

# **SURFACE TRANSPORTATION BLOCK GRANT PROGRAM PROCEDURES FOR THE OKLAHOMA CITY URBANIZED AREA FUNDS**

## **BACKGROUND**

The Surface Transportation Program (STP) was originally 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. Subsequent surface transportation laws<sup>1</sup> maintained the STP Program (renaming it the Surface Transportation Block Grant (STBG) Program under the Fixing America's Surface Transportation Act or FAST Act) as a significant federal funding source for state and local governments, the most recent being the Infrastructure Investment and Jobs Act (IIJA) (P.L. 117-58, also known as the Bipartisan Infrastructure Law or BIL), signed into law on November 15, 2021. The IIJA retained the Surface Transportation Block Grant Program as part of a five-year law covering federal fiscal years (FFY) 2022 – 2026.

## **GENERAL**

These procedures apply to the suballocation of Surface Transportation Block Grant Program funds attributed to the Oklahoma City Urbanized Area (more commonly referred to as Surface Transportation Block Grant – Urbanized Area or STBG-UZA). The U.S. Census Bureau has designated two urbanized areas within the Association of Central Oklahoma Governments Metropolitan Planning Organization (ACOG MPO) area: the Oklahoma City Urbanized Area and the Norman Urbanized Area. Sec. 6016 of the FAST Act has effectively combined these two UZAs for highway funding purposes and 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.”

STBG-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 ACOG MPO area.

## **ELIGIBLE PROJECTS**

STBG-UZA funds may be used for the following categories of projects, as authorized by 23 USC 133(b):

1. Construction, reconstruction, rehabilitation, resurfacing, restoration, preservation, or operational improvements for highways appropriately classified, including work to accommodate other transportation modes.
2. Replacement, rehabilitation, preservation, protection, and anti-icing/deicing for bridges and tunnels on any public road, including construction or reconstruction necessary to accommodate other modes.
3. Construction of new bridges and tunnels on a federal-aid highway.

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<sup>1</sup> The Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) replaced ISTEA on June 9, 1998, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) replaced TEA-21 on August 10, 2005, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) replaced SAFETEA-LU on July 6, 2012, and the Fixing America's Surface Transportation Act (FAST Act) replaced MAP-21 on December 4, 2015.

4. Capital costs for transit projects eligible for assistance under Chapter 53 of Title 49, including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus.
5. Carpool projects, fringe and corridor parking facilities and programs, including electric and natural gas vehicle charging infrastructure in accordance with 23 USC 137, bicycle transportation and pedestrian walkways in accordance with 23 USC 217, and modification of public sidewalks to comply with the Americans with Disabilities Act of 1990.
6. Highway and transit safety infrastructure improvements and programs, installation of safety barriers and nets on bridges, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway<sup>2</sup> grade crossings.
7. Highway and transit research and development and technology transfer programs.
8. Capital and operating costs for traffic monitoring, management, and control facilities and programs, including advanced truck stop electrification as defined in 23 USC 101(a)(32).
9. Surface transportation planning programs.
10. Transportation alternatives as defined in 23 USC 101(a)(29) and 23 USC 213.
11. 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)).
12. Development and establishment of management systems under Section 303.
13. Environmental mitigation efforts relating to projects funded under Title 23 USC, in the same manner and to the same extent as such activities are eligible under 23 USC 119(g).
14. Projects relating to intersections that have disproportionately high crash rates or levels of congestion and are located on a federal-aid highway.
15. Infrastructure-based intelligent transportation systems (ITS) capital improvements.
16. Environmental restoration and pollution abatement projects in accordance with 23 USC 328. Control of noxious weeds and pollution abatement in accordance with 23 USC 329.
17. Congestion pricing projects and strategies, including electric toll collection and travel demand management strategies and programs.
18. Construction of ferry boats and ferry terminal facilities eligible for funding under 23 USC 129(c).
19. Border infrastructure projects eligible for funding under Section 1303 of SAFETEA-LU.
20. Truck parking facilities eligible for funding under Section 1401 of MAP-21.

