



Regional Transportation Investment Policy



Planning & Programming Transportation
Projects for the NOACA Region

June 2016



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Regional Transportation Investment Policy

NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

June 2016

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I. Overall Policies

A. NOACA's Transportation Plan Goals

The Northeast Ohio Areawide Coordinating Agency's Transportation Plan, *Connections+ 2035*, contains 10 long-range goals for regional transportation in Northeast Ohio. These goals are the foundation of this policy.

Transportation Plan Goals

Goal #1: Advance the region's economic competitiveness based upon a sustainable development approach integrating environmental, social equity and economic perspectives.

Goal #2: Enhance the natural environment and ecology of the region by improving air, land and water quality, conserving transportation energy and by identifying and preserving existing critical natural resources and environmentally sensitive areas.

Goal #3: Preserve and improve the efficiency and safety of the existing transportation system, prioritize elements of the system identified as significant and ensure the system serves homeland security.

Goal #4: Establish a more balanced transportation system that enhances modal choices by prioritizing goods movement, transit, and pedestrian and bicycle travel instead of just single-occupancy vehicle movement and highways.

Goal #5: Improve the transportation mobility of transit-dependent and low-income individuals to jobs, housing and other trip purposes.

Goal #6: Provide additional transportation system capacity to move people and goods only when such capacity improvements promote the NOACA Principles, minimizing the adverse impacts of the investments on existing communities within the region.

Goal #7: Foster reinvestment in existing urban core areas throughout the region and work to target and manage transportation investments to implement plan goals.

Goal #8: Foster intergovernmental and private sector relationships to strengthen the regional community and assist in plan implementation.

Goal #9: Direct the plan and its investments toward efficient compact land use development/redevelopment that facilitates accessibility; saves infrastructure costs; preserves and enhances farmland, forests and open space; and enhances the economic viability of existing communities within the region.

Goal #10: Foster improvement in the quality of life of residents in the region through attention to aesthetics in the planning of the transportation system.

B. Policy Statement

This Regional Transportation Investment Policy (RTIP) is the NOACA Board of Directors' policy for planning, programming and prioritizing federal-aid transportation investments for the region. It is reviewed on a regular schedule and may be modified to reflect circumstances, such as changes in federal policies or revenues. All policy modifications will be presented to committees and Board for approval. Project sponsors will be notified of any policy changes that may affect their programs or project(s).

C. Access to Funds

The NOACA Board of Directors believes that all project sponsors and geographical areas in the region should have sufficient access to funds to improve and maintain the transportation infrastructure. Consequently, the Board of Directors strives to plan, program and prioritize projects on an equitable basis.

D. Standing Committees

NOACA is responsible for directing and managing the federal funds it receives.¹ Because of the complexities of the federal accounting system and Ohio Department of Transportation (ODOT) administrative policies, the NOACA Board of Directors authorizes the appropriate Standing Committees (Committee(s)), in accordance with the NOACA Code of Regulations, to help direct and manage the agency's planning and financial responsibilities. Committee decisions are reported to the Board of Directors.

E. Community and Agency Plans

At a minimum, communities must notify NOACA of all projects that involve a road on the Federal-Aid System (FAS), regardless of the funding source to be used for said project. This is due to federal requirements that MPOs be aware of all changes to the FAS, regardless of the funding source for those changes.

Improvements to the federal-aid transportation system should logically flow from an open and comprehensive planning process. Many communities create city-wide or corridor plans that include proposed improvements. To facilitate the planning process, communities and agencies are encouraged to submit their community-approved plans to NOACA for certification.

City-wide or corridor plans may be submitted to NOACA for review by staff.² They will be presented to NOACA's committees with recommendations. Annually, the NOACA Board of Directors will certify plans as helping to achieve the goals of NOACA's Transportation Plan. Projects drawn from a certified plan may flow more easily through the five-step process, described below.

¹ See Appendix 3 for information on how federal funds flow to NOACA.

² NOACA does not certify individual project plans.

F. Use of Funding Targets

The NOACA Board of Directors may set funding targets annually. The funding targets may be related to specific geographical areas, transportation modes, programs or projects. Funding targets are not entitlements; they are tools to promote regionalism and encourage specific types of investment. (Federal regulations explicitly prohibit “entitlement” sub-allocations.)

G. Urban Core Communities

The NOACA Urban Core Communities Policy seeks to foster reinvestment in defined urban core areas while minimizing a currently increasing regional infrastructure cost burden given stagnant regional population growth and outstanding needs within areas of existing infrastructure. The policy, available on the NOACA website, designates Urban Core Communities based on community characteristics that shape the urban qualities of a place and develops specific programs for these communities.

Designated Urban Core Communities

Bay Village	Fairview Park	Parma Hts.
Bedford	Garfield Hts.	Rocky River
Bedford Hts.	Lakewood	Seven Hills
Berea	Linndale	Shaker Hts.
Brook Park	Lorain	Sheffield Lake
Brooklyn	Lyndhurst	South Euclid
Cleveland	Maple Hts.	Timberlake
Cleveland Hts.	Mayfield Hts.	University Hts.
East Cleveland	Mentor-on-the-Lake	Warrensville Hts.
Eastlake	Newburgh Hts.	Wickliffe
Elyria	North Olmsted	Willoughby
Euclid	Painesville	Willowick
Fairport Harbor	Parma	

Urban Core Communities Programs:

- **Preliminary Engineering Program:**
 - Urban core communities are eligible to apply for assistance for preliminary engineering for their transportation improvement. The Board of Directors shall approve the not-to-be-exceeded amount, dependent on the project and available funds.
 - Communities that receive federal aid for preliminary engineering must commit in writing that the project will advance to construction within an agreed upon time. If the project does not advance, by federal law, the community will be required to pay back the federal funds.

- **Right-of-Way Program:**
 - Urban core communities may apply for federal funds for right of way, minus the initial \$50,000 right of way investment

- **Toll Credits:**
 - Projects located within designated Urban Core communities are eligible for 90% NOACA funding participation using Toll Credits, if available.

