



NATIONAL CAPITAL REGION

TRANSPORTATION PLANNING BOARD

Item #5

MEMORANDUM

December 11, 2014

To: Transportation Planning Board

From: Kanathur Srikanth
Director, Department of Transportation Planning

Re: Steering Committee Actions

At its meeting on December 5, 2014, the TPB Steering Committee approved the following resolution:

- SR8-2015: Resolution to update the 2008 procedures for processing revisions to the Transportation Improvement Program (TIP) and the Constrained Long-Range Transportation Plan (CLRP) to incorporate the 2014 procedures of the Maryland Department of Transportation

The TPB Bylaws provide that the Steering Committee “shall have the full authority to approve non-regionally significant items, and in such cases it shall advise the TPB of its action.”

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002

**RESOLUTION TO UPDATE THE 2008 PROCEDURES FOR PROCESSING
REVISIONS TO THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AND
THE CONSTRAINED LONG RANGE TRANSPORTATION PLAN (CLRP) TO
INCORPORATE THE 2014 PROCEDURES OF THE
MARYLAND DEPARTMENT OF TRANSPORTATION**

WHEREAS, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of Moving Ahead for Progress in the 21st Century (MAP-21) for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

WHEREAS, the Federal Planning Regulations implementing the Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) of 2005 SAFETEA-LU, which were by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA), required that TPB procedures for an administrative modification or an amendment to the CLRP and TIP between scheduled periodic updates be documented and be consistent with the District Department of Transportation (DDOT), Maryland Department of Transportation (MDOT) and Virginia Department of Transportation (VDOT) procedures; and

WHEREAS, in January 16, 2008, the TPB approved its procedures for an administrative modification or an amendment to the CLRP and TIP that were developed in consultation with staff at DDOT, MDOT and VDOT and were consistent with their procedures; and

WHEREAS, in October 2014, MDOT in a MOU with the FHWA and FTA revised the funding amount criteria and other aspects of a project for what qualifies as an Administrative Modification in the STIP and TIP; and

WHEREAS, the revised MDOT qualifications for an Administrative Modification are specified in Section 1.2 of the enclosed MOU entitled: Procedures for Maryland Department of Transportation (MDOT) Statewide Transportation Improvement Program (STIP) Modifications, which was effective October 29, 2014; and

WHEREAS, the 2008 TPB Procedures for Revisions to the Constrained Long Range Transportation Plan (CLRP) and Transportation Improvement Program (TIP) need to be updated to incorporate the October 2014 MDOT project information that qualifies as an Administrative Modification in the STIP and TIP;

NOW, THEREFORE, BE IT RESOLVED THAT the Steering Committee of the National Capital Region Transportation Planning Board approves the enclosed 2014 Procedures for Revisions to the Constrained Long Range Transportation Plan (CLRP) and Transportation Improvement Program (TIP) which incorporate the MDOT October 2014 revisions regarding Administrative Modifications.

**Adopted by the Transportation Planning Board Steering Committee at its regular meeting on
December 5, 2014.**

**PROCEDURES FOR REVISIONS
TO THE CONSTRAINED LONG RANGE PLAN (CLRP) AND
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)
FOR THE NATIONAL CAPITAL REGION
Updated December 2014**

INTRODUCTION

The National Capital Region Transportation Planning Board (TPB) will follow these procedures for processing revisions to its Financially-Constrained Long-Range Transportation Plan (CLRP) and Transportation Improvement Program (TIP). A revision is a change to the CLRP or TIP that occurs between scheduled periodic updates. A minor revision is an administrative modification and a major revision is an amendment. These procedures are in accordance with the US DOT planning regulations at 23 CFR 450.

According to 23 CFR 450.326: TIP Revisions and Relationship to the STIP, the regional TIP projects must be included without change in a federally approved state transportation improvement program (STIP) in order for them to receive federal funding. In this region, the District of Columbia Department of Transportation (DDOT), the Maryland Department of Transportation (MDOT), and the Virginia Department of Transportation (VDOT) each provide the project descriptions and funding information for the development of the regional TIP and CLRP. Each DOT has adopted procedures for revising its STIP. When it becomes necessary for a DOT to revise the project information in the TIP, its procedures must be consistent with the TPB procedures for revising its regional TIP.

