state or designated recipient and authorized by FHWA or awarded by FTA.

The financial plan contains at minimum: 13

- Estimated costs and revenues.
- Confirmation that revenues are available for implementing, operating and maintaining the system.

<sup>&</sup>lt;sup>11</sup> 23 C.F.R. 450.104 https://www.law.cornell.edu/cfr/text/23/450.104

<sup>&</sup>lt;sup>12</sup> 23 C.F.R. 450.104 <a href="https://www.law.cornell.edu/cfr/text/23/450.104">https://www.law.cornell.edu/cfr/text/23/450.104</a>

<sup>&</sup>lt;sup>13</sup> 23 C.F.R. 450.218 (I) https://www.law.cornell.edu/cfr/text/23/450.218

- An inflation rate to reflect "year of expenditure dollars" for all costs and revenues based on reasonable financial principles and information.
- System-level estimates of costs and revenue sources reasonably expected to be available to operate and maintain federal-aid highways.
- Only projects for which construction or operating funds can reasonably be expected to be available. Financial constraint does not have to be demonstrated for illustrative projects until funding becomes available and the projects are moved into the active years of the TIP.
- Directly allocated Federal Surface Transportation Block Grant (STBG) funds (for metropolitan areas over 200,000 in population).

The financial plan may incorporate a flexible funding approach in its financial plan. Funding flexibility of transportation projects provided by federal statute and regulation can take two forms.

The first is flexibility in which year the projects are shown. An MPO can include potential projects if funding for those projects is uncertain during the draft preparation stage. The final TIP can then be adjusted to reflect only approved projects.

The second is flexibility in the federal funding program to be used to fund a project. Projects often can qualify for a variety of federal programs.

The following are examples of "boiler plate" language to be included in the TIP if the MPO and WisDOT are using any of these options:

- The MPO and WisDOT agree the first year of the TIP constitutes an agreed-to list of projects for project selection purposes and no further project selection action is required for WisDOT or the transit operator(s) to proceed with federal funding commitment.
- If WisDOT or the transit operator(s) wish to proceed with a project(s) not in the first year of the TIP, the MPO agrees projects from the second, third or fourth year of the TIP can be advanced to proceed with federal fund commitment without further action by the MPO.
- Highway and transit projects reflected in any of the first four years of the approved TIP may be advanced for federal fund commitment without requiring any amendment to the TIP.
- It is the intent of WisDOT and the MPO to advance only projects, including transit operating assistance, that are included in an approved TIP and STIP.
- It is agreed that WisDOT can unilaterally interchange the various FHWA funding program sources without necessitating an STIP or TIP amendment, except that, due to TIP fiscal constraint requirements, WisDOT must seek MPO staff approval

- to use Entitlement or Allocated STP funds and CMAQ funds for projects not identified for that source of funding in the TIP.<sup>14</sup>
- WisDOT also can unilaterally interchange FTA Section 5339 and Section 5307 capital funds in urbanized areas between 50,000 and 200,000 population without necessitating a STIP or TIP amendment. FTA will be notified of any interchange of funds.

### 3.2.4 Performance Management

MAP-21 and FAST ACT require incorporation of Performance-Based Planning and Programming (PBPP) for use in the development of the Metropolitan Planning Organization's Long-Range Transportation Plans (LRTP) and Transportation Improvement Plans. The Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning; Final Rule further defined the TIP shall include, to the maximum extent practicable, a description of the anticipated effect of the TIP toward achieving the 23 C.F.R. 490 performance measure targets identified in the metropolitan transportation plan, linking investment priorities to those performance targets (23 C.F.R. 450.326(d)). Written documentation of the cooperative effort between the MPO, WisDOT, and the public transit providers in the MPO area is required. See Appendix B for the template WisDOT and the MPOs developed for this documentation.

The National performance measure goals are:16

- Safety To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- Infrastructure Condition To maintain the highway infrastructure asset system in a state of good repair.
- **Congestion Reduction** To achieve a significant reduction in congestion on the National Highway System (NHS).
- **System Reliability** To improve the efficiency of the surface transportation system.
- Freight Movement and Economic Vitality To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.
- **Environmental Sustainability** To enhance the performance of the transportation system while protecting and enhancing the natural environment.
- Reduced Project Delivery Delays To reduce project costs, promote jobs and the
  economy, and expedite the movement of people and goods by accelerating project
  completion through eliminating delays in the project development and delivery

<sup>&</sup>lt;sup>14</sup> Does not apply to transferring Metropolitan Planning Program funds to other apportioned programs. [23 U.S.C. 126(b)(1)] <a href="https://www.law.cornell.edu/uscode/text/23/126">https://www.law.cornell.edu/uscode/text/23/126</a>; TIP fiscal constraint provisions are 23 C.F.R. 450.104 <a href="https://www.law.cornell.edu/cfr/text/23/450.104">https://www.law.cornell.edu/cfr/text/23/450.104</a>

<sup>15</sup> Long range plan reference: 23 C.F.R. 450.324(f) (3) <a href="https://www.law.cornell.edu/cfr/text/23/450.324">https://www.law.cornell.edu/cfr/text/23/450.324</a>; TIP reference 23 C.F.R. 450.306 (d)(4) and 23 C.F.R. 450.326 © and (d) <a href="https://www.law.cornell.edu/cfr/text/23/450.306#d">https://www.law.cornell.edu/cfr/text/23/450.326</a> † https://www.law.cornell.edu/cfr/text/23/450.326 150 (b) <a href="https://www.law.cornell.edu/cfr/text/23/450.326">https://www.law.cornell.edu/cfr/text/23/450.326</a> 150 (b) <a href="https://www.law.cornell.edu/cfr/text/23/450.326">https://www.law.cornell.edu/cfr/text/23/450.326</a> section150&num=0&edition=prelim

process, including reducing regulatory burdens and improving agencies' work practices.

