



# **An Overview of the MPO Unified Planning Work Program**

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FHWA Texas Division (HPP-TX)

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# Federal Laws and Regulations

## Unified Planning Work Programs

- **Federal Statutes**

  - 23 USC 134(a),(f)

  - 49 USC 5303(a), (b)

- **Primary Federal Regulations**

  - 23 CFR 420.109

  - 23 CFR 450.314

  - 49 CFR 613

# Federal Laws and Regulations

## ■ Regulatory Requirements 23 CFR 420.111

- Show Federal share by type of fund;
- Matching rate by type of fund;
- State and/or local matching share;
- Other state or local funds

# Funding and Eligibility

- How is Federal-aid funding levels determined for States and MPOs?
  - FHWA PL [23 USC 104(f)(2)] and FTA MPP [49 USC 5303(h)(2)(A)] and SPRP [49 USC 5313(b)] funds are apportioned annually to the States according to statutory formulas.
  - FHWA SPR [23 USC 505(a)] funds are set-aside from each State's apportionments of the core highway programs after those funds are apportioned to the States.

# Eligible Costs for UPWP Activities (23 CFR 420.113)

Are the proposed costs eligible?

- PL costs are eligible provided that the costs are:
  - Eligible under the section of title 23 U.S.C. that are applicable to the class of funds used for activities (e.g., for example are the MPO PL funds being used for “3-C” metropolitan planning purposes?);
  - Are costs verifiable from the State DOT’s or sub-recipient records/documents?;

# Eligible Costs for UPWP Activities (23 CFR 420.113)

- Are the PL costs necessary and reasonable for proper and efficient accomplishment of project objectives?
- Do the costs meet the criteria for allowable costs in the applicable OMB cost principles cited in 49 CFR 18.22?;
- Were the costs included in the approved budget, or amendment; and
- Ensure that costs of items were not incurred prior to FHWA authorization.

# How do States sub-allocate MPO PL funds?


- By statute, each State must distribute FHWA PL [23 USC 104(f)(4)] and FTA MPP [49 USC 5303(h)(2)(B)] funds to its MPOs, based on formula that consider the factors in the legislation and that are developed by the State in cooperation with the MPOs.
- The State distribution formula for PL and MPP funds, and any revisions to them, must be submitted by the State to FHWA or FTA, respectively, for approval.
- States should periodically review their metropolitan planning fund distribution formula to determine if they need to be revised to reflect changing conditions or new Census data.

# Metropolitan Planning (PL) Funding

The State of Texas allocates annual fiscal year MPO PL funding as part of an FHWA- approved sub-allocation formula.

This is an example of how the MPO PL funding is approved for each fiscal year for the State of Texas by the FHWA Texas Division in FY07.

A total of \$21.6 M was obligated in FY 2007 for the twenty-five (25) MPOs under SAFETEA-LU

  
**Texas Department of Transportation**  
P O BOX 148217 • AUSTIN, TEXAS 78714-9217 • (512) 468-5000

October 23, 2006

RECEIVED ON  
OCT 25 2006  
TEXAS DIVISION  
FHWA

APPROVED: *[Signature]*  
Date: 10/27/06  
File: 486-5039  
486-5039  
Federal Highway Administration

Mr. Alonzi  
Acting Division Administrator  
Federal Highway Administration  
Austin, Texas

Dear Mr. Alonzi:

In accordance with the Texas Department of Transportation Oversight Responsibility letter dated July 9, 1997, we are requesting authorization of Metropolitan Planning Funds pursuant to the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users for Fiscal Year (FY) 2007 apportionment in the amount of \$21,643,805.00 for the Metropolitan Planning Organizations (MPOs).

Attached for your information and file is a spreadsheet indicating the amount to be allocated to each MPO based on the approved allocation formula.

Upon approval, the Design Division will initiate the Federal Project Authorization Agreement process to obligate \$21,643,805.00 to FY 2007 project PL0011 (42).

If you have any questions or need further information, please contact John Bendele at 488-5039.

