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## MEMO

**Date:** 11/3/2022

**To:** Metropolitan Planning Organization Directors

**From:** Anna Pierce, MnDOT Metropolitan Planning Program Coordinator

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## RE: UNIFIED PLANNING WORK PROGRAM POLICIES

### APPLICABILITY

This policy applies to Metropolitan Planning Organizations (MPOs) that have a federal Consolidated Planning Grant (CPG) with the Minnesota Department of Transportation (MnDOT).

MnDOT's Office of Transportation System Management (OTSM) may update this document as new federal requirements, state requirements or funding legislation emerge.

### BACKGROUND

Under [23 CFR 450.308](#), MPOs are required to prepare and adopt a unified planning work program (UPWP). The UPWP must be adopted by the MPO, which is defined in [23 CFR 450.104](#) as the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

The UPWP shall identify work proposed for the next 1 or 2-year period by major activity and task in sufficient detail to indicate who will perform the work, the schedule for completing the work, the resulting products, the proposed funding by activity and task and a summary of the total amounts and sources of federal and matching funds. The UPWP shall identify tasks by calendar year and serves as the formal grant application to receive [FHWA Metropolitan Planning \(PL\)](#) and [FTA 5303](#) funds. [FTA Circular C8100](#) illustrates the requirements and expectations of the UPWP.

### DEVELOPING THE UPWP

When MnDOT is the primary department of transportation (DOT), the UPWP shall identify work proposed for the next 1-year (January 1 through December 31) and identify the 2<sup>nd</sup> year as illustrative with an anticipated budget.

The UPWP must include major activities and tasks in sufficient detail to indicate:

- Who will perform the work (MPO staff, consultant, etc.)
- Schedule for completing the work (what quarter or month and of what year)

- Resulting products (reports, data, plans, etc.)
- Proposed funding by activity and task
- Summary of the total funding amounts and sources of federal and matching funds
- How the major activity and/or task meets the [Planning Emphasis Areas](#)
- How the major activity and/or task meets the [Planning Factors](#)
- If the major activity and/or task meets the requirements of the PL funds Set-aside for Increasing Safe and Accessible Transportation Options
  - The requirements are that each MPO to use at least 2.5% of its PL funds<sup>1</sup> on specified planning activities to increase safe and accessible options for multiple travel modes for people of all ages and abilities.

The UPWP serves as the formal grant application to receive [FHWA Metropolitan Planning \(PL\)](#) and [FTA 5303](#) funds that are administered through the CPG agreement.

The [UPWP checklist](#) should be used to guide the development of the UPWP to ensure it meets the [23 CFR 450.308](#) requirements. Additionally, the UPWP checklist provides best practices for ensuring the UPWP is accessible and provides consistent and sufficient detail about the MPO.

### **MNDOT, FHWA AND FTA COORDINATION**

Each MPO must submit a draft UPWP to OTSM, FHWA and FTA for review. The review period should allow for ten-business days to review the draft UPWP. The UPWP should include all required items, per the checklist, when submitted for review. There should be at least one draft UPWP review prior to adoption of the UPWP by the MPO's Policy Board.

OTSM coordinates the development and review of the UPWP with the MPO. The OTSM liaison will coordinate with the MnDOT District Planners as appropriate.

### **UPWP ADOPTION AND SUBMITTAL**

The MPO will follow their approval process for adopting the UPWP. Once the UPWP is adopted by the MPO Policy Board, the MPO must submit the following documents to the OTSM liaison as separate PDF documents.

- Adopted UPWP
- Adopting UPWP resolution or meeting minutes
- [UPWP Checklist](#) filled out

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<sup>1</sup> The 2.5% is only of the FHWA funds in the Consolidated Planning Grant (CPG). The 2.5% does not apply to the FTA 5303 funds.

Next, OTSM will review the submitted UPWP documents and, if consistent with federal guidance, will transmit to FHWA and FTA for approval. Simultaneously, OTSM will provide the MPO MnDOT's approval of the UPWP via email.

