

# Transportation Staff Meeting

August 8, 2012  
2:30 PM  
CMGC 601

## AGENDA

**1. MPO Memorandum of Understanding Subcommittee (Cook)**

Description: MUMPO's current Memorandum of Understanding (MOU) must be revised to reflect the expanded planning area. A MOU Subcommittee was formed by the MPO in June, and its first meeting was held on July 18. At that time, the subcommittee indicated that it preferred a "bottom up" approach to revising the MOU, i.e., the TCC will provide recommendations to the MPO.

The purpose of this agenda item is to:

- a. review a list of revision topics (attached);
- b. determine if any additional topics need to be added; and
- c. discuss the steps necessary to provide the MPO with recommendations on the identified topics and the issues associated with them.

Attachments: MOU Revision Topic List; NCDOT STIP Amendment & Modification Guidelines

**2. Brookshire Blvd. and WT Harris Blvd. Roadway Classification Studies (Horton)**

Description: Earlier this year, the City of Charlotte initiated two classification studies for the Brookshire Blvd. and WT Harris Blvd. corridors. The studies' purpose is to develop a unified policy approach to these Corridors as either Parkway/Expressways or Boulevards. The recommended classifications ultimately affect the corridors' various users (motorists, bicyclists, pedestrians) and land development policies (access, circulation, site design). An overview of the studies, including recent presentations, is available online at:

<http://charmeck.org/city/charlotte/Transportation/PlansProjects/Pages/BrookshireWTHarrisStudy.aspx>

**Access number: 704-432-5485**

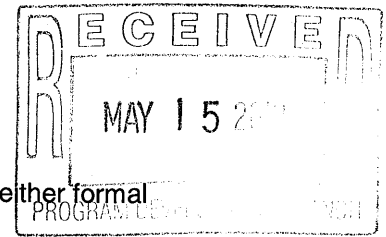
## Memorandum of Understanding Revisions

Transportation Staff Meeting-August 8, 2012

Topic	Issues	Tasks
<b>New counties and municipalities</b>	<ul style="list-style-type: none"> <li>• Incorporate new municipalities                             <ul style="list-style-type: none"> <li>○ MPO representation</li> <li>○ TCC representation</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Assemble population data for new jurisdictions (corporate limits, ETJ, sphere of influence or similar)</li> </ul>
<b>Vote distribution</b>	<ul style="list-style-type: none"> <li>• Changes to vote distribution</li> <li>• Current distribution method                             <ul style="list-style-type: none"> <li>○ Charlotte: 16 votes</li> <li>○ Meck &amp; Union: 2 votes each</li> <li>○ &gt;20,000 population: 2 votes</li> <li>○ &lt;20,000 population: 1 vote</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Assemble population figures for all jurisdictions (corporate limits, ETJ, sphere of influence or similar)</li> </ul>
<b>Voting privileges</b>	<ul style="list-style-type: none"> <li>• Current population minimum threshold is 5,000                             <ul style="list-style-type: none"> <li>○ Retain?</li> <li>○ Raise?</li> <li>○ Lower?</li> <li>○ Eliminate?</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Assemble population figures for all jurisdictions (corporate limits, ETJ, sphere of influence or similar)</li> <li>• Research other MPO policies</li> </ul>
<b>TIP Amendments</b>	<ul style="list-style-type: none"> <li>• MPO required to approve all TIP amendments</li> <li>• Possibly modify MOU to eliminate the need for MPO action on minor changes</li> </ul>	<ul style="list-style-type: none"> <li>• Review new NCDOT TIP amendment guidelines</li> <li>• Will need to define “minor” (as per MOU Subcommittee comments)</li> </ul>
<b>Thoroughfare Plan/CTP Amendments</b>	<ul style="list-style-type: none"> <li>• Current MOU requires all amendments to be approved by MPO</li> <li>• Possibly modify MOU to expand the TCC’s ability to amend the TP/CTP</li> </ul>	<ul style="list-style-type: none"> <li>• Research other MPO amendment policies</li> </ul>
<b>TCC membership</b>	<ul style="list-style-type: none"> <li>• Changes needed to reflect expanded MPO:                             <ul style="list-style-type: none"> <li>○ Counties and municipalities</li> <li>○ Division 12</li> </ul> </li> <li>• Changes need to reflect Mecklenburg County organization changes (LUESA)</li> <li>• Does TCC membership need to be updated beyond the inclusion of new</li> </ul>	<ul style="list-style-type: none"> <li>• Research TCC membership in other NC MPOs</li> <li>• Research TCC membership in peer MPOs</li> </ul>

