



Participation Plan for Transportation Planning and Programming

Belmont-Ohio-Marshall Transportation Study

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INTRODUCTION

A public participation plan describes the actions to be taken to provide opportunities for a wide range of stakeholders and the general public for involvement in the transportation planning process for the metropolitan planning area. The planning area for this plan includes Belmont County in Ohio and Ohio and Marshall Counties in West Virginia.

Since the year 1962, all federal surface transportation acts have required that urbanized areas with the population of 50,000 or more must follow a continuing comprehensive and cooperative transportation planning process as a prerequisite for receiving federal highway funds. Public participation has been an integral part of this process. Starting with the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU) of 2005, all Metropolitan Planning Organizations (MPOs) are required to have a public participation plan. Periodic review and update of this plan is also required. This plan encompasses the transportation planning process for the three county metropolitan planning area. It specifically addresses the statutory requirement and actions required for the transportation plan and transportation improvement program. It generally addresses action to be taken for the other planning activities.

The activities and actions presented in this plan meet the statutory requirements for engaging the public and providing opportunities for participation in the planning process and providing input on various products generated through the continuing, comprehensive and cooperative transportation planning process. In no way actions included here preclude other additional actions for public participation.

STATUTORY REQUIREMENTS

Public participation has been a prerequisite for the approval of metropolitan plans and programs prior to the requirement for the Public Participation Plan (PPP). Starting with the Surface Transportation Act SAFETEA-LU (Public Law 109-59; August 10, 2005), a Public Participation Plan document is required. SAFETEA-LU was followed by the Moving Ahead for Progress in the 21st Century (MAP-21) (Public Law 112-141; July 6, 2012). MAP-21 identified the stakeholders and the content of the PPP. As per 49 U.S.C. 5303(i)(6):

“Participation by Interested Parties – In General. Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.”

Also, an overview of public involvement and outreach provided by the Federal Transit Administration (FTA) states:

“In accordance with 23 CFR 450.316, a metropolitan planning organization (MPO) is required to engage in a metropolitan planning process that creates opportunities for public involvement, participation, and consultation throughout the development of the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP). Under this requirement, MPOs must allow for:

- adequate public notice of public participation activities;
- review and comment at key decision points in the development of the MTP and TIP;
- and
- multiple, accessible participation formats including electronic and in-person.”

The Transportation Plan and Transportation Improvement Program (TIP) are two required documents. The Transportation Plan has a horizon of at least twenty years, while the Transportation Improvement Program is a short range document with specific projects expected to be initiated in a four year period. At present, the TIP is updated biennially, while the Transportation Plan is updated every five years.

The public participation process for both documents is covered in the Public Participation Plan. The contents of a participation plan are specified under 49 U.S.C. 5303(i)(6). These are:

Contents of Participation Plan – A participation plan –

“(i) shall be developed in consultation with all interested parties; and

“(ii) shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.

“(C) Methods. – In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable –

“(i) hold any public meetings at convenient and accessible locations and times;

“(ii) employ visualization techniques to describe plans; and

“(iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

“(7) Publication. A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, approved by the metropolitan planning organization and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.”

The Surface Transportation Act, Fixing America’s Surface Transportation Act (FAST ACT) (Public Law 114-94, December 4, 2015) also required that the public transit operators must be included as a voting member on the MPO policy board.

Although Belomar has engaged the public in the transportation planning process starting with the first transportation plan in 1965, the first Public Involvement Process document was prepared in response to the provisions of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Public Law 102-240, December 18, 1991). This process was expanded to include the requirements of the SAFETEA-LU. A SAFETEA-LU compliant document “Participation Plan for Transportation Planning and Programming” was prepared and adopted by Belomar in the year 2007. This document was reviewed after MAP-21 was enacted. The transportation planning process in the three county metropolitan area has been following the provisions in this document.

This is an update of the current Public Participation Plan. It addresses the requirements of the MAP-21 and FAST ACT. In preparing this plan, the best practices for engaging the public in small metropolitan areas were reviewed and evaluated.

GOALS, OBJECTIVES AND ACTIONS

The goal of this plan is to provide ample opportunities for public involvement and public engagement throughout the planning process.

The objectives and actions are as follows:

- (i) Objective: start engagement early in the planning process and sustain it through the approval/adoption of the planning product.

Actions:

- a) Paid public notices, announcing the opportunity for early involvement in the process and at key decision points published in local news media.
- b) Issue press releases, as needed.
- c) Use of multi-media to get the word out.
- d) Reach known stakeholders by electronic mailings.
- e) Make announcements at local meetings and in the agency newsletter.
- f) Provide multi-media option for input, including 24/7 option.

- ii) Objective: Reach out to the public at large and special groups.

Actions:

- a) Identify special groups; access special groups by regular mail, email or phone.
- b) Provide 24/7 access to material and opportunity for input to the public at large.
- c) Utilize visualization techniques to present material in an easily understood format. Graphics and maps will be used to provide visualization of data, analyses and projects.

- iii) Provide multiple participation formats.

Actions :

- a) Extensive use of website and Facebook page for posting, notices, press releases and documents.
- b) Provide opportunities for input via website, Facebook, email, in person, USPS mail and comments at public meetings/open houses.
- c) Use visualization techniques including maps, graphs, charts and graphical renderings for presentation.

PARTICIPATION PLAN

The primary products of the metropolitan planning process are the long range transportation plan and the transportation improvement program. This plan addresses the participation process from the initiation to adoption of these documents by the Belmont-Ohio-Marshall Transportation Study Policy Committee. It also addresses actions for the involvement of special groups and opportunities to participate in other transportation planning activities.

The public participation plan addresses the requirements of the MAP-21 and FAST ACT and 23 CFR 450.316. The actions noted in this plan are not all inclusive. Additional actions designed to improve public engagement and/or provide more opportunities for participation are not excluded. The draft plan is

adopted after a 45 day public comment period. A public notice will be published announcing the availability of the plan and opportunity to provide comments. Availability will also be announced by email communication to known special groups and all BOMTS board members. Plan will be available 24/7 on the website and Facebook page with an opportunity to provide comments online. In addition, written comments will be received in person or via USPS mail.

All comments will be noted and addressed. If comments result in substantial change to the document, public comment period will be repeated with the revised draft document.

TRANSPORTATION PLAN

The transportation plan (the Plan) for the Belomar region will address a minimum twenty (20) year planning horizon. It shall include both long range and short range strategies/actions that lead to the development of an integrated intermodal transportation system that facilitates the efficient and safe movement of people and goods.

The transportation plans are required to be updated every four years in areas designated as non-attainment for the National Ambient Air Quality Standards (NAAQs). All other areas have five years for the update. The previous plan followed a four year plan update cycle and the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) jointly issued the conformity determination letter on September 9, 2016. The four year update cycle was required due to the areas designation as maintenance area for the 1997 NAAQs for ozone and non-attainment of PM_{2.5} NAAQs of 2013. For the PM_{2.5}, EPA has made a determination that the PM_{2.5} emissions from mobile sources are insignificant. Further, the area was redesignated as attainment for ozone in June, 2007. It is also noted that based on the ambient monitoring, the area is in attainment of 2015 ozone standard of 0.070 ppm. The transportation plan is now updated every five years as required by FHWA and FTA. However, due to a ruling from the U.S. Court of Appeals for the District of Columbia Circuit, the long range plan conformity determination is required every four years.

A listing of the involvement process for the plan is as follows:

1. Belomar will publish a public notice in the local newspapers seeking early public involvement in developing the plan. The public notice will seek public input for at least a fourteen (14) day comment period. The notice will be posted on the agency website and linked to the agency Facebook page.
2. An email will be sent to all stakeholders, including special groups, with known email addresses providing them opportunity for input and/or participation in the plan development process.
3. A comment input form will be available on the website. Upon the completion of a draft plan, a public notice will be published in the local newspapers announcing the scheduling of at least one (1) public meeting on the document.

The public notice will initially appear in the newspapers at least fourteen (14) days before the scheduled date of any public meeting. A second copy of the public notice will be republished at least five (5) days before the meeting. The draft plan will be available on the website, in local libraries and in Belomar's office. The draft document availability announcement and an online link to the plan will be sent to all stakeholders and special groups with known email addresses.