### **SUBMITTAL TIMELINES**

MPO's have two deadlines to work from to get their UPWP's approved by FHWA and FTA. FHWA and FTA has requested that MnDOT only send over two transmittal letters. To meet this requirement and encourage MPOs to approve their UPWPs and begin procurement processes earlier, MnDOT has set two UPWP submittal deadlines.

#### ***Deadline 1: September 15<sup>th</sup>***

UPWP's submitted as approved to MnDOT by September 15<sup>th</sup> will be approved in the first set. This allows time for MPOs to receive an approved UPWP from FHWA and FTA, sign-off on Consolidated Planning Grant (CPG) agreements, and the opportunity to start the procurement process for the upcoming calendar year.

#### ***Deadline 2: November 30<sup>th</sup>***

Any UPWP received later than September 15<sup>th</sup> will be approved in a second set after the final UPWP is received, which could be as late as November 30<sup>th</sup>. The second deadline does not guarantee that the CPG agreements will be executed and associated funds will be available January 1.

### **REVISIONS TO THE ADOPTED UPWP**

There are instances when an MPO may need to amend or modify its UPWP. UPWP revisions may be in the form of administrative modifications or formal amendments. Prior to initiating any changes, the MPO should consult with MnDOT's OTSM liaison and FHWA or FTA, as applicable, to determine if an amendment or modification is required and to discuss any other concerns or issues regarding the proposed change. The MPO, OTSM and FHWA or FTA will determine whether an administrative modification or formal amendment is required. MnDOT and FHWA or FTA will identify the information that needs to be included in the documentation.

An MPO cannot take action (e.g., vote or pass a resolution) to amend its UPWP prior to federal approval of the UPWP.

### **FORMAL AMENDMENT**

A formal UPWP amendment request is required for any of the following changes, in alignment with [2 CFR 200.308](#):

- Budget Changes
  - Any change that results in the addition of federal funds to the existing approved UPWP planning grant
  - Cumulative transfers over 10% of the total federal funds of the UPWP budget among separately budgeted work categories (e.g., if the UPWP budget is \$500,000 of which \$400,000 is federal funds, the 10% threshold is \$40,000. Therefore \$10,000 could move from category A to category

- B and \$29,999 could move from category C to category D prior to a formal amendment needing to occur.)
- Reduction in work that will equal or exceed 25% of the total project budget per task identified in the UPWP budget for the MPO (e.g., if the total UPWP budget is \$500,000, but Task A’s budget is \$50,000, then if Task A reduces its budget by 25% or \$12,500, then there would need to be a formal amendment.)
  - Task Changes
    - Adding new work items not previously listed in the approved UPWP that are requested to use CPG funds. This may include the next calendar year procurement related tasks.
    - Significant<sup>2</sup> change in the scope of work for separately budgeted work categories, projects, elements or activities
    - Change in the scope or the objective of the programmed task or project
  - Changes to Who Performs the Activities and Tasks
    - Addition or removal or change of consultant<sup>3</sup> activities if these actions were not identified in the approved UPWP.
    - Change from consultant to perform activities to internal MPO staff specified to complete the task or project.

### FORMAL AMENDMENT REQUEST

The following actions, in order, are required prior to any work being done or funds expended when a formal UPWP amendment is required.

1. Approval from the MPO policy board prior to submitting the request to MnDOT for approval
2. Approval from MnDOT OTSM
3. Approval from FHWA or FTA

A formal UPWP amendment request must include:

- Completed [UPWP Amendment form](#)
  - Signed form
  - Electronic signatures are acceptable
- Redline version of updated UPWP with updated funding tables and work activity descriptions, as needed reflecting the changes
  - Document should be show “track changes”

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<sup>2</sup> Definition of significant will be determined in coordination with the MnDOT OTSM liaison and FHWA or FTA, as applicable.

<sup>3</sup> Consultant is defined as contracting out, sub-granting, or otherwise obtaining the services of a third party to perform activities.

