

**STIP AMENDMENT AND MODIFICATION
MEMORANDUM OF AGREEMENT
BETWEEN
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
FEDERAL TRANSIT ADMINISTRATION REGION IV,
AND
FEDERAL HIGHWAY ADMINISTRATION NORTH CAROLINA DIVISION**

Changes may be made to the Statewide Transportation Improvement Program (STIP) by either formal amendment or administrative modification.

Formal **Amendments** are required in the following instances: 1) when changes cause an addition or deletion of a project, 2) when changes cause an addition or deletion of a new project segment, 3) when changes in project cost exceeds the predetermined threshold, 4) when project phase initiation dates move into or out of the first 4 years of the STIP, 5) when changes involve non-traditional funding sources (including GARVEE bonds), or 6) when major changes in design concept or scope occur (“major” scope change is defined as significantly changing the project termini, changing the number of through travel lanes, or significantly altering the proposed transit coverage area). A Formal Amendment would not be required when a project is broken into two or more segments previously included in the STIP as a single project so long as the time schedule remains in the first four years of an approved STIP.

Examples of Amendments:

- Change in a unique project phase cost beyond a predetermined threshold, increases in highway projects that exceed both \$2 million and 25% of the original cost and may affect fiscal constraint; and changes (increases or decreases) in transit projects that exceed either \$1 million or 25% of the original project cost;
- Any addition or deletion of a federally funded project or project phase (i.e., preliminary engineering, right of way, construction) that requires a separate project authorization to the first 4 years of the Program;
- Addition or deletion of any state funded regionally significant project into the first 4 years of the Program;
- Change in project design or scope¹ that significantly changes the termini or project type, purpose, or number of through lanes on a non-exempt (for transportation conformity purposes) project;
- Any addition, deletion, or significant modification of non-traditional funding source to a project (traditional sources of revenue include federal, state, or local government tax revenues; non-

¹ Note: alteration to earmarks described in the Congressional Report may jeopardize project eligibility for federal (FTA) funding under the discretionary capital program (Section 5309).

Note: on Program Date field in the FTA Transportation Electronic Award and Management (TEAM) system applications – the transit grant applications ask for the STIP amendment approval dates; however, the correct entry in the TEAM application is the date FTA endorses the BOT approved STIP amendment, e.g., the effective STIP approval date is the date FTA concurs with the amendment to the STIP.

traditional sources include sources such as federal GARVEE bonds, state Build NC bonding, and/or private participation);

- Federally funded projects and/or projects that are regionally significant with schedule shifts that move ROW, major capital acquisitions, or construction authorization dates either into or out of the 4 year STIP time window;
- Project schedule shifts to incorporate the project from an out-year into the current (four-year) STIP.

Amendments require documentation of public review and comment opportunity, and may require re-demonstration of fiscal constraint and local transportation conformity determination. Fiscal constraint may be shown by either the project cost impact being less than 5% of the expected annual budget, or by showing other cost reductions and/or revenue increases within the affected fiscal year(s).

Administrative Modifications can be made to previously included projects when change in project costs are below the predetermined thresholds, movement of project phase initiation dates are within the 4 year STIP time window, an existing project phase is sub-divided into 2 or more sub-phases without changing the overall project scope, change to project scope or description do not significantly diminish the ability to achieve the original project intent, and change in traditional funding sources occur. Administrative Modifications do not require FHWA/FTA approval.

Administrative Modifications do not require documentation of public review or comment, redemonstration of fiscal constraint, or a local transportation conformity determination.

Examples of Administrative Modifications:

- Any change to projects in years 5 or later;
- Minor change to project descriptions, scopes, or sponsor funding;
- Minor cost increases in highway projects that do not exceed both \$2 million and 25% of the original project cost;
- Minor cost change (increase or decrease) in transit projects that do not exceed either \$1 million or 25% of the original project cost;
- Addition or deletion of a state funded project that is determined to not be regionally significant;
- An existing project or project segment (project break) is sub-divided into 2 or more sub-segments without changing the overall project scope or description, and both pieces remain in the first four-year period of an approved STIP;
- Schedule changes that move project authorization dates within the first 4 year STIP time window and do not affect local air quality conformity findings;
- Funding source changes between traditional funding sources (i.e. substituting available Congestion Mitigation Air Quality (CMAQ) funds for Surface Transportation Block Grant Direct Attributable STBGDA);
- Projects approved for Emergency Relief funds do not generally have to be included in the STIP, so any changes made for emergency projects may be considered minor modifications.

