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## **Programming Policies and Procedures**

***Adopted November 16<sup>th</sup>, 2021***

1. **CMAP Active Program Management Policies:** All sponsors participating in the STP federal funding process through the Kane Kendall Council of Mayors will be subject to the policies and procedures detailed in the Chicago Metropolitan Agency for Planning’s Active Program Management Policies.<sup>1</sup>
2. **Adoption of Program:** The Transportation Policy Committee at each meeting shall vote on and approve an updated 5-year fiscally constrained STP Program. Each updated program shall include updated prioritization of projects, updated project costs, full schedule changes, and letting dates. The first year of the program will be referred to as the “current year” and will be subject to obligation deadlines. The deadline is such that any phases programmed within the current federal fiscal year must fully obligate funds (Project Status will show as AC or ACC in the TIP) by the end of that federal fiscal year (Sept. 30). The next 2-5 years of the program will be referred to as “out years”, in which case phases can be reprogrammed, subject to fiscal constraint within the targeted federal fiscal year.
3. **Project Submittals:** Submittals for STP Roadway/Intersection and Asset Management projects may be submitted only in response to a specific call for projects announced by the Council. Council calls will be held in even numbered years beginning in 2020 and project types accepted may be limited by the Transportation Policy Committee.
4. **Contingency Programs:** Projects that were not funded in the most recent call cycle will be included in a contingency list. This contingency list will include projects ranked based on score, which must apply for funding in the next call for projects; otherwise, they will be removed from the contingency list and will need to re-apply for funding in subsequent calls for projects. Active projects may also be reprogrammed into the contingency list, either voluntarily or due to missing an obligation deadline. In such a case, those projects must apply in the next call for projects. The ranking of each project on the contingency list shall be fluid, and may change if the project status changes in a way that impacts scoring per the STP Methodology. Project sponsors that are seeking a change to their project on the contingency list shall notify Council Staff of their intention as a part of the quarterly updates (see #6).
5. **Designated Project Managers:** Upon inclusion in either the Active or Contingency Programs, each project sponsor shall designate a *Technical Project Manager* as well as a *Financial Project Manager* for communication. *This is in addition to the Planning Liaison.* Stipulations for designated project managers can be found in CMAP’s Active Program Management Policies.
6. **Quarterly Updates:** Quarterly updates must be submitted by one of the designated project managers. These updates are required to be submitted any day within each month of December, March, June, and September. *Updates cannot be submitted early or late and still be considered official. Status updates must be sent even if there was no change to the project status.* Consequences for not providing quarterly updates in a timely manner are as follows:

Projects with any phase programmed in the current FFY	The project phase, and all subsequent phases, will be moved from the active program to the contingency program. Funds programmed in the CMAP TIP for these phases will be moved to “MYB”, and a formal TIP amendment will be required to reinstate these phases.
Projects with any phase(s) programmed in an out year (years 2-5)	The project phase, and all subsequent phases, will be removed from the active program. Out year projects removed will <i>not</i> be placed in the contingency program, and must re-apply for funding during the next Call for Projects.
Contingency projects	The project phase, and all subsequent phases, will be removed from the contingency program, and must re-apply for funding during the next Call for Projects.

<sup>1</sup> <https://www.cmap.illinois.gov/documents/10180/931110/STP+APM+Policies+-+approved+9-25-18.pdf/9f751522-021c-a029-ca8f-c75ba9d13e41>

7. Local Match Ratio:

Phase	Ratio (Federal Funding/Local Match)
Phase 1 (E1)	No funding
Phase 2 (E2)	50/50
ROW	50/50
Construction & Construction Engineering (CE/E3)	70/30; 75/25 if no E2 funding is used, 80/20 if no E2 or ROW funding is used
*Asset Management	75/25, no E1 or E2 funding

\*Funds for projects covered under the asset management section are only available for the construction phase.

