Transportation Improvement Program Policies and Procedures

for the

Albuquerque Metropolitan Planning Area

• Main Document - 2014 Revisions •

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Mid-Region Metropolitan Planning Organization
Mid-Region Council of Governments
809 Copper Avenue NW
Albuquerque, New Mexico 87102
Phone: (505) 247-1750 Fax: (505) 247-1753
www.mrcog-nm.gov

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I. DOCUMENT OVERVIEW

This document establishes the process for developing the Transportation Improvement Programs (TIP) for the Albuquerque Metropolitan Planning Area (AMPA). It provides an overview of the process, and then describes how each step of the process will be accomplished. Finally, the procedures that will be followed to revise the TIP after it has been adopted are also established. Many Federal requirements are outlined in Federal law and codified in Title 23 Part 450 of the Code of Federal Regulations (23 CFR 450).

It is intended that this document be revised periodically as the needs of the AMPA and pertinent Federal requirement changes. It is also intended that this document be consistent with the New Mexico Department of Transportation (NMDOT) *STIP/TIP Policies and Procedures*. Up-to-date *Policies and Procedures* will be distributed to the members of the MPO Boards and Committees as well as the NMDOT, the Federal Highway Administration and the Federal Transit Administration. The document shall also be available for public review including being posted on the MRCOG website.

This document may be revised as the region's Congestion Management Process (CMP) continues to be developed and to accommodate any future revisions that may be made to the State Implementation Plans (SIPs) to address air quality.

II. Moving Ahead for Progress in the 21st Century (MAP-21)

Moving Ahead for Progress in the 21st Century (MAP-21) transforms the Federal-aid highway program and provides a means to the most efficient investment of Federal transportation funds by refocusing its attention on national transportation goals, increased accountability and transparency and improved project decision making through performance-based planning and programming. The seven national goals set forth by MAP-21 comprise of improving safety, maintaining infrastructure condition, reducing traffic congestion, improving efficiency of the transportation system along with the national freight network, protecting the environment, and reducing delays in project delivery.

Performance Measures

MAP-21 also requires the United States Department of Transportation (USDOT), states and metropolitan planning organizations (MPOs) to establish performance measures for pavement conditions and performance for the Interstate and National Highway System (NHS), bridge conditions, injuries and fatalities, traffic congestion, on-road mobile source emissions, and freight movement on the Interstate System. USDOT must establish such measures within 18 months of enactment.

Performance Targets

Within one year of the USDOT final rule on performance measures, states are required to establish performance targets in support of those measures established by USDOT under 23 USC 150(c). States may choose to set different performance targets for urbanized and rural areas. To ensure consistency each state must, to the extent practicable, coordinate with an MPO when setting performance targets for the area represented by that MPO.

Setting of MPO Targets

MPOs are required to set performance targets in relation to the performance measures within 180 days of states or providers of public transportation setting performance targets. To ensure consistency, each MPO must, to the maximum extent practicable, coordinate with the relevant state department of transportation and public transportation providers when setting performance targets (23 USC 134 (h)(2)).

MAP-21 listed requirements for a Transportation Improvement Program (TIP):

- TIP shall contain projects consistent with the current metropolitan transportation plan.
- TIP shall reflect the investment priorities established in the current metropolitan transportation plan.
- TIP, once implemented, is designed to make progress toward achieving the performance targets established under subsection (h)(2) [listed below].
- TIP shall include, to the maximum extent practicable, a description of the anticipated effect of the transportation improvement program toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.

MAP-21 became effective October 1, 2012 at the beginning of the development of the FFY 2014-2017 STIP and FFY 2014-2019 TIP. Realistically, the performance measures and targets will not be established and finalized by USDOT and NMDOT before the *Futures 2040 MTP* and the FFY 2016-2021 TIP are both formally adopted. Therefore, in order to work toward meeting the intent of the law, the following interim criteria for shall be used for upcoming TIP development cycles. The seven national performance goals established under MAP-21 are listed below along with interim criteria for new TIP projects and/or the TIP process to satisfy.

Safety: achieve a significant reduction in traffic fatalities and serious injuries on all public roads.

- A project addresses a problem at a location identified in the state's safety report (*Transparency Report*), the MPO's safety report (annual *Crash Report*) or other report of a governmental agency based on an analysis of data collected.
- A project addresses a systemic safety concern as identified in a governmental agency report or a government mandated measure.
- A project maintains or improves the security of the transportation system.
- A project studies and analyzes a safety concern (as listed above) to determine the preferred mitigation measure to be implemented.

Infrastructure Condition: maintain the highway infrastructure asset system in a state of good repair.

- A project preserves or improves the condition of the existing infrastructure.
- A project is a strategy identified in the performance based asset management plan for the state's National Highway System.
- A project addresses one or more deficiencies of a bridge on the state's Deficient Bridge List.
- A project provides for the collection of data to monitor the transportation system and/or develop and maintain an asset management plan.
- A project studies and analyzes a deficient condition of a portion of the existing infrastructure to determine the preferred mitigation measure to be implemented.

Congestion Reduction: achieve a significant reduction in congestion on the NHS.

- A project addresses a congested location as identified in the Congestion Management Process.
- Project includes a recognized congestion management strategy.
- A project provides or enhances alternate modes of transportation other than single occupancy vehicle (SOV) travel.
- A project studies and analyzes an identified congested corridor to determine various strategies to reduce congestion.

System Reliability: improve the efficiency of the surface transportation system.

- A project includes or features a strategy identified in the Congestion Management Process.
- A project increases the volume and/or speed of people moved on a facility without adding additional through traffic lanes or adversely affecting the other six goals.

<u>Freight Movement and Economic Vitality:</u> improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.

- A project maintains or improves movement of freight.
- A project studies and analyzes an identified freight movement issue in order to determine various strategies to improve freight movement.
- A project provides additional infrastructure to promote economic development.
- TIP shall be managed to maximize the amount of funds obligated or used for projects each fiscal year in order to utilize 100% of the funds available (or as close to 100% as practical). Projects will be advanced or switched among the first four federal fiscal years of the TIP based on a project's readiness to complete the development phase for which its funds are programmed. By utilizing all funding available to the region in a fiscal year, it maximizes the amount of money flowing to the construction industry, design services, etc.
- A project serves areas with high employment and population density.
- A project addresses a primary freight corridor as identified in the MTP or LRTP.

<u>Environmental Sustainability:</u> enhance the performance of the transportation system while protecting and enhancing the natural environment.

- A project reduces mobile emissions as an effort to maintain or improve air quality.
- A project mitigates adverse environmental effects of the transportation system. (Examples are: erosion, diminished water quality, adverse effects to wildlife, etc.)
- A project maintains or improves the availability of transportation services to a disadvantaged population.
- A project implements a strategy identified in an approved planning document (comprehensive plan, sector plan, etc.) to improve the quality of life in a community, the region, or the state.

<u>Reduce Project Delivery Delays:</u> reduce the 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 process, including reducing regulatory burdens and improving agencies' work practices.

- The MPO shall, to the extent of its ability, work with lead agencies, the NMDOT, the FHWA, the FTA, and other agencies to obligate funds in a timely manner and assist lead agencies in meeting project development milestones.
- The MPO shall periodically assess projects as to their status.
- TIP shall be managed to maximize the amount of funds obligated or used for projects each fiscal year in order to utilize 100% of the funds available (or as close to 100% as practical). Projects will be advanced or switched among the first four federal fiscal years of the TIP based on a project's readiness to complete the development phase for which its funds are programmed. By utilizing all funding available to the region in a fiscal year, it maximizes the amount of money flowing to the construction industry, design services, etc.

III. OVERVIEW OF THE METROPOLITAN PLANNING PROCESS

[23 CFR 450.310 and 23 CFR 450.304(i)]

Federal law requires every urbanized area with a population over 50,000 to have a designated Metropolitan Planning Organization (MPO) to qualify for receipt of federal highway and transit funds. In urbanized areas with a population over 200,000 a Transportation Management Area (TMA) shall be designated. The Albuquerque Metropolitan Planning Area (AMPA) is the designated TMA. (See map in Appendix J.)

The Mid-Region Council of Governments (MRCOG) is an association of local governments in the vicinity of Albuquerque and central New Mexico. The Mid-Region Metropolitan Planning Organization (MRMPO) is administratively housed within the Mid-Region Council of Governments (MRCOG) and is an intergovernmental forum that provides for the discussion of local and regional transportation issues and for the development of transportation policies and programs. As the metropolitan planning organization (MPO) the MRMPO is responsible for surface transportation planning in the AMPA. This includes developing the twenty-year Metropolitan Transportation Plan (MTP) and the short-term Transportation Improvement Program (TIP). To that end, MRMPO staff work with members of local government staff, tribal governments, the New Mexico Department of Transportation (NMDOT), all local transit providers as well as other local agencies. MRMPO is committed to carrying out a continuing, cooperative and comprehensive transportation planning process (3C process). The development process is accomplished under the direction of the Metropolitan Transportation Board (MTB) of the Albuquerque Metropolitan Planning Area which serves as the governing body of the MRMPO.

Metropolitan Transportation Plan (MTP) and Relation to the TIP

[23 CFR 450.322]

The MTP is a twenty-year intermodal, multimodal transportation plan that provides a framework for development of the TIP. The MTP must be updated every four years. Decisions regarding the roadways, bike and pedestrian ways, enhancements, and public transit services in the AMPA are determined by the MTP, which identifies specific transportation needs for the area. Those needs are translated into fundable projects and programmed for Federal funds (and other regionally significant projects) by means of the TIP. While the MTP establishes goals and a framework, the TIP serves as a tool for program implementation.

IV. TIP BASICS

[23 CFR 450.324-332]

The TIP is a list of federally funded projects to be initiated within a given six year period. The TIP programs the timing and funding of all transportation improvements within the AMPA involving federal funds over a six year period. The first four years of the TIP constitute the federally mandated TIP and last two years are provided for information and planning purposes. A new TIP is developed and adopted every two years. Federal regulations require that transit, highway and other transportation improvement projects within the AMPA be included in the TIP if these projects are to be eligible for Federal funding. The program must also include non-Federally funded projects that are regionally significant.

The development of the TIP shall be compatible with the STIP development process [23 CFR 450.324(a)]. The STIP will be developed in cooperation with MPO's and the TIP shall be developed in cooperation with NMDOT and public transportation operators [23 CFR 450.216(b) & 23 CFR 450.324(a)]. The TIP shall be incorporated into the STIP without change. [23 CFR 450.216(b) & 23 CFR 450.326(b)].

The TIP is developed by MRMPO staff and the Transportation Program Technical Group (TPTG) utilizing the process established in this document. The TIP is adopted by the MTB after considering the recommendation of the Transportation Coordinating Committee (TCC) and Public Involvement Committee (PIC) and after the public has been provided an opportunity to comment on the draft document.
The goal of this process is to achieve a program that takes into account the following factors:

1) consensus regarding the regional priorities of projects; and
2) consensus regarding the application of available Federal funds to the regional priorities.

Following the development and approval of the TIP, projects are selected for implementation in accordance with the project selection procedures identified in section VIII of this document. [23 CFR 450.330]

V. LEAD AGENCIES - PROJECT SPONSORS - MPO

Lead Agency Eligibility and Project Sponsorship

The NMDOT and all county, city, town, village and tribal governments within the AMPA and the Rio Metro Regional Transit District, the Mid-Region Council of Governments, public transit operators, Federal land management agencies (ex. National Park Service, U.S. Forest Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Indian Affairs) and certain other public authorities and agencies are eligible to propose transportation projects for the TIP. Other entities, such as neighborhood associations, environmental or pedestrian safety organizations, and beautification committees may also be eligible to propose a transportation project with a governmental jurisdiction acting as lead agency. However, all projects proposed for inclusion in the TIP must be supported by the appropriate governmental jurisdiction prior to submission.

