

MEMORANDUM OF UNDERSTANDING

Pennsylvania Department of Transportation's Statewide Procedures for 2009-2012 STIP and TIP Modifications

Purpose

This Memorandum of Understanding (MOU) establishes a set of procedures to be used in the Commonwealth of Pennsylvania for processing modifications to the 2009-2012 Statewide Transportation Improvement Program. The Statewide Transportation Improvement Program (STIP) is the aggregation of the Planning Partners' Transportation Improvement Programs (TIPs), including the statewide Interstate Management Program and other statewide line items.

Definitions

- A **Betterment** consists of surface treatments/corrections to existing roadway [preferably within the Pennsylvania Department of Transportation's (PennDOT's) right-of-way] to maintain and bring the infrastructure to current design standards for that classification of highway. This may involve full depth base repair, shoulder widening, increased lane widths, correction of super-elevation, as well as, drainage improvements and guide rail updates.
- A **Change in Scope** is a substantial alteration to the original intent or function of a programmed project.
- **Cooperating Parties** are PennDOT, Metropolitan Planning Organizations (MPOs) and Rural Planning Organizations (RPOs), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and transit agencies.
- The **Interstate Management (IM) Program** is PennDOT's four-year listing of statewide interstate maintenance (non-capacity adding) projects.
- A **modification** is either an amendment, or an administrative action, to the STIP/TIP.
- A **new project** is a project that is not programmed in the current STIP/TIP, and does not have previous obligations from a prior STIP/TIP.
- **Planning Partners** are MPOs and RPOs.
- A **Public Participation Plan (PPP)** is a documented broad-based public involvement process to ensure that the concerns of stakeholders are identified and addressed in the development of transportation plans and programs.
- A **reserve line item** holds funds that are not dedicated to a specific project(s) and may be used to cover cost increases or add a new project or project phase(s).

What is the Statewide Transportation Improvement Program (STIP) and Transportation Improvement Programs (TIPs)?

The STIP constitutes a list of projects to be implemented over a four-year period. It is comprised of regional TIPs developed by the 23 MPOs and RPOs, one independent county, and the statewide IM Program developed by PennDOT. The STIP is the official transportation improvement program document mandated by Federal statute and recognized by FHWA and FTA. The Commonwealth's Twelve Year Program which incorporates the TIPs and STIP, is updated every two years as required by state law.

23 USC 134(a) (Metropolitan Planning) states: "It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between

states and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide planning processes. To accomplish the objectives stated above, metropolitan planning organizations, in cooperation with the State and public transit operators, shall develop long range transportation plans and transportation improvement programs for metropolitan areas of the State." In addition, 23 USC 135 (Statewide Transportation Planning) under "Development of Plans and Programs," states: "To accomplish the objectives stated in section 134(a), each State shall develop a statewide transportation plan and a statewide transportation program for all areas of the State subject to section 134(a)."

Note that RPOs under contract to PennDOT are not recognized through Federal laws or Regulations relating to transportation planning. However, the Commonwealth of Pennsylvania, through PennDOT, coordinates and participates with RPOs in transportation planning by using the same principles and practices as are required for MPOs.

How and When is the STIP/TIP Developed?

Attachment A provides general and procedural guidance for STIP/TIP development.

STIP/TIP Administration

FHWA and FTA will only authorize projects and approve grants for projects that are programmed in the current approved STIP. If a Planning Partner, Transit Agency, or PennDOT wishes to proceed with a project not programmed on the current TIP, a modification must be made.

The Federal Statewide and Metropolitan Planning Regulations contained in 23 CFR § 450 govern the provisions of the STIP and of individual MPO TIPs, related to STIP and TIP modifications, and other actions taken to modify the TIP. The intent of this Federal regulation is to acknowledge the relative significance, importance, and/or complexity of individual programming actions. Federal Transportation Planning Regulation, 23 CFR § 450.324, permits the use of alternative procedures by the cooperating parties to effectively manage actions encountered during a given TIP cycle. The Federal Transportation Planning Regulations require that any alternative procedures be agreed upon, and such alternative procedures be documented and included with the TIP document.

All modifications must maintain year-to-year fiscal constraint [23 CFR § 450.324 (i)] for each of the four years of the STIP/TIP. Modifications shall account for year of expenditure, and maintain the estimated total cost of the project or project phase. The arbitrary reduction of the overall cost of a project, or project phase, shall not be utilized for the advancement of another project.

