



Lincoln MPO Technical Committee Agenda Summary

AGENDA ITEM NO.	5
MEETING DATE	August 8, 2024
REQUEST	VOTE: Review and action on revisions to the Lincoln MPO Guidelines for Modifying the Transportation Improvement Program
ASSOCIATED MEETINGS	This proposal was sent to the MPO Programming and Funding Subcommittee on July 23, 2024; no comments have been received to-date
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RECOMMENDATION: APPROVE REVISIONS TO THE MPO GUIDELINES FOR MODIFYING THE TRANSPORTATION IMPROVEMENT PROGRAM

BACKGROUND

The [Lincoln Metropolitan Planning Organization \(MPO\) Guidelines for Modifying the Transportation Improvement Program](#) (TIP) describe the processes and thresholds for how the MPO makes revisions to the TIP through two methods: formal amendment and administrative modification as described in 23 CFR 450.326. Formal amendments are made for significant revisions to the TIP and have public hearing and action by the MPO Technical and Officials Committees followed by approval from the Nebraska Department of Transportation (NDOT), Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). In contrast, administrative modifications for minor revisions are processed by MPO staff with concurrency from NDOT. The MPO Guidelines for Modifying the TIP meet the thresholds identified in the “Guidelines for Development of the Nebraska Statewide Transportation Improvement Program (STIP)”. The MPO’s Guidelines were adopted in 2011.

SUMMARY OF REQUEST

Revisions to the MPO Guidelines are proposed to follow approval of updated STIP Guidelines by NDOT and FHWA on July 11, 2024. The revisions would allow for additional types of changes to the TIP to be processed by administrative modification rather than amendment. The MPO proposes to follow the revised STIP Guidelines. Greater flexibility



in administrative processes will help address continued trends in rising project costs and inflation, while preserving the use of a public process for significant TIP changes.

The proposed changes include the following new allowances for administrative modifications:

- Raise the amendment threshold for cost increases to the federal-aid amount from 20% or \$2 million, whichever is greater to 20% or \$5 million, whichever is greater (all other cost changes below this threshold could be done by administrative modification);
- Allow changes from one federal funding source to another or adding a federal funding source, including converting federal funds to Advanced Construction (AC) by administrative modification;
- Remove the requirement that changes to project termini greater than 0.25 mile require an amendment and instead allow minor termini and scope changes by administrative modification as long as they conform with the Long Range Transportation Plan (LRTP).
- In addition to the above changes that mirror the updated STIP guidelines, one additional revision is proposed. The Lincoln MPO Guidelines include a provision that a project already programmed in the TIP can be split into multiple projects by administrative modification. It is proposed to also allow projects to be combined as long as they will be completed under a single federal environmental review process and/or scope. The combining of projects could not be used as a way to bypass the TIP Group Project Listings allowances or any other changes that would otherwise require an amendment.

New projects added to the TIP as well as significant changes to existing programmed project termini, scope, and cost would require a full amendment with approval by the MPO Technical and Officials Committees, State of Nebraska, FHWA and FTA.

The proposed revised Guidelines are attached.



December 7, 2011 **NEW APPROVAL DATE**

Lincoln Metropolitan Planning Organization Guidelines for Modifying the Transportation Improvement Program

- Formal amendments
- Administrative modifications

Transportation Improvement Program (TIP) revisions are changes to the TIP that occur between annual updates. From time to time, the TIP must be updated to add, modify or delete individual projects. According to Federal regulations (23 CFR § 450.326), modifications (*revisions*) to the TIP can be made through two methods: **formal amendment** and **administrative modification**.

TIP Revisions – Amendments & Administrative Modifications

- *Formal Amendments* are major revisions which require official approval by the MPO Policy Committee (Lincoln MPO Officials Committee) and submission to the Nebraska Department of [Roads-Transportation](#) for approval.
- *Administrative Modifications* are minor revisions which can simply be made to a project already included in the TIP by Lincoln MPO staff. Administrative modifications do not require public review and comment but notification and concurrence with NDOR~~T~~ of these changes will allow these changes to be included in the STIP.

Formal Amendments

Formal amendments are proposed TIP changes that meet one or more of the following criteria:

- **Addition or deletion of any project**–
 - Any project schedule change that moves a project into or out of the four approved
 - Federal Fiscal Years of the TIP (except as noted in **administrative modifications**).
- **Scope and termini changes** –
 - Significant changes to project scope as shown in the approved TIP will require an amendment (e.g., changing the number of through traffic lanes or removal of bicycle/pedestrian elements).
 - Project termini changes ~~that require an LRTP conformity determination or are~~ not consistent with the Long Range plan will require an amendment.

- **Financial changes –**

- Major changes in a project's total programmed amount of federal aid funds greater than 20% or \$52 million (whichever is greater). Anything less can be processed with an administrative modification.

~~○ A major change in the programmed amount will trigger a new fiscal constraint determination.~~

~~○ Any project changes using suballocated or special appropriated federal funds. Suballocated federal funds are those the MPO has primary authority to determine or select projects that will receive federal funding according to federal rules.~~

- ~~**Funding sources–**~~

~~○ Adding or changing federal funding sources from one federal funding category to another.~~

~~○ Converting all or part of Advanced Construction (AC) project funding to federal funding sources.~~

- **Social and environmental impact analysis–**

- Changes to any project that would negatively affect the approved Social and Environmental Impact Analysis.

