

## **SECTION X**

### **SALT LAKE AND OGDEN/ LAYTON URBAN AREA**

#### **APPENDIX**

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### **Transportation Improvement Program Policies STP and CMAQ Program Policies**



## **TRANSPORTATION IMPROVEMENT PROGRAM POLICIES**

The Wasatch Front Regional Council (WFRC) as the Metropolitan Planning Organization (MPO) is responsible for developing a Transportation Improvement Program (TIP) for the Salt Lake and Ogden Urbanized Areas. The TIP is a six-year program of federally funded highway and transit projects. Projects scheduled for the first four years of the program will be eligible to receive funding. The policies and procedures discussed below will guide the development of the TIP for the Salt Lake/Ogden Metropolitan Area.

### **TIP Approval**

*Trans Com and the WFRC usually approve a TIP each year. The Executive Director of UDOT as the representative of the Governor will also need to concur with the approval of the TIP. The State Transportation Commission will need to include the TIP as approved by the Regional Council in the Statewide TIP (STIP).*

### **TIP Programs**

All federal-aid highway and transit projects will be included in the TIP. These projects will be programmed as follows:

1. The WFRC, in cooperation with the Utah Department of Transportation (UDOT) and the Utah Transit Authority (UTA), is responsible for developing and approving the Urban Surface Transportation Program (STP), Congestion Mitigation/Air Quality (CMAQ) Program, and Metropolitan Planning (PL) funds allocated to the Salt Lake/Ogden Metropolitan Area.
2. The UDOT, in cooperation with the WFRC, will be responsible for programming all other federal-aid highway funds (including Interstate Maintenance, National Highway System (NHS), Bridge Replacement, Any Area STP, Highway Planning and Research,) Federal Transit Administration (FTA) Section 5310, and other funds.
3. The UTA, in cooperation with the WFRC, will be responsible for programming FTA Section 5307 and Section 5309 federal-aid transit funds.

Local and state funded projects also will be included in the TIP for information purposes. Lists of these projects will be obtained from the local jurisdictions and UDOT.

### **Project Priority**

The priority of each project on the TIP will be reflected by the year programmed. There will be no priorities established for projects within each program year. The WFRC staff, in cooperation with the Technical Advisory Committee and with administrative approval from the MPO and DOT Executive Directors, may make modifications to the schedule of projects within the first four years of the program. Moving a project from the fifth or sixth year of the program to the first four years will constitute an amendment to the TIP.

### **Conformity Analysis**

The WFRC will determine and document the TIP's conformity with the State Implementation Plan which establishes goals for air quality improvements. This analysis will be done according to federal guidelines in 40 CFR, Parts 51 and 93, adopted by the U.S. Department of Transportation and the Environmental Protection Agency. The conformity finding will be referenced in the TIP and documented in an Air Quality Memorandum.

### **Financial Feasibility**

The federal-aid highway and transit programs included in the TIP will be evaluated to ensure that adequate funding will be available to complete the projects, as scheduled. In addition, only local and state funded projects for which there is a reasonable commitment of funds will be included in the TIP. This financial analysis will be documented in the TIP.

### **Public Input**

The WFRC will provide a thirty-day period to receive comments on the proposed TIP from the public and interested organizations. Trans Com and the WFRC staff and Council will review and respond to the comments received before approving the TIP.

The opportunity for public comment will be advertised in the three daily newspapers in the Metropolitan Area. At least one open house will be held during the 30-day comment period for the public to review and provide input on the proposed TIP. In addition, the WFRC will send notices of the opportunity to comment to private transportation providers, transportation employees' unions, associations of community councils, and other interested agencies and organizations. The TIP will also be presented to the Salt Lake, Davis, and Weber County Councils of Governments for their review and comment.

### **Project Selection**

The current federal highway and transit bill SAFETEA-LU (Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users) continues the programs created by ISTEA & TEA-21, but with adjusted funding levels and additional programs. The transportation bill requires that all federal highway and transit projects, except projects on the NHS and projects funded under the Bridge and Interstate Maintenance programs, be selected by the MPO in consultation with the State and/or transit operator from an approved TIP and in accordance with the priorities in the TIP. Projects on the NHS and projects funded under the Bridge and Interstate Maintenance programs are selected by the State in cooperation with the MPO from the approved TIP.

The consultation and cooperation procedures required for project selection will be reviewed in a separate section of the TIP for the Salt Lake – Ogden/ Layton Metropolitan Areas.

