

# Agenda

March 25, 2008  
10:00 am – 12:00 pm

SACOG  
1415 L Street  
Sacramento  
CA 95814

Contact: José Luis Cáceres  
(916) 340-6218

**Meeting called by:** Muhaned Aljabiry  
**Facilitator:** Abhijit Bagde  
**Recorder/Time Keeper:** Penny Gray

**Agenda Topics**

Item	Description	Time	Presenter
1	Topics/Agenda/Introductions	10:00	Abhijit Bagde
2	Ground Rules	10:05	Abhijit Bagde
3	Approval of the 01/29/08 CFPG meeting minutes	10:10	Abhijit Bagde
4	Announcements and updates	10:15	All
5	<p>Follow-Up Items from last meeting:</p> <ul style="list-style-type: none"> <li>• Future CFPG Meeting Dates – please notify Abhijit Bagde of any conflicts by February 1, 2008 – <i>Item completed</i></li> <li>• Pursue updating CTIPS to capture emission benefits – <i>Item completed (see Item No. 12)</i></li> <li>• Request detailed grouped project listings in Excel format (HBP program) – <i>Item completed</i></li> <li>• FTA review of EPSPs</li> <li>• Caltrans Federal Programming Office to distribute STIP Augmentation Prop 1B project list by February 1, 2008 – <i>Item completed</i></li> <li>• Caltrans Federal Programming Office to distribute Draft 2008 SHOPP project list when available – <i>Item completed</i></li> </ul>	10:20	Caltrans/FTA
6	Change to Federal Share Requirements for CMAQ Program – Update (Handout 1)	10:35	Cathy Gomes/FHWA
7	Transportation Planning Requirements and their relationship to NEPA approvals (Handout 2)	10:50	Abhijit Bagde /FHWA
8	Programming of Capacity Increasing Bridges	10:55	Wade Hobbs
9	CMAQ Annual Report Status	11:05	Jody Tian
10	2007/08 RSTP Final Apportionments	11:10	Jody Tian
11	Task Force Discussions - Update	11:15	José Luis Cáceres/Sri Srinivasan
12	2008 SHOPP - Update	11:25	Abhijit Bagde
13	Updating CTIPS to capture emission benefits (Handout 3)	11:30	Abhijit Bagde

14	Update on Public Participation Process for the FSTIP	11:40	Cathy Gomes
15	Open Forum	11:50	All
16	<b>Meeting dates and locations for 2008:</b> May 6                FHWA, Sacramento (10-12pm) June 17             Caltrans, Sacramento (10-12pm) July 29              MTC, Oakland (10-12) September 9       SACOG, Sacramento (10-12pm) October 28         FHWA, Sacramento (10-12pm) December 16       Caltrans, Sacramento (10-12pm)	11:55	All

**CALIFORNIA FEDERAL PROGRAMMING GROUP (CFPG)  
MEETING MINUTES –March 25, 2008**

The CFPG meeting was held at the Sacramento Area Council of Governments, 1415 L Street, Suite 300, Sacramento, from 10:00 a.m. to 11:50 am.

**1. Topics/Agenda/Introduction:**

The meeting started with the self-introduction of attendees.

**2. Ground Rules:**

Abhijit Bagde, Caltrans, Federal Programming, gave a brief overview of ground rules for the meeting. Here are the full ground rules:

- Since there are phone participants, everyone who speaks should state his/her name and agency.
- Keep comments as brief as possible.
- Stick to the current agenda item. Additional items not in the agenda will be added to the end and will be discussed if time permits.
- Turn off cell phones and limit interruptions.
- This is a forum to hear everyone’s concerns, comments and suggestions. Please make sure your voice is heard.
- Facilitator to ask before moving on to the next item if anyone on the phone has any additional comments on the item, then pause for a few seconds.
- Respond to follow-up items and meeting notices by the deadlines.
- Except for follow-up items, the minutes will include discussions that take place during the meeting only. If you do not want what you say during the meeting included in the minutes, state “off the record.”
- When not speaking, phone participants to keep their phones on mute if possible.
- Do not place conference call on hold. Please hang up and redial if you must take another call.

**3. Approval of 1/29/08 CFPG meeting minutes:**

The meeting minutes for January 29, 2008, were approved with no changes.

**4. Announcements and updates:**

Please notify Jody Tian (jody\_tian@dot.ca.gov), Caltrans Programming, when changes to staff contacts or addresses occur. This will ensure the Contact List for FHWA/FTA/Caltrans/MPO/RTPA posted on the Caltrans Programming website remains up-to-date.

