

**2023-2026 TRANSPORTATION IMPROVEMENT PROGRAM
FOR SOUTHWESTERN PENNSYLVANIA**

APPENDIX 2

TIP MODIFICATION PROCEDURES

MEMORANDUM OF UNDERSTANDING
Southwestern Pennsylvania Commission
Procedures for 2023-2026 STIP and TIP Modifications

Purpose

This Memorandum of Understanding (MOU) establishes a set of procedures to be used by the Southwestern Pennsylvania Commission (SPC) and its member agencies (PennDOT, the counties/city, and transit operators) for processing modifications to the 2023-2026 regional Transportation Improvement Program (TIP).

Definitions

- The (SPC) **Commission** is a regional policy-making body for southwestern Pennsylvania which takes action on all major TIP amendment requests. SPC is the federally designated metropolitan planning organization for the ten-county southwestern PA region.
- **Betterment** consists of surface treatments/corrections to existing roadway [preferably within the Pennsylvania Department of Transportation's (PennDOT's) right-of-way] to maintain and bring the infrastructure to current design standards for that classification of highway. This may involve full depth base repair, shoulder widening, increased lane widths, correction of super-elevation, as well as, drainage improvements and guide rail updates.
- **Cooperating Parties** are PennDOT, Metropolitan Planning Organizations (MPOs) and Rural Planning Organizations (RPOs) Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and transit agencies.
- **Fiscal Constraint Chart** is an Excel spreadsheet that depicts the transfer of funds from one source of funding to a donee project or projects and that nets to zero.
- The **Interstate Management (IM) Program** is PennDOT's four year listing of statewide interstate maintenance (non-capacity adding) projects. The Interstate Management Program will remain its own individual program and includes prioritized statewide Interstate projects.
- **Long Range Transportation Plan (LRTP) Expiration** is where a Planning Partner's LRTP has not been updated in accordance with the cycles defined in the federal planning regulations [23 CFR § 450.322 (c)].
- A **Modification** is either an amendment or an administrative action to the STIP/TIP. The detailed criteria for all types of modifications is further defined in the following MOU.
- An **MPO/RPO** is a Metropolitan Planning Organization and a Rural Planning Organization.
- A **New Project** is a project that: is not programmed in the current STIP/TIP, does not have previous obligations from a prior STIP/TIP, and has a PennDOT Screening/Connects Forms Initiated.
- **Preservation** is defined as: a) Long-term strategy that enhances pavement performance by using an integrated, cost-effective set of practices that extend pavement life, improve safety and meet motorist expectations; b) Strategies that prevent, delay or reduce deterioration of bridges or bridge elements, restore the function of existing bridges, keep bridges in good condition and extend their life; c) The activities, supplies, materials, labor, services, and associated costs required to preserve or extend the functionality and serviceability of the asset in a cost effective manner.
- A **Public Participation Plan** is a documented broad-based public involvement process that describes how the Planning Partner will involve and engage the public in the transportation planning process to ensure that the concerns of stakeholders are identified and addressed in the development of transportation plans and programs.
- **Rapid Bridge Replacement (RBR)** Initiative (developed via a Public Private Partnership – P3) will follow the Statewide Managed Program guidance in the administration of the program. For example, the RBR Initiative project rollouts, independent of time intervals, will be considered an

amendment on the STIP. Placement of RBR projects and/or line items on regional TIPs will be considered as an administrative action for each MPO/RPO.

- A ***Reserve Line Item*** holds funds that are not dedicated to a specific project(s) and may be used to cover cost increases or add a new project or project phase(s).
- A ***Statewide Managed Program*** are those transportation improvements that are managed on the STIP including project selection, at the PennDOT Central office level, with possible regional Planning Partner input and solicitation. Examples of Statewide Programs include but are not limited to the Secretary of Transportation's SPIKE, the Rapid Bridge Replacement (RBR) Project developed via a Public Private Partnership (P3), Transportation Infrastructure Investment Fund (TIIF), Highway Safety Improvement Program (HSIP) set-a-side, Highway-Rail Grade Crossing Safety (RRX), Surface Transportation Block Grant Program set-a-side (TAP) funds, Green-Light-Go (GLG), Automated Red Light Enforcement (ARLE), Multi-modal (MTF), Recreational (Rec) Trails, and Keystone Corridor projects.
- The SPC ***Transportation Technical Committee*** on behalf of the Commission, processes TIP modification requests, and takes action on amendments, and administrative actions.
- The SPC ***Transit Operators Committee (TOC)*** on behalf of the Commission, processes Public Transportation TIP modification requests, and takes action on amendments, and administrative actions.