4. Public meetings will be held at an accessible location. Upon request, reasonable accommodations will be provided for people with disabilities. Reasonable accommodation will also be provided, upon request, to non-English speaking individuals. At least one meeting will be held at a location accessible by public transit.
5. Visual graphics and maps will be utilized for the public meetings.
6. The comment period will be a minimum of fourteen (14) days prior to the meeting at which the Policy Committee action is anticipated on the draft document. Comments will be received online, onsite, via mail, on social media, email, and in person.
7. A copy of the draft plan will be available at the office of the Belomar Regional Council at 105 Bridge Street Plaza, Wheeling, West Virginia and will be placed in local libraries. Belomar will also provide reasonable access for public review of the technical and policy information used in developing the plan. Paper copies of the draft plan will be made available upon request. A charge for reproduction may be applied. In addition, the plan will be available on the agency website and will be accessible via Facebook.
8. The draft plan will be provided to members of the Resource Advisory Group (RAG) and the air quality agencies in a time frame consistent with the fourteen (14) day comment period.
9. Written comments on the draft plan should be directed to Transportation Director, Belomar Regional Council, P.O. Box 2086, Wheeling, WV 26003. A written response will be provided in a timely fashion, generally within ten (10) working days, to substantive comments.
10. Comments generated on the draft plan will be evaluated and the results of this evaluation will be reflected in the final plan. More specifically, significant written comments received will be summarized in a separate section of the document, which will describe Belomar's response to the received comments.
11. If it becomes apparent that the final plan will differ significantly from the draft plan initially made available for public comment and raises new material issues which interested parties could not have reasonably foreseen, Belomar will again make the document available for public comment subject to the requirements as those followed in seeking public involvement on the draft plan.

TRANSPORTATION PLAN REVISION

1. Regarding revision(s) to the Transportation Plan, once it is formally adopted by the BOMTS Policy Committee, press releases will be issued in advance of any proposed revision. Such releases will describe the proposed revision and indicate the duration of the comment period, which will be a minimum of fourteen (14) days from the date of issue. Belomar will also provide reasonable access for public review of the technical and policy information used in developing the revision.
2. The press release will be posted on the agency website. Notice regarding the Transportation Plan revision will also be provided to the RAG and to the air quality agencies in accordance with the Memorandum of Understanding (MOU).

3. Written comments on the plan revision should be directed to Transportation Director, Belomar Regional Council, P.O. Box 2086, Wheeling, WV 26003. A written response will be provided in a timely fashion, generally within ten (10) business days, to substantive comments.
4. Comments generated on the plan revision will be evaluated and the results of this evaluation will be reflected in the plan. More specifically, significant written comments received will be summarized in a separate section of the document, which will describe Belomar's response to these comments.
5. If it becomes apparent that the plan revision will differ significantly from the plan revision initially made available for public comment and raises new material issues which interested parties could not have reasonably foreseen, Belomar will again make the document available for public comment, subject to the same requirements as those followed in seeking initial public involvement on the plan revision.
6. Belomar will make the approved plan available for information purposes on the website and onsite.
7. The final plan, along with all revisions, will remain available for review on the agency website throughout its effective time frame.
8. A response to comments received on the approved plan will be provided within a reasonable time generally ten (10) business days.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The Transportation Improvement Program is a comprehensive listing of specific Federal-aid transportation projects (e.g., highway and transit) scheduled for implementation in the metropolitan planning area over a four year time span. The program must also include projects deemed to be regionally significant, regardless of whether or not federal funds are utilized. The TIP can be revised as needed based on the procedures set forth by the WVDOT and ODOT, according to the provisions of 23 CFR 450 and 49 CFR 613. Projects can be added/deleted or revised as a TIP amendment with public notice and policy committee action or they can be revised as per administrative modification without the requirement of public notice and policy committee action. Also, maintenance/operations type of projects can be revised in the Statewide Transportation Improvement Program (STIP) by WVDOT and ODOT. There is a strict definition of TIP amendment, modification and STIP revisions of maintenance/operations projects. These definitions and associated procedures are included in [APPENDIX A](#). West Virginia STIP and TIP operating guidelines are also included in [APPENDIX A](#).

The public involvement process for the development of the TIP and subsequent revision(s) is:

1. Belomar will publish an early involvement notice in the local newspapers during the month of January. This time frame is subject to change in order to maintain consistency with the development schedules established by the State of Ohio and the State of West Virginia. The public notice will seek public input for at least a fourteen (14) day comment period. The notice will be available on the website and on the Facebook page. An input form for comments will also be available on the website.
2. Public notices regarding the availability of the draft TIP will initially be published in local newspapers at least one (1) week before the scheduled beginning of the public comment period. The comment period itself will be for a minimum of fourteen (14) days prior to the meeting at which Policy Committee

action is anticipated on the document. These notices will be published in consistency with the development schedules established by the State of Ohio and the State of West Virginia. A second copy of the public notice will be published during the comment period. The notices will be posted on the agency website, however the date of posting will have no effect on the timeframe noted above.

3. A copy of the draft TIP will be available for review at the office of the Belomar Regional Council at 105 Bridge Street Plaza, Wheeling, West Virginia and on the agency website and Facebook page. The local draft TIP will additionally be incorporated into the Statewide Transportation Improvement Programs (STIPs) for the States of Ohio and West Virginia and made available for review and comment in accordance with the procedures of the respective states. As much as possible, the comment period for the TIP will be coordinated with the comment period for the STIP. Belomar will also provide reasonable access for public review of the technical and policy information used in developing the document. Paper copies of the draft TIP will be made available upon request. A charge for reproduction may be applied.
4. The draft TIP will be posted on the agency website during the 14 day comment period described above. The public notices will note the posting and identify the web address.
5. The draft TIP will be sent to the members of the Resource Advisory Group and the air quality agencies for review and comment, consistent with the time frame for the public comment period.
6. Written comments on the draft TIP will be directed to Transportation Director, Belomar Regional Council, P.O. Box 2086, Wheeling, WV 26003. Comments will also be received on the website <http://www.belomar.org> and by email at belomar@belomar.org. A written response will be provided in a timely fashion, generally within ten (10) working days, to all substantive comments.
7. Comments generated on the draft TIP will be evaluated and the results of this evaluation will be reflected in the final TIP. More specifically, significant written comments received will be summarized in a separate section of the document, which will describe Belomar's response(s) to these comments.
8. If it becomes apparent that the final TIP will differ significantly from the draft TIP initially made available for public comment and raises new material issues which interested parties could not have reasonably foreseen, Belomar will again make the document available for public comment subject to the same requirements as those followed in seeking public involvement on the draft TIP. These public involvement requirements however, are subject to consistency with the development schedules established by the State of Ohio and the State of West Virginia.
9. Regarding amendments to the final TIP, once it is formally adopted by the BOMTS Policy Committee, press releases will be issued to the major newspapers in the area in advance of any proposed revision. Such releases will describe the proposed amendments and indicate the duration of the comment period. Belomar will also provide reasonable access for public review of the technical and policy information used in developing the revision. Administrative modification and revisions to ODOTs statewide line item projects and WVDOT's groupable projects will be done according to the procedures established by each state. These procedures are included in [APPENDIX A](#).
10. The press release will be posted on the agency website and Facebook page. Notice regarding the TIP revision will also be provided to the RAG and to the air quality agencies in accordance with the MOU.

11. Written comments on the TIP revision will be directed to Transportation Director, Belomar Regional Council, P.O. Box 2086, Wheeling, WV 26003. Comments will also be received on the agency website and by email. A written response will be provided in a timely fashion, generally within ten (10) working days, to all comments.
12. Comments generated on the TIP revision will be evaluated and the results of this evaluation will be reflected in the TIP. More specifically, significant written comments received will be summarized in a separate section of the document, which will describe Belomar's response to these comments.
13. If it becomes apparent that the TIP revision will differ significantly from the TIP revision initially made available for public comment and raises new material issues which interested parties could not have reasonably foreseen, Belomar will again make the document available for public comment subject to the same requirements as those followed in seeking initial public involvement on the TIP revision. These public involvement requirements however, are subject to consistency with the schedules established by the State of Ohio and the State of West Virginia.
14. Belomar will make the approved TIP available for information purposes on the agency website and Facebook page.
15. The final TIP, along with all revisions, will remain available for review on the agency website throughout its effective time frame.

