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TIP/STIP Guidance

October 2010-September 2014 STIP

October 2010 –September 2015 MPO TIPs

Introduction

This TIP/STIP Guidance is being provided to assist Metropolitan Planning Organizations in NYS and NYSDOT Regional Offices in their efforts to develop the Transportation Improvement Programs and non-metropolitan programs that become the Statewide Transportation Improvement Program (STIP). This Guidance is based upon the current Federal Metropolitan and Statewide Planning Regulations of February 14, 2007 for SAFETEA-LU. The requirements highlighted herein are important because, as part of the STIP submittal, the State and the MPOs will have to certify that the planning process is being conducted in accordance with them. This Guidance summarizes those areas where particular attention and extra effort may still be needed with respect to compliance with the regulations and where FHWA and FTA have provided additional information. Note that this Guidance is not a comprehensive treatment, but it provides resources on current direction for these areas. These areas include fiscal constraint of the programs, financial plans for TIPs (and Metropolitan Transportation Plans), STIP data and project descriptions, costs in year of expenditure (inflation rates), rollover, TIP/STIP amendment and administrative modification procedures, and schedules for development of the TIP/STIP.

NYSDOT has migrated the eSTIP Application to the NYSDOT servers and provided training on its use. The new version of eSTIP will allow upstate MPOs and the Regions to manage their amendments and build the draft STIP. For any questions or training needs, please see the Contacts List on page 19.

As mutually agreed upon between NYSDOT and the NYS MPOs, TIPs and the STIP will be updated as follows:

- ▶ Five-year MPO TIPs for Federal Fiscal Years 2010/11 to 2014/15 (October 1, 2010 to September 30, 2015).
- ▶ A four-year STIP for Federal Fiscal Years 2010/11 to 2013/14 consistent with SAFETEA-LU requirements.

Coordination of Program Update with MPO TIP Development

Based on the previous work done under the “*Guidance and Instructions for the April 2010 – March 2015 Programming Exercise for Purposes of 2009 Laws of New York Chapter 25 Section 1 Subsection 6*” issued in August 2009 and the 2008 Program Update, the NYSDOT Regional Offices and their respective MPOs will work together to develop programs consistent with the fiscally constrained allocations provided.

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The TIP/STIP update schedule on page 16 was developed to coordinate NYSDOT's update of its multimodal transportation investment program with the Metropolitan Planning Organizations (MPOs) TIPs.

The following table shows how the years covered by the MPOs' TIPs (orange) overlap with the STIP (in light blue) and the NYSDOT Program covered by the 2010 to 2015 Update (in turquoise). The program update covers a five-year time frame of State Fiscal Years 4/1/10 through to March 30, 2015 to include the last year or the current program and the five years of

Time Period Covered by STIP Update for October 1, 2010 Approval							
Previous STIP	STIP Years					MPO TIP Yr 5	
FFY 2010	FFY 2011	FFY 2012	FFY 2013	FFY 2014	FFY 2015		
10/1/09 to 9/30/10	10/1/10 to 9/30/11	10/1/11 to 9/30/12	10/1/12 to 9/30/13	10/1/13 to 9/30/14	10/1/14 to 9/30/15		
SFY 2009 end 3/31/10	SFY 2010	SFY 2011	SFY 2012	SFY 2013	SFY 2014	SFY 2015	
	4/1/10 to 3/31/11	4/1/11 to 3/31/12	4/1/12 to 3/31/13	4/1/13 to 3/31/14	4/1/14 to 3/31/15	4/1 to 9/30/15	
	Program Update Years						

the new program. The allocations¹ provided cover the SFY 2009 through 2014 plus an additional six months to ensure the allocations cover the entire five years of the new TIPs.

SAFETEA-LU Planning Requirements and Compliance

Federal guidance on implementing the metropolitan and statewide planning requirements for TIPs and STIP development has been published in the Final Rule of the Metropolitan and Statewide Planning Regulations, effective March 15, 2007. These can be found at:

- <http://edocket.access.gpo.gov/2007/pdf/07-493.pdf> or <http://edocket.access.gpo.gov/2007/07-493.htm>.

While all the regulations therein must be met, the following are specific issues that require your particular attention.

Financial Plans

Financial plans for the MPO's TIP² are required. Each MPO TIP must include a financial plan that demonstrates how the TIP can be implemented; indicates resources from public and private sources that are reasonably expected to be available to carry out the program; and identifies innovative financing techniques to finance projects, programs, and strategies.

¹ Allocations referred to here are those resource estimates provided by NYSDOT for development of the TIP and not the Federal allocated fund sources.

