

ITEM 15 - Information
December 19, 2007

Briefing on Draft TPB Procedures for Processing Revisions to
the CLRP and TIP

Staff

Recommendation: Receive briefing on the enclosed draft procedures. The TPB will be asked to adopt them at its January 16 meeting.

Issues: None

Background: The final transportation planning regulations require 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 DDOT, MDOT and VDOT procedures.

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

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 will become effective when 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.

- 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 or 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 Chair 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.