

FTA/FHWA Preliminary Guidance on Annual Listing of Obligated Projects

Statutory Basis:

As revised by the SAFETEA-LU, 23 U.S.C. 134(j)(7)(B), 23 U.S.C. 135(g)(4)(B), 49 U.S.C. 5303(j)(7)(B), and 49 U.S.C. 5304(g)(4)(B) require "...an Annual Listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization for public review. The listing shall be consistent with the funding categories identified in each metropolitan transportation improvement program (TIP)."

This provision is intended to increase the transparency of government spending on transportation projects and strategies in metropolitan areas to State and local officials, and to the public at large. Realizing this objective involves promoting accuracy and responsiveness in financial planning and adoption of a proactive approach to sharing information with the public in a meaningful way, at an appropriate time, and in a user-friendly format.

Over the coming year, FTA and FHWA intend to jointly update the statewide and metropolitan transportation planning regulations (23 CFR part 450 and 49 CFR part 613) to implement the planning provisions of SAFETEA-LU, including the development and publication of the Annual Listing of Obligated Projects. The outcome of the regulatory process may result in later changes to this joint program guidance.

Discussion of Key Terms and Concepts in Statutory Language:

Following are brief descriptions of statutory provisions that provide the basis for the key procedural elements and product qualities presented in this guidance.

Cooperative Process - SAFETEA-LU, like its predecessor legislation TEA-21, requires the metropolitan planning organization (MPO), State, and public transportation operator(s) to cooperate in preparing a list of projects for which Federal funds were obligated for spending during the immediately preceding year. This cooperation is essential because of the different responsibilities held by the organizations in planning, programming, and project implementation. The MPO presents information on the projected schedule and funding for projects contained in the transportation improvement program (TIP) based only upon what is received from implementing organizations. Similarly, up to date information on implementation of projects in the TIP is available only from those implementing organizations. Thus, the annual report of projects for which an obligation of funds took place must be a cooperative effort.

Metropolitan Area Focus - Although the Annual Listing of obligated projects provision appears in both metropolitan and statewide planning sections of the law, the applicability is limited to metropolitan areas. Statutory reference is made in conjunction with statewide TIPs, but only to the extent that those documents contain project information from metropolitan area TIPs. These two references in law are redundant and are not meant to require two separate project listings.

Content and Format of Project Listing – The project listings should align with categories included in the TIP. This includes project name, location, and other descriptive information included in the TIP. The listing also should include the amount of funds programmed in the TIP, the amount obligated in the program year, and the amount of funds remaining and available for use in subsequent years.

One approach to producing the listing in a user-friendly format is through the use of the public domain software package TELUS (Transportation, Economic, and Land Use System). TELUS is available as both a desktop and a web-based information-management and decision-support system designed for MPOs and state departments of transportation (DOTs) to manage TIPs and to carry out other transportation planning and programming requirements. TELUS also can be used to integrate and map a variety of MPO and state DOT data for analysis and report generation, including preparation of the Annual List of obligated projects. TELUS is available free of charge at <http://www.telus-national.org>.

Pedestrian and Bicycle Facilities – The Annual Listing must include obligations for projects in the TIP that were specifically identified as bicycle or pedestrian projects. For projects in the TIP that include bicycle and/or pedestrian facilities as an incidental part of a larger project, a reasonable effort should be made to identify the cost and general location of these facilities in the Annual Listing.

Timing of Publication - The Annual Listing should be completed and published within three months after the end of the program year. The list should also include visual components, such as maps and charts, to ensure that the information is understandable to a broad readership with varying levels of familiarity with transportation planning and programming concepts.

Program Year – The year for which project obligations are reported would be each MPO's previous program year. The program year can be a calendar year, the Federal fiscal year, the local fiscal year, or any other annual increment that MPOs and States choose for the TIP.

Obligated – Within this context, an obligation is the Federal government's legal commitment to pay the Federal share of a project's cost. An obligated project is one that has been authorized by the Federal agency and funds have been obligated. Projects for which funds have been obligated are not necessarily initiated or completed in the program year, and the amount of the obligation will not necessarily equal the total cost of the project. For FTA projects, obligation occurs when the FTA grant is awarded. For FHWA projects, obligation occurs when a project agreement is executed and the State/grantee requests that the funds be obligated.

Examples in Current Practice:

Below are selected examples of a range of approaches taken by MPOs in preparing and publicizing the Annual Listing of projects:

- o Denver Regional Council of Governments (DRCOG), Denver, CO.

DRCOG organizes its Annual Listing of obligated projects according to Federal funding category with the program year corresponding to the Federal fiscal year. Pedestrian and bicycle projects are included in the funding categories along with the other projects. The report provides a narrative summary of the percentage of obligations according to highway, transit, bicycle and pedestrian, and

other air quality project categories, as well as a tabular project listing. The report also provides a useful overview of the transportation planning and programming process underlying development of the TIP and resulting fund obligation. A link to the TIP follows.

