



AGENDA

<u>Item</u>	<u>Estimated Time</u>
1. Introductions and Announcements	3 min
2. Review of Minutes from the December 15, 2008 Working Group Meeting*	2 min
3. Working Group Standing Items	
A. STP/CMAQ Program Monitoring Update* (<i>Marcella Aranda</i>) (<i>MTC staff will report on the STP/CMAQ Program monitoring status for FFY 2008-09 as well as additional program monitoring issues.</i>)	10 min
B. Federal Inactive Obligations* (<i>Marcella Aranda</i>) (<i>MTC staff will discuss the projects on the federal inactive obligations dated December 31, 2008, and look ahead lists for the next two quarters.</i>)	3 min
C. STIP Project Delivery Monitoring Update* (<i>Kenneth Kao</i>) (<i>MTC staff will report on allocation status of projects programmed in FY 2008-09 of the STIP.</i>)	5 min
D. CTC Update (<i>Kenneth Kao</i>) (<i>MTC staff will report on the latest from the California Transportation Commission (CTC) with regards to new or revised policies, procedures, guidance and direction.</i>)	10 min
4. Discussion Items	
A. State Local Partnership Program Update* (<i>Kenneth Folan</i>) (<i>MTC staff will provide an update on the State Local Partnership Program (SLPP).</i>)	10 min
B. State Budget/ PMIA Suspension Update* (<i>Kenneth Kao</i>) (<i>MTC staff will give an update on the state budget situation and the latest on the suspension of payments from the Pooled Money Investment Account (PMIA).</i>)	25 min
C. American Recovery and Reinvestment Act Update* (<i>Ross McKeown</i>) (<i>MTC staff will provide an update on the current activities related to the federal American Recovery and Reinvestment Act of 2009.</i>)	30 min
D. STIP G-12 Delegation Amendment Proposal* (<i>Kenneth Kao</i>) (<i>MTC staff will discuss some of the CTC's proposed amendments to the current STIP G-12 delegation authority.</i>)	10 min
E. STIP 6-month Award Deadline Update* (<i>Kenneth Kao</i>) (<i>MTC staff is following upon the six month award deadline to ascertain if there are still any issues in meeting the new shortened award deadline.</i>)	10 min
F. CY 2009 Programming and Delivery Working Group Chair/ Vice-Chair Nominations and Election (<i>Matt Todd</i>)	5 min
5. Informational Items	
A. TIP Update* (<i>Memo Only</i>) (<i>The current TIP and subsequent TIP Amendments are available online at: http://www.mtc.ca.gov/funding/tip</i>)	
B. PMP Certification Status* (<i>Memo Only</i>) (<i>Current PMP Certification status is available online at: http://www.mtcpms.org/ptap/cert.html</i>)	

6. Caltrans Items

- A. Federal Programs Update (*Sylvia Fung, Caltrans D4*) 15 min
(*Caltrans will present updates on various federal program- related changes, including solicitations and announcements.*)

- i. FHWA Highway Safety Improvement Program Final Rule*
(*FHWA has released the Highway Safety Improvement Program final rule. Deadlines and detailed information is available in the packet.*)
- ii. State-legislated Safe Routes to School (SR2S) Program Cycle 8 Call for Projects*
(*Caltrans announced a call for projects for Cycle 8 State-legislated Safe Routes to School (SR2S) Program on January 15, 2009 with an application submittal deadline of April 15, 2009.*)

7. Workshop Items

There is no Workshop Item this month.

8. Recommended Agenda Items for Future Meetings

The next PDWG meeting:

Monday, March 16, 2009

10:30 a.m. – 12:30 p.m.

MTC MetroCenter, **3rd Floor, Fishbowl**

101 Eighth Street, Oakland 94607

* = Attachment in Packet ** = Handouts Available at Meeting

Contact MTC staff liaison, Kenneth Kao at (510) 817-5768 or kkao@mtc.ca.gov if you have questions about this session.

PROGRAMMING AND DELIVERY WORKING GROUP MINUTES

December 15, 2008

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1. Introductions and Announcements

In attendance:

County	Jun -08	Sep - 08	Oct - 08	Dec - 08	Jan-09	Feb-09	Mar-09	Apr-09	May-09
Alameda	X	X	X	X					
Caltrans	X	X	X	X					
Contra Costa	X	X	X	X					
Marin	X	X	X	X					
Napa									
San Francisco	X	X	X	X					
San Mateo	X	X	X	X					
Santa Clara	X	X	X	X					
Solano	X	X	X	X					
Sonoma	X	X	X	X					

2. Review of Minutes from the October 27, 2008 Meeting

The minutes from the October 27, 2008 meeting were approved.

3. Working Group Standing Items

A. STP/CMAQ Program Monitoring Update

Marcella Aranda (MTC) provided the STP/CMAQ Program Monitoring status report for FFY 2008-09 as of December 2, 2008. The statewide list shows the region delivered \$13.2M or 7.9% of federal funds. Obligated Authority (OA) is expected to run out in mid-February/ early-March. Sponsors with regional STP/CMAQ funds programmed in FY 2008-09 of the federal TIP were reminded to submit the project obligation/ transfer request to Caltrans by February 1, 2009 and to receive obligation by April 30, 2009.

B. Federal Inactive Obligations List

Marcella Aranda (MTC) reported that the September 2008 Inactive List was released on October 27, 2008 and noted that the December 2008 and March 2009 Look Ahead reports were included in the packet. Projects on the September list should have submitted an invoice by November 17, or justification and appropriate documentation by December 1. Jurisdictions were advised to review the reports as well as Caltrans changes to the Inactive Obligation List procedures identified in Attachment A. MTC staff encourages all CMAs to contact their local agencies to make sure that all inactive obligation justifications and deobligation requests have been submitted to the Caltrans' District Local Assistance Engineer (DLAE) as well as complete justification forms with backup documentation for projects that do not have eligible expenditures. Invoice status can be checked online via LPAMS, <http://lpams.dot.ca.gov>. The Quarterly Review of Inactive Obligations report is online at: <http://www.dot.ca.gov/hq/LocalPrograms/InactiveProjects.htm>.

C. STIP Project Delivery Monitoring Update

Kenneth Kao (MTC) provided an update on the STIP project delivery for FY 2007-08 and FY 2008-09 projects that received allocations at the December CTC meeting. The deadline to submit February CTC allocation requests is December 22, 2008. The final CTC meeting to request STIP allocations for FY 2008-09 is June 2009; the deadline to submit your request is April 2009. Staff reminded project sponsors to be present at the meeting when requesting an extension.

D. CTC / Budget Update

Kenneth Kao (MTC) reported that at the December CTC meeting, the Commission discussed on how the shortfall may affect FY 2008-09 allocation requests. The CTC may stop allocations in the near future to relieve funding pressure, which may also include stopping work on projects already in construction. Staff recommends that sponsors requests allocations sooner rather than later. Districts have been asked to review all projects (STIP

PROGRAMMING AND DELIVERY WORKING GROUP MINUTES

December 15, 2008

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and SHOPP) for funding needs to determine the ultimate shortfall. The January 2009 CTC meeting is scheduled for January 14 in Sacramento.

4. Discussion Items

A. Federal Listing of Obligated Projects, FFY 2007-08

Kenneth Kao (MTC) distributed the draft FFY 2007-08 federal listing of obligated projects and summarized the regional breakdown. The region obligated approximately \$1.04B in federally funded projects compared to the \$835M obligated in FFY 2006-07. The draft listing is available online for review and comment at: http://www.mtc.ca.gov/funding/delivery/Annual_Listing_FY08.pdf. The deadline to submit comments is December 19, 2008.

B. CMIA Amendment and Proposition 1B Update

Kenneth Kao (MTC) reported on the CMIA/ Proposition 1B quarterly report ending September 30, 2008, stating that at the December CTC meeting, the Commissioners expressed interest in all non-green listed projects. Updates on these projects are expected to be presented at the January 2009 CTC meeting. The Commissioners approved the draft State-Local Partnership Program (SLPP) guidelines and received an update on project baselines for the Trade Corridors Improvement Fund (TCIF).

Judy Li (Caltrans) distributed the 2009 Proposition 1B data update cycle calendar. All updates from last quarter have been updated and posted on <http://www.bondaccountability.ca.gov/>. Judy reported that since the ultimate goal is to streamline the process, Corrective Action Plans are no longer being used and all updates should be done online only. Additionally, Judy reported that narratives have been eliminated.

MTC staff discussed MTC's response to the draft State-Local Partnership Program (SLPP) guidelines, stating that the draft guidelines do not allow previously expended funds to be counted as a local match. The Commission is expected allow Letters of No-Prejudice (LONP) for future funds. The deadline to submit requests for approval into the program is February 17, 2009 with possible allocations in April 2009. Additional information about all Bond related programs can be found at Caltrans' website at <http://www.dot.ca.gov/hq/transprog/ibond.htm>.

C. Status of Federal Economic Recovery Legislation

Ross McKeown (MTC) summarized the current proposed federal economic stimulus package for transportation. The information received from MTC's request for information was consolidated and forwarded to Caltrans, who in turn has requested additional information with a deadline of December 19. The current proposal is looking at a three step approach with possibly two tier levels. Criteria include: 1) projects must be 100% federally funded; however, staff is proposing the language be "up to" 100% federally funded; 2) swaps are not allowed for funds already committed to a project and/or phase (future funds are not considered committed); 3) Sen. Boxer is open to regulatory relief; however, it is safe to assume that there will be no regulatory relief forthcoming in the Bill; 4) the "use it or lose it" policy will be enforced; 5) the best candidates would be local rehabilitation projects. Staff is advocating allocating on a formula basis using the existing STP distribution model as well as lists of projects that can be allocated in 120 days / 180 days/ one-year/ 2-years. There is a possibility that listings will consist of projects in construction phase only. Jurisdictions were advised that approval could happen as early as January 20 by President-elect Obama.

D. Local Street & Road Performance Measure and Allocation Formula

Theresa Romell (MTC) explained the recently adopted Local Street and Road Performance Measure and Allocation formula. The allocation formula consists of 25% Population / 25% Lane Mileage/ 25% Shortfall/ 25% Performance. Performance is based on actual maintenance treatment history. Performance scores are to be distributed with the bi-annual revenue survey by December 19, with a deadline to return completed surveys by January 31, 2009. The Local Streets and Roads Working Group (LSRWG) will use the 3rd Cycle STP formula for the final economic stimulus projects and recommends revising eligibility requirements for local streets & roads. The PDWG agreed to defer the eligibility discussion to March or April 2009.

PROGRAMMING AND DELIVERY WORKING GROUP MINUTES

December 15, 2008

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E. CY 2009 Programming and Delivery Working Group Chair/ Vice-Chair Nominations and Election
Due to time constraints, the Group agreed to defer this item to a future PDWG meeting.

F. CY 2009 Tentative PDWG Meeting Schedule

The Group agreed to rescheduled the next PDWG between the Martin Luther King, Jr. and Presidents' Day holidays in February, and prefer February 2 but will schedule the meeting to align with the next Partnership Technical Advisory Committee (PTAC) meeting.

5. Informational Items

TIP Amendment Update

The current TIP and subsequent TIP Amendments are available online at: <http://www.mtc.ca.gov/funding/tip>.

6. Workshop Items

There were no workshop items this month.

7. Recommended Agenda Items for Future Meetings

Recommended agenda items include:

- CY 2009 PDWG Chair/ Vice-Chair Nominations and Elections (February/ March)
- Local Street and Road Eligibility Requirements Discussion (March/April)

Please forward recommended agenda items for the next PDWG meeting to Kenneth Kao at kkao@mtc.ca.gov.

