



Transportation Improvement Program Policies and Procedures

for the
Albuquerque Metropolitan Planning Area



• Main Document – 2022 Revisions •

Approved by the Metropolitan Transportation Board - October 23, 2008
Revisions Approved by the Metropolitan Transportation Board - October 15, 2010
Revisions Approved by the Metropolitan Transportation Board - April 20, 2012
Revisions Approved by the Metropolitan Transportation Board – October 17, 2014
Revisions Approved by the Metropolitan Transportation Board – October 21, 2016
Revisions Approved by the Metropolitan Transportation Board – September 21, 2018
Revisions Approved by the Metropolitan Transportation Board - September 16, 2022

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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 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. Infrastructure Investment and Jobs Act (IIJA) or Bipartisan Infrastructure Law (BIL)

On November 15, 2021, President Biden signed the [Infrastructure Investment and Jobs Act \(IIJA\) \(Public Law 117-58, also known as the "Bipartisan Infrastructure Law"\)](#) into law. The Bipartisan Infrastructure Law (BIL) is the largest long-term investment in our infrastructure and economy in our Nation's history. It provides \$550 billion over fiscal years 2022 through 2026 in new Federal investment in infrastructure, including in roads, bridges, and mass transit, water infrastructure, resilience, and broadband..The BIL maintains a focus on safety, keeps intact the established structure of the various highway-related programs, continues efforts to streamline project delivery and. The BIL upholds national goals and performance measures which will continue to transform the Federal-aid highway program (FAHP) 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.

Performance Goals and Measures

The BIL continues MAP-21's overall performance management approach to transforming the Federal Aid Highway Program, within which States invest resources in projects that collectively will make progress toward national goals. The seven national goals set forth by MAP-21 and continued under the BIL, 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. BIL also requires the United States Department of Transportation (USDOT), states and metropolitan planning organizations (MPOs) to continue 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.

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 135 & 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. The performance measures and targets established shall be considered by a State and MPO when developing policies, programs, and investment priorities reflected in the statewide transportation plan and STIP and MPO Transportation Improvement Program.

Setting of MPO Targets

MPOs are required to set performance targets in relation to the performance measures. 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)). MPOs develop Metropolitan Transportation Plans (MTPs), which are federally mandated plans that outline MPO performance measures, goals and targets. All projects in MPO TIPs must be consistent with the MTP (23 USC 450.326(i)) and must help the MPO achieve its performance measures, goals, and targets, which are consistent with NMDOT's performance measures, goals and targets. Any plans developed under Chapter 53 of Title 49 by providers of public transportation shall also be incorporated into MTPs.

The BIL, FAST Act, and 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.
- 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.

The seven national performance goals established under MAP-21 and continued under BIL are listed below along with 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.

Freight Movement and Economic Vitality: 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 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.

Environmental Sustainability: 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.

Reduce Project Delivery Delays: 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 a division of MRCOG for the purpose of overseeing, directing, and establishing comprehensive transportation planning and policies for the AMPA to carry out the provisions of Title 23 and Title 49 United States Code related to metropolitan planning. 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 MTP and TIP development processes are 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 and is the body of representatives of Member Governments responsible for determining transportation policy for the Metropolitan Planning Area.

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 to five 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. All projects in MPO TIPs must be consistent with the MTP (23 USC 450.326(i)) and must help the MPO achieve its performance measures, goals and targets, which are consistent with NMDOT's performance measures, goals and targets. Any plans developed under Chapter 53 of Title 49 by providers of public transportation shall also be incorporated into MTPs.

IV. TIP BASICS

[23 CFR 450.326-334]

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 four 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 450.326(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 450.218(b) & 23 CFR 450.326(a)]. The TIP shall be incorporated into the STIP without change. [23 CFR 450.218(b) & 23 CFR 450.328(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 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 considers the following factors:

- 1) Consensus regarding the need to achieve adopted performance targets for each measure established in 23 USC 150(c)
- 2) Consensus regarding the regional priorities of projects; and
- 3) 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 450.332]

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, school districts, 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 the project as defined in the project proposal submittal during TIP development. This includes incorporating identified project elements for which the project received points for during the initial Project Selection Process (PSP). Lead agencies are responsible for ensuring timely completion of the project as described in the project proposal for the programmed project funds.

All proposals to substantively amend the scope of the project or the project cost as originally submitted will result in the project to be reevaluated by the TPTG. This could cause the project to be reduced in priority and thus lose the programmed funds.

