

# REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM: OBLIGATION AUTHORITY PROCEDURES

Adopted by the Transportation Policy Board on October 18, 2023

Every year, SCOG prepares an obligation authority plan. The purpose of the plan is to provide project tracking information and communicate expected 2024 obligations and dates to partners, including implementing agencies and the Washington State Department of Transportation. At a minimum, the obligation authority plan includes all projects selected to receive SCOG regionally managed Federal Highway Administration funds that are programmed in 2024.

## GOALS

---

There are two goals of the obligation authority plan. These goals are as follows:

1. Agencies in the Skagit region deliver no less than the regional obligation authority target by the end of every federal fiscal year; and
2. The obligation authority target is met before July 1 every year, positioning the Skagit region for additional obligation authority, if the Washington State Department of Transportation determines that redistributed obligation authority can be utilized in Washington state that year.

## EXTENSION REQUESTS

---

Projects programmed in 2024 must obligate federal funding before March 1, 2024<sup>1</sup>. If an agency is unable to obligate prior to March 1, an extension request must be received by SCOG staff by February 28, 2024. If no extension request is received for a project, and it does not obligate before March 1, 2024, it will be deprogrammed by deletion from the RTIP by SCOG staff. A project phase may only be granted one extension.

The SCOG Admin project must obligate federal funding before August 1, 2024. This project cannot obligate until May/June at the earliest each year due to federal and state requirements of Unified Planning Work Program adoption. SCOG Admin projects are ineligible for extension requests.

## GAP STRATEGIES

---

In any given year, up to four gap strategies may be utilized to assist with meeting the SCOG regional obligation authority target. If the target will be met without need of the strategies, they will not be used that year.

If the regional obligation authority target will not be met by March 1, 2024 (excluding the SCOG Admin project), the following gap strategies will be undertaken in order:

### STRATEGY #1: ADVANCING 2025–2027 FISCALLY CONSTRAINED PROJECTS

Agency representatives with projects programmed in years 2025–2027 will be asked if their agency is willing and able to advance their project at the March 7, 2024 Technical Advisory Committee meeting. The TAC representative must be in a responsible position to commit the agency to advancing the project. The project phase should obligate federal funding before July 1, 2024. If the project phase has not obligated federal funding by the end of the federal fiscal year, it will be deprogrammed by deletion from the RTIP by SCOG staff on October 1, 2024.

---

<sup>1</sup> SCOG staff will coordinate with WSDOT Local Programs headquarters staff to make the determination of which projects have obligated federal funding before March 1. For this process, any project that has a “complete funding package” at Local Programs headquarters before March 1, as determined by Local Programs headquarters staff, will be considered obligated by SCOG, though the project may have not yet received formal authorization from FHWA before the March 1 deadline.

Agencies with projects in year 2025 will have first priority, year 2026 will have second priority and year 2027 will have third priority.

SCOG will provide a formal letter addressed to the responsible official by March 21, 2024 documenting the commitment to advance their project from 2025–2027 and obligate federal funding prior to the end of the federal fiscal year. The letter will also go to the agency’s Transportation Policy Board member(s).

Any agency that commits to advancing a project using Strategy #1, and obligates funding for that project prior to July 1, will be eligible for bonus points in SCOG’s next project selection process. Agencies that utilize Strategy #1, and obligate funding from July 1 through the end of the federal fiscal year for that project, are not eligible for these bonus points. The additional points will be determined by the Transportation Policy Board during the next project selection process.

If Strategy #1 does not close the obligation authority gap completely, Strategy #2 will be utilized.

## **STRATEGY #2: ADVANCING 2028–2029 ILLUSTRATIVE PROJECTS**

Agency representatives with projects programmed in years 2028–2029 will be asked if their agency is willing and able to advance their project at the March 7, 2024 Technical Advisory Committee meeting. The TAC representative must be in a responsible position to commit the agency to advancing the project. The project phase should obligate federal funding before July 1, 2024. If the project phase has not obligated federal funding by the end of the federal fiscal year, it will be deprogrammed by deletion from the RTIP by SCOG staff on October 1, 2024.

Agencies with projects in year 2028 will have first priority and year 2029 will have second priority.

SCOG will provide a formal letter addressed to the responsible official by March 21, 2024 documenting the commitment to advance their project from 2028–2029 and obligate federal funding prior to the end of the federal fiscal year. The letter will also go to the agency’s Transportation Policy Board member(s).

This strategy also requires an RTIP amendment, following the RTIP amendment process to add a project to the fiscally constrained RTIP. The agency is responsible for submitting the project to SCOG through SecureAccess Washington for the April 2024 amendment cycle.

Any agency that commits to advancing a project using Strategy #2, and obligates funding for that project prior to July 1, will be eligible for bonus points in SCOG’s next project selection process. Agencies that utilize Strategy #2, and obligate funding from July 1 through the end of the federal fiscal year for that project, are not eligible for these bonus points. The additional points will be determined by the Transportation Policy Board during the next project selection process.

If Strategy #2 does not close the obligation authority gap completely, Strategy #3 will be utilized.

## **STRATEGY #3: ADVANCING CONTINGENCY LIST PROJECTS**

Agencies with projects on the July 19, 2023 prioritized contingency list will be asked if they are willing and able to advance their project at the March 7, 2024 Technical Advisory Committee meeting. The TAC representative must be in a responsible position to commit the agency to advancing the project. The project phase should obligate federal funding before July 1, 2024. If the project phase has not obligated federal funding by the end of the federal fiscal year, it will be deprogrammed by deletion from the RTIP by SCOG staff on October 1, 2024. The project will not go back onto the prioritized contingency list after deletion from the RTIP, but can compete again for funding through a future SCOG project selection process.

SCOG will provide a formal letter addressed to the responsible official by March 21, 2024 documenting the commitment to advance the contingency list project and obligate federal funding prior to the end of the federal fiscal year. The letter will also go to the agency’s Transportation Policy Board member(s).

This strategy also requires an RTIP amendment, following the RTIP amendment process to add a project to the fiscally constrained RTIP. The agency is responsible for submitting the project to SCOG through SecureAccess Washington for the April 2024 amendment cycle.

If Strategy #3 does not close the obligation authority gap completely, Strategy #4 will be utilized.

## STRATEGY #4: ADDING TO PAST FEDERAL PROJECT AWARDS

This strategy will be utilized, if necessary, following the March 7, 2024 TAC meeting. First, SCOG staff will calculate the obligation authority gap remaining after Strategy #3 is utilized. Second, SCOG staff will identify active projects using the most recently available information from WSDOT Local Programs Division, and reach out to agency representatives with active projects that have obligated funds, for a phase awarded SCOG FHWA funds, to inquire if the project could reasonably utilize an increase in the existing federal award amount and obligate the additional award by the end of the federal fiscal year.

As part of this strategy, SCOG staff are guided by the following principles: (1) maintain Urban Medium, Urban Small, Rural split in funding; (2) start with SCOG's most recent Surface Transportation Block Grant Program, Carbon Reduction Program and Transportation Alternatives project selection (2023) to identify active projects that can fill the obligation authority gap; (3) work backward through past project selections if projects selected in 2023 cannot completely close the obligation authority gap (e.g. 2021, 2019, 2017); and (4) equitably increase federal awards by a formula that includes, at a minimum, the amount of the past SCOG award for the phase and any current inactivity of the phase.

SCOG will provide a formal letter addressed to the responsible official by March 21, 2024 documenting the additional federal award with the stipulation that obligation of additional federal funding should occur prior to July 1, 2024. If the project phase has not obligated federal funding by the end of the federal fiscal year, the additional award will be withdrawn on October 1, 2024. The letter will also go to the agency's Transportation Policy Board member(s).

This strategy only applies to projects that have already been competitively selected by SCOG for federal award. No new projects, or phases of projects, will be considered for adding to past federal awards.

## APPEALS

---

Any appeal of a project deprogramming decision must be appealed directly to the Transportation Policy Board. Appeals must be received by the first Tuesday of the month by SCOG staff, to include the appeal with the Transportation Policy Board packet that goes out on the second Wednesday of the month. Transportation Policy Board meetings occur on the third Wednesday of each month. Any appeal would be considered at this third Wednesday meeting.

Implementing agencies are required to present their appeal directly to the Transportation Policy Board. If the Transportation Policy Board decides to reprogram a project, it must follow the typical RTIP amendment process, which includes a public comment period, TAC review, TPB action, WSDOT action and final action by FHWA and FTA on STIP amendment approvals. The timeline from agency appeal submission to reprogramming in the STIP will typically take three months or more.

Along with the appeal presented by the implementing agency, SCOG staff will present a fiscal analysis of the reprogramming decision on the RTIP. The first four years of the RTIP must be fiscally constrained by year, under federal law.

A project phase may only be appealed once to the Transportation Policy Board. No future appeal will be considered for the project phase. The project phase can compete again for funding through a future SCOG project selection process.