In addition, TIP modifications must be consistent with the Planning Partner's Long Range Transportation Plan (LRTP), and must correspond to the adopted provisions of the Planning Partners' Public Participation Plan (PPP). A reasonable opportunity for public review and comment shall be provided for **significant** revisions to the STIP/TIP.

If a modification adds a project, deletes a project, or impacts the schedule or scope of work of an air quality significant project in a nonattainment or maintenance area, a new air quality conformity determination will be required if deemed appropriate by the Interagency Air Quality Consultation Group. If a new conformity determination is deemed necessary, an amendment to the region's LRTP shall also be developed and endorsed. The modified conformity determination would then be based on the amended LRTP conformity analysis and public involvement procedures consistent with the region's PPP shall be required. ~~utilized in any modification to the STIP/TIP.~~

If August Redistribution adds, advances, or adjusts costs for a project, the Planning Partner will be notified of the modification.

An IM STIP/TIP modification shall be coordinated by PennDOT with notification provided to the appropriate Planning Partner(s).

Modifications – Amendments and Administrative Actions

An *amendment* is a STIP/TIP modification that:

- Affects air quality conformity regardless of the cost of the project or the funding source;
- Adds a new project or deletes a project that utilizes federal funds;
- Adds a new project phase(s) or deletes a project phase(s) that utilizes federal funds where the modification exceeds the following thresholds:
 - \$5 million for the Statewide IM Program
 - \$5 million for MPOs with 2000 US Census population > 1,000,000
 - \$3 million for MPOs with 2000 US Census population > 200,000 but < 1,000,000
 - \$2 million for remaining MPOs and all RPOs
- Increases or decreases a project phase(s) that utilizes federal funds where the modification exceeds the following thresholds:
 - \$5 million for the Statewide IM Program
 - \$5 million for MPOs with 2000 US Census population > 1,000,000
 - \$3 million for MPOs with 2000 US Census population > 200,000 but < 1,000,000
 - \$2 million for remaining MPOs and RPOs
- Creates a new line item that utilizes federal funds;
- Adds a project (does not pertain to betterments) that exceeds the following thresholds, where the funds originated from a line item:
 - \$5 million for the Statewide IM Program
 - \$5 million for MPOs with 2000 US Census population > 1,000,000
 - \$3 million for MPOs with 2000 US Census population > 200,000 but < 1,000,000
 - \$2 million for remaining MPOs and all RPOs; or
- Involves a change in the scope of work to a project(s) that would result in an air quality conformity reevaluation or in a revised total project estimate that exceeds the thresholds established between PennDOT and the Planning Partner (not to exceed the threshold contained in this MOU).

All modifications (including modifications defined as administrative actions) associated with the amendment shall be identified and grouped as one action on a Fiscal Constraint Chart (FCC) demonstrating both project and program fiscal constraint. The identified grouping of projects (the entire amendment action) will require approval by the cooperating parties.

Approval by the MPO/RPO is required for amendments. The MPO/RPO must then request PennDOT Central Office approval using the e-STIP process. An FCC must be provided which summarizes the before, requested adjustments, and after changes along with an updated TIP. PennDOT's Central Office will review, approve, and forward to the appropriate Federal agency for review and approval, with a courtesy copy to the other Federal agency.

In the case of the IM Program, approval by PennDOT's Program Management Committee (PMC) and FHWA is required.

An **administrative action** is a STIP/TIP modification that:

- Adds or deletes a non-federally funded project ;
- Adds a project for emergency repairs to roadways or bridges, except those involving substantial, functional, location, or capacity changes*;
- Adds or deletes a right-of-way phase for incidental right-of-way or utility work that does not exceed the threshold established in the MOU between PennDOT and the Planning Partner, nor exceed the threshold established by this MOU,
- Draws down from an existing STIP/TIP reserve line item and does not exceed the threshold established in the MOU between PennDOT and the Planning Partner,
- Increases or decreases the cost of a project phase(s) or deletes a project phase(s) that does not exceed the threshold established in the MOU between PennDOT and the Planning Partner nor exceed the threshold established by this MOU,
- Adds or deletes a project (does not pertain to betterments) that does not exceed the thresholds established in the MOU between PennDOT and the Planning Partner, or established by this MOU, where the funds originated from a line item,
- Adds Federal or state capital funds from low bid savings, deobligations, release of encumbrances, or savings on programmed phases to another programmed project phase or line item,
- Does not affect air quality conformity nor involve a significant change in the scope of work to a project(s) that would trigger an air quality conformity re-evaluation, and does not exceed the threshold established in the MOU between PennDOT and the Planning Partner, or the threshold established by this MOU.

