

# METROPLAN WHITE PAPER SUMMARY

## 30 CROSSING PLAN AND TIP AMENDMENTS

FEBRUARY 2017

### The Issue

The complexity and magnitude of the 30 Crossing project has generated much interest among the general public and intensive analysis among professionals at all levels.

Currently under consideration are an eight-lane and a ten-lane project design. Further, there are two distinct interchange approaches in downtown Little Rock — a Single Point Urban Interchange (SPUI) and a Split Diamond Interchange — for each main lane alternative. These alternatives are currently under review as part of the federal National Environmental Policy Act (NEPA).

#### Federal Requirements

Metropolitan Planning Organizations (MPOs) were created by federal law in the 1960s in response to increased opposition from citizens and local officials as state DOTs began the construction of interstate highways through densely packed urban areas.

### Status of the Project

Two remaining actions by the MPO are needed in order for this project to proceed to construction:

1. An amendment to the long-range metropolitan transportation plan (LRMTP), *Imagine Central Arkansas* — the 20-year financially possible list of projects.
2. An amendment to the Transportation Improvement Program (TIP), which is the four year work program for the long-range plan.

Estimated Project Cost: **\$631.7 Million**

### Considerations for the *Imagine Central Arkansas* Amendment

There are two divergent lines of thought regarding the proposed amendment:

1. A detailed plan amendment, favored by some, would limit the project to the locally preferred alternative.
2. A more general plan amendment would not to give the appearance that alternatives were being prematurely eliminated from the NEPA process.

A resolution from the Metroplan Board expressing a preference for a given alternative accompanying a general plan amendment would be appropriate.

### Timeline for the Plan Amendment Actions

- February & March: Staff updates systems analysis; AHTD releases modeling data
- April: Board releases draft Plan Amendment for public comment
- June 2: RPAC issues recommendation on Plan Amendment
- June 28: Board takes formal action on Plan Amendment
- After June: Board considers final TIP Amendment

#### Considerations for the TIP amendment

? Which comes first –the TIP amendment or the FONSI?

A The Finding of No Significant Impact (FONSI) or a Record of Decision (ROD) is the final federal action on the project planning. FHWA has advised that this federal action will not happen until a TIP/STIP amendment is approved for the project.

The TIP amendment is the last controlling action that the MPO can take on the project and therefore, the last best chance for the impacted local jurisdictions to have a veto on an unacceptable project design.

### Conclusion

In order for project approvals to move smoothly, FHWA and local officials must communicate closely and clearly as the draft EA/ FONSI is prepared.



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## 30 CROSSING PLAN AND TIP AMENDMENTS

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### Background

The 30 Crossing Project is a major design-build-finance reconstruction and expansion project on I-40 from the US 67/167 interchange to the north terminal interchange with I-30 and then on I-30 through the south terminal interchange with I-440 and I-530. It is a complex corridor through the central business districts (CBDs) of North Little Rock and Little Rock that will involve replacing the I-30 bridge over the Arkansas River and closing and reconfiguring several arterial interchanges in the CBDs to meet modern spacing standards.

The 30 Crossing project is part of the Connecting Arkansas Program (CAP) funded by a statewide, 10-year half-cent sales tax passed in 2012. The Arkansas State Highway and Transportation Department initiated a Planning and Environmental Linkages (PEL) process in summer of 2014 on the 30 Crossing project. At the end of the PEL process a single alternative was recommended to move on into the formal Environmental Assessment (EA) process as required by the National Environmental Policy Act (NEPA). That alternative was a ten lane typical cross-section composed of 6 through lanes plus 4 collector/distributor lanes plus auxiliary lanes over the river bridge. However, after reviewing the PEL report and in response to comments received, the FHWA requested that an 8 general purpose lane alternative also be considered in NEPA.

During the NEPA process, stakeholder and public comment led to the development of two distinct interchange approaches in downtown Little Rock—a Single Point Urban Interchange (SPUI) and a Split Diamond Interchange—for each main lane alternative.

### Federal Requirements

Metropolitan Planning Organizations (MPOs) were created by federal law in the 1960s in response to increased opposition from citizens and local officials as state DOTs began the construction of interstate highways through densely packed urban areas. An MPO is required to be designated for every Census Bureau identified Metropolitan Statistical Area (MSA). Federal transportation authorizing statutes and regulations govern both metropolitan transportation planning by MPOs and statewide transportation planning by state departments of transportation. Both the state and metropolitan planning processes are required by law to be cooperative, continuous and comprehensive, and to ensure significant public and local input into federal transportation decisions.

The two primary products required of both statewide and metropolitan plans are (1) a long-range (20-year) transportation plan and (2) a short-range (4 year) project implementation plan called a Transportation

Improvement Program (TIP) at the MPO and the State Transportation Improvement Program (STIP) at the state

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level. TIPs/STIPs are supposed to implement adopted long-range plans. Consequently, for a project to get on a TIP/STIP, it must first be in the adopted plan. And for a project to move to construction using federal funds, it must be on the first year of the TIP/STIP, also known as the “agreed upon list of projects”.<sup>1</sup>

The regulatory requirements are much more specific at the metropolitan level than at the state level for the long-range plan.

The pertinent sections of federal regulations governing the development and content of the metropolitan transportation plan and the Transportation Improvement Program are included in Appendices A, B and C respectively. Particularly pertinent sections have been highlighted.