## LOCATION OF STBG-UZA PROJECTS

STBG-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 ACOG MPO

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<sup>2</sup> 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.

area but may not be used on roads functionally classified as local, unless otherwise specified in 23 USC. Additionally, STBG-UZA funds will not be spent on roads that are part of the state highway system (interstates, turnpikes, U.S. highways and state highways). If a project intersects part of the state highway system, that entity will be responsible for 100 percent of the costs within the highway's right-of-way. The Central Oklahoma Transportation and Parking Authority (COTPA) and the City of Norman transit agency, the region's federally-designated transit grantees, are also eligible to spend STBG-UZA funds within the ACOG MPO area. Expenditure of STBG-UZA funds is subject to these procedures and applicable state and federal regulations.

## FUNDING RATIOS

Eligible STBG-UZA projects will be funded at a ratio of 80 percent federal funds and 20 percent local funds for eligible project construction costs, except for certain safety projects that may be constructed at 100 percent federal share. Such safety projects are described in 23 USC 120(c), and include traffic control signalization, maintaining minimum levels of retroreflectivity of highway signs or pavement markings, traffic circles (also known as roundabouts), safety rest areas, pavement marking, shoulder and centerline rumble strips and stripes, commuter carpooling and vanpooling, rail-highway crossing closure, 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. 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 STBG-UZA funds available to the Oklahoma City Urbanized Area will be provided by FHWA to ODOT at the beginning of each federal fiscal year. For each new Transportation Improvement Program (TIP), 90 percent of the estimated federal STBG-UZA funds will be utilized for preparation of each year of the financially constrained TIP. This will leave a 10 percent reserve in case actual federal STBG-UZA funds are less than the estimate used to develop the TIP.

In August 2020, the ACOG MPO Technical Committee and Policy Committee stipulated that a two-year rolling lock be implemented for the allocation of STBG-UZA funds.

The federal share of all projects within the geographical boundary of a single entity shall not exceed 56 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 STBG-UZA funds can be fully obligated. The 56 percent 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 percent described above may be exceeded if there are not sufficient projects ready for obligation by other entities. The amount of STBG-UZA funds authorized per project shall be capped at \$7,500,000. The cumulative total for all transit projects shall not exceed 10 percent of total annual funds made available to the Oklahoma City Urbanized Area until all entities' projects have been considered to determine if the STBG-UZA funds can be fully obligated. The 10 percent limit applies to the federal share of projects from all project sponsors. The cumulative total for all stand-alone bike/ped projects shall not exceed 10 percent of total annual funds

made available to the Oklahoma City Urbanized Area until all entities' projects have been considered to determine if the STBG-UZA funds can be fully obligated. The 10 percent limit applies to the federal share of projects from all project sponsors.

The obligation of STBG-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 STBG-UZA funds to be spent within the ACOG MPO area in any single year exceeds the funds anticipated to be available from FHWA, the *Criteria and Process for Evaluation of Surface Transportation Block Grant Program Urbanized Area (STBG-UZA) Projects*, as approved and amended by the ACOG MPO Policy Committee, will be used to evaluate and prioritize the STBG-UZA projects. Based on this evaluation, a prioritized list of projects recommended for funding will be forwarded to the ACOG MPO Policy Committee for final approval. All such projects will then be eligible for inclusion in the ACOG MPO TIP and the Statewide Transportation Improvement Program (STIP).

Federal law requires the obligation of federal funds for a project, that exceed the TIP estimate by more than 20 percent, will not be approved by the Federal Highway Administration (FHWA). Previously, costs that exceeded the federal share listed in the TIP by more than 20 percent would be borne by the sponsoring entity(ies), or would require an amendment to the TIP to reflect the updated federal share, subject to federal fiscal constraint requirements of the TIP.