OTHER TRANSPORTATION PLANNING ACTIVITIES

In addition to the development and preparation of the TIP and Transportation Plan, Belomar may be involved in various activities and programs for which involvement efforts may be appropriate. Such activities include corridor studies, subarea studies, major transportation investment studies, transit studies and pedestrian/bikeway studies. As deemed appropriate, the general involvement process described for the preparation of the TIP will be utilized. However, in lieu of public notices, consideration will be given to the use of press releases, if this approach appears to be more effective. Other efforts considered appropriate for the specific activity may also be undertaken. These may include open houses, public stakeholder meetings, targeted brochures and special announcements.

During the course of a study, if any deviation from the actions described here is necessary, it will be noted in the report.

AIR QUALITY

A Memorandum of Understanding (MOU) has been executed which established consultation procedures regarding transportation conformity. The MOU is incorporated herein by reference.

The MOU identifies the responsibilities of each agency regarding the transportation conformity determination. The area is in attainment of the 1997 NAAQs. It was not classified under new standards. EPA has also ruled that the PM_{2.5} emissions from mobile sources are insignificant. Based on these findings and guidance from EPA, FHWA and FTA, emissions analysis is required for budget test necessary for the transportation conformity. Budget test is required for Ozone precursor of Volatile Organic Compounds

(VOC) and Nitrogen Oxide (NOx) only. The draft plan and TIP, along with TIP revisions, is provided to all parties listed in the MOU. The requirements of the conformity process, including interagency consultation and use of latest planning assumptions are followed as per the MOU. A project level hot spot analysis is also potentially required.

The hot spot analysis requirement is met for Ohio projects through the Ohio PM_{2.5} hot spot analysis addressed through the NEPA process. For West Virginia projects, no project will involve significant increase in diesel trucks and diesel buses and no project will even approach AADT (Annual Average Daily Traffic) of 125,000.

ENVIRONMENTAL JUSTICE AND OTHER TARGET POPULATIONS

Belomar developed a process which resulted in the identification of targeted areas regarding environmental justice. Target areas are selected based on minority population and persons below poverty level. Target areas are used to access disproportionate adverse effects of transportation projects, plans and programs. Additional transportation analyses include persons 65 years or older, households with zero automobile, persons with disabilities and non-English speaking. These population groups are generally considered to be underserved by existing transportation systems and are associated with the mobility impairment and mode choice.

For the identified target areas, hard copies of the draft Transportation Plan and/or the Executive Summary will be made available at the most convenient public locations such as city buildings and public libraries. Public notices and/or press releases will identify the available sites. Select members of the EJ and other target groups with known email addresses, will be provided opportunities to comment and encouraged to spread the word of available opportunities, including serving as or nominating a community liaison. Outreach efforts will also include community liaisons.

As part of the coordinated public transit-human services transportation plan update, Belomar will facilitate and encourage the involvement of a broad range of stakeholders, including people with disabilities.

OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

In compliance with the American Disability Act (ADA) all MPO facilities are wheelchair accessible. All public meetings are held at accessible locations. Upon request, reasonable accommodations are provided. People with disabilities, with known email addresses, receive notices and material for comments and review.

OPPORTUNITIES FOR NON-ENGLISH SPEAKING POPULATION

As per the American Community Survey (ACS) of 2011 – 2015, there are 520 persons in the region who “speak English less than very well”. This is less than 1% (0.38%) of the total population. Of the non-English speaking group, the majority are Spanish speaking followed closely by other Indo-European languages. To date, no individual has requested language service at any public meeting or otherwise. The participation of non-English speaking persons is important, however, due to the limited resources of small

MPOs, full time language assistance and translation, services are not provided. A list of translation providers is kept for use on an as needed basis.

ADVOCACY AND SPECIAL PURPOSE GROUPS

Information regarding opportunities to participate and provide input will be sent to all known and relevant advocacy and special groups. This will be communicated by email. Select meetings will be attended to stay connected and stay in tune with issues and preferred solutions. Occasionally surveys will be conducted to seek input.

PUBLIC SERVICE

Belomar will continue its transportation related public service activities. These activities generally involve responding to requests for information and data. Historically, these requests have been associated with traffic count data, project status information, socio-economic data, and GIS products. Belomar will attempt to respond to all reasonable requests for service of information and will include the provision of such service in the work program, annually. Occasionally, meetings of non-profit organizations are also attended.

PUBLIC MEETINGS

Transportation related meetings will continue to be open to the public and held at accessible locations. Meeting notices will continue to be provided to local newspapers, radio stations and television stations, and will be posted to the agency website. The format of the meetings will be interactive.

AGENCY NEWSLETTER

Belomar's newsletter, with broad based distribution, will be used as an additional mechanism for the identification of opportunities for review and comment of various documents, as well as the identification of significant transportation issues of the area.

VISUALIZATION AND USE OF THE WORLD WIDE WEB

Belomar will continue to improve on visualization techniques utilized to provide an understanding of existing and proposed transportation plans and programs. Mapping will be provided as a means to identify project location, as well as to depict issues of concern, e.g. environmental justice target areas, projected level of service problem areas, etc. The agency website will be utilized as appropriate to provide the available documentation. Efforts will also be made to develop interactive mapping as a means to convey additional information to all interested parties.

OTHER ONGOING ACTIONS

As part of the Transportation Plan development process, Belomar will continue to solicit information from local officials and development agencies regarding future growth, land use, economic development initiatives, and other issues of local concern. The information will be reflected in the Traffic Analysis Zone (TAZ) statistics utilized in the travel demand model. Additionally, Belomar will request copies of any comprehensive development and/or economic plans adopted by local governments. These documents will be reviewed to ensure consistency with the Transportation Plan.

Belomar will continue to work with the local transit authorities to address capital and operating issues, and to ensure consistency between any positions formally taken by the respective transit boards and the Transportation Plan.

Belomar will periodically survey local freight shippers to solicit input for the planning process, including the identification of any impediments to freight movement.

Belomar will attend select meetings of special groups to stay engaged and encourage participation in the planning process.

PERIODIC REVIEW

This participation plan will be periodically reviewed and updated as needed. Revising needed basic procedures contained herein requires a public comment period before such revised procedures are utilized. However, activities which enhance the basic procedures provided herein shall not be considered revisions subject to public comment. Examples include, but are not limited to, the conduct of any meeting, formal or informal, which enhances the opportunity for public comment, the creation of any transportation related ad-hoc committee which may provide input for planning and programming activities, and any other action or use of media not listed here, that would enhance public participation or will provide additional opportunities for participation.

For revisions subject to public comment, a notice will be published in the local newspapers announcing the opportunity for review and comment. A 45 day comment period will be provided with the expiration date specified. The notice will be posted to the agency website, however the date of posting will have no effect on the specified time frame. Policy committee action on the revision may occur at any time following the 45 day comment period.

APPENDIX A

WVDOT and ODOT STIP/TIP Guidelines



Procedures for Ohio Statewide Transportation Improvement Program (STIP) Amendments and Administrative Modifications

On February 14, 2007, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) issued their final rule for Statewide and Metropolitan Transportation Planning (72 Fed. Reg. 7224). On July 6, 2012, the Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law which created a streamlined, performance-based, multimodal program to address the many challenges facing the U.S. transportation system and continued the requirements for a Statewide Transportation Improvement Program (STIP) that was originally established in 1991. In the final rule, the FHWA and the FTA have further clarified the differences between amendments and administrative modifications found in 23 CFR Part 450 and 49 CFR Part 613. The purpose of this document is to further define administrative modifications and amendments and to establish the procedures for processing administrative modifications and amendments in Ohio.

The following procedures are applicable for processing revisions (both administrative modifications and amendments) to the Ohio STIP. In accordance with the provisions of 23 CFR 450 and 49 CFR 613, Transportation Improvement Programs (TIPs) developed by Metropolitan Planning Organizations (MPOs) are incorporated into the STIP, and as such these procedures are also applicable to TIP modifications.

1. DEFINITIONS

A. Administrative Modifications

Per 23 CFR 450.104 and in compliance with 49 CFR 613: *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, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas).*

Administrative Modifications do not require public review and comment, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas). Administrative Modifications are minor changes to the STIP/TIP that:

1. Revise a project description without causing significant change to the project scope or conflict with the environmental document.
2. Revise a project's fiscal year within the current STIP/TIP in accordance with 23 CFR 450.216(n) and in compliance with 49 CFR 613.
3. Change the source/type of federal funds (between federal, state, and local funds) by phase on a listed project or an individual statewide line item.
4. Split or combine individually listed projects in the current STIP/TIP without causing significant change to the project scope, environmental document, or air quality conformity.
5. Change the project lead agency.
6. Revise the ALI code with similar scope, project name, number of vehicles, or type of vehicles.

