

INTRODUCTION

Administrative Modifications or Amendments to the Federal Transportation Improvement Program (FTIP) shall be submitted to Kern Council of Governments (Kern COG) in writing (on agency letterhead). The request shall show all recommended changes including a description of the revision. Kern COG staff shall determine if an Administrative Modification or Amendment is necessary for the requested revision. That determination shall be made in writing by Kern COG staff prior to presenting the requested revision to the Kern COG governing Board.

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

Projects programmed in the FSTIP may be delivered in any of the recognized program years of the FSTIP provided Expedited Project Selection Procedures have been adopted in accordance with 23 CFR 450 and the required interagency consultation or coordination is completed and documented. Such revisions do not require an administrative modification or an amendment if the change does not require an air quality conformity determination.

1) DEFINITIONS:

A) Administrative Modifications are minor changes to the FSTIP/FTIP that do not require a conformity determination, a demonstration of fiscal constraint, public review and comment, or federal approval:

1. Revise description of individually listed projects without changing the project scope or conflicting with the approved environmental document;
2. 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;
3. 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.)
4. Program 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 3 above;
5. Change the source of funds;
6. Change a project lead agency;
7. Program federal funds for Advance Construction conversion provided that programming capacity is available in the FSTIP/FTIP prior to programming the conversion;
8. Change program year of funds within the current FSTIP/FTIP, provided Expedited Project Selection Procedures are in place;
9. Split or combine individually listed projects provided schedule and scope remain unchanged;
10. Add or delete projects from grouped project listings;
11. Program emergency repair projects on state and local highways caused by natural disaster or catastrophic failure from external cause that are not covered by the Emergency Relief Program and exempt from air quality conformity requirements;
12. Re-program a project for which FHWA funds were transferred to FTA in the prior FSTIP/FTIP cycle but has not received grant approval from the FTA. The project can be programmed in the current FSTIP/FTIP via administrative modification provided original scope or cost remain unchanged. Use the type "FTA 5307 (FHWA Transfer Funds)" to program in the FSTIP/FTIP.

13. Program FTA projects from the prior FSTIP/FTIP into the current FSTIP/FTIP provided original scope or cost remain unchanged. Prior year funding must be differentiated from the current year funding by including narrative in the project description (or in “CTIPS MPO Comments” section) stating the year, amount and type of the prior year funds.
14. Make minor changes to the FTA funded grouped project listings. Minor changes include changing the number of transit vehicles purchased by 20% or less and changes to the fuel type of transit vehicles. Kern COG must conduct an interagency consultation to confirm that the change in scope is deemed minor.

B) Amendments are all other modifications to FSTIP/FTIP that are not Administrative Modifications. Examples include:

1. Introduction of a new project;
2. Scope changes that affect the approved air quality conformity analysis;
3. Funding changes that exceed 50% of individually listed projects or impact the financial constraint of the funding program.

2) PROCEDURES:

A) Administrative Modifications

Kern COG’s Executive Director has delegated authority to approve Administrative Modifications to the FSTIP/FTIP. Once approved by the Kern COG Executive Director, the Administrative Modification will be deemed part of the California FSTIP. No State or Federal action will be required. Each Kern COG approved administrative modification will be forwarded to Caltrans Headquarters, Division of Transportation Programming, FHWA, and FTA. If needed, Kern COG will demonstrate in a subsequent amendment that the net financial change from each modification has been accounted.

B) Amendments

Amendments to the FSTIP must be developed in accordance with the provisions of 23 CFR 450 and approved by the FHWA and/or FTA in accordance with 23 CFR 450. Kern COG’s Executive Director has been delegated to approve Amendment Types* 2 and 3 at the Executive Director’s discretion. Each Kern COG approved TIP amendment will be forwarded to Caltrans Headquarters, Division of Transportation Programming for approval on behalf of the Governor. To expedite processing, Kern COG will also forward a copy of the amendment to FHWA and FTA at the same time the amendment is sent to Caltrans. Once approved by Caltrans, on behalf of the Governor, Caltrans will forward the amendment to FHWA and/or FTA for Federal approval. Once approved by FHWA and/or FTA the amendment will be incorporated into California’s FSTIP. The FHWA and/or FTA approval will be addressed to Caltrans, with copies to Kern COG.

*Transportation Conformity Types 2 & 3 – amendments not requiring conformity or regional transportation plan revisions.

3) DISPUTE RESOLUTION

If a question arises on the interpretation of the definition of an administrative modification, Caltrans, Kern COG, FHWA and FTA (the parties) will consult with each other to resolve the question. If after consultation, the parties disagree on the definition of what constitutes an administrative modification, the final decision rests with the FTA for transit projects and FHWA for highway projects.

BEFORE THE KERN COUNCIL OF GOVERNMENTS
STATE OF CALIFORNIA, COUNTY OF KERN

Resolution No. 20-05
In the matter of:

REVISED FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENT POLICY

WHEREAS, the Kern Council of Governments (Kern COG) is a Regional Transportation Planning Agency (RTPA) and a Metropolitan Planning Organization (MPO); and

WHEREAS, the MPO is required to develop, maintain and endorse the Federal Transportation Improvement Program (FTIP) with a Biannual Program of Projects for federal funding assistance; and

WHEREAS, the FTIP for the Kern region is a four-year schedule of multi modal transportation project improvements of major freeways, expressways, arterials, urban collectors, bikeways, transit, rail and aviation facilities; and

WHEREAS, in cooperation with federal, state, and local agencies, FTIP amendments must be reviewed for project content, financial constraint and air quality conformity; and

WHEREAS, revisions are made to the FTIP Amendment Policy to update language consistent with Federal Highway Administration and Federal Transit Administration administrative modification procedures.

NOW, THEREFORE, BE IT RESOLVED THAT:

Kern Council of Governments adopts the revised Federal Transportation Improvement Program Amendment Policy attached and made a part of Resolution No. 20-05 by this reference.

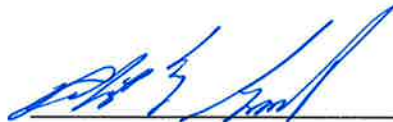
AUTHORIZED AND SIGNED THIS 20TH DAY OF FEBRUARY 2020.

CRUMP, VALLEJO, ALVARADO, SCRIVNER, KRIER, MOWER, P. SMITH
AYES: GARCIA, B. SMITH, COUCH, GORDON, KIERNAN, PARRA

NONE
NOES:

ABSTAIN: NONE

ABSENT: CANTU, LESSENEVITCH
GURROLA, GREEN



Bob Smith, Chair
Kern Council of Governments

ATTEST:

I hereby certify that the foregoing is a true copy of a resolution of the Kern Council of Governments duly authorized at a regularly scheduled meeting held on the 20th day of February 2020.



Ahron Hakimi, Executive Director
Kern Council of Governments

FEB 20 2020

Date