

Module 2

Planning and Programming

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Section 1

Overview

Local Government and TxDOT Staff

District

Each TxDOT district has a planning and programming section that studies and plans for the needs of the district's highway system. Local governments work with TxDOT district staff to identify and prioritize funding for projects. After prioritizing needs in the context of available funding, the district staff updates and coordinates these plans with the Transportation Planning and Programming Division (TPP) and the Finance Division (FIN) in Austin.

Division

Within the FIN, the Programming and Scheduling Section integrates the district plans into TxDOT's Unified Transportation Program (UTP). There is an annual public hearing on the TxDOT Project Selection Process. This section also maintains the Design and Construction Information System database and is called upon to provide special reports and analysis for the Transportation Commission, Senior Management Team, TxDOT districts, FHWA, local governments and private parties. The UTP is approved and implemented under a minute order from the Texas Transportation Commission. This minute order specifies the amount of funding that will be provided by TxDOT for many programs, local government projects and state projects. An approved minute order is necessary before work on the project can begin.

The project must be a product of the Statewide and Metropolitan Transportation Planning Process as described in 23 CFR 450. As per those regulations, the project must be documented in the appropriate Metropolitan Transportation Plan (MTP) if in an urbanized area and Transportation Improvement Program (TIP) when the Federal agency approves the environmental document and obligates Federal funds for ROW acquisition and construction for the project.

Prior to beginning work, the LG will designate, in writing to TxDOT, a Responsible Person (RP). The RP will be the LG's point of contact for TxDOT. The RP will coordinate communication between the LG, TxDOT's district and any consultants retained by the LG. The RP shall have authority from the LG to make the final decisions on technical and contract matters, e.g. design criteria, materials, specifications, project proposal, etc.

The appropriate TxDOT district personnel will contact the LG to schedule a meeting and an inspection of the proposed project site. It is recommended that this meeting be held as soon as possible after the project is selected for funding. Topics of discussion include:

- ◆ Scope of the project and desired outcome
- ◆ Project management
- ◆ Execution and processing of the Advanced Funding Agreement (AFA)
- ◆ Project cost and financial information

- ◆ Use and selection of consultant
- ◆ Environmental process and documentation
- ◆ Property and right-of-way acquisition and requirements
- ◆ Utility adjustments
- ◆ Design criteria and processes
- ◆ Plans Specifications and Estimate (PS&E) preparation
- ◆ Accelerated construction strategies
- ◆ Letting schedule
- ◆ Construction criteria and processes
- ◆ Requirements for design authorization.

The following sections contain information on how TxDOT envisions planning and programming issues will be addressed by the LG and how TxDOT will monitor the LGs performance.

Section 2

Coordination with MPO

General

A metropolitan planning organization (MPO) is an association of local agencies established to coordinate transportation planning and development activities within a metropolitan region. The MPO is the forum for cooperative transportation decision-making for the metropolitan planning area. Establishment of the MPO is required, by law, in urban areas of over 50,000 population, if federal funds are to be used. The MPO consists of two groups. 1) The Policy board is comprised of officials representing the counties, cities, and state transportation agency. 2) The technical advisory group consists of professional planners and engineers who are usually employees of the same agencies.

Federal Regulation

- a. 23 CFR 450.208 – Sets forth FHWA policy that the Metropolitan Planning Organization (MPO) designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive multimodal transportation planning process that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight.
 - i. An MPO must be designated for each urbanized area with a population greater than 50,000.
 - ii. Part 316(e) – The MPO must develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies.
 - iii. Part 322(f) – The transportation plan must include existing and proposed transportation facilities in sufficient detail, regardless of funding source, to develop cost estimates. The plan must include all projects and strategies proposed for funding under title 23 U.S.C., Title 49 U.S.C. Chapter 53 or with other Federal funds; State assistance; local sources; and private participation.

State Regulation

- a. Texas Administrative Code, Title 43, Chapter 15, Subchapter A – Provides for the development and structure of MPOs in Texas. §15.3(d) provides that agreements be developed between TxDOT, the MPO, and local governments. The agreement will include roles and responsibilities.

Required Practices

- a. All state and federally funded projects in metropolitan areas will be selected through the Metropolitan Planning Process. Any local government anticipating using state or federal funds for a transportation project must coordinate with TxDOT and the MPO by furnishing information they request to assure that the project is included in the transportation plan.

