

RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION

RESOLUTION 2015-07

**RESOLUTION OF THE RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION
ESTABLISHING THE TPO'S POLICY FOR ADJUSTING LOCAL AGENCY PROGRAM (LAP)
AGREEMENT AMOUNTS WHEN THE DIFFERENCE BETWEEN LAP AGREEMENT AMOUNTS AND
LOCAL AGENCY CONTRACT AWARD AMOUNTS ARE LESS THAN \$250,000**

WHEREAS, Florida Statutes 339.175; 23 U.S.C. 134; and 49 U.S.C. 5303 require that every urbanized area with a population of 50,000 or more, as a condition to the receipt of federal capital or operating assistance, shall have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area; and

WHEREAS, the River to Sea Transportation Planning Organization (TPO) is the duly designated and constituted body responsible for carrying out the urban transportation planning and programming process for the designated Metropolitan Planning Area (MPA) comprised of Volusia County and the urbanized areas of Flagler County including the cities of Flagler Beach, Beverly Beach, and portions of Palm Coast and Bunnell; and

WHEREAS, 23 CFR 630.106(a)(4) requires states to maintain a process to adjust project cost estimates and to revise the federal funds obligated on the project within 90 days after it has determined that the estimated federal share of project costs has decreased by certain thresholds. Specifically, a state must revise the Federal funds obligated within 90 days after it has determined that the estimated Federal share of project costs has decreased by \$250,000 or more; and

WHEREAS, in an effort to provide more flexibility, FDOT Central Office, in coordination with FHWA, has developed an amended process for contract award adjustments under the Local Agency Program (LAP) which provides certain options; and

WHEREAS, FDOT is seeking input from the TPO regarding which option is preferred and whether that option is the preferred option anytime this scenario arises and SU funds are involved or if a preferred option is to be determined on a case by case basis; and

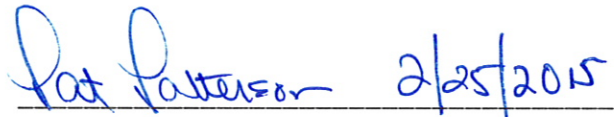
NOW, THEREFORE, BE IT RESOLVED by the River to Sea TPO that:

1. When the difference between LAP Agreement amount and the Local Agency contract award amount is less \$250,000 and less than 10% of the Local Agency contract award amount, the TPO shall in consultation with the Local Agency shall determine whether to adjust the LAP Agreement amount and by what amount; and

2. When the difference between the LAP Agreement amount and the Local Agency contract award amount is less than \$250,000 and more than 10% of the Local Agency contract award amount, the TPO in consultation with the Local Agency shall determine how much below 10% of the contract award amount the LAP amount shall be adjusted; and
3. The policies set forth in this resolution shall remain in effect unless and until they are repealed by the TPO; and
4. The Chairman of the River to Sea TPO (or his/her designee) is hereby authorized and directed to provide a copy of this resolution to the:
 - a. Florida Department of Transportation (FDOT);
 - b. Federal Transit Administration (FTA) (through the Florida Department of Transportation); and
 - c. Federal Highway Administration (FHWA) (through the Florida Department of Transportation).

DONE AND RESOLVED at the regular meeting of the River to Sea TPO held on the 25th day of February 2015.

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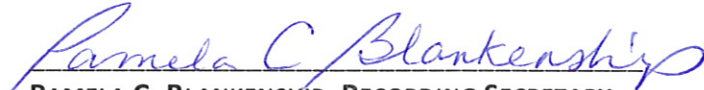
 Pat Patterson 2/25/2015

**VOLUSIA COUNTY COUNCIL MEMBER, PAT PATTERSON
ACTING CHAIRMAN, RIVER TO SEA TPO**

CERTIFICATE:

The undersigned duly qualified and acting Recording Secretary of the River to Sea TPO certified that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the River to Sea TPO held on February 25, 2015.

ATTEST:

 Pamela C. Blankenship

**PAMELA C. BLANKENSHIP, RECORDING SECRETARY
RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION**