

BFCG Transportation Improvement Program (TIP) Policies and Procedures



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Table of Contents

Introduction	3
Goals and Objectives	3
Regional Transportation Programming	4
Transportation Planning and Programming	4
Projects Included in the TIP	4
TIP Development Process	5
BFCG Project Eligibility.....	5
TIP Relationship to Planning Documents and Processes	8
Project Changes	9
Project Delivery	10
Annual Listing of Federal Obligations	10
Project Tracking.....	10
Public Involvement	11
Policies and Procedures	11
1. Regional Transportation Planning	11
2. TIP Development	12
3. Project Changes	12
4. Project Delivery	13
5. Public Involvement	14
6. Additional Funding for Existing Projects	14
7. Unspent/Leftover Funds.....	15
8. Partial Funding.....	16
9. Contingency Funds	16
10. Eligible Phases and Project Types	16
11. Transfer of Funds between Projects.....	16

Introduction

The Transportation Improvement Program (TIP) Policies and Procedures is a transportation programming resource for BFCG's member agencies. The purpose of the document is to outline the goals and objectives of BFCG's program and to identify the policies and procedures to implement the program.

The Benton-Franklin Council of Governments (BFCG) is the lead agency for coordinating transportation planning in the Tri-Cities Metropolitan Area and in Benton and Franklin Counties. BFCG maintains two important transportation planning designations: Metropolitan Planning Organization (MPO) for the Tri-Cities Metropolitan Planning Area (MPA) and as the Regional Transportation Planning Organization (RTPO). As an MPO, BFCG also has the designation as a Transportation Management Area (TMA) as the urbanized area population is over 200,000.

Goals and Objectives

The goals and objectives of the program and development process are defined below. For the purposes of this document, goals describe the long-term desired outcome for the program and objectives describe specific actions that will be taken to achieve these goals.

Goal 1: BFCG's Transportation Improvement Program will provide the efficient use of federal, state and local funds for regionally significant projects that advance the long-term transportation goals of the Tri-Cities region.

Objective 1.1: Projects in the TIP will implement the strategies and projects of the current Metropolitan/Regional Transportation Plan (M/RTP). The RTP represents the Metropolitan Transportation Plan (MTP) in the MPO planning area.

Objective 1.2: BFCG will fully obligate annual allocations of Federal funds STBG, STBG Set-Aside, and others for regional allocation.

Objective 1.3: Projects in the TIP will be completed on budget and on schedule to meet the state's target.

Goal 2: BFCG's TIP will provide an open and transparent process that is accessible to stakeholders and the public.

Objective 2.1: The TIP will comply with the applicable federal and state regulations and requirements.

Objective 2.2: Information on federal and state regulations will be made readily available to all local agencies and the public.

Objective 2.3: TIP documents will be presented in clear and accessible language and formatting.

Objective 2.4: Programming decisions will be made in a public forum and will be consistent with the goals, objectives and policies of this document.

Objective 2.5: Timelines for the TIP development process will be made available to stakeholders and the public well in advance.

Regional Transportation Programming

Transportation Planning and Programming

At least once every four years, BFCG prepares a Metropolitan/ Regional Transportation Plan (M/RTP) that establishes the long-range goals for the region and identifies projects and strategies that will be necessary to implement them. The current M/RTP, Transition2040, was approved by the BFCG Board on May 19, 2017. For more information on Transition2040, please refer to BFCG's website, www.bfcog.us.

With a long-range plan in place, the Transportation Improvement Program (TIP) serves as a short-range programming document for projects that are programmed over six years with the first four years (MPO) for the federally approved program. The purpose of the TIP is to ensure that projects planned for implementation in the near future are consistent with the projects and strategies identified in the M/RTP. The current TIP is available at BFCG's website, www.bfcog.us.

For the purposes of BFCG's TIP, years one and two of the TIP constitute an agreed to list. This means that once a project has been programmed into year one or two of the approved TIP, the project's sponsor(s) can begin implementation of the project by accessing funds to start preliminary engineering, right-of-way acquisition, or construction. Projects that are programmed in years three and four of the TIP are not part of the agreed to list and are not eligible for obligation without prior approval by the BFCG Board.