- b. All projects on the state or federal-aid system must be included in the approved transportation plan regardless of funding source to maintain the integrity of the planning process.
- c. For projects off the state and federal system with no state or federal funds, the LG is encouraged to coordinate with the MPO.

LG Responsibilities

- a. For all projects within an MPO boundary with state and federal funds and on the state highway system regardless of funding source, provide information to MPO as requested to assure project is in Metropolitan Transportation Plan, if applicable.
- b. For all projects within an MPO boundary off the state highway system and no state or federal funds, coordinate with MPO in accordance with LG policy.

TxDOT District Responsibilities

- a. The District will serve as a liaison between the LG and MPO, providing technical assistance as required. The District may contact TPP for guidance and assistance as necessary.

Section 3

Functional Classification

General

Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service that they are intended to serve; a system that classifies roadways according to traffic flow from the movement function to the access function. At one extreme is the fully access controlled freeway that provides no local access function to the cul-de-sac that provides no through movement. Functional classification is used for a variety of situations, such as determination of design criteria and storm frequency for hydraulic design.

Federal Regulation

- a. Federal-aid Highway Act of 1973 – Required the use of functional highway classification to update and modify the Federal-aid highway systems.
- b. 23 CFR 470.105(b) – Gives State transportation agencies the primary responsibility for developing and updating a statewide highway functional classification in rural and urban areas to determine functional usage of the existing roads and streets.

State Regulation

- a. Texas Transportation Code 201.903 – Gives TxDOT the authority to classify, designate, and mark state highways in Texas.

Required Practices

- a. TxDOT's Transportation Planning and Programming Division (TPP) has primary responsibility for implementing functional classification responsibilities for TxDOT. This is accomplished by TPP staff working with the district staff who in turn is responsible for coordination with local elected officials and other planning entities.
- b. For all projects with state or federal funds and all projects on the state highway system, the LG must use functional classification maps developed by TxDOT for all matters concerning functional classification, such as selection of design criteria and funding eligibility.
- c. For projects off the state highway system with no state or federal funds, the LG is encouraged to be familiar with TxDOT's functional classification system as appropriate.

LG Responsibilities

- a. For projects with state and federal funds and on the state highway system regardless of funding source:
 - i. Use TxDOT functional classification maps for all matters concerning functional classification.

- ii. Direct questions and issues to TxDOT.
- b. For projects off the state highway system and no state or federal funds, consider using TxDOT functional classification maps as appropriate.

TxDOT District Responsibilities

- a. The District will serve as the primary contact with the LG and may answer questions concerning application of functional classification. The District may contact TPP for assistance as necessary.

Section 4

Minute Order for Designation as Access Control, New Route Designation, or Donation

General

A minute order is a formal expression of opinion, direction, or intent voted by the Texas Transportation Commission to approve various actions by TxDOT. Minute Orders will be required for several actions involving project administration by the LG.

Federal Regulation

- a. There are no federal regulations that require issuance of a Minute Order.

State Regulation

- a. Texas Administrative Code, Title 43, Chapter 1, Subchapter A – Authorizes broad authority to the Texas Transportation Commission (commission) to develop rules and carry out the responsibilities of the Texas Department of Transportation (department).
- b. Texas Administrative Code, Title 43, §1.503 – Acceptance of a gift or donation made to the department under this subchapter must be approved by order of the commission.
- c. Texas Transportation Code 91.004 – Grants TxDOT broad authority for the location, construction, maintenance, and operation of a rail facility or system in Texas.
- d. Texas Transportation Code 91.031 – Allows TxDOT to finance, acquire, construct, and operate additional rail facilities.
- e. Texas Transportation Code 91.035 – Allows TxDOT to use a street, highway, or other public way of a municipality, county, or other political subdivision with the consent of that political subdivision.
- f. Texas Transportation Code 91.092 – Provides for property necessary and convenient for rail facilities.
- g. Texas Transportation Code 201.103 – Grants the commission authority to designate and remove highway segments on the state highway system.
- h. Texas Transportation Code 203.031 – Provides the Transportation Commission authority to designate access control on the state highway system.

