

SURFACE TRANSPORTATION PROGRAM (STP) PROCEDURES FOR THE OKLAHOMA CITY URBANIZED AREA FUNDS

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Background

The Surface Transportation Program (STP) was established as Section 133 of Chapter 1 of Title 23, United States Code (USC), with the enactment of the Intermodal Surface Transportation Efficiency Act (ISTEA) on December 18, 1991. The Transportation Equity Act for the 21st Century (TEA-21) replaced ISTEA on June 9, 1998, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) replaced TEA-21 on August 10, 2005. SAFETEA-LU retained and expanded the Surface Transportation Program funding category as part of the six-year law covering federal fiscal years (FFY) 2004 through 2009.

General

These procedures apply to the suballocation of Surface Transportation Program (STP) funds attributed to the Oklahoma City Urbanized Area, hereinafter referred to as STP-UZA funds. The U.S. Census Bureau, using 2000 census data, defined two urbanized areas within the Oklahoma City Area Regional Transportation Study (OCARTS) area: the Oklahoma City Urbanized Area and the Norman Urbanized Area. Sec. 6016 of SAFETEA-LU reads, "For the purpose of any applicable program under Title 23, United States Code, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City urbanized area."

STP-UZA funds will be made available on an annual basis by the Federal Highway Administration (FHWA), through the Oklahoma Department of Transportation (ODOT), for the implementation of eligible transportation projects within the Oklahoma City Area Regional Transportation Study (OCARTS) area.

Eligible Projects

STP-UZA funds may be used only for the following categories of projects, as established and described in greater detail in Section 133(b) of Title 23 USC:

- 1) Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways appropriately classified and bridges on any public road, including work to accommodate other transportation modes.
- 2) Capital costs for transit projects eligible for assistance under the Federal Transit Act, including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus.
- 3) Carpool projects, fringe and corridor parking facilities and programs, bicycle transportation and pedestrian walkways in accordance with Section 217, and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990.

- 4) Highway and transit safety infrastructure improvements and programs, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway¹ grade crossings.
- 5) Highway and transit research and development and technology transfer programs.
- 6) Capital and operating costs for traffic monitoring, management, and control facilities and programs.
- 7) Surface transportation planning programs.
- 8) Transportation enhancement activities.
- 9) Transportation control measures listed in Section 108 (f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 USC 7408(f)(1)(A)).
- 10) Development and establishment of management systems under Section 303.
- 11) Natural habitat and wetlands mitigation efforts.
- 12) Infrastructure-based intelligent transportation systems capital improvements.
- 13) Environmental restoration and pollution abatement projects (including the retrofit or construction of storm water treatment systems) to address water pollution or environmental degradation caused or contributed to by transportation facilities. Projects shall be carried out during reconstruction, rehabilitation, resurfacing or restoration of the transportation facility and shall not exceed 20 percent of the total cost.
- 14) Advanced truck stop electrification systems.
- 15) Projects relating to intersections that: have disproportionately high accident rates; have high congestion; and are located on a Federal-aid highway.
- 16) Environmental restoration and pollution abatement on a 4R project. The expenditures for this activity may not exceed 20 percent of the total cost of the project.
- 17) Control of terrestrial and aquatic noxious weeds and establishment of native species.

Location of STP-UZA Projects

STP-UZA funds that are suballocated to the Oklahoma City Urbanized Area based on the most recent census may be spent by MPO member local governments within the Oklahoma City Area Regional Transportation Study (OCARTS) area, but may not be used on roads functionally classified as local or rural minor collectors. Additionally, STP-UZA funds will not be spent on roads that are part of the state

¹ The term "highway" includes roads, streets and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures in connection with highways, according to Chapter 1, Sec. 101, Title 23, USC.

highway system (interstates, turnpikes, U.S. highways and state highways. The Central Oklahoma Transportation and Parking Authority (COTPA) and Cleveland Area Rapid Transit (CART), the region's federally-designated transit grantees, are also eligible to spend STP-UZA funds within the OCARTS area. Expenditure of STP-UZA funds is subject to these procedures and applicable state and federal regulations.

Funding Ratios

Eligible STP-UZA projects will be funded at a ratio of 80 percent federal funds and 20 percent local funds for eligible project costs, except for certain safety projects that may be funded at 100 percent of the cost of construction. Such safety projects are described in Section 120(c) of Title 23 USC, and include traffic control signalization, pavement marking, commuter carpooling and vanpooling, or installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier end treatments, breakaway utility poles, or priority control systems for emergency vehicles or transit vehicles at signalized intersections. In addition, independent walkway projects, independent bicycle projects and nonconstruction bicycle projects, as defined and described in 23 CFR Part 652, may be funded with 100 percent federal funds, up to \$200,000 per project. All expenses for construction projects associated with the development of engineering plans, right-of-way acquisition and utility relocation will be the responsibility of the local government(s) initiating such projects.

