

Comments

**Excerpt of
MEETING RECORD**

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, April 6, 2021.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, April 14, 2021, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS IN ATTENDANCE: Lorenzo Ball, Tom Beckius (arrived at 1:25 pm), Dick Campbell, Tracy Corr, Tracy Edgerton, Deane Finnegan, Cristy Joy, and Dennis Scheer; Cindy Ryman Yost absent. David Cary, Steve Henrichsen, Paul Barnes, Allan Zafft, Kellee Van Bruggen, Geri Rorabaugh and Rhonda Haas (via broadcast) of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Chair Corr called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

MISCELLANEOUS 21002

TO REVIEW THE DRAFT FY2022/2025 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FOR CONFORMANCE WITH THE CURRENT LINCOLN METROPOLITAN PLANNING ORGANIZATION (MPO) LONG RANGE TRANSPORTATION PLAN (LRTP). THE PLANNING COMMISSION RECOMMENDATION WILL BE FORWARDED TO THE LINCOLN MPO FOR FINAL ACTION

PUBLIC HEARING: APRIL 14, 2021

Members present: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr; Ryman Yost absent.

Staff Recommendation: In Conformance with the Long Range Transportation Plan

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

Staff Presentation: Allan Zafft, Planning Department, came forward and stated this is for the FY2022/2025 Transportation Improvement Program (TIP) and was discussed at the March 31, 2021, briefing. The TIP is a 4-year program of projects completed annually and are brought forward to the Planning Commission annually. The TIP includes projects that receive federal funds, projects that are reasonably significant and projects that require federal action. All projects in the TIP must be listed specifically or generally listed in the Long Range Transportation Plan (LRTP). Zafft stated that the staff's review found them in conformity with the LRTP. TIP is financially constrained, and it must indicate the project's funding, its schedule and phase. The TIP is coordinated with plans from the City, County and State. The State's plan is the Surface Transportation Program, and Lancaster County's plan is the One- and Six-Year Program. The MPO Project Coordination Committee of the Technical Committee meets throughout the early process to coordinate projects and funding. The TIP includes projects from the Nebraska Department of Transportation, Lancaster County, City of Lincoln, Lincoln Transportation and Utilities (LTU), StarTran, Railroad Transportation Safety District (RTSD), Parks & Recreation and others. Comments made at today's meeting will be attached to the TIP and forwarded to the Nebraska State Department of Transportation. This then goes on to the MPO Technical Committee April 19, 2021, and then the MPO Officials Committee on May 19, 2021. This TIP will be included in the State TIP, with public review and when approved it will go to the Federal Highway Administration for approval, which is normally approved in September and becomes effective officially on October 1, 2021.

The changes that were made to transportation in the CIP will be reflected in the TIP.

No one came forward in support or opposition.

Beckius moved to close the public hearing on these items, seconded by Joy and carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

MISCELLANEOUS 21002

ACTION BY PLANNING COMMISSION:

APRIL 14, 2021

Beckius moved approval, seconded by Joy.

Corr thanked staff for all of their hard work because it is hard to coordinating between both plans, with all of the departments, and everyone involved.

Motion carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

Chair Corr stated at this point we generally invite anyone wishing to speak on an item not on the agenda to come forward and do so. However, we are suspending this portion of the hearing until further notice. If you do have comments, please direct them to Plan@lincoln.ne.gov or by calling 402-441-7941.

Campbell moved to adjourn the Planning Commission Meeting of April 14, 2021, seconded by Joy and carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

Meeting adjourned 3:20 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, April 28, 2021.

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**Excerpt of
MEETING RECORD**

Advanced public notice of the Technical Committee meeting was posted on the County-City bulletin board and the Planning Department's website.