Background

A Memorandum of Understanding (MOU) between the Pennsylvania Department of Transportation (PennDOT), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) establishes procedures to be used in the Commonwealth of Pennsylvania for processing revisions to the 2023-2026 Statewide Transportation Improvement Program (STIP). The STIP is the aggregation of the Metropolitan Planning Organization (MPO) and Rural Planning Organization (RPO) Transportation Improvement Programs (TIPs), including the Interstate Management (IM) Program and other statewide managed programs (Statewide Programs).

The STIP is the official transportation improvement program document mandated by federal statute [23 CFR 450.218](#) and recognized by FHWA and FTA. The STIP includes a list of projects to be implemented over a four-year period as well as all supporting documentation required by federal statute. The STIP includes regional TIPs developed by the MPOs, RPOs and PennDOT developed Interstate Management (IM) Program and other Statewide Programs. Statewide Programs are coordinated initiatives, projects or funds that are managed by PennDOT's Central Office on a statewide basis. Examples of Statewide Programs are included in the definitions above.

The Interstate Management Program will remain its own individual program and includes prioritized statewide Interstate projects. The Commonwealth's Twelve-Year Program (TYP), required by state law (Act 120 of 1970), includes the STIP/TIPs in the first four-year period. The TYP is not covered by Federal statute. Therefore, this MOU covers revisions only to the STIP/TIP.

The following MOU is between the Southwestern Pennsylvania Commission and the Pennsylvania Department of Transportation.

How and When is a STIP/TIP Developed?

The TIP in the SPC region, in compliance with the STIP update schedule, is updated every two years and spans four years of revenue as determined by the statewide financial guidance work group. The effort to update the TIP is a multi-layered, inter-related intergovernmental planning process, which includes public involvement, agency coordination, candidate project development, candidate project screening, numerous multi-agency work group meetings, fiscal constraint, environmental justice analysis, and air quality conformity. The 2023 TIP will take effect on October 1, 2022. For more details see the [TIP General and Procedural Guidance](#).

STIP/TIP Administration

FHWA and FTA will only authorize projects and approve grants for projects that are programmed in the current approved STIP. If a Planning Partner, Transit Agency, or PennDOT wishes to proceed with a federally funded project not programmed on the TIP or change the programming of a project on the TIP, a modification must be made.

The Federal, Statewide, and Metropolitan Planning regulations contained in [23 CFR 450](#) govern the provisions for revisions of the STIP and individual MPO TIPs. The intent of this federal regulation is to acknowledge the relative significance, importance, and/or complexity of individual programming actions. If necessary, [23 CFR 450.328](#) permits the use of alternative procedures by the cooperating parties to effectively manage actions encountered during a given TIP cycle. Cooperating parties include PennDOT, MPOs, RPOs, FHWA, FTA, and transit agencies. Any alternative procedures must be agreed upon and documented in the TIP. (This MOU between SPC and PennDOT are the alternate procedures to be applied to modifications to the TIP).

TIP revisions must be consistent with Pennsylvania's Performance Management (TPM) requirements, Pennsylvania's Long Range Transportation Plan (LRTP), and SPC's LRTP. In addition, STIP/TIP revisions must support Pennsylvania's Transportation Performance Measures, the Transportation Asset Management Plan (TAMP), the Transit Asset Management (TAM) Plan, the Strategic Highway Safety Plan (SHSP) and Congestion Management Plan (CMP), as well as PennDOT's Connects policy. Over the years, Pennsylvania has utilized a comprehensive planning and programming process that focuses on collaboration between PennDOT, FHWA, FTA, and MPOs/RPOs at the county and regional levels. This approach will be applied to begin implementation of TPM and Performance Based Planning and Programming (PBPP). PBPP is PennDOT's ongoing assessment, target setting, reporting and evaluation of performance data associated with the STIP/TIP investment decisions. This approach ensures that each dollar invested is being directed to meet strategic decisions and enhances the overall performance of the Commonwealth's transportation system.

TIP revisions must correspond to the adopted provisions of the SPC Public Participation Plan (PPP). A PPP is a documented broad-based public involvement process that describes how the Planning Partner will involve and engage the public in the transportation planning process to ensure that comments, concerns, or issues of the public and interested parties are identified and addressed in the development of transportation plans and programs. A reasonable opportunity for public review and comment shall be provided for significant revisions to the TIP.

