CHAPTER 8 – FUNDING THE LONG RANGE TRANSPORTATION PLAN

8.1 Overview

In 1991, the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) transformed the long-range planning process in many metropolitan areas from “needs” based analyses, with little to no consideration given to the amount of available transportation funding, to fiscally constrained project/program planning. ISTEA and the subsequent re-authorization bills, TEA-21 in 1998, SAFETEA-LU in 2005, and MAP-21 (Moving Ahead for Progress in the 21st Century) adopted in 2012, all required MPOs to demonstrate that projects and program activities included in the transportation plan could reasonably be expected to receive funding in both the long-term and the near-term Transportation Improvement Program (TIP) for their area.

Federal legislation requires that each MPO develop a TIP at least every two years. The Morgantown area TIP is developed and updated as part of the MPO’s transportation planning process. Preparation and maintenance of a fiscally constrained TIP is one of several prerequisites necessary for the continued receipt of federal assistance for transportation projects and programs.

8.2 Funding Programs/Sources

Quantifying the transportation financial resources anticipated to be available is an important element of the Long Range Transportation Plan (LRTP). The purpose of this section is to provide an overview of various federal, state, and local sources from which transportation funds could be available for implementing the recommended plan improvements. This section also will provide estimates of the funding levels that may be expected from these sources.

The two primary funding sources for transportation improvements in West Virginia are the state and federal government. This chapter discusses the programs these governments have available and how future income from these sources was projected for the MMMPO’s LRTP.
Federal Funding Sources

The primary source of funding on the federal level is the highway trust fund, which historically has been funded by the gasoline tax. Federal funds are allocated by the type of service they provide – highway construction and maintenance, and transit service.

Previously, federal transportation authorizing legislation SAFETEA-LU had many distinct funding categories. The recently adopted MAP-21 reduced the number of transportation funding programs to the following five major programs. Typically federal funds require a 20 percent match from the State or another sponsor agency. The following are major programs that may fund projects in the MMMPO area.

National Highway Performance Program (NHPP) Funds are for designated roads serving major population centers, border crossings, and intermodal facilities. Use of the funds is tied to measurable performance goals established by the recipient agency. The NHPP includes all interstate routes, a large percentage of urban and rural principal arterials, the defense strategic highway network, and strategic highway connectors. In the Morgantown region, National Highway System (NHS) routes include:

- I-68
- I-79
- Mon-Fayette Expressway

The federal cost share for an NHPP eligible project is 80 percent and the State is responsible for the remaining share of 20 percent. The State share is funded through the Highway State Special Revenue Account.

Surface Transportation Program (STP) Funds are a flexible funding source that may be used to preserve or improve conditions on any federal aid facility. Eligible activities include:

- Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for roads and bridges including making changes to STP-eligible facilities needed to accommodate other transportation modes
- Transit capital projects including vehicles and facilities
- Carpool projects, fringe and corridor parking facilities and programs, bicycle and pedestrian facilities on any public road, and the modification of sidewalks to comply with the Americans with Disabilities Act (ADA)
Highway and transit safety infrastructure improvements and programs, hazard elimination projects, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings

Highway and transit research and development and technology transfer programs

Capital and operating costs for traffic monitoring, management, and control facilities and programs

Surface transportation planning programs

Transportation enhancement activities (see enhancement section)

Transportation control measures

Development and establishment of management systems

Habitat and wetland mitigation efforts

Infrastructure-based intelligent transportation system capital improvements

Environmental restoration and pollution abatement projects to address water pollution or environmental degradation caused or contributed to by transportation facilities

*Congestion Mitigation and Air Quality (CMAQ) Funds* are allocated from the State’s NHPP fund allocation (see above). These funds are typically targeted for operational improvements and other improvements that may positively impact air quality. Selected projects may be funded 100 percent by CMAQ funds. A certain percentage of CMAQ funds in West Virginia (currently 40%) must be distributed to areas that do not meet current National Ambient Air Quality Standards (NAAQS). The remaining funds are considered “flexible” and may be used anywhere in the State.