NAME OF GROUP:	TECHNICAL COMMITTEE MEETING
DATE, TIME AND PLACE OF MEETING:	April 19, 2021, 10:15 a.m., City Council Chambers, County-City Building, 555 S. 10 th St., Lincoln, NE
MEMBERS AND OTHERS IN ATTENDANCE:	David Cary – Planning Department; Elizabeth Elliott – Lincoln Transportation and Utilities; Paul Barnes – Planning Department; John Berry – Lancaster County Engineering; Gary Bergstrom – Health Dept.; Rich Bishop – Urban Development Department; Ron Caldi and Thomas Shafer – Lincoln Transportation and Utilities; Michael Davis – StarTran; Roger Figard – Railroad Transportation Safety District; Stephanie Fisher – City of Waverly; Tom Goodbarn and Craig Wacker – Nebraska Dept. of Transportation; Chad Lay – Lincoln Airport Authority; Sara Hartzell – Parks & Recreation; Larry Legg – Lancaster County Engineer; Kelly Oelke – City of Hickman; Kellee Van Bruggen – Planning Dept.; Allan Zafft and Teresa McKinstry – Planning Dept.; Roma Amundson – County Commissioner; Brian Praeuner – StarTran; Jenny Young from Felsburg, Holt and Ullevig appeared online via © Zoom Video Communications; and other interested citizens.

Chair Elizabeth Elliott called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

REVIEW AND ACTION ON THE FY 2022-2025 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

Members present: Barnes, Berry, Bergstrom, Bishop, Caldi, Cary, Davis, Elliott, Figard, Fisher, Goodbarn, Hartzell, Lay, Legg, Oelke, Shafer, Van Bruggen and Wacker

Zafft stated this is for the proposed TIP. It represents MPO programming. The MPO Selection Committee has reviewed this document. NDOT, County Engineering, StarTran, Lincoln Transportation and Utilities (LTU), RTSD, LAA, along with pedestrian, bike and trails are all

involved. He provided a summary of the document. NDOT has ten projects. Three were added from the previous TIP. They are the Lincoln West Bridge, roadway rehab on US 77 and a bridge replacement on I-80. County Engineering has seven projects. Fletcher Road, NW 56th Street, and Arbor Road projects for PE only were added. LTU has five programs, transportation system preservation, transportation system optimization, transportation system growth, transportation livable neighborhoods and transportation sidewalk program. Transportation system preservation has nine projects. Optimization has six projects. StarTran has projects for bus replacement and software enhancement. LAA has work on runways. Ped, Bike and Trails has three projects. RTSD has a project for 33rd St. and Cornhusker Hwy.

ACTION:

Figard moved approval of the FY 2022-2025 Transportation Improvement Program, seconded by Shafer and carried 18-0: Barnes, Berry, Bergstrom, Bishop, Caldi, Cary, Davis, Elliott, Figard, Fisher, Goodbarn, Hartzell, Lay, Legg, Oelke, Shafer, Van Bruggen and Wacker

Cary wanted to thank all the partners that worked on this. This years TIP was a very good result of a lot of collaboration. The TIP is better because of it. He feels very good about this document.

**Excerpt of
MEETING RECORD**

Advanced public notice of the Officials Committee meeting was posted on the County-City bulletin board and the Planning Department's website.

NAME OF GROUP:	OFFICIALS COMMITTEE MEETING
DATE, TIME AND PLACE OF MEETING:	May 17, 2021, 1:00 p.m., City Council Chambers, County-City Building, 555 S. 10 th Street, Lincoln, NE
MEMBERS AND OTHERS IN ATTENDANCE:	Roma Amundson, Mayor Leirion Gaylor Baird, Ryan Huff, Richard Meginnis and Rick Vest; James Michael Bowers absent. David Cary, Paul Barnes, Allan Zafft, Kellee Van Bruggen and Teresa McKinstry of the Planning Department; Elizabeth Elliott of Lincoln Transportation and Utilities; Jenny Young from Felsburg, Holt & Ullevig appeared online via © Zoom Video Communications; and other interested citizens.