The regulatory requirements are much more specific at the metropolitan level than at the state level for the long-range plan. At the metro level, the plan must be project specific, it must be financially constrained (the plan effectively becomes a 20 year budget) by projected year of expenditure, and it must be multi-modal (highway, transit, pedestrian and bicycle). State plans on the other hand are not required to be project specific but can instead be a policy plan. As such, the financial constraint requirements are much broader. States may adopt a multi-modal, project specific long-range plan, and many do so. Arkansas, however, has chosen a policy plan. The state transportation plan update is currently in process.

The metropolitan plan is adopted by the MPO Board with copies to be sent to the Governor and FHWA and FTA. Although no other approvals are needed, FHWA and FTA will review the metropolitan planning process for compliance with federal requirements every four years. However, the TIP, once adopted by the MPO, must be approved by the Governor. Once the TIP is adopted and approved, it must be incorporated without change into the STIP.<sup>2</sup> In Arkansas, the Governor has delegated his/her role related to the implementation of Federal Transportation acts to the Director of AHTD while in deference to the Mack-Blackwell Amendment.

## Plan and TIP Requirements Regarding the 30 Crossing Project

The current metropolitan long-range transportation plan, *Imagine Central Arkansas*, was adopted in December of 2014. Since the 30 Crossing project was still in the early planning stages at the time, a place-holder was included in the plan for the project as follows:

**Table 1.** *Imagine Central Arkansas*, December, 2014

ICA Table 7-7 LRMTIP Project List by Year of Expenditure (cost in millions of dollars)					
LRMTP #	Facility	From	To	Improvements	Cost (Millions)
41*	Interstate 30	Central Corridor		Reconstruction & Bridge Replacement	\$300.0
49	Interstate 40	I-30/I-40 Interchange	Hwy 67	Rehabilitation	\$22.7

\*Design and Project limits TBD (Metroplan Board Approval Required)

<sup>1</sup> Code of Federal Regulations, 23CFR450.332(a), Appendix C, Project Selection from the TIP, p.14

<sup>2</sup> Code of Federal Regulations, 23CFR450.218(b), Development and content of the statewide transportation improvement program (STIP). “(b) For each metropolitan area in the State, the State shall develop the STIP in cooperation with the MPO(s) designated for the metropolitan area. The State shall include each metropolitan TIP without change in the STIP, directly or by reference, after approval of the TIP by the MPO(s) and the Governor.”

The plan was amended in May of 2016 to update the Financial Plan as a result of passage of the federal FAST Act and to add additional funding to the 30 Crossing project and to slightly change the wording on the project description as follows:

**Table 2. Imagine Central Arkansas Amendment 1**

<i>ICA Table 7-7 LRMTTP Project List by Year of Expenditure (cost in millions of dollars)</i>						
LRMTTP #	Project #	Facility	From	To	Improvements	Cost (Millions)
41	CA0602	Interstate 30/40	I-530 (South Terminal)	Hwy 67	Operational Improvements and Reconstruction (5)	\$646.7

(5) Specific type of work will be determined through the NEPA process. Following the selection of a single alternative from NEPA and at the request of AHTD, the Metroplan Board will consider a LRMTTP and TIP amendment to reflect the final project. Approval of the amendment by the Metroplan Board will be required. Total cost includes all phases to allow the project to be delivered by the Design-Build-Finance method. 2019-2023 funding reflects payback of \$100 Million borrowed with interest (\$115 payback).

After more detailed analysis by AHTD and the Metroplan staff, AHTD proposed the waiver of the six-lane cap for the 30 Crossing project between the north terminal interchange and the south terminal interchange in June of 2016. Although the Regional Planning Advisory Council (RPAC) voted 22-3 against granting the waiver, the MPO staff analysis supported the waiver request, and it was granted by the MPO Board in August of 2016.

The project also appears in the **CARTS 2016-2020 TIP** with similar language.

**Table 3.** The project as it appears in the CARTS 2016-2020 TIP.

JOB	COUNTY	RTE	TERMINI	TYPE WORK	LENGTH	ESTIMATED COST (x \$1,000)	RESPONSIBLE AGENCY	LET YR
CA 0602	Pulaski	30/40	I-530 - Hwy 67 (Widening & Reconst.) (I-30 & I-40) (F)	Operational Improvements & Reconstruction	7.37	631,700 - Total	State	2017

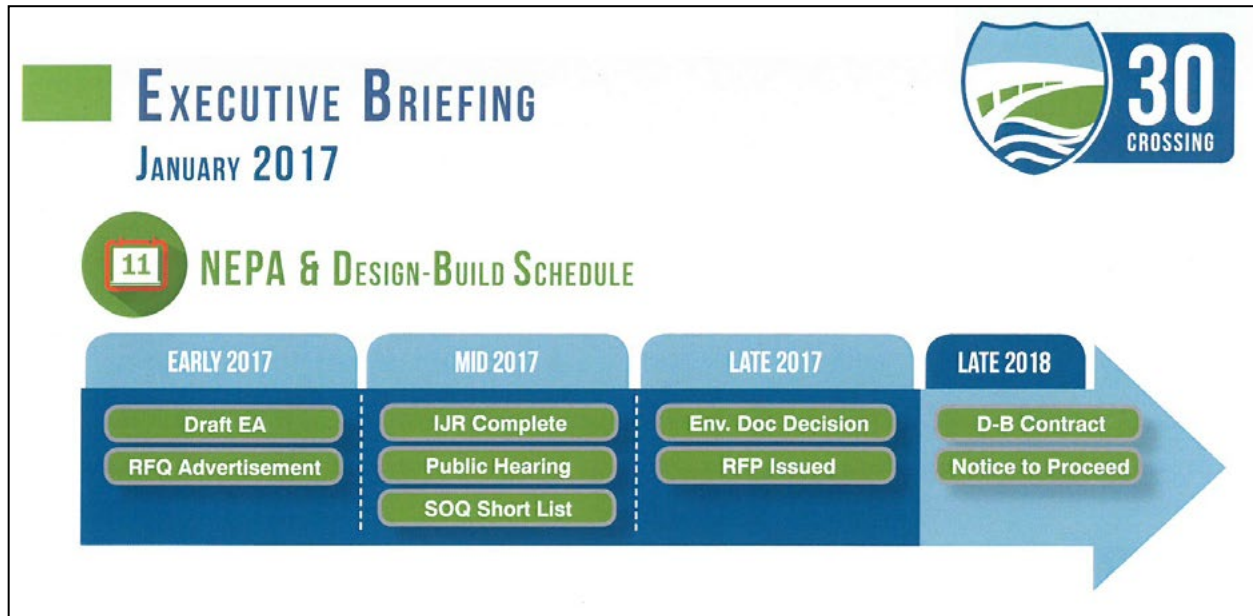
1) Specific type of work will be determined through the NEPA process. Following the selection of a single alternative from NEPA and at the request of AHTD, the Metroplan Board will consider a LRMTTP and TIP amendment to reflect the final project. Approval of the amendment by the Metroplan Board will be required.