All projects within a non-attainment or maintenance area will be screened for Air Quality significance. PennDOT will coordinate with SPC to screen Statewide Program projects for Air Quality significance. If a revision adds a project, deletes a project, or impacts the schedule or scope of work of an air quality significant project in a nonattainment or maintenance area, a new air quality conformity determination will be required if deemed appropriate by the PennDOT Air Quality Interagency Consultation Group (ICG). If

a new conformity determination is deemed necessary, an amendment to the region's LRTP shall also be developed and approved by the SPC. The modified conformity determination would then be based on the amended LRTP conformity analysis and public involvement procedures consistent with the region's PPP shall be required.

The federal planning regulations, [23 CFR 450.324\(c\)](#), define update cycles for MPO/RPO LRTPs. If SPC's LRTP expires because the LRTP has not been updated in accordance with the planning cycle defined in the federal planning regulations, then the provisions of this MOU will not be utilized for that MPO/RPO. During a LRTP expiration, all STIP/TIP revisions that involve projects with federal funds within SPC, where the LRTP expiration occurred, will be treated as an amendment and require federal approval. There will be no administrative modifications to projects with any federal funds until the SPC's LRTP is in compliance with the federal planning regulations.

SPC TIP Modifications – Amendments and Administrative Actions

There are four ways a TIP modification request can be processed in the SPC Region:
A graphic follows this MOU providing guidance on processing TIP modifications.

An **Amendment** is a revision that adds a new project, deletes an existing project, or involves a major change to an existing project included in a STIP/TIP that:

- Affects air quality conformity regardless of the cost of the project or the funding source;
- Adds a new federally funded project, or federalizes a project that previously was 100% state and/or locally funded. A new project is a project that is not programmed in the current STIP/TIP and does not have previous Federal obligations.
- Deletes a project that utilizes federal funds, except for projects that were fully obligated in the previous STIP/TIP and no longer require funding. In this case, removal of the project will be considered an administrative modification.
- Adds a new phase(s) (exceeding \$7.5 million in federal funds) to an existing project, deletes a project phase(s) (exceeding \$7.5 million in federal funds), increases or decreases a project phase(s) that utilizes federal funds where the revision exceeds \$7.5 million.
- Exception: modification is an immediate emergency repair project.
- Involves a change in the scope of work to a project(s) that would:
 - Results in an air quality conformity reevaluation;
 - Results in a revised total project programmed amount (includes all phases) that exceeds the thresholds in this MOU;
 - Results in a change in the scope of work on any federally-funded project that is significant enough to essentially constitute a new project.

All revisions associated with an amendment, including any supporting administrative modifications, should be shown on the same FCC, demonstrating both project and program fiscal constraint. The identified grouping of projects (the entire action) will require review and/or approval by the cooperating parties. In the case that a project phase is pushed out of the TIP period, the MPO/RPO and PennDOT will demonstrate, through a FCC, fiscal balance of the subject project phase in the second or third four years of the TYP and/or the respective regional LRTP.

A major amendment requires approval by the Commission. It is an *amendment* that meets any of the following criteria:

- Affects air quality conformity;
- If a project modification exceeds \$7.5 million, the TTC/TOC will take an action determining if the modification warrants being processed as a Major Amendment
- The TTC, or TOC in the case of transit amendments, may request that **major amendment requirements be applied** to a modification.

An opportunity for public review and comment will be **provided for all major amendment requests**. Amendment requests with an impact that has been deemed major are **subject to a 30-day public comment period and a public meeting before they can be presented to the Commission for consideration**. At the discretion of the decision-making body or as directed by the SPC Executive Director, a public meeting may be required to respond to issues raised by the public comment. The Commission, when making the amendment decision, must address in the decision any significant issues or negative comments that were raised in the public comments.

SPC staff will request PennDOT Central Office approval using the e-STIP process. A Fiscal Constraint Chart (FCC) will be provided that clearly summarizes the before, requested adjustments, after changes, and detailed comments explaining the reason for the adjustment(s), and provides any supporting information that may have been prepared. The supporting documentation should include PennDOT Program Management Committee (PMC) and Center for Program Development and Management (CPDM) items/materials, if available. PennDOT's Central Office will review, approve, and forward to the appropriate federal agency for review and approval, with a courtesy copy to the other federal agency. In the case that a project phase is pushed out of the TIP period, the MPO/RPO and PennDOT will demonstrate, through a FCC, fiscal balance of the subject project phase in the second or third four years of the TYP and/or the respective regional LRTP.

Approval by the TTC or TOC is required for amendments; **major amendments require Commission approval**.