Substantive changes to the final capital improvement after project close-out, and failure to include specific project elements for which the project received points during the PPP, could cause the entity to risk receiving future funds during subsequent TIP development cycles.

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 new improvements are operational.

To access the programmed funds for a project, sponsors must meet all Federal and State requirements. This includes Tribal and Local Public Agency ADA and Title VI Compliance requirements. Sponsors should work with the NMDOT, FHWA, FTA or other Federal funding agencies to ensure that Federal requirements are met in a timeframe that will assure programmed funds can be authorized.

LPAs with fewer than 50 employees: (including part-time employees but not elected officials)

- ADA Policy
 - To see a sample ADA Policy, go to <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>
- Title VI Policy
 - To access NMDOT's Title VI Boilerplate, go to: http://dot.state.nm.us/content/dam/nmdot/OEOP/Title_VI_Boilerplate_LGA.pdf
- Letter certifying the LPA has fewer than 50 employees. This letter should include the names and positions of their current employees.

LPAs with 50 or more employees:

- Title VI Policy
 - To access NMDOT's Title VI Boilerplate, go to NMDOT's website.
- ADA Transition Plan. The ADA Transition must include the following:
 - Official responsible for implementation of the Transition Plan.
 - Identification of physical barriers in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities.
 - Detailed description of the methods that will be used to make the facilities accessible.
 - Schedule for taking the steps necessary to upgrade access to meet ADA and Section 504 requirements.
 - Description of public involvement in development of ADA Transition Plan.
 - ADA Policy Statement
 - Identification of ADA Coordinator including contact information; and
 - Clear Complaint/Grievance Process to receive and address complaints or grievances from the public.

Tribal Governments are exempted from some of the requirements listed above. Please contact the NMDOT ADA/Title Vi Program Coordinator for more information.

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 MRMPO staff and the TPTG 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 to obligate the Federal funds before the end of the Federal Fiscal Year. NMDOT has established June 15th for obligation with justified extensions granted on a project-by-project basis. If a project cannot meet these deadlines and funds cannot be obligated in the FFY, 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 (via email to the MRMPO TIP Coordinator) for all TIP revisions (Administrative Modifications and Amendments) along with required revision forms (Forms A and B). 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 Agreement Request Form (ARF) and Local Government Agreement (LGA). (Appendix M provides all TIP Revision Proposal Forms.)

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 (Monthly TPTG project status reports).
- Provide MPO with an updated project development schedule, timelines for all certs, as well as updated project costs throughout project development. (Such as estimated and actual letting dates, environmental clearance dates, railroad cert dates, ROW cert dates, SHPO concurrence dates, utility cert dates, ITS clearance dates, project end dates, agreement end dates, 30% project cost updates, 60% project cost updates, 90% project cost updates, and PS&E project cost updates.)
- 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 all eligibility requirements.
- Secure all necessary interagency agreements including, (other than NMDOT lead projects), Agreement Request Forms and associated Local Government Agreements for design and construction.
- 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 matching funds required for the project's fund source(s).
- Assure that all 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) to assure all necessary information is provided and follow the process in section XI (TIP Revisions of this document).

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 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 450.326(e & f)]

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 alternatives; associated transit improvements; Tribal Transportation Program, Federal Lands Transportation program projects, and Federal Lands Access Program projects; Highway Safety Improvement projects included in the State's Strategic Highway Safety Plan; trails projects; accessible 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.

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 BIL planning regulations, the Clean Air Act and the Albuquerque-Bernalillo County Air Quality Control Board Regulations: [23 CFR 450.104, 23 CFR 450.218(h), 23 CFR 450.326(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” have applied based on whether the project is within the carbon monoxide maintenance area. Although the region’s CO maintenance plan has expired, MRMPO will continue this definition pending further review by the Albuquerque-Bernalillo County Air Quality Control Board. 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.

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

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 450.326(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 450.326(f)];

- Congressionally designated transportation projects even those not funded under 23 U.S.C. or 49 U.S.C. Chapter 53 [23 CFR 450.326(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.);

Projects NOT Programmed in the TIP

[23 CFR 450.326(e)(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(d), 49 USC 5305(d) and 49 USC 5339.
- State Planning and Research (SPR) projects funded under 23 USC 505 and 49 USC 5305(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.)
- At the discretion of the State and MPO, metropolitan planning projects funded with Surface Transportation Program funds;
- 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 by mutual agreement between MRMPO and NMDOT.
- State and/or locally funded projects that are not deemed regionally significant.

