

SBCAG STAFF REPORT

SUBJECT: Amendment and Administrative Modification Procedures for Federal Statewide Transportation Improvement Program

MEETING DATE: September 15, 2022 **AGENDA ITEM:** 4C

STAFF CONTACT: Jacky Mata

RECOMMENDATION:

1. Accept delegation authority from Caltrans to approve administrative modifications to the Federal Statewide Transportation Improvement Program under December 2019 Amendment and Administrative Modification Procedures.
2. Adopt Resolution 22-28 delegating authority to Executive Director to approve administrative modifications to the Federal Statewide Transportation Improvement Program on behalf of the Board.

SUMMARY:

When processing an amendment to the Federal Transportation Improvement Program (FTIP), SBCAG can either use a formal process or an administrative modification process. In 2011, SBCAG and its Executive Director were granted delegated authority to process administrative modifications. In December 2019, Caltrans in coordination with Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) expanded the parameters of an administrative modification. The expanded parameters offer a greater opportunity to reduce the number of Amendments to the FTIP and the Federal Statewide Transportation Improvement Program (FSTIP). Caltrans' December 2019 delegation supersedes the previous procedures dated June 3, 2011. The SBCAG Board has consistently delegated this authority to Executive Director through Resolutions 11-23 and 17-34.

An administrative modification is allowable for small modifications to the FTIP, requires approval only from the SBCAG Executive Director, and can be processed immediately. Continuing delegated authority for administrative modifications to the FTIP can save local agencies valuable time and allow them to begin their projects earlier. SBCAG would like to update the resolution accepting delegated authority to current legal standards. This will allow SBCAG's Executive Director to continue utilizing the FTIP administrative modification process adopted in 2011 and as superseded in December 2019.

DISCUSSION:

As the federally designated Metropolitan Planning Organization (MPO) for Santa Barbara County, SBCAG is responsible for developing and adopting a Federal Transportation Improvement Program every two years. SBCAG is also responsible for administration of the FTIP. The FTIP must identify all federally funded highway, transit and other surface transportation projects in the county and their federal funding sources that are scheduled for implementation in a four-year period.

The FTIP serves as the sole reference document that the federal government and the public can review to understand where, when and how federal transportation funds are being spent in Santa Barbara County, including those that SBCAG does not have programming discretion over. The FTIP is required to be financially constrained – programmed expenditures must be balanced with estimated revenues. All FTIPs from around the state adopted by MPOs are compiled by Caltrans into a FSTIP.

Any changes to the FTIP are considered amendments. Generally, any major changes to projects in the SBCAG FTIP are considered formal amendments. Formal amendments require approval by the SBCAG Board through adoption of a resolution and approval by Caltrans, the FHWA and the FTA. This can typically take up to 3 months for final approval.

In 2011, the FTA and the FHWA adopted procedures to allow the State and Metropolitan Planning Agencies, like SBCAG, flexibility when processing FTIP amendments. Effective December 18, 2019, the procedures were updated to provide additional flexibility and shorten project delivery time (included as Attachment A). Under the revised amendment procedures, MPOs are provided greater latitude to make amendments administratively to their FTIPs, provided that they accept “delegated authority” from the State of California. MPO boards can in turn delegate the authority for making administrative modifications to the Executive Director. In October 2011 and again in November 2017, the SBCAG Board adopted Resolutions 11-23 and 17-34, respectively, that delegated authority and authorized the Executive Director to approve administrative modifications to the FTIP. Resolution 17-34 requires an update to stay current with legal requirements. SBCAG staff recommends that the Board accept delegated authority and by resolution continue to extend this authority to the Executive Director.

With approval of Resolution 22-28 (Attachment B), SBCAG can continue to use a shorter administrative modification process to make minor changes to projects programmed in the FTIP, provided they are within the administrative modification guidelines as approved by Caltrans, the FHWA and the FTA.

A complete description of the parameters of an administrative modification is included in Attachment A. Any change outside these parameters requires a formal amendment to the FTIP, requiring approval by the SBCAG Board.

The recommended actions are not a “Project” under the California Environmental Quality Act (CEQA) pursuant to section 15378 of the CEQA Guidelines.

ATTACHMENTS:

- A. FSTIP/FTIP Administrative Modifications and Amendments Procedures
- B. Resolution 22-28

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRANSPORTATION PROGRAMMING

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*Making Conservation
a California Way of Life.*

December 20, 2019

Executive Directors, Metropolitan Planning Organizations and
Regional Transportation Planning Agencies

Dear Executive Directors:

To streamline the federal programming process, the California Department of Transportation (Caltrans), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA), revised the Federal Statewide Transportation Improvement Program (FSTIP)/Federal Transportation Improvement Program (FTIP) Amendments and Administrative Modifications Procedures.

These revisions expand the parameters of an administrative modification offering a greater opportunity to reduce the number of Amendments to the FTIPs and the FSTIP. Effective December 18, 2019, the attached procedures shall supersede the previous procedures dated June 3, 2011.

Metropolitan Planning Organizations (MPOs) with delegated authority from Caltrans may continue to approve administrative modifications to the FSTIP in accordance with these revised procedures and the following shall continue to apply.

1. MPOs may consult with staff at the Division of Transportation Programming and request reviews on proposed changes prior to approving their administrative modifications.
2. MPOs must email and send hardcopies of the approved administrative modifications to Caltrans, FHWA, FTA, and other stakeholders.
3. Approved administrative modifications are subject to the Division of Transportation Programming continual reviews to ensure compliance with programming related regulations, guidance and procedures.
4. The Division of Transportation Programming will reject any administrative modification that does not adhere to programming related regulations, guidance and procedures.

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5. Caltrans will withdraw its delegation from any MPO whose administrative modifications are found to be consistently noncompliant with these procedures.

For those MPOs without Caltrans delegation, no action is required, and the existing approval process remains in effect.

My staff and I appreciate and recognize the efforts of staff at FHWA and FTA, in working with us to find ways to streamline and expedite the federal programming process.

If you have any questions, please contact Muhaned Aljabiry at (916) 654-2983 or by e-mail at muhaned.aljabiry@dot.ca.gov.

Sincerely,



for BRUCE DE TERRA, Chief
Division of Transportation Programming

Enclosure



U.S. Department
of Transportation
**Federal Highway
Administration**

California Division

December 18, 2019

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
(916) 498-5008 (FAX)

In Reply Refer To:
HDA-CA

Mr. Bruce de Terra, Division Chief
Transportation Programming Federal Resources Office, M.S. 82
California Department of Transportation
1120 N Street
Sacramento, CA 95814

**SUBJECT: Revised Federal Statewide Transportation Improvement Program (FSTIP) and
Federal Transportation Improvement Program (FTIP) Amendment and Administrative
Modification Procedures**

Dear Mr. de Terra:

In our letter dated June 3, 2011, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) provided the California Department of Transportation (Caltrans) revised procedures on the FSTIP/FTIP Administrative Modification and Amendment process.

Working in coordination with Caltrans, FHWA and FTA have again revised the FSTIP/FTIP Administrative Modification and Amendment Procedures. The enclosed revised procedures provide additional flexibility and will shorten project delivery time by allowing fewer formal amendments which in general takes longer to process. As part of this coordination, Caltrans has also committed to working with FHWA and FTA to implement a FSTIP/FTIP amendment schedule and an electronic approval process by December 2020.

The revised procedures detail the specific types of programming changes that may be made to the FSTIP/FTIPs as administrative modifications for which approval has been delegated to Caltrans, and changes that must be submitted to FHWA and/or FTA for approval as formal amendments. These procedures are intended to offer more flexibility to Caltrans and the Metropolitan Planning Organizations (MPOs) and further clarifies parameters of an administrative modification.

Throughout the FSTIP/FTIP Administrative Modification and Amendment Procedure update process, the FHWA and FTA have been pleased with our partnership with Caltrans. This effort highlights Caltrans' continued dedication to the stewardship of the Federal-aid Program.

If you have any questions regarding the attached procedures, please contact Tashia J. Clemons of the FHWA California Division at (916) 498-5066, or by email at Tashia.clemons@dot.gov or Ted Matley of the FTA's Region 9 Office at (415) 734-9468 or by email at ted.matley@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent Mammano", followed by a horizontal line extending to the right.

Vincent Mammano
Division Administrator
FHWA California Division

/s/ Ray Tellis

Ray Tellis
Regional Administrator
FTA Region 9

FSTIP/FTIP Administrative Modification and Amendment Procedures

December 18, 2019

The following procedures are applicable for processing amendments and administrative modifications to the Federal Statewide Transportation Improvement Program (FSTIP) and the Federal Transportation Improvement Programs (FTIPs).

Projects programmed in the FSTIP may be delivered in any of the recognized program years of the FSTIP provided Expedited Project Selection Procedures (EPSPs) have been adopted by the Metropolitan Planning Organization (MPO) in accordance with 23 Code of Federal Regulations (CFR) 450 and the required interagency consultation or coordination is completed and documented. Changing the obligation year of a project using EPSP does not require an administrative modification or an amendment if the change does not require an air quality conformity determination.

1. Administrative Modification:

An administrative modification is a minor change to the FSTIP/FTIP that does not require a conformity determination, demonstration of fiscal constraint, public review and comment, or federal approval. The following changes to the FSTIP/FTIP can be processed through an administrative modification:

- i. Revise description of individually listed projects without changing the project scope or without conflicting with the approved environmental document;
- ii. Revise the description of grouped project listings, as defined in 23 CFR Part 450.326 (h), if it is consistent with the Programming Grouped Project Listings in Air Quality Non-Attainment or Maintenance Areas guidance.
- iii. Revise the funding amount listed for a project or a project phase:
 - a. Additional funding to an individually listed project is limited to the lesser of 50 percent of the total project cost or \$20 million.
 - b. No limit on adding funds to a grouped project listing. Funding capacity must be available in the FSTIP/FTIP prior to processing programming changes and it must be stated in the supporting documentation.
(Note: Updated FTIP financial plans may be requested by Caltrans to validate fiscal constraint if an MPO has processed only administrative modifications for a period of six months or more.)
- iv. Program the Preliminary Engineering (PE) phase provided the Right of Way and/or Construction phase(s) are already programmed in the current FSTIP/FTIP and additional funding amounts stay within the limits specified in section iii.

FSTIP/FTIP Administrative Modification and Amendment Procedures

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- v. Change source of funds.
- vi. Change a project lead agency.
- vii. Program federal funds for advance construction conversion provided that programming capacity is available in the FSTIP/FTIP prior to programming the conversion.
- viii. Change the program year of funds within the current FSTIP/FTIP provided the MPO has an adopted EPSP that is developed in accordance with 23 CFR 450.
- ix. Split or combine an individually listed project or projects provided the schedule and scope remain unchanged.
- x. Add or delete a project or projects from a grouped project listing.
- xi. Program emergency repair projects on state and local highways caused by natural disasters or catastrophic failures from external causes that are not covered by the Emergency Relief Program and exempt from air quality conformity requirements.
- xii. Re-program a project for which FHWA funds were transferred to the FTA in a prior FSTIP/FTIP cycle but has not received grant approval from the FTA. Those projects can be programmed in the current FSTIP/FTIP through an administrative modification provided the original scope or cost remain unchanged. Use the type "FTA 5307 (FHWA Transfer Funds)" to program in the FSTIP/FTIP.
- xiii. Program an FTA-funded project from the prior FSTIP/FTIP cycle into the current FSTIP/FTIP provided the original scope or cost of the project remain unchanged. Use the project description field (or "CTIPS MPO Comments" section) to list the year, amount, and the prior year fund type.
- xiv. Make minor changes to an FTA-funded grouped project listing. Minor changes include changing the number of transit vehicles purchased by 20 percent or less and changing the fuel type of transit vehicles. The MPO must conduct an interagency consultation to confirm that the project scope change is deemed minor.

FSTIP/FTIP Administrative Modification and Amendment Procedures

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2. Amendment:

Amendments are all other modifications to the FSTIP/FTIP that are not included under the administrative modification and amendment procedures. All amendments shall be developed in accordance with the provisions of 23 CFR 450.326 for each metropolitan area in the State, and in accordance with the provisions of 23 CFR 450.218 for non-metropolitan areas.

3. Procedure:

a. Administrative Modification:

MPOs with approval delegation from Caltrans

Caltrans may delegate to an MPO's Board the authority to approve administrative modifications. In such case, Caltrans approval is not required. If an MPO Board further delegates the authority to the Executive Director to approve administrative modifications, copies of the delegation must be provided to Caltrans, the FHWA and FTA. The MPO must submit copies of the approved administrative modification to Caltrans, the FHWA and FTA. Once the MPO approves the administrative modification, changes will be deemed part of the FSTIP. The MPO is required to demonstrate in a subsequent amendment the net financial changes resulting from each administrative modification. Caltrans will conduct periodic review of each MPO's administrative modification process to confirm adherence to guidelines and procedures. Caltrans may revoke an MPO's delegation due to noncompliance with these procedures.

MPOs without approval delegation from Caltrans

Each MPO's administrative modification will be forwarded to Caltrans Division of Transportation Programming for approval. If an MPO Board delegates authority to the Executive Director to approve administrative modifications, copies of the delegation must be provided to Caltrans, the FHWA and FTA. The MPO must submit copies of the administrative modification to Caltrans, the FHWA and FTA. The MPO must also demonstrate in a subsequent amendment the net financial changes resulting from each administrative modification. Once Caltrans approves the administrative modification, changes will be deemed part of the FSTIP since federal approval is not required. Caltrans will notify the FHWA and FTA of the approved administrative modification. If Caltrans, the FHWA, or the FTA determines that changes in an administrative modification are not allowable under these procedures, the MPO must withdraw the administrative modification and process an amendment.