**5. Follow-Up Items from last meeting:**

A.	Future CFPG Meeting Dates – item completed. No comments or requests to change scheduled meetings received.
B.	Pursue updating CTIPS to capture emission benefits – Item completed. See Item #13.
C.	Request detailed grouped project listings in Excel format (HBP program) – Item completed. The HBP Program is unable to provide the grouped project listings in

	Excel format. However, if MPOs notify Programming of the information needed or a special format, the HPB program will try to accommodate that request within the type of database system they use. For most of the other state managed grouped project listings, the detailed project listing will be provided in Excel format.
D.	FTA review of EPSP procedures. This item will be continued to the next CFPG meeting.
E.	Caltrans Federal Programming Office to distribute STIP Augmentation Prop 1B project list by February 1, 2008 – item completed. STIP Augmentation funding is an additional STIP funding that will be programmed on the existing STIP projects. After CTC’s allocation of STIP Augmentation funding to project(s), MPO needs to increase the STIP revenue in its financial summary accordingly.
F.	Caltrans Federal Programming Office to distribute STIP Augmentation Prop 1B project list by February 1, 2008 Caltrans Federal Programming Office to distribute Draft 2008 SHOPP project list when available Item completed.

**6. Change to Federal Share Requirements for CMAQ Program – Update:**

The Division of Programming would like to thank the MPOs that provided the requested CMAQ project information in a timely manner. The information enabled the Department to determine the statewide impact of the increased federal share for CMAQ projects. In addition, Caltrans Local Assistance is holding authorization requests for projects where CMAQ funds are less than the 80 percent federal share for total project cost. Authorizations for projects meeting this requirement are being submitted to FHWA/FTA. Until additional guidance is received from FHWA, no programming adjustments are necessary for projects currently programmed with less than the increased federal share, unless the projects are coming forward for authorization in FY 2007/08. Additional questions were raised concerning projects that have received authorization for a specific phase or tapered match. Steve Luxenberg, FHWA, replied that those issues will need to be researched. The California Division of FHWA has also requested additional guidance on this issue. There was also discussion concerning the impact to CMAQ FTA grants. FTA looks at each grant as an entire project, not by phase. FTA will ensure that the match requirements are met for the grant.

**UPDATE since CFPG Meeting:** The Department has submitted correspondence to Mary E. Peters, Secretary of Transportation, regarding the impact to California and requesting an exemption to exceed the level of local contribution based on United States Code 120(i). The CFPG group will be kept informed as updated information is received.

**7. Transportation Planning Requirements and their relationship to NEPA approvals (Handout 2)**

Steve Luxenberg provided additional insight on this item. This issue pertains to Planning and the relationship to the information that needs to be in the FTIP. If the project is programmed in the TIP, but is not fully funded in the RTP, you must have at least an environmental process/study funded in the RTP. This actually allows more flexibility, especially for the earmarks. This allows you to get near the end of the environmental process before full funding for the project is required in the RTP. There must be an indication of the project in the Plan or some reference to the project if leading to NEPA document. This may have

conformity implications if a project is in PE in the TIP and considered a study in the RTP – conformity will be required when additional funds are added in the RTP. A request was made to carry over this item to the next meeting to allow for additional time to study the implications and interpretations.

**8. Programming of Capacity Increasing Bridges:**

There is still confusion regarding programming of capacity increasing bridges. Wade Hobbs, FHWA provided additional guidance. Under the conformity rule, non-capacity increasing bridges in non-attainment areas can be included in a grouped project listing. Please be aware that if you are increasing a bridge from 2 lanes to 4 lanes but are only striping for 2 lanes, it is still considered capacity increasing. In addition, there must be consistency with the roadway structure and with the RTP. For example, if the bridge is being widened from 2 lanes to 4 lanes (2 lanes in each direction), but the roadway remains at 2 lanes total, and the RTP does not show any projects to increase the capacity of the roadway, the bridge widening project may not be approved by FHWA. Also, all capacity increasing bridge projects should be programmed as individual line item projects in FTIP/RTP.

**9. CMAQ Annual Report Status:**

Jody Tian reported that the report has been submitted to FHWA. Approximately 275 projects and 91 percent of the annual CMAQ apportionments were obligated.

**10. RSTP 2007/08 Final Apportionments:**

The actual RSTP apportionments for 2007/08 were distributed March 18, 2008, totaling \$402 million. It is anticipated that the CMAQ actuals will be distributed the first week of April.

There was also discussion concerning the methodology used to calculate the estimates for the 2009 FSTIP. The 2008 actual RSTP apportionments are higher than the 2009 estimated. Caltrans Programming will meet with Office of Federal Resources regarding methodology for calculating apportionment amounts used in the Fund Estimate. This item will be discussed further at the next CFPG meeting.

**11. Task Force Discussions - Update:**

Jose Luis Caceres provided an update on the FSTIP Modification Guidelines task force. One of the objectives of the task force is to determine how to increase the number of administrative modifications while decreasing the number of formal amendments. If the amendment guidelines can be modified to maximize the use of administrative modifications, it should decrease the workload associated with processing formal amendments. The committee has reviewed amendment guidelines from several other states and MPOs. Several states/MPOs have guidelines that California may be able to use as a basis for our proposal.

Sri Srinivasan provided an update on the Best Practices task force. There have been no comments on Caltrans' amendment check list. However, concern was expressed regarding the level of detail required for local revenues in the financial summary tables.

