

Memorandum of Agreement

By and Among the,

Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Rhode Island State Planning Council (RISPC), Rhode Island Department of Administration's Division of Statewide Planning (RIDSP), Rhode Island Department of Transportation (RIDOT), and Rhode Island Public Transit Authority (RIPTA) for
Procedures to Amend and Modify the State Transportation Improvement Program

I. Purpose and Authority

- A. The purpose of this Memorandum of Agreement (hereinafter "MOA") is to establish a set of procedures to process revisions, including adjustments and amendments to the State Transportation Improvement Program (STIP). This Agreement is entered into by and among the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Rhode Island State Planning Council (RISPC), Metropolitan Planning Organization (MPO) for the State of Rhode Island and staffed by the Rhode Island Department of Administration's Division of Statewide Planning (RIDSP), the Rhode Island Department of Transportation (RIDOT), and the Rhode Island Public Transit Authority (RIPTA), collectively referred to as the Parties.
- B. The Rhode Island MPO shall cover the entire state, therefore a single, statewide TIP/STIP, which satisfies all requirements for metropolitan and statewide planning under federal law, shall be adopted by the RISPC.
- C. The procedures outlined in this MOA shall also apply to third party agencies or entities, not subject to this agreement, in their application for a Revision to the STIP.
- D. Regulations at 23 C.F.R. § 450.218(a) requires the State to develop a Statewide Transportation Improvement Program (STIP). The STIP is defined as a multi-year, statewide multimodal program of transportation projects, consistent with the long-range statewide transportation plan and planning processes (as defined under Exhibit B).
- E. Pursuant to 23 C.F.R. § 450.328 the approved STIP may be amended and modified to add new projects, delete projects, move projects among the years of the STIP, make cost and phase of work changes, and accommodate major scope changes to a project. The development of expedited procedures for making changes to the STIP by agreement between the State, the MPO, and the Transit Operator shall also be allowed pursuant to these sections.
- F. Pursuant to the Rules and Standards of the State Planning Council (670-RICR-00-00-1, § 1.5.5(A)(8)(a)) (Exhibit C), the Parties shall establish and uphold a Memorandum of Understanding. This document shall in its entirety constitute such agreement.

II. Actions Requiring Revisions to the STIP

- A. Pursuant to the Rules and Standards of the State Planning Council (670-RICR-00-00-1, § 1.5.5(A)(8)(a)) (Exhibit C), a STIP revision may be made for the following four (4) types of revisions as defined in this MOA (Exhibit B):
1. Major Amendment
 2. Minor Amendment
 3. Administrative Adjustment
 4. No Action Adjustment
- B. The Project Sponsor shall prepare STIP Revisions within the STIP Revision Funding Thresholds as defined in Exhibit A1 of this MOA. Thresholds and circumstances for STIP revisions are based on project costs as defined in §§III and IV of this MOA.
1. The Parties agree that the STIP Revision Funding Thresholds established in Exhibit A1 and defined in §§III and IV of this MOA will expire six (6) months after the executed date of Amendment One (1) to this agreement, at which time they will be superseded by the thresholds established in Exhibit A2.
- C. The Project Sponsor shall submit revisions to RIDSP for review and action.

III. Major Amendments and Minor Amendments

- A. The addition or deletion of a project to the STIP constitutes a STIP Amendment. Exceptions are allowed under certain circumstances for projects which received federal authorization under a previous STIP, or for which other Administrative or No Action Adjustment conditions apply, as defined §IV of this MOA.
- B. All STIP Amendments require FHWA and/or FTA approval prior to taking effect pursuant to 23 C.F.R. §450.220(a) and as established in §XI of this MOA.
- C. To add a new project to the STIP and/or modify an existing project in the STIP, the sponsor shall identify a new source of funds available to the State or an equivalent cost reduction in the appropriate years to demonstrate fiscal constraint of the in the first four years of the ten-year program. This shall include, but is not limited to, applying federal funds to projects funded by private parties or other public agencies that are not party to this agreement. The project sponsor shall also supply RIDSP with all information necessary to enter the project into the STIP Database and all information necessary for an air quality conformity determination, if needed, as defined under §VII of this memorandum.
- D. The two (2) types of Amendments that can be made to the STIP include:

1. Major Amendment

- a. The following actions constitute a Major Amendment and are subject to the STIP Revision Funding Thresholds (Exhibit A1) –:
- i. Project actions that result in a substantial change in project scope (Intent, alignment, location, limits, capacity, function, degree of local impact, etc.) as assessed by RIDSP staff.
 - ii. Project Actions that add or delete a project with a total budget exceeding \$10 Million (including all phases) within the four (4) fiscally constrained years of the STIP, including actions that move projects into the Outyears of the STIP and/or actions that move projects from the Outyears of the STIP and into the four (4) fiscally constrained years of the STIP.
 - iii. Project Actions that add or delete a project with a total budget exceeding \$20 Million (including all phases) within the six (6) unconstrained Outyears of the STIP. Projects actions within the Outyears of the STIP are subject to public review requirements for a Major Amendment but not federal review or approval.
 - iv. Project(s) that require air quality conformity determination as defined in § VI and Exhibit D of this MOA.

2. Minor Amendment

- a. The following actions constitute a Minor Amendment and are subject to the STIP Revision Funding Thresholds (Exhibit A1) –:
- i. Project actions that result in a meaningful change in project scope (intent, alignment, location, limits, capacity, function, degree of local impact etc.), phase, initiation dates, cost, program amount, and sponsor funding source or as assessed by RIDSP staff. As an example, extending the project limits for a pavement resurfacing project would constitute a Minor Amendment.
 - ii. Project Actions that add or delete a project with a total budget less than or equal to \$10 Million (including all phases) within the four (4) fiscally constrained years of the STIP, including actions that move projects into the Outyears of the STIP and/or actions that move projects from the Outyears of the STIP and into the four (4) fiscally constrained years of the STIP.
 - iii. Project Actions that add or delete a project with a total budget less than or equal to \$20 Million (including all phases) within the six (6) unconstrained Outyears of the STIP. Projects actions within the Outyears of the STIP are subject to public review requirements for a Minor Amendment but not federal review or approval.
 - iv. Project actions that are exempt from the air quality conformity determination requirements.

