

APPENDIX B

AMENDMENT AND ADMINISTRATIVE MODIFICATION PROCEDURES

Introduction

On January 16, 2008, the TPB adopted procedures for processing revisions to its CLRP and 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. These procedures were amended by the TPB Steering Committee on December 5, 2014.

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.

The TPB procedures are based upon the procedures adopted by DDOT, MDOT and VDOT. The procedures define what an administrative modification is and what an amendment is.

Definitions

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. Change the source of funds;
3. Change a project lead agency;
4. Splits or combines individually listed projects; as long as cost, schedule, and scope remain unchanged;
5. Changes required information for grouped project (lump sum) listings; or,
6. Adds or deletes projects from grouped project (lump sum) listings as long as the funding amounts stay within the guidelines in number two above.
7. 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.
 - a. For projects to be included in the DDOT STIP, the additional funding is limited to 20 percent of the project cost.
 - b. For projects to be included in the MDOT STIP, changes to the funding amount is limited based upon a sliding scale that varies by the total cost of the project as follows:
 - If the total project cost is less than \$3 million, an Administrative Modification shall be used for an increase or decrease in cost of up to 50% of the total project cost or \$1 million, whichever is less.
 - 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.

- 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.
- c. 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:
- For a project cost of up to \$2 million, the additional funding is limited to 100 percent of the cost.
 - For project costs between \$2 million and \$10 million, the additional funding is limited to 50 percent of the cost.
 - For project costs between \$10 million and \$20 million, the additional funding is limited to 25 percent of the cost.
 - For project costs between \$20 million and \$ 35 million, the additional funding is limited to 15 percent of the cost.
 - For project costs more than \$35 million, the additional funding is limited to 10 percent and cannot exceed \$10 million.

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.

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.

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.

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 nonregionally 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.