

January 7, 2015

TO: Members of the MAG Street Committee

FROM: Maria Angelica Deeb, Mesa, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

**Tuesday, January 13, 2015 - 1:00 p.m.**  
MAG Office, Suite 200, Ironwood Room  
302 North First Avenue, Phoenix

The next meeting of the MAG Street Committee will be held at the time and place noted above. Committee members or their proxies may attend in person, via video-conference or by telephone conference call. Those attending by video conference must notify the MAG site three business days prior to the meeting. Those attending by telephone conference please contact MAG offices for conference call instructions.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Jason Stephens at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

The next meeting of the MAG Street Committee will be held at the time and place noted above. If you have any questions or need additional information, please contact Teri Kennedy or Steve Tate at (602) 254-6300.

TENTATIVE AGENDA

	<u>COMMITTEE ACTION REQUESTED</u>
<p>1. <u>Call to Order</u></p> <p>For the January meeting, the quorum requirement is 13 committee members.</p>	
<p>2. <u>Introductions and Attendance</u></p> <p>An opportunity for new members to introduce themselves and record member attendance at the meeting will be provided.</p>	<p>2. For information.</p>
<p>3. <u>Approval of the December 9, 2014 Meeting Minutes</u></p>	<p>3. Review and approve the minutes from the December 9, 2014 meeting.</p>
<p>4. <u>Call to the Audience</u></p> <p>An opportunity will be provided to members of the public to address the Street Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Members of the public will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Street Committee requests an exception to this limit. Please note that those wishing to comment on action agenda items will be given an opportunity at the time the item is heard.</p>	<p>4. For information.</p>
<p>5. <u>Transportation Programming Manager's Report</u></p> <p>The MAG Transportation Programming Manager will review recent transportation planning activities and upcoming agenda items for MAG Committees and other related regional transportation activities.</p>	<p>5. For information and discussion.</p>
<p>6. <u>Arterial Life Cycle Program Project Changes Technical Review: Black Mountain Boulevard</u></p> <p>The Arterial Life Cycle Program (ALCP) Policies and Procedures (Policies) approved on May 28, 2014 require Lead Agencies to present</p>	<p>6. Recommend approval of the proposed change to extend the limits of the Black Mountain Boulevard project from Deer Valley Road to Pinnacle Peak Road.</p>

proposed substitute projects or changes in project scope to the MAG Street Committee for a technical review and recommendation for approval. The City of Phoenix will present a proposed increase in project scope for the Black Mountain Boulevard project extending the limits from Deer Valley Road to Pinnacle Peak Road. Please refer to Attachments 1A, 1B, and 1C for additional information.

7. Valley Wide Super Bowl Transportation Related Activities

In February, the City of Glendale will host the Super Bowl. At the meeting, transportation related activities in preparation for the event will be discussed.

8. MAG Federal Fund Programming Guidelines and Procedures Update - Project Changes

At the direction of the Managers Federal Fund Working Group, the Street Committee with representatives from other MAG technical committees is revising and updating the MAG Federal Fund Programming Guidelines. This update is scheduled to be completed by February, 2015.

At the December meeting, draft policies on project selection and program management were approved by the Committee. At this meeting, draft policies on project changes will be presented for the review of the Committee. Please see Attachment 2A and 2B for a copy of the adopted and draft policies.

9. Notice of Public Rule Making

On January 5, 2015, the Federal Highway Administration released a Notice of Public Rule Making (NPRM) on the process to be used by State Highway Agencies and MPOs on the development and reporting of bridge and pavement condition performance measures for the National Highway System (NHS).

When MAP-21, the current surface

7. For information and discussion.

8. For information and discussion.

9. For information and discussion.

transportation act, was enacted, all roadways classified as principal arterial were added to the NHS. This included many agency owned roadways. Since then the FHWA has reclassified many of these roadways to minor arterial, but these roadways will remain on the NHS until the FHWA acts to remove them and roadways that were not reclassified will remain on the NHS.

At the meeting, a presentation on the NPRM will be provided.

10. Request for Future Agenda Items

Topics or issues of interest that the Transportation Review Committee would like to have considered for discussion at a future meeting will be requested.

11. Member Agency Update

This section of the Agenda will provide Committee members with an opportunity to share information regarding a variety of transportation-related issues within their respective communities.

12. Next Meeting Date

The next regular Street Committee meeting will be scheduled for Tuesday, February 10, 2015 at 1:00 p.m. in the MAG Offices, Ironwood Room.

Adjournment

10. For information and discussion.

11. For information and discussion.

12. For information

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
STREET COMMITTEE

Tuesday December 9, 2014 1:00 p.m.  
MAG Offices, Suite 300,  
302 North First Avenue, Phoenix, Arizona 85003

MEMBERS ATTENDING

Maria Deeb, Mesa, Chair	* Bill Fay, City of Maricopa
Chris Hauser, El Mirage, Vice Chair	Jack M. Lorbeer, Maricopa County
Eric Boyles for Susan Anderson, ADOT	* James Shano, Paradise Valley
* Emile Schmid, Apache Junction	Jenny Grote for Chris Turner-Noteware, Phoenix
Chris Hamilton for Avondale	# Scott Bender, Pinal County
* Jose Heredia, Buckeye	Ben Wilson, Peoria
* Dan Cook, Chandler	* Janet Martin, Queen Creek
*@Aryan Lirange, FHWA	Jennifer Jack, Salt River Pima-Maricopa Indian Community
# John Mitchell for Wayne Costa, Florence	# Todd Taylor for Phil Kercher, Scottsdale
Tim Oliver, Gila River Indian Community	Suneel Garg for Dana Owsiany, Surprise
* Greg Smith, Gilbert	Isaac Chivera, Tempe
Bob Darr, Glendale	* Jason Earp, Tolleson
* Hugh Bigalk, Goodyear	Grant Anderson, Youngtown
# David Gue, Litchfield Park	

\* Members neither present nor represented by Proxy

# Members attending by phone

@Ex-officio member, non voting member

OTHERS PRESENT

Jason Hafner, ADOT	Teri Kennedy, MAG
John Tuter, Littlejohn Engineering	David Massey, MAG
John Bullen, MAG	Stephen Tate, MAG

1. Call to Order

Chair Maria Deeb called the meeting to order at 1:00 p.m.

2. Introductions and Attendance

A roll call of members attending the meeting was conducted. The following member agencies were not represented at the meeting: Apache Junction, Buckeye, Chandler, FHWA, Gilbert, Goodyear, Maricopa, Paradise Valley, Queen Creek, Tolleson.

3 Approval of the November 12, 2014 Meeting Minutes

Mr. Grant Anderson moved to approve the minutes. Mr. Chris Hauser seconded the motion. The motion carried with Ms. Jenny Grote and Mr. Jack Lorbeer abstaining.

4 Call to the Audience

No members of the audience requested to speak before the Committee.

5. Transportation Programming Manager's Report

Ms. Teri Kennedy briefed the Committee.