All agencies are required to submit projects within the AMPA that are anticipated to be funded with Federal dollars as well as state or locally funded regionally significant projects. There is no limit on the number of project proposals an applicant may submit for consideration.

Lead Agency - Project Sponsor Responsibilities

When a proposed project is programmed in the TIP the project sponsor makes a commitment to complete it as defined in the project proposal. Substantive amendments to the scope of the project or the project cost as originally submitted could cause the project to be reevaluated. This could cause the project to be reduced in priority and thus lose the programmed funds. All commitments in Environmental Impact Statements/Records of Decision, Environmental Assessments/Findings of No Significant Impact, or other NEPA decision documents that are part of the project, must be funded as part of the project, and must be incorporated before the new improvements are considered to be operational.

Lead agencies are responsible for ensuring timely completion of the project as described in the project proposal for the programmed project funds. To access the programmed funds for a project, sponsors must meet all Federal requirements. Sponsors should work with the NMDOT, FHWA, FTA or other Federal funding agency to ensure that Federal requirements are met in a timeframe that will assure programmed funds can be authorized. MRMPO acts as a resource to member governments to facilitate the project development process. If projects are unable to proceed to funding obligation according to the schedule outlined in the TIP, this information should be brought to the attention of the MRCOG staff at the earliest opportunity. The NMDOT establishes March 15th (unless otherwise decided) as a deadline for agencies to certify that a project meets all Federal requirements in order to obligate the Federal funds before the end of the Federal Fiscal Year (are requested to September 30th). If a project cannot meet these deadlines and those funds “slip” into a later Federal Fiscal Year, the lead agency must notify the MPO and the NMDOT District 3 T/LPA Coordinator as soon as possible so they can determine whether the TIP can be revised.

Lead agencies must submit a written request for all TIP revisions. Revision requests will be reviewed by MRMPO staff to determine whether they will be processed as Amendments or Administrative Modifications as described above. Funds programmed for a project are committed to the project for a lead agency when the FHWA obligates the funds or the FTA awards a grant. If the project is not able to be completed, or if funds already programmed become available for any reason, the funds will be reprogrammed through the TIP development/revision process. Revisions to the TIP often require an amendment to the project's Local Government Agreement (LGA). (Appendix M provides the TIP Revision Proposal Form.)

Lead Agency/Project Sponsor Responsibilities Summary

In summary, the key responsibilities of lead agencies are:

- Provide complete information for project proposals.
- Provide periodic updated project information as requested by the MPO.
- Meet all deadlines established by these procedures.
- Complete the project or project phase in a timely manner to assure that programmed funds can be accessed.
- Complete all necessary project-level public involvement.
- Assure the project meets eligibility requirements such as those for ITS projects or CMAQ funding.
- Secure all necessary interagency agreements including, (other than NMDOT lead projects), a Local Government Agreement.
- Obtain necessary environmental clearances and meet the requirements of the National Environmental Policy Act (NEPA) and any state and local laws.
- Obtain any necessary permits required for the project.
- Secure all necessary project certifications necessary to obligate the programmed funds.
- Meet any other necessary project development requirements for the project.
- Submit funding applications to the appropriate federal or state agency this includes the request to obligate federal funds.
- Meet any special requirements for the project's fund source(s).
- Provide any data and information requested to demonstrate program eligibility requirements. An agency's lack of providing all the requested data or information may jeopardize the project's programming in the TIP.
- Provide any data and information necessary to develop the air quality analysis necessary for CMAQ funding.
- Provide any matching funds required for the project's fund source(s).
- Assure that all of its departments proposing projects meet any approval requirements established by the municipal or tribal government.
- Take all necessary steps to assure that the project is consistent with the regional ITS architecture (if applicable).
- Notify the MPO and the NMDOT District 3 T/LPA Coordinator if there is a change in the scope or termini of the project.
- Notify the MPO and the NMDOT District 3 T/LPA Coordinator if there is a change in the project schedule.
- Notify the MPO and the NMDOT District 3 T/LPA Coordinator if Federal funds cannot be obligated in the Federal fiscal year they are programmed.

- Review each project as programmed in the TIP for accuracy and especially prior to requesting the obligation of funds, check the funding amounts and the work type associated with the programmed amounts for accuracy and notify the MPO and the NMDOT District 3 T/LPA Coordinator of any necessary changes.
- Request TIP revisions in writing (using the TIP revision forms) in order to assure all necessary information is provided.
- Provide by October 31st, a list of Federal funds obligated during the previous FFY, for that lead agency's projects, with date(s) of obligation, amount(s) obligated, and the funding category of the funds obligated.

MRMPO Responsibilities

The MPO will fulfill the following responsibilities.

- Send notification to all eligible governments and jurisdictions within the AMPA, the NMDOT and other organizations and agencies requesting notification, of the TIP development process, along with a copy of this document and all forms.
- Send notification to all eligible governments and jurisdictions within the AMPA, the NMDOT and other organizations and agencies requesting notification, of TIP Quarterly Amendment Cycles, along with necessary forms and deadlines.
- MRMPO will adhere to the stipulated deadlines.
- Provide lead agencies with assistance in completing the project proposal forms and project revisions.
- Provide lead agencies with assistance and/or cooperate with lead agencies in preparing any necessary CMAQ analysis of benefits.
- Provide lead agencies with electronic files of the approved TIP upon each revision.
- Provide lead agencies with a summary of monthly TIP Administrative Modifications and quarterly TIP Amendments.
- Maintain on the MRCOG website:
  - the current, effective TIP updated as necessary;
  - proposed TIP amendments with public comment information;
  - TIP revision forms; and
  - TIP Policies and Procedures document to present information regarding new TIP proposals and answer questions about their proposals during at least one TPTG meeting in the TIP development time frame.

VI. PROGRAMMING INFORMATION

Federally Funded Projects Programmed in the TIP

[23 CFR 450.324(c & d)]

The TIP shall include capital and non-capital surface transportation projects (or phases of projects) within the boundaries of the metropolitan planning area proposed for funding under 23 USC and 49 USC Chapter 53 (including transportation enhancements, Federal Lands Highway program projects, safety projects included in the State's Strategic Highway Safety Plan, trails projects, pedestrian walkways, and bicycle facilities). Per this regulation, federally funded projects within the AMPA and utilizing federal transportation funds must be programmed in the TIP. This includes but is not limited to the following federal funding sources [23 CFR 450.324(c)]:

- Funds utilized from older federal transportation bills
- Congestion Mitigation & Air Quality (CMAQ) including
  - CMAQ-Flex
  - CMAQ-Mandatory
- Emergency relief projects only if they involve substantial functional, locational, or capacity changes [23 CFR 450.324(c)(5)]
- Federal Lands Highway Program and its components
  - Forest Highway (FH) program
  - Federal Lands Access (FLAP) program
  - Tribal Transportation Program (TTP)
  - National Park Roads and Parkways (PRP) Program
  - Public Lands Highway Discretionary (PLHD) Program
  - Wildlife Refuge Roads (WRR) Program
  - Defense Access Roads (DAR) Program
- Federal Transit Administration (FTA) funding
  - FTA 5307 – Large Urbanized Areas Formula Grants[1]
  - FTA 5307 – Small Urban Capital Funds
  - FTA 5307 – Small Urban Operating Funds
  - FTA 5308 – Clean Fuels Grant Program
  - FTA 5311 – Rural Administration, Capital and Operating Funds
  - FTA 5311(c) – Public Transportation on Indian Reservations
  - FTA 5320 – Alternative Transportation in Parks & Public Lands
  - FTA 5337 – Funding
  - FTA 5339 – MAP-21 Bus/Facilities Funding
- Highway Safety Improvement Program (HSIP)
- National Highway Performance Program (NHPP)
- Section 130 of Title 23 Funds (Railroad Crossing)
- Surface Transportation Program and its subcategories
  - STP-Flex
  - STP-Rural
  - STP-Small Urban
  - STP-Urban

1 FTA Section 5307 Urbanized Area Formula funds programmed for transit planning must be included in both the TIP and the UPWP. Large urban area transit agencies apply directly to FTA for certain FTA funds.

- STP-Bridge Off System
- Transportation Alternatives Program (TAP) and its subcategories
  - TAP-Flex
  - TAP-Rural
  - TAP-Small Urban
  - TAP-Large Urban
  - TAP-Recreational Trails Program
- Transportation, Community, and System Preservation (TCSP) Program
- Transportation Investment Generating Economic Recovery (TIGER) Grants
- Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER) Grants
- Waste Isolation Pilot Program/Dept. of Energy (WIPP/DOE)
- Other (notably earmarked funding) including
  - High Priority Projects (HPP)
- Other fund sources which may be established by Congress

Regionally Significant Projects Programmed in the TIP

Regionally significant, non-Federally funded projects as defined by Federal rules and within the AMPA, must be included in the TIP in accordance with SAFETEA-LU planning regulations, the Clean Air Act and the Albuquerque-Bernalillo County Air Quality Control Board Regulations: [23 CFR 450.104, 23 CFR 450.216(h), 23 CFR 450.322(f), 23 CFR 450.324(d), 40 CFR 93, NMAC Title 20, Ch. 11, Part 3-Transportation Conformity]

Within the Albuquerque Metropolitan Planning Area (AMPA), two definitions of "regionally significant projects" apply based on whether the project is within the carbon monoxide maintenance area. These definitions represent the minimum basis for determining regional significance; the MTB may consider additional projects to be significant to the regional metropolitan transportation system and thus be included in the TIP.

1. Bernalillo County. Within the boundaries of Bernalillo County, "regionally significant projects" are defined by local air quality regulations as

> *"a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from an area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc. or transportation terminals) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel."*

This definition applies to all unincorporated areas within the County of Bernalillo, including: the City of Albuquerque, the Village of Los Ranchos de Albuquerque, the Village of Tijeras, those parts of the City of Rio Rancho, the Pueblo of Sandia, the Pueblo of Isleta, the Pueblo of Laguna, the To'Hajiilee Navajo Nation, and the Town of Edgewood, within Bernalillo County. Regionally significant projects within these areas are determined by the Transportation Conformity Technical Committee (TCTC), made up of Federal, state, and local agencies, with concurrence by the Albuquerque-Bernalillo County Air Quality Control Board. These determinations in

Bernalillo County are based on Federal transportation planning and transportation conformity with air quality plans regulations.

2. AMPA outside Bernalillo County. Within the remainder of the metropolitan planning area, such as unincorporated parts of southern Sandoval County, the City of Rio Rancho within Sandoval County, the Village of Corrales, the Town of Bernalillo, the Pueblos of Cochiti, Santo Domingo, San Felipe, Sandia, Santa Ana, and all of Valencia County, the MTB determines which projects are regionally significant based only on federal transportation planning regulations. Since these areas are outside the Carbon Monoxide maintenance area and are considered in attainment of all air quality standards, the transportation conformity regulations do not apply.

