

# **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.

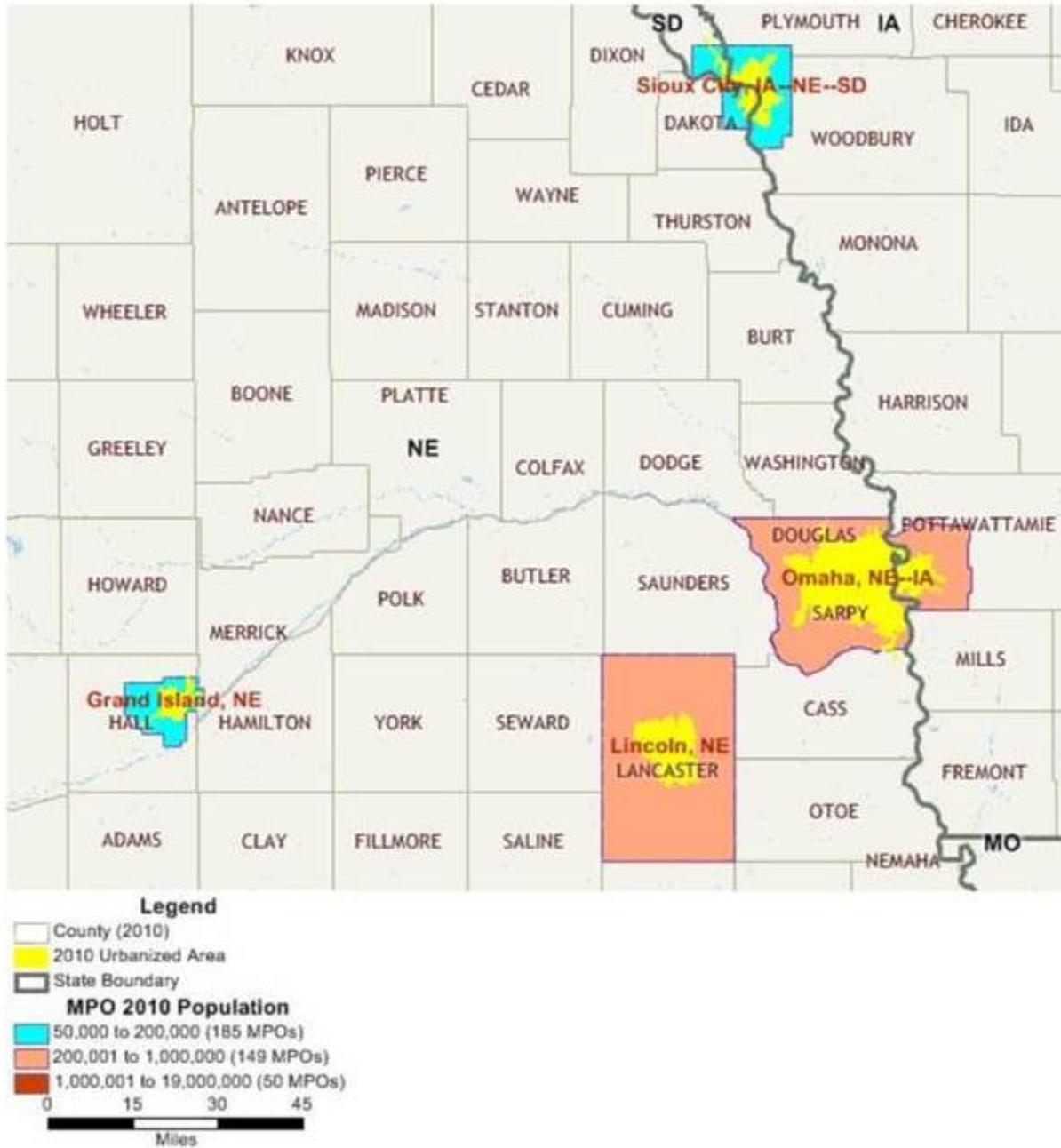
Also included is a list of commonly used terms and definitions, contact information, and summary information on each MPO.

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](mailto: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<br>Notified of PL<br>Funds<br>Estimate | 2nd Quarter<br>Billing Due | UPWP and<br>Scope of<br>Work<br>Development | 3rd Quarter<br>Billing Due | UPWP<br>Adoption,<br>FHWA<br>Review,<br>Agreement<br>Development | FHWA<br>Approval,<br>UPWP Work<br>Begins | Previous<br>Year's<br>Billings, and<br>4th Quarter<br>Billing Due | 1st Quarter<br>Billing Due | NDOR<br>Controller<br>Closes<br>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 30<sup>th</sup>. 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](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 29<sup>th</sup> 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](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](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  |
| <b>June 15</b>          | <b>Last date that NDOR will accept MPO TIP's for review and inclusion in the upcoming STIP</b> |
| 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](http://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**

| <b>Amendment</b>  | <b>Modification</b>  |
|---|--|
| 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](mailto: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

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#### Key Staff

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

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

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#### 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.

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### 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](mailto:mbrienzo@lincoln.ne.gov)  
<http://www.lincoln.ne.gov/city/plan/mpo/>

**NDOR District:** 1

**MPO Area:** Lancaster County

**TMA:** Yes

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**Key Staff**

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

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**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

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## 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](mailto: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

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**Key Staff**

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

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**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

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## Siouxland Interstate Metropolitan Planning Council

1122 Pierce Street  
Sioux City IA 51105  
Phone: (712) 279-6286  
Fax: (712) 279-6920  
[simpco@simpco.org](mailto: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

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**Key Staff**

Dwight Lang, Executive Director  
(712) 279-6286  
[Dwight@simpco.org](mailto:Dwight@simpco.org)

Michelle Bostinelos – Deputy Director/Transportation Planning Director

(712) 279-6286 ext. 220  
[MBostinelos@simpco.org](mailto:MBostinelos@simpco.org)

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**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

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## NDOR, FHWA and FTA Contacts

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

## 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 21<sup>st</sup> 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.

## AGREEMENT

### Nebraska's Planning Funds Distribution Formula to the MPOs

This Agreement made and entered into by and between the Federal Highway Administration, Nebraska Division, hereinafter referred to as "FHWA" and the State of Nebraska, Department of Roads, hereinafter referred to as the "State".

The following Planning (PL) Funds Distribution formula, used to distribute federal PL funds to the Nebraska's Metropolitan Planning Organizations (MPOs), was initially communicated at the MPO/State/FHWA Coordination meeting held on December 4, 2012 and revised to reflect feedback from the MPOs on December 21<sup>st</sup> and 24<sup>th</sup>.

In consideration of these facts, the parties hereto agree as follows:

This formula subtracts \$160,000 from the total amount of new PL funds (\$40,000 going to each of the four MPOs). The balance amount is distributed based on the current Census Urbanized Area Population of each MPO.

The current Urbanized Area populations in Nebraska based on the 2010 Census are:

MAPA= 656,462; Lincoln= 258,719; SIMPCO = 16,576; and Grand Island=50,440.

The percentage split calculates to:

MAPA (66.84%); Lincoln (26.34%); SIMPCO (1.69%); and Grand Island (5.14%).

For example, if \$1,000,000 is used as the total amount of new PL dollars,

MAPA's MPO would receive:

$$[(\$1,000,000 - 160,000) \times .6684] + \$40,000 = \$601,422$$

Lincoln's MPO would receive:

$$[(\$1,000,000 - 160,000) \times .2634] + \$40,000 = \$261,264$$

SIMPCO's MPO would receive:

$$[(\$1,000,000 - 160,000) \times .0169] + \$40,000 = \$ 54,179$$

Grand Island's MPO would receive:

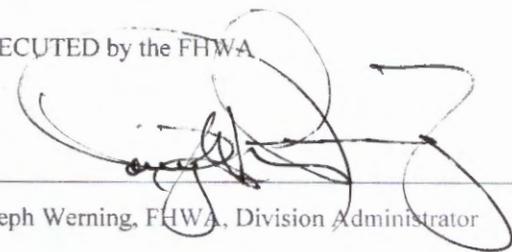
$$[(\$1,000,000 - 160,000) \times .0514] + \$40,000 = \$ 83,134$$

EXECUTED by the State

  
Randall D. Peters, P.E. NDOR, Director-State Engineer

Date: 2/8/13

EXECUTED by the FHWA

  
Joseph Werning, FHWA, Division Administrator

Date: 2/20/13



**Dave Heineman**  
Governor

**STATE OF NEBRASKA**

**DEPARTMENT OF ROADS**

*Randall D. Peters, P.E., Director – State Engineer*

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759

Phone (402) 471-4567 • FAX (402) 479-4325 • [www.transportation.nebraska.gov](http://www.transportation.nebraska.gov)

***Appendix B1: Sample UPWP Amendment Concurrence Letter***

August 31, 2011

Mr. Justin Luther  
Planning/ROW Specialist  
Federal Building, Room 220  
100 Centennial Mall North  
Lincoln, NE 68508

RE: State Concurrence of amendment to MAPA MPO FY 2013 Work Program

Dear Mr. Luther:

MAPA MPO is adding a task to their Long-Range Planning (420 #3) section of their FY 2013 Work Program. They intend to update their travel demand model as part of the Omaha Transportation Master Plan efforts. The text and budget for this line item has been moved to FY 2013 through an amendment to the FY 2013 work program.

The Nebraska Department of Roads (NDOR) has reviewed the amendment to the MAPA MPO FY 2013 Work Program. NDOR is requesting FHWA and FTA to review and approve this amendment to MAPA's UPWP. Please feel free to contact me with any questions on the amendment.

Sincerely,

Brad Zumwalt  
Highway Planning Manager

cc: M. Bechtel, FTA Community Planner  
M. Owen, Planning and Project Development  
A. Swanson, Planning and Project Development  
G. Youell, MAPA



**Dave Heineman**  
Governor

**STATE OF NEBRASKA**

**DEPARTMENT OF ROADS**

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***Appendix B2: Sample UPWP Concurrence Letter***

August 31, 2011

Mr. Justin Luther  
Planning/ROW Specialist  
Federal Building, Room 220  
100 Centennial Mall North  
Lincoln, NE 68508

Dear Mr. Luther:

SUBJECT: MAPA MPO FY-2014 Work Program

Nebraska Department of Roads (NDOR) has reviewed the MAPA Final UPWP covering work to be completed in FY-2014 (July 1, 2013 thru June 30, 2014). The total dollar amount in the NDOR portion of MAPA's PL Funding Summary agrees with the amount in our Final TMA/State PL Agreement to be mailed to MAPA later this month for their signature. NDOR is asking FHWA and FTA to review and approve MAPA's UPWP for FY-2014.

Sincerely,

Brad Zumwalt  
Highway Planning Manager

cc: M. Bechtel, FTA Community Planner  
M. Owen, Planning and Project Development  
A. Swanson, Planning and Project Development  
G. Youell, MAPA

RESOLUTION  
2013-02

SIGNING OF THE MEMORANDUM OF AGREEMENT  
GRAND ISLAND AREA METROPOLITAN PLANNING ORGANIZATION

**Whereas:** The Grand Island Area Metropolitan Planning Organization (GIAMPO) intends to work with the Nebraska Department of Roads (NDOR) to fund and coordinate transportation projects; and

**Whereas:** The GIAMPO understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of Federal aid projects; and

**Whereas:** The purpose of the Memorandum of Agreement is to define the specific roles and responsibilities of the GIAMPO and the NDOR for metropolitan transportation planning and programming, to implement statutes and regulations, and to ensure that a cooperative transportation planning and programming process is established between the GIAMPO and the NDOR in the metropolitan planning area.

**Be It Resolved:** by the Policy Board of the GIAMPO that:

Jay Vavricek, Chairperson of the Board and Grand Island Mayor, is hereby authorized to sign the attached Memorandum of Agreement between the GIAMPO and the NDOR.

Adopted this 17<sup>th</sup> day of September, 2013 at Grand Island, Nebraska.

The Policy Board of the Grand Island Area Metropolitan Planning Organization:

**Mayor:**

Jay Vavricek

**Council Members:**

Vaughn Minton, Scott Dugan, Julie Hehnke, Bob Niemann

**County Board Members:**

Bob McFarland, Dan Purdy

**Planning Commission Chair:**

Pat O'Neill

**Nebraska Department of Roads Director:**

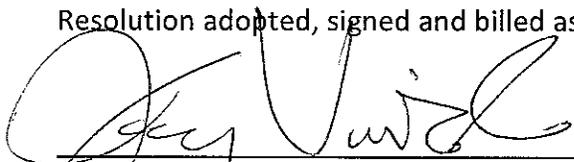
Randy Peters

Scott Dugan moved the adoption of said resolution.

Pat O'Neill seconded the motion.

Roll Call: 7-Yes; 0-No; 0-Abstained; 2-Absent

Resolution adopted, signed and billed as adopted.



Mayor Jay Vavricek  
GIAMPO Policy Board Chairperson

Attest:



John Collins, PE  
GIAMPO Director / Secretary

MEMORANDUM OF AGREEMENT FOR  
TRANSPORTATION PLANNING AND PROGRAMMING  
BY AND BETWEEN THE  
GRAND ISLAND AREA METROPOLITAN PLANNING ORGANIZATION  
AND  
THE NEBRASKA DEPARTMENT OF ROADS

This Memorandum of Agreement (MOA), made this 1st day of October, 2013,  
by and between the Grand Island Area Metropolitan Planning Organization (MPO) and the  
Nebraska Department of Roads (NDOR).

WITNESS THAT

WHEREAS, pursuant to various statutes, the Federal Highway Administration (FHWA)  
and the Federal Transit Administration (FTA) have established regulations which call for each  
metropolitan area to have a continuing, cooperative, and comprehensive transportation  
planning process that considers all transportation modes and supports metropolitan  
community development as a requirement for obtaining federal transportation funds; and

WHEREAS, federal statutes and regulation require each state to have a statewide  
transportation planning process that is fully coordinated with the metropolitan transportation  
planning process; and

WHEREAS, federal regulations establish a coordinated statewide and MPO  
transportation planning process that includes the development of a transportation plan  
addressing no less than a twenty-year planning horizon as of the effective date of the  
transportation plan for the metropolitan planning organization; and

WHEREAS, the MPO is responsible for the long range transportation plan within its  
Metropolitan Planning Area (MPA) ; and

WHEREAS, the purpose of this MOA is to define the specific roles and responsibilities of  
the MPO and the NDOR for metropolitan transportation planning and programming, to  
implement these statutes and regulations, and to ensure that a cooperative transportation  
planning and programming process is established between the MPO and the NDOR in the  
metropolitan planning area; and

WHEREAS, the MPO was created in 2013 by the action of the Governor of the State of  
Nebraska and by a City Of Grand Island resolution and by a Memorandum of Understanding

between the City of Grand Island and the State of Nebraska, Department of Roads (2013), that empowered the MPO to make and adopt a Regional Plan for the physical development of the territory within its geographic area, including transportation and land use plans, and nothing contained in this MOA shall be construed to abrogate or delete the exercise of statutory powers and duties of local boards or commissions and limit their ability under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the NDOR is responsible for formulating the general policy and planning the statewide transportation system including the management, construction and maintenance of public highways in Nebraska, for adopting a statewide transportation plan, Statewide Transportation Improvement Program and annual budgets for the construction, maintenance and operation of the state highway system, and nothing contained in this MOA shall be construed to abrogate or delete the exercise of the statutory powers and duties of the NDOR as the appropriate state agency under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the Nebraska state statutes have authorized the NDOR to implement policy and direction and enter into all contracts and agreements with other units of government to take such other actions as may be necessary to comply with federal laws and regulations; and

WHEREAS, Grand Island Area MPO is the designated Metropolitan Planning Organization (MPO) pursuant to 23 USC 134 and 49 USC 5303 et seq. and continues to carry out its responsibilities in accordance with 23 CFR 450, and

WHEREAS, the pertinent federal regulations require that there be an agreement between the MPO and the NDOR that specifies the responsibilities for cooperatively carrying out transportation planning and programming; and

WHEREAS, it is the desire and intent of the parties to fulfill the pertinent federal requirements for the MPO pursuant to this MOA, while recognizing, and preserving the policies and statutory responsibilities of the NDOR under its enabling legislation; and

WHEREAS, federal regulations require that the metropolitan transportation planning and programming process considers all modes of transportation and provides for consideration of projects, strategies and services consistent with metropolitan and local goals that will:

1. Support the economic vitality of the metropolitan area; especially by enabling global competitiveness, productivity, and efficiency;
2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase accessibility and mobility of people and freight;
5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. Promote efficient system management and operation; and
8. Emphasize the preservation of the existing transportation system ; and

WHEREAS, successful implementation of the MPO's comprehensive plans and programs requires the continuing cooperative effort of local, regional, and state governments.

NOW, THEREFORE, BE IT RESOLVED THAT the parties hereto do mutually agree as follows:

A. PARTIES

The MPO and the NDOR hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning and programming process in accordance with applicable federal and state law and regulations. Further, the parties agree to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process, including providing for public involvement in regional and state transportation planning.

B. APPLICABILITY

This MOA applies to the continuing, cooperative and comprehensive metropolitan transportation planning and programming process required for the MPO by 23 U.S.C. Section

134, and 4 U.S.C. 5303, et seq. and as implemented by the applicable regulations in order for the region to qualify for federal transportation funds and meet regional transportation planning requirements.

#### C. PURPOSE

This MOA is established to define the specific roles and responsibilities of the MPO and the NDOR for metropolitan transportation planning and programming within the Metropolitan Planning Area (MPA) boundaries of the MPO.

The MPO and the NDOR hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning and programming process in accordance with applicable federal and state law and regulations.

The parties agree that metropolitan transportation planning and programming processes leading to the development and adoption of long range transportation plans (LRTP) and transportation improvement programs (TIP) may change in order to respond to changes in the law, restructuring within their respective organizations, or to reflect prior experience and local process.

#### D. PARTICIPANT RESPONSIBILITIES

The MPO, in cooperation with the NDOR and the operators of publicly owned transit services, is responsible for operation and maintenance of the metropolitan transportation planning and programming process within the MPA boundaries of the MPO. This responsibility includes preparing and adopting, in a manner consistent with the MOA, all required transportation plans, transportation improvement programs and documents of the metropolitan transportation planning and programming process.

The parties to this MOA agree to actively participate in the metropolitan transportation planning and programming process, to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process and to fulfill commitments established pursuant to this MOA. While it is recognized that the parties are ultimately bound by the actions of their respective agencies, they commit to present within their organizations the recommendations resulting from the metropolitan transportation planning and programming process.

#### E. PARTICIPATION IN THE PLANNING PROCESS

The MPO has a technical advisory committee to address transportation and transportation-related issues. The NDOR will maintain membership on, and will cooperatively participate in, this committee. Any changes to the status of the NDOR role in the MPO technical advisory committees will be made in consultation with the MPO. Cooperation, or cooperative participation, means that the NDOR will actively participate on the MPO's technical advisory committee; will provide adequate opportunity for the other to review and comment on draft transportation plans, transportation improvement programs and related documents; and will provide constructive comments in a timely manner so they may be evaluated and acted upon.

To facilitate coordination in carrying out the metropolitan transportation planning and programming process, MPO and NDOR will cooperatively develop mechanisms and procedures to carry out the tasks needed to develop the metropolitan transportation planning and programming products required of the MPO. The MPO and NDOR will meet at least annually to discuss the metropolitan transportation planning and programming process carried out in the MPO transportation planning region, and will address:

1. The events of the past year, including any successes or failures between the participants in carrying out a continuing, cooperative, and comprehensive transportation planning and programming process and the terms of this MOA;
2. Issues relating to the coming year's planning program; and
3. Other relevant matters.

The parties hereby agree to conduct the metropolitan transportation planning process in an open manner such that members of the public, local entities, other transportation providers, and other interested parties can fully participate. The parties agree to take appropriate actions to ensure public participation through means identified in the MPO's public involvement procedures.

