

APPENDIX A – 52

2015 TIP Detail

TIP Revision Process and Procedures



Metropolitan Transportation Commission 2015 Transportation Improvement Program (TIP) Revision Process and Procedures

The following is an excerpt from the Public Participation Plan (MTC Resolution No. 3821—see Appendix A-3). The Public Participation Plan was updated on December 15, 2010 following approval of the 2011 TIP to address changes in the MTC advisory committee structure, Title VI requirements, and technical changes in other areas. Furthermore, on June 3, 2011, FHWA and FTA issued changes to the FSTIP/TIP Administrative Modifications and Amendment Procedures. The TIP Revision Process and Procedures have been updated to incorporate provisions in the updated Public Participation Plan and the updated FSTIP/TIP Administrative Modifications and Amendment Procedures. These procedures are attached and posted on the internet at: <http://www.mtc.ca.gov/funding/tip/>

Updating and Revising the TIP

Federal regulations require that the TIP be updated at least once every four years. From time to time, circumstances dictate that revisions be made to the TIP between updates. MTC will consider such revisions when the circumstances prompting the change are compelling, and the change will not adversely affect transportation-air quality conformity or negatively impact the financial constraint findings of the TIP. These regulations can be viewed on MTC's website at <http://www.mtc.ca.gov/funding/tip/tiprevisionprocedures.pdf>.

In addition to a TIP update, revisions to the TIP may occur as TIP Amendments, TIP Administrative Modifications, or TIP Technical Corrections. The criteria for Administrative Modifications and Amendments are defined in federal regulations, specifically Title 23, CFR part 450.104.

The Federal Highway Administration, Federal Transit Administration, and Caltrans agreed on Amendment and Administrative Modification Guidelines on November 17, 2008 and revised these guidelines on June 3, 2011. The guidelines are posted online at: www.dot.ca.gov/hq/transprog/federal/fedfiles/res_publications/amend_mod_procedures_approv_al.pdf. Further explanation about TIP updates and how the types of revisions are processed are shown in the narrative below and table that follows.

- **TIP Update**

This is a complete update of the existing TIP, to reflect new or revised transportation investment strategies and priorities. An update of the TIP is required at least once every four years. Because all projects included in the TIP are consistent with the RTP, MTC's extensive public outreach for development of the RTP is reflected in the TIP as well. The TIP implements, in the short-term, the financially constrained element of the RTP and is responsive to comments received during the development of the RTP. TIP updates will be subject to the conformity and interagency consultation procedures described in MTC Resolution No. 3757 (see Appendix A-53).

- **TIP Amendment**

This is a revision that involves a major change to the TIP, such as the addition or deletion of a project; a major change in project cost or project/project phase initiation date; or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes). An amendment is a revision that requires public review and comment, re-demonstration of fiscal constraint, or an air quality conformity determination. Amendments requiring a transportation-air quality conformity analysis will be subject to the conformity and interagency consultation procedures described in MTC Resolution No. 3757.

- **TIP Administrative Modification**

An administrative modification includes minor changes to a project's costs or to the cost of a project phase; minor changes to funding sources of previously included projects; and minor changes to the initiation date of a project or project phase. An administrative modification does not require public review and comment, re-demonstration of fiscal constraint, or conformity determination.

- **TIP Technical Correction**

Technical corrections may be made by MTC staff as necessary. Technical corrections are not subject to an administrative modification or an amendment, and may include revisions such as: changes to information and projects that are included only for illustrative purposes; changes to information outside of the TIP period; changes to information not required to be included in the TIP per federal regulations; or changes to correct simple errors or omissions including data entry errors. These technical corrections cannot significantly impact the cost, scope, or schedule within the TIP period, nor will they be

subject to a public review and comment process, re-demonstration of fiscal constraint, or a conformity determination.