The ACOG MPO Technical Committee and Policy Committee have further stipulated that all projects which receive funding through the STBG-UZA program, cannot exceed the engineering estimate (plus inflation) amount stated in their application for the current Call For Projects year. Therefore, no projects can exceed their estimated cost (plus inflation), nor request an amendment to exceed that amount. **Any project cost overruns will be borne by the sponsoring entity(ies).**

## 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 STBG-UZA funds.

## SHORTAGE OF FUNDS

Federal law requires that in the event two or more projects become ready for letting during the same month, and their total estimated federal share exceeds the estimated STBG-UZA funds remaining for the current federal fiscal year, the highest scoring, fundable project(s) will be included on the letting list. The scores used in the TIP preparation process, prepared according to the *Criteria and Process for Evaluation of STBG-UZA Projects*, will govern.

## REQUIREMENTS FOR REQUESTING STBG-UZA FUNDS

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

1. The proposed project must be included in, or be consistent with, the Metropolitan Transportation Plan adopted by the ACOG MPO Policy Committee.
2. The proposed project location must be included on the Federal Functional Classification Plan for the Oklahoma City Urban<sup>3</sup> Area, as approved by the Federal Highway Administration. However, federal law allows the use of federal-aid funds on bridges on any public road regardless of functional classification.
3. The local government must provide ACOG with a STBG-UZA Programming Resolution (with original signatures or a certified copy), adopted at a public meeting of its governing body, which describes the location of the project, type of improvement, total project cost, and source(s) of funds (a sample format is available from ACOG). A project location map including street names, project limits, and north arrow must also be provided as well as a completed ODOT Scoping Form. The MPO will forward the resolution, map, scoping form, and cost estimate (described below), to the Oklahoma Department of Transportation (ODOT) for programming by the State.

The requesting entity must provide the MPO with a preliminary cost estimate for each STBG-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 the project application submission.

4. The proposed project must be in compliance with the ACOG Complete Streets Policy. If a project cannot meet the Complete Streets Policy, the project sponsor may request an exception. Applicants requesting an exception must submit a Complete Streets Exception Form along with their project application. Exemption requests will be reviewed in accordance with the ACOG Complete Streets Policy.
5. Prior to the obligation of federal STBG-UZA funds, the proposed project must be included in the adopted TIP and STIP.

Prior to ODOT advertising an STBG-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 STBG-UZA projects within their jurisdiction, and to contact their project engineer, ODOT, and ACOG as needed to ensure that plan submittals, plan reviews, and environmental or other clearances are occurring in a timely fashion. In addition, ACOG, in conjunction with ODOT, will provide

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<sup>3</sup> The Oklahoma City Adjusted Urban Area Boundary (UAB) was approved by the FHWA on May 30, 2013. 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.

the ACOG MPO Technical Committee and Policy Committee with a quarterly report on the status of each programmed STBG-UZA project. ODOT and ACOG will also hold quarterly project status meetings with staff members from sponsoring entities who have active projects.

## **CHANGES TO PROJECT STATUS**

An entity(ies) may request an amendment to move projects from future TIP years to the current TIP year if they remove a similarly priced and scored project. Entities may not substitute in a lower scoring project and cannot exceed the original approved cost.

If a project is unable to be let or authorized in the current year of the TIP, the sponsoring entity may request an amendment to move to a future TIP year if, the project is 90 percent or more ready for bid/let. Otherwise, the entity(ies) must reapply for the next TIP year through the annual Call for Projects.

If a project's scope changes significantly from the scope submitted during the application process (i.e. changes in the project location except for various location/city-wide projects, removal of a project component that alters project points, changes in project type or project design/engineering, etc.), the sponsoring entity(ies) must reapply during a future Call for Projects cycle.

## **ANALYSIS OF STBG-UZA FUND EXPENDITURES**

Each year, the MPO will provide the ACOG MPO Technical Committee and Policy Committee with a mid-year status summary of each entity's STBG-UZA projects that identifies projects for which STBG-UZA funds have been obligated and projects considered likely for the obligation of STBG-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 ACOG of any joint projects involving more than one entity and any additional sources of funds that will be used for each STBG-UZA project, other than STBG-UZA funds and local match funds.