#### F. ORGANIZATION OF PLANNING PROCESS

1. The MPO Policy Board and Technical Advisory Committee Structure
  - a. Policy Board

The Policy Board of the MPO, as prescribed in its Bylaws, is the policy body for the MPO transportation planning region. The Policy Board maintains a staff to support its activities. The Policy Board may, from time to time, by appropriate resolution, appoint such committees, task forces, study groups, working groups, or other ad hoc or formal groups as it deems expedient to provide advice, recommendations, or technical expertise to further the principles and purposes of the MPO in its role as the Metropolitan Planning Organization and Transportation Management Agency. The MPO retains at its discretion all rights to define, limit, or terminate the activities of such groups without necessitating a change to this MOA. The NDOR has one (1) vote on the Policy Board.

The MPO's By-Laws define the purpose, composition, and operating characteristics of the Policy Board and its advisory committees. The following advisory committees and staff structure currently provide advice and recommendations to the MPO Policy Board regarding Metropolitan Planning Organization and Transportation Management Agency matters and responsibilities.

b. Technical Advisory Committee

The purpose of the MPO Transportation Technical Advisory Committee (TTAC) is to provide technical advice and to recommend appropriate courses of action to the MPO Policy Board and the MPO staff on current and emerging transportation issues, goals, plans, and programs affecting the MPO. The advice and recommendations address at least the:

- i. Unified Planning Work Program;
- ii. Transportation Improvement Program;
- iii. Long-Range Transportation Plan;
- iv. Policies and programs as may be directed by the MPO.

The NDOR has two (2) votes on the TAC.

G. GENERAL RESPONSIBILITIES

The parties recognize that the NDOR has a continuing duty of planning transportation systems of statewide significance, identifying potential transportation issues and concerns of statewide interest, and reconciling conflicts between Long Range Transportation Plans and transportation improvement programs. In carrying out its duties, the NDOR will partner with the MPO on activities within the MPA of the MPO.

The parties recognize that the MPO is the agency responsible for comprehensive metropolitan transportation planning and programming for the MPO pursuant to federal law. In carrying out its duties and responsibilities within its MPA, the MPO will cooperatively participate in activities with the NDOR.

The MPO and the NDOR will, as appropriate, coordinate public involvement for regional and statewide transportation plans and transportation improvement programs.

The MPO and the NDOR each will, in a timely manner, inform and seek comment from the other party on proposed new or revised policies, goals and strategies within their purview. Each party will also inform the other of new or revised federal policies, regulations, planning factors listed in 23 CFR 450.206, and other guidance that may affect statewide and/or metropolitan transportation planning and programming.

The NDOR will coordinate its project prioritization and programming process with the MPO's long range transportation plan and transportation improvement program development processes to ensure that the state highway system projects the NDOR recommends or selects for implementation in the MPO area are consistent with MPO priorities.

#### H. UNIFIED PLANNING WORK PROGRAM (UPWP)

The primary purpose of the UPWP is to provide guidance in the management of work by the staff of the MPO and serve as the basis for the MPO one year transportation planning program. The MPO's UPWP is developed in cooperation with local entities, NDOR, and FHWA/FTA. Annually the NDOR will prepare an agreement with the MPO, defining terms and conditions for the use of federal planning funds, along with the latest estimate of planning funds available, which is based on funding levels provided by FHWA and FTA. Upon approval, the UPWP for the MPO is submitted to

the NDOR for review and to the FHWA/FTA for approval. Upon NDOR and FHWA/FTA approval of the MPO's UPWP, the planning monies are available for the MPO's use for the various planning activities enumerated in the UPWP. Amendments to the UPWP will be subject to review and approval by the funding agencies. As a basis for review of UPWP amendment requests, each party will submit reasons for changes, scope of work revisions, and funding information. The MPO will require the same information from sub-grantees, if any.

The NDOR will review and comment upon draft UPWP's and UPWP amendments to determine eligibility of proposed expenditures. THE NDOR will also review and comment upon UPWP progress, UPWP funding, status of expenditures, and reports as appropriate. The MPO shall submit invoices on a quarterly basis at a minimum. However, payments will not be made more often than once each thirty days. The State upon receipt of the proper invoices will make every reasonable effort to provide payment to the MPO within thirty calendar days.

I. CERTIFICATION OF THE PLANNING PROCESS

Federal regulations require the MPO and the NDOR to certify that the metropolitan and statewide transportation planning process conforms with all applicable requirements of federal laws. The MPO and the NDOR will annually certify to the FHWA and the FTA that the metropolitan transportation planning and programming process is addressing the major issues facing the MPO, and is being conducted in accordance with all applicable requirements.

J. LONG RANGE TRANSPORTATION PLAN(S)

The MPO will review, update, and approve the Long Range Transportation Plan (LRTP) at least every five (5) years or as required by 23 CFR 450.322c. The MPO will develop the LRTP in consultation with federal and state officials responsible for planning affected by transportation. The MPO will develop the revenue projections for the LRTP in cooperation with the NDOR consistent with resource allocation for federal and state transportation funds. MPO and NDOR staff participates in the development of a recommendation of resource allocation. Such recommendation is considered for

adoption by the NDOR for federal and state transportation funds. For the purpose of developing the long range transportation plan, the MPO, the NDOR and the operators of publicly owned transit services shall cooperatively develop estimates of funds that will be available to support Long Range Transportation Plan(s) implementation.

The NDOR will participate in the development of the LRTP and will provide initial long-range estimates of available federal and state transportation funds for all funding categories. The MPO will use these initial long-range funding estimates during the cooperative development of the final LRTP funding levels. The NDOR will review and provide written comments, addressing fiscal constraint on the draft LRTP in time for the comments to be evaluated and acted upon prior to the draft LRTPs being released to the public for comment.

The MPO and NDOR shall cooperatively develop all federal and state funded transportation projects on the state highway system in the MPO transportation management area for inclusion in the MPO's long range transportation plan. The maintenance and operations program will be addressed in the LRTP at the system level. Inclusion of the maintenance and operation program in the LRTP will be considered a planning estimate, reasonably expected to be available, but not a guarantee or specific commitment of maintenance dollars to be spent in the MPO.

The MPO will develop the process and timeline for project prioritization and selection for each LRTP. The NDOR will participate in the development, review and approval of the project prioritization and selection process. The MPO will approve projects to be included in its LRTP.

When amending a LRTP, the MPO will ensure fiscal constraint is maintained. The NDOR will review and comment on LRTP amendments for fiscal constraint and transportation issues.

The parties will report events that may significantly impact long range transportation plans as soon as they become known. These events or conditions include problems, delays, or adverse conditions that will materially affect the revenue, schedule or scope

of a project. This disclosure will be accompanied by a statement of the action contemplated to resolve the situation.

#### K. TRANSPORTATION IMPROVEMENT PROGRAMS

For the purpose of developing the Transportation Improvement Programs (TIP), the MPO, the NDOR and operators of publicly owned transit services will cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

The MPO will develop and approve its TIP as appropriate in coordination with the Statewide Transportation Improvement Program (STIP) and LRTP. The MPO will ensure its TIP is fiscally constrained and that projects in it are consistent with the LRTP. The MPO will develop the TIP financial plan in cooperation with the NDOR consistent with the approved resource allocation for processing federal aid projects.

The MPO, in cooperation with the NDOR and the operators of publicly owned transit services, shall establish the TIP development schedule. The NDOR will participate in the development of the TIP and will provide initial estimates of available federal and state transportation funds for all funding categories. The MPO will use these initial funding estimates during the cooperative development of the final TIP funding levels. The NDOR will review and provide comments, addressing fiscal constraints on the draft TIP in time for the comments to be evaluated and acted upon prior to the draft TIP being released to the public for comment. After the TIP is approved by the MPO and the Governor, the NDOR will amend the TIP into the STIP without modification. The NDOR will submit its amended STIP to the FHWA and the FTA for approval and provide copies to the MPO.

The MPO and NDOR shall cooperatively develop all federal and state funded transportation projects on the state highway system in the MPO transportation management area for inclusion in MPO's TIP. The maintenance and operations program will be addressed in the TIP at a system level. The maintenance and operations program will be considered a planning estimate, reasonably expected to be available,

but not a guarantee or specific commitment of maintenance dollars to be spent in the MPO.

The MPO will develop the process and timeline for project prioritization and selection for each TIP. The NDOR will participate in the development, review and approval of the project prioritization and selection process.

When amending a TIP, the MPO will ensure that consistency with the current long range transportation plan and fiscal constraint are maintained. The NDOR will review and comment on draft TIP amendments for consistency with the STIP and fiscal constraint.

The parties will report events that might have significant impact on the TIP as soon as they become known. These events or conditions include problems, delays, or adverse conditions that will materially affect the revenue, schedule or scope of a project. This disclosure will be accompanied by a statement of the action contemplated to resolve the situation.

The NDOR, in cooperation with the MPO, will ensure all contract scopes for all projects using federal funds carried out within the MPA boundaries of the MPO are consistent with the MPO's TIP. The NDOR will provide budget reports on all open projects using federal funds carried out within the MPA boundaries of the MPO upon request.

#### L. ANNUAL LISTING OF OBLIGATED PROJECTS

In cooperation with NDOR and operators of publicly operated transit services, the MPO will develop an annual listing of obligated highway and transit projects requiring federal dollars from the preceding program year. The listing shall be consistent with information contained in the TIP.

#### M. CORRIDOR OR OTHER MAJOR STUDIES

The MPO may be the lead agency to conduct regional, multi-jurisdictional corridor or feasibility studies for roadways on the state highway system on behalf of the NDOR after discussion with and agreement by the NDOR.

The MPO is responsible for maintaining and updating the regional transportation model for the arterial roadways within the MPO urbanized area. The NDOR will provide existing traffic count information in the form of annual average daily traffic (AADT) volume for all state highways within the MPO urbanized area. This information shall be converted to average daily traffic (ADT) and used by the MPO for model calibration and by NDOR as data input for the bi-annually prepared traffic flow map. The regional transportation model shall be updated to include new census information that is developed and published every ten years by the Census Bureau. NDOR shall review the MPO's model as it is being developed or updated to ensure model performance and consistency is achieved. The MPO and NDOR shall work cooperatively in the development and application of the regional transportation model.

The MPO and NDOR will share in the traffic counting responsibilities for roadways within the MPO urbanized area. Generally, the MPO will perform traffic counts for roadways off of the state highway system, and NDOR will perform traffic counts for all roadways on the state highway system, including the interstate system. The MPO and NDOR agree that traffic counting services may be requested for roadways on the other entity's system. This service may be requested due to an entity's current staffing and workload conditions or in cases where deadlines require this level of cooperation.

As appropriate, the MPO will participate in other NDOR transportation planning efforts within the MPO region. Additional transportation planning processes include but are not limited to:

- NDOR 's Public Hearing and Project Approval Process
- NDOR's Corridor Study Process
- Updates/revisions to the State Highway Access Control Policy process;  
and
- Project environmental reviews (Environmental Assessments,  
Environmental Impact Statements, Categorical Exclusions, etc)

#### N. DISPUTE RESOLUTION

The MPO and the NDOR staff will make every attempt to resolve differences at the appropriate staff level and in a timely manner. Differences not resolved at the staff level will be addressed by the MPO executive director and the NDOR Director-State Engineer. Policy issues not settled at the executive director and NDOR Director-State Engineer level will be taken to the FHWA/FTA level for resolution.

O. AMENDMENT OR TERMINATION OF AGREEMENT

This MOA will be reviewed at least every four years. It may be amended, whenever deemed appropriate, by written agreement of both parties.

Either party to this MOA may terminate it by a 60-day written notice to the other party. If this occurs, the parties agree to consult further to determine whether the issues can be resolved and the agreement re-implemented in an amended form.

The undersigned parties hereby agree to the roles and responsibilities described above.

NEBRASKA DEPARTMENT OF ROADS

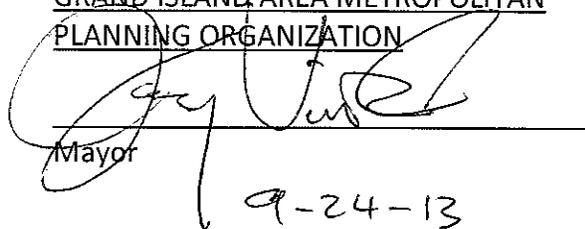


Director – State Engineer

10-1-13

Date

GRAND ISLAND AREA METROPOLITAN  
PLANNING ORGANIZATION

  
Mayor

9-24-13

Date

MEMORANDUM OF AGREEMENT FOR  
TRANSPORTATION PLANNING AND PROGRAMMING  
BY AND BETWEEN THE  
CITY OF LINCOLN METROPOLITAN PLANNING ORGANIZATION  
AND  
THE NEBRASKA DEPARTMENT OF ROADS

This Memorandum of Agreement (MOA), made this 10 day of April, 2012, 3  
by and between the Lincoln Metropolitan Planning Organization (MPO) and the Nebraska  
Department of Roads (NDOR).

WITNESS THAT

WHEREAS, pursuant to various statutes, the Federal Highway Administration (FHWA)  
and the Federal Transit Administration (FTA) have established regulations which call for each  
metropolitan area to have a continuing, cooperative, and comprehensive transportation  
planning process that considers all transportation modes and supports metropolitan  
community development as a requirement for obtaining federal transportation funds; and

WHEREAS, federal statutes and regulation require each state to have a statewide  
transportation planning process that is fully coordinated with the metropolitan transportation  
planning process; and

WHEREAS, federal regulations establish a coordinated statewide and MPO  
transportation planning process that includes the development of a transportation plan  
addressing no less than a twenty-year planning horizon as of the effective date of the  
transportation plan for the metropolitan planning organization; and

WHEREAS, the MPO is responsible for the long range transportation plan within its  
Metropolitan Planning Area (MPA) which includes the county of Lancaster, Nebraska; and

WHEREAS, the purpose of this MOA is to define the specific roles and responsibilities of  
the MPO and the NDOR for metropolitan transportation planning and programming, to  
implement these statutes and regulations, and to ensure that a cooperative transportation  
planning and programming process is established between the MPO and the NDOR in the  
metropolitan planning area; and

WHEREAS, the MPO was created in 1974 by the action of the governor of the state of  
Nebraska and by a City Of Lincoln resolution and by a Memorandum of Understanding

between the City of Lincoln, Lancaster County, Lincoln City-Lancaster County Planning Commission, and the State of Nebraska, Department of Roads (1977), that empowered the MPO to make and adopt a Regional Plan for the physical development of the territory within its geographic area, including transportation and land use plans, and nothing contained in this MOA shall be construed to abrogate or delete the exercise of statutory powers and duties of local boards or commissions and limit their ability under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the NDOR is responsible for formulating the general policy and planning the statewide transportation system including the management, construction and maintenance of public highways in Nebraska, for adopting a statewide transportation plan, Statewide Transportation Improvement Program and annual budgets for the construction, maintenance and operation of the state highway system, and nothing contained in this MOA shall be construed to abrogate or delete the exercise of the statutory powers and duties of the NDOR as the appropriate state agency under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the Nebraska state statutes have authorized the NDOR to implement policy and direction and enter into all contracts and agreements with other units of government to take such other actions as may be necessary to comply with federal laws and regulations; and

WHEREAS, Lincoln MPO is the designated Metropolitan Planning Organization (MPO) and Transportation Management Agency (TMA) pursuant to 23 USC 134 and 49 USC 5303 et seq. and continues to carry out its responsibilities in accordance with 23 CFR 450, and

WHEREAS, the pertinent federal regulations require that there be an agreement between the MPO and the NDOR that specifies the responsibilities for cooperatively carrying out transportation planning and programming; and

WHEREAS, it is the desire and intent of the parties to fulfill the pertinent federal requirements for the MPO pursuant to this MOA, while recognizing, and preserving the policies and statutory responsibilities of the NDOR under its enabling legislation; and

WHEREAS, federal regulations require that the metropolitan transportation planning and programming process considers all modes of transportation and provides for consideration of projects, strategies and services consistent with metropolitan and local goals that will:

1. Support the economic vitality of the metropolitan area; especially by enabling global competitiveness, productivity, and efficiency;
2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase accessibility and mobility of people and freight;
5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. Promote efficient system management and operation; and
8. Emphasize the preservation of the existing transportation system ; and

WHEREAS, successful implementation of the MPO's comprehensive plans and programs requires the continuing cooperative effort of local, regional, and state governments.

NOW, THEREFORE, BE IT RESOLVED THAT the parties hereto do mutually agree as follows:

A. PARTIES

The MPO and the NDOR hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning and programming process in accordance with applicable federal and state law and regulations. Further, the parties agree to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process, including providing for public involvement in regional and state transportation planning.

## B. APPLICABILITY

This MOA applies to the continuing, cooperative and comprehensive metropolitan transportation planning and programming process required for the MPO by 23 U.S.C. Section 134, and 4 U.S.C. 5303, et seq. and as implemented by the applicable regulations in order for the region to qualify for federal transportation funds and meet regional transportation planning requirements.

## C. PURPOSE

This MOA is established to define the specific roles and responsibilities of the MPO and the NDOR for metropolitan transportation planning and programming within the Metropolitan Planning Area (MPA) boundaries of the MPO.

The MPO and the NDOR hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning and programming process in accordance with applicable federal and state law and regulations.

The parties agree that metropolitan transportation planning and programming processes leading to the development and adoption of long range transportation plans (LRTP) and transportation improvement programs (TIP) may change in order to respond to changes in the law, restructuring within their respective organizations, or to reflect prior experience and local process.

## D. PARTICIPANT RESPONSIBILITIES

The MPO, in cooperation with the NDOR and the operators of publicly owned transit services, is responsible for operation and maintenance of the metropolitan transportation planning and programming process within the MPA boundaries of the MPO. This responsibility includes preparing and adopting, in a manner consistent with the MOA, all required transportation plans, transportation improvement programs and documents of the metropolitan transportation planning and programming process.

The parties to this MOA agree to actively participate in the metropolitan transportation planning and programming process, to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process and to fulfill commitments established pursuant to this MOA. While it is recognized that the parties are

ultimately bound by the actions of their respective agencies, they commit to present within their organizations the recommendations resulting from the metropolitan transportation planning and programming process.

#### E. PARTICIPATION IN THE PLANNING PROCESS

The MPO has a technical advisory committee to address transportation and transportation-related issues. The NDOR will maintain membership on, and will cooperatively participate in, this committee. Any changes to the status of the NDOR role in the MPO technical advisory committees will be made in consultation with the NDOR. Cooperation, or cooperative participation, means that the NDOR will actively participate on the MPO's technical advisory committee; will provide adequate opportunity for the other to review and comment on draft transportation plans, transportation improvement programs and related documents; and will provide constructive comments in a timely manner so they may be evaluated and acted upon.

To facilitate coordination in carrying out the metropolitan transportation planning and programming process, MPO and NDOR will cooperatively develop mechanisms and procedures to carry out the tasks needed to develop the metropolitan transportation planning and programming products required of the MPO. The MPO and NDOR will meet at least annually to discuss the metropolitan transportation planning and programming process carried out in the MPO transportation planning region, and will address:

1. The events of the past year, including any successes or failures between the participants in carrying out a continuing, cooperative, and comprehensive transportation planning and programming process and the terms of this MOA;
2. Issues relating to the coming year's planning program; and
3. Other relevant matters.

The parties hereby agree to conduct the metropolitan transportation planning process in an open manner such that members of the public, local entities, other transportation providers, and other interested parties can fully participate. The parties agree to take appropriate actions to ensure public participation through means identified in the MPO's public involvement procedures.

#### F. ORGANIZATION OF PLANNING PROCESS

## 1. The MPO Officials Committee and Technical Advisory Committee Structure

### a. Officials Committee

The Officials Committee of the MPO, as prescribed in its Bylaws, is the policy body for the MPO transportation planning region. The Officials Committee maintains a staff to support its activities. The Officials Committee may, from time to time, by appropriate resolution, appoint such committees, task forces, study groups, working groups, or other ad hoc or formal groups as it deems expedient to provide advice, recommendations, or technical expertise to further the principles and purposes of the MPO in its role as the Metropolitan Planning Organization and Transportation Management Agency. The MPO retains at its discretion all rights to define, limit, or terminate the activities of such groups without necessitating a change to this MOA. The NDOR has one (1) vote on the Officials Committee.