Administrative actions do not require Federal approval. However, PennDOT will forward a copy of the modification(s) to the appropriate Federal agency for review and comment, with a courtesy copy to the other Federal agency. PennDOT and the Planning Partner will work cooperatively to address and respond to any FHWA and/or FTA comment(s). FHWA and FTA reserve the right to disallow an administrative action that is not consistent with Federal regulations or with this MOU.

* If a modification adds a project for emergency relief purposes, the project will be added as an *Administrative Action* to the STIP/TIP. Per 23 CFR § 450. 216 (g (5)), emergency relief projects may (but are not required to) be included on the STIP, except those involving substantial functional, locational, or capacity changes.

Financial Constraint

Demonstration of STIP/TIP financial constraint to FHWA and FTA takes place through the summary of recent modifications. Real time versions of the STIP/TIP are available to FHWA and FTA through PennDOT's Multimodal Project Management System (MPMS).

STIP/TIP Financial Reporting

PennDOT will provide a STIP/TIP Financial Report to each Planning Partner and to FHWA and FTA on a quarterly basis, and establish targets for Federal obligation and state encumbrances of funds within 90 days after the enactment of annual Federal appropriations legislation.

At the end of each quarter, PennDOT will provide each Planning Partner with a STIP/TIP Financial Report of actual Federal obligations and state encumbrances for highway/bridge programs in their region. The STIP/TIP Financial Report provided to FHWA and FTA will also include the FHWA Planning Performance Measure – “percent of STIP/TIP projects advanced per year” on a statewide and Planning Partner basis.

At the end of the Federal fiscal year, PennDOT will provide each Planning Partner, and FHWA and FTA, a summary STIP/TIP Financial Report of all highway/bridge obligations and state encumbrances within their region. A year-end STIP/TIP Financial Report will be provided to FHWA and FTA that includes the FHWA Performance Measure – “percent of STIP/TIP projects advanced per year, on a statewide and Planning Partner basis for highway/bridge programs.

TIP Modification Procedures

As each Planning Partner’s TIP is adopted, their respective MOU will be included with the TIP documentation. The MOU will clarify how the planning partner will address all TIP modifications. **In all cases, the procedures can be more restrictive, but must be consistent with the standards adopted in this MOU.** If a planning partner elects to set more stringent procedures, then FHWA and FTA will adhere to those more restrictive procedures.

This document will serve as the basis for PennDOT when addressing IM TIP modifications.

This Memorandum of Understanding will begin October 1, 2008, and remain in effect until September 30, 2010, unless revised or terminated. Furthermore, it is agreed that this MOU will be reaffirmed every two years, starting October 1, 2010.

This Memorandum of Understanding will begin October 1, 2008, and remain in effect unless it is agreed to be modified by all parties or terminated.

We, the undersigned hereby agree to the above procedures and principles.

Mr. James D. Ritzman, P.E., Deputy Secretary
For Planning
Pennsylvania Department of Transportation

Date

Ms. Renee Sigel, Division Administrator
Federal Highway Administration

Date

Ms. Letitia Thompson, Regional Administrator
Federal Transit Administration

Date

DRAFT

ATTACHMENT A
2009 Program – General and Procedural Guidance

The official state programming document is the Twelve Year Transportation Program. The development and update of this program is guided by Act 120 of 1970 which established the State Transportation Commission (STC) and its related duties and responsibilities. The STC adopts the Twelve Year Program.

The official federal programming document is the Statewide Transportation Improvement Program (STIP). The STIP includes the Metropolitan Planning Organization (MPO) Transportation Improvement Programs (TIPs). The Commonwealth has fifteen MPOs, not including the small pieces of urbanized areas that extend into Pennsylvania (for example, Hagerstown, MD or Binghamton, NY). MPOs are county and regional bodies covering all urbanized areas over 50,000 populations. MPOs are mandated to establish and carry out a cooperative, continuous, and comprehensive planning process in order to meet various planning and programming responsibilities that were established in legislation, like the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the Clean Air Act. The MPOs develop and approve Transportation Improvement Programs. The Governor or his designee (currently the Secretary of the Pennsylvania Department of Transportation) must also approve the metropolitan TIPs and submit the entire STIP to the US Department of Transportation for their approval.

