

**Fiscal Constraint and the 2009-14 TIP Update
For the July 1, 2009 Planning Committee Meeting**

The 2009-14 TIP update was delayed by the programming of federal stimulus funds. Because of this, NYSDOT decided to delay the adoption of a new Statewide TIP (STIP) for one year. But the CDTC Planning Committee decided to proceed with the CDTC TIP update rather than amend the TIP for every change it had made to the draft listings when the need arises. This gives rise to a fiscal constraint conflict.

CDTC's TIP is one of many that comprise the New York STIP. It is the understanding of CDTC staff that fiscal constraint is applied at the state level to the STIP. Thus, it is not necessarily required that CDTC's TIP be fiscally constrained by fund source by year (by cell). Instead, it is sometimes sufficient for CDTC's TIP to be constrained by fund source over the entire STIP period (row) and by year for total funding (column). However, once a fiscally constrained STIP is in place, CDTC's contribution to the fiscal constraint is not necessarily by cell, or by row and column. Instead, any underprogramming in a cell is used to offset overprogramming elsewhere in the state or region, and likewise, overprogramming at CDTC is made up elsewhere.

Given all of the above, any new TIP at CDTC must not upset the fiscal constraint equilibrium in a STIP that is not subject to the same update. The same is true for amendments or groups of amendments. That means that CDTC's fiscal constraint by cell must be no worse (overprogrammed) than it was before a change to the STIP.

The over- or under-programming of a cell is the difference between the budget estimate and the amount programmed. But, even though CDTC has been using updated budget estimates in its TIP update, those in the STIP have not been updated, and will not be updated until they are reexamined later in the delayed TIP update. Therefore, in order to have no effect on the fiscal constraint of the STIP, any major changes to the CDTC TIP, must not effect the amount of funds programmed by cell. This means that if CDTC were to adopt a new TIP for inclusion in the existing STIP, or CDTC was to approve an entire year or more of its 2009-14 draft listings as amendments to the existing STIP, that the programming by cell must not exceed that of the existing TIP.

The attached table shows the adjustments to the 2009-14 TIP draft listings required using that approach. Examination of the table shows CDTC would need to move large amounts of IM and HBRR. But, the CDTC TIP probably does not reflect offsets identified by NYSDOT for the recent amendments involving those fund sources.

There is \$10M of CMAQ that would need deferral. The STP Urban amount balances with the STP Flexible, although spending STP Urban is preferable.