The MPO's Management Plan defines the purpose, composition, and operating characteristics of the Officials Committee and its advisory committees. The following advisory committees and staff structure currently provide advice and recommendations to the MPO Officials Committee regarding Metropolitan Planning Organization and Transportation Management Agency matters and responsibilities.

### b. Technical Advisory Committee

The purpose of the MPO Technical Advisory Committee (TAC) is to provide technical advice and to recommend appropriate courses of action to the MPO Officials Committee and the MPO staff on current and emerging transportation issues, goals, plans, and programs affecting the MPO. The advice and recommendations address at least the:

- i. Unified Planning Work Program;
- ii. Transportation Improvement Program;
- iii. Long-Range Transportation Plan;
- iv. Policies and programs as may be directed by the MPO.

The NDOR has two (2) votes on the TAC.

#### G. GENERAL RESPONSIBILITIES

The parties recognize that the NDOR has a continuing duty of planning transportation systems of statewide significance, identifying potential transportation issues and concerns of statewide interest, and reconciling conflicts between Long Range Transportation Plans and transportation improvement programs. In carrying out its duties, the NDOR will partner with the MPO on activities within the MPA of the MPO.

The parties recognize that the MPO is the agency responsible for comprehensive metropolitan transportation planning and programming for the MPO pursuant to federal law. In carrying out its duties and responsibilities within its MPA, the MPO will cooperatively participate in activities with the NDOR.

The MPO and the NDOR will, as appropriate, coordinate public involvement for regional and statewide transportation plans and transportation improvement programs.

The MPO and the NDOR each will, in a timely manner, inform and seek comment from the other party on proposed new or revised policies, goals and strategies within their purview. Each party will also inform the other of new or revised federal policies, regulations, planning factors listed in 23 CFR 450.206, and other guidance that may affect statewide and/or metropolitan transportation planning and programming.

The NDOR will coordinate its project prioritization and programming process with the MPO's long range transportation plan and transportation improvement program development processes to ensure that the state highway system projects the NDOR recommends or selects for implementation in the MPO area are consistent with MPO priorities.

#### H. UNIFIED PLANNING WORK PROGRAM (UPWP)

The primary purpose of the UPWP is to provide guidance in the management of work by the staff of the MPO and serve as the basis for the MPO one year transportation planning program. The MPO's UPWP is developed in cooperation with local entities, NDOR, and FHWA/FTA. Annually the NDOR will prepare an agreement with the MPO, defining terms and conditions for the use of federal planning funds, along

with the latest estimate of planning funds available, which is based on funding levels provided by FHWA and FTA. Upon approval, the UPWP for the MPO is submitted to the NDOR for review and to the FHWA/FTA for approval. Upon NDOR and FHWA/FTA approval of the MPO's UPWP, the planning monies are available for the MPO's use for the various planning activities enumerated in the UPWP. Amendments to the UPWP will be subject to review and approval by the funding agencies. As a basis for review of UPWP amendment requests, each party will submit reasons for changes, scope of work revisions, and funding information. The MPO will require the same information from sub-grantees, if any.

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J. LONG RANGE TRANSPORTATION PLAN(S)

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transportation funds. MPO and NDOR staff participates in the development of a recommendation of resource allocation. Such recommendation is considered for adoption by the NDOR for federal and state transportation funds. For the purpose of developing the long range transportation plan, the MPO, the NDOR and the operators of publicly owned transit services shall cooperatively develop estimates of funds that will be available to support Long Range Transportation Plan(s) implementation.

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The MPO will develop and approve its TIP as appropriate in coordination with the Statewide Transportation Improvement Program (STIP) and LRTP. The MPO will ensure its TIP is fiscally constrained and that projects in it are consistent with the LRTP. The MPO will develop the TIP financial plan in cooperation with the NDOR consistent with the approved resource allocation for processing federal aid projects.

The MPO, in cooperation with the NDOR and the operators of publicly owned transit services, shall establish the TIP development schedule. The NDOR will participate in the development of the TIP and will provide initial estimates of available federal and state transportation funds for all funding categories. The MPO will use these initial funding estimates during the cooperative development of the final TIP funding levels. The NDOR will review and provide comments, addressing fiscal constraints on the draft TIP in time for the comments to be evaluated and acted upon prior to the draft TIP being released to the public for comment. After the TIP is approved by the MPO and the Governor, the NDOR will amend the TIP into the STIP without modification. The NDOR will submit its amended STIP to the FHWA and the FTA for approval and provide copies to the MPO.

The MPO and NDOR shall cooperatively develop all federal and state funded transportation projects on the state highway system in the MPO transportation management area for inclusion in MPO's TIP. The maintenance and operations program will be addressed in the TIP at a system level. The maintenance and operations

program will be considered a planning estimate, reasonably expected to be available, but not a guarantee or specific commitment of maintenance dollars to be spent in the MPO.

The MPO will develop the process and timeline for project prioritization and selection for each TIP. The NDOR will participate in the development, review and approval of the project prioritization and selection process.

When amending a TIP, the MPO will ensure that consistency with the current long range transportation plan and fiscal constraint are maintained. The NDOR will review and comment on draft TIP amendments for consistency with the STIP and fiscal constraint.

The parties will report events that might have significant impact on the TIP as soon as they become known. These events or conditions include problems, delays, or adverse conditions that will materially affect the revenue, schedule or scope of a project. This disclosure will be accompanied by a statement of the action contemplated to resolve the situation.

The NDOR, in cooperation with the MPO, will ensure all contract scopes for all projects using federal funds carried out within the MPA boundaries of the MPO are consistent with the MPO's TIP. The NDOR will provide budget reports on all open projects using federal funds carried out within the MPA boundaries of the MPO upon request.

#### L. ANNUAL LISTING OF OBLIGATED PROJECTS

In cooperation with NDOR and operators of publicly operated transit services, the MPO will develop an annual listing of obligated highway and transit projects requiring federal dollars from the preceding program year. The listing shall be consistent with information contained in the TIP.

#### M. CORRIDOR OR OTHER MAJOR STUDIES

The MPO may be the lead agency to conduct regional, multi-jurisdictional corridor or feasibility studies for roadways on the state highway system on behalf of the NDOR after discussion with and agreement by the NDOR.

The MPO is responsible for maintaining and updating the regional transportation model for the arterial roadways within the MPO urbanized area. The NDOR will provide existing traffic count information in the form of annual average daily traffic (AADT) volume for all state highways within the MPO urbanized area. This information shall be converted to average daily traffic (ADT) and used by the MPO for model calibration and by NDOR as data input for the bi-annually prepared traffic flow map. The regional transportation model shall be updated to include new census information that is developed and published every ten years by the Census Bureau. NDOR shall review the MPO's model as it is being developed or updated to ensure model performance and consistency is achieved. The MPO and NDOR shall work cooperatively in the development and application of the regional transportation model.

The MPO and NDOR will share in the traffic counting responsibilities for roadways within the MPO urbanized area. Generally, the MPO will perform traffic counts for roadways off of the state highway system, and NDOR will perform traffic counts for all roadways on the state highway system, including the interstate system. The MPO and NDOR agree that traffic counting services may be requested for roadways on the other entity's system. This service may be requested due to an entity's current staffing and workload conditions or in cases where deadlines require this level of cooperation.

As appropriate, the MPO will participate in other NDOR transportation planning efforts within the MPO region. Additional transportation planning processes include but are not limited to:

- NDOR 's Public Hearing and Project Approval Process
- NDOR's Corridor Study Process
- Updates/revisions to the State Highway Access Control Policy process;  
and
- Project environmental reviews (Environmental Assessments,  
Environmental Impact Statements, Categorical Exclusions, etc)

#### N. DISPUTE RESOLUTION

The MPO and the NDOR staff will make every attempt to resolve differences at the appropriate staff level and in a timely manner. Differences not resolved at the staff level will be addressed by the MPO executive director and the NDOR Director-State Engineer. Policy issues not settled at the executive director and NDOR Director-State Engineer level will be taken to the FHWA/FTA level for resolution.

O. AMENDMENT OR TERMINATION OF AGREEMENT

This MOA will be reviewed at least every four years. It may be amended, whenever deemed appropriate, by written agreement of both parties.

Either party to this MOA may terminate it by a 60-day written notice to the other party. If this occurs, the parties agree to consult further to determine whether the issues can be resolved and the agreement re-implemented in an amended form.

The undersigned parties hereby agree to the roles and responsibilities described above.

NEBRASKA DEPARTMENT OF ROADS



Director – State Engineer

4/10/13  
Date

LINCOLN METROPOLITAN PLANNING ORGANIZATION



Executive Director

3/4/2013  
Date

February 2014

MEMORANDUM OF AGREEMENT FOR  
TRANSPORTATION PLANNING AND PROGRAMMING  
BY AND BETWEEN  
THE METROPOLITAN AREA PLANNING AGENCY, METRO TRANSIT  
IOWA DEPARTMENT OF TRANSPORTATION,  
AND THE NEBRASKA DEPARTMENT OF ROADS

This Memorandum of Agreement (MOA), made this \_\_\_\_\_ day of \_\_\_\_\_, 2014,  
by and between the Metropolitan Area Planning Agency (MAPA) (hereinafter referred to as the  
MPO), Metro Transit, Iowa Department of Transportation (Iowa DOT), and the Nebraska  
Department of Roads (NDOR). Iowa DOT and NDOR are collectively referred to as States.

WITNESS THAT

WHEREAS, pursuant to various statutes, the Federal Highway Administration (FHWA)  
and the Federal Transit Administration (FTA) have established regulations which call for each  
metropolitan area to have a continuing, cooperative, and comprehensive transportation  
planning process that considers all transportation modes and supports metropolitan  
community development as a requirement for obtaining federal transportation funds; and

WHEREAS, federal statutes and regulation require each state to have a statewide  
transportation planning process that is fully coordinated with the metropolitan transportation  
planning process; and

WHEREAS, the MPO will coordinate and cooperate with Metro Transit on Federally  
required planning documents where mutual coordination and cooperation is necessary. These  
roles are defined below.

WHEREAS, federal regulations establish a coordinated statewide and long range  
transportation planning process that requires a twenty-year transportation plan for each  
metropolitan planning organization; and

WHEREAS, the MPO is responsible for long range transportation plan on behalf of its  
member governments within a geographic area boundary that includes the counties of Douglas,  
Sarpy, and northern Cass in the state of Nebraska, and southwestern Pottawattamie County in  
the State of Iowa; and

WHEREAS, the purpose of this MOA is to define the specific roles and responsibilities of  
the MPO and the States for metropolitan transportation planning and programming, to

implement these statutes and regulations, and to ensure that a cooperative transportation planning and programming process is established between the MPO and the States in the metropolitan planning area; and

WHEREAS, the MPO is a voluntary association of local governments created in 1967 under the terms of an interlocal agreement, empowered to conduct planning activities and make and adopt a Long Range Transportation Plan for the territory within its geographic area, and nothing contained in this MOA shall be construed to abrogate or delete the exercise of statutory powers and duties of a Metropolitan Planning Organization (MPO) and, as a Council of Governments, limit its ability under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the States are responsible for formulating the general policy and planning the statewide transportation system including the management, construction and maintenance of public highways within their respective states, for adopting a statewide transportation plan, Statewide Transportation Improvement Program and annual budgets for the construction, maintenance and operation of the state highway system, and nothing contained in this MOA shall be construed to abrogate or delete the exercise of the statutory powers and duties of the States as the appropriate state agency under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the Nebraska state statutes and Iowa state statutes have authorized the States to implement policy and direction and enter into all contracts and agreements with other units of government within each respective state to take such other actions as may be necessary to comply with federal laws and regulations; and

WHEREAS, MAPA is the designated MPO and Transportation Management Agency (TMA) pursuant to 23 USC 134 and 49 USC 5303 et seq. and continues to carry out its responsibilities in accordance with 23 CFR 450, and

WHEREAS, the pertinent federal regulations require that there be an agreement between each MPO and the States that specifies the responsibilities for cooperatively carrying out transportation planning and programming; and

WHEREAS, it is the desire and intent of the parties to fulfill the pertinent federal requirements for the MPO pursuant to this MOA, while recognizing, and preserving the policies and statutory responsibilities of the States under their enabling legislation; and

WHEREAS, federal regulations require that the metropolitan transportation planning and programming process considers all modes of transportation and provides for consideration of projects, strategies and services that will:

1. Support the economic vitality of the metropolitan area; especially by enabling global competitiveness, productivity, and efficiency;
2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase accessibility and mobility of people and freight;
5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. Promote efficient system management and operation; and
8. Emphasize the preservation of the existing transportation system consistent with metropolitan and local development goals; and

WHEREAS, successful implementation of the MPO's comprehensive plans and programs requires the continuing cooperative effort of local, regional, and state governments.

NOW, THEREFORE, BE IT RESOLVED THAT the parties hereto do mutually agree as follows:

A. PARTIES

The MPO and the States hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning and

programming process in accordance with applicable federal and state laws and regulations.

Further, the parties agree to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process, including providing for public involvement in regional and state transportation planning.

**B. APPLICABILITY**

This MOA applies to the continuing, cooperative and comprehensive metropolitan transportation planning and programming process required for the MPO by 23 U.S.C. Section 134, and 4 U.S.C. 5303, et seq. and as implemented by the applicable regulations in order for the region to qualify for federal transportation funds and meet regional transportation planning requirements.

**C. PURPOSE**

This MOA is established to define the specific roles and responsibilities of the MPO and the States for metropolitan transportation planning and programming within the boundaries of the MPO.

The MPO and the States hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning and programming process in accordance with applicable federal and state laws and regulations.

The parties agree that metropolitan transportation planning and programming processes leading to the development and adoption of long range transportation plans (LRTP) and transportation improvement programs (TIP) may change in order to respond to changes in the law, restructuring within their respective organizations, or to reflect prior experience.

**D. PARTICIPANT RESPONSIBILITIES**

The MPO, in cooperation with the States and Metro Transit, is responsible for operation and maintenance of the metropolitan transportation planning and programming process within the boundaries of the MPO. This responsibility includes preparing and adopting, in a manner consistent with the MOA, all required transportation plans, transportation improvement programs and documents of the metropolitan transportation planning and programming process.

The parties to this MOA agree to actively participate in the metropolitan transportation planning and programming process, to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process and to fulfill commitments established pursuant to this MOA. While it is recognized that the parties are ultimately bound by the actions of their respective agencies, they commit to present within their organizations the recommendations resulting from the metropolitan transportation planning and programming process.

#### E. PARTICIPATION IN THE PLANNING PROCESS

The MPO has a technical advisory committee to address transportation and transportation-related issues. The States will maintain membership on, and will cooperatively participate in, this committee. Any changes to the status of the States' role in the MPO technical advisory committees will be made in consultation with the States. Cooperation, or cooperative participation, means that the States will actively participate on the MPO's technical advisory committee; will provide adequate opportunity for the other to review and comment on draft transportation plans, transportation improvement programs and related documents; and will provide constructive comments in a timely manner so they may be evaluated and acted upon.

To facilitate coordination in carrying out the metropolitan transportation planning and programming process, the MPO, Metro Transit, and the States will cooperatively develop mechanisms and procedures to carry out the tasks needed to develop the metropolitan transportation planning and programming products required of the MPO. The MPO, Metro Transit, and States will meet at least annually to discuss the metropolitan transportation planning and programming process carried out in the MPO transportation planning region, and will address:

1. The events of the past year, including any successes or failures between the participants in carrying out a continuing, cooperative, and comprehensive transportation planning and programming process and the terms of this MOA;
2. Issues relating to the coming year's planning program; and
3. Other relevant matters.

The parties hereby agree to conduct the metropolitan transportation planning process in an open manner such that members of the public, local entities, other transportation providers, and other interested parties can fully participate. The parties agree to take appropriate actions to ensure public participation through means identified in the MPO's public involvement procedures.

F. ORGANIZATION OF PLANNING PROCESS

1. The MPO Council of Officials, Board of Directors and Technical Advisory Committee Structure

a. Council of Officials

The Council of Officials, as prescribed in the MAPA Bylaws, is the policy body for MAPA. The responsibilities for the Council of Officials include establishing and adopting policies, goals and objectives for the overall operations of the agency. The Council of Officials receives recommended plans, studies or reports from the Board of Directors. The Council may adopt programs, plans, studies and reports, and may recommend implementation of adopted plans, studies and reports to members and non-members.

The Council of Officials annually participates in the development of the Unified Work Program through a priority setting process to identify programs and projects that should be included in the Work Program. The Council reviews and recommends approval of the Work Program to the Board of Directors.

b. Board of Directors

The Board of Directors of the MPO, as prescribed in its Bylaws, is the Metropolitan Planning Organization and Transportation Management Agency governing body for the MPO transportation planning region. The Board of Directors maintains a staff to support its activities. The Board of Directors may, from time to time, by appropriate resolution, appoint such committees, task forces, study groups, working groups, or other ad hoc or formal groups as it deems expedient to provide advice, recommendations, or technical expertise to further the principles and purposes of the MPO in its role as the Metropolitan

Planning Organization and Transportation Management Agency. The MPO retains at its discretion all rights to define, limit, or terminate the activities of such groups without necessitating a change to this MOA.

An Interlocal Agreement defines the purpose, composition, and operating characteristics of the Board of Directors and its advisory committees. The following advisory committees and staff structure currently provide advice and recommendations to the MPO regarding Metropolitan Planning Organization and Transportation Management Agency matters and responsibilities.

c. Technical Advisory Committee

The purpose of the MPO Transportation Technical Advisory Committee (TTAC) is to provide technical advice and to recommend appropriate courses of action to the MPO, and the MPO staff on current and emerging transportation issues, goals, plans, and programs affecting the MPO to the Board of Directors. The advice and recommendations address at least the:

- i. Unified Planning Work Program;
- ii. Transportation Improvement Program;
- iii. Long-Range Transportation Plan;
- iv. Policies and programs as may be directed by the MPO.

Refer to the MAPA TTAC bylaws for the number of votes each entity has on the TTAC.

G. GENERAL RESPONSIBILITIES

The parties recognize that the States have a continuing duty of planning transportation systems of statewide significance, identifying potential transportation issues and concerns of statewide interest, and reconciling conflicts between Long Range Transportation Plan(s) and transportation improvement programs. In carrying out its duties, the States will partner with the MPO on activities within the boundaries of the MPO.

The parties recognize that the MPO is the agency responsible for comprehensive metropolitan transportation planning and programming for the MPO pursuant to

federal law. In carrying out its duties and responsibilities within its boundaries, the MPO and Metro Transit will cooperatively participate in activities with the States.

The MPO, Metro Transit, and the States will, as appropriate, coordinate public involvement for regional and statewide transportation plans and transportation improvement programs.

The MPO, Metro Transit, and the States each will, in a timely manner, inform and seek comment from the other party on proposed new or revised policies, goals and strategies within their purview. Each party will also inform the other of new or revised federal policies, regulations, planning factors listed in 23 CFR 450.206, and other guidance that may affect statewide and/or metropolitan transportation planning and programming.

The States will, as appropriate, coordinate their project prioritization and programming process with the MPO's long range transportation plan and transportation improvement program development processes to ensure that the state highway system projects the States recommend or select for implementation in the MPO area are consistent with MPO priorities.

#### H. UNIFIED PLANNING WORK PROGRAM (UPWP)

The primary purpose of the UPWP is to provide guidance in the management of work by the staff of the MPO and serve as the basis for the MPO annual transportation planning program. The MPO's UPWP is developed in cooperation with local entities, Metro Transit, States, and FHWA/FTA. Annually the States will prepare agreements with the MPO, defining terms and conditions for the use of these planning funds, along with the latest estimate of planning funds available, which is based on funding levels provided by FHWA. Upon the States' and FHWA/FTA review and approval of the MPO's UPWP, the planning monies are available for the MPO's use for the various planning activities enumerated in the UPWP. Amendments to the UPWP will be subject to review and approval by the States and FHWA/FTA. As a basis for review of UPWP amendment requests, each party will submit reasons for changes, scope of work revisions, and

funding information. The MPO will require the same information from sub-grantees, if any.

