

NDOR Operating Manual for MPO Transportation Planning

Planning and Project Development Division

MPO & Long Range Planning Unit



November 2014

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Introduction

The purpose of this Operations Manual is to:

- Provide guidance to the four Nebraska Metropolitan Planning Organizations (MPO) and the Nebraska Department of Roads (NDOR) Planning and Project Development, Program Management and Local Projects Section staff for carrying out metropolitan transportation planning responsibilities using federal transportation planning funds.
- Outline procedures, policies and timelines for working with the MPOs in developing Long Range Transportation Plans (LRTPs), Transportation Improvement Programs (TIPs), and Unified Planning Work Programs (UPWPs); the three Federally-required products of MPOs.
- Provide guidance for working with the MPOs on other associated tasks including billing and audits for certain types of Federal funding.

Agencies involved in the metropolitan transportation planning process include the MPOs, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and NDOR. Each agency partner has a role in the metropolitan planning process.

The four Nebraska MPOs are the Metropolitan Area Planning Agency (MAPA), Lincoln Metropolitan Planning Organization (Lincoln MPO), Grand Island Metropolitan Planning Organization (GIAMPO), and Siouland Interstate Metropolitan Planning Council (SIMPCO). The MPOs provide a forum for cooperative transportation decision-making in metropolitan areas. Metropolitan planning funds are apportioned by FHWA and FTA to NDOR annually, and are distributed to the MPOs by formula. Planning funds are used by MPOs to carry out the metropolitan planning functions as defined by the provisions of 23 USC Section 134 and 49 USC 5303.

Additionally, two of the four MPOs, MAPA and Lincoln, are designated Transportation Management Areas (TMAs). A TMA is defined as an urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of Transportation, or any additional area where TMA designation is requested by the Governor and the MPO and designated by the Secretary of Transportation. The two TMAs are eligible for Federal Surface Transportation Program-Metropolitan (STP-M) funds. FHWA funds transferred to the FTA may be used for a number of transit improvements (see section 1). Fifty percent of a State's STP apportionment (after TA and SPR set-asides) is to be obligated in the following areas in proportion to their relative shares of the State's population:

- *Urbanized areas with population greater than 200,000* – This portion is to be divided among those areas based on their relative share of population, unless the Secretary approves a joint request from the State and relevant MPO(s) to use other factors.
- *Areas with population greater than 5,000 but no more than 200,000* – Projects in these areas are to be identified for funding by the State in consultation with regional planning organizations, if any.
- *Areas with population of 5,000 or less.*

The remaining 50% may be used in any area of the State. STP eligibilities are detailed on the MAP-21 website: <http://www.fhwa.dot.gov/map21/stp.cfm>. STP Funds may be transferred from FHWA to FTA (see discussion in Section One).

All four MPOs are eligible for Federal Transportation Alternatives Program (TAP) funding. Fifty percent of a Nebraska's TAP apportionment is suballocated to areas based on their relative share of the total State population, with the remaining 50 percent available for use in any area of the State. TAP funds will be obligated for eligible projects submitted by eligible entities (see below) through a competitive process. TAP eligibilities are detailed on the MAP-21 website: <http://www.fhwa.dot.gov/map21/tap.cfm>.

The Operating Manual includes the following sections:

- Section 1:** Unified Planning Work Program (UPWP) and Agreement Activities;
- Section 2:** Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP);
- Section 3:** MPO and Statewide Transportation Plans; and
- Section 4:** Metropolitan Planning Organization General Information and Contact Information.

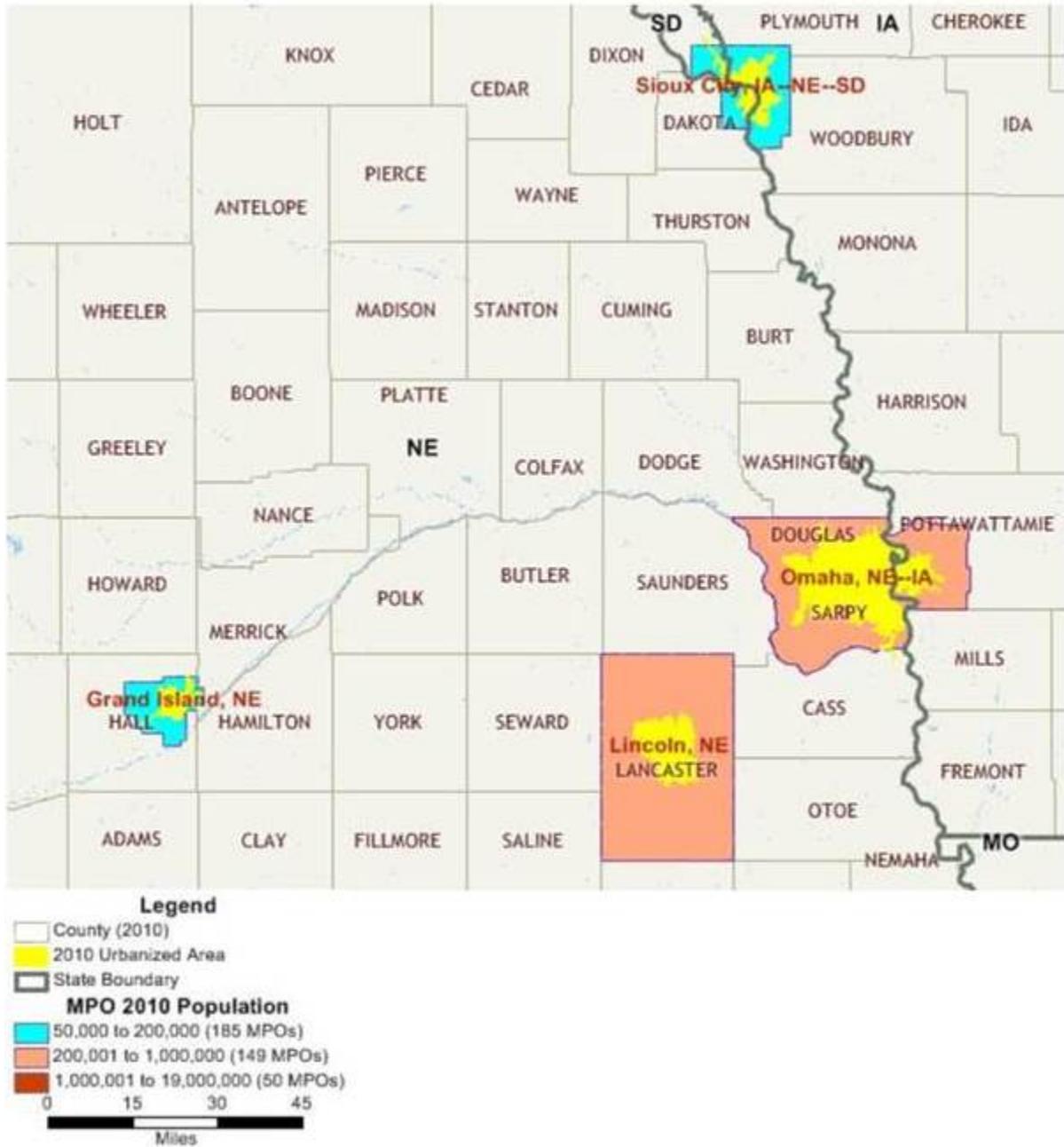
Also included is a list of commonly used terms and definitions, contact information, and summary information on each MPO.

The Appendices provide reference material including boundary maps, intergovernmental agreements, and sample forms and letters for various types of correspondence between NDOR and MPOs, State and Federal agencies. In addition, The Governor of Nebraska has delegated TIP and TIP Amendment approval authority to the NDOR Planning and Project Development Engineer. A copy of this designation is located in Appendix L.

The Operating Manual is updated as needed, with more thorough revisions accompanying new federal transportation authorization. This manual is maintained by the NDOR MPO & Long Range Planning Unit. Please provide any comments, corrections or omissions to Brad.Zumwalt@Nebraska.Gov.

Nebraska MPOs

MPO Boundaries - MPO 2010 Population



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

Section One: Unified Planning Work Program and Agreement Activities

Unified Planning Work Programs

Unified Planning Work Programs (UPWPs) document transportation planning activities performed within the metropolitan planning areas, or urbanized areas with populations of 50,000 or more. The UPWPs describe planning activities to be completed, estimate the cost for these planning activities, and indicate the lead agency. Transportation activities to design and build transportation infrastructure are usually not included in work programs; however all federally funded studies should be included in UPWPs.

UPWPs are reviewed and approved annually and includes details on work activities, who will perform the work (consultant, NDOR, MPO staff, etc.), a timeline and schedule for completing the work, the resulting deliverables, the proposed funding by activity/task and a summary of the total amount and sources of Federal and matching funds. PL funds may be used for tasks necessary to carry out the metropolitan planning process required by 23 USC 134. Typical tasks include MPO administration, planning activities and studies, traffic volume counts, street system changes, transit system data, mapping, travel time studies, parking inventory, bicycle & pedestrian facilities inventory, transportation model updates, and staff time to prepare the Federally required documents such as UPWPs, Transportation Improvement Programs (TIPs), and Long Range Transportation Plans (L RTPs).

UPWPs are officially adopted and approved by MPO Policy Boards and then by FHWA and FTA, upon the recommendation of the NDOR MPO & Long Range Planning Unit. MPOs may not begin a UPWP work activity without prior Federal approval of the UPWP and a signed metropolitan planning funds (PL) agreement.

The PL agreement outlines the use of FHWA PL funds and is a contractual mechanism between NDOR and the MPOs. The MPO's UPWP is an exhibit to the PL agreement. The agreement authorizes the MPOs to spend the PL funds while the UPWPs describe the activities the MPOs will accomplish with the PL funds and other funding sources. NDOR executes this agreement upon the signature of the MPO Board Chairman or their designee.

NDOR MPO & Long Range Planning Unit staff monitors all UPWP activities supported by Federal funding to ensure the work is being performed according to the PL funding agreements as well as any MPO subcontract that are the result of PL funds. NDOR MPO & Long Range Planning Unit staff, in coordination with the NDOR Controller Division, is responsible for evaluating the progress of UPWP tasks and costs and determines whether costs are allowable under 2 CFR, Part 225 which establishes principles and standards to provide a uniform approach for determining costs and to promote effective program delivery, efficiency, and better relationships between governmental units and the Federal Government.

MPO Federal Funding Sources

Federal funding sources included in UPWPs include:

- **Metropolitan Planning Funds (PL)** FHWA PL funds distributed by NDOR to the MPOs by formula. The formula is developed in cooperation with each MPO and ultimately approved by FHWA according to 23CFR 420.109. The current allocations of NDOR funds (rounded) are: MAPA, 66.8%; Lincoln, 26.3%; Grand Island, 5.1%; and SIMPCO, 1.7%. (See Appendix A for a 2013 Memorandum of Understanding (MOU) on the PL funding formula between NDOR and FHWA). The PL match ratio is 80% federal and 20% local. PL funds are used to support MPO UPWP planning activities. An agreement between NDOR and each MPO follows the State fiscal year. The NDOR MPO & Long Range Planning Unit is responsible for contract management.
- **Surface Transportation Program-Metropolitan (STP-M):** MPOs may use a portion of their STP-M funds to support UPWP activities. The STP-M match ratio is 80% federal and 20% local. The NDOR MPO & Long Range Planning Unit is responsible for contract management. The use of these funds should be documented in the UPWP (23CFR 450.308(b)).

Flexing Funds (FHWA to FTA or vice versa)

Flexible funds can be used either for transit or highway purposes. FHWA funds transferred to the FTA may be used for a number of transit improvements, such as fixed guideway projects, bus purchases, construction and rehabilitation of rail stations, maintenance facility construction and renovations, alternatively-fueled bus purchases, bus transfer facilities, multimodal transportation centers, and advanced technology fare collection systems.

STP Funds may be transferred from FHWA to FTA and used in this way. Once transferred to FTA for a transit project, the funds may use the same funding match requirements that are imposed by FHWA. STP funds may be used for both transit projects and transit planning. They may be used as capital funding for public transportation improvements, car and vanpool projects, fringe and corridor parking facilities, bicycle and pedestrian facilities and both intercity and intra-city bus terminals and bus facilities. For planning, STP dollars may be used for activities such as surface transportation planning activities, wetland mitigation, transit research and development, environmental analysis, transit safety improvements, and most transportation control measures.

In urbanized areas with populations of 200,000 or more, the MPOs decide in coordination with the transit agency whether to transfer flexible funds. In areas with fewer than 200,000 people, the MPO makes the decision in cooperation with NDOR. In all cases, the decision to transfer funds should follow from the priorities established during the transportation planning process.

The process to flex funds is as follows:

1. The MPO initiates the flex-fund request through a TIP amendment approved by their policy board or an administrative modification.

2. NDOR Governors designee approves the TIP amendment (if an administrative modification the NDOR MPO and Long Range Planning unit concurs with administrative modification).
3. If amendment is necessary (see #2) the NDOR Program Management Division assures that the newly approved TIP is amended into the approved STIP. Once FHWA approves the STIP amendment the transfer request form can be processed (see #4).
4. The MPO & Long Range Planning unit completes FHWA Transfer Request Form #1576 and forwards to NDOR Controller Division.
5. NDOR Controller Division approves Transfer Request Form and forwards to FHWA Finance Specialist.
6. FHWA Finance Specialist approves Transfer Request Form, and then forwards to FHWA Office of the Budget with copy to the FHWA Transportation Planner and FTA Transportation Planner.
7. When FHWA Office of the Budget approves the transfer and posts the transaction in FMIS, the FHWA Finance Specialist sends notification with copy of approved transfer request to FTA and NDOR Controller Division who then notifies the MPO & Long Range Planning unit.
8. MPO & Long Range Planning unit emails approved form to MPO, NDOR Program Management, and NDOR Rail and Public Transportation Division.

UPWP Amendments

Amendments to UPWPs are required when:

- Adding or deleting planning funds from the UPWP Budget. NDOR MPO & Long Range Planning Unit staff will work with FHWA to determine the need to amend the UPWP when the addition or deletion of planning funds is minor. When the addition or deletion of funds results in a 10% change or greater or if the *cumulative* change exceeds \$100,000, an amendment is required (49CFR Part 18.30).
- Adding or deleting substantial portions of the activities/tasks listed in the Scope of Services (SOS) or UPWP or moving substantial funds from one activity/task to another.

Any change that does not fall into the two categories above will not have to go through the UPWP amendment process. The MPO must send a letter to the NDOR MPO and Long Range Planning Unit detailing the UPWP modification. If NDOR determines that the modification is not an amendment, a letter of concurrence will be written to the MPO (cc to FHWA and NDOR Agreements Section). The MPO can then update its UPWP with the change.

UPWP amendments require NDOR MPO & Long Range Planning Unit review, and formal approval from the FHWA and/or FTA. A UPWP amendment must be approved by the MPO Policy Board (Officials Committee with Lincoln MPO), FHWA and FTA prior to processing a PL Agreement Amendment. This also applies to STP-M agreements that support the UPWP. Amendments to UPWPs shall be submitted to the MPO & Long Range Planning Unit upon MPO approval. The MPO & Long Range Planning Unit will coordinate FHWA/FTA approval. FHWA will then notify the NDOR that the amendment was approved copying the MPO on the approval letter.

See Appendix B1 and B2 for example letters from the NDOR MPO & Long Range Planning Unit to FHWA and FTA on UPWPs and UPWP amendments.

Calendar of Events for UPWPs

	MPOs Notified of PL Funds Estimate	2nd Quarter Billing Due	UPWP and Scope of Work Development	3rd Quarter Billing Due	UPWP Adoption, FHWA Review, Agreement Development	FHWA Approval, UPWP Work Begins	Previous Year's Billings, and 4th Quarter Billing Due	1st Quarter Billing Due	NDOR Controller Closes Previous Year
Completion Date	February	March 1	April 15	May 30	June	July 1	August 29	November 29	December 31
January									
February									
March									
April									
May									
June									
July									
August									
September									
October									
November									
December									

UPWP Timeline

The UPWPs follow State fiscal year, which begins July 1 and ends June 30. Any UPWP activities that will not be completed at the end of the State fiscal year should be included in the next fiscal year’s UPWP with an estimated cost associated with that activity. The schedule for UPWP development and approval follows.