Sincerely,  
*James L. Randall*  
James L. Randall, P.E.  
Director, Transportation  
Planning and Programming

Attachment

cc: Mark A. Marek, P.E., Director, Design Division, TxDOT  
Linda Olson, Design Division, TxDOT  
Eric V. De Laughter, Transportation Planning and Programming Division, TxDOT  
Jack Foster, P.E., Transportation Planning and Programming Division, TxDOT  
John Bendele, Transportation Planning and Programming Division, TxDOT

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# Metropolitan Planning (PL) Funding

This is the MPO PL funding Apportionment formula that was approved by the FHWA Texas Division for SAFETEA-LU for FY 07 (as of October 27, 2006)



The MPO PL funds are apportioned to twenty-five (25) metropolitan planning areas based on the following four factors:

- ✓ Air quality Non-attainment Status
- ✓ Near non-attainment areas;
- ✓ Transportation Management Areas
- ✓ (> greater than 200k population);
- ✓ Population amount within MPO planning area

## Appropriation Data Information

PL-112 APPORTIONMENT	21,543,803
AMPO DUES STATE WIDE	65,166
TEMPO DUES STATE WIDE	10,000
<b>REMAINING PL-112 AFTER STATEWIDE TAKE-OFFS</b>	<b>21,568,639</b>
FTA 5303 APPORTIONMENT	5,682,411
<b>TOTAL FY Planning Funds</b>	<b>27,251,050</b>
General Transportation Planning Funds (when available)	0
<b>TOTAL FUNDING</b>	<b>27,251,050</b>

	# of Areas	Minimum Allocations	Amount Distributed by Min. Alloc.	Amount Distributed by Population	
Amount to near non-attainment area	4	\$25,000	100,000	100,000	\$200,000
Amount to nonattainment areas	4	\$50,000	200,000	200,000	\$1,000,000
Amount to Transportation Management Areas	8	\$50,000	400,000	800,000	\$1,000,000
Amount distributed by population	25	\$50,000	1,250,000	18,118,639	\$19,368,639
					21,568,639

STUDY AREAS	2000 Urbanized Population	% Population	A		B		C		D	
			FTA 5303 Federal Alloc.	FHWA PL-112 Federal Alloc.	Total Federal Funds	\$ Amount Lost/Gain				
Abilene	107,041	0.0073	\$ 41,101	\$ 190,195	\$ 231,296	(865)				
Amarillo	179,312	0.0121	\$ 68,860	\$ 288,098	\$ 356,958	(1,483)				
Austin	901,320	0.0610	\$ 346,308	\$ 1,302,625	\$ 1,648,933	(7,459)				
Brownsville	165,776	0.0112	\$ 63,863	\$ 251,834	\$ 315,697	(1,371)				
Bryan-College Station	132,500	0.0090	\$ 50,678	\$ 211,161	\$ 261,839	(1,069)				
Corpus Christi	293,825	0.0199	\$ 112,858	\$ 471,573	\$ 584,431	(2,431)				
Dallas-Fort Worth	4,500,007	0.3941	\$ 1,727,856	\$ 6,216,205	\$ 7,944,061	(37,214)				
El Paso	648,486	0.0438	\$ 246,960	\$ 1,024,158	\$ 1,271,118	(5,253)				
Hartlingen-San Benito	110,770	0.0075	\$ 42,532	\$ 184,730	\$ 227,262	(915)				
Houston-Galveston	4,135,557	0.2796	\$ 1,646,306	\$ 5,726,259	\$ 7,372,565	(34,208)				
Jefferson-Orange-Hardin	253,990	0.0172	\$ 97,512	\$ 430,182	\$ 527,704	(2,105)				
Killeen-Temple	239,913	0.0162	\$ 92,119	\$ 341,808	\$ 433,927	(1,984)				
Laredo	175,595	0.0119	\$ 67,419	\$ 263,566	\$ 330,985	(1,452)				
Lubbock	79,070	0.0053	\$ 29,875	\$ 173,196	\$ 203,071	(646)				
Lubbock	200,225	0.0137	\$ 77,648	\$ 305,650	\$ 383,298	(1,672)				
Mc Allen-Pharr (Hidalgo Co.)	523,144	0.0264	\$ 200,870	\$ 781,347	\$ 982,217	(4,329)				
Midland-Odessa	210,616	0.0143	\$ 80,870	\$ 306,174	\$ 387,044	(1,741)				
San Angelo	87,869	0.0059	\$ 33,777	\$ 158,227	\$ 192,004	(729)				
San Antonio	1,327,564	0.0697	\$ 509,738	\$ 1,858,371	\$ 2,368,109	(10,879)				
Sherman-Denton	55,168	0.0038	\$ 21,570	\$ 158,432	\$ 180,002	39,848				
Teexiana (TX Only)	46,747	0.0033	\$ 20,000	\$ 160,000	\$ 180,000	50,304				
Tyler	101,494	0.0069	\$ 38,970	\$ 202,691	\$ 241,661	(839)				
Victoria	61,529	0.0042	\$ 23,825	\$ 156,375	\$ 180,200	31,025				
Waco	183,128	0.0124	\$ 68,223	\$ 256,336	\$ 324,559	(1,257)				
Wichita Falls	99,398	0.0067	\$ 38,105	\$ 170,896	\$ 209,001	(821)				
<b>TOTALS</b>	<b>14,756,842</b>	<b>1.0000</b>	<b>\$ 5,682,411</b>	<b>\$ 21,686,639</b>	<b>\$ 27,251,050</b>	<b>(5)</b>				