Updating and Revising the Transportation Improvement Program (TIP)

TIP Update
<p>❶ Notify public of opportunities to participate via U.S. mail; use appropriate lists within MTC’s database, including list of Regional Transportation Plan participants Also notify the public using such methods as local media outlets; electronic-mailings to stakeholder and advocacy groups; the TIP-INFO Notification (e-mail); or via an electronic subscription system that is open for anyone to sign up to be kept informed about the TIP.</p>
<p>❷ Notify Bay Area Partnership technical committees or working groups Conduct Intergovernmental consultation, as appropriate.</p>
<p>❸ Release Draft TIP for 30-day public review and comment period</p> <ul style="list-style-type: none"> ▪ Draft TIP available for viewing in MTC Library; and mailed to major libraries throughout the Bay Area ▪ Posted on MTC website for public review and comment <p>Extend public review period by 5-days if final TIP differs significantly from draft TIP and the changes are considered material differences.</p>
<p>❹ Respond to significant comments; MTC’s response compiled into an appendix in the final TIP.</p>
<p>❺ Review by an MTC standing committee, typically the Programming & Allocations Committee (a public meeting); referral to Commission.</p>
<p>❻ Adoption by Commission at a public meeting. Approval by Caltrans. Approval by Federal Highway and Federal Transit Administrations (FHWA/FTA).</p>
<p>❼ Notify the public about the Commission’s action with electronic mailings, including via an electronic subscription system that is open for anyone to sign up to be kept informed about the TIP.</p>

TIP Amendment
<p>❶ Notify public via TIP-INFO Notification (e-mail) or other electronic notification methods.</p>
<p>❷ Notify Bay Area Partnership technical committees or working groups Available for viewing in MTC Library Posted on MTC website for public review</p>
<p>❸</p> <ul style="list-style-type: none"> • Amendments deleting or adding a project or changing an existing project that is subject to a new air quality conformity analysis: <ul style="list-style-type: none"> ○ 30-day public review and comment period, with review by an MTC standing committee at a public meeting; and ○ Approval by the full Commission at a public meeting. • Amendments deleting or adding a project that is <i>not</i> subject to an air quality conformity analysis (such as a roadway rehabilitation): <ul style="list-style-type: none"> ○ Review and approval by an MTC standing committee or the full Commission at a public meeting. • An amendment changing an existing project that is not subject to an air quality conformity analysis, or changing an existing grouped project listing (such as the highway bridge program), or bringing a previously listed project or phase back into the TIP for financial purposes; or changing TIP funding revenues: <ul style="list-style-type: none"> ○ Approval by the MTC Executive Director or designee, following 5-day notice on MTC's website, or ○ Review and approval by an MTC standing committee or the full Commission at a public meeting.
<p>❹ Approval by Caltrans Approval by FHWA/FTA</p> <p>Notify public via TIP-INFO Notification or via an electronic subscription system open to anyone who requests to be kept informed about the TIP.</p>

TIP Administrative Modification
<p>❶ No public review.</p>
<p>❷ Approval by MTC Executive Director or designee by delegated authority (authority is delegated by the Federal Highway Administration or Federal Transit Administration), or Caltrans</p>
<p>❸ After approval, notify Bay Area Partnership technical committees or working groups.</p>
<p>❹ After approval:</p> <ul style="list-style-type: none"> • post in MTC Library • post on MTC website • notify public via TIP-INFO Notification or via an electronic subscription system open to anyone who requests to be kept informed about the TIP.

TIP Technical Correction
❶ No public review.
❷ Technical corrections by staff.
❸ No approval required.

Federal Transit Administration Program of Projects Public Participation Requirements

Federal transit law and joint Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) planning regulations governing the metropolitan planning process require a locality to include the public and solicit comment when the locality develops its metropolitan long-range transportation plan and its metropolitan TIP. FTA has determined that when a recipient follows the procedures of the public involvement process outlined in the FHWA/FTA planning regulations, the recipient satisfies the public participation requirements associated with development of the Program of Projects (POP) that recipients of Section 5307 funds must meet. This Public Participation Plan follows the procedures for public involvement associated with TIP development and therefore satisfies public participation requirements for the POP. All public notices of public involvement activities and times established for public review and comment on the TIP will state that they satisfy the POP requirements of the Section 5307 Program.

TIP Revision Request Submittal

To request a TIP revision, a project sponsor must log onto MTC's Fund Management System (FMS), MTC's web based programming application tool. The project sponsor identifies the project that needs to be amended, makes the necessary changes and submits the proposal to MTC for review. Likewise, to propose a new project, the project sponsor creates a new project and submits the project proposal to MTC using FMS.