2) Total cost includes all phases to allow the project to be delivered by the Design-Build-Finance method.

3) Design Build Finance - Includes \$100 million in gap financing (\$40 million of gap financing repayment included as NHPP, \$20 million in 2019 and \$20 million 2020)

## Current Status of the Project and Plan Amendment

AHTD and their consultants are completing final modeling runs and drafting the Environmental Assessment to be completed by early 2017. The Interchange Justification Report (required federal document for modifications to the Interstate system) is anticipated by mid-2017. Final Environmental Documents and decisions are anticipated by late 2017.



The MPO needs to determine if other links in the system will need to be widened within the plan period to accommodate the 30 Crossing project (for example, widening I-30 from the south terminal to 65th St. to 8 lanes) and operate as part of an integrated metropolitan transportation system.<sup>3</sup> The Arkansas Highway and Transportation Department included the widening of I-630 (from Louisiana west beyond the study limits) and I-30 (south terminal to 65th Street) within its micro-simulation model for the PEL, but has removed the widening of I-630 during the NEPA phase. A preliminary Systems Impact Analysis completed in December of 2014 indicated the potential for significant impact beyond the 30 Crossing corridor.

However, a final analysis is awaiting the completion of the modeling for the corridor as part of the Environmental Assessment. If other links are implicated, FHWA guidance may be necessary about whether those can/should be included in the plan and if so how? Also, any other links that need to be widened beyond six lanes outside the 30 Crossing project proper will need another waiver of the six-lane policy.

<sup>3</sup> Code of Federal Regulations, 23CFR450.324(f)(2), Appendix A, Development and content of the metropolitan transportation plan, p.7

The plan amendment needs to be drafted to include language for 30 Crossing plus any other freeway segments that will need to be widened as a direct result, and the Financial Plan will need to be redrafted to provide for those funds.

Since 30 Crossing is a design-build-to-budget project, and since it is unknown at this time how much of the project can be built for the budgeted amount, and since federal regulations require that the MPO estimate the cost of a project through completion by year of expenditure in the plan and the TIP<sup>4</sup>, the FHWA will need to provide guidance on the project “cost” estimate on a build-to-budget project.<sup>5</sup> Since 30 Crossing is over \$500 million, it is required to develop a Project Management Plan and Financial Plan during the NEPA process<sup>6</sup> to assure that adequate funding will be available to complete the project. The project Financial Plan should provide all of the information the MPO will need to amend the LRMTF financial plan and for the TIP amendment. However, in the sequencing of events, the project Financial Plan may not be completed in time for the LRMTF plan amendment to be adopted on the current timeline. MPO staff should contact FHWA and AHTD to clarify the LRMTF plan requirements and obtain cost estimate information that is currently available.

The plan amendment needs to be drafted to include language for 30 Crossing plus any other freeway segments that will need to be widened as a direct result, and the Financial Plan will need to be redrafted to provide for those funds.

Assuming AHTD has completed its micro-simulation modeling and provides it to the MPO by mid-March, the current timeline for drafting a plan amendment for the consideration of the RPAC, the public and the Board is mid-April. Final Board action is anticipated on a plan amendment at its June meeting. This timeframe assumes a broadly worded amendment, as the information necessary to draft a more detailed amendment may not be available at that time.

An amendment to the 2016-2020 TIP can be made at any time after the plan amendment is adopted but must occur prior to final federal action on the environmental documents. Per the TIP note this should occur only after a single alternative has emerged from the NEPA phase.

## The Form of the Plan Amendment



Should the plan amendment be general or specific enough to define the locally preferred option?