H. Environmental Justice Communities

The NOACA Environmental Justice Communities Policy designates Environmental Justice Communities based on the socioeconomic composition of a community and develops specific programs for these communities to best promote the principles and policies of the U.S. Department of Transportation, Title VI of the Civil Rights Act, and Presidential Executive Order 12898.

The policy supports reinvestment in Environmental Justice Communities and ensures such communities are not disproportionately affected. The policy can be found on the NOACA website.

20 Designated Urban Core Environmental Justice Communities

Bedford	Fairport Harbor	Painesville
Brooklyn	Garfield Hts.	Parma
Cleveland	Lakewood	Parma Hts.
Cleveland Hts.	Linndale	Seven Hills
East Cleveland	Lorain	Shaker Hts.
Elyria	Maple Hts.	Warrensville Hts.
Euclid	Newburgh Hts.	

Environmental Justice Communities Programs:

- Toll Credits:
 - Projects located within designated Environmental Justice Communities are eligible for 100% NOACA funding participation using Toll Credits, if available.

I. The Five-Step Project Process (Summary)

NOACA employs a five-step process for project planning, programming, prioritization and eventual construction/implementation. For more information on each step, see chapters II, III and IV.

Step 1: Eligibility Determination and Project Planning Review

All proposed projects must complete the appropriate application for federal funds. Application cycles vary based on type of funds and fund availability. Applications are accepted only for the fiscal years listed in the specific application packet. Instructions and guidance on how to submit applications for the various federal funding categories are listed in Chapter II and on NOACA’s website.

If an application is determined eligible, it will be processed through Project Planning Review (PPR). Upon successful completion of PPR, project sponsors will receive a NOACA Board of Directors’ resolution saying that the project is eligible to be placed on

the Transportation Plan, contingent upon the sponsors addressing planning issues that may have been identified during PPR. Project sponsors must commit in writing that they will work to address PPR issues. Information on fulfilling planning requirements and guidance is contained in Chapter III and on NOACA's website.

The NOACA staff will conduct annual coordination meetings to determine project status.

Step 2: Plan Amendment

Sponsors of plan-eligible projects must provide evidence they are addressing PPR recommendations or requirements. The project will not be advanced until the Planning and Programming Committee concurs that relevant issues are being adequately addressed.

Upon successful review, the project sponsor will receive a Board resolution that the project is amended to NOACA's Transportation Plan. (Being on the Transportation Plan indicates that the project will be implemented within the timeframe of the plan. It does not prioritize a sponsor's project in relation to other projects).

Step 3: TIP Eligibility Determination

Through annual meetings with sponsors, NOACA will monitor the development of projects. To be eligible for programming onto the Transportation Improvement Program (TIP), a NOACA-funded project must successfully complete scoping review by staff and committees. This scoping review will determine the readiness status of the project and verification that planning issues identified during PPR were addressed. The following criteria will guide TIP project readiness status:

- All conditions resulting from Project Planning Review, as applicable, have been addressed to the satisfaction of the appropriate NOACA committees, subcommittees and/or councils;
- Final project scope has been approved and is consistent with NOACA goals;
- Implementation schedule is realistic and accounts for all necessary project development milestones; and
- Project funding plan is committed for the year of implementation and cites reasonably expected revenues to be available for the demonstration of fiscal constraint.

Guidance regarding fulfilling this step and submission of appropriate documentation is listed in Chapters III and IV and on NOACA's web site. Upon successful completion of this step, a project sponsor will receive notification that the project is eligible to be placed on the TIP. This means the project is now ready to be programmed and prioritized for implementation.

Step 4: TIP Amendment

The Planning and Programming Committee will assess TIP-eligible projects in relationship to projected federal funds, regional priorities and targets.

The Board of Directors will determine NOACA's not-to-be-exceeded federal share (funding cap) for the project. The project sponsor must agree, in writing, that it will abide by the funding cap, barring special circumstances.³

Upon receipt of funding cap agreements, NOACA staff will develop a list of projects to be programmed and will submit it to the Planning and Programming Committee and Board for approval. Following Board approval, a project sponsor will receive a resolution that the project is amended to NOACA's TIP.

Information regarding this step and submission of appropriate documentation is listed in Chapter III and on NOACA's website.

Step 5: Lockdown List

NOACA will develop a lockdown list (Annual Priority List) of projects for the upcoming state fiscal year (July 1-June 30). At this time, project sponsors must provide verification that their projects can award a contract (encumber funds) within the lockdown year. NOACA staff develops the draft lockdown list in coordination with external program managers for committee and Board approval.

II. Project Application Policies and Procedures

A. Federal-Aid Programs that Require a NOACA Application

There are a number of federal-aid programs that provide funding for transportation improvements. Following is a table listing programs that require a NOACA application.

³ See Chapter V for policies regarding requesting funds above the funding cap.

1. Table 1: Federal-Aid Programs: Eligible Projects and Application Numbers

Program/Fund	Funding Source	Selected By	Eligible Projects	Eligible Applicants	Contact Information
NOACA Surface Transportation Block Grant (STBG)	FHWA/ODOT	NOACA Board of Directors	Roadway preservation, reconstruction and capacity; transit; bicycle; safety; ⁴ planning on the federal-aid system	Municipalities, county governments, and transit agencies within the NOACA region. ⁵	NOACA: www.noaca.org 216-241-2414
Statewide Urban Congestion Mitigation and Air Quality (CMAQ)	FHWA/ODOT	Statewide OARC/NOACA Board of Directors	Must improve air quality: transit, travel demand management, emission reduction programs, signals, etc.	Municipalities, county governments and transit agencies within the NOACA region. ⁶	NOACA: www.noaca.org 216-241-2414
NOACA Transportation Alternatives Program (TAP)	FHWA/ODOT	NOACA Board of Directors	Pedestrian, bicycle, community improvement activities, safe routes for non-drivers, safe routes to school, scenic viewing areas, environmental, historic and archeological; must be related to transportation.	Municipalities, county governments, transit agencies and park districts within the NOACA region.	NOACA: www.noaca.org 216-241-2414

⁴ Safety funds may be available for projects not on the federal-aid system.

