



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

**DelMar Division
(302) 734-5323**

**J. Allen Frear Federal Building
300 South New Street, Suite 2101
Dover, Delaware 19904-6726**

January 19, 2011

In Reply Refer To: HDA-DE

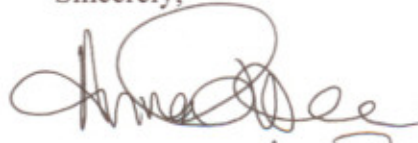
Secretary Carolann Wicks
Delaware Department of Transportation
800 Bay Road
P.O. Box 778
Dover, DE 19903


JAN 2011
RECEIVED
OFFICE OF
THE SECRETARY
DelDOT

Dear Secretary Wicks:

Enclosed is the signed version of the updated Statewide Transportation Improvement Program (STIP) Modification Procedures. We would like to express our appreciation to you and your staff for working together on these procedures. We have also sent original copies to FTA Region III, WilMapco MPO, and the Dover-Kent MPO. If you have any questions, please contact Anna Price at (302) 734-2835.

Sincerely,


for Hassan Raza *Anna Price*
Division Administrator

Enclosure

cc:

Letitia Thompson, Regional Administrator, FTA Region III
Tigist Zegeye, Executive Director, WilMapco
Jaunita Wiczoreck, Executive Director, Dover-Kent MPO
File #734 State Wide Planning and STIP



DELAWARE DEPARTMENT OF TRANSPORTATION (DeIDOT), WILMINGTON AREA PLANNING COUNCIL
(WILMAPCO) AND THE DOVER/KENT COUNTY MPO MODIFICATION PROCEDURES FOR FEDERALLY
PARTICIPATING PROJECTS
FOR
THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)
AND
THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The revised Regulation on Statewide and Metropolitan Transportation Planning and Programming, effective March 16, 2007, contained in 23 CFR 450 clearly defined Amendments and Administrative Modifications. As permitted by 23 CFR 450.216(n), this agreement establishes procedures for processing Administrative Modifications and Amendments to the Statewide Transportation Improvement Program (STIP), and Metropolitan Planning Organization Transportation Improvement Programs (TIPs) and Long Range Transportation Plan (LRTP).

A. Administrative Modifications

Administrative Modifications do not require public review and comments, re-demonstration of fiscal constraint, or a conformity determination. These do not require federal approval, provided expedited project selection procedures have been adopted in accordance with 23 CFR 450.330 and the required interagency consultation or coordination is accomplished and documented.

Administrative Modifications are minor changes to a project or project phase included in a metropolitan plan, TIP or STIP that would include the following:

1. Minor revision to a project description and scope (e.g., adding a paving location, extending a turn lane, extending sidewalk, adding a guardrail or striping location not previously in original project scope) will fall under the modification. However, any revision also needs to meet the dollar amounts shown in item 6 below;
2. Minor change to the source of funds (federal, state, local, private);
3. Change in the project lead agency (local or transit agency) with special consideration provided in the Transportation Enhancement program (due to complexity of lead agency assignments);
4. Changing a project mid phase from non-participating to participating, provided all Federal-aid requirements are met;
5. Advancement of a phase from year two, three, or four of the STIP;
6. Revisions in the project or project phase as noted in the table below*

STIP Estimate (in millions \$)	Limits for modifications
Up to 3	to 50% or \$1,000,000 (whichever is less)
>3 to 5	to 30% or \$1,500,000 (whichever is less)
>5 to 10	to 30% or \$2,000,000 (whichever is less)
>10	to 30% or \$3,000,000 (whichever is less)

B. Amendments

Amendments are revisions in a long range metropolitan plan, TIP or STIP. These require a minimum of 30 days for public review and comments, re-demonstration of fiscal constraint, and a conformity determination (for metropolitan plans and TIPs involving non-exempt projects in non-attainment and maintenance areas). In the case of a short-term change to a project, the Delaware Department of Transportation (DelDOT) will discuss with FHWA or FTA the project situation in order to determine if a STIP amendment is needed or if the STIP revision should wait for the yearly STIP update for a long-term project change. In addition, FHWA and FTA reserve the right to abbreviate the procedure in emergency circumstances to accommodate an expedited project delivery timeline.