January: NDOR Controller Division provides estimates on the amount of NDOR planning funds expected to be available for the upcoming federal fiscal year and the unexpended MPO fund balance. The Controller Division provides this estimate to the NDOR MPO & Long Range Planning Unit.

February: The NDOR MPO & Long Range Planning Unit notifies the MPOs in writing of the estimated PL funds available for the upcoming fiscal year (new PL funds + unexpended MPO PL fund balance). The MPOs structure their UPWP budgets on these estimates.

April 15: MPOs provide draft UPWPs to the NDOR MPO & Long Range Planning Unit.

June 1: UPWPs are officially adopted and approved by MPO Policy Boards. The MPOs submit the approved UPWP and MPO Policy Board Resolution to the NDOR MPO & Long Range Planning Unit. NDOR submits a Letter of Concurrence to FHWA/FTA and asks them to review and approve MPO UPWPs.

June 15: Based on the recommendation of the NDOR MPO & Long Range Planning Unit, MPO UPWPs are reviewed by FHWA and FTA. NDOR MPO & Long Range Planning Unit

then sends PL funding agreement based on approved MPO UPWPs to each of the MPOs. Title VI assurance and Certification on Lobbying (See Certifications section below) are included in each new PL agreement. Agreements must be signed by MPOs by July 1.

July 1: FHWA and FTA approve UPWPs before July 1 so that work may begin. Approval is documented in a letter provided to the NDOR MPO & Long Range Planning Unit, which is forwarded to the MPOs.

August 29: The last date MPO billings will be accepted for the previous fiscal year. The MPO & Long Range Planning Unit sends review letter, Year End Financial Report, as well as all quarterly reports to FHWA and FTA no later than September 30.

Agreements

Memorandum of Agreement

The Memorandum of Agreement (MOA) is the umbrella agreement between NDOR and each MPO and transit agency, where appropriate. The MOA describes the roles and responsibilities of participating agencies for the development of the following three main planning products of the MPO: the LRTP, TIP, and UPWP. Unlike agreements that are executed annually, the MOA is amended only as needed. NDOR and each of the MPOs should review the MOA at least once every three years to make sure it reflects current practice and law and when major legislation (i.e. New Highway Authorization) is enacted. Revisions are developed cooperatively by NDOR and the MPO. Below are approval dates of the most recent MOAs:

- MAPA: 2014
- Lincoln: 2013
- Grand Island: 2013
- SIMPCO: 1999

After the MPO policy board approves an MOA, the MPO Executive Director signs two copies. NDOR MPO & Long Range Planning Unit staff arranges for the NDOR Director-State Engineer to sign the two MOA copies. One copy is retained by the MPO & Long Range Planning Unit and other copy is sent to the MPO with electronic copies sent to FHWA and FTA.

MOAs with each of the MPOs appear in Appendix C.

Metropolitan Planning Funds (PL) Agreement

Metropolitan Planning Funds (PL) agreements are the financial documents that authorize the MPOs to spend PL funds while the UPWP is the detailed planning work program. PL agreements are developed each year in May, reviewed by the MPO in June and executed in July (effective July 1). The PL agreement contains a Scope of Services (SOS), based on the UPWP, addressing major MPO activities to be completed with PL funds. PL agreements are more specific in their scope of work than MOA's which are broad umbrella agreements between NDOR and the MPO.

PL Agreements are one-year agreements between each individual MPO and NDOR. These agreements include the federal, state and local regulations, guidelines and procedures to be followed by the MPOs and NDOR and the amount of PL funding NDOR will distribute to each MPO.

MPOs engaging consultants to perform planning related projects or services must adhere to the Consultant Procurement and Agreement Procedure for Federal-aid projects outlined in the LPA Guidelines Manual for Federal-aid projects (<http://www.nebraskatransportation.org/gov-aff/index.html>). The NDOR Local Projects Section oversees the procurement process and will review all documents related to planning projects funded with PL funds according to the document referenced above.

NDOR provides MPOs with a one-year estimate of PL funding anticipated to be available for distribution to the MPOs. Agreements for PL funding are executed for the estimated amount. The amount in the PL agreement must match the amount of PL funds listed in the UPWP. The agreement reflects PL funding expected to be available for the upcoming federal fiscal year and the unexpended MPO PL fund balance. All PL activities will need to be incurred during the State fiscal year.

PL and STP-M Agreement Scope of Services Requirements

The Scope of Services (SOS) should contain tasks, schedules, deliverables and total budgets estimated for activities for the one-year work program including total dollars by year and funding source. The SOS should describe the kind of federal funds (PL only, STP-M only, or both) that will be used for each task and should have, at the least, a bottom-line (net) figure for the total budget and the total sources of funds (local match or STP-M). The SOS must include carry over funds from the previous fiscal year and for MAPA and SIMPCO must show a breakout by state. The SOS should also reference the UPWP and quarterly report submissions. Description of work activities should be succinct and include the major MPO deliverable required by federal and state laws and regulations. The SOS should include a brief description of the following tasks or items:

- Develop and adopt a one-year UPWP consistent with federal and state requirements through the prescribed MPO planning process;
- Develop, adopt, and manage a four-year TIP and any necessary amendments;
- Develop, adopt, and manage a long-range transportation plan and any necessary amendments;
- Include a range of possible out-of-state travel meetings and conferences with estimated total travel budget;
- Include equipment purchase requirements and budgets and other capital expenses in excess of \$5,000; and
- Estimate the overall cost of expected activities for the one-year period, including a budget for the year.

For an example of a UPWP SOS, see Appendix D.

Agreement Amendments

Agreement Amendments or Supplements (see Appendix E for an example of an Agreement Amendment) are used to modify funding, or SOSs. MPOs must first amend their UPWPs to

revise funding or activities. UPWP amendments must be approved by the MPO and by FHWA (NDOR concurs with the amendment and forwards to FHWA) prior to the initiation of an Agreement Amendment. NDOR MPO & Long Range Planning Unit in conjunction with the Controller Division must also verify that the Agreement Amendment does not exceed available agreement amounts. Agreement Amendments require signature by the MPO and NDOR Planning and Project Development Engineer.

An Agreement Amendment is required for:

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

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

Agreement Amendment Procedure

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

NDOR Agreements Section provides final Agreement Amendments and SOSs to the NDOR MPO & Long Range Planning Unit for review prior to distribution. After review is completed, NDOR Long Range Planning Unit distributes the Agreement Amendment and SOSs to the MPOs for signatures. Agreement Amendments are then executed.

Certifications

Three certifications are required of MPOs; one is tied to the submittal of the TIP and the other two are tied to annual UPWP contract. An example of the Planning Process certification (also known as self-certification) appears in Appendix F.

Certification of the Planning Process

Concurrent with the submittal of the TIP, MPOs and NDOR certify to FHWA and FTA that the planning process is being carried out in accordance with all applicable requirements set forth in 23 CFR 450.334. MPOs must submit the Certification of the Planning Process to NDOR with the submittal of a new TIP (See Section 3 TIP Approval Process). The certification is signed by the Executive Director of the MPO and then sent to the NDOR MPO & Long Range Planning Unit for signature by the Governor's Designee. One copy is retained by the MPO & Long Range Planning Unit, one by the MPO, and two are sent to FHWA and FTA as part of the TIP approval process.

For all MPOs, concurrent with the submittal of the entire proposed TIP to the FHWA and the FTA as part of the STIP approval, the State and the MPO shall certify at least every four years

that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements including:

- (1) 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;
- (2) In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
- (3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- (4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- (5) Section 1101(b) of the MAP-21 and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- (6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- (7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
- (8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- (9) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- (10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

Title VI Assurance

MPOs must provide an assurance of compliance with Title VI of the Civil Rights Act, as amended (42 USC 2000d-1 and 49 CFR part 21 and 49 USC 5332). The Title VI assurance is incorporated into each new signed PL agreement.

In addition to Title VI assurance, MPOs must incorporate Environmental Justice into their planning process. Environmental justice requires the MPO to:

- ✓ Examine the allocation of benefits and burdens, currently and in the planned future
- ✓ Ensure that minority and low-income communities are treated equitably in the provision of transportation services and projects
- ✓ Provide full participation for minority and low-income communities to advise the MPO during its planning and decision-making process

Certification Regarding Lobbying

MPOs must certify that no federal funds are used by the MPO to influence or attempt to influence an officer or employee of any agency, a member of Congress, or an employee of a member of Congress in connection with any of the following activities (31 USC 1352):

- Making or awarding of any federal grant;
- Making of any federal loan;
- Entering into any cooperative agreement; and

- Extending, continuing, renewing, amending, or modifying any federal contract, grant, loan or cooperative agreement.

Other laws and regulations (49 USC 301, 49 CFR 20, and Office of Management and Budget Circular A-87, also found in 2 CFR 225) together prohibit use of federal funds to lobby state or local legislators to favor or oppose the adoption of any specific legislative proposal pending before a state or local legislative body. However, officials are specifically allowed in 49 USC 301 to testify before legislative bodies or state executive offices when requested.

The Certification Regarding Lobbying is incorporated into each new signed PL agreement.

FHWA and FTA Certification of TMAs

Every four years, FHWA and FTA conduct a certification review of the planning process within the TMA areas to determine that the process meets requirements of 23 CFR 450.334 (b). FHWA and FTA must certify the planning process, either with or without conditions. A certification report documents findings and/or corrective actions directed, as well as highlighting MPO best practices, to the TMA and NDOR. If certification can't be made, FHWA and FTA are required to withhold federal funds from the region.

FHWA will initiate the review by sending the MPO and the NDOR MPO & Long Range Planning Unit a formal notice of when the certification review is scheduled to be conducted. FHWA and FTA schedule a site review, which typically lasts about 1½ days with a closeout meeting in addition during which the FHWA and FTA, MPO, the NDOR MPO & Long Range Planning Unit and other planning partners discuss the transportation planning processes. Dates of the most recent certifications are:

MPO	Certification Date
MAPA	September 2014
Lincoln	September 2013

Reimbursement Requests

MPO's may request reimbursement from federal funds for eligible costs by submitting an invoice to NDOR. All expenses must be incurred before reimbursement requests are submitted. MPO financial records may be reviewed on-site during audits.

MPO Reimbursement Request Process

MPO's are required to submit their reimbursement requests through OnBase; an electronic invoice workflow application utilized by the NDOR. Reimbursement requests should be submitted to NDOR Highway Planning Manager.

In addition to a cover sheet showing the amount of the reimbursement request and the local share, the reimbursement request must also include: 1) Invoice, 2) Cost Breakdown Form, 3) Progress Report, and 4) proof of payment to all subcontractors.

1. **Invoice** – the invoice must include the following breakdown of costs
 - a. For Actual Cost Agreements:

- i. Direct Labor Costs (hours worked multiplied by the actual labor rate)
 - ii. Labor Fringe Benefits and/or if appropriate Indirect (*Overhead*) Costs
 - iii. Fee For Profit (as negotiated in the professional services agreement)
 - iv. Direct Non-Labor Costs
 - v. Dates of service
- b. Federal balance due to the MPO for the current period
- c. Federal and Local share breakdown of the expenses

2. NDOR Cost Breakdown — NDOR Payment Request Form (currently DR162C), properly prepared, signed and dated.

3. Progress Report – must include the following:

- Comparison of actual work performance with established goals;
- Progress in meeting schedules;
- Comparison of budgeted (approved) amounts and actual costs incurred;
- Cost overruns and under runs;
- Approved planning program revisions; and
- Other pertinent supporting data.

4. Proof of Payment to Subcontractors

Proof of payment (e.g. canceled checks or funds transfer) is required before invoice reimbursement can occur.

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

The MPOs provide the MPO & Long Range Planning Unit with a copy of all deliverables identified within the UPWP. This may be provided in a paper copy, electronic version, or web links that point to where the deliverables can be obtained for downloading from the MPO website.

NDOR MPO & Long Range Planning will perform an initial check to verify that all necessary documentation is accurate and complete and forward all quarterly reports to FHWA. The invoice processing checklist (see Appendix M) is used to check the documentation. The unit sends the fourth quarter report for each MPO to FHWA and FTA along with a letter indicating the status of UPWP activities and funding (see Appendix G) by September 30th. The State will reimburse the MPO for the Federal share of the eligible actual costs and will make a reasonable effort to pay MPO within 25 days of receipt of the MPO's reimbursement request.

Equipment Purchasing

All equipment purchases should be explicitly stated in the UPWP. A description of the type of proposed equipment and its use, as well as an estimated budget should be included in the UPWP. Additions or changes to the equipment schedule should be approved via a UPWP amendment or administrative modification (whichever is applicable) prior to the purchase of the equipment. Applicable regulatory citations include 23 CFR §450.308, (f) Administrative requirements for UPWPs and simplified statements of work are contained in 23 CFR part 420 and FTA Circular C8100.1B (Program Guidance and Application Instructions for Metropolitan Planning Grants).

2 CFR 225, Appendix B, Item 15(a) (4) (b) states the following rules of allowability shall apply to equipment and other capital expenditures:

- (1) Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except where approved in advance by the awarding agency.
- (2) Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5000 or more have the prior approval of the awarding agency.
- (3) Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior approval of the awarding agency.

Prior Approval

Prior approval is required for all equipment purchases in excess of \$5,000 prior to the purchase. Inclusion in an approved UPWP does not constitute prior approval. The MPO should submit the prior approval request to the NDOR Long Range Planning Unit. The Unit will forward that request to FHWA. A copy of the approval should be submitted with the invoice requesting reimbursement for the equipment purchase.

The threshold for prior approval applies individually if items have independent utility e.g. 10 separate items at \$500/ each would not require prior approval. If items do not have independent utility, the aggregate cost would go towards the threshold e.g. 10 collective items at \$500/ that are all need for equipment to perform or function would not have independent utility and would require prior approval.

Local public agencies are required to follow all procurement guidelines, policies and procedures as established by their governing bodies. This includes basic purchasing requirements, competitive bidding processes, contracts and leases. MPOs and Local public agencies must also follow Federal procurement guidelines found in 49 CFR 18.36 (b) through (i). Specifically, this regulation states that grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal laws.

Non-Competitive Bids (Sole Source)

49 CFR 18.36 (f) states that Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or

regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

In addition to the price analysis, a letter of justification is required for sole source purchases. This justification must be provided before the purchase is made and is subject to NDOR and FHWA approval.

The relevant CFRs related sole source purchasing are listed below.

23 CFR 420.121 (j) *Procurement*. Procedures for the procurement of property and services with FHWA planning and research funds by the State DOTs must be in accordance with 49 CFR 18.36(a) and (i) and, if applicable, 18.36(t). Local government subrecipients of State DOTs must follow the procedures specified by the State DOT. Universities, hospitals, and other non-profit organizations must follow the procedures in 49 CFR 19.40 through 19.48. The State DOTs and their subrecipients must not use FHWA funds for procurements from persons (as defined in 49 CFR 29.105) who have been debarred or suspended in accordance with the provisions of 49 CFR part 29, subparts A through E.

23 CFR 420.121 (m) Subgrants to local governments. The State DOTs and subrecipients are responsible for administering FHWA planning and research funds passed through to MPOs and local governments, for ensuring that such funds are expended for eligible activities, and for ensuring that the funds are administered in accordance with this part, 49 CFR part 18, Uniform Administrative Requirements for Grants and Agreements to State and Local Governments, and applicable OMB cost principles. The State DOTs shall follow State laws and procedures when awarding and administering subgrants to MPOs and local governments and must ensure that the requirements of 49 CFR 18.37(a) have been satisfied.

49 CFR 18.36 (i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

- (A) The item is available only from a single source;
- (B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (C) The awarding agency authorizes noncompetitive proposals; or
- (D) After solicitation of a number of sources, competition is determined inadequate.