The transportation planning regulations which became effective on March 16, 2007, have a slightly different definition of regionally significant projects from that in our local conformity regulations. The differences are underlined:

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

Early Consultation to Determine Regional Significance

In order to comply with all the Federal regulations, the MRMPO requests that all member agencies coordinate with MPO staff for initial consultation at the onset of project planning to determine whether a project is regionally significant. The following types of projects may be regionally significant and should be discussed with MRMPO staff:

- all new roadway projects providing through travel (not residential streets);
- all capacity expansion projects (new through lanes) on existing roadways that are functionally classified as *urban minor collector* or *rural major collector* and above;
- new interchanges on an Interstate highway or limited access highway [23 CFR 450.324(f)];
- new structures that will provide newly created connectivity across a physical barrier (ex. bridges across a river, highway, railroad track, drainage channel, etc.);
- new transit systems or extensions utilizing a fixed guideway (ex. light rail, streetcar, subway, commuter rail, monorail, maglev, bus rapid transit in dedicated right-of-way, etc.);
- any project requiring an action by the FHWA or FTA regardless of fund source [23 CFR 450.324(d)];
- Congressionally designated transportation projects even those not funded under 23 U.S.C. or 49 U.S.C. Chapter 53 [23 CFR 450.324(f)];

- projects on a facility that provides access to and from the area outside the region and are included in the modeling of the metropolitan area's transportation network;
- projects on facilities serving major activity centers and major planned developments (ex. malls, sports complexes, large employment centers, transportation terminals) and are included in the modeling of the metropolitan area's transportation network;
- projects on multi-use or pedestrian/bicycle facilities for commuters and/or which connect to or are part of a major trail route; and
- new or expanded transit stations and facilities (ex. train stations, major bus transfer stations and/or major park & ride lots, etc.);

Coordination on these projects has the added benefit of allowing the MRCOG to update regional land use and transportation models used to support local agency planning.

Projects NOT Programmed in the TIP

[23 CFR 450.324(c)(1-7)]

The following projects do not need to be programmed in the TIP:

- 23 USC 402 and 49 USC 31102 Safety Projects. (This does not refer to HSIP funded projects.)
- Metropolitan Planning (PL) projects funded under 23 USC 104(f), 49 USC 5305(d) and 49 USC 5339.
- State Planning and Research (SPR) projects funded under 23 USC 505 and 49 USC(e). (This does not include projects funded with NHS, STP and Minimum Allocation (MA) funds that the State and MPO agree should be in the TIP and consequently included in the STIP.)
- National planning and research projects funded under 49 USC 5314.
- Project management oversight projects funded under 49 USC 5327.
- Emergency relief projects (except those involving substantial functional, locational, or capacity changes).
- Federal transportation funds not utilized for surface transportation (ex. Federal Aviation Administration funds).
- Transit services for the elderly and disabled (FTA 5310) since they are included by NMDOT Transit & Rail Bureau in the STIP.
- State and/or locally funded projects that are not deemed regionally significant.

TIP Grouping of Minor Projects

[23 CFR 450.324(f) & 23 CFR 771.117 (c&d)]

Projects that are not of an appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area using the applicable classifications under 23 CFR 771.117(c & d) and/or 40 CFR 93.126-129. Examples of projects eligible for grouping include, but are not limited to:

- Bus stop facilities improvements
- Multi-route transit expansion projects
- Region wide, multi-location, intersection improvements

- Region wide, multi-location, minor bike lane/bike route projects
- Region wide, multi-location, pedestrian projects
- Region wide, multi-location, pavement preservation projects
- Region wide, multi-location, railroad crossing improvement projects
- Region wide, multi-location, landscaping projects
- Region wide, multi-location, safety improvement projects on a small scale
- Region wide ITS and TDM projects
- Region wide transportation surveillance program

Contributions and "Soft Match"

[23 CFR 630.106(h)]

All fund contributions must be made known at the time of authorization by inclusion on the Fed Form (form to request obligation of federal funds). Donations of cash, land, material, or services may be credited to the state's (or local agency's) non-federal share of participating work (the match); however, it may not exceed the total costs incurred by the state or local agency on the project. These types of in-kind contributions are often referred to as "soft match". In order to accurately determine the full cost of the project, all elements of the project cost must be accounted for regardless of the source. Project donations that are not identified at the time of authorization because they were unknown or had not yet been contributed to the project, must be identified via Fed Form and documented in FHWA's Fiscal Management Information System (FMIS) within ninety (90) days of NMDOT personnel becoming aware of the donation.

The following procedures shall be followed:

- A request for using eligible "soft match" as part of the required matching funds should be made early in the project development process by submitting a formal request to the NMDOT District Office Oversight Engineer for Construction and T/LPA Regional Coordinator with a copy of the request to the MPO.
- Once approved, the MPO shall enter an explanatory note in the TIP.
- Funds used for project development (i.e. design costs) may be used as "soft match" provided they are eligible and are identified early and listed in the Local Government Agreement.
- The amount of funds used as soft match shall be identified on the Fed Form (used to request obligation of funds).
- The services utilized as soft match should not begin until federal approval has been issued. Any services (such as design) commenced prior to federal approval may not be eligible for use as soft match.
- The lead agency may be required to demonstrate that services being utilized as soft match meet all federal and state procurement laws and regulations.
- In order for local funds or third-party in-kind contributions to qualify as matching funds the lead agency will be required to demonstrate that the funds/donations meet the criteria in 49 CFR 18.24.
- The lead agency is responsible to provide any requested invoices or bills in order to verify the amount being used as soft match.

- Any portion of the required matching funds not covered by "soft match" remains the responsibility of the lead agency.
- A "Public Interest Finding" may be required for certain types of soft match. NMDOT and/or FHWA will notify the lead agency if one is necessary.

Advance Construction Process

Advance Construction (AC) allows a lead agency to proceed with construction (or large-scale design) of a project with non-federal funds sooner than the FFY in which funds are programmed in the TIP/STIP. Advanced construction allows a lead agency to utilize non-federal funds, up-front, for a project and preserve eligibility for future federal funding for that project. At a later point, in the FFY in which the federal funds are programmed, the federal funds can be obligated for reimbursement of the federal share to the lead agency. This technique allows projects to be implemented that are eligible for federal aid when the need arises, rather than when availability of the federal funds have been programmed.

The following applies:

- The lead agency pays for the construction with the understanding that reimbursement will not occur until the federal funds become available in succeeding federal fiscal years.
- The lead agency assumes financial liability if federal funding is eliminated (by Congress) or the project ceases to be eligible to receive federal-aid.
- All federal design criteria, environmental documentation, certifications, procurement procedures, and other project level requirements remain in effect.
- AC requires a lead agency to secure a commitment that federal funds programmed in the TIP/STIP remain programmed for the project. However, the category of federal funding may be subject to change by the MPO and/or NMDOT.
  - A funding commitment from the policy board of the metropolitan planning organization (see sample resolution) for projects located within a metropolitan planning area.
  - The governing body of the jurisdiction shall provide a resolution or letter committing non-federal funds to pay for the advance construction of the project with reimbursement in subsequent federal fiscal years, and with an acknowledgement the jurisdiction assumes financial liability in the event federal funding is eliminated and/or the project ceases to be eligible for federal-aid.
- The programming of federal funds may be rescheduled upon concurrence of both the MPO and the jurisdiction. (Ex. moving funds to manage the TIP and/or match the project's development timeframe.)
- The Local Government Agreement (LGA) must reflect the advance construction of the project.

VII. PROJECT LEVEL DEVELOPMENT

TIP Project Information Required

[23 CFR 450.324(e)]

For each project in the TIP, sufficient information must be provided to:

- identify each project: type of project, scope, termini, length, FL route number, and other basic project location information;
- identify the project development phase(s) for which funding is requested to be programmed (environmental/NEPA document preparation, preliminary engineering, design, right-of-way, construction, other);
- estimate total project cost (which may extend beyond the time period of the TIP) from all fund sources, federal, state, local, tribal, and other sources;
- show amounts of federal, state and local funds proposed to be obligated for each project phase during the program period in each fiscal year;
- breakdown each project's funding amount by the type of work the funding will be used for (based on FHWA Work Type Codes);
- designate the requested type of Federal funds to be used by the project;
- provide documentation of project eligibility for CMAQ funding in accordance with the most recent CMAQ program guidance (if requesting those funds) and the required CMAQ air quality benefits analysis (see process described later);
- identify the source for any applicable matching funds;
- indicate the source of the cost estimate (ex. scoping document, design report, etc.);
- indicate if/how inflation is being considered in the development of cost estimates beyond the first fiscal year of the TIP;
- identify the lead agency responsible for project implementation;
- identify a contact person at the lead agency who can answer questions about the project;
- indicate whether the project is a Transportation Control Measure (TCM) identified in any State Implementation Plan (SIP) for air quality (this is applicable only in areas of nonattainment or maintenance);
- indicate whether the project has any ITS elements, and if so, that it is consistent with the regional ITS architecture; and
- indicate whether the project is located in any CMP corridor, and if so, that it is consistent with the regional CMP.

■ Projects submitted for inclusion in the TIP must be consistent with the current, approved Metropolitan Transportation Plan. [23 CFR 450.324(g)]

■ The TIP shall include a project, or phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project or phase. In air quality nonattainment and maintenance areas, projects in the first two years of the TIP shall be limited to those for which funds are available or committed [23 CFR 450.324(i)].

■ Only projects for which construction or operating funds can reasonably be expected to be available may be included in the TIP [23 CFR 450.324(h)]. Therefore, projects that are

not reasonably expected to advance to construction or implementation shall not have any phase programmed in the TIP.

■ Projects submitted must also meet and eligibility requirements outlined in Federal regulations and any requirements necessary to secure the proposed funding source(s).

Categorization of Project Type

The following project types will be utilized for project type categorization in the TIP. Only one (1) project type shall be selected which should categorize the major purpose and end product of the project.

- Bicycle/Pedestrian
  Includes projects in which the main purpose and end product results in:
  - Bicycle Lanes/Bike Trails
  - Sidewalks/Bikeways
  - Multi-Use Path/Recreation Trails
  - Pedestrian Overpass/Underpass
  - Pedestrian Facilities
  - Bicycle Facilities and Amenities
- Capacity Project
  Includes projects in which the main purpose and end product results in:
  - Additional Lanes/Widening (any project creating additional travel lanes)
  - Bridge Replacement with Additional Lanes
  - New Bridge Crossing
  - New Interchange
  - New Highway
  - Ramp Modification (ex. if construction is to increase capacity)
  - Intersection Improvements (if purpose is to increase capacity)
- Highway & Bridge Preservation
  Includes projects in which the main purpose and end product results in the following with no additional through travel lanes:
  - Bridge Replacement
  - Bridge Rehabilitation and/or Deck Replacement
  - Highway Reconstruction
  - Highway Rehabilitation
  - Highway Resurfacing/Overlay/Repaving
  - Interchange Reconstruction
  - Intersection Improvements (even with new turning lanes)
  - Preservation
  - Ramp Modification (ex. if construction is to bring it up to standard)
- ITS & TSM (Intelligent Transportation System & Transportation System Management)
  - ITS categorical projects
  - Signalization (as stand alone project such as signal coordination)
  - Ramp metering
  - Real Time Traveler Information

- Message Boards
- HOV and/or HOT lanes and/or Managed Lanes
- Truck/Freight Lane Restrictions
- Automatic Traffic Recording devices
- Road Weather Information Systems (RWIS)

● Miscellaneous (as “stand alone” projects)
- Corridor and/or Location Studies
- Interpretive Signing
- Landscaping
- Rest Area & Scenic Overlook construction/reconstruction/rehabilitation
- Signage
- Street Lighting (ex. if installed to enhance an urban setting)
- Traffic Calming

● Safety (as “stand alone” projects)
- Guardrail Installation/Repair
- Intersection Improvements (ex. if project is for safety reasons, not capacity)
- Pedestrian Facilities Improvements
- Rockfall Mitigation/Prevention
- Railroad Crossing Improvements
- Rumble Strip Installation
- Signalization (other than ITS projects)
- Sign Installation (ex. if installed for safety purposes)
- Street Lighting (ex. if installed to improve safety)

● Transit
- Commuter Rail/Streetcar/Light Rail Construction/Rehabilitation
- Commuter Rail/Streetcar/Light Rail Rolling Stock Purchase
- Park and Ride Lots
- Transit Services (New or Expanded)
- Transit Stations/Stops/Facilities/Bus Garages
- Transit Technologies and Equipment
- Vehicle/Bus Purchases

● Travel Demand Management (TDM)
- Projects which reduce travel on roadways and/or during peak hours (i.e. congestion pricing, tolling)
- Ride Sharing Programs
- Van Pools
- Alternate work schedules
- Parking pricing/controls/management

Miscellaneous TIP Project Information

1. Project Programming: Funding of Projects ON the National Highway System (NHS)

For programming projects on the NHS, the lead agency should coordinate their request for these funds with both MPO staff and the District office of NMDOT. This should occur concurrently while applying for the project's inclusion into the TIP. NMDOT shall review such project proposals for consistency with any plans for they may have for the NHS. After receiving correspondence from NMDOT designating an amount to be programmed, the lead agency must notify MRMPO. The project will be discussed by the MPO and its various committees as part of the cooperative process to assure that the project(s) is consistent with the MTP. (Refer to Map of the NHS in Appendix I).