Next Meeting:

(NOTE: Due to the Martin Luther King, Jr. and Presidents' Day holidays, the next PDWG meeting has been scheduled for either February 2 or February 9, 2009)

Monday, February 2 or 9, 2009

10:30 am – 12:30 pm

MTC MetroCenter, **Room TBD**

Oakland, CA 94607



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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Memorandum

TO: Programming and Delivery Working Group

DATE: February 2, 2009

FR: Marcella Aranda

RE: FY 2008-09 STP/CMAQ Obligation Status

Background

AB 1012 (Chapter 783, Statutes of 1999 - Torlakson) established strict timely use of funds and project delivery requirements for transportation projects. Under AB 1012, Surface Transportation Program (STP) and Congestion Mitigation Air Quality Improvement (CMAQ) funds must be obligated within three years of the apportionment. The obligation requirement applies to the aggregate programmed amounts of STP and CMAQ amounts for a given fiscal year. Funds not obligated by the deadline are lost to the region. Furthermore, Obligation Authority (OA) is assigned to the STP/CMAQ apportionments on an annual basis. Regional OA not used by May 1 of each year is made available to other regions on a first-come first-served basis, with any remaining OA not used by the end of each federal fiscal year taken by the state; with no guarantee the funds will be returned.

In addition to the state requirements, MTC’s regional project delivery policy (MTC Resolution 3606) requires the obligation of STP and CMAQ funds on a project-by-project basis for established regional deadlines that are earlier than those required by AB 1012. This is to ensure that no funds are lost to the region due to missed state and federal requirements and to facilitate project delivery. Funds not obligated by the regional deadlines are returned to MTC for reprogramming within the region.

On November 21, 2008, MTC submitted the required FY 2008-09 annual obligation plan to Caltrans. This plan identified over 118 STP/CMAQ projects totaling \$166.8 million in committed STP/CMAQ obligations for FY 2008-09. As of January 20, 2009, approximately \$21 million or 12.4% of the STP/CMAQ funds have been obligated. The obligations by fund source are summarized below.

STP/CMAQ Obligation Status for FY 2008-09

Fund Source	FY 2008-09 Obligation Plan (as submitted)	FY 2008-09 Obligation Plan (as of 1/20/09)	Obligations through January 20, 2009	%	Balance Remaining	%
STP	\$58,459,360	\$58,459,360	\$12,388,743	21.2 %	\$46,070,617	78.8 %
CMAQ	\$108,373,000	*\$110,563,000	\$8,524,000	7.7 %	\$102,039,000	92.3 %
Total	\$166,832,360	\$169,022,360	\$20,912,743	12.4 %	\$148,109,617	87.6 %

*- Includes \$35,000,000 not yet programmed.

FY 2008-09 Obligation Status

MTC staff continuously monitors the delivery of STP/CMAQ funded projects, and has been informing members of the Bay Area Partnership on a regular basis of the project delivery requirements and pending deadlines. Sponsors with regional STP/CMAQ funds programmed in FY 2008-09 of the federal TIP are

FY 2008-09 STP/CMAQ Obligation Status

February 2, 2009

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required to submit the obligation/ transfer request to Caltrans by February 1, 2009, and to receive obligation (an E-76 / federal authorization to proceed) by April 30, 2009. Sponsors should continue to work with their Caltrans Local Assistance Engineer to conduct field reviews and obligate their funds as soon as possible.

Any funding changes to projects in the Plan must be added to FY 2008-09 of the TIP through a TIP Revision approval by MTC, before the change is incorporated into the Obligation Plan. Attached is a listing of the STP/CMAQ funds programmed in FY 2008-09 and must be submitted to Caltrans Local Assistance by February 1, 2009, and obligated by April 30, 2009. Funds that do not meet these deadlines are subject to reprogramming.

Attachment

A – FY 2008-09 STP/CMAQ Obligation Status Report, January 20, 2009

J:\COMMITTEE\Partnership\Partnership PDWG_2008 PDWG\08 PDWG Memos\12_December\03a_0_STP-CMAQ_Oblig_Monitoring Memo.doc

Metropolitan Transportation Commission

STP/CMAQ Obligation Status Report

Fiscal Years: FY 08/09

January 20, 2009

Co	Sponsor	Federal Proj ID	Fund Code	TIP ID	Ver	Project Name	Appn FY	Prog FY	Fund Programming Information			Obligation Information			
									STP Amount	CMAQ Amount	Total Amount	Date	STP Amount	CMAQ Amount	Total Amount
Alameda County															
ALA	ACCMA		STP-T3-3-TCP-SF	ALA010032	10	I-580 San Leandro Estudillo Noise Barrier (CON)	08/09	08/09	7,262,000		7,262,000				7,262,000
ALA	ACCMA	6204080	CMAQ-T3-1-AQ	ALA070020	7	I-580 (TriValley) Corridor - EB HOV/HOT Lane (CON)	08/09	08/09		1,000	1,000	12/20/2008		1,000	1,000
ALA	ACCMA	6204071	CMAQ-T3-1-AQ	ALA070020	7	I-580 (TriValley) Corridor - EB HOV/HOT Lane (CON)	08/09	08/09		160,000	160,000	12/20/2008		160,000	160,000
ALA	ACCMA	6204071	CMAQ-T3-3B-SYS-SFTY-SWAP	ALA070020	7	I-580 (TriValley) Corridor - EB HOV/HOT Lane (CON)	08/09	08/09		2,000,000	2,000,000	12/20/2008		2,000,000	2,000,000
ALA	ACCMA	6204071	CMAQ-T3-3B-SYS-SFTY-SWAP	ALA070020	7	I-580 (TriValley) Corridor - EB HOV/HOT Lane (CON)	08/09	08/09		4,000,000	4,000,000	12/20/2008		4,000,000	4,000,000
ALA	ACCMA		CMAQ-T3-1-AQ	ALA991084	13	I-680 Sunol Grade - Alameda SB HOV Final Phase (CON)		08/09							
ALA	Alameda County		STP-T3-3-LSR-SF	ALA050072	5	Alameda County - Castro Valley Blvd Rehabilitation (CON)	08/09	08/09	758,000		758,000				758,000
ALA	Alameda County		CMAQ-T3-1-AQ	ALA070040	4	Hampton Rd Streetscape Improvements (CON)	08/09	08/09		257,000	257,000				257,000
ALA	Alameda County		CMAQ-T3-1-TROC-LIFE	ALA070040	4	Hampton Rd Streetscape Improvements (CON)	08/09	08/09		159,000	159,000				159,000
ALA	Alameda County		CMAQ-T3-2-TROC-LIFE	ALA070040	4	Hampton Rd Streetscape Improvements (CON)	08/09	08/09		1,841,000	1,841,000				1,841,000
ALA	Alameda County		CMAQ-T3-2-TROC-LIFE	ALA070040	4	Hampton Rd Streetscape Improvements (ROW)		08/09							
ALA	Alameda County		CMAQ-T3-3-RBP-CO	ALA070040	4	Hampton Rd Streetscape Improvements (CON)	08/09	08/09		742,000	742,000				742,000
ALA	BART		CMAQ-T3-1-AQ	ALA070051	2	BART Station Electronic Bike Lockers, Ph. 2 (CON)	08/09	08/09		130,000	130,000				130,000
ALA	Berkeley		STP-T3-3-LSR-SF	ALA050073	4	Berkeley - University Ave Rehabilitation (CON)	08/09	08/09	630,000		630,000				630,000
ALA	Caltrans	6204063	STP-T3-2-TLC-SAP	ALA050059	4	SR 13 Median Landscaping (CON)	08/09	08/09	99,765		99,765				99,765
ALA	Caltrans		CMAQ-T3-1-AQ	ALA070042	4	I-880 SB HOV Lanes - Marina Blvd to Hegenberger (PE)	08/09	08/09		24,000	24,000				24,000
ALA	Caltrans		CMAQ-T3-3B-SYS-SFTY-SWAP	ALA070042	4	I-880 SB HOV Lanes - Marina Blvd to Hegenberger (PE)	08/09	08/09		2,757,000	2,757,000				2,757,000
ALA	Caltrans		STP-T3-2-TCP-SF	ALA070042	4	I-880 SB HOV Lanes - Marina Blvd to Hegenberger (PSE)		08/09							
ALA	Caltrans		STP-T3-3-TCP-SF	ALA070042	4	I-880 SB HOV Lanes - Marina Blvd to Hegenberger (PE)	08/09	08/09	198,000		198,000				198,000
ALA	Dublin		CMAQ-T3-1-AQ	ALA050082	6	E. Dublin BART Station Corridor Bike/Ped Enh. (CON)	08/09	08/09		76,000	76,000				76,000
ALA	Dublin		CMAQ-T3-2-TLC-HIP	ALA050082	6	E. Dublin BART Station Corridor Bike/Ped Enh. (CON)	08/09	08/09		1,459,000	1,459,000				1,459,000
ALA	Dublin		CMAQ-T3-2-TLC-HIP	ALA050083	5	W. Dublin BART Station Corridor Bike/Ped Enh. (CON)	08/09	08/09		1,052,000	1,052,000				1,052,000
ALA	Fremont		CMAQ-T3-3-TLC-REG	ALA070037	3	Bay Street Streetscape & Parking Project (CON)	08/09	08/09		1,570,000	1,570,000				1,570,000
ALA	Livermore		CMAQ-T3-3-TLC-REG	ALA070038	2	Downtown Livermore Pedestrian Transit Connection (CON)	08/09	08/09		1,060,000	1,060,000				1,060,000
ALA	Livermore		CMAQ-T3-3-TLC-HIP	ALA070059	3	Livermore Downtown Pedestrian Improvements (CON)	08/09	08/09		845,000	845,000				845,000
ALA	MTC		CMAQ-T3-3-TLC-HIP	ALA050060	5	Emeryville - San Pablo/MacArthur Bike/Ped Imps. (CON)	08/09	08/09		128,000	128,000				128,000
ALA	Oakland		CMAQ-T3-2-TLC-HIP	ALA050061	5	Oakland - Latham & Telegraph Pedestrian Imps. (CON)		08/09							
ALA	Oakland		CMAQ-T3-3-TLC-HIP	ALA050080	6	7th Street,W. Oakland Transit Village Improvements (CON)	08/09	08/09		750,000	750,000				750,000
ALA	Oakland		CMAQ-T3-3-TLC-REG	ALA050080	6	7th Street,W. Oakland Transit Village Improvements (CON)	08/09	08/09		1,580,000	1,580,000				1,580,000
ALA	Oakland		CMAQ-T3-2-TLC-HIP	ALA070011	4	Coliseum Gardens Phase 3-66th Avenue Streetscape (CON)	08/09	08/09		1,230,000	1,230,000				1,230,000
ALA	Oakland		CMAQ-T3-3-TLC-HIP	ALA070057	4	Fruitvale Ave Streetscape & Ped. Improvements (CON)	08/09	08/09		2,320,000	2,320,000				2,320,000
ALA	Oakland		CMAQ-T3-3-TLC-HIP	ALA070057	4	Fruitvale Ave Streetscape & Ped. Improvements (PE)	08/09	08/09		300,000	300,000				300,000

