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MEMORANDUM

To: Transportation Committee

Date: February 27, 2009

From: Doug Ferguson, Associate Planner
Ross Patronsky, Senior Planner

Re: Recommended CMAQ Revised Programming Procedures

The CMAQ Project Selection Committee has recently adopted strategies to assure that the region gets the congestion reduction and air quality improvements of CMAQ projects more quickly and reduces the large amount of unobligated funding which is at risk of being lost to the region. The recommended revised programming procedures are attached. The procedures were an informational item at the January 16, 2009 meeting of the Transportation Committee. The CMAQ Project Selection Committee recommends the strategies to the Transportation Committee for approval to send them to the MPO Policy Committee and CMAP Board at their March meetings for consideration of approval.

The region has over \$200 million in unobligated CMAQ funds. The region also faces the continued threat of federal rescissions that target unobligated balances.

The Project Selection Committee is taking steps to reduce the unobligated balance and speed the implementation of projects. The primary strategy used to date has been multi-year programming, begun in FY 2007. Under multi-year programming, project phases are programmed in successive years, so that funds for later phases do not automatically increase the unobligated balance.

The attached recommendations also address timely implementation of already programmed projects. By actively adjusting when funds are available and dropping projects that are not making progress, we hope to ensure the benefits of the projects come to the region more quickly and the unobligated amounts will be reduced.

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MEMORANDUM

To: CMAP Programming Coordinating Committee

Date: January 30, 2009

From: Ross Patronsky, Senior Planner
Doug Ferguson, Associate Planner

Re: CMAQ PSC Recommendations for Programming Changes

A: Programming of CMAQ funds for new projects

- 1) Application materials
 - a) Applications submitted without the following will be rejected:
 - i) Complete project financing & CMAQ funding request section
 - ii) Input module worksheets (traffic flow improvement projects only)
 - iii) Scoping document (traffic flow improvement, commuter parking and pedestrian/bicycle projects only)
 - b) If an application is missing other information, only one attempt will be made via both e-mail and certified mail to collect that information. If the sponsor does not respond by the deadline then the application will be rejected. Staff recommends 30 days from the date of the letter as the deadline.
 - c) Project applications submitted by municipal agencies (villages, cities, park districts, school districts, townships, etc.) are required to be reviewed by their Council of Mayors staff (Planning Liaison (PL)).
 - i) The individual PLs would be responsible for reviewing applications and advising the sponsor of missing information.
 - ii) A PL sign-off will be incorporated into the application forms.
 - iii) A deadline for submitting applications to the PLs will be included in the CMAQ program development schedule. The "review deadline" will be two weeks in advance of the deadline for submission to CMAP.
 - iv) The applicant is ultimately responsible for application completeness. If a municipal agency submits an application with missing information (other than items a) i), ii) and iii), b will apply.

2) Programming Funds

- a) Normally funding for all phases of a project will be considered in one application.
- b) On an exceptional basis, proposals will be considered for funding phase I engineering separately from other phases
 - i) in this case, future phases are not eligible for funding until the project has been submitted for design approval.
 - ii) Sponsor must apply for future phases, phase II engineering, right-of-way acquisition, and construction; funding of the future phases is not automatically guaranteed.
- c) Proposals that don't seek funding for phase I engineering must be submitted for design approval by June of the application cycle to be considered for funding of the later phases in the fiscal year of the application cycle.
 - i) Applicants completing phase I engineering with local funds must certify that they will meet federal standards.
 - ii) Proposals that seek funding of later phases in an out year will be considered on a case-by-case basis. (Out years are, for example, 2011 and 2012 in the 2010 application cycle.)
- d) Proposals seeking phase 1 engineering as well as subsequent phases will have phase II engineering programmed in the third year (i.e., the program year plus two) rather than the second year as is the current practice.
 - i) Construction in such cases will be programmed in the fourth year.
 - ii) Funding for subsequent phases can be moved up on request if the project is ready.
- e) The CMAQ program mark will be the northeastern Illinois share of the state's federal apportionment.
- f) Create a "B" list of projects in the programming cycle approved by the MPO Policy Committee. It will include all projects with a reasonable cost/benefit ratio as well as partially funded projects. The projects will remain in the list until the end of that Federal Fiscal Year¹.
- g) All sponsors will be required to attend a mandatory project initiation meeting once the eligibility determination has been received from USDOT. The meeting will distribute necessary forms and information for sponsors to initiate their projects and will go over project schedules.

B: Active Program Management of Projects

- 1) Projects with funds programmed prior to FFY 2007
 - a) Move funding (reprogram) for these projects to realistic out years for the unobligated phases.
 - i) The funding made available by moving the phases out of 2009 would be available for potential cost increases for already approved projects.

¹ The Federal Fiscal Year (FFY) runs from October 1st of the prior calendar year through September 30th. Example: FFY 2007 is October 1, 2006 through September 30, 2007.

- ii) If the amount of funds made available is of a sizeable amount, then new projects could be considered.
 - iii) Once this is done the project could move funding for an approved phase one more time before it is considered for withdrawal of funding.
 - iv) If phases of the projects move beyond the final year of the TIP (2012) into MYB, the funding for those MYB phases will be withdrawn. Sponsor will need to reapply at the appropriate time for funding.
- 2) For projects programmed FFY 2007 and later
- a) Projects approved only for phase I engineering would have only one fiscal year to initiate phase I with a job number request form submitted to IDOT or a FTA grant agreement. Failure to do so would cause funding to be considered for withdrawal from the project. This decision will be by recommendation of the CMAQ Project Selection Committee to the Transportation Committee.
 - b) Projects programmed in the multi-year programming with phases beyond phase I engineering could move funding to new fiscal years only once. The exception to this rule is if the moving of a phase to a new fiscal year is the direct result of actions out of the control of the sponsor. Funding will be considered for withdrawal if the funding is not obligated in that new fiscal year.
- 3) Review of projects with phases in the annual element would be conducted in May and October.
- a) Projects that will not obligate their annual element phase by the end of the fiscal year will be able to use their one time adjustment to their project schedule.
 - i) If the phase is phase I engineering, however, the phase still must be initiated by the end of the fiscal year.
 - ii) Projects that have already adjusted their schedule once will be considered for withdrawal of funding if the additional delay is not the direct result of actions out of the sponsor's control.
 - b) Funds freed up by schedule adjustments will be reprogrammed
 - i) Funds available for reprogramming will be considered for cost increases as needed.
 - ii) In May, projects included in the "B" list will be reviewed to identify candidates for programming the funds.
 - iii) In October, new projects from the just-completed programming cycle will be reviewed for programming the funds.
 - c) Job number requests forms are required to have been submitted to IDOT by the time of the May review for non-transit projects. Grant applications are required to have been submitted to FTA by the time of the May review for transit projects.