Buy America Provision

The FHWA's policy for Buy America provides for:

- a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in any project funded under Title 23
- alternate bid provisions
- minimal usage criteria for non-domestic products
- a waiver process based on public interest or the availability of domestic products

The thresholds and requirements for the Buy America provision can be found at:
http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div5&view=text&node=23:1.0.1.7.23&idno=23#se23.1.635_1410.

MPO Reimbursement Request Timeline

The reimbursement request timetable is based on the NDOR fiscal year which begins July 1 and ends June 30. Reimbursement requests are due a maximum of 60 days after the end of each quarter, however, any of the activities must be performed in the State fiscal year. August 29th is the last date MPO reimbursement requests will be accepted for the previous fiscal year.

Quarters:

- First Quarter – July 1 to September 30
- Second Quarter – October 1 to December 31
- Third Quarter – January 1 to March 31
- Fourth Quarter – April 1 to June 30

Audit

Financial Management

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

The following outlines the reconciliation process conducted by NDOR and MPOs:

- NDOR Controller Division provides estimates of federal funds available for obligation by each local entity to NDOR MPO & Long Range Planning Unit, NDOR Program Management Division and NDOR Local Projects Section. NDOR MPO & Long Range Planning Unit performs any calculations necessary to distribute the PL funds and provides the amounts to the MPOs.
- NDOR Controller Division will provide a monthly reconciliation report of federal funds available and obligations to NDOR Local Projects Section who will in turn provide it to the MPOs.

A-133 Audit

As a recipient of federal funds, MPO's have certain audit responsibilities with respect to OMB Circular A-133, also known as the Single Audit Act. An A-133 Audit is a fiscal year audit which: 1) is performed by an independent auditor or audit organization in accordance with generally accepted government auditing standards for financial audits 2) covers the MPO's financial statements and their Federal Award expenditures and, iii) follows the Federal guidelines in OMB Circular A-133 (See http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf).

MPOs spending more than \$750,000 in Federal funds (funds from all Federal sources) in a fiscal year are responsible for obtaining audits in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507), 23 CFR 420.121(a), 49 CFR 18.26 and the implementing regulations in OMB Circular A-133. The A-133 Audit covers all MPO operations to ensure compliance with applicable laws and regulations. MPOs are required to:

- Identify Federal funds received and expended;
- Maintain internal controls;
- Comply with laws, regulations, and agreement/grant provisions;
- Prepare appropriate financial statements;
- Ensure that required audits are performed and submitted; and
- Follow up and take corrective actions on findings.

At each MPO fiscal year end, the MPO shall review the level of federal expenditures and take the appropriate actions needed to comply with the A-133 audit mandate. If an A-133 audit is necessary, the MPO must: 1) ensure that federal expenditures related to NDOR projects are appropriately shown in the report's Schedule of Expenditures of Federal Awards (SEFA), 2) provide NDOR with the published audit report (or electronic access to the report) and corrective action plan if applicable, and, 3) submit the required reporting package and Data Collection Form (form SF-SAC) to the Federal Audit Clearinghouse web site (see <http://harvester.census.gov/sac/>).

As the Federal pass-through agency, NDOR Controller Division has the following responsibilities under 49 CFR 18.26 and/or OMB Circular A-133 Subpart D 400(d):

- Determine whether MPOs met yearly audit requirements;
- Review the audit to determine whether MPOs Federal fund expenditures are in accordance with applicable laws and regulations;
- Ensure appropriate corrective action is taken within six months after receipt of the audit report in instances of noncompliance with Federal laws and rules;
- Consider whether MPO audits necessitate adjustment of the MPO's records; and
- Require MPOs to permit NDOR and its audit representatives to have access to the records and financial statements to the extent necessary to comply with subrecipient monitoring requirements.

The MPO & Long Range Planning Unit is responsible for verifying the receipt of required A-133 audits with the Controller Division.

In cases of an MPO's continued inability or unwillingness to comply with audit requirements, FHWA, FTA, and NDOR may:

- Withhold a percentage of MPO Federal funds;
- Withhold or disallow MPO overhead costs;
- Suspend MPO Federal funds until the audit is conducted; or
- Terminate MPO Federal funding awards.

A-133 Audit Timeline

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

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

April 30: MPO & Long Range Planning Unit ensures all MPO A-133 audits have been submitted to NDOR Controller Division for review.

Indirect Cost Rates and Payroll Additive Rates

MPOs that desire to claim indirect costs must furnish a copy of its Indirect Cost Allocation Plan (*ICAP*) and Indirect Cost Rate Proposal in compliance with 2 CFR Part 225 – Cost Principles from State, Local and Indian Tribal Governments (OMB Circular A-87) (see http://www.whitehouse.gov/sites/default/files/omb/fedreg/2005/083105_a87.pdf).

Indirect cost allocation plans and rate proposals must be developed and submitted annually, within 60 days after the close of the MPO's fiscal year, unless an exception is approved by the MPO's cognizant agency.

If FHWA is the cognizant agency, entities must submit to NDOR indirect cost allocation plans (and if applicable, fringe rate plans) and supporting information to calculate the rate(s) within sixty days after the end of the fiscal year. After receipt of the indirect cost allocation plan, NDOR will review and recommend the appropriate rate to FHWA within ninety days. FHWA will approve or recommend revision of the rate within thirty days. Until a new rate is approved, the MPO may use the rate they calculated for the fiscal year as an interim rate

If FHWA is not the cognizant agency, entities must submit to NDOR a letter with the approved rate(s) from their cognizant agency with the first applicable billing of the fiscal year.

Information on developing indirect and fringe rate plans can be found at:

<http://www.dol.gov/oasam/programs/boc/costdeterminationguide/main.htm#toc>. Additional information on which entities need an indirect and fringe rate, what is allowable, what are direct costs and indirect costs, how to document employee compensation when working on multiple federal projects and how to compute indirect and fringe rates can be found at:

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

In conjunction with the indirect cost rate or separate from the indirect cost rate, the MPO may recover their fringe benefit costs through a payroll additive rate. The payroll additive rate may be calculated individually by employee or in the aggregate for all employees.

If the rate is calculated individually by employee, the MPO must submit a copy of the calculation with each quarterly billing. Local Projects Section can provide a template to assist in this calculation.

If the rate is calculated in the aggregate, the rate must be submitted through NDOR and FHWA for review and approval similar to the indirect cost rate. For a payroll additive rate calculated in the aggregate, the rate must include an adjustment each year to account for any prior year overage or underage in amount recovered. As with the indirect cost rate, an interim rate may be

used until the rate is approved and a copy of the approved rate should be attached to the first applicable rate after approval.

MPOs typically submit indirect cost allocation plans and payroll additive rates directly to the NDOR Controller Division. The NDOR MPO & Long Range Planning Unit should be copied on submittals to the NDOR Controller Division.

Section Two: MPO Transportation Improvement Programs and the Statewide Transportation Improvement Program

Key STIP/TIP Dates

Target Date	Task
January 31	NDOR sends projected funding targets to MPO's for upcoming fiscal year
February 15	NDOR sends list of State-sponsored projects to SIMPCO
March 15	NDOR sends list of State-sponsored projects to MAPA and Lincoln and Grand Island MPO's
May 1 to July 1	NDOR coordinates with MPO's and approves their TIPs
June 15	Last date that NDOR will accept MPO TIP's for review and inclusion in the upcoming STIP
July 1 – August 15	NDOR develops draft STIP
August 15	NDOR posts Draft STIP to NDOR website, advertises for public comment
August 15 – September 1	NDOR addresses public comments, revises STIP as needed
September 1	NDOR submits STIP to FHWA and FTA for approval
October 1	FHWA/FTA approval of final STIP

Transportation Improvement Programs (TIPs)

Under 23 CFR 450.324 et seq., MPOs develop Transportation Improvement Programs (TIPs) that define which federal transportation funds are pledged to specific transportation projects in MPO regions. TIPs include all surface transportation projects funded with federal funding and all regionally significant projects even if funded by state or local dollars. Federal rules require TIPs to cover a period of not less than four years, include project funding levels by year and funding source, and describe project work scopes.