Metropolitan Transportation Commission

STP/CMAQ Obligation Status Report

Fiscal Years: FY 08/09

January 20, 2009

Co	Sponsor	Federal Proj ID	Fund Code	TIP ID	Ver	Project Name	Appn FY	Prog FY	Fund Programming Information			Obligation Information				
									STP Amount	CMAQ Amount	Total Amount	Date	STP Amount	CMAQ Amount	Total Amount	Balance Remaining
Alameda County																
ALA	San Leandro		CMAQ-T3-3-RBP-CO	ALA050078	4	Bay Trail Bridge at Oyster Bay Slough (CON)	08/09	08/09			750,000	750,000			750,000	
ALA	Union City		STP-T3-3-LSR-SF	ALA050070	3	Union City - Alvarado-Niles Road Rehabilitation (CON)	08/09	08/09	421,000			421,000			421,000	
Alameda County Totals									9,368,765	25,191,000	34,559,765		0	6,161,000	6,161,000	28,398,765

Metropolitan Transportation Commission

STP/CMAQ Obligation Status Report

Fiscal Years: FY 08/09

January 20, 2009

Co	Sponsor	Federal Proj ID	Fund Code	TIP ID	Ver	Project Name	Appn FY	Prog FY	Fund Programming Information			Obligation Information				
									STP Amount	CMAQ Amount	Total Amount	Date	STP Amount	CMAQ Amount	Total Amount	Balance Remaining
Contra Costa County																
CC	BART	6000039	STP-T3-2-BF	CC-030003	9	Richmond BART Parking Structure (CON)	08/09	08/09	4,320,000		4,320,000				4,320,000	
CC	CC County		CMAQ-T3-3-RBP-CO	CC-990046	10	Iron Horse Trail Over-crossing at Treat (CON)	08/09	08/09		1,520,000	1,520,000				1,520,000	
CC	CC County		CMAQ-T3-3-TLC-CO	CC-990046	10	Iron Horse Trail Over-crossing at Treat (CON)	08/09	08/09		754,000	754,000				754,000	
CC	CC County		CMAQ-T3-3-TLC-HIP	CC-990046	10	Iron Horse Trail Over-crossing at Treat (CON)	08/09	08/09		2,522,000	2,522,000				2,522,000	
CC	Concord		CMAQ-T3-3-RBP-CO	CC-070030	3	Concord Blvd. Gap Closure, Phase 2 (CON)	08/09	08/09		820,000	820,000				820,000	
CC	Concord		CMAQ-T3-3-TLC-REG	CC-070083	2	Monument Blvd & Meadow Ln Pedestrian Improvements (CON)	08/09	08/09		1,200,000	1,200,000				1,200,000	
CC	El Cerrito		CMAQ-T3-3-TLC-CO	CC-070074	3	San Pablo Avenue Streetscape (CON)	08/09	08/09		506,000	506,000				506,000	
CC	El Cerrito		CMAQ-T3-3-TLC-REG	CC-070074	3	San Pablo Avenue Streetscape (CON)	08/09	08/09		1,800,000	1,800,000				1,800,000	
CC	Martinez		CMAQ-T3-3-TLC-HIP	CC-070085	3	Martinez - Marina Vista Streetscape (CON)	08/09	08/09		1,600,000	1,600,000				1,600,000	
CC	Moraga		STP-T3-3-LSR-SF	CC-050069	4	Moraga - Moraga Road Rehabilitation (CON)	08/09	08/09	375,000		375,000				375,000	
CC	Pinole		STP-T3-3-LSR-SF	CC-050073	3	Pinole - Appian Way Rehab: Phase II (CON)	08/09	08/09	540,000		540,000				540,000	
CC	Richmond		CMAQ-T3-3-RBP-CO	CC-070066	4	Central Richmond Greenway (East Segment) (CON)	08/09	08/09		20,000	20,000				20,000	
CC	Richmond		CMAQ-T3-3-TLC-HIP	CC-070080	3	Richmond Downtown Bike & Ped Improvements (CON)	08/09	08/09		1,100,000	1,100,000				1,100,000	
CC	St. Rte. 4 BA		CMAQ-T3-3-RBP-CO	CC-070067	3	Mokelumne Trail Bike/Ped Overcrossing (CON)	08/09	08/09		1,520,000	1,520,000				1,520,000	
Contra Costa County Totals									5,235,000	13,362,000	18,597,000		0	0	0	18,597,000

Metropolitan Transportation Commission

STP/CMAQ Obligation Status Report

Fiscal Years: FY 08/09

January 20, 2009

Co	Sponsor	Federal Proj ID	Fund Code	TIP ID	Ver	Project Name	Appn FY	Prog FY	Fund Programming Information			Obligation Information				
									STP Amount	CMAQ Amount	Total Amount	Date	STP Amount	CMAQ Amount	Total Amount	Balance Remaining
Marin County																
MRN	San Rafael		CMAQ-T3-2-TROC-LIFE	MRN070016	4	San Rafael Canal Street Pedestrian Access (CON)	06/07	08/09		288,000	288,000				288,000	
Marin County Totals									0	288,000	288,000		0	0	0	288,000

Metropolitan Transportation Commission

STP/CMAQ Obligation Status Report

Fiscal Years: FY 08/09

January 20, 2009

Co	Sponsor	Federal Proj ID	Fund Code	TIP ID	Ver	Project Name	Appn FY	Prog FY	Fund Programming Information			Obligation Information				
									STP Amount	CMAQ Amount	Total Amount	Date	STP Amount	CMAQ Amount	Total Amount	Balance Remaining
Napa County																
NAP	American Canyon		STP-T3-2-LSR-SF	NAP050011	4	American Canyon - Elliott Street Rehabilitation (CON)	08/09	08/09	48,000		48,000				48,000	
NAP	American Canyon		STP-T3-3-LSR-SF	NAP070004	2	West American Canyon Road Rehabilitation (CON)	08/09	08/09	281,000		281,000				281,000	
NAP	NCTPA		CMAQ-T3-3-RBP-CO	NAP070008	2	East Avenue Sidewalk Project (CON)	08/09	08/09		284,000	284,000				284,000	
NAP	Napa		STP-T3-3-LSR-SF	NAP070003	3	Napa - Browns Valley Road Rehabilitation (CON)	08/09	08/09	664,000		664,000				664,000	
NAP	Napa		STP-T3-3-LSR-SF	NAP070006	3	Napa - Soscol Avenue Rehabilitation (CON)	08/09	08/09	221,000		221,000				221,000	
NAP	Napa		STP-T3-3-LSR-SF	NAP070007	3	Napa - Soscol Road Rehabilitation Phase 2 (CON)	08/09	08/09	574,000		574,000				574,000	
NAP	Napa County		STP-T3-3-LSR-SF	NAP070005	2	Deer Park Road Rehabilitation (CON)	08/09	08/09	46,581		46,581				46,581	
Napa County Totals									1,834,581	284,000	2,118,581		0	0	0	2,118,581

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Co	Sponsor	Federal Proj ID	Fund Code	TIP ID	Ver	Project Name	Appn FY	Prog FY	Fund Programming Information			Obligation Information				
									STP Amount	CMAQ Amount	Total Amount	Date	STP Amount	CMAQ Amount	Total Amount	Balance Remaining
Regional Totals																
REG	BART	6000039	STP-T3-3-TCP-SF	REG050020	6	BART Car Exchange (Preventive Maintenance) (CON)	08/09	08/09	22,683,000		22,683,000				22,683,000	
REG	MTC		CMAQ-T3-3-RO	MTC030003	12	Freeway Operations TOS (CON)	08/09	08/09		934,000	934,000				934,000	
REG	MTC		CMAQ-T3-3-RO	MTC030003	12	Freeway Operations TOS (CON)	08/09	08/09		1,000,000	1,000,000				1,000,000	
REG	MTC		CMAQ-T3-3-RO	MTC030003	12	Freeway Operations TOS (PE)	08/09	08/09		266,000	266,000				266,000	
REG	MTC		STP-T3-3-TLC-PL	MTC030005	7	TLC/HIP Planning Grants (ENV)		08/09								
REG	MTC	6084146	STP-T3-3-TLC-PL	REG050008	5	Station Area Planning Program (PE)	08/09	08/09	855,000		855,000	11/14/2008	855,000		855,000	
REG	MTC	6084146	STP-T3-3-TLC-SAP	REG050008	5	Station Area Planning Program (PE)	08/09	08/09	9,200,000		9,200,000	11/14/2008	9,200,000		9,200,000	
Regional Totals									32,738,000	2,200,000	34,938,000		10,055,000	0	10,055,000	24,883,000

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January 20, 2009

Co	Sponsor	Federal Proj ID	Fund Code	TIP ID	Ver	Project Name	Appn FY	Prog FY	Fund Programming Information			Obligation Information				
									STP Amount	CMAQ Amount	Total Amount	Date	STP Amount	CMAQ Amount	Total Amount	Balance Remaining
San Francisco County																
SF	MUNI		CMAQ-T3-3-RBP-CO	SF-010037	14	SF Muni Third St LRT Phase 2 - New Central Subway (PSE)	08/09	08/09		2,025,000	2,025,000				2,025,000	
SF	SF DPW		CMAQ-T3-3-TLC-REG	SF-070031	2	Valencia Streetscape Improvements (CON)	08/09	08/09		2,600,000	2,600,000				2,600,000	
SF	SF DPW		CMAQ-T3-3-TLC-HIP	SF-070032	3	Leland Avenue Streetscape Improvements (CON)	08/09	08/09		1,640,000	1,640,000				1,640,000	
SF	SF DPW		CMAQ-T3-3-TLC-HIP	SF-070039	3	Divisadero Streetscape and Ped. Improvements (CON)	08/09	08/09		2,614,000	2,614,000				2,614,000	
San Francisco County Totals									0	8,879,000	8,879,000		0	0	0	8,879,000

