

APPENDIX 9

FHWA FSTIP Amendment and Administrative Modification Procedures

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION PROGRAMMING
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*Making Conservation
a California Way of Life.*

December 20, 2019

Executive Directors, Metropolitan Planning Organizations and
Regional Transportation Planning Agencies

Dear Executive Directors:

To streamline the federal programming process, the California Department of Transportation (Caltrans), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA), revised the Federal Statewide Transportation Improvement Program (FSTIP)/Federal Transportation Improvement Program (FTIP) Amendments and Administrative Modifications Procedures.

These revisions expand the parameters of an administrative modification offering a greater opportunity to reduce the number of Amendments to the FTIPs and the FSTIP. Effective December 18, 2019, the attached procedures shall supersede the previous procedures dated June 3, 2011.

Metropolitan Planning Organizations (MPOs) with delegated authority from Caltrans may continue to approve administrative modifications to the FSTIP in accordance with these revised procedures and the following shall continue to apply.

1. MPOs may consult with staff at the Division of Transportation Programming and request reviews on proposed changes prior to approving their administrative modifications.
2. MPOs must email and send hardcopies of the approved administrative modifications to Caltrans, FHWA, FTA, and other stakeholders.
3. Approved administrative modifications are subject to the Division of Transportation Programming continual reviews to ensure compliance with programming related regulations, guidance and procedures.
4. The Division of Transportation Programming will reject any administrative modification that does not adhere to programming related regulations, guidance and procedures.

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5. Caltrans will withdraw its delegation from any MPO whose administrative modifications are found to be consistently noncompliant with these procedures.

For those MPOs without Caltrans delegation, no action is required, and the existing approval process remains in effect.

My staff and I appreciate and recognize the efforts of staff at FHWA and FTA, in working with us to find ways to streamline and expedite the federal programming process.

If you have any questions, please contact Muhaned Aljabiry at (916) 654-2983 or by e-mail at muhaned.aljabiry@dot.ca.gov.

Sincerely,



for BRUCE DE TERRA, Chief
Division of Transportation Programming

Enclosure



U.S. Department
of Transportation
**Federal Highway
Administration**

California Division

December 18, 2019

650 Capitol Mall, Suite 4-100
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(916) 498-5001
(916) 498-5008 (FAX)

In Reply Refer To:
HDA-CA

Mr. Bruce de Terra, Division Chief
Transportation Programming Federal Resources Office, M.S. 82
California Department of Transportation
1120 N Street
Sacramento, CA 95814

SUBJECT: Revised Federal Statewide Transportation Improvement Program (FSTIP) and Federal Transportation Improvement Program (FTIP) Amendment and Administrative Modification Procedures

Dear Mr. de Terra:

In our letter dated June 3, 2011, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) provided the California Department of Transportation (Caltrans) revised procedures on the FSTIP/FTIP Administrative Modification and Amendment process.

Working in coordination with Caltrans, FHWA and FTA have again revised the FSTIP/FTIP Administrative Modification and Amendment Procedures. The enclosed revised procedures provide additional flexibility and will shorten project delivery time by allowing fewer formal amendments which in general takes longer to process. As part of this coordination, Caltrans has also committed to working with FHWA and FTA to implement a FSTIP/FTIP amendment schedule and an electronic approval process by December 2020.

The revised procedures detail the specific types of programming changes that may be made to the FSTIP/FTIPs as administrative modifications for which approval has been delegated to Caltrans, and changes that 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) and further clarifies parameters of an administrative modification.

Throughout the FSTIP/FTIP Administrative Modification and Amendment Procedure update process, the FHWA and FTA have been pleased with our partnership with Caltrans. This effort highlights Caltrans' continued dedication to the stewardship of the Federal-aid Program.

If you have any questions regarding the attached procedures, please contact Tashia J. Clemons of the FHWA California Division at (916) 498-5066, or by email at Tashia.clemons@dot.gov or Ted Matley of the FTA's Region 9 Office at (415) 734-9468 or by email at ted.matley@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent Mammano", followed by a horizontal line extending to the right.

Vincent Mammano
Division Administrator
FHWA California Division

/s/ Ray Tellis

Ray Tellis
Regional Administrator
FTA Region 9

FSTIP/FTIP Administrative Modification and Amendment Procedures December 18, 2019

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 Metropolitan Planning Organization (MPO) in accordance with 23 Code of Federal Regulations (CFR) 450 and the required interagency consultation or coordination is completed 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 Modification:

An administrative modification is a minor change to the FSTIP/FTIP that does not require a conformity determination, demonstration of fiscal constraint, public review and comment, or federal approval. The following changes to the FSTIP/FTIP can be processed through an administrative modification:

- i. Revise description of individually listed projects without changing the project scope or without conflicting with the approved environmental document;
- ii. Revise the description of grouped project listings, as defined in 23 CFR Part 450.326 (h), if it is consistent with the Programming Grouped Project Listings in Air Quality Non-Attainment or Maintenance Areas guidance.
- iii. Revise the funding amount listed for a project or a project phase:
 - a. Additional funding to an individually listed project is limited to the lesser of 50 percent of the total project cost or \$20 million.
 - b. No limit on adding funds to a grouped project listing. Funding capacity must be available in the FSTIP/FTIP prior to processing programming changes and it must be stated in the supporting documentation.
(Note: Updated FTIP financial plans may be requested by Caltrans to validate fiscal constraint if an MPO has processed only administrative modifications for a period of six months or more.)
- iv. Program the 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 iii.

