

MEMORANDUM OF UNDERSTANDING (MOU)

PROCEDURES FOR MARYLAND DEPARTMENT OF TRANSPORTATION (MDOT) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) MODIFICATIONS

Overview of the MOU

This Memorandum of Understanding (MOU) establishes a set of procedures to be used in the State of Maryland for processing modifications to the Statewide Transportation Improvement Program (Maryland STIP). The Maryland STIP is the aggregation of the Metropolitan Planning Organizations' (MPOs') Transportation Improvement Programs (TIPs), including the Long – Range Transportation Plan (LRTP).

Purpose of the MOU

The Final Rule on Statewide and Metropolitan Transportation Planning and Programming, which took effect on March 16, 2007, contained in 23 CFR Part 450 defines the Amendment and Administrative Modification Process applicable to such planning and programming activities. The following procedures are applicable for processing amendments or modifications to the Maryland STIP. In accordance with the provisions of 23 CFR 450.216(b), the STIP shall be developed in cooperation with the MPO designated for a metropolitan area. Each metropolitan TIP shall be included without change in the STIP, directly or by reference, after approval of the TIP by the MPO and the Governor.

In accordance with 23 CFR 450.216 (n), projects in any of the first four years of the STIP may be advanced in the place of another project to be performed within any other of the first four years of the STIP, subject to the project selection requirements of 23 CFR 450.220.

The following criteria has been developed for processing Technical Corrections, Administrative Modifications, and Amendments to the STIP and is proposed as a model for those processes in the modification of the MPOs' TIPs and LRTPs in accordance with the provisions of the Final Rule found in 23 CFR Part 450.

1. DEFINITIONS

1.1 Technical Corrections are **minor** changes that do not require federal or MPO approval, and meets the following qualifications:

1.1.1 Corrects typographical, grammatical or syntactical errors that address, for example, an error in spelling, grammar, deletion of a redundant word or formatting that was inadvertently published. It does not include changes to any funding amounts.

1.1.2 Changes a project lead agency, implementing agency, or sponsor.

1.2. Administrative Modifications are **minor** changes to a project included in a STIP that meets the following qualifications:

- 1.2.1** Revises project status information, justification, or project scope as long as it does not trigger air quality conformity analysis or affect fiscal constraint.
- 1.2.2** Increases or decreases the funding amount of a phase or shifts funds from one phase to another within a project where the increase or decrease is within the threshold of Modifications identified below by increasing or decreasing the total project cost. The total project cost must show funding in the STIP including previously approved funding, current 4 year funding and future funding required to complete the project.
 - a. If the total project cost as indicated in the STIP is less than \$3 million, an Administrative Modification shall be used for an increase or decrease in cost up to 50% of the total project cost or \$1 million, whichever is less.
 - b. If the total project cost is greater than \$3 million but less than \$10 million, an Administrative Modification shall be used for an increase or decrease in cost up to 30% of the total project cost.
 - c. If the total project cost is greater than \$10 million, an Administrative Modification shall be used for an increase or decrease of cost up to 20% of the total project cost.
- 1.2.3** Changes the program year of the funds.
- 1.2.4** Changes the source of the funds for a phase or a project, provided it does not exceed the threshold later noted in Section 1.2.2. of this MOU.
- 1.2.5** Splits or combines individually listed projects in Statewide Categories or Grouped Projects.

1.3 Amendments are **major** changes to a project included in a LRTP, TIP or STIP that are not Administrative Modifications. An **Amendment** is a modification to the LRTP, TIP or STIP that:

- 1.3.1** Affects financial constraint.
- 1.3.2** Affects air quality conformity regardless of the cost of the project or the funding source.
- 1.3.3** Adds or deletes a project or project phase.
- 1.3.4** Increases or decreases an existing project phase greater than the threshold established in Section 1.2.2 of this MOU.

