

MEMORANDUM OF UNDERSTANDING
Lancaster County Metropolitan Planning Organization (MPO)
Procedures for 2025-2028
Transportation Improvement Program and Transportation Improvement
Program Revisions

Background

This Memorandum of Understanding (MOU) between the Pennsylvania Department of Transportation (PennDOT), the Lancaster County Transportation Coordinating Committee (LCTCC), and South Central Transit Authority (SCTA) establishes procedures to be used for processing revisions to the 2025-2028 Lancaster Transportation Improvement Program (TIP). This agreement is based on the agreement between PennDOT, Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) procedures to modify the Statewide Transportation Improvement Program (STIP), which is the aggregation of the Metropolitan Planning Organization (MPO) and Rural Planning Organization (RPO) Transportation Improvement Programs (TIPs), including the Interstate Management (IM) Program and other statewide managed programs (Statewide Programs).

TIP Administration

FHWA and FTA will only authorize projects and approve grants for projects that are programmed in the current approved STIP. If a MPO/RPO, transit agency, 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 STIP and individual MPO TIPs. 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, MPOs, RPOs, FHWA, FTA, and transit agencies. 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 connects 2050, metropolitan transportation plan for Lancaster County. 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 Plan (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, and MPOs/RPOs, and transit agencies at the county and regional levels. This approach will be applied to begin 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 Lancaster Public Participation Plan (LPPP). The LPPP is a documented broad-based public involvement process that describes how the Lancaster 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.

All projects within a non-attainment or maintenance area will be screened for Air Quality significance. PennDOT will coordinate with Lancaster's 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 Lancaster TIP shall also be developed and approved by the Lancaster MPO. The modified conformity determination should be based on the amended TIP conformity analysis and follow public involvement procedures consistent with the Lancaster Public Participation Plan. Upon adoption of the revised conformity determination, air quality resolution and amended TIP, the Lancaster 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/RPO 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/RPOs 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/RPO 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.

MPOs/RPOs in orphan maintenance or attainment areas are required to update their LRTP every 5 years, and their LRTP clock is reset with Board adoption of their plan. If an orphan maintenance or attainment area MPO/RPO does not adopt their LRTP by the expiration deadline, their LRTP will expire. During an LRTP expiration, the MPO/RPO cannot amend the LRTP or TIP and the State cannot amend the affected portion of the STIP.

Pennsylvania STIP/TIP Revisions

In accordance with the federal transportation planning regulations [23 CFR 450](#) revisions to the STIP/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 STIP/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 STIP/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 STIP/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:
 - \$3 million.

- 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 \$3 million threshold established between PennDOT and the Lancaster MPO;
 - Results 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 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, MPO 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 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 respective MPO TIPs 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 associated 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 a 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 above.
- 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 above thresholds;
- 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 Lancaster 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 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 FFY. At a minimum, this report will include the actual federal obligations and state encumbrances for highway/bridge projects by 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. The reports can be used by the MPO as the basis for compiling information to meet the federal annual listing of obligated projects requirement [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.

The Keystone Corridor (Pennsylvania portion) is the in-State and commuter rail service funded by PennDOT and FTA on the Amtrak rail line that runs between Philadelphia and Harrisburg. Keystone Corridor projects are funded within the three-contiguous large urbanized areas (UZA) – Harrisburg, Lancaster, and Philadelphia. The entire amount of federal funds applied to Keystone Corridor Projects shall be programmed on the TIP of the UZA from which the funds originate. If the Project is located within a UZA that is not the UZA from which the funds originate, then the Project shall be listed in the TIP (of the UZA where the Project is located) as a “Keystone Corridor Project”, the use of the funding and amount shall be noted in the project description, and the funding amount shall be entered as \$0. The funds should only be noted for information and air quality conformity determination purposes, but not programmed, in the TIP where the Project is to avoid the double counting of programmed funds within the two TIPs. For instance, if federal funding from the Lancaster UZA is applied to the restoration of a Keystone Corridor station located in the Philadelphia UZA, then the full amount of the federal funding for the Project shall be programmed on the Lancaster TIP, and for information and air quality conformity purposes, the Project shall also be listed on the Delaware Valley Regional Planning Commission (DVRPC) TIP as “Keystone Corridor Station Restoration” along with notations per-above and the federal funding amount will be listed as \$0.

MPO TIP Revision Procedures

As the TIP is adopted, this MOU with PennDOT and the Lancaster MPO will be included with the TIP documentation. The MOU will clarify how the MPO will address all TIP revisions. **The Lancaster TIP Revisions MOU has been developed under the guidance umbrella of the agreement between PennDOT, FHWA and FTA.** This MOU has not adopted more stringent procedures, then the MOU between PennDOT, FHWA and FTA.

This document will serve as the basis for PennDOT when addressing federally funded Statewide Program TIP revisions.

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:

Ray D'Agostino, Chairman
Lancaster County Metropolitan Planning Organization

Date

Gregory Downing
Executive Director
South Central Transit Authority

Date

Mr. Larry S. Shifflet
Deputy Secretary for Planning
Pennsylvania Department of Transportation

Date