



MEMORANDUM

To: TIP Programmers

CC: IDOT District 1 and 3 BLRS

From: CMAP Staff

Date: January 7, 2021

Re: Guidance and FAQs for locally sponsored projects considering being entered into CMAP's Transportation Improvement Program (TIP).

To address discussions that have been taking place between IDOT and local project sponsors CMAP has put together guidance that can be referenced when considering when a project should be entered into the TIP and the associated funding requirements for a project in the TIP. This guidance is specific to locally sponsored projects that are not regionally significant and is intended to address the relationship between the TIP and the NEPA process.

CMAP's TIP must adhere to several planning requirements. One of the requirements is directly attributable to the status of air quality in the region, specifically ozone. The entire CMAP region is classified as a nonattainment area for Ozone. This classification impacts both the TIP and projects included in the TIP. The associated requirements (which are detailed below) impact fiscal constraint and transportation conformity, which in turn impact when and how a project can be entered into the CMAP's TIP.

Specifically, "...a project or a phase of a project shall be included in the TIP only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project." In nonattainment and maintenance areas, projects included in the first 2 years of the TIP shall be limited to those for which funds are available or committed.

[Title 23 USC 450.326 \(k\)](#)

Below are some frequently asked questions regarding entering projects into CMAP's TIP and the relationship to the federal requirements and processes regarding NEPA, fiscal constraint, and transportation conformity.

NEPA Requirements:

Q. Why does a project need to be in the TIP as it relates to the NEPA process?

A. All projects in the CMAP region requiring Federal action or that are to be implemented with FHWA or FTA funds must be included in the fiscally constrained TIP. An action in a planning context is a step taken to advance projects to implementation whether or not the projects will be receiving Federal funds.

[Supplement to January 28, 2008 "Transportation Planning Requirements and Their Relationship to NEPA Process Completion February 9, 2011 \(Question 6\)](#)

Q. What part of a project must/should be programmed in CMAP's TIP so that a NEPA decision can be approved?

A. At least one subsequent project phase beyond Phase 1 (preliminary engineering), (e.g., final design, right-of-way (ROW) acquisition, or construction) must be included in the TIP before FHWA or FTA can sign a Record of Decision (ROD), issue a Finding of No Significant Impact (FONSI), or approve the Categorical Exclusion (CE).

[Supplement to January 28, 2008 "Transportation Planning Requirements and Their Relationship to NEPA Process Completion" February 9, 2011 \(Question 16\)](#)

Q. Can the NEPA process start and a draft document be prepared without the project being in CMAP's TIP?

A. Yes, but NEPA approval will not be given by FHWA or FTA until at least one subsequent phase beyond Phase I of the project is in CMAP's TIP.

Q. Only local funds are being used for Phase I, does that need to be programmed in the TIP?

A. Once a project is entered into the TIP these funds should be programmed so that the total cost of the project is represented, however, if only local funds are being used during Phase I the project does not need to be in the TIP until NEPA approval is needed.

Q. Is being in the TIP a requirement to receive approval for a Categorical Exclusion (CE).

A. Yes. Approval of a CE is an action by FHWA. As shown in section 17-2.01 of IDOT's Bureau of Local Roads and Streets Manual (BLRS Manual) verification that the project is included in the applicable Transportation Improvement Program (TIP)/State Transportation Improvement Program (STIP) is part of the CE process.

Q. Is being in the TIP a requirement for a project that is not seeking federal action or approval and is only being funded with non-federal funds?

A. Unless the project is regionally significant it is not required to be in the TIP, but sponsors are encouraged to enter projects that are 100% locally funded into the TIP if they may impact regional/state performance measures or that may be seeking federal funds in the future.

Q. Is the Planning and Environmental Linkages (PEL) process required to be in the TIP.

A. No, (unless FHWA funds such as STBG are being used for the PEL process), but consultation with CMAP staff as part of the process is highly recommended.