Administrative Modifications may be processed in accordance to these procedures and the procedures described in 23 CFR 450 and in compliance with 49 CFR 613, provided that the air quality conformity determinations, including the timely implementation of Transportation Control Measures (TCMs), are not affected and financial constraint is not impacted.

B. Amendment

Per 23 CFR 450.104 and in compliance with 49 CFR 613: **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). Changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment, redemonstration of fiscal constraint, or a conformity determination (for metropolitan transportation plans and TIPs involving "non-exempt" projects in nonattainment and maintenance areas). 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.

Amendments are major revisions to the STIP/TIP that require federal approval, require public review and comment, redemonstration of fiscal constraint, or a conformity determination. Amendments are major revisions to the STIP/TIP that:

1. Add or delete a project or project phase into or out of the current STIP/TIP that are not categorized as statewide line items.
2. Significantly/majorly change the project description or scope.
3. Affect financial constraint or affect air quality conformity (regardless of the funding source).
4. Revise the project or project phase cost estimate over the thresholds noted in the below tables.

Highway/FHWA Projects	
STIP Estimate	Amendment Needed if
\$1 - \$2,999,999	Over 50% of the project/phase cost
\$3,000,000 - \$9,999,999	Over 30% of the project/phase cost
\$10,000,000 and Above	Over 20% of the project/phase cost

Transit/FTA Projects	
STIP Estimate	Amendment Needed if
\$1 - \$999,999	Over 50% of the project/phase cost
\$1,000,000 - \$4,999,999	Over 30% of the project/phase cost
\$5,000,000 and Above	Over 20% of the project/phase cost

5. Revisions to the STIP/TIP and cannot be completed by an Administrative Modification.

2. PROCEDURES

A. Administrative Modifications

Each MPO may elect to adopt procedures for administrative modifications which are the same as the procedures described above or more restrictive. An MPO may elect not to process any TIP changes as administrative modifications and as a result all changes would be processed as amendments. Each MPO-approved administrative modification will be forwarded to the ODOT Office of Systems Planning and Program Management and/or ODOT Office of Transit through the appropriate ODOT District Office for approval on behalf of the Governor. The MPO Board may delegate approval of Administrative Modifications to the MPO's Executive Director. If the MPO Board delegates approval of Administrative Modifications to the Executive Director, the MPO will need to provide copies of the delegation to ODOT.

Once approved by ODOT, on behalf of the Governor, the Administrative Modification will be incorporated into Ohio's STIP and no Federal action will be required. ODOT will notify the MPO of the approved administrative modification.

B. Amendments

Amendments to the Ohio STIP must be developed in accordance with the provisions of 23 CFR 450.326 and/or 23 CFR 450.216 and in compliance with 49 CFR 613 and approved by the appropriate federal agency in accordance with 23 CFR 450.218. Each approved MPO TIP amendment will be forwarded to the ODOT Office of Systems Planning and Program Management and/or ODOT Office of Transit through the appropriate ODOT District office for approval on behalf of the Governor. Once approved by ODOT on behalf of the Governor, ODOT will forward the amendment to FHWA or FTA for federal approval according to the established quarterly scheduled submittal or necessary special submittal. Once approved by FHWA or FTA the amendment will be incorporated into Ohio's STIP.

SUMMARY OF ACTIONS

ACTION (STIP/TIP Change/Revision)	MODIFICATION (Minor Revisions – Federal Approval Not Required)	AMENDMENT (Major Revisions – Federal Approval Required)
Revise a project description without causing *significant change to the project scope or conflict with the environmental document	X	
Revise a project's fiscal year within the current STIP/TIP	X	
Change the source/type of federal funds (from federal to state funds, state to federal funds, federal to local funds, local to federal funds, state to local funds, or local to state funds)	X	
Split or combine individually listed projects in the current STIP/TIP without causing *significant change to the project scope, environmental document, or air quality conformity	X	
Change funding types for individual statewide line items	X	
Change in the project lead agency	X	
Revise the ALI code, project name, number of vehicles, or type of vehicles	X	
Adding or deleting projects or project phases into or out of the current STIP/TIP that are not categorized as statewide line items		X
Any *significant or major change to the project description or scope		X
Any change that affects financial constraint or affects air quality conformity (regardless of the funding source)		X
Funding Changes over the threshold (see below tables)		X

**Significant change is when a transportation feature is added or removed.*

Note: Amendments are major revisions to the STIP/TIP that require federal approval, require public review and comment, redemonstration of fiscal constraint, or a conformity determination.

Highway/FHWA Projects	
STIP Estimate	Amendment Needed if
\$1 - \$2,999,999	Over 50% of the project/phase cost
\$3,000,000 - \$9,999,999	Over 30% of the project/phase cost
\$10,000,000 and Above	Over 20% of the project/phase cost

Transit/FTA Projects	
STIP Estimate	Amendment Needed if
\$1 - \$999,999	Over 50% of the project/phase cost
\$1,000,000 - \$4,999,999	Over 30% of the project/phase cost
\$5,000,000 and Above	Over 20% of the project/phase cost

3. DISPUTE RESOLUTION

If a question arises on the interpretation of the definition of an Amendment or Administrative Modification, ODOT, the MPO, FHWA, and FTA (the parties) will consult with each other to resolve the question. If after consultation, the parties disagree on the definition of what constitutes an Amendment or Administrative Modification, the final decision rests with the FHWA for highway projects and FTA for transit projects.

Procedures of Ohio STIP Amendments and Administrative Modifications Approved by ODOT, FHWA, and FTA

Note: Signatures appear on separate pages.

Date: 9/24/13 Signed: 
Jerry Wray, Director, ODOT / jw

**Procedures of Ohio STIP Amendments and Administrative Modifications
Approved by ODOT, FHWA, and FTA**

Note: Signatures appear on separate pages.

Date: 9-24-2013 Signed: 
Laura S. Leffler, Division Administrator, FHWA

**Procedures of Ohio STIP Amendments and Administrative Modifications
Approved by ODOT, FHWA, and FTA**

Note: Signatures appear on separate pages.

Date: 9-24-2013 Signed: 
Marisol R. Simón, Regional Administrator, FTA

Procedures for Grouping Projects

Projects would be taken from the current Transportation Improvement Program (TIP) that meet the Groupable Projects criteria and placed in the appropriate group (See groups below). If there are currently no projects for an MPO in one or more of the groups, the groups would still be in the TIP for use as future projects are added to the MPO area. Groupable projects would be listed and shown in the MPO's TIP with the same amount of information that was previously displayed. The difference would be that, since these projects are more routine/maintenance in nature or have been vetted through a competitive process, groupable projects would not need formal action from the Policy Board. When new a groupable project is added to an MPO area, the MPO would be notified of the adjustment to their TIP and sent the corresponding project information. At the next scheduled meeting, the project would be presented to the Policy Board as an adjustment to their TIP.

Since this procedure would cover many to most of the TIP amendments that are currently being done by the MPOs, it would allow the MPO staff and DOH staff to work on the front end helping to plan future projects and provide input into the project selection process. The Groupable Projects process also is expected to assist in expediting delivery of the project by not having to wait on the next scheduled MPO meeting or having to have an emergency MPO meeting to meet potential deadlines.

Most States utilize this process as provided in federal regulations and the use of groupable projects is supported by our Federal Highway Administration office, the West Virginia Department of Transportation, the West Virginia Division of Highways, the West Virginia MPO Association and by your MPO staff as a way to deliver the area's program more efficiently, reduce the amount of staff time preparing TIP amendment documents and moving the MPOs toward more of a planning function thus enabling more input on the front end of project development instead of the tail end. This process is used in the three border states (Ohio, Kentucky, and Maryland) with whom WV shares a planning boundary and is being utilized by the five WV border MPOs for work outside WV. All eight WV MPO's have either incorporated or are currently working to incorporate this process into their procedures for WV projects.

To this end:

- The WVDOT and the MPOs would conduct annual coordination meetings with the respective District(s) within the MPO's geographical area;
- The MPOs would invite the WVDOT District personnel to its Technical Advisory Committee meetings;
- The WVDOT would include the MPOs in the solicitation of asset management type projects for consideration for funding;
- The WVDOT would share information of WVDOT asset management methodologies;
- The WVDOT would notify the MPO of any Intent to Apply for Transportation Alternatives and Recreational Trails funding; and
- The WVDOT will provide the data related project for an administrative adjustment to the TIP.