### MAP-21/Fast Act Performance Measures include: 17

#### Transit

- Rolling Stock: The percentage of revenue vehicles (by type) that exceed the useful life benchmark (ULB).
- Equipment: The percentage of non-revenue service vehicles (by type) that exceed the ULB.
- Facilities: The percentage of facilities (by group) that are rated less than 3.0 on the Transit Economic Requirements Model (TERM) Scale.
- Infrastructure: The percentage of track segments (by mode) that have performance restrictions. Track segments are measured to the nearest 0.01 of a mile.

### Safety

- Number of fatalities
- Fatalities per million vehicle miles traveled
- Number of serious injuries
- Serious injuries per million vehicle miles traveled
- Number of non-motorized fatalities and non-motorized serious injuries

#### Infrastructure

- Percentage of pavements of the Interstate System in Good condition
- Percentage of pavements of the Interstate System in Poor condition
- Percentage of pavements of the non-Interstate NHS in Good condition
- Percentage of pavements of the non-Interstate NHS in Poor condition
- Percentage of NHS bridges classified as in Good condition
- Percentage of NHS bridges classified as in Poor condition

### System Performance on NHS

- Interstate Travel Time Reliability Measure: Percent of person-miles traveled on the Interstate that are reliable.
- Non-Interstate Travel Time Reliability Measure: Percent of person-miles traveled on the non-Interstate NHS that are reliable.

### Freight Movement

Freight Reliability Measure: Truck Travel Time Reliability (TTTR) Index

 CMAQ - Congestion Reduction (applicable to air quality non-attainment and maintenance areas)

<sup>&</sup>lt;sup>17</sup> A list of federal regulation and rules related to each performance measure is available at <a href="https://www.fhwa.dot.gov/tpm/about/statutes.cfm#measures">https://www.fhwa.dot.gov/tpm/about/statutes.cfm#measures</a>

- Peak Hour Excessive Delay(PHED) Measure: Annual Hours of Peak Hour Excessive Delay (PHED) Per Capita on NHS.
- Non-Single Occupancy Vehicle Travel (SOV) Measure: Percent of Non-Single Occupancy Vehicle (SOV) Travel.
- Emissions Measure: Total Emission Reductions.

Other references to include that describe to what extent the MPO is meeting the performance based planning requirements:

- Any separate performance management report the MPO has produced, including the congestion management process TMAs adopt.
- Timeline of performance measure and target adoption.

### 3.2.5 Project Listing

All the types of projects required to be in a TIP are included in the project listing: 18

- All transportation projects or phases of a project (including transit, pedestrian and bicycle facilities) within the MPA proposed for federal funding (Title 23, Federal Transit Act).
- All projects on regionally significant facilities for which FHWA or FTA approval is required whether the projects are to be funded with Title 23 of the United States Code or Federal Transit Act funds.
- All transportation projects proposed to be funded with federal funds, including intermodal facilities, not already covered.
- All projects on "regionally significant" facilities not requiring FHWA or FTA approval, regardless of funding source.
- If including illustrative projects, list separately either by mode or in a separate table so it is clear which projects are illustrative (see text on optional TIP information at the end of this section).
- Additional requirement for non-attainment and maintenance areas:
   Projects in these areas are specified in enough detail to permit air quality analyses in accordance with U.S. EPA conformity requirements and the SIP. A section describing the progress in implementing any TCMs, including reasons for any significant delays in planned implementation, is included.
- Projects that are not considered to be of appropriate scale for individual identification in each program year may be grouped by function, work type, and/or geographic area using the applicable classifications under 23 C.F.R. 771.117(c) and (d) and/or 40 C.F.R. part 93. In nonattainment and maintenance areas, project classifications must be consistent with the "exempt project" classifications contained in the EPA transportation conformity regulations (40 C.F.R. part 93, subpart A). In addition, projects proposed for funding under title 23 U.S.C. Chapter 2 that are not regionally significant may be grouped in one line item or identified individually in the TIP.

-

<sup>&</sup>lt;sup>18</sup> 23 C.F.R. 450.326 (e), (f), (g) and (h) <a href="https://www.law.cornell.edu/cfr/text/23/450.326">https://www.law.cornell.edu/cfr/text/23/450.326</a>

The MPO is responsible for ensuring each proposed TIP project design and scope is consistent with the MPO long range transportation plan <sup>19</sup>

### 3.2.5.1 Project Listing Table Details<sup>20</sup>

The following information is included in project listing tables to establish fiscal constraint, document project funds, coordinate projects among jurisdictions and identify year of activity. See Appendix E for an example.

#### Location

In multi-county MPOs, sort and group projects by the general location of the improvement, such as county and other urbanized areas.

### Modes Listed Together

Each mode is separated into its own subheading. Projects are then listed individually.

#### Jurisdiction

The primary jurisdiction or the implementing agency sponsoring the project is shown and sorted by jurisdiction in the project listing section such as the city, state, county, or village.

### Project Description Details and TIP Numbers

Project descriptions should be provided in concise detail. It should be a short statement including information about the segment or facility, termini or location, length of segment, and short description of improvement. State Trunk Highway (STH) projects should use WisDOT Financial Operating System identification numbers and termini in describing projects.

### Highway Project Type<sup>21</sup>

Standard definitions of highway improvement types and terminology are available in WisDOT's Facility Development Manual. These definitions are used to describe every TIP project. Priority lists of the projects to be carried out during the TIP timeframe should group the projects by the first year in which they are programmed. In non-attainment and maintenance areas, the TIP gives priority to TCMs identified in the SIP and provide for their timely implementation.