**12. 2008 SHOPP - Update:**

The 2008 SHOPP was approved by the CTC March 13, 2008. The 2008 SHOPP will be updated in CTIPS in the coming weeks. Caltrans will distribute the grouped project reports to MPOs as soon as they are available. In developing the 2009 FTIP, MPOs may choose any of the options listed below to program 2008 SHOPP projects:

**Option 1:** MPOs who can wait until the end of April 2008 to program 2008 SHOPP projects in their draft 2009 FTIP, should use the "2008 SHOPP Grouped Project Listings Reports (available by end of April 2008)".

**Option 2:** MPOs who have already started their 2009 FTIP development process and who can not wait until the 2008 SHOPP Grouped Project Listings Reports become available, may program projects from the draft 2008 SHOPP in their draft 2009 FTIPs. However, an FTIP amendment to the 2009 FTIP may be required to align the 2009 FTIP with the approved 2008 SHOPP using the "2008 SHOPP Grouped Project Listings Reports" for reconciliation. Caltrans recommends that such reconciliation be done through the first amendment to the 2009 FTIP.

**13. Updating CTIPS to capture emission benefits and RTP /RTP Page No.:**

Abhijit Bagde has been working with the CTIPS Office to implement at least the RTP Page No or RTP Project No. on the CTIPS Project Definition Screen. The emission benefits information will require a new screen to the project record. There was discussion as to whether this information would be optional or required and whether this information could be used to generate the CMAQ Annual Report. (Note: This information would not eliminate the need for the CMAQ Annual Report.) Please forward concerns or questions concerning the inclusion of the emission benefits information in CTIPS and comments on Handout 3 to Abhijit by Friday, March 28.

**14. Update on Public Participation Process for the FSTIP:**

The Draft Public Participation Process (PPP) for the California Transportation Plan and the FSTIP was made available on March 14. It is available through Caltrans Programming and Planning websites. The website features an on-line survey that allows comments on the draft to be submitted easily. We encourage all MPOs and RTPAs to participate in this on-line survey. This document is available for public comment March 14 – May 1. Caltrans has also requested MPOs and RTPAs to make this document available through a link on their websites.

**15. Open Forum:**

Yin-Ping Li provided an update on several of the state-managed programs: HSIP, SRTS, HR3. The HSIP list of projects should be available by early May, the HR3 list should be available by mid to late June, SRTS by late July. Some of these lists may need to be amended into the new FSTIP after adoption due to various MPO adoption and amendment schedules.

**16. Follow Up Items:**

- It has been requested to move the start time of the CFPG meetings from 10:00 a.m. to 10:30 a.m. Please provide comments to Abhijit Bagde by Friday, March 28. Unless major concerns or objections are received, the May 6, 2008 meeting will be scheduled to begin at 10:30 a.m.
  - Review the RSTP and CMAQ estimates for the 2009 FSTIP. There is concern about the estimates when compared to the 2008 actuals.
  - Inclusion of Emission Benefits field in CTIPS. Should this field be optional or required? Please provide comments to Abhijit Bagde by Friday, March 28
  - FTA review of EPSP procedures.
  - Transportation Planning Requirements and their relationship to NEPA approvals. Additional time for review to determine the impact was requested.
- 
- **Meeting dates and locations for 2008**
    - May 6 – FHWA, Sacramento (10:30 am – 12:30 pm)
    - June 17 – Caltrans, Sacramento (10:30 am – 12:30 pm)
    - July 29 – MTC, Oakland (11:30 am – 12:30 pm)
    - September 9 – SACOG, Sacramento (10:30 am – 12:30 pm)
    - October 28 – FHWA, Sacramento (10:30 am – 12:30 pm)
    - December 16 – Caltrans, Sacramento (10:30 am – 12:30 pm)



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
CALIFORNIA DIVISION  
650 Capitol Mall, Suite 4-100  
Sacramento, CA. 95814  
March 3, 2008

HANDOUT 1

IN REPLY REFER TO  
HDA-CA  
Document #: S51511

Mr. Will Kempton, Director  
California Department of Transportation  
1120 N Street  
Sacramento, CA 95814

Attention: Federal Resources Office, Room 3500  
For Mr. Muhaned Aljabiry, Chief

Dear Mr. Kempton:

SUBJECT: FHWA Guidance Regarding Changes to the CMAQ

This letter transmits Federal Highways Administration (FHWA) guidance regarding changes to the Congestion Management and Air Quality Improvement Program (CMAQ) brought about by the Energy Independence and Security Act signed in December 2007.

Section 1131 of the Act, Increased Federal Share for CMAQ Projects, amends Section 120 (c) of Title 23 of the United States Code, Increased Federal Share for Certain Safety Projects. Section 1131 permits an increase in the Federal share of up to 100 percent, at the discretion of the State, for all CMAQ projects obligated in fiscal years 2008 and 2009. In addition, the provision establishes by law a minimum 80 percent Federal share for all CMAQ funded projects during fiscal years 2008 and 2009.