² Resource and revenue estimates should be consistent with those referenced, or also included, in the MPO's Metropolitan Transportation (or long-range) Plan. The MPO may have to update the MTP's financial plan if the TIP's finance plan is updated to appropriately reflect the changes.

The TIP financial plan can be as simple as providing a fiscal constraint table. Note if a financial plan is not provided for the TIP of a MPO in a nonattainment area and the TIP is not fiscally constrained, FHWA cannot make a positive conformity determination for the TIP.

For more details on financial plans, please refer to FHWA/FTA's:

- **Statewide Transportation Planning; Metropolitan Transportation Planning; Final Rule:** <http://edocket.access.gpo.gov/2007/pdf/07-493.pdf>. In particular, review 23 CFR 450.314 and § 450.324 on agreements and development and content of the transportation improvement program, respectively.
- **Guidance on Financial Planning and Fiscal Constraint for Transportation Plans and Programs (April 16, 2009):** <http://www.fhwa.dot.gov/planning/guidfinconstr.htm>

As an example where the TIP financial plan is a table – see table on page 21 of ITCTC's TIP: http://www.tompkins-co.org/itctc/tip/07-12tip/2007-2012_FinalTIP.pdf.

With respect to closely related regulations [23 CFR Section 450.314], MPOs should update their respective procedures to be consistent with any cooperative planning agreements to develop resource estimates for the TIP and the Plan by the MPO, State(s), and public transportation operator(s); the regulations require agreements on how these estimates are determined. FHWA-NY Division has provided guidance on September 10, 2009 of what is acceptable documentation of these agreements. These procedures should include specific provisions for cooperatively developing and sharing information related to roles and responsibilities in the planning process, the development of financial plans in the TIP development process, and the incorporation of SAFETEA-LU activities.

Given that estimates for available Federal funds may be in flux, NYSDOT has made assumptions for its program update on the amount of funding available to NYS based on current balances, historical trends, and in consultation with FHWA and FTA, and in cooperation of a small committee NYS MPO staff directors. The NYSDOT RPPM is the contact for the MPO on the estimates to be used.

Fiscal Constraint

MPO TIPs and the STIP shall be financially constrained by year using estimates of current and/or reasonably available revenues. The Federal regulations emphasize, “*in nonattainment and maintenance areas, projects included in the first two years of the TIP and STIP shall be limited to those for which funds are available or committed.*” Please refer to the attached ‘[Example TIP Fiscal Constraint Table](#)’ on page 14 for your use.

Be aware that FHWA is currently formally reviewing STIP performance. FHWA's national goal is to see 75% of the construction phases programmed for obligation in a Federal Fiscal Year obligated by the end of the Federal Fiscal Year. For this reason among others, we will be strictly enforcing fiscal constraint, and Regions and MPOs will not be permitted to program in excess of their allocated funds by FFY. MPOs and Regions should be aware that not all transactions (i.e. close-outs and modifications) run through the TIP/STIP; MPOs need to work with the Regions to use the FMIS reports to reconcile obligations on an annual basis.

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“For the TIP, financial constraint shall be demonstrated and maintained by year and shall include sufficient financial information to demonstrate which projects are to be implemented using current and/or reasonably available revenues, while federally supported facilities are being adequately maintained.” [23 CFR 450.324].

- **Fiscal constraint for FHWA** is defined as establishing a TIP/STIP such that the amount of total FHWA fiscally constrained funding programmed in each year of the TIP/STIP does not exceed the total funding allocated for each of the TIP/STIP years. The total of all fiscally constrained fund sources each year must be within the allocated limit and the total amount of funding programmed for each fund source does not exceed the total allocated over all years included in the TIP/STIP, i.e., over-programming of a fund source is permissible as long as each "column total" is within the allocated limit. After the TIP/STIP is approved, FHWA fiscal constraint is maintained by not increasing the 5-year/4-year total of FHWA fiscally constrained fund types.
- **For FTA-funded projects**, future-year TIP allocation estimates are based on transportation funding authorization. Appropriations bills are annually enacted, and apportionments and allocations are published by the FTA in the Federal Register. In order to maintain and document fiscal constraint, the FTA funds that are programmed on the TIP/STIP for a year need to be consistent with the amounts shown in the Federal Register for that year.

The Regions will be expected to follow the regulations for fiscal constraint.

Year of Expenditure and Inflation Factors

Information on year of expenditure (YOE) and inflation factors recommended by NYSDOT can be found on page 18 of this Guidance for the [“Inflation Assumptions from the NYSDOT Program Update Instructions, Summer, 2009”](#). Please note all projects on the TIP must be shown in year of expenditure, not just the state’s program. MPOs that use inflation factors other than those recommended by NYSDOT for local projects must keep documentation on how they address YOE for their projects.