A question has been asked about how detailed the plan amendment could be. Generally speaking, projects included at the planning level are usually broad brush (e.g. widen SH 5 from Springhill Road to SH 183), and cost estimates are provided based on a unit cost basis. The details of the design of the project (e.g. a five lane cross-section or a raised median

cross-section with bike lanes) is typically dealt with in the run-up to a TIP amendment listing the project on the *agreed upon list of projects* for which Metroplan requires that the effected local officials sign off on the project design.<sup>7</sup>

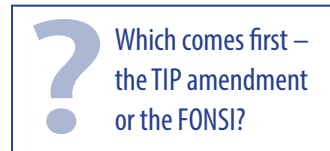
<sup>4</sup> Code of Federal Regulations, 23CFR450.326(g)(2), (k), Appendix B, Development and content of the transportation improvement program (TIP), p.11

<sup>5</sup> Code of Federal Regulations, 23CFR450.324(f)(9), (11)(ii), Appendix A, Development and content of the metropolitan transportation plan, p.7

<sup>6</sup> PEL Transition to NEPA Report, paragraph 4.7 Project Management Plan (PMP) and Financial Plan (FP), Appendix E, p.19

<sup>7</sup> Code of Federal Regulations, 23CFR450.332(a), Appendix C, Project selection from the TIP p.14

Some have expressed interest in a detailed plan amendment that would limit the project to the locally preferred plan. AHTD and FHWA would prefer a more general plan amendment in keeping with past practice so as not to give the appearance that alternatives were being prematurely eliminated from the NEPA process. Resolutions from the Metroplan Board expressing a preference for a given alternative accompanying a general plan amendment would be appropriate.



## TIP Amendment, FONSI Sequencing

The Finding of No Significant Impact (FONSI) or a Record of Decision (ROD) is the final federal action on the project planning. FHWA has advised that this federal action will not happen until a TIP/STIP amendment is approved for the project.

The TIP amendment is the last controlling action that the MPO can take on the project and therefore, the last best chance for the impacted local jurisdictions to have a veto on an unacceptable project design. If the process has worked well, all reasonable design accommodations have been made by this time, and the TIP amendment should be routine.

So, in order for the project approvals to move smoothly, FHWA and the local officials must communicate closely with one another as the draft EA/FONSI is prepared so that the local officials know what is likely to be the preferred alternative identified in the final FONSI/ROD prior to final approval of a TIP amendment.

**The TIP amendment is the last controlling action that the MPO can take on the project and therefore, the last best chance for the impacted local jurisdictions to have a veto on an unacceptable project design.**

## APPENDIX A

### Code of Federal Regulations 23CFR450.324

#### Development and content of the metropolitan transportation plan

*Selectively edited to exclude requirements for non-attainment and maintenance areas under the Clean Air Act.*

#### **§450.324 Development and content of the metropolitan transportation plan.**

(a) The metropolitan transportation planning process shall include the development of a transportation plan addressing no less than a 20-year planning horizon as of the effective date. In formulating the transportation plan, the MPO shall consider factors described in §450.306 as the factors relate to a minimum 20-year forecast period. ...

(b) The transportation plan shall include both long-range and short-range strategies/actions that provide for the development of an integrated multimodal transportation system (including accessible pedestrian walkways and bicycle transportation facilities) to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

(c) The MPO shall review and update the transportation plan at least every ... every 5 years in attainment areas to confirm the transportation plan's validity and consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period to at least a 20-year planning horizon. In addition, the MPO may revise the transportation plan at any time using the procedures in this section without a requirement to extend the horizon year. **The MPO shall approve the transportation plan (and any revisions) and submit it for information purposes to the Governor. Copies of any updated or revised transportation plans must be provided to the FHWA and the FTA.**

...

(e) The MPO, the State(s), and the public transportation operator(s) shall validate data used in preparing other existing modal plans for providing input to the transportation plan. In updating the transportation plan, the MPO shall base the update on the latest available estimates and assumptions for population, land use, travel, employment, congestion, and economic activity. The MPO shall approve transportation plan contents and supporting analyses produced by a transportation plan update.

**(f) The metropolitan transportation plan shall, at a minimum, include:**

(1) The current and projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan;

**(2) Existing and proposed transportation facilities (including major roadways, public transportation facilities, intercity bus facilities, multimodal and intermodal facilities, nonmotorized transportation facilities (e.g., pedestrian walkways and bicycle facilities), and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions over the period of the transportation plan.**



(3) A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with §450.306(d).

**(4) A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in §450.306(d), including—**

(i) Progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports, including baseline data; and

(ii) For metropolitan planning organizations that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

(5) Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods;

(6) Consideration of the results of the congestion management process in TMAs that meet the requirements of this subpart, including the identification of SOV projects that result from a congestion management process in TMAs that are nonattainment for ozone or carbon monoxide.

(7) Assessment of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters. The metropolitan transportation plan may consider projects and strategies that address areas or corridors where current or projected congestion threatens the efficient functioning of key elements of the metropolitan area's transportation system.

(8) Transportation and transit enhancement activities, including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated, and including transportation alternatives, as defined in 23 U.S.C. 101(a), and associated transit improvements, as described in 49 U.S.C. 5302(a), as appropriate;

**(9) Design concept and design scope descriptions of all existing and proposed transportation facilities in sufficient detail, regardless of funding source, ... in sufficient detail to develop cost estimates;**

(10) A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the metropolitan transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The MPO shall develop the discussion in consultation with applicable Federal, State, and Tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this consultation;

**(11) A financial plan that demonstrates how the adopted transportation plan can be implemented.**

(i) For purposes of transportation system operations and maintenance, the financial plan

shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain the Federal-aid highways (as defined by 23 U.S.C. 101(a)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53).

**(ii) For the purpose of developing the metropolitan transportation plan, the MPO, public transportation operator(s), and State shall cooperatively develop estimates of funds that will be available to support metropolitan transportation plan implementation, as required under §450.314(a). All necessary financial resources from public and private sources that are reasonably expected to be made available to carry out the transportation plan shall be identified.**

(iii) The financial plan shall include recommendations on any additional financing strategies to fund projects and programs included in the metropolitan transportation plan. In the case of new funding sources, strategies for ensuring their availability shall be identified. The financial plan may include an assessment of the appropriateness of innovative finance techniques (for example, tolling, pricing, bonding, public private partnerships, or other strategies) as revenue sources for projects in the plan.

