

Overview of the Proposed Transportation Improvement Program for Federal Fiscal Years (FFY) 2023-2027

The New York Metropolitan Transportation Council (NYMTC) is a regional council of governments, which is the Metropolitan Planning Organization (MPO) for New York City, Long Island and the lower Hudson Valley. MPOs are federally required for urbanized areas to access federal transportation funding.

One of NYMTC's responsibilities is the development and adoption of a five-year Transportation Improvement Program (TIP), which confers federal funding eligibility on listed transportation improvement projects. NYMTC's \ FFYs 2023-2027 TIP has been built within the context of the federal transportation authorization act at the time of this writing, which is the Infrastructure Investment and Jobs Act (IIJA). The TIP meets the relevant requirements of this legislation and related federal planning regulations; specifically, 23 CFR Part 450.326 and 23 CFR Part 450.328. A Transportation Conformity Determination has been performed in conjunction with this TIP as required by 40 CFR Part 93 for air quality non-attainment and maintenance areas under the Clean Air Act Amendments of 1990.

The FFYs 2023-2027 TIP is a program of projects identified for federal funding and/or federal permitting or other action under Title 23 U.S.C. and Title 49 U.S.C. Chapter 53. and, after adoption by the New York Metropolitan Transportation Council (NYMTC), will be submitted for full inclusion in the Statewide Transportation Improvement Program (STIP) compiled by New York State.

NYMTC and its Planning Area

NYMTC is a regional council which is the Metropolitan Planning Organization (MPO) for New York City, Long Island and the lower Hudson Valley as designated by the Governor of the State of New York and certified by the federal government. NYMTC provides its region with a collaborative planning forum in which to address transportation-related issues from a regional perspective, and to plan for and make decisions on the use of federal transportation funds. As a requirement for the receipt of federal transportation funding, MPOs in urbanized regions must maintain a continuing, cooperative and comprehensive transportation planning process, considering all modes in a coordinated manner through the following mandated planning products:

- A long-range Regional Transportation Plan (minimum 20 years – the “Plan”)
- A medium-range Transportation Improvement Program (minimum 4-year program – the “TIP”)
- An annual Unified Planning Work Program (one year – the “UPWP”)
- A Congestion Management Process (CMP), since NYMTC's planning area is designated as transportation managements areas;

- A Transportation Conformity Determination, containing a regional emissions analysis, since NYMTC's planning area includes all or part of several air quality nonattainment or maintenance areas under the Clean Air Act Amendments of 1990, and
- A periodically updated Public Involvement Plan.

Figure 1 - The Regional Transportation Planning Process



NYMTC is comprised of nine voting and seven advisory members. Voting members include the county executives of Nassau and Suffolk counties on Long Island and Putnam, Rockland, and Westchester counties in the lower Hudson Valley; the Commissioner of New York City's Department of Transportation and the Director of its Department of City Planning; the Commissioner of the New York State Department of Transportation and the Chief Executive Officer of the Metropolitan Transportation Authority.

Advisory members include the chief executive officers of the Port Authority of New York and New Jersey, New Jersey Transit, and the North Jersey Transportation Planning Authority; and the regional or division directors of the New York State Department of Environmental Conservation, the Federal Highway Administration, the Federal Transit Administration, and the United States Environmental Protection Agency.

NYMTC's planning area includes the five boroughs of New York City plus the five suburban counties on Long Island and in the lower Hudson Valley. The planning area includes 2,440 square miles and a 2020 population of 13.17 million, approximately 65 percent of New York State's population and 4 percent of the population of the nation.

This planning area also encompasses an extensive transportation system, comprised of 28,820 centerline miles of roads, streets, and highways, several commercial airports and maritime facilities for both passengers and freight, 1,389 track miles of commuter rail, and 689 track miles of rail rapid transit, and a multitude of bus transit, paratransit, intercity, and intracity bus routes and transfer stations.