Project Costs

Federal regulation 23 CFR 450.324(i) requires that inclusion of the estimated total project cost be included in the TIP/STIP. The TIP/STIP total project must also include project costs that are programmed beyond the TIP/STIP period.

Please contact your NYSDOT Regional Office(s) for additional guidance on project cost and contingency estimating. Be aware that projects with an estimated total cost of \$100M or more (cost in "year of expenditure" dollars) require an annual Financial Plan and all contingencies should be sufficiently detailed and managed.³

Please refer to the instructions for the eSTIP on how to show total project costs in the TIP/STIP.

³ FHWA, Fed Aid Program Adm., Major Projects Guidance, Financial Plans, Contingency Fund Mgmt. <http://www.fhwa.dot.gov/programadmin/mega/contingency.cfm>

Rollover⁴

Guidelines developed by the FHWA New York Division provide the following guidance on rollovers:

As TIPs are typically approved by the MPOs up to six months (April) before the new STIP is submitted by NYSDOT and approved by FHWA/ FTA (October), it is inevitable that some projects or phases will “slip” – they were scheduled to be obligated in this intervening period but were not due to a variety of reasons (e.g.; ROW certificate not yet available). Projects that fall into this window of uncertainty are usually listed by the MPO in a “committed” or “obligated” column in the new TIP rather than the first funding year of the new TIP. To progress such projects, most MPOs include a “Rollover” clause in the TIP Adoption resolution that reads somewhat similar to the following:

“BE IT FURTHER RESOLVED, that projects identified as Obligated in Federal Fiscal year 2007 are automatically incorporated in the Federal Fiscal Year 2008 annual element if they are not obligated prior to September 30, 2007)... “

[BMTS Resolution 2007-06]

The Rollover Clause (“Whereas” or “Resolved”) allows an MPO to move these projects from the Obligated column of their TIP to one of the first four years of the TIP via an administrative action rather than by a formal TIP amendment. Fiscal constraint must be maintained as this is done. Since the rollover projects are considered by the MPO to be a part of the new TIP, the expectation is that these rollover projects automatically become part of the new STIP, as long as fiscal constraint is maintained.

Regarding inclusion of rollover projects into the STIP and formal STIP amendments:

According to the definitions in 23 CFR 450.104, STIP Amendments are required when a revision requires a redemonstration of fiscal constraint. If the STIP is underprogrammed sufficiently, then projects could be added by administrative action if assurance was being made that the new totals would then remain fiscally constrained. However, when the STIP is not currently underprogrammed, formal STIP amendments are required for all rollovers using fiscally constrained fund sources because fiscal constraint must be redemonstrated⁵. Until otherwise determined by agreement of NYSDOT and FHWA, rollover projects need a formal amendment when being added to the STIP, and this can occur after the MPO adjusts its new TIP to demonstrate fiscal constraint.

This provision does not apply to FTA projects. FTA projects can rollover from the last year of the previous TIP/STIP to the first year of the new TIP/STIP via administrative modification(s).

⁴ From the draft FHWA New York Division’s October 2009 STIP Amendment Guidelines.

⁵ Rollovers using fund sources that are not fiscally constrained (e.g., earmark projects) and that were listed in the previous STIP may be progressed as administrative actions.

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(Note rollovers of fiscally constrained funded work from a previous TIP into a fully programmed TIP/STIP require offsets. Offsets are required because the 5-year/4-year amount is being increased beyond available funding.)

Amendment Process and Procedures

Each MPO must carefully review their respective procedures for project selection, amendments, and administrative modifications to the TIP and the Plan, and make sure that these are consistent with SAFETEALU requirements, especially regarding the definitions for amendment and administrative modification (see 23 CFR 450.104).

Amendments to the STIP will be done using eSTIP.

Guidance from FHWA indicates:

“A project can be moved between any years of an existing approved TIP/STIP without making a STIP amendment. It does not require an offset, since the project is contained in the TIP/STIP already (offsets are required when you are adding a project to the current TIP/STIP, have significant increases to an existing project or other actual STIP amendment actions).”⁶

For cost increases, NYSDOT will continue to require offsets where increases are beyond available funding.

In addition, note that although an amendment is not needed (for a change from year to year), the eSTIP software will require an “administrative action” be filled out as a ballot and approved by MPOs and the NYSDOT Program Supervisor (PS).

Planning Factors

The environmental planning factor has been expanded to include “promoting consistency between transportation improvements and State and local planned growth and economic development patterns”. Although this should be already taking place, please review your maps, models, and planning assumptions as you perform analyses and develop plans and programs. MPOs should contact their NYSDOT MPO liaison for additional details.

