

ACTION TRANSMITTAL – 2020-05

DATE: January 17, 2020
TO: Technical Advisory Committee
FROM: TAC Funding & Programming Committee
PREPARED BY: Steve Peterson, Manager of Highway Planning and TAB/TAC Process
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SUBJECT: Streamlined TIP Amendment Process
REQUESTED ACTION: Approval of an updated Streamlined TIP Amendment Process.
RECOMMENDED MOTION: That the Technical Advisory Committee recommend to TAB updates to the Streamlined TIP Amendment Process.

BACKGROUND AND PURPOSE OF ACTION: In April of 2014, TAB adopted the attached process for “streamlining” TIP amendment requests. The intent of this process is to reduce the amount of time and number of meetings needed to approve TIP amendments regarded as routine and in need of minimal scrutiny. In this process, the TAC Executive Committee approves requests for streamlining and requests are moved directly to TAB, saving one month in the approval process. Most TIP amendment requests are eligible. Ineligible requests include regionally significant projects and Regional Solicitation-funded projects going through the formal scope change process. In the five-and-a-half years this process has been in place, this is the first consideration of an update, which is being considered for the following reasons:

- Included in the qualifying criteria, specific to Regional Solicitation projects, is the provision that “project changes do not relate to solicitation scoring based on cost effectiveness.” Starting in 2016, the Regional Solicitation has a cost-effectiveness score determined after all other scores are calculated. This criterion is outdated.
- On November 29, 2019, The Twin Cities area became an attainment area for carbon monoxide. While a small area continues its role as a maintenance area for particulate Matter 10 (PM₁₀), few projects will be subject to air quality review. Therefore, an updated definition of “regionally significant” is likely to be written and it makes sense to remove the definition from the policy and simply reference the definition in the Transportation Policy Plan.
- There has been feedback from TAB members that it does not make sense for TAB to hear the details of routine amendment requests and that it might be better for these to be included on the consent agenda.

Given the above rationale, the attached draft update makes the following key changes (pending discussion at the January 15, 2020 TAB meeting):

- Eliminates the separate break-out criteria for Regional Solicitation projects, since the “cost-effectiveness” language is no longer needed.
- Moves requests directly to TAC, a decision made by staff. It still skips TAC Funding & Programming, which enables the one-month time saving to be retained.

- Removes the definition of “regionally significant” in order to be flexible when that definition changes.

RELATIONSHIP TO REGIONAL POLICY: Federal law requires that all transportation projects receiving federal funds must be in an approved TIP and meeting the following four tests: fiscal constraint; consistency with the adopted regional transportation plan; air quality conformity; and opportunity for public input.

COMMITTEE COMMENTS AND ACTION: At its January 16, 2020, meeting, the Funding & Programming Committee voted unanimously to recommend updates to the Streamlined TIP Amendment Process. This includes the addition of “or is a regionally significant project currently in the TIP but is not changing in any way that will impact the regional significance of the project” to the provision of “the project is not a regionally-significant project.” The attached draft process shows the Funding & Programming Committee’s recommended addition in red, underlined text.

ROUTING

TO	ACTION REQUESTED	DATE COMPLETED
TAC Funding & Programming Committee	Review & Recommend	1/16/2020
Technical Advisory Committee	Review & Recommend	
Transportation Advisory Board	Review & Accept	

Metropolitan Council Transportation Improvement Program (TIP) Amendments: Streamlined Process

Conditions for Using a Streamlined Amendment Process

Any project that meets all of these criteria:

- 1) The federal funding for the project is from a program not administered by the Transportation Advisory Board and the Metropolitan Council.
- 2) The project is consistent with the adopted Transportation Policy Plan.
- 3) The project is not a regionally-significant project* or is a regionally-significant project currently in the TIP but is not changing the scope or any other elements that would potentially change the air quality conformity determination.

OR

For projects funded through the Transportation Advisory Board and the Metropolitan Council, any project that meets these criteria as well as criteria 2 and 3 above:

- 4) The project does not relate to a scope change before the committee.
- 5) The project changes do not relate to solicitation scoring based on cost effectiveness.

Process

The TIP amendment request is submitted as usual. Council staff will review each amendment request for these criteria. The Minnesota Interagency Air Quality and Transportation Planning Committee will, in its review of the project for air quality conformity determination, clarify if the project would be eligible for the streamlined process criterion for regional significance (#3). If the project meets the overall criteria, Met Council staff emails the request for streamlining to the TAC Executive Committee, which approves or denies the streamlined process by email. If approved, the amendment moves as an action directly to TAB. If denied, the amendment would move through the full five-committee Council process (TAC Funding & Programming Committee, TAC, TAB, Transportation Committee, and the Metropolitan Council). Information about streamlined amendments could be presented as information to the Funding and Programming Committee and TAC.

Example projects that could use this process:

- Congressional earmarks
- Projects funded through statewide programs, such as Section 5310 transit projects or Safe Routes to School (before 2017).
- Cost increases that do not affect the federal amount or project scope.

**In this context, "regionally significant" refers to the air quality conformity definition, which is: "Regionally significant project means a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternatives to regional highway travel." [EPA Transportation Conformity Rules 93.101]*

A project is generally considered regionally significant in the Twin Cities maintenance area if:

- *It adds one or more travel lanes for over one mile,*
- *It involves the addition of an interchange, or*
- *It involves the reconfiguration of an interchange such that a movement is added or eliminated."*

[Transportation Conformity Procedures for Minnesota: A Handbook for Transportation and Air Quality Professionals, Minnesota Interagency Air Quality and Transportation Planning Committee]

Project sponsor submits TIP amendment request

Met Council TIP staff submits request for air quality & interagency reviews

Met Council TIP staff notifies TAC Executive Committee of submittals that meet streamlining criteria

TAC Executive Committee approves or denies streamlined process

Denied
(10-12 week process)

Amendment follows full five-committee Council process

Approved
(6-8 week process)

Amendment as action item at TAB

Amendment at Transportation Committee

Met Council concurrence

Amendment Process

Transportation Improvement Program (TIP) Amendments: Streamlined Process

Proposed for TAB Adoption: February 19, 2020

TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AMENDMENTS: STREAMLINED PROCESS

Conditions for Using a Streamlined Amendment Process

A TIP amendment request can be streamlined if it meets all of these criteria:

- 1) The project is consistent with the adopted Transportation Policy Plan.
- 2) The project is not a regionally significant project* (as defined in the adopted Transportation Policy Plan) or is a regionally significant project currently in the TIP but is not changing in any way that will impact the regional significance of the project.
- 3) The project does not relate to a formal scope change (per the Transportation Advisory Board's Scope Change Policy) before the committee.

Process

For projects in the PM10 maintenance area, the Minnesota Interagency Air Quality and Transportation Planning Committee will, in its review of the project for air quality conformity determination; any amendments involving changes unable to be exempted from an air quality conformity determination will be deemed regionally significant. If the project meets the three criteria described above, Metropolitan Council staff prepares an action item for Transportation Advisory Committee (skipping TAC Funding and Programming Committee). The item will be discussed at the TAC Executive Committee prior to TAC. If approved by TAC, the action item will be placed on the consent agenda for TAB, Transportation Committee, and the Metropolitan Council. Information about streamlined amendments shall be presented as information to the Funding and Programming Committee.