The STIP also includes projects from the rural portion of the state. PennDOT and the Rural Planning Organizations (RPOs) (Local Development Districts (LDDs) and independent counties under contract to PennDOT) are jointly developing and approving rural TIPs. Therefore, for transportation planning and programming purposes, RPOs are presently functioning as MPOs. The Governor or his designee also approves these rural TIPs, as well as the overall STIP. Presently, there is only one rural county in Pennsylvania (Franklin County) that is not functioning as an RPO; in this case, PennDOT develops the TIP on their behalf.

The words “2009 Transportation Program” or “2009 Program” in the general and procedural guidance refer to one or both of the following project listings:

The 2009-2020 Twelve Year Program and
The 2009-2012 Statewide Transportation Improvement Program.

The word “partners” in the following guidance includes the State Transportation Commission, the Pennsylvania Department of Transportation on behalf of the Governor, the Metropolitan Planning Organizations and Rural Planning Organizations, public transportation properties across the Commonwealth, the Pennsylvania Turnpike Commission, the Pennsylvania Department of Environmental Protection, the U.S. Department of Transportation (Federal Highway Administration and Federal Transit Administration) and the U.S. Environmental Protection Agency (EPA).

The words “interested parties” in the following guidance means citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, agencies or entities responsible for safety/security operations, providers of non-emergency transportation services receiving financial assistance from a source other than title 49, U.S.C., Chapter 53, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

**DRAFT FINAL
GENERAL & PROCEDURAL GUIDANCE FOR THE
DEVELOPMENT OF THE 2009 TRANSPORTATION PROGRAM**

PURPOSES/OBJECTIVES:

- Program strategically; establish priorities; select transportation improvements with the greatest benefit to the Commonwealth and individual counties/regions; and give all partners the flexibility to more effectively choose and approve the best mix of projects that meet their own varied needs. Transportation system preservation and management continues to be the highest priority in Pennsylvania and the individual MPO/RPO programs should emphasize system preservation and management. System preservation involves extending the life of existing facilities and their associated equipment and hardware or the repair of damage that impedes mobility or compromises safety; while, system management involves improving the reliability, safety, traffic flow, and security of existing facilities and their associated equipment and hardware. It is recommended that at a minimum, at least 80% of a MPO/RPO's program resources be dedicated to system preservation including 85% of bridge improvement resources directed toward addressing structurally deficient bridges.
- Strengthen the linkage between land use and transportation decision-making during the development of the 2009 Transportation Program and continue to work to improve this integration process in future years. This linkage can take many forms, including supporting in-fill, access management, brownfield or grayfield site development, implementing projects that enhance KOZs/KIZs, helping blighted communities with transportation projects/services, encouraging collaboration among governments or coordinating with the Governor's many other initiatives. The Commonwealth of Pennsylvania Keystone Principles for Growth, Investment and Resource Conservation should be considered in the establishment of program priorities and included as part of project selection criteria.
- Develop required transportation programs that contribute to achieving the tenets in state Act 120 and the federal transportation laws and regulations and to achieving the goals and objectives expressed in the Commonwealth's Long Range Transportation Plan (*Pennsylvania Mobility Plan*), in county/regional long range transportation plans, in bicycle/pedestrian plans and other key documents.
- Draw candidate major capital and/or air quality non-exempt projects from existing long range plans for inclusion in the transportation program.
- Implement processes and procedures that enhance State, Metropolitan Planning Organization and Rural Planning Organization fiscal constraint with regard to long range planning and short range programming.
- Encourage and promote the development of a joint partner agency public participation strategy.
- Continue to share project-specific data, especially as it relates to candidate projects that are not included on current long range plans or programs.

TIMING:

- Update the Twelve Year Program, the Statewide Transportation Improvement Program, the Metropolitan Planning Organization and Rural Planning Organization Transportation Improvement Programs every two years in a coordinated fashion.
- Federal programming documents will cover a four year time frame to remain consistent with the first four years of the Twelve Year Program and the first four years of the MPO/RPO long range plan.
- Adopt a final schedule for the update of the transportation program during the spring/summer Planning Partners' Meeting (see attachment).
- Metropolitan Planning Organizations and Rural Planning Organizations should schedule their TIP approval meeting dates between May 9, 2008 and July 11, 2008 so that air quality conformity analyses by PennDOT's consultants can be properly scheduled for the spring of 2008 and the MPO/RPO TIPs can be sent to PennDOT for approval by the end of July 2008.
- As necessary, react to new state and federal initiatives and any other changing circumstances as quickly as possible and make any adjustments to the planning and programming process.