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January 20, 2009

Co	Sponsor	Federal Proj ID	Fund Code	TIP ID	Ver	Project Name	Appn FY	Prog FY	Fund Programming Information			Obligation Information				
									STP Amount	CMAQ Amount	Total Amount	Date	STP Amount	CMAQ Amount	Total Amount	Balance Remaining
San Mateo County																
SM	Belmont	5268014	STP-T3-2-LSR-SF	SM-050011	5	Belmont - Old County Road Rehabilitation (CON)	08/09	08/09	120,000		120,000	12/24/2008	120,000		120,000	
SM	CCAG		CMAQ-T3-3-RO	SM-070037	3	San Mateo County Traffic Incident Management (PE)	08/09	08/09		367,000	367,000				367,000	
SM	CCAG		CMAQ-T3-2-RO	SM-070043	2	San Mateo County Ramp Metering Study (PE)		08/09								
SM	Colma		CMAQ-T3-3-RBP-CO	SM-070042	4	Colma - 'D' Street Pedestrian Enhancements (CON)	08/09	08/09		235,000	235,000				235,000	
SM	Colma		CMAQ-T3-3-TLC-HIP	SM-070042	4	Colma - 'D' Street Pedestrian Enhancements (CON)	08/09	08/09		250,000	250,000				250,000	
SM	Daly City		CMAQ-T3-2-TLC-HIP	SM-050046	8	Daly City - Mission St. Pedestrian Imps.- Phase I (CON)	08/09	08/09		47,000	47,000				47,000	
SM	Daly City		CMAQ-T3-3-RBP-CO	SM-050046	8	Daly City - Mission St. Pedestrian Imps.- Phase I (CON)	08/09	08/09		499,000	499,000				499,000	
SM	Daly City		CMAQ-T3-3-TLC-CO	SM-050046	8	Daly City - Mission St. Pedestrian Imps.- Phase I (CON)	08/09	08/09		293,000	293,000				293,000	
SM	Daly City		CMAQ-T3-3-TLC-HIP	SM-050046	8	Daly City - Mission St. Pedestrian Imps.- Phase I (CON)	08/09	08/09		123,000	123,000				123,000	
SM	Daly City		CMAQ-T3-3-TLC-REG	SM-050046	8	Daly City - Mission St. Pedestrian Imps.- Phase I (CON)	08/09	08/09		900,000	900,000				900,000	
SM	Foster City		STP-T3-3-LSR-SF	SM-070012	2	Foster City - Shell Boulevard Rehabilitation (CON)		08/09								
SM	MTC		CMAQ-T3-3-TLC-HIP	SM-070036	2	Colma HIP Streetscape & Pedestrian Improvements (CON)	08/09	08/09		842,000	842,000				842,000	
SM	Pacifica		CMAQ-T3-3-RBP-CO	SM-070027	5	San Pedro Terrace Multi-Purpose Trail (CON)	08/09	08/09		450,000	450,000				450,000	
SM	Pacifica	5350015	CMAQ-T3-3-RBP-CO	SM-070027	5	San Pedro Terrace Multi-Purpose Trail (PE)	08/09	07/08		200,000	200,000	10/22/2008		200,000	200,000	
SM	Redwood City		CMAQ-T3-2-TLC-HIP	SM-070001	6	Redwood City - El Camino Real/Broadway Streetscape (CON)	08/09	08/09		8,000	8,000				8,000	
SM	Redwood City		CMAQ-T3-3-TLC-HIP	SM-070001	6	Redwood City - El Camino Real/Broadway Streetscape (CON)	08/09	08/09		380,000	380,000				380,000	
SM	San Mateo Co		CMAQ-T3-3-RBP-CO	SM-070028	4	Mirada Surf Coastal Bike and Pedestrian Trail (CON)	08/09	08/09		181,000	181,000				181,000	
SM	San Mateo Co		CMAQ-T3-3-TLC-HIP	SM-070038	3	Colma - 'F' Street Sidewalk Imps. and Streetscape (CON)	08/09	08/09		231,000	231,000				231,000	
SM	San Mateo Co		CMAQ-T3-3-RBP-CO	SM-070039	5	Menlo Park - Santa Cruz Avenue Pedestrian Imps. (CON)	08/09	08/09		27,000	27,000				27,000	
SM	San Mateo Co		CMAQ-T3-3-TLC-HIP	SM-070046	2	Install Permanent Traffic Calming Advisory Signs (CON)	08/09	08/09		40,000	40,000				40,000	
San Mateo County Totals									120,000	5,073,000	5,193,000		120,000	200,000	320,000	4,873,000

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Co	Sponsor	Federal Proj ID	Fund Code	TIP ID	Ver	Project Name	Appn FY	Prog FY	Fund Programming Information			Obligation Information			
									STP Amount	CMAQ Amount	Total Amount	Date	STP Amount	CMAQ Amount	Total Amount
Santa Clara County															
SCL	Caltrans	6204067	STP-T3-2-BF	SCL030008	7	SR 87 Guadalupe Freeway Corridor (CON)	08/09	08/09	208,600		208,600				208,600
SCL	Caltrans	6024067	STP-T3-2-BF	SCL030008	7	SR 87 Guadalupe Freeway Corridor (CON)	08/09	08/09	1,211,400		1,211,400	10/23/2008	1,211,400		1,211,400
SCL	Caltrans		STP-T3-2-BF	SCL030008	7	SR 87 Guadalupe Freeway Corridor (PSE)	08/09	08/09	60,000		60,000				60,000
SCL	Gilroy	5034015	CMAQ-T3-2-TROC-LIFE	SCL070010	5	Gilroy Pedestrian Improvements (CON)	08/09	08/09		323,000	323,000	10/23/2008		323,000	323,000
SCL	Gilroy		CMAQ-T3-3-TLC-CO	SCL070039	3	Gilroy 6th Street Streetscape West/East (CON)	08/09	08/09		459,000	459,000				459,000
SCL	Gilroy		CMAQ-T3-3-TLC-HIP	SCL070039	3	Gilroy 6th Street Streetscape West/East (CON)	08/09	08/09		515,000	515,000				515,000
SCL	Los Altos Hills	5324004	CMAQ-T3-3-RBP-CO	SCL070025	3	Los Altos Hills - El Monte Road Bike/Ped Path (CON)	08/09	08/09		440,000	440,000	10/23/2008		440,000	440,000
SCL	Los Gatos	5067013	STP-T3-3-LSR-SF	SCL050029	5	Los Gatos - Various Streets Rehabilitation (CON)	08/09	08/09	272,000		272,000	10/22/2008	272,000		272,000
SCL	Milpitas		CMAQ-T3-3-TLC-CO	SCL070037	3	So. Abel & So. Main Streetscape Imps. - Phase 1 (CON)	08/09	08/09		850,000	850,000				850,000
SCL	Morgan Hill		CMAQ-T3-3-TLC-REG	SCL070014	3	Morgan Hill - Third Street Promenade (CON)	08/09	08/09		1,520,000	1,520,000				1,520,000
SCL	San Jose		CMAQ-T3-3-TLC-HIP	SCL050061	5	San Jose State Univ. / Japantown Pedestrian Imps. (CON)	08/09	08/09		1,555,000	1,555,000				1,555,000
SCL	San Jose		CMAQ-T3-3-RBP-CO	SCL070040	4	San Jose - Jackson Street Pedestrian Imps. (CON)	08/09	08/09		435,000	435,000				435,000
SCL	San Jose		CMAQ-T3-3-TLC-CO	SCL070040	4	San Jose - Jackson Street Pedestrian Imps. (CON)	08/09	08/09		865,000	865,000				865,000
SCL	Santa Clara Co		STP-T3-3-LSR-SF	SCL050072	5	Santa Clara Co. - Capitol Expwy. Rehabilitation (CON)	08/09	08/09	819,919		819,919				819,919
SCL	Santa Clara Co		STP-T3-3-LSR-SF	SCL050072	5	Santa Clara Co. - Capitol Expwy. Rehabilitation (ENV)		08/09							
SCL	Santa Clara Co	5937125	STP-T3-3-LSR-SF	SCL050072	5	Santa Clara Co. - Capitol Expwy. Rehabilitation (PE)	08/09	08/09	75,081		75,081	10/22/2008	75,081		75,081
SCL	Santa Clara Co		STP-T3-3-LSR-SF	SCL050075	5	Santa Clara Co. - Oregon/Page Mill Expwy Rehab (CON)	08/09	08/09	1,181,000		1,181,000				1,181,000
SCL	Santa Clara Co		STP-T3-3-LSR-SF	SCL050075	5	Santa Clara Co. - Oregon/Page Mill Expwy Rehab (ENV)	08/09	08/09							
SCL	Santa Clara Co	5937126	STP-T3-3-LSR-SF	SCL050075	5	Santa Clara Co. - Oregon/Page Mill Expwy Rehab (PE)	08/09	08/09	75,000		75,000	10/22/2008	75,028		75,028
SCL	Santa Clara Co		STP-T3-1A-LSR-SF	SCL050076	6	Santa Clara Co. - Various Non-Expressway Rehab (CON)	08/09	08/09	850,000		850,000				850,000
SCL	Santa Clara Co		STP-T3-3-LSR-SF	SCL050076	6	Santa Clara Co. - Various Non-Expressway Rehab (PE)		08/09							
SCL	Santa Clara Co		CMAQ-T3-1-AQ-SWAP	SCL070042	2	San Tomas Bicycle Shoulder Delineation - Phase 2 (CON)	08/09	08/09		34,000	34,000				34,000
SCL	Santa Clara Co		CMAQ-T3-1-AQ-SWAP	SCL070042	2	San Tomas Bicycle Shoulder Delineation - Phase 2 (CON)	08/09	08/09		216,000	216,000				216,000
SCL	Santa Clara Co		CMAQ-T3-3-RBP-CO	SCL070051	2	Foothill Expressway Loyola Bridge Bicycle Imp. (CON)	08/09	08/09		320,000	320,000				320,000
SCL	Saratoga	5332012	CMAQ-T3-1-AQ-SWAP	SCL070026	3	Saratoga - DeAnza Bike/Ped Trail (CON)	08/09	08/09		1,231,000	1,231,000	08/13/2008		1,400,000	1,400,000
SCL	Saratoga	5332012	CMAQ-T3-1-AQ-SWAP	SCL070026	3	Saratoga - DeAnza Bike/Ped Trail (ROW)	08/09	08/09		169,000	169,000				169,000
SCL	Saratoga		CMAQ-T3-3-TLC-CO	SCL070038	2	Saratoga Village Pedestrian Enhancements (CON)	08/09	08/09		425,000	425,000				425,000
SCL	Saratoga		CMAQ-T3-2-RBP-REG	SCL070050	2	Highway 9 Safety Improvements (PE)	08/09	08/09		462,000	462,000				462,000
SCL	Sunnyvale	5213030	STP-T3-3-LSR-SF	SCL050027	6	Sunnyvale - Various Streets Rehabilitation (CON)	08/09	08/09	530,234		530,234	10/22/2008	530,234		530,234
SCL	Sunnyvale		CMAQ-T3-3-TLC-CO	SCL070036	4	Sunnyvale-Murphy Ave Streetscape Revitalization (CON)	08/09	08/09		397,000	397,000				397,000
SCL	Sunnyvale		CMAQ-T3-3-TLC-HIP	SCL070036	4	Sunnyvale-Murphy Ave Streetscape Revitalization (CON)	08/09	08/09		1,300,000	1,300,000				1,300,000
SCL	Sunnyvale		CMAQ-T3-3-TLC-HIP	SCL070036	4	Sunnyvale-Murphy Ave Streetscape Revitalization (PE)	08/09	08/09							
SCL	VTA	6264038	STP-T3-3-TCP-SF	SCL990046	21	VTA Preventive Maintenance (CON)	08/09	08/09	1,199,780		1,199,780				1,199,780

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									STP Amount	CMAQ Amount	Total Amount	Date	STP Amount	CMAQ Amount	Total Amount	Balance Remaining
Santa Clara County Totals									6,483,014	11,516,000	17,999,014		2,163,743	2,163,000	4,326,743	13,672,271