2. Project Programming: Funding Under the STP-Off System Bridge

For programming projects utilizing these funding categories, the lead agency should coordinate their request for these funds with both MPO staff and the District office of NMDOT. This should occur concurrently while applying for the project's inclusion into the TIP. After receiving correspondence from NMDOT designating an amount to be programmed, the lead agency must notify MRMPO. The project will be discussed by the MPO and its various committees as part of the cooperative process to assure that the project(s) is consistent with the MTP.

3. Project Programming: Funding Under FTA 5310

Projects proposed for funding under FTA 5310 are reviewed and selected by the NMDOT Transit and Rail Division. Due to the rural-urban interconnection of services, per agreement between the MPO and NMDOT Transit and Rail Division all FTA 5310 funds will be tracked by the Division in the STIP and not entered into the TIP.

4. Project Programming: Funding Under FTA 5311

Projects proposed for FTA section 5311 funding should be submitted by jurisdictions directly to NMDOT with a copy to MRMPO. Local transit providers should inform MRMPO of any 5311 funding proposals and subsequent award so the funding can be included in the TIP. Due to the rural-urban interconnection of services, per agreement between the MPO and NMDOT Transit and Rail Division all FTA 5311 funds awarded to the Rio Metro Regional Transit District will be tracked by MRMPO and entered into the TIP.

5. Project Programming: Funding Under FTA 5311(c)

Projects proposed for FTA section 5311(c) (Tribal Transit) funding should be submitted by tribal governments directly to the FTA with a copy to MRMPO. Tribal governments should inform MRMPO of any 5311(c) funding proposals and subsequent award so the funding can be included in the TIP.

6. Project Programming: Funding Under Tribal Transportation (TTP) Program

Tribal Transportation Program (TTP) Funds - TTP and the former Indian Reservation Roads (IRR) funds must be listed in the TIP & STIP per federal regulations. The use of these funds is under the control of the tribal government which only needs to inform MRMPO of the project(s) utilizing these funds. Please note, unlike most other federal fund sources, TTP may be used for the required match for several other federal fund sources such as TAP (Transp. Alt. Prog.). Also, a tribal government may use up to 25% of their TTP funds or $500,000, whichever is greater, for eligible maintenance activities.

- **TTP funds for a specific project are to be included in the Albuquerque TIP if:**
  1). The TTP funds are being used on any road with an FHWA Highway Functional Classification of Rural or Urban: "Major or Minor Collector or Major or Minor Arterial or Interstate";
  2). The TTP funds are being used on any tribal roadway or roadway with an FHWA Highway Functional Classification of "local road or street" classification if the project plan is to convert the roadway into a "collector" or "arterial";
  3). The TTP funds are being used on any road/project if other federal highway and/or federal transit funds are being utilized (such as STP-U, STP-Rural, STP-Flex, CMAQ, TAP, FTA 5311(c), etc.). [This is due to the requirement that a TIP project must include all sources of funding regardless of source.];
  4). The TTP funds are being used as match for any federally funded highway or transit project;
  5). The TTP funds are in a project providing a transit connection to, or improvements of, a major transit facility (i.e. New Mexico Railrunner Express train station, Bus Rapid Transit/Rapid Ride service); or
  6). The TTP funds are used in any project and the tribal government requests that it be listed in the TIP.
  7). TTP funds used for other tribal roadways need to be listed in the Albuquerque TIP. However, once the TTP-TIP has been approved by the tribal government and the appropriate federal agency, no further approvals are necessary. Per federal regulations, TTP funds in an approved TTP-TIP shall be incorporated into a TIP/STIP without further approval. (i.e. a "generic" project such as *"Pueblo of XYZ TTP Program, FFY 20xx, $xxx.xx for roadway improvements.")*

7. Project Programming: Funding Under Federal Lands Highway Program (FLHP)

Projects utilizing Federal Lands Highway Program (FLHP) funding should be submitted to the FHWA Central Federal Lands Highway Division and/or other Federal agency as necessary with a copy to MRMPO. Projects under these programs must be consistent with the MTP. They are programmed by the Federal land management agency having jurisdiction over the land (and also in conjunction with the tribal government for IRR funds). Federal agencies should inform MRMPO of any FLHP funding proposals and subsequent awards so the funding can be included in the TIP.

For Tribal Transportation Program funds see section 6 above.

8. Project Programming: Congestion Mitigation Air Quality (CMAQ) Program

Projects utilizing Congestion Mitigation Air Quality Program (CMAQ) funding should be submitted in the same manner as other FHWA funded projects. These projects will be programmed in the same manner as other projects. However, prior to "Project Selection" or programming any CMAQ funds in the first or second year of the TIP, any lead agency planning on utilizing CMAQ funding for a project, or any phase of a project, must submit an assessment of the project's expected emission reduction benefits. The most recent CMAQ program guidance shall be utilized for determining project eligibility and project selection. [Currently, refer to *Interim Program Guidance, October 1, 2012– Congestion Mitigation and Air Quality (CMAQ) Improvement Program under Moving Ahead for Progress in the 21st Century (MAP-21).*

Projects may be programmed with the anticipation they will utilize CMAQ funds in the 3rd, 4th, 5th and 6th years of the TIP, without conducting the assessment provided they meet other CMAQ project eligibility requirements.

CMAQ funding will <u>not be programmed</u> to any project in the <u>1st or 2nd years of the TIP</u> <u>until</u> the assessment of the project's expected emission reduction benefits is received <u>and</u> the project is selected by the MTB to receive the CMAQ funding. If a project is not selected to receive CMAQ funding, it will remain programmed in the outer year(s) of the TIP until a suitable funding category can be found for the project, enabling the CMAQ funds to be utilized on another CMAQ eligible project.

A quantified emissions benefits (i.e. emissions reductions) and disbenefits (i.e. emissions increases) should be conducted for all projects proposed to use CMAQ funding, except where it is not possible to quantify emissions benefits. The *Interim Program Guidance* defines the exceptions.

> *"Although quantitative analysis of air quality impacts is required for almost all project types, an exception to this requirement will be made when it is not possible to accurately quantify emissions benefits. In these cases, a qualitative assessment based on a reasoned and logical determination that the project or program will decrease emissions and contribute to attainment of a NAAQS is acceptable. Public education, marketing, and other outreach efforts, which can include advertising alternatives to SOV travel, employer outreach, and public education campaigns, may fall into this category. The primary benefit of these activities is enhanced communication and outreach that is expected to influence travel behavior, and thus air quality."*

Lead agencies have the responsibility to provide any data and information necessary to conduct (or which was used) in developing the assessment of the project's expected emission reduction benefits and/or demonstrating other program eligibility requirements. An agency's lack of providing all the requested data or information prior to two weeks before a TPTG meeting for project selection may disqualify the project from receiving CMAQ funding. Lead agencies shall work cooperatively with MRMPO staff to conduct the CMAQ analysis.

<u>9. Project Programming: Transportation Alternative Program (TAP)</u>

NMDOT is responsible for administering TAP in New Mexico and developing a competitive and transparent application process.

For the Large Urbanized Areas (pop. 200,000+) of Albuquerque and El Paso, the MPO selects the TAP projects through a competitive process in consultation with NMDOT.

For areas of the state outside of these Large Urbanized Areas, sponsoring agencies submit their complete application packages to their respective MPO/RTPO, which will ultimately submit all applications from that area to NMDOT's TAP Coordinator.

Application packages submitted to the NMDOT TAP Coordinator for inclusion in the statewide competitive process will be rated and ranked by a selection committee. The higher ranked projects are more likely to receive TAP funding; however, the project funding is limited by the total TAP allocation, as well as the suballocations to the population areas, which NMDOT is required (by FHWA) to meet. Additionally, at its discretion, the selection committee may adjust the projects selected in an effort to program funds in a geographically equitable manner.

After the selection committee meets and selects projects and funding awards, the NMDOT TAP Coordinator will provide MPOs/RTPOs with information on the selected projects, and MPOs/RTPOs will add the selected projects to their TIPs/RTIPs, for ultimate inclusion in the STIP. NMDOT will also send out award letters to the sponsoring agencies of the selected projects. *Recipients of TAP funds will be required to attend an orientation webinar, which will outline critical deadlines and processes.*

For more details on the Transportation Alternatives Program, please refer to the *NMDOT FFY 2016 and FFY 2017 TAP: Project Selection Guide*.

10. Project Programming: Highway Safety Improvement Program (HSIP)

The New Mexico Highway Safety Improvement Program (NM HSIP) is now operating a continuous, year-round process where it is soliciting, receiving, reviewing, and deciding on approval or rejection of applications concerning either proposed engineering type stand-alone transportation safety improvement projects or proposed non-construction safety programs. The fundamental purpose of such safety projects or programs is to reduce the risk of serious injuries or fatalities for any surface transportation mode of travel for any specific location or systems of locations on any public trail, sidewalk, roadway, railroad, or other transit way in the State of New Mexico.

Submittals from cities, counties, tribal governments, and other local agencies must be sent first to their respective Metropolitan Planning Organization (MPO) for initial review, processing, and approval and then have the MPO submit the safety project applications to the NMDOT General Office for final review and action. The NMDOT General Office will not communicate directly with local governments but only through their respective MPO during the safety project or program application solicitation and review phases. All city streets, county roads, and tribal roads, and other local government jurisdiction surface transportation mode facilities, such as trails, are eligible.

Decisions whether to recommend approval or denial of applications will be made at quarterly meetings of the NM Safety Project Selection Committee.

For more details on the *NM HSIP Procedures and Application Instructions*, please refer to the *NMDOT HSIP Project or Program Application Form and Instructions*.

11. Project Programming: Recreational Trails Program (RTP)

Reference *Recreational Trails Program Project Selection Guide* from NMDOT.

VIII. TIP DEVELOPMENT PROCESS

Process Overview

The biannual TIP development cycle which provides for a "new" TIP every two years, is synchronized with the four year MTP development cycle. Therefore, every other biannual TIP development coincides with the development of an updated MTP, with the other occurring half-way through the MTP development cycle. Thus, a new TIP is developed every 2 years. The MRMPO has the responsibility to initiate each new TIP cycle. Generally, this cycle begins in September with approval by the Metropolitan Transportation Board (MTB) in April followed with final approval by the FHWA and FTA. Appendix C establishes the *TIP Development Schedule* and Appendix K has flow charts describing the processes. Between the biannual TIP development cycle, revisions are made to the TIP as needed (see section X).

The Transportation Coordinating Committee (TCC) is responsible for developing the TIP. To achieve this task, the TCC has established a subcommittee, the Transportation Program Technical Group (TPTG) which develops a recommended TIP. TPTG actions will be taken based on group consensus, unless timely decisions cannot be made, at which time a majority vote of members or alternates present will be required. Non-voting advisory members are encouraged to attend all meetings and provide full input to TPTG discussions.

