

Capital Transportation Program Development Process

This document serves as a guide to the members of the Council on Transportation (COT) and the public on the development of the Capital Transportation Program (CTP). The information provided will highlight and explain the role of the COT in the development of the CTP.

Role of the COT

The COT has several roles that are established in TITLE 29 CHAPTER 84 § 8409 of the Delaware Code. One of these roles is the final approval and adoption of the Capital Improvement Program currently referred to as the CTP. The CTP is a 6-year capital program that identifies all of the capital expenditures anticipated by DelDOT. In this role the COT will review the proposed program and hold public meetings in each County to solicit public input on the proposed CTP. These meetings must be held prior to September 30th of the program year and have a 10-day written comment period. Following the written comment period, the Council may make priority changes to the proposed CTP in an open meeting by documenting the reasons and justifications for the changes, using the approved priority formula-based process adopted by the Council. Final approval and adoption of the CTP by the COT must occur by March 1st of the program year.

Federal and State Regulations

The development of the CTP is governed and regulated by both state and federal code. Per federal regulation 23 CFR 450.216 (a)-(o), each State is required to develop a Statewide Transportation Improvement Program (STIP). Delaware refers to the STIP as the CTP. This plan is developed in cooperation with Delaware's three Metropolitan Planning Organizations (MPOs), WILMAPCO, Dover/Kent MPO, and Salisbury/Wicomico Metropolitan Planning Organization, and Sussex County. These entities, in turn, gather input from their local constituents so that the adopted CTP is the result of a grassroots effort. The latest federal transportation spending authorization, Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) requires each state to develop a STIP containing at least four years listing of projects. Though the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) recognize only the first four years of the STIP, Delaware includes six years in order to accommodate a longer period of fiscal planning and management. The STIP shall be developed in cooperation with the MPOs. With respect to Delaware's non-metropolitan area, it shall be developed in consultation with affected local officials in Sussex County. FAST Act mandates that regionally significant projects be identified individually in the STIP. Other projects that are not determined to be regionally significant can be either grouped into a single line item or individually identified. Per minimum federal guidelines, the STIP need only show projects: 1) receiving federal funds; 2) requiring action either by FHWA or FTA; or 3) affecting air quality in non-attainment or maintenance areas. Delaware has elected to show all projects or programs that receive capital funding in the CTP.

Each project shall be:

- Consistent with the Long-Range Statewide Transportation Plan, also known as the Long-Range Plan, or LRP;

- Included in an approved MPO Transportation Improvement Program (TIP) within the MPO areas; and
- In conformance with the applicable State air quality implementation plan if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide.

The final draft STIP must be reviewed and approved by the COT, the General Assembly, and then by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

What's included in the Capital Transportation Program

The CTP contains five general types of projects and programs, which are listed below:

1. Projects that represent system preservation that are excluded from the prioritization process per TITLE 29 CHAPTER 84 § 8419 of the Delaware Code. These projects are designated as State of Good Repair projects (SOGR) and include but are not limited to:
 - Bridge Management
 - Bridge Inspection Program
 - Bridge Preservation Program
 - Corridor Capacity Preservation
 - Dam Preservation Program
 - Materials and Minor Contracts
 - Paving and Rehabilitation
 - Rail Crossing Safety
 - Ride Ability (Rail Crossings)
 - Hazard Elimination Program
 - High Risk Rural Roads
 - Section 154 Penalty Transfer (Sanction) Program
 - Intersection Improvements
 - Signage and Pavement Markings
 - Heavy Equipment Program
 - Information Technology Initiatives Program
 - DMV Mainframe Modernization Project
 - Transportation Facilities - Administration
 - Transportation Facilities – Operations
 - Transit Facilities Minor Capital Program
 - Transit Systems Equipment Program
 - Rail Preservation
 - Community Transportation Program
 - Transportation Infrastructure Investment Fund
 - Transit Vehicle Replacement
 - Maintenance Equipment and Tools (Transit) Program
 - Municipal Street Aid

2. Projects and programs that receive a dedicated funding source from the FHWA or FTA that can only be spent on those types of projects. These projects are designated as having dedicated funding (DED) and include but are not limited to:

- Recreational Trails (Pass through to DNREC)*
- Safe Routes to School*
- Delaware Byways*
- Transportation Enhancement*
- Aeronautics Planning
- Aeronautics Program Development
- Education and Training**
- Rail Crossing Safety and Rail Preservation
- Local Technical Assistance Program
- Metropolitan Planning Organization FHWA / FTA
- Rural Technical Assistance Program
- State Planning and Research (FHWA and FTA)
- Disadvantaged Business Enterprise
- On the Job training / Supportive Services**
- Summer Transportation Institute Program**
- Job Access Reverse Commute Program (JARC)
- New Freedom Program Statewide 50/50 (Transit)
- US301, Maryland State Line to SR1

* These projects are funded from the Federal Transportation Alternatives Program apportionment and have a separate prioritization process within that program.