⁵ NOACA itself may apply for STBG for planning.

⁶ NOACA itself may apply for CMAQ funds.

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Program/Fund	Funding Source	Selected By	Eligible Projects	Eligible Applicants	Contact Information
NOACA Transportation for Livable Communities (TLCI)	NOACA STBG	NOACA Board of Directors	Planning and implementation projects consistent with TLCI objectives	Municipalities, county governments and transit agencies within the NOACA region.	NOACA: www.noaca.org 216-241-2414
NOACA Enhanced Mobility for Seniors and Individuals with Disabilities (5310)	FTA	NOACA Board of Directors	Enhances mobility for seniors and persons with disabilities by providing funds for programs that serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services	Private nonprofit organizations; State or local government authorities; public operators of public transportation services; private operators of public transportation services within the Cleveland urbanized area	NOACA: www.noaca.org 216-241-2414
ODOT Federal Aid Highway Programs	FHWA/ODOT	ODOT; in consultation with the NOACA Board of Directors	Roadway projects on federal-aid facilities where ODOT is the responsible agency (e.g., interstates and state routes)	ODOT	ODOT District 3 and District 12 offices

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Program/Fund	Funding Source	Selected By	Eligible Projects	Eligible Applicants	Contact Information
State of Ohio's Transportation Review Advisory Council (TRAC)	Federal/State	TRAC, in consultation with the NOACA Board of Directors	Major new transportation projects that cost \$12 million or more and add capacity or reduce congestion	ODOT, Municipalities, county governments and transit agencies	Ohio TRAC website
County STBG, Bridge (LBR) and Safety (HSIP)	FHWA/ODOT	County Engineers Association in consultation with the NOACA Board of Directors	Roadway, bridge and safety projects on federal-aid facilities where county engineers are the responsible agencies	County Engineers	County Engineers Association of Ohio

Note this table may be modified due to changes in programs or funding. Please see the NOACA website for the most current table or contact NOACA staff.⁷

⁷ Project sponsors should complete the project notification form for projects on the Federal-Aid System (FAS) that do not require a complete application. This would include any projects on the FAS that do not expect to use federal aid. The notification form is available at the NOACA website.

B. Requirements and Guidance for all Applications

Requirements for All Applications

Eligible sponsors must complete an application for a proposed project to be amended to the Plan and/or TIP. The completed application initiates the five-step process described above.

Applications for NOACA-administered funds are accepted only for the fiscal years identified in the application packet. NOACA staff will review all submitted applications and documentation. The responsibility for completing an application lies solely with the project sponsor. Ineligible or incomplete applications will not be processed.

Potential sponsors who are not familiar with the federal-aid process will be required to meet with NOACA staff.

It is highly recommended that all project sponsors review NOACA's Planning Requirements and Guidance for Transportation Projects (Chapter III) prior to submitting applications. Applications require sponsors to provide specific documentation, depending on the type of project and expected source(s) of funds.

C. Transportation Review Advisory Council (TRAC) Application Policies

Project sponsors sometimes apply to the State of Ohio's Transportation Review Advisory Council (TRAC) to supplement financing for a major transportation improvement. When TRAC announces an application round, the Transportation Subcommittee will set up application and review procedures. Project sponsors with proposed projects not currently on NOACA's Transportation Plan will be required to complete an application for agency review and prioritization to TRAC.

D. Statewide Congestion Mitigation/Air Quality (CMAQ)

The federal Congestion Mitigation and Air Quality (CMAQ) funding allocation is established by formula to ODOT based on air quality non-attainment and maintenance area populations. The program is managed by the Statewide CMAQ Committee, comprised of representatives of the eight large urban areas of Ohio—Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown.

CMAQ funds may be used to establish new or expanded transportation projects or programs that reduce emissions, including capital investments in transportation infrastructure, congestion relief efforts, vehicle acquisitions, diesel engine retrofits and other capital projects. Projects that add new capacity for single-occupancy vehicles (SOVs), however, are ineligible for CMAQ funding unless construction is limited to high-occupancy vehicle (HOV) lanes.

Operating projects or programs are also eligible, but are limited to new transit, commuter and intercity passenger rail services, intermodal facilities and travel demand management strategies, including traffic operation centers, inspection and maintenance programs, and the incremental cost of expanding these services. A full list of eligible project types with descriptions is available on the NOACA website. NOACA will submit eligible CMAQ projects first to the statewide program prior to considering it for STBG or TAP program funding.

The CMAQ program provides 80 percent of total eligible project costs associated with non-infrastructure activities and operating costs; and preliminary development, detailed design, right of way acquisition and construction costs for infrastructure-type projects. The minimum local share is 20 percent and must be provided from local, state or other non-federal sources. Costs associated with a non-CMAQ funded phase are not considered part of the local share.

Project sponsors who request Statewide CMAQ Program funds are required to complete an application that will compete against other large urban area projects statewide. In addition to the general application information, eligible sponsors are required to submit any additional information needed by NOACA staff to assess their proposed project technically against program goals. NOACA staff will coordinate regional project applications for review, scoring and prioritization and will submit applications and priority ranking to the Statewide CMAQ Committee for evaluation and determination of project funding recommendations.

If a proposed CMAQ project is selected for funding through the statewide program, it is eligible to be placed on NOACA's Transportation Plan and TIP. The overall status of the statewide CMAQ funds availability will be a determining factor regarding a project's placement on the plan and TIP. Projects may be amended to the plan quarterly in accordance with the planning process established for non-NOACA-controlled fund sources. NOACA will monitor project delivery and maintain the plan and TIP in accordance with the Statewide CMAQ Committee program management decisions.

