FTIP Amend Checklist - Attachment 1

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION PROGRAMMING
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June 7, 2011

Metropolitan Planning Organizations Executive Directors
Regional Transportation Planning Agencies Executive Directors

Dear Executive Directors:

The purpose of this letter is to inform you that the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have revised the Federal Statewide Transportation Improvement Program (FSTIP)/ Federal Transportation Improvement Program (FTIP) Amendments and Administrative Modification Procedures.

The attached procedures, which are effective immediately, include revisions that expand the parameters of an administrative modification offering greater accountability and flexibility to the California Department of Transportation (Caltrans) and the Metropolitan Planning Organizations (MPOs). The revised procedures also allow Caltrans to delegate to an MPO the approval of administrative modifications to the FSTIP. Thus MPOs with delegated authority can approve administrative modifications without the need for state or federal approval. This will streamline and shorten the process of revising the FSTIP.

The following procedures apply to any MPO planning to receive a delegation from Caltrans to approve administrative modifications to the FSTIP.

1. The MPO must submit to Caltrans a board action to approve administrative modifications to the FSTIP in accordance with the attached Amendment and Administrative Modifications Procedures.
2. In addition, the MPO board may delegate the approval of administrative modifications to the MPO executive director. If the board delegates the approval to the executive director, the board action must also be submitted to Caltrans.
3. After receiving the board action, Caltrans will send a letter to each MPO delegating approval of FSTIP administrative modifications.

Once an MPO receives delegation from Caltrans to approve administrative modifications, the following procedures apply.

1. Prior to the MPO's approval of FTIP/FSTIP administrative modifications, the MPO may consult with Caltrans on proposed changes.

2. Caltrans may provide cursory review of the administrative modification prior to the MPO's approval.
4. The MPO shall send copies of the approved administrative modifications to Caltrans, FHWA, FTA, and other stakeholders. Caltrans will post the approved administrative modifications on the Division of Transportation Programming Website.
5. Caltrans will regularly review the MPO's approved administrative modifications and will reject changes that do not comply with the attached procedures. In such cases the MPO must correct all noncompliance.
6. Caltrans will withdraw its delegation from any MPO that is found to be consistently noncompliant with the above and the attached procedures.

For those MPOs that do not apply for a Caltrans delegation, no action is required and the existing approval process will remain in effect.

If you have any questions, please call Muhaned Aljabiry at (916) 654-2983.

Sincerely,

RACHEL FALSETTI, Chief
Division of Transportation Programming

Attachment

U.S. Department of Transportation
Federal Highway Administration

Federal Highway Administration
California Division

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June 3, 2011

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.

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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).

Sincerely,

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

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 Crenshaw, 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.