(iv) In developing the financial plan, the MPO shall take into account all projects and strategies proposed for funding under title 23 U.S.C., title 49 U.S.C. Chapter 53 or with other Federal funds; State assistance; local sources; and private participation. **Revenue and cost estimates that support the metropolitan transportation plan must use an inflation rate(s) to reflect “year of expenditure dollars,” based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s).**

**(v) For the outer years of the metropolitan transportation plan (i.e., beyond the first 10 years), the financial plan may reflect aggregate cost ranges/cost bands, as long as the future funding source(s) is reasonably expected to be available to support the projected cost ranges/cost bands.**

(vi) For nonattainment and maintenance areas, the financial plan shall address the specific financial strategies required to ensure the implementation of TCMs in the applicable SIP.

**(vii) For illustrative purposes, the financial plan may include additional projects that would be included in the adopted transportation plan if additional resources beyond those identified in the financial plan were to become available.**

(viii) In cases that the FHWA and the FTA find a metropolitan transportation plan to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (i.e., by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint; however, in such cases, the FHWA and the FTA will not act on an updated or amended metropolitan transportation plan that does not reflect the changed revenue situation.

(12) Pedestrian walkway and bicycle transportation facilities in accordance with 23 U.S.C. 217(g).

(g) The MPO shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of the transportation plan. The consultation shall involve, as appropriate:

(1) Comparison of transportation plans with State conservation plans or maps, if available; or

(2) Comparison of transportation plans to inventories of natural or historic resources, if available.

(h) The metropolitan transportation plan should integrate the priorities, goals, countermeasures, strategies, or projects for the metropolitan planning area contained in the HSIP, including the SHSP required under 23 U.S.C. 148, the Public Transportation Agency Safety Plan required under 49 U.S.C. 5329(d), or an Interim Agency Safety Plan in accordance with 49 CFR part 659, as in effect until completion of the Public Transportation Agency Safety Plan, and may incorporate or reference applicable emergency relief and disaster preparedness plans and strategies and policies that support homeland security, as appropriate, to safeguard the personal security of all motorized and non-motorized users.

(i) An MPO may, while fitting the needs and complexity of its community, voluntarily elect to develop multiple scenarios for consideration as part of the development of the metropolitan transportation plan.

(1) An MPO that chooses to develop multiple scenarios under this paragraph (i) is encouraged to consider:

(i) Potential regional investment strategies for the planning horizon;

(ii) Assumed distribution of population and employment;

(iii) A scenario that, to the maximum extent practicable, maintains baseline conditions for the performance areas identified in §450.306(d) and measures established under 23 CFR part 490;

(iv) A scenario that improves the baseline conditions for as many of the performance measures identified in §450.306(d) as possible;

(v) Revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and

(vi) Estimated costs and potential revenues available to support each scenario.

(2) In addition to the performance areas identified in 23 U.S.C. 150(c), 49 U.S.C. 5326(c), and 5329(d), and the measures established under 23 CFR part 490, MPOs may evaluate scenarios developed under this paragraph using locally developed measures.

**(j) The MPO shall provide individuals... and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under §450.316(a).**

(k) The MPO shall publish or otherwise make readily available the metropolitan transportation plan for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

(l) A State or MPO is not required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (f)(11) of this section.

...

## APPENDIX B

### Code of Federal Regulations 23CFR450.326

#### Development and content of the transportation improvement program (TIP)

*Selectively edited to exclude requirements for non-attainment and maintenance areas under the Clean Air Act.*

#### **§450.326 Development and content of the transportation improvement program (TIP).**

**(a) The MPO, in cooperation with the State(s) and any affected public transportation operator(s), shall develop a TIP for the metropolitan planning area. The TIP shall reflect the investment priorities established in the current metropolitan transportation plan and shall cover a period of no less than 4 years, be updated at least every 4 years, and be approved by the MPO and the Governor.** However, if the TIP covers more than 4 years, the FHWA and the FTA will consider the projects in the additional years as informational. The MPO may update the TIP more frequently, but the cycle for updating the TIP must be compatible with the STIP development and approval process. The TIP expires when the FHWA/FTA approval of the STIP expires. Copies of any updated or revised TIPs must be provided to the FHWA and the FTA. ...

(b) The MPO shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by §450.316(a). ... In addition, the MPO shall publish or otherwise make readily available the TIP for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in §450.316(a).

(c) The TIP shall be designed such that once implemented, it makes progress toward achieving the performance targets established under §450.306(d).

(d) The TIP shall include, to the maximum extent practicable, a description of the anticipated effect of the TIP toward achieving the performance targets identified in the metropolitan transportation plan, linking investment priorities to those performance targets.

(e) The TIP shall include capital and non-capital surface transportation projects (or phases of projects) within the boundaries of the metropolitan planning area proposed for funding under 23 U.S.C. and 49 U.S.C. Chapter 53 (including transportation alternatives; associated transit improvements; Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects; HSIP projects; trails projects; accessible pedestrian walkways; and bicycle facilities), except the following that may be included:

- (1) Safety projects funded under 23 U.S.C. 402 and 49 U.S.C. 31102;
- (2) Metropolitan planning projects funded under 23 U.S.C. 104(d), and 49 U.S.C. 5305(d);
- (3) State planning and research projects funded under 23 U.S.C. 505 and 49 U.S.C. 5305(e);
- (4) At the discretion of the State and MPO, metropolitan planning projects funded with Surface Transportation Program funds;

(5) Emergency relief projects (except those involving substantial functional, locational, or capacity changes);

(6) National planning and research projects funded under 49 U.S.C. 5314; and

(7) Project management oversight projects funded under 49 U.S.C. 5327.