MTC staff reviews the submitted application or amendment proposal for compliance with federal regulations, statute, and regional polices, including funding completeness, impacts to air quality, financial constraint and for compliance with other federal, state and regional requirements before forwarding the submitted application or amendment for approval.

If the proposal is found not to conform to the guidelines (revision process guidelines; fund specific guidelines; Air Quality and conformity regulations), it is sent back to the project sponsor. Generally, changes that require a new Air Quality conformity analysis, as determined through the

Interagency Consultation process, are held until the next TIP update. (See page 34 of the Public Participation Plan in Appendix A-3.)

Revision Approval Authority

Staff have the authority to make technical corrections, and the Executive Director and/or a Deputy Director has signature authority to approve administrative modifications for the TIP and Federal Statewide Transportation Improvement Program (FSTIP) under delegated authority by the California Department of Transportation (Caltrans) and to forward TIP amendments once approved by the Commission to the appropriate state and federal agencies for review and approval.

Fund Management

Federal funds are to be programmed in the TIP, up to the apportionment level for that fiscal year for that fund source, within the fiscal year in which the funds are to be obligated by the Federal Highway Administration (FHWA) or transferred to the Federal Transit Administration (FTA), or awarded in a FTA grant. This ensures proper management of federal Obligation Authority (OA) against program apportionment levels within the region and ensures that OA is available for projects that are programmed in a particular fiscal year.

It is the responsibility of the project sponsor to ensure the funds can be used within the deadlines established by regional, state and federal requirements and that the provisions of MTC's regional project funding-delivery policy can be met (MTC Resolution No. 3606). It is also the responsibility of the project sponsor to continuously monitor the progress of the programmed funds against regional, state and federal deadlines, and to report any potential difficulties in meeting these deadlines to MTC, Caltrans and the appropriate county CMA within a timely manner.

Contact

For questions on the TIP revision process contact either:

Adam Crenshaw

(510) 817-5794

acrenshaw@mtc.ca.gov

A copy of this document is available on the Internet at: <http://www.mtc.ca.gov/funding/tip/>

Attachment: FSTIP/FTIP Amendment and Administrative Modification Procedures



U.S. Department
of Transportation
**Federal Highway
Administration**

**Federal Highway Administration
California Division**

June 3, 2011

650 Capitol Mall, Suite 4-100
Sacramento CA 95814
(916) 498-5001
(916) 498-5008 fax

In Reply Refer To:
HDA-CA

Doc ID: 62,530

Mr. Malcolm Dougherty, Acting Caltrans Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Office, M.S. 82
For Rachel Falsetti, Division of Transportation Programming

SUBJECT: Revised Federal – Federal Statewide Transportation Improvement Program
(FSTIP) and Federal Transportation Improvement Program (FTIP) Amendment
and Administrative Modification Procedures

In our letter dated November 17, 2008, the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) provided the California Department of Transportation (Caltrans) procedures on the FSTIP/FTIP Administration Modification and Amendment process.

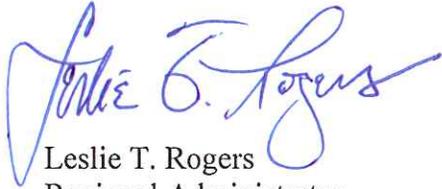
Working in coordination with Caltrans, FTA and FHWA have revised the FSTIP/FTIP Administration Modification and Amendment Procedures. The enclosed revised procedures provide much more flexibility, and in the spirit of FHWA's Every Day Counts Initiative, should shorten project delivery time by allowing for fewer formal amendments which generally take longer to process.

The revised procedures detail what specific types of programming changes to the FSTIP/FTIPs may be made as administrative modifications, for which approval has been delegated to the State, and what changes must be submitted to FHWA and/or FTA for approval as formal amendments. These procedures are intended to offer more flexibility to Caltrans and the Metropolitan Planning Organizations (MPOs) as well as clarify the parameters of an administrative modification.