COORDINATION:

- Develop the STIP and MPO/RPO TIPs among all partners and interested parties through a continuing and collaborative process, based upon mutual trust, open communication and cooperation leading toward consensus.
- Share project and program data bases among all parties. Projects shall be consistent with the county and/or regional comprehensive and long range transportation plans. Also, the Commonwealth is working on linking planning and NEPA and will continue to advance the effort. Depending on the progress of this effort, MPO/RPOs may need to reserve funds in a line item for advance studies (purpose and need, scoping, etc.) on the more environmentally complicated projects before they are added to a TIP. Accordingly, project scopes, costs and schedules must be appropriate for the area's economic, environmental, and social conditions.
- Carry out statewide programming and metropolitan/rural programming in conjunction with the update of the Twelve Year Program.
- Coordinate the transportation programming process with the providers of all the modes of transportation.
- PennDOT and its planning partners will update the Interstate Management Program for the 2009 Transportation Program. Planning partners and the District Offices will help to identify and comment on the interstate projects through the development of the 2009 Transportation Program. PennDOT will manage the interstate system on a statewide basis.

PUBLIC INVOLVEMENT:

- Conduct meaningful public outreach and involvement activities as documented in the planning partner's public participation plan.
- Meet all federal and state mandates, including Title VI and environmental justice requirements.
- Public involvement activities will be coordinated among all affected partners and will be consolidated whenever possible to avoid overlap and confusion. Conduct joint STC/MPO/RPO public hearings to gather early input to the program development process.
- Seek early and coordinated input into the programming process by reviewing currently programmed and candidate projects.
- After each draft TIP is reconciled and is ready for one last round of public involvement, the following information needs to be made available for public comment – (1) highway and bridge program project listing (public version with long narratives); (2) public transportation program project listing (public version with long narratives); (3) public transportation financial capacity analysis (MPOs only); (4) air quality conformity determination report in non-attainment and maintenance areas only; (5) draft TIP modification procedures; and (6) environmental justice (EJ) analysis (community profiles and methodology); (7) public participation plan; (8) TIP project prioritizing process. A formal public comment time period (minimum 30 days) needs to be established, and a public meeting or hearing needs to be held by the planning partner to gather any comments/concerns on the TIP and related documents.
- Provide easy and complete access to all public documents, including the draft and final TIPs, STIP and Twelve Year Program project listings, taking particular advantage of the Internet where possible.

FINANCIAL GUIDANCE:

- The jointly developed and approved financial guidance will establish funding targets for each MPO, RPO, public transportation operator, and PennDOT. The guidance will provide sufficient information for the affected partners and interested parties to begin to identify projects, negotiate, and reach consensus on their portion of the Program.
- Address cash flow procedures, like highway advance construction and public transportation letters of no prejudice or full funding grant approvals in the program development process. Address projects with accrued unbilled costs (work on a project has been started/completed and all or a portion paid for in state or local funds, but the project is eligible for federal funds and will be submitted to FHWA during program development for federal funding or after the program is approved) as is appropriate. When projects in accrued unbilled status are being converted, the projects must appear on the area's Program.

REQUIREMENTS:

- Satisfy all federal and state planning and programming rules and regulations.
- Provide written documentation of the MPO/RPO project prioritizing process and the Department's prioritizing process for the Interstate Management Program.
- Include metropolitan and rural TIPs without modification in the STIP, once approved by the MPO or RPO and the Governor (or designee) and after determinations of financial constraint and, where necessary, air quality conformity have been met. All appropriate parties will be notified when individual projects or programs have been included in the Statewide Transportation Improvement Program. Close coordination must occur with PennDOT and the State Transportation Commission to insure that the approved Transportation Improvement Programs are consistent with the approved first four years of the Twelve Year Program.
- Perform air quality conformity analyses consistent with the U.S. Environmental Protection Agency's Transportation Conformity Rule, recent federal court rulings and the Pennsylvania Transportation Conformity State Implementation Plan (SIP) in non-attainment and maintenance areas.
- Intelligent Transportation System (ITS)-type projects will be consistent with the national, state and regional architectures. Work to advance transportation safety and operations initiatives that are consistent with the Regional Operations Plans (ROP) and the Transportation Systems Operations Plan (TSOP) developed across the state.
- All capacity adding projects in nonattainment transportation management areas (TMAs) will be consistent with the Region's Congestion Management Process (CMP).
- Assign projects or phases of projects in the STIP and in the MPO/RPO TIPs by year (e.g., 2009, 2010, 2011 and 2012).
- Provide updated cost estimates for each project, based on "year of expenditure" as well as detailed definitions of the projects. Constrain the projects and phases of projects in the STIP by year, by available funding and within the bounds of the financial guidance. Costs estimates must use "year of expenditure dollars" to reflect their cost. PennDOT will provide the MPO/RPOs with growth rates and a methodology for determining an inflation rate in the Financial Guidance.
- Include all regionally significant transportation projects (project that is on a facility which serves regional transportation needs and would normally be included in the modeling of the metropolitan area's transportation network.) as defined in 23 C.F.R. Section 450.104, regardless of their funding sources, in the STIP and in the MPO and RPO TIPs. This will include 100% state funded projects, private projects and Turnpike projects so the program reflects the full range of improvements to be undertaken in a given metropolitan or rural area and across the state (excluding county maintenance and PA Turnpike maintenance funds). The Department will request a list of turnpike projects from the Turnpike Commission and distribute the list to all planning partners, in advance of Air Quality Conformity time line requirements, so the projects can be included in the appropriate Transportation Improvement Programs. Those Turnpike projects requesting federal funding that are selected for inclusion on a TIP will be assigned MPMS numbers; those that have no federal funding will need to be identified another way on the TIP.
- Provide the following project information in the program:

- sufficient descriptive (detailed) material to clarify the scope/location of the improvement The MPO/RPO and District Office should collaborate on the detailed descriptive information and the District should be sure the information is input in the Short Narrative field in MPMS.
 - estimated total costs within the TIP time period
 - amount and category of federal funds and non-federal funds to be obligated/encumbered each program year per project or phase of project, the total amount of funds already obligated or encumbered per project or phase of project, and the estimated amount for any phase beyond the TIP period
 - identification of the agency or agencies responsible for implementing the project
- Work with all project sponsors to provide any additional information that needs to be included with each project as it is listed in the program.
 - The appropriate portions of the attached metropolitan TIP checklist must be completed by each MPO/public transportation property(ies) and by RPO/public transportation property(ies) and submitted to the Department with the approved TIP. Program Center staff will complete the remaining portions of the checklist and forward it to FHWA/FTA with the STIP. The Program Center will complete a statewide checklist similar to the metropolitan checklist and forward it to FHWA/FTA with the STIP.
 - After each TIP is approved by an MPO/RPO, the following information needs to be submitted to PennDOT – (1) cover letter which documents that the MPO/RPO adopted the TIP and on what date; (2) highway and bridge program project listing (public version with long narratives); (3) public transportation program project listing (public version); (4) public transportation financial capacity analysis (MPOs only); (5) air quality conformity determination report in non-attainment areas only; (6) air quality resolution (nonattainment MPOs only); (7) self-certification resolution including significant documentation for non-TMA MPOs to indicate compliance (MPOs only); (8) TIP modification procedures; (9) documentation of the 30-day public comment period (copy of the block ad, list of comments received and responses to the comments); (10) environmental justice (EJ) summary; (11) documentation of the project selection process; (12) public participation plan; and (13) TIP checklist. Five copies of this information must be provided to the Program Center in PennDOT by mid-July 2008.

PROGRAM DEVELOPMENT:

- In order to adequately maintain, operate and preserve existing transportation facilities (especially for highways and bridges), the Department and its partners shall undertake the following activities: inventory the system; determine existing conditions; develop strategies/priorities to continue to improve the system; include projects on transportation programs; and implement projects as part of annual budgets.
- The amount of (if any) bridge transfer will be collectively determined by each MPO, RPO and the Department. Federal law allows each state to transfer up to 50% of its federal bridge funds to other highway funding categories. This transfer in any one MPO or RPO may help to address the highway needs that have been and continue to be identified. Nevertheless, each planning partner should strive

to significantly reduce the number of structurally deficient bridges and to address bridge preservation needs over time.