Eligible projects for CMAQ funds include:

- Transportation activities in an approved State Implementation Plan (SIP)
- Transportation control measures as defined in the Clean Air Act Amendments (CAAA)
- Pedestrian and bicycle facilities
- TEA-21 management and monitoring systems
- Traffic signal synchronization, traffic management/monitoring/congestion relief strategies
- Transit expansion
Alternative fuel projects
- Inspection and maintenance programs
- Intermodal freight
- Telecommunications as a travel demand management strategy
- Project development activities for new services or programs that have air quality benefits
- Public education and outreach activities
- Rideshare programs
- Establishing/contracting with transportation management associations/organizations
- Fare/fee subsidy programs
- Experimental pilot projects with air quality benefits

*Highway Safety Improvement Program (HSIP) Funds* are tied to a data-driven safety needs assessment of eligible facilities. HSIP funds are intended to significantly reduce traffic fatalities and serious injuries on all public highways. HSIP funds will not be tied to any system of functionally classified highways and can, if needed, be expended on publicly owned bicycle and pedestrian pathways or trails. Projects typically will require a 20 percent local/state match to the federal dollars. Selected activities are eligible for 100 percent federal funding.

*Transportation Alternatives (TA) Program.* This program encompasses funding for items such as bicycle and pedestrian facilities, scenic byways, and safe routes to school programs which previously had their own programs.

Activities eligible for TA funding include construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of NHS routes. Operational improvements (adding lanes, signalization, etc.) as well as highway safety improvements are eligible.

This program replaces several funding programs and includes many of the eligible funding elements from those programs. TA funds are intended to assist in creating an integrated multimodal transportation network or to mitigate visual or environmental impacts of transportation facilities. Considered a special set-aside from STP funds, the federal share is 80 percent. Eligible activities under the TA Program include:

- On- and off-road pedestrian and bicycle facilities
Infrastructure projects for improving nondriver access to public transportation and enhanced mobility

Community improvement activities and environmental mitigation

Recreational trail program projects

Safe Routes to School projects

The planning, design or construction of boulevards and other roadways largely in the right-of-way of former interstate system routes or other divided highways

**Appalachian Development Highway System (ADHS).** West Virginia receives funds from the Highway Trust Fund for use on the Appalachian Development Highway System. This system of multi-lane, high speed, partial-access controlled highways (known as “Appalachian Corridors”) is intended to provide service to areas which have the potential for economic development, but where commerce and communication have been inhibited by a lack of adequate access. As defined by Congress, these funds are apportioned among the thirteen states within the Appalachian Region on the basis of the federal share of the cost to complete each state’s portion of the system.

These funds are administered by the Appalachian Regional Commission (ARC) and are matched by a state using an 80 percent federal to 20 percent state ratio. All 55 West Virginia counties are included within the Appalachian Region.

No new funds were authorized for the ADHS Program in MAP-21, but funds authorized in earlier federal transportation bills remain available until expended. However, to spur completion of the designated ADHS, MAP-21 provides the following:

For fiscal years 2012 through 2021, the federal share for a project to construct a highway or access road on the ADHS with ADHS Program funds that a State received in FY 2012 or a previous year, or funds received during the same timeframe for a specific ADHS project, route, or corridor shall be 100 percent.

For fiscal years 2012 through 2021, the Federal share for a project to construct a highway or access road on the ADHS with apportioned funds other than those described above will also be 100 percent.

Toll credits may be used to meet any non-federal share requirement for a project using ADHS Program funds. Toll credits are earned when the
State, a toll authority, or a private entity funds a capital transportation investment with toll revenues earned on existing toll facilities (excluding revenues needed for debt service, returns to investors, or the operation and maintenance of toll facilities).

Transit Funding Sources

The principal sources of transit funding within the region are provided through the following sources:

- Federal Transit Administration (FTA) Section 5307 funds
- FTA Section 5309 funds
- FTA Section 5311 funds
- Local matching funds
- Farebox revenue

Section 5307 Funds. MAP-21 consolidated several smaller programs into the Section 5307 Program. Section 5307 now includes the Job Access and Reverse Commute Program. Section 5307 provides public mass transportation for cities with populations of more than 50,000. Federal funds will pay 80 percent of capital and planning projects, and 50 percent of deficit operating costs. The remaining match of 20 percent and 50 percent, respectively, must come from non-federal funds and from non-farebox revenue. The federal share may be 90 percent for the cost of vehicle-related equipment attributable to compliance with the Americans with Disabilities Act (ADA) and the Clean Air Act (CAA) Amendments. The federal share may also be 90 percent for projects or portions of projects related to bicycles.

