

REASONABLE PROGRESS

Policy and Procedure Issues

POLICY

This policy is to ensure the State of Missouri is getting the maximum benefit of its federal transportation funds. The policy has two objectives: (1) ensure that federal funds will be programmed for a project within one year of the funds being allocated by MoDOT; (2) ensure that once a project is programmed, it will reach construction.

MPOs or TMAs with a Reasonable Progress Policy in place will be exempt from MoDOT's Reasonable Progress Policy. However, the MPOs or TMAs federal fiscal year ending balance will not be allowed to exceed a total of three years of allocation for that MPO or TMA. Any funds over the three-year allocation will be reprogrammed in the MPO or TMA area at the discretion of MoDOT and the MPO or TMA.

PROCEDURES

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.

Project Development/Implementation Schedule:

<u>Phase</u>	<u>Maximum Time Frame</u>	<u>Funds Obligated</u>
1. Allocation of Funds	0 Months	No
2. Project Programming*	12 Months	No
3. Engineering Services Contract Approval	15 Months	Yes
4. Preliminary Plans Submittal	24 Months	No
5. Right of Way Plans Submittal	24 Months	Yes
6. Plans, Specifications & Estimate (PS & E) Submittal	34 Months	No
7. Plans, Specifications & Estimate (PS & E) Approval	36 Months	Yes
8. Construction Contract Award	48 Months	Modified

* 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.

1. Reasonable Progress

For all federal-aid funds, "reasonable progress" shall have been made if a project has been programmed within one year of funding allocation. Once programmed, a project must advance to the point of submitting preliminary plans within one year. Verifiable steps toward achieving reasonable progress shall include submittal of all required documents to the appropriate MoDOT district office, entering into an Engineering Services Contract (if retaining outside engineering services) and initiation of the development of preliminary plans.

The development of right of way plans, if required, should be concurrent with preliminary plan development. Once the preliminary design plans are approved, the right of way plans may be submitted for review and approval. The authorization to proceed with right of way negotiations should begin once MoDOT approves right of way plans. The award of the construction contract should occur no later than one year after the plans, specifications and estimate approval.

2. Policy Enforcement

If the allocated federal funds are not programmed for a specific project within one year, MoDOT will request information from the MPO or entity as to the planned use of the allocated funds. The MPO or entity will be required to provide a written explanation within 30 days of the notification as to the status of funds and a time line for their use. If adequate information is not received, MoDOT will pull the allocated funds from the entity and redistribute at the department's discretion.

If a project falls six months behind schedule at any point in its development, without a written explanation provided by the entity and approved by MoDOT, the entity and/or MPO will be contacted by MoDOT requesting information as to the cause of the delays. A letter will notify the entity of the schedule lapse and the possible implications of further delays. The entity and/or MPO will be required to reply in writing within 30 days of the letter date as to the project status and provide a revised timeline for the project. The entity will be allowed to reschedule a project one time after MoDOT has programmed a project. Any shifts in subsequent phases of a project caused by that rescheduling (if identified at the time of the rescheduling) will not be considered a separate change.

If a project falls one year behind the Project Development/Implementation Schedule at any phase, MoDOT will notify the entity and/or MPO of the schedule lapse by letter. The notification will serve as a final notice, giving the entity an opportunity to respond to the situation before MoDOT takes action. Information about the project will be submitted to MoDOT within 30 days of the letter date. The information will include:

1. Project status,
2. Current phase of project implementation, and
3. Funds obligated and spent on the project.

Actions taken by MoDOT may include removal of the project, which, per federal requirements, would require the entity to repay any federal funds spent on the project. The MPO and MoDOT will make the ultimate decision regarding the disposition of each project.

It **is not** the responsibility of 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 MPO. 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.