

SUMMARY

Draft Amendment to the Federal Fiscal Years 2012–2015 Transportation Improvement Program

BACKGROUND

During the course of any federal fiscal year (FFY) there is often information about projects and programs that becomes available and other changes that arise that were not known when the Transportation Improvement Program (TIP) was developed. The metropolitan transportation planning process provides mechanisms for MPOs to adapt their TIPs to these changing conditions: TIP amendments and administrative modifications.

If the change(s) are minor and amount to less than 10% of a project's original cost, the change can be made by administrative modification. If the change is not minor, an amendment is called for. The policy and guidelines for determining which approach is needed and how the public review process will be conducted are explained in the Boston Region MPO's Public Participation Plan. (See the attached excerpted text.)

The Boston Region MPO typically amends its TIP three or four times a year. All year long, staff tracks the development of projects in the region and gathers information from MassDOT, the MBTA, and other project proponents to keep informed on projects' status and to identify any changes that need to be reflected in the TIP.

PROCESS FOR AMENDMENTS AND ADMINISTRATIVE MODIFICATIONS

When an administrative modification or an amendment is needed, staff will ask to schedule a discussion and MPO action at an MPO meeting. The MPO discusses any proposed changes and decides whether to propose amending the TIP. If an amendment is proposed, the MPO conducts a public comment period, which lasts 60 days but may be shortened in emergencies. Conducting the public comment period involves posting a legal notice in the Boston Globe, sending a press release to all newspapers in the region, posting a notice on its website, tweeting the notice, sending one to its one-way list server mpoinfo, and discussing the proposed amendment with the Regional Transportation Advisory Council, which will bring a recommendation to the MPO relaying its views. Comments are gathered and transmitted to the MPO. The MPO meets to discuss the amendment and comments and take action.

AMENDMENT ONE TO THE FFYS 2012–2015 TIP

This month, both the MBTA and MassDOT submitted information and changes that these agencies propose be amended into the TIP. Staff has incorporated this information into the attached Draft Amendment One TIP tables. The color shading throughout the table is intended to help communicate the types of changes proposed and where projects and their related funding may be moved within or even out of the TIP.

The following changes to the Highway Program are proposed:

- Incorporation of Transportation Enhancement funds made available for FFY 2012 to the MPO by MassDOT. MassDOT is providing a one dollar match for every two federal

Transportation Enhancement dollars spent by MPOs. Two target projects funded under the Surface Transportation Program (STP) have components eligible to be funded with these dollars:

- Trapelo Road in Belmont
- Route 9/Oak Street in Natick

The enhancement funds are accounted for in two new categories: the Surface Transportation Program/Enhancement and the Statewide Surface Transportation Program/Enhancement subsections in FFY 2012.

- Adding two discretionary grants (earmarks) for improvements to ferry facilities; one in Salem and another at Pemberton Pier, Hull.
- Adding in FFY 2012 cost increases to three bridges in the Bridge Program:
 - I-95 over Green Street in Foxborough
 - Central Street over the Sudbury River in Framingham
 - Fore River Bridge in Quincy
- Removing in FFY 2012 the Route 2A over I-95 Bridge in Lexington. This project is not likely to be ready in 2012, but remains programmed for construction beginning in 2013.
- Revising in FFYs 2012 through 2014 changes in the Surface Transportation Program/Flex funding for the Central Artery/Tunnel Project. These payment amount changes are due to refinancing.

The following changes to the Transit Program are proposed:

- Implementation of a new category system for the Section 5307 and Section 5309 funds for all federal fiscal years from FFY 2012 moving forward. The new system is recommended by the Federal Transit Administration (FTA) to enhance program flexibility and minimize unnecessary transit amendments. The new categorization will assist FTA's review of the MBTA's grant applications and prevent listing projects in multiple funding programs. In addition, the new categories correspond to those used in the MBTA's Capital Investment Program.
- Programming in FFY 2012 of the MBTA's Section 5307 and 5309 carryover projects from FFYs 2009 through 2011.
- Incorporation in FFY 2012 of the following carryover earmarked funds:
 - Commonwealth Avenue/Kenmore Square Roadway and Pedestrian Improvements in Boston
 - Salem/Beverly Intermodal
 - Three MBTA Ferry System carryover earmarks under Ferry Boat Discretionary funds
- Programming in FFY 2012 of the Transportation Investment Generating Economic Recovery (TIGER) III Grant recently awarded to the MBTA to help fund construction of the Merrimack River Bridge.

PROPOSED MPO ACTION

Staff is recommending the MPO propose the changes to the TIP and begin the public comment period. If the MPO takes this action, the public comment period will begin on Monday, January 23 and end on February 21. The MPO would then be scheduled to take final action on the amendment at the March 1 MPO meeting.

Excerpted Text from the Boston Region MPO's Public Participation Program

provide updated information to the MPO staff. The MPO staff works closely with local officials throughout the TIP development process. In the spring, the MPO holds a Municipal TIP Input Day and an Agency TIP Input Day, days set aside by Transportation Planning and Programming Committee members for listening to proponents discuss their priority projects.

UPWP development also begins in midwinter with the “How-To” Seminars. Outreach continues with consultations with each of the MAPC subregions to identify their needs. The staff continues to communicate with the MAPC subregions on the UPWP and the TIP to learn about their project priorities.

The MPO typically seeks to streamline the participation process for the public by jointly circulating the draft TIP and draft UPWP for the documents’ 30-day public review and comment periods. The public comment periods usually begin in early to mid-summer. The MPO then conducts public workshops in locations around the region to provide opportunities for discussion and gathering input.

