

PROCEDURES FOR STATEWIDE TRANSPORTATION PROGRAM (STIP) MODIFICATIONS

Current MDOT

The Final Rule on Statewide and Metropolitan transportation planning and programming that takes effect on March 16, 2007, contained in 23 CFR 450 clearly defined Amendments and Administrative Modifications. The following procedures have been developed for processing Administrative Modifications and Amendments to the Statewide Transportation Improvement Program (STIP), and Metropolitan Planning Organization (MPO) Transportation Improvement Programs (TIPs) and Long Range Transportation Plan (LRTP) in accordance with the provisions of the Final Rule 23 CFR 450.

Based on 23 CFR 450.216 (n), projects in any of the first four years of the STIP may be moved to any other of the first four years of the STIP subject to the project selection requirements of 23 CFR 450.220. Such Administrative Modifications do not require approval, provided expedited project selection procedures have been adopted in accordance with 23 CFR 450.330 and the required interagency consultation or coordination is accomplished and documented.

This procedure will be effective on May 1, 2007.

1. DEFINITIONS:

- A. **Administrative Modifications** are minor changes to a project included in a metropolitan plan, TIP or STIP that:
1. Revise a project description without changing the project scope or conflicting with the environmental document;
 2. Revise the funding amount listed for a project's phases. Additional funding is limited to **20 percent** of the project cost;
 3. Change the source of funds;
 4. Change a project lead agency;
 5. Splits or combines individually listed projects; as long as cost, schedule, and scope remain unchanged;
 6. Changes required information for grouped project (lump sum) listings; or,
 7. Adding or deleting projects from grouped project (lump sum) listings as long as the funding amounts stay within the guidelines in number two above.

An Administrative Modification can be processed in accordance with these procedures provided that:

1. It does not affect the air quality conformity determination;
2. It does not impact financial constraint; and,
3. It does not require public review and comment.

- B. **Amendments** are major changes to a project included in a metropolitan plan, TIP or STIP that are not Administrative Modifications.

2. PROCEDURES:

- A. **Administrative Modifications** (minor changes to a project) do not require **Federal approval**. Each MPO-approved administrative modification will be forwarded to Maryland Department of Transportation (MDOT) for approval on behalf of the Secretary. The MPO Board may delegate approval of Administrative Modifications to the MPO's Executive Director. If the MPO Board delegates approval of Administrative Modification to the Executive Director, the MPO will need to provide copies of the delegation to MDOT, FHWA, and FTA.

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Once approved by MDOT, the Administrative Modification will be incorporated into Maryland's STIP and no Federal action will be required. MDOT will forward Administrative Modifications to FHWA/FTA for records. Administrative Modification does not require Federal approval. FTA/FHWA reserve the right to disallow an administrative action if it is found to be inconsistent with this procedure

B. Amendments (major changes to a project) require **Federal approval**

Amendments to the STIP must be developed in accordance with the provisions of 23 CFR 450.326 and/or 23 CFR 450.216, and approved by the Federal agencies in accordance with 23 CFR 450.218. Each approved MPO TIP amendment will be forwarded to MDOT for approval on behalf of the Secretary. (To expedite processing, the MPO will also forward a copy of the amendment to FHWA and FTA at the same time the amendment is sent to MDOT) Once approved by MDOT, MDOT will forward the amendment to FHWA and FTA for Federal approval. Once approved by FHWA and FTA the amendment will be incorporated into Maryland's STIP. The FHWA and FTA approval will be addressed to MDOT, with copies to the State Highway Administration (SHA), Maryland Transit Administration (MTA) and MPO.

3. DISPUTE RESOLUTION

If a question arises on the interpretation of the definition of an Administrative Modification or amendment, MDOT, SHA, MTA, the MPO, FHWA and FTA (the parties) will consult with each other to resolve the question. If after consultation, the parties disagree on the definition of what constitutes an Administrative Modification or Amendment, the final decision rests with the FTA for transit projects and FHWA for highway projects.

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Cc: FTA – CHRON, FILE, McFadden-Roberts

FHWA – File

MDOT – File