The States and FHWA/FTA will review and comment upon draft UPWPs and UPWP amendments to determine eligibility of proposed expenditures. The States will also review and comment upon UPWP progress, UPWP funding, status of expenditures, and reports as appropriate. The MPO shall submit invoices on a quarterly basis at a minimum. However, payments will not be made more often than once each thirty days. The States, upon receipt of the proper invoices, will make every reasonable effort to provide payment to the MPO within thirty calendar days.

I. CERTIFICATION OF THE PLANNING PROCESS

Federal regulations require the MPO and the States to certify that the metropolitan and statewide transportation planning process conforms to all applicable requirements of federal laws. The MPO and the States will annually certify to the FHWA and the FTA that the metropolitan transportation planning and programming process is addressing the major issues facing the MPO, and is being conducted in accordance with all applicable requirements.

J. LONG RANGE TRANSPORTATION PLAN(S)

The MPO will review, update, and approve the Long Range Transportation Plan (LRTP) at least every five years or as required by 23 CFR 450.322c. The MPO will develop the LRTP in consultation with federal and state officials responsible for planning affected by transportation, as well as Metro Transit. The MPO will develop the revenue projections for the LRTP in cooperation with the States consistent with resource allocation for federal and state transportation funds. MPO and the States' staff participate in the development of a recommendation of resource allocation. Such recommendation is considered for adoption by the States for federal and state transportation funds. For the purpose of developing the long range transportation plan, the MPO, the States and Metro Transit shall cooperatively develop estimates of funds that will be available to support Long Range Transportation Plan(s) implementation.

The States will participate in the development of the LRTP and will provide initial long-range estimates of anticipated federal and state transportation funds for all funding categories. The initial long-range estimates for anticipated State and Federal funding will be based upon recent allocations and adjusted for the future with an appropriate inflation factor. The MPO will use these initial long-range funding estimates during the cooperative development of the final LRTP funding levels. The States will review and provide written comments, addressing fiscal constraint on the draft LRTP in time for the comments to be evaluated and acted upon prior to the draft LRTPs being released to the public for comment.

The MPO and the States shall cooperatively develop all federal and state funded transportation projects on the state highway system in the MPO transportation management area for inclusion in the MPO's long range transportation plan. The maintenance and operations program will be addressed in the LRTP at the system level. Inclusion of the maintenance and operation program in the LRTP will be considered a planning estimate, reasonably expected to be available, but not a guarantee or specific commitment of maintenance dollars to be spent in the MPO.

The MPO will develop the process and timeline for project prioritization and selection for each LRTP. The States will participate in the development, review and approval of the project prioritization and selection process within their respective State. The MPO will approve projects to be included in its LRTP.

When amending a LRTP, the MPO will ensure fiscal constraint is maintained. The States will review and comment on LRTP amendments for fiscal constraint and transportation issues.

The parties will report events that may significantly impact long range transportation plans as soon as they become known. These events or conditions include problems, delays, or adverse conditions that will materially affect the revenue, schedule or scope of a project. This disclosure will be accompanied by a statement of the action contemplated to resolve the situation.

K. TRANSPORTATION IMPROVEMENT PROGRAMS

For the purpose of developing the Transportation Improvement Programs (TIP), the MPO, the States, and Metro Transit will cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

The MPO will develop and approve its TIP as appropriate in coordination with the Statewide Transportation Improvement Programs (STIPs) and LRTPs. The MPO will ensure its TIP is fiscally constrained and that projects in it are consistent with the LRTP. The MPO will develop the TIP financial plan in cooperation with the States, consistent with the approved resource allocation for processing federal aid projects.

The MPO, in cooperation with the States shall establish the TIP development schedule. The States will participate in the development of the TIP and will provide initial estimates of available federal and state transportation funds for all funding categories. The MPO will use these initial funding estimates during the cooperative development of the final TIP funding levels. The States will review and provide comments, addressing fiscal constraints on the draft TIP in time for the comments to be evaluated and acted upon prior to the draft TIP being released to the public for comment. After the TIP is approved by the MPO and the Governor, the States will incorporate the TIP into the STIP without modification. The States will submit their STIP to the FHWA and the FTA for approval and provide copies to the MPO.

The MPO and States shall cooperatively develop all federal and state funded transportation projects on the state highway system in the MPO transportation management area for inclusion in MPO's TIP. The maintenance and operations program will be addressed in the TIP at a system level. The maintenance and operations program will be considered a planning estimate, reasonably expected to be available, but not a guarantee or specific commitment of maintenance dollars to be spent in the MPO.

The MPO will develop the process and timeline for project prioritization and selection for each TIP. The States will participate in the development, review and approval of the project prioritization and selection process.

When amending a TIP, the MPO will ensure that consistency with the current long range transportation plan and fiscal constraint are maintained. The States will review and comment on draft TIP amendments for consistency with the STIP and fiscal constraint.

The parties will report events that might have significant impact on the TIP as soon as they become known. These events or conditions include problems, delays, or adverse conditions that will materially affect the revenue, schedule or scope of a project. This disclosure will be accompanied by a statement of the action contemplated to resolve the situation.

The States, in cooperation with the MPO, will ensure all contract scopes for all projects using federal funds carried out within the boundaries of the MPO are consistent with the MPO's TIP. The States will provide budget reports on all open projects using federal funds carried out within the boundaries of the MPO upon request.

L. ANNUAL LISTING OF OBLIGATED PROJECTS

In cooperation with the States and Metro Transit, the MPO will develop an annual listing of obligated highway and transit projects requiring federal dollars from the preceding program year. The listing shall be consistent with information contained in the TIP.

M. CORRIDOR OR OTHER MAJOR STUDIES

The MPO may be the lead agency to conduct regional, multi-jurisdictional corridor or feasibility studies for roadways on the state highway system on behalf of the States after discussion with and agreement by the States.

The MPO is responsible for maintaining and updating the regional transportation model for all roadways within the MPO urbanized area. The States will provide existing traffic count information in the form of annual average daily traffic (AADT) volume for all state highways within the MPO urbanized area. This information shall be taken into account by the MPO for model calibration and as data input for transportation planning products, such as traffic flow maps. The regional transportation model shall be updated to include new census information that is developed and published every ten years by

the Census Bureau. The States shall review the MPO's model as it is being developed or updated to ensure model performance and consistency is achieved. The MPO, Metro Transit and States shall work cooperatively in the development, review and application of the regional transportation model.

The MPO and the States will coordinate in the traffic counting activities for roadways within the MPO urbanized area. Generally, NDOR will perform traffic counts for all roadways on the state highway system, including the interstate system within the State of Nebraska, while Iowa DOT performs counts on the local system. The MPO and the States agree that traffic counting services may be requested for roadways on the other entity's system. This service may be requested due to an entity's current staffing and workload conditions, or in cases where deadlines require this level of cooperation.

The MPO will participate or coordinate in all the States' transportation planning efforts within the MPO region. Additional transportation planning processes include but are not limited to:

- Public Hearing and Project Approval Process
- Corridor Study Process
- Updates/revisions to the State Highway Access Control Policy process;  
and
- Project environmental reviews (Environmental Assessments,  
Environmental Impact Statements, Categorical Exclusions, etc)

#### N. DISPUTE RESOLUTION

The MPO and the States' staff will make every attempt to resolve differences at the appropriate staff level and in a timely manner. Differences not resolved at the staff level will be addressed by the MPO executive director and each States' Director. Policy issues not settled at the States' Director level will be taken to the FHWA/FTA level for resolution.

#### O. AMENDMENT OR TERMINATION OF AGREEMENT

This MOA will be reviewed at least every four years. It may be amended, whenever deemed appropriate, by written agreement of both parties.

February 2014

The parties to this MOA may terminate it by a 60-day written notice to the other parties. If this occurs, the parties agree to consult further to determine whether the issues can be resolved and the agreement re-implemented in an amended form.

The undersigned parties hereby agree to the roles and responsibilities described above.

NEBRASKA DEPARTMENT OF ROADS

  
\_\_\_\_\_

Director – State Engineer

3/11/14  
\_\_\_\_\_

Date

METROPOLITAN AREA PLANNING AGENCY

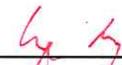
  
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Executive Director

2-27-14  
\_\_\_\_\_

Date

IOWA DEPARTMENT OF TRANSPORTATION

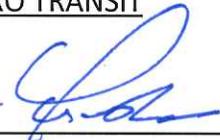
  
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Director, Office of Systems Planning

3-3-2014  
\_\_\_\_\_

Date

METRO TRANSIT

  
\_\_\_\_\_

Executive Director

2-25-14  
\_\_\_\_\_

Date

**Cooperative Agreement for Continuing Transportation Planning  
for the Sioux City Metropolitan Planning Area  
Between  
State of Iowa, Department of Transportation  
and  
State of Nebraska, Department of Roads  
and  
State of South Dakota, Department of Transportation  
and  
Siouxland Interstate Metropolitan Planning Council Metropolitan Planning Organization  
and  
City of Sioux City Transit System**

This Cooperative Agreement is made and entered into between the State of Iowa Department of Transportation, the State of Nebraska Department of Roads, and the State of South Dakota Department of Transportation (hereinafter referred to as “Departments”); the Siouxland Interstate Metropolitan Planning Council Metropolitan Planning Organization (hereinafter referred to as “SIMPCO MPO”); and the operator of publicly owned transit service (hereinafter referred to as “Transit Operator”).

**Recitals**

WHEREAS, various federal grants and aids are available to Departments and SIMPCO MPO, and various state grants and aids are available to SIMPCO MPO for carrying out metropolitan transportation planning activities; and

WHEREAS, Departments are authorized to direct undertake and expend state and federal aid for planning, promotion and protection activities for all transportation modes; and

WHEREAS, the Governor of Iowa, the Governor of Nebraska, the Governor of South Dakota and local communities within the Sioux City Metropolitan Planning Area (hereinafter referred to as “Metro Area”), through their authorized representatives, have jointly designated SIMPCO MPO to carry out metropolitan transportation planning activities for the Metro Area; and

WHEREAS, the Transit Operator provides mass transportation services within Metro Area; and

WHEREAS, the Transit Operator is the designated recipients, in the Metro Area for federal transit operating aids under Section 5307 of the Federal Transit Act as amended; and

WHEREAS, metropolitan transportation planning activities come under the jurisdiction of the U.S. Department of Transportation (hereinafter referred to as “USDOT”) and are subject to the metropolitan planning requirements of 23 U.S.C 134 and Section 8 of the Federal Transit Act as amended; and

WHEREAS, metropolitan area boundaries for purposes of the federal planning provisions shall be determined by agreement between the SIMPCO MPO and the Governor of Iowa, the Governor of Nebraska, and the Governor of South Dakota;

NOW, THEREFORE, in consideration of these premises, and of their mutual and dependent needs, the parties hereto contract and agree as follows:

**COOPERATIVE AGREEMENT FOR CONTINUING TRANSPORTATION PLANNING  
FOR THE SIOUX CITY METROPOLITAN PLANNING AREA**

**Article I: Statement of Purpose**

Departments and SIMPCO MPO, in cooperation with Transit Operator, shall cooperatively undertake a continuing, cooperative, and comprehensive transportation planning and programming process for the Metro Area in accordance with state and local goals for metropolitan planning, the provisions of 23 U.S.C. 134, 49 U.S.C. App 1607 and 23 CFR 450, as amended, and in accordance with the provisions of this Agreement.

**Article II: Overall Responsibilities**

- A. SIMPCO MPO shall be responsible for and shall be considered the lead agency in conducting the following transportation planning and programming activities pursuant to 23 CFR 450:
1. Formulating, approving, and periodically updating a multimodal transportation plan for the metropolitan area, which shall conform to all applicable federal requirements and work program content and schedules.
  2. Coordinating of mid-range (3-5 year) and long-range transit planning and programming with other transportation planning and programming, with cooperation and assistance from the Transit Operator.
  3. Formulating and annually approving the transportation improvement program (TIP) for the metropolitan planning area, which shall cover a period of not less than three (3) years and may include projects outside the metropolitan area for information only.
  4. Assessing the conformity of the metropolitan area transportation plan and TIP with the State Implementation Plan for Air Quality Management.
  5. Conducting such additional air quality related transportation planning and analyses as shall be determined by a separate Agreement or Memorandum of Understanding between SIMPCO MPO and Departments.
  6. Formulating and annually approving the metropolitan transportation planning work program, which shall identify all transportation-related planning activities to be funded with state and federal financial aids and technical assistance in accordance with the provisions of this Agreement and the time schedule adopted by Departments.
  7. Providing a forum for cooperative transportation planning and decision-making, and establishing a public involvement process that ensures opportunities for early and continuing involvement of local governmental units, transit operators, and the general public in the review and evaluation of all transportation plans and programs.
  8. Considering and implementing Departments planning guidance to the fullest extent consistent with local goals.
  9. Making data, assumptions, criteria, methodology and analyses available to Departments and other participants in a timely manner.

**COOPERATIVE AGREEMENT FOR CONTINUING TRANSPORTATION PLANNING  
FOR THE SIOUX CITY METROPOLITAN PLANNING AREA**

10. Providing Departments with copies of all transportation plans and program and all resolutions concerning their adoption or endorsement.
  11. Providing Departments with an annual self-certification that SIMPCO MPO's transportation planning process conforms with all applicable federal requirements pursuant to 23 CFR 450.
  12. Complying with ADA plan certification procedures as required in 49 CFR Section 37.139.
- B. Departments shall be responsible for and shall be considered the lead agency in conducting the following transportation planning and programming activities:
1. Informing SIMPCO MPO relative to the availability, or anticipated availability, of state and federal financial aids and technical assistance for metropolitan transportation planning activities.
  2. Providing information relative to the availability, or anticipated availability, of state and federal financial aids for metropolitan transportation improvements and services, which fall under local jurisdiction.
  3. Providing information relative to the proposed programming of state and federal financial aids for metropolitan transportation improvements and services, which fall under state jurisdiction.
  4. Informing SIMPCO MPO about federal or state statutes, policies, regulations and guidelines, which bear upon metropolitan transportation planning and programming activities and contractual arrangements.
  5. Developing strategies/overall plan concepts for plan and work program scoping to reflect federal and state planning requirements and goals.
  6. Coordinating the development of the schedule and procedures for annual submittal and interagency review and approval of the metropolitan transportation planning work program.
  7. Developing and issuing statewide guidance for the preparation of metropolitan transportation system plans and improvement programs.
  8. Providing technical support and data and information collected or maintained by Departments that is pertinent to the transportation planning work to be performed by SIMPCO MPO under this Agreement.
  9. Developing, establishing and implementing the management and monitoring systems required by 23 U.S.C. 303.
  10. Endorsing the SIMPCO MPO transportation plan in a timely manner for use as a guide in statewide planning and programming activities.
  11. Approving the annual SIMPCO MPO TIP on behalf of the Governor.
  12. Developing the required statewide transportation plan and transportation improvement program outside of metropolitan planning areas.

**COOPERATIVE AGREEMENT FOR CONTINUING TRANSPORTATION PLANNING  
FOR THE SIOUX CITY METROPOLITAN PLANNING AREA**

13. Formulating and updating the statewide transportation plan and transportation improvement program including the metropolitan planning areas, pursuant to the provisions of 23 U.S.C 135.
  14. Coordinating and reconciling SIMPCO MPO transportation plans and programs with statewide plans and programs as necessary to ensure connectivity within transportation system in consultation with the SIMPCO MPO.
  15. Monitoring SIMPCO MPO's transportation planning process to ensure compatibility with state and USDOT programs and objectives and to certify compliance with applicable federal requirements.
- C. Transit Operator shall be responsible for and shall be considered the lead agency in conducting the following transportation planning and programming activities:
1. Preparing and updating a mid-range (3-5 year) transit system development program, which shall include, but not be limited to, transit system policies and service demands, transit service modifications and extensions, transit fares, and transit system capital facilities needs.
  2. Providing information relative to the proposed programming of federal, state and local funds for metropolitan transit system improvements and services, which fall under Transit Operator jurisdiction.
  3. Preparing and submitting applications for state and federal mass transportation capital and operating assistance grants and administering approved grants.
  4. Conducting preliminary engineering and final design studies relating to mass transportation capital facilities including, but not limited to, transit stations, shelters, bus stop signs, garages, maintenance buildings, operator buildings, and rolling stock.
  5. Conducting detailed operational planning necessary to establish or modify transit routes, schedules, fares, stop locations, transfer points, vehicle assignments, and other operating procedures in accord with the proposals contained in the five year transit system development program.
  6. Preparing and updating paratransit service plans in conformance with the Americans with Disabilities Act of 1990.
  7. Endorsing the SIMPCO MPO transportation plan in a timely manner for use as a guide in local transit planning and programming activities.
  8. Conducting transit marketing planning including, but not limited to, the conduct of market surveys, the design of user information materials, and the development of transit promotion programs.
  9. Conducting transit management planning including, but not limited to, activities related to personnel procedures and training programs, maintenance policies, fare collection and handling procedures, and accounting practices.
  10. Collecting data to meet the requirements of Section 15 of the Federal Transit Act as amended.

**COOPERATIVE AGREEMENT FOR CONTINUING TRANSPORTATION PLANNING  
FOR THE SIOUX CITY METROPOLITAN PLANNING AREA**

11. Collecting data to meet the requirements of Departments Administrative Rules.

**Article III: Scope of Work and Geographic Area**

The cooperative metropolitan transportation planning process shall be carried out in accordance with a transportation planning work program (hereinafter referred to as "Work Program") approved by the SIMPCO MPO, Departments, and USDOT, in consultation with appropriate transportation providers, and made a part of this Agreement, which shall constitute the scope of work to be performed under this Agreement.

It is the intent of this Agreement that the metropolitan transportation planning process appropriately address the seven (7) factors identified in 23 U.S.C. 134.

The Work Program shall set forth a description of the specific metropolitan transportation planning activities and products to be completed each fiscal year, the corresponding staff and budgetary requirements, and the allocation of the total costs between the participating agencies. Responsibility for the following planning activities shall be identified in the Work Program, where applicable.

- A. Preparing technical and other reports to assure documentation of the development, refinement, and reappraisal of the transportation plan.

Conducting detailed corridor or sub area studies to evaluate major transportation investment alternatives and their social, economic, and environmental impacts pursuant to 23 CFR 450.

- B. Upon adoption of the Work Program by SIMPCO MPO and approval by Departments and the USDOT funding agencies, Departments shall, in writing, authorize SIMPCO MPO to proceed with the Work Program in accordance with the terms and conditions of such approval.

The Planning Work Program may be amended during the course of the year upon written request of SIMPCO MPO and subject to (1) the written concurrence of Departments and USDOT, and (2) the availability of funding, if applicable.

- C. The cooperative metropolitan transportation planning process to be conducted under this Agreement and governed by the provisions of 23 CFR 450 shall encompass the metropolitan planning area, as determined by agreement between SIMPCO MPO and the Governor of Iowa, the Governor of Nebraska, and the Governor of South Dakota.

**Article IV: Organization and Administration**

- A. The Policy Board of the SIMPCO MPO shall appoint and maintain such citizen and/or technical advisory committees as deemed appropriate to effectively carry out the comprehensive metropolitan transportation planning process under this Agreement. Departments and Transit Operator shall be represented on the Policy Board and/or advisory committees.
- B. SIMPCO MPO may enter into such institutional arrangements, service contracts or agency agreements as it deems necessary to carry out the scope of work under this Agreement with the understanding the SIMPCO MPO shall remain accountable for completion of planning products in accordance with the Work Program. All such contracts, subcontracts, agreements, or other written understandings for services shall conform to the appropriate provisions of 49 CFR 18 (common rule)

**COOPERATIVE AGREEMENT FOR CONTINUING TRANSPORTATION PLANNING  
FOR THE SIOUX CITY METROPOLITAN PLANNING AREA**

as supplemented by 23 CFR 20 issued by the Federal Highway Administration (FHWA), Federal Transit Administration (FTA) Circular 4220.1B, and any changes or revisions thereto, and other applicable guidance FTA, FHWA, or USDOT may issue.

