

## **Reasonable Progress Policy Enforcement**

### **Bicycle and Pedestrian Funding Program**

OTO has a reasonable progress policy for Bicycle and Pedestrian Funding (formerly ProgramTransportation Alternatives Program) funding that is included with the funding application. This policy is outlined below. The policy, which adheres to MoDOT's policy, has not been stringently enforced, resulting in FY 2012 and FY 2013 funding still remaining unobligated. According to MoDOT's funds lapse policy, funding for the projects using FY 2012 funding should have lapsed on September 30, 2014 (the last day of FY 2014). However, OTO's FY 2012 funds were a portion of a statewide funding category, not an OTO sub-allocated category. Therefore, MoDOT did not rescind the funds. Going forward, the Transportation Alternatives Program Funding will be OTO suballocated and will be subject to the funds lapse policy.

Therefore, the following guidelines will be used to enforce reasonable progress for OTO Bicycle and Pedestrian Funding Program funding for FY 2014 and beyond. This includes all projects awarded after January 1, 2015.

#### **Reasonable Progress Enforcement Guidelines**

An award letter will be sent which establishes the timeline for reasonable progress based upon the phasing outlined in the table included in the policy. The award letter will not be sent until final approval is received from the USDOT for project placement in the TIP. For this funding round, a date in April is expected. Projects will be evaluated with each phase as outlined in the Reasonable Progress Policy.

A first violation letter will be sent advising of the missed deadline for any phase.

A second violation letter will be sent advising of missed deadline for any additional phase, allowing the project to get back on track within 30 days.

If the project is not back on track within 30 days, a third letter will advise that funds have been rescinded and reallocated to another project. If federal funds were spent on any part of the project, they will be required to be repaid.

A one-time extension may be requested and approved by the OTO Board of Directors. This will result in a new timeline being established. This will not reset the number of violations. The request may be made prior to or after a reasonable progress violation. All requests will be considered in terms of the overall possible lapsing of funds for the OTO area.

#### **Reasonable Progress Requirements**

This policy is to ensure the State of Missouri is getting the maximum benefit of its federal transportation funds. Every project is required to progress according to the schedule shown.

It is not the responsibility of OTO or MoDOT to keep the entity informed as to the status of the project. The entity will keep MoDOT informed as to any delays and/or unforeseen conditions that may hinder the project's progress. Failure to provide the required documentation will cause the project to be withdrawn and the funds redistributed at the discretion of MoDOT or

the OTO. Federal regulations require the entity to repay any federal funds spent on a cancelled project. The project sponsor would be required to repay these funds prior to the programming of any future projects.

In addition, project sponsors failing to fulfill the obligations as stated in the contract agreement or showing reasonable progress for any project will not be allowed to request future project funds for a minimum period of one year, and then, only with the approval of MoDOT.

In the event that a project does not meet the required deadlines, funds will be suspended and awarded to another project with a different project sponsor.

*The time frames shown represent maximum expected times for implementation approvals and concurrences; schedules will vary depending on project type. Actual progress towards implementation will be measured against the schedule submitted by the entity.*

Phase	Maximum Time Frame	Funds Obligated
1. Award Notification post TIP Amendment	0 Months	No
2. Programming Data Form <sup>1</sup>	1 Months	No
3. Engineering Services Contract Approval <sup>2</sup>	4 Months	Yes
4. Preliminary & Right-of-Way Plans Submittal	8 Months	No
5. Plans, Specifications, & Estimate (PS&E) Submittal	12 Months	No
6. Plans, Specifications, & Estimate (PS&E) Approval	14 Months	Yes
7. Construction Contract Award	16 Months	Modified
8. Final Project Closeout <sup>3</sup>	Variable	Modified (as needed)

<sup>1</sup>The completion of the Project Programming phase is defined by submitting the approved project’s programming data form to MoDOT and the project receiving a federal project number from MoDOT.

<sup>2</sup>The evaluation of environmental and cultural impacts on the project must begin immediately after Preliminary Engineering (PE) authorization. The LPA must submit [Fig. 136.6.4 LPA Request for Environmental Review \(RER\)](#) to the MoDOT district contact within 60 days of preliminary engineering (PE) authorization for all federal-aid projects as discussed in [EPG 136.6 Environmental and Cultural Requirements](#).

<sup>3</sup>The time lapse between construction contract award and project closeout will depend on project type. Final certifications as discussed in [EPG 136.11 Local Public Agency Construction](#) must be submitted to the appropriate MoDOT district representative 60 days after final inspection.