Project Review and Project Scoring:

After initial application review, all proposed CMAQ projects are scored according to the following statewide program criteria:

1. **Project Type** - Recognized project types with proven emissions-reducing benefits
2. **Cost Effectiveness** - Project's ability to reduce emissions (HC/NO_x/PM_{2.5}) per CMAQ dollar invested
3. **Other Benefits** - Impacts to Safety, Freight, Fixed Route Transit, Bike/Pedestrian and Environmental Justice Areas
4. **Existing Quality of Service** - Current operating level of service of the facility
5. **Positive Impact on Quality of Service** - Projected level of service the facility will operate post project
6. **Status of Project** - Project readiness, status of project development
7. **Non-Federal Funds Commitment** - Significance of non-CMAQ funding contributed to the project
8. **Regional Priority** - MPO priority given up to four projects
9. **Past Performance** - Past performance of the project sponsor regarding project delivery

NOACA staff will prepare a draft CMAQ project list using the results of the scoring system noted above. Eligible projects will be submitted to the Statewide Committee and be reviewed according to their score and available funds.

E. Transportation Alternatives Program

NOACA has specific policies for Transportation Alternatives Program (TAP) funds due to their unique nature. Project sponsors should consult the NOACA website or contact NOACA staff if they have questions about the program.

TAP Eligible Activities include:

- Facilities for pedestrians, bicyclists
- Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:
 - Address stormwater related to highway construction or due to highway runoff
 - Reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among habitats
- Recreational trails program under section 206 of Title 23
- Safe routes to school program eligible projects and activities
- Planning, designing or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways
- Conversion and use of abandoned railway corridors for trails
- Scenic turnouts, overlooks and viewing areas
- Projects and systems that provide safe routes for non-drivers

Transportation Alternatives Program Requirements:

- A. Awards to individual projects are limited to \$1.5 million in TAP funds, although additional federal funds may be applied to the same project if local match requirements are met. If a project is considered to be of exceptional regional significance, NOACA's Finance and Audit Committee may recommend to the Board of Directors that a higher TAP limit be applied to the individual project.
- B. TAP awards will be capped at their initial award amount for the life of the selected project. A request for additional funding will not be processed.
- C. To be eligible for funding, projects must meet the minimum score threshold as explained in the TAP Addendum to Application 1. In the event that the amount requested during any quarter exceeds the TAP funds currently available to program, those projects scoring highest will be funded first.
- D. All TAP type projects and project elements must demonstrate sufficient coordination with interested affected parties prior to being placed on the Transportation Improvement Program. A letter of support from the affected entities will generally demonstrate sufficient coordination. The following specific forms of coordination must occur:
 - a. Transit Coordination
 - i. A transit agency-sponsored project or project element must be coordinated with the unit of government (e.g., city) in which it is located.
 - ii. A project or project element on or along a designated transit route must be coordinated with the transit agency responsible for the designated route.
 - b. Inter-Governmental Coordination
 - i. A project or project element on an interstate or U.S. route must be coordinated with the Federal Highway Administration (FHWA), ODOT, the county engineer for the county in which the project is located and the unit of government in which it is located.
 - ii. A project or project element on a state route must be coordinated with ODOT, the county engineer for the county in which the project is located and the unit of government in which it is located.

- iii. A project or project element on a county route or lower route classification must be coordinated with the county engineer and the unit of government in which the project is located.
 - iv. A project or project element in a town or city center or its equivalent must be coordinated with adjacent property owners, the county administration, the county engineer and the administration for the unit of government in which the project is located.
- c. Other Coordination
- i. A project or project element in a neighborhood with a recognized neighborhood association must be coordinated with the neighborhood association.
 - ii. A project or project element in a neighborhood with no recognized neighborhood association must provide evidence of at least one public meeting with neighborhood residents and a summary thereof.

F. Transportation for Livable Communities Initiative

NOACA's Transportation for Livable Communities Initiative (TLCI) helps communities in Northeast Ohio obtain federal funding and technical assistance for planning and transportation implementation projects that strengthen community livability. The TLCI consists of the following components:

- **Planning Study and Implementation Grant Program:** Provides federal funding to conduct or contract for the planning and implementation of transportation improvements that advance the Initiative's objectives. By policy, the NOACA Board of Directors allocates approximately \$1 million each fiscal year for the program.
- **Technical Assistance:** As an alternative to the TLCI grant program, NOACA will offer staff technical assistance for planning and traffic-related studies for small to medium-scale transportation projects. NOACA staff will work with communities to identify projects and corridors that will be prioritized for Technical Assistance.

TLCI Study and Implementation projects are eligible for 100% NOACA funding participation, using Toll Credits. NOACA Technical Assistance program projects are performed by NOACA staff at no cost to the project sponsor.

Project sponsors will be required to complete a NOACA TLCI application for study or implementation projects. Applications are accepted only during announced cycles. Please see the NOACA website or contact NOACA staff for more information.

G. Enhanced Mobility for Seniors and Individuals with Disabilities (5310)

NOACA has been designated the administrator of federal funds for the Enhanced Mobility for Seniors and Individuals with Disabilities (5310) program, which is intended to enhance mobility for seniors and persons with disabilities by providing funds for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services.

Funds are apportioned for urbanized and rural areas based on the number of seniors and individuals with disabilities. The participating federal share for capital projects (including acquisition of public transportation services) is 80 percent. The participating federal share for operating assistance is 50 percent. The local share may be derived from other federal (non-DOT) transportation sources or the Federal Lands Highways Program under 23 U.S.C. 204 (as in the former Section 5310 program). Eligible entities include states or local government authorities, private nonprofit organizations and operators of public transportation that receive a grant indirectly through a recipient.

Federal Law requires that projects requesting funding under the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) programs be consistent with the goals of the Coordinated Public Transit-Human Services Transportation Plan for Northeast Ohio. A copy of the plan is available on the NOACA website.

Applications are accepted only during announced cycles. Please see the NOACA website or contact NOACA staff for more information regarding the next cycle

III. Planning Requirements and Guidance for Transportation Projects

Below are the project planning, financial, multimodal, environmental and economic development requirements for applications and projects wanting to advance to transportation plan or TIP amendment status.