### **TIP Amendments**

In an effort to reduce the number of amendments and streamline the process to modify the TIP and the Statewide Transportation Improvement Program (STIP), staff from FHWA, UDOT, MAG, Dixie MPO, Cache MPO, UTA, and WFRC worked together to update the TIP/ STIP modification process.

Three branches of the modification process were established; first the “Staff Modification”, second the “Board Modification”, and third the “Full Amendment”.

Prior to an amendment or modification to the TIP, WFRC staff will consult with UDOT and others as necessary to identify which process is necessary for the particular action.

A “Staff Modification” includes project activities where there is a change in funding source, a need for additional funding less than 25% (but not more than \$250,000) of the programmed amount, a minor change in the project scope, or rescheduling of projects within the first four years of the program. These modifications do not require a conformity determination or a public comment period.

A “Board Modification” includes those actions where adjustments to the TIP/ STIP involve either a minor modification to a regionally significant project from phase 1 of the Regional Transportation Plan (RTP) or addition of a new non-regionally significant project. A “Board Modification” is also required for requests for funding greater than 25% (or over \$250,000) of the programmed amount. These projects do not require a new regional emission analysis, but they require an updated conformity determination memorandum and a public comment opportunity. This public comment opportunity is provided at a regular WFRC policy meeting. These “Board Modifications” require approval from the WFRC or WFRC delegated body and the Transportation Commission.

A “Full Amendment” to the TIP/ STIP is only used for new regionally significant projects or significant changes in concept or scope to existing regionally significant projects in phase 1 of the current RTP. This modification requires an amendment to the RTP, a new regional emission analysis, a conformity determination, and a 30-day public comment period. Following the comment period, the WFRC and the Transportation Commission need to take action to approve the amendment. FHWA and FTA need to concur in the conformity finding.

## **PUBLIC COMMENT AND REVIEW PROCEDURES**

One of the requirements of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the Clean Air Act, as Amended 1990 (CAAA), the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), and now the SAFETEA-LU (Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users) continues to direct that there be an opportunity for public comment and input on the proposed TIP and RTP. In 1994 the WFRC established a policy for public involvement in the planning process. As a result of changes in the WFRC's and UDOT's processes, the WFRC updated the Public Involvement Policy in October 2006. The following describes efforts to be undertaken by the WFRC at least annually, and as needed in the case of amendments, prior to adopting a TIP or RTP.

### **Annual Public Meetings**

The WFRC will hold separate public meetings in the Salt Lake and Ogden areas, as required by joint FHWA/FTA planning regulations. Generally these meetings are held in September or October to receive input on the update and implementation of the RTP and the TIP. The meetings provide a review of the planning process, including assumptions used for growth and development. The meetings will be held in conjunction with UDOT and UTA. Efforts will be made to include diverse groups and persons including (but not limited to) low income and minority populations at these meetings.

The meetings will be advertised in the Salt Lake and Ogden daily newspapers, as display ads or press releases, on posters placed in public libraries and other locations, through handbills, mailers, community newsletters, UTA and UDOT newsletters, and on UTA buses. The meeting dates and locations will also be posted on the WFRC internet home page at [www.wfrc.org](http://www.wfrc.org).

### **Transportation Improvement Program**

The following describes efforts to be undertaken by the WFRC at least annually, and as needed in the case of amendments, prior to adopting a TIP.

- 1) Advertisements will be placed in the Ogden and Salt Lake daily newspapers to notify the public that a draft of the TIP is available for review. The ads will be placed in the "Legal Notices" section of the paper and will run for one day. A 30-day period will be provided for public comments beginning on the date of the advertisement. Generally, this review period will begin in June. A copy of the notice will also be posted on the WFRC internet home page at [www.wfrc.org](http://www.wfrc.org).
- 2) A memorandum describing the TIP, along with tables describing both highway and transit projects will be sent to those parties and individuals known to the WFRC to have some interest in transportation projects and programs in the area. These include groups such as the Transit Union, environmental organizations, neighborhood councils, contractor associations and similar organizations. This list will continue to be modified and expanded as the comment process continues.
- 3) A separate memo will be sent to all private transit providers in the area. Enclosed with the memo will be a table describing transit projects for UTA. They will also have the opportunity to request the table of highway projects.
- 4) Each of the county Councils of Governments or COG (Salt Lake, Davis and Weber Counties), will be given copies of the Draft TIP for review and comment during the review period.
- 5) A public meeting will also be held during the comment period to obtain input on the TIP. The meeting will have an open house format and will be advertised as a display ad in the Ogden and Salt Lake daily newspapers and will be announced in the letters sent to interest groups mentioned in items 2 and 3 above. An opportunity for the public to ask questions as well as provide written or oral comments will be provided at the meeting. Arrangements will be made to accommodate persons with special needs.
- 6) A draft copy of the TIP and the analysis showing that the TIP conforms to the SIP (state air quality improvement plan) will be available at WFRC offices for interested parties.