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- v. Change source of funds.
- vi. Change a project lead agency.
- vii. Program federal funds for advance construction conversion provided that programming capacity is available in the FSTIP/FTIP prior to programming the conversion.
- viii. Change the program year of funds within the current FSTIP/FTIP provided the MPO has an adopted EPSP that is developed in accordance with 23 CFR 450.
- ix. Split or combine an individually listed project or projects provided the schedule and scope remain unchanged.
- x. Add or delete a project or projects from a grouped project listing.
- xi. Program emergency repair projects on state and local highways caused by natural disasters or catastrophic failures from external causes that are not covered by the Emergency Relief Program and exempt from air quality conformity requirements.
- xii. Re-program a project for which FHWA funds were transferred to the FTA in a prior FSTIP/FTIP cycle but has not received grant approval from the FTA. Those projects can be programmed in the current FSTIP/FTIP through an administrative modification provided the original scope or cost remain unchanged. Use the type "FTA 5307 (FHWA Transfer Funds)" to program in the FSTIP/FTIP.
- xiii. Program an FTA-funded project from the prior FSTIP/FTIP cycle into the current FSTIP/FTIP provided the original scope or cost of the project remain unchanged. Use the project description field (or "CTIPS MPO Comments" section) to list the year, amount, and the prior year fund type.
- xiv. Make minor changes to an FTA-funded grouped project listing. Minor changes include changing the number of transit vehicles purchased by 20 percent or less and changing the fuel type of transit vehicles. The MPO must conduct an interagency consultation to confirm that the project scope change is deemed minor.

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2. Amendment:

Amendments are all other modifications to the FSTIP/FTIP that are not included under the administrative modification and amendment procedures. All amendments shall be developed in accordance with the provisions of 23 CFR 450.326 for each metropolitan area in the State, and in accordance with the provisions of 23 CFR 450.218 for non-metropolitan areas.

3. Procedure:

a. Administrative Modification:

MPOs with approval delegation from Caltrans

Caltrans may delegate to an MPO's Board the authority to approve administrative modifications. In such case, Caltrans approval is not required. If an MPO Board further delegates the authority to the Executive Director to approve administrative modifications, copies of the delegation must be provided to Caltrans, the FHWA and FTA. The MPO must submit copies of the approved administrative modification to Caltrans, the FHWA and FTA. Once the MPO approves the administrative modification, changes will be deemed part of the FSTIP. The MPO is required to demonstrate in a subsequent amendment the net financial changes resulting from each administrative modification. Caltrans will conduct periodic review of each MPO's administrative modification process to confirm adherence to guidelines and procedures. Caltrans may revoke an MPO's delegation due to noncompliance with these procedures.

MPOs without approval delegation from Caltrans

Each MPO's administrative modification will be forwarded to Caltrans Division of Transportation Programming for approval. If an MPO Board delegates authority to the Executive Director to approve administrative modifications, copies of the delegation must be provided to Caltrans, the FHWA and FTA. The MPO must submit copies of the administrative modification to Caltrans, the FHWA and FTA. The MPO must also demonstrate in a subsequent amendment the net financial changes resulting from each administrative modification. Once Caltrans approves the administrative modification, changes will be deemed part of the FSTIP since federal approval is not required. Caltrans will notify the FHWA and FTA of the approved administrative modification. If Caltrans, the FHWA, or the FTA determines that changes in an administrative modification are not allowable under these procedures, the MPO must withdraw the administrative modification and process an amendment.

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b. Amendment:

Amendments to the FSTIP must be developed in accordance with the provisions of 23 CFR 450, approved by the FHWA and/or the 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 must also submit the amendment to the FHWA and FTA at the same time. Once approved by Caltrans, the amendment will be forwarded to the FHWA and FTA for federal approval. The amendment will be deemed part of the FSTIP once it is approved by the FHWA and FTA. The FHWA and FTA will send the federal approval letter and respective conformity to Caltrans and the MPO.

4. Consultation:

If a question arises regarding the interpretation of these procedures, Caltrans, the MPO, the FHWA and/or FTA may consult to resolve the question. If after consultation the parties still disagree, the final decision rests with the FTA for transit projects and the FHWA for highway projects.

Any exception to these procedures is allowed only through a consultation process with MPOs, Caltrans, the FHWA, and FTA.