Projects Included in the TIP

Projects in the TIP are required to be consistent with the M/RTP. In order to be considered consistent, a project in the TIP must be listed in the M/RTP or otherwise captured in a program of projects (i.e. preservation program or bicycle/pedestrian program).

The TIP must include all projects that are federally funded through U.S. Code Title 23 (Federal Highway Administration) and Title 49 (Federal Transit Administration), and all regionally significant projects regardless of source of funds.

Regionally Significant Projects

Regionally significant projects must be included in the TIP. It is BFCG's responsibility to determine whether or not a project is regionally significant consistent with federal guidelines. A project will be determined to be of regional significance if it meets the following criteria:

- a) A roadway project (other than projects that may be grouped in the TIP and/or STIP or exempt projects as defined in EPA's transportation conformity regulation) which serves regional transportation needs (such as access to and from the area outside the region; major civic and activity centers in the region; major

developments such as retail shopping centers, sports complexes, or employment centers; or transportation terminals for movement of people or freight including agriculture). Projects on roadways functionally classified as minor arterials or higher will be included in the TIP. Projects on federal-aid eligible collectors will be included in the TIP if the project sponsor requests that they be considered regionally significant due to the nature of the project.

- b) A transit capital project which serves regional transportation needs (such as administrative, operations, maintenance, or transfer facility) or is a frequent transit corridor that operates predominately on federal aid-eligible roadways.
- c) A non-motorized project which is located on or adjacent to a federal-aid eligible road, serves regional transportation needs, provides access to frequent transit service or a regional transit facility, or offers an alternative to regional roadway travel.

Project sponsors are responsible for providing the necessary project information to BFCG in order to make the determination on regional significance. The BFCG Board may act to designate any project as regionally significant in addition to those that meet the criteria above at the request of a project sponsor and recommendation of the TAC.

It is important to note that although a project may not meet the definition of regionally significant, that does not impact the importance of the project to the region, nor does it impact the project's ability to receive future federal or state grants.

TIP Development Process

The development of the TIP involves two separate but interrelated processes – the development of local agency six-year transportation programs and development of the BFCG regional TIP.

BFCG Project Eligibility

BFCG, in consultation with WSDOT is responsible for selecting projects for regional allocations of federal highway funds – Surface Transportation Block Grant Program (STBG), STBG Set-Aside (formerly TAP) program and other programs for which funds are allowed to BFCG for project selection. A call for projects will be typically every two years or as needed.

Surface Transportation Block Grant Program (STBG):

The purpose of the STBG program is to provide a flexible source of funding that can be tailored to meet the specific priorities of the region. For road projects, projects must be located on federal-aid routes. Projects located on rural minor collectors and local roads are ineligible

STBG eligible projects and activities include:

- Construction, reconstruction, rehabilitation, resurfacing, restoration preservation, or operational improvements of highways
- Bridge and tunnel replacement

- Inspection and evaluation of bridges
- Capital costs for transit projects (vehicles and facilities)
- Carpool projects, electric and natural gas vehicle infrastructure
- Bicycle and pedestrian facilities, including trails
- Modification of sidewalks to comply with Americans with Disabilities Act
- Highway and transit safety projects, hazard eliminations, railway/highway grade crossings
- Capital and operating costs for traffic management systems
- Planning programs
- Transportation alternatives
- Environmental mitigation
- Intelligent Transportation Systems
- TAP-eligible projects are generally also STBG-eligible

STBG Set-Aside (formerly TAP):

The Transportation Alternatives Program is a set-aside within the federal Surface Transportation Program with its own rules and requirements. Federal statute identifies a very broad – but very specific – array of project types eligible to receive funding. In general, the eligible projects and activities permitted under previous federal transportation legislation – Moving Ahead for Progress in the 21st Century Act (MAP-21) – apply to the current federal transportation legislation (FAST Act.) Eligible activities include:

- The Safe Routes to School program under Section 1404 of the Safe, Accountable, Flexible, Efficient, Transportation Equity (SAFETEA-LU) Act:
 - Non-infrastructure-related activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of Safe Routes to School programs;
 - Safe Routes to School coordinator; and
 - Infrastructure-related projects such as planning, design, and construction of projects on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities; off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.
- Planning, design, and construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bike infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting, and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990;

- Planning, design, and construction of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs;
- Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users;
- Construction of turnouts, overlooks, and viewing areas;
- The recreational trails program under section 206 of title 23;
- Community improvement activities, including:
 - Inventory, control, or removal of outdoor advertising;
 - Historic preservation and rehabilitation of historic transportation facilities;
 - Vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control;
 - Archaeological activities relating to impacts from implementation of a transportation project eligible under title 23.
- Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:
 - Address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 133(b)(11), 328(a), and 329 of title 23; or
 - Reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
- Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

Highway Infrastructure Program (HIP):

Eligible activities for HIP funds are limited to the construction of highways, bridges and tunnels per 23 USC 133 (b)(1)(A) and for the elimination of hazards and the installation of protective devices at railway-highway crossings. Construction includes design and right of way that directly relates to the construction of these projects. HIP funds must be obligated by September 30 of the third fiscal year after they were made available. For example, funds made available to BFCG in Federal Fiscal Year (FFY) 2019 must be obligated by September 30, 2022, or the funds lapse.

Other Federal and State Programs:

For projects funded with federal National Highway Performance Program (NHPP), Surface Transportation Program (STP), and Federal Lands Highway programs, and any projects on the National Highway System (NHS), WSDOT is responsible for selecting projects in cooperation with BFCG (23 C.F.R. §450.330(c)).

Other federal programs (various discretionary programs, Freight Mobility Strategic Investment Board, Highway Safety Improvement Program, etc.) and state programs (Pedestrian and Bicycle Safety, Transportation Improvement Board, etc.) may also award funds to projects within the Tri-Cities region. Although the prioritization processes for these funding programs are conducted outside of BFCG, BFCG must cooperatively select all projects programmed in the TIP.

Six-Year Transportation Programs

BFCG annually reviews the six-year transportation improvement programs adopted by local agencies. Projects that are consistent with the M/RTP, are regionally significant, and/or federally funded through U.S. Code Title 23 and Title 49 are incorporated into the TIP. These projects must be submitted to BFCG in the Washington STIP system, Secure Access Washington (<https://secureaccess.wa.gov/myAccess/saw/select.do>).

TIP Relationship to Planning Documents and Processes

Metropolitan/ Regional Transportation Plan

The TIP is a six-year program of regionally significant transportation projects. The TIP implements the policies and goals of the Regional Transportation Plan (M/RTP). Projects programmed in the TIP are drawn either directly from specific project recommendations made in the RTP or are included in programs such as sidewalk improvements, safety, or preservation. For a project to be eligible to receive funding, the project must be consistent with the M/RTP. The process of outlining future transportation projects in the M/RTP ensures consistency in regional transportation planning.

Active Transportation Plan

The Active Transportation Plan (ATP) is a regionally coordinated document of bicycle, pedestrian, and other non-motorized transportation planning to encourage an efficient multimodal transportation system. The ATP represents a modal plan within the M/RTP multimodal planning framework. The ATP outlines the regional bicycle and pedestrian network and gaps/issues within the network for the region. Applicable projects will be reviewed to ensure consistency with the ATP which identifies projects and programs such as addressing gaps in the ATP network.

Congestion Management Process

The Congestion Management Process (CMP) is a systematic and regionally-accepted approach for managing congestion that provides accurate, up-to-date information on transportation system performance and assesses alternative strategies for congestion management that meet state and local needs. Since the Tri-Cities Region is a Transportation Management Area (TMA), BFCG is required to develop, implement, and monitor a CMP. The CMP includes the identification of corridors in the metropolitan area as those which are the most congested roadways in the network. BFCG is required to obtain data annually to monitor congested corridors and also to evaluate strategies to address congestion. The CMP is to be used to help inform project selection in applicable areas. As the Tri-Cities Region has the potential of being classified as an EPA nonattainment area for air quality there is a possibility of a need for increased coordination between the CMP, air quality conformity efforts, and the TIP in the future.