- C. When consultants are to be employed in accomplishing work under this Agreement, all parties providing funding or technical support for such work shall have the right to review and advise on basic study methods and procedures and to review and approve subcontracts.

**Article V: Inspection of Work**

Departments and USDOT shall, at all times during the effective period of this Agreement, be accorded proper facilities for inspection of the metropolitan transportation planning work activities and shall, in accordance with Article XI, have access to all data, information, records, and documents pertaining to the work under this Agreement.

**Article VI: Work Product**

Departments, SIMPCO MPO, and Transit Operator shall give each other and applicable USDOT agencies the opportunity to review and comment on their respective reports produced under this Agreement prior to publication of the final report.

All reports and documents published by all parties under this Agreement shall give credit to all other parties and to participating USDOT agencies.

Departments and USDOT shall have the royalty-free, nonexclusive, and irrevocable right to reproduce, publish, distribute, or otherwise use, and to authorize others to use, the work produced under this Agreement for government purposes.

**Article VII: Prohibited Interest**

No member, officer, or employee of SIMPCO MPO or any state or local public body during his or her tenure or for one year thereafter may have or acquire any interest whatsoever, direct or indirect, in this Agreement or proceeds thereof or any benefit arising therefrom.

No member of or delegate to the Congress of the United States of America may have or acquire any interest whatsoever, direct or indirect in this Agreement or proceeds thereof or any benefit arising therefrom.

**Article VIII: Funding and Payment**

Funding levels and financial responsibilities for the continuing metropolitan transportation planning process shall be negotiated annually in conjunction with the preparation, review, and approval of the Work Program, and shall consider such factors as the availability of federal planning monies and state and local matching funds, statewide allocation formulas developed in cooperation with SIMPCO MPO, and the relative benefits to participating agencies.

Upon adoption of the Work Program by SIMPCO MPO and approval by Departments and by USDOT funding agencies, the Work Program shall be deemed to constitute a part of this Agreement with respect to the scope of work and funding arrangements.

**COOPERATIVE AGREEMENT FOR CONTINUING TRANSPORTATION PLANNING  
FOR THE SIOUX CITY METROPOLITAN PLANNING AREA**

Specific terms or conditions governing the financial aspects of the Work Program will be set forth in Departments annual authorization letter.

All costs incurred during the progress of the metropolitan transportation planning work activities under this Agreement shall be shared by SIMPCO MPO and the other participating agencies on the basis of the cost allocation schedule set forth in the approved Work Program.

Departments share of program costs, together with any USDOT share, which is administered by Departments, will be made available to SIMPCO MPO following the receipt of a properly executed invoice and a detailed status of expenditures report in a format compatible with the approved Work Program.

Progress reports containing a narrative and financial account of the work accomplished to date shall be furnished by SIMPCO MPO at no greater than a quarterly interval. These reports shall be due forty-five (45) days, after the end of the first, second, and third quarters, and sixty (60) days after the final quarter. Departments may withhold or delay approval of invoices if SIMPCO MPO fails to submit progress reports or scheduled products in a timely and satisfactory manner.

**Article IX: Cost Principles**

A. Allowable Costs. Actual costs incurred by SIMPCO MPO under this Agreement shall be eligible for reimbursement provided the costs meet the following criteria:

1. Are verifiable from SIMPCO MPO's records.
2. Are not included as match funds as prescribed by federal law or regulation for any other federally assisted program.
3. Are necessary and reasonable for proper and efficient accomplishment of the approved Work Program.
4. Are in conformance with the standards for allowability of costs set forth in Office of Management and Budget (OMB) Circular A-87, revised, and with applicable guidelines, regulations or federal agreement provisions issued by FHWA or FTA.
5. Are not paid by the federal government under another assistance agreement unless authorized to be used as match funds under the other federal agreement and the laws and regulations governing such agreement.
6. Are provided for in the approved Work Program budget.
7. No contributions where costs are not incurred, such as volunteer services or donated property, may be accepted on the non-federal share.

B. Indirect Costs. Expenditures charged on an indirect basis shall be supported by an indirect cost allocation plan and/or indirect cost proposal. Such plans and/or proposals will be negotiated and approved by the cognizant federal agency prior to recovering any indirect costs incurred under this Agreement.

**COOPERATIVE AGREEMENT FOR CONTINUING TRANSPORTATION PLANNING  
FOR THE SIOUX CITY METROPOLITAN PLANNING AREA**

**Article X: Property Utilization and Management**

SIMPCO MPO shall comply with the proper management standards as set forth in 49 CFR 18.31, 18.32 and 18.33, as amended, and, if applicable, OMB Circular A-102, Attachment N, as amended.

**Article XI: Records and Audits**

SIMPCO MPO shall, for the continuing, cooperative, and comprehensive transportation planning and programming process, maintain an accounting system, which adequately accounts for all funds provided for, accruing to, or otherwise received from the federal, state, and local units of government or any other quasi-public or private source under this Agreement.

All eligible costs, including paid services and expenses contributed by SIMPCO MPO, shall be charged to the approved Work Program by SIMPCO MPO and shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges. All accounting records and other evidence pertaining to the costs incurred by SIMPCO MPO under this Agreement shall be maintained by SIMPCO MPO and shall be clearly identified and readily accessible. Departments and USDOT shall have authority to audit, review, examine, copy and transcribe any pertinent data, information, records or documents relating to this Agreement at any reasonable time. SIMPCO MPO shall retain all records and documents applicable to this Agreement for a period of not less than three (3) years after final payment is made to Departments by the federal funding agencies.

SIMPCO MPO shall have a single, organization-wide financial and compliance audit performed by a qualified, independent auditor if required to do so under federal laws and regulations (see OMB Circular A-128, Sec. 4). This audit shall be performed in accordance with OMB Circular A-128, and state single, organization-wide audit guidelines. A copy of the audit shall be furnished to Departments.

**Article XII: Certification Regarding Lobbying**

The SIMPCO MPO certifies, by signing this Agreement, to the best of his or her knowledge and belief, that no federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person of influencing attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, and making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

This certification is a material representation of fact upon, which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction SIMPCO MPO issued by Section 1352, Title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**COOPERATIVE AGREEMENT FOR CONTINUING TRANSPORTATION PLANNING  
FOR THE SIOUX CITY METROPOLITAN PLANNING AREA**

The SIMPCO MPO also agrees by signing this Agreement that it shall require that the language of this certification be included in all lower tier subcontracts, which exceeds \$100,000 and that all such subrecipients shall certify and disclose accordingly.

**Article XIII: Effective Date and Duration of Agreement**

This Agreement shall become effective upon execution by SIMPCO MPO, Departments, and Transit Operator and shall remain in force until terminated under provisions of Article XIV, or until superseded by a new Agreement.

This Agreement may be amended from time to time as facts or circumstances warrant or as may be required by OMB and/or state laws, administrative regulations departmental orders, or guidelines having the full force and effect of law.

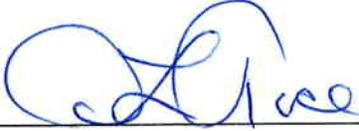
**Article XIV: Termination of Agreement**

SIMPCO MPO, Departments, or Transit Operator may terminate this Agreement by giving sixty (60) days written notice of such termination to the other party. In the event of termination, SIMPCO MPO will be entitled to receive just and equitable compensation for any satisfactory work completed under this Agreement to the effective date of such termination.

IN WITNESS WHEREOF, the parties have hereto caused this Agreement to be executed by their proper officers and representatives.

Approved by the SIMPCO MPO Policy Board and signed this 10<sup>th</sup> day of September, 1998.

  
\_\_\_\_\_  
Martin J. Dougherty  
SIMPCO MPO Policy Board Chairperson

  
\_\_\_\_\_  
State of Iowa, Department of Transportation

Date: 6/16/99

  
\_\_\_\_\_  
State of Nebraska, Department of Roads

Date: 7/1/99

  
\_\_\_\_\_  
State of South Dakota, Department of Transportation

Date: 4/21/99

COOPERATIVE AGREEMENT FOR CONTINUING TRANSPORTATION PLANNING  
FOR THE SIOUX CITY METROPOLITAN PLANNING AREA

A. Craig Whitman  
City of Sioux City, Iowa Sioux City Transit System

Date: 3/25/89

## ***Appendix D: UPWP Sample Scope of Services***

See Federal Guideline Reference 23CFR420: <http://www.fhwa.dot.gov/hep/guidance/#t23>

### **IV. SHORT RANGE PLANNING AND PROGRAMMING ACTIVITIES – 6400**

#### **A. Transportation Improvement Program (TIP) (6410)**

Objective:

Draw on priorities identified in the *2040 Long Range Transportation Plan* to program projects for the next four fiscal years. Develop, maintain and update the scheduling of improvements and ensure consistency between the MPO's Transportation Improvement Program (TIP), local Capital Improvement Programs and coordinate with the State (STIP).

Previous Work:

- Developed and maintained the FY 2013-2016 TIP by including amendments.
- Worked to improve the programming process to directly reflect the LRTP.
- Coordinated the development of the FY 2014-2017 TIP and ensured projects are reviewed and evaluated in relation to the MPO Transportation Plan.
- The coordinated project prioritization process to select projects for implementation and funding.

Methodology:

- Draw on priorities in the *2040 Long Range Transportation Plan* to select projects for funding.
- Coordinate capital improvements to ensure consistency between the MPO's TIP and the City of Lincoln, Lancaster County and State Transportation Improvement Programs.
- Coordinate the TIP with the State (STIP) program.
- Review annual TIP for consistency and coordination with the MPO Transportation Plan.
- Develop an annual listing of obligated projects for which federal funds have been programmed.

Products:

- A. Coordinated the development of the FY 2014-2017 TIP.
- B. The TIP will be maintained with amendments as needed.
- C. The draft FY 2015-2018 TIP will be coordinated with the self-certification as required.
- D. Listing of projects obligated with federal funds.
- E. Continue the developing and documenting the prioritization and programming of transportation projects and coordinate this with the Annual Review of the LRTP.

Funding Source: Combined Local and PL Funding

Functional Agency Responsibility: Local, 100%

Schedule of Products Completion Dates

- A. Coordinate development of the FY 2014-2017 TIP October 2013
- B. Maintain the current TIP through revisions as necessary On-going activity
- C. Coordinate the development of the FY 2015-2018 TIP February - October 2014
- D. Annual listing of federally obligated projects January 2014
- E. Coordination project selection within the Annual Review of projects April-May 2014

## SUPPLEMENTAL AGREEMENT NO. (1)

STATE OF NEBRASKA DEPARTMENT OF ROADS  
CITY OF LINCOLN  
PROJECT NO. SPR-PL-1  
CONTROL NO.  
FY-        PLANNING (PL) AGREEMENT

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the State of Nebraska, Department of Roads, hereinafter referred to as the "State", and the City of \_\_\_\_\_, Nebraska, hereinafter referred to as the Local Public Agency or "LPA",

WITNESSETH:

WHEREAS, the LPA and the State have previously entered into Program Agreement \_\_\_\_\_, executed by the LPA on \_\_\_\_\_, and executed by the State on \_\_\_\_\_, hereinafter referred to as the "Original Agreement", and

WHEREAS, the LPA has executed an agreement with \_\_\_\_\_ ( \_\_\_\_\_ ), in the amount of \$ \_\_\_\_\_, and

WHEREAS, additional Federal Aid Highway Metropolitan Planning (PL) Funds for fiscal year \_\_\_\_\_ in the amount of \_\_\_\_\_ have become available, and

WHEREAS, it now becomes necessary that agreement \_\_\_\_\_ be supplemented to increase the amount of PL dollars available to the LPA.

NOW THEREFORE, in consideration of these facts, the LPA and State hereto agree as follows:

SECTION 1. For the additional activities outlined in the \_\_\_\_\_ agreement ( \_\_\_\_\_ ), Section 3 of the Original Agreement is hereby amended and the total of direct and indirect costs shall not exceed, in any event, \$ \_\_\_\_\_ for costs incurred during fiscal year \_\_\_\_\_, of which a maximum of \$ \_\_\_\_\_ will be reimbursed by the State using PL funds.

SECTION 2. The LPA and the State agree that, except as specifically amended by this Supplemental Agreement, all terms and provisions of the Original Agreement executed by the LPA on \_\_\_\_\_, and executed by the State on \_\_\_\_\_ shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the LPA this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_ .

ATTEST:

CITY OF

\_\_\_\_\_

\_\_\_\_\_

EXECUTED by the State this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_ .

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
Mike Owen, P.E.

\_\_\_\_\_  
Planning & Project Development Engineer

## SUPPLEMENTAL AGREEMENT NO. (1)

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CITY OF LINCOLN  
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WHEREAS, the LPA has executed an agreement with \_\_\_\_\_ ( \_\_\_\_\_ ), in the amount of \$ \_\_\_\_\_, and

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WHEREAS, it now becomes necessary that agreement \_\_\_\_\_ be supplemented to increase the amount of PL dollars available to the LPA.

NOW THEREFORE, in consideration of these facts, the LPA and State hereto agree as follows:

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SECTION 2. The LPA and the State agree that, except as specifically amended by this Supplemental Agreement, all terms and provisions of the Original Agreement executed by the LPA on \_\_\_\_\_, and executed by the State on \_\_\_\_\_ shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the LPA this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_ .

ATTEST:

CITY OF

\_\_\_\_\_

\_\_\_\_\_

EXECUTED by the State this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_ .

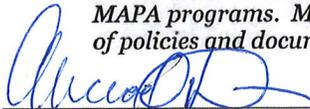
STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
Mike Owen, P.E.

\_\_\_\_\_  
Planning & Project Development Engineer

## MPO Self Certification

The Nebraska Department of Roads, the Iowa Department of Transportation and the Metropolitan Area Planning Agency hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- (1) **23 U.S.C. 134, 49 CFR 5303, and this subpart;**  
*MAPA collaborates with local, State and public transportation agencies to carry out a continuing, cooperative and comprehensive (3C) metropolitan planning process through its Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP), and other transportation planning activities.*
- (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;**  
*MAPA is designated as an attainment area. However, MAPA is closely monitoring air quality reports and standards while working on a proactive public outreach and reduced transit fare initiative to reduce ozone with local agencies, NDOR, IDOT, NDEQ, IDNR, EPA and Metro Transit of Omaha.*
- (3) **Title VI of the Civil Rights act of 1964, as amended (42 U.S.C. 2000d-1 ) and 49 CFR part 21;**  
*MAPA recently updated its Title VI plan and outreach efforts to better serve and involve the protected classes under Title VI of the Civil Rights Act of 1964.*
- (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;**  
*MAPA's Public Involvement Plan (PIP) (section 2) guides MAPA's outreach efforts to ensure that no person is discriminated against on the basis of race, color, creed, national origin, sex or age in the transportation planning process. This applies to MAPA's LRTP, TIP, UPWP, and other transportation planning activities.*
- (5) **Section 1101(b) of the MAP-21 (Pub. L. 112-141) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;**  
*MAPA maintains a recently updated Disadvantaged Business Enterprise (DBE) Program including agency DBE contract goals.*
- (6) **23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;**  
*MAPA does not receive Federal-aid highway construction funds and does not let construction contracts. With regard to other transportation planning activities, see above comments under point 4.*
- (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 ofn 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.**  
*MAPA has an Equal Employment Opportunity Policy that includes not only prohibiting employment discrimination on the basis of race, color, creed, or national origin, it also prohibits discrimination on the basis of age, non-job related physical or mental disability and gender. This policy also includes all publications and advertisements and our website. MAPA advertises and posts public notices in minority focused news media. These policies pertain to MAPA programs. MAPA's committees are diverse in gender, age, and race and pass recommendations for approval of policies and documents to the MAPA Board of Directors.*

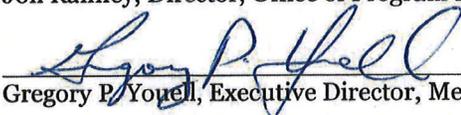


Michael Owen, Planning & Project Development Engineer, Nebraska Department of Roads

Date 7-15-2013

Jon Ranney, Director, Office of Program Management, Iowa Department of Transportation

Date \_\_\_\_\_



Gregory P. Youell, Executive Director, Metropolitan Area Planning Agency

Date 6-28-13



**Dave Heineman**  
Governor

**STATE OF NEBRASKA**

**DEPARTMENT OF ROADS**

*Randall D. Peters, P.E., Director – State Engineer*

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759

Phone (402) 471-4567 • FAX (402) 479-4325 • [www.transportation.nebraska.gov](http://www.transportation.nebraska.gov)

***Appendix G: Example Year End Report Letter***

September 30, 2014

Mr. Justin Luther  
Planning/ROW Specialist  
Federal Building, Room 220  
100 Centennial Mall North  
Lincoln, NE 68508-3803

SUBJ: MPO Year End Report

Dear Mr. Luther:

Attached for FHWA's review is a compilation of quarterly reports for each MPO. Also included is a summary financial report comparing of budgeted amount and actual costs incurred for PL-1 (51).

A summary of FY 2014 accomplishments can be found in each of the MPO's Unified Planning Work Programs and can be accessed at the following websites:

MAPA: [http://www.mapacog.org/images/stories/Trans\\_General/UPWP\\_FY15\\_Am01\\_2014\\_08\\_18.pdf](http://www.mapacog.org/images/stories/Trans_General/UPWP_FY15_Am01_2014_08_18.pdf)

Lincoln MPO: <https://www.lincoln.ne.gov/city/plan/mpo/mporpts/upwp14.pdf>

SIMPCO MPO: <http://www.simpco.org/Portals/0/documents/srtpafy15tpwpfinal5.30.14.pdf>

GIAMPO: <http://www.grand-island.com/home/showdocument?id=8240>

Sincerely,

Brad Zumwalt  
Highway Planning Manager

cc: M. Bechtel, FTA  
M. Owen, Planning and Project Development  
M. Brienzo, Lincoln MPO



**Dave Heineman**  
Governor

**STATE OF NEBRASKA**

**DEPARTMENT OF ROADS**

*Randall D. Peters, P.E., Director – State Engineer*

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759

Phone (402) 471-4567 • FAX (402) 479-4325 • [www.transportation.nebraska.gov](http://www.transportation.nebraska.gov)

***Appendix H: TIP Approval Letter***

See Federal Guideline Reference 23CFR324: <http://www.fhwa.dot.gov/hep/guidance/#t23>

July 1, 2013

The Honorable Chris Beutler  
Mayor of Lincoln  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Approval of Lincoln's FY-2014 TIP by Governor's Designee

Dear Mr. Beutler:

As the Governor's designee, I am approving Lincoln's FY 2014-2017 Transportation Improvement Program (TIP) as approved by the Lincoln MPO Officials Committee on May 30, 2013.

This TIP approval applies to the first four years of projects listed that involve federal funds. Federally funded projects in the first year of the TIP must be programmed by the Nebraska Department of Roads. Lincoln's TIP is included in Nebraska's STIP by reference. Consequently, the new TIP is included in Nebraska's STIP upon the notification to and approval of FHWA.

If you have any questions, please call Brad Zumwalt at 402-479-4623.

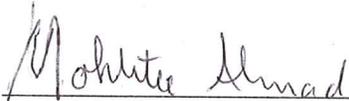
Sincerely,

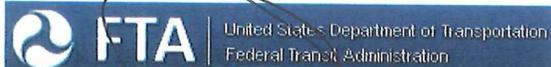
Michael Owen, P.E.  
Planning & Project Development Engr.