Figure 2 - NYMTC's Planning Area



The Planning Context for NYMTC's Transportation Improvement Program

NYMTC's Transportation Improvement Program (TIP) for Federal Fiscal Years 2023-2027 is derived from and consistent with *Moving Forward: Your Region, Connected*, NYMTC's current Regional Transportation Plan. *Moving Forward's* Shared Vision for Regional Mobility is built around five vision goals developed jointly by NYMTC's members:



A transportation system that ensures the safety and security of people and goods across all uses and modes.



A transportation system that is maintained, operated, and coordinated to better enable inclusive, reliable, easy, accessible, and seamless travel across the region while striving to enhance equity in the services provided.



A transportation system that efficiently serves today's population and plans for the growing number of residents, workers, and increasing amount of goods.



A transportation system that minimizes its greenhouse gas emissions and other impacts on the environment, especially the effects of climate change.



A transportation system that is resilient and can mitigate, adapt to, and respond to chronic and acute stresses and disruptions.

Moving Forward recognizes that the multi-state metropolitan region of which the NYMTC planning area is part has one of the oldest, most complex, and highly used transportation networks in the world. Notably, public transit mode share on this network is the highest in the United States, accounting for nearly 40 percent of all transit trips taken in the country, which is a testament to the scale of the public transit components of the network.

Moving Forward's socioeconomic and demographic forecasts establish the likelihood that the multi-state metropolitan region will experience significant growth in population, jobs, economic activity, and travel over the period of the Plan. This likelihood presents a challenge to the regional transportation system and highlights the importance of accommodating future growth while safeguarding the quality of life and health of residents and visitors.

Moving Forward also acknowledges the COVID-19 pandemic, which has significantly disrupted growth trends. While adjustments have been made to the forecasts to reflect this short-term impact and resulting economic uncertainty, the ongoing conditions and effects of the pandemic are largely speculative. Nonetheless, the primary purpose of the forecast is the long-term outlook, which is less susceptible to short-term volatility. As new data become available regarding the impacts of the pandemic on regional employment and population trends, they will be incorporated in the next set of socioeconomic forecasts.

Moving Forward recognizes the likelihood that technological, behavioral, economic, and environmental changes, the beginnings of which are currently evident, will affect the region's overall mobility. Some of these changes will be the result of, or be accelerated by, the COVID-19 pandemic. Others have been underway and will carry forward once the pandemic is over. These trends have the potential to transform the nature and means of travel for people and goods in the multi-state metropolitan region.

Consequently, *Moving Forward* considers the potential effects on transportation of numerous transformational changes, including shared mobility, mobility-as-a-service, e-commerce, distributed manufacturing, climate change and extreme weather events, energy transformation, changing demographics and lifestyle/workstyle expectations, and changing land use patterns.

Development and Content the TIP

23 CFR § 450.326 contains the federal regulations which govern the development and content of the TIP. The relevant subsections of this regulation appear below, along with a description of how the specific requirements have been met for the FFYs 2023-2027 TIP.

23 CFR § 450.326 (A) – DEVELOPMENT PROCESS

The MPO, in cooperation with the State(s) and any affected public transportation operator(s), shall develop a TIP for the metropolitan planning area. The TIP shall reflect the investment priorities established in the current metropolitan transportation plan and shall cover a period of no less than 4 years, be updated at least every 4 years, and be approved by the MPO and the Governor. However, if the TIP covers more than 4 years, the FHWA and the FTA will consider the projects in the additional years as informational. The MPO may update the TIP more frequently, but the cycle for updating the TIP must be compatible with the STIP development and approval process. The TIP expires when the FHWA/FTA approval of the STIP expires. Copies of any updated or revised TIPs must be provided to the FHWA and the FTA. In nonattainment and maintenance areas subject to transportation conformity requirements, the FHWA and the FTA, as well as the MPO, must make a conformity determination on any updated or amended TIP, in accordance with the Clean Air Act requirements and the EPA's transportation conformity regulations (40 CFR part 93, subpart A).