The following information is provided for each project or project phase (e.g., preliminary engineering, environment/NEPA, right-of-way, design, or construction):

<sup>&</sup>lt;sup>19</sup> 23 C.F.R. 450.326 (i) <a href="https://www.law.cornell.edu/cfr/text/23/450.326">https://www.law.cornell.edu/cfr/text/23/450.326</a> and 23 C.F.R. 450.324(f)(9) <a href="https://www.law.cornell.edu/cfr/text/23/450.324">https://www.law.cornell.edu/cfr/text/23/450.324</a>

<sup>&</sup>lt;sup>20</sup> TIP project detail requirements on the next few pages are in 23 C.F.R. 450.326 (g) and (h); STIP project detail requirements in the next few pages are in 23 C.F.R. 450.218 (i) and (j) <a href="https://www.law.cornell.edu/cfr/text/23/450.218">https://www.law.cornell.edu/cfr/text/23/450.218</a>

<sup>&</sup>lt;sup>21</sup> FDM Chapter 3 Facilities Development Process, Section 5 Improvement Concepts <a href="http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/rdwy/fdm.aspx">http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/rdwy/fdm.aspx</a>

- Sufficient description to identify the project or phase, including the project's
  jurisdiction, facility name, length, specific geographical limits, proposed
  improvement type, phase (if part of a multi-phased approach), WisDOT Financial
  Operation System (FOS) identification number, and TIP number.
- A categorization of whether the project is either "capacity expansion" (E) or "system preservation" (P). This information is included in the project description section.
- The total costs for each category are summarized at the bottom of the project listing by system preservation, capacity expansion, etc.
- Estimated total cost (amount of total project cost proposed to be obligated during each program year).
- The amount of federal funds proposed to be obligated for each project, as well as in aggregate during each program year.
- Proposed sources of federal and non-federal funds.
- Identification of the recipient/sub-recipient and state and local agencies responsible for carrying out the project.<sup>22</sup>
- Identification of all projects that are TCMs in non-attainment and maintenance areas.

System preservation includes improvements that are needed to keep roadways in good operating condition. Such projects involve resurfacing, reconditioning and reconstructing existing roadways, and may include traffic operation and safety improvements, turning lanes, bicycle and pedestrian accommodations, minor realignments and minor widenings. Some of these projects may result in slight increases in roadway capacity.

Capacity expansion includes the same types of work associated with reconstruction, but also involves the construction of additional through travel lanes. In some cases, expansion may include construction of an entirely new street or highway on new alignment. Substantial land acquisitions may occur with these types of projects. Majors projects are excluded from this definition.

A summary of the total cost for expansion and preservation projects should be provided at the bottom of the project listing section.

### Additional Requirements for Non-attainment and Maintenance Areas<sup>23</sup>

Projects in these areas need to be specified in enough detail to permit air quality analyses in accordance with U.S. EPA conformity requirements and the SIP. A section should be included describing the progress in implementing any TCMs, including the reasons for any significant delays in implementation.

<sup>23</sup> 23 C.F.R. 450.326 (g)(6) https://www.law.cornell.edu/cfr/text/23/450.326

<sup>&</sup>lt;sup>22</sup> Recipient and sub-recipient are defined in section 200 of the OMB Uniform Grants Guidance <a href="https://grants.complianceexpert.com/guidance-and-regulations">https://grants.complianceexpert.com/guidance-and-regulations</a>

### **Project Costs**

The project listing includes a breakdown of costs by the type of cost incurred; PE-preliminary engineering, ROW-right-of-way, CONST-construction, UTIL-utilities, etc. Other types of costs such as transit equipment may be included in the total. Costs and revenues may be shown in thousands of dollars in the project listing for clarity.

Showing the year of obligation in the TIPs is aimed specifically at accurately portraying funding for project phases that carry over multiple years. The TIP should show full funding for a project phase in the first year corresponding with its schedule date. The TIP may show continuation of the project phase into subsequent calendar years, but should not show additional funding for that phase during the subsequent years. It is recommended that continuation of the project beyond the year of funding be shown by noting "continued (cont'd)" in the project funding field rather than an amount of funding and including a note/comment indicating the calendar year in which funding for the phase of work was obligated.

Where project funding is in fact obligated incrementally over the life of the project phase, the funding increments should be shown in the corresponding calendar years in the TIP.

Starting with the enactment of SAFETEA-LU, and carrying through the FAST Act, project costs for all modes are to be expressed in year of expenditure dollars. This requires a factor be added to the project cost estimate every year past the first year of the TIP to reflect inflationary increases. The goal of this requirement is to more accurately reflect costs for the year the cost is incurred rather than in static dollar amounts that do not account for inflation. The inflationary factor may be added by the project sponsor or by the MPO. The MPO will need to be clear about when the factor is added to avoid over- or under- estimating project costs. Different agencies may use different inflation factors due to a variety of reasons. How each agency reached its inflation factor should be noted in the TIP.

WisDOT will provide an inflation factor for its programs' costs to be applied to the total annual program cost for the second, third, and fourth years in the financial plan.

Each federally funded program is listed below the location of each project where the federal dollar amount is shown. Local and state sources can also be indicated in this way. Standard reference codes to be used to identify funding programs can be found in WisDOT's Final STIP posted on line. References in the 2018-2021 Final STIP are in chapter 7 (roadway programs) and chapter 5 (transit programs)<sup>24</sup> Appendix C lists those codes in effect as of May 2018.

A funding code legend is inserted at the beginning of the project listing section. The legend explains the abbreviated funding categories, as well as any other abbreviations used for municipalities, project description codes, etc.