Chair Rick Vest called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

REVIEW AND ACTION ON THE PROPOSED FY 2022-2025 TRANSPORTATION IMPROVEMENT PROGRAM (TIP):

Zafft stated the proposed TIP is a four year program. This includes all transportation projects that include Federal funds. Requests were sent to member agencies to submit their new and existing projects for the new TIP. He created a draft. The MPO Project Selection Committee reviews the preliminary TIP. They convened four times. They expressed support of the TIP. There was a public hearing at Planning Commission. They recommended approval of the new TIP as well. This was reviewed by the Technical Committee and they recommended approval. This was out for public review and comment. The State added three projects. Lancaster County has two projects (98th Street) that added additional funds. Lincoln Transportation and Utilities (LTU) has nine projects under preservation that are using Federal funds and six under optimization. StarTran will be replacing 14 buses, adding recharging stations and replacing some vehicles.

Amundson attended Technical Committee. She was pleased there is money for 98th street. S. 98th Street is a major project. There is a time limit. It needs to be constructed by 2030. It has to be designed yet.

Vest commended Zafft for a very complete report. He appreciates the attention to this. There is a lot of detail.

ACTION:

Amundson moved approval of the FY 2022-2025 Transportation Improvement Program, seconded by Mayor Gaylor Baird and carried 5-0: Amundson, Mayor Gaylor Baird, Huff, Meginnis and Vest voting 'yes'; Bowers absent.

<https://linclanc.sharepoint.com/sites/PlanningDept-MPO/Shared Documents/MPO/Officials Committee/Minutes/2021-2022/excerpt 051721.docx>



Lincoln Metropolitan Planning Organization

County-City Building
555 S. 10th Street, Suite 213
Lincoln, Nebraska 68508
(402) 441-7491

Lincoln MPO Resolution: 2021-6 FOR THE PURPOSE OF ADOPTING THE FY 2022-2025 TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the Lincoln Metropolitan Planning Organization (Lincoln MPO) is the designated Metropolitan Planning Organization (MPO) responsible for undertaking the transportation planning process for the Lincoln Metropolitan Transportation Management Area (TMA), in accordance with 23 U.S.C. 134, 49 U.S.C. 5303, and 23 CFR Part 450; and

WHEREAS, the Fixing America's Surface Transportation Act (FAST Act), passed by the United States Congress and signed into law by the President in 2015, requires that each MPO adopt a transportation program that consists of federally funded and/or regionally significant transportation improvement projects within the metropolitan area; and

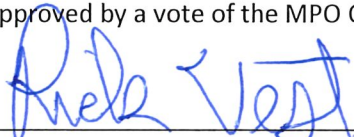
WHEREAS, various federal, state, regional, and local agencies and organizations concerned with transportation planning for the MPO area have cooperatively developed the Transportation Improvement Program (TIP) for FY 2022 through 2025 to satisfy federal planning requirements of the FAST Act; and

WHEREAS, the TIP is comprised of projects that are derived from the Lincoln MPO's adopted 2040 Long Range Transportation Plan, is consistent with local and state transportation plans, and has met the requirements of Title 23 Code of Federal Regulations Part 450.326; and

WHEREAS, the MPO has involved the public and interested stakeholders in an open and transparent process as detailed by the MPO's Public Participation Plan which includes a public review and comment period of no less than 30 days.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln Metropolitan Planning Organization Officials Committee adopts the Transportation Improvement Program for FY 2022 through 2025.

Approved by a vote of the MPO Officials Committee and signed this 17th day of May, 2021.