The FFYs 2023-2027 TIP has been cooperatively developed by NYMTC's members, who include the New York State Department of Transportation (NYSDOT) and affected public transportation operators, within the planning context established in *Moving Forward*. NYMTC's members collaborate in the selection of projects for inclusion in the TIP based on their individual capital plans and the regional needs and shared vision described in *Moving Forward*. As several non-attainment areas for criteria pollutants defined under the Clean Air Act Amendments of 1990 infringe on the NYMTC planning area, a Transportation Conformity Determination was developed and adopted in conjunction with this TIP.

23 CFR § 450.326 (B) – PUBLIC COMMENTARY

The MPO shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by § 450.316(a). In addition, in nonattainment area TMAs, the MPO shall provide at least one formal public meeting during the TIP development process, which should be addressed through the participation plan described in § 450.316(a). In addition, the MPO shall publish or otherwise make readily available the TIP for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in § 450.316(a).

A draft version of the FFYs 2023-2027 TIP was publicly released as part of a formal public review period to seek commentary. A visualized representation of the projects in the draft TIP that could be geo-spatially located was made publicly available along with the TIP documentation. The public review period was held in a manner consistent with NYMTC's adopted Overall Public Participation Procedures. During the public review period, NYMTC held several virtual public review meetings as an additional avenue for public commentary.

As of October 1, 2010, the Shinnecock Indian Nation was federally recognized as an Indian tribal government. NYMTC notifies the tribal government of planning process activities, including the development of the TIP and Plan.

23 CFR § 450.326 (C) AND (D) – PERFORMANCE TARGETS

The TIP shall be designed such that once implemented, it makes progress toward achieving the performance targets established under §450.306(d).

The TIP shall include, to the maximum extent practicable, a description of the anticipated effect of the TIP toward achieving the performance targets identified in the metropolitan transportation plan, linking investment priorities to those performance targets.

NYMTC has established and is using a performance-based approach to transportation decision-making to support national goals for transportation performance as detailed in 23 U.S.C. §150(b) and the general purposes described in 49 U.S.C. 5301(c) to establish standards for the state of good repair of public transportation infrastructure and vehicles. The national performance goals include:

- Safety – To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- Infrastructure Condition – To maintain the highway infrastructure asset system in a state of good repair.
- Congestion Reduction – To achieve a significant reduction in congestion on the National Highway System.
- System Reliability – To improve the efficiency of the surface transportation system.
- Freight Movement and Economic Vitality – To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.
- Environmental Sustainability – To enhance the performance of the transportation system while protecting and enhancing the natural environment.
- Reduced Project Delivery Delays – To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion.

As part of these requirements, the performance targets established under the national performance goals and the anticipated effects of the FFYs 2023-2027 TIP toward achieving them are described in Appendix A.

23 CFR 450.326 (E) – PROJECT LISTING

The TIP shall include capital and non-capital surface transportation projects (or phases of projects) within the boundaries of the metropolitan planning area proposed for funding under 23 U.S.C. and 49 U.S.C. Chapter 53 (including transportation alternatives; associated transit improvements; Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects; HSIP projects; trails projects; accessible pedestrian walkways; and bicycle facilities), except the following that may be included:

- (1) Safety projects funded under 23 U.S.C. 402 and 49 U.S.C. 31102;
- (2) Metropolitan planning projects funded under 23 U.S.C. 104(d), and 49 U.S.C. 5305(d);
- (3) State planning and research projects funded under 23 U.S.C. 505 and 49 U.S.C. 5305(e);
- (4) At the discretion of the State and MPO, metropolitan planning projects funded with Surface Transportation Program funds;
- (5) Emergency relief projects (except those involving substantial functional, locational, or capacity changes);
- (6) National planning and research projects funded under 49 U.S.C. 5314; and
- (7) Project management oversight projects funded under 49 U.S.C. 5327.

The FFYs 2023-2027 TIP has been cooperatively built by NYMTC's members within the federal funding targets supplied by NYSDOT based on their sub-allocation within the state of funding distributed to states nationally by formula from federal appropriations. NYMTC's members collaborated to define and select projects for inclusion in the proposed TIP based on their individual capital plans and the regional needs and shared vision described in *Moving Forward*.