TIP Grouping of Minor Projects

[23 CFR 450.326(h) & 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

Non-Federal Contributions and "Soft Match"

[2 CFR 200.306]

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 amount of funds used as soft match shall also be identified in the Notes/remarks of the TIP page.
- 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 2 CFR 200.306.

- The lead agency is responsible to provide any requested invoices or bills 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:

MPO Considerations and Requirements

- 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.

NMDOT Considerations and Requirements

- Local agency identifies project(s) and requests Advance Construction (AC) in a formal request to the NMDOT (through ARF)
- The project must be identified in STIP, to be eligible 23 USC 115 © specifies that an AC project application may be approved “only if the project is included in the transportation improvement program of the State developed under section 135(f).”
- AC'd amounts must be clearly identified in STIP assuring Project Total cost is not inflated. Because AC does not constitute a commitment of Federal funds to a project, the financial plan and/or funding information for the TIP and STIP, needs to demonstrate sufficient non-Federal revenues to provide all funding for the costs of projects listed as “AC” in the STIP (23 U.S.C. 135(g)(4)E).
- There is no guarantee pledged federal funding will be available. If Federal funds are not available, the state will not convert the project to a Federal-aid project and the entity is solely responsible for any project costs that have been incurred. The demonstration of sufficient non-Federal revenues is critical in that the total amount of allowable AC in the TIP, STIP, or total Federal program is limited by the requirement for a fiscally constrained STIP, know the current availability of Federal funds or obligation authority.
- At the request of the NMDOT, an executed agreement will need to specifically state the funding sources inclusive of corresponding requested AC amounts in future years.

NMDOT Process for Transfer of Funds

The purpose of this section is to implement statutory provisions associated with the transfer of highway, transit funds, or funds among State to State or to the Federal Highway Administration (FHWA). The process will clarify various authorities and administrative procedures associated with transferring of funds to other agencies as referenced in order 4551.1 dated August 12, 2013.

FTA Transfers

Transfers between FHWA and the Federal Transit Administration (FTA) for the Federal-Aid Highway Program (FAHP) funds for which transit projects or transportation planning are eligible may be transferred to FTA and administered under chapter 53 of Title 49, per 23 U.S.C. 104(f)(1), except that the Federal share requirements of the original fund category continue to apply. FHWA may accept transfers and administer FTA funds for highway projects or transportation planning per 23 U.S.C. 104(f) (2).

1) The requesting agency shall submit a MPO concurrence letter and TIP page to NMDOT Transit Bureau Chief by November 1st of the current federal fiscal year (If the deadline of November 1st cannot be met, an extension will need to be requested through the NMDOT Transit and STIP sections). This will begin the transfer process.

- 2) The NMDOT Transit Bureau will confirm the information from the receiving agency and prepare the letter to FHWA for Deputy Secretary for signature.
- 3) The NMDOT Transit Bureau will submit a complete package (MPO concurrence letter, TIP page and letter to FHWA) to the NMDOT STIP Unit.
- 4) The STIP Section will then submit the letter to the Deputy Secretary for signature.
- 5) When all forms have been signed, validated and verified with the FMISW10A & FMISM58A reports, the STIP Unit will scan and send to the FHWA Division office via email to the Financial Manager and Financial Specialist for processing with a copy to POD and FTA Region VI staff.

Transfers from a State to a Federal agency other than FHWA or FTA

In unique circumstances, a State may request FHWA to transfer funds for the Federal share of a project directly to the Federal agency taking responsibility for the project, per 23 U.S.C. 132(a)(1).

This requires that the State have the requisite legal authority and that an agreement be put in place between the State and the Federal agency.

When a State enters into an agreement with another Federal agency for a Federal-aid project to be “undertaken” by that Federal agency, “undertaken” means that the Federal agency must actually administer the project or carry out an activity necessary to the project, either with its own forces or through a contract with a contractor that provides goods or services to the Federal agency undertaking the project on behalf of the State.

Under 23 U.S.C. 132, a State should provide sufficient information to the FHWA Division Office to permit processing of the request. The State should provide a brief description of the project(s) to be funded with the transferred funds, the name of the receiving Federal agency (including a point of contact), and a written confirmation that the receiving agency has agreed to undertake the project(s). Upon receipt of the FHWA transfer request form, prior to any concurrence, the Division Office must determine that the project(s) being undertaken meets the applicable Title 23 requirements.