IV. No Action Adjustments and Administrative Adjustments

- A. No Action Adjustments and Administrative Adjustments, as defined in Exhibit B, to the STIP do not require public review, the Governor's concurrence, or FHWA or FTA concurrence per § XI of this MOA. The project sponsor shall still demonstrate fiscal constraint for all Revisions within the four (4) fiscally constrained years of the STIP.
- B. No Action Adjustments and Administrative Adjustments require only administrative approval by RIDSP staff. Changes may include:
 1. Administrative Adjustment
 - a. The RISPC Secretary retains the right to have the Administrative Adjustment considered as a Minor or Major Amendment.
 - b. The following actions constitute an Administrative Adjustment and are subject to the STIP Revision Funding Thresholds (Exhibit A1):
 - i. Increases or decreases in total project costs according to STIP Revision Funding Thresholds (Exhibit A1).
 - ii. Schedule changes that move projects within the first four (4) fiscally constrained years of the STIP and do not affect air quality conformity findings.
 - iii. Splitting up a single project or combining multiple projects in the STIP, if scope and limits remain the same overall.
 - iv. Splitting up a bridge group or creating a new bridge group to accommodate scheduling and contracting for individual bridges already listed in the STIP.
 - v. The alteration of bridge work types such as a change from Preservation to Major Rehabilitation.
 - vi. Minor changes to project description, scope, name, phase, initiation dates, cost, program amount, and sponsor funding source.
 - vii. Modifications, including scope and funding changes to projects listed in the STIP's Outyears, year 5 or later.
 - c. The following actions constitute an Administrative Adjustment, but are NOT subject to the STIP Revision Funding Thresholds (Exhibit A1):
 - i. Adding unobligated projects from the previous STIP to the current STIP, provided fiscal constraint is maintained.
 - ii. Adding Federal Discretionary funds and annual August Redistribution funding to projects already listed in four (4) fiscally constrained years of the current STIP and do not include a change in scope.

- iii. Changes resulting from the annual “split letter” required by FTA to establish the division of FTA funds between RIPTA and RIDOT for projects already listed in the STIP.
- iv. Project Actions to accommodate emergency repair work may be considered by RIDSP if back up documentation is provided by the project sponsor detailing the severity of the repair work needed.

2. No Action Adjustment

- a. The following actions constitute a No Action Adjustment and are subject to the funding thresholds outlined in STIP Revision Table 1: Funding Thresholds (Exhibit A1):
 - i. Any technical correction and other minor change such as project title, project description, implementing agency or project sponsor.
 - ii. Increases or decreases in total project costs according to STIP Revision Funding Thresholds.

V. Fiscal Constraint

- A. Fiscal constraint requires that the STIP includes sufficient financial information to demonstrate that the related projects can be implemented using committed, available, or reasonably available assumptions about Federal, State, local, and private revenue sources.
- B. Appropriate assumptions about what constitute reasonably available revenue include, but are not limited to, such examples as listed in Exhibit F. Fiscal constraint applies to each program year and funding source.
- C. To maintain the fiscal constraint of the STIP, the following tables of Funding Sources and Expenditures, housed in the approved STIP, shall be used when making any and all revisions to the STIP as directed by this MOA:
 - 1. RIDOT Funding Sources Table
 - 2. RIDOT Expenditures Table
 - 3. RIPTA Operating Revenue Table
 - 4. RIPTA Funding Sources Table
 - 5. RIPTA Federally- Funded Expenditures Table; and
 - 6. STIP Program Allocation Summary Table

- D. For each requested revision to the STIP, the parties shall use these tables, or their equivalent should a replacement occur, to verify that Program Expenditures do not exceed the Funding Sources available.
- E. Pursuant 23 C.F.R. §450.316(k) and to 670-RICR-00-00-1 §1.5.5(A)(8)(a)(2)(BB), the Parties accept their responsibility to ensure that the STIP remains fiscally constrained. The arbitrary reduction of the overall cost of a project, or project phases, shall not be utilized for the advancement of another project.

VI. Air Quality Conformity

- A. The Clean Air Act Amendments (CAAA) require a new conformity determination if the STIP is amended by adding or deleting a regionally significant project or determined by interagency consultation, except for traffic signal projects, which can be included in subsequent analysis as permitted by the Final Conformity Rule.
- B. RIDSP shall consult with FHWA, FTA, U.S. Environmental Protection Agency (U.S. EPA) and the Rhode Island Department of Environmental Management (RIDEM) to determine if the proposed change requires a new STIP air quality conformity determination. The procedures enumerated in Exhibits D of this memorandum shall be followed to reach this determination.

VII. STIP Revision Procedures

- A. The following procedures shall be employed when submitting and scheduling a STIP Revision:
 - 1. Revision Documentation
 - a. The project sponsor shall provide RIDSP documentation according to the STIP Revision Request Checklist (Exhibit E).
 - b. In addition to this information, a clear explanation justifying the revision request shall be provided prior to submission.
 - 2. Revision Bundling
 - a. Multiple STIP revisions may be submitted to RIDSP for processing at the same time.
 - b. The project sponsor may choose to bundle multiple STIP revisions into a single action.

- c. The bundling of STIP revisions shall take on the highest class of action (No Action Adjustment, Administrative Adjustment, Minor Amendment, or Major Amendment) in the bundle.

3. Scheduling

- a. No Action Adjustments, Administrative Adjustments, and/or Minor Amendments will be processed as needed by RIDSP for a period of six (6) months after the executed date of Amendment One (1) to this Agreement.
- b. Thereafter, The Parties will revisit the contents of this agreement to move to a quarterly schedule for STIP revisions wherein supporting STIP revision materials are submitted to RIDSP on the applicable deadlines (Exhibit G).
- c. Major Amendments are processed on an as-needed basis. Major Amendment materials must be submitted at least thirty (30) days in advance of a TAC meeting or at the discretion of RIDSP.
- d. Minor Amendment must be submitted at least twenty- five (25) days in advance of a Transportation Advisory Committee (TAC) meeting or at the discretion of RIDSP.

VIII. STIP Revisions - Notice Requirements and Approvals

- A. The following procedures for notice requirements and the approval process shall be followed for STIP Revisions:

1. Major Amendments

- a. Public notice – The RISPC authorizes a public hearing for the proposed STIP Major Amendment. Once the RISPC authorizes a public hearing, public notice for the proposed Major Amendments is provided via email to RIDSP's transportation stakeholders notification list, including relevant public agencies. The proposed Major Amendment materials are also posted on RIDSP's website. A Major Amendment requires a minimum thirty (30) day public comment period and a public hearing in front of the TAC.
- b. Approvals – Following the public hearing, the TAC will review the public hearing report summarizing the comments received at the public hearing and during the public comment period. The TAC will then be asked to make a recommendation to the RISPC. Next, the RISPC will be asked to formally approve the Amendment at their next regularly scheduled meeting. The Major Amendment will then be forwarded to

the Governor for concurrence and signature. The Amendment materials are then forwarded to the FHWA Rhode Island Division Office and FTA Region 1 Office for final review and approval.