A. Financial Planning

Financial Planning Requirements:

Applications must contain the following financial information:

- A line item estimate of the total cost of the proposed project
- Desired federal funding amount
- Local match amount

Applicants who request more than \$5 million of NOACA-controlled funds may be required to submit additional information.

Financial Planning Guidance:

Reasonable cost estimates should be developed using the Ohio Department of Transportation's preliminary cost estimating procedure or some similarly detailed cost estimating procedure.⁸

Federal-aid transportation funds are not grant programs. They operate on a reimbursement basis.

⁸ Available at <http://www.dot.state.oh.us/Divisions/Planning/Estimating>.

B. NOACA Planning Requirements

NOACA staff and committees use the following planning requirements during PPR to evaluate proposed projects and develop conditions to be addressed prior to advancement to the NOACA TIP.

Project sponsors must demonstrate compliance with the following planning requirements throughout project development, construction, maintenance and operation.

STRENGTHEN regional cohesion

- (1) NOACA will prioritize resources for projects that are the result of regional collaboration, providing far reaching cross-jurisdictional benefit. Sponsors are encouraged to develop projects that promote partnership in the funding, implementation and maintenance of projects.
- (2) Proposed projects must be identified as a need in and be consistent with adopted planning documents such as a master plan, capital improvement program, NOACA's plans or other special area study.
- (3) Project sponsors must demonstrate coordination with all affected parties responsible for the construction, maintenance and operation of the facility, including, but not limited to, local jurisdictions, ODOT districts, county engineers, transit agencies, utilities and sewer districts and other service providers affected by the project.
- (4) Project sponsors must demonstrate that the project is a result of thorough public involvement and consensus. Project sponsors are required to ensure the participation of all potentially affected communities in the decision-making process, including review by adjacent jurisdictions and other stakeholders that would be impacted by the project.

PRESERVE existing infrastructure

- (5) NOACA will prioritize resources for projects that preserve or enhance currently developed areas of the region, connect existing activity centers, reinvigorate existing communities, ensure efficient freight movement and support development in higher-density areas.
- (6) Projects must meet established NOACA preservation targets. Project sponsors are advised that when identifying local priority projects, federal funding is prioritized for preservation and system enhancement projects that create regional and national benefits.
- (7) Projects are encouraged to align different preservation needs within one project; including but not limited to modal improvements, utilities, sewer work, stormwater and green infrastructure.
- (8) The NOACA share for highway capacity projects or highway projects with capacity elements (e.g., new roadways, major widening) is limited to up to 50 percent funding participation, requiring a 50 percent non-federal match.
- (9) Projects that meet the Ohio Transportation Review Advisory Council (TRAC) policy criteria must be approved as a TRAC priority project (Tier I, II or III) prior to being eligible for NOACA-administered funds.

BUILD a sustainable multimodal transportation system

- (10) NOACA will prioritize resources toward projects that ensure the safe and efficient operation of the roadway and corridor for all users, including, but not limited to, pedestrians, bicyclists, users of mass transit, people with disabilities, the elderly, motorists, freight providers, emergency responders and adjacent land users.

- (11) Sponsors are required to consider bicycles, pedestrians and transit access improvements in the planning and design of their proposed project. In particular, sidewalks, bike facilities, street crossings (including over- and under-crossings), pedestrian signals, signs, street furniture, transit stops and facilities, and all connecting pathways should be designed, constructed, operated and maintained so that all modes and pedestrians, including people with disabilities, can travel safely and independently. The project may not warrant consideration if one or more of the following conditions are met:
- The project is limited exclusively to resurfacing or other maintenance type activities. In these cases pavement striping for bike lanes, cross walks, signage or other low-cost bicycle and pedestrian countermeasures may still be recommended.
 - Bicyclists and pedestrians are prohibited by law from using the transportation corridor. In this instance, a greater effort may be necessary to accommodate bicyclists and pedestrians as an alternate to the transportation corridor.
 - The cost of establishing bikeways or walkways that meet applicable standards would exceed 20% of the cost of the larger transportation project. This percentage is not a target for expenditure; it is a benchmark for assessing when provision of bicycle or pedestrian facilities is too costly for consideration.
 - There are extreme topographic or natural resource constraints.
 - The project is located on a low-volume roadway that is not projected to carry significant bicycle or pedestrian usage, or that does not carry or provide access to fixed route transit service.
- (12) The design and development of the transportation facility should improve conditions for all users by:
- a. Designing context-appropriate facilities in accordance with available standards and guidance that best ensures safety and efficient operation for all users. The design of facilities for bicyclists, pedestrians and transit facilities should follow recognized design guidelines and standards, such as the AASHTO Guide for the Development of Bicycle Facilities, AASHTO's Policy on Geometric Design of Highways and Streets, the ITE Recommended Practice "Design and Safety of Pedestrian Facilities," Americans with Disabilities Act Accessibility Guidelines and other recognized and acceptable design publications.
 - b. Prioritizing safety and acceptable levels of service equally for all modes. Safety improvements for any one mode will not be minimized to achieve improved level of service for any one mode.
 - c. Designing intersections and interchanges to accommodate bicyclists, pedestrians and transit riders in a manner that is safe and accessible.
- (13) Sponsors must demonstrate how the project advances multimodal connectivity and access to adjacent land uses and destinations within the corridor.
- (14) The project sponsor must anticipate likely future demand for all modes and not preclude the provision of future improvements.

SUPPORT economic development

- (15) NOACA will prioritize resources for projects that support economic development where the existing infrastructure system can accommodate the development, with special emphasis given to projects that involve designated intermodal connectors. If a project is expected to increase

- freight traffic, the project sponsor must demonstrate the effect this increased volume will have on the facilities adjacent to the proposed project.
- (16) Project sponsors must demonstrate how their project contributes to closing the regional job-housing disconnect by identifying affected populations, job centers served by the transportation project and multimodal access provided by the corridor and by specifying improvements to the corridor.
 - (17) To demonstrate the benefits from economic development that is anticipated as a result of the corridor improvements, project sponsors are required to submit a cost-benefit analysis. The analysis should illustrate anticipated revenue from development and documenting new jobs that will be created for the region and how residents of the NOACA region as a whole are made better off as a result of the project. Projects providing a stated commitment from tax-paying or job creating entities will be prioritized over speculative development.
 - (18) Where system expansion is necessary to accommodate economic growth, project sponsors are required to leverage the benefits that private entities will accrue due to the construction of the project (through public-private partnerships, tax increment financing, business improvement districts or other best practices) to cover construction and maintenance costs.

