

III. PROGRAM DEVELOPMENT

A. Integration with Federal, State and Local Programs

The projects contained in the 2005-2009 TIP flow from the B RTP with detailed information extracted from the capital programs of state and local agencies responsible for implementing transportation projects in the region. Project information was provided by these agencies from the 2005-2009 portion of their respective multi-year improvement programs.³ For a surface transportation project to be eligible for inclusion in the State TIP (STIP), and thus to receive federal aid, it must first be listed in the Annual Element of the TIP.

Because the TIP must reflect regional priorities and be consistent with recommendations contained in the long-range transportation plan, it is important that a "regional voice" be expressed in the preparation of individual agencies' capital programs. Meetings that take place as part of the effort to produce a short-range element begin to accomplish this. The meetings foster a more fully coordinated project selection process for the

³. A list of contributing agencies is attached.

TIP, providing for sound technical analysis early in the programming process, full discussion among local and state agencies and avoidance of unrealistic over-programming.

B. Federal Fund Sources for Surface Transportation Projects

Federal regulations require that certain highway and transit projects inside or serving the urbanized area be included in the TIP to gain federal approval. Projects proposed to be funded through the following programs in the current or following fiscal year must be included in the TIP:

- Surface Transportation Program;
- Enhancement (under the Surface Transportation Program);
- National Highway System;
- FTA Capital and Operating - Sections 5307, 5309, 5310, 5311, and 5313
- Congestion Mitigation and Air Quality;
- Interstate Construction;
- Interstate Discretionary;
- Interstate Maintenance;
- High Priority Projects - 1602 (Special Legislation)
- Highway Bridge Replacement and Rehabilitation.

The MPO endorsement of the TIP is a DOT requirement and is an opportunity for the MPO to support or oppose proposed projects in the above program categories.⁴ Inclusion of these projects in the Annual Element of the TIP indicates endorsement by the MPO for federal funding of the proposed project phase(s).

C. Amending the Transportation Improvement Program

The TIP must be flexible to account for alterations to the Annual Element resulting from emergencies, implementation opportunities or changes in priorities. To keep the TIP current, an amendment process is necessary. To manage the process, the MPO's Technical Committee has recommended a set of criteria to aid in determining when a change in a project warrants amendment of the TIP or if the project change is deemed consistent with the TIP without amendment. In November, 1996, the BRTB approved an expedited

process for amendments to the TIP. The amended process allows the BRTB Executive Committee to review and act on modifications to the TIP.

There are five types of changes which require different action and varies upon the federal funding authority: addition of new projects, change in level of project funding, change in source of project funding, change in scope of project and change in timing. The criteria for use in determining the need for TIP amendments are as follows:

FHWA/FTA PROJECTS

1. All new projects or subsequent project phases require a TIP amendment.
2. Any change in funding source in the current fiscal year requires a reaffirmation of project selection, flexible funding and fiscal reasonableness.
3. Any change in priority requires a reaffirmation of project selection and fiscal reasonableness.

FTA PROJECTS ONLY

⁴. Endorsement of projects for planning/preliminary engineering does not imply any commitment of funds for later phases (right-of-way acquisition, construction).

4. Any change in project scope requires professional judgment to determine if a TIP amendment or reaffirmation of project selection and fiscal reasonableness is required. There are four considerations when determining the action: (1) whether the project has radically changed; (2) where is the money coming from; (3) where is the money going to; and (4) whether new segments or parts of the project have been analyzed for conformity. The answers to these questions will determine what action needs to be taken. The MPO staff will be responsible for making the final decision on these types of changes.
5. Any funding level increase in the current fiscal year requires a TIP amendment or letter transmitting the change to the FTA with reaffirmation of fiscal reasonableness, depending on the type of increase. FTA allows flexibility within the original grant amount of 10 percent. However, any change above and beyond the original grant requires a TIP amendment.

FHWA PROJECTS ONLY

6. Any change in project scope requires a TIP amendment with appropriate documentation.
7. Any funding level increase in the current fiscal year of 20 percent or more requires reaffirmation of fiscal reasonableness and project selection.

To amend the TIP, project changes must first be reviewed and commented upon by the MPO staff, with subsequent review and recommendation for approval by the Technical Committee. The MPO then receives all comments and further reviews the change prior to recommending and endorsing action.

These procedures result in regional approval of an amendment to the TIP. The Office of the Secretary of MDOT, acting for the MPO, then conveys the amendment information to the Maryland Department of Planning for State Clearinghouse review. After the Clearinghouse responds, the amendment is then forwarded to the FHWA division office or the FTA regional office for initial federal approval if funding from either of those agencies is involved.

D. Emergency Projects

In emergency situations, there is a need to request federal funding assistance in a less time-consuming manner than that set forth in the TIP amendment process described above. Emergency conditions on transportation facilities can develop quickly

and require prompt remedial action. Outlined below are steps which can be taken to secure appropriate federal support for projects in emergency situations while at the same time following the standard TIP amendment procedure.

An implementing agency that has identified an emergency situation may initiate preliminary engineering in accordance with the following procedure:⁵

1. A letter is sent to the chairman of the MPO explaining the nature of the emergency and expressing the need for a short-cut amendment of the TIP. Copies of the letter are also sent to the chairman of the Technical Committee;
2. The chairman of the MPO communicates with MPO representatives of all jurisdictions affected, as well as the chairman of the Technical Committee. Upon agreement of all parties, the chairman of the MPO sends a letter to the implementing agency, approving the inclusion of the project engineering phase in the current Annual Element;

3. The implementing agency transmits the letter to the MDOT for inclusion in the STIP to be eligible for funding approval and obligation; and
4. Technical Committee members are notified of the action and receive copies of any correspondence pertaining to it. Standard TIP amendment procedures follow.

5. Purchase of right-of-way or construction can proceed only upon completion of the regular amendment procedure outlined in Section C above.