

ACTION TRANSMITTAL No. 2019-13

DATE: February 6, 2019

TO: Transportation Advisory Board

FROM: Technical Advisory Committee

PREPARED BY: Steve Peterson, Manager of Highway Planning and TAB/TAC Process (651-602-1819)
Elaine Koutsoukos, TAB Coordinator (651-602-1717)
Joe Barbeau, Senior Planner (651-602-1705)

SUBJECT: Federal Funds Management Process

REQUESTED ACTION: The Scope Change Work Group requests revisions to the Federal Funds Management Process

RECOMMENDED MOTION: That the Technical Advisory Committee recommend to TAB approval of revisions to the Federal Funds Management Process

BACKGROUND AND PURPOSE OF ACTION: Projects selected through the Regional Solicitation sometimes are delayed or withdrawn due to unforeseen circumstances. When this happens, it is important for the region to be able to reallocate funds to keep them in the region and maximize the utility thereof. In 2015, the Federal Funds Management Process was created to establish a consistent policy for redistributing funds when project delays or withdrawals occur. The policy prioritizes reallocating funds to projects in the same mode slated to receive Advanced Construction (AC) payback, followed by projects able to be advanced. When those options cease to exist, the process, provides funds to existing projects with capacity to take more federal funds (i.e., those that do not have 80% federal funding).

The policy states:

- Pro-rate remaining federal funds to regional solicitation current program year projects in the same mode in the original program year up to the maximum 80%.

This approach often leads to a tedious administrative process of distributing a small amount of funding to multiple projects. The attached Federal Funds Reallocation Policy includes a proposed change that all these funds go first to the project able to absorb the smallest amount of federal funds up to the federal maximum percentage, which will reduce administration and make a bigger impact on the recipient project.

This action also proposes a title change from “Federal Funds Management Process” to “Federal Funds Reallocation Policy.”

These changes were recommended by the Scope Change Workgroup and were discussed as an information item in the summer of 2018.

RELATIONSHIP TO REGIONAL POLICY: Moving Ahead for Progress in the 21st Century (MAP-21), the federal transportation bill signed into law in 2012, reduced the ability for federal funds to be deferred

to subsequent years. Therefore, it is important for the Council to have a simple and consistent policy for reallocating funds when projects are delayed or withdrawn.

COMMITTEE COMMENTS AND ACTION: At its January 17, 2019, meeting, the Funding & Programming Committee voted unanimously to recommend approval of revisions to the Federal Funds Management Process while allowing for payback of advanced construction (AC) and project advancement in all modes before distribution of additional funds to project within the same mode.

The rationale for allowing for AC payback and advancement before redistribution to projects with capacity (i.e., swapping the order of steps 4 and 5 in the process) was that the former can potentially lead to funding of more projects, while the latter cannot. Members believe adherence to the principles in steps 1 to 3 outweighs the need to rigidly keep funds in the same mode. In addition, providing MnDOT Metro District State-Aid more flexibility through this recommended change also helps the region pay down its overprogramming faster.

At its February 6, 2019, meeting, the Technical Advisory Committee voted unanimously to recommend approval of revisions to the Federal Funds Management Process.

ROUTING

TO	ACTION REQUESTED	COMPLETION DATE
TAC Funding & Programming Committee	Review & Recommend	1-17-2019
Technical Advisory Committee	Review & Recommend	2-6-2019
Transportation Advisory Board	Review & Approve	

Federal Funds Reallocation Policy

Projects awarded federal funds by the Transportation Advisory Board (TAB) as part of the Regional Solicitation or Highway Safety Improvement Program (HSIP) can be advanced or deferred based on TAB policy, project deliverability and funding availability, provided fiscal balance is maintained. The process assumes some projects will be deferred, withdrawn, or advanced. This process establishes policy and priority in assigning alternative uses for federal transportation funds when TAB-selected projects in the Transportation Improvement Program (TIP) are deferred, withdrawn, or advanced. This process also addresses the distribution of the limited amount of federal funds available to the region at the end of the fiscal year, known as “August Redistribution.” This process does **not** address how to distribute new federal dollars available through larger, specific programs. TAB will make separate decisions specific to those kinds of programs and timing.

Current Program Year Funds

For funding that is available due to project deferrals or withdrawals, the funds shall be reallocated as shown in the below priority order. When there is insufficient time to go through the TAB committee process, TAB authorizes staff (Minnesota Department of Transportation (MnDOT) Metro District State Aid or Metropolitan Council Grants Department, as appropriate), working with the TAB Coordinator, to reallocate funds to projects that have been selected through the regional solicitation per the below priorities on TAB’s behalf.

