

Madera County Transportation Commission

FTIP “Expedited Project Selection Procedures”

The State, the Madera County Transportation Commission, and transit operators have implemented a project selection process for its Federal Transportation Improvement Program (FTIP) as required by Federal Regulations 23 Code of Federal Regulations (CFR) Part 450 and Title 23 United States Code (USC), and as outlined on the following table. The State, the Madera County Transportation Commission, and transit operators have selected all of the projects in the first four years of the FTIP based on the attached table for Project Selection Procedures. It has been agreed by all member agencies represented by the Madera County Transportation Commission, the California Department of Transportation (Caltrans), and the transit operators per 23 CFR 450.332, that the projects within the first four years of the FTIP may be advanced within the Four-Year Element (Element) of the Federal Statewide Transportation Improvement Program (FSTIP) subject to the conditions of the Expedited Project Selection Procedures outlined below.

- The projects within the State Transportation Improvement Program (STIP) may be advanced or delayed; however, the use of the EPSP process is subject to approval by the California Transportation Commission (CTC) to the STIP.
- MCTC and Caltrans agree that the Caltrans State Highway Operation and Protection Program (SHOPP) Program Manager may advance or delay projects programmed in the adopted SHOPP project schedule upon notifying MCTC.
- Projects funded by the Congestion Mitigation and Air Quality Program (CMAQ), Regional Surface Transportation Program (RSTP), and Public Lands Highway (PLH) Program may be advanced or delayed within the 4-year program schedule planning element of the FTIP at the request of the sponsor agency and subject to the approval of MCTC.
- Federal Transit Administration (FTA) administered funds and/or projects may be advanced or delayed within the four-year program schedule planning element of the FTIP at the request of FTA or the sponsor agency, as long as funding is available and the change does not negatively impact the delivery or availability of funds for other projects ready for obligation.
- The Caltrans Division of Local Assistance has implemented a project selection process in cooperation with the FHWA, MCTC, and the implementing agency for the Active Transportation Program (ATP), **Federal Lands Access Program, Highway Infrastructure Program**, Highway Safety Improvement Program (HSIP), Highway/Railroad Grade Separation Program, the Highway Bridge Program (HBP), High Risk Rural Roads (HRRR/HR3) Program **and other federal funding sources** to produce the four-year FTIP, Program Schedule planning list. Projects funded through the programs listed may be advanced or delayed within the four-year element of the FTIP by the authorized Program Managers without amending the FTIP, upon notification to MCTC.

This process was developed in cooperation with the implementing agencies, FHWA, FTA, MCTC, and the HBP Advisory Committee. MCTC and Caltrans agree that the Caltrans Division of Local Assistance may move projects within those programs identified above within the 4-year FTIP Program Schedule Planning Element without formally amending the FTIP/FSTIP.

The projects funded within the RSTP (Exchanged for State Only Funding) and CMAQ program may be moved subject to the Madera County Transportation Commission Expedited Projects Selection Process (attached).

MCTC and Caltrans agree that the Caltrans Program Managers for the following programs may implement projects within the four year FSTIP element without amending the FTIP/FSTIP.

State Mandated Programs

- 1) State Highway Operation and Protection Program (SHOPP)
- 2) Highway Bridge Program (HBP)
- 3) Safe Routes to School Program
- 4) Highway Safety Improvement Program (HSIP)
- 5) Active Transportation Program (ATP)
- 6) Local Section 130 Grade Crossings
- 7) Regional Recreational Trail Programs
- 8) State Minor Program
- 9) State Transportation Improvement Program (STIP) – subject to amendment approval by CTC

MCTC Managed Programs

- 10) Regional Surface Transportation Program (Exchange)
- 11) Congestion Mitigation and Air Quality Improvement Program (CMAQ)

Federal Transit Administration (FTA) Projects

Generally, FTA funded projects can be advanced using EPSP if additional funding becomes available. EPSP agreements must specify that transit operators have been included in the consultation process and FTA must approve the agreements. In addition, the EPSP agreement must include the following language:

“For FTA administered funds, projects may be moved within the period of the FSTIP at the request of the agency, as long as funding is available and the change does not negatively impact the delivery or availability of funds for other projects ready for obligation.”

Madera County Transportation Commission designates Executive Director, Patricia Taylor, to sign below acknowledging that advancing of projects under such agreement does not invalidate the financial constraint of its FTIP.