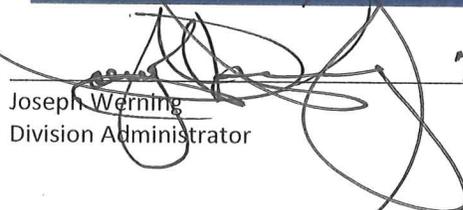
cc: J. Werning, FHWA  
J. Luther, FHWA  
M. Bechtel, FTA  
A. Starr, NDOR Project Scheduling  
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M. Brienzo, Lincoln-Lancaster Planning Department

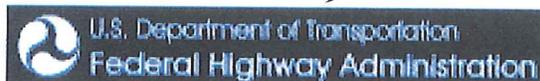
# Guidelines for Development of the Nebraska Statewide Transportation Improvement Program (STIP)

May 2014

 7/31/14  
Mokhtee Ahmad Date  
Regional Administrator



 7/28/14  
Joseph Werning Date  
Division Administrator



 7/21/14  
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Director – State Engineer





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## STIP Development Timeline

| Target Date             | Task  |
|-------------------------|---|
| December                | MPO/NDOR/FHWA Coordination Meeting  |
| January 15              | 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, Lincoln and Grand Island MPOs              |
| May 1 - July 1          | NDOR coordinates with MPO's and approves their TIPs   |
| <b>June 15</b>          | <b>Last date that NDOR will accept MPO TIP's for review and inclusion in the upcoming STIP.</b> |
| 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   |

## Purpose

The Nebraska Department of Roads (NDOR) has coordinated with the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to document procedures for developing the Nebraska Statewide Transportation Improvement Program (STIP). The three parties will review this document for consistency with laws, regulations and best practices at least biannually but more frequently if necessary. Any questions regarding content or relating to the process should be directed to the Program Management Engineer, 1500 Highway 2, PO Box 94759, Lincoln, NE 68509-4759. Transit related questions should be directed to the Public Transportation Engineer at the above address.

Nebraska's STIP is developed annually through a cooperative effort with its three metropolitan planning organizations (MPO's.) The MPO's from the Lincoln, South Sioux City and Omaha areas develop Transportation Improvement Programs (TIPs) conforming with 23 USC 134 annually for the upcoming fiscal year plus at least the three following years. A new MPO has been recently formed for the Grand Island area and will be required to submit its first TIP in March of 2016. 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 Appendices A and B.

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.

## Planning and Environmental Linkage

NDOR is committed to protecting, preserving, and enhancing the environment where feasible. There are severe consequences for not adhering to the requirements of the **National Environmental Policy Act (NEPA)** including project delays, fines, and criminal liability, not to mention a negative public image.

In accordance with NEPA, environmental documents are prepared that state:

- The purpose and need of an NDOR or Local transportation project,
- Any existing environmental and socioeconomic conditions,
- Environmental consequences of the project, and
- Alternatives to the proposed alignment of the project.

23 CFR 450.212 and 23 CFR 450.318 encourage linkages between the transportation planning and project development and NEPA processes. Planning and Environment Linkages (PEL) represents a collaborative and integrated approach to transportation decision-making that 1) considers environmental, community, and economic goals early in the transportation planning process, and 2) uses the information, analysis, and products developed during planning to inform the environmental review process.

The STIP can serve as a tool for prioritizing and scheduling NEPA compliance activities. A project must meet various planning and NEPA requirements. The procedures of the different requirements, direct the project sponsors to meet all the following:

- All Projects requiring Federal action or that are to be implemented with Federal-aid must come from a fiscally constrained Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) or from a fiscally constrained Statewide Transportation Planning Program (STIP) [23 CFR Part 450].
- The TIP shall include a Project, or an identified phase of a Project, only if full funding can reasonably be anticipated to be available for the Project or the identified phase within the time period contemplated for completion of the Project or the identified phase. [23 U.S.C. § 134(j)(3)(D)].
- The STIP shall include a Project, or an identified phase of a Project, only if full funding can reasonably be anticipated to be available for the Project within the time period contemplated for completion of the Project. [23 U.S.C. § 135(g)(4)(E)].
- NEPA project approval can only be given when the NEPA documents meet all applicable environmental laws and Executive Orders or reasonable assurances of compliance are provided in accordance with 23 CFR § 771.133.

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## Transportation Planning and the NEPA Process

NDOR works with the MPOs, state and federal oversight agencies, FHWA, and FTA to ensure NEPA processes are complete before a project in the STIP is constructed or implemented. Importantly, before the FHWA can sign the final NEPA decision (i.e., ROD, FONSI, or CE), the proposed Project ("Project") as defined in the NEPA document must meet the following specific criteria:

- **For Metropolitan Planning Areas (within a MPO):**
  - The Project or phases of the Project within the time horizon of the MTP must be included in the fiscally constrained MTP, and other phases of the Project and the associated costs beyond the MTP horizon must be referenced in the Plan.
  - The Project or phase of the Project must be in the fiscally constrained TIP, which includes:
    - At least one subsequent Project phase, or the description of the next Project phase for information purposes only in unusual instances<sup>3</sup>.
    - All Federal-aid Projects or Project phases and non-federally funded, regionally significant projects that require a Federal action. [23 CFR § 450.324(d)]
  - Full funding is reasonably available for the completion of all the phase(s) of the Project within the time period anticipated for completion of the Project.<sup>4</sup> [23 CFR § 450.324(h)-(i)]
- **For Non-metropolitan Areas:**
  - The Project must be consistent with the Long Range Statewide Transportation Plan (also referred to as SLRP).

- The Project or phase of the Project must be in the fiscally constrained STIP, which includes:
  - If the completion of the Project is beyond the timeframe of the STIP, the STIP must contain at least one subsequent Project phase, or a description of the next Project phase for informational purposes.
  - All Federal-aid projects or project phases and non-federally funded, regionally significant projects that require a Federal action [23 CFR § 450.216(h)]
  - Full funding is reasonably available for the completion of all phase(s) of the Project. [23 CFR § 450.216(l)-(m)]

**Fiscal Constraint Requirement before Approving the NEPA Decision**

| <b>Before a Final Environmental Decision (ROD, FONSI, CE) is approved in:</b> | <b>Fiscal Constraint must be demonstrated by:</b>   |
|---|---|
| Metropolitan Areas  | <ul style="list-style-type: none"> <li>• Entire Project is in the MTP</li> <li>• At least one subsequent phase of the Project is in the TIP (more if within TIP timeframe)</li> <li>• Full funding is reasonably available for the completion of the entire Project</li> </ul>          |
| Non-Metropolitan Areas (Outside MPO)  | <ul style="list-style-type: none"> <li>• Project is consistent with the SLRP</li> <li>• At least one subsequent phase of the Project is in the STIP (more if within STIP timeframe)</li> <li>• Full funding is reasonably available for the completion of the entire Project</li> </ul> |

The goals and objectives of the STIP are consistent with those of the Long Range Transportation plan. Please see Appendix C.

For further information please follow the following link to find the FHWA memorandum:  
[http://www.fhwa.dot.gov/planning/tpr\\_and\\_nepa/supplementmemo.cfm](http://www.fhwa.dot.gov/planning/tpr_and_nepa/supplementmemo.cfm)

**Funding Categories shown in the STIP**

Federal fund categories used in the STIP reflect the actual categories of funds apportioned to NDOR by the Federal Highway Administration. Brief descriptions of how Nebraska uses these fund categories are:

**NHPP – National Highway Performance Program**

The NHPP provides support for the condition and performance of the National Highway System (NHS), for the construction of new facilities on the NHS, and to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in a State's asset management plan for the NHS. A complete description of the National Highway System, including maps, can be found at: <http://www.fhwa.dot.gov/planning/nhs/>

Common eligible activities include:

- Construction, reconstruction, resurfacing, restoration, rehabilitation, preservation, or operational improvements of NHS segments.
- Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) of NHS bridges and tunnels.
- Bridge and tunnel inspection and evaluation on the NHS and inspection and evaluation of other NHS highway infrastructure assets.
- Development and implementation of a State Asset Management Plan for the NHS including data collection, maintenance and integration, software costs, and equipment costs.

**BR – Highway Bridge Program** (These funds remain from previous federal highway program apportionments)

- The total replacement of a structurally deficient or functionally obsolete highway bridge on any public road with a new facility constructed in the same general traffic corridor,
- The rehabilitation that is required to restore the structural integrity of a bridge on any public road, as well as the rehabilitation work necessary to correct major safety (functional) defects and
- Bridge painting, systematic preventative maintenance, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures.

**BRO – Off- System Bridge Program**

- The replacement, rehabilitation or repair of bridges not on Federal-aid highways (off-system bridges)

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**STP – Surface Transportation Program**

Flexible funding that may be used for projects to preserve and improve the conditions and performance on any Federal-aid highway, bridge and tunnel projects on any public road, pedestrian and bicycle infrastructure.

Common eligible activities include:

- Construction, reconstruction, rehabilitation, resurfacing, restoration, preservation, or operational improvements for highways
- Replacement, rehabilitation, preservation, protection, and anti-icing/deicing for bridges and tunnels on any public road, including construction or reconstruction necessary to accommodate other modes.
- Construction of new bridges and tunnels on a Federal-aid highway.
- Inspection and evaluation of bridges, tunnels and other highway assets as well as training for bridge and tunnel inspectors.
- Transportation alternatives --newly defined, includes most transportation enhancement eligibilities. [See separate "Transportation Alternatives" section]
- Infrastructure-based ITS capital improvements.
- Truck parking facilities.

- Development and implementation of State asset management plan for the NHS, and similar activities related to the development and implementation of a performance based management program for other public roads.
- Workforce development, training, and education activities.

In addition to funds apportioned in the STP category, NDOR also uses other apportioned funds on STP projects. These apportionments are included in the STP summary balance.

- Congestion Mitigation and Air Quality (CMAQ) funds are apportioned to the States funds for use on projects designed to alleviate traffic congestion in areas that do not meet federal regulations for ozone and carbon monoxide levels. Because there are currently no such areas in Nebraska, NDOR generally uses these funds on STP-eligible projects. NDOR is currently developing criteria and a formal process for MPO's to request CMAQ funds for CMAQ-type projects. In the interim, the NDOR Planning and Project Development Engineer will consider requests and approve on a case-by-case basis.
- Other funds that NDOR uses for STP eligible projects have come under such designations as Equity Bonus, Redistributed Funds, Extension of Allocated Programs and Minimum Guarantee Funds. NDOR plans to use any such current or future funding on STP-eligible projects.

**STP-LIN / STP-MAPA – STP funds set aside for use in the Lincoln and MAPA (Omaha) metropolitan areas**

Any of the eligible STP purposes listed above.

**EM – Earmarks – Grouping of special funding categories that are allocated on a project or program basis by Highway Transportation Bills and Acts or by FHWA**

**SFTY – Safety Programs that include the Highway Safety Improvement Program (HSIP) and Rail Safety Programs (RRX, RRZ)**

HSIP - strategies, activities, and projects on a public road that are consistent with a State strategic highway safety plan and -

- (a) correct or improve a hazardous road location or feature; or
- (b) address a highway safety problem.

Examples of HSIP projects include, but are not limited to, the following:

- An intersection safety improvement.
- Pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition).
- Installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities.
- Installation of a skid-resistant surface at an intersection or other location with a high frequency of crashes.
- An improvement for pedestrian or bicyclist safety or safety of persons with disabilities.
- Construction and improvement of a railway-highway grade crossing safety feature, including installation of protective devices.
- The conduct of a model traffic enforcement activity at a railway-highway crossing.
- Construction of a traffic calming feature.
- Elimination of a roadside hazard.

- Installation, replacement, and other improvement of highway signage and pavement markings, or a project to maintain minimum levels of retroreflectivity, that addresses a highway safety problem consistent with a State strategic highway safety plan.
- Installation of a priority control system for emergency vehicles at signalized intersections.
- Installation of a traffic control or other warning device at a location with high crash potential.
- Transportation safety planning.
- Collection, analysis, and improvement of safety data.
- Planning integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to work zone safety.
- Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of road users and workers), and crash attenuators.
- The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.
- Construction and operational improvements on high risk rural roads.

RRX / RRZ funds are used to carry out safety improvements at railroad crossings, such as:

- New grade separation structures
- Protection measures at crossings
- Reconstruction of existing railroad grade crossing structures
- Relocation of highways to eliminate grade crossings

#### **TAP – Transportation Alternatives Program**

- Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation.
- Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
- Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.
- Construction of turnouts, overlooks, and viewing areas.
- Community improvement activities, including—
  - inventory, control, or removal of outdoor advertising;
  - historic preservation and rehabilitation of historic transportation facilities;
  - vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
  - archaeological activities relating to impacts from implementation of a transportation project eligible under 23 USC.
- Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to—
  - address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff; or
  - reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

In addition to defined Transportation Alternatives (as described above), the

- The safe routes to school program under §1404 of SAFETEA–LU.
- Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.
- Workforce development, training, and education activities

### **RTP – Recreational Trails Program**

- RTP funds are used to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses. Examples of trail uses include hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles.
- Each State administers its own program, usually through a State resource or park agency. NDOR has chosen the Nebraska Game and Parks Department to administrate the program.

### **Grouped Projects**

Federal law governing STIP/TIP procedures allows projects that are not of significant scale and/or are not regionally significant to be grouped by function, work type or geographic area. NDOR groups the following work types for the first year of the STIP and shows them on individual listings on the STIP web page at <http://www.transportation.nebraska.gov/STIP/>.

- Minor Safety Projects – Small scale safety projects that are not regionally significant, such as traffic signal upgrades, guardrail, rumble strips and protective devices at railroad crossings
- Recreational Trails – all projects using RTP funds
- Transportation Alternatives – all projects using TAP funds

The listings will be updated as necessary and NDOR will demonstrate fiscal constraint on each group. MPO projects that fit into these groupings must be shown in the appropriate TIP to be included in the listings.

### **Advance Construction**

Advance construction (AC) is a technique which allows NDOR or a Local Public Agency (LPA) to initiate a project using non- federal funds while preserving eligibility for future Federal-aid funds. Eligibility means that FHWA has determined that the project technically qualifies for Federal-aid; however, no present or future Federal funds are committed to the project. After an advance construction project is authorized, the State may convert the project to regular Federal-aid funding provided Federal funds are made available for the project.

An advance construction project must meet the same requirements and be processed in the same manner as a regular Federal-aid project, except the FHWA authorization does not constitute a commitment of Federal funds on the project.

At the time of project approval, FHWA and the State will execute a project agreement. The project agreement contains provisions for advance construction project and specifies that the total cost of the project is an obligation of the State or LPA. No Federal obligation is created until the project is converted to a regular Federal-aid project.

The projects must be included on the STIP and meet the tests of financial constraint. The total amount that may be advance constructed will be limited as follows: the Federal share of all advance construction

projects (amount not converted to Federal-aid) cannot exceed the sum of the State's current unobligated balance of apportionments plus the amount of Federal funds anticipated in the subsequent fiscal years of an approved STIP, i.e., the amount used in developing the approved STIP. If this limit is reached, the FHWA Division Administrator will not approve any additional advance construction projects. NDOR's Controller Division is responsible for monitoring the amount of AC committed.

**Projects to be authorized as AC will be shown in the STIP with "AC" added after the federal funding source that is to be advance constructed, i.e. STP-AC, NH-AC.**

#### **Conversion to a Regular Federal-aid Project**

The State may request to the FHWA that a project be converted to a regular Federal-aid project at any time provided that sufficient Federal-aid funds and obligation authority are available. The State may request a partial conversion where only a portion of the Federal share of project costs is obligated and the remainder may be converted at a later time provided funds are available. Only the amount converted is an obligation of the Federal Government. The project is to be identified on the STIP each year a conversion occurs.

Partial conversion of advance construction is a somewhat different approach in which the state converts, obligates, and receives reimbursement for only a portion of the Federal share of project costs. This removes any requirement to wait until the full amount of spending authority is available. The state can therefore convert an advance-constructed project to a Federal-aid project in stages, based on cash flow requirements and availability of spending authority, rather than all at once on a single future date. This flexibility enables a state to begin some projects earlier, delivering the benefits to the public sooner.

**Projects to be converted from AC to regular Federal aid will be shown in the STIP with "AC Conv" added after the federal funding source that is to be converted, i.e. STP AC Conv, NH AC Conv. The amount of federal funds will show in the estimate column.**

**When Congress does not make full federal highway funding available at the beginning of the fiscal year, funds are apportioned in increments throughout the year under a Continuing Resolution. This may force NDOR to authorize projects as AC when they had planned to obligate federal funds. As long as the project is still expected to be converted to regular federal aid in the same fiscal year, it will be shown in the STIP as a regular non-AC project. This process is only applicable when NDOR is operating under a Continuing Resolution.**

#### **Federal Transit Assistance (Title 49)**

A portion of federal fuel tax revenue is placed in the Mass Transit Account of the Federal Highway Trust Fund. These funds, and General Fund appropriations, are reserved for transit purposes and are administered by the Federal Transit Administration (FTA.) Similar to the FHWA programs, the transit funding authorized by SAFETEA-LU is managed in several ways. The largest amount is distributed to the states or to large metropolitan areas by formula. Other program funds are discretionary and some are earmarked for specific projects.

- Metropolitan Planning Program (Section 5303). FTA provides funding for this program to the state based on urbanized area population. The funds are dedicated to support transportation planning projects in urbanized areas with more than 50,000 population.
- Statewide Transportation Planning Program (Section 5304). These funds come to the states based on

population and are used to support transportation planning projects in non-urbanized areas.

- **Urbanized Area Formula Program (Section 5307).** FTA provides transit operating, planning and capital assistance funds directly to local recipients in urbanized areas with populations between 50,000 and 200,000, based on population and density figures, plus transit performance factors for larger areas. Local recipients, for whom projects are programmed by the MPO, must apply directly to FTA.
- **Capital Investment Program (Section 5309).** The transit discretionary program provides federal assistance for major capital needs such as fleet replacement and construction of transit facilities. All transit systems in the state are eligible for this program. In recent years, all of these funds have been earmarked by Congress for specific projects or geographic regions.
- **Special Needs Program (Section 5310).** Funding is provided through this program to increase the mobility for the elderly and persons with disabilities. Funds are used to purchase transportation services or vehicles for private, not-for-profit uses.
- **Non-Urbanized Area Formula Program (Section 5311).** This program provides capital and operating assistance for rural and small urban transit systems. Up to 15 percent of these funds are allocated to intercity bus projects. A portion of the funding is also allocated to support rural transit planning. The remaining funds are used in the regular 5311 program.
- **Rural Transit Assistance Program (RTAP – Section 5311(b)(3)).** This funding is also used for statewide training events and to support transit training scholarships for rural transit managers and drivers and to support the State Transit Association.
- **Job Access Reverse Commute Program (Section 5316).** Under MAP-21, this program is no longer a stand alone Section of FTA funding. Upon the discretion of the grantee, Job Access Reverse Commute Programming is an eligible funding activity under Section 5307 and Section 5311. This eligible activity provides funding for transportation services in urban, suburban and rural areas to assist welfare recipients and low income individuals access to employment opportunities and support services.
- **New Freedoms (Section 5317).** Under MAP-21, this program is no longer a stand alone Section of FTA funding. Upon the discretion of the grantee, New Freedoms Programming is an eligible activity under Section 5310. This eligible activity supports services and facility improvements to address the transportation needs of persons with disabilities that are new since the signing of SAFETEA-LU and that go beyond what is required by the Americans with Disabilities Act.
- **State Transit Assistance (STA).** All Public Transit Systems are eligible for funding. These funds can be used by the public transit system for operating expenses related to the provision of open-to-the-public passenger transportation. A separate allocation of state funding is available to match the federal Intercity Bus funds.

## **NDOR's Role in MPO TIP Development**

### **State Sponsored Projects**

Each year, the NDOR, in consultation with the MPO, develops a listing of all projects selected at the state level that are within the boundaries of the Metropolitan Planning Area (MPA.) NDOR will meet annually with the MPO's to discuss these projects.

The NDOR will also supply information to assist the MPOs in fulfilling the requirement that they provide a status report for current projects. This information includes the status of every project listed in the first

year of the previous TIP, whether under construction, completed or delayed until a future fiscal year along with the amount of federal aid obligated and the type and amount of matching funds.