There have been many questions raised nationwide concerning the requirement for the 80 percent minimum federal share established by Section 1131 of the Act. FHWA Headquarters has responded by providing the enclosed Memorandum and guidance in the form of questions and answers. If you have questions regarding this guidance, please contact Aimee Kratovil, FHWA Air Quality Specialist at (916) 498-5866 or email [aimee.kratovil@fhwa.dot.gov](mailto:aimee.kratovil@fhwa.dot.gov).

Sincerely,

*/s/ K. Sue Kiser*

For  
Gene K. Fong  
Division Administrator

Enclosures:

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FHWA CMAQ Federal Share Guidance – Questions & Answers (Document #51503)  
FHWA Memorandum: Congestion Mitigation and Air Quality – Increased Federal Share  
(Document #51510)

cc (e-mail):

All MPOs

Caltrans:

All Caltrans District Directors

Kathy Gomes

Fardad Falakfarsa

Cindy Kim

CADIV

AK/ac

Energy Act Provisions: CMAQ Federal Share  
*Questions & Answers*

1. *Do the provisions requiring an 80-100 percent CMAQ share in FY 2008 and 2009 also apply to attainment States?* Yes. The provision applies to all CMAQ obligations for these two Federal fiscal years.
2. *Can States combine funds from other Federal-aid programs, such as STP or NHS, with CMAQ to reach the minimum 80 percent share?* No. The statute clearly states that the minimum applies to CMAQ funding. Any share of CMAQ applied to a Federal-aid project that does not reach the 80 percent true floor—regardless of combinations with other funds—would not meet the test of the law.
3. *Can CMAQ funds be transferred to STP to support eligible projects under the STP program and, thereby, retain the Federal share flexibility of 23 U.S.C. 120(i)?* Yes. The uniform transferability statute (23 U.S.C 126) permits transfers, subject to specific limitations in 23 U.S.C. 126(c) relating to CMAQ, to be made from one apportionment to another. Providing the project is eligible under STP, such a transfer is allowed and the flexibility in Federal share afforded by Sect 120(i) is available.
4. *Does the increased Federal share provision apply to funds apportioned in years prior to FY 2008?* Yes. The provisions apply to all funds obligated in FY 08 and FY 09, regardless of the year of apportionment.
5. *Do States need to apply a uniform share statewide?* No. The provisions can be applied differently for each project under obligation, provided the minimum 80 percent CMAQ share is met.
6. *For States that make use of Advance Construction (AC), do the share provisions apply to AC?* An AC authorization is not an obligation of funds. When adequate obligation authority is available and the State seeks reimbursement for AC projects, any obligation occurring in FY 2008 or FY 2009 to be applied to CMAQ funds will need to reflect the amended CMAQ share provisions.
7. *Are public-private partnerships that made extensive use of higher non-Federal match exempt from these new provisions?* No. Typical PPP under CMAQ traditionally have employed match ratios approaching a 50-50 split. These breakdowns would not be allowed for FY 2008 and 2009 under the CMAQ program.
8. *Will these CMAQ share provisions continue after 2009?* The provisions are specific to 2008 and 2009. We are unable to predict whether these provisions will be incorporated into the next reauthorization or any extension acts.



U.S. Department  
of Transportation  
Federal Highway  
Administration

# Memorandum

Subject: **ACTION:** Congestion Mitigation and Air  
Quality - Increased Federal Share

Date: February 13, 2008

From: A. Thomas Park *A. Thomas Park*  
Chief Financial Officer

In Reply Refer To:  
HCFM-10

To: Directors of Field Services  
Division Administrators

The basic Federal share payable for Federal-aid projects is established in section 120 of title 23, United States Code (U.S.C.). Section 1131 of the Energy Independence and Security Act of 2007, Public Law 110-140, revised the Federal share in 23 USC 120(c), for the Congestion Mitigation and Air Quality (CMAQ) program. Prior to the date of enactment, the Federal share for the CMAQ program was 80 percent, 90 percent if used on the Interstate System, and 100 percent if used for certain safety projects. As of December 20, 2007, projects carried out under the Congestion Mitigation and Air Quality Improvement Program (23 U.S.C. 149) for which funds are obligated during fiscal year 2008 and/or 2009, shall be not less than 80 percent and may be increased up to 100 percent of the total cost, at the discretion of the State.

Projects obligated prior to December 20, 2007 may not be modified to claim the increased Federal share. Modifications may be made to increase the Federal share on projects obligated on or after December 20, 2007, the effective date of the new legislation. The change in the Federal share is to be entered as a new detail line item in the Fiscal Management Information System.

Please don't hesitate to contact Dale Gray at (202) 366-0978 if you have any additional questions.