**(f) The TIP shall contain all regionally significant projects requiring an action by the FHWA or the FTA whether or not the projects are to be funded under title 23 U.S.C.** Chapters 1 and 2 or title 49 U.S.C. Chapter 53 (e.g., addition of an interchange to the Interstate System with State, local, and/or private funds and congressionally designated projects not funded under 23 U.S.C. or 49 U.S.C. Chapter 53). For public information and conformity purposes, the TIP shall include all regionally significant projects proposed to be funded with Federal funds other than those administered by the FHWA or the FTA, as well as all regionally significant projects to be funded with non-Federal funds.

**(g) The TIP shall include, for each project or phase** (e.g., preliminary engineering, environment/NEPA, right-of-way, design, or construction), the following:

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

**(2) Estimated total project cost, which may extend beyond the 4 years of the TIP;**

(3) The amount of Federal funds proposed to be obligated during each program year for the project or phase (for the first year, this includes the proposed category of Federal funds and source(s) of non-Federal funds. For the second, third, and fourth years, this includes the likely category or possible categories of Federal funds and sources of non-Federal funds);

(4) Identification of the agencies responsible for carrying out the project or phase;

...

(7) In areas with Americans with Disabilities Act required paratransit and key station plans, identification of those projects that will implement these plans.

(h) 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 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 TIP.

**(i) Each project or project phase included in the TIP shall be consistent with the approved metropolitan transportation plan.**

**(j) The TIP shall include a financial plan** that demonstrates how the approved TIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the TIP, and recommends any additional financing strategies for needed projects and programs. In developing the TIP, the MPO, State(s), and public transportation operator(s) shall cooperatively develop estimates of funds that are reasonably expected to be available to support TIP implementation in accordance with §450.314(a). **Only projects for which construction or 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 plan, the MPO shall take into account all projects and strategies funded under title 23 U.S.C., title 49 U.S.C. Chapter 53, and other Federal funds; and regionally significant projects that are not federally funded. For purposes of transportation operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways (as defined by 23 U.S.C. 101(a)(6)) and public transportation (as defined by title 49 U.S.C. Chapter 53). In addition, for illustrative purposes, the financial plan may include additional projects that would be included in the TIP if reasonable additional resources beyond those identified in the financial plan were to become available. **Revenue and cost estimates for the TIP must use an inflation rate(s) to reflect “year of expenditure dollars,” based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s).**

**(k) The TIP shall include a project, or a phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project. ... 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 operated and maintained.** In the case of proposed funding sources, strategies for ensuring their availability shall be identified in the financial plan consistent with paragraph (h) of this section...

(l) In cases that the FHWA and the FTA find a TIP to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (i.e., by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint. However, in such cases, the FHWA and the FTA will not act on an updated or amended TIP that does not reflect the changed revenue situation.

(m) Procedures or agreements that distribute suballocated Surface Transportation Program funds to individual jurisdictions or modes within the MPA by pre-determined percentages or formulas are inconsistent with the legislative provisions that require the MPO, in cooperation with the State and the public transportation operator, 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 metropolitan transportation planning process.

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

(1) Identify the criteria and process for prioritizing implementation of transportation plan elements (including multimodal 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; and

...

(p) Projects in any of the first 4 years of the TIP may be advanced in place of another project in the first 4 years of the TIP, subject to the project selection requirements of §450.332. In addition, the MPO may revise the TIP at any time under procedures agreed to by the State, MPO(s), and public transportation operator(s) consistent with the TIP development procedures established in this section, as well as the procedures for the MPO participation plan (see §450.316(a)) and FHWA/FTA actions on the TIP (see §450.330).

## APPENDIX C

### Code of Federal Regulations 23CFR450.332

#### Project Selection from the TIP

*Selectively edited to exclude requirements for non-attainment and maintenance areas under the Clean Air Act.*

#### **§450.332 Project selection from the TIP.**

(a) Once a TIP that meets the requirements of 23 U.S.C. 134(j), 49 U.S.C. 5303(j), and §450.326 has been developed and approved, the first year of the TIP will 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 or where there are significant shifting of projects between years. In this case, the MPO, the State, and the public transportation operator(s) if requested by the MPO, the State, or the public transportation operator(s) shall jointly develop a revised “agreed to” list of projects. If the State or public transportation operator(s) wishes to proceed with a project in the second, third, or fourth year of the TIP, the specific project selection procedures stated in paragraphs (b) and (c) of this section must be used unless the MPO, the State, and the public transportation operator(s) jointly develop expedited project selection procedures to provide for the advancement of projects from the second, third, or fourth years of the TIP.

(b) In metropolitan areas not designated as TMAs, the State and/or the public transportation operator(s), in cooperation with the MPO(s) shall select projects to be implemented using title 23 U.S.C. funds (other than Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects) or funds under title 49 U.S.C. Chapter 53, from the approved metropolitan TIP. Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects shall be selected in accordance with procedures developed pursuant to 23 U.S.C. 201, 202, 203, and 204.

(c) In areas designated as TMAs, the MPO(s) shall select all 23 U.S.C. and 49 U.S.C. Chapter 53 funded projects (excluding projects on the NHS and Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program) in consultation with the State and public transportation operator(s) from the approved TIP and in accordance with the priorities in the approved TIP. The State shall select projects on the NHS in cooperation with the MPO(s), from the approved TIP. Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects shall be selected in accordance with procedures developed pursuant to 23 U.S.C. 201, 202, 203, and 204.