	jurisdictions?	
<b>Dues methodology</b>	<ul style="list-style-type: none"> <li>• Possibly modify current dues methodology</li> <li>• Consider raising funding cap from current level of \$150,000</li> </ul>	<ul style="list-style-type: none"> <li>• Develop alternate scenarios</li> </ul>
<b>Miscellaneous text changes</b>	<ul style="list-style-type: none"> <li>• MOU text includes outdated references, titles, etc. <ul style="list-style-type: none"> <li>○ Example: replace references to TEA-21 and “NC Highway Action Plan”</li> </ul> </li> <li>• Changes will be limited to those not having a material effect on the MPO’s functioning</li> </ul>	<ul style="list-style-type: none"> <li>• Make appropriate text changes</li> </ul>
<b>State statute changes</b>	<ul style="list-style-type: none"> <li>• Changes necessary to reflect state statute modifications <ul style="list-style-type: none"> <li>○ Example: Comprehensive Transportation Plans</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Anil Panicker to research and report</li> </ul>
<b>SAFETEA-LU/MAP-21</b>	<ul style="list-style-type: none"> <li>• Changes necessary to reflect requirements of SAFETEA-LU and/or MAP-21</li> </ul>	<ul style="list-style-type: none"> <li>• Loretta Barren to research and report</li> </ul>
<b>Transit</b>	<ul style="list-style-type: none"> <li>• MPO Subcommittee commented on lack of transit references</li> <li>• Does the MOU need to incorporate Section 5307 funding allocation procedures?</li> </ul>	TBD
<b>New MPO name</b>	<ul style="list-style-type: none"> <li>• New name needed to reflect expanded planning area</li> </ul>	TBD

## STIP AMENDMENT AND MODIFICATION GUIDELINES



Changes may be made to the State Transportation Improvement Program (STIP) by either formal amendment or administrative modification.

Formal **Amendments** are required when changes cause: addition or deletion of a project, changes in project cost beyond a predetermined threshold, project phase initiation dates to move into or out of the 4 year STIP time window, changes in funding sources involving non-traditional funding sources (including GARVEE bonds), or major changes in design concept or scope; an example of a "major" scope change might be - changing the project termini or number of through travel lanes or significantly altering the proposed transit coverage area.

### Examples of Amendments:

- Change in project cost beyond a predetermined threshold; increases in highway projects that exceed both \$ 2 million and 25% of the original cost and may affect fiscal constraint and changes (increases or decreases) in transit projects that exceed either \$1 million or 25% of the original project cost;
- Any addition or deletion of a federally funded project to the first 4 years of the Program;
- Addition or deletion of any state funded regionally significant project into the first 4 years of the Program;
- Change in project design or scope<sup>1</sup> that significantly changes; the termini or project type, purpose, or number of through lanes on a non-exempt (for transportation conformity purposes) project;
- Any addition, deletion or significant modification of non-traditional funding source to a project (traditional sources of revenue include federal, state, or local government tax revenues. Non-traditional sources include state bonding and/or private participation);
- Project schedule shifts that move ROW, major capital acquisitions, or construction authorization dates either into or out of the 4 year STIP time window;
- Project schedule shifts in years 1 through 4 that move project completion dates across Horizon Years as determined by the local Long Range Transportation plan;
- Project schedule shifts to incorporate the project from an out-year into the current (four-year) STIP.

Note: Amendments do require documentation of public review and comment opportunity, and may require re-demonstration of fiscal constraint and local transportation conformity determination. Fiscal constraint may be shown by either the project cost impact being less than 5% of the expected annual budget or by showing other cost reductions and/or revenue increases within the affected fiscal year(s).