2. Minor Amendments

- a. **Public Notice**— Public notice for the proposed Minor Amendments is provided via email to RIDSP's transportation stakeholders notification list, including relevant public agencies. The proposed Minor Amendment materials are posted on RIDSP's website. A Minor Amendment requires a minimum ten (10) day public comment period. Comments received during the public comment period will be summarized by RIDSP in a public comment period report, if necessary, prepared for the TAC.
- b. **Approvals** — After the public comment period has closed, the TAC will review the public comment report (if needed) and Minor Amendment materials at their next regularly scheduled meeting. A public hearing is not required for a Minor Amendment. A Minor Amendment requires approval by the TAC, followed by FTA and FHWA, however RIDSP or the TAC reserves the right to refer a Minor Amendment to the RISPC as a Major Amendment.

3. Administrative and No Action Adjustments

- a. **Public Notice** — Public notice is not required for proposed Administrative and No Action Adjustments. Notice is only provided to the TAC and RISPC per the following:
 - i. **Administrative Adjustment:** at their next regularly scheduled meeting
 - ii. **No Action Adjustment:** by periodic updates
- b. After the Administrative Adjustment or No Action Adjustment is processed, RIDSP will post the revision materials on their website.
- c. **Approvals** — RIDSP has the authority to approve and process Administrative and No Action Adjustments as specified in §IX of this MOA.
- d. **Agency Notice** — Notice of the approved Administrative or No Action Adjustment is provided via email by RIDSP to the FHWA, FTA, Governor's Office, RIDOT, and RIPTA.

IX. STIP Revision – RIDSP Processing Actions

- A. RIDSP shall complete the following as a part of the general Approval Process for all STIP revisions:

1. Ensure that Fiscal Constraint is maintained according to §V of this memorandum.
 2. Revise the Funding Sources and Expenditures tables included in the STIP, if needed.
 3. Update the STIP database and STIP project tables with the relevant revision information.
 4. Summarize the comments received during the public comment period and public hearing in a Public Comment Report, if needed.
 5. Update the STIP document and project tables.
- B. After the completion of the process listed in Part A of this Section, RIDSP shall complete the following as a part of the specific type of STIP revision:
1. Major and Minor Amendments
 - a. Prepare and send the STIP Revision transmittal letter for the Governor's concurrence and signature to the Governor's Office.
 - b. Once the letter is signed by the Governor, transmit the Governor's letter and supporting documentation via email to FHWA and FTA for review and final approval of the Revision.
 - c. Once FHWA and FTA have approved the Amendment, post the updated STIP and Revision materials on RIDSP's STIP webpage.
 2. Administrative Adjustments and No Action Revisions
 - a. Prepare a memo requesting RIDSP approval of the STIP Revisions.
 - b. Send an email notification of the approved STIP Revision to FHWA, FTA, RIDOT, and RIPTA.
 - c. Post the updated STIP and STIP Revision materials on RIDSP's STIP webpage.

X. Denials

- A. The Parties agree that in those cases where requests for STIP revisions are denied, the RISPC shall inform the Project Sponsor in writing.

XI. Dispute Resolution

- A. If a question arises on the interpretation of the definition of any form of STIP revisions, the Parties will consult the Project Sponsor to resolve the question.
- B. Should the Project Sponsor be unable to resolve the question, RIDSP shall consult the RISPC as needed in order to reach a consensus.

XII. Conclusion

- A. This MOA may not be altered or amended except by written agreement signed by all the Parties.

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

CARLOS C
MACHADO

Digitally signed by
CARLOS C MACHADO
Date: 2022.01.05
09:01:35 -05'00'

01/05/2022

Carlos C. Machado
Division Administrator
Federal Highway Administration

Date

PETER SHANNON
BUTLER

Digitally signed by PETER
SHANNON BUTLER
Date: 2022.01.04
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01/04/2022

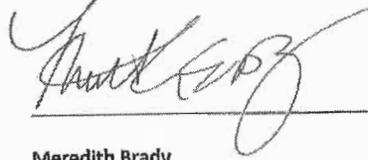
Peter Butler
Regional Administrator
Federal Transit Administration

Date


12/21/2021

James Thorsen
Director
Rhode Island Department of Administration and
Chair, State Planning Council

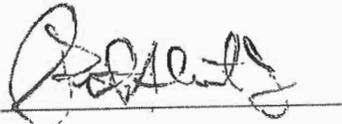
Date



Meredith Brady
Associate Director
Division of Statewide Planning and
Secretary, State Planning Council

December 21, 2021

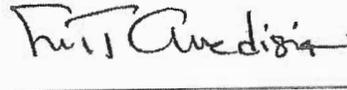
Date



Peter Almt, Jr. P.E.
Director
Rhode Island Department of Transportation

Date

12-16-21

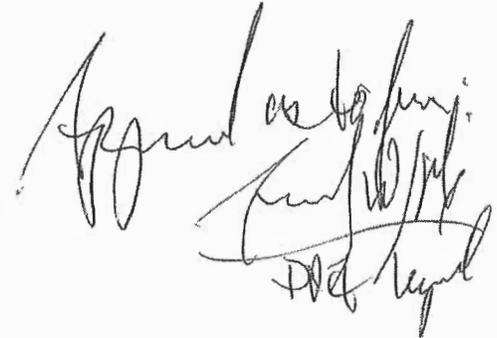


Scott Avedisian
Chief Executive Officer
Rhode Island Public Transit Authority

Date

12/20/2021

FINAL EXECUTION DATE: 01/05/2022



XIV. Exhibit A1 – STIP Revision Funding Thresholds (Applicable for Six (6) Months After the Executed Date of Amendment One (1) to this Agreement)

Exhibit A1 - STIP Revision Funding Thresholds

| Total Project Cost* | No Action | Administrative Adjustment [^] | Minor Amendment | Major Amendment |
|--|-----------------------------------|--|---|---|
| Change to an Existing Project Listed in the Four Fiscally Constrained Years of the STIP | | | | |
| Project Less than or Equal to \$10 million | Change in Project Costs up to 10% | Change in Project Costs up to 35% | Change in Project Costs up to 50% | Change in Project Costs Over 50% |
| Project Greater than \$10 million and Less than or Equal to \$20 million | Change in Project Costs up to 10% | Change in Project Costs up to 30% | Change in Project Costs up to 50% | Change in Project Costs Over 50% |
| Project Greater than \$20 million | Change in Project Costs up to 10% | Change in Project Costs up to 30% and less than \$20 million | Changes in Project Costs up to 45% and less than \$20 million | Change in Project Costs Over 45% or over \$20 million |
| To Add or Delete a Project from the Four Fiscally Constrained Years of the STIP | | | | |
| New Project or Remove All Aspects of Project | - | - | Costing Less than or Equal to \$10 million | Costing Greater than \$10 million |
| Project Included in the Outyears (Years 5+) of the STIP | - | - | Costing Less than or Equal to \$20 million | Costing Greater than \$20 million |

* Total programmed amount in the Fiscally Constrained Four (4) Years of the Approved STIP. It includes all phases of a project and sources of funds associated with the projects (federal, state, local, match, etc.).

