

STAFF REPORT



MEETING DATE:	10/25/11
SUBJECT:	Amend the Administrative Modification & Amendment Procedures for the 2010 Federal Transportation Improvement Program (FTIP) (Public Hearing)
AGENDA ITEM:	8
STAFF CONTACT:	Anne Jensen

SUMMARY:

The Federal Transit Administration (FTA), Federal Highway Administration (FHWA) and Caltrans recently revised the 'FTIP administrative modification and amendment procedures' for California Metropolitan Planning Organizations (MPO) (see attached letter, dated June 3, 2011).

The RTPA's 2010 FTIP reflects the now outdated amendment and administrative modification procedures. In order to remain consistent with current state and federal programming standards it is necessary to update Appendix E of the 2010 FTIP by resolution of amendment.

STAFF RECOMMENDATIONS:

It is recommended that the board:

1. Hold a public hearing regarding the update to the FTIP administrative modification and amendment procedures; and
2. Adopt Resolution No. 11-14, amending the 2010 FTIP administrative modification and amendment procedures (see attached, Appendix E).

DISCUSSION:

The RTPA is responsible for preparing, adopting, and submitting an FTIP to Caltrans, the FHWA and the FTA. The FTIP is a programming document that identifies all regionally significant transportation projects and programs for Shasta County that will be funded by federal, state and local funding sources over the next four years.

In a letter from the FHWA dated June 3, 2011, the RTPA was notified of revisions to the administrative modification and amendment procedures. The revised procedures broaden the type and degree of changes in project scope, cost and schedule that the RTPA board may make via administrative modification (see attached, Appendix E). In addition, Caltrans may now delegate the authority to approve administrative modifications to the MPO. Minor changes that previously would have required formal amendments involving both state and federal agencies may now be expedited at the local level.

ALTERNATIVES:

The board may choose not to accept the new FTIP administrative modification and amendment procedures. This is not recommended as the existing procedures are no longer consistent with state and federal programming standards.

OTHER AGENCY INVOLVEMENT:

In consultation with Caltrans' California Federal Programming Group, the FHWA and FTA developed the revised FTIP administrative modification and amendment procedures. The Technical Advisory Committee (TAC) concurs with the staff recommendation.

FINANCING:

This is a procedural change only; there is no financial impact to the RTPA or its partner agencies.

A handwritten signature in black ink, appearing to read 'D. Little', is written over a horizontal line.

Daniel S. Little, AICP, Executive Director

Attachments: Resolution 11-14
 Appendix E, FTIP Administrative Modifications and Amendment Procedures

RESOLUTION



RESOLUTION NUMBER:	11-14
SUBJECT:	Amend the Amendment and Administrative Modification Procedures to the Shasta County 2010 Federal Transportation Improvement Program

WHEREAS, Title 23 USC Sec. 134(j) directs each Metropolitan Planning Organization (MPO) to develop a Federal Transportation Improvement Program (FTIP) every two years; and

WHEREAS, the Streets and Highways Code Section 182.6(e) and Section 182.7(d) directs each MPO to submit an updated FTIP to the California Department of Transportation by August 1, on even-numbered years; and

WHEREAS, in order to qualify for certain types of federal funding, projects must be included in an FTIP approved by the Regional Transportation Planning Agency; and

WHEREAS, the 2010 FTIP includes standards to process administrative modifications for minor changes in project scope, cost and schedule (Appendix E); and

WHEREAS, the Federal Highway Administration revised administrative modification and amendment procedures; and

WHEREAS, the 2010 Shasta County FTIP shall be consistent with state and federal programming standards; and

NOW, THEREFORE, BE IT RESOLVED that the Shasta County Regional Transportation Planning Agency accepts and adopts the amended procedures for administrative modifications and amendments (Appendix E).

PASSED AND ADOPTED this 25th day of October 2011, by the Shasta County Regional Transportation Planning Agency.

Leonard Moty, Chair
Shasta County Regional Transportation Planning Agency

Appendix E

The contents of this amendment will be continually updated to represent current state and federal programming procedures.

Most recently revised: 10/25/11

2010 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.

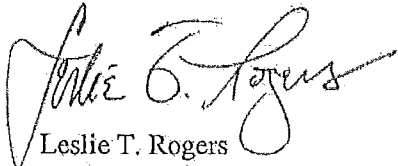
Working in coordination with Caltrans, FTA and FHWA have revised the FSTIP/FTIP Administration Modification and Amendment Procedures. The enclosed revised procedures provide much more flexibility, and in the spirit of FHWA's Every Day Counts Initiative, should shorten project delivery time by allowing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

Ray Sukys, FTA

Ted Matley, FTA

Scott Carson, FHWA

Cecilia Creushaw, FHWA

Jermaine Hannon, FHWA

Wade Hobbs, FHWA

Sue Kiser, FHWA

Aimee Kratovil, FHWA

Michael Morris, FHWA

Stew Sonnenberg, FHWA

Joseph Vaughn, FHWA

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.