For projects to be included in TIPs, they must first be in the MPO's Long Range Transportation Plans (LRTP). A project, if not regionally significant or specifically identified as a line item in the LRTP, must only be consistent with the LRTP. TIPs are financially constrained to assure project costs do not exceed reasonably available estimated revenues. MPOs provide opportunities for public comment and review during TIP development and subsequent TIP amendment processes, in accordance with their public participation processes. These processes are outlined in their public participation plan, which is a required document for all MPOs. MPOs serving a TMA (MAPA and Lincoln MPOs) select all Federally funded projects from the

approved TIP (except those on the NHS) in consultation with NDOR and any affected public transportation operator(s). Projects on the NHS are selected from the approved TIP by NDOR in cooperation with the MAPA and Lincoln MPOs designated for the area (23 U.S.C. 134(k) (4)). NDOR selects all Title 23 projects from the approved TIP in a non-TMA MPO (SIMPCO and Grand Island) planning area and the designated recipient of public transportation funding selects title 49 chapter 53 projects from the approved TIP in cooperation with the MPO (23 U.S.C. 134(j)(5)).

Once implemented, the TIP is designed to make progress toward achieving transportation system performance targets in (23 U.S.C.134 (h) (2)). TIPs shall include a description of the anticipated effect of the TIP toward achieving the performance targets established in the LRTP, linking investment priorities to those performance targets.

TIP Updates

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

NDOR TIP Approval Process

1. When the draft TIP is ready, the MPO releases it for review and comment by both the public and various state and Federal agencies. The public review and comment period typically lasts 30 days (15 days for SIMPCO).
2. The MPO sends copies of the draft TIP to the various state and Federal agencies with a letter requesting comments. Comments are provided to the MPO and copied to the NDOR MPO & Long Range Planning Unit. A joint meeting may also be held between the reviewing parties to facilitate discussion and coordination of review comments.
3. NDOR MPO & Long Range Planning Unit forwards the TIP to NDOR Program Management and NDOR Local Projects Section. NDOR Program Management checks State projects for accuracy (project estimate, scope, schedule and termini), verify fiscal constraint is demonstrated, and alerts the MPO & Long Range Planning Unit of any issues. NDOR Local Projects Section checks local projects for accuracy (project estimate, scope, and termini), verifies fiscal constraint, and alerts MPO & Long Range Planning Unit of any issues. The MPO & Long Range Planning Unit reviews the draft TIP for consistency with the LRTP. The MPO & Long Range Planning unit then forwards their comments along with comments from Program Management and Local Projects Section reviews to MPO.
4. NDOR MPO & Long Range Planning Unit facilitates the review process with MPOs by assuring that all issues are communicated to the MPO. The MPO & Long Range Planning Unit works with the parties involved to resolve any outstanding issues.

5. After the public review period, the MPO adopts the final version of the TIP and circulates copies for final comments and approval.
6. Per Federal regulations, all TIPs must also be approved by the Governor or his designee. The Governor of Nebraska has delegated approval authority for TIP amendments to the NDOR Planning and Project Development Engineer.
7. The MPO prepares a letter to the NDOR Highway Planning Manager submitting the adopted TIP. The letter should be accompanied by the following:
 - MPO-approved TIP;
 - Signed MPO Policy Board Resolution or Transmittal Letter adopting the TIP;
 - Signed Certification of the Planning Process (See Certifications in Section 1). The Certification of the Planning Process requires the signature of the NDOR Governor's Designee prior to forwarding to the NDOR Highway Planning Manager.
8. The MPO & Long Range Planning Unit prepares a TIP approval letter addressed to the MPO verifying fiscal constraint is demonstrated of the TIP (See Appendix H for an example letter) and submits it to the Planning and Project Development Engineer for signature.
9. The Governor's Designee approves the TIP by signing the TIP approval the letter. The letter is mailed to the MPO with an electronic copy sent to FHWA, FTA, Program Management and Local Projects Section.
10. The NDOR Program Management Division assures that the newly approved TIP is amended into the approved STIP.

For more information on the development and approval process for the STIP please see Guidelines for Development of the Nebraska Statewide Transportation Improvement Program located in the Appendix I. The NDOR MPO & Long Range Planning Unit coordinates with FHWA and FTA to ensure that the TIP is approved in a timely manner so that the TIP does not lapse.

TIP Amendments

Revisions are defined as changes to a TIP that occur between their annual publications. There are two types of changes that occur under the umbrella of revision. The first is a major revision or "Amendment". The second is a minor revision or "Administrative Modification". NDOR requires that each MPO adopt the definitions and thresholds at a minimum listed below when determining an amendment vs. an administrative modification. When the draft TIP amendment is ready, the MPO Policy Board releases it for review and comment by both the public and various state and Federal agencies. The public review and comment period typically lasts 30-days (15 days for Lincoln and SIMPCO). MPO public involvement procedures on their websites:

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

Omaha (MAPA): <http://www.mapacog.org/>
South Sioux City (SIMPCO): <http://www.simpco.org/>
Grand Island (GIAMPO): www.grand-island.com

Revising an Approved TIP/STIP

Revisions are changes to a TIP that occur between their annual publications. There are two types of changes that occur under the umbrella of revision. The first is a major revision or “Amendment”. The second is a minor revision or “Administrative Modification”.

Amendment

An amendment is a revision to a STIP/TIP that involves a major change to a project included in the TIP/STIP. Amendments require public review and comment and demonstration of fiscal constraint. Public involvement procedures for amendments are found in Section VI of the STIP Public Involvement Plan referenced earlier.

There are four main components that can be used to determine whether a project change rises to the level of an amendment:

- ✓ Project costs: Amendments are required whenever the Federal-aid amount changes by 20% or \$2 million, whichever is greater. For computing the % change, standard rounding procedures will be used; 19.50% and greater is considered to be 20% and therefore would require an amendment.
- ✓ Additions/Deletions: Projects or phases of projects which are added or deleted from the first four years of the TIP/STIP will be processed as amendments (excluding grouped projects).
- ✓ Funding sources: Adding federal funding sources or changing from one federal funding category to another (including converting advanced construction) will require an amendment.
- ✓ Scope and termini changes: Substantial changes to project scope shown in the approved STIP or project termini changes greater than 0.25 mile will require an amendment.

Administrative Modification

A minor revision to a TIP or STIP is an administrative modification. It includes minor changes to projects, including projects using advanced construction (AC) procedures, already included in the STIP. Administrative modifications do not require public review and comment, however, NDOR must demonstrate fiscal constraint. The following components should be used to determine if a change can be processed as an administrative modification:

- ✓ Project costs: Projects in which the federal aid and/or AC amount has been changed by less than 20% or \$2 million, whichever is greater, can be processed with an administrative modification. For purposes of this calculation federal aid and AC amounts will be combined.

- ✓ Additions/Deletions: Projects or phases of projects added to group listings explained earlier will be processed as administrative modifications.
- ✓ Schedule changes: Changes in schedules to projects which are included in the first four years of the TIP/STIP will be considered administrative modifications
- ✓ Funding sources: Redistribution of federal funding or AC among funding sources already listed with the project can be done with an administrative modification.
- ✓ Scope and termini changes: Minor changes to project scope and termini changes of less than 0.25 mi. can be made with a modification. For MPO areas, project termini not consistent with the Long Range plan will require an amendment.