ENHANCE quality of life in Northeast Ohio

- (19) NOACA will prioritize resources for projects that improve safety, reduce congestion, reduce environmental impacts and support multimodal transportation options to enhance livability for all users on or adjacent to the transportation system.
- (20) Project sponsors must address all existing or projected safety issues for all users of the transportation facility. The proposed project must contain appropriate countermeasures that mitigate identified safety issues.
- (21) Project sponsors are required to coordinate and comply with NOACA's water quality management plan.
- (22) Project sponsors must demonstrate how environmental issues will be addressed throughout the design, construction and operation of the project. This includes, but is not limited to, water quality, air quality, environmental justice and other human and natural environmental issues such as archeological and historical preservation, energy conservation and noise.
- (23) The project must support appropriate best management practices to mitigate stormwater and flooding, and manage wastewater. Thus, project sponsors must demonstrate how the project will handle stormwater control, mitigation and vegetation during design, construction and post-construction long-term performance (operation and maintenance). Sponsors may use the Ohio Department of Natural Resources Rainwater and Land Development Manual to demonstrate sound design practices.
- (24) Project sponsors are required to implement context-sensitive solutions, including but not limited to, historic and cultural districts, along scenic rivers and parks, for special view sheds, and if the impacted communities have specific plans for the corridor.
- (25) Project sponsors are required to avoid, minimize or mitigate disproportionately high and adverse human health, socioeconomic and environmental effects of transportation projects on minority populations and low-income populations (Executive Order 12898).

IV. Long-Range Transportation Plan and Transportation Improvement Program Update and Amendment

These policies guide the periodic update and amendment of regional transportation projects and programs to the Long-Range Transportation Plan and the Transportation Improvement Program (TIP).

One of NOACA's primary functions is to develop and update the Plan and the TIP, in compliance with metropolitan planning requirements established in federal regulations (23 U.S.C. §134 and 23 CFR §450). The Plan, updated every four years, addresses current and future transportation demand for a 20-year horizon. It includes both long- and short-range strategies that support the maintenance and investment of a multimodal transportation system to facilitate the safe and efficient movement of people and goods. The TIP, updated every two years, is a four-year program that reflects and implements the investment priorities established in the Plan.

All proposed transportation projects for which federal funds are planned for expenditure must be listed in the Plan and the TIP prior to implementation. NOACA must amend or modify the Plan and TIP as needed to include new projects or revise existing programmed projects.

This policy directs an approach for the comprehensive update and amendment to the Plan and TIP that allows for the evaluation and prioritization of projects proposed for improvement to the region's transportation system. The intent is for projects to advance from the Plan to the TIP based on established criteria and processes better to inform project planning and use of resources.

Project Planning Requirements

All projects and programs proposed for update or amendment to the Plan and TIP must be evaluated in accordance with the following planning requirements, as defined in this policy and associated guidance.

- I. **Planning Policies and Guidance** – Project planning, financial, multimodal, environmental and economic development requirements for projects being incorporated into the Plan or TIP. These requirements are contained in Chapter III.
- II. **Project Planning Review (PPR)/Intergovernmental Review and Consultation (IGRC)** – PPR and IGRC procedures, as defined herein, must be completed for all Major Projects identified for the Plan, for all Minor Projects proposed for years five and six of the Plan and projects proposed for concurrent Plan and TIP amendment. Major and Minor Projects are defined below:

Major Projects – Projects that meet any of the following criteria:

- i. Estimated to cost \$12 million or more
- ii. Require Air Quality Conformity Analysis
- iii. Meet the federal definition of Regionally Significant project

Minor Projects – All other projects not meeting the definition of a Major Project

Projects already on the Plan or TIP that request a change of scope or significant cost increase (greater than 20 percent) must go through PPR again.⁹

⁹ Project sponsors may appeal this 20 percent requirement if it can be shown that the cost increases were a result of an increase in material costs or inflation.

The PPR procedure fulfills the following goals:

1. Determines if a proposed project helps to achieve one or more of the Transportation Plan goals to enhance the region's transportation system and quality of life;
2. Assesses if proposed projects fulfill the NOACA planning requirements;
3. Enables staff to work with the applicant to develop a project that meets or exceeds NOACA planning requirements;
4. Provides opportunity to project sponsors to revise projects if they do not meet NOACA planning requirements and goals;
5. Creates accountability between project sponsors and the NOACA board;
6. Ensures that public concerns and intergovernmental issues are being addressed by project sponsors as the project evolves.

The PPR process is comprehensive and takes at least three months, depending on the complexity of the project. PPR is composed of:

- Staff Review
- Committee Review
- Intergovernmental Review and Consultation (IGRC)
- Public Involvement
- Board of Directors Review/Consideration

Projects successfully completing PPR will receive a NOACA Board of Directors' Resolution stating that the project has fulfilled staff, Board and public review against NOACA's planning requirements, enabling the project to be amended to the Plan and/or TIP. The resolution may contain comments and/or recommendations that must be addressed by the project sponsor prior to funding commitment in the TIP.

- III. Fiscal Constraint Analysis** – Financial plans for proposed projects or programs must identify all funding sources that are reasonably expected to be available to finance implementation within the timeframe of the Plan. Furthermore, funding must be available and committed to the project or program in the four-year period for TIP consideration.
- IV. Air Quality Conformity Analysis (“Conformity”)** – Conformity, required by 40 CFR Part 93 in implementation of the Clean Air Act, Section 176(c), is a way to ensure that proposed transportation projects and programs are consistent with Federal air quality goals. Conformity applies to all projects and plans proposed for implementation in the NOACA region, as a designated air quality nonattainment area.

