

MEMORANDUM OF UNDERSTANDING

Franklin County Metropolitan Planning Organization's Procedures for 2025-2028 Transportation Improvement Program and Transportation Improvement Program Revisions

Background

This Memorandum of Understanding (MOU) between Franklin County Metropolitan Planning Organization (FCMPO) 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 2025-2028 Transportation Improvement Program (TIP). The TIP is the aggregation of FCMPO local, state, and federal funds allotted for specific projects within limits of financial constraint based on a four-year federal fiscal period. The TIP is consistent with FCMPO's Long-Range Transportation Plan (LRTP), which includes projects that go on to address safety and congestion concerns, highway/bridge maintenance projects, bicycle/pedestrian projects, and freight-related improvements.

The TIP is the official transportation improvement program document mandated by federal statute [23 CFR 450.326](#) and recognized by PennDOT, FHWA and FTA. The TIP includes a list of projects to be implemented over a four-year period as well as all supporting documentation required by state and federal statute, and is submitted to the State to contribute to the overall State Transportation Improvement Program (STIP). The STIP includes regional TIPs developed by the MPOs and RPOs, the PennDOT developed Interstate Management (IM) Program and other Statewide Programs (PennDOT works with Wayne County to develop the Wayne County Independent TIP). Statewide Programs are coordinated initiatives, projects or funds that are managed by PennDOT's Central Office on a statewide basis. Examples of Statewide Programs include, but are not limited to, the Secretary of Transportation's Discretionary (Spike), the Major Bridge Public Private Partnership (MBP3) Program, the Rapid Bridge Replacement (RBR) Project developed via a Public Private Partnership (P3), Highway Safety Improvement Program (HSIP) set-a-side, the National Electric Vehicle Infrastructure (NEVI) Formula Program, 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, Transportation Infrastructure Investment Fund (TIIF), Statewide Transit and Keystone Corridor projects. The Interstate Management Program will remain its own individual program and includes prioritized statewide Interstate projects. The Commonwealth's 12-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.

For more information on the development of the STIP/TIP, see *Pennsylvania's 2025 Transportation Program General and Procedural Guidance* and *Pennsylvania's 2025 Transportation Program Financial Guidance*. These documents were both released on April 19th, 2023 and can be found on the <https://www.talkpatransportation.com/how-it-works/stip> on the STC Website under 2025 Guidance Documents.

TIP Administration

FHWA and FTA will only authorize projects and approve grants for projects that are programmed in the current approved TIP. If the FCMPO, transit agency, or PennDOT wishes to proceed with a federally funded project not programmed on the TIP, a revision must be made.

The federal statewide and metropolitan planning regulations contained in [23 CFR 450](#) govern the provisions for revisions of the FCMPO TIP. The intent of this federal regulation is to acknowledge the relative significance, importance, and/or complexity of individual programming amendments and

administrative modifications. If necessary, [23 CFR 450.328](#) permits the use of alternative procedures by the cooperating parties to effectively manage amendments and/or administrative modifications encountered during a given TIP cycle. Cooperating parties include PennDOT, FCMPO, FHWA, FTA, and transit agencies. Any alternative procedures must be agreed upon and documented in the TIP.

TIP revisions must be consistent with Pennsylvania's Transportation Performance Management (TPM) requirements, Pennsylvania's Long-Range Transportation Plan (LRTP), and the Franklin County LRTP. In addition, 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, MPOs/RPOs, and transit agencies at the county and regional levels. This approach will be applied to continue the 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 TIP investment decisions. This approach ensures that each dollar invested is being directed to meet strategic objectives and enhances the overall performance of the Commonwealth's transportation system.

TIP revisions must correspond to the adopted provisions of FCMPO's Public Participation Plan (PPP). A PPP is a documented broad-based public involvement process that describes how the MPO will involve and engage the public and interested parties in the transportation planning process to ensure that their comments, concerns, or issues 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 nonattainment or maintenance area will be screened for Air Quality significance. PennDOT will coordinate with FCMPO to screen 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 TIP shall also be developed and approved by the FCMPO Board. The modified conformity determination should be based on the amended TIP conformity analysis and follow public involvement procedures consistent with FCMPO's Public Participation Plan. Upon adoption of the revised conformity determination, air quality resolution and amended TIP, FCMPO will then provide a formal request to PennDOT to submit the determination to FHWA/FTA for their review and approval. FHWA and FTA will coordinate with EPA to achieve concurrence and then subsequently issue a joint approval on the air quality conformity determination.