Transfers to funds being transferred to Central Federal Lands

1. The STIP Section will submit the letter to the Deputy Secretary for signature.
2. When all forms have been signed, validated, and verified with the FMISW10A & FMISM58A reports, the STIP Section will scan and send to the FHWA Division office via email to the Financial Manager and Financial Specialist for processing with a copy to POD and Central Federal Lands staff.

****NOTE-**Transfer funds are not available until they are received and/or credited into the federal receiving agency system (showing the funds are available). The availability of funds is not an automatic just because there was a submittal request.

VII. PROJECT LEVEL DEVELOPMENT

TIP Project Information Required

[23 CFR 450.326(g)]

For each project or phase (e.g., preliminary engineering, environment/NEPA, right-of-way, design, or construction) in the TIP, sufficient information must be provided to:

- identify each project: type of project, scope, termini, length, 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;
-
- identify the source for any applicable matching funds;
- indicate the source of the cost estimate (ex. scoping document, design report, etc.);
- 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 Congestion Management Process (CMP) corridor, and if so, that it is consistent with the regional CMP.
- Provide MPO with an updated project development schedule, timelines for all certs, as well as updated project costs throughout project development. (Such as estimated and actual letting dates, environmental clearance dates, railroad cert dates, ROW cert dates, utility cert dates, ITS clearance dates, project end dates, agreement end dates, 30% project cost updates, 60% project cost updates, 90% project cost updates, and PS&E project cost updates.)

■ Projects submitted for inclusion in the TIP must be in or consistent with the current, approved Metropolitan Transportation Plan [23 CFR 450.326(i)]. Please review Appendix A of the current MTP to identify your project proposal in the adopted MTP Project Listing:

■ All project proposals not identified in the approved MTP Project Listing, must go through MPO staff review to verify MTP consistency. If the project is not identified, the submitting agency will be required to make a justification through a process identified in

the MRMPO Project Selection Process application. In rare cases, an MTP amendment proposal may be required.

- 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 contemplated for completion of the project or phase. Should the region return to air quality nonattainment or a maintenance area, projects in the first two years of the TIP shall be limited to those for which funds are available or committed [23 CFR 450.326(k)].
- Only projects for which construction or operating funds can reasonably be expected to be available may be included in the TIP. 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 all eligibility requirements outlined in Federal regulations and any requirements necessary to secure the proposed funding source(s).
- At the request of the MPO, for large scale project proposals, agencies may be required to submit as applicable, a capital funding plan, and/or a report on how maintenance and/or operations will be funded.

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
 - Bicycle Share Programs
- **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)
 - Lane Reductions or Road Diets

- 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.

7. Project Programming: Funding Under Federal Lands Access Program (FLAP)

Projects utilizing Federal Lands Access Program (FLAP) funding should be submitted to the FHWA Central Federal Lands 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 in conjunction with the tribal government for TTP funds). Federal agencies should inform MRMPO of any FLAP 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: Non-Mandatory Funds

Non-mandatory CMAQ funding is administered by NMDOT and is available statewide for projects and programs that improve air quality and reduce congestion.

NMDOT administers CMAQ on behalf of the Federal Highway Administration (FHWA). Pursuant to the FAST Act, transportation projects that fall into one of the following three broad categories are eligible for CMAQ funding.

1. Projects that reduce the number of vehicle trips and/or vehicle miles traveled (VMT);
2. Projects that reduce emissions related to traffic congestion; and/or
3. Projects that reduce the per mile rate of vehicle emissions through improved vehicle and fuel technologies.

All applicants must coordinate with and submit their applications to the appropriate MPO or RTPO based on a project's physical location and applying agency. MPO/RTPO planners are responsible for submitting complete application packages to NMDOT.

Application packages submitted to the NMDOT will be rated and ranked by a selection committee in a statewide competitive process. Scoring factors and point criteria are detailed in the NMDOT CMAQ Program Guide. Higher ranked projects are more likely to receive funding. However, funding is limited by the total CMAQ allocations.

After projects are selected, the NMDOT CMAQ Coordinator will send out award letters to the responsible charge for the selected projects. Applicants whose projects were not selected will be notified as well. The NMDOT CMAQ Coordinator will ensure that selected projects are programmed into the metropolitan TIPs (for MPO projects) and the STIP.