Lincoln MPO Officials Committee Chair

ATTEST



Elizabeth Elliott, City of Lincoln Transportation & Utilities Director
Lincoln MPO Technical Advisory Committee Chair



U.S. Department of Transportation

Federal Transit Administration
901 Locust Street, Room 404
Kansas City, MO 64106
816-329-3920
816-329-3921 (fax)

Federal Highway Administration
100 Centennial Mall North, Rm 220
Lincoln, NE 68508
402-742-8460
402-742-8480 (fax)

October 14, 2021

John R. Selmer, P.E.
Director
Nebraska Department of Transportation
Lincoln, NE

Dear Mr. Selmer:

**FHWA/FTA Approval of the Nebraska FY 2022 - 2025
Statewide Transportation Improvement Program**

This letter is to inform you of the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) review and approval of the highway and transit projects contained in the Nebraska Department of Transportation (NDOT) FY 2022-2025 Statewide Transportation Improvement Program (STIP), as well as the projects from the incorporated Metropolitan Transportation Improvement Programs (TIPs) for Lincoln MPO (City of Lincoln and Lancaster County), South Sioux City (SIMPCO), Omaha (MAPA), and Grand Island (GIAMPO).

The Draft FY 2022-2025 STIP was available for public comment starting August 17, 2021 running thru August 31, 2021. During this period, NDOT received no comments on the proposed STIP.

The Metropolitan Area Planning Agency's (MAPA) Board of Directors approved the TIP on June 24, 2021 and NDOT approval for inclusion into the NDOT STIP was given on July 20, 2021. The Lincoln MPO TIP was approved by the Officials Committee on May 17, 2021 and NDOT approval for inclusion into the NDOT STIP was given on May 26, 2021. The Siouxland Interstate Metropolitan Planning Council (SIMPCO) TIP Policy Board approved the TIP on July 1, 2020 and on July 20, 2021 NDOT approved the TIP for inclusion into the STIP. The Grand Island TIP was approved by the Policy Board on May 25, 2021 and NDOT approval for inclusion into the STIP was given on July 20, 2021.

Throughout the year, FHWA and FTA have had ongoing communication with the NDOT, the metropolitan planning organizations (MPOs), and the state's transit agencies. In accordance with 23 CFR Part 450.218(b) and 23 CFR Part 450.334(a), FHWA and FTA have jointly determined that the highway and transit projects included in the STIP and the metropolitan TIPs are based on a transportation planning process that substantially meets the requirements.

The enclosed planning finding was prepared to demonstrate how the NDOT's statewide and metropolitan transportation planning and programming processes meet the Federal requirements.

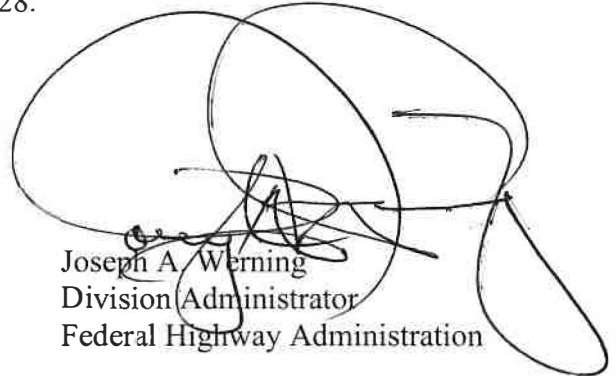
For NDOT's consideration, the planning finding also offers some recommendations on ways to enhance the transportation planning program in Nebraska. Based on FHWA and FTA review of the FY 2022-2025 STIP, the aforementioned monitoring activities throughout the year, the MPO's self-certifications, and the enclosed planning finding, the FY 2022-2025 STIP is hereby approved.

If you have any questions or need additional information, please contact Justin Luther, FHWA, at (402)742-8464 or Gerri Doyle, FTA, at (816)329-3928.

Sincerely,



Mokhtee Ahmad
Regional Administrator
Federal Transit Administration



Joseph A. Werning
Division Administrator
Federal Highway Administration

cc:

Amy Starr, NDOT
Ryan Huff, NDOT
Craig Wacker, NDOT
Curtis Nosal, NDOT
Brandie Neemann, NDOT
Jaime Kamarad, NDOT
Michael Helgerson, MAPA
David Cary, Lincoln MPO
Allan Zafft, Lincoln MPO

Nebraska FY 2022-2025 STIP FHWA and FTA Joint Planning Finding

As part of the stewardship responsibilities, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must ensure that both the statewide and metropolitan transportation planning processes satisfy the requirements of 23 U.S.C. 134 and 135, 49 U.S.C 5303-5304, and 23 CFR 450. From a statewide perspective, the Nebraska Department of Transportation (NDOT) certifies the process through the submittal of the Statewide Transportation Improvement Program (STIP), while the Metropolitan Planning Organizations (MPO) certify the metropolitan transportation planning process through the submittal of their respective Transportation Improvement Program (TIP) and self-certifications.

