NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

MEMORANDUM

TO: NOACA Governing Board Members

FROM: Howard R. Maier, Executive Director

DATE: May 2, 2012

RE: Resolution 2012-023 - Regional Transportation Investment Policy (RTIP) Update

As reported at recent Governing Board meetings, staff has been working with the Regional Transportation Investment Subcommittee (RTIS) on a minor update to the Regional Transportation Investment Policy (RTIP). The RTIP is regularly reviewed to help ensure consistency with NOACA policies, goals and programs.

The RTIP contains NOACA’s policies and procedures regarding the planning, programming and prioritizing of federal-aid transportation improvements. This updated policy contains the following revisions:

• Eliminate all language pertaining to discrete application rounds for TE funding, and instead process applications as part of NOACA’s normal quarterly Project Planning Review (PPR) process. TE projects will be reviewed by the RTIS – along with the staff, committee and public review processes inherent in NOACA’s Project Planning Review process.
• Eliminate the provision restricting individual projects to no more than 12 percent of the available TE balance.
• Limit individual TE awards to a maximum of $1.5 million. In the event a project is deemed to be of exceptional regional significance, the RTIS may recommend to the Governing Board that a higher TE limit be applied to the individual project.
• All coordination requirements (transit, inter-governmental, etc.) will remain in effect.

Pending Board approval of this resolution, we expect to open the window for TE applications beginning June 1 for consideration in the Project Planning Review cycle that will begin July 1.

The updated policy language is enclosed, along with the relevant language from the 2008 document for comparison. The updated RTIP was reviewed by the Transportation Advisory Committee, and it is recommended for Board approval. Please contact Jonathan Giblin (extension 346) or me (extension 380) if you have any questions.
This year, ODOT asked us to show the Consolidated Planning Grant (CPG) carryover amount in our funding table. That balance is shown in the final draft of the funding table. CPG funds are federal funds that are provided to MPOs for staffing activities. We have been carrying forward CPG balances for many years, and this year we estimate a $1.2 million carryover. We have maintained these balances for a number of reasons, including concern about the uncertainty about transportation authorizing bills and federal funding. However, we plan to begin spending down that carryover starting in FY 2013. By the end of FY 2013, we expect to reduce that $1.2 million carry forward amount to approximately $679,000. We will accomplish this by:

- Hiring new employees to replace recently retired staff, thus fully staffing the Planning and Programs division.
- Closing out Board-approved set-asides (PIDs) that used project funding (STP, CMAQ) to fund staff work in certain areas, and instead using CPG funds for those activities.
- Using CPG funds rather than STP to pay for consultants to collect traffic count data.

CPG funds require a 20 percent match. The Ohio Department of Transportation has consistently supported the urban planning program by providing 10 percent of the local match. The NOACA Board, through its dues to member communities, provides the additional 10 percent.

For more information on the FY 2013 budget, please see the accompanying memo.

**Self-Certification**

While the Federal Highway Administration certifies MPOs every three years, federal regulations require that the MPO and ODOT annually self certify the MPO planning process. **Resolution No. 2012-022** contains language in Exhibit 1 to certify that NOACA and ODOT are carrying out their responsibilities under the applicable provisions of federal law.

**Conclusions**

**Resolution No. 2011-022** adopts the FY 2013 OWP and budget, along with the annual MPO self certification. I strongly encourage approval of this important resolution. If you have any questions, please contact me at 216-241-2414, Extension 380. Questions regarding the transportation and environmental projects can be addressed to Jonathan Giblin (Extension 346) or Ronald Eckner (Extension 300).
RESOLUTION OF THE GOVERNING BOARD
OF THE
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the Metropolitan Planning Organization (MPO) for the counties of Cuyahoga, Geauga, Lake, Lorain, and Medina; and

WHEREAS, the Regional Transportation Investment Policy (RTIP) contains NOACA's policies and procedures regarding planning, programming and prioritizing federal-aid transportation improvements; and

WHEREAS, the RTIP is regularly reviewed by the Regional Transportation Investment Subcommittee (RTIS), which has suggested various modifications to the current policy; and

WHEREAS, the updated RTIP has been reviewed by the Transportation Advisory Committee (TAC) and is recommended for Governing Board approval.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Northeast Ohio Areawide Coordinating Agency, consisting of forty-four principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, and Medina, that:

Section 1. The Regional Transportation Investment Policy update (May 11, 2012 version) (Attachment A) is approved.

