

Administrative Modification & Amendment Policy

For TwinCATS and NATS

Draft version: September 20, 2022

Introduction:

This document contains the policies SWMPC uses to process amendments to the Transportation Improvement Program (TIP). It explains how an agency can request a change to a project, and the steps required to approve the change .

How to request a change to a project:

Projects are split into three categories: Local Agency Projects (local), projects managed by MDOT (Trunkline), and Public Transit (Transit). Each type has a different method for requesting project changes.

Local Road Agencies: The agency should send an email to Brandon Kovnat (kovnatb@swmpc.org), explaining the proposed changes. The email must include:

- Project name, limits, fiscal year of award, and MDOT job number.
- 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 change is being requested.
- Date when you will send MDOT the final biddable package / specs & estimates.
- Targeted letting date.
- Attach the Engineers Estimate if it available.

The estimated submittal dates for final specs & estimates along wit the targeted letting date help me know if there are any deadlines we have to meet so I can make sure we are able to get the changes processed in time.

Steps in the Amendment Process

1. **Agency:** The agency managing the project requests a change
2. **SWMPC:** For local and Transit jobs, SWMPC uses the agency's requesting email and the supporting documentation to program the changes into JobNet.
3. **MDOT:** Reviews the changes in JobNet and gives an approval. Depending on what the changes are they will either be approve administratively or may require a TIP amendment. **If it meets the administrative modification requirements, no further action is required.**
4. **SWMPC:** Staff compile all the amendment requests that were received since the last TIP package was submitted for inclusion in the MPO meeting packet. The packet is sent to the MPO committee members and posted online, five business days prior to the scheduled meeting, to allow Committee members and the public to review and comment on the proposed changes.
5. **Agency:** The requesting agency is expected to present their amendment request to the MPO committees at the meeting and answer any questions.
6. **MPO Committees:** At the MPO meeting, the Technical Advisory Committee and Policy Committee votes on whether to approve the amendment.
7. **SWMPC:** submits the amendment package to MDOT for approval, typically within one week of the meeting date. Staff will inform the requesting agency of the submittal and keep them informed about the status of the amendment.
8. **MDOT** reviews the amendment package to ensure it complies with all applicable regulations. These include air quality conformity, environmental justice implications, proper public notice, and fiscal constraint.
9. **FHWA/FTA:** Conducts a final review and "sign off" on the amendment package (this is done electronically via JobNet, there is no "signed form" for a TIP approval)
10. **SWMPC:** Staff notify the requesting agency as soon as the amendment has been approved by FHWA or FTA.
11. **SWMPC:** A revised TIP project list is uploaded to the SWMPC website

Federal Amendment and Administrative Modification Decision Table

Type of Change	Federal Amendment	Administrative Modification
Adding or removing any Job that affects air quality conformity or requires a conformity determination regardless of cost or funding source	x	
Adding a Job or job phase in the TIP	x	
Removing (abandoning) a job phase from the TIP	x	
Moving a federally funded Job from the illustrative list to the fiscally constrained list or vice versa	x	
Changing a non-federally funded job to a federally funded project	x	
Changing the cost of a job phase by 25% or more*	x	
Any change to any project that would affect road capacity or otherwise impact air quality conformity	x	
A significant change to work type or the job 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, removing, or changing a project with no federal funding		x
Adding or deleting a project from the Illustrative List		x
Changing from one federal funding source to another federal source provided work type remains the same.		x
Moving fiscal years within the current TIP		x
Changing the cost of a job phase by less than 25%*		x
Adding or removing advance construct funding		x
Technical corrections such as fixing typos, misspellings, or other data entry errors		x

*Cost changes are cumulative based on the last federal approval. A job phase cost may be changed multiple times administratively as long as the cost has not increased or decreased by 25% or more from the last federally approved cost.

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

Additional Regulations

Both Administrative Modifications and Federal Amendments must follow:

Financial constraint requirements: “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.”

The Current Long Rang Plan: The amendment must conform to the goals and strategies contained within the MPO’s Long Rang Plan

Title VI Nondiscrimination: “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."

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>

Air Quality 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 applies to any area which is in non-attainment or maintenance for the National Ambient Air Quality Standards (NAAQS). Berrien County is non-attainment for the 2015 ozone standards. Cass County is an “Orphan Maintenance Area” for the 1997 ozone standard. Therefore, amendments for the TwinCATS TIP and the NATS TIP must go through the conformity process.

SWMPC review all proposed amendments to determine if they are regionally significant or not. Regionally significant projects require further air quality analysis. Non-regionally significant projects are considered “exempt” from any further analysis. The Berrien and Cass County Michigan Transportation Conformity Inter Agency Working Group (IAWG), is send the SWMPC determination and is required to concur with SWMPC’s conclusion for all amendments.

Any capacity increases on a federal aid eligible road within the MPO Planning Area will be classified as Regionally Significant. This includes:

- New segments
- Added through lanes
- Continuous auxiliary lanes
- New interchanges

Examples of Projects that are Not-Regionally Significant:

- Addition of thru traffic lanes on federal aid eligible roads that do not extend the full distance between major intersections and are less than a mile in length
- Addition of thru traffic lanes on roads that are not functionally classified as federal aid eligible
- New local roads (such as subdivisions)

Definitions:

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.

Administrative Modification, is any change to the TIP, which does not require federal approval. A modification does not require MPO committee approval or public notice.

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.

Regionally Significant Project is a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel..

Regionally Significant Amendment, means the additional, removal, or change to a regionally significant project that will impact air quality.

TIP Amendment Package: The list of amendments that are submitted together. This is typically all of the amendments voted on at the same meeting

JobNet: an online database of transportation projects. MDOT, FHWA, and FTA recognize JobNet as the official version of projects for transportation Improvement Program (TIP). Changes to projects, and TIP approvals are made through JobNet.