

ATTACHMENT A

A RESOLUTION APPROVING A REALLOCATION OF FEDERAL SURFACE TRANSPORTATION-DIRECT APPORTIONMENT FUNDING FOR THE HOMESTEAD- CHAPEL HILL HIGH SCHOOL MULTI-USE PATH

Draft Resolution No. 81/2012-13

WHEREAS, on March 1, 2011, the Board of Aldermen approved a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Homestead-Chapel Hill High School Multi-use Path project (NCDOT TIP #U-4726-DE); and,

WHEREAS, detailed design commenced in December 2011 and is currently at the 90 percent plan stage; and,

WHEREAS, the most recent cost estimate provided by Kimley-Horn and Associates, the engineering firm selected to perform preliminary engineering services, suggests the project will require additional funding; and,

WHEREAS, additional Surface Transportation Program-Direct Apportionment (STP-DA) funding may be available through the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO);

NOW, THEREFORE BE IT RESOLVED, by the Carrboro Board of Aldermen that the following funding reallocation is approved.

Request additional 15 percent, allocate portion of Jones Creek Greenway funding to Homestead-CHHS Path to total \$192,184, and allocate the remainder of Jones Creek Greenway funding to the Morgan Creek Greenway project

| | |
|---|------------------|
| Summary of funding changes for Homestead-CHHS Path | |
| Additional 15% STP-DA | \$88,500 |
| Jones Creek Greenway | \$103,684 |
| Total for Homestead-CHHS Path | \$192,184 |
| <i>Remainder of \$214,700 to Morgan Creek Greenway</i> | <i>\$111,016</i> |

BE IT FURTHER RESOLVED that Town staff are directed to coordinate with DCHC-MPO to administer the reallocation.

This is the 22nd day in January of 2013.



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: ☒ *HAND* ☐ *MAIL* ☐ *FAX* ☐ *EMAIL*

To: David Andrews, Town Manager
Mayor and Board of Aldermen

From: Jeff Brubaker, Transportation Planner

Date: January 16, 2013

Subject: Recommended Reallocation of STP-DA Funding

BACKGROUND

The Homestead-Chapel Hill High School Multi-use Path (Bolin Creek Greenway Phase 1B) is at the 90 percent plan phase. A Conditional Letter of Map Revision (CLOMR) package has been submitted to the North Carolina Floodplain Mapping Program (NCFMP) for review. The CLOMR is necessary due to floodplain changes modeled to occur due to the installation of a crossing of Bolin Creek and changes to the Homestead Road bridge rip rap (replacement with retaining wall) for the multi-use path underpass. In June, Town staff submitted a request to UNC to grant a right-of-entry to build the path on UNC-controlled property (owned by the State Property Office) east of the creek. The request is currently under review.

With the development of 90 percent plans, the Town's engineering consultant, Kimley-Horn and Associates, has submitted a revised opinion of probable construction costs. With this cost estimate, plus the cost of preliminary engineering and the expected costs of construction engineering and 15 percent contingency, it is estimated that the project will need an additional \$178,000. The highest-cost items in the estimate include the prefabricated bridge, grading, and segmental gravity retaining wall.

STP-DA FUNDING & ALLOCATION GUIDANCE

It is recommended that additional STP-DA funding be pursued to address this funding need. The DCHC-MPO Technical Coordinating Committee has approved Interim STP-DA Allocation Guidance that establishes an informal procedure for allocating additional STP-DA funding for projects experiencing cost increases, generally not to exceed 15 percent of the original STP-DA

allocation. A 15 percent addition was approved by the MPO for the Wilson Park Multi-use Path earlier this year. For two regional projects – the American Tobacco Trail I-40 overpass and bike lanes and sidewalks on Old Durham-Chapel Hill Rd. – additions of greater than 15 percent were approved by the MPO.