Throughout the FSTIP/FTIP Administration Modification and Amendment Procedures update process, the FHWA and FTA have been very pleased with our partnership with Caltrans. This effort highlights Caltrans' continued dedication to the stewardship of the Federal-aid Program. More specifically, the FHWA and FTA extend great appreciation to Caltrans Office of Federal Transportation Management Program Chief, Mr. Muhaned Aljabiry and his staff.



If you have any questions regarding the attached procedures, please contact Ray Sukys, FTA, at 415-744-2802 (Raymond.Sukys@dot.gov) or Sue Kiser, FHWA, at 916-498-5009 (Sue.Kiser@dot.gov).



Leslie T. Rogers
Regional Administrator
Federal Transit Administration

Sincerely,



For
Robert F. Tally Jr.
Acting Division Administrator
Federal Highway Administration

Enclosure

cc: (e-mail)

Muhaned Aljabiry, Caltrans Programming

Abhijit Bagde, Caltrans Programming

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JRH/km

FSTIP/FTIP Administrative Modifications and Amendments Procedures

The following procedures are applicable for processing amendments and administrative modifications to the Federal – Statewide Transportation Improvement Program (FSTIP) and the Federal Transportation Improvement Programs (FTIPs).

Projects programmed in the FSTIP may be delivered in any of the recognized program years of the FSTIP provided Expedited Project Selection Procedures (EPSPs) have been adopted by the MPOs in accordance with 23 CFR 450, and the required interagency consultation or coordination is accomplished and documented. Changing the obligation year of a project using EPSP does not require an administrative modification or an amendment if the change does not require an air quality conformity determination.

1. Administrative Modifications:

An administrative modification is a minor change to the FSTIP/FTIP that does not require a conformity determination, a demonstration of fiscal constraint, public review and comment, or federal approval. The following changes to the FSTIP/FTIP can be processed through administrative modifications:

- i. Revise description of a project or a grouped project listing without changing the project scope or without conflicting with the approved environmental document;
- ii. Revise the funding amount listed for a project or a project phase. Additional funding is limited to the lesser of 40 percent of the total project cost or \$10 million. Programming capacity must be available in the FSTIP/FTIP prior to programming the modification and stated in the supporting documentation, See Table below for examples;

(Note: Updated FTIP financial plans may be requested by Caltrans to validate fiscal constraint, if a MPO has processed only Administrative Modifications for a period of six months or more.)

Initial Project Cost	New Project Cost	Total Sum Increase	% Change in Cost	% Change < or = 40%	Total Sum Increased is < or = \$10M	Type of Amendment (Formal or Administrative)
\$1,000,000	\$1,400,000	\$400,000	40%	Yes	Yes	Administrative
\$10,000,000	\$15,000,000	\$5,000,000	50%	No	Yes	Formal
\$500,000,000	\$510,000,000	\$10,000,000	2%	Yes	Yes	Administrative
\$100,000	\$140,000	\$40,000	40%	Yes	Yes	Administrative
\$400,000	\$1,000,000	\$600,000	150%	No	Yes	Formal
\$2,500,000	\$3,000,000	\$500,000	20%	Yes	Yes	Administrative

- iii. Program Preliminary Engineering (PE) phase, provided the Right of Way and/or Construction phase(s) are already programmed in the current

FSTIP/FTIP and additional funding amounts stay within the limits specified in Section ii.

(Note: Activities done prior to Federal Authorization are not eligible for Federal participation.)