She noted that a continuing resolution was signed funding Federal transportation programs through December 11 and that she had no information regarding a new continuing resolution but will provide information as it available.

She stated that the draft MAG suballocated ledgers were published by ADOT. She noted that the MAG region is currently overprogrammed but that she would be providing the Transportation Review Committee, the Management Committee, and the modal committees information regarding closeout. She stated that MAG staff are currently reviewing project workbooks and that the results of that review will be presented to the Transportation Review Committee in January. Any projects that need to defer will make room for closeout funding. The second level of priority will be advancing any projects which can advance to 2015. The third level of priority are projects that may need additional funding due to updated engineering cost estimates and funding additional phases of eligible projects. The fourth level of priority would be new projects, but it is unlikely that funding will be available for new projects. She requested any agencies that have projects which need TIP changes submit them to Mr. Stephen Tate and noted that TIP changes will be presented to the Transportation Review Committee in January and February.

She noted that the Pinal County STP funding policies were scheduled to be heard by the Transportation Review Committee in December but that the committee meeting had been cancelled. She stated that the policies will be heard in January and that a call for projects will be issued subsequent to Regional Council approval of the policies.

She stated that there will be a call for projects for Transportation Alternatives Non-Infrastructure funding in January.

She noted that Mr. Chris Hauser of El Mirage was named Vice Chair and that Mr. David Gue of Litchfield Park and Mr. Greg Smith of Gilbert had been named as members of the Street Committee by the Regional Council Executive Committee.

She noted that Ms. Chris Turner-Noteware had been named the Phoenix representative to the Street Committee by the Regional Council Executive Committee. She added that due to a staffing change, the City of Phoenix had nominated Ms. Jenny Grote to the Street Committee and that the Regional Council Executive Committee will hear that nomination in January.

She noted that MAG staff may be contacting member agencies regarding project workbook reviews.

The ALCP working group is scheduled to meet December 12.

She noted that an open house will be held in the Gila River Indian Community for a SHRP-2 bridge construction project in Sacaton on February 24, 2015, and that Mr. Tim Oliver has more information for anyone who is interested.

She noted that the third working group meeting for 5307 funding in the Avondale-Goodyear urbanized area will be held on January 13 at 10 AM in the Cottonwood room.

She noted that CMAQ PM-10 street sweeper funding applications had been evaluated by the Air Quality Technical Advisory Committee and approval of funding for the selected applications will be moving through Management Committee and Regional Council in January. If closeout funding is available, the remaining street sweeper applications will be recommended for funding.

She noted that the FHWA Arizona office approved the requested changes to Federal functional classification of roadways in the MAG region, but that the FHWA headquarters office had not responded regarding the requested changes to National Highway System designations.

Ms. Jenny Grote noted that she had been the deputy director for street maintenance for the previous 3 years, and that street sweeping had been a major component of cleaning up after the summer storm activity. She expressed her appreciation for funding replacement street sweepers. She noted that the City of Phoenix had about 30 street sweepers and the features of the new sweepers are very helpful to operators. Chair Deeb thanked Ms. Grote for her comments. Ms. Kennedy stated that on the rank order of street sweepers, full funding was available through the second application from Surprise, and the third application from Surprise would be partially funded. She noted that there was only \$1.4 million of funding available and a much higher demand for street sweepers.

#### 6. Inactive Federal-Aid Projects Update

Mr. Eric Boyles briefed the Committee. He noted that he started at the ADOT Local Public Agency section in June and that inactive projects was one of the first items that he worked on.

He provided an overview of inactive projects, noting that there were 120 inactive projects found during ADOT's last review in October with a total of \$2.5 million of Federal funding tied up in these projects. He then provided a summary of the Federal Highway Administration definitions and guidelines regarding inactive projects and the risks and challenges associated with inactive projects. He noted that ADOT considers a project inactive if there are no Federal funding expenditures for 6 months. He added that projects may go inactive if they are authorized too early, if local agencies or project partners do not submit invoices or reimbursement requests, and if local agencies do not notify ADOT of project completions.

He noted that ADOT is working on monthly analysis and review of projects and refinement of internal procedures for timely deobligation of funding. He also noted that ADOT is meeting with FHWA on a quarterly basis and also meeting with COGs and MPOs regarding inactive projects. He noted that Joint Project Agreements are including provisions for quarterly billing and specific timelines for advertising projects, contract approval, invoices, and notification of project completion. He added that Certification Acceptance agreements will be amended to include similar provisions. He noted that project sponsors, their COG or MPO, and the ADOT project manager will be notified if a project will be added to the inactive list within 30 days.

He provided some approaches to keep projects active, including being mindful of authorization timelines, timely submission of reimbursement requests, proactively communicating billing challenges to ADOT, and timely submission of a final acceptance letter so ADOT can deobligate excess Federal funding.

Mr. Stephen Tate noted that non-certified agencies do not close out projects as ADOT processes final vouchers, but that projects for non-certified agencies show up on the inactive project lists. Mr. Boyles responded that ADOT LPA is working with their project managers to make sure that completed projects are closed out within 90 days so that both federal and local funds are not tied up in completed projects. Mr. Tate asked if ADOT is responsible for reimbursement requests for ADOT-administered projects and therefore projects sponsored by non-certified agencies should not be showing up on the list at all. Mr. Boyles responded that ADOT is responsible and that the list is both for ADOT project managers and local public agencies. Mr. Tate noted that he did not realize that when he put together the inactive projects list and apologized to the non-certified agencies.

Ms. Kennedy asked whether non-certified agencies should still submit project acceptance letters. Mr. Boyles responded that they should and that when he looked at the list, over half of the projects were completed and were in need of acceptance letters to close them out.

Mr. Grant Anderson asked if non-certified agencies could do a design project by reimbursement which would not be administered by ADOT, therefore they could be on the list. Mr. Boyles responded that they could.

Mr. Tate asked if projects are added to the list after 3 months of inactivity, but that construction projects could take longer than 3 months between advertising and start of work, thereby becoming "inactive." Mr. Boyles responded that the 3 month inactivity period is merely the start and that ADOT will work with the agency to make sure the project is proceeding before it would be added to the 9 month or 12 month FHWA inactive projects list.

Mr. Anderson noted that the presentation was very informative and requested a copy be sent to him. Mr. Tate responded that it will be posted on the MAG website.

Ms. Jennifer Jack noted that the Salt River Pima-Maricopa Indian Community has a project on the inactive projects list due to 3 months with no invoices to ADOT. She noted that the project is in the right-of-way phase and that it takes a long time to pay out to landowners. She stated that ADOT notified MAG that the project was inactive and requested to begin the process to close the project out. She expressed her gratitude to MAG for contacting her about

the project and for following up with local agencies before beginning a closeout process which would have resulted in a loss of funding.