### **Locally Sponsored Projects**

NDOR provides each MPO an estimated amount of their STP-Urban Attributable funds for programming of eligible projects at the time they are developing their TIPs. This amount is an estimate of future apportionments and is provided solely for planning purposes. Each MPO is subject to an annual obligation limitation which may be less than the actual apportionment. An MPO will not be allowed to obligate more than their obligation limitation unless NDOR determines it to be in the best interest of the Department.

Other local projects (bridge, safety, Transportation Alternatives, etc.) are developed in cooperation with the appropriate NDOR Division and will be included in the TIP once they are programmed.

### **MPO's Role in STIP Development**

#### **FHWA Funding**

The MPOs should allow the NDOR an opportunity to review draft TIPs as they are developed in order to foster communication and expedite the approval of the final document. The MPO and NDOR may coordinate through special meetings or during the regularly scheduled MPO Coordination meetings.

All projects within the boundaries of the Metropolitan Planning Area (MPA) are selected in coordination with the City and/or County and the NDOR Local Projects Section.

Each MPO develops a four-year (at least) TIP with each year and each federal, state, local and private funding category fiscally constrained. The MPO must program within the funding amounts provided by NDOR to submit a fiscally-constrained TIP. Projects are to be listed in their year of expenditure and show the total project cost and the cost by work phase (PE, ROW, Construction, etc.) A more detailed list of requirements is contained in Appendix A.

Local projects are subject to the MPO's public participation process. Each MPO will review their projects to be sure they are consistent with the MPO long-range transportation plan and can be obligated within the year specified.

For further information on MPO TIP procedures, see Section 3 of NDOR's Operating Manual for MPO Transportation Planning at:

<http://www.transportation.nebraska.gov/projdev/mpo/manual/mpo-operating-manual.pdf>

#### **FTA and State Transit Funding**

Minimum information for inclusion in the STIP for transit projects shall include the grantee's name, the project description; the assistance category (operations support, capital improvement or planning); the type of capital purchase (replacement, rehabilitation, remanufacture or expansion); and the total cost and anticipated federal participation, both in whole dollars, plus identification of the federal program from which the federal funding will come, plus name of the project and termini(if applicable)?. To the extent possible, projects with multiple funding sources should be shown as a separate line item for each funding source.

In addition, the following items are required for capital improvement projects. A feasibility study for the construction of a new transit facility or maintenance facility must accompany the TIP submittal for projects programmed in the first year of the STIP/TIP. Planning justification is required for all projects except like-kind rolling stock replacement and rehabilitation projects. Projects replacing a vehicle with a

vehicle that differs substantially from the one being replaced must justify the need for such a change. "Useful life" is an appropriate guide to evaluate when an item needs to be replaced; however, it does not solely indicate the "need" to be replaced. More specific information is required.

### **Preparation of Draft STIP by NDOR**

Between July 1 and August 15, the Program Management Division develops a draft STIP using NDOR's computer databases of projects and funding information. References to MPO projects and funding amounts are added as TIPs or Draft MPO TIPs become available. Non-MPO local project information is supplied by the Local Projects Division through their coordination with local agencies. The Public Transit Engineer supplies transit information. FHWA supplies information relating to tribal lands, federal lands and other programs not administered by the NDOR.

The Program Management Division thoroughly reviews all projects for eligibility before they are programmed for federal aid and added to the STIP.

Projects in the STIP are listed in their year of expenditure dollars, show the total project cost, and the cost by work phase. Work phases to be shown are preliminary engineering (PE), right-of-way (ROW) and Construction. For projects where utility work is expected to be authorized in advance of the bid letting for construction, a separate Utility work phase may be shown.

PE activities include feasibility studies, preliminary design/NEPA process and final design. *Preliminary design* defines the general project location and design concepts. It includes, but is not limited to, preliminary engineering and other activities and analyses, such as environmental assessments, topographic surveys, metes and bounds surveys, geotechnical investigations, hydrologic analysis, hydraulic analysis, utility engineering, traffic studies, financial plans, revenue estimates, hazardous materials assessments, general estimates of the types and quantities of materials, and other work needed to establish parameters for the final design. *Final design* includes any design activities following preliminary design and expressly includes the preparation of final construction plans and detailed specifications for the performance of construction work. The preliminary Design/NEPA work phase and final design work phase, even though shown in the STIP as PE, will be authorized as two separate actions by FHWA, preliminary design/NEPA and final design. Final design authorization will not be requested until the NEPA process is complete.

ROW activities include ROW design, appraisal, acquisition, and relocation. The construction phase work activities are utility work, construction, and construction engineering.

### **Public Participation and Agency Review of STIP**

Federal regulations require broad public involvement in the development of the STIP. Successful development of the STIP is dependent on accomplishment of statewide public participation during development of the state and MPO Long Range Transportation Plans and TIPs. Public participation and agency coordination efforts for the highway and transit programs on state and local systems are accomplished by the NDOR and the three MPO's.

NDOR's approved STIP Public Involvement Plan which details project selection procedures can be found at:

<http://www.transportation.nebraska.gov/STIP/>

MPO's also have designated procedures for public input / agency coordination and are developing criteria for project selection. Each MPO has both technical committees and policy boards that participate in review and selection of projects within their MPA. Their public involvement procedures and TIPs can be found at 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/>

### **Approval of Final STIP**

After statewide public review of the draft STIP has been accomplished and comments concerning the draft STIP have been addressed, which may require action or adjustments; the STIP will be submitted to the FHWA and FTA. Final MPO TIPs and the STIP will be concurrently submitted to the FHWA and FTA as approved by the NDOR. (Drafts will be provided to the FHWA and FTA as they are submitted to the NDOR to facilitate federal review). The target date for submittal to the FHWA/FTA is September 1, which is 30 days prior to the beginning of the federal fiscal year.

If the federal agencies find all documents submitted in conformance with federal requirements, the NDOR will be notified of the joint approval of the STIP by FHWA and FTA. If additional material is required, the FHWA and FTA will notify the NDOR of the needed material. The goal is to have approval of the STIP annually, by October 1. The approval of the STIP prior to the start of the Federal fiscal year will allow authorization of federal-aid for projects without delay.

### **Revising an Approved STIP/TIP**

Revisions are changes to a TIP or STIP 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 |  |

### **Demonstrating Fiscal Constraint**

At least quarterly, NDOR will adjust the financial summary page or the project listing if the project is in the current STIP to reflect funding changes caused by administrative modifications in order to redemonstrate fiscal constraint over the life of the STIP. These adjustments will also include those made to projects not on the STIP, such as letting adjustments, modified agreements and final vouchers.

Should funding adjustments through administrative modifications and/or amendments cause the STIP to exceed anticipated funding available, NDOR will adjust existing STIP projects in order to maintain fiscal constraint. This may involve removal, reprogramming to another fiscal year, or conversion to advance construction.

MPO's are responsible for demonstrating and maintaining fiscal constraint of their TIPs. NDOR will include MPO funding adjustments in their quarterly reports and verify fiscal constraint before approving any TIP amendments. Administrative Modifications will be approved by NDOR and will be shown in the next STIP revision. Approval by NDOR constitutes inclusion of the modification in the STIP.

### **Documenting Revision Procedures**

Each MPO must document their procedures for processing amendments and administrative modifications. The procedures adopted by each of the MPO's must be consistent with the STIP Guidelines. For all LRTP and TIP amendments, the MPO's shall use the same thresholds contained in this document. (i.e. 20 % or \$2 million, whichever is greater). Amendment procedures must be documented in the LRTP, TIP and Public Participation Plan.

Documentation needs to include the definitions of amendment and administrative modification. It should also include detailed procedures on how each type of revision is processed. For example, notification procedures, posting procedures, comment periods, staff/board actions etc. The NDOR will not require that each MPO follow the same procedures for public involvement, but will monitor each MPO's process for adherence to FHWA regulations.

**FHWA Funding Transferred to FTA – See Section 2 of NDOR's Operating Manual for MPO Transportation Planning at:**

<http://www.transportation.nebraska.gov/projdev/mpo/manual/mpo-operating-manual.pdf>

## Appendix A

### MPO TIP Checklist Required for Final MPO TIP Approval

- Listing of all federal-aid projects proposed for FHWA or FTA funds for four federal fiscal years, plus a status report of all previously authorized significant MPO projects still underway.
- Summary of costs by fund source and fiscal year.
- A demonstration of sufficient funds (Federal, Local and private) to implement the proposed transportation system improvements as well as to operate and maintain the entire system, through the comparison of revenues and costs.
- Resolution or policy action of adoption of the TIP by the MPO.
- Discussion about the MPO project selection procedures.
- Discussion concerning the MPO public participation process and the public comments received.
- Self certification of the MPO planning process.

Section 23 CFR 450.218 describes several certifications that the MPO must make when submitting their proposed TIP, and amendments as necessary, to NDOR, FHWA and FTA for approval. The MPO shall certify that their transportation planning process is being carried out in accordance with the following requirements:

1. 23 U.S.C. 134 & 135, 49 U.S.C. 5303 and 5304.
2. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21.
3. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity.
4. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects.
5. 23 CFR part 230, regarding implementation of an equal opportunity program on Federal and Federal-aid highway construction contracts.
6. 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.
7. 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.
8. Section 324 of title 23 U.S.C., regarding the prohibition of discrimination based on gender.
9. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

Sections 174 and 176(c) & (d) of the Clean Air Act do not apply because there are no nonattainment or maintenance areas in Nebraska.

- Financial capacity analysis for MPO transit programs included in TIP or Consolidated Transit

Funding Application.

- Self-certification of the MPO financial capacity analysis.
- Planning justification (narrative) for all transit projects included in Consolidated Transit Funding Application.
- Feasibility Study for any transit facility projects programmed in the first year of the TIP included in Consolidated Transit Funding Application.
- Vehicle numbers for all projects to replace remanufacture or rehabilitate transit rolling stock.
- All transit projects that are not intended to implement aspects of the ADA plan should be specifically identified.

## Appendix B

### STIP Checklist

Section 23 CFR 450.218 describes several certifications that the state must make when submitting their proposed STIP, and amendments as necessary, to FHWA and FTA for approval. The state shall certify that their transportation planning process is being carried out in accordance with the following requirements:

1. 23 U.S.C. 134 & 135, 49 U.S.C. 5303 and 5304.
2. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21.
3. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity.
4. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects.
5. 23 CFR part 230, regarding implementation of an equal opportunity program on Federal and Federal-aid highway construction contracts.
6. 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.
7. 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.
8. Section 324 of title 23 U.S.C., regarding the prohibition of discrimination based on gender.
9. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

Sections 174 and 176(c) & (d) of the Clean Air Act do not apply because there are no nonattainment or maintenance areas in Nebraska.

Other stipulations of 23 CFR 450.216 addressed during development of the STIP are:

- Adherence to requirements for public involvement
- Inclusion of projects only if consistent with state and local long-range plans
- Inclusion of federal-aid projects and all regionally significant transportation projects requiring FHWA or FTA consideration during the four-year program period
- Cost estimates reflecting an inflation rate based on reasonable financial principles and information.
- Inclusion of tables showing the STIP is fiscally constrained by year.

In addition to these certifications, Section 450.216 describes a number of requirements that the state should also ensure are met when submitting the STIP. These requirements are as follows:

- Public involvement was provided for in the development of the STIP as required by 450.212.
- The metropolitan planning area TIPs are included without modification, directly or by reference, and have been approved by the Governor or his designee.

- The STIP, in nonattainment and maintenance areas, contains only transportation projects found to conform, or from programs that conform, to the requirements contained in 40 CFR part 51.
- The STIP contains only projects consistent with the long-range statewide transportation plan and MPO Long Range Transportation plans;
- The STIP includes a list of priority projects to be carried out in the first four years of the current program;
- The STIP contains all regionally significant transportation projects requiring action by FHWA or FTA

## Appendix C

### Long Range Transportation Plan Objectives and Goals for Linking Transportation Planning and the NEPA Process

#### Planning/Design

- Objective I: Increase participation of stakeholders in the early planning process.
  - ✓ Strategy I: Develop early consultation strategies by engaging stakeholders at the NDOR's Interagency Environmental Coordination Meeting.
  - ✓ Strategy II: Incorporate the natural and environmental concern in the planning process (e.g. STIP & LRTP).
  - ✓ Strategy III: Document the planning environmental linkage procedure for carrying planning decisions into NEPA.
  - ✓ Strategy IV: To address livability invite resource agencies including HUD & the EPA, as well as other public interest groups to the Highway Commission program meetings.

#### Construction

- Objective II: Ensure environmental commitments made during planning, NEPA, and design are carried forward into construction.
  - ✓ Strategy I: Create and then follow an approved NDOR Public Involvement Plan to ensure adequate and consistent outreach to the affected public prior to and during construction.
  - ✓ Strategy II: During the NEPA and design process look for possible impacts to the surrounding neighborhood and traveling public due to construction related impacts.
  - ✓ Strategy III: Market projects through educational efforts highlighting positive aspects of highway projects.
  - ✓ Strategy IV: Identify sensitive resource areas that are to be avoided within the project plan.
  - ✓ Strategy V: Ensure stakeholder concerns from planning are carried forward to preliminary design/NEPA.
  - ✓ Strategy VI: Ensure NEPA commitments are carried forward to the contract document via "Green Sheets".
  - ✓ Strategy VII: During construction, inspect projects in order to document that commitments made during planning and NEPA are carried forward into construction.

#### Operations

- Objective III: Encourage an environmentally sustainable Nebraska transportation system.
  - ✓ Strategy I: Develop a statewide environmental resource database to identify existing resources within NDOR's right of way parcels.
  - ✓ Strategy II: Incorporate Environmental Best Management Practices into the District Maintenance Manual to avoid impacts on major resources.
  - ✓ Strategy III: Develop a wetland mitigation bank and investigate in lieu fees.
  - ✓ Strategy IV: Promote community stewardship of the highways utilizing programs such as adopt-a-highway.
  - ✓ Strategy V: Create and then follow the NDOR Public Involvement Plan to ensure adequate and consistent outreach to the affected public is completed for maintenance activities that affect the surrounding neighborhoods and the traveling public.
  - ✓ Sustain and enhance a recycling program within NDOR

## Glossary

*Administrative modification* means a minor revision to a long-range statewide or metropolitan transportation plan, Transportation Improvement Program (TIP), or Statewide Transportation Improvement Program (STIP) that includes minor changes to project/project phase costs, minor changes to funding sources of previously-included projects, and minor changes to project/project phase initiation dates. An administrative modification is a revision that does not require public review and comment.

*Amendment* means a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes). An amendment is a revision that requires public review and comment and redemonstration of fiscal constraint. In the context of a long-range statewide transportation plan, an amendment is a revision approved by the State in accordance with its public involvement process.

*Available funds* means funds derived from an existing source dedicated to or historically used for transportation purposes. For Federal funds, authorized and/or appropriated funds and the extrapolation of formula and discretionary funds at historic rates of increase are considered "available." A similar approach may be used for State and local funds that are dedicated to or historically used for transportation purposes.

*Financial plan* means documentation required to be included with a metropolitan transportation plan and TIP (and optional for the long-range statewide transportation plan and STIP) that demonstrates the consistency between reasonably available and projected sources of Federal, State, local, and private revenues and the costs of implementing proposed transportation system improvements.

*Financially constrained or Fiscal constraint* means that the metropolitan transportation plan, TIP, and STIP includes sufficient financial information for demonstrating that projects in the metropolitan transportation plan, TIP, and STIP can be implemented using committed, available, or reasonably available revenue sources, with reasonable assurance that the federally supported transportation system is being adequately operated and maintained. For the TIP and the STIP, financial constraint/fiscal constraint applies to each program year.

*Illustrative project* means an additional transportation project that may (but is not required to) be included in a financial plan for a metropolitan transportation plan, TIP, or STIP if reasonable additional resources were to become available.

*Indian Tribal government* means a duly formed governing body for an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, Public Law 103-454.

*Local project* means a project that is sponsored by agencies or private entities outside federal and state government. (Cities, counties, etc.) Most federal aid fund categories require the local entity to provide funds to match the federal contribution.

*Long-range statewide transportation plan* means the official, statewide, multimodal, transportation plan covering a period of no less than 20 years developed through the statewide transportation planning process.

*Metropolitan planning area (MPA)* means the geographic area determined by agreement between the metropolitan planning organization (MPO) for the area and the Governor, in which the metropolitan transportation planning process is carried out. At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan. The MPA boundaries may be further expanded to encompass the entire metropolitan statistical area or combined statistical area, as defined by the Office of Management and Budget. 23 CFR 450.312

*Metropolitan planning organization (MPO)* means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

*Metropolitan transportation plan* means the official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process.

*Non-metropolitan area* means a geographic area outside a designated metropolitan planning area.

*Non-metropolitan local officials* means elected and appointed officials of general purpose local government in a non-metropolitan area with responsibility for transportation.

*Obligated projects* means strategies and projects funded under title 23 U.S.C. and title 49 U.S.C. Chapter 53 for which the supporting Federal funds were authorized and committed by the State or designated recipient in the preceding program year, and authorized by the FHWA or awarded as a grant by the FTA.

*Project selection* means the procedures followed by MPOs, States, and public transportation operators to advance projects from the first four years of an approved TIP and/or STIP to implementation, in accordance with agreed upon procedures.

*Public transportation operator* means the public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304, and is the designated recipient of Federal funds under title 49 U.S.C. Chapter 53 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation provided by Amtrak.

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

*Revision* means a change to a long-range statewide or metropolitan transportation plan, TIP, or STIP that occurs between scheduled periodic updates. A major revision is an "amendment," while a minor revision is an "administrative modification."

*Statewide transportation improvement program (STIP)* means 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.

*Strategic highway safety plan* means a plan developed by the State DOT in accordance with the requirements of 23 U.S.C. 148(a)(6).

*Transportation improvement program (TIP)* means 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.

*Transportation management area (TMA)* means 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.

*Unified planning work program (UPWP)* means a statement of work identifying the planning priorities and activities to be carried out within a metropolitan planning area. At a minimum, a UPWP includes a description of the 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.

*Urbanized area* means a geographic area with a population of 50,000 or more, as designated by the Bureau of the Census.