To cover a portion of the additional cost identified by Kimley-Horn, the Town could request an additional 15 percent of the original Homestead-CHHS Path allocation, which would amount to approximately \$88,500. This would address roughly half of the \$178,000 need.

| | |
|----------------------------|-----------------|
| Original STP-DA allocation | \$590,000 |
| Additional 15% | \$88,500 |
| <i>Remaining need</i> | <i>\$89,500</i> |

If the MPO approved this request, an additional \$89,500 would be needed.

The Interim Guidance also maintains a policy of allowing MPO members to shift STP-DA funding from one project to another. DCHC-MPO is currently reviewing STP-DA allocations for projects that have not yet been obligated. Carrboro currently has an allocation for one project, which has not been obligated because funding for the required non-federal match (at least 20 percent) has not yet been identified, and which is past the one-year grace period described below.

| Project | STP-DA allocation | Federal fiscal year available |
|----------------------|-------------------|-------------------------------|
| Jones Creek Greenway | \$214,700 | 2011 |

These projects have not yet proceeded because the required non-federal match (at least 20 percent) has not yet been identified. The MPO Transportation Advisory Committee (TAC) has requested a recommendation from MPO staff via the Technical Coordinating Committee (TCC) on how to proceed with these allocations. The TCC is expected to discuss this at its January 23 meeting, and the TAC is expected to discuss it as early as its February 13 meeting.

Current MPO adopted policy (*Attachment C*) states:

Each phase of a project with STP-DA and/or CMAQ funds is allowed a one-year grace period beyond the allocation year. If project funds remain un-obligated by the end of this grace period, funds are at risk of being removed from the project.

As we are in federal fiscal year 2013, the Jones Creek Greenway allocation has now exceeded its one-year grace period. Although commencing the Jones Creek Greenway project remains an adopted priority of the Board of Aldermen (December 8, 2009 meeting), the absence of a local match has prevented obligation of the STP-DA allocation. *Therefore, to ensure that this funding is retained for the Town of Carrboro, it is strongly recommended that the full \$214,700 amount be reallocated to STP-DA projects in progress.*

POTENTIAL MATCHING FUNDS

It is possible to provide additional STP-DA funding for the Homestead-CHHS Path assuming payment-in-lieu for a portion of the project will be received as part of Condition #8 of the approved Conditional Use Permit for Claremont South (formerly known as Claremont Phases 4 and 5), which begins:

That the developer agrees to provide a payment in lieu for its estimated cost of installation of the greenway along Bolin Creek (to include pedestrian underpass and connection to Claremont, Phases 1, 2 &3) and for the greenway to the UNC property, as shown on the CUP plans...

The payment-in-lieu is a non-federal match that could be leveraged for additional STP-DA funds. Based on a payment-in-lieu estimate provided by the developer, it is expected that at this time, an additional \$192,184 could serve as the statutory 80 percent federal STP-DA share. This amount of STP-DA funding exceeds the estimated \$178,000 need, but could cover additional costs over the assumed 15 percent contingency. Therefore, it is recommended that \$192,184 be allocated to the Homestead-CHHS Path project.

The Board has also recently discussed strategies for proceeding with Phases 1 and 2 of the Morgan Creek Greenway. In particular, a shortage of funding necessary to construct Phase 2 and beyond was discussed.

PROPOSED REALLOCATION

Based on current needs for the Homestead-CHHS Path and Morgan Creek Greenway, the following reallocation strategy is proposed.

Request additional 15 percent, allocate a portion of Jones Creek Greenway funding to Homestead-CHHS Path to total \$192,184, and allocate the remainder of Jones Creek Greenway funding to the Morgan Creek Greenway project.

| | |
|---|------------------|
| Summary of funding changes for Homestead-CHHS Path | |
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| Jones Creek Greenway reallocation | \$103,684 |
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The reallocation should be toward an existing STP-DA project, not a new one, since existing projects have been selected by the MPO's competitive selection process. An additional local match, c. \$28,000, will need to be identified for the additional Morgan Creek Greenway funds.