** These programs are required by FHWA or FTA however there is no dedicated funding apportionment, therefore these programs are funded through available federal funding.

3. Projects and programs that provide the ability to make small improvements that allow for the improved management and operation of the system. (MGT)

- Bicycle, Pedestrian and Other Improvements
- Enterprise Document Management
- Federal Land Access Program
- Planning Program Development
- Rideshare Program / Trip Mitigation
- Traffic Calming
- Traffic Signal Revolving Fund
- Transportation Management Improvements
- Transit Vehicle Replacement 5310 Program
- University Research Program

4. Projects that are mandated for DelDOT to complete either through a regulatory requirement, contractual obligation, legislative action or a judicial action. These projects are designated as required (REQ) and include but are not limited to:
 - Environmental Improvements
 - Commercial Vehicle Information Systems Network (CVISN)
 - Truck Weight Enforcement
 - Pedestrian ADA Accessibility
 - MUTCD Compliance Project
 - Improvements to the Road A intersection
 - Riverfront Initiatives
 - Orange Street Bridge

5. Projects that are prioritized using the methods established under TITLE 29 CHAPTER 84 § 8419 of the Delaware Code. These remaining projects are evaluated and ranked according to how the elements of the project meet the priorities established by the MPOs, Sussex County and DelDOT's mission, vision and goals.

Development of the Draft CTP

The 6-year CTP establishes the actual spends for each project phase that is anticipated to be started in a specific fiscal year. This is a multi-step process that considers several factors including project technical score, project readiness and project funding eligibility.

1. Project Technical Score – This step evaluates the individual projects based on the established criteria to determine their technical score. Projects can then be listed according to their technical score. This is just the first step in the establishing where the project will be eventually scheduled and funded within the 6-year CTP. A separate document entitled *DelDOT Enhanced Project Prioritization Criteria* was created to explain the criteria used for the ranking process and the associated weights that have been assigned to those criteria.

2. Project Readiness – Projects usually have a life span ranging from 2 to 15 years from project conception to completed construction. This life span can stretch through several years of the CTP cycle and requires that a project be evaluated for project readiness. This evaluation is used to assess the current phase of the project and when the next phase can begin along with the establishment of a project schedule from concept design through to construction. This process does not assign specific funding or establish which years a specific phase may be funded.

3. Project Funding Eligibility – The next step is to determine what types of Federal or State funding each project is eligible to use. The funding that the state receives from the federal government both through the FHWA and the FTA comes in specific categories and can only be spent on those projects that are eligible within those specific categories. The process of applying the funding works down the list generated from the technical score and assigns the most restricted funding categories first utilizing the most flexible categories towards the end of the process.

4. Assemble the Plan – The final step is to assemble the 6-year spend plan taking into account all of the above information. The goal is to honor the ranking system to ensure that the projects at the top of the list are funded within the first four years of the program. The state funding levels used to develop the CTP are based in the latest Delaware Economic and Financial Advisory Council (DEFAC) revenue forecasts. The federal funding shall be applied in consideration of the categories of federal funding. In addition, to maximize the use of federal funds, the department generates a 4-year federal obligation plan. This plan ensures that the federal funds that are provided to the department are assigned to specific projects and obligated to be spent within the timelines established by the federal government. If the funds are not assigned and spent within the established timelines the department may have to give the funding back to the federal government. It is critical that this 4-year obligation plan be maintained as new projects are considered for the CTP or changes are considered for existing projects.

Lastly, the federal government has a 10-year rule that protects the federal funding from being spent on the development of projects that never go to construction. The rule states that if preliminary engineering funds are spent on a project, it has to move to the next phase within ten years or DelDOT may have to pay back the federal portion of the funds that were expended on the preliminary engineering.

Review and Approval of the CTP

The proposed 6-year CTP is generated early in the program year and presented to the public and the COT for review and comment. If the revenue forecasts change through the fiscal year, the CTP may have to be adjusted to reflect the anticipated revenue. These changes, if necessary, will be reflected in the final CTP presented to the COT in late winter for approval prior to March 1st of the program year. Additional changes may be necessary after the final COT approval based on the DEFAC revenue forecasts that are available prior to the General Assembly approval of the CTP.

This document is intended to provide an overview of the development of the CTP. If anyone desired additional information they can contact the Delaware Department of Transportation, Division of Planning at 302-760-2111.