1.3.5. Involves a major change in the scope of work of a project that would trigger an air quality conformity evaluation, or result in a revised total project cost that exceeds the threshold established in Section 1.2.2 of this MOU. A major change could include a major change that alters the original project purpose. Examples of such major changes include a change in the project's capacity or an increase or decrease in the project termini of more than 10 percent of the total length of the project.

2. PROCEDURES

2.1 Technical Corrections do not require Federal or MPO approval.

2.1.1 MDOT will notify the MPO, FTA, and FHWA of technical corrections in writing, on a quarterly basis, through a process agreed upon by the parties.

2.1.2 Changes based on technical corrections will be made to the STIP by MDOT.

2.2 Administrative Modifications do not require Federal approval.

2.2.1 MDOT will provide the MPO with an Administrative Modification by letter. An MPO may elect not to process any TIP changes as Administrative Modifications and, as a result, all changes would be processed as Amendments. Each MPO-approved Administrative Modification will be forwarded to MDOT for approval on behalf of the Secretary. The MPO Board may delegate approval of Administrative Modification to the MPO's Executive Director. If the MPO Board delegates approval of Administrative Modification to the Executive Director, the MPO will need to provide copies of the delegation to MDOT, FHWA, and FTA.

2.2.2 Once approved by the MPO and MDOT, the Administrative Modification will be incorporated into Maryland's STIP and no Federal action will be required. Notification of the action shall be made available to the public. MDOT will forward Administrative Modifications to FHWA and FTA for their records. FTA and FHWA reserve the right to disallow an Administrative Modification if it is inconsistent with this procedure.

2.3 Amendments involving major changes to a project require Federal approval.

Amendments to the STIP must be developed in accordance with the provisions of 23 CFR 450.326 or 23 CFR 450.216.

2.3.1 Each approved MPO TIP Amendment will be forwarded to MDOT from the MPO. MDOT will prepare a STIP Amendment letter and attach the TIP Amendment and forward it to FHWA and FTA for Federal approval. Once approved by FHWA and FTA, the Amendment will be incorporated into Maryland's STIP. The FHWA or FTA approval letter will be addressed to MDOT, with copies to the State Highway Administration (SHA), Maryland Transit Administration (MTA), and any applicable MPOs.

3. FEDERAL REVIEW

Consistent with the MOU between MDOT, FHWA, and FTA STIP Amendment review procedures, all efforts should be made by the Federal parties to approve STIP Amendments within 3 weeks of receiving the Amendments from MDOT. A written response, including emails, shall be provided as provided in Section 2.3.1.

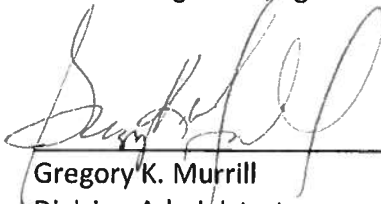
4. DISPUTE RESOLUTION

If a question arises on the interpretation of the definition of an Administrative Modification or Amendment, MDOT, SHA, MTA, the MPO, FHWA and FTA will consult with each other to resolve the question. If, after consultation, the parties disagree on the definition of what constitutes an Administrative Modification or Amendment, the final decision rests with the FTA for transit projects and with FHWA for highway projects.

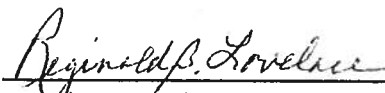
This MOU is effective 10/21 2014 and remain in effect until it is modified or terminated by mutual consent of the parties.

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

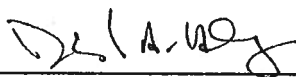
Acknowledged and agreed to:



Date: 10/22/14
Gregory K. Murrill
Division Administrator
Federal Highway Administration



Date: 10/29/14
Brigid Hynes-Cherin
Regional Administrator
Federal Transit Administration



Date: 10/6/14
Donald A. Halligan
Director
Office of Planning and Capital Programming
Maryland Department of Transportation