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									STP Amount	CMAQ Amount	Total Amount	Date	STP Amount	CMAQ Amount	Total Amount
Solano County															
SOL	Benicia		CMAQ-T3-3-RBP-CO	SOL070045	1	State Park Road Bridge Widening (CON)	08/09	08/09		671,000	671,000				671,000
SOL	Benicia		CMAQ-T3-3-TLC-CO	SOL070045	1	State Park Road Bridge Widening (CON)	08/09	08/09		40,000	40,000				40,000
SOL	Dixon		CMAQ-T3-3-AQ-SOL	SOL070046	1	SR113 Pedestrian Improvements (CON)	08/09	08/09		90,000	90,000				90,000
SOL	Fairfield		CMAQ-T3-3-RBP-CO	SOL070027	2	W. Texas St. Gateway Project Phase I & II (CON)	06/07	08/09		85,000	85,000				85,000
SOL	Fairfield		CMAQ-T2-FY00-CM	SOL991068	11	Fairfield Transportation Center-Phase II (CON)	00/01	08/09		140,000	140,000				140,000
SOL	STA		CMAQ-T3-3-AQ-SOL	SOL991066	13	Eastern Solano / SSCI Rideshare Program (PE)	08/09	08/09		195,000	195,000				195,000
SOL	Solano County		CMAQ-T3-3-AQ-SOL	SOL050024	5	Vacaville-Dixon Bicycle Route (CON)	08/09	08/09		337,000	337,000				337,000
SOL	Solano County		CMAQ-T3-3-TLC-CO	SOL050046	6	Old Town Cordelia Enhancements (CON)	08/09	08/09		500,000	500,000				500,000
SOL	Vacaville		CMAQ-T3-2-AQ-SOL	SOL050013	5	Vacaville Intermodal Station (CON)	08/09	08/09		900,000	900,000				900,000
SOL	Vacaville		CMAQ-T3-3-TLC-HIP	SOL050013	5	Vacaville Intermodal Station (CON)	08/09	08/09		2,128,000	2,128,000				2,128,000
SOL	Vacaville		CMAQ-T3-3-AQ-SOL	SOL070028	2	Vacaville Downtown Creekwalk Extension (CON)	08/09	08/09		694,000	694,000				694,000
SOL	Vacaville		CMAQ-T3-3-AQ-SOL	SOL070028	2	Vacaville Downtown Creekwalk Extension (PSE)	08/09	08/09		53,000	53,000				53,000
SOL	Vacaville		CMAQ-T3-3-AQ-SOL	SOL070029	2	Ulatis Creek Bike Path - Allison to I-80 (ENV)	08/09	08/09		169,000	169,000				169,000
SOL	Vacaville		CMAQ-T3-2-AQ-SOL	SOL070047	2	Peabody Rd & Marshall Rd Pedestrian Improvements (CON)	08/09	08/09		120,000	120,000				120,000
SOL	Vacaville		CMAQ-T3-3-AQ-SOL	SOL070047	2	Peabody Rd & Marshall Rd Pedestrian Improvements (CON)	08/09	08/09		28,000	28,000				28,000
SOL	Vallejo		STP-T3-3-LSR-SF	SOL010027	6	Vallejo - Lemon Street Rehabilitation (CON)	08/09	08/09	672,000		672,000				672,000
SOL	Vallejo		CMAQ-T3-2-TLC-HIP	SOL050048	4	Downtown Vallejo Pedestrian Enhancements.- Ph I (CON)	08/09	08/09		580,000	580,000				580,000
Solano County Totals									672,000	6,730,000	7,402,000	0	0	0	7,402,000

Metropolitan Transportation Commission

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									STP Amount	CMAQ Amount	Total Amount	Date	STP Amount	CMAQ Amount	Total Amount
Sonoma County															
SON	Colati		STP-T3-3-LSR-SF	SON050032	3	Colati - Old Redwood Highway South Rehab (CON)		08/09							
SON	Healdsburg		CMAQ-T3-3-RBP-CO	SON050017	4	Healdsburg Foss Creek Bicycle/Ped Pathway (PE)	08/09	08/09		149,000	149,000				149,000
SON	MTC		CMAQ-T3-3-TLC-HIP	SON050025	4	SMART Regional Bike/Ped Path: Ph. III (CON)		08/09							
SON	Santa Rosa		STP-T3-3-LSR-SF	SON050036	3	Santa Rosa - Various Streets Rehabilitation (CON)	08/09	08/09	2,008,000		2,008,000				2,008,000
SON	Santa Rosa		CMAQ-T3-3-TLC-HIP	SON070006	3	Santa Rosa Courthouse Square Enhancements (CON)	08/09	08/09		434,000	434,000				434,000
SON	Santa Rosa		CMAQ-T3-3-RBP-CO	SON070017	2	Piner Road Pathway/Stony Circle Sidewalk (CON)	08/09	08/09		235,000	235,000				235,000
SON	Sebastopol		CMAQ-T3-3-RBP-CO	SON070015	2	Street Smart Sebastopol Phase 2 (CON)	08/09	08/09		485,000	485,000				485,000
SON	Sonoma County		CMAQ-T3-3-RBP-CO	SON070018	2	Western Avenue Bike Ped. Project (CON)	08/09	08/09		429,000	429,000				429,000
SON	Windsor		CMAQ-T3-3-RBP-CO	SON070019	2	Windsor Road Ped & Bike Gap Closure (CON)	08/09	08/09		308,000	308,000				308,000
Sonoma County Totals									2,008,000	2,040,000	4,048,000	0	0	0	4,048,000
Report grand totals									58,459,360	75,563,000	134,022,360	12,338,743	8,524,000	20,862,743	113,159,617



METROPOLITAN
TRANSPORTATION
COMMISSION

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Memorandum

TO: Programming and Delivery Working Group

DATE: February 2, 2009

FR: Marcella Aranda

RE: Federal Inactive Obligations List – December 2008 List and March 2009 Look Ahead

Federal regulations require that agencies receiving federal funds invoice against their obligations at least once every six months. Projects that do not have invoicing activity over a six-month period are placed on the Inactive Obligation list, and those projects are at risk of deobligation of federal funds if Caltrans and the Federal Highways Administration (FHWA) do not receive either an invoice or a valid justification for inactivity. A current list projects to be deobligated is included as Attachment D.

Previous memos included additional information on how to justify project delays to Caltrans and FHWA, as well as how to check the status of your invoice (via LPAMS, <http://lpams.dot.ca.gov>). Caltrans Local Assistance posts the quarterly inactive list, as well as future at-risk look-ahead reports online at <http://www.dot.ca.gov/hq/LocalPrograms/Inactiveprojects.htm>.

The December 2008 Inactive List was released on January 23, 2008 (attached). Projects on the December list must submit an invoice by **March 2, 2009**, or justification and appropriate documentation by **February 23, 2009**. Projects that do not meet these deadlines will be deobligated by FHWA. The March 2009 Inactive List is expected to be released by the end of April and will be distributed via email to the group members shortly thereafter.

Attached for review is the Look Ahead report for March 2009, which includes projects that will become inactive if these projects do not have an invoice paid in time. Note that if there has been invoicing activity on these projects since December, they may no longer be in jeopardy. Please ensure that your jurisdictions' projects do not end up on this list. FHWA is required to deobligate federal funds if they do not receive an invoice or justification within the prescribed timeframe.

If you have any questions regarding inactive obligations and invoicing, please contact MTC or Caltrans Local Assistance staff.

Attachments:

- A. Letter from Denix Anbiah re: December 2008 Inactive Obligation Listing, January 23, 2009
- B. Bay Area Region Inactive Project Listing for December 2008, January 23, 2009
- C. Bay Area Region Inactive Project Listing Look Ahead for March 2009
- D. Bay Area Region List of Projects to be Deobligated as of December 31, 2008

DEPARTMENT OF TRANSPORTATION

DIVISION OF LOCAL ASSISTANCE – M.S. 1

1120 N STREET

P. O. BOX 942874

SACRAMENTO, CA 94274-0001

PHONE (916) 653-1776

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TTY 711



*Flex your power!
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January 23, 2009

To: Metropolitan Planning Organizations
Regional Transportation Planning Agencies
Local Transportation Commissions
Public Works Directors of All Cities and Counties in California

Dear Executive Director:

Subject: Potential loss of Federal Funds
Quarterly Review of Inactive Obligations – Quarter Ending December 31, 2008

The California Department of Transportation (Caltrans) has started the quarterly review process of inactive obligations for the quarter period from September 1, 2008 to December 31, 2008 as required under 23CFR 630.106 (http://www.access.gpo.gov/nara/cfr/waisidx_06/23cfr630_06.html). To prevent the potential deobligation and/or loss of unexpended federal funds, the local agencies must do the following:

1. Review the list of currently inactive obligations available on the Division of Local Assistance website at <http://www.dot.ca.gov/hq/LocalPrograms/Inactiveprojects.htm>. This list will be updated regularly as to the status of each of these projects. A summary of the inactive projects listed by local agency is enclosed for your reference.
2. Submit a complete and correct invoice for eligible expenditures to Caltrans Local Program Accounting (LPA) by **March 2, 2009**. For any invoices submitted to LPA after that date (*but before March 31, 2009*), please send an electronic copy to chris_jensen@dot.ca.gov.
3. Identify unneeded project funds and submit deobligation requests to the District Local Assistance Engineer (DLAE) by **February 23, 2009**. Process project final closeout, if applicable.
4. Submit a complete justification form (available on the website) along with all backup documentation to DLAE by **February 23, 2009** for projects that do not have eligible expenditures to be invoiced or do not have unneeded funds to be deobligated.

In addition to the procedure changes implemented for June 2008 quarterly review (see [letter dated July 31, 2008](#)), the Federal Highway Administration (FHWA) has implemented the following changes immediately:

1. FHWA will only consider justifications in the following categories:
 - right of way delay
 - environmental approval
 - litigation
 - final invoice
 - program specific issue that are related to special projects

Metropolitan Planning Organizations, et al.
 January 23, 2009
 Page 2

2. After FHWA reviews all the inactive projects, FHWA will direct Caltrans to deobligate unexpended federal funds for any inactive projects that do not have a valid financial transaction, valid invoice or approved justification.
3. Caltrans shall complete the deobligation of unexpended federal funds within 90 days after the review period. For the current review period, deobligations must be completed by March 31, 2009.

Local Agencies that have an indirect cost rate proposal awaiting approval by the Caltrans' Division of Audits should continue to submit invoices for eligible direct cost until the indirect cost rate proposal is approved.

In addition to the currently inactive local projects, "Look Ahead Reports" are also available on the website. The Look Ahead Reports include projects that will become inactive by the end of March 2009 (3-Month Look Ahead Report), the end of June 2009 (6-Month Look Ahead Report), and by the end of September 2009 (9-Month Look Ahead Report), if no expenditures are billed. These reports provide an opportunity for local agencies to be proactive in preventing projects from becoming inactive and from potential loss of federal funds. Projects on the 3-Month Look Ahead Report are being monitored for financial transactions to reduce the number of projects that would become inactive for the next quarterly review.

Please work with your district and local agencies to ensure that all the inactive projects are made active by either invoicing or deobligating excess funds. Our goal is to help local agencies prevent their projects from becoming inactive. We do not want to depend on FHWA's approval of a justification to keep projects from being deobligated.

If you have any questions regarding the quarterly review process, please contact your DLAE. A list of the DLAEs is enclosed for your reference.

Sincerely,



DENIX D. ANBIAH
 Chief
 Division of Local Assistance

Enclosure

cc: District Local Assistance Engineers
 Deputy District Directors for Local Assistance

**Inactive List for December 2008 Quarterly Review
(Review Period 10/1/08 - 12/31/08)
Local and State Administered Locally Funded and Rail Projects
District 4**

Project No	County	Responsible Agency	Description	Auth Date	Expenditure Date	Total Proj Cost	Federal Funds (from Budgets)	Expended	Unexpended Funds		First Qtrly Review Appearance (yyyy-mm)	LPAMS Action I=Invoiced F= In Final Voucher Process R= Rejected Invoice	FMIS Action: C= Closed D=De Obligated E=FMIS Error I=Invoiced W=Withdrawn
4430001	Ala	Alameda County	NORRIS CANYON @ MM 0.280 . , EMERGENCY OPENING .	12/19/2005		\$5,100.00	\$5,100.00	\$0.00	\$5,100.00		2008-12	I	N/A
4430005	Ala	Alameda County	PALOMARES RD. @ MM 8.94 . , EMERGENCY OPENING & PRE. RESTORATIO	12/19/2005	01/06/09	\$38,500.00	\$35,541.00	\$10,169.00	\$25,372.00		2008-12	I	I
4430005	Ala	Alameda County	PALOMARES RD. @ MM 8.94 . , EMERGENCY OPENING & PRE. RESTORATIO	12/19/2005	01/06/09	\$0.00	\$0.00	\$0.00	\$0.00		2008-12	I	I
5933026	Ala	Alameda County	OAKLAND ESTUARY (HIGH ST) (BR NO 33C-0026) , SEISMIC RETROFIT	10/17/2008	07/05/06	\$25,000.00	\$22,132.00	\$20,260.78	\$1,871.22		2008-12	N/A	N/A
5933026	Ala	Alameda County	OAKLAND ESTUARY (HIGH ST) (BR NO 33C-0026) , SEISMIC RETROFIT	10/17/2008	07/05/06	\$1,394,528.00	\$1,234,574.00	\$0.00	\$1,234,574.00		2008-12	N/A	N/A
5933027	Ala	Alameda County	OAKLAND ESTUARY (PARK ST) (BR NO 33C-0027) , SEISMIC RETROFIT	11/3/2008	07/07/06	\$35,000.00	\$22,132.00	\$15,818.23	\$6,313.77		2008-12	N/A	N/A
5933027	Ala	Alameda County	OAKLAND ESTUARY (PARK ST) (BR NO 33C-0027) , SEISMIC RETROFIT	11/3/2008	07/07/06	\$848,156.00	\$750,871.00	\$0.00	\$750,871.00		2008-12	N/A	N/A
6084091	Ala	Metropolitan Transportation Commission	VARIOUS MTC COUNTIES . , TRAVELER INFORMATION FY 04/05 .	8/10/2004	09/26/06	\$5,986,672.00	\$5,300,000.00	\$5,050,537.31	\$249,462.69		2008-09	N/A	N/A
5041029	Ala	San Leandro	E. 14TH ST. , MEDIAN IMPROVEMENT & LIGHTING	11/27/2007		\$858,615.00	\$623,629.00	\$0.00	\$623,629.00		2008-12	N/A	N/A
5135003	CC	Concord	04-CC-242-R1.2/2.4, CITY OF CONCORD, CONCORD , AVE TO GRANT, MOD. I/C, ADD AUX. LN	3/1/1994	10/16/06	\$8,034,920.00	\$6,000,000.00	\$5,899,828.48	\$100,171.52		2008-12	N/A	N/A
5024015	CC	Martinez	VINE HILL WAY - LINTON TERRACE & CENTER AVE , PAVEMENT OVERLAY,INSTALL GUARD RAIL	9/1/2002	07/28/06	\$60,000.00	\$54,000.00	\$9,435.78	\$44,564.22		2008-09	N/A	N/A

**Inactive List for December 2008 Quarterly Review
(Review Period 10/1/08 - 12/31/08)
Local and State Administered Locally Funded and Rail Projects
District 4**

Project No	County	Responsible Agency	Description	Auth Date	Expenditure Date	Total Proj Cost	Federal Funds (from Budgets)	Expended	Unexpended Funds		First Qtrly Review Appearance (yyyy-mm)	LPAMS Action I=Invoiced F= In Final Voucher Process R= Rejected Invoice	FMIS Action: C= Closed D=De Obligated E=FMIS Error I=Invoiced W=Withdrawn
5024015	CC	Martinez	VINE HILL WAY - LINTON TERRACE & CENTER AVE , PAVEMENT OVERLAY,INSTALL GUARD RAIL	9/1/2002	07/28/06	\$10,000.00	\$9,000.00	\$1,573.20	\$7,426.80		2008-09	N/A	N/A
4433020	CC	Orinda	CAMINO PABLO APPROX 300' N OF LOS AMIGOS DR. , STABILIZE DOWN SLOPE LANDSLIDE	12/19/2005		\$131,500.00	\$119,857.00	\$0.00	\$119,857.00		2008-09	N/A	N/A
4433020	CC	Orinda	CAMINO PABLO APPROX 300' N OF LOS AMIGOS DR. , STABILIZE DOWN SLOPE LANDSLIDE	12/19/2005		\$0.00	\$0.00	\$0.00	\$0.00		2008-09	N/A	N/A
5137021	CC	Richmond	BART/AMTRAK STATION, CONSTRUCT NEW PEDESTRIAN PLAZA	3/1/2000	12/09/05	\$847,171.00	\$750,000.00	\$646,269.00	\$103,731.00		2007-12	N/A	N/A
5137025	CC	Richmond	VARIOUS LOCATIONS , INSTALL PED. CROSS WALK LIGHT	9/10/2002	10/11/06	\$203,000.00	\$182,700.00	\$675.00	\$182,025.00		2008-12	N/A	N/A
5137035	CC	Richmond	CENTRAL RICHMOND GREENWAY EAST SEGMENT , CONSTRUCT PEDESTRIAN BIKE PATH	3/6/2007		\$1,129,561.00	\$1,000,000.00	\$0.00	\$1,000,000.00		2008-03	I	N/A
5437016	CC	San Ramon	ON SAN RAMON BLVD. AT VARIOUS INTERSECTIONS , MODIFY TURNING LANES	4/27/2008		\$700,000.00	\$630,000.00	\$0.00	\$630,000.00		2008-12	N/A	N/A
5277016	Mrn	Fairfax	SFD BLVD. --OAK MANOR TO JUNE COURT. , CONSTRUCT SIDEWALK, PATHWAYS	6/1/2004	08/18/06	\$164,917.00	\$146,000.00	\$7,312.70	\$138,687.30		2008-09	N/A	I
5277019	Mrn	Fairfax	SFDB -- OAK MANOR TO MARIN, SHADOWCK TO ALAMI , REPAIR PVMT, SLURRY SEAL	8/11/2007		\$116,346.00	\$103,000.00	\$0.00	\$103,000.00		2008-09	I	N/A
5470003	Nap	American Canyon	ELLIOTT ST FR DONALDSON SOUTH TO CITY LIMITS , REHABILITATION	8/23/2006		\$619,550.00	\$200,000.00	\$0.00	\$200,000.00		2008-09	N/A	N/A

**Inactive List for December 2008 Quarterly Review
(Review Period 10/1/08 - 12/31/08)
Local and State Administered Locally Funded and Rail Projects
District 4**

Project No	County	Responsible Agency	Description	Auth Date	Expenditure Date	Total Proj Cost	Federal Funds (from Budgets)	Expended	Unexpended Funds		First Qtrly Review Appearance (yyyy-mm)	LPAMS Action I=Invoiced F= In Final Voucher Process R= Rejected Invoice	FMIS Action: C= Closed D=De Obligated E=FMIS Error I=Invoiced W=Withdrawn
4436001	Nap	Napa County	8 DAFS ON VARIOUS LOCATIONS.SEE STATE COMMENT , EMERGENCY OPENING	12/19/2005		\$170,811.00	\$170,811.00	\$0.00	\$170,811.00		2007-12	I	N/A
4436002	Nap	Napa County	7 DAFS ON VARIOUS LOCATIONS.SEE STATE COMMENT , EMERGENCY OPENING	12/19/2005	01/06/09	\$1,266,086.00	\$1,230,235.00	\$68,917.00	\$1,161,318.00		2007-09	I	I
6204047	SCI	Caltrans	1KM WEST OF LAWRENCE EXWY &1KM EAST OF 1ST ST , TRAFFICMONITOR & SURVEILANCE SYSTEM	07/12/05	05/17/06	\$338,870.00	\$300,000.00	\$0.00	\$300,000.00		2008-06	N/A	W
6204047	SCI	Caltrans	1KM WEST OF LAWRENCE EXWY &1KM EAST OF 1ST ST , TRAFFICMONITOR & SURVEILANCE SYSTEM	07/12/05	05/17/06	\$87,183.00	\$77,183.00	\$0.00	\$77,183.00		2008-06	N/A	W
5309010	SCI	Los Altos	GRANT,SPRINGER,HOMESTEAD,POR TLAND, ALMOND , IN-PAVEMENT XWALK IMPROVEMENT	7/8/2008		\$498,000.00	\$448,200.00	\$0.00	\$448,200.00		2008-12	N/A	N/A
5100006	SCI	Palo Alto	VARIOUS LOCATIONS THROUGHOUT PALO ALTO CITY , UPGRADE & REPLACE SIGNAL SYSTEM	8/20/2002	01/06/09	\$1,538,500.00	\$685,000.00	\$641,400.72	\$43,599.28		2008-06	N/A	N/A
5213020	SCI	Sunnyvale	TASMAN LIGHT RAIL VICINITY , PEDESTRIAN ACCESS IMPROVEMENT	9/6/2002	11/28/06	\$533,007.00	\$471,870.00	\$397,446.08	\$74,423.92		2008-12	N/A	N/A
L089804	SF	San Francisco County	METRO EAST LINE RAIL MAINT/STORAGE, PE	6/1/1993		\$15,000,000.00	\$1,288,050.00	\$0.00	\$1,288,050.00		2006-03	N/A	N/A
6342003	SF	University of California at San Francisco	STATEWIDE PUBLIC EDUCATIONAL PROGRAM , PEDESTRIAN AND BICYCLE EDUCATION	12/13/2007		\$885,000.00	\$783,000.00	\$0.00	\$783,000.00		2008-12	N/A	N/A
5132023	Sol	Fairfield	TRAVIS BLVD. FROM OLIVER RD. TO N. TEXAS ST. , SIGNAL UPGRADE, TRAFFIC SIGN INSTAL	6/26/2005	10/06/06	\$400,000.00	\$360,000.00	\$189,462.19	\$170,537.81		2008-12	N/A	N/A

**Inactive List for December 2008 Quarterly Review
(Review Period 10/1/08 - 12/31/08)
Local and State Administered Locally Funded and Rail Projects
District 4**

PDWG - 02/02/09: Item 3B (B)

Project No	County	Responsible Agency	Description	Auth Date	Expenditure Date	Total Proj Cost	Federal Funds (from Budgets)	Expended	Unexpended Funds		First Qtrly Review Appearance (yyyy-mm)	LPAMS Action I=Invoiced F= In Final Voucher Process R= Rejected Invoice	FMIS Action: C= Closed D=De Obligated E=FMIS Error I=Invoiced W=Withdrawn
5920020	Son	Sonoma County	GRANGE ROAD, FR BENNETT VLY RD TO 1000' SOUTH , BRIDGE REPLACEMENT, ROAD REALIGNMNT	6/11/2004	01/27/06	\$183,000.00	\$146,400.00	\$146,400.00	\$0.00		2008-09	N/A	N/A
5920020	Son	Sonoma County	GRANGE ROAD, FR BENNETT VLY RD TO 1000' SOUTH , BRIDGE REPLACEMENT, ROAD REALIGNMNT	6/11/2004	01/27/06	\$343,539.00	\$274,830.00	\$0.00	\$274,830.00		2008-09	N/A	N/A
5920020	Son	Sonoma County	GRANGE ROAD, FR BENNETT VLY RD TO 1000' SOUTH , BRIDGE REPLACEMENT, ROAD REALIGNMNT	6/11/2004	01/27/06	\$3,373,114.00	\$2,698,490.00	\$2,685,343.30	\$13,146.70		2008-09	N/A	N/A
5920036	Son	Sonoma County	SONOMA CREEK (WATMAUGH ROAD) (BR NO 20C-0017) , SEISMIC RETROFIT	8/27/2002	12/28/05	\$25,000.00	\$22,132.00	\$22,132.00	\$0.00		2008-12	N/A	N/A
5920036	Son	Sonoma County	SONOMA CREEK (WATMAUGH ROAD) (BR NO 20C-0017) , SEISMIC RETROFIT	8/27/2002	12/28/05	\$115,000.00	\$92,000.00	\$43,999.99	\$48,000.01		2008-12	N/A	N/A
5920050	Son	Sonoma County	LAMBERT BRIDGE RD & DRY CREEK, REPLACE BRIDGE	4/1/1998	12/27/05	\$100,000.00	\$88,530.00	\$60,179.17	\$28,350.83		2008-12	I	I
5920087	Son	Sonoma County	VALLEY FORD ROAD OVER STEMPLE CREEK , BARRIER RAIL REPLACEMENT	5/15/2003	12/28/05	\$14,455.00	\$12,797.00	\$1,582.50	\$11,214.50		2008-12	N/A	N/A
5920088	Son	Sonoma County	BODEGA HWY OVER NOLAN CREEK , BARRIER RAIL REPLACEMENT	5/15/2003	12/28/05	\$11,626.00	\$10,292.00	\$2,962.15	\$7,329.85		2008-12	N/A	N/A
5920089	Son	Sonoma County	SKILLMAN LANE OVER WILSON CREEK , BARRIER RAIL REPLACEMENT	5/15/2003	12/28/05	\$8,900.00	\$7,879.00	\$1,578.57	\$6,300.43		2008-12	N/A	N/A
Regionwide Total						\$46,100,627.00	\$26,356,235.00	\$15,923,283.15	\$10,432,951.85				

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**December 2008 Quarterly Review
(Review Period 10/1/08-12/31/08)
Look ahead report for quarter ending March 2009
Sorted by County/Agency**

Project Number	Prog Code	County	Responsible Agency	Description	Last Billed	Auth Date	Total Cost	Federal Funds	AC Funds	Expended	Unexpended
5933074	H240	Ala	Alameda County	VASCO RD BETWEEN LIVERMORE AND CC COUNTY LINE , ROADWAY ALIGNMENT AND ROW	02/22/08	6/13/2008	\$5,400,000.00	\$3,900,000.00	\$0.00	\$3,900,000.00	\$0.00
5933074	HY10	Ala	Alameda County	VASCO RD BETWEEN LIVERMORE AND CC COUNTY LINE , ROADWAY ALIGNMENT AND ROW	02/22/08	6/13/2008	\$286,382.00	\$136,876.00	\$0.00	\$0.00	\$136,876.00
5933074	L240	Ala	Alameda County	VASCO RD BETWEEN LIVERMORE AND CC COUNTY LINE , ROADWAY ALIGNMENT AND ROW	02/22/08	6/13/2008	\$19,562,764.00	\$9,350,000.00	\$0.00	\$0.00	\$9,350,000.00
5933074	LY10	Ala	Alameda County	VASCO RD BETWEEN LIVERMORE AND CC COUNTY LINE , ROADWAY ALIGNMENT AND ROW	02/22/08	6/13/2008	\$1,190,926.00	\$433,202.00	\$136,000.00	\$0.00	\$433,202.00
5322025	Q400	Ala	Fremont	AT VARIOUS SPOT INTERSECTIONS, TRAFFIC SIGNAL CONTROLLERS	01/03/06	7/1/2001	\$720,000.00	\$312,000.00	\$0.00	\$282,779.45	\$29,220.55
5317012	Q210	Ala	Newark	THORNTON AVENUE/CEDAR BLVD INTERSECTION , GROOVE PAVEMENT		3/29/2006	\$22,000.00	\$19,800.00	\$0.00	\$0.00	\$19,800.00
5137027	H400	CC	Richmond	RICHMOND TRANSIT STATION/NEVIN PLAZA , CONSTRUCT TRANSIT STATION	02/05/08	9/9/2002	\$3,690,250.00	\$1,579,000.00	\$0.00	\$532,701.73	\$1,046,298.27
5137027	Q400	CC	Richmond	RICHMOND TRANSIT STATION/NEVIN PLAZA , CONSTRUCT TRANSIT STATION	02/05/08	9/9/2002	\$2,073,750.00	\$575,000.00	\$0.00	\$172,708.41	\$402,291.59
5225019	L230	CC	Walnut Creek	TREAT BLVD - SHEPPARD ROAD TO BANCROFT ROAD , ROADWAY REHABILITATION		3/22/2008	\$1,097,709.00	\$540,000.00	\$0.00	\$0.00	\$540,000.00
5927024	4130	Mrn	Marin County	SR 101 BRDGE WYI/C TO TIB I/C&RTE1 TOPM 13 , DEVELOP TRANS.MGM/T PLAN	03/18/08	7/27/1999	\$1,500,000.00	\$1,500,000.00	\$0.00	\$1,500,000.00	\$0.00
5927024	F130	Mrn	Marin County	SR 101 BRDGE WYI/C TO TIB I/C&RTE1 TOPM 13 , DEVELOP TRANS.MGM/T PLAN	03/18/08	7/27/1999	\$510,876.00	\$510,876.00	\$0.00	\$0.00	\$510,876.00
5927024	H680	Mrn	Marin County	SR 101 BRDGE WYI/C TO TIB I/C&RTE1 TOPM 13 , DEVELOP TRANS.MGM/T PLAN	03/18/08	7/27/1999	\$991,307.00	\$991,307.00	\$0.00	\$702,622.79	\$288,684.21
5042026	L240	Nap	Napa	SEMINARY ST. BRIDGE OVER NAPA CREEK. , BRIDGE RAIL REPLACEMENT	01/30/07	7/1/2000	\$63,500.00	\$56,216.00	\$0.00	\$0.00	\$56,216.00
5042026	Q240	Nap	Napa	SEMINARY ST. BRIDGE OVER NAPA CREEK. , BRIDGE RAIL REPLACEMENT	01/30/07	7/1/2000	\$75,000.00	\$66,397.00	\$0.00	\$66,396.85	\$0.15
5034012	H400	SCI	Gilroy	MONTEREY STREETScape BETWEEN 4TH & 6TH STREET , STREETSCAPES IMPROVEMENT	01/29/07	8/16/2005	\$2,823,902.00	\$2,500,000.00	\$0.00	\$2,450,000.00	\$50,000.00
5005084	HY10	SCI	San Jose	LOWER GUADALUPE RIVER TRAIL(1880 TO GOLD ST) , BIKE TRAIL		3/8/2008	\$1,368,756.00	\$1,095,005.00	\$0.00	\$0.00	\$1,095,005.00
5005084	LY10	SCI	San Jose	LOWER GUADALUPE RIVER TRAIL(1880 TO GOLD ST) , BIKE TRAIL		3/8/2008	\$333,744.00	\$266,995.00	\$0.00	\$0.00	\$266,995.00
5019020	L230	SCI	Santa Clara	TASMAN DR * HOMESTEAD RD (SEE STATE REMARK) , ROAD REHABILITATION		2/1/2008	\$914,433.00	\$653,000.00	\$0.00	\$0.00	\$653,000.00
5937097	Q120	SCI	Santa Clara County	AT VARIOUS LOCATIONS IN SANTA CLARA COUNTY , BIENNIAL BRIDGE INSPECT./MANAGEMENT	02/08/07	10/14/2004	\$352,650.00	\$282,120.00	\$0.00	\$176,634.09	\$105,485.91

**December 2008 Quarterly Review
(Review Period 10/1/08-12/31/08)
Look ahead report for quarter ending March 2009
Sorted by County/Agency**

PDWG - 02/02/09: Item 3B (C)

Project Number	Prog Code	County	Responsible Agency	Description	Last Billed	Auth Date	Total Cost	Federal Funds	AC Funds	Expended	Unexpended
6003031	HY10	SF	Golden Gate Bridge, Highway And Transportation District	GOLDEN GATE BRIDGE , SEISMIC RETROFIT-PHASE 2	02/26/08	9/8/2006	\$1,505,631.00	\$1,505,631.00	\$0.00	\$214,172.26	\$1,291,458.74
6003031	LY10	SF	Golden Gate Bridge, Highway And Transportation District	GOLDEN GATE BRIDGE , SEISMIC RETROFIT-PHASE 2	02/26/08	9/8/2006	\$751,462.00	\$751,462.00	\$0.00	\$105,487.84	\$645,974.16
6084141	L400	SF	Metropolitan Transportation Commission	SAN FRANCISCO BAY AREA FY 07/08 , FWY OPERATION/ TOS PLANNING STUDY		3/21/2008	\$2,051,283.00	\$1,816,000.00	\$0.00	\$0.00	\$1,816,000.00
5268009	Q240	SM	Belmont	RALSTON AVE - HWY 101 TO GRANADA STREET, ROAD REHABILITATION	01/18/06	8/1/2001	\$165,172.00	\$105,000.00	\$0.00	\$94,500.00	\$10,500.00
5376001	H100	SM	Brisbane	TUNNEL AVENUE BR (BR. NO. 35C-0124) , BRIDGE REPLACEMENT	01/02/08	7/22/2005	\$12,025,000.00	\$9,620,000.00	\$0.00	\$9,031,051.22	\$588,948.78
5376001	L1C0	SM	Brisbane	TUNNEL AVENUE BR (BR. NO. 35C-0124) , BRIDGE REPLACEMENT	01/02/08	7/22/2005	\$960,001.00	\$768,000.00	\$0.00	\$0.00	\$768,000.00
5376001	Q100	SM	Brisbane	TUNNEL AVENUE BR (BR. NO. 35C-0124) , BRIDGE REPLACEMENT	01/02/08	7/22/2005	\$1,140,000.00	\$912,000.00	\$0.00	\$892,250.54	\$19,749.46
5376001	Q120	SM	Brisbane	TUNNEL AVENUE BR (BR. NO. 35C-0124) , BRIDGE REPLACEMENT	01/02/08	7/22/2005	\$60,000.00	\$48,000.00	\$0.00	\$48,000.00	\$0.00
5350013	L230	SM	Pacifica	PALMETTO AVE FR ESPLANADE-BELLA VISTA , AC OVERLAY		3/26/2007	\$512,300.00	\$405,000.00	\$0.00	\$0.00	\$405,000.00
5920041	33D0	Son	Sonoma County	STONY PT.-PEPPER RD TO MECHAM RD., RECONSTRUCTION & WIDENING	01/11/06	8/1/1997	\$2,433,790.00	\$1,772,371.00	\$0.00	\$1,772,371.00	\$0.00
5920041	Q240	Son	Sonoma County	STONY PT.-PEPPER RD TO MECHAM RD., RECONSTRUCTION & WIDENING	01/11/06	8/1/1997	\$2,843,912.00	\$2,517,716.00	\$0.00	\$2,508,863.02	\$8,852.98
Regionwide Total											
							\$67,426,500.00	\$44,988,974.00	\$136,000.00	\$24,450,539.20	\$20,538,434.80

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FHWA Deobligation List Dated December 23, 2008
(September 2008 Review)

PDWG - 02/02/09: Item 3B (D)

