

FY2024-2027 Transportation Improvement Program Amendment #3

# TIP Amendment Process

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) issued the Final Rule to revise the Statewide and Metropolitan Transportation Planning regulations incorporating changes from the Moving Ahead for Progress in the 21st Century Act (MAP-21) with an effective date of July 2012. The revised regulations clearly define administrative modifications and amendments as actions to update plans and programs. 23 Code of Federal Regulations (CFR) Part 450.104 defines administrative modifications and amendments as follows:

- Administrative modification means a minor revision to a long-range statewide or metropolitan transportation plan, Statewide Improvement Program (STIP), or Transportation Improvement Program (TIP) that includes minor changes to project/project phase costs, minor changes to funding sources of previously included projects, and minor changes to project/project phase initiation dates. An Administrative Modification is a revision that does not require public review and comment, re-demonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas).
- Amendment means a revision to a long-range statewide or metropolitan transportation plan, STIP, or TIP that involves a major change to a project included in a metropolitan transportation plan, STIP, or TIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes or changing the number of stations in the case of fixed guideway transit projects). Changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment and a re-demonstration of fiscal constraint. If an amendment involves “non-exempt” projects in nonattainment and maintenance areas, a conformity determination is required.

The following procedures have been developed for processing administrative modifications and amendments to the STIP and MPO TIPs and Metropolitan Transportation Plans (MTPs). The processes described below detail procedures that are to be used to update an existing approved STIP, TIPs, and associated plans, when applicable, and adhere to the guidelines stated above and below for administrative modifications and amendments.

## **Administrative Modifications for Initial Authorizations**

The following actions satisfy the Georgia Division and FTA Region 4 requirements for an Administrative Modification to the TIP/MTP:

- A. Air Quality – A TIP/MTP administrative modification can be processed on a project when it does not impact an air quality conformity determination.
- B. Cost Increase Threshold – A TIP/MTP administrative modification can be process on a project phase with a cost increase of up to \$4 million or 40% in federal share with a cap \$40 million of the amounts to be authorized. When:
  1. The Federal Share of the project phase amount in the TIP/MTP is \$10 million or less, the cost may be increased by an amount up to \$4 million and fiscal constraint is not impacted as shown in Note (d) or
  2. The Federal Share of the project phase amount in the TIP/MTP is greater than \$10 million the cost may be increased by a maximum of 40% up to a cost increase of \$40 million and fiscal constraint is not impacted, as shown in Note (d).
- C. Shifting Project Phase – A TIP/MTP administrative modification can be processed when

shifting projects/project phase within the existing 4-year TIP/MTP.

- D. Public Review and Comment – A TIP/MTP administrative modification can be processed on a project phase if it does not require public review and comment.
- E. August Redistribution – A TIP/MTP administrative modification can be processed if an existing project is utilizing August Redistribution funding and is exempt from air quality conformity determination. If a project is non-exempt, it must follow all requirements for a TIP/MTP amendment.

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<sup>4</sup> MPO Public Participation Plan

### **Amendments for Initial Authorizations**

The following actions require an Amendment to the TIP/MTP when:

- A. The addition of a new project or the addition of a phase to an existing project. This includes any new projects that are funded with Congressionally Directed Spending, Federal Land Access Program (FLAP) funds, or Title 23 or Title 49 discretionary funding.
- B. Project changes that impact air quality conformity determination.
- C. Shifting a project or a project phase that falls outside the existing 4-year STIP/TIP range (i.e., existing STIP/TIP year is 2024-2027 but bringing in a project phase from a previous Fiscal Year (FY) or beyond the last year of the STIP period)
- D. A major change in total project length greater than 1 mile, if applicable. Changes in project termini lengths for project concepts or scopes such as bridge replacements, intersection improvements, passing lanes, resurfacing, etc. are not considered major change.

The following actions also require a redemonstration of fiscal constraint:

- A. Financial changes that exceed the above administrative modifications threshold.
- B. Annual rebalancing of the existing STIP to demonstrate fiscal constraint for the upcoming FY.
- C. Shifting project funding sources such as changing a non-federally funded project to a federally funded project.

Amendments require public review and responses to all comments, either individually or in summary form. For amendments in MPO areas, the public review process should be carried out by the procedures outlined in the Participation Plan. Georgia DOT will ensure that the amendment process and the public involvement procedures have been followed.

Except for Congressionally Directed Spending, FLAP, and Discretionary Grants, ALL other amendments to the STIP must be approved jointly by FHWA and FTA.

Notes:

- a) The date a TIP becomes effective is when the Governor or his designee approves it. For nonattainment and maintenance areas, the effective date of the TIP is based on the date of the U.S. Department of Transportation's positive finding of conformity.
- b) The date the STIP or the STIP amendment becomes effective is when the FHWA and FTA jointly approve it.
- c) The STIP is developed on the state fiscal year, which is July 1-June 30.
- d) Funds for amendments and administrative modifications will come from the funds set aside in the STIP financial plan.

- e) Before the start of each State Fiscal Year, GDOT shall submit an Annual STIP. Amendment that updates the STIP Financial Plan should show funding set aside for amendments and administrative modifications for the upcoming fiscal year. In the event the STIP amendment update is delayed, GDOT will submit the amendment no later than October 1<sup>st</sup>.
- f) GDOT will submit to FHWA/FTA a detailed monthly Modification report, showing financial transactions and balances.
- g) GDOT will submit to FHWA/FTA accompanying Administrative Modification Authorizations Tables for review before requesting FMIS authorizations in advance of the monthly Modification report.
- h) Projects that are funded with Congressionally directed spending, FLAP funds, or Title 23 or Title 49 discretionary funding can be incorporated in the STIP/TIP/MTP via an informational appendix after the amendment process is complete.
- i) A public comment period is required for all projects funded under a Title 23 and Title 49 discretionary grant program. Public review for discretionary grant projects can be advertised as informational only and comments received will be forwarded to the project sponsor.