Reallocation priorities¹ for available funding programmed for the current fiscal year:

1. Regionally selected projects in the same mode slated for advanced construction/advanced construction authority (AC/ACA)² payback that have already advanced because sponsors were able to complete them sooner. If more than one project is slated for AC/ACA payback, the projects using the smallest amount of federal funding will be funded first. Partial AC/ACA payback can be paid on a project up to available levels of funds.
2. Projects in the same mode slated for AC/ACA payback that have been moved due to previous deferrals. If more than one project is slated for AC/ACA payback, the projects using the smallest amount of federal funding will be funded first. Partial AC/ACA payback can be paid on a project up to available levels of funds.
3. Regionally selected projects in the same mode that are able to be advanced.
4. Regionally-selected project(s) from another mode to pay back or advance using steps 1-3 above. Should this action be used, TAB shall consider the amount when addressing modal distribution in programming the next regional solicitation.
5. Regionally-selected projects programmed in the current program year in the same mode up to the federally allowed maximum. If more than one project can accept additional federal funds, the project needing the smallest amount of funds to achieve full federal participation³ based on the latest engineer’s estimate will be funded first up to the federal

¹ Regional Solicitation and HSIP funds should be considered separately for purposes of this policy.

² Note: Advanced construction (AC) is used for Federal Highway Administration-funded projects. Federal Transit Administration-funded projects use advanced construction authority (ACA).

³ Up to 80% of eligible project costs paid for with the federal funds, except in the case of HSIP, which funds up to 90% of eligible costs with federal funds.

maximum, followed by the project needing the second smallest amount of federal funds, and so on.

Future Program Year Funds

While history shows that most deferrals and withdrawals will be in the current program year, even current year withdrawals can affect future year funding by advancing a project from a future year into the current year. For future-year funds, the TAB Coordinator will work with MnDOT Metro State Aid and/or Metro Transit Grants staff, Metropolitan Council staff and project sponsors to provide a set of options to be considered by the Technical Advisory Committee (TAC) Funding & Programming Committee, TAC, and TAB.

The first priority for use of future-year funds will be to include the funds in a future TAB solicitation process if at all possible. When not possible, TAB should first consider items 1-3 and 5 from the above list. It can also consider other options such as selecting an unfunded project from the most recent solicitation⁴ that could be delivered within the required timeframe. Other options could include setting up a special solicitation, depending on the amount of funds and time available, or other measures as TAB deems appropriate to address unique opportunities. TAB will consider the established “Guiding Principles” in making its decisions.

⁴ Note that projects must be selected prior to December 1 of the program year.

Federal Funds ~~Management Process~~ Reallocation Policy

Projects awarded federal funds by the Transportation Advisory Board (TAB) as part of the Regional Solicitation or Highway Safety Improvement Program (HSIP) ~~in the Twin Cities TIP~~ can be advanced or deferred based on TAB policy, project deliverability and funding availability, provided fiscal balance is maintained. The process assumes some projects will be deferred, withdrawn, or advanced. This process establishes policy and priority in assigning alternative uses for federal transportation funds when TAB-selected projects in the Transportation Improvement Program (TIP) are deferred, withdrawn, or advanced. This process also addresses the distribution of the limited amount of federal funds available to the region at the end of the fiscal year, known as “August Redistribution.” This process does **not** address how to distribute new federal dollars available through larger, specific programs ~~(i.e., ARRA)~~. TAB will make separate decisions specific to those kinds of programs and timing.

Current Program Year Funds

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4. ~~Select a r~~Regionally-selected project(s) from another mode to pay back or advance using steps 1-3 above. Should this action be used, TAB shall consider the amount when addressing modal distribution in programming the next regional solicitation.
5. ~~Pro rate remaining federal funds to r~~Regionally-selected solicitation projects programmed in the current program year ~~projects~~ in the same mode ~~in the original program year~~ up to the federally allowed maximum. If more than one project can accept additional federal funds, the project needing the smallest amount of funds to achieve full federal participation³ based on the latest engineer’s estimate will be funded first up to the

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federal maximum, followed by the project needing the second smallest amount of federal funds, and so on.

~~6. Select a regionally selected project(s) from another mode to pay back or advance using steps 1-4 above. Should this action be used, TAB shall consider the amount when addressing modal distribution in programming the next regional solicitation.~~

Future Program Year Funds

While history shows that most deferrals and withdrawals will be in the current program year, even current year withdrawals can affect future year funding by advancing a project from a future year into the current year. For future-year funds, the TAB Coordinator will work with MnDOT Metro State Aid and/or Metro Transit Grants staff, Metropolitan Council staff and project sponsors to provide a set of options to be considered by the Technical Advisory Committee (TAC) Funding & Programming Committee, TAC, and TAB.

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