In accordance with 23 CFR 450.220 and 450.330 (a), the FHWA and the FTA hereby find that the projects included in the fiscal year 2022-2025 STIP are based on a transportation planning process that substantially meets the requirements of 23 CFR Part 450 subpart A, B, C, 49 U.S.C. Sections 5303-5304, and 23 U.S.C. Sections 134 and 135. This joint finding is based on the certification of the statewide transportation planning process for and within Nebraska as well as FHWA's and FTA's ongoing participation in the both statewide and metropolitan transportation planning processes (including certification reviews conducted in transportation management areas).

TIP/STIP:

The NDOT STIP is composed of a listing and description of all regionally significant capital and non-capital projects or phases of project development which are FHWA and FTA funded projects. The listing shows a project or phase of a project to be advanced by year for the next four-year period. The MPO TIPs contain a listing and description of all regionally significant capital and non-capital projects or phases of project development which are FHWA and FTA funded projects. The listing shows a project or phase of a project to be advanced by year for the next four-year period.

During the review of the FY 2022-2025 STIP, it was noted that the apportionment amounts and beginning balance forecasts were inaccurate. The main reason for this discrepancy is that the NDOT STIP was prepared prior to the fiscal year ending. FHWA and FTA recognizes a substantial portion of the NDOT and the MPOs' programs were obligated between the time the STIP was prepared and the end of the 2021 federal fiscal year. In order to address this issue, please ensure the next STIP amendment accurately portrays the beginning balances.

The MPOs' TIPs were approved by their respective policy committees and subsequently approved by NDOT for inclusion into the NDOT 2022 -2025 STIP on the following dates:

- The Metropolitan Area Planning Agency's (MAPA) Board of Directors approved the TIP on June 24, 2021 and NDOT approval for inclusion into the NDOT STIP was given on July 20, 2021.
- The Lincoln MPO (City of Lincoln and Lancaster County) TIP was approved by the Officials Committee on May 17, 2021 and NDOT approval for inclusion into the NDOT STIP was given on May 26, 2021.
- The Siouland Interstate Metropolitan Planning Council (SIMPCO) TIP Policy Board approved the TIP on July 1, 2021 and on July 20, 2021 NDOT approved the TIP for inclusion into the STIP.

- The Grand Island TIP was approved by the Policy Board on May 25, 2021 and NDOT approval for inclusion into the STIP was given on July 20, 2021.

FHWA and FTA have jointly determined that the FY 2022-2025 NDOT STIP, which is inclusive of each MPO TIP, adequately demonstrates fiscal constraint by year. All the TIPs included self-certifications and discussion on Transportation Performance Management target establishment.

The STIP and TIPs are all developed utilizing the Nebraska STIP Development Guidelines which were agreed to by FHWA, FTA and NDOT in April 2011 and updated in 2014. This document contains many of the administrative procedures for developing the STIP and TIPs. Also, this document outlines the amendment thresholds that the transportation partners have agreed to in Nebraska for both TIPs and Long-Range Transportation Plan amendments. This document continues to be a major streamlining tool to help advance projects through the planning process in Nebraska.

It was again noted that the September 1, 2021 STIP submittal letter from NDOT to FHWA and FTA does not request our respective agencies approval of the STIP. Per Federal regulations, the STIP requires joint FHWA and FTA approval, assuming highway and transit projects are both included. In future submittals, please ensure NDOT reflects the appropriate action NDOT is requesting of FHWA and FTA. Please note that failure to address this recommendation could result in delayed approvals, as the material could be mistaken as a draft document or information for the file as opposed to an official submittal for approval.