WVDOH Groupable Projects*

Group	Description
Maintenance and System Preservation - Bridge Program	<i>Bridge Maintenance, Rehabilitation, and Replacement; inspections -such as bridge overlays/sealing, clean and paint, deck expansion joints,</i>
Maintenance and System Preservation - Pavement	<i>Pavement Maintenance, Rehabilitation and Reconstruction, Resurfacing</i>
Maintenance and System Preservation - Other	<i>Other Maintenance, Rehabilitation, and Replacement (non-pavement) items such as lighting, guardrail, retaining walls, slides, signal and sign renovation and/or replacements</i>
Operational Improvements - Miscellaneous	<i>Localized mobility; striping and signing; lighting, signals, signage, non - capacity adding work</i>
Bike and Pedestrian and Community Development	<i>Non-traditional transportation projects with Transportation Alternative funding and/or Recreational Trail funding</i>
Emergency Relief (ER) Projects**	<i>Emergency projects due to storm events</i>
Technical Support	<i>Non-capital program projects such as: research, bridge inspections, agency funded positions, etc.</i>

* Projects that are not regionally significant, environmental document type of CE, non-capacity adding, exempt from air quality analysis

** If core FHWA funds are used

**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF
HIGHWAYS
DIVISION OF PUBLIC TRANSIT
FEDERAL HIGHWAY ADMINISTRATION - WEST VIRGINIA DIVISION
FEDERAL TRANSIT ADMINISTRATION - REGION III OFFICE**

STIP and TIP OPERATING GUIDELINES (7/10/2017)

INTRODUCTION/BACKGROUND

This document represents the established set of procedures to be employed within the State of West Virginia for development of the Statewide Transportation Improvement Program (STIP) and modifications to the STIP or the Transportation Improvement Program (TIP). The development of the West Virginia STIP will be in accordance with 23 CFR 450.212, 450.216(d), and 450.220 (See Appendix). Development of the Metropolitan Planning Organizations (MPO) TIP shall be in accordance with 23 CFR and 23 CFR 450.330 (See Appendix).

SUMMARY OF REQUIREMENTS AND AGREEMENTS

Development of the STIP/TIP

The STIP is a complete list and description of all Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) funded projects that are to be advanced by year for the next four-year period. Projects contained in the STIP should be consistent with the statewide long-range transportation plan (LRP), statewide planning processes and consistent with MPO long-range transportation plans, TIPs and processes. The West Virginia Department of Transportation (WVDOT) must submit the entire proposed STIP to the FHWA and the FTA for joint approval at least every four years. Air quality non-attainment and maintenance areas must include a conformity determination. Amendments to the STIP can be submitted any time.

The TIP is a staged multi-year, intermodal program of all FHWA/FTA funded transportation projects, which is consistent with each MPO's long-range transportation plan. TIPs must be updated at least every four years and approved by the MPO and the Governor. Amendments to the TIP will require a corresponding amendment to the STIP.

The TIP and STIP shall include all capital and non-capital projects (i.e. transit operations) or phases of project development, which are targeted to use FHWA and/or FTA funding. The STIP also includes all regionally significant transportation projects requiring an action by the FHWA or the FTA whether or not the projects are to be funded with Title 23, U.S.C. or Federal Transit Act funds (e.g., addition of an interchange to the Interstate System with State, local and/or private funds). A regionally significant project is generally defined as a project on a facility that serves regional transportation needs. The public must be provided ample opportunity for involvement in development of the TIPs and the STIP.

Included Projects – Only projects included in the STIP approved by the FHWA and the FTA shall be eligible for funds administered by the FHWA and FTA. The WVDOT and each individual MPO develops long-range plans from which projects are drawn. Prior to their inclusion in the STIP, projects must be consistent with the WVDOT's long-range transportation plan (LRP), the West Virginia Multi-Modal Statewide Transportation Plan, dated June 2010.

- The addition of new projects to the STIP could require amending the LRP and could require a new air quality conformity determination. For MPO areas, the project will be compared with the currently approved long-range plan to determine consistency. For non-MPO areas, the project will be compared with the currently approved statewide policy plan and any regionally approved long-range plan. It is unlikely that any new projects in non-MPO areas would be inconsistent with the statewide plan.
- In MPO areas, project selection and TIP approval is performed by both the MPO and the State. Projects listed in the TIP must be consistent with the LRP. TIP projects are then included in the STIP without modification.
- Outside MPO areas, project selections are performed by the State in consultation with affected local officials as per the FHWA approved WVDOT Public Involvement Process and the WVDOT Procedures for Consultation with Local Officials with Responsibility for Transportation.
- The first year of the STIP is viewed as the "agreed to" list of projects selected for implementation. If projects in the first year are delayed, projects in the subsequent three years may be advanced. The WVDOT currently prepares a six-year STIP with the last two years being provided for planning and information purposes only and thus, not formally approved as part of the four-year STIP.

Financial Constraint – The STIP must be financially constrained by year. It must contain all projects proposed for FHWA or FTA funding. Determinations of STIP financial constraint will occur at the initial approval of the document by the FHWA and the FTA and when STIP amendments are formally submitted to the FHWA and the FTA for approval.

Conformity – In nonattainment and maintenance areas, the FHWA and the FTA must jointly find that the TIP conforms with the adopted air quality Statewide Implementation Plan (SIP) and that priority has been given to the timely implementation of transportation control measures contained in the SIP in accordance with 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans. As per the FHWA West Virginia Division/FTA Region III Memorandum of Understanding (MOU), the FHWA is the lead Federal agency for air conformity determinations.

Self-Certification – The State and the MPO shall annually certify to the FHWA and the FTA that the planning process is addressing the major issues facing the area and is being conducted according to the 3C planning process (Comprehensive, Cooperative, and Continuous) and is carried out cooperatively by the WVDOT, MPO, and the Transit operator.

Individual Listing or Grouped Projects – Grouping of projects allows flexibility and reduces paperwork for programming minor projects. Projects that are not considered to be of appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area using the applicable classifications under 23 CFR 771.117(c) and (d) and/or 40 CFR part 93. In nonattainment and maintenance areas, project classifications must be consistent with the “exempt project” classifications contained in the Environmental Protection Agency's transportation conformity regulations (40 CFR part 93, subpart A). In addition, projects proposed for funding under title 23 U.S.C. Chapter 2 that are not regionally significant may be grouped in one line item or identified individually in the STIP. The WVDOT, FHWA and FTA have administratively concurred that projects with an estimated construction cost of less than \$10 million is of appropriate scale to consider for grouping. For air quality non-attainment/maintenance areas, only projects that are exempt from conformity requirements may be grouped. If a project cannot qualify as a CE or be considered exempt from air quality conformity, it must be listed individually.

Illustrative Projects – Federal law provides language regarding unfunded projects. Such projects may be listed in the STIP and TIP. They are considered for information only. Approval of a separate STIP and TIP amendment is necessary to advance them as funded Federal-aid projects. Illustrative projects are not subject to conformity analysis; however, advancement of an illustrative project by amendment to the STIP may require a new conformity analysis.

Public Involvement – The public involvement process for development of the STIP and amendments to the STIP are defined in the currently approved version of the WVDOT Public Involvement Process and the WVDOT Procedures for Consultation with Local Officials with Responsibility for Transportation. Individual public involvement procedures for each MPO shall apply for amendments to the TIP and meet public involvement requirements for STIP amendments. The public involvement process for the TIP and the STIP may run concurrently for all STIP amendments.

Approval of the STIP

The initial approval of the STIP is a joint FHWA/FTA action; subsequent amendments only require joint approval if both the FHWA and the FTA are involved. Otherwise, the funding agency makes the approval action.

STIP Modifications

The following parameters will be applied to define actions to be taken on various types of amendments. The STIP may be amended at any time.

Amendment – Amendments to the STIP include, but are not limited to:

- Non-groupable projects amendment – addition or deletion of a project from the approved STIP, addition or deletion of a project phase exceeding \$2 million, changes in individual project estimates having significant impact on financial constraint ($>$ than \$2 million or 10% of the phase estimate (whichever is greater)), significant changes in project scope (e.g., number of lanes, typical section, project termini), or any change which affects air quality conformity.