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**AMERICAN**  
**ECONOMY**

# HANDOUT 2



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
CALIFORNIA DIVISION  
650 Capitol Mall, Suite 4-100  
Sacramento, CA. 95814  
February 12, 2008

IN REPLY REFER TO  
Document #: S51409

Mr. Will Kempton, Director  
California Department of Transportation  
1120 N Street  
Sacramento, CA 95814

Attention: Federal Resources Office, Room 3500  
For Garth Hopkins, Office of Regional and Interagency Planning

Dear Mr. Kempton:

SUBJECT: Transportation Planning Requirements and their Relationship to NEPA Approvals

The Federal Highway Administration recently issued the enclosed guidance to clarify transportation planning requirements. This new guidance allows more flexibility regarding when a project must be fully funded in the Metropolitan / Regional Transportation Plan.

Project sponsors may undertake the NEPA process with federal funds for a project or corridor that is included in the Metropolitan Transportation Plan as a project, corridor study, or NEPA study. However, in order for FHWA (or Caltrans under NEPA assignment) to sign the ROD, FONSI, or approve the CE and make a project level conformity determination, as applicable, all project phases planned within the life of the transportation plan have to be included in the fiscally constrained MTP.

By allowing environmental work to proceed up until the time of the ROD, FONSI, or CE approval as long as the project is reflected in the MTP as a project, corridor study or NEPA study, it allows the project sponsor additional time to identify reasonably available funding sources for the actual construction of the project. This flexibility may also attract more private investors and may lead to more Public Private Partnerships, since many private investors are reluctant to make financial commitments during the early NEPA process.

If you have any questions, please contact your FHWA MPO coordinator.

Sincerely,

*/s/ K. Sue Kiser*

For  
Gene K. Fong  
Division Administrator

Enclosure

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## **Transportation Planning Requirements and Their Relationship to NEPA Process Completion (1/28/2008)**

### **Background**

This summary is intended to clarify the statutory and regulatory planning and conformity requirements that must be met with regard to the STIP/TIP, the Metropolitan Transportation Plan (MTP), and the Statewide Long Range Transportation Plan (SLRTP) prior to FHWA signing a Record of Decision (ROD) or Finding of No Significant Impact (FONSI), or approving a Categorical Exclusion (CE) for a project. Project sponsors may undertake the NEPA process with federal funds for a project or corridor that is included in the Metropolitan Transportation Plan as a project, corridor study, or NEPA study, if appropriate (some non-regionally significant projects may not need to be in the MTP) (23 CFR 450.324(g)). In the case of the SLRTP, the project, corridor, or NEPA study should be consistent with the SLRTP before proceeding with the NEPA process (23 CFR 450.216(k)). For federally funded NEPA studies, the STIP/TIP shall contain an item for NEPA and/or PE activity costs for the project prior to the authorization/obligation of federal funds to start the NEPA process. If a proposed NEPA study is not in the MTP (in metropolitan planning areas), consistent with the SLRTP (in non metropolitan planning areas), and contained in the STIP/TIP, only funds from non-federal sources can be used to conduct the NEPA process. Regardless of funding sources, the ROD, FONSI, or CE for a project can not be signed or approved by FHWA until the planning requirements described in the Q and A's listed below are met.

### **Questions and Answers**

1. What statutory and regulatory planning requirements and conformity requirements must be completed regarding a proposed project before a ROD or FONSI can be signed, or a CE approved, *for a project in a Metropolitan area?*

**Metropolitan Transportation Plan (MTP) Requirements:** Regulations require that the entire project described in the ROD, FONSI, or CE shall be consistent with the MTP. If phases (e.g., PE, final design, ROW, utility relocation, construction, and/or construction phases) of the project fall beyond the life of the MTP, they do not have to be included, however it is recommended that those phases (e.g., PE, final design, ROW, utility relocation, construction, and/or construction phases) beyond the life of the plan and the costs associated with those phases be referenced in the plan for informational purposes. All project phases (e.g., PE, final design, ROW, utility relocation, construction, and/or construction phases) planned within the life of the transportation plan have to be included in the fiscally constrained MTP in order for FHWA to sign the ROD, FONSI or approve the CE. In the event that there is construction phasing and "multiple or revised RODs" (for independent segments) of a larger project, FHWA can only sign the ROD, FONSI, or approve the CE for those segments of the project that have independent utility and logical termini, while contributing to the function of the overall project, and are included in the MPO's fiscally constrained MTP. The timing of this phasing (construction phases for independent segments) in the MTP should be consistent with

the timing of the phasing (construction phases for independent segments) of the future project implementation as described in the environmental document. Examples are given in the attachment to this document. The MTP must be approved by the MPO policy board, found to conform for air quality purposes (if applicable), and fiscally constrained. The MTP must demonstrate that revenues are reasonably expected to be available and sufficient to cover the costs of the entire project (all phases) (e.g., PE, final design, ROW, utility relocation, construction, and/or construction phases) that are included in the plan.