Performance Measures

In July 2012, the Moving Ahead for Progress in the 21st Century Act (MAP-21) became law. The primary objectives of MAP-21 is to increase the transparency and accountability related to states' investment of federal taxpayer dollars into transportation infrastructure and services nationwide,

and to ensure that states distribute funds to transportation projects that collectively make progress toward the achievement of national goals. MAP-21 aims to set objectives by assessing the performance of state transportation systems compared to national goals and enforcing minimum requirements for state DOTs to measure and report performance in the following areas: safety, pavement and bridge, system performance/congestion, freight movement, and congestion mitigation and air quality (CMAQ). The FAST Act, enacted in 2015 reaffirmed the performance management actions enacted in MAP-21. To date, the following three goals have been outlined by WSDOT to achieve MAP-21's objectives:

- PM-1 – Safety: to achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- PM-2 – Pavement and Bridges: to preserve pavements and bridges at lowest life cycle cost.
- PM-3 – System Performance, Freight, and CMAQ: to improve the planning and programming process to more fully align funding decisions with performance targets.

BFCG and its member agencies have roles in promoting these performance measures and helping the state achieve these performance measures through the design, selection, and implementation of transportation projects.

Project Changes

Once the TIP is approved by the Board, projects in that year's TIP can be amended or administratively modified. An amendment requires a TAC recommendation followed by Board approval. Administrative modifications do not require Board approval and can be submitted directly to WSDOT through the Secure Access Washington (SAW) software. In either case a request is sent to BFCG explaining what the project is and why it needs to be amended/administratively modified.

Below is WSDOT STIP administration guidance on what initiates an amendment, administrative modification and updates not requiring a STIP change.

Amendment:

- Adding a new project.
- Deleting a project.
- Changes to a project's total programmed amount greater than 30% (or any amount greater than \$3 million). This includes adding or subtracting funds from currently programmed phases. The total programmed amount equals a project's current four-year STIP total of programmed funds.
- Major scope changes.
- Changes to a project that affects air quality conformity.
- Adding a future phase of a project.
- Adding federal dollars to a project currently in the TIP/STIP that does not have federal funds (federalizing a project).

Administrative Modifications:

- Revisions to lead agency.
- Adding a prior phase of a project not previously authorized.
- Changes to a project's total programmed amount. Less than 30% (or any amount less than \$3 million). This includes adding or subtracting funds from currently programmed phases. Total programmed amount equals a project's current four-year STIP total of programmed funds.
- Minor changes or errors in project information such as: environmental type, right of way required, improvement type, project limits, functional classification, typographical errors, transposed numbers, etc.

Updates not requiring a STIP change:

- Moving a project to a different year within the four years of the TIP or STIP.
- Changes in a project's federal fund source(s) (any change from IM to STBG etc., is an update only as this is a funds management action).
- Any and/or all federal funds currently programmed in the STIP for a particular project without consideration of the phase split.
 - For example: programmed amounts are:
 - PE - \$1,000,000
 - CN - \$4,000,000
 - Authorization for PE of \$1,750,000 is allowed without a change to the STIP since the funds are programmed. Or authorization for CN of \$5,000,000 if the funds were not utilized for PE.
- All adjustments in a project's funding authorization for award of a contract.

Once the request is received from the jurisdiction or agency and determined to be an amendment it is then added to the next Board and TAC agendas as an action item. Amendments and administrative modifications must be sent to BFCG no later than two weeks before the following month's TAC meeting. Both amendments and administrative modifications are due to WSDOT for processing on the monthly amendment schedule that is released every fall.

Project Delivery

The final step in the programming process is project delivery; construction, procurement, or implementation. BFCG monitors project delivery by annually publishing a list of obligations from the preceding year and by presenting project status reports to the BFCG Board semi-annually.

Annual Listing of Federal Obligations

Every year, BFCG is required to complete a list of federal obligations that occurred in the preceding program year (23 C.F.R. § 450.332). For each project, the listing shall include the amount of federal funds that: were programmed in the TIP, obligated in the preceding year, and

remaining for future years. The list is prepared cooperatively with WSDOT, and must be published by the end of March.

Project Tracking

In addition to tracking annual obligations, BFCG also tracks the status of projects receiving regional funds. The purpose of tracking the status of these projects is to ensure that regional allocations of federal funds are being obligated efficiently and that projects are making continuous progress towards construction or implementation. Jurisdictions and agencies must update BFCG on their project status to meet the region's state required target.