Be aware as part of the Smart Growth Cabinet, NYSDOT will look for opportunities to facilitate sound land use planning as a Department priority. NYSDOT has developed a technical assistance program for interested municipalities: <https://www.nysdot.gov/programs/smart-planning>. In addition, NYSDOT’s recently proposed five-year capital plan, the *NYSDOT 2010-2015 Capital Program Proposal*, proposes some enhancements to the transportation system that support Smart Growth and livability goals, as well as strategic expansion of capacity to support economic development. It also supports State and national climate change mitigation and energy independence goals, and strategic investments and technical assistance to assist local governments in integrating transportation decisions and land-use decisions to improve livability. It looks to leverage the value of

⁶ FHWA is in the process of updating its STIP amendment guidelines. FHWA has been working with FTA to try to have these guidelines apply to both FHWA and FTA projects as well.

transportation investments being made in all infrastructure categories, regardless of ownership, to cost effectively support economic and community needs in an environmentally sensitive and energy efficient manner. For more information on the proposed Program's goals, objectives and performance measures, see:

<https://www.nysdot.gov/programs/repository/Capital%20Program%20Proposa%202010-2015.pdf>.

NYSDOT has developed a GreenLITES in Design program which certifies federally funded transportation projects based on a transportation environmental sustainability rating program. A similar approach is being proposed for the planning process, whereby potential projects would be evaluated based on environmental sustainable criteria. The purpose of this effort is to improve the quality of our transportation infrastructure in ways that minimize impacts to the environment. For more information on this initiative, go to: www.nysdot.gov/programs/greenlites.

Environmental Mitigation Activities

- All MPO plans are required to include a discussion of the types of potential environmental mitigation activities (of program-level impacts) to be developed in consultation with Federal, State, Tribal, wildlife, land management, and regulatory agencies in addition to pollutant emissions analyses and discussion of air quality, energy, and green house gas impacts previously required in the past.
- MPOs should contact their respective NYSDOT MPO liaison in the Statewide Planning Bureau for questions regarding this consultation process.

Public Participation

- **Public Participation Plans** – MPOs must have “public participation plans” “in consultation with all interested parties” for both the plan and the TIP. [23 CFR 450.316] Non-attainment area TMAs must provide for at least one formal public meeting (23 CFR 450.324(b)). For those MPOs that include Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the TIP.
- **Publication of Plans and TIPs/STIP** – MPOs shall publish or otherwise make available for public review transportation plans and TIPs including, to the maximum extent practicable, in electronically accessible formats using means such as the World Wide Web. It is strongly suggested that any electronically accessible formats be in ‘rich text formats (rtf)’ as to be ADA accessible. As in the past, NYSDOT will be submitting the STIP electronically. For this program update, NYSDOT System Performance and Asset Management Bureau will be training the staff from the MPOs and Regions to submit the STIP project listing in FHWA’s eSTIP format. Details have been provided under separate cover.
- **Use of Visualization techniques in Plans and Metropolitan TIP Development** – As part of TIP and transportation plan development, MPOs shall employ visualization techniques prior to the adoption of metropolitan transportation plans and metropolitan TIPs. If the MPO has a website, the MPO’s site needs to visibly portray the MPO as an independent identity or organization rather than a subunit of the host agency.

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Consultation and Cooperation

- **New Consultations** – MPOs should continue to review and, update, where necessary to ensure consistency with SAFETEA-LU, consultation procedures, plans, and guidelines to include reasonable opportunities to consult with all interested parties and for interested parties to comment on the TIP -- with stakeholders and local/State agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation in developing metropolitan transportation (long-range) plans. This activity may also occur during individual MPO member/agency planning activities in the MPO plan development.
- **Annual Listing of Obligated Projects** – MPOs should contact their respective NYSDOT Regional Office and transit operator(s) as per their mutual agreements to request project obligation data for the preceding year.

Transit Program Development and Amendments

The NYSDOT Public Transportation Bureau is now responsible for all Transit amendments to the STIP.

Transfer of FHWA funds to Transit

There is now a formal process for review of FHWA transfers to transit. All FHWA fund transfers to FTA that are to be approved on the STIP must go through the NYSDOT Chief Financial Officer for approval by FHWA. Early communication on transfer of funds must be initiated by the Transit Agencies in cooperation with the Regional Office and the MPO.

Because “transfers to transit” cannot be Advance Constructed (AC) and some common transfer fund types (e.g. STP Flex) are very limited and have a large AC balance, transfers should be identified for NYSDOT’s Public Transportation and Accounting Bureaus before the end of the first quarter so that sufficient funding can be reserved before it is fully obligated for the year.