**STIP/TIP Requirements:** The planning regulations require that before FHWA can sign a ROD or FONSI, or approve a CE for a regionally significant project, the proposed project or a phase(s) (e.g., PE, final design, ROW, utility relocation, or construction, and/or construction phase(s)) of the project must come from an approved, financially constrained STIP/TIP. This is required because the final Planning Rule requires that both the STIP and TIP shall contain all regionally significant projects requiring an action by FHWA or FTA irrespective of the project's funding source (23 CFR 450.324(d); 23 CFR 450.216(h)). In order for FHWA to sign a ROD or FONSI, or approve a CE for a project or phase (e.g., PE, final design, ROW, utility relocation, construction, and/or construction phases) of a project with logical termini and independent utility (see CFR 771.111(f)), the STIP/TIP is required to show all phases (e.g., PE, final design, ROW, utility relocation, construction, and/or construction phases) of the project that are planned within the time frame of the STIP/TIP. This can include or be limited to non-construction funding (e.g., PE, final design, ROW, utilities relocation) and/or construction or construction phases if there are phases (e.g., PE, final design, ROW, utility relocation, construction, and/or construction phases) of the project that are planned beyond the horizon of the STIP/TIP. Those phases (e.g., PE, final design, ROW, utility relocation, construction, and/or construction phases) of the project beyond the horizon of the STIP/TIP do not have to be shown in the STIP/TIP. At least one subsequent phase (e.g., PE, final design, ROW, utility relocation, or construction) of the project has to be included in the approved STIP/TIP before FHWA can sign the ROD or FONSI or approve a CE. For example, the STIP/TIP might include final design, but not construction, if the construction phase is not planned within the horizon of the STIP/TIP. The timing of these subsequent phase(s) (e.g., PE, final design, ROW, utility relocation, construction, or construction phases) should be consistent with the MTP and the environmental document. In those unusual instances where no subsequent (subsequent to NEPA approval) phases (e.g., PE, final design, ROW, utility relocation, construction, or construction phases) of the project fall within the timeframe of the STIP/TIP, then a description of the project should be included in the STIP/TIP for informational purposes and identified as being beyond the horizon of the STIP/TIP. An example of including subsequent phases of a project in a STIP/TIP is included in the attachment to this document.

**Conformity Requirements:** Before a ROD or FONSI can be signed, or a CE approved, regulations require that a project level conformity determination shall be made for all projects that are subject to transportation conformity. Project level conformity can be demonstrated if the project is part of a conforming metropolitan transportation plan and TIP and meets all project level conformity requirements (see 40 CFR 93.104(d); 40 CFR 93.109). See also, [http://www.fhwa.dot.gov/environment/conformity/feis\\_rod.htm](http://www.fhwa.dot.gov/environment/conformity/feis_rod.htm).

In the event that a “multiple ROD” approach is used, a project-level conformity determination must be completed prior to the signing of each ROD. The portion of the “overall project” being addressed by each ROD must be consistent with what was included in the regional emissions analysis for the MPO MTP and TIP (i.e., the design concept and scope of the project included in the conforming transportation plan cannot be significantly different from what was included in the environmental document). Project level conformity can be demonstrated if the project is part of a conforming metropolitan transportation plan and TIP and meets all project level conformity requirements (see 40 CFR 93.104(d); 40 CFR 93.109). Additionally, the financial plan supporting the MPO MTP and TIP must reflect the portions(s) of the “overall project” prior to the approval of each ROD.

2. What planning and conformity requirements must be completed regarding a proposed project before a ROD or FONSI can be signed, or a CE approved *for a project that is in a rural area*?

**Statewide Long Range Transportation Plan Requirements:** Before FHWA can sign a ROD/FONSI, or approve a CE, a project in a rural area must be found to be consistent with the Statewide Long Range Transportation Plan. The Planning Regulations allow Statewide Transportation plans to be policy plans and not project specific. In such cases, the project does not have to be specifically listed in the plan but should be consistent with the overall goals and objectives of the Statewide Plan. The Statewide Transportation Plan, by regulation, does not have to be fiscally constrained.

**STIP Requirements:** Before FHWA can sign a ROD or FONSI, or approve a CE for a regionally significant project, the proposed project or a phase (e.g., PE, final design, ROW, utility relocation, or construction) of the project must come from an approved, financially constrained STIP. The planning regulation requires that the STIP shall contain all regionally significant projects requiring an action by FHWA or FTA irrespective of the project’s funding source (23 CFR 450.324(d); 23 CFR 450.216(h)). In order for FHWA to sign a ROD or FONSI, or approve a CE for a project or phase of a project with logical termini and independent utility (see CFR 771.111(f)), the STIP is required to show all phases (e.g. PE, final design, ROW, utilities relocation, or construction) of the project that are planned within the 4 year time frame of the STIP. This can include or be limited to non-construction funding (e.g., PE, final design, ROW, utilities relocation) if there are phases of the project that are planned beyond the 4 year horizon of the STIP. Those phases of the project beyond the 4-year horizon of the STIP do not have to be shown in the STIP. At least one subsequent phase of the project does have to be included in the approved STIP before FHWA can sign the ROD or FONSI or approve a CE. For example, the STIP might include final design, but not construction. The timing of these subsequent phases should be consistent with the SLRTP and the environmental document (if it is a regionally significant project). In those unusual instances where no subsequent (subsequent to NEPA approval) phases of the project fall within the timeframe of the STIP, then a description of the project should be included in the STIP for informational purposes and identified as being beyond the horizon of the STIP/TIP.