- 7) Comments may also be made by letter, telephone, email, fax or in person at either the Trans Com meeting when the TIP is recommended for approval and/or the Regional Council meeting when the approval action is taken, as these meetings are open to the public. A file will be kept of all comments received. If comments are made by letter or telephone, WFRC staff will present those comments at the meetings.
- 8) Trans Com will review all comments received following the comment period and make a recommendation for any changes, normally at its August meeting. If the changes are significant, an additional 30-day comment period will be provided, and a new advertisement will be published notifying the public that changes have been made to the TIP. Only changes requiring a new conformity analysis will be re-advertised.
- 9) Final approval of the TIP will normally be made at the August meetings for Trans Com and the Wasatch Front Regional Council.
- 10) After WFRC approval of the TIP, comments may still be given, but will not necessarily be put in the "Public Comments" file or recorded in the minutes of any WFRC meeting.

WFRC will respond to each comment and compile, report, and forward all comments to the interested parties, including the FHWA, the FTA and the UDOT.

### **Regional Transportation Plan**

Public input and comment will be solicited throughout the Regional Transportation Plan (RTP) development process. However, specific efforts will be made at the beginning of the process to identify issues of importance to the public, and at the end of the process to obtain comments on the recommended Plan. The following efforts will be made:

- 1) A letter will be sent to various interest groups notifying them that the RTP is to be updated and asking for their input on what issues should be considered and what transportation needs should be addressed. These groups would include community councils, environmental organizations, chambers of commerce, trucking associations, private transit providers, railroads, airports, and others.
- 2) An ad will be placed in local Salt Lake and Ogden newspapers for each respective area announcing that the RTP is to be updated and requesting input from the public. A press release will also be prepared discussing the update to the RTP and requesting input. This information will be posted to the WFRC internet home page at [www.wfrc.org](http://www.wfrc.org).
- 3) When a recommendation for updating the Plan has been drafted, a similar process to that described in steps 1 and 2 above will be followed to obtain additional input and comments. A 30-day period will be provided for comments. In addition, a public meeting will be held to explain the recommendations and hear further comments. The meeting will be combined, if possible, with the yearly Transportation Fair held in conjunction with UDOT and UTA.
- 4) All comments received and the corresponding responses will be kept on file along with a summary of the public meeting comments. This information will be provided to Trans Com and the WFRC before they approve the updated RTP.

### **Other**

- 1) The WFRC maintains an internet homepage that includes information about the WFRC, the transportation planning process, the RTP, the TIP, and various other studies. This site is updated regularly and will also include information concerning upcoming public meetings and copies of legal notices placed in the Salt Lake and Ogden daily newspapers prior to public review periods.

- 2) All WFRC meetings are open to the public and are held at locations that are accessible. The meeting dates and locations are included on the WFRC Internet Site.
- 3) WFRC staff will meet with local officials, small groups, community councils and the public concerning specific projects and studies.
- 4) Information concerning the WFRC, the transportation planning process, and copies of the RTP and the TIP will be available on the WFRC web page at [www.wfrc.org](http://www.wfrc.org) or upon request.

### **SURFACE TRANSPORTATION PROGRAM (STP) AND CONGESTION MITIGATION/AIR QUALITY (CMAQ) PROGRAM POLICIES**

The Wasatch Front Regional Council (WFRC) is responsible for programming the Surface Transportation Program (STP) and Congestion Mitigation/Air Quality (CMAQ) program funds allocated to the Salt Lake and Ogden/ Layton urbanized areas. The policies below describe the types of projects eligible to receive these funds, outline the program and project approval process, and define eligible costs.

#### **A. Eligible Projects**

1. In consultation with UDOT and UTA, WFRC is responsible for programming the urban STP and CMAQ funds in the Salt Lake and Ogden/ Layton Urbanized Areas. Eligible projects for each are discussed below.

