

MEMORANDUM OF UNDERSTANDING (MOU)

Reading Metropolitan Planning Organization (MPO)

Procedures for FFY 2025 – 2028 Transportation Improvement Program (TIP) Revisions

Background

This Memorandum of Understanding (MOU) between the Pennsylvania Department of Transportation (PennDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), the Reading Area Transportation Study Coordinating Committee (Reading MPO), and the South Central Transit Authority (SCTA) establishes procedures to be used for processing revisions to the FFY 2025-2028 Transportation Improvement Program (TIP).

Definitions

- ***Administrative Modification*** is a minor revision to a Transportation Improvement Program (TIP).
- ***Amendment*** is a revision to a TIP that involves a major change to a project included in a TIP.
- ***Betterment*** consists of surface treatments/corrections to existing roadway [preferably within the Pennsylvania Department of Transportation's (PennDOT's) right-of-way] to maintain and bring the infrastructure to current design standards for that classification of highway. This may involve full depth base repair, shoulder widening, increased lane widths, correction of super-elevation, drainage improvements and guide rail updates.
- ***Change in Scope*** is a substantial alteration to the original intent or function of a programmed project.
- ***Cooperating Parties*** include PennDOT, Reading MPO, SCTA, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA).
- ***Fiscal Constraint Chart*** (FCC) is an Excel spreadsheet or a chart generated by the Multimodal Project Management System (MPMS) that depicts the transfer of funds
- ***Interstate Management (IM) Program*** is PennDOT's four-year listing of statewide interstate maintenance (non-capacity adding) projects.
- ***New Project*** is a project that is not programmed in the current TIP and does not have previous obligations from a prior TIP.
- ***Planning Partner*** is the Reading Area Transportation Study (RATS) or the Reading MPO.
- ***Public Participation Plan (PPP)*** is a documented broad-based public involvement process that describes how the Reading MPO will involve and engage the public in the transportation planning process to ensure that the concerns of stakeholders are identified and addressed in the development of transportation plans and programs.
- ***Reserve Line Item*** holds funds that are not dedicated to a specific project(s) and may be used to cover cost increases or add a new project or project phase(s).
- ***Revision*** is either an Amendment or an Administrative Modification to the TIP.
- ***Statewide Managed Program (Statewide Program)*** includes those transportation improvements or projects that are managed on the Statewide Transportation Improvement Program (STIP), including project selection at the PennDOT Central office level, with possible regional Planning Partner input and solicitation. Examples include but are not limited to Highway Safety Improvement Program (HSIP), Railroad Crossing Program (RRX), and State Transportation Alternatives Set-Aside (TASA) Program projects. The Interstate Management Program (IM) will remain its own individual program.

TIP Administration

FHWA and FTA will only authorize projects and approve grants for projects that are programmed in the current approved TIP. If the MPO, SCTA, or PennDOT wishes to proceed with a federally funded project not programmed on the TIP, a revision must be made.

The federal statewide and metropolitan planning regulations contained in [23 CFR 450](#) govern the provisions for revisions of the MPO TIP. The intent of this federal regulation is to acknowledge the relative significance, importance, and/or complexity of individual programming amendments and administrative modifications. If necessary, [23 CFR 450.328](#) permits the use of alternative procedures by the cooperating parties to effectively manage amendments and/or administrative modifications encountered during a given TIP cycle. Cooperating parties include PennDOT, the MPO, SCTA, FHWA, and FTA. Any alternative procedures must be agreed upon and documented in the TIP.

