

**Lackawanna Luzerne Metropolitan Planning Organization
2021-2024 Transportation Improvement Program
Public Comment and Environmental Justice Efforts**

Comment Period

The public comment period began on XXXXX and ended on XXXXX. Legal advertisements were placed in the Scranton Times Tribune and the Wilkes-Barre Citizen’s Voice newspapers, the largest circulation newspapers in both counties, on XXXXX. During that time no public comment was received by either the Lackawanna or Luzerne County Planning Commissions or PENNDOT on the documents.

Public Display

Due to the closing of many facilities where the TIP is normally displayed due to the COVID-19 Pandemic, the Transportation Improvement Program and supporting documents were available for review on the Lackawanna and Luzerne County websites, the Lackawanna Luzerne Transportation Study website and the PENNDOT District 4-0 web page. The LLTS website is:

<http://www.lltsmpo.com>.

Documents on Display

The following documents were available for public display and comment:

1. Memorandum of Understanding (MOU) Lackawanna-Luzerne Metropolitan Planning Organization (LLTS MPO) Procedures for FFY 2021-2024 Transportation Improvement Program (TIP) Revisions.
2. The 2021-2024 Transportation Conformity Determination Report (1997 Ozone NAAQS) for the Lackawanna/Luzerne MPO.
3. The 2021-2024 Lackawanna-Luzerne MPO TIP Environmental Justice Analysis.
4. The 2021-2024 Lackawanna-Luzerne MPO (Scranton/Wilkes-Barre MPO TIP) Highway and Bridge Projects with public narrative.
5. The 2021-2024 Lackawanna-Luzerne MPO (Scranton/Wilkes-Barre MPO TIP) Transit Projects for the County of Lackawanna Transit System (COLTS), Hazleton Public Transit (HPT) and the Luzerne County Transit Authority (LCTA) with public narrative.
6. The 2021-2024 Statewide Interstate TIP- Highway and Bridge Projects with public narrative.
7. The 2021-2024 Statewide Line Item TIP- Highway and Bridge Projects with public narrative.

Additional Outreach

The following Native American Tribes that have an interest in projects in the LLTS Area were also contacted:

Absentee-Shawnee Tribe of Oklahoma

Delaware Nation of Interest

Delaware Tribe

Eastern Shawnee Area of Interest

Oneida Indian Nation

Onondaga Nation

Seneca-Cayuga Tribe of Oklahoma

Shawnee Tribe

Tuscarora Nation

Other Public Participation

In 2017 the Scranton Area Foundation and the Federal Reserve Bank of Philadelphia inaugurated a transportation equity council for the Scranton metropolitan area. The Transportation Planning Equity Council met on a quarterly basis as a group through 2017 and 2018 as well as in various sub-committees dealing with such areas as National Models and Best Practices, Mass Transit in NEPA and Alternative Transit Options.

The group was rebranded in 2019 to “NEPA Moves” and membership was expanded through the entire MPO and now includes other northeast counties including Monroe, Wayne and Wyoming. The group’s mission statement and guiding principles include:

“All Northeast Pennsylvania residents feel part of a thriving region thanks to a comprehensive and equitable transportation system that creates and expands opportunities. Life is better because everyone has access to possibilities.”

- *Access to the region’s transportation systems is front and center in every community and economic development plan as well as every health and workforce conversation.*
- *An interconnected and collaborative transportation system that has been built on partnerships.*

Both the Lackawanna and Luzerne County Planning Commissions as well as the County of Lackawanna Transit System and the Luzerne County Transportation Authority and PENNDOT District 4-0 staff are on the committee and the Planning Department Manager for Lackawanna County and the Transportation Planner for Luzerne County serve on the NEPA Moves Steering Committee. The project manager for NEPA Moves is also a non-voting member of the LLTS Technical Committee.

The group has worked in the past and is continuing to work with the Institute for Public Policy at Wilkes University in conducting surveys of transit customers and non-customers on the system and with the Federal Reserve Bank of Philadelphia to publish [“Getting to Work on Time: Public Transit and Job Access in Northeastern Pennsylvania”](#). The group is continuing to work with Geisinger Hospital on the demonstration project to get clients to their facilities in Danville and Scranton.

2021-2024 Transportation Improvement Program (TIP)

I have reviewed the documents put out for public comment for the adoption of the 2021-2024 TIP for the Lackawanna-Luzerne Transportation Study (LLTS) Metropolitan Planning Organization (MPO) for Lackawanna and Luzerne Counties and have the following comments:

Name: _____

Contact Information (phone number, address or e-mail*):

Do you wish to be contacted: Yes [] No []

Comments: _____

* Contact information is optional but is needed if you request a reply.