A. Long-Range Transportation Plan

Federal regulations require NOACA to update its Plan every four years, amend it thereafter as needed and identify the transportation projects and programs proposed for implementation over the 20-year life of the Plan. NOACA will amend the Plan annually for new projects, or quarterly for projects eligible for concurrent Plan and TIP amendment as described Section IV. Concurrent Plan and TIP Amendments.

The following policies will guide NOACA in the identification and prioritization of those projects and programs.

I. Plan Update and Amendment (Annually)

A. Project Identification

1. NOACA will identify transportation system deficiencies and needs over the 20-year Plan, using available system management tools and processes including, but not limited to:
 - i. **Transportation Asset Management** – Roadway and bridge deficiencies.
 - ii. **Congestion Management Process** – Congested locations and corridors.
 - iii. **Safety Plans/Studies, Safe Routes to School Travel Plans, and Regional Safety Audits** – Intersections and segments with existing or predicted safety issues, with emphasis on serious injury or fatal crash reduction.
 - iv. **Regional Bike Plan and Transportation for Livable Communities Studies** – Bicycle and pedestrian priority system gaps and enhancements.
 - v. **Transit Agency Plans** – Vehicle and infrastructure replacement schedules and service upgrade plans for new or improved service operations.
2. NOACA will coordinate with transportation system owners and providers (local governments, regional transportation agencies, external funding agencies, etc.) to review identified needs to ensure consistency and completeness.
3. Identified needs will be incorporated into the Plan in an optimum year to address the targeted deficiency. Being on the Plan indicates that the project will be targeted for implementation within the timeframe of the Plan. It does not guarantee a project's funding and implementation schedule in relation to other projects in the region for investment of NOACA funds.
4. Once a project is on the Plan, staff will work with sponsors to develop complete projects that address the identified system need.

B. Plan Project Evaluation and Prioritization - Project evaluation and prioritization criteria will be used to evaluate all projects proposed for Plan and TIP incorporation.

1. **Non-NOACA-Administered Funds** – Evaluated in accordance with NOACA performance measures and targets. Projects will also will be evaluated against the priority criteria established by the proposed external funding program.
2. **NOACA-Administered Funds** – Evaluated in accordance with NOACA performance measures and targets. In addition, projects planned for years five and six of the Plan will be evaluated and prioritized in accordance with regional benefit prioritization criteria that is aligned with NOACA goals.

B. Transportation Improvement Program (TIP)

II. TIP Update (Biennially)

A. Project Identification and Evaluation

1. NOACA will update the TIP with new projects every two years. Projects programmed in the last two years of the existing TIP will remain in those years pending reevaluation against TIP screening criteria.
2. Projects can only be amended to the TIP if they have previously been incorporated into the Plan or if they meet the conditions of Section IV. Concurrent Plan and TIP Amendments.
3. Projects will be advanced for TIP Update in accordance with the prioritization established in years five and six of the Plan, contingent upon meeting TIP screening criteria for project readiness:
 - i. All conditions resulting from Project Planning Review, if applicable, have been addressed to the satisfaction of the appropriate NOACA committees, subcommittees and/or councils
 - ii. Final scope has been approved and is consistent with NOACA goals
 - iii. Implementation schedule is realistic and accounts for all necessary project development milestones
 - iv. Project funding plan is committed for the year of implementation and cites reasonably expected revenues to be available for the demonstration of fiscal constraint

III. TIP Amendment (Quarterly) – Amendments are major revisions to the TIP that require federal (FTA and/or FHWA) approval, public comment, demonstration of fiscal constraint, and, if the project adds capacity, a conformity determination. In context of the long-range transportation planning process, an amendment is a revision approved by NOACA in accordance with its public involvement process.

A. Amendments that require a Board of Directors' resolution are those that:

1. Add or delete a project or project phase into or out of the current TIP that are not categorized as statewide line items or administrative modifications
2. Include a significant revision to a project or project phase cost estimate
3. Include a significant change to a project or project phase description or scope, including initiation dates, termini and proposed work
4. Affect fiscal constraint or affect air quality conformity (regardless of funding source)

IV. Concurrent Plan and TIP Amendments (Quarterly)

- #### A. Most projects should be amended to the Plan and TIP through the process laid out in the Plan Update and TIP Amendment sections of this policy; however, the NOACA Board of Directors can concurrently amend projects to the Plan and TIP if any of the following occur:
1. Projects are eligible in accordance with ODOT Statewide Line Item guidance
 2. Funds are demonstrated to be available for new projects to be advanced in the Plan and TIP outside the periodic update cycles. Funds may become available due to a variety of reasons, including:
 - i. New revenue made available to the region

- ii. Previous State Fiscal Year carry forward
- iii. Delayed or canceled projects
- iv. Bids awarded under estimate
- v. Adjustments for actual material and/or labor quantities

V. Administrative Modifications (Quarterly) - Modifications are minor revisions to the TIP that do not require a Board of Directors' resolution. Administrative Modifications are performed by staff and are documented through an Administrative Modification memorandum. Administrative Modifications include:

1. Revisions to project description without causing significant change to the project scope or conflict with the environmental document
2. Revisions to a project's fiscal year within the current TIP
3. Revisions to funding source or type of funds
4. Combining or splitting projects (if combining, both projects must be on current TIP), without causing significant change to the project scope, environmental document or air quality conformity
5. Change in the project sponsoring agency
6. Other technical modifications, clerical errors, bookkeeping, line-item project descriptions and other reasons that do not impact NOACA policy implementation or funding balances

C. NOACA Annual Priority List

Annual Priority List (APL) Requirements:

To be selected for the APL, a project sponsor must:

- Provide evidence that the final plan package is ready for submittal
- Agree in writing to a not-to-be-exceeded federal funding amount
- Agree in writing to encumber funds within a specific quarter of a state fiscal year

Staff develops the draft APL for Planning and Programming Committee and Board approval. The projects contained within the APL will be monitored by staff for delivery against developed performance measures and targets.