Eligible activities/uses of the grant funding include:

- Planning
- Engineering design and evaluation of transit projects and other technical transportation-related studies
- Capital investments in bus and bus-related activities such as replacement of buses
- Overhaul and rebuilding of buses
- Crime prevention and security equipment
- Construction of maintenance and passenger facilities
- Capital investments in new and existing fixed guideway systems including rolling stock, overhaul and rebuilding of vehicles, track, signals, communications, and computer hardware and software
**Section 5309 Fixed Guideway and Capital Investment Grants.** The transit capital investment grants (49 USC 5309) provide capital assistance for new and replacement buses and facilities. Eligible funding expenditures include:

- Acquisition of buses for fleet and service expansion
- Bus maintenance and administrative facilities
- Transfer facilities
- Bus malls
- Transportation centers
- Intermodal terminals
- Park-and-ride stations
- Acquisition of replacement vehicles
- Bus rebuilds
- Bus preventive maintenance
- Passenger amenities such as passenger shelters and bus stop signs
- Accessory and miscellaneous equipment such as mobile radio units
- Supervisory vehicles
- Fareboxes
- Computers
- Shop and garage equipment
- Costs incurred in arranging innovative financing for eligible projects

Funds were previously allocated on a discretionary basis, however, MAP 21 stipulated that the FTA must issue new policy guidance on the criteria for awarding these funds.

Federal funds will pay up to 90 percent of the costs associated with these expenditures.

**Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities.** This program provides formula funding to increase the mobility of seniors and persons with disabilities. Funds are apportioned on each state’s share of the targeted populations and large urbanized areas with populations over 200,000. Projects selected for funding must be included in a locally developed, coordinated public transit-human services transportation plan. At least 55 percent of the program funding must be spent on capital projects. The remaining 45 percent may be used for projects that exceed the requirements of the ADA.

**Section 5311 Funds Rural Area Formula Grants.** Section 5311 has stayed essentially the same under MAP-21 with the exceptions noted below. The goals of the Rural Area Formula program are:
1. To enhance the access to health care, shopping, education, employment, public services, and recreation for people in nonurbanized areas

2. To assist in the maintenance, development, improvement, and use of public transportation systems in rural and small urban areas

3. To encourage and facilitate the most efficient use of all federal funds used to provide passenger transportation in non-urbanized areas through the coordination of programs and services

4. To assist in the development and support of intercity bus transportation

5. To facilitate participation of private transportation providers in nonurbanized transportation to the maximum extent feasible

Funding is apportioned by a statutory formula that is based on the latest U.S. Census figures for areas with a population of less than 50,000 persons. The amount that the State may use for administration, planning, and technical assistance activities is limited to 15 percent of the annual apportionment. States must spend 15 percent of the apportionment to support rural intercity bus service unless the Governor certifies that the intercity bus needs of the State are adequately met.

Section 5311 also incorporates a newly instituted performance planning program based on new planning requirements under MAP-21. Also, Projects formerly funded by the Job Access Reverse Commuting (JARC) program are eligible for Section 5311 funding under MAP-21.

The maximum federal share for capital and project administration is 80 percent. Exceptions to the 80 percent rule are:

- Projects to meet the requirement of the Americans with Disabilities Act (ADA)
- Projects to meet the Clean Air Act Amendments (CAAA)
- Bicycle access projects

These projects may be federally funded at a 90 percent level. The maximum federal share for operating assistance is 50 percent of the net operating costs. The local share is 50 percent, which shall come from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

Section 5337 State of Good Repair Grants. MAP-21 establishes a new grant program to maintain public transportation systems in a state of good repair. This program replaces the fixed guideway modernization
program (Section 5309). Funding is limited to fixed guideway systems (including rail, bus rapid transit, and passenger ferries) and high intensity bus (high intensity bus refers to buses operating in High Occupancy Vehicle (HOV) lanes.) This program is the primary source of Federal funding for maintenance and upgrades of WVU’s Personal Rapid Transit (PRT) system. Projects are limited to replacement and rehabilitation or capital projects required to maintain public transportation systems in a state of good repair. Projects must be included in a transit asset management plan to receive funding.

The new formula comprises: (1) the former fixed guideway modernization formula; (2) a new service-based formula; and (3) a new formula for buses on HOV lanes. Nationally authorized funding for this program is $2.1 billion in FY 2013 and $2.2 billion in FY 2014.

**Section 5339 Bus and Bus Facilities Program.** A new formula grant program is established by MAP 21 under Section 5339. This program replaces the previous Section 5309 discretionary Bus and Bus Facilities program. This capital program provides funding to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities. Nationally authorized funding is $422 million in FY 2013 and $428 million in FY 2014. Each year, $65.5 million will be allocated, with each state receiving $1.25 million and each territory (including Washington, D.C. and Puerto Rico) receiving $500,000. The remaining funding will be distributed by a formula based on population, vehicle revenue miles and passenger miles. This program requires a 20 percent local match.

**State Funding Sources**

The tax structure of West Virginia designates that the proceeds collected from certain State taxes and fees (e.g., State motor fuel taxes, use privilege tax, etc.) are for the exclusive use of WVDOT for maintaining and expanding the transportation system. These dedicated revenues are deposited into the State Road Fund, which is WVDOT’s operating fund for maintaining State roadways.

The State Road Fund is considered a special revenue fund of the State and consists of funds that are not a part of the State’s General Fund. However, the State legislature may make funds available to WVDOT from the State’s General Fund and/or authorize the sale and issuance of road bonds outstanding from previous voter-approved bond referendums.
**Motor Vehicle Privilege Tax.** The Motor Vehicle Privilege Tax is a tax imposed upon the privilege of effecting the certification of title of a motor vehicle in the amount equal to five percent of the value of the vehicle at the time of such certification. The value of the vehicle is determined as either:

1. The actual purchase price or consideration of the purchaser, if the vehicle is new; or
2. The present market value at the time of transfer or purchase, if the vehicle is used.

**Certificate of Title and Registration Fees.** A certificate of title indicates ownership of a vehicle. Registration fees are based on a vehicle’s classification, defined in West Virginia as follows.

- **Class A** – Passenger vehicles and trucks with a gross weight of no more than 8,000 pounds.
- **Class B** – Trucks with a gross vehicle weight (GVW) of more than 8,000 pounds, truck tractors, or road tractors.
- **Class C** – All trailers and semi-trailers, except house trailers and trailers or semi-trailers designed to be drawn by Class A motor vehicles and having a GVW of less than 2,000 pounds.
- **Class G** – Motorcycles and parking enforcement vehicles
- **Class H (Buses)** – Motor vehicles operated regularly for the transportation of persons, for compensation, under a certificate of convenience and necessity or contract carrier permit issued by the Public Service Commission (PSC).
- **Class J (Taxicabs)** – Motor vehicles operated for transportation of persons, for compensation, by common carriers, not traveling a regular route or between fixed termini.
- **Class M** – Every self-propelled vehicle not designed or used primarily for the transportation of persons or property over the highway but which may infrequently or incidentally travel over the highways among job sites, equipment storage sites, or repair sites. This includes farm equipment, implements of husbandry, well-drillers, cranes, and wood-sawing equipment.
- **Class R (House Trailers) or Class T (Boat Trailers)** – Trailers or semi-trailers of a type designed to be drawn by Class A vehicles and having a GVW of less than 2,000 pounds.
Class Farm Truck – Farm trucks with a minimum GVW of more than 8,000 pounds and a maximum GVW of 80,000 pounds, used exclusively in the conduct of farming business, or engaged in the production of agricultural products.

Antique Motor Vehicles – Any motor vehicle more than 25-years-old, owned solely as a collector’s item and for participation in club activities, but in no event to be used for general transportation. Antique motorcycles must be over 35 years old.

Driver’s License Fees and Permits – Driver’s and commercial driver’s license and instruction (learner’s) permit fees are imposed as a means to verify that a person has successfully passed all appropriate parts of the driving examination and is qualified to operate a motor vehicle upon a public highway.

International Fuel Tax Agreement (IFTA) – IFTA is a fuel tax reciprocity agreement among the United States and Provinces of Canada. A single fuel tax license and credential is issued by a motor carrier’s base state, which allows travel into all IFTA member states without further registration. After balancing liabilities and credits for all other states on tax return, carrier pays only a net amount to the base state. IFTA tax applies only to qualified vehicles that include:

1. Those with two axles and gross vehicle weight (GVW) or registered GVW of 26,001 pounds or more
2. Those with three or more axles, regardless of weight
3. Those used in combination that exceeds 26,000 pounds GVW

**Motor Carrier Road Tax.** The Motor Carrier Road Tax is a tax imposed upon every intrastate motor carrier with a vehicle with seats for more than nine passengers, and road tractor, tractor truck or truck having more than two axles. Tax is based upon each gallon of gasoline and special fuel, including diesel and other motor fuels, used in the carrier’s operations in the State. The carrier is credited with the amount of gasoline tax paid on gasoline purchased in the State and is entitled to a refund of any excess of such credit over the amount of road tax due. The current tax rate is $0.205 per gallon.
Wholesale Motor Fuel Tax. The Wholesale Motor Fuel Tax is a consumer sales and service tax on the sale of gasoline and special fuel, generally at the wholesale level by distributors and importers. The average wholesale price of gasoline and special fuel is determined annually on the basis of sales data supplied by distributors and from other information. The average wholesale price is the single statewide average whole sale price per gallon, rounded to the second decimal, exclusive of State and federal excise taxes, but not less than $2.34 per gallon, times the rate of five percent. Current tax (2012) is equivalent to $0.129 per gallon, the minimum amount to be collected, resulting in a total State gasoline tax of $0.334 per gallon (2012).