TIP revisions must be consistent with Pennsylvania's Transportation Performance Management (TPM) requirements, Pennsylvania's Long-Range Transportation Plan (LRTP), and the associated MPO LRTP. In addition, TIP revisions must support Pennsylvania's Transportation Performance Measures, the Transportation Asset Management Plan (TAMP), the Transit Asset Management (TAM) Plan, the Strategic Highway Safety Plan (SHSP) and Congestion Management Process (CMP), as well as PennDOT's Connects policy. Over the years, Pennsylvania has utilized a comprehensive planning and programming process that focuses on collaboration between PennDOT, FHWA, FTA, MPOs/RPOs, and transit agencies at the county and regional levels. This approach will be applied to continue the implementation of TPM and Performance Based Planning and Programming (PBPP). PBPP is PennDOT's ongoing assessment, target setting, reporting and evaluation of performance data associated with the STIP/TIP investment decisions. This approach ensures that each dollar invested is being directed to meet strategic objectives and enhances the overall performance of the Commonwealth's transportation system.

TIP revisions must correspond to the adopted provisions of the MPO's Public Participation Plan (PPP). A PPP is a documented broad-based public involvement process that describes how the MPO will involve and engage the public and interested parties in the transportation planning process to ensure that their comments, concerns, or issues are identified and addressed in the development of transportation plans and programs. A reasonable opportunity for public review and comment shall be provided for significant revisions to the TIP.

Berks County (the Reading MPO) is currently classified as a marginal non-attainment area for ground level ozone. All projects within a nonattainment or maintenance area will be screened for Air Quality significance. PennDOT will coordinate with the MPO to screen Statewide Program projects for Air Quality significance. If a revision adds a project, deletes a project, or impacts the schedule or scope of work of an air quality significant project in a nonattainment or maintenance area, a new air quality conformity determination will be required if deemed appropriate by the PennDOT Air Quality Interagency Consultation Group (ICG). If a new conformity determination is deemed necessary, an **amendment** to the MPO's TIP shall also be developed and approved by the MPO. The modified conformity determination should be based on the amended TIP conformity analysis and follow public involvement procedures consistent with the MPO's PPP. Upon adoption of the revised conformity determination, air quality resolution and amended TIP, the MPO will then provide a formal request to PennDOT to submit the determination to FHWA/FTA for their review and approval. FHWA and FTA will coordinate with EPA to achieve concurrence and then subsequently issue a joint approval on the air quality conformity determination.

The federal planning regulations, 23 CFR 450.324(a) & (c) and 23 CFR 450.330(c), define update cycles for MPO LRTPs. Per 23 CFR 450.330(c), "Until the MPO approves (in attainment areas) or the FHWA and the FTA issue a conformity determination on (in nonattainment and maintenance areas) the updated metropolitan transportation plan, the MPO may not amend the TIP." MPOs in air quality

nonattainment and maintenance areas are required to update their LRTP every 4 years, and their LRTP clock is reset with the joint FHWA/FTA air quality conformity action on their adopted plan. If the LRTP in a nonattainment or maintenance area has expired due to lack of a conformity approval, the MPO cannot amend the LRTP or TIP and the State cannot amend the affected portion of the STIP. This includes any projects on the IM TIP or Statewide TIP occurring within the MPO/RPO area. Accordingly, MPOs/RPOs in nonattainment or maintenance areas should allow at least 60-90 days between Board adoption and their LRTP conformity expiration date to allow for the necessary federal coordination and joint approval processes to be completed.

TIP Revisions

In accordance with the federal transportation planning regulations [23 CFR 450](#), revisions to the TIP will be handled as an *Amendment* or an *Administrative Modification* based on agreed upon procedures detailed below.

An *Amendment* is a revision to the TIP that:

- **Affects air quality conformity regardless of the cost of the project or the funding source.**
- Adds a new federally funded project or federalizes a project that previously was 100% state and/or locally funded. A new project is a project that is not programmed in the current TIP and does not have previous Federal obligations.
- Deletes a project that utilizes federal funds, except for projects that were fully obligated in the previous TIP and no longer require funding. In this case, removal of the project will be considered an administrative modification.
- Adds a new phase(s), deletes a phase(s) or increases/decreases a phase(s) of an existing project that utilizes federal funds where the total revision of federal funds exceeds the following thresholds within the four years of the TIP:
 - \$10 million for the Interstate Management (IM) Program;
 - \$3 million for MPOs with most recent US Census Urbanized Areas (UZA) population $\geq 200,000$ but $< 1,000,000$;
 - \$1 million for other federally funded Statewide Programs.
- Involves a change in the scope of work to a project(s) that would:
 - Result in an air quality conformity reevaluation.
 - Result in a revised total project programmed amount that exceeds the thresholds established between PennDOT and the MPO;
 - Result in a change in the scope of work on any federally funded project that is significant enough to essentially constitute a new project.