Additional Transit Funds in Large Urban Areas

The Main Office will continue to work with the regions and MPOs in areas with populations of 200,000 or more to identify and have commuter bus operators input data to the National Transit Database (NTD). The benefit of this increased reporting may result in additional FTA formula funds to these large urbanized areas. Areas of less than 200,000 in population do not receive additional FTA federal funds based on NTD reporting.

Coordinated Public Transit – Human Services Plan

NYSDOT has issued guidance (11/2007) regarding the requirement that projects funded with Section 5310 (Elderly and Individuals with Disabilities), 5316 (Job Access) or 5317 (New Freedom) must come from a Coordinated plan.

- Some of these changes affect the planning process early on — requiring:
 - a locally-developed and coordinated, public transit-human service transportation plan;
 - the planning process to include representatives of public, private and not-for-profit transportation and human service providers, and the public
 - and these requirements will affect the TIP directly with requirements for a competitive solicitation for project applications;
 - NYSDOT will be releasing a Coordination 2.0 document in October that will further refine requirements for the Coordinated Plans for MPOs and rural counties. This will be released in draft form to solicit comments from participants across the state.
- For MPOs in areas with populations of 200,000 or more, 5316 & 5317 funds are published in the Federal Register. For MPOs in areas with populations with less than 200,000, these funds are apportioned by the State and released to the Designated Recipients in each MPO area.
- Section 5310 funds will continue to be done on a statewide solicitation basis and after scoring by the MPO and inter-agency council will be awarded to agencies. For Section 5310 projects, the MPO must certify that agencies who apply for funds are participating in the planning process in order to be considered for funding. MPOs are encouraged to add the Section 5310 projects to the TIP once they are awarded but those records will not be added to the eSTIP. They will be flagged as TIP only records in the eSTIP application. The total 5310 funding amount is already on the STIP and this addition would double count the funds.

TIP Data and STIP Development in eSTIP

General Instructions to Collect STIP Data

As in previous years, NYSDOT will be submitting its STIP to the FHWA and FTA through the web-based eSTIP. NYSDOT Main Office will be working with the Regions and the MPOs to ensure all necessary data will be entered in the eSTIP. Be prepared to provide project information for the TIP at a sufficient level of detail to describe each project to ensure Federal fund source eligibility on your programs. Training and separate instructions have been provided by NYSDOT on how to enter project data into the eSTIP. There should be a mutually agreed upon contact person(s) for the respective NYSDOT Region and the MPOs in that Region as the eSTIP data contact. NYSDOT Region and MPOs in that Region will be responsible for synchronizing the information entered into TIP and STIP via eSTIP. In other words, the MPO must ensure that their published TIP is completely synchronized with their TIP within the eSTIP. Questions regarding using the eSTIP application may be directed to David Chan, NYSDOT System Performance and Asset Management Bureau.

The following items need to be considered early on in the development of your program for the TIP/STIP as information is compiled and/or updated. In addition, please see the STIP Development Checklist on page 17 which lists STIP deliverables by participant in the STIP development process.

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The following data will be needed for the STIP (refer to 23 CFR 450.216, 23 CFR 450.316 & 450.324):

- Project Identification Number
- Project description including location, project termini, sufficient information to assure project eligibility, and estimates of total project cost if any project phases will extend beyond the four years of the TIP/STIP; HBRR funded projects must include the bridge BINs. Earmarks must include Demo ID/NY#; see section below on Earmarks. Please refer to FHWA New York Division’s DRAFT STIP Description Reference Guide: https://www.nysdot.gov/divisions/policy-and-strategy/planning-bureau/MPO_program_update_guide.
- Phase of work (FHWA requires specific definitions of phases in the STIP),
- Federal Fiscal Year of obligation for the phase of work,
- Costs by:
 - phase of work;
 - fund sources (both federal and non-federal, – see section below on Earmarks); and
 - total cost over the life of the project.
- County where project is located,
- Responsible agency for the project – defined as agency responsible for administering the project,
- Air quality status: “exempt” or “non-exempt”,
- Region,
- MPO.

Notes on Project Costs

- **Fund Source Table** – The proper fund source needs to be specified for the purposes of fiscal constraint. As in the past, a “crosswalk” table will be provided for your use after it is confirmed with FHWA. Pay particular attention to what section in the act your area’s SAFETEA-LU High Priority Projects are found as to how the fund source is specified on the program. Also, note differences in how non-federal funds are specified as match in the STIP.
- **Total Project Cost** – This is a user-entered field in eSTIP. The definition is all costs associated with the project over the life of the project including costs outside of the TIP years. Users must enter a total that includes any costs outside the TIP/STIP years.