Public Involvement

BFCG's Public Participation Plan includes the policies and procedures BFCG follows to ensure that the public is given adequate opportunity to participate in and comment on BFCG's programming process. Participating agencies and the general public are provided opportunities to comment on the TIP development through a variety of means. Throughout the year, the public is invited to attend BFCG meetings including Board and TAC meetings to discuss project selection, TIP amendments, and the development of the next TIP. Documentation from the meetings is also posted on the BFCG website.

In addition to the adopted policies and procedures for public involvement, BFCG strives to make the programming process as clear and accessible to the public as possible. The annual TIP open house is advertised in Spanish and a Spanish/English interpreter is available to provide information on the TIP process and answer any questions regarding TIP projects. For more information on BFCG's Public Participation Plan, please refer to BFCG's website or contact BFCG staff.

Policies and Procedures

1. Regional Transportation Planning

Policy 1.1: Years one and two of BFCG's TIP constitutes an agreement to list the projects. The project sponsor(s) can begin project implementation by obligating funds after a project has been programmed in years one or two of an approved TIP. Prior to approval by the BFCG Board, projects that are programmed in years three and four of the TIP are not part of the agreed to list and are not eligible for obligation.

Policy 1.2: All projects in the TIP must be consistent with the Metropolitan/Regional Transportation Plan. In order to be considered consistent with the M/RTP, a project in the TIP must be listed in the M/RTP as a planned project or in a program of projects (a category such as sidewalk preservation or road maintenance).

Policy 1.3: BFCG shall determine consistency with the M/RTP. If it is unclear whether or not a project is consistent with the MTP, BFCG shall consult WSDOT, FTA, and FHWA

as appropriate and include the project sponsor in that consultation. The results of the consultation process will be presented to the TAC and then to the BFCG Board for final determination on a project's compliance with the M/RTP.

Policy 1.4: It is BFCG's responsibility to determine whether or not a project is regionally significant consistent with federal guidelines. A project will be determined to be of regional significance if it meets the following criteria:

- d) A roadway project (other than projects that may be grouped in the TIP and/or STIP or exempt projects as defined in EPA's transportation conformity regulation) which serves regional transportation needs (such as access to and from the area outside the region; major civic and activity centers in the region; major developments such as retail shopping centers, sports complexes, or employment centers; or transportation terminals for movement of people or freight including agriculture). Projects on roadways functionally classified as minor arterials or higher will be included in the TIP. Projects on federal-aid eligible collectors will be included in the TIP if the project sponsor requests that they be considered regionally significant due to the nature of the project.
- e) A transit capital project which serves regional transportation needs (such as administrative, operations, maintenance, or transfer facility) or is a frequent transit corridor that operates predominately on federal aid-eligible roadways.
- f) A non-motorized project which is located on or adjacent to a federal-aid eligible road, serves regional transportation needs, provides access to frequent transit service or a regional transit facility, or offers an alternative to regional roadway travel.

The BFCG Board may act to designate any project as regionally significant in addition to those that meet the criteria above at the request of a project sponsor and recommendation of the TAC.

Policy 1.5: Project sponsors shall provide the necessary project information to BFCG in order to make the determination on consistency with the M/RTP and regional significance. The sponsor is to provide a description of the project, location, length, and planned year of completion.

2. TIP Development

Policy 2.1: Agencies must submit their approved local TIP to BFCG. The projects should be submitted through the state's STIP system and must provide sufficient detail in their TIP for BFCG to identify projects for inclusion in the regional TIP (including project name, length, and description of work, total estimated cost, and amount and type of secured funds).

Policy 2.2: BFCG shall notify agencies with a list of all regionally significant and/or federally funded projects that will need to be included in the regional TIP.

Policy 2.3: BFCG shall publish the draft TIP in August for the required 30-day public comment period. The timing of the public comment period must allow sufficient time for public comments to be incorporated into the draft TIP prior to the BFCG Board approval.

3. Project Changes

Policy 3.1: Major scope changes which require an amendment must be approved by the Board.

Policy 3.2: A project change will be determined to require an amendment or administrative modification based on state and federal requirements. If an amendment is required, Board action is needed to approve.

Policy 3.3: To initiate a project change, sponsors shall submit a written request to BFCG whether it is an amendment or administrative modification. The sponsor is required to provide sufficient detail for BFCG to make the determination on the type of project change.