Approval by the MPO is required for *Amendments*. The MPO must then initiate PennDOT Central Office approval using the eSTIP process. An eSTIP submission must include a Fiscal Constraint Chart (FCC) that clearly summarizes the before amounts, requested adjustments, after change amounts, and detailed comments explaining the reason for the adjustment(s), and provides any supporting information that may have been prepared. The FCC documentation should include any administrative modifications that occurred along with or were presented with this amendment at the MPO/RPO meeting. The supporting documentation should include PennDOT Program Management Committee (PMC) and Center for Program Development and Management (CPDM) items/materials, if available. Before beginning the eSTIP process, the Planning Partner/District/CPDM staff should ensure that projects involved in the eSTIP are meeting funding eligibility requirements and have the proper air quality conformity status and region exempt codes (as appropriate) in PennDOT's Multimodal Project Management System (MPMS).

All revisions associated with an amendment, including any supporting administrative modifications, should be shown on the same FCC, demonstrating both project and program fiscal constraint. The identified grouping of projects (the entire action) will require review and/or approval by

the cooperating parties. In the case that a project phase is pushed out of the TIP period, the MPO/RPO and PennDOT will demonstrate, through a FCC, fiscal balance of the subject project phase in the second or third four years of the TYP and/or the respective regional LRTP.

The initial submission and approval process of the Interstate Program and other federally funded Statewide Programs and increases/decreases to these programs which exceed the thresholds above will be considered an amendment and require approval by PennDOT and FHWA/FTA (subsequent placement of these individual projects or line items on the MPO's TIP will be considered an administrative modification). In the case of Statewide Programs, including the IM Program and other federally funded statewide programs, approval by PennDOT's PMC and FHWA is required. Statewide managed transit projects funded by FTA programs and delivered via Governor's apportionment are selected by PennDOT pursuant to the Pennsylvania State Management Plan approved by FTA. These projects will be coordinated between FTA, PennDOT, the transit agency and the MPO and should be programmed within the TIP of the urbanized area where the project is located. These projects and the initial drawdown will be considered an amendment to the Statewide Program.

An ***Administrative Modification*** is a minor revision to the MPO TIP that:

- Adds a new phase(s), deletes a phase(s) or increase/decreases a phase(s) of an existing project that utilizes federal funds and does not exceed the thresholds established for an Amendment..
- Adds a project from a funding initiative or line item that utilizes 100 percent state or non-federal funding;
- Adds a project for emergency relief (ER) program, except those involving substantial functional, location, or capacity changes;
- Adds a project, with any federal funding source, for immediate emergency repairs to a highway, bridge or transit project where in consultation with the relevant federal funding agencies, the parties agree that any delay would put the health, safety, or security of the public at risk due to damaged infrastructure.
- Draws down or returns funding from an existing TIP reserve line item and does not exceed the threshold established in the MOU between PennDOT and the MPO. A reserve line item holds funds that are not dedicated to a specific project(s) and may be used to cover cost increases or add an additional project phase(s) to an existing project;
- Adds federal or state capital funds from low-bid savings, de-obligations, release of encumbrances, or savings on programmed phases to another programmed project phase or line item and does not exceed the thresholds for an Amendment;
- Splits a project into two or more separate projects or combines two or more projects into one project to facilitate project delivery without a change of scope or type of funding;
- Adds, advances, or adjusts federal funding for a project utilizing August Redistribution obligation authority based upon the documented August Redistribution Strategic Approach.