Ms. Kennedy stated that this is a big issue and once projects get to ADOT, MAG can't do much to help keep projects on track beyond the inactive project list. MAG assisting with the distribution and notification of the inactive projects also helps fund closeout. trying to ADOT provided an inactive projects list for MAG staff to distribute to agencies individually and, as a result, there was \$8 million available for closeout last year. She noted that if \$1 million of funding is available through closeout, that could be used for bike/ped or ITS or paving projects. She stated that the inactive project list is a monitoring report so that agencies are aware of what projects are going on and that with staff changes, new staff may not always be aware of what projects they are responsible for.

Mr. Boyles noted that he doesn't think ADOT has deobligated any inactive projects yet and that ADOT LPA is there to help local agencies get their projects off the list.

Chair Deeb asked about a project which was authorized and advertised but the low bidder was not responsive, which delayed the process of awarding the contract. She asked if an agency should reach out to the ADOT project manager after three or six months if they anticipate issues that could lead to a project being considered inactive. Mr. Boyles responded that ADOT LPA is looking for communication between agencies and project managers about potential issues with projects which can then be discussed with Federal Highway Administration at quarterly meetings.

Chair Deeb asked if the project manager is the best point of contact. Mr. Boyles responded that he can always be included and he will make sure that the communication makes it to the appropriate parties.

7. MAG Federal Fund Programming Guidelines and Procedures Update - Project Selection

Mr. Stephen Tate briefed the Committee. He provided a background overview of the Federal fund programming guidelines and procedures and a description of the Street Committee's ongoing work in reviewing the update to the guidelines and procedures, noting that each month a section would be presented for review and approval at the next Street Committee meeting. He then provided an overview of the proposed changes to project selection guidelines presented at the previous meeting and updates to the changes since the previous meeting.

Mr. Grant Anderson moved to approve the revised project selection policies. Vice Chair Chris Hauser seconded the motion. The motion carried unanimously.

8. MAG Federal Fund Programming Guidelines and Procedures Update - Project Reviews, Milestones and Closeout

Mr. Stephen Tate briefed the Committee. He provided an overview of changes to program management, project readiness requirements, and redistribution of funding through the closeout process and updates to the changes since the previous meeting. He noted that the closeout process cannot be accelerated easily due to the consistently late receipt of Federal funding information. Ms. Kennedy added that two years in a row MAG had attempted to

hold closeout in August but the information was not available due to the timing of Federal funding authorizations and the project workbook process. She stated that MAG will try to hold closeout funding as early as possible, but that it will likely be delayed due to outside issues.

Chair Deeb asked when closeout information will be requested. Mr. Tate responded that the hope is to request information in October and come to a decision about closeout funding by January. Ms. Kennedy added that she still does not know when funding will be available, but that she will be issuing a request for information this week and will be presenting scenarios for closeout to the Transportation Review Committee in January.

Mr. Grant Anderson moved to approve the revised project reviews, milestones and closeout policies. Mr. Tim Oliver seconded the motion. The motion carried unanimously.

9. HPMS Data Collection for Calendar Year 2014

Mr. Stephen Tate briefed the Committee. He provided an overview of the Highway Performance Management System, the roles and responsibilities of ADOT and local agencies regarding data collection. He requested member agencies provide traffic count data as is available through the MAG web portal. He also requested any member agency that may have International Roughness Index (IRI) data available for pavement conditions on National Highway System routes provide it to ADOT. He then provided an overview of the schedule and process for data collection.

10. Informational and Training Opportunities

Ms. Kennedy noted two Federal Highway Administration items. She noted a memorandum on ADA resurfacing guidance clarification included in the meeting packet. She also noted that there will be a webinar on applying Crash Modification Factors on December 11th from 12 to 1 PM.

11. Street Committee Meeting Schedule for Calendar Year 2015.

Ms. Kennedy noted that meetings are scheduled for every month. If no meeting is needed, cancellations will be issued as soon as possible. She stated that with Federal funding policy updates and the anticipated August call for projects, the Committee will likely meet every month.

Mr. Todd Taylor noted that the schedule says that it is for the Transportation Review Committee and requested clarification. Ms. Kennedy responded that the schedule is intended for the Street Committee and a correction will be noted on the final schedule.

Mr. Suneel Garg moved to approve the schedule with a correction stating that the schedule is for the Street Committee. Mr. Tim Oliver seconded the motion. The motion carried unanimously.

12. Request for Future Agenda Items

Ms. Jenny Grote requested to give a presentation on street transportation needs for special events regarding the City of Phoenix and the City of Glendale's preparations for Super Bowl XLIX.

13. Member Agency Update

Ms. Jenny Grote noted that it was her first Street Committee meeting as a representative. She noted that the Street Transportation Department had begun work on the Complete Streets program as approved by the Phoenix City Council and that she had met with ADOT regarding the Interstate 17 and Pinnacle Peak Road interchange. She noted that Phoenix is reviewing its CIP for possible cost savings and redistribution of funding. She noted that there had been a reorganization and she was taking Ms. Chris Turner-Noteware's place. She stated that she had been with traffic services for 26 years and street maintenance for 3 years and that she is now with planning and programming.

Mr. Jack Lorbeer noted that Ms. Jennifer Toth is now the director of Maricopa County DOT and that she is very energetic and smart and will be a great asset to the County and the region.

Mr. Tim Oliver encouraged members and attendees to come out to the open house being held for the bridge slide project in Sacaton. Mr. Oliver noted that there will be four slide operations and that the slide process will be visible during the open house.

Mr. Eric Boyles noted that ADOT Local Public Agency section is almost fully staffed.

Mr. Bob Darr stated that Glendale is trying to gear up for the Super Bowl and after that they will be back to business as usual.

Mr. Chris Hamilton noted that Mr. Charles Andrews had left Avondale and is now in Prescott.

Mr. Suneel Garg noted that Mr. Karl Zook had been hired as City Engineer for Surprise and that with Ms. Dana Owsiany being hired as Traffic Engineer, they are now fully staffed.

Adjournment

The meeting adjourned at 2:05 p.m.

## *MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY... for your review*

DATE:

January 6, 2014

SUBJECT:

Arterial Life Cycle Program Project Changes Technical Review: Black Mountain Boulevard

SUMMARY:

The Arterial Life Cycle Program (ALCP) is the financial management tool for the arterial street component of the Regional Transportation Plan (RTP). Management of the program is guided by the ALCP Policies and Procedures, which were approved by the MAG Regional Council on May 28, 2014. The Policies and Procedures require Lead Agencies to present proposed substitute projects or changes in project scope to MAG Street Committee for a technical review and recommendation for approval. Pending the Street Committee recommendation, proposed changes will be incorporated into the draft ALCP and presented through the MAG Committee Process for a final approval.

The Black Mountain Boulevard project was part of the original Proposition 400 ballot approved by voters in 2004. The original project limits included ramps extending north off of State Route 51 to Black Mountain Boulevard and Mayo Drive. In 2011, the limits were extended one-quarter of a mile north to Deer Valley Road.