8. Active Reprogramming: If a project sponsor can demonstrate timely implementation of a project; that project sponsor may request unobligated Council funds below the threshold of fiscal constraint for that Federal Fiscal Year. Active Reprogramming can be used for:

- Cost changes for current FFY phases that are expected to meet the obligation deadline
- Accelerating phases programmed in out years of the active program that are ready to obligate in the current FFY
- Accelerating phases included in the contingency program that are ready to obligate in the current FFY
- Cost changes for already obligated phases

In the case of moving a project from the contingency list to the active program, a request must be made by the project sponsor to the Transportation Policy Committee in-person, or via e-mail if the Transportation Policy Committee meeting is cancelled.

9. Funding Increases: Cost changes less than or equal to 5% of the original approved funding level will require the project sponsor to submit a request for KKCOM staff approval. Project cost increases greater than 5% will require the project sponsor to submit a request for approval from the Transportation Policy Committee. Project cost increases greater than 20% of the cost estimate developed at the time of Phase I Engineering approval will be the sole responsibility of the project sponsor. Funding increase requests for the construction phase of STP projects shall not be considered until Phase I Engineering has been approved.

10. Obligation Cap: The maximum funding obligated for any specific project shall be no more than 50% of that year's total federal allotment, with a maximum obligation limit of \$2,500,000 in federal funding, inclusive of all phases. The maximum percentage and cap may be increased upon approval of the Transportation Policy Committee.

11. Budget Integrity: The annual and multi-year budgetary constraints shall be maintained at all times, based on the projected available funding levels provided by CMAP.

12. STP Projects on State Routes: The policy of the Council shall be to discourage the use of Council STP funds on State jurisdiction routes. The Council shall strictly enforce its policy that municipalities sponsoring projects on State routes must provide one half the local match for all phases that are being funded--50/50 for E2, ROW, Construction Engineering and Construction. Only projects involving an intersection improvement with State routes would be subject to STP funding eligibility. The Council's focus is on its municipal and County projects; however, it is still the joint responsibility of the Council and the State to move projects forward. The State should be a participant in the project.

13. Flexibility: the Transportation Policy Committee and the Council should at all times remain flexible when approving projects for STP funding. Allowance for non-technical decisions must be maintained. Variances to these rules will be allowed if a majority of the Transportation Policy Committee's members present vote to make an exception for a specific project.

14. KKCOM Staff Approval: If a quarterly KKCOM Transportation Policy Committee meeting is not held and a project needs a minor cost or scope change to stay on schedule, KKCOM staff will review the request. If it recommends the change, an email will be sent out to all voting members of the KKCOM Transportation Policy Committee with one week to respond. If any member replies with disapproval, the project sponsor must wait until the next KKCOM Transportation Policy Committee to bring the change request forward.

15. Obligation Deadlines/Extensions:

Any project phases(s) programmed in the current Federal Fiscal Year (FFY) on or after the first day (October 1) of that FFY is required to fully obligate the programmed federal funds prior to the end of that FFY. (Sept. 30). For the purposes of obligation deadlines, a project phase is considered to be “obligated” if federal funds have been authorized as “current” or “Advance Construction (AC)” in FHWA’s FMIS Database. The entire phase must be obligated, up to the programmed amount of the final engineer’s estimate, whichever is less, to be considered fully funded. “Staged” construction, or “combined” engineering phases are not considered fully obligated until all stages/phases under a single State Job or Federal Project Number are fully obligated. The table below describes the actions necessary to obligate each federally funded phase, and the milestone deadlines that should be met to meet the obligation deadlines:

Milestones for Obligation

Federally Funded Phase	Federal Obligation Action	Milestone(s)	Milestone Deadline
Phase 2 Engineering	Execution of Local Agency Agreement and Engineering Agreement	Phase 2 QBS Completed	Before submitting draft agreements (may be completed with Phase 1 QBS: may begin before Design Approval received)
		Phase 1 Design Approval Received	Before submitting draft agreements
		Draft agreements submitted to IDOT district (3-6 month review)	April 30 <sup>th</sup> (Approx.)
ROW	Execution of Local Agency Agreement	Phase 1 Design Approval Received	Before submitting documents and draft agreement
		Approved plats and legals, cost estimates, and documentation of use of approved firms	Before submitting draft agreement
		Draft Agreements submitted to IDOT district	April 30 <sup>th</sup> (Approx.)
Construction (State let)	Execution of Local Agency Agreement	Phase 2 pre-final plans submitted	On or before the date specified on the IDOT D1 Letting Schedule for the November State letting
		Draft Phase 3/ Construction Agreements to IDOT	
		(If applicable) Final ROW documents to D1 Bureau of Land Acquisition	