Policy 3.4: Full accounting of all amendments and administrative modifications made to the current TIP shall be maintained by BFCG.

4. Project Delivery

Policy 4.1: BFCG will track the status of all projects receiving regional federal funds in the TIP. It is required that project sponsors provide adequate information for tracking the status of projects upon request to ensure state-set targets are met.

Policy 4.2: BFCG will provide delivery status updates on all projects obligating or de-obligating regional federal funds during the Federal Fiscal Year. BFCG staff will present the updates periodically throughout the year to the TAC and BFCG Board.

Policy 4.3: BFCG shall publish a listing of all annual federal obligations from the previous program year no later than March 30. This policy complies with federal regulations for annual obligation reporting and included in the annual TIP.

Policy 4.4: If a project phase does not meet its targeted obligation date; BFCG may administratively grant the project sponsor a one-time extension of one year. The project sponsor has 30 calendar days from the date it was notified of the administrative extension to submit a revised project delivery schedule for the project to BFCG. If a revised schedule has not been received within that time period, the project will be presented to the BFCG Board for direction and possible removal from the TIP.

Policy 4.5: If a project sponsor is unable to meet a targeted obligation date after the one-time administrative extension, the project sponsor may request an extension from the BFCG Board. The Board may grant the extension or may act to remove the project from the TIP. If the agency is permitted an extension, it must submit a revised schedule to BFCG within 30 calendar days of the Board action. If the Board acts to remove the project from the TIP, any regional federal funds awarded to the project shall be returned to BFCG for

reallocation. If the project is eligible to receive regionally selected federal funds, it may be placed on the contingency list of projects for that fund source at the discretion of the Board.

Policy 4.7: BFCG will maintain a contingency list of projects selected through a regional process and approved by the BFCG Board. Projects on the contingency lists may be selected for funds that become available if previously selected projects from that fund source are removed from the TIP by Board action, funds are voluntarily returned by the sponsoring agency, or additional funds become available for some other reason (for example: annual allocations higher than anticipated). The contingency list can include projects partially funded by the BFCG Board. The most recently approved contingency list replaces and supersedes any previously approved contingency lists.

Policy 4.8: If regional allocations are sanctioned (reduced) by WSDOT due to projects not proceeding (obligating) as programmed, Board action will be required to address any discrepancy between programmed projects and available funds. Projects which did not proceed (obligate) and resulted in the the sanctions to occur may be impacted by being removed from the TIP, having funding levels reduced, or other remedies as determined by the BFCG Board.

5. Public Involvement

Policy 5.1: BFCG will follow the policies and procedures for public involvement throughout the TIP development and amendment process outlined in BFCG's Public Participation Plan, located on BFCG's website.

Policy 5.2: BFCG will make all decisions related to transportation programming in a public forum. This includes meetings of the BFCG Board and TAC.

6. Additional Funding for Existing Projects

Policy 6.1: After a project has been selected by BFCG for regional allocations of federal funds, any cost overruns should be assumed to be the responsibility of the project sponsor.

Policy 6.2: Although cost overruns are the responsibility of the project sponsor, requests for additional funds may be considered under certain circumstances. Project sponsors may request additional funds for existing programmed projects selected during a region wide competitive process if the following conditions are met:

- a) Cost overruns are determined to be eligible. A cost overrun may be eligible for a fund increase if it is considered outside of the control of the project sponsor. Examples of possible eligible cost overruns could include: new federal or state mandatory requirements; significant unanticipated utility, environmental, cultural/historical issues; significant unanticipated pavement or condition; and/or significantly higher than estimated right-of-way costs. A cost overrun may be ineligible for additional funds through BFCG if the cost overrun is considered to be within the control of the project sponsor. Examples of possible ineligible cost

overruns could include: a change in scope for owner betterment; omitted requirements that could have reasonably been anticipated; or poor judgment or inadequate planning, design, or implementation of the project. The examples provided above are not exhaustive and do not imply the eligibility or ineligibility of any specific project. The BFCG Board (with input of the TAC) shall make the final determination on whether a project cost overrun is considered eligible or ineligible for a fund increase.

