


Policy on Reasonable Progress

November 12, 2015




Reasonable Progress


- EWG Board-approved policy – revised April 2010
- Emphasis on obligating (committing) federal funds by end of federal fiscal year in which they are programmed (e.g. September 30, 2016)
- Ensure projects are built according to schedule provided in project application



Reasonable Progress

– Federal funds are obligated for a phase of work by the Federal Highway Administration (FHWA).

- Federal funds must be obligated in the year they are programmed in the project application
- Federal-aid projects are required to follow MoDOT’s Local Public Agency Manual. If requirements are met for a phase of work then MoDOT requests FHWA to obligate federal funds.
 - It typically takes 3-4 weeks for obligation to occur once the request is made.




Reasonable Progress

- Three Milestones or Phases
 - Preliminary Engineering – approved design contract
 - Right of Way Acquisition – acquisition authority (A-Date approval)
 - Construction – approved plans specifications and estimates and right of way clearance




Reasonable Progress

- Preliminary Engineering
 - Engineering Services Contract to MoDOT no later than April 30 – Failure to meet this deadline will result in loss of federal funds for PE if funds not obligated by Sept. 30
 - Shifting federal funds to later phase allowed if:
 - Difference between PE funds obligated vs. programmed
 - Local Public Agency pays for design without federal assistance and receives preliminary plan approval from MoDOT by September 30 (for now)




Reasonable Progress

- Right of Way
 - Acquisition authority (A-Date) request to MoDOT no later than June 30 – Failure to meet this deadline will result in loss of federal funds for R/W if funds not obligated by Sept. 30
 - Shifting federal funds to another phase allowed if:
 - Difference between R/W funds obligated vs. programmed
 - Local Public Agency (LPA) pays for right of way without federal assistance and receives notice to proceed to acquire r/w from MoDOT by September 30 or if no right of way needed a letter of certification from LPA required (for now)
 - Right of way acquisition costs less than anticipated




Reasonable Progress

- One-time extension allowed for construction phase – Request due June 1, 2016 - Sponsor must demonstrate:
 - Delay beyond control and sponsor has done due diligence progressing the project
 - Federal funds have been obligated for a previous phase or in cases where no federal funds for PE or R/W acquisition are used then there must be significant progress toward final plan development
 - A realistic strategy is in place to obligate all funds
 - ONLY FOR CONSTRUCTION PHASE




Reasonable Progress

- Execute project agreement/post RFQ on MoDOT's website, 106, 404
- Potential Roadblocks – ADA, right of way, stormwater mitigation, railroads
- Utility Coordination
- Federal fiscal year ends on September 30; FHWA will not accept requests to obligate funds in month of September – MoDOT Local Roads must approve phase of work by end of August
- Process is concurrent, not linear




Fiscal Year 2016 Timeline

- **October 1, 2015** – fiscal year begins
- **December 31, 2015** – Deadline for FY 2015 projects receiving 3 mo. Ext.
- **April 30, 2016** – Deadline for sponsor to submit Engineering Services Contract to MoDOT
- **June 1, 2016** – Deadline for sponsors to request FY 2014 suspense date extension from EWG
- **June 30, 2016** – Deadline for sponsor to submit A-Date request to MoDOT and deadline for FY 2015 projects receiving 9 month extension
- **July 15, 2016** – Deadline for sponsor to submit PSE (inc. R/W clearance) to MoDOT
- **August 30, 2016** – Deadline for MoDOT to submit obligation requests to Federal Highway Administration
- **September 30, 2016** – End of fiscal year - Obligation Deadline




Local Public Agency Responsibilities

- Implement project as initially proposed and follow the schedule in the project application
- Follow all federal and state program requirements for project design, right of way acquisition, and construction of the project
- Person of Responsible Charge




Local Public Agency Responsibilities

- Meet reasonable progress deadlines
- Utility Coordination
- Notify East-West Gateway regarding potential delays as early as possible – June 1 extension deadline applies to construction phase only




MoDOT Responsibilities

- Make sure project maintains proposed scope and meets federal and state program requirements for all phases of work
- Review projects in a timely manner
- Serve as liaison between sponsor and Federal Highway Administration



*East-West Gateway
Responsibilities*

- Serve as regional clearinghouse for federal funds
- Approve any major change of scope for a project
- Approve any changes in programmed funding amounts for a phase of work
- Monitor progress of projects in TIP




*East-West Gateway
Responsibilities*

- Communicate with sponsor regarding project
 - Send quarterly reminder letters to sponsors (November, January, April, July)
 - Monthly project tracking (2x a month)
 - Other communications (as needed)
- Report to Board of Directors on status of projects



PRELIMINARY ENGINEERING

- Coordinate with your Local Program contact to post Request for Qualifications (RFQ) on MoDOT's website
- 161 days --- Average time it took a project using federal PE funds in FY 2014 from close of RFQ to ESC approval – that's five months



Upcoming Workshops

- **Right of Way Workshop**
 - December 9, 2015 - 9:30 to 11:30
 - At Maryland Heights Community Center
 - Registration on EWG website
- **Construction Workshop**
 - Scheduled for late winter/early spring




Questions?

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Appendix




**Important dates:
Preliminary Engineering
Federal Participation**

- Request for Qualifications to MoDOT by **January 31**
- Engineering Services Contract (ESC) to MoDOT no later than **April 30**
- ESC must be approved by MoDOT by **August 30** *and* funds obligated at FHWA by **September 30**
- Example: Preliminary Engineering funds programmed in FY 2016; PE funds must be obligated by September 30, 2016



**Important dates:
Right of Way Acquisition
Federal Participation**

- Request for Right of Way Acquisition Authority ("A-Date Request") to MoDOT no later than **June 30**
- A-Date Request approved at MoDOT by **August 30** *and* right of way funds obligated at FHWA by **September 30**
- Example: Right of way funds programmed in FY 2016; A-Date Request must be approved and funds obligated by September 30, 2016



**Important dates:
Prior to Construction**

- Plans Specifications and Estimates (PSE) to MoDOT no later than **July 15** (this includes Right of Way Clearance)
- PSE/ Right of Way clearance approved by MoDOT by **August 30** *and* funds obligated (Authority to Advertise issued) at FHWA by **September 30**
- Example: Construction funds programmed in FY 2016; Authority to Advertise must be issued by September 30, 2016