#### **Surface Transportation Programs (STP)**

The Surface Transportation Program funds for the Wasatch Front Region may be used for constructing new streets or for widening, improving, or reconstructing existing streets classified as arterials or collectors. In addition, STP funds can be used for bridge replacement projects on any street in the area, including local streets. STP funds may also be used for projects which will reduce traffic demand, such as transit capital improvements, ridesharing promotion, and other projects as provided for in federal legislation. Areas where the funds may not be used would include projects such as roadway maintenance, capacity improvements not on the first phase of the Regional Transportation Plan (RTP), or project costs prior to an approved environmental document unless approved by the Regional Council, etc.

On September 26, 2002, the Regional Council approved a policy that reconstruction projects be eligible for STP funding and make up approximately 25 percent of the overall program. The remaining 75 percent should go towards other project types including capacity-increasing projects. The Regional Council recognized that reconstruction projects provide critical improvements to allow major streets, which already carry large volumes of traffic, to function more efficiently and safely as transportation corridors.

Reconstruction projects are defined as the removal and replacement of the entire pavement section with a new design. They can improve roadway geometries, improve safety, improve drainage by installing or replacing curb and gutter, improve pedestrian safety and ADA compliance through sidewalk improvements, and provide uniform roadway cross sections. Reconstruction projects can require a limited amount of right-of-way acquisition but do not provide additional lanes for through traffic. Reconstruction projects replace the entire pavement section, whereas overlays, rotomills, slurry seals retain the existing pavement surface and are considered pavement maintenance projects. Resurfacing, restoration, or rehabilitation work, which extends the service life of an existing roadway, remains the responsibility of the jurisdiction with ownership of the roadway.

Capacity projects construct a new facility or create additional through lanes to existing facilities. They often require the acquisition of a substantial amount right-of-way.

#### **Congestion Mitigation/ Air Quality (CMAQ) Programs**

The CMAQ funds must be used for projects which contribute to the attainment of air quality standards in the region. Eligible projects include transportation activities identified in the State Air Quality Implementation Plan (SIP); the construction of public transportation facilities and the purchase of transit equipment; the construction of bicycle or pedestrian facilities serving transportation needs; the promotion of alternative modes, including ridesharing; and other traffic control measures, such as traffic signal coordination, intersection improvements, freeway ramp metering, and incident management. Areas where these funds may not be used would include signal installation (only) projects, capacity projects (additional thru lanes of traffic), studies, and project costs prior to an approved environmental document unless approved by the Regional Council, etc.

The passage of ISTEA and TEA-21 encouraged alternative modes of transportation, including bicycle and pedestrian facilities. The Regional Council has historically committed at least five percent of the CMAQ program for bicycle and pedestrian facilities. Projects serving as regional routes, such as a commuter trail between traffic generators, should have the highest priority.

**B. Program Approval**

1. The STP and CMAQ Programs will consist of a six-year program of projects. Projects scheduled for the first four years of the Programs will be eligible to receive funding. Projects for both these Programs will be selected from the Salt Lake and Ogden/ Layton Area Regional Transportation Plan (RTP) and the Management Systems required by TEA-21. The Salt Lake Area and the Ogden/Layton Area Transportation Technical Advisory Committees will be responsible for recommending the projects to be included in the Programs and also the phasing of these projects. These recommendations will be based on an evaluation by the Technical Advisory Committees of the need and priority of the projects. These recommendations will be reviewed by each county Council of Government (COG) and the recommendations will be forwarded for review to the Transportation Coordinating Committee (Trans Com), which will then make a recommendation to the Wasatch Front Regional Council. The Regional Council will then give final approval to the six-year Programs.
2. The Programs will be reviewed annually so that the Regional Council can approve Programs for the next six years. The Programs may be amended as necessary to reflect changing priorities as recommended by the Technical Advisory Committees, COGs, Trans Com, and the Regional Council.
3. Projects included in the Programs will have completed a Project Evaluation Concept Report for review by the Salt Lake or Ogden/Layton Area Transportation Technical Advisory Committee, COGs, and Trans Com. The Technical Advisory Committees may require that this report be updated during the annual Program review.
4. Projects for which sponsors request additional federal funding for projects on the TIP must have their projects re-evaluated by the Technical Committees. This re-evaluation will consider the priority of the project in relation to the other projects on the Program and with new projects requesting to be added to the Program.
5. Project sponsors requesting significant changes to the original project scope (regardless of cost) will be required to re-submit a Project Concept Report. These projects will be re-evaluated for priority in the Program and with new projects requesting to be added to the Program.
6. Funding for projects not used by the end of the fiscal year for which it was scheduled will be carried forward to the next fiscal year, unless otherwise changed by Trans Com and the Regional Council.