Patricia Taylor, Executive Director

Date:

Project Selection Procedures - Consultation and Cooperation Requirements

Region	Project Type	Selecting Agency	Selection Procedure	Consulted/ cooperating Agency
MPO: MCTC	Projects funded with title 23 and Federal Transit Act funds- except: projects on the, NHS, HBP, IM and FLHP funded projects	MPO	Consultation	State, MCTC and Transit Operator
	Projects on the Highway-Railroad Grade Separation, NHS, and projects funded under the HBP and IM programs	State	Cooperation	MPO
	Projects funded with Federal Lands Highway Program (FLHP) funds	Selected in accordance with 23 U.S.C. 204		

Madera County Transportation Commission Expedited Project Selection Process

The MCTC Policy Board hereby establishes guidelines for programming the Regional Surface Transportation Program (RSTP) (RSTP funds are exchanged for State Only funding) and Congestion Mitigation and Air Quality (CMAQ) program to insure timely project delivery within federal and state funding deadlines.

It is understood by all MCTC member agencies, which includes all public transit operators within Madera County, that while the following discussion of project placement within the Four-Year Element explains the method used for initial placement of the region’s projects within the FTIP, approval of this “Expedited Project Selection” process will provide the MCTC Policy Board the flexibility to alter the order of projects within the Four-Year Element of the FTIP to fit the priorities and needs of the transportation program in Madera County without “Formal” or “Administrative” amendments to the approved FTIP. In order to prevent the loss of obligation authority to other regions of the State and to position Madera County to access additional Statewide and National obligation authority, Madera County regional obligation authority will be available to any programmed project in the FTIP based on the ability to deliver the project during the current fiscal year.

It is the responsibility of the implementing agency at the time of programming to understand the requirements and procedures for authorizing a project through Caltrans Local Programs and ensure the deadlines and provisions of project delivery can be met.

MCTC staff will actively monitor all CMAQ projects regarding the funding authorization, implementation schedule, and obligation status in order to identify delivery issues as they arise and make determinations on project placement in the FTIP based on this policy. Appeals to this decision process must be taken through the MCTC committee process to the policy board.

Projects Eligible for Programming

To be eligible for programming in the FTIP, a project must be included in a list of Lifeline and/or Grant projects authorized by the MCTC Board. MCTC staff will endeavor to provide targets for Lifeline and Grant programs based on estimated apportionments during the life of the federal-aid appropriation.

Lifeline – Lifeline targets are authorized in advance at the beginning of the federal-aid highway act appropriation cycle by applying a Policy Board approved percentage of the total estimated multi-year apportionment for each member agency. Lifeline is a guaranteed amount available to each member agency based on the member’s population share. Once established for a Federal Aid bill cycle, the Lifeline allocation remains the same throughout the life of the Act. A member agency can choose when and which projects to program with lifeline funding subject to federal eligibility requirements, FTIP Amendment procedures/policies, and programming capacity in the FTIP. Lifeline can be programmed up front, a portion can be set aside to develop future projects, or an amount can be left in reserve to provide for cost over runs for other projects. Members may move Lifeline funding from project to project to fit their internal program requirements. Project savings from closed out lifeline projects are vested with the member agency and can be moved to other projects that meet Federal regulations for the type of funding involved.

Grant – Grant targets are determined by estimating the residual remaining in the federal-aid appropriation after the Lifeline amounts are calculated. Grant projects are selected in two cycles by a “Call For Projects” process with the first cycle occurring towards the beginning of the federal-aid appropriation and the second cycle toward the middle. Supplemental cycles may be required toward the end of the federal-aid appropriation to adjust for differences in actual appropriation. The selection and scoring criteria to identify these projects has been adopted by the MCTC Policy Board through an extensive regional consensus process in conformance with 23 CFR 450.332. Once selected on regional merits, a Grant project should be delivered. A project sponsor may apply Lifeline to a Grant project but not the reverse. Grant funds from a canceled project, or project savings from closed out Grant projects do not vest with the project sponsor; these funds will be returned to the Grant pot to be applied to the next CMAQ Cycle “Call for Projects”.

Programming the FTIP

Working through the MCTC regional consensus process, staff will program the authorized list of eligible Lifeline and Grant projects in the Four-Year Element of the FTIP until all available programming capacity has been consumed. The remaining projects are then programmed in the “Out Years” of the FTIP. As additional programming capacity becomes available, the “Out Year” projects provide a pool of authorized projects to move into the Four-Year Element. To move Out Year projects into the Four-Year Element requires a formal FTIP amendment including a finding of Financial Constraint on the entire FTIP.