Actions that require amendments include:

1. Adding a new project to the Transportation Plan, TIP or STIP. (Any changes to the STIP beyond the 4 year period are considered for information purposes alone and do not require a Federal action; however, any advancement of a project from beyond the four years of the STIP would require an amendment);
2. Deleting an existing project from the current Transportation Plan, TIP or STIP. (Any changes to the STIP beyond the 4-year period are considered for information purposes alone and do not require a Federal action);
3. Adding or deleting a project phase for a regionally significant, non-exempt project that triggers a conformity determination.
4. Funding changes greater than allowable under modifications. Major projects with financial plans (estimated project cost greater than \$100,000,000) would still fall under the modification threshold and would require amendment if threshold is exceeded.
5. Any significant revision to the project description or scope. For example:
 - Any change to typical section,
 - Length of the project
 - Number of through lanes,
 - Change in project termini
 - Access control
 - Change In type of work (e.g., from resurfacing to new construction, pavement overlay to bridge rehabilitation, creating a conflict with the environmental document, etc.)

C. Procedures

1. For Administrative Modifications (minor changes to a project) that do not require Federal approval:
 - a) The Administrative Change process requires DelDOT to notify FHWA, FTA, MPO Executive Directors and Sussex County Executive of the changes as defined below. The Executive Director shall have five (5) business days to respond (in writing via e-mail or letter) to the Secretary of Transportation requesting additional information or a more formal review. At the discretion of the MPO Executive Director, any requested administrative change to the TIP may be referred to the TAC and/or Council for a more formal review.

- b) For modification purposes (to the MPO, [or Sussex County when applicable], FHWA and FTA), DeIDOT will submit a letter or e-mail describing the dollar amount change, source of funding, and a statement describing the proposed change including an explanation regarding the change in scope. The DeIDOT letter will also state that the proposed change meets the modification criteria and is consistent with all Federal guidelines.
- c) FHWA/FTA reserves the right to disallow an administrative action if it is found to be inconsistent with this procedure.

2. Amendment Procedures (major changes to a project) require Federal approval.

- a) Each approved MPO TIP amendment will be forwarded to DeIDOT. DeIDOT will forward any TIP amendment from the MPO, STIP amendment, or amendment to Transportation Plan to FHWA and FTA for Federal approval and will include a statement regarding the fact that fiscal constraint or conformity has been met. Once approved by FHWA and FTA, the amendment will be incorporated into DeIDOT's STIP. Following approval of an amendment, DeIDOT will submit amended STIP. DeIDOT will assure that the amendment process and the public involvement procedures have been followed.
- b) The Amendment process follows the MPO's usual Technical Advisory Committee (TAC), Public Advisory Committee (PAC) and Council process for action. A completed MPO amendment form shall be delivered to the MPO a minimum of fourteen (14) days prior to the TAC meeting for their review and approval before the MPO Council approves the amendment. The MPO is responsible for providing timely notification to DeIDOT of action taken and assuring that the amendment process and public involvement procedures have been followed.
- c) The MPO public involvement process shall be coordinated with the statewide public involvement process wherever possible.
- d) The MPO Amendment process requires an advertisement, a 30-day public comment period, and a response.
- e) DeIDOT Finance will advise the Sussex County Administrator with a letter of any amendments and place a notice in the appropriate newspaper(s).

Summary of Actions

Action	Modification	Amendment
Minor revision of project description or scope of work	√	
Minor change to the source of funds	√	
Change in the project lead agency	√	
Advancement of a phase from year two, three, or four of the STIP	√	
Changing a project mid phase from non-participating to participating, provided all federal requirements are met	√	
Adding/deleting projects or project phases into or out of STIP		√
Any significant revision to the project description or scope		√

Adding or deleting a project phase for a regionally significant, non-exempt project that triggers a conformity determination.		√
If the revision to the project or project phase funding exceeds the amounts as noted in the table under modification item 6.		√

D. Dispute Resolution

If a question arises on the interpretation of the definition of an administrative modification or amendment DeIDOT, MPO, FHWA and FTA (the parties) will consult with each other to resolve the question. If after consultation, the parties still disagree on the definition of what constitutes an administrative modification or amendment, the final decision rests with the FTA for Transit projects and FHWA for highway projects

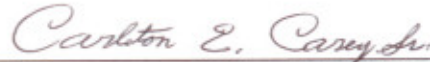
We, the undersigned, agree to use the above procedures to modify the State Transportation Improvement Program and the MPOs' Transportation Improvement Program.



Carolann Wicks
Secretary
Delaware Department of Transportation

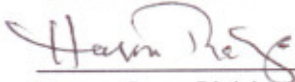


Stephen Kingsberry, Council Chairman
WILMAPCO



Carlton Carey, Council Chairman
Dover/Kent MPO

Concurrence Line:



Hassan Raza, Division Administrator, FHWA



Letitia Thompson, Regional Administrator, FTA