Notes on Selected Programs

- **American Recovery and Reinvestment Act (ARRA) and TIGER Economic Stimulus Funding** – Projects using these funding types are required to be specifically identified in the project description. The June 17, 2009 Federal Register Notice of Funding Availability for TIGER grants, page 28760-61, <http://edocket.access.gpo.gov/2009/pdf/E9-14262.pdf> indicates that projects must be included in the TIP and/or STIP either at the time the TIGER grant application is submitted, or there must be a separate certification provided that the projects will be on the appropriate TIP and/or STIP at time of grant award. TIGER funds are available for obligation until September 30, 2011. As projects are approved for TIGER funding, these projects must be added to the MPO TIPs, as appropriate, and the STIP.

For detailed guidance and information, please refer to:

<https://www.nysdot.gov/recovery/sponsors/tiger>

Be aware since FHWA and FTA have a higher level of review and oversight activity associated with this funding category, the federal agencies require notification of the following activities when administrative modifications are made to the project:

- Combining or splitting the project
- Substituting other federal-aid funds for the Recovery Act funds

Due to the requirement that the project financial information should match what is certified, the STIP must be revised if the revised ARRA project **differs more than** 10% or \$50,000 (which ever is less) from the original ARRA project as listed in the STIP.

- **CMAQ** – The obligation of CMAQ funds continues to fall far short of the programmed level despite regions' efforts to program CMAQ funds. Note that the monitoring of CMAQ projects will continue and it is expected that regions and MPOs will improve on their delivery of CMAQ projects.
- **Coordinated Border Infrastructure Program** – A particular emphasis area will be for eligible regions to program federal Coordinated Border Infrastructure funding to eligible projects in the next year or two. These will not be new funds but will replace other core funds for which there are planning targets. These funds should particularly be applied to eligible projects in severely constrained fund sources such as NHS and STP Flex.
- **Earmarks** – FHWA and FTA want the earmark description either used as the project description or included in the project description in the TIP/STIP. (This presumes that the project is in accord with the earmark's description.) Note project descriptions for earmark projects must match the legislative language verbatim. If the legislative language is not used, additional description must be included describing the difference from the legislative language. For the listing of earmarks, please refer to: https://www.nysdot.gov/divisions/policy-and-strategy/planning-bureau/MPO_program_update_guide/repository/Earmarks_NY.xls.
 - **Discretionary FHWA funding** should be identified by the NY#.

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- FTA also requires a note with the earmark code (2007-XXX-XXXX) in the STIP. More information on this code will be provided in the detailed STIP Instructions.
 - Programmed federal earmarks cannot exceed the amount of the earmark noted as ‘High Trust Fund Authorized’. If additional funds are necessary to implement the project, these additional funds must be from another fund source.
 - **Federal Highway Rail Funds** – As Federal Highway Rail funds (formerly STP Rail/Federal Rail Xing funds) will be administered by the Office of Modal Safety and Security's Grade Crossing Safety & Regulatory Section, NYSDOT will no longer be allocating these funds.
 - **HSIP** – NYSDOT is being encouraged by FHWA to spend more of our HSIP funds on PIL locations. As HSIP funds are currently under-programmed, regions should seize every opportunity to use HSIP funds for projects that address PILs.
 - **Statewide Significant (SWS) projects** – SWS projects come with their own allocations similar to an earmark. The MPO will need to include those projects on the TIP. Please contact David Rettig with questions.

Illustrative Projects

In the effort to maintain their respective TIPs in fiscal constraint but also to show projects that meet local transportation needs, MPOs and Regions are allowed to include additional projects in their Plan, and as appropriate in the TIP for inclusion in the STIP, for information as “illustrative projects”. [23 CFR 450. 322]

- **Illustrative project** means an additional transportation project that may (but is not required to) be included in a financial plan for a metropolitan transportation plan, TIP, or STIP if reasonable additional resources were to become available. [23 CFR 450.104] If a project was proposed to be noted in the STIP’s financial plan for illustrative purposes, sufficient information would be required to describe the project, excepting the resources. [§ 450.216] Illustrative Project total cost estimates could be a range.
- Changes to illustrative projects do not require amendments.
- However, these projects may be candidates to be added to the TIP if additional funding was made available. If and when the resources become available, MPOs will have to amend their Plan and the TIP/STIP to bring these projects into the fiscally constrained TIP, and maintain fiscal constraint.
- In non-attainment and maintenance areas, when MPOs amend their TIPs to add these projects into the fiscally constrained TIP, conformity may need to be re-established, depending on the exempt/non-exempt nature of the projects(s).