<sup>&</sup>lt;sup>24</sup> WisDOT posts its STIPs online at: <a href="http://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/stip.aspx">http://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/stip.aspx</a>

### Miscellaneous Information about a Listed Project

Though there are many required project listing details, other information may be added to the project description to help the public clearly identify where the project will be occurring or how it fits into other local projects. For example:

- Construction of ramps at the Loomis Road and 76th St. interchange graded previously in the City of Franklin;
- Replacement of CTH C bridge over the west branch Root River canal in Racine County;

### Transit Project Detail

Transit capital and operating project table details should include, at a minimum:

- A unique TIP project number for each project. This same number should be used in future TIPs for the project if still using monies from the same grant. The goal is to be able to track a project from year to year in every TIP in which it appears using the unique TIP number.
- A line for each project for each municipality receiving money for the project. For instance, if two transit agencies within the MPO area are receiving grants to purchase buses, each agency's purchase should be listed separately under each municipality's name. See Appendix C for funding source options.
- Miscellaneous maintenance and spare parts for a specific transit agency can be lumped together under one line item/project ID if they share the same funding source.
- Projects that use funds from a program over several years should show how much money will be funded each year. Each year's amount is stated in year of expenditure dollars.
- Vehicle purchase projects include:
  - A brief description of the vehicle such as 40-foot bus, accessible van, hybrid-diesel-electric 40-foot bus, etc.
  - The number of vehicles, which can be expressed as a range, such as "purchase of between 1 and 5 40-foot diesel buses", if money is available to purchase the upper range. This allows some flexibility if fewer vehicles will be purchased yet maintains the TIP fiscal constraint requirements.

### 3.2.6 Public Participation<sup>25</sup>

The TIP document includes detail about the public involvement process used, including:

- A summary of the public participation process.
- Any oral or written public comments with a description of how they were considered.

<sup>&</sup>lt;sup>25</sup> 23 C.F.R. 450.326(b) https://www.law.cornell.edu/cfr/text/23/450.326

- Documentation of other public involvement and consultation related items. This
  includes any copies of legal notices, technical advisory committee and policy
  body review, press releases, lists of attendees, and summaries of meeting
  comments.
- When and where the Annual Listing of Obligated Projects will be available.

The MPO is required to hold at least one formal public hearing during the TIP development process if the MPO is serving a TMA in a non-attainment or maintenance area. This public hearing process is included in the MPO Public Participation Plan.

The MPO Policy Board, as the decision-making body, is typically notified of significant written and oral comments. A new opportunity for public comment on the revised TIP must be provided if it is significantly different from the draft or if it raises new material issues that interested parties could not reasonably have foreseen from the draft. Generally speaking, this includes a change that involves a regionally significant facility or any change that would have required an amendment if the TIP had been in place.<sup>26</sup>

The TIP is a public document and must be published or otherwise made readily available for public review by the MPO and WisDOT. MPOs are reminded that posting the draft and final TIPs on their website are acceptable ways to make it available to the public.

### 3.2.7 Optional Information

TIP document formatting allows for the inclusion of information a MPO considers helpful in its planning and programming processes. Some MPOs include details about projects not required to be in the TIP. This assists local governments and WisDOT in planning to accommodate traffic disruptions caused by project construction.

Illustrative project listings may also be included. Illustrative projects are transportation projects that may be advanced for funding during the TIP period if additional revenues become available. Illustrative projects are not subject to the TIP financial constraint requirements. Illustrative projects should be listed separately either by mode or in a separate table so it is clear the projects are not part of the TIP four-year period.

Formal amendment action is required to move a project from the illustrative list to the active four-year period of the TIP. Illustrative projects may generally be amended to the active four-year period of the TIP by minor amendment action at which time a TIP number may be assigned. An illustrative project meeting the MPO major amendment criteria that was not part of the original TIP must be advanced from the illustrative list to the active four-year TIP period by the MPO major amendment.<sup>27</sup>

\_

<sup>&</sup>lt;sup>26</sup> 23 C.F.R. 450.326 <a href="https://www.law.cornell.edu/cfr/text/23/450.326">https://www.law.cornell.edu/cfr/text/23/450.326</a>

<sup>&</sup>lt;sup>27</sup> TIP amendment requirements are in 23 C.F.R. 450.328 <a href="https://www.law.cornell.edu/cfr/text/23/450.328">https://www.law.cornell.edu/cfr/text/23/450.328</a>

### 3.3 MPO Driven Public Involvement and WisDOT Draft Review

The MPO releases the draft TIP following the procedures and lead times as outlined in its Public Involvement Plan. WisDOT, FTA and FHWA use this time to review the draft for consistency with state and federal requirements and for project details. These three agencies provide feedback to the MPO before the expiration of the public comment period. WisDOT and other project sponsors may submit changes to their projects during this time as new or updated information becomes available.

### 3.4 MPO Policy Board Action on Final TIP

MPO Policy Boards take formal action to vote on the final draft TIP. This is the time when staff bring forward information about public comment on the draft and any updates since the draft release. The format of the vote includes a formal resolution or whatever other form the MPO typically uses to document its formal votes.

### 3.5 Adopted TIP and Approval Materials Submitted to WisDOT 28

MPOs formally submit their adopted TIPs and vote documentation to WisDOT. The draft review process and project table development processes are used to ensure MPO approved TIPs are ready to proceed to federal review and approval. WisDOT's Secretary will recommend adoption of the TIP to FHWA and FTA if it meets all the requirements. See Appendix D for the copy distribution list.