The project will be constructed as a joint effort between the City of Phoenix and the Arizona Department of Transportation. Construction will be broken into two separate phases; phase I includes roadway improvements at Pinnacle High School, construction of a roundabout, and construction of a new roadway from Rough Rider Road (north of Deer Valley Road) to Pinnacle Peak Road. The construction of a new roadway from Rough Rider Road to Pinnacle Peak Road represents the proposed scope expansion. Phase II includes construction of the ramps and a pedestrian overpass with fencing along the roadway.

Additional detail on the requested change can be found on the project change form. The form summarizes current and planned facility features, ALCP project budgets, project cost estimates. In addition, the form addresses:

- (1) The reason for and feasibility of the requested change;
- (2) How the change would improve safety/mobility and reduce congestion; and,
- (3) The benefit to the MAG Region.

Excerpts from the ALCP Policies and Procedures have also been attached for your review.

PUBLIC INPUT:

The City of Phoenix held a number of public meetings dating as far back as 2011 to discuss the Black Mountain Boulevard project. The public has been supportive of extending the project to Pinnacle Peak Road.

PROS & CONS:

PROS: The project will provide alternative access to the Desert Ridge shopping center and help alleviate traffic congestion on the Loop 101 Freeway at the Tatum Boulevard and Cave Creek Road exits.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: Expansion of the project limits to Pinnacle Peak Road will provide alternative access to the Desert Ridge Shopping Center and help to alleviate congestion on the Loop 101 Freeway at the SR-51 interchange and Tatum Boulevard/Cave Creek Road exits.

POLICY: Section 220 of the ALCP Policies requires the technical recommendation of the Street Committee on proposed substitute projects or project scope changes for ALCP Projects.

ACTION NEEDED:

Recommend approval of the proposed change to extend the limits of the Black Mountain Boulevard project from Deer Valley Road to Pinnacle Peak Road.

PRIOR COMMITTEE ACTIONS:

None.

CONTACT PERSON:

John Bullen, Transportation Planner II, (602) 254-6300.

## ARTERIAL LIFE CYCLE PROGRAM POLICIES AND PROCEDURES EXCERPTS

The Arterial Life Cycle Program (ALCP) Policies and Procedures approved by the MAG Regional Council on December 28, 2014 require Lead Agencies to present proposed substitute projects or changes in project scope to MAG Street Committee for a technical review and recommendation before the request will be presented through the MAG Committee Process for approval. Key excerpts from the Policies regarding the program, proposed substitute projects, and changes in project scope are provided below. The complete version of the ALCP Policies and Procedures may be downloaded from the MAG website at: <http://www.azmag.gov/ALCP>

### SECTION 100: PROGRAM OBJECTIVES

A. The ALCP has five key objectives:

1. Effective and Efficient Implementation of the RTP: Facilitate the effective and efficient implementation of the arterial component of the RTP. In support of this objective, the Program should:
  - a. Ensure Projects are implemented in a manner consistent with the RTP, including any updates or amendments;
  - b. Include the means to track Project implementation against requirements established in the RTP and the ALCP; and,
  - c. Be administratively simple.
2. Fiscal Integrity: Ensure the fiscal integrity of the regionally funded arterial component of the RTP. In support of this objective, the Program should:
  - a. Establish comprehensive financial and reporting requirements for each Project; and
  - b. Coordinate with the RTP and the other modal programs on key financial, accounting and reporting policies, procedures and practices.
3. Accountability: Provide the means to track and ensure effective and efficient Project implementation. In support of this objective, the Program should:
  - a. Employ comprehensive Project Agreements, or other legal instruments, that detail agency roles and responsibilities in the implementation of specific Projects; and
  - b. Provide the means within each Project Agreement, Project Overview and Project Reimbursement Request to track Project implementation, performance and successful completion of individual Projects and the Program.
4. Transparency: Provide members of the public, elected officials, stakeholders, participating agencies and others with ready access to information on the Program and on each Project. In support of this objective, the Program should:
  - a. Include substantial public and stakeholder consultation as part of the implementation process for each Project; and
  - b. Require that material project changes to Projects in the Program be subject to public and stakeholder involvement through the MAG Committee Process.

5. Compliance: Comply with all applicable federal, state and local requirements in the implementation of Projects.
- B. Consistency with the RTP generally means that an ALCP Project meets Project the eligibility requirements specified in Section 300, the Project regional reimbursement is fiscally constrained, and the reimbursement is in the original RTP phase.
- C. The Program must be flexible and allow adjustments as needed in support of meeting the key objectives.

#### **SECTION 210: UPDATING ALCP PROJECTS IN THE ALCP**

- A. All ALCP Projects will be updated annually (refer to Section 200(F)2).
- B. Any necessary changes to an ALCP Project must be submitted by a written request stating the new updated schedule and budget and any other necessary justifications.
  1. Requests will be approved through the MAG Committee Process by the approval of the ALCP.
  2. Update forms will be provided by MAG.
- C. All ALCP Projects that are moved, changed or updated from their original schedule in the RTP must consider the impact of the proposed changes on other RTP Projects and on neighboring communities.
- D. MAG, the Lead Agency, and other agency(ies)/jurisdiction(s) listed in the Project Agreement must agree to the proposed changes or updates.

#### **SECTION 220: TYPES OF ALCP PROJECT UPDATES**

- A. Projects may be advanced by the Lead Agency and other agency(ies)/jurisdiction(s) listed in the Project Agreement, who must pay the costs of advancing the Project and wait for reimbursement from the Program in the fiscal year the Project or Projects are scheduled in the ALCP to receive regional funds. To do so, it is required that:
  1. In advancing a Project, the Lead Agency and other agency(ies)/jurisdiction(s) listed in the Project Agreement must bear all costs and risks associated with advance design, right-of-way acquisition, construction and any related activities for ALCP Projects.
  2. Financing costs and any other incremental costs associated with the advancement are not eligible for reimbursement.
  3. The reimbursement for the advanced Project must be in the currently approved programmed ALCP.
    - a. Reimbursement for a Project will be the amount listed, plus inflation to the year the Project is programmed for reimbursement in the ALCP.
      - i. MAG Staff will use inflation factors as noted in Section 240.
  4. Upon completion of an advanced Project, all Project Reimbursement Requests must be submitted to MAG. Reimbursement payments will follow the schedule established in the currently approved ALCP.