Despite the importance of the Jones Creek Greenway (Bolin Creek Greenway Phase 2), reallocating the entire funding allocation is suggested because of the priority of retaining the \$214,700 for Carrboro greenway projects. This is essentially the "oldest" funding most

susceptible to reallocation due to its exceeding the grace period. The Town still maintains Congestion Mitigation and Air Quality (CMAQ) funding to extend the Twin Creeks Greenway south to serve neighborhoods near the Phase 2. While this funding also requires a non-federal match, yet to be identified, it has the potential to allow the Phase 2 priority to begin to be implemented, even if the STP-DA allocation is applied to the Homestead-CHHS Path and/or other projects. Preliminary engineering for this project is eligible to begin at the present time, and construction may begin as early as October 1, 2013, which is the beginning of Federal Fiscal Year 2014.

Securing additional STP-DA funding would allow the expected costs of the Homestead-CHHS Multi-use Path to be covered with additional federal transportation funding, leveraging an already-expected non-federal match (payment-in-lieu). In the absence of additional STP-DA funding, the Town would need to identify an alternative source of funding to cover costs.

A budget allocation of \$53,675 would be required if the Town were to provide all of the local match for the Jones Creek STP-DA amount. An accelerated schedule would have to be pursued to obligate the funding expeditiously. Since construction obligation does not occur until federal authorization after plans, specifications, and estimate have been approved, it is not possible to obligate the portion of the STP-DA allocation for construction within the first half of this year, at the very earliest. Therefore, some of the funding would inevitably remain susceptible to reallocation even if design were pursued expeditiously.

POLICY FRAMEWORK FOR DCHC-MPO's FEDERAL FUNDS

Under the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) is responsible for programming and maintaining the seven-year Metropolitan Transportation Improvement Program (MTIP), coordinating updates of the State Transportation Improvement Program (STIP) and selecting projects to receive funds from three federal funding programs:

- Surface Transportation Program – Direct Apportionment (STP-DA)
- Congestion Mitigation and Air Quality (CMAQ)
- Federal Transit Administration (FTA)

Under SAFETEA-LU, DCHC-MPO is required to document the process used for programming these funds. The “Policy Framework for the DCHC-MPO’s Federal Funds” provides policy direction and guidelines for the recommendation and selection of projects to receive DCHC-MPO funds. In addition to more general policy direction, this Policy Framework contains specific information for DCHC-MPO’s project selection process for programming DCHC-MPO funds, as part of the development of the TIP. This policy focuses and provides guidance for programming DCHC-MPO funds and support implementation and tracking of projects established in the MPO’s Long Range Transportation Plan, the 2035 *LRTP*, adopted on May 13, 2009.

Transportation Improvement Plan (TIP)

The TIP contains the transportation project list developed and approved through the MPO’s decision-making process. The TIP is focused on the development and implementation of projects that are part of or directly support key local and state transportation policies and plans, including designated projects in the 2035 *LRTP*. Under federal law, the TIP must be a four-year program of projects that is updated at least every 2 years. At a minimum, federal and state legislation requires a Metropolitan TIP to contain all of the transportation projects requesting federal transportation funding under Titles 23 CFR (Highways) and 49 CFR (Transit) in the United States Code, as well as all the non-federally funded, significant projects. The 2012–2018 TIP will therefore include:

- Projects using federal funds managed by DCHC-MPO (STP-DA, CMAQ, and FTA).
- Projects using federal and state funds managed by NCDOT.
- Projects of significance, regardless of funding source, required to be included in the air quality analysis and conformity determination of the TIP.

- Projects carried forward from the previous TIP funding, with funds not yet obligated.

As part of the development of the TIP, DCHC is responsible for reviewing all projects submitted for programming. DCHC has primary responsibility for selecting projects to receive DCHC-managed federal funds from the STP-DA, CMAQ, and FTA federal funding programs.. The process is summarized in the subsequent sections of this policy.