The recommended TIP is forwarded to the TCC for public review, comment, and recommendation, and subsequently submitted to the MTB for approval. Following MTB approval the TIP is forwarded to the NM Secretary of Transportation for approval and to be incorporated without modification into the Statewide Transportation Improvement Program (STIP). The STIP (with the TIP incorporated) is then submitted to the FHWA and FTA for approval [23 CFR 450.216(b) and 23 CFR 450.328(b)]

TIP Development & Concurrent TIP Amendment

Since a TIP is a program of projects based on the Federal Fiscal Year, each TIP becomes effective October 1st after its adoption. Due to the complexity of projects which often span more than one fiscal year, the development of a new TIP usually requires an amendment to the existing TIP be developed concurrently in order to accommodate all the changes required. The TIP Development Milestones noted here also apply to any necessary TIP Amendment concurrently developed to accommodate the "new" TIP.

TIP Development Milestones

Please refer to Appendix C for the TIP Development Schedule which parallels this section and Appendix K for the flow chart.

Step 1. Review TIP Development Process

Action 1-a. August or September – MRMPO Staff Presents an Overview of the TIP Development Process to the TPTG, TCC and MTB
MPO staff will review the TIP development process with appropriate groups.

Step 2. Determine Existing TIP Projects' Status

Before new projects are considered, existing TIP projects will be evaluated and summarized to assure that TPTG members have the information necessary for assessing how new projects will complement or supplement the previously approved program of projects.

All project sponsors are required to provide accurate updates for all projects in the current TIP on a monthly basis and approximately thirty (30) days prior to the beginning of the TIP development process. This information will provide the basis for identifying programmed projects which are not anticipated to be able to access the funds at the time they are currently programmed. It will also be used to identify projects which will be identified as "carry-over projects" and will not be required to compete for funding in the new TIP.

If a project is included in the first four years of the currently-adopted TIP, but has experienced significant changes in project scope or funding, a new project proposal may be required. This decision will be made by MRMPO staff prior to the TPTG discussion and identification of carry-over projects. The thresholds for "significance" will be the same as those used to determine whether a TIP amendment would have been required if the change had occurred during the TIP program period (see criteria in section X).

Action 2. September – MRMPO Prepares Existing Projects Status Report
This information is analyzed by MRMPO staff who will prepare an Existing Projects Status Report for presentation at the October TPTG & TCC meetings.

Step 3. Issue Call for Project Proposals

Action 3-a. Mid-September – MRMPO Staff Distributes "Call for Proposals" packet
MRMPO will mail a "Call for Proposals" packet to the highest governmental official in each jurisdiction in the AMPA with electronic copies to the jurisdiction's TCC member, notifying them of the opportunity to submit project proposals. The packet will include a copy of this document and all necessary forms, deadlines and schedules. Packets will also be mailed to other agencies that are eligible to sponsor Federal-aid transportation projects, such as the NMDOT, public transit operators, Federal land management agencies, and to private citizens or private

sector organizations that have requested TIP notification. Copies will be provided at the same time to all TPTG members.

Action 3-b. Mid-Sept. thru Mid-Nov. - Lead Agencies Prepare Project Proposals

Agencies/project sponsors shall have at least sixty (60) days to complete and submit project proposals.

Lead agencies may request additional funds for carry-over projects. However, these requests must be submitted during the project proposal step and the projects will be evaluated in relation to the new project proposals.

New projects that are the result of a TIP-funded study will be subjected to the same evaluation process and criteria as other new project proposals. Study recommendations will not be automatically funded for implementation.

MRMPO staff will provide assistance in completing project proposals when requested.

Lead agencies are responsible for fulfilling any internal requirements their jurisdiction requires for the submission of TIP proposals and/or revisions (i.e. approval by legislative body or official).

Action 3-c. Mid-November – Deadline for Submission of Project Proposals

The period for receiving project proposals will end at 5:00 p.m. on the date of the deadline, approximately sixty (60) days from the date of the Call for Proposals. Projects proposals must be received at the MRMPO offices or postmarked by that time. Any project proposals received after that date will be marked “late” and will not be considered. They will be deferred until the next quarterly TIP Amendment cycle.

Action 3-d. Last Two Weeks of November – Initial Screening

MRMPO Staff Review of Proposals

On or before November 30th, MRMPO staff will review all project proposals for completeness and clarity. Staff will communicate with the designated project contact person should questions or issues need to be addressed.
Any project proposal that remains incomplete or has unresolved issues after this review period will not be considered and will be deferred until the next quarterly TIP Amendment cycle.

Initial Screening – Each project must meet certain minimum requirements. These screening criteria are posed as “yes/no/not applicable” questions and no points are assigned. A “no” answer precludes the project from further consideration.

1. Is the proposed project consistent with the MTP (current MTP or the draft MTP under development) in terms of scope, termini, and timing?
2. Does the proposed project include a reasonable cost estimate and a funding plan?
3. Is the proposed project eligible for the requested Federal aid program?

4. If the proposed project is in the first four years of the TIP (Federal TIP) can the project meet NEPA, design, right-of-way and/or construction letting milestones within the TIP time frame?
5. Will the completed project comply with ADA requirements?
6. Will the project comply with Title VI (civil rights and environmental justice) requirements?
7. Is the proposed program of funding and project development schedule (timing of PE, design, ROW acquisition) reasonable to meet the March 15th deadline so federal funds can be obligated by the end of the proposed FFY.

Step 4. Establish Funding Estimates

As part of the TIP Financial Plan, estimates of available funds will be developed in accordance with Federal regulations. [23 CFR 450.324(h)] The MRMPO, NMDOT and public transit operators will cooperatively develop estimates of funds that are "reasonably expected to be available" for the TIP from all fund sources. [23 CFR 450.324(h)] The following definitions established by Federal regulations shall be used. [23 CFR 450.104]

> ***Available funds*** *means funds derived from an existing fund source dedicated to or historically used for transportation purposes. For Federal funds, authorized and/or appropriated funds and the extrapolation of formula and discretionary funds at historic rates of increase are considered "available". A similar approach may be used for State and local funds that are dedicated to or historically used for transportation purposes.*
>
> ***Committed funds*** *means funds that have been dedicated or obligated for transportation purposes. For State funds that are not dedicated to transportation purposes, only those funds over which the Governor has control may be considered "committed." Approval of a TIP by a Governor is considered a commitment of those funds over which the Governor has control. For local funds or private sources of funds not dedicated to or historically used for transportation purposes (including donations of property), a commitment in writing (e.g. letter of intent) by the responsible official or body having control of the funds may be considered a commitment. For projects involving 49 U.S.C. 5309 funding, execution of a Full Funding Grant Agreement (or equivalent) or a Project Construction Grant Agreement with the USDOT shall be considered a multi-year commitment of Federal funds.*

The estimates shall be distributed to the TPTG, TCC and MTB. These estimates may be revised during the project evaluation and refinement process of TIP development, based on updated information. Development of accurate funding estimates is critical to the completion of a TIP that can be effectively implemented.

In the absence of more refined funding projections, a financially constrained TIP will be defined as a TIP based on the concept of "steady-state" funding. That is, the current levels of state, Federal, and local funds will be anticipated to continue at approximately the same levels through the six-year period covered by a given TIP. In addition, it will be assumed that the AMPA will receive all Federal demonstration project funds or other funds identified for the AMPA in current Federal legislation, unless official written information is received to the contrary.

Action 4-a. September – MRMPO Staff, NMDOT & Public Transit Operators Meeting

On or before October 1st the MRMPO, NMDOT and public transit operators will meet and cooperatively develop estimates of funds that are "reasonably expected to be available" for the TIP from all fund sources. [23 CFR 450.324(h)]

Step 5. Evaluation of Projects

For all proposed projects meeting the "initial screening" criteria, further evaluation shall be performed.

- The MPO staff shall distribute to TPTG members copies of all project proposals submitted (those meeting initial screening criteria) by the various agencies proposing projects including any supporting documents, and make them available for public review and comment.
- Agencies proposing projects will be allowed to make a brief presentation on their set of proposed projects to the TPTG. Agencies wishing to make a presentation should notify MPO staff at least 2 days prior to the December TPTG meeting. The Chairperson of the TPTG shall allocate and regulate the time allotted for such presentations.
- The TPTG shall discuss the relative merits of all project proposals.
- The TPTG may request that MPO staff provide quantitative analyses of like projects to assist in the programming and prioritization of projects.

Representatives from agencies proposing projects are strongly encouraged to attend TPTG meetings and be prepared to answer these and other questions regarding their proposals.

Evaluation considerations to be discussed shall include, but are not limited to:

- Is the proposed project a performance strategy identified in the CMP?
- Is the proposed project a TCM contained in one of the SIPs?
- What are the proposed project's air quality impacts?
- What are the proposed project's benefits (if CMAQ eligible) as noted in the project's CMAQ analysis?
- Is the proposed project already in the TIP?
- Is the proposed project a "second or third stage" of a previous or existing TIP project?
- Is the proposed project an ongoing project (ex. bus replacement)?
- Is the proposed project one that mitigates a major deficiency of an existing infrastructure?
- Have previous commitments to the proposed project been made by the MTB?
- How does the proposed project implement the goals of the MTP?
- In what way(s) is the proposed project significant to the entire metropolitan area?

Project Prioritization Process: Each project will be evaluated on both a technical assessment basis and a qualitative basis.

- all project proposals will be given a score based on a technical assessment of the project's contribution to the goals of the MTP.

◦ The TPTG will establish an ad hoc committee of one representative from each agency (minimum of five agencies) to review challenges to a project's technical assessment score. Any agency challenging a project's score must abstain from voting on the project's review.

- all projects will be reviewed based on various qualitative information such as the project's significance to the region, the local community, private sector involvement, land use, environmental justice and minority communities and other pertinent information. Please refer to *Project Prioritization Process Guidebook* which parallels this step.

Action 5-a. December – ITS Committee Meeting

On or before December 31st, the ITS Committee shall review all projects proposed for inclusion into the TIP to compare them to the Regional ITS Architecture. Any comments from the ITS Committee shall be given to the TPTG by December 31st.

Action 5-b. December – CMP Committee Meeting

On or before December 31st, the CMP Committee shall evaluate and discuss all projects proposed for inclusion into the TIP. The CMP Committee shall provide the TPTG with comments and/or a list of CMP projects by December 31st.

Action 5-c. December & January – TPTG Meeting(s)

On or before January 31st, the TPTG shall evaluate and discuss all projects proposed for inclusion into the TIP.

Step 6. Prepare 1st Draft TIP

The TPTG will program proposed projects to form the first draft TIP. Using the project information sheets, the TPTG will attempt to fund all projects with available resources by funding category, in accordance with Federal and state eligibility requirements. All projects programmed must be consistent with the current MTP or the MTP being developed concurrently with the TIP.

Step 7. Analyze & Refine Draft TIP and Prepare Final Draft TIP

After a 1st draft TIP has been developed, MRMPO staff will analyze the draft TIP to determine whether it conforms to air quality requirements, plans and regulations, the CMP, environmental justice, and financial constraint.

The results of each analysis and any recommended revisions, along with the impacts of the proposed revisions, will be provided to the TPTG for their consideration. Refinements to the draft TIP will be made as appropriate. If refinements are made, MRMPO staff will complete additional analyses as appropriate to assure that these Federal requirements and local goals have been met.

Action 7-a. End of February – Prepare Final Draft TIP

Based on any refinements needed, MRMPO staff shall prepare the Final Draft TIP.