- a. Reimbursement payments may be accelerated for projects approved for RARF Closeout Funds through the MAG Committee Process, per Section 250.
- B. Lead Agencies may segment an original RTP Project as long as the resulting Project segments would provide for the completion of the original Project as specified in the RTP.
  1. A Design Concept Report or equivalent may be used to determine major Project elements within each jurisdiction and to develop recommendations for budget allocations.
- C. Projects may be deferred at the request of the Lead Agency and other agency(ies)/jurisdiction(s) listed in the Project Agreement and/or MAG.
  1. If a Project is deferred, other Projects will be moved in priority order at that time, taking into account: Project readiness, local match available and funding source preferences.
- D. A Lead Agency may exchange two Projects in the ALCP if:
  1. Project 1 is deferred from Phase I, II or III to Phase II, III, or IV, AND Project 2 is advanced from Phase II, III or IV to Phase I, II, or III.
  2. When Projects are exchanged, the advanced Project 2 may receive regional reimbursement up to the maximum of the budgeted reimbursement amount of Project 1 or the maximum budget of Project 2, whichever is less.
  3. Funding for all Projects involved in a Project exchange must be documented for the ALCP Program both before and after the proposed exchange in order to demonstrate that there will be no negative fiscal impact on the ALCP.
- E. If an original ALCP Project is deemed not feasible, a substitute Project may be proposed for substitution in the same jurisdiction as the original Project.
  1. The Lead Agency may propose a substitute Project that would use the regional funds allocated to the original Project. The substitute Project shall relieve congestion and improve mobility in the same general area addressed by the original Project, if possible.
  2. Substitute projects may not be completed prior to inclusion in the Arterial Life Cycle Program.
  3. The Lead Agency must submit a written request to MAG. The written request must include:
    - a. Justification, such as a feasibility study, level of service justification, or other documents explaining why the Project is deemed not feasible, and the description of steps to overcome any issues related to deleting the original Project from the ALCP and RTP.
    - b. How the proposed project would relieve congestion and improve mobility; and,
    - c. The proposed substitute project budget and schedule.
    - d. MAG Staff will work with jurisdictions on a case-by-case basis to ensure proper justification.
- F. An original ALCP Project can change its original Project scope due to environmental issues, public concerns, costs and other factors.

1. The Lead Agency must submit a written request to MAG. The written request must include justification, such as a feasibility study, level of service justification, revised budget and/or other documents explaining why the change to the original Project is required, and the description of steps to overcome any issues related to changing the original scope of the ALCP Project.
    - a. MAG Staff will work with jurisdictions on a case-by-case basis to ensure proper justification.
  2. The scope change should relieve congestion and improve mobility in the same area addressed by the original planned Project, if possible.
  3. Project scope changes may not include completed portions of a project or project segment, which are not included in an Arterial Life Cycle Program approved through the MAG Committee process.
- G. All Material Project Change requests must meet all requirements established in Sections 200, Section 210, and Section 220.
1. Before being approved through the MAG Committee Process, the requests:
    - a. Must be reviewed and approved by MAG for consistency with the ALCP Policies and Procedures and the Regional Transportation Plan goals and objectives
    - b. Will be presented by an employee of the Lead Agency to the MAG Street Committee for a technical review and recommendation. The presentation will address:
      - i. The reason(s) the original project was deemed not feasible;
      - ii. Explain how the change the original ALCP project scope or substitute project would relieve congestion and improve mobility;
      - iii. The new/revised project cost estimate; and
      - iv. Other information as requested by the MAG Street Committee.
  1. After the Streets Committee technical review and recommendation on the proposed changes, the project(s) will be brought forth through the MAG Committee Process for approval.
  2. Requests to change original ALCP project scope or substitute a project must be made by the deadline established in the ALCP Schedule published annually in the MAG Transportation Programming Guidebook.
  3. Reimbursements for substitute projects will :
    - a. Be programmed in the same fiscal year(s) as the original project
    - b. Be programmed with the same funding amount and type as the original project

## **SECTION 320: PROJECT ELIGIBILITY**

- A. To be funded or constructed under the ALCP Program, Projects must:
1. Have a scope, budget (including amounts of regional funding and local match contributions) and a schedule consistent with the Project as included in the RTP, ALCP, and as appropriate, the TIP. In addition, Projects must be consistent with federal requirements, where applicable.

2. Be considered new in keeping with voter expectations, and as such:
  - a. Cannot include costs for any pre-existing, programmed or planned element or improvement that is not part of the specific improvement Project described or included in the RTP as of November 25, 2003 or later.
  - b. Cannot have started design, acquired right-of-way or started construction before the date specified in Section 330 or the date of the Project addition to the RTP.
  - c. Must address congestion, mobility, and safety in the region.
- B. Facilities eligible for improvements under the ALCP include:
  1. Major arterials as defined in Appendix A. Major arterials include:
    - a. Roadway facilities on the regional arterial or mile arterial grid system;
    - b. Roadway facilities that connect freeways, highways or other controlled access facilities; and,
    - c. Other key arterial corridors.
  2. Intersections of eligible major arterials.
- C. All Projects must be designed to the standards agreed to by the designated local jurisdictions and the Lead Agency established in the Project Agreement.
  1. The agreed standards, which may be higher than the standards used in the local jurisdiction(s), must be specified or referenced in the Project Agreement.
  2. Standards for multi-jurisdictional Projects should be consistent to the extent feasible.
- D. The Project Overview for each Project must identify all Project components for which reimbursement of the regional share is sought from the ALCP, including the components of the Project that will be funded locally or by third parties.
- E. Each ALCP Project shall have a reimbursement timeline specified in the Project Agreement and Project Overview.
  1. Reimbursement timelines may shift due to project schedule changes and/or the availability of program funds.
- F. The MAG Committee Process has the final determination on the eligibility of any Project or Project component for reimbursement from the ALCP Program.

### **SECTION 330: REIMBURSABLE EXPENDITURES**

- A. Reimbursable items for regionally funded Projects are limited to:
  1. Design, right-of-way and construction, as required in ARS: 28-6304(C)(5) and ARS: 28-6305(A). Design Concept Reports, planning studies and related studies, such as environmental and other studies, are also eligible.
  2. Capacity Improvement Projects.
  3. Safety Improvement Projects.
  4. Projects or components directly related to capacity and safety improvements, including:

5. Intelligent Transportation Systems (ITS);
6. Signals;
7. Lighting;
8. Transit stops and pullouts, as well as queue jumper lanes, for example, for bus rapid transit;
9. Bicycle/pedestrian facilities integral to the roadway, including wide sidewalks separated from curbs;
10. Utility relocations, including under grounding of utility lines where required for safety or other reasons relating to function, and not purely for aesthetic reasons, and not otherwise considered an enhancement;
11. Drainage improvements for the Project (with limitations), such as retention basins required for the Project that would not normally be handled through County or other drainage funds, within reasonable limits (and generally not exceeding typical practice for the local jurisdiction);
12. Landscaped medians, shoulders, and other improvements within reasonable limits (and generally not exceeding typical practice for the local jurisdiction);
13. Reconstruction Projects, as identified in or supported by the RTP and as specified in Project Agreements, for eligible Project elements;
14. Access management;
15. Rubberized asphalt and concrete paving;
16. Staff time directly attributable to Project;
17. Noise, privacy and screen wall, and other buffers, if found to be necessary to meet applicable local, state or federal standards; and,
18. Public involvement and outreach activities.