DCHC-MPO Funds - Eligibility Requirements

As previously stated, DCHC is responsible for selecting projects to receive STP-DA, CMAQ, and FTA funds. Each federal funding program has specific eligibility requirements, as follows:

- STP-DA funds are the most flexible of DCHC funds and can be used for a variety of transportation projects, transit projects, and planning activities.
- CMAQ funds are available for specific categories of transportation projects and programs that improve air quality by increasing the efficiency of existing transportation facilities or reducing travel demand on those facilities. General purpose roadway projects are not eligible.
- FTA funds may be used *only* for transit related projects serving the DCHC's federal urbanized areas.

DCHC-MPO Funds - STP-DA Funding Proposal

In 2008 the MPO adopted the following three step process for establishing an annual STP-DA funding proposal. The Technical Coordinating Committee (TCC) recommends to the Transportation Advisory Committee (TAC) approval of the distribution of funds to projects via this process.

Step 1 – Distribution guidance

The MPO funds identified are distributed through a partially competitive and non-competitive process. This process is based on the requirements of current transportation legislation, with additional guidance provided by the *2035 LRTP*, the MPO's long-range metropolitan transportation plan and other local comprehensive plans.

The process begins with the calculation of our "expected" annual STP-DA funds available. It is calculated by combining our annual allocation over the 7 year period with any prior year uncommitted balance. The total "expected" STP-DA funds available is initially reduced by the following items:

1. *Annual Reserve* (15%)- distributed to participating members on a competitive basis
2. *Staff and Routine Planning* needs - funding level varies depending on LPA needs
3. *Extra Planning* needs - funding level varies depending on LPA needs

After those items have been accounted for, the "remainder" of STP-DA funds is allocated to 3 sub-categories as follows:

1. 25% to *Transit* (non-competitive split: 50% Chapel Hill Transit, 50% Durham Area Transit Authority)
2. 25% to *Regional Bicycle and Pedestrian* (competitive – for projects of regional scale and importance)

3. 50% to *Local Discretionary* (distributed to participating members on a non-competitive basis)

Step 2 – Distribution of STP-DA within the each distribution category

Annual Reserve (Small Projects) – This category is intended to be used for short-term immediate needs and small projects. No guidelines have been proposed for distribution by jurisdiction so that the MPO has flexibility in responding to immediate needs that may vary significantly from year to year.

Staff and Routine Planning – This category is for LPA staff and routine planning activities either performed by the LPA or by other agencies (TJ COG or the Model Service Bureau) on behalf of the LPA. There is no need for guidelines for the distribution of funding within this category because all funding is for MPO-wide activities – no funding is allocated to individual jurisdictions.

Extra Planning – This category is for special emphasis projects either performed by the LPA or member jurisdictions. This category is for larger, more expensive planning projects that will enhance transportation planning in the MPO but are not required. No guidelines have been proposed for distribution by jurisdiction. All of the projects that have been approved are for MPO-wide activities.

Transit - The TAC approved an even distribution of STP-DA funds within the transit category between Chapel Hill Transit and DATA

Regional Bicycle and Pedestrian – There is no distribution formula for funding within this category. Projects in this category will span across multiple jurisdictions or otherwise provide regional benefits through increased connectivity.

Local Discretionary – For the local discretionary category, the TAC approved a guaranteed \$500,000 minimum for each municipality over the 7-year TIP and then distribution of the remainder proportionate to municipal population

Step 3 – Allocate STP-DA funds to specific projects within each category

All funding of specific projects within each category must be presented to the TAC for approval. There is no sub-allocation of funding directly to member governments.

These first 3 categories are approved annually with the UPWP process:

Annual Reserve (Small Projects) – Each member agency will submit new or continued projects annually for this category.

Staff and Routine Planning – The LPA Staff will submit estimated staffing and routine planning activities annually for this category.

Extra Planning – The LPA Staff will submit new or continued projects for this category.

These next 3 categories are typically approved bi-annually with the MTIP process; yet amendments can be made in the interim as needed:

Transit – Transit agencies will submit projects for the TCC to develop a recommendation for the transit category.