Required Practices

- a. For all projects on the state highway system, the Local Government (LG) must have department approval of:
 - i. Requests for designation of an access control facility,
 - ii. Designation of a new highway, highway change, or highway deletion,

- b. For all projects with state or federal funds, the LG must have department approval of all donations to the department, such as right-of-way and project development services.
- c. For projects requiring a new highway designation, change, or deletion, the LG must provide a Resolution in support of the project and highway change.
- d. For projects affecting the Interstate and US Highway system, the department must request [AASHTO concurrence](#) for final designation approval.

LG Responsibilities

- a. For projects with state and federal funds and on the state highway system regardless of funding source, request TxDOT Commission approval of Minute Orders as appropriate.

TxDOT District Responsibilities

- a. The District:
 - i. Serves as the primary contact to the LG on all matters requiring approval of Minute Orders.
 - ii. Prepares Minute Orders or furnishes information to the responsible office for their use in preparing Minute Orders
- b. There is no monitoring for projects off the state highway system with no state or federal funds.

Section 5

Traffic Data for Use in Project Development

General

Traffic data is used in a variety of project development situations, such as selection of design criteria and pavement design. For the purpose of this module, “traffic data” is defined as whatever data is required to complete the associated design activity.

Federal Regulation

- a. 23 CFR 420.105(b) – Requires that State Departments of Transportation provide data that support the FHWA's responsibilities to the Congress and to the public.
- b. 23 CFR 500.203(b) – Traffic monitoring systems must comply with the AASHTO Guidelines for Traffic Data Systems, Traffic Monitoring Guide.
- c. 23 CFR 625 – Designates standards and policies that are acceptable to the Federal Highway Administration (FHWA) for application in the geometric and structural design of highways.
 - i. Projects on the National Highway System (NHS) must adequately serve existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance.
 - ii. Federally funded projects off the NHS are to be designed and constructed in accordance with State laws, regulations, directives, safety standards and design standards.
- d. The American Association of State Highway and Transportation Officials (AASHTO's) *A Policy on Geometric Design of Highways and Streets* is a document accepted by FHWA as satisfactory for use on federally funded projects. In Texas, FHWA accepts TxDOT's *Roadway Design Manual* for use on federally funded projects and for compliance with AASHTO policy.

State Regulation

- a. Texas Administrative Code, Title 43 – Projects must be designed in accordance with TxDOT procedures, standards, and guidelines.
- b. As stated in TxDOT's *Transportation Planning Policy Manual*, TxDOT will maintain a single source of all traffic data reported to the commission, legislature, governor, and the public.

Required Practices

- a. For all projects with state or federal funds on the state highway system, the LG must use traffic data furnished by TxDOT in the selection of applicable design criteria.

- b. For projects with state or federal funds off the state highway system, the LG must submit written justification to use non-TxDOT-furnished traffic data for TxDOT approval, listing such information as data source, data collection methodology, and experience with this data. For projects off the state highway system with no state or federal funds, the LG may use traffic data from the source of their choice or request traffic data from TxDOT if available.

LG Responsibilities

- a. For projects with state and federal funds and on the state highway system regardless of funding source:
 - i. Request traffic data from TxDOT for design year based on scope of work.
 - ii. Request TxDOT review and approval of traffic data other than as provided by TxDOT, if desired.
 - iii. Request updated traffic data for changes in design year.
- b. For projects off the state highway system with no state or federal funds, use traffic data as desired by LG or request traffic data from TxDOT if available.

TxDOT District Responsibilities

- a. For all projects with state or federal funds and all projects on the state highway system, the District must:
 - i. Submit LG requests for traffic data to TPP as with TxDOT-developed projects.
 - ii. Submit LG's justification to use traffic data from other sources to TPP for review and approval.
 - iii. Assure that the design year for which traffic data is requested is appropriate for the scope of work.
- b. There is no monitoring for projects off the state system with no state or federal funds.

Section 6

Unified Transportation Program (UTP)

General

The Unified Transportation Program (UTP) is the eleven-year planning document that guides and controls project development for the Texas Department of Transportation in a feasible and economical manner.

Federal Regulation

- a. 23 CFR 450 requires that states have a continuing, cooperative, and comprehensive planning process as a prerequisite to receiving federal funds. The process is developed by the state transportation agency and is subject to federal review and approval as conforming to federal regulations. However, there are no specific federal regulations requiring development of a Unified Transportation Program (UTP).