**ARTERIAL LIFE CYCLE PROGRAM  
REQUEST TO SUBSTITUTE PROJECT OR CHANGE SCOPE OF PROJECT**

Name of Original Project	Black Mountain Blvd: SR-51 and Loop 101/Pima Fwy to Deer Valley Road
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Lead Agency	Phoenix	RTP ID	ACI-BMT-10-03
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RTP Project Budget	\$22,529,772	Request Date	12/15/2014
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Name of Rescoped/ Substitute Project	Black Mountain Blvd: SR-51 and Loop 101/Pima Fwy to Pinnacle Peak Road
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**ORIGINAL PROJECT SCHEDULE**

WORK PHASE	WORK FISCAL YEAR	REIMBURSEMENT FISCAL YEAR	PROGRAMMED REIMBURSEMENT	CURRENT FUND TYPE
Design	2011-2015	2011, 2013-2014	\$3,887,625	MAG-STP
ROW	2014	2014	\$1,402,030	MAG-STP
Construction	2013-2016	2014/2015	\$17,240,117	MAG-STP
TOTALS			\$22,529,772	

Description of Rescoped/ Substitute Project	Expand scope of ALCP project to include half street improvements from Rough Rider Road to Pinnacle Peak Road.
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**RESCOPED/SUBSTITUTE PROJECT BUDGET**

WORK PHASE	WORK FISCAL YEAR	TOTAL COST	LOCAL SHARE	REGIONAL SHARE	REGIONAL %
SEGMENT (1) - Design and ROW ONLY					
Design	2011-2015	\$ 5,490,979	\$ 1,647,294	\$ 3,843,685	70.00%
ROW	2013-2014	\$ 2,002,900	\$ 600,870	\$ 1,402,030	70.00%
<b>SUBTOTAL</b>		<b>\$ 7,493,879</b>	<b>\$ 2,248,164</b>	<b>\$ 5,245,715</b>	<b>70.00%</b>
SEGMENT (2) - SR-51 to Deer Valley Drive					
Construction	2013-16	\$ 27,349,598	\$ 8,204,879	\$ 19,144,719	70.00%
<b>SUBTOTAL</b>		<b>\$ 27,349,598</b>	<b>\$ 8,204,879</b>	<b>\$ 19,144,719</b>	<b>70.00%</b>
SEGMENT (3) -Deer Valley Drive to Pinnacle Peak					
Construction	2015-2016	\$ 2,458,912	\$ 737,674	\$ 1,721,238	70.00%
<b>SUBTOTAL</b>		<b>\$ 2,458,912</b>	<b>\$ 737,674</b>	<b>\$ 1,721,238</b>	<b>70.00%</b>
COMPLETE PROJECT					
<b>Total</b>		<b>\$ 37,302,389</b>	<b>\$ 11,190,717</b>	<b>\$ 26,111,672</b>	<b>70.00%</b>

\*Note: The regional share also includes contributions from the Regional Freeway Highway Program to help fund the ramp portion of the project

SEGMENT (1) - SR-51 to Deer Valley Road			
CURRENT FACILITY FEATURES (RESCOPED/SUBSTITUTE PROJECT)			
Total Lanes	0	Average Daily Traffic	n/a
North/South Lanes	0	V/C Ratio	n/a
East/West Lanes	0	Bus Pullouts	none
Length of Facility	0	Bicycle Facilities	none
PLANNED FACILITY FEATURES (RESCOPED/SUBSTITUTE PROJECT)			
Total Lanes	6	Bus Pullouts	none
North/South Lanes	6	Bicycle Facilities	bike lanes
East/West Lanes	0	Pedestrian Facilities	sidewalk/ped bridge
Length of Facility	1.2	Paved Shoulders/Curbs	none
SEGMENT (2) - Deer Valley Road to Pinnacle Peak Road			
CURRENT FACILITY FEATURES (RESCOPED/SUBSTITUTE PROJECT)			
Total Lanes	0	Average Daily Traffic	n/a
North/South Lanes	0	V/C Ratio	n/a
East/West Lanes	0	Bus Pullouts	none
Length of Facility	1.0	Bicycle Facilities	none
PLANNED FACILITY FEATURES (RESCOPED/SUBSTITUTE PROJECT)			
Total Lanes	2	Bus Pullouts	none
North/South Lanes	2	Bicycle Facilities	bike lane
East/West Lanes	0	Pedestrian Facilities	partial sidewalk
Length of Facility	1.0	Paved Shoulders/Curbs	none

Please explain the reason for requesting to substitute or rescope the original project.	The City is requesting to expand the scope to Pinnacle Peak Road because of the improved access and circulation for the roadway network as opposed to the original scope limits. In addition, building the additional half street to Pinnacle also improves level of service at the 101 offramps at Tatum and CaveCreek Road. Finally, the public supported this addition.
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What technical documents and supporting analysis are available to demonstrate the feasibility of the requested project?	The design team for this project has done level of service studies for this scope expansion. The material has been presented to the public and was approved through the formal Environmental Assessment Process with the passing of the Record of Decision in October 2013.
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Description of how the requested project would improve mobility/safety and reduce congestion.	The expanded scope improves mobility, safety and congestion for not the roadway network (Black Mountain Blvd, Deer Valley, Tatum Rd and Cave Creek Road), the Loop 101 Tatum Road/Cave Creek Off-ramps, and the north-to-west to west interchange ramp from State Route-51 to westbound Loop 101 freeway.
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Requested Project's Benefit to the MAG Region?	With inclusion of the added scope, the project will help to alleviate traffic congestion and the bottle-neck situation on the Loop 101 freeway at both Tatum Blvd and Cave Creek Road.
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# Original Project Limits





## 600: Project Deferrals and Deletions

1. Federal funds that are deleted from projects are returned to the region to be programmed in the appropriate modal category.
2. The project will be deleted from the TIP if the project sponsor does not commit to the project and submit the required information for Step 4.
3. Once the project is committed to and moves into Step 5, Project Development, it must show continuous progress toward project obligation.
4. If an agency does not show continuous progress on project development and it is in their control the project sponsor has a one-time deferral option. It is required that:
  - a. Demonstration of financial commitment (e.g. staff time, funds) by the agency to develop the project prior to the deferment decision,
  - b. Identification and explanation of specific problems or issues that have caused the delay (e.g. the actions of outside actors) or failure to achieve a required milestone, and
  - c. A revised schedule and plan that addresses the specific issues identified.
5. If an agency does not show continuous progress for a second time on project development and it is in their control, the project is deleted.
6. Project development actions that are 'in an agency's control', refers to actions for which a project sponsor has decision making authority, such as the allocation of funding and staff time, project management, scheduling decisions, and the coordination of the project with other projects in the agency's boundaries such as developer or other agency projects.
7. If there is not continuous progress on the project due to external factors that are not within a project sponsor's control, the decision to continue, reschedule, or delete a project will be based on the following factors:
  - a. Identification and explanation of specific problems or issues beyond the control of the agency other than financial issues that have caused the delay (e.g. the actions of outside actors) or failure to achieve a required milestone.
  - b. Demonstration of financial commitment (e.g. staff time, funds) by the agency to develop the project prior to the rescheduling or deletion decision.
  - c. The previous MAG status reports show that the agency has initiated development of the project and has worked continuously to develop the project for obligation.
  - d. A revised schedule and plan that addresses the specific issues identified.
  - e. If a project has been previously deferred, demonstration that the previous cause of delay has been addressed and/or explanation of why the revised approach will address the problem causing the delay.
8. Actions 'not in the control of an agency' include the actions of third parties such as utility companies, railroads, property owners, the courts, other governmental agencies and reviewing agencies who may fail to provide timely reviews/approvals. Actions also not under the control of a sponsor include issues that could not have been reasonably anticipated when the project was initiated such as the discovery archaeological artifacts, hazardous materials, or impacts to endangered or threatened species in areas where none of these issues had been encountered or known to exist previously.