(d) Except as provided in §450.326(e) and §450.330(f), projects not included in the federally approved STIP are not eligible for funding with funds under title 23 U.S.C. or 49 U.S.C. Chapter

...

# APPENDIX D

## TIP/STIP Revision Procedures

Arkansas State Highway and Transportation Department  
STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)  
and  
Central Arkansas Regional Transportation Study  
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)  
REVISION PROCEDURES  
Within the  
Central Arkansas Transportation Study (CARTS) Area  
November 12, 2014

### Definitions:

**Agreed upon list of projects**—Consists of projects on the first year of the TIP that may be implemented by the implementing agencies without further action.

**First year of the TIP**—The first year of the TIP is the first year of a four year TIP. It contains the agreed upon list of projects for implementation. As the first year of a four year TIP expires, the subsequent year becomes the first year of the TIP and that practice continues until a new TIP is adopted. Affirmative action by the MPO is required to confirm that projects listed in each subsequent first year of the TIP are an agreed upon list of projects.

- **Amendments** are revisions that require FHWA/FTA approval and must go through a public involvement process in accordance with Metroplan’s public involvement procedures. The following identifies revisions to the STIP/TIP that require Amendments.
  1. Funding a new or illustrative project or phase of a project.
  2. Deleting a project or phase of a project.
  3. Funding increases or decreases that are more than 20 percent of the TIP project estimate for FTA funded projects. Revised transit projects that are included in a statewide item may be considered an administrative modification for purposes of updating the MPOs’TIPs.
  4. Major changes to project / project phase cost regarding environmental handling, engineering, right-of-way acquisition, utility relocation, and/or construction that impacts the financial constraint of the STIP or TIP and does not qualify as an Administrative Modification.
  5. Modifications to the project description/length/termini that significantly changes the project scope, conflicts with the environmental document, or impacts transportation conformity in non-attainment areas.



6. Any modification that impacts the financial constraint of the TIP.
7. Advancing a project or a project phase to the agreed upon list of projects (the first year of the TIP).

Following amendment of the TIP, formal notification of the amendment will be provided to the AHTD MPO Coordinator and FHWA.

## Financial Constraint — Determinations and Demonstrations

**23 CFR 450.216(m)** states that “Financial constraint of the STIP 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 operated and maintained.”

**23 CFR 450.324(i)** states “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 operated and maintained.”

Federal funding in the STIP/TIP may be based on authorization levels for each year of the STIP/TIP, although obligation authority limitations could be used as a more conservative approach.

**Determinations:** In accordance with 23 CFR450.218(b), FHWA and FTA jointly determine prior to approval that the initial STIP and STIP amendments comply with the requirements of 23 USC 134 and 135, which include financial constraint demonstrations of administrative actions as needed.

It is also the responsibility of the FHWA and FTA to determine whether each project agreement or grant request maintains the financial constraint of the STIP. Therefore, the AHTD will provide information necessary to make that determination upon request.

In accordance with 23 CFR 450.328 (a), “The FHWA and the FTA shall jointly find that each metropolitan TIP is consistent with the metropolitan transportation plan produced by the continuing and comprehensive transportation process carried on cooperatively by the MPO(s), the State(s), and the public transportation operator(s) in accordance with 23 U.S.C. 134 and 49 U.S.C. 5303. This finding shall be based on the self-certification statement submitted by the State and MPO under §450.334, a review of the metropolitan transportation plan by the FHWA and the FTA, and upon other reviews as deemed necessary by the FHWA and the FTA.”

AHTD is responsible for insuring the financial constraint of the STIP upon revision, subject to review and approval of FHWA and FTA. Metroplan is responsible for insuring the financial constraint of the TIP by year upon revision as required in 23CFR450.324 subject to self-certification requirements of 23CFR450.334.

## TIP Revisions and the Agreed Upon List of Projects

In accordance with 23 CFR 450.330(a), the first year of the TIP shall constitute the agreed upon list of projects for project selection purposes and no further action is required for implementing agencies to proceed with projects.

Metroplan, in consultation with AHTD and CATA, will amend the TIP at the end of each federal fiscal year to reflect the list of agreed upon projects or project phases in the subsequent federal fiscal year of the TIP, which shall become the first year of the TIP upon expiration of the previous federal fiscal year.

**NOTE:** Metroplan’s internal procedures require (1) the MPO staff to review the project to determine its consistency with the adopted long-range plan and regional design standards and (2) the local jurisdiction(s) in which the project is to be built to sign-off on the design of the project before it is placed on the agreed upon list of projects. This practice is consistent with our long-held policy of project design review to ensure consistency with the plan and local land use and access policies. This local sign-off prevents any highway project from being built in a member jurisdiction in a way that the member jurisdiction opposes.

# APPENDIX E

## I-30 PEL to NEPA Transition Report CA0602

### Pertinent excerpts

#### 4.2 Future Adjacent Studies

The following capacity improvements outside the PEL study limits were determined necessary to accurately evaluate the PEL study area:

- I-630 from Louisiana Street west beyond the study limits; and
- I-30 southwest of the south terminal to 65th Street beyond the study limits.

These additional improvements were deemed necessary to avoid backups from congestion outside the PEL study limits impacting the traffic and safety inside the PEL study limits. AHTD has acknowledged both outside areas warrant additional study and plans exist to study and improve, as determined necessary, these outside areas. During NEPA, coordination with AHTD would occur to document the status of these plans and their relationship with the NEPA preferred alternative.

