



Adam S. Levine, P.E., AICP
Executive Director

PROGRAM, FINANCE AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #569

FISCAL CONSTRAINT OPERATING PROCEDURES

WHEREAS, 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; and

WHEREAS, per 23 CFR 450.326(a), NYMTC, in cooperation with New York State and affected public transportation operators, is responsible for developing a Transportation Improvement Program (TIP) for its metropolitan planning area that reflects the investment priorities established in the current metropolitan transportation plan and covers a period of no less than four years; and

WHEREAS, per 23 CFR 450.326(j), 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; and

WHEREAS, per 23 CFR 450.326(k), for the TIP, fiscal 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; and

WHEREAS, in response to these requirements, NYMTC's current Federal Fiscal Years 2023-2027 TIP contains the required financial plan and demonstrates fiscal constraint by year using the necessary financial information; and

WHEREAS, per existing NYMTC operating procedures, amendments and administrative modifications to the TIP include information on how fiscal constraint will be maintained; and

WHEREAS, NYMTC has developed the attached operating procedures to formalize the consideration of TIP amendments and administrative modifications made during a fiscal year in order to engender more efficient use of available federal funds and to increase the transparency of the fiscal status of the TIP.

NOW, THEREFORE, BE IT RESOLVED, that PFAC adopts the attached Fiscal Constraint Operating Procedures and directs their use effective immediately; and

BE IT FURTHER RESOLVED, that PFAC instructs NYMTC staff to revise the Compendium of Agreements and Operating Procedures to include these adopted procedures.

This resolution shall take effect on the sixteenth day of November, two thousand and twenty-three.

ADOPTED: November 16, 2023

"I hereby certify that the above is a true copy of Resolution #569, Fiscal Constraint Operating Procedures, and was motioned by Patrick Gerdin, representing the Mid-Hudson South Transportation Coordinating Committee, and seconded by Yogesh Sanghvi, representing the New York City Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."

Debra Nelson, PFAC Chair

Fiscal Constraint Operating Procedures

1. At the conclusion of each federal fiscal year, NYMTC will publish updated fiscal constraint tables for the current Transportation Improvement Program (TIP).
2. To prepare the update, the following steps will be undertaken:
 - a. The relevant regional offices of the New York State DOT -- Region 8, Region 10, and Region 11 -- will update the listing of project phases funded through statewide allocations.
 - b. NYMTC staff will use the revised statewide allocation funding list and the eSTIP Fiscal Constraint Report to update funding program balances for each federal fiscal year in the TIP.
 - c. Staff will review the revised funding program balances with the members at relevant monthly Transportation Coordinating Committee (TCC) technical staff meetings.
 - d. Staff will prepare resolutions for the Program, Finance, and Administration Committee (PFAC) to amend the fiscal constraint tables in the TIP document to reflect the updated program balances.
 - e. The TCCs' technical staffs will review the proposed amendment before the PFAC action is taken.
3. PFAC will amend the current TIP document to include the updated fiscal constraint tables.
4. NYMTC staff will post the amended fiscal constraint tables on the NYMTC website.
5. At the conclusion of each federal fiscal year, the New York State DOT will provide an update on projects and funds to be carried over into the next fiscal year.