State Regulation

- a. Texas Transportation Code 91.004 – Grants TxDOT broad authority for the location, construction, maintenance, and operation of a rail facility or system in Texas.
- b. Texas Transportation Code 201.103 – Requires that TxDOT plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads.
- c. Texas Transportation Code 203.002 –To promote public safety, facilitate the movement of traffic, preserve the public's financial investment in highways, promote the national defense, and accomplish the purposes of this chapter, the Texas Transportation Commission may:
 - ii. lay out, construct, maintain, and operate a modern state highway system, with emphasis on the construction of controlled access highways
 - iii. plan for future highways
- d. To implement these statutes, the UTP is a tool TxDOT uses as the 10-year funding plan. Projects proposed for state or federal funding are selected from the UTP.

Required Practices

- a. All projects with state or federal funds must be in the current version of the UTP for TxDOT to authorize the LG to proceed. The proposed scope of work must be in the appropriate Level of Programming Authority. Project-specific projects must have an approved Minute Order. The UTP is available on TxDOT's web site.
- b. Projects with no state or federal funds do not have to be listed in the UTP. This includes projects on the state highway system.

LG Responsibilities

- a. For projects with state and federal funds, assure that the scope of work is in the appropriate Level of Authority in the current UTP before requesting TxDOT approval to proceed with a phase of work.

TxDOT District Responsibilities

- a. For projects with state or federal funds, the District:
 - i. Must assure that the LG's request for funding is compatible with the appropriate Level of Programming Authority in the current UTP before either approving the funding request or transmitting the funding request to the applicable approving authority.
 - ii. Must submit information to TPP for preparation of project-specific Minute Orders.
 - iii. Should serve as a resource for the LG in questions involving the planning process and the UTP. The District may contact TPP for assistance as needed.
- b. There is no monitoring for projects with no state or federal funds.

Section 7

STP, MTP, TIP, STIP

General As a condition of receiving federal transportation funds, states are required to have a comprehensive planning process. The Statewide Transportation Plan (STP), Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), and Statewide Transportation Improvement Program (STIP) are various documents developed during this planning process and are used to assure that projects selected best balance identified needs within available resources.

Federal Regulation

- a. 23 CFR 450.216(g) – The Statewide Transportation Improvement Program must include projects proposed for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53. The statute lists a few exceptions, such as safety projects funded under 23 U.S.C. 402 and most Emergency Relief projects funded under 23 CFR 668. Statewide
- b. 23 CFR 450.220(a) – With a few exceptions, only projects in a FHWA/FTA approved STIP shall be eligible for funds administered by the FHWA or the FTA.
- c. 23 CFR 450C – National policy that designated MPOs are to develop a Metropolitan Transportation Plan (MTP) and corresponding Transportation Improvement Program (TIP).

State Regulation

- a. Texas Administrative Code, Title 43, §15.8 – Requires TxDOT to develop a STIP. A project in the STIP will be consistent with the statewide long-range transportation plan and metropolitan TIPs.
 - i. A highway or transit project funded under Title 23, U.S. Code or the Federal Transit Act (49 U.S.C. §5301 et seq.) will be included in a federally approved STIP.
 - ii. Regionally significant projects to be funded with non-federal funds will be included in the STIP for planning, coordination, and public disclosure purposes.

Required Practices

- a. All projects must be included in the STIP before federal funds can be authorized. Projects will be selected using the procedures in the approved STIP, or as listed in an MPO's TIP.
- b. If the estimated cost of the project is in excess of 150% of the amount shown in the STIP, the LG must request a STIP revision unless the project is in a "Grouped" category.
- c. All regionally significant projects must be included in the STIP before TxDOT will approve the project. Regionally significant projects are as defined in the Glossary available as an On-line Manual from TxDOT's web site.
- d. Except for regionally significant projects, a non-federally funded project does not have to be included in the STIP.

LG Responsibilities

- a. For all projects within an federal funds:
 - i. Assure project is in STIP before requesting funding authorization
 - ii. Request STIP revision if the estimated cost of the project is more than 150% of the amount shown in the STIP
- b. For all projects with no federal funds, assure that regionally significant project is in STIP before requesting project approval

TxDOT District Responsibilities

- a. For federally funded projects and non-federally funded “regionally significant” projects, the District must assure that the project is included in the latest FHWA-approved STIP before submitting a request for authorization of federal funds.
- b. There is no monitoring for non-federally funded projects unless the project meets the definition of “regionally significant”.