For more information on these documents or provide comments contact:

Steve Pitoniak, Manager
Lackawanna County Planning Department
(570) 963-6400
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MEMORANDUM OF UNDERSTANDING (MOU)
Lackawanna-Luzerne Metropolitan Planning Organization (LLTS MPO)
Procedures for 2021-2024 Transportation Improvement Program (TIP) Revisions

Purpose

This Memorandum of Understanding (MOU) between PennDOT, the Lackawanna-Luzerne Area Transportation Study (LLTS) Coordinating Committee (LLTS MPO), and the County of Lackawanna Transit Authority (COLTS), the Luzerne County Transportation Authority and Hazelton Public Transit (HPT) establishes procedures to be used for processing revisions to the 2021-2024 Transportation Improvement Program (TIP).

Definitions

- **Administrative Modification** is a minor revision to a Transportation Improvement Program (TIP).
- **Amendment** is a revision to a TIP that involves a major change to a project included in a TIP.
- **Betterment** consists of surface treatments/corrections to existing roadway [preferably within the Pennsylvania Department of Transportation’s (PennDOT’s) right-of-way] to maintain and bring the infrastructure to current design standards for that classification of highway. This may involve full depth base repair, shoulder widening, increased lane widths, correction of super-elevation, as well as, drainage improvements and guide rail updates.
- **Change in Scope** is a substantial alteration to the original intent or function of a programmed project.
- **Cooperating Parties** include PennDOT, the LLTS MPO, COLTS, LCTA, HPT, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA).
- **Fiscal Constraint Chart** (FCC) is an Excel spreadsheet or a chart generated by the Multimodal Project Management System (MPMS) that depicts the transfer of funds
- **Interstate Management (IM) Program** is PennDOT’s four-year listing of statewide interstate maintenance (non-capacity adding) projects.
- **New Project** is a project that is not programmed in the current TIP and does not have previous obligations from a prior TIP.
- **Planning Partner** is one of the following: MPOs, or RPOs, or the independent County of Wayne.

- **Public Participation Plan (PPP)** is a documented broad-based public involvement process that describes how the LLTS MPO will involve and engage the public in the transportation planning process to ensure that the concerns of stakeholders are identified and addressed in the development of transportation plans and programs.
- **Rapid Bridge Replacement (RBR)** Initiative (developed via a Public Private Partnership – P3) will follow the **Statewide Managed Program** guidance in the administration of the program. For example, the RBR Initiative project rollouts, independent of time intervals, will be considered an amendment on the STIP. Placement of RBR projects and or line items on the LLTS MPO’s TIP will be considered as an administrative action.
- **Reserve Line Item** holds funds that are not dedicated to a specific project(s) and may be used to cover cost increases or add a new project or project phase(s).
- **Revision** is either an Amendment or an Administrative Modification to the TIP.
- **Statewide Managed Program (Statewide Program)** includes those transportation improvements or projects that are managed on the STIP, including project selection, at the PennDOT Central office level, with possible regional Planning Partner input and solicitation. Examples include but are not limited to Highway Safety Improvement Program (HSIP), Railroad Crossing Program (RRX), and State Transportation Alternatives Program (TAP) projects. The Interstate Management Program (IM) will remain its own individual program.

TIP Administration

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) will only authorize projects and approve grants for projects that are programmed in the current approved TIP. If the MPO, the LLTS transit agencies, or PennDOT wishes to proceed with a federally funded project not programmed on the TIP, a revision must be made.

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

TIP revisions must be consistent with Pennsylvania’s Performance Management (TPM) requirements, Pennsylvania’s Long-Range Transportation Plan (LRTP), and the MPO’s LRTP. In addition, TIP revisions must support Pennsylvania’s Transportation Performance Measures, the Transportation Asset Management Plan (TAMP), the Transit Asset Management (TAM) Plan, the Strategic Highway Safety Plan (SHSP) and Congestion Management Plan (CMP), as well as PennDOT’s Connects policy. Over the years, Pennsylvania has utilized a comprehensive planning and programming process that focuses on collaboration between PennDOT, FHWA, FTA, and MPOs at the county and regional levels. This approach will be applied to begin implementation of TPM and Performance Based Planning and Programming (PBPP). PBPP is PennDOT’s ongoing assessment, target setting, reporting and evaluation of performance data associated with the TIP investment decisions. This approach ensures

that each dollar invested is being directed to meet strategic decisions and enhances the overall performance of the Commonwealth's transportation system.

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

All projects within a non-attainment or maintenance area will be screened for Air Quality significance. PennDOT will coordinate with regional MPO/RPOs to screen Statewide Program projects for Air Quality significance. If a revision adds a project, deletes a project, or impacts the schedule or scope of work of an air quality significant project in a nonattainment or maintenance area, a new air quality conformity determination will be required, if deemed appropriate by the PennDOT Air Quality Interagency Consultation Group (ICG). If a new conformity determination is deemed necessary, an **amendment** to the MPO's Long Range Transportation Plan (LRTP) shall also be developed and approved by the MPO. The modified conformity determination would then be based on the amended LRTP conformity analysis, and public involvement procedures consistent with the region's PPP are required.

