



Overview

The establishment of a process to address periodic requests to revise the MAG Regional Transportation Plan (RTP) will help determine whether an amendment should be made. There are three general sources for RTP amendment requests: (1) local requests from city or county elected officials that usually involve collector roads, minor arterials, active transportation projects, and/or Wasatch Choice land use centers; (2) environmental impact statements (EIS) or Transportation Improvement Program (TIP) amendments that make specific recommendations that change the RTP project listing or phasing; and (3) periodic requests from the Utah State Legislature, the Utah Department of Transportation (UDOT), or the Utah Transit Authority (UTA) that require an amendment to the RTP for new projects or the phasing of existing projects due to funding changes. Changes to the RTP require justification using a data-driven approach.

Each modification to the RTP must follow one of three actions. Level 1 modifications can be made by the MAG staff without action by the MPO Board or Federal Highway Administration (FHWA). Level 2 modifications do not require a new regional emissions analysis but do need approval by the MPO Board, and a conformity determination from FHWA. Level 3 modifications require a new air quality conformity finding and a new regional emissions analysis including a full 30-day public comment period before final approval. These three levels of amendments are described below.

Level 1: Staff Modification (Exempt Projects)

Level 1 Staff Modifications include safety, transit, air quality, and other projects that are minor in terms of emissions and are defined as projects “exempt” from the requirements of a conformity determination as listed in Table 2 of CFR 93.126 and the following:

- change to existing or addition of operational projects, excluding modifications to intersections
- change or addition of active transportation projects
- clarification of the RTP’s project description
- change in ownership
- technical corrections
- change that only modifies needs-based phasing

Level 1: Process

These types of RTP amendments would be reviewed by MAG staff members and the Interagency Consultation Team (ICT). If the ICT determines that the proposed projects are exempt, the modification could be implemented without additional process beyond that listed in the Level 1 procedure below. Level 1 modifications would require approval by the MAG Executive Director with the MPO Board and the Technical Advisory Committee (TAC) informed of changes. MAG staff, MPO Board Chair/Vice-Chair, and/or Interagency Consultation Team can recommend a project be elevated to Level 2: Board Modification based on factors including potential impacts, professional judgment, or lack of consensus. With the expressed support of the ICT, MAG would declare in writing that the proposed amendments are exempt from conformity requirements and request written acknowledgment of this decision from FHWA. The approval of Level 1 modification would require the following procedure:

- A. Formal request submitted to MAG by the local community elected official or the transportation agency planning or regional director.
- B. MAG staff review and coordination with ITC (including a written description of all the proposed modifications in sufficient detail to assess the scope of the proposed changes) and sponsoring agency representatives – planners, engineers, and/or elected officials.
- C. MAG staff coordination with the FHWA to document that the proposed changes meet all the requirements above for exempt projects and a Level 1 Staff Modification.
- D. MAG staff recommendation and review with the MPO Board Chair and Vice-Chair.
- E. MAG MPO Director approval.
- F. Inform MPO Board and TAC.
- G. Respective entities may be notified of the change.
- H. Update and notification of the modification on the MAG and Unified Plan websites including any tables, spreadsheets, and/or maps.

Level 2: Board Modification (Non-Exempt, Non-Regionally Significant Projects)

Level 2 Board Modifications are nonexempt projects but also are not regionally significant projects. These types of amendments require a new conformity determination (a letter from FHWA stating that the existing conformity determination remains valid), but do not require a new regional emissions analysis. Level 2 projects include those listed in Table 3 of CFR 93.127 and the following:

- change to existing or addition of operational projects, specifically including modifications to intersections
- change to existing or addition of collector or minor arterial new construction or roadway widening projects
- change to existing project right-of-way or addition of roadway or transit corridor preservation projects
- change to existing or addition of transit routes that are not on fixed guideways
- change to the existing RTP functional classification, but not higher than minor arterial

Level 2: Process

The MAG RTP amendment process has several steps and requirements. The following steps and required documentation identify the minimum application requirements for an amendment to the RTP involving any current or proposed project on the data-driven list. Additional documentation may be required for staff to process the application.

These types of RTP modifications would be reviewed by MAG staff and the ICT; sponsoring local community planners, engineers, and/or elected officials; the Federal Highway Administration; the MPO Board; TAC; and the general public. If the ICT determines that the proposed changes do not involve significant changes in design or scope to regionally significant facilities, the amendment can proceed without a new regional emissions analysis. MAG would declare in writing that the ICT has decided that the existing conformity determination remains valid and requests concurrence with this determination from FHWA. The ICT or the MPO Board could recommend a formal 30-day public comment period if desired. The approval of Level 2 amendments would require the following procedure:

- A. Formal request submitted to MAG by either a local community elected official or transportation agency planning director or regional director.
- B. MAG staff will provide the applicant with comments including the feasibility of the amendment.
- C. MAG staff review and coordinate with the ICT (including a written description of all the proposed modifications in sufficient detail to assess the scope of the proposed changes) and sponsoring agency representatives – planners, engineers, and/or elected officials.
- D. MAG staff financial constraint analysis in coordination with the sponsoring agency.
- E. MAG staff correspondence with the FHWA to obtain concurrence that the existing regional emissions analysis remains valid, but a new conformity determination is required.

- F. MAG staff data collection, travel demand modeling, and technical considerations.
- G. Review and recommendation by TAC.
- H. Approval by the MPO Board.
- I. Respective entities may be notified of the change.
- J. Update and notification of amendment changes on the MAG and Unified Plan websites including any tables, spreadsheets, and/or maps.

Level 3: Full Amendment

These types of amendments would involve any change or modification to a regionally significant project as defined by either the RTP or through inter-agency consultation. MAG defines a project to be regionally significant as follows:

Regionally significant highway projects are identified as capacity projects on roadways functionally classified as a principal arterial or higher order facility, and certain minor arterials as identified through the interagency consultation process. The latest Utah Department of Transportation Functional Classification map is used to identify functional classification. Regionally significant transit projects are identified as fixed guideway transit to include bus rapid transit with predominantly exclusive lanes, light rail, and commuter rail.

Level 3 amendments may include all of the following circumstances:

- Significant change in the design or scope of a regionally significant transportation project such as the number of lanes or length
 - Termini more than ½ mile
 - Addition or subtraction of a primary transportation feature
- a significant change in the location, type, or size of a fixed guideway transit facility or station
- change in the recommended financially constrained phasing of a regionally significant transportation project
- the addition or deletion of any regionally significant transportation project to the RTP
- change to the existing RTP functional classification, higher than minor arterial

Level 3: Process

These types of RTP amendments would be reviewed by MAG staff and the ICT; sponsoring local community planners, engineers, and/or elected officials; FHWA; TAC; the MPO Board; and the general public. MAG would declare in writing that the ICT has decided that a new conformity determination and regional emissions analysis are required and request concurrence with this determination from FHWA. The approval of Level 3 amendments would require the following procedure:

- A. Formal request submitted to MAG by either a local community elected official or transportation agency planning director or regional director.
- B. MAG staff review and coordinate with the ICT (including a written description of all the proposed amendments in sufficient detail to assess the scope of the proposed changes), and sponsoring agency representatives – planners, engineers, and/or elected officials.
- C. MAG staff financial constraint analysis in coordination with sponsoring agency.
- D. A new regional emissions analysis and air quality conformity determination as per current modeling procedures.
- E. MAG staff correspondence with the FHWA to obtain concurrence with the new regional emissions analysis and conformity determination.
- F. MAG staff data collection, travel demand modeling, and technical considerations.
- G. Review and recommendation by the TAC.
- H. Review and recommendation by the MPO Board for public comment.
- I. 30-day public comment would be noticed and a staff report provided.
- J. A written staff response within 30-days of the end of the comment period to all public comments received.
- K. Review and recommendation by the MPO Board (if additional regionally significant modifications are necessary as a result of the comment period, then a new 30-day comment period could be warranted).
- L. Review and approval by the MPO Board.
- M. Respective entities may be notified of the change.
- N. Update and notification of amendment changes on the MAG and Unified Plan websites including any tables, spreadsheets, and/or maps.

Dispute Resolution

If a question arises on the interpretation of or the determination of the appropriate modification level, the MPO, UDOT, FHWA, and/or FTA will consult with each other to resolve the question. If after consultation, the parties disagree on the definition of what constitutes an amendment or administrative modification, the final decision rests with FHWA for highway projects and FTA for transit projects.

Table 2—Exempt Projects

Safety

Railroad/highway crossing.
Projects that correct, improve, or eliminate a hazardous location or feature.
Safer non-Federal-aid system roads.
Shoulder improvements.
Increasing sight distance.
Highway Safety Improvement Program implementation.
Traffic control devices and operating assistance other than signalization projects.
Railroad/highway crossing warning devices.
Guardrails, median barriers, crash cushions.
Pavement resurfacing and/or rehabilitation.
Pavement marking.
Emergency relief ([23 U.S.C. 125](#)).
Fencing.
Skid treatments.
Safety roadside rest areas.
Adding medians.
Truck climbing lanes outside the urbanized area.
Lighting improvements.
Widening narrow pavements or reconstructing bridges (no additional travel lanes).
Emergency truck pullovers.

Mass Transit

Operating assistance to transit agencies.
Purchase of support vehicles.
Rehabilitation of transit vehicles¹.
Purchase of office, shop, and operating equipment for existing facilities.
Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.).
Construction or renovation of power, signal, and communications systems.

Construction of small passenger shelters and information kiosks.

Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).

Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way.

Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet¹.

Construction of new bus or rail storage/maintenance facilities categorically excluded in [23 CFR part 771](#).

Air Quality

Continuation of ride-sharing and van-pooling promotion activities at current levels.

Bicycle and pedestrian facilities.

Other

Specific activities which do not involve or lead directly to construction, such as:

Planning and technical studies.

Grants for training and research programs.

Planning activities conducted pursuant to titles 23 and 49 U.S.C.

Federal-aid systems revisions.

Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action.

Noise attenuation.

Emergency or hardship advance land acquisitions ([23 CFR 710.503](#)).

Acquisition of scenic easements.

Plantings, landscaping, etc.

Sign removal.

Directional and informational signs.

Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities).

Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes.

Table 3—Projects Exempt From Regional Emissions Analyses

- Intersection channelization projects.
- Intersection signalization projects at individual intersections.
- Interchange reconfiguration projects.
- Changes in vertical and horizontal alignment.
- Truck size and weight inspection stations.
- Bus terminals and transfer points.

Definitions

Administrative modification means a minor revision to a long-range statewide or metropolitan transportation plan, Transportation Improvement Program (TIP), or Statewide Transportation Improvement Program (STIP) that includes minor changes to project/project phase costs, minor changes to funding sources of previously included projects, and minor changes to project/project phase initiation dates. An administrative modification is a revision that does not require public review and comment, a redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas).