- Groupable projects amendment – changes in groupable categories exceeding 10% of the groupable category estimate, any single project phase within a groupable project category that exceeds \$10 million and any change which affects air quality conformity regardless of the funding source.

Amendments require federal approval before project authorization. The MPO will transmit TIP amendments to the WVDOT with documentation that explains the change and when it was acted upon by the policy board. The WVDOT then formally sends the amendment to the appropriate federal agency for review and approval. Amendment documentation shall demonstrate the impact on financial constraint of the STIP in the amendment request. An amendment consisting of a new individual project for inclusion in the STIP is subject to financial constraint, public involvement, and FHWA/FTA approval. In air quality non-attainment or maintenance areas, non-exempt project amendments trigger a new conformity analysis and determination. The new TIP conformity determination must be made prior to inclusion in the STIP.

Administrative Adjustment – Administrative adjustments to the STIP/TIP include, but are not limited to:

- Non-groupable projects adjustment – minor changes in project description, advancement of projects from year two, three, or four of the STIP, changes in individual project phase estimates having no significant impact on financial constraint (< than \$2 million or 10% of the project phase estimate (whichever is greater)), and has no effect on air quality conformity.
- Groupable projects adjustment – addition or deletion of a project phase that does not exceed \$10 million for a project phase within an eligible groupable project category, cost increases/decreases in the groupable project category that do not exceed 10% of the groupable project estimate, cost increases in project phases up to a maximum of \$10 million total project phase cost, and has not effect on air quality conformity.

Administrative adjustments to the STIP/TIP do not require federal approval. The WVDOT will report administrative adjustments to the STIP quarterly. If the WVDOT is uncertain whether a modification qualifies as an adjustment, the appropriate Federal agency should be consulted prior to taking the action.

APPENDIX

§ 450.212 Public Involvement

(a) Public involvement processes shall be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement. The processes shall provide for:

(1) Early and continuing public involvement opportunities throughout the transportation planning and programming process;

(2) Timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties and segments of the community affected by transportation plans, programs, and projects;

(3) Reasonable public access to technical and policy information used in the development of the plan and STIP;

(4) Adequate public notice of public involvement activities and time for public review and comment at key decision points, including but not limited to action on the plan and STIP;

(5) A process for demonstrating explicit consideration and response to public input during the planning and program development process;

(6) A process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households which may face challenges accessing employment and other amenities;

(7) Periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all and revision of the process as necessary.

(b) Public involvement activities carried out in a metropolitan area in response to metropolitan planning requirements in §450.322(c) or §450.324(c) may by agreement of the State and the MPO satisfy the requirements of this section.

(c) During initial development and major revisions of the statewide transportation plan required under §450.214, the State shall provide citizens, affected public agencies and jurisdictions, employee representatives of transportation and other affected agencies, private and public providers of transportation, and other interested parties a reasonable opportunity to comment on the proposed plan. The proposed plan shall be published, with reasonable notification of its availability, or otherwise made readily available for public review and comment. Likewise, the official statewide transportation plan (see

§450.214(d)) shall be published, with reasonable notification of its availability, or otherwise made readily available for public information.

(d) During development and major revision of the statewide transportation improvement program required under §450.216, the Governor shall provide citizens, affected public agencies and jurisdictions, employee representatives of transportation or other affected agencies, private providers of transportation, and other interested parties, a reasonable opportunity for review and comment on the proposed program. The proposed program shall be published, with reasonable notification of its availability, or otherwise made readily available for public review and comment. The approved program (see §450.220(c)) if it differs significantly from the proposed program, shall be published, with reasonable notification of its availability, or otherwise made readily available for public information.

(e) The time provided for public review and comment for minor revisions to the statewide transportation plan or statewide transportation improvement program will be determined by the State and local officials based on the complexity of the revisions.

(f) The State shall, as appropriate, provide for public comment on existing and proposed procedures for public involvement throughout the statewide transportation planning and programming process. As a minimum, the State shall publish procedures and allow 45 days for public review and written comment before the procedures and any major revisions to existing procedures are adopted.

(g) The public involvement processes will be considered by the FHWA and the FTA as they make the planning finding required in §450.220(b) to assure that full and open access is provided to the decision making process.

(h) The State shall provide for non-metropolitan local official participation. The State shall have a documented process(es) that is separate and discrete from the public involvement process for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that provides an opportunity for their participation in the statewide transportation planning process and development of the statewide transportation improvement program.

(i) The State shall review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 days regarding the effectiveness of the consultation process and proposed modifications within 2 years of process implementation, and thereafter at least once every 5 years. A specific request for comments shall be directed to the State association of counties, State municipal league, regional planning agencies, or directly to non-metropolitan local officials. The State, at its discretion, shall be responsible for determining whether to adopt any proposed modifications. If a proposed modification is not adopted, the State shall make publicly available its reasons for not accepting the proposed modification, including notification to non-metropolitan local officials or their associations.

§ 450.216 Statewide Transportation Improvement Program (STIP)

(a) Each State shall develop a statewide transportation improvement program for all areas of the State. In case of difficulties in developing the STIP portion for a particular area, e.g., metropolitan area, Indian tribal lands, etc., a partial STIP covering the rest of the State may be developed. The portion of the STIP in a metropolitan planning area (the metropolitan TIP developed pursuant to subpart C of this part) shall be developed in cooperation with the MPO. To assist this process, the State will need to provide MPOs with estimates of available Federal and State funds which the MPO can utilize in developing the metropolitan TIP. Metropolitan planning area TIPs shall be included without modification in the STIP, directly or by reference, once approved by the MPO and the Governor and after needed conformity findings are determined. Metropolitan TIPs in nonattainment and maintenance areas are subject to the FHWA and the FTA conformity findings before their inclusion in the STIP. In nonattainment and maintenance areas outside metropolitan planning areas, Federal findings of conformity must be made prior to placing projects in the STIP. The State shall notify the appropriate MPO, local jurisdictions, Federal land agency, Indian tribal government, etc., when a TIP including projects under the jurisdiction of the agency has been included in the STIP. All Title 23 and Federal Transit Act fund recipients will share information as projects in the STIP are implemented. The Governor shall provide for public involvement in development of the STIP as required by §450.212. In addition, the STIP shall:

- (1) Include a list of priority transportation projects proposed to be carried out in the first 4 years of the STIP. Since each TIP is approved by the Governor, the TIP priorities will dictate STIP priorities for each individual metropolitan area. As a minimum, the lists shall group the projects that are to be undertaken in each of the years, e.g., year 1, year 2, year 3;
- (2) Cover a period of not less than 4 years, but may at State discretion cover a longer period. If the STIP covers more than 4 years, the projects in the additional years will be considered by the FHWA and the FTA only as informational;
- (3) Contain only projects consistent with the statewide plan developed under §450.214;
- (4) In nonattainment and maintenance areas, contain only transportation projects found to conform, or from programs that conform, to the requirements contained in 40 CFR Part 51;
- (5) Be financially constrained by year and include sufficient financial information to demonstrate which projects are to be implemented using current revenues and which projects are to be implemented using proposed revenue sources while the system as a whole is being adequately operated and maintained. In nonattainment and maintenance areas, projects included in the first two years of the current STIP/TIP shall be limited to those for which funds are available or committed. In the case of proposed funding sources, strategies for ensuring their availability shall be identified;

(6) Contain all capital and non-capital transportation projects (including transportation alternatives, Federal Lands Access Program projects, trails projects, pedestrian walkways, and bicycle transportation facilities), or identified phases of transportation projects, proposed for funding under the Federal Transit Act (49 U.S.C. app. 1602, 1607a, 1612 and 1614) and/or title 23, U.S.C. excluding:

- (i) Safety projects funded under 23 U.S.C. 402 and 49 U.S.C. 31102;
- (ii) Metropolitan planning projects funded under 23 U.S.C. 104(d) and 49 U.S.C. 5305(d);
- (iii) State planning and research projects funded under 23 U.S.C. 505 and 49 U.S.C. 5305(e);
- (iv) State planning and research projects funded with Surface Transportation Program funds;
- (v) Emergency relief projects (except those involving substantial functional, locational, or capacity changes);
- (vi) Research, development, demonstration, and deployment projects funded under 49 U.S.C. 5312, and technical assistance and standards development projects funded under 49 U.S.C. 5314;
- (vii) Project management oversight projects funded under 49 U.S.C. 5327; and
- (viii) State safety oversight programs funded under 49 U.S.C. 5329.