Step 8. Committee Review & Recommendations

The Final Draft TIP will be presented to the PIC and the TCC for their recommendations to the MTB. The Final Draft TIP will also be sent to the CMP Committee and the ITS Committee for their review and comment. Concurrently, the Final Draft TIP will be provided to the NMDOT for inclusion, in its entirety, in the Draft Statewide Transportation Improvement Program (STIP). The TIP documentation will also include a program-level air quality conformity analysis (completed by MPO staff). Following this work, the document will be released for formal public review.

Action 8-a. March – ITS Committee Meeting

On or before the March meeting of the TCC, the ITS Committee shall review the Final Draft TIP and send comments (if any) to the TCC before its March meeting.

Action 8-b. March – CMP Committee Meeting

On or before the March meeting of the TCC, the CMP Committee shall review the Final Draft TIP and send comments (if any) to the TCC before its March meeting.

Action 8-c. March/April – PIC Meeting(s)

On or before the March or April meeting of the TCC, the PIC shall make a recommendation to the MTB based on its review of the Final Draft TIP.

Action 8-d. March – TCC Meeting(s)

On or before March 31st, the TCC shall make an initial recommendation to the MTB based on its review of the Final Draft TIP and any comments from the ITS and CMP committees.

Step 9. Public Involvement

The MRMPO undergoes a continuous outreach process. Projects for the TIP are recommended by local governments, MRMPO and the NMDOT. Primary programming concerns at the TIP development level are related to addressing regional issues, the establishment of project priorities, and the assurance that projects are consistent with the MTP.

Action 9-a. Local Public Involvement

Citizen input should be accomplished at the earliest point in time when the sponsoring agency approves a list for projects to be submitted to MRMPO for funding. The project sponsor is responsible for providing appropriate citizen involvement at this level. Each local government has its own public involvement process for transportation issues. Since local governments submit projects to MRMPO for review and inclusion in the AMPA TIP, members of the public should take advantage of opportunities to provide input at the local level.

Action 9-b. Committee Updates & Public Information Meetings

Status reports will be provided to the PIC, TCC, and MTB at each of their meetings throughout the entire TIP development process, generally from September through April every second Federal fiscal year. In addition to the formal public review period, selected meetings will be utilized to encourage

earlier public involvement by the MPO. Selected meetings will be advertised as public information meetings and TIP information will be presented and comments will be received. These may be in conjunction with public information meetings for the developing MTP.

Action 9-c. March & April – Formal Public Review

The MRMPO will also provide an opportunity for public review of the draft TIP. The draft TIP will be released for public review and comment for at least fifteen (15) days to thirty (30) days. Copies of the document(s), along with a comment form will be distributed to various agencies and locations and posted on the MRCOG website (www.mrcog-nm.gov). Details about the MRMPO's public involvement efforts can be found in *Public Involvement Procedures for the Mid-Region Council of Governments acting as the Metropolitan Planning Organization for the Albuquerque Metropolitan Planning Area* (P-05-01).

The written public comment period will end a few days before the MTB meeting at which the TIP is scheduled for approval. MRMPO staff will review all comments and make any necessary recommendations regarding appropriate ways to address concerns that have been raised. Comments received will be summarized and/or distributed to the MTB. Finally, time will be allotted at that MTB meeting for public comment on the TIP. Each member of the public who comments on the draft TIP and provides their name and address or an email address, will receive a written or email response describing how the MTB responded to their input.

Action 9-d. April – TCC Meeting(s)

After the close of the public comment period, the TCC shall review public comments and make a final recommendation to the MTB based on its review.

Step 10. April – MPO Approval of the TIP

Action 10-a. April – Approval by the MTB

The Metropolitan Transportation Board (MTB) of the MRMPO shall vote on approval of the Transportation Improvement Program (and any concurrently developed amendment to the existing TIP) for the Albuquerque Metropolitan Planning Area. (Should the MTB not approve the TIP or delay action on the TIP, MPO staff shall proceed as directed by the MTB.)

Action 10-b. April – Send Approved TIP to NMDOT

Following the vote to approve the TIP, the MPO staff will incorporate any final revisions made by the MTB and formally send the approved TIP and/or amendment to the New Mexico Department of Transportation, STIP Coordinator and copy the District 3 Engineer. The MPO will transmit electronic data from the TIP database to the STIP Coordinator with a request to forward the new TIP and/or amendment for approval by the Governor's designee and incorporation into the Statewide Transportation Improvement Program (STIP).

Step 11. May – State Actions

Action 11-a. May – Approval by the Governor's Designee and Review by the New Mexico State Transportation Commission

The NMDOT STIP Coordinator forwards the TIP to the New Mexico Secretary of Transportation for approval. [The Governor's designee per letter dated January 22, 2003.]

Action 11-b. May – Incorporation of the TIP into the STIP

Following approval by the NM Secretary of Transportation, NMDOT shall, by reference or inclusion, incorporate the AMPA TIP into the STIP without modification [23 CFR 450.216(b) & 450.326(b)]. (Should the NM Secretary of Transportation not approve the TIP or delay action on the TIP, MPO staff shall confer with NMDOT staff.)

Action 11-c. May – Send Approved TIP/STIP to FHWA and FTA

The STIP (with the TIP incorporated) is presented to the New Mexico State Transportation Commission (NMSTC) for review.

Action 11-d. May – Send Approved TIP/STIP to FHWA and FTA

NMDOT shall be responsible for sending the TIP to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for their review and approvals.

Step 12. June – Review by the FHWA and FTA

Upon receipt of the STIP (which will have the TIP incorporated into it either directly or by reference) the FHWA and FTA shall review the TIP as noted in Federal regulations [23 CFR 450.328]. The FHWA and FTA shall review the process to assure that *"the TIP is consistent with the MTP produced by the continuing and comprehensive transportation process carried on cooperatively by the MPO, the State, and public transportation operators in accordance with 23 U.S.C. 134 and 49 U.S.C. 5303. This finding shall be based on the self-certification statement submitted by the State and the MPO under 23 CFR 450.334, a review of the MTP by the FHWA and FTA, and upon other reviews as deemed necessary by the FHWA and the FTA."*

Action 12-a. June (approx.) – Approval by FHWA and FTA

Both agencies will send NMDOT their results of their review.

Action 12-b. June (approx.) – Notification from NMDOT of FHWA & FTA Decisions

NMDOT shall notify MRMPO of the decisions made by the FHWA and FTA.

Step 13. July 1st – Effective Date of the Concurrently Developed TIP Amendment

The TIP Amendment (concurrently developed to accommodate changes to the "existing" TIP) becomes effective following approval by the FHWA & FTA.

Action 13-a. July 1st – Incorporation of any Necessary TIP Amendment into the Current TIP and Distribution of Amended TIP

MPO staff will make changes to the TIP data base from the approved amendment and distribute the revised current TIP and post it on the MRCOG website.

Step 14. TIP Amendment(s) prior to October 1st

Any TIP Amendments proposed and approved that affect projects in the "overlapping years" of the current TIP and the New TIP will be noted and incorporated into the New TIP when it becomes effective at the beginning of the new Federal Fiscal Year on October.

Step 15. October 1st – Effective Date of the "New" TIP

The TIP after approval by the MTB, the Governor's designee, the FHWA, and the FTA becomes effective at the beginning of the new Federal Fiscal Year on October 1st.

Action 15-a. October 1st – Distribution of the New TIP

MPO staff will make any necessary changes to the TIP data base to reflect the approved new TIP and distribute the TIP and post it on the MRCOG website.

IX. TIP PROJECT SELECTION for IMPLEMENTATION

Federal Regulations provide a definition of project selection [23 CFR 450.104]:

> "**Project Selection** means the procedures followed by MPOs, States, and public transportation operators to advance projects from the first four years of an approved TIP and/or STIP to implementation."

Selection of projects for implementation from the list of projects in the approved TIP is necessary to decide which projects actually receive funding in any particular fiscal year. It is recognized that even with the best design and scheduling efforts, projects may not be ready to receive funding for a particular phase or a jurisdiction's shifting priorities may require one project to be advanced over another. Criteria used for selection of projects are noted in the Project Selection Criteria section.

Selection of projects from the TIP shall be done in accordance with Federal Regulations [23 CFR § 450.330(c) & (e)] which state:

> "In areas designated as TMAs, all 23 U.S.C. and 49 U.S.C. Chapter 53 funded projects (excluding projects on the National Highway System (NHS) and projects funded under the Bridge, Interstate Maintenance, and Federal Lands Highway programs) shall be selected by the MPO in consultation with the State and public transportation operator(s) from the approved TIP and in accordance with the priorities in the approved TIP. Projects on the NHS and projects funded under the Bridge and Interstate Maintenance programs shall be selected by the State in cooperation with the MPO, from the approved TIP. Federal Lands Highway program projects shall be selected in accordance with procedures developed pursuant to 23 U.S.C. 204."
>
> "In nonattainment and maintenance areas, priority shall be given to the timely implementation of TCMs contained in the applicable SIP in accordance with the EPA transportation conformity regulations (40 CFR part 93)."

To fully understand the Federal Regulations, three definitions are noted below [23 CFR 450.104]:

> ***"Consideration*** means that one or more parties takes into account the opinions, action, and relevant information from other parties in making a decision or determining a course of action."
>
> ***"Consultation*** means that <u>one or more parties confer</u> with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken."
>
> ***"Cooperation*** means that the <u>parties involved</u> in carrying out the transportation planning and programming processes <u>work together</u> to achieve a common goal or objective."

Project Selection and the Six-Year TIP

[23 CFR 450.330(a)]

1. Projects In the 1st Year of the TIP

In accordance with Federal regulation the first year of the TIP shall constitute an "agreed to" list of projects for project selection purposes. Therefore, any project in the first year of the TIP is automatically considered "selected" and no further action is needed. During development of the TIP, projects to be included in the first year of the TIP shall be selected based on the criteria noted in the Project Selection Criteria section.

2. Projects In the 2nd, 3rd, and 4th Years of the TIP [23 CFR 450.330(a)]

In accordance with Federal regulation, to proceed with any project in the 2nd, 3rd, or 4th year of the TIP, specific project selection procedures must be followed. Project selection must be undertaken for several reasons. With time, the 2nd year of the TIP becomes the new current fiscal year, and some projects in the outer years are ready to be advanced, and some projects in the current fiscal year of a TIP are delayed resulting in "rolled-over" funds. As a result, project selection becomes a necessity for managing the TIP and maintaining fiscal constraint. Projects to be selected from the 2nd, 3rd, and 4th year of the TIP shall be selected based on the criteria noted in the Project Selection Criteria section.

3. Projects In the 5th and 6th Years of the TIP [23 CFR 450.330(a)]

In accordance with Federal regulations, projects in the 5th and 6th year are considered as informational only. In order to proceed with any project in the 5th or 6th year of the TIP, the TIP Amendment process must be followed in order to officially incorporate that project into the four-year Federal TIP. Projects to be advanced by amendment from the 5th and 6th year of the TIP shall be selected based on the criteria noted in the Project Selection Criteria section.

Project Selection and Funding Categories

[23 CFR 450.330(c)]

1. Project Selection: Most Projects - Except for Projects on the NHS Bridge Funds or Funded Through the FLHP

According to Federal regulation, these projects are selected by the MPO in consultation with the State. Consultation with the State, through NMDOT, will be conducted through that agency's involvement on the various committees of the MPO and their membership on the MTB.

2. Project Selection: Projects on the National Highway System (NHS)

Projects on any highway officially designated as part of the NHS regardless of fund source, shall be selected by the New Mexico Department of Transportation in

cooperation with the MPO. For project selection, NMDOT working cooperatively with the MPO will compare these projects to others based on the criteria listed in the Project Selection Criteria section. (See Map of the NHS in Appendix I.)