- The Districts will develop a list of priority needs for the operation and preservation of the interstates and expressways, betterments, bridge replacements, rehabilitation and preservation projects, and safety and congestion reduction projects, and will share that information with the appropriate MPOs and RPOs by 10/15/2007. Together with local priorities, this information will serve as the basis to begin the 2009 Program development.
- The management and monitoring systems, corridor studies, needs and feasibility studies and environmental clearance documents will be used as decision-support tools in the development of long range transportation plans and short range programs.
- Include all types and categories of projects (federal, state, local, private, special federal, turnpike, airport, rail, infrastructure bank, partnership, etc.) in the Program.
- Public transportation operators will coordinate and cooperate with the MPO/RPO and the Department in the development of the public transportation portion of the 2009 Transportation Program. Public transportation operators will be responsible for submitting public transportation projects for the draft Transportation Program consistent with available resources.
- Flexing of funds between highway and public transportation will be a collaborative decision involving local officials, the Metropolitan Planning Organization, Rural Planning Organization, the public transportation agency or agencies, PennDOT, STC and USDOT (FHWA and FTA).
- Utilize innovative financing mechanisms, as appropriate and applicable, to increase the effectiveness of the program.
- Continue to standardize programming products (highway and public transportation project listings); develop uniform submissions to simplify reviews; and automate/computerize the programming process over time.
- Projects that are air quality exempt (e.g., betterment, transportation enhancement, bridge, rail/highway grade crossing, Section 5310, etc.) may be grouped into line items for inclusion in the program, with project specific listings to be developed at a later time by project sponsors and provided to all partners.
- In all cases, projects to be included in the 2009 Transportation Program will be selected cooperatively and collaboratively by the Metropolitan Planning Organizations, Rural Planning Organizations, PennDOT and State Transportation Commission with input from other involved interested parties, primarily with regard to projects in the TIPS/first four years of the Twelve Year Program.
- As each planning partner and PennDOT staff continue to refine and finalize the 2009 Program, special attention must be placed on projects or phases of projects that may be or will be carried over from the 2007 Program; this matter needs to be carefully considered during the January through mid-March 2008 time frame. Set asides (line item reserves) in the 2009 Program should also be considered to cover unforeseen project costs which may occur due to accrued unbilled costs, unforeseen advance construct conversions, updated cost estimates and other actions which might occur between program drafting and initiation.

- Planning partners (MPOs and RPOs) will assist the Department and the State Transportation Commission (STC) in the following ways regarding the remaining eight years in the Twelve Year Program. Phases of projects that are not fully funded in the four years of the TIP will be carried over and shown in the last eight years of the Twelve Year Program. The vast majority of the funds in the remaining eight years will be covered by line items. To illustrate the linkage between planning partner long range plans and the 2009 Program, each planning partner will assist PennDOT staff and the STC in preparing a narrative that will be included in the Twelve Year Program document that illustrates a few of the major projects being advanced in that county or region over the next eight years and beyond.
- Seek early and coordinated input into the programming process by reviewing currently programmed and candidate projects for the remaining eight years of the Twelve Year Program. Planning partners may identify and propose projects or phases of projects from their fiscally constrained long range transportation plans to PennDOT/State Transportation Commission for possible inclusion in the remaining eight years of the Twelve Year Program. On a case by case basis, the Secretary of Transportation will recommend to the State Transportation Commission additional projects or phases of projects to be listed in the remaining eight years of the Twelve Year Program.

PROGRAM ADMINISTRATION:

- Recognize that programs are developed around transportation funding authorization levels and that annual obligation authority levels will restrict program/project implementation.
- Projects in the first year of the program shall constitute an "agreed to" list of projects for subsequent scheduling and implementation. Expedited selection procedures may be used if agreed to by each Metropolitan Planning Organization and Rural Planning Organization, via modification procedures. The modification procedures that were approved by each MPO and RPO for the 2007 Program should be used as a starting point for the development of each planning partner's 2009 Program modification procedures.
- It is recommended that project selection requirements and program modification procedures permit the movement of projects or phases of projects anywhere within the first four years of the Statewide Transportation Improvement Program or the Metropolitan Planning Organization/Rural Planning Organization Transportation Improvement Programs, while maintaining year by year financial constraints.
- Coordinate program amendments with all partners to insure that the metropolitan and rural Transportation Improvement Programs and the Statewide Transportation Improvement Program are consistent with the Twelve Year Program and county/regional long range plans and vice versa and work toward the development and implementation of streamlined amendment approval processes.

PROGRAM MONITORING:

- Work toward more effective program and project monitoring that is done in "real time" through project database information sharing as a part of PennDOT's Multimodal Project Management System (MPMS).