These TPB procedures are based upon the procedures adopted by DDOT, MDOT and VDOT as of December 1, 2007. These procedures were adopted by the TPB on January 16, 2008. Modifications to these procedures will require approval by the TPB.

DEFINITIONS

A. Administrative Modifications are **minor** changes to a project included in the CLRP, TIP or STIP that do the following:

1. Revise a project description without changing the project scope or conflicting with the environmental document;
2. Revise the funding amount listed for a project's phases subject to the applicable definition of the funding limitations adopted by DDOT, MDOT, and VDOT for their respective STIPs.
 - For projects to be included in the DDOT STIP, the additional funding is limited to 20 percent of the project cost.
 - For projects to be included in the MDOT STIP, ~~the additional funding is limited to 20 percent of the project cost.~~ **See the funding qualifications and other criteria specified in Section 1.2 Administrative Modifications in the attached MOU entitled: Procedures for Maryland Department of Transportation**

**(MDOT) Statewide Transportation Improvement Program (STIP)
Modifications, which was effective October 29, 2014.**

- For projects to be included in the VDOT STIP, the additional funding is limited based upon a sliding scale that varies by the funding amount listed for the project as follows:
 - a. For a project cost of up to \$2 million, the additional funding is limited to 100 percent of the cost.
 - b. For project costs between \$2 million and \$10 million, the additional funding is limited to 50 percent of the cost.
 - c. For project costs between \$10 million and \$20 million, the additional funding is limited to 25 percent of the cost.
 - d. For project costs between \$20 million and \$ 35 million, the additional funding is limited to 15 percent of the cost.
 - e. For project costs more than \$35 million, the additional funding is limited to 10 percent and cannot exceed \$10 million.
- 3. Change the source of funds;
- 4. Change a project lead agency;
- 5. Splits or combines individually listed projects; as long as cost, schedule, and scope remain unchanged;
- 6. Changes required information for grouped project (lump sum) listings; or,
- 7. Adds or deletes projects from grouped project (lump sum) listings as long as the funding amounts stay within the guidelines in number two above.

An Administrative Modification can be processed in accordance with these procedures provided that:

- It does not affect the air quality conformity determination;
- It does not impact financial constraint; and
- It does not require public review and comment.

B. Amendments are **major** changes to a project included in the CLRP, TIP or STIP that are not Administrative Modifications.

PROCEDURES

When it becomes necessary for a DOT to revise the information for a project in the CLRP or TIP, the agency will review the type of changes to the project and apply the above definitions to determine if it can be processed by the TPB as an administrative modification or an amendment. The DOT will then submit the project changes to the TPB and request that it take the appropriate action to approve either a project administrative modification or a project amendment.

A. Administrative Modifications

The TPB has delegated approval of CLRP and TIP project administrative modifications to the Director, Department of Transportation Planning of the Metropolitan Washington

Council of Governments. Requests for CLRP and TIP project administrative modifications will be submitted to the Director or his designee. The requests will be reviewed and those meeting the definition of administrative modification will be approved and forwarded to the requesting implementing agency. All TPB approved requests for CLRP and TIP project administrative modifications will be posted on the TPB web site. Once approved by the appropriate state DOT, the administrative modification will be incorporated into the STIP and no federal action will be required.

B. Amendments

Requests for CLRP and TIP project amendments will be submitted to the Chairman of the TPB. The requests will be reviewed by TPB staff and those meeting the definition of an amendment will be presented to the TPB Steering Committee. The Steering Committee will consider and be asked to approve project amendments that are non-regionally significant. Under the TPB Bylaws, the Steering Committee “shall have the full authority to approve non-regionally significant items, and in such cases it shall advise the TPB of its action.” The Steering Committee will consider and place all other project amendments on the TPB agenda for consideration and approval after meeting the applicable US DOT planning regulations for CLRP and TIP amendments.