State funded projects or project phases are amended when the fiscal year changes or when there is a significant change in the project cost or description. Unless the project is determined to be regionally significant for transportation conformity purposes, these State amendments are approved solely by the State Board of Transportation. Local approval of these changes is desired but not legally required. MPO's may treat these as Administrative Modifications if they wish. If there is a change to a state funded project that is regionally significant, this may require a new transportation conformity determination. If so, this determination must be made before the amendment can be processed. The state public notification process will be the same for state funded projects as it is for federal-aid projects.

Minor changes in project or project phase cost and/or description, schedule changes within a fiscal year, and changes between traditional funding sources are handled by staff on an administrative basis. These administrative actions will be reflected in the monthly updates of the STIP on the NCDOT website.

Public Involvement Procedures developed by NCDOT will make all proposed STIP amendments available to the staff of MPOs and RPOs and the public for comment on its website at least 25 days prior to action by the Board of Transportation. Exception may be made for response to declared disasters. Established public involvement procedures at the MPO and RPO level shall be followed. Any significant negative reaction will result in either the Board of Transportation being notified of the reaction prior to voting, or withdrawal of the proposal for further review.

All amendments to the transit portion of the STIP will be submitted to FTA Region IV for formal endorsement. The request letter for FTA Region IV endorsement of STIP amendments will include assurances that public involvement processes were followed in accordance with the federally approved state or local Public Participation Plans. Administrative modifications to the transit portion of the STIP will be posted on the Public Transportation Division website for informational purposes within 5 days of the changes being processed at NCDOT.

Federal Approval Procedures for amendments include NCDOT routing amendments to each agency according to the project's proposed use of agency program funds. FHWA-NC and FTA Region IV will process these amendments and respond in writing within 20 days.

Attachment 1

Federal Definitions according to 23 CFR 450.104

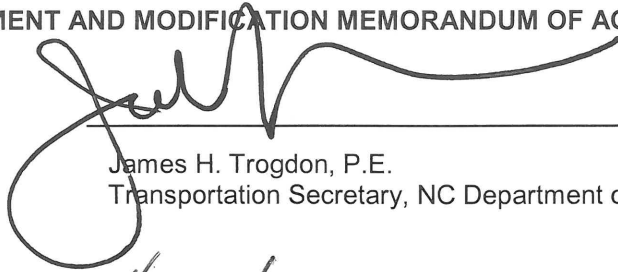
Administrative modification means a minor revision to a long-range statewide or metropolitan transportation plan, Transportation Improvement Program (TIP), or Statewide Transportation Improvement Program (STIP) that includes minor changes to project/project phase costs, minor changes to funding sources of previously-included projects, and minor changes to project/project phase initiation dates. An administrative modification is a revision that does not require public review and comment, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas).

Amendment means a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes or changing the number of stations in the case of fixed guideway transit projects). Changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment and a redemonstration of fiscal constraint. If an amendment involves “non-exempt” projects in nonattainment and maintenance areas, a conformity determination is required.

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11/13/18

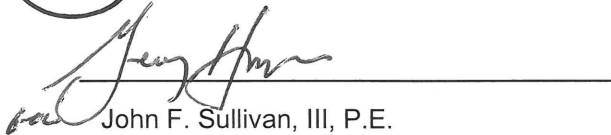
Date



James H. Trogdon, P.E.
Transportation Secretary, NC Department of Transportation

11/13/18

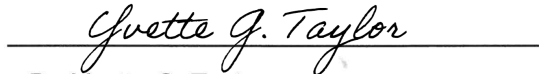
Date



John F. Sullivan, III, P.E.
Division Administrator, Federal Highway Administration

12-18-18

Date



Dr. Yvette G. Taylor
Regional Administrator, Federal Transit Administration