

# **APPENDIX B**

## **AMENDMENT AND ADMINISTRATIVE MODIFICATION PROCESURES**



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

RESOLUTION ADOPTED SEPTEMBER 2019

## Introduction

On January 16, 2008, the TPB adopted procedures for processing revisions to its Long-Range Transportation Plan and TIP. A revision is a change to the Long-Range Transportation Plan 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 23 CFR 450. These procedures were most recently amended by TPB Steering Committee Resolution SR 8-2020 on September 6, 2019.

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 Long-Range Transportation Plan. 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 Long-Range Transportation Plan, 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 source and total cost\* listed for the project as follows:
  - For transit projects using FTA funds:
    - If the Approved STIP total estimated project cost is \$2 million or less, an Administrative Modification shall be used for an increase of up to 100% of the total project cost.
    - If the project cost is greater than \$2 million but is \$10 million or less, an Administrative Modification shall be used for in increase of up to 50% of the total project cost.
    - If the project cost is greater than \$10 million, an Administrative Modification shall be used for in increase of up to 25% of the total project cost
  - For highway projects using FHWA funds:
    - If the Approved STIP total estimated project cost is \$2 million or less, an Administrative Modification shall be used for an increase of up to 100% of the total project cost.
    - If the project cost is greater than \$2 million but is \$10 million or less, an Administrative Modification shall be used for an increase of up to 50% of the total project cost.
    - If the project cost is greater than \$10 million but is \$20 million or less, an Administrative Modification shall be used for an increase of up to 25% of the total project cost.
    - If the project cost is greater than \$20 million but is \$35 million or less, an Administrative Modification shall be used for an increase of up to 15% of the total project cost.
    - If the project cost is greater than \$35 million, an Administrative Modification shall be used for an increase of up to 10% of the total project cost

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 Long-Range Transportation Plan, TIP or STIP that are not Administrative Modifications.

\*See “Defining Total Project Cost” on the next page for further clarification of this term and how it relates to the definitions permitting Administrative Modifications.

## Defining Total Project Cost

Providing the total project cost is a TIP requirement. The total project cost is not the same as the total amount of funding programmed in the four years of the TIP, and typically includes funding spent or programmed outside the 4 years of the TIP.

Records in the TPB's Transportation Improvement Program (TIP) fall into one of two categories: **discrete projects** or **ongoing programs**. These two terms are defined below along with an explanation of how TPB staff will apply these definitions when calculating percent change in cost to verify the threshold between administrative modifications and amendments.

### Total Project Cost for Discrete Projects

Discrete projects are those projects that have an actual completion date and a finite total cost. The total project cost should cover all funding spent on a project from the first study through construction and the final closeout process. The TPB's Project InfoTrak database application automatically calculates total project cost by adding together all funds programmed in previous TIPs (shown in the Prior column), funds programmed in the current 4-year span of the TIP, and any amount that agencies have designated as "future" funding, sometimes called "balance to build" or "cost to complete." Consistent with the Visualize 2045 Financial Analysis, all future funding should be provided in Year-of-Expenditure (YOE) dollars.

If a project is added to the TIP that does not include the construction phase, the total project cost in the TIP should not include the construction phase. The actual cost of project construction not funded in the TIP should be accounted for with a related LRTP record in the database. For example, projects that are listed in the TIP for "Preliminary Engineering Only" should only reflect the cost of the studies or PE work scoped out. Complete details on entering data for the purposes of calculating the total project cost will be incorporated into the next version of the "Technical Inputs Solicitation: Guide for Submissions" document for the next update to the long-range plan and TIP.

When looking at the amount of funding being added to a TIP project for the purposes of reviewing an Administrative Modification request, the percent change will be calculated against the cost calculated from the sum of the four years programmed in the TIP.

### Total Project Cost for Ongoing Programs

Ongoing programs, such as transit asset maintenance, jurisdiction-wide roadway resurfacing, safety improvements, operational programs, or project groupings differ from discrete projects in that they do not have a completion date and are intended to continue indefinitely. This makes calculating a finite "total project cost" somewhat arbitrary. Implementing agencies should only program funds in the active 4 years of the TIP. All prior funding should be removed and no future funding should be entered. To account for all expenditures in the LRTP, these programs should have a related LRTP record that reflects the ongoing cost of the program beyond the final year of the current TIP through the horizon year of the long-range plan. For ongoing programs the "total project cost" will be equal to the total of the 4-year program, and the percent change will be calculated against the cost calculated from the sum of the four years programmed in the TIP.

## Procedures

When it becomes necessary for a DOT to revise the information for a project in the Long-Range Transportation Plan 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 Long-Range Transportation Plan and TIP project administrative modifications to the Director, Department of Transportation Planning of the Metropolitan Washington Council of Governments. Requests for Long-Range Transportation Plan 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 Long-Range Transportation Plan 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 Long-Range Transportation Plan 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 Long-Range Transportation Plan 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 recorded in the TPB’s Project InfoTrak LRTP and TIP database application which is available for both public review, and for stakeholders in the review and approval process to log in and edit. 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.