Regional Bicycle and Pedestrian – LPA staff and each member agency will submit new or continued projects for this category. LPA formally identified regional connections as part of the 2035 LRTP.

Local Discretionary – LPA staff and each member agency will submit new or continued projects for this category. The TAC will approve with the added expectation that offers municipalities flexibility in funding projects that reflect their own priorities.

DCHC-MPO Funds – STP-DA Project Approval Process

DCHC has an established process for recommending and selecting projects to receive DCHC funds. STP-DA funds are distributed based on the aforementioned funding proposal methodology and the following funding policy that was adopted by TAC in 2003:

“Funding priority will be given to projects in the adopted DCHC Long Range Transportation Plan in the following categories and not for roadway projects:

----Public Transit, Bicycle and Pedestrian Facilities, Transportation System Management/Transportation Demand Management / Intelligent transportation Systems, Scenic and Environment enhancements, Planning Studies that support the implementation or development of the adopted and future versions of DCHC's Long Range Transportation Plan, & Air Quality Programs

When projects are being considered, equity and funding in jurisdictions over time will be considered.”

Projects that are submitted for funding requests will be given priority separately according to the seven project groups and the following guiding principles:

1. Annual Reserve (Small projects), includes:
 - a. LPA and local government planning activities under \$200,000 (federal)
 - b. Bicycle, pedestrian and transit projects under \$200,000 (federal)
 - c. Cost over-runs and additions to existing projects
 - d. These are projects that require less advance planning and can be completed quickly.
2. LPA staff requests and LPA and local government routine planning activities, includes:
 - a. New and existing LPA staff positions
 - b. Activities that are required to be completed such as air quality planning, congestion mitigation plan, modeling, etc.

3. LPA and local government extra planning activities, include:
 - a. LPA and local government planning activities over \$200,000 (federal)
 - b. Optional activities such as special emphasis projects
4. Transit projects over \$200,000 (federal)
5. Regional bicycle and pedestrian projects
 - a. Projects of regional scale and importance that span or connect multiple jurisdictions.
6. Local Discretionary –This is the most flexible category. Projects can include:
 - a. Large bicycle and pedestrian projects
 - b. Scenic and environmental enhancements to highway TIP projects
 - c. Transit projects
 - d. Planning projects
7. Travel demand management - Funding for the TDM will be shared equally by CAMPO. The MPO's share of TDM for FY 2009 and future years will be provided using CMAQ funds. TDM offers very high air quality benefits and competes very favorably for CMAQ funding. Future CMAQ funds have been approved for FY 2013 through 2015 for TDM.

DCHC-MPO Funds – CMAQ Funding

Federal CMAQ funds are apportioned annually to each State according to the severity of its criteria air problems. The CMAQ program is funded by the Federal Highway Administration (FHWA); therefore CMAQ projects must follow Federal laws and regulations. Since transportation and environmental program priorities fluctuate, a limited portion of CMAQ apportionment can be transferred to other Federal-aid highway programs such as:

- Surface Transportation Program (STP)
- National Highway System (NHS)
- Highway Bridge Program (HBP)
- Interstate Maintenance (IM)
- Recreational Trails Program (RTP)
- Highway Safety Improvement Program (HSIP)

The transfer of funds has specific monetary provisions and will differ each year. It is also a requirement that any transfer of such funds must still be obligated in nonattainment and maintenance areas. The MPO plans to explore the option of transferring funds.

The CMAQ program is based on a competitive process for which proposals for candidate transportation projects are submitted to North Carolina Department of Transportation (NCDOT). MPO's and RPO's responsible for transportation planning in air quality non-attainment & maintenance areas are encouraged to work cooperatively with their member jurisdictions to develop & submit project proposals. There is currently a minimum project threshold of \$100,000.

Transit project(s) selected as part of the CMAQ competitive process are flexed to the Federal Transit Administration (FTA) and retain the funding laws and regulation under the CMAQ program. FTA is ultimately responsible for the administration of flexed CMAQ funds.

