

## Appendix 5 – TIP Revisions

### Amendment & Administrative Modification Procedures

Once adopted, a TIP may be revised from time to time in accordance with procedures adopted by the MPO and with 23 CFR § 450.328. Revisions to the TIP are classified and approved differently based on the scope, scale, and circumstances of the change to a project and whether a project is exempt or non-exempt from air quality conformity analysis.

#### Definitions

**Formal Amendment** - a revision that involves a major change to a project included in a TIP. A Formal Amendment requires public review and comment in accordance with NIRPC's adopted Public Participation Plan and a redemonstration of fiscal constraint. If an amendment involves "non-exempt" projects in nonattainment and maintenance areas, a conformity determination is required. (cf. 23 CFR §450.104)

The following changes to any project shall be considered **major** and require a **Formal Amendment**:

- A new project is added (even if the project was in a previous TIP).
- A new phase of a project is added or a construction phase or transit project is deleted.
- A significant increase or decrease in project costs as defined in the *Cost Change Threshold* tables below.
- Change in project scope that:
  - alters the original intent of the project, and/or
  - affects air quality conformity determination.
- Change of years of a regionally significant project within the current TIP that results in the project's anticipated open to traffic year moving regional emissions analysis years in the Air Quality Conformity Report for the current TIP.
- Change to projects impacting fiscal constraint.
- Change to policy or programming rules.

**Technical Amendment** – A change to technical information in the TIP that does not impact policy or programmed projects, e.g.: performance targets, data updates, asset information. Technical Amendments do not require a formal public comment period but must be approved by the Commission/Executive Board. Public comment opportunity is available at the meeting.

**Emergency Amendment** – A change to a project that is authorized by the NIRPC Executive Director without public comment or Commission/Executive Board approval in order to respond to a time-sensitive, emergency situation. NIRPC's Public Participation Plan permits an Emergency Amendment only in cases where public well-being or safety is at risk or there is a threat of a lapse or loss of federal funds. A redetermination of fiscal constraint is required.

**Administrative Modification** - A minor revision to the TIP that involves minor project changes. An administrative modification does not require public review and comment, a redemonstration of fiscal constraint, a conformity determination (in nonattainment and maintenance areas), or Commission/Executive Board approval. (cf. 23 CFR §450.104)

The following changes to any project shall be considered **minor** and may be completed as an **Administrative Modification**:

- Change of years of a project within the current TIP.
- Change of years of a regionally significant project within the current TIP as long as the project's anticipated open to traffic year stays within the regional emissions analysis years in the Air Quality Conformity Report for the current TIP.
- A non-significant funding change (see the *Cost Change Threshold* tables below).
- Correction of minor data entry or typographical errors or other 'scrivener's errors' that have no impact on fiscal constraint.
- Minor change to a project description that does not alter the original project intent.
- Addition of a designation (des) number or transit project identification number (TPIN) to a project.
- Addition of or change to a federal funding source that does not impact fiscal constraint.

### **Cost-Change Thresholds for Amendments and Administrative Modifications**

For changes to the cost of projects (excluding groupings and reductions of any amount provided project length, termini, and description remain the same), there is a sliding scale to determine whether a modification or amendment is required. All measurements for these cost changes are made from the last approved TIP amendment/modification to account for incremental changes. The tables below list NIRPC's cost change thresholds for determining amendments vs. modifications:

| <b>Cost Change Thresholds for All Projects</b>    |                              |                             |
|---|------------------------------|-----------------------------|
| Total Programmed Project Costs in an Approved TIP | Amendment                    | Administrative Modification |
| Less than \$2,000,000                             | Equal to or greater than 75% | Less than 75%               |
| \$2,000,000 - \$14,999,999                        | Equal to or greater than 50% | Less than 50%               |
| \$15,000,000 - \$75,000,000                       | Equal to or greater than 40% | Less than 40%               |
| Greater than \$75,000,000                         | Equal to or greater than 30% | Less than 30%               |