V. Financial Management and Other Policies

A. Project Funding Limit

In developing the lockdown list, the staff and Planning and Programming Committee will work to ensure that no single project will adversely affect other ready projects. The Finance and Audit Committee may recommend the following regarding projects whose cost is greater than 25 percent of the annual federal fund allocation:

Financing a portion of the cost through the State Infrastructure Bank to be repaid with future allocations of NOACA federal funds.

Sponsor financing of a portion of the cost of a project. The sponsor would be paid back with future allocations of NOACA federal funds.

B. Project Cost Increases

By agreeing to the Board-approved TIP funding maximum and schedule for their project, project sponsors are acknowledging their firm commitment to helping manage project cost increases.

Because unforeseen events can occur, a project sponsor may petition the Finance and Audit Committee for additional funds. The NOACA Project Cost Increase Management Policy, available on the NOACA website, establishes conditions for eligibility and management of these requests. The Planning and Programming Committee may be requested to investigate technical causes of the cost increases.

All requests for additional funds will be contingent upon the availability of funding in the current NOACA TIP.

Non-Eligible Requests:

1. Costs resulting from increased scope not needed to complete the original project
2. Projects that have been delayed by the sponsor more than one fiscal year outside the original TIP program year
3. Covering a shortfall resulting from the project bids coming in higher than the estimate, without justification of unforeseen conditions
4. Costs associated with construction engineering and inspection activities or annual inflation above the percentages established in the ODOT Construction Engineering and Inspection Guidelines and SFY Business Plan Inflation Calculator. Both of these tools can be found on the ODOT Office of Estimating website.
5. Costs incurred during construction that were caused by engineering or design errors and omissions
6. Covering a shortfall in funding from other sources (i.e., local, state, private or other federal)
7. Contingencies or requests to reserve funding for potential change orders
8. Overruns incurred as the result of contractor or project sponsor negligence

Eligible Requests:

1. Costs identified due to unforeseen conditions during the engineering or right-of-way acquisition phase
2. Change orders during construction that are necessary to:
 - a. Complete the project as approved by the NOACA Board without additional scope or project changes
 - b. Meet federal or state requirements and standards that are new or were unforeseen at the time preliminary development was initiated
 - c. Cover conditions not reasonably discoverable in the engineering phase

Additional Requirements:

1. Requests are limited to no more than 15% of the original Board commitment. Costs in excess of 15% will be the responsibility of the project sponsor. Projects that cannot be implemented without significant cost increase would be withdrawn from the TIP and

- compete with other priority projects in a later year to obtain a higher NOACA commitment.
2. The project must have received Stage 3 design plan approval consistent with the ODOT Project Development Process prior to cost increase consideration.
 3. All other funding committed to the project is being used to capacity.

In consideration of a request for additional funds, the Finance and Audit Committee may:

1. Deny the request
2. Request additional local funds be used for the project
3. Reduce future NOACA commitments to the project sponsor by the amount of the request
4. Reschedule the project
5. Accept the full request
6. Partially accept the request

If multiple project increase requests are being evaluated concurrently, priority for limited funding will be determined by the Finance and Audit Committee.

Approved cost increases later determined not to be needed, such as in the case where bids come in under estimate, will first be credited back to the NOACA funding program prior to the local sponsor or other funding program realizing a savings.

C. Management of Delayed or Abandoned Projects

Through coordination efforts, projects may be dropped from the TIP due to direct input from sponsors. NOACA requires cancellations to be in writing from the project sponsor. The Board of Directors will be informed of any project cancellations. These project cancellations may result from resolutions that rescind legislation (cooperative agreements), sponsors deciding not to prepare programming materials or hire consultants or decisions to perform work without federal funds.

Annually, NOACA reviews the status of projects on the TIP. Sponsors must demonstrate that the project is being advanced for construction and that funds will be encumbered near the project's scheduled time.

If a project is not advancing and it appears unlikely that it will be able to encumber funds within a reasonable time, the Board of Directors may remove the project from the TIP until the project begins to move forward again. (The project will remain on the Transportation Plan.)

D. Right-of-Way, Preliminary Engineering and Utility Rearrangements

Generally, NOACA-administered federal funds may not be used for project-level preliminary engineering. An Urban Core Community may request federal-aid funds for preliminary engineering. At the time of request, the project will be reviewed by the Planning and Programming Committee, which will then provide a recommendation to the Board of Directors.

Project sponsors may request funds for right-of-way (ROW) for a NOACA-funded project. When the cost of right-of-way is greater than \$50,000, NOACA will pay 50 percent of the cost above \$50,000. NOACA will not pay for right-of-way costing \$50,000 or less. If NOACA funds are used for the ROW phase, NOACA cannot assure that the construction phase will automatically be given program priority the following fiscal year.

A proposed improvement may affect publicly owned utilities in such a way that utility rearrangements are necessary. NOACA considers the costs for these utilities rearrangements to be part of the construction phase where eligible for federal reimbursement is expected, unless the consent legislation or other agreements specify otherwise.

E. Local Public Agency (LPA)-Administered Projects

ODOT implements a Local Public Agency (LPA) policy that permits local project sponsors to perform project responsibilities in an attempt to streamline certain elements of the project delivery system. NOACA staff will coordinate with ODOT to ensure that any LPA agreements that are entered into with project sponsors using NOACA federal funds accurately reflect Board of Directors' policies.

F. TIP Monitoring Reports

NOACA staff will develop a monthly TIP project status report for use by NOACA committees and the Board. The report will contain information regarding the status of projects for the current fiscal year and other relevant information.

G. Signal Preemption Planning Policy

NOACA strongly encourages regional and countywide signal preemption policies that help police, fire and other emergency vehicle response times. Based on existing preemption equipment and agreements, NOACA requires 1.) Future preemption systems in Cuyahoga and Medina counties be sound activated, and 2.) Future preemption systems in Lake County be light activated.

Requests for new traffic signaling systems must be coordinated with the agency responsible for public transit in the project study area to help ensure that the system is capable of signal priority for public transit vehicles in a transit corridor.