

Texas Administrative Code

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<u>TITLE 43</u>	TRANSPORTATION
<u>PART 1</u>	TEXAS DEPARTMENT OF TRANSPORTATION
<u>CHAPTER 15</u>	TRANSPORTATION PLANNING AND PROGRAMMING
<u>SUBCHAPTER A</u>	TRANSPORTATION PLANNING
RULE §15.4	Unified Planning Work Program (UPWP)

(a) Planning activities. Under 23 C.F.R. §450.314, an MPO is required to document planning activities in a UPWP to indicate who will perform the work, the schedule for completing it, and all products that will be produced. The department is responsible for assisting in the development of the UPWP, approving the format of work programs submitted by MPOs, and, where required by federal law or regulation, monitoring an MPO's performance of activities and expenditure of funds under a UPWP. Where monitoring is not required, the department is responsible for reviewing an MPO's activities and expenditure of funds, and will comment on and make suggestions relating to those activities and expenditures. The department will design a uniform format for UPWPs and reports to be submitted by MPOs. This subsection describes how a UPWP is developed, the contents of a UPWP, how it is approved, and how the department will monitor work programs.

(1) Requirements. An MPO in cooperation with the department and operators of publicly owned transit systems must annually develop a unified planning work program that meets the requirements of 23 C.F.R. Part 420, Subpart A and 23 C.F.R. §450.314.

(2) Prospectus allowed. The metropolitan transportation planning process may include the development of a prospectus that establishes a multiyear framework within which the UPWP is accomplished.

(3) UPWP development. The department will develop a time line for development of the UPWP by the MPOs. Failure to adhere to the time line may result in a delay in the authorization to the MPOs to proceed in incurring costs.

(4) UPWP format. The department, in consultation with the MPOs, shall develop a standard UPWP format to be used by all MPOs. UPWPs submitted in a different format will not be approved.

(5) UPWP approval and revisions. The MPO policy board shall not delegate approval authority of, or subsequent revisions to, the UPWP.

(6) Annual performance and expenditure report. To allow the department to monitor work programs, the MPOs shall prepare and submit an annual performance and expenditure report of progress no later than December 31 of each year. A uniform format for the annual report will be established by the department, in consultation with the MPOs.

(b) Funding. Federal transportation planning funds are available to MPOs to develop the metropolitan transportation plans and transportation improvement programs required by this subchapter. Under 23 C.F.R. §420.111, the use of federal planning funds must be documented by the MPO in a work program acceptable to the FHWA setting out

proposed work undertaken with federal planning funds and the estimated cost of this work. A work program acceptable to the FTA is required for planning activities involving mass transportation plans and programs. This subsection describes the requirements for a UPWP related to funding, limitations on the use of federal planning funds for planning work, when the travel costs of persons participating in the metropolitan planning process may be authorized and reimbursed, limitations on the expenditure of funds for planning work outlined in a UPWP, and how federal transportation planning funds will be distributed to MPOs.

(1) Requirements. The UPWP shall reflect transportation planning work tasks to be funded by federal, state, or local transportation, or transportation related (e.g. air quality), planning funds.

(2) Planning work eligibility. The use of federal metropolitan transportation planning funds shall be limited to transportation planning activities affecting the transportation system within the Metropolitan Area Boundary (MAB). If an MPO determines that data collection and analysis activities relating to land use, demographics, or traffic or travel information, conducted outside the MAB, affect the transportation system within the MAB, then those activities may be undertaken using federal planning funds, provided that the activities are specifically identified in an approved UPWP. Any other costs incurred for transportation planning activities outside the MAB will not be eligible for reimbursement.

(3) Authorization for travel outside the state. Travel outside the State of Texas by MPO staff and other agencies participating in the MPO planning process shall be approved by the department if funded with federal transportation planning funds. Approval must be received prior to incurring any costs associated with the actual travel (e.g., registration fee). This provision will not apply if the travel is at the request of the department. Travel to the State of Arkansas by the Texarkana MPO staff and travel to the State of New Mexico by the El Paso MPO staff shall be considered in-state travel.

(4) Reimbursement of travel costs of elected officials. The cost of travel incurred by elected officials will not be eligible for reimbursement with federal transportation planning funds.

(5) Funding limitations. The use of federal transportation planning funds shall be limited to corridor/subarea level planning or multimodal or systemwide transit planning studies. Major investment studies and environmental studies are considered corridor level planning. The use of such funds beyond environmental document preparation or for specific project level planning and engineering (efforts directly related to a specific project instead of a corridor) is not allowed.

(6) Department approval of costs. The MPO shall not incur any costs for work outlined in the UPWP or any subsequent amendments (i.e., adding new work tasks or changing the scope of existing work tasks) prior to receiving approval from the department. Any costs incurred prior to receiving department approval shall not be eligible for reimbursement from federal transportation planning funds.

(7) Expenditure limitations. Costs incurred by the MPO shall not exceed the total budgeted amount of the UPWP without prior approval of the MPO policy board and the department. Costs incurred on individual work tasks shall not exceed that task budget by 25% without prior approval of the MPO policy board and the department. If the costs exceed 25% of the task budget, the UPWP shall be revised, approved by the MPO policy

board, and submitted to the department for approval.

(8) Distribution of funds. Federal transportation planning funds will be distributed to the MPOs based on a formula mutually agreed to by the department and FHWA/FTA.

Source Note: The provisions of this §15.4 adopted to be effective January 1, 1998, 22 TexReg 12081; amended to be effective November 17, 2005, 30 TexReg 7496