Sale of Bonds. The State legislature may authorize the issuance and sale of bonds outstanding from previous voter-approved road bond amendments.

General Fund Appropriation. The General Fund is the primary revenue fund of the State and consists of revenues from various sources, such as consumer sales tax, personal income tax, and many others. A portion of the General Fund may be appropriated to WVDOT by the legislative branch of State government.

Investment and Interest Income. The Board of Treasury Investments (BTI) is authorized to invest in obligations of the U.S. Treasury and U.S. government agencies, authorized State and municipal bonds, certificates of deposit collateralized with banks located in the State of West Virginia, and certain other bonds.

Miscellaneous Revenues. This source includes all other sources of revenues for WVDOT. Miscellaneous revenue sources typically include revenue from interest on investments, map sales, permits, etc., and have historically been small in comparison to the other revenue sources. However, due to several legislative changes, miscellaneous revenue now accounts for a larger share of State Road Fund monies. The most significant change is a legislatively mandated yearly transfer of revenue from the State’s General Fund to the State Road Fund, which is intended to offset costs incurred by the WVDOH when its contractors pay State sales tax on construction materials. The amount of the transfer will vary yearly depending on the size and scope of the Agency’s construction program, but adds several million dollars to the State Road Fund annually ($13.1 million in FY 2012).

In FY 2010, in an effort to stabilize WVDOH’s paving program, which had been impacted by the severe economic downturn, the Legislature transferred $27.3 million from the Motor Fuel Shortfall Reserve Fund to
the State Road Fund. As a result of the mandated funding transfers, the amount of miscellaneous revenue collected increased by $10.7 million from FY 2009 to FY 2010.

In FY 2011, there were no such supplementary transfers; however, in FY 2012 the legislature transferred $15 million from the Lottery Revenue to the State Road Fund to once again bolster WVDOH’s paving program. As such, in FY 2012, miscellaneous revenue was significantly higher than the preceding year and accounted for $45.8 million of the State Road Fund’s revenue.

8.3 Funding Projections

In order to ensure continuity and consistency in funding forecasts, the WVDOH prepares funding estimates for each of the State’s MPOs to use in the update of their LRTPs. These estimates are based on historical data on vehicle miles of travel, percentage of the State’s roadways and bridges for each MPO, and changing demographics. For a full discussion of the methodology used, please see the document “Calendar Year 2012 Long Range Revenue Estimates for Use in MPO Long Range Transportation Plans - WVDOH January 2012.”

WVDOH forecasted the following funding stream for transportation projects until the year 2037.

Table 8.1. MMMPO LRTP 25-Year Improvement Funding Forecast (in 2011 dollars)

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<th>FY</th>
<th>TOTAL STATE REVENUE</th>
<th>NON IMPROVEMENT EXPENDITURES</th>
<th>STATEWIDE IMPROVEMENT FUNDS</th>
<th>ELIMINATED IMPROVEMENT FUNDS</th>
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<th>STATEWIDE IMPROVEMENT FUNDS FOR MPO LRTP'S</th>
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</tbody>
</table>
Factors considered in Table 8-1 include both state and federal funds, as well as roadway maintenance and other noncapacity activities. It should be noted that these estimates were prepared prior to the adoption of the MAP-21 legislation and as such were performed in a conservative manner. Given that MAP-21 is only a two-year authorization the assumption of this plan is that conservative funding levels will continue into the foreseeable future. It is important to note that the State’s forecast only goes to the year 2037 while the planning horizon for this plan is the year 2040. For the purposes of developing a fiscally constrained plan, it was assumed that the revenue streams for the years 2038 through 2040 would be the same as 2037, or $4,865 million a year. This adds an additional $14.595 million to the funds available for improvements within the MPO’s jurisdiction. This brings the total amount of funding anticipated to be available to the MPO to $136.221 million for the Tier 1 projects included in this Plan.

It should be noted that while the base plan only seeks to implement Tier 1 Projects, the planning process has identified that there will be a need for more improvements to the transportation system than can be provided at the current funding level. The MPO has been investigating additional funding sources is discussed in Chapter 12.