- Track progress of program and project implementation and share the findings with the planning partners and the public. (This is a SAFETEA-LU requirement for state DOTs, MPOs and public transportation properties.) This is the MPO/RPO Progress Report detailing obligations that is sent by PennDOT to the MPO/RPOs quarterly.
- Utilize MPMS Maps mapping capabilities to better describe project/program details. Upon request, PennDOT will provide the GIS location data for projects to the MPO/RPO for its GIS use.
- MPOs and RPOs are encouraged to track major changes to county and municipal comprehensive plans and zoning ordinances to determine their effects on transportation planning and programming decision-making.
- Once finalized, all 2009 Program guidance and the 2009 Program development schedule will be placed on the PennDOT website, www.dot.state.pa.us.

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DRAFT

**Metropolitan & Rural
2009-2012 Transportation Improvement Program
Checklist**

Planning Partner to Complete:

Planning Partner: _____

Non-attainment or Maintenance Area? _____

Transportation Management Area? _____

1. Public Participation Documentation:

Public comment period starting and ending dates: _____

Public meeting(s) – Date/Time/Location: _____

Public meeting notice contains info about special needs/ADA compliance? _____

Was the site of the public meeting accessible to transit? _____

Does the TIP Documentation contain a summary that provides a general overview of the transportation planning and TIP development process? _____

Does the summary explain the project selection process and/or project evaluation criteria procedures? _____

EJ analysis and documentation: _____

Public involvement outreach and activities consistent with the adopted Public Participation Plan? _____

Were any public comments (written or verbal) received, and addressed? _____

2. TIP Adoption:

Date TIP Adopted by Planning Partner: _____

3. TIP Consistency with LRTP:

Is the Long Range Transportation Plan (LRTP) SAFETEA-LU compliant? _____

Is the TIP consistent with LRTP? _____

Years Covered by LRTP: _____

Date LRTP Adopted by Planning Partner: _____

Anticipated Date for New LRTP: _____

4. Air Quality Non-attainment and Maintenance Areas:

Is the area in an AQ non-attainment or maintenance area?

If yes, then answer the following questions:

Have all projects been screened through an interagency consultation process? _____

Date of interagency consultation meeting/discussion? _____

Has a conformity determination been made for the LRTP? _____
Conformity Date for the LRTP: _____

5. Financial Constraint:

Is the TIP financially constrained, by year, according to the Financial
Guidance Work Group (FGWG) allocations? _____

Any additional funds programmed above the FGWG allocations (i.e.
Spike Funds): _____

Any Comments: _____

6. MPO Self-Certification:

Does the TIP submittal contain the MPO self-certification resolution? _____

For the non-TMA MPOs, does the self-certification contain
documentation to indicate compliancy? _____

7. Transit Fiscal Disclosure, including O & M statement? _____

8. Does the TIP include the required information, as documented in the
General & Procedural Guidance? _____

Completed by: _____ Date: _____

PennDOT Central Program to Complete:

1. Was the TIP included in the STIP without modification? _____

2. Date Governor Approved: _____

3. Were the TIP projects screened against the individual funding program
eligibility requirements? _____

Reviewed and verified by: _____ Date: _____

NOTES/COMMENTS:

FHWA to Complete:

1. Was the required information, as documented in the General & Procedural Guidance, submitted? _____
2. Does the TIP financial information contain systems-level estimates of cost and revenue sources? _____
3. Do project cost estimates reflect "year of expenditure dollars"? _____
4. Does the TIP include all the requirements for each project or phase as identified in 450.324?
 - (1) Sufficient descriptive material? _____
 - (2) Estimated total cost, which may extend beyond TIP? _____
 - (3) Amount of federal funds to be obligated during each program year? _____

| | |
|------|-------|
| 2009 | _____ |
| 2010 | _____ |
| 2011 | _____ |
| 2012 | _____ |
 - (4) Identify the agency to implement the project or phase? _____
 - (5) In non-attainment and maintenance areas, identify TCMs projects in the applicable SIP? _____
 - (6) In non-attainment and maintenance areas, do projects contain sufficient detail for air quality analysis? _____
 - (7) Identify criteria and process for prioritizing projects in the TIP and any changes in priorities from the previous TIP? _____
 - (8) List major projects from the previous TIP that were implemented and any significant delays in the planned implementation of major projects? _____
5. Does the TIP contain project selection procedures agreed to by PennDOT, the transit operator, and the planning partner in order to modify the TIP? _____
6. Any issues to be incorporated into the Planning Finding? _____

Reviewed by: _____ Date: _____

NOTES/COMMENTS: