

DRAFT POLICY STATEMENT

Board Policy No. 2024-01

Adopted: December 18, 2023
By: COMPASS Board of Directors
Last Revision: August 15, 2022

Policy Statement:

COMPASS Regional Transportation Improvement Program (TIP) Amendments

Background:

COMPASS updates the TIP on an annual basis, similar to the Idaho Transportation Department's (ITD's) Statewide Transportation Improvement Program (STIP) update schedule. COMPASS works closely with ITD, Valley Regional Transit, and other member agencies to keep the TIP as accurate as possible throughout the fiscal year, as changes to projects are certain to occur.

Process:

A change is processed through an amendment, which requires approval by the COMPASS Board of Directors and public involvement, or an administrative modification, which requires approval by the COMPASS Executive Director.

- Amendments
 - Triggered by:
 - Notification of changes from ITD, the Local Highway Technical Assistance Council (LHTAC), Valley Regional Transit, or local agencies.
 - Balancing actions, following Urban or Transportation Management Area (TMA) balancing guidelines.
 - Other considerations:
 - Need a recommendation by the Regional Transportation Advisory Committee (RTAC) in most cases. The RTAC recommendation may be waived by the COMPASS Board of Directors or Executive Committee if the timing is limited.
 - Require a public comment period as noted in the attached matrix (page 3) and following procedures outlined in the COMPASS Participation Plan.
 - Require proof of programmatic financial constraint.
- Administrative Modifications
 - Triggered by:
 - Notification of changes from ITD, LHTAC, Valley Regional Transit, or local agencies.
 - Balancing actions, following Urban or TMA balancing guidelines.
 - Other considerations:
 - Could need a recommendation by RTAC.
 - Require proof of programmatic financial constraint.
 - Included as information items in next COMPASS Board packet.
 - Emailed to RTAC.

For the purposes of this policy, state or locally-funded “regionally significant” projects are treated the same as federal-aid projects. See the definition developed by the Interagency Consultation Committee (ICC) on Endnote iii, page 4.

The matrix on the following pages provides criteria that outline how COMPASS will process requested changes to one or more TIPs.

Previous Policy:

This policy replaces the TIP Amendment Policy approved by the COMPASS Board of Directors on August 15, 2022, policy number Board 2022-02.

Links to More Information:

Additional and related information can be found online.

- ITD’s STIP/TIP Amendment and Administrative Modification Process: <https://itd.idaho.gov/funding/>
- COMPASS Public Involvement Process: <https://compassidaho.org/public-involvement-plans/>
- TIP Policies and Procedures: <https://compassidaho.org/resourcedevelopment/#FundPol>

Type of Action		Amendment	Administrative Modification
Action Required	Includes Public Involvement ⁱ	BOARD ACTION	STAFF ACTION (No Board Action)
1. Add or remove a regionally significant, non-exempt project to/from any year in the TIP	X	X	
2. Add or remove non-regionally significant, exempt a project to/from any year in the TIP, if the project is considered "exempt" per 40 USC 93.126ⁱⁱ and is not regionally significant ⁱⁱⁱ	X		X
3. Make major changes to any project in any year in the TIP using the following guidelines: a. The project's total project cost changes by at least \$5,000,000 <u>OR</u> the percentage change is at least 30% <u>AND</u> at least \$1,000,000. b. Major ^{iv} change to project scope. c. Major ^v change to project location limits.	X	X	
4. Advance or delay funds if all funds are not within the first four years of the program. ^{vi}	X	X	
5. Add or remove a project to/from a current TIP during the period between approval of a new TIP by the COMPASS Board and federal agencies. Additional public comment is not required if the project was provided for public comment during the development of the new TIP. ^{vii} Proof of fiscal constraint is required.	X	X	
6. Changes other than those categorized as major changes in #3 above, such as minor cost changes, advances, and delays to projects within the first four years of the TIP; name changes; and advanced construction in the year prior to the programmed year.			X
7. Changes within a "Suite of Projects" that fit criteria within the overall corridor ^{viii}			X

No action is needed in the following circumstances:

- Changes less than \$100,000.
- Projects that fall under the Emergency Relief Program ([23 USC 125^{ix}](#)) for Permanent Repair within the first 270 days post-disaster. After that time, they follow the modification criteria above.
- Changes to an improvement type that do not impact funding, scope of project, or trigger an amendment.
- Release of funds due to project closeout, reconciling differences between engineer's estimate and award amounts, and project cost savings.
- Projects funded through the Federal Lands Access Program or Federal Lands Transportation Program, unless administered by ITD or LHTAC, will be included in the TIP.
- After construction funds are obligated.

Endnotes

ⁱ If ITD is soliciting public comment for the same changes to be made to the STIP or if the sponsoring agency has already solicited public comment on the project, an additional public comment period may not be required. The need for public comment is determined by the COMPASS Executive Director after review of a description of the sponsoring agency's process. If approved by the Executive Director, a description of ITD's or the sponsoring agency's public comment process and comments received will be provided with the action.