In the NYMTC planning area, the transportation system generates a variety of needs ranging from alleviating congestion to system maintenance, to improving air quality and safety, to adapting to the changes caused by shifting travel demands. Improvement concepts must be consistent with *Moving Forward* and major improvements must be studied in detail before they can be considered for selection as improvement projects. Additional performance-based planning and programming requirements help guide program development while operating under long standing requirements of consistency with *Moving Forward* and maintaining fiscal constraint during the project selection process. NYMTC's members aim to address these various needs and regulatory requirements as they select projects for inclusion in the TIP.

23 CFR 450.326 (F) – REGIONALLY SIGNIFICANT PROJECTS

The TIP shall contain all regionally significant projects requiring an action by the FHWA or the FTA whether or not the projects are to be funded under title 23 U.S.C. Chapters 1 and 2 or title 49 U.S.C. Chapter 53 (e.g., addition of an interchange to the Interstate System with State, local, and/or private funds and congressionally designated projects not funded under 23 U.S.C. or 49 U.S.C. Chapter 53). For public information and conformity purposes, the TIP shall include all regionally significant projects proposed to be funded with Federal funds other than those administered by the FHWA or the FTA, as well as all regionally significant projects to be funded with non-Federal funds.

See Table XX in the Summary Tables section for the lists other federal and non-federal regionally significant projects included in the FFYs 2023-2027 TIP:

23 CFR 450.326 (G) – PROJECT INFORMATION

The TIP shall include, for each project or phase (e.g., preliminary engineering, environment/NEPA, right-of-way, design, or construction), the following:

- (1) Sufficient descriptive material (i.e., type of work, termini, and length) to identify the project or phase;
- (2) Estimated total project cost, which may extend beyond the 4 years of the TIP;
- (3) The amount of Federal funds proposed to be obligated during each program year for the project or phase (for the first year, this includes the proposed category of Federal funds and source(s) of non-Federal funds. For the second, third, and fourth years, this includes the likely category or possible categories of Federal funds and sources of non-Federal funds);
- (4) Identification of the agencies responsible for carrying out the project or phase;
- (5) In nonattainment and maintenance areas, identification of those projects that are identified as TCMs in the applicable SIP;
- (6) In nonattainment and maintenance areas, included projects shall be specified in sufficient detail (design concept and scope) for air quality analysis in accordance with the EPA transportation conformity regulations (40 CFR part 93, subpart A); and
- (7) In areas with Americans with Disabilities Act required paratransit and key station plans, identification of those projects that will implement these plans.

The project listings which comprise the FFYs 2023-2027 TIP comply with the requirements of 23 CFR 450.326 (g) stated above. Additionally, the FFYs 2023-2027 TIP includes projects which advance the NYMTC members' transition plans under the Americans with Disabilities Act (ADA). Development and

implementation of the transition plans are the responsibility of each of NYMTC's member agencies. Thus, the transition plans of the five suburban counties, the City of New York, the State of New York and the MTA contribute key projects for implementation through the FFYs 2023-2027 TIP.

23 CFR 450.326 (H) – PROJECT CLASSIFICATION

Projects that are not considered to be of appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area using the applicable classifications under 23 CFR 771.117(c) and (d) and/or 40 CFR part 93. In nonattainment and maintenance areas, project classifications must be consistent with the “exempt project” classifications contained in the EPA transportation conformity regulations (40 CFR part 93, subpart A). In addition, projects proposed for funding under title 23 U.S.C. Chapter 2 that are not regionally significant may be grouped in one line item or identified individually in the TIP.

Every phase of work proposed by NYMTC's members is reviewed for consistency with the requirements of the Clean Air Act Amendments of 1990. Project scopes are screened to ensure that they are programmed appropriately, and the Interagency Consultation Group, which consists of representatives of the U.S. Environmental Protection Agency, New York State Department of Environmental Conservation, as well as FHWA, FTA and NYSDOT, provides a final check when project's air quality status is brought up for review. Finally, projects identified as non-exempt are included in a Regional Emission Analysis, with the results contained in a Transportation Conformity Determination that accompanies the adoption of the TIP.

