

REFERENCE SERIES: Transportation in Connecticut

ARTICLE NO. 01 Frequently Asked Questions (Federal-Aid)

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This simple guide answers Frequently Asked Questions regarding the administration of local transportation projects under various Federal-aid programs available to Connecticut municipalities through the U.S. Department of Transportation and overseen by the Connecticut Department of Transportation (CT DOT). This fact sheet focuses primarily on Federal Highway Administration (FHWA) programs.

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Planning and Project Development

1a Who do I contact? Where do I begin?

With nearly every Federal Highway Administration (FHWA) program, a municipality or project sponsor's initial contact should be made with their regional planning organization (RPO) — refer to Q&A 1b for additional definition of RPOs. This step in coordination is very important to the planning process — refer to Q&A 1d for additional definition of the planning process. As the project is evaluated by the Department, staff will further assist the municipality and RPO in navigating the Federal-aid system to successfully implement a project. However, the RPO should always be the first contact.

1b What do the acronyms RPO, MPO, UZA and TMA denote and how are they related?

The boundaries of logical planning regions are designated in the State of Connecticut by the Office of Policy and Management (OPM) under Section 16a-4a of the Connecticut General Statutes. This group of planning regions is generally referred to as RPOs, an acronym for “regional planning organization”. There are fourteen RPOs designated in Connecticut, each with varying numbers of municipalities as members and differing characteristics in their community makeup.

Planning regions are further defined by the federal government. The federal government distinguishes planning regions as either metropolitan planning organizations (MPOs) for urban areas or rural planning organizations in less populated areas. In metropolitan areas over 50,000 population, the Census Bureau defines urbanized areas (UZAs). Transportation regulation requires that a MPO be established in these areas and, additionally, the responsibility for transportation planning lies with the designated Metropolitan Planning Organizations (MPO). An UZA with a population greater than 200,000 is further defined by the federal government as a transportation management area (TMA).

The distinction between a rural planning region and a MPO is important as well as whether a MPO is also part of a TMA. These definitions relate to the level of responsibility imparted on the agencies and the available Federal-aid. MPOs/TMAs generally are provided additional financial support under the Federal-aid program to compensate for and support the added responsibility relating to the implementation of urban transportation planning and project implementation. Refer to Q&A 2b for additional definition on regional apportionments.

In Connecticut, there are four rural RPOs:

- Litchfield Hills Council of Elected Officials (LHCEO)
- Northeastern Connecticut Council of Governments (NECCOG)
- Northwestern Connecticut Council of Governments (NWCCOG)
- Windham Region Council of Governments (WinCOG).

There are ten urban RPOs* in Connecticut:

- Capitol Region Council of Governments (CRCOG)
- Central Connecticut Regional Planning Agency (CCRPA)
- Lower Connecticut River Council of Governments (formerly two separate planning regions, the Connecticut River Estuary Regional Planning Agency and the Midstate Regional Planning Agency)
- Council of Governments of the Central Naugatuck Valley (COGCNV)
- Greater Bridgeport Regional Council (GBRC)
- Housatonic Valley Council of Elected Officials (HVCEO)
- South Central Regional Council of Governments (SCRCOG)
- South Western Regional Planning Agency (SWRPA)
- Southeastern Connecticut Council of Governments (SECCOG)
- Valley Council of Governments (VCOG)

Each of the urban RPOs is part of a MPO. And although, there are ten MPOs in Connecticut, the MPO boundaries vary slightly from the urban RPO boundaries for two distinct cases. First, the planning regions of GBRC and VCOG work jointly on MPO related duties and are, thus, one MPO. Second and conversely, one region, the Lower Connecticut River Council of Governments was recently formed from two planning regions and, at this time, still functions as two separate MPOs.

A map of the Connecticut planning regions and their contact information is available at the Local Project Administration website of the University of Connecticut's CTI-Technology Transfer Center: www.t2center.uconn.edu. Additionally, several maps are available at the Department's website (www.ct.gov/dot); navigate to Publications > Maps. The Department offers maps to delineate Connecticut's RPOs, distinguishing between rural and MPO, and also show the UZA and TMA boundaries. Throughout this document and many planning materials in Connecticut, the term "regional planning organization" or "RPO" is applied to collectively refer to metropolitan planning organizations (MPOs) and rural planning organizations. Be aware that at the federal level, the acronym of "RPO" may be used differently to refer to rural planning organizations.

1c What is the difference between an urbanized area (UZA) and an urban cluster (UC)?

An urbanized area (UZA or, sometimes referred to as UA) is designated by the Census Bureau for geographic areas with 50,000 residents or more. An urban cluster (UC) is designated for a smaller urban area by the Census Bureau when there are at least 2,500 residents but no more than 49,999 residents. These are illustrated on a map at the Department's website (www.ct.gov/dot); navigate to Publications > Maps.

1d What are the first steps of the planning process for project development and how are these different if the funding source is pre-identified or not yet known?

A project purpose and need must be identified, such as roadway deficiencies relating to capacity or safety, intermodal connectivity, or the interest in enhancing accessibility. A recommended solution should then be developed and discussed with the RPO. The municipality, in concert with the RPO, must determine that the proposed project area and improvement qualifies for use of federal funds. The RPO will assist the municipality in identifying the appropriate funding source.

- When funding has already been identified in advance for the project concept, the municipality should contact the RPO to discuss the project concept and anticipated Federal-aid. This scenario may be triggered if the municipality receives a notice of a pending award, such as in response to a Congressional earmark or request for funding.
- When a funding source has not yet been identified or an anticipated award of federal funds will leave a funding shortfall, the municipality should first review the funding program overviews provided in Article No. 2, entitled “Potential Federal-Aid Sources”, of the Reference Series: Transportation in Connecticut.

In either funding scenario, the municipality should carefully review available local resources to ensure that adequate funds will exist to match federal dollars. Be reminded that federal dollars are not eligible match to federal dollars, except in extremely rare cases.

The municipality should contact the RPO to discuss the project concept and interest in Federal-aid. As part of the planning process, the RPO will identify the appropriate venue for coordinating with the Department and any additional information needs, such as application materials or documentation.

The RPO will work to determine availability of funds and further review eligibility constraints in concert with the municipality and the Department. After the municipality completes any application materials or provides any documentation identified as necessary, the RPO must prioritize the project and forward the necessary documents to the Department. The municipality and RPO will need to work towards including the project in comprehensive plans and capital programs, as necessary.

Ultimately, the municipality will need to work with the Department to develop the project scope; satisfy TIP/STIP endorsements, air quality conformity, and commitment requirements for matching funds; meet public involvement and environmental permitting requirements; enter into agreements with the State; initiate the project, prepare design materials and implement the project.

1e What is a TIP/STIP?

The Statewide Transportation Improvement Program (STIP) is a four-year planning document that lists all projects expected to be funded in those four years with Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) participation. This document is developed in cooperation with the ten metropolitan planning organizations (MPOs), and in consultation with the four rural regional planning organizations (RPOs) throughout the State. The STIP is the venue for implementing the goals and objectives identified in regional and State long-range transportation plans.

The Transportation Improvement Program (TIP) is a similar document prepared by each MPO for its individual region. The STIP must include each MPO's TIP without modification, be fiscally constrained and be assessed for impacts to air quality. Without inclusion in the TIP/STIP, a project is ineligible for FHWA or FTA funding.

1f What is air quality conformity and how does it relate to the TIP and project development?

Transportation conformity is a Clean Air Act (CAA) requirement that serves as a bridge to connect air quality and transportation planning activities. Transportation conformity is required under the CAA to ensure that highway and transit project activities receiving federal funds do not cause or contribute to any new air quality violations, do not worsen existing violations, and do not delay timely attainment of the relevant National Ambient Air Quality Standards (NAAQS).

Transportation conformity addresses air pollution from on-road mobile sources such as cars, trucks, motorcycles, and buses. Transportation regional conformity budgets are developed by the lead air quality agency, Connecticut Department of Energy and Environmental Protection (CTDEEP), as part of the attainment planning process, with a goal of ensuring that emissions from the transportation sector are balanced with those from the other source sectors such that NAAQS attainment and maintenance requirements are met in a timely fashion.

The Department and the MPOs in Connecticut must demonstrate conformity for all long range transportation plans and Transportation Improvement Programs (TIPs) — refer to Q&A 1e for additional definition of TIPs. Additionally federally funded or approved highway and transit projects in CO, PM10 or PM2.5 nonattainment and maintenance areas may be subject to project level conformity.

1g What are Title VI and environmental justice and how do they relate to project development?

Title VI of the Civil Rights Act of 1964, as amended, 49 CFR Part 21, and 23 CFR Part 200, including related statutes and regulation, provide that “no person in the United States shall, on the ground of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance”. Any Federal-aid recipients, subrecipients and contractors must comply with Title VI, including reporting requirements. In this definition, the Department is a recipient of Federal-aid and municipalities and RPOs receiving federal transportation funds are subrecipients.

The concept of “environmental justice” was introduced in the National Environmental Policy Act of 1969 (NEPA), the Federal-Aid Highway Act of 1970 (23 United States Code 109(h)), and various presidential Executive Orders as well as federal agency policies. Environmental justice practices, in essence, reaffirm, extend and clarify the policy of Title VI to ensure nondiscrimination.

Per the United States Department of Transportation Order on Environmental Justice, a determination must be made as to whether transportation programs, policies, and activities will have an adverse impact on minority and low-income populations and whether that adverse impact will be disproportionately high. In so doing, mitigation and enhancement measures as well as other offsetting benefits to the affected minority and low-income populations, design, comparative impacts, and the relevant number of similar existing system elements in the non-minority and non-low income areas are taken into account.

Title VI and environmental justice are integral to the future of any project and key considerations during the planning process. Development of a project from concept, through planning, design, initiation and ultimately implementation is guided by the policies of Title VI and environmental justice.

1h What information is needed when submitting a project for consideration?

The application forms for the various programs list the pertinent information needed, which usually includes a proposal plan, traffic data, accident information and cost estimates. The RPOs and Department will help identify the specific materials necessary based on the potential funding source and preliminary definitions of the project. Additionally, identification of the source of any necessary matching funds and a general schedule for proposed implementation of the project is often requested.

1i What level of public involvement and outreach will be required?

The level of public involvement and outreach required will depend on the type of improvements proposed. Larger, more complex projects may need to follow formal public involvement procedures and host more numerous meetings than smaller, less complex projects, especially those with extensive public support.

Regardless of project type or size, public comment must be considered and public involvement must always be early and continuous during project development. Access to information must be reasonable and there must be adequate public notice with timely information provided to the affected community. Additionally, the process for providing input must be clear and reasonable efforts made to include those traditionally underserved, such as low-income and minority households.

1j What is the typical timeline necessary to plan and develop a project scope before a project can ultimately be initiated?

Some programs have formal periods for project solicitations and other programs offer opportunities to present new project concepts on an annual or rolling basis. This can impact the availability and prioritization of funds to a project and, thus, the timeline for initiation.

Further, the time required can vary depending on the type of project. For example, the time from project application to project initiation can vary from less than a year for simple paving projects to multiple years for a complex bridge replacement. Major factors that can affect the timeline for project development include funding levels and balances, available staff resources to scope the project, environmental, cultural or historic concerns, commitment of the local share, execution of agreements, consultant selection, and public involvement as well as communication and coordination between the municipality, RPO and Department. It is important to provide adequate time to move the proposed project through the necessary steps of the planning process so that authorization for programming and use of federal funds can be arranged.

As such, an application for federal funds should be submitted with as much advance time as possible to the appropriate program. This will accommodate review time for determining project eligibility and prioritizing within available funding levels. This will also provide time to address public input, accommodate any unforeseen design issues and obtain endorsement of the project on the TIP/STIP — refer to Q&A 1e for additional definition of the TIP/STIP. Once a project is initiated and an agreement is in place, the funds available to the project must be obligated by the end of the federal fiscal year for which it was programmed — refer to Q&A 2c for additional definition on project level obligations. Typical timeframes can be further discussed with the RPO.

The Fundamentals of Funding

2a What are the differences between authorization, appropriation, ceiling and rescission when discussing funds available to a Federal-aid program?

The federal authorization establishes or continues a federal agency, activity, or program for a fixed or indefinite period of time through a statutory provision. Be reminded, the term “authorization” is used differently at the program level than at the project level — refer to Q&A 2c for discussion on federal authorization at the project level.

Appropriations may be the same or less than the amount authorized but may not be greater. Appropriations are established in a second legislative act of Congress. Appropriation can be thought of as the “cash” that is placed in the agency accounts.

Ceiling, however, is the obligational limit on this cash reserve that a State is permitted to actually use. This level is set by Congress each federal fiscal year and is normally less than the federal appropriation. Ceiling is referred to as the spending authority of a State. Recent levels have ranged from 89% to 92%. It is applied on the State level, not on the individual program level. Connecticut does not currently choose to apply a ceiling to some funding sources made available to the regions and municipalities, such as the Surface Transportation Program - Urban (STP-U) Program, thus “protecting” funds for local and regional projects.

Rescissions can further reduce the available funds to a State agency such as the Department. Since the Department is limited by available ceiling (spending authority) and can typically only program approximately 80-90% of the appropriation annually, an un-expendable balance accrues in many accounts. In an effort to reduce the impact of rescissions on active or near-future projects, the Department attempts to balance rescissions, which are mandated by the federal government, mostly with these un-programmed carryover funds.

2b What are regional apportionments?

Apportionments describe the formula based distribution of funds as provided by law. Regional apportionments describe the sub-allocated share of funds available to RPOs for some programs, such as Surface Transportation Program - Urban (STP-U) Program. In these instances, in an effort to promote fair, equitable use and meet certain priorities, the funds are further distributed in proportion to the relative share that each region constitutes of the urban population. Urban areas of 200,000 persons are typically distinguished separately from other areas of the State in these formulas.

2c What does federal authorization and obligation mean at the project level?

When a project is initiated, a recommended project memorandum (RPM) is prepared by the project manager at the Department. The RPM outlines the project scope, estimated costs, and proposed sources of funding and is based on review of the project concept and prior discussions with the RPO and municipality.

The RPM is utilized by the Department's fiscal staff to develop a formal request of the Federal Highway Administration (FHWA) for authorization of the federal funds. This is often referred to as "federal authorization" and is project-specific; it is, therefore, different than the program level "authorization" that is discussed under Q&A 2a.

After receiving federal authorization for a project, TIP/STIP endorsement; completion of plans, specifications and an estimate (PS&E); and the execution of a project agreement is sought. Upon completion of these steps, the federal authorization provides the Department with permission to obligate funds. An obligation is a commitment by the federal government that expenses for eligible activities on a project will be reimbursed to the State.

Although cash is not transferred at this time, these funds remain unavailable to other uses or projects unless they are released as a result of extenuating circumstances, such as project cancellation or failure to provide adequate documentation of expenses for reimbursement.

Available federal funds must be obligated by the end of the federal fiscal year for which they were identified. Failure to obligate risks funds being unavailable to a project, program or RPO in the future. Timing and compliance with reimbursement procedures is critical to avoid lapse of funding. Funds that are not obligated would typically not be available to carryover to future years.

2d Notification of available funds or an award of funds was received, what is the next step?

Contact should be made with the RPO as soon as possible. This step in coordination is very important to the planning process. A map of the Connecticut planning regions and their contact information is available at the following Local Project Administration website of the CTI-Technology Transfer Center: www.t2center.uconn.edu. The RPO will assist the municipality or project sponsor in the process of contacting the correct Department program coordinator and in navigating the planning and project development process. Additional information on the planning process is provided under Q&A 1d.

2e What federal (FHWA) funding sources are available to municipalities?

Several federal funding sources are available to municipalities under the Federal-aid system. Federal Highway Administration (FHWA) provides the majority of funds for surface transportation projects on roadways and bridges. FHWA also provides some funding related to ferry boats and multi-use trail systems to enhance intermodal connectivity and accessibility. The FHWA funds that are applicable to locally administered projects are mainly accessible through the RPO. An overview of popular programs is provided in Article No. 02, entitled “Potential Federal-Aid Sources”, which is part of the Reference Series: Transportation in Connecticut. Additionally, the Federal Transit Administration also provides funding related to rail, transit and ridesharing that is not discussed in the article but can be explored further by contacting the RPO.

2f What roadways are eligible for federal funding?

The first level of eligibility for Federal Highway Administration (FHWA) program funds typically requires that the improvements be located along roadways having a functional classification of rural major and above. However, each funding program can vary slightly in its eligibility rules—for an overview, refer to in Article No. 02 of the Reference Series: Transportation in Connecticut. Coordinate with the RPO for more specifics.

2g Can we utilize federal funds for paving?

Only limited federal funds are available for paving projects in urban and rural areas through the Surface Transportation Program (STP). The RPO should be contacted for additional information on funding paving projects. It is important to note that the funds cannot be used to fund municipal vendor-in-place (VIP) type projects as the procurement process does not qualify under federal rules. Instead, each project must be awarded through a competitive, project-specific, low bid process.

2h What funding is available for local bridge rehabilitation?

Local bridges on municipal roads can be rehabilitated with Surface Transportation Program - Urban (STP-U) Program funds, State Local Bridge funds and federal Highway Bridge Rehabilitation and Replacement (HBRR) Program -Off-system funds. Refer to the information provided on these programs in Article No. 02 of the Reference Series: Transportation in Connecticut.

2i When is federal funding available to the project?

The funds are available after the federal agency authorizes the project through an obligation of funds. These funds are disbursed as a reimbursement to the municipality, after the expenses are incurred and paid by the municipality. These are reimbursement-based programs. Funding expended on activities or services performed prior to execution of an agreement with the Department and notice to proceed will not be eligible for reimbursement.

2j What will the local share be on my project?

The funding share by entity for a given project can vary depending on several factors, including federal program, project type, annual regional apportionments, regional policies, Department guidance, etc. Please be reminded that the local agency will be responsible for securing the remaining share of project costs to cover the total expense, including overages and any items deemed ineligible under the federal funding program(s).

Some general rules are discussed with the program overviews in Article No. 02 of the Reference Series: Transportation in Connecticut. Additional detail specific to your project can be explored with the RPO.

2k Can Town Aid be used for the municipal matching funds?

Yes, town aid can be used for the municipal match.

Project Design and Implementation

3a How are roadway improvement projects initiated?

To initiate a roadway improvement project, municipalities must follow the planning process and develop a project concept based on an identified need, deficiency or safety issue. Refer to Q&A 1d for additional detail on the planning process.

3b Is Federal-aid available for projects that have already been designed or constructed?

Under no circumstances, will Federal-aid be made available for any work performed prior to federal authorization of that project activity. If project activities were performed prior to a project agreement and notice to proceed by the Department, expenses for those activities will not be reimbursable.

Federal-aid programs may exist for funding the next phase of project activities not yet initiated. For example, rights of way or construction activities on a project with design that has been completed may be eligible. In such a case, the program funding would be contingent upon available balances, prioritization for funding, Department review and concurrence with the design, and eligibility rules regarding the proposed activities.

3c Are there design constraints for eligible projects?

Yes, projects utilizing federal funds must conform to applicable federal/State design standards. This will be first reviewed during the project scoping process and further developed through the design review process.

3d What requirements are there for consultant selection and what is “QBS”?

If a municipality has adequate and qualified staff resources to perform the work according to State and federal requirements, it is not required to utilize consultants. However, when a municipality identifies the need for or preference to perform work via consultants, there are State and federal requirements relating to the procurement of these services that must be followed. RPO and Department staff will provide the municipality with information and guidance to assist in this process, much of which is located online at the Department’s website. In general, federal procurement rules require a selection based on demonstrated competence and qualifications for the type of professional services required and at a fair and reasonable price, referred to as Qualifications Based Selection (QBS).

More information on consultant selection is posted on the Local Roads Unit’s page of the Department’s website (www.ct.gov/dot); navigate to About Us > Department Bureaus > Bureau of Engineering and Construction > Office of Engineering > Local Roads. Refer to the document entitled “Consultant Selection, Negotiation and Contract Monitoring Procedures for Municipally Administered Projects”.

3e Why are construction costs higher for projects administered using federal funds?

Construction costs tend to be higher for federally funded projects as opposed to municipally funded projects given the extent of the treatments required for meeting federal design criteria. For example, additional construction costs include oversight, inspection and testing as well as administration costs.

Other Notes and Resources

The information in this article is provided as a first step in understanding the transportation planning, development, design and implementation process. Many topics focus on elements particularly relevant to locally administered transportation projects. The full detail of the process, particularly rules of eligibility, special provisions, requirements, or constraints is not within the purview of this reference document. It is imperative that municipal staff contact their RPO early in the process for guidance.

In addition to the CT DOT website at www.ct.gov/dot, the Local Project Administration website of the University of Connecticut's CTI-Technology Transfer Center provides many resources for municipal staff and managers of local projects: www.t2center.uconn.edu. Other articles in the Reference Series: Transportation in Connecticut are posted at the Department's website and can be located by navigating to Publications > Pamphlets.

Article No. 02, entitled "Potential Federal-Aid Sources", may also be of interest. This simple guide describes the various Federal-aid programs available through the U.S. Department of Transportation to Connecticut municipalities. The document focuses primarily on Federal Highway Administration (FHWA) programs and related local project initiatives.

Connecticut...On The Move!

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