ⁱⁱ Definition of "exempt" – generally roadway projects that are operational in nature, most public transportation projects, bicycle and pedestrian facilities, and other activities that are not directly related to roadway construction. (Additional detail provided in 40 USC 93.126: <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-93/subpart-A/section-93.126>)

ⁱⁱⁱ **Regionally Significant Projects**

Regional emissions analyses, for the purpose of demonstrating transportation conformity of a TIP or long-range plan, must include all regionally significant and/or federally funded projects in the nonattainment or maintenance area.

40 CFR 93.10115 defines a regionally significant project as:

... 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.

Idaho Administrative Code (IDAPA 58.01.01.566) further defines a regionally significant project as:

A transportation project, other than an exempt project, that is on a facility which serves regional transportation needs... and would normally be included in the modeling of a metropolitan area's transportation network, including, at a minimum:

- a. All principal arterial highways;
- b. All fixed guideway transit facilities that offer an alternative to regional highway travel; and
- c. Any other facilities determined to be regionally significant through Section 570, interagency consultation.

The ICC maintains discretionary authority in interpreting and applying these definitions to the area's transportation programs, plans, and projects. Definitions for regionally significant road projects and regionally significant transit projects, as developed by the ICC, are below. For the purposes of this conformity determination, all applicable roadway projects, despite their significance, were included in the travel demand model networks.

Regionally Significant Roadway Project Definition

On January 30, 2002, the ICC developed the following definition of a "Regionally Significant" transportation project:

A transportation project in Ada County, Idaho is designated "Regionally Significant" if:

- (a) the project is for the improvement of either:
 - (i) a principal arterial or higher functional classification; or
 - (ii) a minor arterial which will have a twenty (20) year projected traffic volume of at least 45,000 vehicles a day after completion of the project; and
- (b) the project will add at least one new continuous vehicular lane which either:
 - (i) extends from one intersecting principal or minor arterial to another intersecting principal or minor arterial; or
 - (ii) in the case of an interstate, extends from the on-ramp of one interstate interchange to a point beyond the off-ramp of the next adjacent interstate interchange.

Regionally Significant Transit Project Definition

On August 31, 2005, the ICC adopted the following definition of a "Regionally Significant" transit project:

A transit project in Ada County, Idaho is designated "Regionally Significant" if the transit project:

- (a) has the potential to change the vehicle demand of an existing roadway classified as a principal arterial or higher by 400 vehicles per hour, or 4,000 vehicles per weekday; and
- (b) is a transit service or facility that provides services to (or connects) at a minimum:
 - (i) two counties and;
 - (ii) three incorporated cities

Exempt Projects

Pursuant to 40 CFR 93.12617 (Exempt Projects), certain projects listed in a TIP or long-range transportation plan may proceed even in the absence of a conformity finding/demonstration. Exempt projects include highway safety or mass transit projects, landscaping projects, roadway rehabilitation and repair projects, transportation enhancement projects, and transportation planning activities that do not lead directly to construction. However, the exempt projects listed in 40 CFR 93.126 are not considered exempt if the ICC concludes that they may have an adverse impact on air quality.

In addition, 40 CFR 93.12718 (Projects Exempt from Regional Emissions Analyses) considers projects, such as intersection signalization, changes in alignment, bus terminals, and transit transfer points, exempt from regional emissions analyses. However, these projects must demonstrate project-level conformity if they meet the requirements of 40 CFR 93.123(b)(1)19. This is determined through consultation. As with the types of exempt projects listed in 40 CFR 93.126, the projects listed in 40 CFR 93.127 may not be considered exempt if the ICC concludes they may have an adverse impact on air quality.

Transportation Control Measures

As per 40 CFR 93.113(c)20, in order for a TIP or long-range transportation plan to be conforming, it cannot interfere with the implementation of any transportation control measures. There are no transportation control measures requiring implementation in the PM10 maintenance plan. Therefore, the TIP and long-range transportation plan meet the requirements of 40 CFR 93.113(c).

^{iv} Definition of “major” –

- Construction: scope change that is inconsistent with the National Environmental Policy Act (NEPA) documentation or will alter the NEPA determination, or that would be functionally different from current expectations, such as, but not limited to, a change in multi-modal improvements, increase or decrease in number of lanes, or change the type of intersection (e.g., traditional vs. roundabout).
- If the significance is unclear, the COMPASS Executive Director will determine.

^v Definition of “major” –

- Construction: termini change greater than ¼ mile or the location does not meet the expectations of the public.
- If the significance is unclear, the COMPASS Executive Director will determine.

^{vi} Beyond the first four years – federal agencies only acknowledge the program's first four years; therefore, any changes to funds into or out of the program's first four years are considered a major change and require public comment and Board action.

^{vii} Public comment on these projects would be solicited as part of the public comment period on the new TIP. These projects are highlighted in the “major changes list,” provided to the public during the public comment period to showcase significant changes between a current TIP and the proposed new TIP.

^{viii} A “Suite of Projects” includes projects that started as one key number for improvements to an overall corridor and later were split into multiple key numbers for efficiency in design and management.

^{ix} Details about qualifications of emergency relief provided in 23 USC 125:

<https://www.govinfo.gov/content/pkg/USCODE-2021-title23/pdf/USCODE-2021-title23-chap1-sec125.pdf>.