**Conformity Requirements:** The conformity regulations require that before FHWA signs a ROD/FONSI or approves a CE for a project that is in a nonattainment or maintenance area, the project must be found to be in conformity (see 40 CFR 93.104(d); 40 CFR 93.109). In nonattainment and maintenance areas, for a project in a “donut” area, the project must be included in a regional emissions analysis that supported the conformity determination of the associated metropolitan transportation plan and TIP and meet all applicable project level conformity requirements before a project level conformity determination can be made. See 40 CFR 93.104(d); 40 CFR 93.109.

In isolated rural nonattainment and maintenance areas<sup>2</sup> a project level conformity determination must meet all the requirements in 40 CFR 109(l) prior to FHWA signing a ROD or FONSI or FHWA approval of a CE.

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<sup>1</sup> A “donut” area is a geographic area outside a metropolitan planning area boundary, but inside the boundary of a nonattainment or maintenance area that contains any part of a metropolitan area(s). These areas are not isolated rural nonattainment and maintenance areas.

<sup>2</sup> Isolated rural nonattainment and maintenance areas are areas that do not contain or are not part of any metropolitan planning area as designated under the transportation planning regulations. Isolated rural areas do not have federally required metropolitan transportation plans or TIPs and do not have projects that are part of the emissions analysis of any MPO’s metropolitan transportation plan or TIP. Projects in such areas are instead included in a statewide transportation improvement program. These areas are not donut areas. (40 CFR 93.101).

## **Project examples regarding fiscal constraint and NEPA approvals**

The following are project examples that highlight some scenarios where Divisions encountered challenges with fiscal constraint issues with pending, active or concluding NEPA processes. These examples are not included here to suggest that fiscal constraint issues can only be dealt with using the remedies described. Each project will have its own unique context. As a best-practice approach, fiscal constraint issues should be considered throughout the planning and NEPA processes, and if any issues are encountered, they should be considered before the NEPA process is initiated and addressed long before NEPA approval is considered.

### **Intercounty Connector (ICC), Maryland**

Example of securing additional funding from new sources early in NEPA process

The ICC is a \$2.4 billion project in Maryland, just north of Washington, DC. The project was not in the metropolitan transportation plan (MTP) at the time NEPA was initiated. Early in the process, it was recognized by FHWA and the State Highway Administration that the estimated cost of the project, and competing priorities in the region, would present challenges to demonstrating fiscal constraint by inclusion of the project in the MTP. Early in the NEPA process, a decision was made (for both fiscal and operational reasons) to explore tolling as an aspect of the alternatives being evaluated. The revenues from tolling enabled FHWA and SHA to address the fiscal issues, and the ICC was added successfully to the fiscally constrained MTP, and the ROD signed in May 2006.

For more information, contact Marlys Osterhues, 202-366-2052.

### **I-25 Valley Highway, Colorado**

Example of using a “phased decision-making” approach to address fiscal constraint issues

It was recognized early on in the NEPA process that the planning requirements regarding fiscal constraint must be satisfied prior to FHWA approving a ROD. Total funding for the entire project would not be available at the time the ROD was to be signed. Because the fiscally-constrained MTP did not contain the entire Preferred Alternative for the Valley Highway project, FHWA and Colorado DOT determined that it was appropriate to identify a phased project implementation process. The Draft and Final EIS discussed a phased implementation approach and presented six logical project phases. Phased implementation was discussed with the public and agencies. FHWA and CDOT identified a set of criteria to be used as guidelines in establishing independent project phases, which included, but were not limited to, logical termini and independent utility, contributing to accomplishing elements of the overall project purpose and need, and fiscal constraint (demonstrated by inclusion in the MTP). The phases of the project were included in the RTP before the ROD was approved in June 2007 on Segments 1 and 2.

For more information, contact Keith Moore, 202-366-0524.

### **I-83 Master Plan, Pennsylvania**

Example of consideration of fiscal issues and project phasing in planning studies

The I-83 Master Plan, prepared by the PennDOT in 2003, is a transportation planning study to identify, plan, and program future transportation improvement projects for an 11 mile section of I-83. The entire

corridor upgrade is estimated to cost at least \$1.5 billion. It was immediately clear that construction could not take place simultaneously on the entire corridor, in part because fiscal constraints would reduce the ability to fully fund all required projects at one time. Upon review and analysis of constructability and safety issues, the corridor was divided into four sections that could be funded through the MPO, advanced through PennDOT's project development process, and designed and constructed independently. Each section has both logical termini and independent utility. The corridor will have four independent (but related) environmental processes. Although a NEPA analysis is currently being conducted for the first phase of the study (I-83 East Shore Section 1 Project), this project provides an example of the consideration of phasing and fiscal constraint issues early, in pre-NEPA planning studies.

For more information, contact Spencer Stevens, 202-366-0149.

