

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) PROCEDURES FOR THE STATE OF MAINE

I. Introduction

The Statewide Transportation Improvement Program (STIP) lists transportation programs and projects covering four years. Projects funded by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) must be listed in an approved STIP before they are eligible for federal expenditures. A STIP is necessary for states to demonstrate fiscal constraint, adequate public involvement, and compliance with the Clean Air Act. Projects or programs become included in an approved STIP through a comprehensive revision process that supersedes the previous STIP or they are amended to the current STIP, and they must be developed according to the performance-based provisions of 23 CFR Part 450. This agreement between the FHWA, FTA, and MaineDOT, describes the process for adding, removing, or changing projects in the current STIP.

II. STIP Revision Guidelines

The procedure for formally revising the STIP varies depending on the nature of the proposed change to the STIP document. As described in 23 CFR §450, there are two types of revisions to an approved STIP:

- Amendment (Requires public process and federal approval)
- Administrative Modification (Information Only)

The degree of state and federal actions varies depending on revision type. As agreed upon by the FHWA, FTA, and MaineDOT, the following guidelines distinguish between an Amendment and an Administrative Modification to revise the STIP.

NOTE: For financial adjustments, federal funding would come from reserved federal funding, existing projects with excess funding based on latest estimate, bid savings from advertised projects, and/or unprogrammed federal funding associated with the fourth year of the STIP. Schedule adjustments may be required to accommodate the obligation of funding.

Amendment Guidelines

- Any change to a project in the current STIP/TIP that impacts the regional air quality conformity emissions analysis used for the current conformity determination
- Adding or removing a significant project (Project requiring an EIS and a construction cost greater than \$35M)
- Adding or removing a Non-Exempt phase of a project
- Adding or removing a project
- Adding or removing a phase(s) to a project with a financial adjustment in accordance with Table 1
- A scope change resulting in a financial adjustment in accordance with Table 1
- A change in the total cost of a project in accordance with Table 1
- Creating a lineage WIN with a total project cost in accordance with Table 1
- Project location/limits (by reference or otherwise) can be revised/updated in accordance with Table 1 and/or Table 2
- Adding a project from a prior STIP to the current STIP.

Administrative Modification Guidelines

- Statewide and Regional Capital Projects
Capital projects identified as “Statewide” and/or “Regional” or “Region #” in the current MaineDOT STIP can be re-established as location-specific project(s) in the current STIP, given the following requirements are met.

- Located in non-metropolitan and/or rural areas – any located within the metropolitan planning area (MPA) must be programmed in the MPO’s TIP
- Statewide and regional capital projects are developed using MaineDOT’s documented public involvement process
- Scope of location-specific work is consistent with or not materially different with the scope of the statewide or regional effort from which it is derived
- Qualifies for a Categorical Exclusion per the Programmatic Agreement between FHWA and MaineDOT
- In non-attainment and maintenance areas, project is exempt as defined in the EPA’s transportation conformity regulations

*NOTE: Activities that do not meet the above requirements must be added to the STIP and/or respective MPO’s TIP per the Amendment process.

- Financial adjustments in accordance with Table 1
- Combining or separating two or more projects that are part of an approved STIP/TIP
- Combining or separating phases within a project that are part of an approved STIP/TIP
- Adding or removing phase(s) to a project with a financial adjustment in accordance with Table 1
- Creating a lineage WIN with a total project cost in accordance with Table 1
- A scope change resulting in a financial adjustment in accordance with Table 1
- Project location/limits (by reference or otherwise) can be revised/updated in accordance with Table 1 and/or Table 2
- Can add a fully obligated project from a past STIP to the current STIP
- Can add “Other” funding (non-federal) to a project, which is not associated with the state and/or local match to the FHWA or FTA funding, which pertains to work not associated with FHWA and/or FTA funding such as utility work, local work, or other work regardless of Table 1
- Can change the time frame of the expenditures for projects listed in the current STIP.

Table 1 - Financial Tables Guidelines		
Project's Current Approved Funding	Funding Change Thresholds	
	Administrative Modification	Amendment
Less than or equal to \$2 Million	For changes up to \$1,000,000	Required for changes greater than \$1,000,000
Greater than \$2 Million	For changes up to 50% of current approved funding	Required for changes greater than 50% of current approved funding
Contract Awards and Change Orders require no action. (Changes to MPO-sponsored projects require approval by the MPO).		
Table 2 - Linear Project-Location Limits Change Table		
Asset	Administrative Modification	Amendment
Interstate	Unlimited	n/a
Non-interstate	Up to 1 Mile	> 1 mile
*NEPA review covers the revised limits.		