#### 4.3 Additional Modeling

##### 4.3.1 Mobility

Multiple Vissim model runs would be performed during the NEPA phase. Vissim model runs, during the 2041 design year AM/PM peak periods, are anticipated as follows:

- A modified PEL Recommendation with potential design refinements, such as alternative interchange configurations, identified in the NEPA phase.
- A modified PEL Recommendation with a lane organization of 2 Main Lanes and 3 C/D lanes in each direction for a total of 10-lanes, as discussed in **Section 4.1**.
- Interstate Justification Request (IJR) model runs:
  - o Increased traffic demand (10%) for the NEPA preferred alternative;
  - o NEPA preferred alternative without the outside improvements discussed in **Section 4.2**; and
  - o A high level analysis of the approximate year the outside improvements (**Section 4.2**) would likely be needed due to increased congestion.

#### 4.6 Funding/Project Phasing

It is unlikely that the entire set of solutions recommended in the PEL will be funded as one project. A key activity within the NEPA process is to further evaluate the PEL Recommendation, identify segments of independent utility and develop an implementation schedule for those improvements based on priorities tied to purpose and need and project goals. As the design schematics of the NEPA preferred alternative are advanced, and cost estimates become more refined, the NEPA project team will identify the set of “most likely improvements”, which will form the basis for the first construction phase. To maximize the amount of construction delivered, the project will be delivered using the Fixed Price – Best Design methodology as outlined in the AHTD Design-Build Guidelines and Procedures. AHTD will establish the baseline project scope and the not-to-exceed baseline project budget, consistent with the

most likely set of improvements identified in NEPA. Operational modeling of the preferred alternative during the NEPA phase would provide relevant information needed in the determination of the priority of improvements for inclusion into the Fixed Price – Best Design project. Logical termini and sections of independent utility would be coordinated and approved by the lead agencies; and based on this modeling and coordination, a project phasing plan of the NEPA preferred alternative would be prepared and included in the NEPA documentation.

#### **4.7 Project Management Plan (PMP) and Financial Plan (FP)**

A PMP, a FP, and Annual Updates (AU) to the FP are required for all projects estimated at \$500M or more that will receive Federal financial assistance<sup>13</sup>. The PMP establishes the framework for the management of a major project and the methodology for organizing, directing and coordinating the resources required for the project. The goal of the PMP is to document mechanisms for control of scope, budget, schedule and quality. The FP ensures that the necessary financial resources are identified, available and managed throughout the life of the project. An annual FP is a comprehensive document that reflects the project's scope, schedule, cost estimate and funding structure to provide reasonable assurance that there will be sufficient funding available to implement and complete the entire project, or a fundable phase of the project, as planned. A PMP and FP would be prepared for the proposed project during the NEPA phase of project development.

# APPENDIX F

## Definitions

### 23CFR450.104 Definitions

#### §450.104 Definitions

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

**Committed funds** means funds that have been dedicated or obligated for transportation purposes. For State funds that are not dedicated to transportation purposes, only those funds over which the Governor has control may be considered “committed.” Approval of a TIP by the Governor is considered a commitment of those funds over which the Governor has control. For local or private sources of funds not dedicated to or historically used for transportation purposes (including donations of property), a commitment in writing (e.g., letter of intent) by the responsible official or body having control of the funds may be considered a commitment. For projects involving 49 U.S.C. 5309 funding, execution of a Full Funding Grant Agreement (or equivalent) or an Expedited Grant Agreement (or equivalent) with the DOT shall be considered a multiyear commitment of Federal funds.

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

**Financially constrained or Fiscal constraint** means that the metropolitan transportation plan, TIP, and STIP includes sufficient financial information for demonstrating that projects in the metropolitan transportation plan, TIP, and STIP can be implemented using committed, available, or reasonably available revenue sources, with reasonable assurance that the federally supported transportation system is being adequately operated and maintained. For the TIP and the STIP, financial constraint/fiscal constraint applies to each program year. Additionally, projects in air quality nonattainment and maintenance areas can be included in the first 2 years of the TIP and STIP only if funds are “available” or “committed.”

**Governor** means the Governor of any of the 50 States or the Commonwealth of Puerto Rico or the Mayor of the District of Columbia.

**Illustrative project** means an additional transportation project that may be included in a financial plan for a metropolitan transportation plan, TIP, or STIP if reasonable additional resources were to become available.

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

**Regionally significant project** means a transportation project (other than projects that may be grouped in the TIP and/or STIP or exempt projects as defined in EPA's transportation conformity regulations (40 CFR part 93, subpart A)) that is on a facility that serves regional transportation needs (such as access to and from the area outside the region; major activity centers in the region; major planned developments such as new retail malls, sports complexes, or employment centers; or transportation terminals) and would normally be included in the modeling of the metropolitan area's transportation network. At a minimum, this includes all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.

**Statewide Transportation Improvement Program (STIP)** means a statewide prioritized listing/program of transportation projects covering a period of 4 years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.

**Transportation improvement Program (TIP)** means a prioritized listing/program of transportation projects covering a period of 4 years that is developed and formally adopted by an MPO or MPOs as part of the metropolitan transportation planning process for the MPA, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. chapter 53.

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

**Update** means making current a long-range statewide transportation plan, metropolitan transportation plan, TIP, or STIP through a comprehensive review. Updates require public review and comment, a 20-year horizon for metropolitan transportation plans and long-range statewide transportation plans, a 4-year program period for TIPs and STIPs, demonstration of fiscal constraint (except for long-range statewide transportation plans), and a conformity determination (for metropolitan transportation plans and TIPs in nonattainment and maintenance areas).