Note: on Program Date field in the FTA Transportation Electronic Award and Management (TEAM) system applications – the transit grant applications asks for the STIP amendment approval dates; however the correct entry in the TEAM application is the date FTA endorses the BOT approved STIP amendment, e.g. the effective STIP approval date is the date FTA concurs with the amendment to the STIP.

<sup>1</sup> Note: alteration to earmarks described in the Congressional Report may jeopardize project eligibility for federal (FTA) funding under the discretionary capital program (Section 5309).

**Administrative Modifications** can be made to previously included projects when; change in project costs are below the predetermined thresholds, movement of project phase initiation dates are within the 4 year STIP time window, change to project scope or description do not significantly diminish the ability to achieve the original project intent, and change in traditional funding sources occur.

Administrative modification is a streamlining process recommended in the FHWA/FTA/NCDOT Joint STIP Review of December 2011. Administrative Modifications do not require documentation of public review or comment, redemonstration of fiscal constraint, or a local transportation conformity determination.

Examples of Administrative Modifications:

- Any change to projects in years 5 or later;
- Minor change to project descriptions, scopes, sponsor funding;
- Minor cost increases in highway projects that do not exceed both \$ 2 million and 25% of the original project cost;
- Minor cost change (increase or decrease) in transit projects that do not exceed either \$1 million or 25% of the original project cost;
- Schedule changes that move project authorization dates within the first 4 year STIP time window and do not affect local air quality conformity findings;
- Funding source changes between traditional funding sources (i.e. substituting available Congestion Mitigation Air Quality (CMAQ) funds for FTA section 5307 formula transit funds);
- Projects approved for Emergency Relief funds do not generally have to be included in the STIP, so any changes made for emergency projects may be considered minor modifications.

**State funded projects** are amended when the fiscal year changes or when there is a significant change in the project description. Unless the project is determined to be regionally significant for transportation conformity purposes, these amendments are approved solely by the State Board of Transportation. Local approval of these changes is desired but not legally required. MPO's may treat these as Administrative modifications if they wish. If there is a change to a state funded project that is regionally significant, this requires a new transportation conformity determination, this determination must be made before the amendment can be processed. The state public notification process will be the same for state funded projects as it is for federal-aid projects.

**PUBLIC INVOLVEMENT PROCEDURES:**

The NCDOT will make all proposed STIP amendments available to the public for comment on its website at least 25 days prior to adoption action by the Board of Transportation. Exception may be made for response to declared disasters.

The NCDOT will make all proposed STIP amendments available to staff of MPOs and RPOs for comment at least 25 days prior to adoption action by the Board of Transportation. Exception may be made for response to declared disasters.

All amendments to the transit portion of the STIP will be submitted to FTA Region IV for formal endorsement. The request letter for FTA endorsement of STIP amendments will include assurances that public involvement processes were followed, in accordance with the federally approved state or local Participation Plans. Administrative modifications to the transit portion of the STIP will be posted on the Public Transportation Division website for informational purposes within 5 days of the changes being processed at NCDOT.

Established public involvement procedures at the local level shall be followed. Any significant negative reaction will result in either the Board being notified of the reaction prior to voting, or withdrawal of the proposal for further review.

## Attachment 1

### Federal Definitions according to 23 CFR 450.104

*Administrative modification* means a minor revision to a long-range statewide or metropolitan transportation plan, Transportation Improvement Program (TIP), or Statewide Transportation Improvement Program (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 long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, 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). Change 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 a conformity determination (for metropolitan transportation plans and TIPs involving "non-exempt" projects in nonattainment and maintenance areas). In the context of a long-range statewide transportation plan, an amendment is a revision approved by the State in accordance with its public involvement process.

**STIP AMENDMENT AND MODIFICATION GUIDELINES APPROVAL:**

4/5/12

Date

Robert A. Collier Jr.

Judge Robert A. Collier Jr.  
Chairman, NC Board of Transportation

4/18/12

Date

John F. Sullivan, III, P.E.

for John F. Sullivan, III, P.E.  
Division Administrator, Federal Highway Administration

5-9-12

Date

Yvette G. Taylor

Dr. Yvette G. Taylor  
Regional Administrator, Federal Transit Administration