(7) Contain all regionally significant transportation projects requiring an action by the FHWA or the FTA whether or not the projects are to be funded with title 23, U.S.C. or Federal Transit Act funds, e.g., addition of an interchange to the Interstate System with State, local and/or private funds, demonstration projects not funded under title 23, U.S.C., or the Federal Transit Act. (The STIP should, for information purposes, include all regionally significant transportation projects proposed to be funded with Federal funds other than those administered by the FHWA or the FTA. It should also include, for information purposes, if appropriate and cited in any TIPs, all regionally significant projects, to be funded with non-Federal funds);

(8) Include for each project the following:

- (i) Sufficient descriptive material (i.e., type of work, termini, length, etc.) to identify the project or phase;
- (ii) Estimated total cost;
- (iii) The amount of Federal funds proposed to be obligated during each program year;
- (iv) For the first year, the proposed category of Federal funds and source(s) of non-Federal funds;

(v) For the second, third, and fourth years, the likely category or possible categories of Federal funds and sources of non-Federal funds;

(vi) Identification of the agencies responsible for carrying out the project; and

(9) For non-metropolitan areas, include in the first year only those projects which have been selected in accordance with the project selection requirements in §450.222(c).

(b) Projects that are not considered to be of appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area using the applicable classifications under 23 CFR 771.117 (c) and (d) and/or 40 CFR Part 51.

(c) Projects in any of the first four years of the STIP may be moved to any other of the first four years of the STIP subject to the project selection requirements of §450.222.

(d) The STIP may be amended at any time under procedures agreed to by the cooperating parties consistent with the procedures established in this section (for STIP development), in §450.212 (for public involvement) and in §450.220 (for the FHWA and the FTA approval).

(e) In developing the statewide transportation improvement program, affected local officials with responsibility for transportation shall be involved on a consultation basis for the portions of the program in non-metropolitan areas of the State.

§ 450.220 Approvals

(a) At least every four years, each State shall submit the entire proposed STIP, and amendments as necessary, concurrently to the FHWA and the FTA for joint approval. The State shall certify that the transportation planning process is being carried out in accordance with all applicable requirements of:

(1) 23 U.S.C. 135, section 8(q) of the Federal Transit Act and this part;

(2) Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794;

(3) Section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub.L. 102-240, 105 Stat. 1914) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded projects (sec. 105(f), Pub. L. 97-424, 96 Stat. 2100; 49 CFR part 23);

(4) The provisions of the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and U.S. DOT regulations "Transportation for Individuals with Disabilities" (49 CFR parts 27, 37, and 38);

(5) The provisions of 49 CFR part 20 regarding restrictions on influencing certain Federal activities; and

(6) In States containing 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)).

(b) The FHWA and the FTA Administrators, in consultation with, where applicable, Federal lands agencies, will review the STIP or amendment and jointly make a finding as to the extent the projects in the STIP are based on a planning process that meets or substantially meets the requirements of title 23, U.S.C., the Federal Transit Act and subparts A, B and C of this part.

(c) If, upon review, the FHWA and the FTA Administrators jointly determine that the STIP or amendment meet, to an acceptable degree, the requirements of 23 U.S.C. 135 and these regulations (including subpart C where a metropolitan TIP is involved), they will approve the STIP. Approval action will take one of the following forms, as appropriate:

(1) Joint approval of the STIP;

(2) Joint approval of the STIP subject to certain corrective actions being taken;

(3) Joint approval of the STIP as the basis for approval of identified categories of projects; and/or

(4) Under special circumstances, joint approval of a partial STIP covering only a portion of the State.

(d) The joint approval period for a new STIP or amended STIP will not exceed four years. Where the State demonstrates that extenuating circumstances will delay the submittal of a new STIP or amended STIP for approval, FHWA and FTA will consider and take appropriate action on requests to extend the approval beyond four years for all or part of the STIP for a limited period of time. Where the request involves projects in a metropolitan planning area(s), the affected MPO(s) must concur in the request and if the delay was due to the development and approval of the TIP, the affected MPO(s) must provide supporting information for the request. If nonattainment and/or maintenance areas are involved, a request for an extension cannot be granted if the conformity determination on the TIP is no longer valid under EPA's conformity regulations (40 CFR part 51).

(e) If, upon review, the FHWA and the FTA Administrators jointly determine that the STIP or amendment does not substantially meet the requirements of 23 U.S.C. 135 and this part for any identified categories of projects, they will not approve the STIP.

(f) The FHWA and the FTA will notify the State of actions taken under this section.

(g) Where necessary in order to maintain or establish operations, the Federal Transit Administrator and/or the Federal Highway Administrator may approve operating assistance for specific projects or programs even though the projects or programs may not be included in an approved STIP.

§ 450.324 Transportation improvement program: General.

(a) The metropolitan transportation planning process shall include development of a transportation improvement program (TIP) for the metropolitan planning area by the MPO in cooperation with the State and public transit operators.

(b) The TIP must be updated at least every four years and approved by the MPO and the Governor. The frequency and cycle for updating the TIP must be compatible with the STIP development and approval process. Since the TIP becomes part of the STIP, the TIP lapses when the FHWA and FTA approval for the STIP lapses. In the case of extenuating circumstances, FHWA and FTA will consider and take appropriate action on requests to extend the STIP approval period for all or part of the STIP in accordance with

§450.220(d). Although metropolitan TIPs, unlike statewide TIPs, do not need to be approved by the FHWA or the FTA, copies of any new or amended TIPs must be provided to each agency. Additionally, in nonattainment and maintenance areas for transportation related pollutants, the FHWA and the FTA, as well as the MPO, must make a conformity determination on any new or amended TIPs (unless the amendment consists entirely of exempt projects) in accordance with the Clean Air Act requirements and the EPA conformity regulations (40 CFR part 51).

(c) There must be reasonable opportunity for public comment in accordance with the requirements of §450.316(b)(1) and, in nonattainment TMAs, an opportunity for at least one formal public meeting during the TIP development process. This public meeting may be combined with the public meeting required under §450.322(c). The proposed TIP shall be published or otherwise made readily available for review and comment. Similarly, the approved TIP shall be published or otherwise made readily available for information purposes.

(d) The TIP shall cover a period of not less than 4 years, but may cover a longer period if it identifies priorities and financial information for the additional years. The TIP must include a priority list of projects to be carried out in the first four years. As a minimum, the priority list shall group the projects that are to be undertaken in each of the years, i.e., year 1, year 2, year 3. In nonattainment and maintenance areas, the TIP shall give priority to eligible TCMs identified in the approved SIP in accordance with the U.S. EPA conformity regulation (40 CFR part 51) and shall provide for their timely implementation.

(e) The TIP shall be financially constrained by year and include a financial plan that demonstrates which projects can be implemented using current revenue sources and which projects are to be implemented using proposed revenue sources (while the existing transportation system is being adequately operated and maintained). The financial plan

shall be developed by the MPO in cooperation with the State and the transit operator. The State and the transit operator must provide MPOs with estimates of available Federal and State funds which the MPOs shall utilize in developing financial plans. It is expected that the State would develop this information as part of the STIP development process and that the estimates would be refined through this process. Only projects for which construction and operating funds can reasonably be expected to be available may be included. In the case of new funding sources, strategies for ensuring their availability shall be identified. In developing the financial analysis, the MPO shall take into account all projects and strategies funded under title 23, U.S.C., and the Federal Transit Act, other Federal funds, local sources, State assistance, and private participation. In nonattainment and maintenance areas, projects included for the first two years of the current TIP shall be limited to those for which funds are available or committed.

(f) The TIP shall include:

(1) All transportation projects, or identified phases of a project, (including pedestrian walkways, bicycle transportation facilities and transportation alternative projects) within the metropolitan planning area proposed for funding under title 23, U.S.C., (including Federal Lands Highway Program projects) and the Federal Transit Act, excluding safety projects funded under 23 U.S.C. 402, emergency relief projects (except those involving substantial functional, locational and capacity changes), and planning and research activities (except those funded with NHPP, STBG, and/or MA funds). Planning and research activities funded with NHPP, STBG and/or MA funds, other than those used for major investment studies, may be excluded from the TIP by agreement of the State and the MPO;

(2) Only projects that are consistent with the transportation plan;

(3) All regionally significant transportation projects for which an FHWA or the FTA approval is required whether or not the projects are to be funded with Title 23, U.S.C., or Federal Transit Act funds, e.g., addition of an interchange to the Interstate System with State, local, and/or private funds, demonstration projects not funded under title 23, U.S.C., or the Federal Transit Act, etc.;

(4) For informational purposes and air quality analysis in nonattainment and maintenance areas, all regionally significant transportation projects proposed to be funded with Federal funds, including intermodal facilities, not covered in paragraphs (f)(1) or (f)(3) of this section; and

(5) For informational purposes and air quality analysis in nonattainment and maintenance areas, all regionally significant projects to be funded with non-Federal funds.