### 3.6 Federal Review and Action<sup>29</sup>

FHWA and FTA do a final review of MPO TIPs submitted by WisDOT. Review is made to ensure compliance with all the federal requirements. Non-attainment and maintenance area TIPs are also sent to WisDNR and the EPA for a conformity review. A joint FHWA/FTA finding of conformity of the TIP with the State Implementation Plan for compliance with the Clean Air Act is required before it can be included in the STIP and implemented.

### 3.7 WisDOT incorporates the TIPs into the Next Year's Draft STIP

WisDOT develops a draft STIP in November and December. Approved TIPs are incorporated by reference into the draft. The draft STIP is released for a public comment period in late December or early January. This public comment period is also when FHWA and FTA make a final check to ensure consistency between projects in MPO TIPs and those in the draft STIP.

### 3.8 Approved by Reference in the Federally Approved STIP

The final step in the TIP process occurs when FHWA and FTA approve the final STIP, generally in the latter half of January.

<sup>29</sup> 23 C.F.R. 450.330 <a href="https://www.law.cornell.edu/cfr/text/23/450.330">https://www.law.cornell.edu/cfr/text/23/450.330</a>

<sup>&</sup>lt;sup>28</sup> 23 C.F.R. 450.336 <a href="https://www.law.cornell.edu/cfr/text/23/450.336">https://www.law.cornell.edu/cfr/text/23/450.336</a>

### **4.0 TIP Amendment Process**

There two types of revisions to TIPs: administrative modification and amendment. 30

### **4.1 Administrative Modification**

An administrative modification is a minor revision, including:

- A minor change in project/project phase costs;
- A minor change in funding sources of previously included projects;
- A minor change to project/project phase initiation dates;
- Correction of minor inadvertent typographical errors or omissions.

Provided that the change does **not** trigger:

- Conformity determination requirements in air quality non-attainment and maintenance areas; or
- Re-demonstration of fiscal constraint.

An administrative modification does not require public review and comment. An administrative modification may be processed through the MPO administrative processes with communication of the changes to the MPO policy board, WisDOT and FHWA/FTA.

### **4.2 Amendments**

An amendment is a revision to a TIP that involves a major change, including one or more of the following:

- Addition or deletion of a project
- Major change in project cost
- Major change in the initiation date for a project or project phase
- Major change in project design concept, design scope or limits

An amendment requires public review and comment, re-demonstration of fiscal constraint, and a conformity determination in air quality non-attainment and maintenance areas.

### 4.3 Minor Amendments<sup>31</sup>

MPO amendments can be further categorized as minor or major. Changes that fit a minor amendment category include one or more of the following:

<sup>&</sup>lt;sup>30</sup> TIP amendment requirements are in 23 C.F.R. 450.328 https://www.law.cornell.edu/C.F.R./text/23/450.328

<sup>&</sup>lt;sup>31</sup> Project category definitions are available in WisDOT's FDM Chapter 3 Facilities Development Process, Section 5 Improvement Concepts <a href="http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/rdwy/fdm.aspx">http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/rdwy/fdm.aspx</a>

- Changes in Schedule:
  - Adding an <u>exempt/preservation project</u> (reconditioning, reconstruction, or rehabilitation) to the first four years of the TIP, including advancing a project for implementation from an illustrative list or from the out-years of the TIP.
  - Moving an exempt/preservation project out of the first four years of the TIP.
- Change in Scope (character of work or project limits) of an <u>exempt/preservation</u> project within the first four years of the TIP such that the original project description is no longer reasonably accurate.
- Change in funding that impacts the funding for other projects within the first four years of the TIP, forcing any project out of the four-year window.

Minor amendments are formal changes to the TIP and require public involvement as outlined in the MPO Public Involvement Plan. This typically, at a minimum, involves presentation to the MPO policy board for a vote with opportunity for public comment.

Minor amendments approved by the MPO policy board are submitted to WisDOT and FHWA/FTA for approval action.

### 4.4 Major Amendments<sup>32</sup>

Project changes that meet the major amendment category include one or more of the following:

- Changes in Schedule:
  - Adding a <u>nonexempt/capacity</u> expansion project to the first four years of the TIP, including advancing a project for implementation from an illustrative list or from the out-years of the TIP.
  - Moving a <u>nonexempt/capacity</u> expansion project out of the first four years of the TIP.
- Change in Scope (character of work or project limits) of a <u>nonexempt/capacity</u> expansion project within the first four years of the TIP such that the original project description is no longer reasonably accurate.
- Change in Funding including adding or deleting any project that exceeds the lesser
  of two thresholds relating to percent of total federal funding programmed for the
  current calendar year or a specific amount.

The funding threshold reflects the varying size of projects and programs among MPOs. Typical threshold values are \$1 million or 10 percent of the total funding program. MPOs identify threshold levels appropriate to their size of program and amount of funding and secure concurrence from WisDOT and FHWA. The agreed upon thresholds

<sup>&</sup>lt;sup>32</sup> Project category definitions are available in WisDOT's FDM Chapter 3 Facilities Development Process, Section 5 Improvement Concepts <a href="http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/rdwy/fdm.aspx">http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/rdwy/fdm.aspx</a>

and TIP amendment criteria are included in the MPO public participation plan and published in the draft and final TIPs.

A major amendment requires formal public notice and appropriate comment opportunity as provided in the MPO public participation plan. MPO policy boards formally review TIP amendments.

The WisDOT Secretary has approval authority for TIP amendments. TIP amendment request submittals may be made electronically and include signed policy board resolutions or other approval documentation, updated TIP tables, and an updated fiscal constraint table. See Appendix D for the copy distribution list.

### **Appendices**

### Appendix A Certifications to Include in the TIP

Detail for section 3.2.1

(1) 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart.