Within SPC there are two categories for processing administrative actions; actions which require administrative approval and actions which are for informational purposes only.

An *Administrative Modification requiring TTC approval* is a minor revision to a TIP that:

- Adds a new phase(s), deletes a phase(s) or increase/decreases a phase(s) of an existing project that utilizes federal funds and the cost change being made is between \$1 million and \$7.5 million;
- Shifts federally-funded projects, a federally-funded project phase(s), or federal funds to existing federally-funded projects or a federally-funded project phase(s) in the approved STIP/TIP and must maintain year-to-year TIP fiscal constraint requirements.
- Adds a project from a funding initiative or line item that utilizes 100 percent state or non-federal funding; or regional TIP placement of the federally-funded Statewide Program project;
- adds a new phase(s) to an existing project, deletes a project phase(s), or increases or decreases a project phase(s) exceeding \$1 million to a federally-funded Statewide Program.
- Draws down or returns funding from an existing STIP/TIP reserve line item and does not exceed the threshold established in this MOU. A reserve line item holds funds that are not dedicated to a specific project(s) and may be used to cover cost increases or add an additional project phase(s) to an existing project;

- Adds federal or state capital funds from low-bid savings, de-obligations, release of encumbrances, or savings on programmed phases to another programmed project phase or line item but does not exceed the above thresholds.
- Splits a project into two or more separate projects or combines two or more projects into one project to facilitate project delivery without a change of scope or type of funding;
- Splits a project into two or more separate projects to facilitate project delivery, provided that the new projects do not trigger an amendment designation as detailed above;
- If a TIP revision occurs based on FHWA August Redistribution that adds, advances, or adjusts federal funding for a project based on documented August Redistribution Strategic Approach, or the revision involves a repurposed Federal earmark.

An ***Administrative Modification for information purposes only*** is a minor revision to a TIP that:

- Adds a project for emergency relief (ER) program, except those involving substantial functional, location, or capacity changes;
- Adds a project, with any federal funding source, for immediate emergency repairs to a highway, bridge or transit project where in consultation with the relevant federal funding agencies, the parties agree that any delay would put the health, safety, or security of the public at risk due to damaged infrastructure;
- Addition or removal of a Statewide Managed Program project/project phase;
- Cost change on a project that does not exceed \$1 million.

Administrative Modifications do not affect air quality conformity nor involve a significant change in the scope of work to a project(s) that would trigger an air quality conformity re-evaluation; does not add a new federally-funded project or delete a federally-funded project; does not exceed the threshold established in this MOU (as detailed in the Amendment Section); and does not result in a change in scope, on any federally-funded project that is significant enough to essentially constitute a new project. A change in scope is a substantial alteration to the original intent or function of a programmed project.

Administrative actions do not require Federal approval. PennDOT and SPC will work cooperatively to address and respond to any FHWA and/or FTA comment(s). FHWA and FTA reserve the right to question any administrative action that is not consistent with Federal regulations or with this MOU where federal funds are being utilized.

Submission Guidelines for TIP Revisions

SPC requests that sponsors of highway projects submit their requested TIP modifications through the PennDOT District offices for TTC consideration. SPC recommends sponsors provide appropriate information 14 calendar days in advance of TTC meeting to PennDOT; 30 calendar days for a major amendment request. PennDOT will submit a Project Narrative and Fiscal Constraint Chart of all requested TIP modifications to SPC for TTC consideration. Deadlines for submissions to SPC are as follows:

- Major amendment requests – 15 calendar days prior to TTC meeting
- Amendment and administrative requests – 8 calendar days prior to TTC meeting

Revisions of amendment and administrative modifications after submittal deadline are discouraged and may delay consideration of the request.

Transit project sponsors will route their submissions to the SPC staff assigned to the TOC. PennDOT and SPC technical advisers will assist sponsors in identifying project information that is needed to explain and justify the proposed changes. The assistance will also ensure consistency in the presentation format. Sufficient information must be provided to accurately describe the request, to determine if air quality conformity testing is required, to determine if it is an amendment or administrative action, to

facilitate an informed review by funding agencies and to provide an understandable public record of the change.

SPC staff will provide advance materials of the proposed TIP actions approximately a week before the meeting to ensure that committee members have sufficient opportunity reviews the requested actions.

Special Expedited Approval Option

An Amendment requiring TTC, TOC, or may be expedited via e-mail, if it meets any of the following criteria:

- The safety of the public would be jeopardized by waiting until the TTC / TOC / Commission meets formally;
- When special funding uniquely made available through federal or state channels may be jeopardized by delays in project delivery or funding obligation.

