

# **Administrative Modifications and Amendments: A Primer and Use for Uniform STIP**

(Updated September 21, 2011)

## **Introduction**

This document provides guidance that defines the types of revisions to a TIP or the STIP. It highlights the differences between minor revisions defined as administrative modifications and more significant revisions defined as amendments. The guidance outlines steps for modifying the TIP/STIP document when such changes occur as well as actions needed by MPO committees, MPO staffs, MDOT, and FHWA/FTA.

## **Definitions**

The following definitions related to STIP/TIP revisions are found in 23 CFR 450.104.

*Revision* means a change to TIP, or STIP, that occurs between scheduled periodic updates. A major revision is an “amendment”, while a minor revision is an “administrative modification”.

*Administrative modification* means a minor revision to a TIP, or STIP, 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, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas).

*Amendment* means a revision to a TIP, or STIP, 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). 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, redemonstration of fiscal constraint, or conformity determination (for TIPs involving “non-exempt” projects in nonattainment and maintenance areas).

*Project Selection* means the procedures followed by MPOs, States, and public transportation operators to advance projects from the first four years of an approved TIP and/or STIP to implementation, in accordance with agreed upon procedures.

## **Administrative Modifications**

The Federal regulations provide for certain minor revisions to be treated as administrative modifications that can be made to the TIP/STIP without Federal approval provided the TIP/STIP remains financially constrained. All such modifications are accumulated in the TIP/STIP document and are included with the next formal amendment for recognition and ultimate approval as part of the official TIP/STIP. The use of administrative modifications can be an effective tool for managing minor revisions to the TIP/STIP without the delay of extra reviews. Federal authorization of projects that have been administratively modified can be granted prior to the ultimate approval of such revisions as part of the official TIP/STIP.

In addition to not requiring Federal approval, MPO committees can at their discretion, delegate authority to staff to make administrative modifications, further streamlining the revision process by eliminating committee approvals. MPO staffs are encouraged to keep their committees informed of administrative modifications and, as noted above, such modifications are accumulated in the TIP/STIP document and are included in the next formal amendment for recognition and ultimate approval as part of the TIP/STIP adopted by the MPO.

What FHWA can handle administratively?

1. Minor change in cost (per the agreed upon MPO/Rural procedures);
2. Minor change in funding source (moving from one federal funding source to another federal funding source, except CMAQ funding);
3. Project Selection (see next section) - Shifting projects between fiscal years while maintaining financial constraint under the project selection procedures defined in the regulations;
4. Switching a project from regular federal-aid to AC (per Michigan Division and MDOT finance agreement provided the change is noted in the request sent to FHWA at the time of project authorization);
5. Switching a project from AC to regular federal-aid (per Michigan Division and MDOT finance agreement provided the change is noted in the request sent to FHWA at the time of project authorization);
6. A revision that does not require public review and comment, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas); and
7. Switching the required match from traditional non-federal funding sources to toll credits.

What needs to be done for Administrative Modifications?

1. MPO staff makes changes in the appropriate fields of the e-File to reflect the new information. Note an administrative modification was made in the comment field;

2. MPO approval of administrative modifications, or MPO concurrence, at the time of the next TIP amendment according to agreed upon procedures; and
3. Submit all administrative modifications with the next TIP amendment request.

For specific instructions on how to update the e-file for cost and scope changes, please refer to the “Step-By-Step Amendment Instructions by Amendment Type” section of the April 14, 2010 version of the *Uniform STIP/TIP Project Data Guidelines*.

### **What is meant by “project selection”?**

As defined in 23 CFR 450.104 and 23 CFR 450.330, “project selection” is:

1. Shifting a project from the out year to the current year of the TIP/STIP when there is adequate revenue in the current year to accommodate the project; and
2. When there is not adequate revenue to accommodate an out year project in the current year, a project(s) from the current year needs to be shifted to the out year to off-set the cost of the project moving into the current year of the program.

How are “project selection” actions reflected in the e-File?

As defined in the April 14, 2010 version of the *Uniform STIP/TIP Project Data Guidelines*:

1. Find the project in the latest federally approved project e-File;
2. Revise the fiscal year;
3. Update the *MPO/Rural Action Date* field to reflect the latest date of local action for each revised project. Past actions and dates of past actions are to be noted in *Comments*;
4. *Select “Year”* from the dropdown list in the *Amendment Type* field; and
5. In the *Comment* field, provide pertinent information on the specific project change(s). For each subsequent amendment, retain each set of comments along with its corresponding date.

## **Staff Delegated Revisions that require FHWA/FTA Approval**

In Michigan, some MPOs delegated additional powers to staff to modify the TIP/STIP that exceed the Federal definition of an “administrative modification”. For example, the regulations view a new listing of a project included in a previous TIP/STIP as an amendment. Also, moving a project from the illustrative list to the financially constrained portion of the TIP/STIP is an amendment. With these additional delegations, committee action can be avoided, but FHWA/FTA approval of the amendment, and any associated air quality and public comment periods, are required before the project is authorized or funds are obligated. The attached chart helps to illustrate the differences between administrative modifications, amendments, and staff delegated revisions.

### **Amendments**

What does FHWA consider an amendment?

1. Adding a new project or moving a project from the illustrative list to the financially constrained list;
2. Deleting a project or moving a project to the illustrative list;
3. Major change in cost (per the agreed upon MPO/Rural procedures);
4. Except as provided in number 4 and 5 of the “Administrative Modifications” list, changing a non-Federally funded project to a Federally funded; and
5. Change in project design concept or design scope (per the agreed upon MPO/Rural procedures).

What needs to be done for Amendments?

1. Take the proposed amendments, including AQ analysis if need, out for public review, per the procedures outlined in the Public Participation Plan;
2. Make changes to the e-File once the public comment period is complete
3. MPO approval of proposed amendments, and determination of conformity if needed;
4. Forward e-File, and paper copies (updated project listing pages, updated financial constraint tables, and documentation of committee action) to MDOT of the new TIP that includes the changes; and
5. MDOT forwards amendment packet to FHWA for their approval.

***Note: MPO needs to make MDOT and FHWA aware of what is considered to be a “major cost increase” within their respective area.***

Depending on the type of amendment, what change needs to be made in the e-File?

Additions (as defined in the “Step-By-Step Amendment Instructions by Amendment Type” section of the April 14, 2010 version of the *Uniform STIP/TIP Project Data Guidelines*):

1. All new projects must be entered at the bottom of the project list in the latest federally approved project e-File. Be sure to enter all new projects into formatted blank cells at the bottom of the existing list;
2. Update the *MPO/Rural Action Date* field to reflect the date the MPO approved each project for inclusion;
3. Select “Add” from the dropdown list in the *Amendment Type* field; and
4. In the *Comments* field, provide pertinent information

***Note: If a project is listed in the TIP, or STIP, but without federal funding, and the funding is subsequently changed to add any federal funds, this fund change is considered to be a new project added to the federally approved TIP, or STIP, and will require a TIP/STIP amendment.***

Deletions (as defined in the “Step-By-Step Amendment Instructions by Amendment Type” section of the April 14, 2010 version of the *Uniform STIP/TIP Project Data Guidelines*):

1. Find the project in the latest federally approved project e-File;
2. Delete the cell contents of *Cost* and *Fund Source* for all federal, state, and local costs (columns K-P) for each deleted projects. These cells MUST be blank. *Total Phase Cost* must be blank. This will ensure that no costs are included in the automated financial commitment summary. Retain all other data elements for the deleted project;
3. Format all remaining data elements for the deleted project using the *strikethrough* effect;
4. Update the *MPO/Rural Action Date* field to reflect the date the MPO approved each project for deletion. Past actions and dates of past actions are to be noted in *Comments*;
5. Select “Delete” from the dropdown list in the *Amendment Type* field; and
6. In the *Comments* field, provide pertinent information.

**TIP/STIP Revisions**

