

# NATS General Program Account (GPA) Policy- Draft 9-16-2015

## **What are General Program Accounts?**

Under federal transportation regulations, MPOs and the State DOT may choose to group projects that are not of a significant enough scale to be listed individually in the State Transportation Improvement Program (STIP). Michigan calls these groupings General Program Accounts (GPAs). Some projects with certain worktypes and some phases can be grouped together as GPAs. However, it is important that the grouping of projects not hinder the public participation process in any way. In Michigan, provision of a project list for all projects grouped under a GPA is required, and should be available to any interested parties.

Federal regulations state that GPAs may only be used under the following circumstances:

1. The total project cost for all phases cannot exceed \$5 million.
2. The project cannot be part of a new roads or capacity expansion project.
3. The project cannot be a congressional earmark project.
4. Each project must also be a categorical exclusion and air quality neutral.
5. Right-of-way activities related to the project are limited to grading permits, mutual benefit permits, and minor takings without relocation.

## **Reasons for Establishing a Policy**

The Michigan Department of Transportation has asked Metropolitan Planning Organizations to explore the use of GPAs within their Transportation Improvement Programs (TIP). GPAs offer a way to reduce the amount of time spent on administering the S/TIP, since certain modifications to individual projects would not have to go through the amendment process unless they significantly change the overall GPA grouping. Instead, changes to projects within a GPA would be counted as administrative modifications for the purposes of Federal Highway Administration, and as such, would not have to go through the formal approval process.

Until now, the NATS MPO has not allowed the use of GPAs in the TIP. SWMPC staff have conducted an analysis of current and past projects in the TIP and amendments submitted during the 2011-2014 and 2014-2017 TIP cycles. The number of locally generated projects and amendments is small, and therefore staff believes that there would be little utility gained from using GPAs for local projects.

However, MPO staff acknowledges that there is particular value for using GPAs for MDOT projects. There are often adjustments to MDOT projects that, individually, meet the threshold of an amendment, but as part of MDOT's overall program, are quite minor. The submittal and processing of TIP amendments incurs costs in terms of legal notices and staff time at the regional, state, and federal level. Staff sees a cost-effectiveness improvement in minimizing the number of amendments that need to go through the full state and federal approval process.

At the same time, it is important to the MPO to preserve its oversight function and opportunities for public participation. Having a GPA policy in place ensures that the inclusion of projects within a GPA and any amendments to them are in line with the NATS TIP and Administrative Modification Policy, as passed by the committees in 2013.

## **The Policy**

The MPO proposes that any highway project generated by a local agency (City, Village, or Road Commission) **be ineligible for inclusion in a GPA**. The reasoning behind this proposal is that the NATS MPO receives very limited Surface Transportation Program (STP) funding, and as such, we have a very small number of projects generated by local agencies each year. In addition, the funds only usually go towards funding construction phases. In order to continue to allow for adequate public participation and MPO review of these locally generated projects, it makes sense to individually list the projects and amend them as needed.

There still may be value to establishing local Transit GPAs to assist transit agencies in their planning. SWMPC has found that transit agencies struggle to estimate their funding allocations for future years, and these allocations often change throughout a given year. Establishing GPAs for transit would allow agencies to plan a desired program of projects and make minor changes to them more easily. At this time, however, there is still uncertainty about how transit GPAs would interface with the constrained portion of the TIP. **Therefore, no transit GPAs are currently included in the policy.** Transit GPAs may be added to the Policy at a later date.

The MPO proposes that use of a GPA only be permissible under the following circumstances:

### MDOT Trunkline Bridge Preservation Projects

Staff have found that MDOT trunkline bridge preservation projects tend to be funded late in the fiscal year as MDOT determines that funds available. These projects are preventative maintenance, and a GPA makes sense so that the projects do not get held up in TIP amendment processing. Staff recommends the establishment of a Trunkline Bridge Preservation GPA.

### MDOT Trunkline Safety Projects

These are usually small projects that are programmed late in the fiscal year to take advantage of bid savings. Many of the projects are extremely small and involve installation of flashers, pavement markings, beacons or signage. The MPO would still have a say in informing the need and location of these types of projects.

### Pre-Construction Phases of MDOT Projects

Staff have found that changes are often made for pre-construction phases (PE, ROW, SUB, UTL), and those changes tend to be relatively small cost changes. Staff recommends the adoption of a Pre-Construction Phase GPA for these projects.

### Rail Safety Projects

Staff have found that these projects tend to be small in cost and are added at the end of the fiscal year as funding becomes available. These are minor work items such as signal flashers or other low-cost improvements. The MPO would still have a say in informing the need and location of these types of projects.

Per MDOT and FHWA Policy, a project list will be attached to each GPA. That list will be made available through SWMPC and will be continually updated by MDOT. All GPA modifications must adhere to the NATS Amendment and Administrative Modification Policy in regards to its classification as an amendment or administrative modification. A GPA cannot be added until a project that fits within that GPA category is proposed for inclusion in the fiscally-constrained portion of the TIP.

# Niles-Buchanan-Cass Area Transportation Study (NATS)

## Transportation Improvement Program Administrative Modification & Amendment Policy

*Adopted February 25, 2014*

*Revised Draft September 16, 2015*

### Introduction

This document provides guidance that defines the types of revisions to Niles-Buchanan-Cass Area Transportation Study Transportation Improvement Program (TIP). It highlights the differences between minor revisions defined as **administrative modifications** and more significant revisions defined as **amendments**. The guidance outlines steps for modifying the TIP document when such changes occur as well as actions needed by the Southwest Michigan Planning Commission transportation staff, the NATS Policy Committee, the Michigan Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration.

Regardless of the type of change to the Transportation Improvement Program, all modifications must be consistent with:

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 Niles-Buchanan-Cass Area Transportation Study Metropolitan Transportation Plan** [http://www.swmpc.org/nats\\_2040.asp](http://www.swmpc.org/nats_2040.asp)
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 Niles-Buchanan-Cass Area Transportation Study Public Participation Plan procedures for public involvement, which outlines the strategies that the MPO will use to gain public participation <http://www.swmpc.org/participation.asp>

In 2015, NATS began the use of General Program Accounts (GPAs) to group projects together in order to increase the efficiency of TIP amendment submittals and reduce the frequency of amendments. A separate policy governing the use of GPAs has been created. All GPAs are still subject to the provisions of this TIP amendment and administrative modification policy.

### Discretion for Administrative Modifications and Amendments

The Niles-Buchanan-Cass Area Transportation Study Transportation staff reserves the right to determine what is considered an administrative modification or an amendment depending on the project details and the consideration of factors of an amendment from the Federal Highway Administration and the Federal Transit Administration.

### Amendment and Administrative Modification Decision Table

Each column represents when an Amendment, MPO Administrative Modification, and Federal Review will be done in a variety of categories.

- Administrative Modification=MPO Staff can handle without review by MPO Policy Committee or Federal Review, will notify Committees of change.
- MPO Amendments=Review and recommendation by MPO Technical Advisory Committee followed by Approval of MPO Policy Committee.
- Federal Review=When actions require the review and approval by Federal Highway or Transit Administrations.

If the action is:*	Administrative Modification	MPO Amendment	Federal Review
	Staff Action	Committee Action	
<b>ADDITION</b>			
To add a federally funded project to the current TIP		X	X
To add a project to the Illustrative List		X	
To add a project PHASE to the current TIP		X	X
To add an Illustrative List project to the financially constrained list		X	X
<b>DELETION</b>			
To delete a federally funded or regionally significant project and/or phase from the current TIP		X	X
To delete a project PHASE to the current TIP		X	X
<b>MOVING</b>			
To move a federally funded project to another year to the current TIP		X	No Review Required

To move a federally funded project to another year OUTSIDE the funded TIP, it should be noted in the comments field of the e-file		X	X
To add or move an Illustrative project to the Funded Project List		X	X
<b>SCOPE</b>			
To increase/decrease a project length by ½ mile or more ( <i>less than will be an Administrative Modification</i> )		X	X

<b>FUNDING</b>			
To add/delete federal funds to existing TIP project or a regionally significant project		X	X
To add or delete local funds to an existing project in the TIP	X		
Per Local Agency Programs; projects with a cost increase less than or equal to 10% of the TIP programmed amount do not require MPO action as long as financial constraint is maintained and should be reflected in the next TIP E-File	X		
<b>CORRECTIONS</b>			
To correct a misprint or entry error, or project description that does not change cost or scope.	X		

\* For a project that is grouped within an MPO approved GPA, any changes to costs that are less than or equal to 10% of the total cost of all projects within the GPA could be made via MPO staff administrative modification.

The following definitions related to Transportation Improvement Program revisions are found in 23 CFR 450.104.

**Administrative Modifications** - An administrative modification is a revision that does not require public review and comment, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas).

**What needs to be done for Administrative Modifications?**

- MPO staff makes changes in the appropriate fields of the e-File to reflect the new information. Note an administrative modification is made in the comment field or in the field where the error occurred;
- MPO concurrence, at the time of the next TIP amendment according to agreed upon procedures; and
- Submit all administrative modifications with the next TIP amendment request.

**Amendment** - means a revision to a TIP, or STIP. An amendment is a revision that requires a 7-day public comment review prior to the MPO meeting that the amendment will be discussed and notification to the public regarding a change to the TIP. It also requires recommendation from the Technical Advisory Committee and approval by the MPO Policy Committee. The amendment will require a redemonstration of fiscal constraint, or conformity determination (for TIPs involving “non-exempt” projects in nonattainment and maintenance areas).

#### **What needs to be done for Amendments?**

- Take the proposed amendments, including air quality analysis if needed, out for public review per the NATS Public Participation Plan;
- Make changes to the e-File once the public comment period is complete;
- MPO Policy Committee approval of proposed amendments, and determination of conformity if needed;
- Forward e-File, (updated project listing pages, updated financial constraint tables, and documentation of committee action, and documentation of public participation) to MDOT of the new TIP that includes the changes; and
- MDOT forwards amendment packet to FHWA or FTA for their approval.

NATS MPO FY 2016 Meeting Dates

October 27, 2015

November 24, 2015

December 22, 2015

January 26, 2016

February 23, 2016

March 22, 2016

April 26, 2016

May 24, 2016

June 28, 2016

July 26, 2016

August 23, 2016

September 27, 2016