Section 2. The Executive Director is authorized to transmit certified copies of this resolution and other appropriate documentation to federal, state and local agencies.

Certified to be a true copy of a Resolution of the Governing Board of the Northeast Ohio Areawide Coordinating Agency adopted this 11th day of May 2012.

Secretary: ____________________________

Date Signed: 5-11-12
justice, modal balance, environmental priorities and project innovation. The task force will submit a recommended list for the committee review, public involvement, Intergovernmental Review and Governing Board approval.

Once a project is selected for the TIP, the project sponsor is expected to deliver the project at the agreed upon time. However, NOACA may need to shift projects within the four-year program to maintain fiscal balance within available appropriations. Additionally, NOACA reserves the right to strategically advance certain CMAQ projects to help ensure long-term air quality. CMAQ projects on the TIP may need to be rescheduled at times to help ensure Transportation Conformity, or to augment efforts to attain or maintain the National Ambient Air Quality Standards. Project sponsors will be notified of any potential changes in scheduling at least one year prior to the project's projected sale date.

E. Transportation Enhancements

NOACA has specific policies for Transportation Enhancement (TE) funds due to their unique nature. Project sponsors should consult the NOACA web site or contact NOACA staff if they have questions about the program.

Transportation Enhancement (TE) Policies, Application and Selection Process

1) All applicants requesting TE funds must complete Application 1 and the TE Addendum.

Examples of TE-Eligible Activities

- Bicycle facilities
- Pedestrian facilities
- Acquisition of scenic easements
- Acquisition of scenic or historic sites
- Landscaping or other scenic beautification
- Preservation of abandoned railway corridors (including conversion for bike or pedestrian trails)
- Control and removal of outdoor advertising
- Environmental mitigation to address water pollution due to highway runoff
- Environmental mitigation to reduce vehicle crashes involving wildlife while maintaining habitat connectivity
- Each activity must demonstrate a relationship to surface transportation
Regional Transportation Investment Policy

2) Awards:

(A) Awards to individual projects are limited to $1.5 million in TE 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, the RTIS may recommend to the Governing Board that a higher TE limit be applied to the individual project.

(B) TE 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 TE Addendum to Application 1. In the event that the amount requested during any quarter exceeds the TE funds currently available to program, those projects scoring highest will be funded first.

(D) All TE 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:

(i) Transit Coordination

a) A transit agency sponsored project or project element must be coordinated with the unit of government (e.g. city) in which it is located.

b) A project or project element on or along a designated transit route must be coordinated with the transit agency responsible for the designated route.

(ii) Inter-Governmental Coordination

a) A project or project element on an interstate or U.S. route must be coordinated with FHWA, ODOT, the county engineer for the county in which the project is located, and the unit of government in which it is located.

b) 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.

c) 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.

d) 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.

(iii) Other Coordination

a) A project or project element in a neighborhood with a recognized neighborhood association must be coordinated with the neighborhood association.

b) 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.
justice, modal balance, environmental priorities and project innovation. The task force will submit a recommended list for the committee review, public involvement, Intergovernmental Review and Governing Board approval.

Once a project is selected for the TIP, the project sponsor is expected to deliver the project at the agreed upon time. However, NOACA may need to shift projects within the four-year program to maintain fiscal balance within available appropriations. Additionally, NOACA reserves the right to strategically advance certain CMAQ projects to help ensure long-term air quality. CMAQ projects on the TIP may need to be rescheduled at times to help ensure Transportation Conformity, or to augment efforts to attain or maintain the National Ambient Air Quality Standards. Project sponsors will be notified of any potential changes in scheduling at least one year prior to the project's projected sale date.

E. NOACA Application 3: Transportation Enhancements

NOACA has specific policies for Transportation Enhancement (TE) funds due to their unique nature. Project sponsors should consult the NOACA web site or contact NOACA staff if they have questions about the program.