After the March status update, if project milestones are not anticipated to be achieved, the project sponsor may by April 15th:

- a. Request a six month extension of the phase obligation deadline.
  - i. For Phase 1 Engineering, Phase 2 Engineering, and Right-Of-Way, the extended deadline will be March 30 of the following calendar year.
  - ii. For Construction/Construction Engineering, the extended deadline will be the federal authorization date for the April state letting in the following calendar year.
  - iii. If the end of the six month extension has been reached, and the phase remains unobligated solely due to agreement review and the agreement was submitted to IDOT before August 1<sup>st</sup> of the prior year in a good faith attempt to ensure timely obligation of funds within the programmed FFY, an additional three-month extension will be automatically granted for that phase. An additional extension will be to June 30 for engineering and ROW phases, and the federal authorization date for the August state letting for construction/construction engineering phases.
- b. Request the current phase and all subsequent phases be immediately removed from the active program and placed in the contingency program to make the phase available for active reprogramming. If not moved back into the active program for the next call for projects, the sponsor must reapply for funding consideration.

- c. Proceed at your own risk. If the programmed funds are not obligated as of September 30, the programmed phase and all subsequent phases will be removed from the active program, and will not be added to the contingency program. Programmed funds will not be carried over or available for reprogramming, and will be permanently removed from the Council's programming mark. The sponsor would then need to reapply.

Following the March status update, and other requests for extensions, sponsors of project phases included in the contingency program that have indicated potential for current year obligation of funds will be notified of the possible availability of funding and will be encouraged to take necessary actions to prepare for obligation of funds between June and October. Program changes to move project phases from the contingency program to the active program will occur no later than June 30.

In the event that a project included in the Active Program has not started phase 1 engineering (or equivalent) since the prior call for projects, whether that phase is to be federally or locally funded, that project must re-apply in the next call, except if:

- a. The project is for pavement preservation techniques that were selected and programmed in out years to align with sponsor/sub-regional/regional pavement management system recommendations; or
- b. STP-funded phase 1 engineering was programmed in an out year during a prior CFP.

16. Asset Management projects: Asset Management projects are not the primary focus of the Council and funding should be used to complete projects that would be completed with or without STP funding. It shall be the goal of the Council to fund a minimum of 5% of the FY allotment each Council call toward Asset Management projects; however, if there exist too few projects to satisfy this amount, the minimum shall be made null. The maximum federal participation shall vary by anticipated need. Anticipated need shall be based on the PCI score of the roadway. Those caps are as follows:

Treatment Level	Sample Scope (From <a href="#">IDOT TAMP</a> )	PCI Range	Max. STP Participation
Preservation	SMART Overlays (1.5 to 1.75 inches), Hot-in-Place Recycling, Load Transfer Restoration, Full-Depth Repairs, Surface Treatments (Various)	71 - 85	\$500,000
Minor/Major Rehabilitation	Structural Overlays (Asphalt and Concrete), Standard Asphalt Overlays, Bonded Concrete Overlays, Structural Cold-in-Place Recycling	41 - 70	\$750,000
Reconstruction	Total Replacement of Pavement, Unbonded Concrete Overlays and Asphalt Pavement over Rubberized Concrete	< 41	\$1,000,000.00

17. KCOM member municipalities within the Cohort 4 category per CMAP's Local Technical Assistance guidelines are permitted to apply for Transportation Development Credits for Highways (TDCHs) for assistance in funding Phase 1 engineering. Details on policy and procedures can be found in IDOT's TDCH policy as well as CMAP's TDCH policy.