All TPB approved requests for CLRP and TIP project amendments will be forwarded to the requesting DOT, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) and posted on the TPB web site. Once the TPB amendment is approved by the requesting DOT, the DOT will forward the amendment to FHWA and FTA for federal approval. After approval by FHWA and FTA, the amendment will be incorporated into the DOT’s STIP. The FHWA and FTA approval will be addressed to the DOT with copies to the TPB.

DISPUTE RESOLUTION

If a question arises on the interpretation of the definition of an amendment, the TPB, the requesting DOT, FHWA and FTA (the parties) will consult with each other to resolve the question. If after consultation, the parties disagree on the definition of what constitutes an amendment, the final decision will rest with the FTA for transit projects and FHWA for highway projects.

MEMORANDUM OF UNDERSTANDING (MOU)

PROCEDURES FOR MARYLAND DEPARTMENT OF TRANSPORTATION (MDOT) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) MODIFICATIONS

Overview of the MOU

This Memorandum of Understanding (MOU) establishes a set of procedures to be used in the State of Maryland for processing modifications to the Statewide Transportation Improvement Program (Maryland STIP). The Maryland STIP is the aggregation of the Metropolitan Planning Organizations' (MPOs') Transportation Improvement Programs (TIPs), including the Long – Range Transportation Plan (LRTP).

Purpose of the MOU

The Final Rule on Statewide and Metropolitan Transportation Planning and Programming, which took effect on March 16, 2007, contained in 23 CFR Part 450 defines the Amendment and Administrative Modification Process applicable to such planning and programming activities. The following procedures are applicable for processing amendments or modifications to the Maryland STIP. In accordance with the provisions of 23 CFR 450.216(b), the STIP shall be developed in cooperation with the MPO designated for a metropolitan area. Each metropolitan TIP shall be included without change in the STIP, directly or by reference, after approval of the TIP by the MPO and the Governor.

In accordance with 23 CFR 450.216 (n), projects in any of the first four years of the STIP may be advanced in the place of another project to be performed within any other of the first four years of the STIP, subject to the project selection requirements of 23 CFR 450.220.

The following criteria has been developed for processing Technical Corrections, Administrative Modifications, and Amendments to the STIP and is proposed as a model for those processes in the modification of the MPOs' TIPs and LRTPs in accordance with the provisions of the Final Rule found in 23 CFR Part 450.

1. DEFINITIONS

1.1 Technical Corrections are **minor** changes that do not require federal or MPO approval, and meets the following qualifications:

1.1.1 Corrects typographical, grammatical or syntactical errors that address, for example, an error in spelling, grammar, deletion of a redundant word or formatting that was inadvertently published. It does not include changes to any funding amounts.

1.1.2 Changes a project lead agency, implementing agency, or sponsor.

1.2. Administrative Modifications are **minor** changes to a project included in a STIP that meets the following qualifications:

- 1.2.1** Revises project status information, justification, or project scope as long as it does not trigger air quality conformity analysis or affect fiscal constraint.
- 1.2.2** Increases or decreases the funding amount of a phase or shifts funds from one phase to another within a project where the increase or decrease is within the threshold of Modifications identified below by increasing or decreasing the total project cost. The total project cost must show funding in the STIP including previously approved funding, current 4 year funding and future funding required to complete the project.
 - a. If the total project cost as indicated in the STIP is less than \$3 million, an Administrative Modification shall be used for an increase or decrease in cost up to 50% of the total project cost or \$1 million, whichever is less.
 - b. If the total project cost is greater than \$3 million but less than \$10 million, an Administrative Modification shall be used for an increase or decrease in cost up to 30% of the total project cost.
 - c. If the total project cost is greater than \$10 million, an Administrative Modification shall be used for an increase or decrease of cost up to 20% of the total project cost.
- 1.2.3** Changes the program year of the funds.
- 1.2.4** Changes the source of the funds for a phase or a project, provided it does not exceed the threshold later noted in Section 1.2.2. of this MOU.
- 1.2.5** Splits or combines individually listed projects in Statewide Categories or Grouped Projects.