These citations summarize the metropolitan planning requirements, which include a compliant planning process; current approved TIP, Long-Range Transportation Plan, Transportation Planning Work Program (UPWP), Public Participation Plan (PPP), latest federal certification document (TMAs) and Congestion Management Process (CMP (TMAs)); current interagency agreements; approved metropolitan area boundaries; and annual listings of obligated projects.

### **Example MPO Documentation of Compliance:**

#### **Current Documentation**

Transportation Plan	Green Bay Metropolitan Planning Organization (MPO) 2045 Long-Range Transportation Plan, adopted October 7, 2015.
TIP	Sheboygan Metropolitan Planning Area Transportation Improvement Program Calendar Years 2016 – 2019, approved January 8, 2016.
UPWP	2016 Planning Work Program for the La Crosse Area Planning Committee, adopted November 18, 2015, approved by FHWA-FTA 12/29/2016.
PPP	Public Participation Plan Janesville Area Metropolitan Planning Organization, Adopted October 22, 2012.
CMP (TMA)	Congestion Management Process for the Madison Metropolitan Planning Area, Adopted October 5, 2011.
MPO Cooperative Agreement	Executed May 2, 2008.
Metropolitan Planning Area Boundary	Approved by MPO & WisDOT 6/16/2014.
Annual Listing of Obligated Projects	2015 annual listing posted on website.
FHWA-FTA Certification (TMA)	April 1, 2016.

All of these documents can be found on the MPO's website at:

(2) In non-attainment 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 C.F.R. 93.

The MPO has a conforming long-range plan and TIP. State and local transportation officials take part in a collaborative 3C (continuing, comprehensive, and cooperative) planning process to determine which planning elements will be implemented to improve

air quality. The 3C planning process is described in 23 U.S. Code § 135, 23 C.F.R. 450.208 and 23 U.S. Code § 134 (c) (3). Definitions of continuing, comprehensive and cooperative are provided in 23 C.F.R. 450.104.

### Example MPO Documentation of Compliance:

The entire metropolitan planning area is designated in attainment with National Ambient Air Quality Standards.

Or (if only a portion of the MPO is in non-compliance)

The MPO is within Sheboygan County, which is designated as a marginal nonattainment area under the 2008 ozone NAAQS. FHWA-FTA determined conformity on the *Year 2045 Sheboygan Area Transportation Plan* on May 28, 2015 and on the Sheboygan Metropolitan Planning Area Transportation Improvement Program: Calendar Years 2016-2019 on December 11, 2015. The Bay-Lake Regional Planning Commission as MPO for the Sheboygan urbanized area is a signatory to the Wisconsin 2012 Memorandum of Agreement Regarding Determination of Conformity of Transportation Plans, Programs and Projects to State Implementation Plans and participates as a member of the Wisconsin Transportation Conformity Interagency Consultation Workgroup, which meets regularly to cooperatively ensure compliance with all air quality planning and conformity requirements.

**(3)** Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d–1) and 49 C.F.R. Part 21. Title VI prohibits exclusion from participation in, denial of benefits of, and discrimination under federally-assisted programs on the grounds of race, color, or national origin.

### **Example MPO Documentation of Compliance:**

The MPO complies with this requirement through the policies identified in the MPO's Title VI and Non-Discrimination Program/Limited English Proficiency Plan that was approved by the MPO Policy Board on June 4, 2014. Activities include {list activities done as part of these programs}.

**(4)** 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, religion, national origin, sex, disability or age in employment or business opportunity.

### **Example MPO Documentation of Compliance:**

The MPO complies with this requirement through the policies identified in the MPO's Title VI Non-Discrimination Program/Limited English Proficiency Plan that was approved by the MPO Policy Board on June 4, 2014 and Title VI Non-Discrimination Agreement executed October 28, 2013.

(5) Section 1101(b) of the MAP-21 (Pub. L. 112-141), FAST Act (Pub. L. 114-94) and 49 C.F.R. 26 regarding the involvement of disadvantaged business enterprises (DBEs) in USDOT-funded projects. The DBE program ensures equal opportunity in

transportation contracting markets, and in the statute Congress established a national goal that 10% of federal funds go to certified DBE firms.

### Example MPO Documentation of Compliance:

The MPO will follow the WisDOT's federally approved DBE program when soliciting contractors to complete MPO projects using federal MPO planning funds.

**(6)** 23 C.F.R. Part 230, regarding the implementation of an equal employment opportunity program on federal and federal-aid highway construction contracts.

### Example MPO Documentation of Compliance:

This requirement does not directly apply to the MPO because it is not involved in federal or federal-aid highway construction contracts. However, the East Central Regional Planning Commission has an Affirmative Action Program for Equal Employment Opportunities effective January 29, 2016 that outlines the Commission's policies.

(7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 C.F.R. sub parts 27, 37, and 38. Programs and activities funded with federal dollars are prohibited from discrimination based on disability.

### Example MPO Documentation of Compliance:

The MPO complies with this requirement through the policies identified in the MPO's Title VI and Non-Discrimination Program/Limited English Proficiency Plan that was approved by the MPO Policy Board on June 4, 2014. The MPO's offices and all public involvement locations are ADA compliant and transit accessible. The MPO also periodically evaluates its website for accessibility by individuals with disabilities. *{list any relevant parts of the long-range plan addressing ADA accessibility}.* 

**(8)** 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.

### Example MPO Documentation of Compliance:

The MPO complies with this requirement through the policies identified in the MPO's Title VI and Non-Discrimination Program/Limited English Proficiency Plan that was approved by the MPO Policy Board on June 4, 2014 and Title VI Non-Discrimination Agreement executed October 28, 2013. The MPO also follows {its administrative agent's} nondiscrimination policy because the MPO is housed within the City Planning Department. {Reference any part of the public involvement that focuses on senior's populations and organizations advocating for their interests}.