[^]Regrouping of projects already listed in the STIP can be handled as an Administrative Adjustment provided that any cost change associated with that specific element is within the thresholds of an Administrative Adjustment

XV. Exhibit A2 – STIP Revision Funding Thresholds (Applicable Beginning Six (6) Months After the Executed Date of Amendment One (1) to this Agreement)

Exhibit A2 - STIP Revision Funding Thresholds

| Total Project Cost* | No Action | Administrative Adjustment^ | Minor Amendment | Major Amendment |
|--|-----------------------------------|--|---|---|
| Change to an Existing Project Listed in the Four Fiscally Constrained Years of the STIP | | | | |
| Project Less than or Equal to \$10 million | Change in Project Costs up to 10% | Change in Project Costs up to 25% | Change in Project Costs up to 35% | Change in Project Costs Over 35% |
| Project Greater than \$10 million and Less than or Equal to \$20 million | Change in Project Costs up to 10% | Change in Project Costs up to 25% | Change in Project Costs up to 35% | Change in Project Costs Over 35% |
| Project Greater than \$20 million | Change in Project Costs up to 10% | Change in Project Costs up to 25% and less than \$20 million | Changes in Project Costs up to 35% and less than \$20 million | Change in Project Costs Over 35% or over \$20 million |
| To Add or Delete a Project from the Four Fiscally Constrained Years of the STIP | | | | |
| New Project or Remove All Aspects of Project | - | - | Costing Less than or Equal to \$10 million | Costing Greater than \$10 million |
| Project Included in the Outyears (Years 5+) of the STIP | - | - | Costing Less than or Equal to \$20 million | Costing Greater than \$20 million |

* Total programmed amount in the Fiscally Constrained Four (4) Years of the Approved STIP. It includes all phases of a project and sources of funds associated with the projects (federal, state, local, match, etc.).

^Regrouping of projects already listed in the STIP can be handled as an Administrative Adjustment provided that any cost change associated with that specific element is within the thresholds of an Administrative Adjustment

XVI. Exhibit B – Definition of Terms

August Redistribution Funding means the FHWA's redistribution of Fiscal Year obligation limitations to the States pursuant to section 120(c) of the U.S. Department of Transportation Appropriations Act, 2018, title I of division L, Public Law 115-141.

Change in Scope means an alteration to the original intent or function of a programmed project. Changes in scope include major change in design concept or design scope (e.g., changing project termini, alignment, or the number of through traffic lanes).

Emergency Repair means repairs, potentially those immediately following a federal or state declared disaster emergency event, to restore essential traffic, the minimize the extent of damage, or to protect remaining facilities. Typical examples include, restoring pavement surfaces, reconstructing damaged bridges and culverts, replacing signs, guardrails, fences, and other highway appurtenances.

Federal Discretionary Funds (Federal Discretionary Programs) means the FHWA's and FTA's discretionary programs which represent special funding categories where the FHWA or FTA solicits for candidates and selects projects for funding based on applications received.

Fiscal Constraint means that the long-range transportation plan and STIP includes sufficient financial information for demonstrating that projects in the long-range transportation plan 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 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 STIP only if funds are "available" or "committed" per 23 C.F.R. § 450.104.

Long-Range Statewide Transportation Plan means the official, statewide, multimodal, transportation plan covering a period of no less than 20 years developed through the statewide transportation process per 23 C.F.R. § 450.104.

Metropolitan Planning Organization (MPO) means the policy board of an organization created and designated to carry out the metropolitan transportation planning process per 23 C.F.R. § 450.104. The Rhode Island State Planning Council (RISPC) serves as MPO for the State of Rhode Island. The Division of Statewide Planning serves as staff to the RISPC.

New Project means a project that is not programmed in the current STIP and does have previous obligations from a prior STIP.

Project Sponsor means the lead agency with primary responsibility for implementing a project, typically RIDOT or RIPTA, but may include a municipal government, or an independent authority.

Projects Exempt from Regional Emission Analysis means highway and transit projects of the types listed in Table 3 of 40 CFR § 93.127, which are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO concentrations must be considered to determine if a hot-spot analysis is required prior to making a project-level conformity determination. The local effects of projects with respect to PM10 and PM2.5 concentrations must be considered, and a hot-spot analysis performed prior to making a project-level conformity determination, if a project in Table 3 also meets the criteria in §93.123(b)(1). These projects may then proceed to the project development process even in the absence of a conforming

transportation plan and TIP. A particular action of the type listed in Table 3 of this section is not exempt from regional emissions analysis if the MPO in consultation with other agencies (see §93.105(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potential regional impacts for any reason. Table 3 follows: 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.

Reasonably Available Funding means that there is adequate information to assume that a STIP project's implementation is supported and funded by committed, available, or reasonably available Federal, State, local, and private revenue sources.

Revision means a change to a long-range statewide or metropolitan transportation plan, TIP, or STIP that occurs between scheduled periodic updates per 23 C.F.R. § 450.104.

Regionally Significant Project means a transportation project that is on a facility which serves regional transportation needs (such as access to and from the area outside the region; major activity centers in the region; major planned developments such as new retail malls, sports complexes, or employment centers; or transportation terminals) and would normally be included in the modeling of the metropolitan area's transportation network. At a minimum, this includes all principal arterial highways and all fixed guideway transit facilities that offer a significant alternative to regional highway travel per 23 C.F.R. § 450.104.

Split Letter means the form of notification from a State, authorized as a direct recipient for Section 5307 funds, to the FTA, of the State's application to receive grants directly from the FTA. The split letter establishes the allocation of Section 5307 funds in a large UZA.

Statewide Transportation Improvement Program (STIP) means a statewide prioritized listing/program of transportation projects covering a period of 4 years that is consistent with the long-range statewide transportation plan and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 per 23 C.F.R. § 450.104.

STIP Outyears means years of the STIP that are beyond the four (4) fiscally constrained years of the STIP. Projects listed in the Outyears constitute years six (6) through ten (10) of the STIP and include project costs but are not tied to specific funding sources.

XVII. Exhibit C – Applicable Rules and Standards of the State Planning Council

670-RICR-00-00-1 § 1.5.5

1.5.5 Transportation Improvement Program

A. The State Planning Council shall adopt and maintain a program to evaluate and schedule the implementation of transportation projects, which the State intends to complete using Federal funds. This program shall be known as the Transportation Improvement Program (“TIP”).