- iv. A cost decrease has no cap as long as reduction in cost does not result in deletion of a project or a phase, and the affected project phase is still fully funded.
- v. Change source of funds.
- vi. Change a project lead agency.
- vii. Program Federal funds for Advance Construction conversion, programming capacity must be available in the FSTIP/FTIP prior to programming the conversion.
- viii. Change the program year of funds within the current FSTIP/FTIP provided MPO has adopted EPSP in accordance with 23 CFR 450.
- ix. Split or combine an individually listed project or projects, provided that the schedule and scope remain unchanged.
- x. Change grouped project listings description as long as it is consistent with the Programming Grouped Project Listings in Air Quality Non-Attainment or Maintenance Areas guidance.
- xi. Add or delete a project or projects from a grouped project listing, provided the funding amount stays within the limits specified in Section ii.
- xii. Program emergency repair projects on the state highways as a result of a natural disaster or catastrophic failure from an external cause, and that are not covered by the Emergency Relief Program, provided that these projects are exempt from Air Quality Conformity Requirements.
- xiii. Re-program a project for which FHWA funds were transferred to FTA in the prior FSTIP/FTIP and FTA has not approved the grant yet. The project can be programmed in the current FSTIP/FTIP via an administrative modification provided there is no change in the original scope or cost. Program the project using fund type "FTA 5307 (FHWA Transfer Funds)" in the FSTIP/FTIP.
- xiv. Program an FTA funded project from the prior FSTIP/FTIP into the current FSTIP/FTIP provided there is no change in the original scope or cost. Use the project description field (or "CTIPS MPO Comments" section) to list the year, amount, and type of the prior year funds.
- xv. Make minor changes to an FTA funded grouped project listing. Minor changes include changing the number of transit vehicles purchased by 20% or less and changing the fuel type of transit vehicles. The MPO must take the change through its interagency consultation procedures to confirm that the change in scope is minor.

2. Amendments:

Amendments are all other modifications to the FSTIP/FTIP that are not included under administrative modifications and shall be approved in accord with the provisions of 23

CFR 450.326 for each metropolitan area in the State, and in accord with the provisions of 23 CFR 450.216 for the non-metropolitan area.

3. Procedures:

a. Administrative Modifications:

MPOs with approval delegation from Caltrans

Caltrans may delegate to an MPO's Board the authority to approve administrative modifications. In such a case, no Caltrans approval of administrative modifications is required. If the MPO Board has delegated the authority to the Executive Director to approve administrative modifications, the MPO must provide copies of the delegation to Caltrans, FHWA, and FTA. The MPO must send copies of the approved administrative modification to Caltrans, FHWA, and FTA. Once approved by the MPO, the administrative modification will be deemed part of the FSTIP. The MPO will demonstrate in a subsequent amendment that the net financial change from each administrative modification has been accounted for. Caltrans will conduct periodic reviews of MPO's administrative modification process to confirm adherence to these procedures. Noncompliance with these procedures will result in revocation of that MPO's delegation.

MPOs without approval delegation from Caltrans

Each MPO's administrative modification will be forwarded to Caltrans Division of Transportation Programming for approval. If the MPO Board has delegated the authority to the Executive Director to sign off on administrative modifications, the MPO must provide copies of the delegation to Caltrans, FHWA, and FTA. The MPO must send copies of the administrative modification to Caltrans, FHWA, and FTA. In addition, the MPO must demonstrate in a subsequent amendment that the net financial change from each administrative modification has been accounted for. Once approved by Caltrans, the administrative modification will be deemed part of the FSTIP since no Federal action is required. Caltrans will notify FHWA and FTA of the approved administrative modification.

(Note: If it is found that an approved administrative modification does not meet the criteria of an administrative modification, FHWA and FTA reserves the right to reject that administrative modification and require a formal amendment.)

b. Amendments:

Amendments to the FSTIP must be developed in accordance with the provisions of 23 CFR 450, and approved by FHWA and/or FTA in accordance with 23 CFR 450 and the July 15, 2004 MOU between FHWA – California Division and FTA Region 9. Each amendment must be forwarded to Caltrans Division of Transportation Programming for approval on behalf of the Governor. To expedite processing, the MPO will also forward a copy of the submitted amendment to FHWA and FTA at the same time the amendment is sent to Caltrans. Once

approved by Caltrans, the amendment will be forwarded to FHWA and/or FTA for federal approval. Once approved by FHWA and/or FTA, the amendment will be deemed part of the FSTIP. The FHWA and/or FTA approval letter and respective Conformity Determination will be addressed to Caltrans, with copies sent to the MPO.

4. Consultation:

If a question arises regarding the interpretation of what constitutes an administrative modification or an amendment, Caltrans, the MPO, FHWA and/or FTA will consult with each other to resolve the question. If after consultation the parties disagree, the final decision rests with FTA, for transit projects, and FHWA, for highway projects.

Any exception to these procedures is allowed only through consultation among MPOs, Caltrans, and FHWA/FTA. FTA, for transit projects, and FHWA, for highway projects, will have the final decision whether or not such an exception is granted.