- b) There are available funds to be allocated. Fund increases that are considered by the BFCG Board (with input of the TAC) shall be limited to available funds. Available funds are allocated funds (this includes but is not limited to annual allocations, carryover funds, and returned funds from projects that came in under budget) that have not been awarded or programmed for a specific project.

Policy 6.3: The project sponsor must submit a written request to BFCG for the increase in the award amount. The request shall document the circumstances of the cost overrun and describe why the cost overrun should be considered eligible by the BFCG Board for a fund increase. If a fund increase request is denied by the BFCG Board, the project sponsor may finance the cost increase through other funding sources including through a subsequent call for projects conducted by BFCG, reduce the scope of the project to available funds (with BFCG concurrence on the scope change), or withdraw the project from the TIP and return any previously obligated funds to BFCG for redistribution.

Policy 6.4: Approved fund increase requests related to cost overruns must maintain or increase the original local match commitment (must meet local match requirements).

7. Unspent/Leftover Funds

Policy 7.1: After a project has been selected by BFCG for regional allocations of federal funds, any unspent funds from the project award must be de-obligated and returned to BFCG for redistribution.

Policy 7.2: BFCG staff will provide a recommendation to the BFCG Board on how to best utilize leftover BFCG regional funds. This recommendation will be reviewed and discussed with the TAC prior to going to the Board. The following methods will be utilized in order to develop this recommendation:

- a) Advancing projects programmed in the out years of the current TIP – Administrative modification, does not require Board approval.
- b) Select projects to fund from the most recently approved contingency list – TIP amendment requires Board approval.
- c) Funding requests for overruns.

Policy 7.3: Active Projects (i.e. projects that have not closed) that de-obligate BFCG regional funds may reapply for future regional funds through BFCG calls for projects;

however, there is no guarantee, expressed or implied, that the project will be prioritized and selected for funding.

8. Partial Funding

Policy 8.1: If a project has been selected for partial funding, whether by phases (PE, RW, CN) or geographical segment (PE and/or RW only), it is the responsibility of the project sponsor to secure the remaining funds necessary to complete the project. The project sponsor may apply for additional funds through future BFCG calls for projects; however, there is no guarantee, expressed or implied, that the project will be prioritized and selected for funding.

Policy 8.2: If approved by the BFCG Board, projects selected for PE or RW only are permitted to transfer any remaining funds to a later phase of the project, if the project is programmed for construction within the first four years of the TIP. If the construction phase is not programmed within the first four years of the TIP, the project sponsor must return any remaining funds after the completion of the PE and RW phase.

9. Contingency Projects

Policy 9.1: A list of contingency projects developed during the most recent call for projects will be maintained and will identify funding sources eligible to be used for each project. Selection of contingency projects for funding will be consistent with Policy 7.2 of this document.

10. Eligible Phases and Project Types

Policy 10.1: The BFCG Board shall define the eligible phases and types of projects for each call for projects process. For example, for each call for projects, the Board may choose to only fully fund projects, allow some partially funded projects, fund only the construction phase of projects, and/or fund regional or local planning studies. This policy grants BFCG the flexibility to respond to the changing needs of individual agencies and the region as a whole.

11. Transfer of funds between Projects

Policy 11.1: Funds may be transferred from one project to another. However, any requested transfer should be carefully considered by the sponsoring agency and BFCG, as each funded project was selected as a result of a region wide competitive process based on the scope, budget, and merits of the project. Requirements to make a transfer are as follows:

- a) Sponsor agency will contact BFCG transportation staff to notify staff of the desired transfer. Sponsoring agency will provide information regarding the current projects being impacted, the benefits of the proposed transfer, and the expected impacts to the project for which funding will be reduced or eliminated. In the case of the

reduction of funding for a project, the sponsoring agency will need to provide information about the implementation of the project as a result of the proposed funding transfer.

- b) Once the information above is received, BFCG staff will agendaize the request for the Technical Advisory Committee (TAC) for its consideration and recommendation to the BFCG Board for approval or denial. The sponsor agency will need to present background information to the TAC on the request and should be available to respond to questions regarding the request.
- c) The BFCG Board approval is required for any transfer to be completed. If a transfer is approved, BFCG staff will work with the sponsoring agency to modify the regional TIP as needed.

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