

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.