1. Coordination and Outreach – The TIP shall be formulated through a public process by the Division of Planning and the Transportation Advisory Committee, established by § 1.1.7(D) of this Part. The TIP shall be coordinated with RIDOT and RIPTA.

2. Solicitation of Project Proposals – Project proposals may be drawn from the transportation plan, the management systems plan of RIDOT and RIPTA, and other plans or studies as appropriate. In addition, the Division shall give a minimum thirty (30) day public notice on the website maintained by the Division of Planning, of the opportunity to submit project proposals for inclusion in the TIP. Project suggestions may be submitted by the general public.

a. Municipal Governments, Regional Councils, and Planning Agencies – The Division shall notify each city and town chief executive, with copies to local planning and public works directors, requesting project proposals. The notification shall include:

- (1) information on the state transportation plan;
- (2) information on the TIP;
- (3) the status of past proposals and current projects;
- (4) federal-aid program eligibility; and
- (5) the process for including any new project in the TIP.

b. In addition to the chief executive, proposals may also originate from:

- (1) planning boards and commissions,
- (2) Joint Municipal Planning Commissions established under R.I. Gen. Laws Chapter 45-22.1,
- (3) Regional Councils of Local Governments established under R.I. Gen. Laws Chapter 45-43, and
- (4) municipal and regional committees.

(AA) Public Participation – Municipal governments are urged to involve the public in the preparation of their recommendations through advisory committees, public meetings, and other methods. After public notice in accordance with local procedures, city and town governments must hold a minimum of one (1) public hearing on projects that they intend to submit for the TIP.

(BB) Non-municipal organizations are urged to involve the public in their recommendations through direct interaction with member municipalities, advisory committees, and public meetings. Non-municipal submissions must include evidence that the chief elected official of the city or town in which the project is located was notified and that the proposal conforms to the local comprehensive plan.

(CC) Public and Private Transportation Service or Facility Operators – The Division shall contact RIDOT, RIPTA, the Rhode Island Airport Corporation, the Rhode Island Commerce Corporation, the Quonset Development Corporation, railroad companies, and private transit providers, and any other entity as deemed appropriate to request project proposals.

3. Submission Requirements – Project proposals shall be submitted to the Division of Planning on a form or forms designed by the Division. All proposals must be consistent with Federal transportation goals.

a. For each proposal, the proponent shall at a minimum:

- (1) designate the priority within the city or town;
- (2) describe the type of work needed;
- (3) describe the environmental, social, and economic impacts expected, including whether the location is in or provides essential access to a state-designated enterprise zone;
- (4) describe any intermodal connections;
- (5) express the degree of local commitment, including any funding support or related projects; and
- (6) affirm the project conforms to the applicable comprehensive plan(s).

b. A submission by a member of the general public must include evidence that:

- (1) the chief elected official of the city or town in which it is located was notified, and
- (2) that the proposal conforms to the local comprehensive plan.

c. Any application deemed to be deficient shall be returned to the applicant, together with a concise and explicit statement of the application's deficiencies.

4. TIP Standards and Documentation – The Division of Planning and the Transportation Advisory Committee shall produce a draft of the TIP for State Planning Council approval in accordance with the following standards.

a. Scope: A single, statewide, comprehensive TIP will be prepared that shall include:

- (1) roads and bridges;
- (2) public transit of all types;
- (3) demonstrations;
- (4) enhancements;
- (5) bicycle and pedestrian facilities;
- (6) marine transportation and ports;
- (7) commuter and freight rail;
- (8) programs for management systems;
- (9) programs for air quality; and
- (10) other projects and actions of statewide or broad sub-state concern, although not for utilizing federal funds.

- b. Time Frame: The TIP shall, at a minimum, cover the time frame as established in the Code of Federal Regulations by the Federal Highway Administration and Federal Transit Administration (currently four years) and shall present a year-by-year program.
- c. Description of Projects: Each project shall be briefly described and shall include:
 - (1) the intended nature or scope of work (unless environmental studies to determine this have not been completed);
 - (2) the location (route number or name, termini, city or town); and
 - (3) a description of intermodal features if applicable.
- d. Project Costs: The estimated cost for each project, by year, shall be shown. In accordance with Federal regulations, the total costs of the highway and transit programs for each year must be within the funding amounts expected to be available (authorized for that year or carried over).
- e. Consistency with the State Guide Plan: New construction, new service, and major improvement projects must appear in the Transportation Plan or in other relevant elements of the State Guide Plan. Smaller-scale projects must be consistent with the description of the appropriate category or type of activity in the plan. The TIP narrative shall show how projects or programs address the goals and policies of the Transportation Plan.
- f. Funding Categories: The TIP shall include a description of the categories from which each project will be funded.

5. Procedures for Development of the TIP

- a. Ranking – The Division and the Transportation Advisory Committee shall accept, review, and rank project proposals. The ranking shall consider the descriptions submitted by the applicant, giving weight to the factors specifically outlined in the selection criteria provided in the solicitation process. In addition, they shall request RIDOT to review highway, interstate, traffic safety, and bridge projects using objective engineering criteria, including safety considerations, level of service, and geometric and structural adequacy.
- b. Air Quality Conformity – Prior to the adoption of the TIP, there shall first be a determination of conformity in accordance with the procedures described in § 1.5.7 of this Part.
- c. Public Review – The Division and the Transportation Advisory Committee upon their completion of a draft project list and accompanying text, shall initiate a thirty (30) day public review and written comment period that includes at least one public hearing in accordance with § 1.1.10 of this Part, entitled Public Hearings. Additionally, at least thirty (30) days in advance of the close of the public comment period, the Division shall send notice of the opportunity to comment to:
 - (1) the Departments of Environmental Management, Transportation, Health, the Rhode Island Commerce Corporation, and other interested State agencies;
 - (2) public and private transportation service or facility operators, including the Rhode Island Public Transit Agency, the Rhode Island Airport Corporation, the

