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Sent: Monday, January 23, 2012 1:53 PM
To: Holly Ostdick
Cc: Doug Ferguson; Ross Patronsky; Patricia Berry
Subject: Comments on CMAQ Program Obligations and Tardy Projects

Holly, et al,

As a follow-up to the CMAQ discussion at the CMAP Transportation Committee meeting last Friday, my previously submitted comments are summarized and repeated below:

In mid December, CMAP staff cancelled the extra December 2011 meeting of the CMAQ Committee that was intended to address the lack of progress on 48 previously programmed projects. CMAP staff's explanation for cancelling that meeting was as follows:

Staff is not recommending removal of any projects since all projects had indicated some movement toward implementation.

To which my response to the CMAQ Committee and CMAP staff was as follows:

I understand that it's not easy to single out projects for removal, but that doesn't mean that our problem just disappears. We still have 48 projects (or project phases) that were supposed to get obligated in 2011, and I do not recall that the CMAQ PSC has yet given these projects another one time move.

Given that our next meeting is now scheduled for February 9, 2012, and we have additional meetings scheduled in April and May, I suggest that we use those meetings to begin addressing those four dozen tardy projects. I recommend that staff start by grouping these projects according to the severity of the delay. According to the severity, we can then invite the project sponsors to come to the meetings to explain how they are advancing each project. For example, projects that are scheduled for a spring letting would presumably get a pass, as would projects that requested and received additional funding in the 2012-2016 program (for now). But project sponsors that just keep using the same excuse (reason for delay), would be asked to appear at the February meeting to testify.

Yes, it might take a while. But that's the meaning of "active program management." We actually have to do the work of managing the program.

Nobody on the CMAQ Committee or from CMAP staff responded to my comments.

On the same day that the December CMAQ Committee meeting was cancelled, CMAP staff distributed their response to the request from the Transportation Committee. That response is the same as the materials included for the meeting last week, but with one important distinction. The new materials omit the Staff Recommendation section. In addition to the nice CMAQ background write-up, summary of current policies here and elsewhere, and the description of additional program management options, the previous version included three recommendations:

1. Replace the existing obligation sunset with an accomplishment sunset
2. Establish an obligation goal
3. Use a variable local match.

All of these recommendations have some merit, but they don't immediately address the tardy projects that have already been given a generous amount of time to get moving, as well as at least one opportunity to adjust the project schedule. My response to CMAP staff in December regarding their summary and recommendations was as follows:

This is a very nice write-up. It does a good job of capturing the issues, summarizing what we have already done, and what we could/should do. I have two comments/questions regarding the Staff Recommendations section that might warrant some additional attention at the appropriate time (i.e., the next Transportation and CMAQ Committee meetings):

1. Establish an Obligation Goal - This recommendation acknowledges the troubling situation that if we do better in spending CMAQ over the next

few years, this will result in a decrease in other federal funds for the region. I know CMAP is trying to address the 55/45 split with performance-based evaluation criteria. But let's assume that takes several years to address. Then why bother cleaning out the CMAQ unobligated balance? This is a rhetorical question, but we need to come up with a straight-forward explanation of why we should still pursue this.

2. Use a Variable Local Match - I am all in favor of this. But I can only envision that this would be applied to future projects, which would not really help our current situation (especially if we are soon designated as being "in attainment" and don't get any new CMAQ funds for a while). How could we apply this to existing projects? The only thing I can envision is if we now award 100% federal funding for the construction phase of some projects - as an award for good behavior. We would need to do this across the board, because there aren't many large projects or projects without local match (except for Clark/Division, which we already addressed).

The response from CMAP staff to my comments was to drop the recommendations section from the write-up - which is not very helpful.

Please let me know if you have any questions about my comments.

Thanks

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