- Document should be a PDF with comments turned on
- Clean version of updated UPWP with updated funding tables and work activity descriptions, as needed reflecting the changes
  - Document should show only the final amended version with no “track changes” shown
  - Document should be a PDF
- MPO resolution or meeting minutes<sup>4</sup> approving the UPWP amendment
  - Document should be a PDF
- Transmittal letter
  - Provide a summary of the proposed change, including the proposed change in hours and funding levels. The summary should describe the change in scope of work for each affected work category, project, element or activity.
  - Request MnDOT to approve and transmit its approval and the UPWP amendment packet to FHWA and/or FTA for final approval.

The formal UPWP amendment request and associated documentation must be submitted to MnDOT’s OTSM requesting MnDOT’s approval of the amendment and that MnDOT transmits the amendment with a recommendation to FHWA and/or FTA for final approval.

It is recommended that the MPO submit a draft of the proposed amendment to MnDOT’s OTSM liaison and FHWA or FTA for review and comment prior to MPO Policy Board approval. MnDOT will review the request in consultation with FHWA and/or FTA. MnDOT and FHWA or FTA may request additional documentation. If approved, MnDOT will transmit its UPWP amendment approval to FHWA and/or FTA for federal approval. **For new activities, added tasks or added budget, no work may begin on the activity until FHWA and/or FTA approval is received.**

All formal amendments that include a request to amend the MPO’s CPG to add or reduce<sup>5</sup> federal funds must be submitted to MnDOT no later than August 31<sup>st</sup> of the effected calendar year. MnDOT cannot guarantee CPG amendments will be processed for requests received after August 31<sup>st</sup>. MnDOT must have available obligation authority to add funds to a grant.

## **ADMINISTRATIVE MODIFICATIONS**

An administrative UPWP modification is required for any of the following changes:

- Technical or editorial corrections are made to an approved UPWP

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<sup>4</sup> Draft meeting minutes are acceptable for the initial submittal but adopted meeting minutes should be sent over to OTSM liaison and FHWA/FTA once approved.

<sup>5</sup> If the MPO processes an amendment for a reduction in work that exceeds 10% of the total federal funds, the MPO may also request an amendment to its CPG. The federal funds may be available for future use if MnDOT has available obligation authority.

- Examples of these instances include corrections or revisions that do not substantially change the work budget or hours for an activity.
- Changes to the approved UPWP do not meet the thresholds for a formal UPWP amendment, but documentation is needed.
- Transfers under 10% of the total federal funds of the UPWP budget among separately budgeted work categories (e.g., if the UPWP budget is \$500,000 of which \$400,000 is federal funds, the 10% threshold is \$40,000. Therefore \$10,000 could move from category A to category B and \$29,999 could move from category C to category D with an administrative amendment.)
- Reduction in work of the overall task is greater than \$5,000 or the reduction in work of the overall task is greater than 10% but is less than 25% of the total project budget per task identified in the UPWP budget for the MPO (e.g., if the total UPWP budget is \$500,000, but Task A's budget is \$50,000, then if Task A reduces its budget by 25% or \$12,500, then there would need to be a formal amendment.)

Approval of administrative modification must occur in accordance with the MPO's Bylaws and Procedures<sup>6</sup> prior to the change taking effect. Administrative modifications do not require formal MnDOT or FHWA or FTA approval.

An administrative modification:

- Requires documentation of the revision as determined by the MPO in accordance with the MPO's Bylaws and Procedures<sup>7</sup>
- Does not require formal MnDOT or FHWA or FTA approval.

#### ADMINISTRATIVE MODIFICATION REQUEST

When an administrative modification is anticipated, the MPO should start by coordinating with MnDOT's OTSM liaison to confirm the modification is required. The administrative modification does not require formal MnDOT or FHWA or FTA approval but needs to be documented per the MPO procedures.

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<sup>6</sup> MPO must have a documented procedure for tracking and approving UPWP formal amendments and modifications.

<sup>7</sup> MPO must have a documented procedure for tracking and approving UPWP formal amendments and modifications.