**C. Eligible Costs**

1. STP and CMAQ funds can be used to pay construction costs and right-of-way costs, including the relocation of public utilities, for all projects on the two programs. STP and CMAQ funds, however, are no longer eligible to pay the cost to move private utilities for projects on locally-owned streets. For projects on state highways, STP and CMAQ funds can pay UDOT's 50% share of the cost to relocate private



utilities, as required by state law. When a utility company owns an easement, the project sponsor is required to pay 100% of the relocation costs. STP and CMAQ funds are eligible to pay for these costs.

2. STP and CMAQ funds can also be used to pay for the preparation of the design study report (DSR) for projects which have received an approved environmental document. This restriction is a change from the previous policy, which would not allow federal funding to be eligible until a project had an approved DSR. The restriction ensures the commitment of a sponsor and assists in spreading federal funds as far as possible.
3. STP and CMAQ funds may only be used for the preparation of the environmental documents for major, high priority projects with the approval of Trans Com and the Regional Council.
4. The Utah Department of Transportation and the Federal Highway Administration must authorize the use of STP and CMAQ funds for preliminary engineering, right-of-way acquisition, and construction before each work phase begins.

**D. Project Approval Process**

1. In order to receive STP or CMAQ funds, a project must be on the first four years of the Regional Transportation Plan (RTP). In addition, the following requirements also apply:
  - a. If the project or phase of project will require additional federal funding greater than the programmed funding for the project or phase, the Technical Committee will need to review the project. This review will re-evaluate the project's priority in the Program and consider the impact on other projects of approving the increase in funding. Based on the Technical Committee's review, Trans Com and the Regional Council can either (1) approve the requested increase in funding and allow the project to proceed on schedule, (2) approve the requested increase in funding but delay the project to reduce the impact on the overall program, or (3) not approve the requested increase but allow the project to proceed at the original programmed amount.
  - b. If a project's original scope is to be significantly reduced, the Technical Committee will also need to review the new scope and make a recommendation to Trans Com and the Regional Council. They will then need to decide whether the reduced project is still worth pursuing and give approval to the reduced project scope before the project can proceed.
  - c. If the project is not on the first year of the Program, Trans Com and the Regional Council will need to approve the change in priority for the project. However, during the last month of a fiscal year, UDOT and the WFRC staff may determine at their discretion to move a project forward from the next fiscal year if it is prudent to take advantage of federal funding opportunities.
2. The cost of projects may increase at several stages of project development. For example, project bids may on occasion exceed the estimated cost of the project. In addition, changes or additions to projects during construction can result in increased costs. Finally, projects are also subject to overruns when the final voucher closing out the project is prepared. If at any time the cost of a project or a phase of a project exceeds the original approved amount, Trans Com (as a designee for the Regional Council) or the Regional Council will need to approve the expenditure of additional STP or CMAQ funds to pay for the overruns. Project sponsors will be asked to report quarterly to the Technical Committees on the progress of their projects and of any potential cost overruns.
3. STP or CMAQ funds for preliminary engineering can be obligated for projects on the first four years of the program without additional approval of Trans Com, the Regional Council, or the Utah State Transportation Commission. These expenditures must be reasonable and appropriate.



**SALT LAKE AND OGDEN/ LAYTON  
URBAN AREA**

**APPROVAL RESOLUTION,**

**PUBLIC COMMENTS**

**& RESPONSES**

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- **CONFORMITY ANALYSIS AND APPROVAL**
  - **RESOLUTION FOR TIP APPROVAL**
  - **PUBLIC COMMENT AND RESPONSES**



**SALT LAKE AND OGDEN/ LAYTON  
URBAN AREA**

**AMENDMENTS/ MODIFICATIONS**

**RESOLUTIONS, PUBLIC COMMENTS**

**& RESPONSES**

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- **AMENDMENTS/ MODIFICATIONS AND RESPECTIVE RESOLUTIONS**
- **PUBLIC COMMENT AND RESPONSES**