Amendment vs. Administrative Modification Examples

Amendment	Modification
Increasing the Federal-aid amount from \$4,000,000 to \$6,100,000. This change exceeds 20% and \$2,000,000	Increasing the Federal-aid amount from \$55,000 to \$110,000. While this is a 100% increase, the monetary change is less than \$2,000,000.
Decreasing the AC amount from \$4,000,000 to \$1,900,000. This change exceeds 20% and \$2,000,000	Decreasing the AC amount from \$11,000,000 to \$8,900,000. While this change is more than \$2,000,000, the percentage decrease is 19%.
Adding a project or phase of project that was in the previous STIP but was inadvertently omitted from the first 4 years of the current STIP	Moving an existing STIP project from the 2nd year of the STIP to the 1st year
Adding a project to convert AC	Moving the year of conversion for an existing AC project from the 3rd year of the STIP to the 1st year.
Adding ROW work phase to an existing STIP project	Making a post letting adjustment to a project that was obligated under a previous STIP*
Changing the Federal funding source on an existing project from STP to HSIP	Changing the distribution of funds between STP and HSIP that are already shown for the project *
Changing a bridge rehabilitation to a bridge replacement (changing design standard)	Adding guardrail to an listed bridge project
Changing from a 3R to a 4R design standard	Adding concrete repair to an asphalt resurfacing project
Adding a newly programmed regionally significant project	Adding a project to the Minor Safety, RTP or TAP listings
* Changes to Federal-aid or AC amounts must be within the 20%/\$2 million threshold	

DOR Staff Analysis of TIP Amendments

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

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

- If a TIP amendment includes a project not in the current fiscally constrained LRTP;
- If the funding for the TIP project exceeds available funding; and
- If a project in the TIP was not included in the fiscally constrained LRTP because a funding source had not been identified at the time of LRTP adoption but has since become available.

Governor Approval of TIP Amendments

Per Federal regulations, all TIP amendments must also be approved by the Governor or his designee. The Governor of Nebraska has delegated approval authority for TIP amendments to the NDOR Planning and Project Development Engineer. The MPO & Long Range Planning Unit submits the MPO approved TIP amendments to the Planning and Project Development Engineer for signature. Upon the receipt of the Planning and Project Development Engineer's signature, TIP amendments are entered and approved in the STIP. The TIP memo and supporting documentation are then forwarded to the FHWA and FTA for approval.

Process for TIP/STIP Amendments

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

1. MPOs send proposed TIP amendments to its MPO Distribution List, including FHWA, FTA, NDOR MPO & Long Range Planning Unit, NDOR Rail and Public Transportation Division, NDOR Local Projects Section, and NDOR Program Management Division at least one week prior to the MPO Transportation Advisory Committee (TAC) meeting where the amendment will be recommended for approval.
2. The respective NDOR Unit, which will depend on the type of amendment, will notify MPO staff, and NDOR MPO & Long Range Planning Unit of any concerns. MPO & Long Range Planning Unit will raise any concerns about the proposed amendment, if appropriate, at the MPO TAC meeting.
3. After the MPO Policy Board approves the TIP amendment, the MPO will send an electronic copy of the resolution and revised TIP pages demonstrating financial constraint to NDOR MPO & Long Range Planning Unit.
4. The NDOR MPO & Long Range Planning Unit arranges for approval of the MPO TIP amendment by the Governor's Designee within one week of receipt.
5. Upon Governor's Designee approval, the NDOR MPO & Long Range Planning Unit sends an electronic copy of the State Approval letter, copy of the resolution and revised TIP pages demonstrating financial constraint to TIP amendment distribution list including the MPO, FHWA, FTA, NDOR Rail and Public Transportation Division (if applicable), NDOR Local Projects Section, and NDOR Program Management Division.

6. NDOR Program Management Division processes the STIP amendment and submits to FHWA and FTA for approval.
7. FHWA sends an approval letter to NDOR and affected MPOs

Statewide Transportation Improvement Program (STIP)

Nebraska's STIP is developed annually through a cooperative effort with its MPOs. The MPO's develop their TIPs conforming to 23 USC 134 annually for the upcoming fiscal year plus at least the three following years. The MPO TIPs include all regionally significant transportation projects requiring action by FHWA and FTA regardless of funding source and are included by reference as part of the STIP. Federal and State requirements for TIP's and STIP's are contained in the Guidelines for Development of the Nebraska Statewide Transportation Improvement Program located in the Appendix I.

The STIP is a four-year listing of projects for which Federal-aid funding under Title 23 (Federal Highway Funding) and Title 49 (Federal Transit Assistance) of the United States Code is proposed. The STIP is a programming tool that is approved on a yearly basis. All projects included in the STIP are consistent with the Nebraska Long Range Transportation Plan and the Nebraska Highway Needs Study. Projects included in the MPO TIPs must be consistent with their Long Range Transportation Plans.

The STIP and TIP must be fiscally constrained, which is defined as: A demonstration of sufficient funds (Federal, State, local, and private) to implement proposed transportation system improvements, as well as to operate and maintain the entire system, through the comparison of revenues and costs.

Cost and revenue estimates for the TIPs and STIP must use an inflation rate(s) to reflect "year of expenditure dollars," based on reasonable financial principles and information. If no data is available, a minimum of 4% per year will be used. The NDOR requests the joint approval of the STIP by the FHWA and the FTA annually.

STIP Amendments and Linkage to MPO TIP

Any change to STIP projects located in MPO areas must first be reflected in the MPO TIP as a TIP Amendment. The TIP Amendment, once approved, is incorporated without modification into the STIP.

The NDOR Program Management Division is responsible for making the necessary changes in the STIP to incorporate MPO TIP amendments. The NDOR Program Management Division coordinates with the Local Projects Section, MPO & Long Range Planning Unit, and the Rail and Public Transportation Division on the programming of non-construction and transit projects in the STIP.

The NDOR Program Management Division assures that newly approved TIPs and TIP Amendments are amended into the STIP without modification. Following TIP approval, NDOR Program Management Division finalizes project entries in the STIP as appropriate.

Transportation Alternatives Program Process

1. MPOs are notified of award by NDOR Local Projects Section.
2. MPOs add the projects to their respective TIPs.
3. Any projects located in the TIP areas must have completed TIP actions prior to adding to the STIP.
4. NDOR Program Management Division adds the projects to the STIP.

Section Three: MPO and Statewide Long Range Transportation Plans

MPO Long Range Transportation Plans

MPOs develop or update multi-modal Long Range Transportation Plans (LRTPs) with a minimum 20-year planning horizon (23 CFR 450.322). The LRTPs are updated at least every five years. All LRTPs contain a fiscally constrained component.

LRTPs must include the following elements:

- Incorporate the eight MAP-21 planning factors identified in section 5303 subsection (h) into its goals and objectives
- Projected transportation demand for movement of persons and goods;
- Pedestrian and bicycle transportation elements;
- Capital investment and other measures necessary to preserve the existing transportation system;
- Development of project cost estimates in year of expenditure;
- Evaluation of the transportation, socioeconomic, environmental, and financial impact of the overall plan;
- Performance measures and targets as identified in MAP-21
- Consideration of LRTP impact on land-use, housing, community development, employment and environmental resources and environmental justice;
- Proposed transportation enhancement activities;
- A financial plan that demonstrates the consistency of proposed transportation investments with available and projected sources of revenue.

Before final adoption of the LRTP by an MPO, the NDOR MPO & Long Range Planning Unit, NDOR Local Projects and Program Management Divisions review the draft LRTP to determine it has met the requirements of fiscal constraint (23 CFR 450.322) and is consistent with NDOR policies

Fiscal Constraint of MPO Long Range Transportation Plans

Each LRTP contains a fiscally constrained component that includes only metropolitan planning area strategies or projects that have a reasonable expectation of funding based on NDOR resource allocation. In addition to the fiscally constrained component, other needed projects can be listed in the LRTP as unfunded (“illustrative”).

The MPO works with MPO & Long Range Planning Unit to:

- Provide financial information, showing fiscal constraint by funding category
- Provide data (e.g. safety, traffic, and bridge data and maps) necessary to select and accurately depict projects
- Provide dates, locations and announcement of public involvement activities to ensure the public involvement process is followed.
- Provide drafts of the LRTP.

MPOs must demonstrate fiscal constraint by funding category in the fiscally constrained LRTPs. The NDOR MPO & Long Range Planning Unit reviews the LRTP's listing of projects and resource allocation for project expenditures (by funding category) with the NDOR Local Projects and Program Management Divisions. The NDOR MPO & Long Range Planning unit consolidates the comments from the NDOR Local Projects Section and Program Management division and forwards them to the MPOs.