- Rhode Island Turnpike and Bridge Authority, bus companies, paratransit providers, freight rail companies, waterborne transit operators, and others;
- (3) interested federal agencies, agencies and organizations in other states such as the Southeastern Regional Planning and Economic Development District and the Central Massachusetts Regional Planning Commission, and multistate groups involved in transportation;
 - (4) local officials, such as chief executives, planning directors, planning board chairs, public works directors, and public safety officials;
 - (5) Joint Municipal Planning Commissions established under R.I. Gen. Laws Chapter 45-22.1, and Regional Councils of Local Governments established under R.I. Gen. Laws Chapter 45-43;
 - (6) organizations interested in transportation, the environment, and the economy;
 - (7) media outlets; and
 - (8) any persons on a mailing list for public hearing notices maintained by the Division of Planning.
6. Final Draft – The Division and Transportation Advisory Committee shall prepare and present to the Council a revised draft TIP along with a summary, analysis, report on the proposed disposition of comments received, and a recommendation of how to proceed.
7. Approval of the TIP
- a. State Planning Council – The Council shall adopt the TIP in accordance with 23 C.F.R. § 450.218, which requires certain legal certifications as part of the submittal to Federal agencies.
 - b. Approval by the Governor – Following approval by the Council, the TIP or amendment thereto, shall be forwarded to the Governor for submission to Federal agencies, as appropriate.
8. Amendments to the TIP
- a. Proposals to add, delete, or modify strategies, actions, or projects that would involve a substantial functional, locational, and/or capacity change must be made through amendment of a TIP. The Council shall execute and maintain a Memorandum of Understanding (MOU) with the Rhode Island Department of Transportation and the Rhode Island Public Transit Authority classifying the scope of proposed TIP amendments and procedures to be followed.
 - (1) Scope – The Memorandum of Understanding shall include a classification of amendments as major, minor, or administrative adjustments. In addition, the MOU shall describe those types of changes that will require no action.
 - (2) Procedures – The TIP may be amended at any time through procedures that are consistent with this Rule and adapted to meet the need for full consideration and public involvement. The procedures shall be consistent with the type and character of the amendment as set forth in the MOU. In addition:
 - (AA) The party seeking an amendment shall be responsible for preparing a notice consistent with the notice publication requirements, which

shall be described in the MOU. The notice shall be mailed to the Division's transportation mailing list.

(BB) Fiscal constraint must be maintained in the TIP.

- (3) Air Quality Conformity – Prior to the adoption of an amendment to the TIP, there shall first be a determination of conformity in accordance with the procedures described in § 1.5.7 of this Part.

670-RICR-00-00-1 § 1.5.7

1.5.7 State Implementation Plan for Air Quality Conformity Determinations

Prior to the adoption of, or amendment to, any transportation plan or the TIP, the Air Quality Working Group, as established by the Department of Environmental Management's Air Pollution Control Regulation Number 49 entitled, "Transportation Conformity", shall convene to conduct an interagency consultation in accordance with the provisions of that Regulation. The Air Quality Working Group is comprised of RIDEM, the MPO, RIDOT, RIPTA, the U.S. Environmental Protection Agency, the Federal Highway Administration, and the Federal Transit Administration. All other activities or actions not covered in these Rules that may require an air quality conformance determination shall follow the procedures set forth in the Rhode Island Department of Environmental Management's "Air Pollution Control Regulation Number 49 – 'Transportation Conformity'".

XVIII. Exhibit D – Rhode Island’s Air Pollution Control Regulation NO. 49, Transportation Conformity, 2011

- A. Transportation conformity is required by the Clean Air Act section 176(c) (42 U.S.C. 7506(c)) to ensure that federal funding and approval are given to highway and transit projects that are consistent with ("conform to") the air quality goals established by Rhode Island’s air quality implementation plan (SIP). Conformity, to the purpose of the State Implementation Plan (SIP), means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.
- B. Air Quality Conformity Procedure
1. If the proposed change to the STIP is not exempt under U.S. EPA Air Quality Conformity Rule regulations (40 C.F.R. Part 51 and 40 C.F.R. Part 93), the change in the STIP shall be processed through the State Implementation Plan for Air Quality Conformity Determinations, pursuant to 670-RICR-00-00-1, § 1.5.7 (Exhibit C).
 2. The Project Sponsor shall prepare Information specified in Air Pollution Control Regulation No. 49, "Transportation Conformity" (250-RICR-120-05-49), (Exhibit D);
 3. The Sponsor shall consult with RIDEM and perform the regional emission level analysis, if needed and as required, to determine the STIP’s conformity for mobile source emissions within the relevant State Implementation Plan (SIP) for Air Quality;
 4. If a new STIP Air Quality Conformity determination is required, the Project Sponsor shall provide the requisite information to enable RIDSP to code the travel networks for the regional emissions analysis.
 5. RIDSP, in cooperation with RIDEM, shall conduct the regional emission analysis. The findings from the regional emission analysis shall then be brought to the Interagency Consultant meeting for final conformity determination.
 6. If the proposed change in the STIP is exempt pursuant to the EPA Air Quality Conformity Rule, 40 C.F.R. Part 51 and 40 C.F.R. Part 93, the change in the STIP shall be approved through procedures established 670-RICR-00-00-1, § 1.5.7 (Exhibit C).
 7. Interagency Consultation may be required to determine if Air Quality determination is necessary.
 8. Revisions to the STIP and required Air Quality Conformity Determinations shall comply with public participation procedures established by 670-RICR-00-00-1, § 1.5.5(A)(5)(c) (Exhibit C) to provide the appropriate level of public involvement prior to final action.

Rhode Island's regulations for transportation conformity are specified in the Rhode Island Department of Environmental Management's Air Pollution Control Regulation NO. 49, Transportation Conformity, 2011.

Specifically, Part 49.7 Consultation (see below).

A. This rule provides procedures for federal, state, and local interagency consultation, public consultation and resolution of conflicts. Such consultation procedures shall be undertaken by the MPO, RIDOT, RIPTA, and DOT with the Department and EPA before making conformity determinations and by the Department and EPA with the MPO, RIDOT, RIPTA, and DOT in developing applicable implementation plans.

B. Interagency consultation procedures: General factors

1. The MPO, the Department and RIDOT shall undertake an Interagency consultation process in accordance with this section with each other and with local or regional offices of EPA, FHWA, and FTA on the development of the applicable implementation plan, the transportation plan, the TIP, and associated conformity determinations. RIPTA shall be provided the opportunity to participate and may participate if they choose.

2. The Department shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to the development of the applicable implementation plan and the list of TCMs in the approved applicable implementation plan. The MPO shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to the transportation plan, the TIP, any amendments or revisions thereto, and any conformity determinations.

3. In addition to the lead agencies identified in § 49.7(B)(2) of this Part, other agencies entitled to participate in any interagency consultation process under this rule include the RIDOT, RIPTA, FHWA, FTA, and EPA.