23 CFR 450.326 (I) – PLAN CONSISTENCY

Each project or project phase included in the TIP shall be consistent with the approved metropolitan transportation plan.

NYMTC evaluates the programming of projects and cross-checks every project for consistency with *Moving Forward*.

23 CFR 450.326 (J) – FINANCIAL PLAN

The TIP shall include a financial plan that demonstrates how the approved TIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the TIP, and recommends any additional financing strategies for needed projects and programs. In developing the TIP, the MPO, State(s), and public transportation operator(s) shall cooperatively develop estimates of funds that are reasonably expected to be available to support TIP implementation in accordance with §450.314(a). Only projects for which construction or operating funds can reasonably be expected to be available may be included.

In developing the financial plan, the MPO shall take into account all projects and strategies funded under title 23 U.S.C., title 49 U.S.C. Chapter 53, and other Federal funds; and regionally significant projects that are not federally funded. For purposes of transportation operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways (as defined by 23 U.S.C. 101(a)(6)) and public transportation (as defined by title 49 U.S.C. Chapter 53). In addition, for illustrative purposes, the financial plan may include additional projects that would be included in the TIP if reasonable additional resources beyond those identified in the financial plan were to become available. Revenue and cost estimates for the TIP must use an inflation rate(s) to reflect “year of expenditure dollars,” based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s).

23 CFR 450.326 (K) – REASONABLY ANTICIPATED FUNDING

The TIP shall include a project, or a phase of a project, 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. For the TIP, financial constraint shall be demonstrated and maintained by year and

shall include sufficient financial information to demonstrate which projects are to be implemented using current and/or reasonably available revenues, while federally supported facilities are being adequately operated and maintained. In the case of proposed funding sources, strategies for ensuring their availability shall be identified in the financial plan consistent with paragraph (h) of this section.

23 CFR 450.326 (L) – REVENUE SOURCE REDUCTION

In cases that the FHWA and the FTA find a TIP to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (i.e., by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint. However, in such cases, the FHWA and the FTA will not act on an updated or amended TIP that does not reflect the changed revenue situation.

Reasonably Anticipated Resources and Additional Financing Strategies

The FFYs 2023-2027 TIP is fiscally constrained within currently committed or reasonably anticipated funding under Title 23 U.S.C. and Title 49 U.S.C. Chapter 53. The TIP's resource forecasts derive from the funding programs authorized in the Infrastructure Investment and Jobs Act (IIJA), which was signed into law in November 2021. After authorization in the IIJA, federal formula funding is apportioned to states and suballocated within states. The TIP reflects funding estimates by program and year that are cooperatively developed with New York State and public transportation operators. Federal funding programs that are available on a competitive/ discretionary basis are programmed based on notice of project selection.

The TIP's forecast of reasonably expected resources is a medium-range subset of the long-range forecast which appears in NYMTC's current Regional Transportation plan, entitled *Moving Forward*. That long-range resource forecast is detailed in Chapter 5 of the Plan. The resource envelope forecast for the TIP includes various federal, state, and local fund sources.

Moving Forward identifies a number of additional federal, state, and local financing strategies among its estimates of available funding. These funding opportunities are expected to be plausibly available for *Moving Forward* and TIP projects. This judgement is based on a study of feasibility, merit, and precedents in the New York area and elsewhere, as well as the recent financing plans developed for large projects in the NYMTC planning area. The additional financing strategies include public-private partnerships, value capture, debt financing, discretionary federal financing, and cordon pricing. Strategies for ensuring their availability are described in Chapter 5 of the Plan. Examples of these financing strategies appear in the TIP.

Projects, Strategies and Regionally Significant Projects

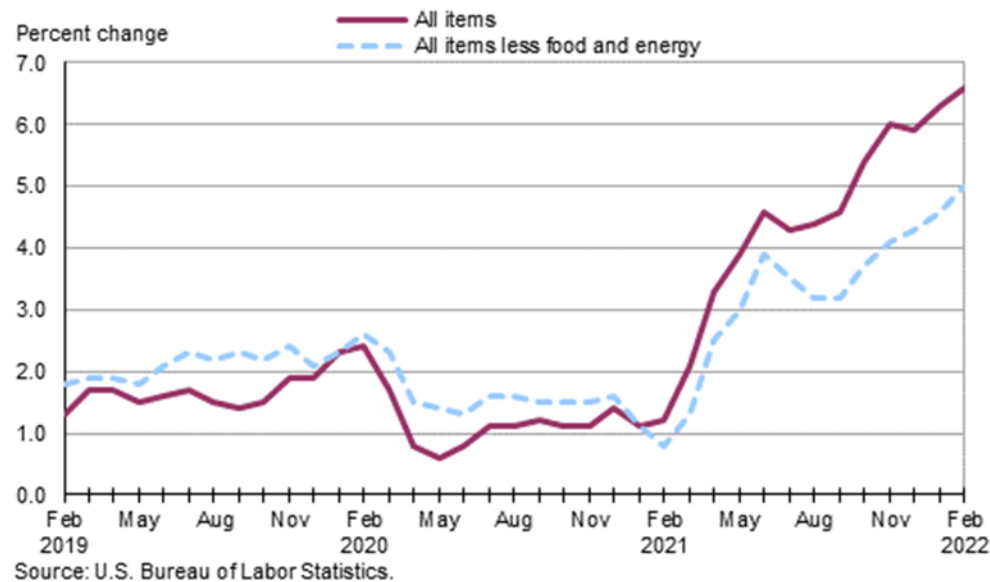
The TIP lists projects, programs and strategies funded under title 23 U.S.C., title 49 U.S.C. Chapter 53, and other federal funds; as well as regionally significant projects that are not federally funded. Project costs which appear in the TIP project listings are calculated in Year of Expenditure (YOE) dollars, as required.

Inflation rates are applied to unit cost estimates to represent YOE dollars, using either the members' inflation data for planning and programming estimates, or, in the absence of such data, applying a default inflation rate of 2.2 percent from *Moving Forward*, compounded annually, to their cost estimates. The default inflation rate from *Moving Forward* was arrived at through a trend analysis of the Consumer Price Index (CPI) for the ten years preceding the Plan (2010-2019).

Since the last year in the trend analysis (2019), the global COVID-19 pandemic has had far-reaching economic impacts that have resulted in higher inflation. The following table illustrates the rise in the

inflation rate that has resulted from the pandemic and its impacts on supply chains and other economic factors.

Chart 1. Over-the-year percent change in CPI-U, Northeast region, February 2019–February 2022



Given the unprecedented circumstances which have contributed to this inflationary increase, its duration is dependent on a number of unpredictable factors, not the least of which are the ultimate extent of the pandemic as a disruptive force and the severe economic sanctions levied due to the war in Ukraine, the medium-term outlook for inflation is difficult to anticipate reliably. That being the case, NYMTC's members have taken a conservative approach to adjusting assumed inflation rates in their capital planning by either maintaining or making small adjustments to the rates derived from the longer-term trends analyzed for *Moving Forward*. The rates assumed by each NYMTC member are listed below:

Member Agency	Assumed Inflation Rate
Putnam County	2.00%
Rockland County	2.00%
Westchester County	2.00%
Nassau County	2.00%
Suffolk County	2.00%
New York City	3.00%
MTA	Inflation factors applied to individual projects based on an assessment of costs at project midpoint

New York State DOT	2.00%
--------------------	-------

System-level Estimates of Costs and Revenue Sources to Adequately Operate and Maintain Federal-aid Highways and Public Transportation

Chapter 5 of *Moving Forward* also contains detailed system-level forecasts of operations and maintenance costs and reasonably expected resources to adequately operate and maintain the federally supported transportation system. Specifically, Table 5.2 in Chapter 5 details forecasted system-level operations and maintenance costs and resources through the Plan’s 2050 horizon year. Using these long-range forecasts, a medium range cost of \$108.3 billion for FFYs 2022-2026 and \$133.4 billion for FFYs 2027-2031 can be derived. Table 5.3 presents a forecast of system-level resources through the Plan’s horizon year, from which can be derived a medium range resource forecast of \$108.8 billion for FFYs 2022-2026 and \$132.6 billion for FFYs 2027-2031 that are/will be available for operations and maintenance.

Extrapolating from these system-level forecasts in *Moving Forward*, operations and maintenance costs during the period of the FFYs 2023-2027 TIP are forecast at \$113.1 billion, while resources are forecast to be \$113.4 billion. Thus, the forecasts derived from both *Moving Forward* and specifically for the FFYs 2023-2027 TIP fulfill the requirement of 23 CFR 450.326(j) that the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways (as defined by 23 U.S.C. 101(a) (6)) and public transportation (as defined by title 49 U.S.C. Chapter 53).

Additional Projects Should Additional Resources Become Available

Appendix A of *Moving Forward* contains recommended improvements and actions that fall into two distinct categories: programmed projects that are in the Plan’s fiscally constrained element and aspirational projects, proposals, and studies that are in the Plan’s vision element. Programmed projects in the fiscally constrained element are sufficiently developed that likely costs and potential funding are defined. They are programmed in whole or in part beyond the fifth year of the TIP. The aspirational vision projects are those projects, programs, and studies that are relatively undefined and in almost all cases do not have an identified source of funding. Vision projects are often moved into the constrained Plan and/or TIP when they are sufficiently defined. Although not reflected specifically in the TIP’s financial tables, these programmed and aspirational projects could be advanced should additional reasonable resources beyond those identified in the financial plan were to become available. Additionally, the TIP does contain non-federal projects for informational purposes that could be reprogrammed with federal funding should it become available.

Demonstrating Financial Constraint by Year

All project costs programmed in the FFYs 2023-2027 TIP are based on currently committed or “reasonably available” funding for the project in question. Total and phase-specific project costs are reflected in the TIP project listings. NYMTC does not program projects or project phases where the funding availability cannot be verified.

For each TIP year, federal funding targets are assumed by funding program based on relevant federal legislation which authorizes transportation funding as suballocated by NYSDOT. For TIP years beyond the end of a federal authorization act, assumed federal funding targets by funding program are

extrapolated from the last authorization act. Project phase costs in each TIP year are summed by funding program and in total and matched against federal funding targets by program and in total. Total project costs in a TIP year do not exceed the total funding target so that fiscal constraint can be maintained by year.

In the case of any proposed funding sources contained in a TIP year, approaches to ensuring the availability of those consistent with the additional financing strategies described in Chapter 5 in Moving Forward is described in Section 5.5.2. However, funding derived from these proposed sources does not qualify as "available" or "committed" until it has been enacted by legislation or referendum.

23 CFR 450.326 (M) – DISTRIBUTION OF SUBALLOCATED FUNDS

Procedures or agreements that distribute suballocated Surface Transportation Program funds to individual jurisdictions or modes within the MPA by pre-determined percentages or formulas are inconsistent with the legislative provisions that require the MPO, in cooperation with the State and the public transportation operator, to develop a prioritized and financially constrained TIP and shall not be used unless they can be clearly shown to be based on considerations required to be addressed as part of the metropolitan transportation planning process.

The FFYs 2023-2027 TIP has been cooperatively developed by NYMTC's members within the planning context established in *Moving Forward*. NYMTC's members collaborate in the selection of projects for inclusion in the TIP based on their individual capital plans and the regional needs and shared vision described in *Moving Forward* within the context of fiscal constraint.

23 CFR 450.326 (N) – MONITORING PROGRESS IN IMPLEMENTING THE PLAN

As a management tool for monitoring progress in implementing the transportation plan, the TIP should:

- (1) Identify the criteria and process for prioritizing implementation of transportation plan elements (including multimodal trade-offs) for inclusion in the TIP and any changes in priorities from previous TIPs;*
- (2) List major projects from the previous TIP that were implemented and identify any significant delays in the planned implementation of major projects; and*
- (3) In nonattainment and maintenance areas, describe the progress in implementing any required TCMs, in accordance with 40 CFR part 93.*

Moving Forward's Shared Vision for Regional Mobility, including the vision goals and objectives and related recommended strategies and actions govern the process for prioritizing implementation of Plan elements for inclusion in the TIP, in addition to the Congestion Management Process and the individual capital and operational planning processes of NYMTC's member agencies. Prioritization occurs through the deliberation of NYMTC's members, either corporately or at the subregional Transportation Coordinating Committees.

Major Metropolitan Transportation Investments (MMTIs) are defined in *Moving Forward's* Appendix A as follows:

MMTIs are those projects defined in NYMTC's major projects procedures that were adopted by Resolution 512 on December 17, 2020. The foundation of these procedures is federal regulations 23 United States Code (U.S.C.) § 106(h) (i) and 23 CFR § 627.5(b)(3). MMTI projects are:

- Individual transportation system enhancement projects funded in whole or in part under Title 23 U.S.C. with an anticipated total cost of \$100 million or more.*
- Individual transportation system preservation projects funded in whole or in part under Title 23 U.S.C. with an anticipated total cost of \$500 million or more.*

Individual projects that consist of multiple phases that, in total, exceed the specified thresholds are also designated as major projects. It should be noted that:

- *These major project designation requirements do not apply to transit projects exceeding the specified thresholds that do not include funding under Title 23 U.S.C., administered by the Federal Highway Administration. These transit projects are subject to the Federal Transit Administration's New Starts requirements. As such, they are not included in this section of Appendix A.*
- *These major projects must be specified in the fiscally constrained element of the Plan.*

Table XX in the Summary Tables section indicates the status of the MMTIs which appear in Appendix A. Currently, there are no active Transportation Control Measures in the NYMTC planning area.

23 CFR 450.326 (O) – TRANSPORTATION CONFORMITY LAPSE

In metropolitan nonattainment and maintenance areas, a 12-month conformity lapse grace period will be implemented when an area misses an applicable deadline, according to the Clean Air Act and the transportation conformity regulations (40 CFR part 93, subpart A). At the end of this 12-month grace period, the existing conformity determination will lapse. During a conformity lapse, MPOs may prepare an interim TIP as a basis for advancing projects that are eligible to proceed under a conformity lapse. An interim TIP consisting of eligible projects from, or consistent with, the most recent conforming metropolitan transportation plan and TIP may proceed immediately without revisiting the requirements of this section, subject to interagency consultation defined in 40 CFR part 93. An interim TIP containing eligible projects that are not from, or consistent with, the most recent conforming transportation plan and TIP must meet all the requirements of this section.

A regional emission analysis for NYMTC's TIP and Plan was performed for criteria pollutants and the results included in a Transportation Conformity Determination, which found that the TIP conforms with the mobile source emissions milestones set forth in the New York State Implementation Plan for Air Quality.

23 CFR 450.326 (P) – PROJECT SELECTION

Projects in any of the first 4 years of the TIP may be advanced in place of another project in the first 4 years of the TIP, subject to the project selection requirements of § 450.332. In addition, the MPO may revise the TIP at any time under procedures agreed to by the State, MPO, and public transportation operator(s) consistent with the TIP development procedures established in this section, as well as the procedures for the MPO participation plan (see § 450.316(a)) and FHWA/FTA actions on the TIP (see § 450.330).

The basic intent of Project Selection as proposed is to allow the program to be efficiently managed within the constraints of the fiscally constrained TIP by allowing flexibility in the delivery of the approved projects without requiring approval each time a change to the approved TIP is made, as long as all the approved projects in the TIP can be delivered and funded. NYMTC has adopted Project Selection operating procedures.