

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

DATE:

February 11, 2014

SUBJECT:

Request for Second Deferral of the Construction Phase of the City of Scottsdale Arizona Canal from Chaparral to Indian Bend Wash Project

SUMMARY:

The MAG Federal Fund Programming Guidelines and Procedures document was approved by the MAG Regional Council on October 26, 2011, and outlines project requirements.

In November 2011, two CMAQ funded Scottsdale projects were combined and deferred to 2014. Details for the two projects that were combined are listed below:

- SCT12-810: Arizona Canal: Chaparral Rd to McDonald Dr, Design and construct 10-ft to 12 ft multi-use path with \$500,000 in CMAQ, for construction in FFY 2012
- SCT13-901: Along the Arizona Canal from McDonald Drive to the Indian Bend Wash, Arizona Canal Path: McDonald to IBW/Share-use path with \$1,100,000 in CMAQ for construction in FFY2013.

The combined project details are as follows:

- SCT14-104: Arizona Canal from Chaparral to Indian Bend Wash, Design and Construct multi-use path with \$1,600,000 in CMAQ for construction in FFY 2014. Total project work phase cost is \$3,511,700.

At the time the projects were deferred it was indicated in the TIP amendment approved by the Regional Council and in the Project Status Report that the combined project had “exercised it's one deferral request” under the MAG Federal Fund Programming Guideline and Procedures.

The City of Scottsdale has requested to defer SCT14-104 due to delays necessary to authorize design and complete extensive public outreach efforts to neighborhoods affected by the project. The public involvement process required eleven months to complete and involved multiple public meetings.

Substantial work has been completed on the environmental clearance and design of the project and the City may be able to complete the necessary clearances and design requirements prior to the ADOT deadline for submission of documents. However, this would leave little or no room for possible delays and would entail considerable risk of possible loss of funding should the project not be able to obligate as programmed. An updated schedule is attached.

Project Deferrals and Deletions are covered in section 600 of the MAG Federal Fund Programming Guidelines and Procedures as follows:

- 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.
- Project development actions that are ‘in an agency’s control’ refer 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.
- 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:
 - ▶ 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.
 - ▶ Demonstration of financial commitment (e.g. staff time, funds) by the agency to develop the project prior to the rescheduling or deletion decision.
 - ▶ 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.
 - ▶ A revised schedule and plan that address the specific issues identified.
 - ▶ If a project has been previously deferred, demonstration that the previous cause of delay has been addressed and/or explanation of the reason the revised approach will address the problem causing the delay.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: If it is agreed that progress on the project was delayed due to actions outside of the agency’s control, a second deferral is recommended and the project will move forward.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The Arizona Department of Transportation and agency project managers have determined that the updated project schedule is achievable. Air quality benefits from completing the project as currently proposed have been evaluated.

POLICY: The MAG Federal Fund Programming Guidelines and Procedures were approved by the

MAG Regional Council on October 26, 2011. As per Section 600, each project is allowed a one-time deferral option. A second deferral would require the project be deleted from the TIP if the actions that caused the second deferral were within the agency control. Policy requires that a determination be made that the actions that caused the schedule delay were outside of the agency's control and the agency can meet the revised schedule and that the project will proceed.

ACTION NEEDED:

Recommend approval of a second deferral for the construction phase of the Arizona Canal from Chaparral to Indian Bend Wash.

PRIOR COMMITTEE ACTIONS:

None

CONTACT PERSON:

Stephen Tate, 602.254.6300

MAG Status Workbook

Schedule Information: Please enter anticipated dates for completing the steps in the process for obtaining the FHWA commitment (e.g. obligation) to fund the projects. If the step is not applicable - e.g. right-of-way clearance for an ITS procurement project - please enter "Not Applicable".

Phase	Step	Critical Deadline	Actual/Planned Date		Status	Notes
			Start	End		
Design	Construction - Only					
	Preliminary Project Assessment		12/2/2013	2/7/2014	Submitted for Review	
	Design Concept Report				Not Applicable	
	30 Percent Plans		12/2/2013	2/7/2014	Submitted for Review	
	60 Percent Plans	Draft Plans, 6/30/13*	2/11/2014	5/13/2014	Underway	
	95 Percent Plans		5/13/2014	8/21/2014	Not Started	
	Construction Or Procurement					
	Plans, Specifications & Estimates	Completed, 6/30/2014**	8/21/2014	9/17/2014	Not Started	
Environmental	Hazmat Report	Submitted, 6/30/13*	12/30/2013	2/28/2014	Underway	
	Biological Report	Submitted, 6/30/13*	12/30/2014	3/10/2014	Underway	
	Cultural Report	Submitted, 6/30/13*	12/2/2013	3/5/2014	Underway	
	Envir Document/Clearance	Submitted, 6/30/13* and Completed 6/30/14**	12/2/2013	6/13/2014	Underway	
Right-of-Way	Inventory Completed	Submitted, 6/30/13*			Not Applicable	
	Acquisitions Completed				Not Applicable	Project is entirely within Salt River Project ROW, City will have a license agreement.
	ROW Clearance	Completed, 6/30/14**	2/7/2014	8/13/2014	Requested Clearance	Will perform ROW clearance in-house since City is self-certified.
Other	Utilites Clearance	Completed, 6/30/14**	2/7/2014	8/13/2014	Underway	
	Materials Memo	Completed, 6/30/14**	2/7/2014	8/13/2014	Underway	
	IGA/JPA (Typically at least requires 6 months, Not applicable for CA Agencies)	Completed, 6/30/14**			Not Applicable	
	Authorize Project	Authorized, 9/15/14***	12/22/2014	1/30/2015	Not Started	

* MAG requirement for the project to be kept in the year programmed. If the project has been previously deferred, the project will be deleted if it fails to meet this deadline.

** ADOT requirement to insure that the State can re-allocate funding to insure that federal obligation authority is not lost (meets "use it or lose it" federal requirements).

*** Expiration date for the authority to authorize federal funding - federal "use it or lose it" provision.