Transit

Statewide managed projects funded by FTA programs and delivered via Governor's apportionment are selected by PennDOT pursuant to the Pennsylvania State Management Plan approved by the FTA. These projects should be programmed within the TIP of the urbanized area where the project is located.

The entire amount of federal funds applied to Inter-Regional Projects such as Keystone Corridor Projects shall be programmed on the TIP of the UZA from which the funds originate. For example, the Keystone Corridor is the in-State and commuter rail service funded by PennDOT and FTA on the Amtrak rail line that runs between Philadelphia and Pittsburgh. Keystone Corridor projects that have been implemented between Philadelphia and Harrisburg have been funded within the three-contiguous large urbanized areas (UZA) – Harrisburg, Lancaster, and Philadelphia. If the Project is in a UZA that is not the UZA from which the funds originate, then the Project shall be listed in the TIP (of the UZA where the Project is located) as a "Insert Name of Inter-Regional Project", the use of the funding and amount shall be noted in the project description, and the funding amount shall be entered as \$0. The funds should only be noted for information and air quality conformity determination purposes, but not programmed, in the TIP where the Project is to avoid the double counting of programmed funds within the two TIPs. For instance, if federal funding from the Lancaster UZA is applied to the restoration of a Keystone Corridor station located in the Philadelphia UZA, then the full amount of the federal funding for the Project shall be programmed on the Lancaster TIP, and for information and air quality conformity purposes, the Project shall also be listed on the Delaware Valley Regional Planning Commission (DVRPC) TIP as "Keystone Corridor Station Restoration" along with notations per-above and the federal funding amount will be listed as \$0. SPC will follow this same process for any inter-regional transportation projects (for example, High Speed Rail, Keystone West projects, etc.) programmed for implementation in Southwestern Pennsylvania.

Financial Constraint

Demonstration that TIP fiscal constraint is maintained takes place through a FCC. Real time versions of the TIP are available to FHWA and FTA through PennDOT's Multimodal Project Management System (MPMS).

All revisions must maintain year-to-year fiscal constraint [23 CFR 450.218\(l\)](#) and [23 CFR 450.326\(g\)\(j\)&\(k\)](#). All revisions shall account for year of expenditure, and maintain the estimated total cost of the project or project phase within the time-period [i.e., fiscal year(s)] contemplated for completion of the project, which may extend beyond the four years of the STIP/TIP. The arbitrary reduction of the overall cost of a project, or project phase(s), shall not be utilized for the advancement of another project.

STIP/TIP Financial Reporting

PennDOT will provide reports to each MPO/RPO and FHWA no later than 30 days after the end of each quarter and each Federal Fiscal Year (FFY). At a minimum, this report will include the actual federal obligations and state encumbrances for highway/bridge projects by MPO/RPO and Statewide. In addition, PennDOT will provide the Transit Federal Capital Projects report at the end of each FFY to all of the parties listed above and FTA. The reports can be used by the MPOs/RPOs as the basis for compiling information to meet the federal annual listing of obligated projects requirement [23 CFR 450.334](#). Additional content and any proposed changes to the report will be agreed upon by PennDOT, FHWA and FTA. A summary report detailing this information for the region will be provided to SPC at the end of the year.

TIP Transportation Performance Management

In accordance with 23 CFR § 450.326 (c), PennDOT and SPC will ensure TIP revisions promote progress toward achievement of performance targets.

TIP Implementation Meetings

To provide for coordinated oversight of the TIP, an SPC work group of the TTC will periodically meet to review the status of the TIP and its implementation.

1. At the beginning of the second fiscal year of the TIP, the work group may meet to review all obligation activity during the previous year and the current project costs and schedules.
2. A Mid-Year (April) work group meeting may be held to review the status of all projects on the TIP. Program costs for projects obligated to date will be compared with the region's target obligation authority.
3. Other meetings of the work group may be called from time to time by SPC as necessary to insure the proper development and management of the TIP and to expedite the implementation of the region's projects.

This Memorandum of Understanding will begin October 1, 2022, and remain in effect until September 30, 2024, unless revised or terminated. Furthermore, it is agreed that this MOU will be reaffirmed every two years.

We, the undersigned hereby agree to the above procedures and principles.



Vincent Valdes, Executive Director
Southwestern Pennsylvania Commission

July 5, 2022

Date

Brian D. Hare, Director
Center for Program Development
And Management
Pennsylvania Department of Transportation

Date