

Twin Cities Area Transportation Study (TwinCATS)

Transportation Improvement Program Administrative Modification & Amendment Policy

Approved March 19,2018

Purpose

This document provides guidance on the procedure to change projects in the Transportation Improvement Program (TIP). This includes how to determine if the process requires a federal amendment or if an administrative modification is sufficient.

Definitions:

Federal Amendment, also referred to as an amendment, is any change to the TIP which requires Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) approval. The amendment process requires public notice to allow for public review and comment in accordance with the SWMPC public participation plan. An amendment requires approvals from the MPO policy committee, MDOT, FHWA, and FTA. An amendment only applies to federally funded projects or projects that require air quality conformity (non-exempt). See Table on page 3.

Administrative Modification, also referred to as a modification, is any change to the TIP, which does not require federal approval. A modification does not require MPO committee approval or public notice. See Table on page 3.

Job Phase is any line in the TIP. A single project can be divided into multiple phases such as preliminary engineering (PE), right of way acquisition (ROW), or Construction (CON). Each phase must be listed in the TIP separately.

Illustrative List is a list of projects, which are not committed for funding in the TIP but have been added in case additional funding is available or another project in the TIP is removed. Changes to projects that are included only for illustrative purposes do not require an amendment. A project must still go through the federal amendment process to be moved from the illustrative list to the constrained project list.

Air Quality Conformity, also referred to as Conformity, is a requirement under the Clean Air Act (42 U.S.C. 7506(c) that federal funding and approval are given to transportation plans, programs and projects that are consistent with the air quality goals. The goal of transportation conformity is to ensure that a project will not cause or worsen air quality violations. This only applies to areas deemed to be in nonattainment or maintenance. Projects that change capacity on a road always require conformity determination. Typically, any project that does not change a road's capacity does not require conformity analysis and is referred to as exempt.

Both Administrative Modifications and Federal Amendments must follow:

1. **The financial constraint requirements**, which means “A demonstration of sufficient funds (Federal, State, local, and private) to implement proposed transportation system improvements, as well as to operate and maintain the entire system, through the comparison of revenues and costs.”
2. **The current Long Range Transportation Plan**
3. **Title VI Nondiscrimination**, which means “ Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d), related statutes and regulations provide that no person shall on the ground of race, color, national origin, gender, or disabilities be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal funds. The Heart of Title VI "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."
4. **The SWMPC Public Participation Plan**, which outlines strategies that staff will use to ensure the public has opportunity to have input. <http://www.swmpc.org/participation.asp>

Federal Amendment and Administrative Modification Decision Table

Type of Change	Federal Amendment	Administrative Modification
Adding or removing any project that affects air quality conformity or requires a conformity determination regardless of cost or funding source	x	
Adding or deleting a federally funded project or job phase to the TIP	x	
Moving a federally funded project from the illustrative list to the fiscally constrained list or vice versa	x	
Changing a non-federally funded project to a federally funded project	x	
Changing the cost of the total phase budget by more than 25%*	x	
Any change to any project that would affect capacity or air quality conformity	x	
A significant change to work type or project description	x	
Changing the limits by 1/2 mile or more	x	
Addition or removal of project items (sidewalk, bike lane, ADA enhancement, etc.) for 1/2 mile or more	x	
Adding or removing a project with no federal funding and not needing air quality conformity determination		x
Adding or deleting a project from the Illustrative List		x
Changing from one federal funding source to another federal source (except CMAQ) provided work type remains the same.		x
Moving fiscal years within the current TIP		x
Changing the cost of the total phase budget by less than 25%*		x
Adding or removing advance construct funding		x
Any change to a non-federally funded project so long as it doesn't affect capacity or air quality conformity		x
Technical corrections such as typos, misspellings, or other data entry errors		x

*Cost changes are cumulative based on the last federal approval. This means that a project cost may be increased multiple times administratively as long as the combined cost has not increased or decreased by more than 25%

This table may not cover all possible changes. For additional information please contact:
 Brandon Kovnat, SWMPC associate planner
kovnatb@swmpc.org
 (269) 925-1137 x 1524

Amendment Process:

The following steps must be taken for all proposed changes to the Transportation Improvement Program:

1. The requesting agency must submit a letter to SWMPC requesting an amendment to the Transportation Improvement Program (TIP). The Amendment letter must be sent at least 10 calendar days prior to the regularly scheduled MPO meeting to allow for public notice. Amendments cannot be accepted after the 10-day deadline.

The letter must contain the following:

- Agency's letterhead
- A date
- Information to identify the project: Project name, limits, fiscal year of award, and MDOT job number (NA for Transit).
- The proposed changes to the project along with the current values (e.g. for a cost change: increasing from x to y)
- A brief explanation why the amendment is being requested
- A signature from an authorized individual

Letters can be sent via email or mail (see the example letters on the following pages)

2. Staff will review the amendment according to the approved TIP Amendment Policy in order to determine if the change requires a federal amendment or can be made as an administrative modification. For administrative modifications, staff will submit the request to MDOT; an administrative modification does not require committee approval or FHWA & FTA review.
3. All amendment request letters will be included in the meeting packet for the regularly scheduled MPO committee meetings. The packets are sent to committee members five business days prior to the meeting, and posted on the SWMPC website.

The following Steps only apply to changes, which require a federal amendment:

4. The requesting agency is expected to present their amendment request to the committees at the meeting and answer any questions.
5. At the regularly scheduled MPO meeting, the Technical Advisory Committee will vote on whether they recommend that the policy committee approve the amendment. This will be followed by the Policy Committee voting on approval.
6. Once an amendment has been approved by the MPO, staff will follow MDOT's process to submit the amendment to MDOT for approval. Staff will copy the requesting agency on the submittal and keep them informed about the status of the amendment.
7. MDOT reviews the amendment request to ensure it complies with all applicable regulations. These include air quality conformity, environmental justice implications proper public notice, and fiscal constraint.
8. Once approved by MDOT, FHWA and FTA each review the amendment. When FHWA and FTA approve the amendment, they will send a signed copy of the transmittal forms to MDOT & SWMPC.
9. Staff will notify the requesting agency as soon as the amendment has been approved.
10. Whenever amendments are approved, a revised TIP project list will be uploaded to the SWMPC website. Staff will inform the committees of any amendment approvals and changes to the TIP, including any administrative modifications, at MPO committee meetings.

Note on Administrative Modifications: An administrative modification is a type of change to the TIP, which does not require MPO committee approval, nor does it go through the federal review process. The process for an administrative modification is the same from steps 1 through 4. Because there is no need for committee approval or federal review the amendments can be programed as soon as staff receives the amendment request letter. Staff will let the requesting agency as soon as the administrative modification has been made. Staff will let committee members know if any administrative modification have been made at regular MPO committee meetings.



700 Broad Street • St. Joseph, Michigan 49085-1276 • www.sjcity.com

DEPARTMENTS

ASSESSOR
269-983-1231

ATTORNEY
269-983-5541

CLERK
269-983-6325

COMMUNICATIONS
& MARKETING
269-983-0549

ENGINEER
269-983-5541

FINANCE/TREASURER
269-983-4731

HOWARD ICE ARENA
269-983-8795

INSPECTIONS &
CODE ENFORCEMENT
269-983-1212

MANAGER
269-983-5541

PERSONNEL
269-983-0443

PLANNING & ZONING
269-983-1212

PUBLIC SAFETY:
EMERGENCY 9-1-1

DISPATCHER
269-983-3060

POLICE
ADMINISTRATION
269-983-0500

FIRE
ADMINISTRATION
269-983-4641

PUBLIC WORKS:
PARKS & CEMETERY
STREETS & SANITATION
269-983-6341

WATER/SEWER BILLING
269-983-6324

WATER TREATMENT
PLANT
269-983-1240

WEST BASIN MARINA
269-983-5432

November 3, 2016

Mrs. Kim Gallagher
Southwest Michigan Planning Commission
376 West Main Street
Suite 130
Benton Harbor, MI 49022

RE: TIP Amendment Request

Dear Mrs. Gallagher:

The City of St. Joseph is writing to request a TIP Amendment to transfer the funding from the Langley & Broad Street Reconstruction Project proposed as a 2017 Advanced Construct (AC) with a 2018 Advanced Construct Conversion (ACC) to the Wallace Avenue Reconstruction Project to be constructed in 2018. The change is being requested because the scope of the Langley & Broad Reconstruction Project, which was tied to Combined Sewer Overflow (CSO) work, changed significantly due to environmental issues encountered.

Total cost of the Wallace Avenue Reconstruction Project is estimated to be approximately \$1,460,000 with up to \$571,700 eligible for TIP Reimbursement. The City requested \$488,000 as part of the original TIP application which we will now reduce to the \$460,000 to match the funding amount currently allocated to Langley & Broad Street Reconstruction Project. City of St. Joseph Major Street, Sewer and Water System Improvement funds will be used for the remaining \$1,000,000 in project costs. The intention is to construct the project in the summer of 2018, a detailed project schedule is attached.

Thank you for your assistance with the City's request and please feel free to contact me if you have any questions or desire additional information.

Sincerely,

Tim Zebell, P.E.
City Engineer

Cc: John Hodgson, City Manager
Sara McCallum, Finance Director/City Clerk
Tom MacDonald, Director of Public Works

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Twin Cities Area Transportation Authority
(269) 927-2268 • Fax (269) 927-2310

275 East Wall Street, P.O. Box 837, Benton Harbor, MI 49023

Southwest Michigan Planning Commission
 376 W. Main Street, Suite 130
 Benton Harbor, MI 49022

Dear TwinCATS Committee:

The Twin Cities Area Transportation (TCATA) is requesting amendment to the Transportation Improvement Plan (TIP) for fiscal year 2018.

At the time the fiscal year 2018 TIP was created the funds needed was based on information that was available at that time. We are in the process of making an application to the State of Michigan for fiscal year 2018. Based on current budget information and changes in the cost of goods and services we have an adjusted budget which we used to apply for 2018 fiscal year funding.

The amendment information:

Original TIP:

2018 fiscal year operating	
Federal Cost 5307	\$777,380
State Cost CTF	\$658,744
Local	<u>\$406,000</u>
Total	<u>\$1,842,124</u>

2018 Job Access Reverse Commute

State CTF	<u>\$386,000</u>
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Amended TIP:

2018 fiscal year operating	
Federal Cost 5307	\$852,156
State Cost CTF	\$750,160
Local	<u>\$381,000</u>
Total	<u>\$1,986,316</u>

2018 Job Access Reverse Commute

State CTF	<u>\$397,347</u>
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If you have any questions call me at 269-927-2268 or email me at tcata1@comcast.net.

Sincerely,

Bill Purvis
 Executive Director

BP/dk