Utilization of Funds

The amount of STP-UZA funds available to the Oklahoma City Urbanized Area will be provided by the Federal Highway Administration to the Oklahoma Department of Transportation at the beginning of each federal fiscal year. The entities listed in these procedures shall be eligible to utilize STP-UZA funds. The federal share of all projects within the geographical boundary of a single entity shall not exceed 56 (fifty-six) percent of the total annual funds made available to the Oklahoma City Urbanized Area until all entities' projects have been considered to determine if the STP-UZA funds can be fully obligated. The 56% limit applies to the federal share of projects from all project categories (i.e. roadway, bridge, safety, bicycle, pedestrian, etc.) and from all project sponsors (i.e. city and county sponsors of projects located within a single entity). Large, capital-intensive projects should be considered for construction in phases to avoid a depletion of total funds by a single entity or project. The initial threshold of 56 (fifty-six) percent described above may be exceeded if there are not sufficient projects ready for obligation by other entities.

The obligation of STP-UZA funds by the Federal Highway Administration is based on the ability of eligible entities to provide local match and is contingent upon compliance with federal requirements (i.e. for construction projects, environmental clearance, right-of-way acquisition and utility relocations shall be in order, based on approved construction plans).

In the event the demand for STP-UZA funds to be spent within the OCARTS Area in any single year exceeds the funds anticipated to be available from the Federal Highway Administration, the *Criteria and Process for Evaluation of Surface Transportation Program Urbanized Area (STP-UZA) Projects*, as approved and amended by the ITPC, will be used to evaluate and prioritize the STP-UZA projects. Based on this evaluation, a prioritized list of projects recommended for funding will be forwarded to the ITPC

for final approval. All such projects will then be eligible for inclusion in the Transportation Improvement Program for the OCARTS area and the Statewide Transportation Improvement Program (STIP).

Limitations on Funds

Eligible local governments must select projects for which local match funds and other local costs associated with the project have been identified, and environmental clearance, right-of-way acquisition, and utility relocation (as applicable to construction projects) have been, or will be, accomplished within the federal fiscal year that the project is identified in the TIP and STIP for obligation of the STP-UZA funds.

Shortage of Funds

In the event two or more projects become ready for letting during the same month, and their total estimated federal share exceeds the estimated STP-UZA funds remaining for the current federal fiscal year, the highest scoring, fundable project(s) will be included on the let list. The scores used in the TIP preparation process, prepared according to the *Criteria and Process for Evaluation of STP-UZA Projects*, will govern. Any such project(s) that was unable to be let due to lack of estimated STP-UZA funds will be given priority for inclusion on the next letting, assuming adequate funding is anticipated. Any project must be included in the TIP and STIP to remain eligible for federal-aid funding.

For each new TIP, 90 percent of the estimated federal STP-UZA funds will be utilized for preparation of each year of the financially constrained TIP. This will leave a 10 percent reserve to cover unanticipated high bids and cost overruns, or to cushion the impact if actual federal STP-UZA funds are less than the estimate used to develop the TIP.

Requirements for Requesting STP-UZA Funds

Each eligible local government is responsible for the selection of projects for which they desire to use STP-UZA funds. The requirements for requesting STP-UZA funds are as follows:

- 1) The proposed project must be included in, or be consistent with, the Regional Transportation Plan adopted by the Intermodal Transportation Policy Committee (ITPC).
- 2) The proposed project location must be included on the Federal Functional Classification Plan for the Oklahoma City Urban² Area, as approved by the Federal Highway Administration.
- 3) The local government must provide the Metropolitan Planning Organization (MPO) with an STP-UZA Programming Resolution, adopted by its governing body at a public hearing, which describes the location of the project, type of improvement, total project cost, source(s) of funds, and estimated start date (a sample format is attached). The MPO will forward the resolution, with cost estimate (described below), to the Oklahoma Department of Transportation (ODOT) for programming by the State.

² The Oklahoma City Adjusted Urban Area Boundary (UAB) was approved by the FHWA on Nov. 7, 2002. The UAB is slightly larger than the census urbanized area boundaries and represents a "smoothing" of the census boundaries to ensure continuity of the functional classification system, which is separated into urban and rural.

- 4) The requesting entity must provide the MPO with a preliminary cost estimate for each STP-UZA project, prepared by an appropriate professional for the type of project proposed. Preliminary cost estimates for construction projects must be prepared by a registered professional engineer licensed in the State of Oklahoma, and shall include information on materials, quantities, unit prices, etc. Cost estimates must be current within 6 months of the date of the programming resolution, and updated as needed to be current within 6 months of the date of submission for the Transportation Improvement Program (TIP).
- 5) Prior to the obligation of federal STP-UZA funds, the proposed project must be included in the adopted Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP).

Prior to the Oklahoma Department of Transportation advertising an STP-UZA project for bid letting, the project sponsor must provide the required local matching funds to the Department.

Entities Responsible for Tracking Project Status

It is the responsibility of the entities to remain informed of the status of all STP-UZA projects within their jurisdiction, and to contact their project engineer, ODOT, and the MPO as needed to ensure that plan submittals, plan reviews, and environmental or other clearances are occurring in a timely fashion. In addition, the MPO, in conjunction with ODOT, will provide the Technical and Policy Committees with a monthly report on the status of each programmed STP-UZA project.

Analysis of STP-UZA Fund Expenditures

Each May, the MPO will provide the ITTC and ITPC with a summary of each entity's STP-UZA projects that identifies projects for which STP-UZA funds have been obligated and projects considered likely for the obligation of STP-UZA funds prior to the end of the federal fiscal year.

Joint Projects and Additional Funding Sources

It shall be the responsibility of the entities to notify the MPO of any joint projects involving more than one entity and any additional sources of funds that will be used for each STP-UZA project, other than STP-UZA funds and local match funds.