Fiscal Constraint:

Q. Why is fiscal constraint relevant and how is fiscal constraint demonstrated at the project level in the TIP?

A. Fiscal constraint is demonstrated in the TIP by only including projects that the region has the funding to implement. Fiscal constraint allows the planning process to advance only those projects that a State, MPO, or local agency can afford to implement and are environmentally and/or financially feasible. [FHWA Fiscal Constraint Guidance](#)

Q. What are available or committed funds?

A. For the purpose of being added to the CMAP TIP, available or committed funds can be federal, state, or local funds.

Federal funds are considered committed for locally-sponsored projects when a funding award letter demonstrating that the funds are available both by phase and program year has been issued. The award letter must be attached to the projects when they are being entered into the TIP.

State funds are considered committed for locally-sponsored projects when IDOT has provided a letter of intent, email, or other award notice indicating that state funds are available for the phase, year, and amount to be programmed in the TIP.

Local funds being used to fully fund phases beyond Phase I preliminary engineering are considered available or committed when the sponsor can demonstrate the commitment. This can be accomplished in several ways including but not limited to a resolution from the local agency affirming their commitment to using local funds for the specific amount, phase, and federal fiscal year, a letter to CMAP or the council (STP-L funded project phases only) from the sponsor indicating the commitment to the phase, the amount of local funds and the year the funds are to be used, or inclusion in the project sponsors capital improvement program (by phase, amount, and year).

Private funds are considered committed for locally sponsored projects when the sponsor can provide a letter or agreement from the private entity committing the funds.

If funds are not considered by CMAP to be available or committed they are considered illustrative and if an illustrative project is included in the TIP, no Federal action may be taken on that project by the FHWA and the FTA until it is formally included in the financially constrained and conforming metropolitan transportation plan and TIP.

[23 CFR Chapter I subchapter E part 450.330 \(e\)](#)

Q. What are the requirements for funding to be programmed in the TIP beyond the first 2 years?

A. In years 3 and 4 the requirement is that funds are reasonably expected to be available. The 5th year and beyond in CMAP's TIP are considered illustrative and anything beyond the 5th year is programmed in MYB. [23 CFR Chapter I subchapter E part 450.326 \(a\)](#)

Other related requirements for programming a project in CMAP's TIP:

Q. Do all phases of a project need to be included in the TIP?

A. Yes, but only at least one subsequent project phase beyond Phase I (preliminary engineering), (e.g., final design, right-of-way (ROW) acquisition, or construction) must be included in the first 4 years of the TIP. As an example, ENG2 could be included in year 1 of the TIP, ROW in year 2 and construction in year 5 or MYB.

Q. Are there other requirements for a project to be programmed in the TIP?

A. Yes, the work type and completion year for example must be provided even if construction is in MYB. Sponsors should work with their planning liaisons (PL), who enter nearly all local projects into the TIP. The PLs know the requirements associated with entering a project into the TIP.

Transportation Conformity:

Q. How does transportation conformity impact NEPA approval?

A. As a nonattainment area CMAP's TIP must demonstrate that it is a conforming TIP. Projects in the TIP that have a not exempt [work type](#) are classified as projects that are not exempt from conformity requirements and therefore are required to go through the conformity process so that a project level conformity determination can be made. This is required for all not exempt FHWA/FTA projects that are subject to transportation conformity. In the CMAP region conformity for a not exempt FHWA/FTA project can be demonstrated if the project is part of a conforming TIP and meets all the project level conformity requirements (40 CFR § 93.104(d) and § 93.109).

Q. Are there different requirements for entering a not exempt project into the TIP?

A. Yes, new projects that have a not exempt work type have 2 opportunities per year to be added (See Schedules and Due Dates on the [TIP Programmer Resources web page](#) or contact your PL). The process can take 3-4 months from when the project is submitted for inclusion in the TIP as a conformity amendment to when it is approved by the MPO Policy Committee (which only meets 4 times a year). Additionally, other information is required for travel demand and air quality modeling (see [Conformity FAQs](#) and the [eTIP User Guide](#) for more information).

Applying for STP, CMAQ, or TAP-L funding:

Q. Can a local agency apply for STP, CMAP, or TAP funding through CMAP or individual councils if NEPA approvals or other federal actions required during Phase I preliminary engineering are not complete?

A. Yes. For the purposes of meeting "Phase I substantially complete" requirements, if all Phase I work has been completed, but federal signoffs, and thus design approval, have not been obtained due to requirements for conformity or subsequent funding, the requirement is considered to be met.