During this past fiscal year, there was a question from NDOT surrounding the interpretation of what "within the boundaries of the Metropolitan planning area" means as found in 23 CFR 450.326 (e). The project in question had one terminus within the MPO planning area boundary and the other termini outside of the planning area boundary. At that time, FHWA confirmed that if a project has termini that starts inside of the MPO planning area boundary and then extends outside of the planning area boundary, the project shall be listed on the MPO TIP and go through the MPO transportation planning and programming processes. Working with FHWA and FTA, NDOT needs to update the STIP Development Guidelines this fiscal year to clearly document this process. When the guidelines are updated, it must submit to FHWA and FTA for approval. The MPOs have a shared responsibility to include all projects that are in the respective planning area boundaries into their planning process. As such, FHWA, FTA and NDOT will communicate this requirement to the MPOs at a Technical and/or Policy Board meeting in the near future and will share the STIP Development Guidelines once they are updated.

Public Involvement:

Public involvement is required in the development of the STIP. Specific to the planning process, NDOT has developed a Public Involvement Plan specific to the process of outreach efforts for development and approval of the STIP. This document helps to ensure the State meets federal requirements regarding public participation during the development of the STIP. A letter is sent annually to all non-metropolitan elected and appointed officials offering them an opportunity to comment on the STIP. In the letter, a link is provided to the online STIP to facilitate review and comment by non-metropolitan local officials. The draft STIP is posted on the website and made available at the eight district offices.

In addition, NDOT prepares a news release for media outlets informing the public that the draft STIP is available for public comment. The 2022 -2025 STIP outreach was disseminated as follows:

- A press release to 1,835 recipients, including 332 media outlets statewide.
- A Tweet to 25,165 NDOT followers.
- Gov. Delivery (web-based email subscription service) note to the 1,399 subscribers of RSS feed of NDOT Twitter page.
- Gov. Delivery note to the 632 subscribers of the NDOT STIP page.

In addition to the STIP, NDOT prepares a six- year surface transportation program book. This program book contains many of the projects listed in the STIP. The program book seeks public involvement through the Highway Commission meetings and is approved by the Governor. The latest six-year surface transportation book can be found at the following link: [NDOT six-year transportation program book](#)

The Draft FY 2022-2025 STIP was available for public comment from August 17, 2021 to August 31, 2021. NDOT received no comments on the proposed STIP during this public comment period. FHWA and FTA have noted over the past few years there has not been a lot of public comments received during the comment periods for the STIP. FHWA and FTA recommends that NDOT analyze the 2-week timeframe provided for public comment on the STIP this fiscal year to determine if there are opportunities to enhance public engagement in the STIP development process. , including assessing whether additional time is warranted for public notification, review and comment. A potential area of focus could be determining if there is a need to extend the comment period or look at a phased approach to public notifications (i.e. initial outreach followed by a reminder notification) to encourage greater public engagement.

Self-Certification Statements:

The self-certification statements are an opportunity for the MPOs and NDOT to present how they have incorporated participation in the transportation planning process -- be it citizens or contractors. These agencies use these statements to outline how their operations are conducted in a comprehensive, cooperative, and continuous (3C) manner. It ensures that the transportation planning process occurs to satisfy the objectives of a non-discriminatory, environmentally respectful and citizen-oriented atmosphere.

In accordance with 23 CFR 450.220 (a), NDOT has completed its self-certification requirements and has posted the statement as part of their letter transmitting the STIP to FHWA and FTA. In addition, each of the MPO self-certifications are included by reference, as required under 23 CFR 450.336 (a). NDOT and each of the MPOs have self-certified that the transportation planning process is being carried out in accordance with all applicable requirements found in 23 CFR 450.220 (a) and 23 CFR 450.336 (a), respectively.