4. It shall be the role and responsibility of each lead agency in an interagency consultation process, as specified in § 49.7(B)(2) of this Part, to confer with all other agencies identified under § 49.7(B)(3) of this Part, with an interest in the document to be developed, provide all appropriate information to those agencies needed for meaningful input, solicit early and continuing input from those agencies, conduct the consultation process described in the applicable paragraphs of 40 C.F.R. § 93.105, incorporated in § 49.4 of this Part, where required, assure policy-level contact with those agencies and prior to taking any action, consider the views of each such agency and respond to those views in a timely, substantive written manner prior to any final decision on such document, and assure that such views and written response are made part of the record of any decision or action. It shall be the role and responsibility of each agency specified in § 49.7(B)(3) of this Part, when not fulfilling the role and responsibilities of a lead agency, to confer with the lead agency and other participants in the consultation process, review and comment as appropriate (including comments in writing) on all proposed and final documents and decisions in a timely manner, attend consultation and decision meetings, assure policy-level contact with other participants,

provide input on any area of substantive expertise or responsibility (including planning assumptions, modeling, information on status of TCM implementation, and interpretation of regulatory or other requirements), and provide technical assistance to the lead agency or consultation process in accordance with this paragraph when requested.

C. Specific roles, responsibilities, and organizational level of various participants in the interagency consultation process shall be as follows

1. The Department shall be responsible for developing emissions inventories, emissions budgets, air quality modeling, coordinating with the MPO for traffic related modeling, applicable implementation plan demonstrations, including emissions budgets as necessary and any applicable implementation plan TCMs.

2. The MPO shall be responsible for developing transportation plans and TIPs; evaluating TCM transportation impacts; developing transportation and socioeconomic data and planning assumptions for use in emissions analysis to determine conformity of transportation plans, TIPs, and projects; determining regionally significant projects, convening air quality technical review meetings on specific projects when requested by other agencies or as needed, identifying system- or facility-based or other programmatic TCMs; providing technical and policy input on emissions budgets; performing transportation modeling and regional emissions analyses and documenting timely implementation of TCMs needed for conformity assessments.

3. RIDOT shall be responsible for providing technical input on proposed revisions to motor vehicle emissions factors, distributing draft and final project environmental documents to other agencies, and identifying regionally significant highway and rail projects and project changes in the TIP and Long-Range Transportation Plan.

4. RIPTA shall be responsible for identifying regionally significant bus transit projects and project changes in the TIP and Long-Range Transportation Plan.

5. FHWA and FTA shall be responsible for assuring timely action on final findings of conformity, after consultation with other agencies as provided in this section, providing guidance on the transportation planning process to agencies in interagency consultation.

6. EPA shall be responsible for reviewing, finding adequate, and approving updated motor vehicle emissions budgets and providing guidance on conformity criteria and procedures to agencies in interagency consultation.

D. It shall be the affirmative responsibility of the agency with the responsibility for preparing the final document or decision subject to the interagency consultation process to initiate the process by notifying other participants, convene consultation meetings early in the process of decision on the final document, appoint the conveners of technical meetings, and assure that all relevant documents and information are supplied to all participants in the consultation process in a timely manner.

E. Regular consultation on major activities such as the development of an applicable implementation plan, the development of a transportation plan, the development of a TIP, or any determination of air quality conformity on transportation plans or TIPs, shall include meetings at regular, scheduled intervals no less frequently than semiannually, unless the consensus of the group determines that a meeting is not warranted and shall be attended by representatives of each agency. In addition, technical meetings shall be convened as necessary.

F. Each lead agency in the consultation process required under this section (that is, the agency with the responsibility for preparing the final document subject to the interagency consultation process) shall confer with all other agencies identified under § 49.7(B)(3) of this Part, with an interest in the document to be developed, provide all appropriate information to those agencies needed for meaningful input, and, prior to taking any action, consider the views of each such agency and respond to those views in a timely, substantive written manner prior to any final decision on such document. Such views and written response shall be made part of the record of any decision or action.

G. The Department will prepare a list of any TCMs in the approved applicable implementation plan and provide this list to the interagency consultation process in accordance with § 49.7(B) of this Part.

H. Interagency consultation procedures: Specific processes.

1. An interagency consultation process in accordance with § 49.7(B) of this Part, involving the Air Quality Working Group, comprised of the MPO, the Department, RIDOT, RIPTA, EPA, FHWA, and FTA shall be undertaken for the following:

a. Evaluating and choosing a model (or models) and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses to be conducted in accordance with § 49.7(B) of this Part.

b. Determining which transportation projects should be considered "regionally significant" for the purposes of regional emissions analysis (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel), and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP, to be conducted in accordance with § 49.7(B) of this Part;

c. Evaluating whether projects otherwise exempted from meeting the requirements of 40 C.F.R. § 93 (i.e. projects described in 40 C.F.R. §§ 93.126 and 93.127, incorporated in § 49.4 of this Part) should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason, to be conducted in accordance with § 49.7(B) of this Part;

d. Making a determination, as required by 40 C.F.R. § 93.113(c)(1), incorporated in § 49.4 of this Part, whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether State and local agencies

with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs, to be conducted in accordance with § 49.7(B) of this Part. This consultation process shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs or other emission reduction measures;

e. Notification of transportation plan or TIP revisions or amendments which merely add or delete exempt projects listed in 40 C.F.R. § 93.126 or 40 C.F.R. § 93.127, to be conducted in accordance with § 49.7(B) of this Part;

f. Choosing conformity tests and methodologies for isolated rural nonattainment and maintenance areas, as required by 40 C.F.R. § 93.109(n)(2)(iii), incorporated in § 49.4 of this Part, to be conducted in accordance with § 49.7(B) of this Part.

g. During preparation of the transportation plan and TIP, the MPO will request that participants of the interagency consultation process identify all non-FHWA/FTA transportation projects and their design concept and scope, including those where detailed design features have not yet been decided, and determine which ones meet the definition of regionally significant for regional emissions modeling. Any recipient of federal funding, as defined in 40 C.F.R. § 93.101, incorporated in § 49.4 of this Part, is required to disclose to the MPO information regarding all non-FHWA/FTA regionally significant projects and any changes to these plans shall be immediately disclosed.