The federal planning regulations, 23 CFR 450.324(a) & (c) and 23 CFR 450.330(c), define update cycles for MPO/RPO LRTPs. Per 23 CFR 450.330(c), "Until the MPO approves (in attainment areas) or the FHWA and the FTA issue a conformity determination on (in nonattainment and maintenance areas) the updated metropolitan transportation plan, the MPO may not amend the TIP." MPOs/RPOs in air quality nonattainment and maintenance areas are required to update their LRTP every 4 years, and their LRTP clock is reset with the joint FHWA/FTA air quality conformity action on their adopted plan. If the LRTP in a nonattainment or maintenance area has expired due to lack of a conformity approval, the MPO/RPO cannot amend the LRTP or TIP and the State cannot amend the affected portion of the STIP. This includes any projects on the IM TIP or Statewide TIP occurring within the MPO/RPO area. Accordingly, MPOs/RPOs in nonattainment or maintenance areas should allow at least 60-90 days between Board adoption and their LRTP conformity expiration date to allow for the necessary federal coordination and joint approval processes to be completed.

MPOs/RPOs in orphan maintenance or attainment areas are required to update their LRTP every 5 years, and their LRTP clock is reset with Board adoption of their plan. If an orphan maintenance or

attainment area MPO/RPO does not adopt their LRTP by the expiration deadline, their LRTP will expire. During LRTP expiration, the MPO/RPO cannot amend the LRTP or TIP and the State cannot amend the affected portion of the STIP.

Franklin County MPO TIP Revisions

In accordance with the federal transportation planning regulations [23 CFR 450](#), revisions to the TIP will be handled as an *Amendment* or an *Administrative Modification* based on agreed upon procedures detailed below.

An *Amendment* is a revision to the 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 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 TIP and no longer require funding. In this case, removal of the project will be considered an administrative modification.
- Adds a new phase(s), deletes a phase(s) or increases/decreases a phase(s) of an existing project that utilizes federal funds where the total revision of federal funds exceeds \$2 million within the four years of the TIP.
 - Federally funded Statewide Program projects are excluded from this provision and follows the appropriate thresholds as expressed in the STIP MOU.
- Involves a change in the scope of work to a project(s) that would:
 - Result in an air quality conformity reevaluation.
 - Result in a revised total project programmed amount that exceeds the thresholds established between PennDOT and FCMPO;
 - Result in a change in the scope of work on any federally funded project that is significant enough to essentially constitute a new project.

Approval by the FCMPO Board is required for *Amendments*. FCMPO must then initiate PennDOT Central Office approval using the eSTIP process. An eSTIP submission must include a Fiscal Constraint Chart (FCC) that clearly summarizes the before amounts, requested adjustments, after change amounts, and detailed comments explaining the reason for the adjustment(s), and provides any supporting information that may have been prepared. The FCC documentation should include any administrative modifications that occurred along with or were presented with this amendment at the FCMPO Board meeting. The supporting documentation should include PennDOT Program Management Committee (PMC) and Center for Program Development and Management (CPDM) items/materials, if available. Before beginning the eSTIP process, FCMPO/District 0-8/CPDM staff should ensure that projects involved in the eSTIP are meeting funding eligibility requirements and have the proper air quality conformity status and region exempt codes (as appropriate) in PennDOT's Multimodal Project Management System (MPMS).

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, FCMPO and PennDOT will demonstrate, through a FCC, fiscal balance of the subject project phase in the second or third four-year period of the TYP and/or the respective regional LRTP.