Certifications and Resolutions

The MPOs will be expected to provide various resolutions or other documentation necessary for the STIP. These include:

- Certification of the metropolitan planning process (Self-Certification resolution or a statement of a pending Federal Certification): Resolutions for self-certification and/or any self-certification statements must be signed.
- Please follow the Preliminary ADA Guidance for MPOs and identify your MPO's activities regarding provisions of the Americans with Disabilities Act of 1990 (ADA) and review Limited English Proficiency (LEP) compliance as these relate to the assurances in the self-certification documentation. Also note 23 CFR 450.324(e)(7): "In areas with ADA required paratransit and key station plans, identification of those projects that will implement these plans" shall be included in the TIP.
- Resolution approving the TIP and affirming fiscal constraint, including fiscal constraint of the Plan, i.e. fiscally constrained TIP stemming from a fiscally constrained Plan, as appropriate.
- Air Quality Conformity (2 items):
 - MPO Conformity Determination (resolution)
 - Federal USDOT Conformity Determination/approval (letter)
- MPO statement certifying that MPO TIP is in STIP (after MPO staff have reviewed draft STIP)
- MPO Metropolitan Transportation Plan approval date.

Questions?

- Any questions on the STIP development should be directed to either Robert Curtis, the STIP development manager, at 518-485-5008, or raised at the conference calls.
- Any questions on the eSTIP application should be directed to David Chan, eSTIP Administrator, at 518-485-1918.
- Any questions on certifications should be directed to your respective MPO liaison in the Statewide Planning Bureau at 518-457-4056.
- The next few pages identify expectations for deliverables and time frames.

Example TIP Fiscal Constraint Table

\$Millions

Fund Source	STIP YEARS													
	FFY 2011		FFY 2012		FFY 2013		FFY 2014		TIP Year 5 FFY 2015		Total STIP Years		Total 5 Years	
	Available	Programmed	Available	Programmed	Available	Programmed	Available	Programmed	Available	Programmed	Available	Programmed	Available	Programmed
Fed Categories: Fiscally Constrained														
09 ECO STIM														
CMAQ														
HBRR														
IM														
NHS														
HRRR														
HSIP														
STP ENHANCE														
STP FLEX														
STP SAFETY/HSIP														
STP RAIL														
STP RURAL														
STP SM URB														
STP LG URB														
STP Roll-Up														
Total Fiscally Constrained														
Fed Categories: Not Fiscally Constrained														
ADHP (Appalachia)														
ARRA-TIGER														
DEMO														
DISCR FA (Disc. Federal Aid)														
ECON STIM TE														
FBD (Ferry Boat Discretionary)														
HBRR DISC														
HPP														
IM DISC														
ITS														
MISC FA (Misc. Federal Aid)														
RAIL HWY HZ														
RAIL HWY PD														
REC TRAILS														
SAFE RT SCH														
TCSP														
Subtotal														

Federal Transit	FFY 2011		FFY 2012		FFY 2013		FFY 2014		FFY 2015		Total STIP Years		Total 6 Years	
	Available	Programmed	Available	Programmed	Available	Programmed	Available	Programmed	Available	Programmed	Available	Programmed	Available	Programmed
FTA 09 ARRA														
FTA 3037														
FTA 3038														
FTA 5307														
FTA 5308 (Clean Fuels)														
FTA 5309														
FTA 5310														
FTA 5311														
FTA 5314 (NRTIP)														
FTA 5316 (JARC)														
FTA 5317 (NF)														
FTA 5335 (AA)														
FTA 5340														
Subtotal														
Total Federal Funds														
Non-Federal Funds														
Total STIP including Match														

Important Dates for TIP & STIP Approvals

2010

MPOs develop eSTIP data with Regions.	November 2009	4/30/2010
Public comment periods for MPO TIPs (including those by NYMTC's TCCs), AQ Conformity	Mid-March, 2010	May, 2010
MPOs approve TIPs. Regions review MPO data and add rural/non-metropolitan data to create Regional e-STIP data file.	May 1 st	May 29th
Regions approve Regional e-STIP file and notify MO. All MPO certifications due (except MPO TIP is in STIP).	May 1st	June 1st
MO QA of regional files & fiscal tables prepared.	May 4th	June 8 th
MO approves draft STIP for public review and certification.	June 8 th	June 12 th
MPO certification that "TIP is in STIP" due.		June 26 th
MO Prepares STIP for public review Press releases prepared.	June 15 th	June 29 th
MO posts STIP on web page.	June 30 th	July 1 st
Public review of STIP begins.	July 1 st	
Public Review Period ends on COB.		July 30 th
Respond to comments & prepare Final Draft STIP	July 30 th	August 13 th
Submit Final Draft STIP to FHWA & FTA for review		August 17 th
FHWA & FTA review and approve STIP	August 17th	Sept. 30th

⁷ NYMTC's schedule is currently under discussion with FHWA & FTA, along with the concomitant impacts on the PONA and Mid-Hudson Valley TMA MPOs' schedules. The schedule above assumed the concurrent review of NYMTC's draft TIP/conformity and the draft STIP.