(g) With respect to each project under paragraph (f) of this section the TIP shall include:

(1) Sufficient descriptive material (i.e., type of work, termini, length, etc.) to identify the project or phase;

- (2) Estimated total cost;
- (3) The amount of Federal funds proposed to be obligated during each program year;
- (4) Proposed source of Federal and non-Federal funds;
- (5) Identification of the recipient/sub-recipient and State and local agencies responsible for carrying out the project;
- (6) In nonattainment and maintenance areas, identification of those projects which are identified as TCMs in the applicable SIP; and
- (7) In areas with Americans with Disabilities Act required Paratransit and key station plans, identification of those projects which will implement the plans.
- (h) In nonattainment and maintenance areas, projects included shall be specified in sufficient detail (design concept and scope) to permit air quality analysis in accordance with the U.S. EPA conformity requirements (40CFR part 51).
- (i) Projects proposed for FHWA and/or FTA funding that are not considered by the State and MPO to be of appropriate scale for individual identification in a given program year may be grouped by function, geographic area, and work type using applicable classifications under 23 CFR 771.117 (c) and (d). In nonattainment and maintenance areas, classifications must be consistent with the exempt project classifications contained in the U.S. EPA conformity requirements (40 CFR part 51).
- j) Projects utilizing Federal funds that have been allocated to the area pursuant to 23 U.S.C. 133(d)(3)(E) shall be identified.
- (k) The total Federal share of projects included in the TIP proposed for funding under Section 9 of the Federal Transit Act (49 U.S.C. app. 1607a) may not exceed Section 9 authorized funding levels available to the area for the program year.
- (l) Procedures or agreements that distribute suballocated Surface Transportation Block Grant or Section 9 funds to individual jurisdictions or modes within the metropolitan area by predetermined percentages or formulas are inconsistent with the legislative provisions that require MPOs in cooperation with the State and transit operators to develop a prioritized and financially constrained TIP and shall not be used unless they can be clearly shown to be based on considerations required to be addressed as part of the planning process.
- (m) For the purpose of including Federal Transit Act Section 3 funded projects in a TIP the following approach shall be followed:
 - (1) The total Federal share of projects included in the first year of the TIP shall not exceed levels of funding committed to the area; and

(2) The total Federal share of projects included in the second, third and/or subsequent years of the TIP may not exceed levels of funding committed, or reasonably expected to be available, to the area.

(n) As a management tool for monitoring progress in implementing the transportation plan, the TIP shall:

(1) Identify the criteria and process for prioritizing implementation of transportation plan elements (including intermodal trade-offs) for inclusion in the TIP and any changes in priorities from previous TIPs;

(2) List major projects from the previous TIP that were implemented and identify any significant delays in the planned implementation of major projects;

(3) In nonattainment and maintenance areas, describe the progress in implementing any required TCMs, including the reasons for any significant delays in the planned implementation and strategies for ensuring their advancement at the earliest possible time; and

(4) In nonattainment and maintenance areas, include a list of all projects found to conform in a previous TIP and are now part of the base case for the purpose of air quality conformity analyses. Projects shall be included in this list until construction or acquisition has been fully authorized, except when a three-year period has elapsed subsequent to the NEPA approval without any major action taking place to advance the project.

(o) In order to maintain or establish operations, in the absence of an approved metropolitan TIP, the FTA and/or the FHWA Administrators, as appropriate, may approve operating assistance.

§ 450.326 Transportation improvement program: Modification.

The TIP may be modified at any time consistent with the procedures established in this part for its development and approval. In nonattainment or maintenance areas for transportation related pollutants if the TIP is amended by adding or deleting projects which contribute to and/or reduce transportation related emissions or replaced with a new TIP, new conformity determinations by the MPO and the FHWA and the FTA will be necessary. Public involvement procedures consistent with §450.316(b)(1) shall be utilized in amending the TIP, except that these procedures are not required for TIP amendments that only involve projects of the type covered in §450.324(i).

§ 450.328 Transportation improvement program: Relationship to statewide TIP.

(a) After approval by the MPO and the Governor, the TIP shall be included without modification, directly or by reference, in the STIP program required under 23 U.S.C. 135 and consistent with §450.220, except that in nonattainment and maintenance areas, a

conformity finding by the FHWA and the FTA must be made before it is included in the STIP. After approval by the MPO and the Governor, a copy shall be provided to the FHWA and the FTA.

(b) The State shall notify the appropriate MPO and Federal Lands Highways Program agencies, e.g., Bureau of Indian Affairs and/or National Park Service, when a TIP including projects under the jurisdiction of these agencies has been included in the STIP.

§ 450.330 Transportation improvement program: Action required by FHWA/FTA.

(a) The FHWA and the FTA must jointly find that each metropolitan TIP is based on a continuing, comprehensive transportation process carried on cooperatively by the States, MPOs and transit operators in accordance with the provisions of 23 U.S.C. 134 and Section 8 of the Federal Transit Act (49 U.S.C. app. 1607). This finding shall be based on the self-certification statement submitted by the State and MPO under §450.334 and upon other reviews as deemed necessary by the FHWA and the FTA.

(b) In nonattainment and maintenance areas, the FHWA and the FTA must also jointly find that the metropolitan TIP conforms with the adopted SIP and that priority has been given to the timely implementation of transportation control measures contained in the SIP in accordance with 40 CFR Part 51. As part of their review in nonattainment areas requiring TCMs, the FHWA and the FTA will specifically consider any comments relating to the financial plans for the plan and TIP contained in the summary of significant comments required under §450.316(b). If the TIP is found to be in nonconformance with the SIP, the TIP shall be returned to the Governor and the MPO with the joint finding. If the TIP is found to conform to the SIP, the Governor/MPO shall be notified of the joint finding. After the FHWA and the FTA find the TIP to be in conformance, the TIP shall be incorporated, without modification, into the STIP, directly or by reference.

§ 450.332 Project selection for implementation.

(a) In areas not designated as TMAs and when §450.332(c) does not apply, projects to be implemented using Title 23 funds other than Federal lands projects or Federal Transit Act funds shall be selected by the State and/or the transit operator, in cooperation with the MPO from the approved metropolitan TIP. Federal Lands Highways projects shall be selected in accordance with 23 U.S.C. 204.

(b) In areas designated as TMAs where §450.332(c) does not apply, all Title 23 and Federal Transit Act funded projects, except projects on the NHS and projects funded under the bridge, interstate maintenance, and Federal Lands Highways programs, shall be selected by the MPO in consultation with the State and transit operator from the approved metropolitan TIP and in accordance with the priorities in the approved metropolitan TIP. Projects on the NHS, and projects funded under the bridge and Interstate maintenance programs shall be selected by the State in cooperation with the MPO, from the approved

MPO TIP. Federal Lands Highway Program projects shall be selected in accordance with 23 U.S.C. 204.

(c) Once a TIP that meets the requirements of §450.324 has been developed and approved, the first year of the TIP shall constitute an "agreed to" list of projects for project selection purposes and no further project selection action is required for the implementing agency to proceed with projects, except where the appropriated Federal funds available to the metropolitan planning area are significantly less than the authorized amounts. In this case, a revised "agreed to" list of projects shall be jointly developed by the MPO, State, and the transit operator if requested by the MPO, State, or the transit operator. If the State or transit operator wishes to proceed with a project in the second or third year of the TIP, the specific project selection procedures stated in paragraphs (a) and (b) of this section must be used unless the MPO, State, and transit operator jointly develop expedited project selection procedures to provide for the advancement of projects from the second or third year of the TIP.

(d) Projects not included in the STIP approved by FHWA and FTA will not be eligible for funding with Title 23, U.S.C., or Federal Transit Act funds.

(e) In nonattainment and maintenance areas, priority will be given to the timely implementation of TCMs contained in the applicable SIP in accordance with the U.S. EPA conformity regulations at 40 CFR Part 51.