## 700. Advancing Projects

1. If a member agency would like to advance their project, it is their responsibility to initiate the MAG notification and federal development process earlier.
2. Member agencies can take advantage of Step 3: the Local Commitment Period and advance this project by completing Step 3 and Step 4 earlier than normal, and moving forward with Step 5 ahead of schedule.
3. The member agencies must contact MAG to initiate this process. Any needed changes to the TIP report will happen during the Dynamic TIP process.

## 800. Project Changes

1. A project sponsor can make requests for a project change twice a year when the project sponsor reports on the status of the project development milestones to MAG as required for the Status Report. This will occur in November – January and April - June.
2. As related to these Programming Guidelines and Procedures, project changes are those prior to obligation.
3. Types of project changes allowed:
  - a. Segmenting or combining contiguous projects for ease of project development and implementation,
  - b. Changing Lead Agencies, as long as scope or location is not altered,
  - c. Administrative modifications: example: change in technical description of project, change in amount of local funds
  - d. Changing project schedules (advancing, deferring) are allowed following the rules of the dynamic TIP Programming Process, procedures, and requirements of Section 400 through 700.
  - e. A linear location change request that extends or decreases the project limit by 0.25 miles or less.
  - f. A minor scope change that doesn't deviate from the original project application request.
  - g. These project change requests will go through the committee process, beginning at the appropriate technical advisory committee that originally programmed/ prioritized them. These project change requests will follow the schedule of the status reports.
4. Types of project changes that are not allowed to occur through a project change request:
  - a. Location or scope change:
    - i. A linear location change request that is greater than .25 miles.
    - ii. A change in a point location (intersection).
    - iii. A change in an area location.
    - iv. A change in scope that changes the project from its original intent as outlined in the project application request.
5. If a project is requesting a change that is not allowed, the project sponsor can complete a project application for the new project, and compete for the regional funds.
  - a. The federal funds will be deleted from the project, and the funds are returned to the region.

- b. The competitive application process will be open for those funds. This will occur during the annual cycle of the competitive project application.
  - c. Any member agency can compete for the available funds by following the rules, process and requirements outlined in Section 200-300.
6. MAG staff will review the eligibility of the project change request to determine if it meets federal guidelines.
7. MAG staff will review the impact of the project change request on conformance with the TIP and RTP.
8. MAG staff will also review, analyze, and summarize how the project change request will impact the CMAQ evaluation and other criteria the TAC has established.
9. Once a project change request has been approved through the MAG Committee Process, the TIP is amended/modified, and the changes are sent forward to ADOT and FHWA to amend/modify the STIP.

## 900. Appeals Process

1. Action to delete or defer projects pursuant to these Guidelines will be initiated at the Transportation Review Committee, proceed to the MAG Management Committee, and final action by the Regional Council.
2. Should a project sponsor want to appeal a recommendation to delete or defer a project, they may request a separate agenda item to be heard before the Regional Council on the project.
3. Upon receipt of such a request:
  - a. An agenda item will be scheduled for Regional Council action to hear the project sponsor appeal.
  - b. Staff from MAG and the project sponsor will work together to prepare written material to be sent to Regional Council prior to the meeting. At a minimum, this material will respond in detail to all items identified in 500 and 600 of these Guidelines.
4. At the meeting, project sponsor staff will, at a minimum, address in detail all items identified in 600 of these Guidelines.
5. The Regional Council will take action to delete, defer or continue the project as currently programmed.

## 600 TIP Amendments, Administrative Modifications and Clerical Corrections

This section addresses policies to amend and administratively modify projects in the TIP. For the purposes of this section the following actions to modify the TIP are defined as follows:

1. **TIP amendment.** A TIP amendment is any TIP change that requires Regional Council action. These include changes to the project sponsor, year programmed, the location, work description, increases in the amount of Federal or Regional funding or any action that would impact the air quality conformity analysis of the TIP or Regional Transportation Plan.
2. **Administrative modification.** An administrative modification is defined as any change to the TIP that is typically sent to the Regional Council for approval, but is not explicitly required to be approved by the Regional Council. These include decreases in Federal and Regional funds, changes to the type of federal funding on projects, changes to the amount of funding consistent with Federal matching requirements, and the splitting or combining of projects.
3. **Clerical corrections.** Clerical corrections refer to changes that do not require Regional Council action. These include corrections of spelling and grammar errors and changes to informational elements in TIP listings that do not affect the work scope, location, year programmed, identification of the agency sponsoring the project, funding amounts or project information in the TIP listing. Clerical corrections may not impact the air quality conformity analysis of the TIP or Regional Transportation Plan.

### 600.1 – Federal Funds in Excess of Needs or from Abandonments

1. All federal funding programmed pursuant to these policies is the responsibility of MAG to administer. Excess federal funding left over after the project is completed or if the project is abandoned will be returned to MAG for use in the competitive selection process. The excess funding may not be transferred to another project or used to expand an existing project beyond the scope of the project identified in the TIP.

### 600.2 – Project Abandonments and Failures to Authorize in Year Programmed

1. **Type of action.** Project abandonments are TIP amendments.
2. **Abandonment requests.** To abandon a project, the project sponsor is required to send MAG programming staff an e-mail or other written notice of the intention of the agency to abandon the project.
3. **Failures to authorize.** Should a project fail to authorize in the year programmed without the project sponsor requesting the of deferral of the project, the project will be considered abandoned and action to delete the project from the TIP will be initiated unless the project sponsor contacts MAG within 90 days of the end of the Federal Fiscal Year and requests its re-establishment in the TIP. If the project was advanced from a previous year in the TIP, the project will be held harmless and return to its previously programmed year minus any additional funding it received in the MAG closeout and without loss of its one time deferral option. If the project was not advanced in closeout, it may be considered for deferral

to a future year minus any additional funding it received in the MAG closeout (Please see the section on deferrals for additional information).

4. **Approval actions.** The approval of an abandonment request will begin at the Transportation Review Committee and include the Management Committee, the Transportation Policy Committee and the Regional Council.

### 600.3 – Project Deferrals

1. **Type of action.** Project deferrals are TIP amendments.
2. **First time deferrals.** Agencies may defer a project one time without justification. The year to be deferred to will be determined in coordination with MAG staff and will be based on the availability of federal funding in the year to be programmed, the status of the project and the minimum time needed to complete the project. Typically this will not exceed two years.