2. An interagency consultation process in accordance with § 49.7(B) of this Part, involving the MPO, the Department, RIDOT, and RIPTA shall be undertaken for the following:

a. Evaluating events which will trigger new conformity determinations in addition to those triggering events established in 40 C.F.R. § 93.104, incorporated in § 49.4 of this Part, to be conducted in accordance with § 49.7(B) of this Part; and

b. Consulting on emissions analysis for transportation activities which cross the borders of MPOs or nonattainment areas or air basins, to be conducted in accordance with § 49.7(B) of this Part.

c. Cooperative planning and analysis for purposes of determining conformity of all projects outside the metropolitan area and within the nonattainment or maintenance area, to be conducted in accordance with § 49.7(B) of this Part.

d. Assurance that plans for construction of regionally significant projects which are not FHWA/FTA projects (including projects for which alternative locations, design concept and scope, or the no-build option are still being considered), including all those by recipients of funds designated under title 23 U.S.C. or the Federal Transit Act are disclosed to the MPO on a regular basis, and to assure that any changes to those plans are immediately disclosed.

e. A process in accordance with § 49.7(B) of this Part, involving the MPO and other recipients of funds designated under title 23 U.S.C. or the Federal Transit Act shall be undertaken for assuming the location and design concept and scope of projects that are disclosed to the MPO as required by § 49.7(H)(4) of this Part but whose sponsors have not yet decided these features, in sufficient detail to perform the regional emissions analysis according to the requirements of 40 C.F.R. § 93.122, incorporated in § 49.4 of this Part, to be conducted in accordance with § 49.7(B) of this Part.

f. Designing, scheduling, and funding of research and data collection efforts and regional transportation model development by the MPO (e.g., household/ travel transportation surveys), to be conducted in accordance with § 49.7(B) of this Part.

g. Transportation Plan or TIP revisions or amendments that add or delete exempt projects as listed in 40 C.F.R. § 93.126, Table 2, or 40 C.F.R. § 93.127, Table 3.

3. If a Plan or TIP amendment project or action is deemed exempt under the EPA Air Quality Conformity Rule (40 C.F.R. §§ 51 and 93), the MPO will issue a letter to the Department stating such and ask the department for their concurrence.

4. The MPO will provide final documents (including the applicable implementation plan, transportation plans, TIPs, plan/TIP amendments and conformity determinations) and supporting information to each agency after approval or adoption. This process is applicable to all agencies including the MPO, RIDOT, RIPTA, the Department, FHWA, FTA and EPA.

I. Resolving conflicts

1. The Department shall refer any conflict between the Department and the MPO concerning a proposed determination of conformity (or other policy decision under this rule) to the Governor if the conflict cannot be resolved by the heads of the involved agencies. The agencies shall make every effort to resolve any differences, including personal meetings between the heads of such agencies or their policy-level representatives, to the extent possible.

2. The Department has fourteen (14) calendar days to appeal a proposed determination of conformity (or other policy decision under this rule) to the Governor after the MPO has notified the Department of the resolution of all comments on such proposed determination of conformity or policy decision. Such 14-day period shall commence when the MPO has confirmed receipt by the director of the Department of the resolution of the comments of the Department. If the Department appeals to the Governor, the final conformity determination must have the concurrence of the Governor. The Department must provide notice of any appeal under this subsection to the MPO. If the Department does not appeal to the Governor within fourteen (14) days, the MPO may proceed with the final conformity determination.

3. The Governor may delegate the role of hearing any such appeal under this subsection and of deciding whether to concur in the conformity determination to another official or agency within the State, but not to the head or staff of the Department, RIDOT, any agency that has responsibility for only one of these functions, or the MPO.

J. Public consultation procedures

1. The MPO will follow its adopted public involvement procedures, which were developed in accordance with the requirements for public involvement in 23 C.F.R. § 450, when making conformity determinations on transportation plans, programs, and projects.

2. These procedures establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by the MPO at the beginning of the public comment period and prior to taking formal action on a conformity determination for the Long Range Transportation Plan and TIP, consistent with these requirements and those of 23 C.F.R. § 450.

3. Meetings of the Air Quality Working Group are open to the public. Any charges imposed for public inspection and copying are consistent with the fee schedule contained in 49 C.F.R. § 7.43. The Air Quality Working Group shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law.

4. Additionally, the MPO will address in writing all public comments that plans for regionally significant non-FHWA/FTA projects are not properly reflected in the emissions analysis.

XIX. Exhibit E – STIP Revision Checklist

**RHODE ISLAND DIVISION OF STATEWIDE PLANNING
State Transportation Improvement Program Adjustment / Amendment
Request Checklist**

The following information shall be submitted with requests to adjust or amend the STIP:

- Submission Date
- STIP to be Amended/Adjusted
- Requesting Agency
- Request Type – No Action, Administrative Adjustment, Minor Amendment, or Major Amendment
- STIP Amendment Number
- STIP ID Number (for existing projects already in the STIP)
- Identification of Project Status – New Project or Modification to an Existing Project in the STIP
- Bridges by Group Identified (if applicable)
- Project Name
- Project Location
- Project Description (brief narrative on the intent of the project)
- STIP Program Category
- Fiscal Year(s)
- Total Project Funds or Transfer of Funds by Fiscal Year(s)
- Funding Sources (Specific Amounts of Federal, State, Local, and/or other Sources)
- Percent Change in Project Costs or Program Costs (whichever is applicable for amendment status)
- Demonstration of Fiscal Constraint – How does this effect the baseline
- Justification for Adjustment / Amendment
- Air Quality Determination Needed (if applicable)
- Signature of Requesting Agency Director

The STIP Adjustment/Amendment Table maybe used to show the necessary project information listed above.

XX. Exhibit F – Examples of “Reasonably Available” Funding Assumptions

| | |
|--|--|
| Tolls | An existing toll, new toll, or other user fee dedicated to a project or program may be reasonable if there is clear evidence of support by the Governor, legislature, and/or other appropriate decision makers |
| New Taxes | A new tax for transportation purposes requiring State legislation and/or support from the Governor is reasonable if there is clear evidence of enough support (both governmental and public) to enact the new tax and a strategy exists for securing those approvals within the time for implementing the affected projects. |
| Increase in Existing Taxes | If the State has past historical success in incrementally increasing gas taxes for transportation purposes, it is reasonable to assume that this trend (and the historic rate of increase) over a comparable period will continue. |
| New Bonds or Innovative Finance Mechanisms | A new bond or other financing mechanisms issued for a project or program may be reasonable if there is clear evidence or a history of support by the legislature, Governor, and/or other appropriate decision-makers and a strategy exists with milestones for securing those approvals within the time for implementing the affected projects or program. |
| Increased Transit Fares | If a transit operator has past historical success in incrementally increasing transit fares, it is reasonable to assume that this trend (and the historic frequency of increase) over a comparable period will continue |
| Future Authorizations | When the horizon year for a project in the STIP extends beyond the current authorization period for Federal program funds, available funds may include an extrapolation based on historical authorizations of Federal funds that are distributed by formula |

XXI. Exhibit G — STIP Revisions Quarterly Schedule

| STIP REVISIONS- QUARTERLY SCHEDULE | | |
|------------------------------------|--------------------------------------|------------------------|
| Modification Period | Due Date | TAC Review (if Needed) |
| Quarter 1 | 3 rd Wednesday in January | February Meeting |
| Quarter 2 | 3 rd Wednesday in April | May Meeting |
| Quarter 3 | 3 rd Wednesday in July | August Meeting |
| Quarter 4 | 3 rd Wednesday in October | November Meeting |