Non-NMDOT recipients of CMAQ funds are required to attend an orientation workshop, which will outline the critical deadlines and processes for their projects.

To revise CMAQ Non-Mandatory projects in the TIP, refer to section XI (TIP Revisions for NMDOT Administered Programs (Special Categories)).

For more details on the Congestion Mitigation Air Quality Program, please refer to the *NMDOT FFY 2022 Congestion Mitigation and Air Quality (CMAQ) Improvement Non-Mandatory Program Guide*.

9. Project Programming: Transportation Alternative Program (TAP) and Recreational Trails Program (RTP)

NMDOT is responsible for administering TAP (Small Urban, Rural and Flex) and RTP 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 for TAP and RTP to their respective MPO/RTPO, which will ultimately submit all applications from that area to NMDOT's TAP and RTP Coordinators.

Application packages submitted to the NMDOT TAP and RTP Coordinators 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 and RTP 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.

After the selection committee meets and selects projects and funding awards, the NMDOT TAP and RTP Coordinators 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 and RTP funds will be required to attend an orientation webinar, which will outline critical deadlines and processes.*

To revise TAP (Small Urban, Rural and Flex) and RTP projects in the TIP, refer to section XI (TIP Revisions for NMDOT Administered Programs (Special Categories)).

For more details on the Transportation Alternatives Program and Recreational Trails Program, please refer to the *NMDOT FFY 2022 and FFY 2023 Active Transportation Guide*

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

Since 2016, the NMDOT has been in the process of revising the Highway Safety Improvement Program procedures and application guide. For more information contact NMDOT.

To revise HSIP projects in the TIP, refer to section XI (TIP Revisions for NMDOT Administered Programs (Special Categories)).

VIII. TIP DEVELOPMENT PROCESS

Process Overview

A new TIP is developed every 4 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 June or July 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 biennial 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 450.218(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. September or October – 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 throughout the TIP development process (October- July). This information will provide the basis for identifying programmed projects which need to be phased to accommodate project delivery deadlines and certification requirements. This information will also 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. Lastly, 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. October or November – 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 or November TPTG & TCC meetings.

Step 3. Issue Call for Project Proposals

Action 3-a. Late September or early October – MRMPO Staff Distributes “Call for Proposals” packet

MRMPO will email 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 links to all necessary forms, websites, deadlines and schedules. Packets will also be emailed to other agencies that are eligible to sponsor Federal-aid transportation projects, such as the NMDOT, public transit operators, Federal land management agencies, school districts 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. MRMPO staff will also post the call for projects on the MRMPO website, social media platforms, and the MRMPO Travel Times Newsletter. MPO staff will also verbally announce the call for projects at all Committee meetings and subcommittee meetings.

Action 3-b. Early October. thru end of Dec. - Lead Agencies Prepare Project Proposals

Agencies/project sponsors shall have at least sixty (90) 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. End of December– 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 (90) days from the date of the Call for Proposals. Any project proposals received after that date will be marked “late” and will not be considered.

Action 3-d. Month of January– Initial Screening

MRMPO Staff Review of Proposals

After Receiving the submittals, 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.

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 in or 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 funding and project development schedule (timing of PE, design, ROW acquisition) reasonable to meet the obligation deadline for each phases' proposed funding year?

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 450.326(j)] 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 450.326(j)] 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. November or December – MRMPO Staff, NMDOT & Public Transit Operators Meeting

After 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 450.326(j)]

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 and a general listing 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. 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:

- How does the proposed project implement the goals of the MTP?
- How does the proposed project meet Performance goals and Measures continued under the BIL?
- What is the purpose, need and regional significance of the project?
- How does the proposed project conform to existing local transportation plans?
- What is the value of the project to the local community?
- How does the proposed project conform to existing land use plans?
- Are congestion management and intelligent transportation strategies associated with the proposed project?
- What are the proposed project’s air quality impacts?
- 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?
- In what way(s) is the proposed project significant to the entire metropolitan area?
- How, and for which modes, is infrastructure or services being improved to a regional center, transit node, or along a regional corridor?

Project Selection 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 current MTP which are linked to the seven national goals and performance measures.
 - 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, link to MTP and performance National Goals and Measures, and other pertinent information. Please refer to *Project Selection Process website* which parallels this step.

Action 5-a. February– ITS Committee Meeting

On or before January 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 February 28th.

Action 5-b. February – CMP Committee Meeting

In February, 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 February 28th.