3. Project Selection: Projects Funded Under the Bridge Program

Projects funded under the Federal Bridge program STP-Off System), regardless of highway location, shall be selected by the New Mexico Department of Transportation in cooperation with the local agency and MPO. For project selection, NMDOT working cooperatively with the MPO will compare these projects to others in the same funding category based on the criteria listed in the Project Selection Criteria section.

4. Project Selection: Federal Lands Highway Program (FLHP)

Projects funded under the FLHP shall be selected in accordance with 23 U.S.C. 204. Project selection is made by the both the land management agency and the program administrator of Federal Highway Administration, Central Federal Lands Highway Division (CFLHD) located in Lakewood, Colorado and in conjunction with tribal governments if applicable.

Project Selection Criteria

These criteria will serve as guidance to the MPO and lead agencies for selecting projects for inclusion into the first year of the TIP and subsequently the next 2nd year that becomes the current fiscal year between biannual TIP development cycles. These criteria shall also apply to selecting projects for inclusion in the 3rd and 4th years of the TIP to serve as a prioritized list of projects to advance as necessary. Projects will be selected from those already programmed in the TIP. (Although discouraged and rare at this stage of the TIP cycle, newly proposed projects may be considered, provided they are consistent with the MTP, and do not adversely affect the region's air quality conformity or the congestion management process (CMP), and meet all other TIP project requirements.)

1. **Project Readiness** – is it likely that the funds programmed for the project will be obligated/awarded by the end of the FY?
    a. Will any necessary State/local agreement be approved in time?
    b. Will design/development of the project be at a stage to allow the next funding to be obligated?
    c. Will the procurement process (ex. vehicle purchases) be at a stage to allow for the funding to be acquired?
    d. Will all local government approvals be obtained to allow for the obligation/award of the funds?

2. **Implementation of CMP projects** – Strategies should be developed as a result of the CMP. Projects implementing those strategies will be given priority by the MTB. [23 CFR 450.320]
    a. Is this project located in a CMP corridor?

b. Is this project in nonattainment area for ozone or carbon monoxide?
c. Does the project reduce SOV (single occupant vehicle) travel?
d. Does the project add general purpose lanes?
e. Does the project implement a strategy contained in the CMP?
f. What is the projects technical assessment score from the Project Prioritization Process?

3. **Implementation of SIP TCMs** – Priority shall be given to these projects in nonattainment and maintenance areas [23 CFR 450.330(e)].
   a. Is this project located in a nonattainment or maintenance area?
   b. Does the project implement a TCM contained in the SIP?

X. TIP MANAGEMENT and INTERIM TIP YEARS

A new TIP is developed every two years. In the interim year, the 2nd year of the TIP becomes the current fiscal year. As projects develop the may experience delays or advancement which require changes in the TIP. In addition, the TIP must be fiscally constrained for each of the fiscal years of the TIP. This requires the TIP to be managed, and revised accordingly.

Project Status Update

Each month at TPTG meetings or via email, agencies shall be required to submit an assessment of the status of each project programmed in the current or following federal fiscal year of the TIP. Failure by a lead agency to provide this information may jeopardize the priority of their project(s) in the TIP.

The following information shall be provided:

- Do the funds programmed in the current fiscal year of the TIP have a reasonable expectation of being obligated or secured (based on the "project readiness" criteria)?
- Does the project's total programmed funding...
  ...meet the total estimated project cost?
  ...significantly exceed the total estimated project costs?
  ...fall significantly short of the total estimated project costs?
- How is any shortfall of programmed funds being addressed?
- Are there any other project situations that affect timing, amount, or category of the programmed funds?
- Have the project's scope and termini changed from what is noted in the TIP?
- A status report on Federal funding for each project including
  ...What amount of Federal funding has been obligated in this FY?
  ...What amount of Federal funding is expected to be obligated in this FY?
  ...What is the date(s) of obligation?
  ...What funding category(ies) was obligated?
  ...How much was not obligated and what is the expected obligation schedule for the remaining programmed funds?

Based on the information provided and other information, the TIP will be revised, if necessary, according to procedures for TIP Revisions (see section XI and flow chart in Appendix K).

From information obtained from lead agencies throughout the year, projects may be rescheduled from on fiscal year to another. This will be accomplished by switching the scheduling of one project with one or more other projects utilizing federal funds of approximately equal value so as to maintain the overall amount of funds programmed in each Federal Fiscal Year in the TIP.

It is intended that monthly project updates coupled with efforts by agencies to meet all deadlines will minimize the number of projects unable to obligate funds for a given FFY. At the end of each fiscal year, projects unable of obligate all or part of their programmed funds shall be reviewed to determine the disposition of the project and the associated unobligated programmed funds will be reviewed on a project-by-project basis depending on project readiness to obligate the remaining funds and the availability of funding in each Federal Fiscal Year. This will be done by Administrative Modification or TIP Amendment as appropriate. At the June, July and August TPTG meetings, the "Project Selection" procedures will be followed to select projects for the new, current fiscal year program in order to propose any TIP Revisions that may be necessary to modify the TIP.

Guidelines for Advancement/Delay of Projects in the TIP

Principles driving these guidelines

1. The TIP is managed with the goal of obligating, each year, all federal funding allocated to the AMPA.
2. Federal funds allocated to a project do not "belong" to the lead agency but are programmed to a project in order to achieve the purposes noted in the project description.
3. Federal regulations allow for the movement (advancement or delay) of projects within the TIP.
4. Agencies are responsible for meeting all regulatory rules necessary to obligate funds within the FFY they are programmed and to complete the project.
5. It is recognized that issues arise during the scoping and design of a project which impact an agency's ability to timely obligate the funds.
6. Changes to a project's funding obligation schedule as early as possible is essential to proper management of the TIP. Changes requested after February-March of each year pose very difficult TIP management issues.
7. Agencies risk losing programmed federal funds when any obligation schedule change is proposed but are at greater risk when a change is needed after February-March of each year.

Guidelines

When an agency has a project that is at-risk of not meeting the obligation schedule as programmed in the TIP the following guidelines shall be followed. These guidelines are consistent with the *TIP Policies and Procedures* which must still be followed. These guidelines serve to clarify the process of revising the TIP due to project schedule changes which affect obligation of federal funds.

Intra-Agency: An agency may propose a "swap" of equal funding amounts with another existing, federal-aid, TIP project sponsored by that agency.

- A "swap" within the 4-year federal TIP is an administrative modification.
- If the 5th or 6th year of the TIP is involved, the revision is a TIP amendment.
- Projects must be eligible for the fund source(s) being "swapped".
- The scope of work of all projects involved must still be achieved.
- The cumulative amount of federal funds programmed in each funding category involved in the "swap" remain unchanged.

Intra-Agency: An agency may propose a "swap" of equal funding amounts with another existing, TIP project utilizing local or state funds (e.g. "swapping" local for federal funds and vice versa).

- This type of change is a TIP amendment.
- Projects must be eligible for the fund source(s) being "swapped".
- The scope of work of all projects involved must still be achieved.
- The cumulative amount of federal funds programmed in each federal funding category involved in the "swap" remain unchanged.

Intra-Agency: Any proposal involving a project not currently in the TIP shall require a regular TIP amendment.

Inter-Agency: An agency may propose a "swap" of equal funding amounts with another existing, federal aid project sponsored by another agency.

- A "swap" within the 4-year federal TIP is an administrative modification.
- If the 5th or 6th year of the TIP is involved the revision is a TIP amendment.
- Projects must be eligible for the fund source(s) being "swapped".
- The scope of work of all projects involved must still be achieved.
- All agencies involved must be in agreement with the proposed revisions.
- The cumulative amount of federal funds programmed in each funding category involved in the "swap" remain unchanged.

Inter-Agency: Any proposal involving a project not currently in the TIP shall require a regular TIP amendment.

MPO Proposals: The TIP Coordinator may propose changes to the TIP as part of the TIP management process.

- A "swap" within the 4-year federal TIP is an administrative modification.
- If the 5th or 6th year of the TIP is involved the revision is a TIP amendment.
- Projects must be eligible for the fund source(s) being "swapped".
- The scope of work of all projects involved must still be achieved.
- All agencies involved must be in agreement with the proposed revisions.
- The cumulative amount of federal funds programmed in each funding category involved in the "swap" remain unchanged.

Release of Federal Funds: Whenever a "swap" of funds is not achievable, the agency or the MPO may propose removing some or all of the federal funding and replacing it with local or state funding with the understanding that the newly available federal funds will be available to all agencies for reprogramming.

- These revisions may require a TIP amendment.

TIP Management Issues: When a project is unable to meet its schedule to obligate funds, and the ability to "swap" funds with another existing TIP project is not practical, and the region is at-risk of losing the programmed funds, the TIP Coordinator shall discuss the issue with TPTG and TCC to develop an appropriate course of action.

Action TM1-a. Monthly Project Status Reports

At each monthly TPTG meeting, MPO staff will review all current FFY projects and request a status update. Lead agencies shall provide monthly project status updates. Based on information provided, the MPO and all lead agencies shall review the status of all TIP projects with emphasis on those in the current and subsequent fiscal years. Advancement or delay of projects, funding changes, proposed actions, etc. will be discussed each month.

Action TM1-b. Follow-Up – MRMPO Revises TIP Accordingly

Based on information provided, MRMPO staff shall modify and/or prepare TIP Amendments accordingly.

Action TM2. April - August TPTG meetings – Project Selection for New, Current FFY

If an issue arises after the March 15th deadline which delays a project, project selection procedures (see section VIII) will be followed to select projects for the new, current FFY. Based on information provided, MRMPO staff shall modify and/or prepare TIP Amendments accordingly for MTB approval at the August meeting.

Agencies shall provide additional updates as may be required by MPO staff.

XI. TIP REVISIONS

All projects or particular phase of the project included in the adopted TIP will be programmed to the amount needed to complete the project or phase and in a time frame that allows all project requirements to be met by the obligation authorization deadline. Unfortunately, project costs may rise or fall as a result of forces outside the project sponsor's control. In the same way, projects may not be able to be completed in the time frame originally estimated. For these and other reasons, sponsors may find it necessary to request revisions to the adopted TIP.

According to Federal regulations [23 CFR § 450.104] TIP *Revisions* are changes made to a TIP; these are further classified into two categories:

- TIP *Amendments* are major revisions which require public review and opportunity for comment, demonstration of fiscal constraint, a conformity determination (if necessary), and official approval by the Metropolitan Transportation Board. This is followed by submission to the New Mexico Secretary of Transportation for approval and subsequent approval by the FHWA and FTA.
- TIP *Administrative Modifications* are minor revisions which can simply be made by MRMPO staff after proper notification and verification that the change(s) falls into this category. All administrative modifications to the programmed funds of any project or group of projects must demonstrate fiscal constraint or be funding neutral.

Criteria Differentiating TIP Amendments and TIP Administrative Modifications

Amendments are required for:

- addition or deletion of any project (except as noted in the *Administrative Modifications* section below);
- substantial changes to the scope of a project (e.g. changing the number of through traffic lanes, changing the type of project such as from rehabilitation to reconstruction);
- changes to any project that would affect air quality conformity;
- changes in the availability (adding or deleting funds by Congressional action) of earmarked (special appropriation) funds;
- moving a project into or out of the first four Federal Fiscal Years of a TIP;
- changes in a project's total programmed amount greater than 20% of the sum of all programmed funds listed for the project in the four-year TIP (as of the date the project first appeared in the current active TIP or as noted in the most recent approved TIP Amendment affecting that project) or any amount greater than $2,000,000 and projects with adjustments less than 20% or less than $2,000,000 that are not scheduled for production [construction] before the next quarterly amendment;
- changes in a project's fund source(s) from- non-Federal to Federal;
- changes in the termini of a capacity project in which the termini is extended beyond the limits presented to the public during the public involvement process and/or beyond the limits noted in the environmental document; and

- the addition of secondary routes to a project.