If the project has already submitted a commitment letter and project schedule, an updated commitment letter and project schedule will be required in order to defer a project.

3. **Approval actions for first time deferrals.** The Approval of a first time deferral will begin at the Transportation Review Committee and will include the Management Committee, the Transportation Policy Committee and the Regional Council.
4. **Additional deferrals.** Additional deferrals require the successful completion of the approval process identified in Section 600.7.

### 600.4 – Project Advancements

1. **Type of action.** Project advancements are TIP amendments.
2. **Advancement requests.** To request advancement of a project, the project sponsor is required to send MAG staff an e-mail or other written notice of the intention of the agency to advance the project. This request should provide sufficient information to indicate that the project can be authorized in the year requested. Approval of the request will be dependent on the availability of federal funding.

If the project has already submitted a commitment letter and project schedule or the request for advancement is within two years of its programmed year of authorization, an updated commitment letter and project schedule will be required in order to advance the project.

3. **Advancement during closeout.** Projects that are advanced in closeout are held harmless should they fail to authorize as programmed and will not lose their one time option to defer without justification.
4. **Approval Actions.** Projects that are advanced in the Closeout process will proceed through the normal approval process beginning at the Transportation Review Committee. The approval of advancement outside the closeout process is required to begin with the approval by the modal technical committee (e.g. Street, Bicycle-Pedestrian, ITS, Safety) from which the project was first programmed and then

proceed through an approval process that includes the Transportation Review Committee, the Management Committee, the Transportation Policy Committee and the Regional Council .

## 600.5 – Project Changes

1. **Type of action.** Project changes are TIP amendment, administrative modifications or clerical corrections.
2. **Permitted Changes.** The following types of changes are permitted under Section 600.5:
  - i. Segmenting or combining contiguous projects for ease of project development and implementation,
  - ii. Combining or splitting work phase. For example, dividing projects into design, right-of way and construction phases,
  - iii. Changes to the amount and type of local funding for a project consistent with federal matching requirements,
  - iv. Change in the sponsoring agency,
  - v. Minor changes to the work descriptions of projects that do not deviate from the original application. For example, removing lighting or parking from a bicycle lane construction project.
  - vi. Minor changes to the location of a project that do not deviate from the original location of a project.
  - vii. Increasing or decreasing the limits of a project by 0.25 miles or less.
  - viii. Clerical changes that correct the of spelling and grammar errors and changes to informational elements in TIP listings that do not affect the work scope, location, year programmed, identification of the agency sponsoring the project, funding types and amounts or project information in the TIP listing that would impact the air quality conformity analysis of the TIP or Regional Transportation Plan.
3. **Changes not permitted.** The following types of changes not permitted in Section 600.5:
  - i. Increasing or adding federal funding to a project. These are addressed in the project selection and MAG closeout,
  - ii. Major changes to the work scope or location of a project beyond those identified above,
  - iii. Deferral, advancement and abandonment of projects.
4. **Change requests.** To request a project change, the project sponsor is required to send MAG staff an e-mail or other written notice of the intention of the agency to change the project description.
5. **Approval Actions.** Projects that are classified as TIP amendments that modify the work scope of a project, must be first approved by the modal technical committee (e.g. Street, Bicycle-Pedestrian, ITS, Safety) from which the project was first programmed and then proceed through an approval process that includes the Transportation Review Committee, the Management Committee, the Transportation Policy Committee and the Regional Council. All other TIP amendments and Administrative Modifications will begin the approval process at the Transportation Review Committee and include the policy committees as listed above Project changes that are classified as clerical corrections do not require additional approval actions.

## 600.6 – Project Deletions

1. **Type of action.** Project deletions are TIP amendments.
2. **Initiation of action.** Actions to delete projects will be initiated by MAG staff pursuant to the requirements of the project reporting and project management sections of these policies guidelines and to remove unauthorized projects from previous federal fiscal years. These include requirements to provide commitment letters and project schedules, comply with required project milestones and authorize projects in the year programmed.
3. **Notice of anticipated action to delete projects.** Prior to initiating action at the Transportation Review Committee, MAG staff will provide notice to project sponsors that their projects will be requested for deletion.
4. **Agency actions to halt deletions.** Project sponsors may halt deletion actions by requesting as appropriate to defer the project to a later year, continue the project in the year it is programmed or reinstate the project in the year it was advanced in the closeout. If the project request is to reinstate or defer the project, the approval of the request is subject to the provisions of Section 600.4 and 600.3, respectively. If the request is to continue the project in the current year programmed, the project sponsor will need to avail themselves of the appeals process defined in section 600.7.
5. **Approval Actions.** The approval of project deletions will begin at the Transportation Review Committee and will include the Management Committee, Transportation Policy Committee and the Regional Council.

## 600.7 – Project Appeals Process

1. **Purpose.** The purpose of the appeals process is to provide project sponsors with the opportunity to halt the deletion of projects or in cases where the project has previously been deferred, to request a second deferral for the project.
2. **Appeals request.** To request an appeal, the project sponsor must send an e-mail or provide other written notice to MAG staff.
3. **Appeals Schedule.** Beginning at the modal technical committee from which the project originated and proceeding through the Transportation Review Committee, the Management Committee and the Regional Council, the project sponsor will provide a presentation and written documentation supporting their appeals request. The hearing committees will then engage in a question and answer session with the project sponsor and take action on whether to approve or disapprove the request. A written record on the question and answer session, as well as the action of the committee, will be provided to all subsequent committees hearing the appeal.
4. **Presentation Requirements.** The presentation will be provided by the member agency staff and will accomplish the following:
  - a. Identification and explanation of specific problems or issues beyond the control of the agency other than financial issues that have caused the delay (e.g. the actions of outside actors), failure to achieve a required milestone or need to defer the project.

- b. Demonstration of financial commitment (e.g. staff time, funds) by the agency to develop the project prior to the rescheduling or deletion decision.
  - c. A revised schedule and plan that addresses the specific issues identified.
  - d. If a project has been previously deferred, demonstration that the previous cause of delay has been addressed and/or explanation of why the revised approach will address the problem causing the delay.
5. **“Beyond the control of the agency”**. For the purpose of the hearing the phrase “beyond the control of the agency” refers to a to actions for which a project sponsor does not have decision making authority, such as the actions of third parties such as utility companies, railroads, property owners, the courts, other governmental agencies and reviewing agencies who may fail to provide timely reviews and approvals. Actions also not under the control of a sponsor also include issues that could not have been reasonably anticipated when the project was initiated such as the discovery archaeological artifacts, hazardous materials, or impacts to endangered or threatened species in areas where none of these issues had been encountered or known to exist previously.

Actions within the control of a sponsoring agency may not be used to justify an appeal. These include the allocation of funding and staff time, project management, scheduling decisions, and the coordination of the project with other projects in the agency’s boundaries such as developer or other agency projects.