Action 5-c. February – TPTG Meeting(s)

In February, the TPTG shall evaluate and discuss all projects proposed for inclusion into the TIP. Weekly TPTG meetings will continue until all projects have been evaluated and each member agency has given their presentations on all their project proposals.

Step 6. Prepare 1st Draft TIP (March – April)

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.

MPO staff may propose alternative TIP project scenarios based on the high PSP scoring projects and while balancing available annual funding. TPTG members will discuss scenarios and may propose revisions to projects included in scenarios. Once TPTG members reach a consensus on a recommended scenario, the draft TIP may be forwarded to TCC for their review.

Step 7. Analyze & Refine Draft TIP and Prepare Final Draft TIP (April – May)

After a 1st draft TIP has been developed, MRMPO staff will analyze the draft TIP to determine whether it conforms to any applicable air quality requirements, plans and regulations, the CMP, environmental justice, National Performance Goals, 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 May– Prepare Final Draft TIP

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

Step 8. Committee Review & Recommendations-May

The Final Draft TIP will be presented to the *public per the MRMPO Public Participation Procedures*, 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) if the region is in nonattainment or limited maintenance status. Following this work, the document will be released for formal public review.

Action 8-a. May– ITS Committee Meeting

On or before the May 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. May– CMP Committee Meeting

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

Action 8-c. May – TCC Meeting(s)

On or before ~~March~~ May 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, TCC, and MTB at each of their meetings throughout the entire TIP development process, generally from September through July every fourth 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 when TIP development and MTP development overlap.

Action 9-c. May & June – 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*.

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. May or June– 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. June or July – MPO Approval of the TIP

Action 10-a. June or July— 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. July – 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. August - September– 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 via the NMDOT ESTIP process

Action 11-b. August - September– 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 450.218(b) & 450.328(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. August – September– State Transportation Commission Review

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

Action 11-d. August – September– 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. August-September – 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. September (approx.) – Approval by FHWA and FTA

Both agencies will send NMDOT their results of their review.

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

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

Step 13. October 1st – Effective Date of the Concurrent TIP Amendment (4th cycle 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. October 1st – Incorporation of any necessary TIP Amendment into the Current TIP and Distribution of Amended TIP

MPO staff will make changes to the TIP database 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 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 § 450.332(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 Transportation programs and Federal

Lands Access Program) 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 shall be selected by the State in cooperation with the MPO, from the approved TIP. Federal Lands Transportation program, and Federal Lands Access Program projects shall be selected in accordance with procedures developed pursuant to 23 U.S.C. 201, 202, 203, and 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 one or more parties confer 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 parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective.”

Project Selection and the Six-Year TIP

[23 CFR 450.332(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 450.332(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

Projects in the 5th and 6th year are considered as informational only. 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 450.332(c)]

1. Project Selection: Most Projects - Except for Projects on the NHS, Tribal Transportation Program, Federal Lands Transportation Program, and the Federal Lands Access Program

According to Federal regulation, these projects are selected by the MPO in consultation with the State. Consultation with the State and public transportation operators from the approved TIP and in accordance with the priorities in the approved TIP. This 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 STP-Block Grant Off System Bridge Program

Projects funded under the STP-Block Grant Off System program, 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: Tribal Transportation Program, Federal Lands Transportation Program, and the Federal Lands Access Program

Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects shall be selected in accordance with procedures developed pursuant to 23 U.S.C. 201, 202, 203, and 204. Project selection is made by the both the land management agency and the program administrator of Federal Highway Administration, Central Federal Lands 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 2nd, 3rd and 4th year that becomes the current fiscal year between 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 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 FFY?
 - 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 and certifications 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 450.322]
 - a. Is this project located in a CMP corridor?
 - b. Is this project in nonattainment area for any regulated pollutant (i.e. 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 Selection Process?

3. **Implementation of SIP TCMs** – Priority shall be given to these projects in nonattainment and maintenance areas [23 CFR 450.332(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 four years. In the interim year, the 2nd year of the TIP becomes the current fiscal year. As projects develop they 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?
- Provide MPO and NMDOT with an updated project development schedule, timelines for all certs, as well as updated project costs throughout project development. (Such as estimated and actual letting dates, environmental clearance dates, railroad cert dates, ROW cert dates, SHPO concurrence dates, utility cert dates, ITS clearance dates, project end dates, agreement end dates, 30% project cost updates, 60% project cost updates, 90% project cost updates, and PS&E project cost updates.)
- 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 FFY?
 - ...What amount of Federal funding is expected to be obligated in this FFY?
 - ...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?
- Status of inactive projects, project close-outs and other similar project related concerns and activities.

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 one 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 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 to 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 monthly TPTG meetings, the “Project Selection” procedures will be followed to select projects for the new or 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 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% or an amount greater than \$2,000,000 for projects under \$25M;
- ♣ Changes in a project's total programmed amount greater than 20% or an amount greater than \$5,000,000 for projects over \$25M;
- ♣ Projects with adjustments less than 20% or less than \$2,000,000 that are not scheduled for production 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:
 - For projects under \$25M – a change to the amount for a project phase of less than 20% of the total project amount. The change cannot exceed \$2,000,000 and only ONE adjustment per project in an active STIP is allowed (the adjustment should only be used as part of the federal authorization process to increase the programmed amount if the final estimate exceeds the current programmed amount);
 - ♣ For projects over \$25M – a change to the amount for a project phase of less than 20% of the total project amount. The change cannot exceed \$5,000,000 and only ONE adjustment per project in an active STIP is allowed (the adjustment should only be used as part of the federal authorization process to increase the programmed amount if the final estimate exceeds the current programmed amount;
 - minor changes to the scope of a project (such as a change that does not require any recertification);
 - minor changes to the termini (**up to ½ mile on each side**) 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);
 - 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, **as long as the project is NOT regionally significant.**
- In addition, the following changes shall also be considered Administrative Modifications:
 - changes made to an existing project's programmed FTA funds, Emergency Relief funds (ER), Federal Lands Transportation Program funds, Federal Lands Access Program funds (FH, TTP, PRP, PLHD, FLAP 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, removing or revising an existing project in the TIP which utilizes ONLY the following type of funds and no other Federal FHWA funds are programmed on the project and if the project is programmed in the current year of the STIP, otherwise it must follow the amendment procedures. FTA funds, Emergency Relief funds (ER), Federal Lands Transportation Program funds, Federal Lands Access Program funds (FH, TTP, PRP, PLHD, FLAP, 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; and
 - adding, combining, removing or revising an existing project in 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.

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 § 450.328(a)].

- All proposed TIP Amendments 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 450.328(b)] 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.

TIP Revisions for NMDOT Administered Programs (Special Categories)

All proposed TIP revisions to a NMDOT awarded project, managed by the Statewide Multi-Modal Planning Bureau (TAP-Flex, TAP-Small Urban, TAP-Rural, RTP, CMAQ Non-Mandatory, and HSIP), shall be sent by email to the respective Planning Program Coordinator at the NMDOT. Depending on the nature of the requested change, the planning program coordinator may issue an Award Change Form to further formalize the change request. If the project is managed by a local or tribal agency, the Award Change Form requires a signature from the project sponsor's project manager. Upon execution, the Planning Program Coordinator will send the fully executed Award Change Form to the MRMPO TIP Coordinator and other responsible parties. Upon receipt of the Award Change Form, the project lead agency and TIP Coordinator may initiate the process for administratively modifying or formally amending the TIP. Please note that all additional funding requests for the specific funding categories mentioned here must be submitted to NMDOT prior to 90% PS&E.

Please note revisions to the TAP Large-Urban Program are exempt from this process since MRMPO administers those funds.

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 450.330(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 23 CFR 450.220(b), and in accordance with 23 CFR 450.330 and 23 CFR 450.336(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.
- The TIP/STIP does not meet fiscal constraint requirements.
- Federal Lands Transportation 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 450.220(b)]. Congressionally earmarked projects may be conditionally approved subject to meeting all applicable planning and environmental requirements.

XII. End-of-FFY Close-out Procedures

Situations may arise that require adjustments be made to the STIP at the end of the federal fiscal year.

An End of Year close-out may require that the NMDOT and MPOs work together to make sure projects are obligated. The following steps must be followed:

1. The NMDOT Districts send a formal request to the MPO requesting an administrative modification to accelerate a project in accordance with the above procedures. The process of accelerating a project for closeout will follow the 23 CFR § 450.218 and 23 CFR § 450.326.
2. Projects can be considered for close out if they have all certifications complete and can be obligated prior to the end of the **first week** of September in the respective federal fiscal year. These projects must be programmed in the current first four years of the STIP.

XIII. REVISING TIP POLICIES and PROCEDURES

Administrative Changes

This document may be revised by MRMPO staff 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.