III. STIP Revision Approval Process

Administrative Modifications are not significant changes to the existing STIP. Therefore, no public involvement process is required. For Administrative Modification, MaineDOT e-mails FHWA and/or FTA and updates the STIP change information on the MaineDOT website. FHWA and/or FTA shall reply in a timely manner to MaineDOT if they have concerns.

Amendments to the STIP are major changes. Therefore, a public involvement process is required. In accordance with 23 CFR § 450, the STIP Amendment process must provide a “reasonable opportunity” for public comment. The level of public involvement is scaled to the significance of the change. For any project requiring a STIP amendment, each of the following public involvement activities constitute a “reasonable opportunity” for public comment and satisfies the public review and comment requirement:

- Public meetings
- Public hearings
- Public Advisory Committee (PAC) meetings
- City/Town Council or Select Board Meetings
- Announcements on MaineDOT’s website (can be concurrent with MPO public process if applicable)
 - 10 calendar days
- Meetings with Municipal Professional Staff that have been Open to the Public; or
- A project that has been included in a published MaineDOT Work Plan that has been made available to the public via MaineDOT’s website per the parameters set in the 5th bullet above concerning "Announcements on MaineDOT's website".

For new projects (excluding lineage projects) or any projects that have not had adequate public involvement as defined above, MaineDOT will allow a minimum public comment period of 10 calendar days prior to requesting FHWA and/or FTA approval. STIP amendments will be posted on MaineDOT’s website. Once the public involvement period ends, MaineDOT will respond to or address all substantive comments received. FHWA and/or FTA may assist MaineDOT in determining whether a comment is substantive.

To request a STIP Amendment, MaineDOT e-mails FHWA and/or FTA. FHWA and/or FTA shall approve or reject the Amendment and notify MaineDOT as soon as practicable, but generally within 10 business days. If an Amendment is rejected, the notification will explain the reasoning and provide guidance on the corrective action needed to obtain approval.

IV. Air Quality Conformity Analysis

As indicated above, any project that is not exempt from air quality conformity requirements must be included in a conforming TIP and STIP. Under the provisions of Section 176(c) of the Clean Air Act, as amended, in 1990, certain types of projects, primarily those that add capacity in federally designated “non-attainment” or “maintenance” areas, must be included in the regional emissions analysis for the current TIP and STIP. For purposes of this agreement, it is understood by MaineDOT, FHWA, and FTA that any project requiring an air quality conformity analysis will be included in the regional emissions and air quality conformity determination for the current TIP and STIP and provide that determination with project information during the public process.

V. National Environmental Policy Act (NEPA) Requirements

For projects funded by FHWA, the most current Programmatic Agreement between FHWA, Maine Division and MaineDOT will be followed for a Categorical Exclusion (CE). For anything above a CE, FHWA and MaineDOT will coordinate.

For projects funded by the FTA, the project sponsor should coordinate with the FTA Region 1 office to complete NEPA.

VI. Metropolitan Planning Organizations (MPOs)

Maine's four MPOs approve MaineDOT-derived Transportation Improvement Programs (TIPs) project listings for their respective MPA and revise them as needed, which MaineDOT then incorporates into its STIP. MaineDOT and the MPOs coordinate under the same guidelines and public involvement periods described in this agreement such that MaineDOT will request STIP amendments from FHWA and/or FTA commensurate with this process. These are documented in each organization's respective public involvement plans.

In witness thereof, the parties hereto have approved these procedures on the day and year below.

Maine Department of Transportation

This is to certify that these procedures have been reviewed by the Department, and approved as to form and execution, and are considered adopted.

Date 8/10/18

By:  _____

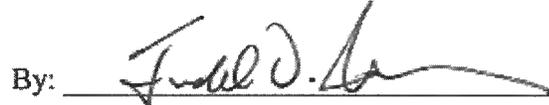
Printed Name: David Bernhardt, P.E.

Title: Commissioner

Federal Highway Administration

This is to certify that these procedures have been reviewed by the Administration, are approved as to form and execution, and are considered adopted.

Date 8/21/18

By:  _____

Printed Name: Todd D. Jorgensen

Title: Division Administrator

Federal Transit Administration

This is to certify that these procedures have been reviewed by the Administration, are approved as to form and execution, and are considered adopted.

Date 8/28/18

By:  _____

Printed Name: Peter Butler

Title: Acting Regional Administrator