<http://www.drcog.org/documents/FY2004ObligatedProjectList.pdf>

- o Poughkeepsie-Dutchess County Transportation Council (PDCTC), Poughkeepsie, NY.

PDCTC organizes its Annual Listing of obligated projects according to Federal funding agency (FTA or FHWA) with the program year corresponding to the Federal fiscal year. The listing includes the project sponsor and phase of the project being funded and includes reference to bicycle and pedestrian facilities.

<http://www.co.dutchess.ny.us/CountyGov/Departments/Planning/2004ProjectObligations.pdf>

- o Sacramento Council of Governments (SACOG), Sacramento, CA.

SACOG organizes its Annual Listing of obligated projects according to geographic location with the program year corresponding to the Federal fiscal year. The listing includes the project sponsor, project phase, Federal funding category and Federal project number. Pedestrian and bicycle projects are listed according to geographic location along with the other projects. The report summarizes obligations according to roadway, transit, bicycle and pedestrian, and other project categories.

<http://www.sacog.org/publications/annuallisting2002.pdf> .

- o Northwestern Indiana Regional Planning Commission (NIRPC), Portage IN.

NIRPC organizes its Annual Listing of obligated projects according to highway or transit categories and further divides the highway projects according to county in which the project is located. The list of highway projects includes category of road (Federal, State or local), location and project description. The list of transit projects includes FTA ID, project name, project description, FTA funding category and location. The list includes maps and photographs to improve public awareness.

<http://www.nirpc.org/pdf/Whatever%20Happened.pdf>

Frequently Asked Questions:

Q. Which projects and strategies should be included in the Annual Listing?

A. The Annual Listing must include all projects and strategies listed in the transportation improvement program (TIP) for which Federal funds were obligated during the immediately preceding program year. SAFETEA-LU gave special emphasis to listing two project types - investments in pedestrian walkways and bicycle transportation facilities, to ensure they are not overlooked.

Q. How should the list be organized?

A. The list should follow the organization used to list projects in the TIP. Projects can be listed by funding source, phase of project, date of completion, geographic location, or other categories useful to project implementers, decision-makers, and the public. Where possible, graphic presentation of results through maps and charts, as well as descriptive information on the underlying planning and decision-making process, would improve usefulness to the public.

Q. How should the Annual Listing be made publicly available?

A. MPOs and State DOTs are encouraged to make the Annual Listing accessible to the public by a posting to website(s) on the internet. (See the examples above from MPO websites.) MPOs may also make the Annual Listing available via printed reports, publication in news media, newsletters, and other means.

Q. What is the source of the obligation information for projects from the TIP?

A. For projects funded under Title 23 (federal-aid highway program), the State should provide information on obligated funds. For projects funded under Chapter 53 of Title 49 (federal transit program), recipients of funding should provide the information. In addition, MPOs may access information on Federal-aid highway program fund status through the FHWA's Financial Management Information System (FMIS), but must first contact FHWA headquarters to receive approval to access FMIS.

Q. Is there a deadline for compilation and publication of the Annual Listing?

A. A deadline for preparing the Annual Listing is not specified in the statute. However, we expect the Annual Listings to be published within three months of the end of the MPO program year. Program implementers should be able to gather their obligation data shortly after the close of the program year and provide the information to the MPO in a timely fashion so that the Annual Listing can be made available for public consumption no later than three months after the close of the program year.

Q. What if a project is funded over several years? How should it be handled in the Annual Listing?

A. Although an entire project may be on a TIP, the obligation for a particular year may be for only a portion of that project (e.g., acquisition of right of way, or construction of only a portion of the project). In these cases, only the amount of the obligation for that particular year should appear on the Annual Listing. To aid public understanding, the Annual Listing for multi-year projects should also include the full project amount requested and the amount of funds remaining for use in subsequent years. To clarify the information, including a link to the TIP(s) from which the projects are drawn is helpful. For an example, see the Denver Regional Council of Government's Annual Listing of obligated projects referenced above.

Q. How is the requirement for an Annual Listing related to the Public Involvement requirement?

A. The Annual Listing is an important mechanism that will enhance public involvement by providing information on previously programmed projects that are advancing to implementation. Knowing the

outcome of previous project selections should enhance the public's ability to participate in the current year's planning process.

Q. If pedestrian walkways and bicycle transportation facilities are part of a larger transportation project, must they be listed separately?

A. The Annual Listing should follow the organization of the TIP. If projects such as pedestrian walkways and bicycle transportation facilities are grouped together, the same organization should be followed in the listing. Where pedestrian walkways and bicycle transportation facilities are specifically identified in the description of larger projects in the TIP, that same description should be used in the Annual List. A reasonable effort should be made to summarize the location and implementation status of these "embedded" pedestrian and bicycle projects. In some instances, it may not be possible to separate the cost of a pedestrian or bicycle project from a larger project. In this case, it would be helpful to note that the project includes a pedestrian or bicycle component.