MPO Obligation Limitation in FY 2022

All States with STBG funds sub allocated to urbanized areas (UZA) with over 200,000 in population must make formula obligation limitation available to each of these areas based on the criteria set forth in 23 U.S.C. 133(e). During the period of fiscal years (FY) 2016 through 2020, a State must make available to each of these urbanized areas an aggregate (5-year) amount of obligation limitation based on the formula outlined in the November 30, 2016 FHWA memorandum. The section 133(e) requirement applies to the entire 5-year period.

The requirement to "make available" obligation limitation is satisfied by providing obligation limitation to a UZA over 200,000 in a reasonable manner. This reasonableness determination may include an evaluation of whether the obligation limitation is made available in a manner that permits the UZA sufficient time to utilize it and if the affected UZA is practically able to use the obligation limitation given its currently available projects. Ensuring compliance with this requirement is a joint responsibility of the FHWA, the States, and the metropolitan planning organizations for the affected UZA.

The Lincoln MPO (City of Lincoln and Lancaster County) is an urbanized area over 200,000 population. As the responsible State agency, NDOT is required to make available obligation limitation, as required under 23 U.S.C. 133(e). FHWA has reviewed the Lincoln MPO's previous years' obligations, de-obligations, and the projects programmed in FY 2022-2025 Lincoln MPO TIP. FHWA's review found the Lincoln MPO has not been fully programming STBG projects over the last few years. As a result, the Lincoln MPO has built up an available apportionment balance. Importantly, it appears the FY 2022-2025 Lincoln MPO TIP has been programmed with sufficient projects to utilize available obligation limitation and apportionments for the 5-year aggregate period and previous accumulated balance such that all amounts available for obligation should be obligated. NDOT will need to continue ensuring obligation limitation is made available to the Lincoln MPO during FY 2022 and into the future in order to satisfy the requirements of 23 USC 133 (e). As a reminder, the Lincoln MPO (City of Lincoln and Lancaster County) can program Federal-aid eligible projects anywhere inside the planning area boundary defined as Lancaster County.

Planning Finding:

Corrective Action: Those items are compliance issues that fail to meet one or more requirements of the federal planning statute and regulations.

Recommendation: Items that address technical improvements to the conditions described by the observation involving processes or procedures that are not regulatory.

Corrective Action:

Projects Within MPO Planning Area Boundaries Are Required to Meet Planning and Programming Requirements: If a project has termini that starts inside of the MPO planning area boundary and then extends outside of the planning area boundary, the project shall be listed on the MPO TIP and go through the MPO transportation planning and programming processes. NDOT shall update the STIP Development Guidelines this fiscal year to clearly articulate this process in that document. In addition, FHWA, FTA and NDOT will communicate this requirement to the MPOs at a Technical and/or Policy Board meeting in the near future and will share the STIP Development Guidelines once they are updated.

Recommendations:

1. **Requesting FHWA and FTA Approval:** This is a repeat recommendation and not addressing this recommendation could result in delayed approvals. The September 1, 2021 request letter which NDOT submitted to FHWA and FTA for review and approval of the STIP does not request our respective agencies approval. In future submittals, please ensure NDOT's submittal letter reflects the appropriate action NDOT is requesting FHWA and FTA to take for the STIP approval.
2. **Enhancing Public Engagement:** FHWA recommends that NDOT analyze the timeframe provided for public comment this fiscal year to determine if there are enhancements that could be implemented to facilitate greater public engagement in the STIP development process, including public notification, review and comments.
3. **TMA Obligation Limitation Requirement:** The Lincoln MPO (City of Lincoln and Lancaster County) has not been fully utilizing their obligation limitation over the last several years, resulting in a build-up of their STBG apportionment balance. The FY 2022-2025 Lincoln MPO TIP has programmed sufficient projects to utilize available apportionments for the 5-year aggregate period and the previous accumulated balance such that all amounts available for obligation should be obligated. FHWA, NDOT, and the Lincoln MPO should establish ongoing conversations to monitor the delivery of projects in the region to jointly insure that any available obligation limitation and apportionments are utilized.