**(9)** 23 U.S.C. section 324 regarding the prohibition of discrimination based on sex.

### Example MPO Documentation of Compliance:

The MPO complies with this requirement through the policies identified in the MPO's Title VI and Non-Discrimination Program/Limited English Proficiency Plan that was approved MPO Policy Board on June 4, 2014 and Title VI Non-Discrimination Agreement executed October 28, 2013. The MPO also follows {its administrative agent's} nondiscrimination policy because the MPO is housed within the Brown County Planning Department.

(10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 C.F.R. 27 regarding discrimination against individuals with disabilities.

### **Example MPO Documentation of Compliance:**

The MPO complies with this requirement through the policies identified in the MPO's Title VI and Non-Discrimination Program/Limited English Proficiency Plan that was approved by the MPO Policy Board on June 4, 2014 and Title VI Non-Discrimination Agreement executed October 28, 2013. Other activities are addressed in #7 above.

### <u>Appendix B Performance Measure Cooperation Written Documentation</u>

Detail for section 3.2.4

The following is the written documentation of cooperation in the development and reporting of transportation performance measures between STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION (WisDOT), the Wisconsin METROPOLITAN PLANNING ORGANIZATIONS (MPOs) and the PUBLIC TRANSIT SYSTEM PROVIDERS (Transit Operators).

### Introduction

The intent of the Performance Measure Cooperation Written Documentation is to verify how WisDOT, MPOs and Transit Providers will work cooperatively in developing and reporting transportation performance measures as required in the Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning; Final Rule (hereafter referenced as the Final Planning Rule) 23 C.F.R. 450.314(h). The Final Planning Rule and federally required transportation performance measures, established by U.S. Department of Transportation, are in accordance with Moving Ahead for Progress in the 21st Century (MAP-21) Act and Fixing America's Surface Transportation (FAST) Act regulations.

The Final Planning Rule (published on May 27, 2016) amended 23 C.F.R. 450.314(h) to include the following requirements:

- (1) 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 plan for the NHS [National Highway System] ...
- (2) These provisions shall be documented either:
- (i) As part of the metropolitan planning agreements required under (a),(e), and (g) of this section, or
- (ii) 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.

This written documentation of performance measure cooperation has been developed in coordination between WisDOT, Wisconsin MPOs and Transit Operators. The final written documentation will be posted on the WisDOT MPO webpage: <a href="http://wisconsindot.gov/Pages/doing-bus/local-gov/plning-orgs/mpo.aspx">http://wisconsindot.gov/Pages/doing-bus/local-gov/plning-orgs/mpo.aspx</a>.

Any future updates of the Performance Measure Cooperation Written Documentation will be coordinated between WisDOT, Wisconsin MPOs and Transit Operators.

### **General Cooperation**

**WisDOT, the MPOs and the Transit Operators** will, to the extent practicable, work cooperatively on the performance measure provisions as required within 23 C.F.R. 450 and 49 C.F.R. 625 and 630 including:

- Sharing of information related to transportation performance measure targets and data.
- Selection of performance measure targets.
- Reporting of performance measure targets:
  - WisDOT will share state performance measure targets reported to Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) with the MPO.
  - The MPO will report all required MAP-21/FAST Act (23 C.F.R. Part 490) performance measure targets to WisDOT's Bureau of Planning and Economic Development by the specified deadlines:
    - The MPO will provide WisDOT with an approved policy board resolution which includes the adopted performance measure targets.
    - WisDOT will acknowledge receipt of the MPO's performance measure targets. WisDOT is a cooperative agency, however, not an approving authority of the MPO targets.
  - The Transit Operators will share Transit Asset Management Plans (TAM Plan), safety performance measures, and transit data/information with the MPOs.
  - Transit Operators that are part of the state's Group TAM Plan will share asset management and safety data/information with WisDOT's Bureau of Transit, Local Roads, Railroads and Harbors.
  - Transit Operators that are part of any Group TAM Plan will share asset management and safety data/information with the Sponsor of the Group TAM Plan.
  - Furthermore, direct FTA recipients will report 49 C.F.R. Part 625 and 630 transit performance measures to FTA.
- Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO.
- Collection of data for the State asset management plan for the National Highway System (NHS), as requested by WisDOT.
- Coordination with Transit Operators will be conducted cooperatively in the development of transit asset management plans and safety performance measures.

### **Appendix C Funding Program Code List for Project Listing Tables**

Detail for section 3.2.5.1

From WisDOT's 2018-2021 Final STIP chapter 7 (roadway programs) and chapter 5 (transit programs)

### **Highway Funding Codes**

Congestion Mitigation Air Quality CMAQ, CM

Surface Transportation Program (STP) – state reference FAST Act program for the state STP is the Surface Transportation Block Grant (STBG) Program

STP, SPIBR, STP-D, STPR, STP-S, STP-U, STPG, STPS, RS, F, FBD, STPI

Highway Safety Improvement Program HSIP

High Priority Projects HPP, HPPNH, HPPIB, HPD

**Equity Bonus EB** 

National Highway Freight Program NHFP

National Highway System NHS, NH, NHSTP, NHI

National Recreational Trails (funds transferred to DNR) NRT

National Highway Performance Program NHPP

Discretionary Allocations ICES, ITS, NCPD, TCSE, ER

Bridge Replacement and Rehabilitation BR, BH, BR/BH, BRBH, BRM, BHO, BRO, BHF, BRF