### **Project example regarding including subsequent phases of a project in the STIP and/or TIP**

The following example shows how subsequent phases (subsequent to NEPA) of a regionally significant project were shown in the TIP (and STIP). The project is also included in the Philadelphia area MPO's (DVRPC) MTP. This example also shows construction funding that is outside of the 4-year horizon of the TIP for the project but the TIP still includes it for information purposes in later years. For more information, please contact Spencer Stevens, 202-366-0149.

#### **State Route 309 Project, Pennsylvania**

Example of subsequent project phases (subsequent to NEPA) included in a STIP/TIP (continues on the next two pages).

**DVRPC FY 2007-2010 TIP for PA**  
**Pennsylvania - Highway Program**

Final Version

**Montgomery**

**MPMS# 18438 PA 309 Connector Project**  
 AQ Code 2020M PA 309 to PA 63, Sumneytown Pike  
 Major SOV Capacity New/Upgraded Connector Roadway  
 Subcor(s) 2A, 11A, Hatfield Township; Franconia Township; Lower Salford Township; Towamencin Township  
 14C

Provide an adequate two lane roadway connection by upgrading two existing two lane roads (Wambold Rd. and Township Line Rd.) and connecting them with a two lane roadway approximately one mile in length. This project will correct the disjointed and inadequate road system serving the north/south movement between PA 309 and the PA Turnpike Lansdale Interchange. This project will proceed in 2 phases.

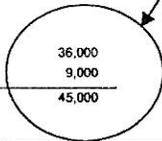
The Right-Sized Phase 1 Project includes the proposed realignment of Sumneytown Pike (PA 63) from Old Forty Foot Road to Freed Road and improvements to Wambold Road from Sumneytown Pike (PA 63) to Allentown Road. The proposed work includes a three lane relocation of PA 63 with shoulders (11' lanes and 8' shoulders) on Wambold Road and a two lane runaround around Mainland Village.

This project is integral to the Delaware Valley Freight Corridors Initiative.

SAFETEA DEMO #613 - \$1.280 MILLION

Phase	Fund	TIP Program Years (\$ 000)				Later FYs
		FY2007	FY2008	FY2009	FY2010	
FD	HWY	2,240				
FD	H-STATE	560				
FD	HWY		400			
FD	H-STATE		100			
ROW	HWY		480			
ROW	DEMO		1,280			
ROW	H-STATE		120			
ROW	H-STATE		120			
CON	SSPIKE		4,000			
CON	SPIKE		16,000			
CON	HWY					36,000
CON	H-STATE					9,000
Fiscal Year Total		2,800	22,500	0	0	45,000
		Total FY 07-10				25,300

Construction funding outside timeframe of TIP, but included for information





# HANDOUT 3

RTP Page No. or RTP No.

New Tab: Emission Benefit Summary

**CTIPS - FTIP Project Data Entry**

Dist: 05 EA: PPNO: MPO ID: CARP8 CTIPS ID: 20800000182 Doc Year: 2006 Document: FTIP Version: 2 Last Updated: 01/22/2007 03:40 PM By: BODERMAN

**Find or Add New**      **Project Definition**      **Funding**

County: Santa Barbara Route: Implementing Agency: Carpinteria, City of Project Title: Road Rehab - City of Carp - Various Lo MPO: SBCAG Trans. System: Local

PM: / / mi KP: / / kn Road Rehab - City of Carp - Various Locations w/ RSTP. Contact: DALE LIPP Calnet: Public Phone: 805 684-5405

**Environmental** Document: Approval: / /

**Change Reason** Amendment: 3.00 Cost/Scope/Sch. Change

**Change Status**  Official  Active

Cost Incr.  Cost Decr.  Scope Incr.  Scope Decr.  Sch. Delay  Sch. Adv.  Fund Source Change  Component Change

**Approval Status** MPO: 12/21/2006  Admin. Appvd. State: 02/23/2007  Denied Fed.: 02/23/2007  Denied

**Conformity**  Capacity Incr. Project Air Basin: EPA Table 2 & 3 - Exempt Category:

**Delivery Status**  Archive  Exp. Complete: / /  TCM  Implementing TCM

**Comments**

MPO: Caltrans FHWA/FTA/EPA

12/21/06 New state-exchange RSTP, \$139k in FY 06/07  
 \*\*\*\*\* Version 2 - 01/03/2007 \*\*\*\*\*  
 6/23/06 - 2007 FTIP; also changed STP-L to STPL-EX, since SBCAG exchanges STP for State cash, per ABagde, Ste Pgrng Ofc, 6/8/06. -- KH  
 6/20/06 On 6/15/06 Board adopted 2004 FTIP Amdt #22 approving RSTP in FY07/8 for unfunded balances of STIP road rehab projs not fully funded by amdt #11 in 5/05. KH

Report Grouping: Original Source: 2006 FTIP 1

<< Prior Version    Next Version >>    5 of 125    Delete Version    Print Project    Exit

Emission Benefit Summary Tab Information Screen:

Pollutant	ROG/VOC	CO	Nox	PM-10	PM-2.5	Check Box Below if QA
No.						