Amendments and Administrative Modifications

The MPO may amend any of the certification documents, including a Transportation Improvement Program. The Advisory Council and affected communities and constituencies are notified of pending amendments. Legal notices of amendments are placed in the region’s major English-language newspaper, Spanish-language newspaper, and minority-community newspaper, and are posted on the MPO’s website. Amendments have a 30-day public comment period in advance of MPO action. There may be exceptions in two types of circumstances. In extraordinary circumstances, such as an unforeseen regulatory requirement or funding deadline, the Transportation Planning and Programming Committee may vote to shorten the public comment period by as much as 15 days. In emergency circumstances, such as an existing or impending severe disruption to the integrity or safety of the transportation system that requires immediate action, or if there is a natural or human-caused hazard or disaster or a need to take immediate action to take advantage of an extraordinary funding opportunity, in the public interest, it may be waived.

An extended or an additional public comment period will be provided when a proposed amendment is significantly altered during the initial public comment period (for an extension) or after the close of the initial public comment period (for an additional comment period). The length of an extended public comment period is an additional 15 days from the notification of the extension. An additional public comment period is 30 days from the notification of the additional period.

The Advisory Council is provided an opportunity to develop comments prior to a decision on amendments. The subscribers of the MPOinfo listserv are notified. Municipal and agency representatives and members of the public are invited to attend the Transportation Planning and Programming Committee and MPO meetings at which amendments are discussed, and submit written or oral testimony.

For the Transportation Improvement Program, and consistent with federal guidelines, if a project is valued at \$5 million or less, the threshold for defining an amendment is a change of \$500,000 or more. The threshold for projects valued at greater than \$5 million is 10 percent or more of the project value. Changes below these thresholds may be considered administrative modifications. The Transportation Planning and Programming Committee acts on administrative modifications, and, although no public review period is required, one may be provided at the Committee's discretion.

Significant changes in funding level are announced through a variety of media, including notice on the MPO's website and e-mail notification to the municipalities in the region.

Public Review and Comment Periods for Certification Documents

The Transportation Planning and Programming Committee approves draft certification documents for public review. A comment period begins on the date announced in the legal notice of availability of the document. The Transportation Planning and Programming Committee will make all reasonable efforts to avoid conducting public comment periods and public outreach between December 15 and January 2. Documents and other relevant materials must be available on the MPO's website on the first business day of the public comment period and shortly afterward in compact disc and print formats. After the close of the public comment period, the Transportation Planning and Programming Committee votes to recommend action to the MPO. The MPO then meets to act on the recommendation.

Certification documents are circulated for comment during a 30-day public review period prior to their adoption by the MPO and submission to the Federal Highway Administration and the Federal Transit Administration. Comments are actively solicited in advance of and during review periods for the draft certification documents. Draft documents are distributed to legislators, municipal officials (chief elected officials, highway department directors, planning directors or planning board chairs, and conservation commissions), Regional Transportation Advisory Council members, MAPC representatives, Regional Equity contacts, and public libraries in each community. Notification of the documents' availability for public comment is also sent to all other interested parties and to the contacts noted above. Documents are provided in print and compact disc formats, and in accessible formats upon request.

Announcements of the availability and public comment periods for the certification documents are made through legal notices in the major regional English-language newspaper, Spanish-language newspaper, and minority community newspaper; press releases are sent to regional and local newspapers; and meeting notices are placed in *TRANSREPORT*, posted on the MPO's website, sent through MPOinfo, and if possible, in other print and electronic newsletters in the region. MPO meetings are posted with the Secretary of State and the Office of Administration and Finance. Special efforts are made to reach non-English-speaking residents through community organizations. Announcements include an invitation to comment; dates, places, and times of public workshops to discuss the documents; the date of the close of a public comment period; and instructions on where comments may be submitted. If a public comment period is shortened or waived, the Transportation Planning and Programming Committee will explain the reason in its public comment notice.

The staff regularly reports to the MPO on all comments received and issues raised in all public forums. Written comments, whether received on paper, through the website and its e-forms, or via e-mail, are presented in full and in summarized form to the Transportation Planning and Programming Committee. Summaries of verbal comments at meetings and forums are also prepared. A summary of comments and responses and copies of the original written comments are included as appendices to final documents. Comments and summaries of comments, with the names and addresses of authors, are maintained in MPO records.

The MPO allows adequate time to review and consider public comments, and to make appropriate adjustments. If significant changes to a draft document are made as it is finalized by the MPO or if important new issues are raised in it, an additional public comment period is provided.

The MPO acknowledges receipt of all written comments on certification documents by sending a written reply. If the comment refers to a specific document, a second reply, summarizing the MPO response and providing an explanation, is sent after final adoption of the document.

THE MPO'S MEMORANDUM OF UNDERSTANDING

The most recent Memorandum of Understanding (MOU), approved in December 2001, is available on the MPO's website. The MPO circulates to the public proposed amendments prior to consideration for approval.

DEVELOPMENT OF THE PUBLIC PARTICIPATION PROGRAM

This Public Participation Program is developed in consultation with members of the public and interested parties listed above. It had a 45-day public review and comment period announced with the same steps as those for the certification documents. The final Program is posted on the MPO's website and is distributed on request in the formats used for the certification documents.

The MPO reviews the public participation program's progress and effectiveness on an ongoing basis. The evaluation uses both quantitative and qualitative measures, such as level of event attendance, number of comments received, use of the website, and the level of comfort with process, outcome, and sense of fair treatment. In addition, the MPO will develop a process for identifying measures for understanding the Public Participation Program's effectiveness in achieving its objectives. Evaluations include written and verbal comments provided by participants, and event exit surveys asking for participants' views on the process. The Transportation Planning and Programming Committee then develops and recommends modifications, as it deems necessary.