Public Land and Forest Highway Programs PLH, FH, OMA

Statewide Metropolitan Planning SPR, PL

Transportation Alternatives TA

### **Transit Funding Codes**

### Federal program:

Section 5303: Metropolitan Transportation Planning Program

Section 5304: Statewide Transportation Planning Program

Section 5307: Urbanized Area Formula Program

Section 5309: Fixed Guideway Capital Investment Grants

Section 5310: Enhanced Mobility of Seniors and Individuals with Disabilities

Section 5311: Formula Grants for Rural Area

Section 5311(b)(3): Rural Transportation Assistance Program (RTAP)

Section 5329: State Safety Oversight (SSO) Program

Section 5339: Bus and Bus Facilities Formula Grant

### State programs:

85.20 - Public transit operating assistance (>2,500 population)

85.21 - Elderly/disabled assistance to counties

85.22 - State funding for 5310 programs

### Appendix D Distribution and Submittal of TIP Drafts, Finals, and Amendments

Detail for sections 3.5 and 4.4.

Electronic submittals are both permitted and encouraged. If sending only a paper version, please send only one copy to each recipient.

Recipient	Draft TIP	Final Adopted TIP
WisDOT Region Planning Chief	Y	Y
WisDOT Director Bureau of Local Roads, Transit, Rails, Harbors and Aeronautics	Y	Y
WisDOT Director of Bureau of Planning and Economic Development	Y	Y
WisDOT BPED planning section liaison (see list <a href="http://wisconsindot.gov/Documents/doing-bus/local-gov/plning-orgs/contacts.pdf">http://wisconsindot.gov/Documents/doing-bus/local-gov/plning-orgs/contacts.pdf</a>	Y	Y
WisDOT Director Bureau of Technical Services	Non-attainment & maintenance areas only	Non-attainment & maintenance areas only
WisDNR Director Bureau of Air Management	Non-attainment & maintenance areas only	Non-attainment & maintenance areas only
Section Chief, Region 5, EPA	N	Non-attainment & maintenance areas only
WI FHWA Systems and Program Engineer	Y	Y
Program Development Officer, FTA, Chicago office	Y	Y

Final adopted TIP materials shall include the adopting materials (ex. signed resolution) as well as the TIP document.

## Appendix E Example of Project Listing Table Detail for section 3.2.5

Primary Jurisdiction Project Sponsor/ TIP Project ID	Project Description	Type of Cost				Jan-Dec)		parate colu		4)	Comments
			Fed	State	Local	Total	Fed	State	Local	Total	
Street/ Road	lways										
WisDOT											
0000-00-00	Interstate 94 Traffic	PE									1001-2-99
	Mitigation	ROW									
		CONST	488	54		542					1010-1-99
		TOTAL	488	54		542					Also in outer areas
			IM								Funds obligated Yr. 1
City of Middleton 0000-00-00	USH 12 (CTH K to USH 14)	PE	112	38		150					3/1/5300 PE funds obligated Yr. 1; ROW & Utility funds obligated
	3.3 miles	UTIL CONST TOTAL	112	38		150					Yr.2
Transit Capi	ital										
City of Eau	Purchase 40 ft. diesel buses (up to 3)	New/ Replace- ment	215 Sec 5309	0	55	55					Funds obligated in previous Yr. 20XX; contract signed Yr. 1; delivery anticipated Yr. 2
TRAINSTI UI	LATING										
City of Eau Claire 0000- 00-00	Operating	5307	100	250	250	600					Funds listed in obligation yr.

### Appendix F TIP, Local Program, and STIP Schedule

### Detail for TIP Guide section 2.2

Program	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct	Nov.	Dec.
STBG rural			WisDOT									
under 5k			issues									
			program									
			guidelines &									
			solicits									
			applications									
STBG			WisDOT			WisDOT						
urbanized			issues			approves						
5k – 49k			program			program						
			guidelines &			cycle						
			solicits									
			applications									
STBG			WisDOT			WisDOT						
urbanized			issues			approves						
50k-199k			program			program						
			guidelines &			cycle						
			solicits			,						
			applications									
STBG			WisDOT			WisDOT						
urbanized			issues			approves						
200k+			program			program						
			guidelines &			cycle						
			solicits									
			applications									
Local bridge	WisDOT				WisDOT							
	issues				approves							
	program				program							
	guidelines &				cycle							
	solicits				,							
	applications											
	. '											

Program	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct	Nov.	Dec.
HSIP		WisDOT				WisDOT		WisDOT		WisDOT		
		issues				approves		issues		approves		
		program				program		program		program		
		guidelines &				cycle		guidelines		cycle		
		solicits						& solicits				
		applications						applications				
TAP						WisDOT				WisDOT		
(odd						announces				issues		
numbered						awards				program		
years)										guidelines		
										& solicits		
										applications		
CMAQ	WisDOT					Tentative						WisDOT
	issues					projects						approves
	program					submitted						program
	guidelines &					to MPO/						cycle
	solicits					WisDOT/						
0 ( );	applications					DNR		1100 6				
Conformity						MPOs	MPOs	MPO final	MPO final			
analysis						perform	perform	conformity	conformity			
						conformity	conformity	analysis	analysis			
						analysis	analysis	submitted	submitted			
						June/July	June/July	to feds	to feds			
	<b>.</b>							Sept/Oct.	Sept/Oct.			
TIP					MPO	MPO		Draft TIP PI	Draft TIP PI		Ad-	
					solicits	solicits		Aug. &	Aug. &		opted	
					projects	projects		Sept.	Sept		final TIPs	
					May &	May &					due	
					June	June					Nov. 1	
STIP	Final STIP										1.0	Draft STIP
	adoption											release