Transportation Enhancement (TE) Policies, Application and Selection Process

1) No application rounds for TE projects will be held for additional projects to be funded during fiscal years covered by SAFETEA-LU. This is because all NOACA sub-allocated TE funds from SAFETEA-LU will be expended by existing programmed TE projects and the remaining projects previously selected (Resolution 2002-072-Tier I).

This suspension of application rounds may be lifted if one or more of the following circumstances generate an adequate pool of approximately $3 million or more in available TE funding:

A) ODOT reassigns additional TE funds for use in the NOACA region.
B) A previously selected TE project(s) is cancelled releasing TE funds.
C) A change in federal transportation funding generates additional TE funding.
D) We are within two fiscal years of having projected future allocations in years following SAFETEA-LU exceed $3 million. Selections made under these conditions are contingent upon the actual continuation of the transportation enhancement activity program in future transportation laws.
2008

Regional Transportation Investment Policy

2) If a TE application round is conducted, it will be administered in accordance with the following:

(A) The Regional Transportation Investment Subcommittee will form a task force consistent with NOACA's Code of Regulations to conduct the application round. Project sponsors will be required to complete a Number 3 NOACA Transportation Enhancement Application, which will be available on NOACA's web site.

(B) TE awards to individual projects from the application round will be limited. It is recommended that no one project should receive more than 12% of the available TE balance.

(C) TE 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.

(D) All TE 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:

(i) Transit Coordination
   a) A transit agency sponsored project or project element must be coordinated with the unit of government (e.g. city) in which it is located.
   b) A project or project element on or along a designated transit route must be coordinated with the transit agency responsible for the designated route.

(ii) Inter-Governmental Coordination
   a) A project or project element on an interstate or US route must be coordinated with FHWA, ODOT, the County Engineer for the county in which the project is located, and the unit of government in which it is located.
   b) 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.
   c) A project or project element on a county route or lower route classification must be coordinated with the County Engineer for the county in which the project is located, and the unit of government in which it is located.
   d) 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.

(iii) Other Coordination
   a) A project or project element in a neighborhood with a recognized neighborhood association must be coordinated with the neighborhood association.
   b) 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.
3) Projects on Tier II of NOACA Resolution 2002-072 are unfunded. They can be advanced for funding consideration in one of two ways:

(A) The project sponsor releases TE funding formerly awarded to another of its projects to a Tier II project. Only the amount of formerly awarded funds will be available to the Tier II project. A request for additional funding will not be processed.

(B) The project can be considered for funding in keeping with the provisions of number 4 below.

4) During the suspension on TE application rounds, applications for TE-eligible activities will not be processed unless they can be considered for alternative funding per the following.

(A) Bicycle projects that are on the Board-approved Bicycle Plan as a priority route may be:

(i) Forwarded to the Federal Highway Administration (FHWA) for Congestion Mitigation Air Quality (CMAQ) funding consideration. CMAQ eligibility is determined by FHWA. The project sponsor will be responsible for the required CMAQ eligibility analysis at NOACA's request.

(ii) Reviewed by the Regional Transportation Investment Subcommittee (RTIS) for Surface Transportation Program (STP) funding consideration.

(B) Other TE-eligible projects that are on designated priority systems of other Board-approved Plans may be reviewed by the RTIS for CMAQ or STP funding consideration. CMAQ eligibility is determined by FHWA. The project sponsor will be responsible for the required CMAQ eligibility analysis at NOACA's request.

F. NOACA Application 4: 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 transportation projects that strengthen community livability. The TLCI consists of the following components:

- Planning Grant Program: Provides federal funding to conduct or contract for the planning of transportation improvements that advance the Initiative’s goals. Since 2005, the NOACA Governing Board has allocated approximately $1 million each fiscal year for the planning grant program, awarding individual grants up to $75,000.

- Neighborhood Planning Technical Assistance: Provides free technical assistance to NOACA Urban Core Communities from staff for planning medium- to large-scale transportation improvements that advance the Initiative’s goals.

- Links Technical Assistance Program: Provides technical assistance from NOACA staff for planning small-scale traffic studies that advance the Initiative’s goals.