When determining the split between projects in the Four-Year Element and Out Years various factors may be considered:

- The status of the project as a Lifeline or Grant project
- The priority assigned the project on the Call for Projects list.
- The phasing and deliverability schedule of the project or project phase.
- The status of previously programmed project phases.
- The status of the project as a Capital Procurement or Transit Operations (CMAQ).

- The track record of the project sponsor in delivering projects on schedule.
- The status of the project as having been previously programmed in the Four-Year Element or Out Years.

Placement in the Four-Year Element

To be considered for placement in the Four-Year Element of the FTIP, a project sponsor must submit an implementation schedule by year showing a logical planned obligation of the various phases (PE, ROW, Construction). Failure to adhere to this schedule may result in the project being rescheduled. Criteria for this implementation schedule should include but not be limited to:

- Securing political commitments and authorization from local boards
- Securing required matching funds
- Fulfilling the requirements of Caltrans Local Programs
- Securing required permits, certifications, and waivers
- Completion of preliminary environmental and design studies
- Right of way certification
- Completion of final design
- Readiness to bid construction

Depending on the requirements of the project, the implementation schedule may be simple or quite complex. MCTC staff will schedule the projects in the Four-Year Element based on this implementation schedule subject to the availability of programming capacity.

Projects with multiple phases (PE, ROW, Construction) must have a reasonable expectation that the preliminary phases can be completed prior to programming subsequent phases in the current Element Year. Project Sponsors must be cognizant of Local Programs requirements affecting the phasing of their projects. For instance, a project cannot proceed to final design, right of way acquisition, or construction until a Preliminary Environmental Study (PES) identifies the environmental condition of the project area and proposes mitigation if required. Furthermore, final construction cannot begin until Caltrans issues an environmental certification (if required), the local agency has certified Right of Way (if included) and final plans and specs have been submitted to Caltrans along with a PS&E checklist. It follows that any project with significant environmental mitigation requirements identified on the PES, unresolved Right of Way issues, or issues with final design can not be obligated for the affected project phase until those issues are resolved. Project sponsors must identify those issues that can delay their project and document a reasonable expectation, schedule, and commitment to complete required preliminary phases before requesting subsequent project phases be placed in the current Element Year.

Grouped Project Listings programmed in the Four-Year Element must be accompanied by a detailed list identifying the specific deliverable project phases of the Grouped Project Listing. Grouped Project Listing project sponsors must be able to demonstrate the deliverability of the individual projects and project phases.

Failure to Deliver

Projects that are programmed in the current Element year that fail to obligate on schedule represent a potential loss of Apportionment to the region unless another project advances to use the available Apportionment. For this reason if a project falls behind in schedule it may be necessary to replace it with another project that has a reasonable chance of obligating. Depending on the apparent demonstrated commitment of the project sponsor to deliver the project, the nature of the delay, and the availability of programming capacity in the Four-Year Element, the project may be rescheduled to the second, third, or fourth Element year or to the Out Years.

The FTIP is completely revised every two years. At the end of the first year, projects in the first Element Year that did not obligate or move back are considered "Prior Year" projects. In order to obligate those projects in the subsequent year, an administrative amendment must be processed transferring the projects back into the new current Element Year. However, at the end of the two years when the FTIP is revised, all Prior Year projects must be reprogrammed in the Four-Year Element or they become "Out Year" projects.

Loss of Funds through AB 1012 or decreased apportionment

AB 1012 is apportionment specific. The MPO has three years including the year of apportionment to obligate each apportionment (i.e. the 2020/21 apportionment expires at the end of the 2021/22 fiscal year). The estimated amount of available apportionments is calculated when setting the Lifeline and Grant targets. Should actual apportionments come in significantly lower than those estimates, or should delayed project delivery cause a loss of apportionments via AB 1012, staff will re-estimate the capacity to deliver the program using remaining apportionments. If this results in removing projects from the pool of Lifeline and Grant project list, staff will identify candidate projects for the MCTC Policy Board to consider for removal. Factors to be considered when identifying projects for removal will include the age of the project and failure to meet committed scheduling.

Project Obligation, Implementation, and Close Out

Projects have seven years (state requirement) from the first obligation to proceed to completion and close out. A one time, one year extension may be requested. Projects that lapse unclosed may be subject to repayment by the local sponsoring agency of federal funds to the funding agency.