Project Tracking System

DCHC would like to implement a Project Tracking System to monitor the progress of DCHC's STP-DA, CMAQ, and FTA funds. The following is a proposed tracking system. The project tracking policies contained within this document apply to the following federal funds for which the DCHC has primary responsibility for project selection through the current congressional appropriations bill:

- Surface Transportation Program Direct Attributable (STP-DA),
- Congestion Mitigation and Air Quality Improvement Program (CMAQ), and
- Federal Transit Administration (FTA) – Section 5307

The purpose of the project tracking system is to ensure the timely use of all MPO managed federal funds (referred to as "MPO funds"). Four (4) important goals of the system are to:

- Implement approved qualified/quantifiable projects
- Identify the reasons and accountability for, and possible solutions to, project delays
- Ensure a consistent process is followed for any distribution of MPO funds
- Ensure minimal impact to DCHC's UZA in the event of future rescissions

Each project sponsor will be responsible for identifying the appropriate estimated obligation date for each phase of their project receiving MPO funds and update as necessary via the project tracking database. A one-year grace period beyond the estimated obligation date is established for each project. The estimated obligation date identified by each project sponsor, once funds are programmed in the Transportation Improvement Program (TIP), is used to monitor the progress of the funds and the projects.

This project tracking system will monitor *the obligation* of STP-DA and CMAQ funds, as well as the timely realignment of these funds when necessary. A decision on the need to develop policies and procedures for monitoring the expenditures of STP-DA will be instituted at a future date. LPA staff is currently working to develop a CMAQ project evaluation analysis policy. This policy will monitor CMAQ projects to evaluate whether or not they have met their intended objectives and will also be used in decisions for future CMAQ funding. This policy will be instituted begin with the FY2011 UPWP reporting cycle.

Policies - Obligations & Monitoring

A. Obligation Monitoring of STP-DA and CMAQ Funds

Each phase of a project with STP-DA and/or CMAQ funds is allowed a one-year grace period beyond the allocation year. If project funds remain un-obligated by the end of this grace period, funds are at risk of being removed from the project. The MPO staff will provide regular reports to both the TCC and the TAC of those projects with STP-DA and/or CMAQ funds that are approaching this milestone. These reports

will include information on the age of the funds, the phases programmed, and the length of time passed beyond the estimated obligation date (i.e., months “past due”).

LPA staff will notify the project sponsor when any STP-DA or CMAQ funds are six months past the estimated obligation date (before the one-year grace period expires). The project sponsor will be required to prepare a narrative outlining the reasons for the delay in preparation for presentation to the TCC. The LPA staff, along with the TCC’s input will determine whether or not an obligation date extension is warranted.

1. The length of any obligation date extension will be determined on a case-by-case basis and may be allowed for any date within the 7-year time span of the current TIP. The TCC will then make a recommendation to the TAC.
2. If the LPA staff and subsequent TCC determination is that an obligation date extension is not warranted, the recommendation to the Committee will be to remove the funds in question from the project. Project sponsors will be provided the opportunity to present their case to the Committee if they choose to appeal the recommendation. The LPA Staff will be regularly notified well in advance of all delayed projects with “at risk” funds via the reports mentioned above, and will be taking action on all subsequent activities. Any redistribution of these funds will follow the policies contained in Section E of this document.
3. LPA staff will obtain a monthly report from NCDOT that will be used to develop a report to reconcile project obligations. This will provide a “real-time” status of project obligations.

B. Expenditure Monitoring of STP-DA and CMAQ Funds

A decision on the need to develop policies and procedures for monitoring the expenditures of STP-DA will be instituted at a future date. LPA staff is currently working to develop a CMAQ project evaluation analysis policy. This policy will monitor CMAQ projects to evaluate whether or not they have met their intended objectives and will also be used in decisions for future CMAQ funding.

C. Obligation and Expenditure Monitoring of FTA Funds

These funds include STP-DA and CMAQ funds flexed from FHWA. The TAC will approve the flexed amount each year at the first meeting for the federal fiscal year. (Typically October TAC meeting) Once the TAC has approved the flexed amount, the request is made through NCDOT-PTD to transfer (flex) these funds, making them available through the FTA grant application process.