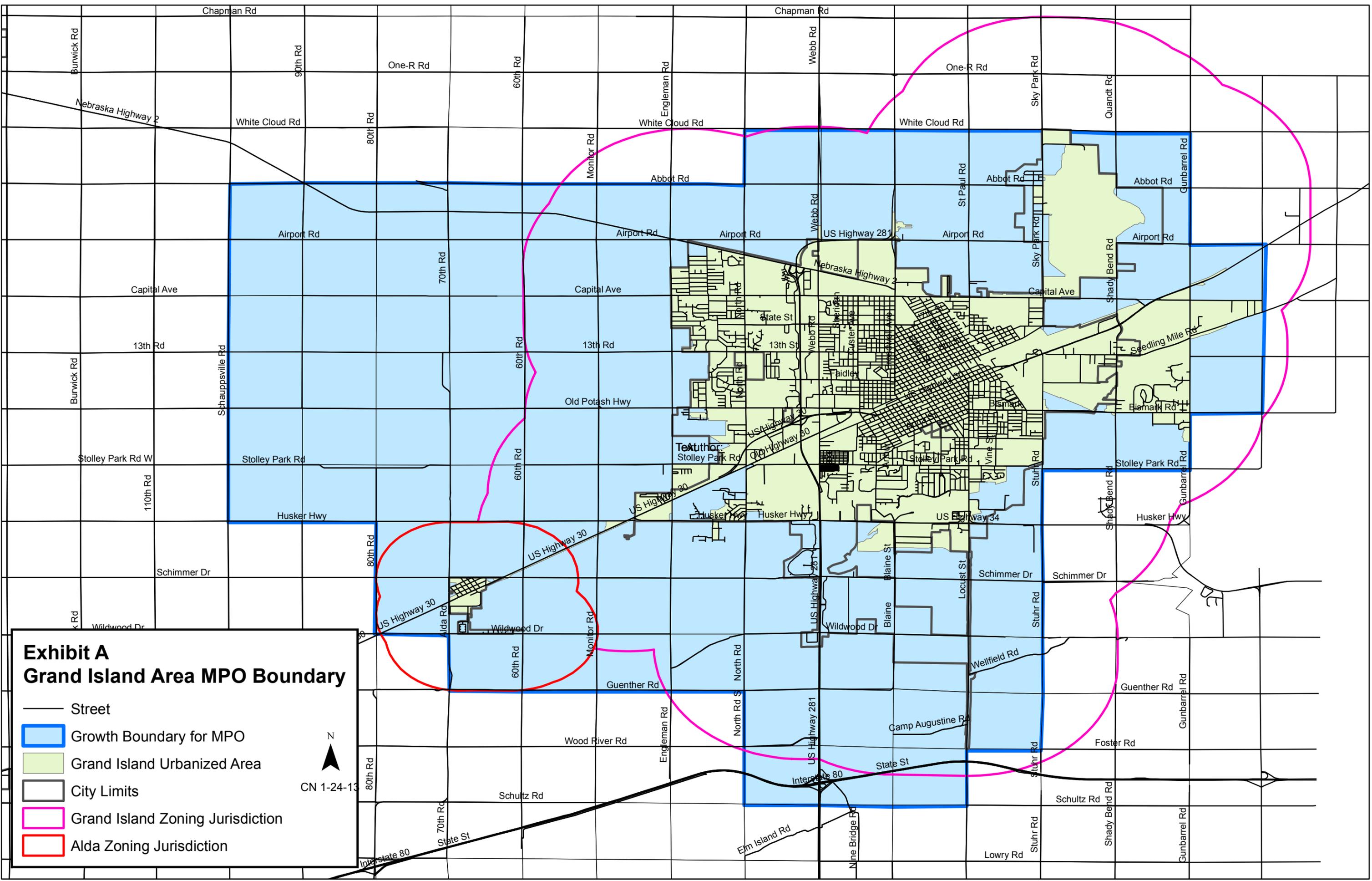
*Users of public transportation* means any person, or groups representing such persons, who use transportation open to the general public, other than taxis and other privately funded and operated vehicles.

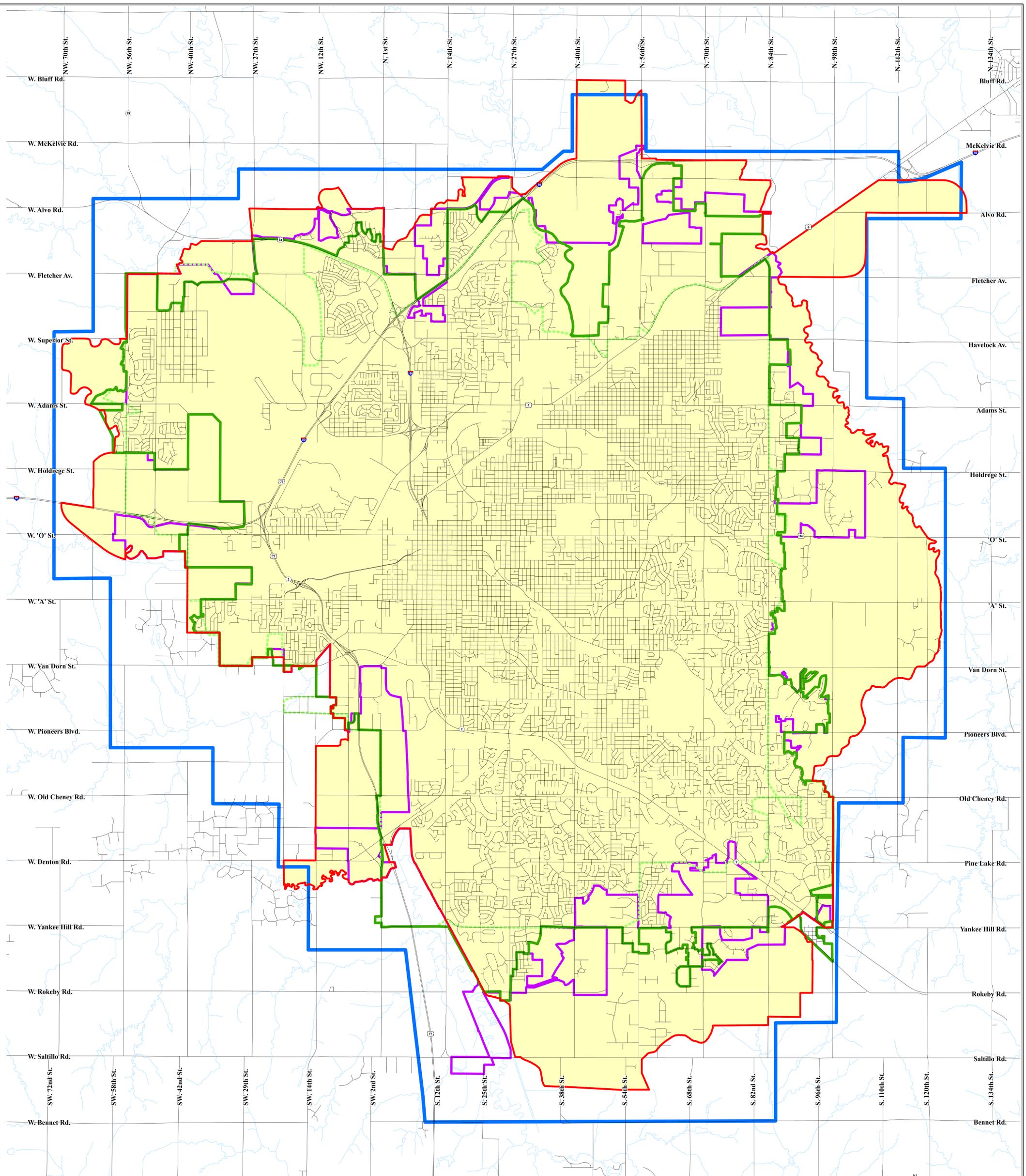
# Exhibit A Grand Island Area MPO Boundary

-  Street
-  Growth Boundary for MPO
-  Grand Island Urbanized Area
-  City Limits
-  Grand Island Zoning Jurisdiction
-  Alda Zoning Jurisdiction



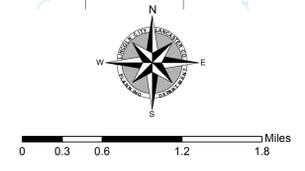
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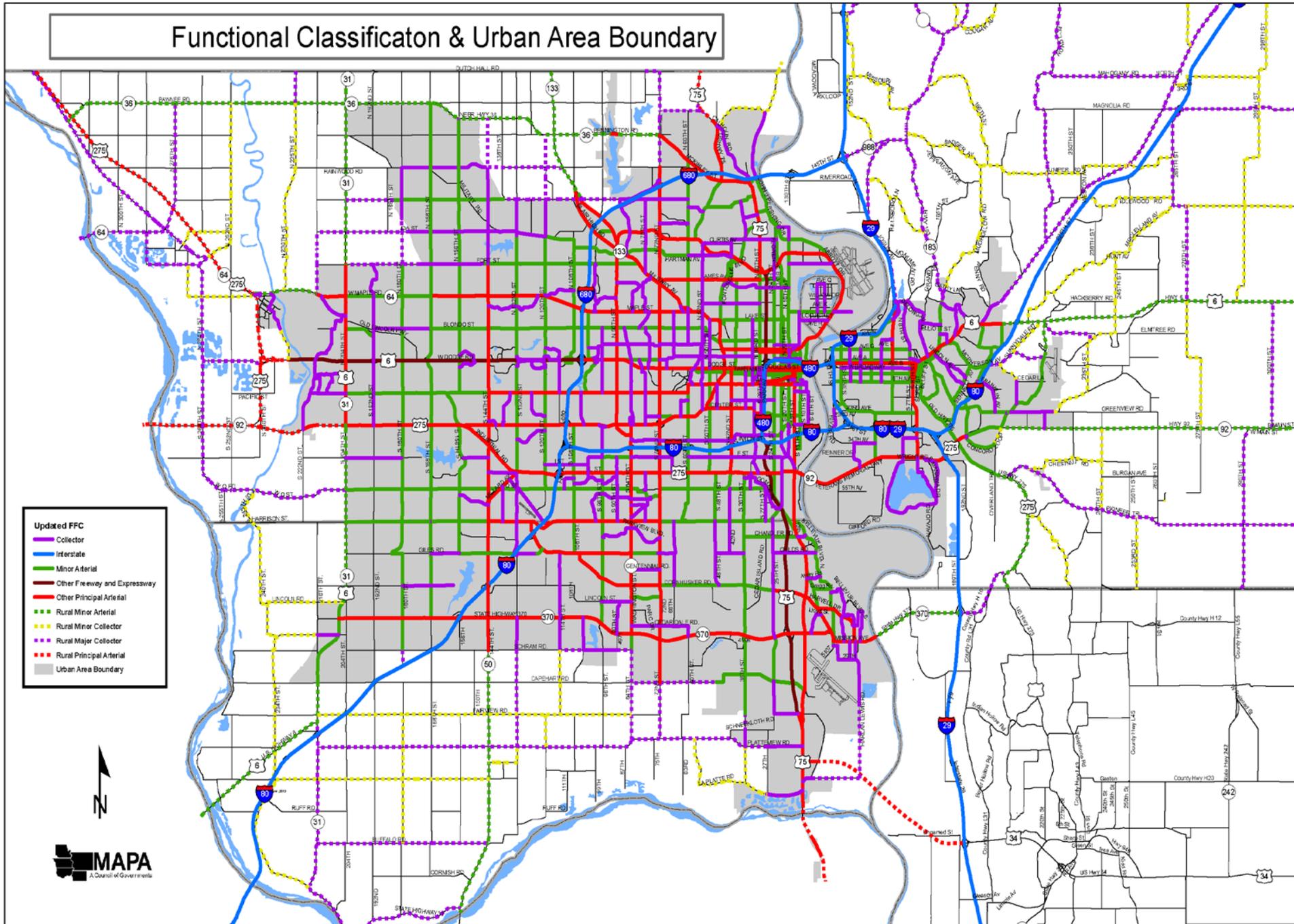


# URBAN AREA BOUNDARY SYSTEM

- Future Service Limit (2040 Proposed)
- Adjusted Urban Area Boundary
- 2010 Census Urban Area Boundary
- City Limits
- 2000 Census Urban Area Boundary

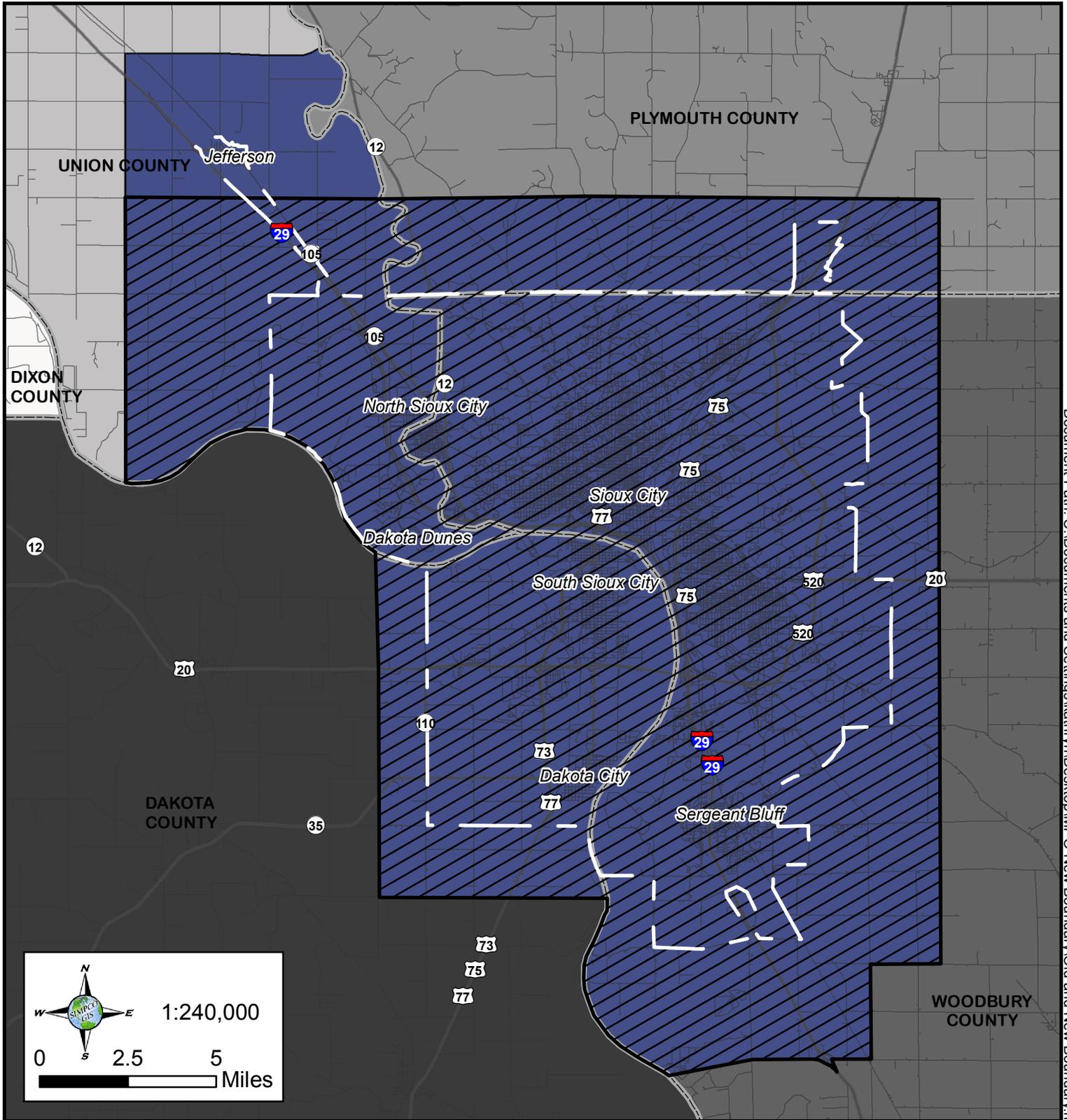


# Functional Classifier & Urban Area Boundary



# Siouxland Interstate Metropolitan Planning Council

## 2013 Approved MPO Planning Boundary



Document Path: C:\Documents and Settings\kathryn\Desktop\MPO New Boundary\Old and New Boundary.mxd

### Roadways, SIMPCO Boundary, and Counties

- Major Roads
- Streets
- Previous MPO Planning Boundary
- Approved MPO Planning Boundary
- Adjusted Urban Census Boundary
- IA, NE, and SD Counties

This map does not represent a survey; no liability is assumed for the accuracy of the data delineated herein, either expressed or implied, by SIMPCO.  
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## **Appendix K Federal Transportation Planning Regulations and Additional Resources**

### **Federal Statute**

United States Code (USC) Title 23 – Highways

<http://www.fhwa.dot.gov/hep/guidance/#t23>

23 USC 134 – Metropolitan Transportation Planning

<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec134.htm>

United States Code (USC) Title 49 - Transportation

<http://www.fhwa.dot.gov/hep/guidance/#t49>

### **Federal Regulation**

Code of Federal Regulations (CFR)

TITLE 23--Highways

CHAPTER I--FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E--PLANNING AND RESEARCH

PART 450--PLANNING ASSISTANCE AND STANDARDS

[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title23/23cfr450\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title23/23cfr450_main_02.tpl)

### **FHWA Guidance for Revenue Forecasting**

[http://www.fhwa.dot.gov/planning/guidfinconstr\\_qa.cfm](http://www.fhwa.dot.gov/planning/guidfinconstr_qa.cfm)

### **Financial Planning and Fiscal Constraint for Transportation Plans and Programs Questions & Answers**

[http://www.fhwa.dot.gov/planning/guidfinconstr\\_qa.cfm](http://www.fhwa.dot.gov/planning/guidfinconstr_qa.cfm)



**Dave Heineman**  
Governor

# STATE OF NEBRASKA

OFFICE OF THE GOVERNOR  
P.O. Box 94848 • Lincoln, Nebraska 68509-4848  
Phone: (402) 471-2244 • gov.heineman@gov.ne.gov

December 17, 2009

Mr. Michael Owen  
Planning and Project Development Engineer  
Nebraska Department of Roads  
P.O. Box 94759  
Lincoln, NE 68509-4759

Re: Governor's Designee for Approval of MPO's Transportation Improvement Programs (TIP) and/or Amendments to MPO's TIP

Dear Mr. Owen:

The purpose of this letter is to acknowledge who the Governor's Designee is for approval of Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP) in Nebraska, and to replace the current Governor's designee letter, which referenced Nebraska Department of Roads' previous Division Head Randy Peters.

Pursuant to 23 CFR Part 450.328, I hereby designate to the new Division Head, who became in charge of the Planning and Project Development Division (effective September 10, 2009), the authority to approve TIP, or approve amendments to TIP, for the MPO areas in Nebraska (Lincoln, MAPA, and SIMPCO). This designation shall be ongoing in the future until the Governor of the State of Nebraska withdraws or otherwise terminates said designation.

Sincerely,

**Signed By:**

Dave Heineman  
Governor

DH:MWF:MO:z

cc: Monty W. Fredrickson, P.E., NDOR Director – State Engineer ✓  
Justin Luther, FHWA  
Joe Werning, FHWA  
Mark Bechtel, FTA  
Mokhtee Ahmad, FTA

## MPO INVOICE PROCESSING CHECKLIST

### Appendix M: MPO Invoice Processing Checklist

- 1) Is the work or purchase eligible for Federal participation?
- 2) Is the work or purchase listed in the MPO's UPWP?
- 3) Have Federal funds been obligated in FMIS for the work or purchase, prior to the work being done or the purchase being made? Check the dates of work or the date of purchase against the date of Federal authorization date.
- 4) Are there enough Federal funds authorized to cover the invoice?
- 5) If the invoice includes purchased equipment, does the unit cost exceed \$5,000?
  - a. If yes, did the MPO get FHWA's advance approval in writing?
- 6) If the invoice includes a sole source or proprietary item purchase, did the MPO or its subsidiary get FHWA's advance approval in writing?
- 7) If the invoice includes purchased equipment, were statutes regarding purchase of equipment followed correctly?
- 8) For labor charges, is there sufficient justification for the staff time?
  - a. Name of staff member(s)
  - b. Tasks accomplished by each staff member
  - c. Hours worked
  - d. Wages (*MPOs are required to send their approved indirect or benefit cost rates at with the first invoice or as part of the UPWP*)
- 9) Does the MPO have an approved Indirect Cost Allocation Plan (ICAP)?
  - a. If yes, what is the approved ICAP rate?
  - b. If yes, does the invoice use the approved ICAP rate?
- 10) Does the MPO have an approved Payroll Additive Rate (PAR)?
  - a. If yes, what is the approved PAR?
  - b. If yes, does the invoice use the approved PAR?
- 11) Is the math correct?
- 12) Is proof of payment included?
- 13) Make sure coding/agreement/invoice numbers are correct.

If the invoice is for work done by a consultant (need to collaborate with Local Projects Section)

- 14) Check to make sure that the city followed proper guidelines when selecting the consultant.
- 15) Check to make sure that the invoices are for the correct project and that the consultant with which the MPO has a contract is the billing party.
- 16) Check dates of work to be sure that the MPO/consultant engineering agreement was executed by the state prior to beginning work.
- 17) Check dates of work to be sure that the consultant was given a Notice-to-Proceed prior to the work dates.
- 18) Check dates of work to be sure that no dates of work overlap past invoices.
- 19) Check all costs and personnel hours to be sure that they are within the scope and amount of the MPO/consultant agreement.
- 20) Check to make sure that all consultant fixed fees and overhead rates are acceptable and match the MPO/consultant agreement.
- 21) Check to make sure that any subconsultant listed as charging a fee on the invoice has been listed as a subconsultant in the city/consultant engineering agreement.