1.3 Amendments are **major** changes to a project included in a LRTP, TIP or STIP that are not Administrative Modifications. An **Amendment** is a modification to the LRTP, TIP or STIP that:

- 1.3.1** Affects financial constraint.
- 1.3.2** Affects air quality conformity regardless of the cost of the project or the funding source.
- 1.3.3** Adds or deletes a project or project phase.
- 1.3.4** Increases or decreases an existing project phase greater than the threshold established in Section 1.2.2 of this MOU.

1.3.5. Involves a major change in the scope of work of a project that would trigger an air quality conformity evaluation, or result in a revised total project cost that exceeds the threshold established in Section 1.2.2 of this MOU. A major change could include a major change that alters the original project purpose. Examples of such major changes include a change in the project's capacity or an increase or decrease in the project termini of more than 10 percent of the total length of the project.

2. PROCEDURES

2.1 Technical Corrections do not require Federal or MPO approval.

2.1.1 MDOT will notify the MPO, FTA, and FHWA of technical corrections in writing, on a quarterly basis, through a process agreed upon by the parties.

2.1.2 Changes based on technical corrections will be made to the STIP by MDOT.

2.2 Administrative Modifications do not require Federal approval.

2.2.1 MDOT will provide the MPO with an Administrative Modification by letter. An MPO may elect not to process any TIP changes as Administrative Modifications and, as a result, all changes would be processed as Amendments. Each MPO-approved Administrative Modification will be forwarded to MDOT for approval on behalf of the Secretary. The MPO Board may delegate approval of Administrative Modification to the MPO's Executive Director. If the MPO Board delegates approval of Administrative Modification to the Executive Director, the MPO will need to provide copies of the delegation to MDOT, FHWA, and FTA.

2.2.2 Once approved by the MPO and MDOT, the Administrative Modification will be incorporated into Maryland's STIP and no Federal action will be required. Notification of the action shall be made available to the public. MDOT will forward Administrative Modifications to FHWA and FTA for their records. FTA and FHWA reserve the right to disallow an Administrative Modification if it is inconsistent with this procedure.

2.3 Amendments involving major changes to a project **require Federal approval.**

Amendments to the STIP must be developed in accordance with the provisions of 23 CFR 450.326 or 23 CFR 450.216.

2.3.1 Each approved MPO TIP Amendment will be forwarded to MDOT from the MPO. MDOT will prepare a STIP Amendment letter and attach the TIP Amendment and forward it to FHWA and FTA for Federal approval. Once approved by FHWA and FTA, the Amendment will be incorporated into Maryland's STIP. The FHWA or FTA approval letter will be addressed to MDOT, with copies to the State Highway Administration (SHA), Maryland Transit Administration (MTA), and any applicable MPOs.

3. FEDERAL REVIEW

Consistent with the MOU between MDOT, FHWA, and FTA STIP Amendment review procedures, all efforts should be made by the Federal parties to approve STIP Amendments within 3 weeks of receiving the Amendments from MDOT. A written response, including emails, shall be provided as provided in Section 2.3.1.

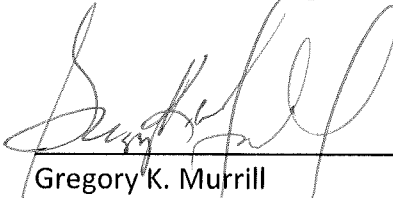
4. DISPUTE RESOLUTION

If a question arises on the interpretation of the definition of an Administrative Modification or Amendment, MDOT, SHA, MTA, the MPO, FHWA and FTA will consult with each other to resolve the question. If, after consultation, the parties disagree on the definition of what constitutes an Administrative Modification or Amendment, the final decision rests with the FTA for transit projects and with FHWA for highway projects.

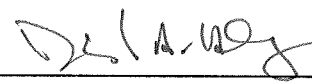
This MOU is effective ^{10/29} 2014 and remain in effect until it is modified or terminated by mutual consent of the parties.

We, the undersigned hereby agree to the above procedures and principles.

Acknowledged and agreed to:


Date: 10/22/14
Gregory K. Murrill
Division Administrator
Federal Highway Administration

for 
Date: 10/29/14
Brigid Hynes-Cherin
Regional Administrator
Federal Transit Administration


Date: 10/6/14
Donald A. Halligan
Director
Office of Planning and Capital Programming
Maryland Department of Transportation