The initial submission and approval process of the Interstate Program and other federally funded Statewide Programs and increases/decreases to these programs which exceed the thresholds above will be considered an amendment and require approval by PennDOT and FHWA/FTA (subsequent placement of these individual projects or line items on respective FCMPO TIPs will be considered an administrative modification). In the case of Statewide Programs, including the IM Program and other federally funded

statewide programs, approval by PennDOT's PMC and FHWA is required. Statewide managed transit projects funded by FTA programs and delivered via Governor's apportionment are selected by PennDOT pursuant to the Pennsylvania State Management Plan approved by FTA. These projects will be coordinated between FTA, PennDOT, the transit agency and FCMPO, and should be programmed within the FCMPO TIP. These projects and the initial drawdown will be considered an amendment to the Statewide Program.

An ***Administrative Modification*** is a minor revision to the 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 does not exceed the thresholds established above.
- Adds a project from a funding initiative or line item that utilizes 100 percent state or non-federal funding;
- 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.
- Draws down or returns funding from an existing TIP reserve line item and does not exceed the threshold established in the MOU between PennDOT and FCMPO. 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 and 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;
- Adds, advances, or adjusts federal funding for a project utilizing August Redistribution obligation authority based upon the documented August Redistribution Strategic Approach.

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; do not add a new federally-funded project or delete a federally-funded project; do not exceed the threshold established in the MOU between PennDOT and FCMPO, or the threshold established by this MOU (as detailed in the Amendment Section aforementioned); and do 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 Modifications do not require federal approval. PennDOT and FCMPO 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 modification that is not consistent with federal regulations or with this MOU where federal funds are being utilized.

Transit – Funds Related to Prior–Year Unobligated Funds

This section relates to Federal Transit funds which have been programmed for obligation in a Federal Fiscal Year (FFY), but which have not been obligated in an FTA grant in the current FFY. FTA requires all funds to be shown in the year of obligation in compliance with 23 CFR 450.326(g). Federal Transit funding – including Section 5307 and Section 5337 funds – which are apportioned and programmed but not obligated in the year of programming may be shifted to the next FFY and considered eligible as an Administrative Modification unless the project is undergoing significant changes as well.

Fiscal Constraint

Demonstration that TIP fiscal constraint is maintained takes place through an FCC. Real time versions of the TIP are available to FHWA and FTA through MPMS. All revisions must maintain year-to-year fiscal constraint, per [23 CFR 450.326\(g\)\(j\)&\(k\)](#), for each of the four years of the TIP. All revisions shall account for year of expenditure (YOE) 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 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.

TIP Financial Reporting

PennDOT will provide reports to FCMPO and FHWA no later than 30 days after the end of each quarter and each FFY. At a minimum, this report will include the actual federal obligations and state encumbrances for highway/bridge projects by FCMPO 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. These reports can be used by FCMPO as the basis for compiling information to meet the federal annual listing of obligated projects requirement in [23 CFR 450.334](#). Additional content and any proposed changes to the report will be agreed upon by PennDOT, FHWA and FTA.

TIP Transportation Performance Management

In accordance with [23 CFR 450.326\(c\)](#), PennDOT and FCMPO will ensure that TIP revisions promote progress toward achievement of performance targets.

Statewide or Multi- UZA Transit Projects

Statewide managed transit 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 FCMPO TIP if said project is located within the region.

FCMPO TIP Revision Procedures

As the FCMPO TIP is adopted, the respective MOU with PennDOT will be included with the TIP documentation. The MOU will clarify how FCMPO will address all TIP revisions. **In all cases, FCMPO revision procedures will be developed under the guidance umbrella of this document.** If FCMPO elects to set more stringent procedures, then FHWA and FTA will adhere to those more restrictive procedures, but the FCMPO established provisions cannot be less stringent than the statewide MOU.

This document will serve as the basis for Franklin County when addressing federally funded MPO TIP revisions.

This Memorandum of Understanding will begin October 1, 2024, and remain in effect until September 30, 2026, 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:



Sam Cressler
Chairman
Franklin County Metropolitan Planning Organization

5/16/24

Date



Dean Horst
Commissioner Chair of the Board
Franklin County Metropolitan Planning Organization

5/16/24

Date

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Mark Tobin
Program Center Director, CPDM
Center for Program Development and Management

5/21/2024

Date