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

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

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

Circumstances may occur between regularly scheduled updates of the LRTPs that require an addition, deletion, or other change to the LRTP. Amendments to LRTP will follow the same process as the adopted LRTP above. For all LRTP amendments, the MPO's shall use the same thresholds contained in this document. (i.e. project cost change of 20 % or \$2 million, whichever is greater). Amendment procedures must be documented in the LRTP, TIP and Public Participation Plan.

Statewide Transportation Plan

NDOR develops a multi-modal Statewide Transportation Plan with a minimum 20-year planning horizon every five to seven years and coordinates the plan update schedule with the MPO. The Statewide Transportation Plan integrates the MPO LRTPs and includes NDOR existing system conditions, policies, resource allocation, needs and long range goals, objectives, strategies and performance measures.

Vision 2032, adopted in 2012, is available at:

<http://www.dor.state.ne.us/lrtp/vision2032/index.htm>.

Section Four: Metropolitan Planning Organization General Information

Metropolitan Area Planning Agency

2222 Cuming Street
Omaha, NE 68102
Phone: (402) 444 - 6866
Fax: (402) 342 - 0949
mapa@mapacog.org
<http://www.mapacog.org/>

NDOR District: 2

MPO Area: Urbanized areas of Douglas and Sarpy Counties in Nebraska, a small section of Cass County, and Pottawattamie County in Iowa

TMA: Yes

Key Staff

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

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

Board and Committee Meetings

Board of Directors
Last Thursday of each month at 1:30pm

Transportation Technical Advisory Committee
Monthly on the third Friday of the month starting in January of the calendar year at 10:00 a.m.

Lincoln MPO

Michael Brienzo - Transportation Planner, Lincoln/Lancaster County Planning Dept.
555 South 10th St/Suite 213
Lincoln, NE 68508
Phone: (402) 441-6369
Fax: (402) 441-6377
mbrienzo@lincoln.ne.gov
<http://www.lincoln.ne.gov/city/plan/mpo/>

NDOR District: 1

MPO Area: Lancaster County

TMA: Yes

Key Staff

Mike Brienzo, Transportation Planner
(402) 441-6369
mbrienzo@lincoln.ne.gov

Board and Committee Meetings

Officials Committee
Meets Quarterly, see MPO website for scheduled meetings

Transportation Technical Advisory Committee
Bi-monthly see MPO website for scheduled meetings

Grand Island Metropolitan Planning Agency

100 East First Street
Grand Island, NE 68801
Phone: (308) 389-0262
Fax: (308) (385)-5488
Johna@grand-island.com
<http://www.grand-island.com>

NDOR District: 4

MPO Area: Hall County urbanized area plus 20 year growth, small section of Merrick County

TMA: No

Key Staff

John T. Adams, MPO Program Manager
(308) 389-0262
Johna@grand-island.com

Board and Committee Meetings

Policy Board
Fourth Tuesday of every odd month

Transportation Technical Advisory Committee
Meets on the second Monday of every even month at 10:00 AM

Siouxland Interstate Metropolitan Planning Council

1122 Pierce Street
Sioux City IA 51105
Phone: (712) 279-6286
Fax: (712) 279-6920
simpco@simpco.org
<http://www.simpco.org/simpco/contact.html>
NDOR District: 3

MPO Area: Plymouth and Woodbury County in Iowa, Union County in South Dakota, and Dakota County in Nebraska
TMA: No

Key Staff

Dwight Lang, Executive Director
(712) 279-6286
Dwight@simpco.org

Michelle Bostinelos – Deputy Director/Transportation Planning Director

(712) 279-6286 ext. 220
MBostinelos@simpco.org

Board and Committee Meetings

Policy Board
Bi-monthly on the First Thursday of each month at 1:30pm

Transportation Technical Committee
Bi-monthly on the first Wednesday of the month starting in January of the calendar year at 1:30pm

NDOR, FHWA and FTA Contacts

Organization Unit	Name	Title	Phone	E-Mail
NDOR Planning and Project Development	Mike Owen	Division Head Planning and Project Development	402-479-4795	Mike.Owen@nebraska.gov
	Jim Wilkinson	Planning and Location Studies Engineer	402-479-4417	Jim.Wilkinson@Nebraska.gov
	Brad Zumwalt	Highway Planning Manager (MPO Liaison)	402-479-4623	Brad.Zumwalt@nebraska.gov
	Kaine McClelland	Transportation Planner	402-479-3937	Kaine.Mcclelland@nebraska.gov
NDOR Local Projects Section	Mick Syslo	Division Head Materials and Research	402-479-4750	Mick.Syslo@nebraska.gov
	Larry Legg	Local Projects Engineer	402-479-3943	Larry.Legg@nebraska.gov
	Michael Kleffner	Traffic Enhancement Engineer	402-479-4881	Michael.Kleffner@nebraska.gov
NDOR Program Management Division	Amy Starr	Division Head Program Management	402-479-4708	Amy.Starr@nebraska.gov
	Kendall Tonjes	Highway Project Funds Manager	402-479-4386	Kendall.Tonjes@nebraska.gov
NDOR Region 1	Thomas Goodbarn	District Engineer	402-471-0850	Thomas.Goodbarn@nebraska.gov
NDOR Region 2	Tim Weander	District Engineer	402-595-2534	Tim.Weander@nebraska.gov
NDOR Region 3	Kevin Domogalla	District Engineer	402-370-3470	Kevin.Domogalla@nebraska.gov
NDOR Region 4	Wes Wahlgren	District Engineer	308-385-6269	Wes.Wahlgren@nebraska.gov
Federal Highway Administration (FHWA)	Joseph Werning	FHWA Division Administrator	402-742-8461	Joseph.Werning@dot.gov
	Justin Luther	Transportation Planner and Realty Officer	402-742-8464	Justin.Luther@dot.gov
Federal Transit Administration (FTA)	Mokhtee Ahmad	FTA Regional Administrator	816-329-3920	mokhtee.ahmad@fta.dot.gov
	Mark Bechtel	Team Leader – Planning and Program Development	816-329-3937	Mark.Bechtels@dot.gov

Terms and Definitions

Congestion Mitigation and Air Quality Improvement Program (CMAQ)

The CMAQ program funds transportation projects and programs in air quality non-attainment and maintenance areas that reduce traffic congestion and transportation related emissions (ozone, carbon monoxide, particulate matter).

Metropolitan Planning Organization (MPO)

An MPO is a forum for cooperative transportation decision-making for metropolitan planning areas. To be designated an MPO; an urban area must have a population of at least 50,000 as defined by the US Census Bureau.

Long Range Transportation Plan (LRTP)

MPOs are required to update the 20-year long-range plan every four years per Federal regulation. Based on state and local agreement, Federal rules require the updating of all long range plans every four years to maintain a consistent statewide planning cycle among the MPOs.

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

MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141), was signed into law by President Obama on July 6, 2012. Funding surface transportation programs at over \$105 billion for fiscal years (FY) 2013 and 2014, MAP-21 is the first long-term highway authorization enacted since 2005.

MAP-21 is a milestone for the U.S. economy and the Nation's surface transportation program. By transforming the policy and programmatic framework for investments to guide the system's growth and development, MAP-21 creates a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies established in 1991.

Statewide Transportation Improvement Program (STIP)

The STIP is a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPS, and required for projects to be eligible for funding under title 23 U.S.C and title 49 U.S.C. Chapter 53.

Surface Transportation Program- Metropolitan Funds (STP-M)

STP-Metro funds are flexible and can be used for either projects or planning. NDOR matching requirements are 80% Federal and 20% local.

Transportation Management Area (TMA)

An urbanized area with a population over 200,000 (as determined by the latest decennial census) or other area when TMA designation is requested by the Governor and the MPO (or affected local officials), and officially designated by the Administrators of the FHWA and FTA. The TMA designation applies to the entire metropolitan planning area(s).

Transportation Improvement Program (TIP)

A TIP is a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C and title 49 U.S.C. Chapter 53.

Unified Planning Work Program (UPWP)

UPWP means a Scope of Services identifying the planning priorities and activities to be carried out within a metropolitan planning area. At a minimum, a UPWP includes a description of planning work and resulting products, who will perform the work, time frames for completing the work, the cost of the work, and the source(s) of funds.