Amount of funds needed to bring MPOs up to a minimum of \$180,000

120,980

# What Is a Unified Planning Work Program?

- Work Programs are Statements of Work that:
  - Document eligible planning work activities a State DOT or MPO proposes to undertake with FHWA and FTA planning funds.
  - Detail the estimated cost (Federal and matching funds) to perform these activities.
  - Identify who will perform the work (e.g., State staff, MPO staff, local government staff, consultant, etc.).
  - Include proposed funding by work activity and an overall budget summary that identify the category of Federal funds and the source of matching funds.

# Unified Planning Work Program (23 CFR 450.314)

- In TMAs, the MPO(s) in cooperation with the State and operators of publicly owned transit shall develop UPWPs that meet the requirements of 23 CFR 420, subpart A, and:
- Discuss the transportation-related planning priorities facing the metropolitan planning area;
- Describe all metropolitan transportation and transportation-related air quality planning activities (including corridor and subarea studies) anticipated within the area during the next one or two year period;
- Regardless of funding sources or agencies conducting activities in sufficient detail to indicate who will perform the work, the schedule for completing it and the products that will be produced.

# Unified Planning Work Program (23 CFR 450.314)

- The UPWP should document all metropolitan planning activities to be performed with planning funds provided under title 23, U.S.C. and the Federal Transit Act.
- Arrangements may be made with FHWA and the FTA to combine the UPWP requirements with the work program for other Federal sources of planning funds (e.g., SPR work program).

# Unified Planning Work Program (23 CFR 420.109(e))

- In accordance with 23 U.S.C. 134(n) any PL funds not needed for carrying out the metropolitan planning provisions of 23 U.S.C. 134 in any State may be made available by the MPO(s) to the State DOT for funding statewide planning activities under 23 U.S.C. 135, subject to approval by the FHWA Division Administrator.

# Unified Planning Work Program (23 CFR 450.314)

- The metropolitan planning process may include the development of a **prospectus** that establishes a multi-year framework within which the UPWP is accomplished.
- A **prospectus** is a statement within the MPO planning document that describes the current and future forecasts facing a metropolitan planning area (e.g., land-use growth, population, traffic congestion, air quality, etc.)
- The **prospectus** may be used to satisfy the requirements of 23 CFR 450.310 (agreements for cooperatively carrying out the transportation planning by MPO and other stakeholders).



# What Is a Simplified Statement of Work for non-TMAs?

- For MPOs that do not serve a Transportation Management Area (TMA), a simplified statement of work may be used instead of a more detailed UPWP. A simplified statement of work can be as small as a few a couple of pages and would:
  - Include a general description of the work to be accomplished with federal funds.
  - Identify who will perform the work (e.g., MPO staff, local government, consultant, etc.).
  - Be developed in cooperation with the State DOT and local public transit operator(s).

# What is the difference between a SPR Work Program and a UPWP?

- The SPR Work Program is the State DOT's work program that describes what "statewide" planning and research work activities the state will perform during the grant period.
- The UPWP is an MPO's work program that describes what planning work activities the MPO will perform during the grant period.



# Who needs to have a UPWP or SPR Work Program?

- State and MPOs must each have a work program if they plan to use SPR, PL, other federal-aid highway planning or research funds.

# Why is it necessary to have a work program?

- Work programs are considered to be federal grant applications for Federal-aid planning funds.
- They allow FHWA and FTA to determine if the proposed work is eligible for Federal funding.
- Approval and authorization of the work establishes eligibility of later reimbursement to the State and MPO for the eligible work performed.

# What is a grant?

- A grant is an award of Federal-aid funds when the principal purpose is to carry out a public purpose of support or to meet certain legal requirements authorized by federal law (e.g., title 23 U.S.C.).
- FHWA and FTA planning funds are granted to State transportation agencies to support planning related activities as specified in 23 U.S.C. 134, 135 and 505 and 49 U.S.C. 5303-5305 and 5313(b).
- State transportation agencies sub-grant funds to MPOs and other sub-recipients to carry out the metropolitan planning process and other eligible activities.

# What is the purpose of UPWP or SPR Work Program review?

- Allow FHWA/FTA to determine eligibility of proposed activities and whether suitable activities are included to meet legislative and regulatory requirements for metropolitan and statewide planning.

# What preparation work should be done before a UPWP is submitted for our approval?

- Discuss with agencies the work they expect to continue or begin in the upcoming fiscal year(s)
- Become familiar with the planning agencies schedule for developing new work programs
- Start with discussions on status of current planning activities, available and anticipated funding, upcoming deadlines for renewing plans, TIPs, conformity findings, and other required activities, national planning emphasis areas, requirements established in newly adopted law or regulations, MPO certification actions including TMA corrective actions and recommendations by FTA/FHWA should be considered, changing circumstances/needs within the jurisdiction developing the work program, and/or any outstanding issues or findings from past work program and FTA/FHWA Metropolitan and Statewide planning findings.

# What preparation work should be done before a UPWP is submitted for our approval?

- Come to agreement among parties as what will be included in the draft work program.
- Request and review draft work programs, and provide appropriate agency(ies) with comments well in advance of when the final is due.  
(NOTE: Providing written comments is highly recommended.)
- Coordinate or consult with your FHWA/FTA counterpart on all major meetings, discussions, reviews, and final actions concerning MPO work programs.
- Refer to any written MOU /MOA agreements between your office and the pertinent FHWA/FTA counterpart defining each agency's roles and responsibilities in reviewing and acting on UPWPs. If no agreement exists, consider developing an MOU/MOA that describes respective responsibilities of the affected stakeholders.

# UPWP Document Process (23 CFR 420.117(b)(2)(c))

- End of year annual performance & expenditure reports (P&E) are due 90 days after the end of each fiscal year (due first week of January each year).
- End of Federal FY is by September 30<sup>th</sup>, so add 90 days to get December 31<sup>st</sup> for the required due date for all end of year annual P&E reports.

# UPWP Document Process (23 CFR 420.117(b)(2)(d))

- Events that have significant impact on the work must be reported as soon as they become known;
- The types of events or conditions that require reporting include: problems, delays, or adverse conditions that will materially effect the ability to attain program objectives.



# UPWP Document Process

- **Items to review/confirm:**
  - Has the MPO policy board adopted the UPWP or subsequent revisions by formal board action? What was the official date of this MPO policy board adoption?;
  - Note that the period of performance for the UPWP may be multi-year by expanding from one to two fiscal years per pilot agreement with TxDOT and MPOs;
  - Has TPP (Systems Planning) transmitted the MPO adopted UPWP with a dated TxDOT cover memo and has subsequent revision(s) been sent over to FHWA in a timely manner per our agreement?
  - Has TPP (Systems Planning) completed their review and edits on the adopted MPO UPWP document prior to sending it over to FHWA and FTA for formal approval action?

# UPWP Document Process

- Draft versions of UPWPs are generally available through the MPO and are typically posted electronically on their web page for public participation purposes.
- Please note, however, that draft versions of the MPO UPWPs are not generally transmitted formally to FHWA by TxDOT TPP(S) for preliminary review and comment purposes.

# Review of UPWP Work Programs

## What must be included in the document?

- Description of work to be accomplished and cost estimates (23 CFR 420.111);
- Cost estimates by activity or task (23 CFR 420.111);
- Who will be performing the work (contractors or MPO staff)?  
23 CFR 450.314(a)(1)

# Review of UPWP Work Programs

- When will the work be completed (e.g. timeline or schedule)?
- What products will be produced?
- Did the MPO include their annual self certification finding? Was it signed off by the appropriate partners? (23 CFR 450.334)

# Review of UPWP Work Programs

- Have all required planning work elements been included (regardless of funding source)?;
- Is the UPWP consistent with objectives/priorities of Long-Range MPO transportation Plan?;
- Does the UPWP provide strategic direction for transportation activities within the planning area?
- Is the required documentation on file in PPD?

# How are SPR/UPWP Work Program amendments generally handled?

- Consider proposed amendments within the context of the current work program
- Appropriate action can depend upon type/magnitude of amendment
- Recommend development of procedures to define how to process amendments
- Develop procedures with FHWA/FTA, State DOT, MPOs
- Certain amendments require prior Federal-aid approval, for example:
  - Increase in Federal funds [49 CFR 18.30(c)(1)(i) and FTA Circular 5010.0C,I.6.e(1)]
  - Cumulative transfer among already approved work program line items of 10% of the total Federal funds or \$100,000, whichever is larger [49 CFR 18.30(c)(1)(ii)].

# What happens if I think an item is not eligible for MPO PL funds?

- Ask for clarification of the proposed activity (e.g., how is it related to the metropolitan transportation planning process? Can the project description be improved to better reflect what will be accomplished in terms of support for or connections to the transportation planning process?).
- If the activity still does not appear to be eligible, ask the activity sponsors to revise the proposed activity to make it eligible.
- If it still fails the eligibility test, ask the pertinent agency to remove it or change the funding source to one for which it is eligible.
- If, after attempts have failed to convince the sponsoring agency to revise the ineligible portions of the work program or the entire document does not substantially meet our requirements, do not approve it and do not authorize expenditure of associated federal-aid funding until an acceptable document is submitted. Another option is to let the activity remain in the work program, but specify in the approval/authorization letter that the activity is not eligible for Federal funding reimbursement purposes.

# Suggested Items to Include in FHWA's Planning Work Program (SPR and PL) Approval Letter

- Statement that FHWA planning and research funds (as defined in 23 CFR 420.103) shall be administered in accordance with the provisions of 49 CFR Part 18 and 23 CFR Part 420.
- Effective date of when the authorized work can proceed (if it is different from the date of your approval letter).
- Statement that the federal-aid authorization is subject to the availability of funds.



# Suggested Items to Include in FHWA's Planning Work Program (SPR and PL) Approval Letter

- Time period of the authorization if not all needed Federal funds are available at the time of authorization for the full work program period.
- The category and amount of funds that are being authorized (PL, SPR, STP, NHS, etc.) in the work program/grant approval
- Period for which the work is authorized (e.g., document starting and ending date)
- SPR/PL Work program activities must be eligible under 23 U.S.C. 134, 135, 505 or 49 U.S.C. 5303-5305, 5313(b) and the provision of 23 CFR 420 and 23 CFR 450.