FSTIP/FTIP Administrative Modification and Amendment Procedures

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b. Amendment:

Amendments to the FSTIP must be developed in accordance with the provisions of 23 CFR 450, approved by the FHWA and/or the FTA in accordance with 23 CFR

450, and the July 15, 2004 MOU between FHWA - California Division and FTA Region 9. Each amendment must be forwarded to Caltrans Division of Transportation Programming for approval on behalf of the Governor. To expedite processing, the MPO must also submit the amendment to the FHWA and FTA at the same time. Once approved by Caltrans, the amendment will be forwarded to the FHWA and FTA for federal approval. The amendment will be deemed part of the FSTIP once it is approved by the FHWA and FTA. The FHWA and FTA will send the federal approval letter and respective conformity to Caltrans and the MPO.

4. Consultation:

If a question arises regarding the interpretation of these procedures, Caltrans, the MPO, the FHWA and/or FTA may consult to resolve the question. If after consultation the parties still disagree, the final decision rests with the FTA for transit projects and the FHWA for highway projects.

Any exception to these procedures is allowed only through a consultation process with MPOs, Caltrans, the FHWA, and FTA.

ATTACHMENT B

RESOLUTION OF THE SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

AUTHORIZE AND DELEGATE AUTHORITY TO
THE EXECUTIVE DIRECTOR TO APPROVE
FEDERAL TRANSPORTATION IMPROVEMENT
PROGRAM ADMINISTRATIVE MODIFICATIONS

RESOLUTION NO. 22-28

WHEREAS, the Santa Barbara County Association of Governments (SBCAG) has been designated by the Governor as the Metropolitan Planning Organization (MPO) for Santa Barbara County; and

WHEREAS, Title 23 Code of Federal Regulations, part 450, and Title 49 Code of Federal Regulations, part 613, require the preparation and adoption of a Federal Transportation Improvement Program (FTIP) by the Metropolitan Planning Organization to become part of the Federal Statewide Transportation Improvement Program (FSTIP); and

WHEREAS, SBCAG is responsible for preparing and processing administrative modifications and amendments to the FTIP; and

WHEREAS, on June 3, 2011, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), in consultation with the California Department of Transportation (Caltrans) provided FSTIP and FTIP amendment and administrative modification procedures (Letter No. HAD-CA: 62,530); and

WHEREAS, under Letter No. HAD-CA: 62,530 amendment and administrative modifications do not require a conformity determination, are constrained financially, and meet all applicable Title 23 CFR 450 requirements; and

WHEREAS, on June 7, 2011, the Caltrans sent a letter to MPO Executive Directors stating, FSTIP and FTIP amendment and administrative modification procedures allow Caltrans to delegate the approval of administrative modifications to the FSTIP to MPOs; and

WHEREAS, on December 18, 2019, the FHWA and FTA updated and superseded the 2011 FTIP amendment and administrative modification procedures; similarly, on December 20, 2018 Caltrans updated and superseded the 2011 FSTIP amendment and administrative modification procedures; and

WHEREAS, the SBCAG Board of Directors wishes to accept the December 18, 2019 and the December 20, 2020 delegation of authority from the FHWA, FTA, and Caltrans for FTIP and FSTIP amendment and administrative modification procedures; and

WHEREAS, on October 23, 2011, the SBCAG Board of Directors adopted Resolution 11-23 accepting delegation authority from Caltrans to approve administrative modifications to the FSTIP in accordance with Letter No. HAD-CA: 62,530; and

WHEREAS, on October 23, 2011, the SBCAG Board of Directors adopted Resolution 11-23 delegating authority to the SBCAG Executive Director to approve FTIP amendment and administrative modifications to be incorporated into the FSTIP in accordance with Letter No. HAD-CA: 62,530; and

WHEREAS, on November 16, 2017, the SBCAG Board of Directors adopted Resolution 17-34 reaffirming all authority delegated under Resolution 11-23 and to ensure adequate safeguards added the end date of September 30, 2022 to the authority delegated to the SBCAG Executive Director, unless otherwise ordered by the Board; and

WHEREAS, the SBCAG Board of Directors wishes to reaffirm all authority delegated under Resolution 17-34 and to extend the end date of the authority delegated to the SBCAG Executive Director to September 30, 2027, unless otherwise ordered by the Board.

NOW, THEREFORE, BE IT RESOLVED that the SBCAG Board of Directors accepts the December 18, 2019 and the December 20, 2020 delegation of authority from the FHWA, FTA, and Caltrans for FTIP and FSTIP amendment and administrative modification procedures; and

BE IT FURTHER RESOLVED that the SBCAG Board of Directors reaffirms all authority delegated under Resolution 17-34 and extends the end date of the authority delegated to the SBCAG Executive Director to September 30, 2027, unless otherwise ordered by the Board.

PASSED AND ADOPTED this 15th day of September 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Marjie Kirn
Executive Director

Das Williams, Chair
Santa Barbara County
Association of Governments

Date: _____

APPROVED AS TO FORM:
Rachel Van Mullem
County Counsel



Senior Deputy County Counsel