1. Each transit agency receiving funding will submit an application to FTA via the Transportation Electronic Award Management (TEAM) system within 45 days of TAC’s authorization. The application is used to obligate Section 5307 funding for approved project (s) (*The application will be assigned a 10-digit application number beginning with NC-90-XXXX-XX*)
 - a. Any time there is an application amendment; updated copies must be sent to DCHC.
2. Each transit agency must forward a copy of the approved application and certificate of award/grant agreement to DCHC within 30 days of receipt of FTA documents.

3. The mandatory reports and applicable due dates are as follows:

1st Quarter - due Feb. 15th;
2nd Quarter - due May 15th;
3rd Quarter - due Aug. 15th;
4th Quarter - due Nov. 15th

- a. **Narrative reports** - Each transit agency must forward a copy of their quarterly narrative reports to DCHC according to the deadlines dictated above. *(The standard FTA narrative report includes complete project information, the Federal Financial Report (SF-425) and a Milestone/Project Progress report.*
- b. **UPWP Detail Composite Report** - Each transit agency/participating member government must complete the detailed composite expense report in the standard UPWP task format according to the deadlines dictated above.
- c. **Project Funds/Status** - Each transit agency will forward a “print-screen” copy of the Project Funds/Status – Project funding tab only to DCHC according to the deadlines dictated above. *(This report will give details on obligations, disbursements, de-obligation & refunds over the life of the project.)*

D. Scope Changes to Projects Awarded STP-DA, CMAQ and/or FTA Funds

Requests for a change in scope for a project that received DCHC funds must be submitted to the TCC for evaluation. All projects awarded CMAQ funds were selected via a competitive process based upon the expectation that the project as described in the grant application would be delivered in the time frame specified. During the selection process of CMAQ projects, each project went through an extensive sub-committee review and quality analysis. As a result, proposed scope changes may have consequences that require careful review and evaluation by LPA staff before they can be recommended for approval.

If a change is requested such that the MPO funds will implement some reduced scope of the existing project, the project sponsor will be asked to provide information on their intent to complete the full project and the request will be sent to the TAC for approval. An existing project’s scope may not be modified so substantially as to effectively constitute a new project. This will be reviewed on a case-by-case basis, but a change in location or outcome may be considered a new project (e.g., changing the scope from a high occupancy vehicle lane to a general purpose lane). A key factor will be how the project was described and evaluated during the competitive process – any scope changes will then be reviewed to determine if the project is essentially meeting the spirit of the original evaluation.

E. Distribution of New and “Returned” STP-DA, CMAQ and FTA Funds

New and “Returned” funds are defined as follows:

1. **New funds** are defined as additional funds to the MPO/UZA from the reauthorization of SAFETEA-LU or other sources.
2. **Returned funds** may originate from several sources: un-committed funds remaining from each project category, unused funds from completed projects, unused funds remaining from cancelled

projects, or funds “returned” from projects due to a variety of reasons (such as an indefinite delay to a project, a change in priorities, or the receipt of other funding sources).

The TCC and TAC will approve the following:

- A MPO wide STP-DA contingency lists of prioritized projects. In the event that additional funds become available through the reauthorization of the federal transportation act, the project tracking system, or any other sources, these contingency lists will become effective. The contingency projects must also be already included in the current TIP, and will remain in effect (unfunded) until the next project selection process, to be considered for more distributed MPO funds. The contingency lists should encompass projects through-out the MPO.
- A MPO wide CMAQ contingency list will be retained based on originally submitted proposals that met the program requirements during the current competitive selection process, but were otherwise unable to be funded due to funding availability.

The FTA funds distributed noncompetitively will not be affected by this policy, yet transit projects may be highly considered as contingency projects due to the increased ability to obligate these funds/projects.

Adopted by TAC *June 9th, 2010*.