Administrative Modifications can be made for:

- any revisions that do not meet the Amendment criteria listed above, such examples as:
  - changes made to an existing project's four-year total programmed amount less than 20% (up to $2,000,000). This type of modification may be done **only one time** per project in the two-year life of the active TIP and should only be utilized as part of the federal authorization process to increase the programmed amount if the final estimate exceeds or is less than the current programmed amount. If a modification revises the federal funding of a project, but does not change the total amount programmed in the 4 year TIP, then this "one-time" rule has not been utilized.

    ▪ The "four-year total programmed amount" shall be defined as the sum of all federal, state, local and tribal programmed funds listed for the project in the four-year TIP (as of the date the project first appeared in the current TIP or as noted in the most recent approved TIP Amendment revising that project's programmed amount).

    Examples:

    ▪ If a modification simply moves a project's funds from one FY to another in the 4 year TIP, the total remains the same, so the "one-time" rule does not apply.

    ▪ If a modification switches two or more projects by moving them from one FY to another in the 4 year TIP, the total of each project remains the same, so the "one-time" rule does not apply.

    ▪ If a modification simply switches fund sources, the total remains the same, so the "one-time" rule does not apply.

    ▪ If a modification adds federal funds in one category and removes the same amount in another category in the same project, the total remains the same, so the "one-time" rule does not apply.

    ▪ If a modification adds federal funds to a project in the first 4 years of the TIP, the total has been increased, so the "one-time" rule does apply.

    ▪ If a modification reduces federal funds in a project in the first 4 years of the TIP, the total has been decreased, so the "one-time" rule does apply.

    ▪ If a modification moves federal funds from one project in the first 4 years of the TIP to another project, the total of one project has been decreased and the other increased, so even though the net change to the TIP is zero, the "one-time" rule does apply (provided both changes did not exceed 20% or $2 million whichever is less).

    ▪ If an agency needs to increase its right-of-way federal funds it may do so in one of two ways.

    a). The agency could move some construction funds from one FY to another so the "one-time" rule would not apply, and then submit a TIP Amendment to put additional funds in construction. This increases the project's cost by amendment but now the 20% rule is applied to the new, higher total when and if the "one-time" rule is utilized.

    b). The agency could increase the ROW funds by administrative modification in which case the project's total has been increased, so the "one-time" rule does apply, but the ROW funds were obligated on time. If construction is not anticipated within the two-year time frame of the active TIP, it doesn't matter that the "one-time" rule has been utilized.

    ▪ If a project's funds are adjusted to change the previously estimated amount of FTA or FLHP funds in order to reflect the amount actually awarded, this falls

under allowable administrative modifications (continued below) and the "one-time" rule does not apply because the change is necessary to ensure fiscal constraint of those funds sources.

- ○ minor changes to the scope of a project (such as a change that does not require any recertification);
- ○ minor changes to the termini of a project which falls within the termini of the approved environmental document **and** does not extend beyond the limits taken to the public during the public involvement process;
- ○ adding or deleting a project development phase of a project (Env. Doc, PE, Design, ROW, Constr. or Other) without major changes to the scope to the project;
- ○ moving a project's funds to another Federal Fiscal Year **provided** they are not being moved into or out of the first four FFY's of a TIP;
- ○ moving projects in any of the first four years of the TIP which may be advanced in place of another project in the first four years of the TIP including the movement of those funds to another Federal Fiscal Year **provided** they are not being moved into or out of the first four years of the TIP **and** show fiscal constraint [23 CFR 450.324(n)];
- ○ minor changes to funding sources of a project in the TIP (including switching Federal funding categories);
- ○ changes in a project's fund source(s) from Federal to non-Federal with no changes to the project's scope **provided** the funds have not been obligated (however, the disposition of the "freed-up" Federal funds remain under the authority of the MRMPO and are subject to TIP Revisions as appropriate);
- ○ changes to a project's "Work Type" codes and other coding which do not change the amount of funds programmed;
- ○ changing a project's lead agency when agreed upon by the two agencies affected; and
- ○ changes made to an existing project's amount of non-federal funds.

- In addition, the following changes shall also be considered Administrative Modifications:
  - ○ changes made to an existing project's programmed FTA funds, National Scenic Byway funds, Emergency Relief funds (ER), Federal Lands Highway Program funds (FH, TTP, PRP, PLHD, WRR & DAR), and Federal Recreational Trail funds, **in order to reflect the actual amount awarded** by the federal agency and the corresponding required amount of matching funds;
  - ○ adding a project to the TIP which utilizes FTA funds, Emergency Relief funds (ER), Federal Lands Highway Program funds (FH, TTP, PRP, PLHD, WRR & DAR), Federal Recreational Trail funds, or 100% state and/or local funds, **provided** the total project amount is **$2,000,000 or less, and** the project is consistent with the MTP having minor impact on the overall metropolitan transportation system **and** it will not add or reduce through-travel lanes on any roadway functionally classified as an *urban minor collector* or *rural*

major collector or higher;

- ○ adding a project to the TIP which is split from a "parent project" **provided** the cumulative, total amount of Federal funding in each funding category in the parent and split projects remains intact **and** the overall scope of work intended to be accomplished does not change or affect NEPA; and
- ○ combining two or more projects already in the TIP **provided** the cumulative, total amount of Federal funding in each funding category of the combined projects remains intact **and** the overall scope of work intended to be accomplished does not change.

Amendments to the TIP

NMDOT has established a process for amending the STIP on a quarterly basis. This schedule allows for review of the STIP by the New Mexico State Transportation Commission at their meetings in December, March, June and September of every year. To comply with the state process, MRMPO will process TIP Amendments through its committees and the MTB meetings in a timely fashion which allows NMDOT to incorporate the TIP amendment into the STIP amendment for review by the State Transportation Commission.

For all TIP Amendments the opportunity for public participation will be provided in accordance with *Public Involvement Procedures for the Mid-Region Council of Governments* [23 CFR § 450.326(a)].

- All proposed TIP Amendment will be available for public review and comment and posted on the MRCOG website (www.mrcog-nm.gov) for at least fifteen (15) days prior to the vote by the MTB. MRMPO staff will review any comments received and make any necessary recommendations regarding appropriate ways to address any concerns. Additionally, time will be allotted at the MTB meeting for public comment on the TIP Amendment prior to the vote.

After approval by the MTB the Amendment the MPO staff will incorporate any final revisions made by the MTB and formally send the approved TIP amendment to the New Mexico Department of Transportation's STIP Coordinator and copy the District 3 Engineer. The MPO will transmit electronic data from the TIP database to the STIP Coordinator with a request to forward the TIP amendment for approval by the Governor's designee and incorporate it into the Statewide Transportation Improvement Program (STIP) amendment. The STIP/TIP amendment is then forwarded to FHWA and FTA for approval and is. [23 CFR 450.326(a)] A *Quarterly Amendment Cycle* has been established for the TIP and STIP per NMDOT procedures. (See Appendix E, for TIP Quarterly Amendment Cycles and Timeline and Appendix K for a flow chart describing the revision process.) Should the NM Secretary of Transportation or FHWA or FTA not approve the TIP or delay action on the TIP, NMDOT staff shall confer with MPO staff.

Out-of-Cycle Amendments

The MRMPO and NMDOT recognize that situations may arise that require amendments be made to the TIP and STIP outside of the prescribed quarterly cycle. An *Out-of-Cycle* Amendment process has been established for rare situations which occur that require amendments to be processed outside of the quarterly cycle. The following steps must be followed.

1. The lead agency sends a formal request for an out-of-cycle amendment to the MPO (addressed to the chairperson of MTB). The request must include the reason(s) for the amendment and why it cannot be addressed within the quarterly cycle.
    a. The letter should include two signature lines, one for the chairperson of the MRMPO Metropolitan Transportation Board and one for the Secretary of the NMDOT
2. If approved by the MTB, the chairperson of the MRMPO Metropolitan Transportation Board formally requests the Secretary of the NMDOT to approve the out-of-cycle amendment.
3. If approved by the Secretary, the out-of-cycle amendment continues through the STIP/TIP approval process.

Corrective Actions

Corrective actions are used when projects in the STIP or TIP do not currently meet all STIP/TIP requirements, and further actions by the state, MPO, or lead agency is needed to meet or complete the requirements. Corrective actions may include the following:

- Projects with poor or no fiscal information. Projects may be approved and included in the STIP/TIP as soon as funding is assured and fiscal constraint is determined.
- Funding cannot be assured for a specific phase of a project and proposed innovative financing package is not yet complete. Project can be amended into the STIP when the funding estimate and source are identified. Such projects can be listed as "illustrative projects" in the TIP [23 CFR 450.328(e)] but no federal action may be taken on the project until it is fully amended into the TIP.
- Projects in the STIP/TIP are determined to not be consistent with or in the metropolitan transportation plan (MTP). Project will be approved when the MTP is amended.

Conditional or Partial Approval of TIP Amendments

The TIP and all TIP Amendments are reviewed by the FHWA and FTA as part of the state's STIP. The FHWA and FTA can approve the STIP subject to certain corrective actions being taken; or under special circumstances, approve a partial STIP covering only a portion of the state. The FHWA and FTA shall review the STIP or the amended STIP and make a joint finding on the extent to which the STIP is based on a statewide

transportation planning process that meets or substantially meets the requirements of 23 USC § 134 & 135, 49 USC § 5303 & 5304, and subparts A, B & C of 23 CFR § 450. Approval, conditional approval, and partial approval shall be issued in accordance with 2c CFR 450.218(b), and in accordance with 23 CFR 450.328 and 23 CFR 450.334(a) for the metropolitan area TIP.

There are special circumstances that may result in a partial STIP approval:

- The rural portion of the STIP, or the metropolitan TIP could not meet the set STIP schedule, and other portions of the STIP were ready to be advanced for approval. The state/NMDOT requested partial approval for the advanced portion only.
- The metropolitan TIP did not have the conformity determination analysis completed yet, but the rural portion of the STIP was completed. The state/NMDOT requested approval of the rural portion of the STIP.
- The state/NMDOT did not have adequate public involvement procedures, which resulted in delaying the rural portion of the STIP. The MPO's TIPs had adequate public involvement and met all TIP requirements. The state/NMDOT was facing a lapsed STIP and decided to move forward the TIPs for partial STIP approval.
- The reverse of the situation stated above.
- Federal Lands Highways Program projects could not meet the set STIP schedule.

If FHWA and FTA jointly determine that the STIP or amendment does not substantially meet the requirements of 23 USC § 135 and 23 CFR 450.220 for any identified categories of projects, they will not approve the STIP or amendment [23 CFR 450.219(b)]. Congressionally earmarked projects may be conditionally approved subject to meeting all applicable planning and environmental requirements.

XII. REVISING TIP POLICIES and PROCEDURES

Administrative Changes

This document may be revised by MRMPO staff in order to incorporate changes in Federal legislation and/or regulations. All MPO committees, the MTB and all lead agencies shall be notified of such changes with appropriate explanation. Revised documents will be distributed and posted on the MRCOG website.

Appendices Changes

MPO staff may update the appendices to this document as necessary. All MPO committees, the MTB and all lead agencies shall be notified of such changes with appropriate explanation. Revised documents will be distributed and posted on the MRCOG website.

Substantive Changes

All other changes shall be brought before the TPTG and the TCC for their review and recommendations. The MTB shall approve all substantive changes. Revised documents will be distributed and posted on the MRCOG website.