Further review may be necessary when a revision to the federal or local funding commitment of a programmed project is interpreted to be a change large enough to trigger a new fiscal constraint determination. Further review may also be required when the supporting documentation suggests the proposed revision will result in significant impacts to the LRTP, the Environmental, Social and Cultural Assessment or Financial constraint determination.

Formal amendments are processed through the MPO Technical Advisory Committee and must be submitted in sufficient time for staff review prior to posting the next meeting agenda. All information will be shared with the Technical Committee and public according to the [Public Participation Plan](#). All formal amendments will be recommended to the Officials Committee. Information on TIP modifications will be provided to all appropriate state and federal agencies and posted on the [MPO web page](#).

Administrative Modifications

Administrative modifications include all revisions that are not formal amendments. These modifications usually involve, but are not limited to:

- **Minor description ~~or termini~~ changes –**

- Minor changes are those which do not impact travel demand models, consistency with the LRTP or approved Social and Environmental Impact Analysis.

- Change title or project description to provide greater clarity.

- Change in the project number or NDO~~RT~~ Control Number.

- Typographical error or other misinterpretation of project descriptions.
- **Financial changes –**
 - Minor changes in a project's total programmed amount of federal aid funds less than 20% or \$52 million (whichever is greater).
 - A minor change will not trigger a new fiscal constraint determination.
- **Shifting funds –**
 - ~~Changes in schedules to projects which are included in the first four years of the TIP~~Moving programmed funds between years within the first four federal fiscal years of the approved TIP while maintaining the fiscal constraint determination.
 - Change local funding commitment while maintaining the appropriate local match.
- **Federal funding source Changes –**
 - ~~Changing the federal funding source within a program (e.g., changing the source of federal funds from STP-rural to STP-urban). This does not apply to projects utilizing sub-allocated funds. Adding federal funding or changing from one federal funding category to another, including converting from Advanced Construction (AC).~~
- **Scope and termini changes –**
 - Minor changes to project scope and termini as shown in the approved TIP. Termini may change as long as it does not significantly affect the Scope.
- **Splitting and combining projects –**
 - The splitting of a project entry already in the TIP, or breaking out another project or phase from the original entry is an acceptable modification as well as combining two or more project entries already in the TIP if they will be completed under a single federal environmental review process, if applicable, or as part of the same project scope. The intent of these adjustments is not to add a new project that is inconsistent with the program, as identified by the original TIP entry, or to remove a project, but to facilitate the implementation of the original TIP entry/entries. The combining of projects is not intended to establish new Group Project Listings beyond those set forth in the MPO Group Project Listing Administrative Modification Process.
- **Removing a completed project–**
 - A project that is reported as obligated or completed in a previous fiscal year may be removed and listed under the completed project listing.

Administrative modifications are processed by the Lincoln MPO staff within two weeks of receiving all necessary information. Administrative revisions are subject to approval by the Planning director and do not require committee review or approval.

To process administrative modifications, MPO staff will:

- Enter the requested modifications into the project database and map as necessary.
- Prepare and publish an updated TIP project listing.
- Notify the Nebraska Department of Roads-Transportation and request that modifications be included in the State Transportation Improvement Program (STIP).
- A summary of administrative modification activity report will be prepared for the MPO Technical and Officials Committees and posted on the MPO web page.

Any request processed as an administrative modification must be noncontroversial in nature. The Lincoln MPO retains the right to require a formal amendment for any proposed modification to the TIP that, in the opinion of staff, requires public review and the formal endorsement of the MPO Technical and Officials Committee.

Schedule for TIP

TIP *Updates* and *Amendments* require public review and comment, a demonstration of fiscal constraint, approval by the MPO Officials Committee and review/concurrence by the Nebraska Department of Roads-Transportation then subsequent approval by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). Annual TIP Updates and TIP Amendments that are incorporated into the TIP, become effective following FHWA and FTA approval.

TIP Update Cycle: The TIP is updated annually to coincide with the annual update cycle established for the STIP per Nebraska Department of Roads-Transportation process.

An Out-of-Cycle TIP Amendment: An amendment process is established for the situations where amendments are required to be processed outside of the annual update cycle. The following steps must be followed.

1. The lead agency requesting the amendment is to send a formal request for an amendment to MPO. The request is to include the project description and scope (ie, type of work, termini, and length), project number, costs and funding sources, amount of Federal funds proposed to be obligated for each program year, and the reason(s) for the amendment. This should include an examination on the project's conformity to the Metropolitan Transportation Plan and a fiscal constraint assessment (ie; will this effect other projects in the TIP).
2. Formal requests will undergo public review and comment, a fiscal constraint assessment, and a Metropolitan Transportation Plan conformity review by the MPO Technical Committee and upon approval, are recommended to the MPO Officials Committee.
3. Recommended amendments will be reviewed by the Officials Committee and upon approval, the project will be amended to the TIP and included in the

STIP by reference upon NDOR~~I~~ notification to the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

This TIP revision process meets the NDOR~~I~~ thresholds as identified in the **“Guidelines for Development of the Nebraska Statewide Transportation Improvement Program (STIP)”** which can be accessed through this link:
<https://dot.nebraska.gov/media/21hc2mkm/stip-pd-guidelines.pdf>
<http://www.dor.state.ne.us/STIP/docs/STIP-pd-guidelines.pdf>.

https://linclanc.sharepoint.com/sites/PlanningDept-MPO/Shared Documents/MPO/TIP/Revision Process/TIP Revision Process 2024/TIP Revision Process_071224_Draft.docx