STIP Development Checklist

Deliverables by Participant

Regional Offices' Deliverables to MO: Robert Curtis

- Non-MPO (rural) Federal-Aid project List
 - Includes regionally significant non-federally funded and/or projects requiring federal approvals
- Provide narrative or documentation of any changes of processes for public involvement or consultation with rural officials for STIP narrative supporting materials.
- MPO Project List
 - Includes regionally significant and/or projects requiring federal approvals
- Fiscal Constraint Table (See attached example.)
- eSTIP data entry of project lists (Instructions and format TBD & provided by NYSDOT MO.)
- Region handles public review and press releases
- MPO resolutions approving the TIP and if in a nonattainment area, making/approving the conformity determination

MPO Deliverables to NYSDOT Regional Office

- Fiscal Constraint Table (See attached example.)
- Resolutions
 - Approving the TIP by the MPO
 - Approving/Making the Conformity Determination
 - by the MPO and
 - by FHWA & FTA
- STIP Project Lists to NYSDOT Regional Office
- STIP Project List Format (TBD eSTIP format & provided by NYSDOT MO.)
- Project description information should include sufficient project information on fund source eligibility
- Certifying that the MPO TIP is contained in the STIP (Send letter to Regional Office with copy to Statewide Planning Bureau.)

MPO Deliverables to NYSDOT Statewide Planning Bureau/ MPO liaison

- Certifications of the Planning Process to Statewide Planning Bureau MPO liaison.
 - See Certification Checklist previously provided under separate cover.
 - Check with NYSDOT SPB MPO liaison if any questions on that checklist.
- Air Quality Conformity Determination: copy Statewide Planning Bureau for Appendix C.

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Inflation Assumptions

NYS DOT Program Update Instructions, Summer 2009

The following simple rates of inflation by State Fiscal Year (SFY) (April to March) are the best available estimates of overall price trends for the transport public works sector in New York State for the programming period:

Annual Period	Simple Year over Year Inflation
From SFY 07-08 to SFY 08-09	8.1%
From SFY 08-09 to SFY 09-10	0.0%
From SFY 09-10 to SFY 10-11	1.0%
From SFY 10-11 to SFY 11-12	1.5%
From SFY 11-12 to SFY 12-13	2.0%
From SFY 12-13 to SFY 13-14	2.5%
From SFY 13-14 to SFY 14-15	3.0%
From SFY 14-15 to SFY 15-16	3.0%

The following multiplication factors reflect the compound rates of inflation stated above. They are used to convert SFY 2007, 2008 or 2009 un-inflated cost estimates (in the Program Support System, Bridge Model, or Pavement Model) to be year of expenditure (YOE) inflated cost estimates (for the TIP, STIP and Governor's Program), or visa versa:

Year of Expenditure	2007 \$ to YOE \$	2008 \$ or 2009 \$ to YOE \$	YOE \$ to 2007 \$	YOE \$ to 2008 \$ or 2009 \$
SFY 07-08	1.0000	-	1.0000	-
SFY 08-09	1.0810	1.0000	0.9251	1.0000
SFY 09-10	1.0810	1.0000	0.9251	1.0000
SFY 10-11	1.0918	1.0100	0.9159	0.9901
SFY 11-12	1.1082	1.0252	0.9024	0.9754
SFY 12-13	1.1304	1.0457	0.8846	0.9563
SFY 13-14	1.1587	1.0718	0.8630	0.9330
SFY 14-15	1.1923	1.1040	0.8379	0.9058
SFY 15-16	1.2293	1.1317	0.8135	0.8794

Contact List

David Chan dchan@dot.state.ny.us	eSTIP Administrator, NYSDOT System Performance and Asset Management Bureau	518-485-1918
Robert Curtis rcurtis@dot.state.ny.us	STIP Development Manager, NYSDOT System Performance and Asset Management Bureau	518-485-5008
Patrick Lentlie plentlie@dot.state.ny.us	Environmental Science Bureau	518-457-0212
MPO Liaisons	Statewide Planning Bureau	518-457-4056
David Rettig drettig@dot.state.ny.us	Office of Regional Planning and Program Coordination	518-485-1382
	Passenger Transportation Bureau	518-457-8343
	Federal Highway Administration, NY Division	518-431-4125
	Federal Transit Administration, Region II	212-668-2170