Administrative Modifications do not affect air quality conformity, nor involve a significant change in the scope of work to a project(s) that would trigger an air quality conformity re-evaluation; do not add a new federally-funded project or delete a federally-funded project; do not exceed the threshold established in the MOU between PennDOT and the MPO, or the threshold established by this MOU (as detailed in the Amendment Section aforementioned); and do not result in a change in scope, on any federally-funded project that is significant enough to essentially constitute a new project. A change in scope is a substantial alteration to the original intent or function of a programmed project.

Administrative Modifications do not require federal approval. PennDOT and the MPO will work cooperatively to address and respond to any FHWA and/or FTA comment(s). FHWA and FTA reserve the right to question any administrative modification that is not consistent with federal regulations or with this MOU where federal funds are being utilized.

Transit – Funds Related to Prior–Year Unobligated Funds

This section relates to Federal Transit funds which have been programmed for obligation in a Federal Fiscal Year (FFY), but which have not been obligated in an FTA grant in the current FFY. FTA requires all funds to be shown in the year of obligation in compliance with 23 CFR 450.326(g). Federal Transit funding – including Section 5307 and Section 5337 funds – which are apportioned and programmed but not obligated in the year of programming may be shifted to the next FFY and considered eligible as an Administrative Modification unless the project is undergoing significant changes as well.

Fiscal Constraint

Demonstration that TIP fiscal constraint is maintained takes place through an FCC. Real time versions of the TIP are available to FHWA and FTA through PennDOT's Multimodal Project Management System (MPMS). All revisions must maintain year-to-year fiscal constraint, per [23 CFR 450.218\(l\)&\(m\)](#) and [23 CFR 450.326\(g\)\(j\)&\(k\)](#), for each of the four years of the TIP. All revisions shall account for year of expenditure (YOE) and maintain the estimated total cost of the project or project phase within the time-period [i.e., fiscal year(s)] contemplated for completion of the project, which may extend beyond the four years of the TIP. The arbitrary reduction of the overall cost of a project, or project phase(s), shall not be utilized for the advancement of another project.

TIP Financial Reporting

PennDOT will provide reports to each MPO and FHWA no later than 30 days after the end of each quarter and each Federal Fiscal Year (FFY). At a minimum, this report will include the actual federal obligations and state encumbrances for highway/bridge projects by the MPO and Statewide. In addition, PennDOT will provide the Transit Federal Capital Projects report at the end of each FFY to all of the parties listed above and FTA. These reports can be used by the MPO as the basis for compiling information to meet the federal annual listing of obligated projects requirement in [23 CFR 450.334](#). Additional content and any proposed changes to the report will be agreed upon by PennDOT, FHWA and FTA.

TIP Transportation Performance Management

In accordance with [23 CFR 450.326\(c\)](#), PennDOT and the MPO will ensure that TIP revisions promote progress toward achievement of performance targets.

Statewide or Multi- UZA Transit Projects

Statewide managed transit projects funded by FTA programs and delivered via Governor's apportionment are selected by PennDOT pursuant to the Pennsylvania State Management Plan approved by the FTA. These projects should be programmed within the TIP of the urbanized area where the project is located.

MPO TIP Revision Procedures

As the MPO TIP is adopted, this MOU between PennDOT and the MPO will be included with the TIP documentation. The MOU will clarify how the MPO will address all TIP revisions. **In all cases, individual MPO revision procedures will be developed under the guidance umbrella of this document.** If the MPO elects to set more stringent procedures, then FHWA and FTA will adhere to those more restrictive procedures.

This Memorandum of Understanding will begin October 1, 2024, and remain in effect until September 30, 2026, unless revised or terminated. Furthermore, it is agreed that this MOU will be reaffirmed every two years.

We, the undersigned, hereby agree to the above procedures and principles:

Ms. Kristin Mulkerin
Deputy Secretary for Planning
Pennsylvania Department of Transportation

Date

Mr. Chris Kufro
Chairman
Reading Metropolitan Planning Organization

Date

Mr. Gregory Downing
Executive Director
South Central Transit Authority

Date