The federal planning regulations, 23 CFR 450.324(c), define update cycles for MPO/RPO LRTPs. If a MPO's/RPO's LRTP expires because the LRTP has not been updated in accordance with the planning cycle defined in the federal planning regulations, then the provisions of this MOU will not be utilized for that MPO/RPO. During a LRTP expiration, all STIP/TIP revisions that involve projects with federal funds within that MPO/RPO, where the LRTP expiration occurred, will be treated as an amendment and require federal approval. There will be no administrative modifications to projects with any federal funds until the MPO's/RPO's LRTP is in compliance with the federal planning regulations.

TIP Revisions

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

An **Amendment** is a revision that adds a new project, deletes an existing project, or involves a major change to an existing project included in the MPO TIP that:

- **Affects air quality conformity regardless of the cost of the project or the funding source;**
- Adds a new project, deletes a project that utilizes federal funds, or federalizes a project that previously was 100% state and/or locally funded. A new project is a project that is not programmed in the current TIP, and does not have previous

- obligations from a prior TIP. (Federally-funded Statewide Program projects are excluded from this provision);
- Adds a new phase(s) to an existing project, deletes a project phase(s), increases or decreases a project phase(s) that utilizes federal funds where the revision exceeds the following threshold:
 - \$3 million (Federally-funded Statewide Program projects are excluded from this provision);
- Involves a change in the scope of work to a project(s) that would:
 - Result in an air quality conformity re-evaluation;
 - Result in a revised total project estimate that exceeds the thresholds established between PennDOT and the MPO (not to exceed any federally-funded threshold contained in this MOU which is \$2.0 million for this MPO); or
 - Result in a change in the scope of work on any federally-funded project that is significant enough to essentially constitute a new project.

Approval by the MPO/RPO is required for **Amendments**. The MPO must then initiate PennDOT Central Office approval using the e-STIP process. An e-STIP submission must include a Fiscal Constraint Chart (FCC) that clearly summarizes the before, requested adjustments, after changes, and detailed comments explaining the reason for the adjustment(s), and provides any supporting information that may have been prepared. The FCC documentation should include any administrative modification actions that occurred along with or were presented with this action at the MPO meeting. The supporting documentation should include PennDOT Program Management Committee (PMC) materials, if available.

The initial submission and approval process for the federally-funded Statewide Program or increases/decreases exceeding the thresholds defined in the STIP MOU will be considered an amendment to the STIP (subsequent placement of these individual projects or line items on the MPO TIP will be considered an administrative modification). In the case of Statewide Programs, including the Interstate Management Program and other federally-funded statewide programs, approval by the PMC and FHWA is required.

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

- Makes any changes to the federally-funded Statewide Program, including any funding increases/decreases to project phases will be considered an administrative modification on the LLTS MPO TIP. In the case of Statewide Programs, including the IM Program and other federally-funded statewide programs, approval by PennDOT's PMC and FHWA is required.
- Shifts federally-funded projects, a federally-funded project phase(s), or federal funds to existing federally-funded projects or a federally-funded project phase(s) in the approved TIP and must maintain year-to-year TIP fiscal constraint requirements;
- Adds a project from a funding initiative or line item that utilizes 100 percent state or non-federal funding; or LLTS MPO TIP placement of the federally-funded Statewide Program;
- Adds a project for emergency repairs to roadways or bridges, except those involving

substantial, functional, location, or capacity changes;

- Draws down or returns funding from an existing TIP reserve line item and does not exceed the thresholds established above. (A reserve line item holds funds that are not dedicated to a specific project(s) and may be used to cover cost increases or add an additional project phase(s) to an existing project);
- Adds federal or state capital funds from low-bid savings, de-obligations, release of encumbrances, or savings on programmed phases to another programmed project phase or line item but does not exceed the above thresholds;
- Splits a project into two or more separate projects to facilitate project delivery;
- Advances a project phase from the 2nd or 3rd Four Years of the TYP or the region's LRTP for a project that has another phase included in TIP utilizing Federal funds;
- Adds, advances, or adjusts federal funding for a project based on FHWA August Redistribution.

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

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

All revisions, amendments, and administrative modifications shall be identified, numbered, and grouped as one action on an FCC demonstrating both project and program fiscal constraint. The identified grouping of projects (the entire revision action) will require review and/or approval by the Cooperating Parties. In the case that a project phase is pushed out of the TIP period, the LLTS MPO will demonstrate, through an FCC, fiscal balance of the subject project phase in the second or third years of the TYP and/or MPO MTP.

Transit

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

Fiscal Constraint

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

TIP Financial Reporting

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

TIP Transportation Performance Management

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

MPO TIP Revision Procedures

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

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

This Memorandum of Understanding will begin October 1, 2020, and remain in effect until September 30, 2022, unless revised or terminated. Furthermore, it is agreed that this MOU will be reaffirmed every two years.

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

Brian Hare, P.E.
Director, Center for Program Development
And Management
Pennsylvania Department of Transportation

Date

Dave A. Pedri, Esq., Chairman
LLTS Metropolitan Planning Organization

Date

Robert Fiume, Executive Director
County of Lackawanna Transit Authority

Date

Ralph Sharp, Director
Hazelton Public Transit

Date

Lee Horton, Executive Director
Luzerne County Transportation Authority

Date