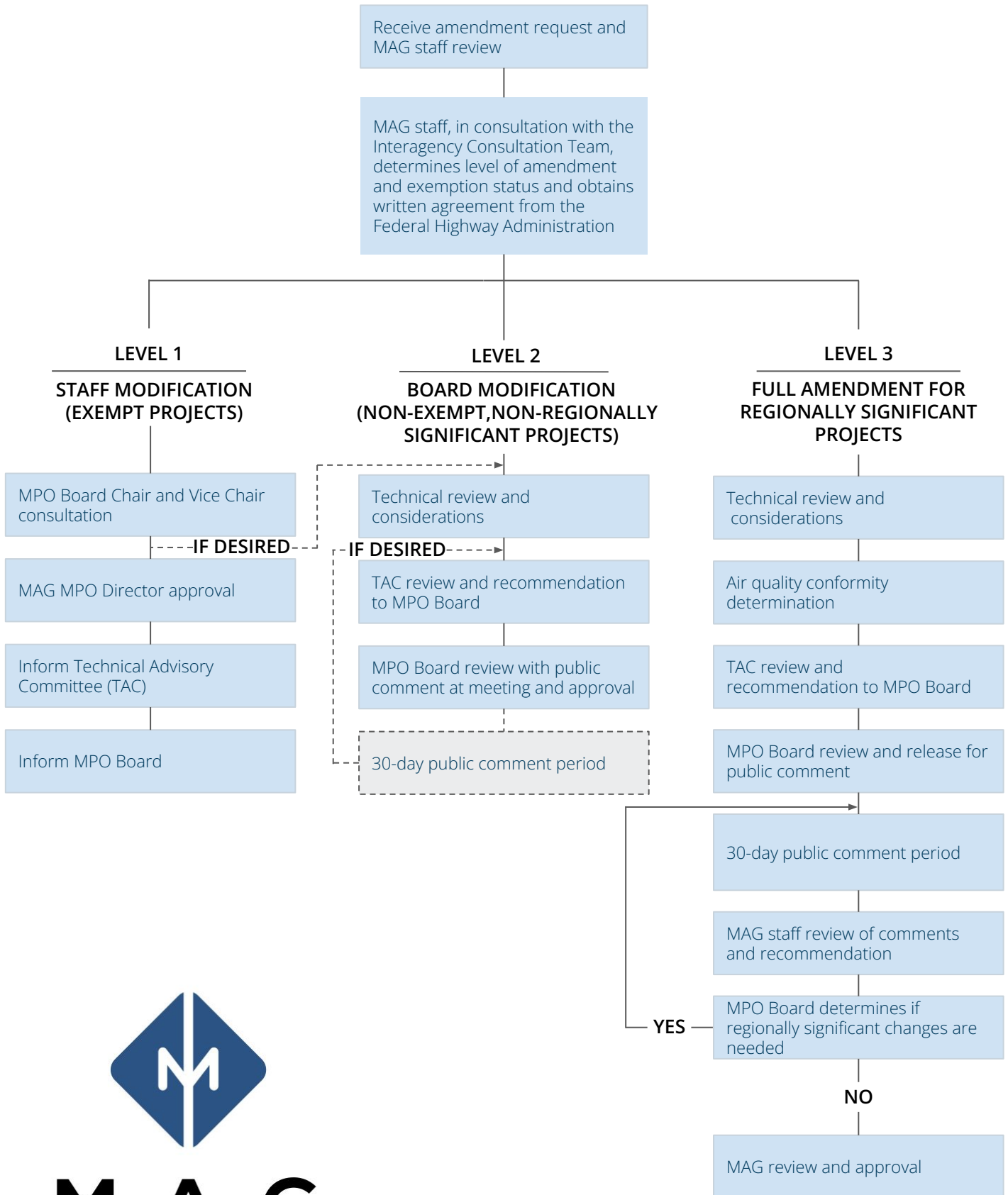
Amendment means a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes or changing the number of stations in the case of fixed guideway transit projects). Changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment and a redemonstration of fiscal constraint. If an amendment involves “non-exempt” projects in nonattainment and maintenance areas, a conformity determination is required.

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 alternative to regional highway travel.

Financial plan means documentation required to be included with a metropolitan transportation plan and TIP (and optional for the long-range statewide transportation plan and STIP) that demonstrates the consistency between reasonably available and projected sources of Federal, State, local, and private revenues and the costs of implementing proposed transportation system improvements.

Financially constrained or Fiscal constraint means that the metropolitan transportation plan, TIP, and STIP includes sufficient financial information for demonstrating that projects in the metropolitan transportation plan, TIP, and STIP can be implemented using committed, available, or reasonably available revenue sources, with reasonable assurance that the federally supported transportation system is being adequately operated and maintained. For the TIP and the STIP, financial constraint/fiscal constraint applies to each program year. Additionally, projects in air quality nonattainment and maintenance areas can be included in the first 2 years of the TIP and STIP only if funds are “available” or “committed.”

Regional Transportation Plan Amendment Process



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