Project No	Prefix	County	TIP ID	Responsible Agency	Description	Auth Date	Total Proj Cost	Expended	Unexpended Funds	First Qtrly Review Appearance (yyyy-mm)	LPAMS Action I=Invoiced F=In Final Voucher Process R=Rejected Invoice	FMS Action: C= Closed D=De-Obligated E=FMS Error I=Invoiced W=Withdrawn	Documentation Sent to FHWA I=Progress Invoice D=De-obligation (after the meeting)	Date Sent to FHWA	Comments/Updates
5024015	STPLH	CC		Martinez	VINE HILL WAY - LINTON TERRACE & CENTER AVE , PAVEMENT OVERLAY,INSTALL GUARD RAIL	8/30/06	\$70,000.00	\$11,008.98	\$51,991.02	2008-09	N/A	N/A	N/A		No action. District to deobligate unexpended funds by 12/26/08.
4433020	ER	CC		Orinda	CAMINO PABLO APPROX 300' N OF LOS AMIGOS DR. , STABILIZE DOWN SLOPE LANDSLIDE	8/1/99	\$131,500.00	\$0.00	\$119,857.00	2008-09	N/A	N/A	N/A		No action. District to deobligate unexpended funds by 12/26/08.
5137021	CML	CC		Richmond	WESTSIDE OF RICHMOND BART/AMTRAK STATION, CONSTRUCT NEW PEDESTRIAN PLAZA	12/27/04	\$847,171.00	\$646,269.00	\$103,731.00	2007-12	N/A	N/A	N/A		Justification denied. District to deobligate unexpended funds on 1/2/09 and reobligate when agency ready to invoice.
5137035	CML	CC	CC-070066	Richmond	CENTRAL RICHMOND GREENWAY EAST SEGMENT , CONSTRUCT PEDESTRIAN BIKE PATH	3/6/07	\$1,129,561.00	\$0.00	\$1,000,000.00	2008-03	I	N/A	I	12/15/08	Invoice received in Accounting. Agency to confirm invoice has been processed by checking online invoice registry at http://lpams.dot.ca.gov .
5277016	CML	Mrn		Fairfax	SFD BLVD. --OAK MANOR TO JUNE COURT. , CONSTRUCT SIDEWALK, PATHWAYS	9/7/05	\$164,917.00	\$7,312.70	\$138,687.30	2008-09	I	N/A	I		Invoice received in Accounting. Agency to confirm invoice has been processed by checking online invoice registry at http://lpams.dot.ca.gov .
5277019	STPL	Mrn	MRN050007	Fairfax	SFDB -- OAK MANOR TO MARIN, SHADOWCK TO ALAMI , REPAIR PVMT, SLURRY SEAL	8/24/06	\$116,346.00	\$0.00	\$103,000.00	2008-09	I	N/A	I	12/26/08	Invoice received in Accounting. Agency to confirm invoice has been processed by checking online invoice registry at http://lpams.dot.ca.gov .
4436001	ER	Nap		Napa County	8 DAFS ON VARIOUS LOCATIONS.SEE STATE COMMENT , EMERGENCY OPENING	11/1/99	\$170,811.00	\$0.00	\$170,811.00	2007-12	R	N/A	N/A		No action. District to deobligate unexpended funds by 12/26/08.
4436002	ER	Nap		Napa County	7 DAFS ON VARIOUS LOCATIONS.SEE STATE COMMENT , EMERGENCY OPENING	12/19/05	\$1,266,086.00	\$0.00	\$1,230,235.00	2007-09	I	N/A	I		Invoice received in Accounting. Agency to confirm invoice has been processed by checking online invoice registry at http://lpams.dot.ca.gov .
6204047	CML	SCI	SCL991023	Caltans	1KM WEST OF LAWRENCE EXWY &1KM EAST OF 1ST ST , TRAFFICMONITOR & SURVEILLANCE SYSTEM	9/1/99	\$426,053.00	\$0.00	\$377,183.00	2008-06	N/A	N/A	N/A		No action. District to deobligate unexpended funds by 12/26/08.



METROPOLITAN
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COMMISSION

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Memorandum

TO: Programming and Delivery Working Group

DATE: February 2, 2009

FR: Kenneth Kao

RE: STIP Project Delivery Update for FY 2007-08 and FY 2008-09 Projects

Background

Senate Bill 45 (Chapter 622, Statutes 1997) established strict timely use of funds and project delivery requirements for transportation projects. Projects programmed in the State Transportation Improvement Program (STIP) must receive an allocation from the California Transportation Commission (CTC) or Caltrans by the end of the fiscal year in which the funds are programmed. Funds not allocated or extended by the CTC within this deadline are deleted from the STIP with the funds returned to the county in the next county share period. MTC staff monitors the delivery of STIP projects, and has been informing members of the Bay Area Partnership on a monthly basis of the project delivery requirements and pending deadlines.

FY 2007-08 Projects

Attachment A lists STIP projects programmed in FY 2007-08. Most projects have already been allocated by the CTC. This report is being included to keep track of project extensions and award deadlines. **Please review the award deadlines for allocated projects and the new allocation deadline for projects approved for allocation extension requests.**

FY 2008-09 Projects

Please review all FY 2008-09 STIP projects (including TE projects and TE Reserve); listed in Attachment A. Projects can no longer be shifted out of FY 2008-09. In accordance with SB 45, a project cannot be moved out in the year it is programmed. For projects programmed in FY 2008-09, please note:

- In order to receive an allocation at the April 2009 CTC meeting (the next available meeting of the CTC in FY 2008-09), you must submit your allocation request to MTC and Caltrans D4 Local Assistance by February 9, 2009.
- The deadline for the March 2009 CTC meeting has already passed (January 12).
- In accordance with recently adopted policy, all allocated construction funds must have a contract awarded within six months of allocation.
- Currently, the CTC is allocating state-only funds. There is no guarantee that CTC will continue to allocate state-only funds after FY 2008-09.
- For federal projects, such as Transportation Enhancement projects, Caltrans requests that the request for the STIP allocation and request for federal authorization to proceed (E-76) be submitted to Caltrans at the same time. Check with Caltrans for what additional

STIP Project Delivery Update

February 2, 2009

Page 2 of 2

supporting documentation needs to be submitted with your allocation request. Remember to initiate TIP amendments through MTC's FMS.

- For federal projects (i.e. TE projects), be sure the sponsor's Disadvantaged Business Enterprise (DBE) program is approved by Local Assistance (obligation of federal funds cannot occur without approved DBE program).

Please contact Kenneth Kao at (510) 817-5768 or kkao@mtc.ca.gov with questions or comments.

Attachments

A – FY 2007-08 STIP Project Delivery Status Report

B – FY 2008-09 STIP Project Delivery Status Report

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STIP Allocation Status Report for FY 2007-08 Programmed Projects

Projects with Allocation Deadline of 6/30/08 (All numbers in \$1,000s)

December 18, 2008

Regional Transportation Improvement Program (RTIP) and Transportation Enhancements (TE)

County	TIP ID	Agency	PPNO	Project	Allocation Date	Award Deadline	Phase	Programmed Amount	Completed Allocations	Balance	Comments
Alameda	ALA050029	ACCMA	16O	I-680 Smart Carpool Lane	26-Jun-08	23-Dec-08	CON	8,000	8,000	0	Allocated
Alameda	ALA050009	ACTIA	16U	I-580 Castro Valley Interchange Improvements	13-Mar-08	09-Sep-08	CON	7,315	7,315	0	Allocated
Alameda	ALA010006	Caltrans	1017	SR-84 HOV Lane Extension	05-Sep-07	03-Mar-08	CON+C-CT	2,490	2,490	0	Allocated
Alameda	ALA070020	Caltrans	112A	I-580 Aux and HOV lanes (Segments 1 & 2)	29-Oct-08	27-Apr-09	CON	9,274	9,274	0	Allocated (from deferment)
Alameda	ALA070020	Caltrans	112A	I-580 Aux and HOV lanes (Segments 1 & 2)	13-Mar-08	09-Sep-08	CON	8,395	8,395	0	Allocated
Alameda	ALA991084	Caltrans	A157D	I-680 Sunol Grade SB HOV Lanes Phase 3	10-Apr-08	07-Oct-08	CON	7,246	7,246	0	Allocated
Alameda	ALA991081	Oakland	1022	I-880 Access at 42nd Av/High St.	13-Dec-07	n/a	ROW	5,990	5,990	0	Allocated
Alameda	ALA030002	Alameda Co	2009L	Vasco Rd Safety Improvements (Segments 1 & 2)	14-Feb-08	12-Aug-08	CON	4,600	4,600	0	Allocated
Alameda	ALA990054	Alameda (City)	2009N	Tinker Ave Extension	25-Sep-08	24-Mar-09	CON	4,000	4,000	0	Allocated
Alameda	REG050014	MTC	2100	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	113	113	0	Allocated
Alameda	ALA99SA01	MTC/ACCMA	2179	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	1,311	1,311	0	Allocated
Alameda-PTA	ALA050065	BART Berkeley	2009Y	Ashby BART/Ed Roberts Concourse/Escalators	26-Jun-08	23-Dec-08	CON	2,000	2,000	0	Allocated
Alameda-PTA	ALA050081	Berkeley	2009W	Ashby BART/Ed Roberts Campus Improvements	26-Jun-08	23-Dec-08	CON	2,614	2,614	0	Allocated
Alameda-PTA	BRT050003	BART	1014	BART Tube Seismic Retrofit	05-Sep-07	03-Mar-08	CON	38,000	38,000	0	Allocated
Alameda-PTA	ALA990015	Union City	2110	Union City Intermodal Station	05-Sep-07	03-Mar-08	CON	4,600	4,600	0	Allocated
Alameda-PTA	REG070002	BART	2009P	Alameda County BART Station Renovation	05-Sep-07	n/a	PSE	248	248	0	Allocated
Alameda-PTA	REG070002	BART	2009P	Alameda County BART Station Renovation	11-Dec-08	09-Jun-09	CON	3,000	3,000	0	Allocated (from extension)
Alameda-PTA	ALA030001	AC Transit	2009I	AC Transit Rehabilitation Project	29-May-08	25-Nov-08	CON	7,738	7,738	0	Allocated
Alameda-PTA	ALA070046	AC Transit	2009X	AC Transit Zero-Emissions Bus Purchase	20-Sep-07	18-Mar-08	CON	7,810	7,810	0	Allocated
Alameda-TE	ALA050081	Berkeley BART	2009W	Ashby BART/Ed Roberts Campus Improvements	26-Jun-08	23-Dec-08	CON	1,200	1,200	0	Allocated
Alameda-TE	ALA050039	Oakland	2100C1	MacArthur Transit Hub/Village Improvements	26-Jul-07	22-Jan-08	CON	193	193	0	Allocated
Alameda RTIP Totals								126,137	126,137	0	
Contra Costa	ALA070041	ACCMA	62E	I-80 Integrated Corridor Mobility Project	05-Sep-07	n/a	ENV	954	954	0	Allocated
Contra Costa	CC-010002	Caltrans	57A	SR 24 - Caldecott Tunnel 4th Bore (SO)	01-Jul-07	n/a	PSE	2,000	2,000	0	Caltrans Lump-Sum Allocation
Contra Costa	CC-030028	CCTA	192F	SR 4 Widening from Somersville to SR 160	05-Sep-07	n/a	ROW	10,000	10,000	0	Allocated
Contra Costa	REG050014	MTC	2118	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	74	74	0	Allocated
Contra Costa	CC-070021	CCTA	2011O	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	300	300	0	Allocated
Contra Costa-TE	CC-070085	Martinez	183I	Marina Vista Streetscape	13-Mar-08	n/a	PSE	148	148	0	Allocated
Contra Costa-TE	CC-010031	CC County	2011K	Delta DeAnza Trail crossing of SR 4	01-Feb-07	n/a	PSE	60	60	0	Allocated in FY 06/07
Contra Costa-TE	CC-030010	CC County	2025C	Camino Tassajara Rd Bikeway Shoulders	20-Sep-07	18-Mar-08	CON	324	324	0	Allocated
Contra Costa RTIP Totals								13,860	13,860	0	
Marin	MRN050002	TAM	2127C	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	524	524	0	Allocated
Marin	REG050014	MTC	2127	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	21	21	0	Allocated
Marin RTIP Totals								545	545	0	
Napa	NAP010001	Caltrans	376	SR 12/29/221 Soscol Intersection - Separation	01-Jul-07	n/a	PSE	4,200	4,200	0	Caltrans Lump-Sum Allocation
Napa	NAP010008	Caltrans	367D	SR 12 - Jamieson Canyon Rd Widening	01-Jul-07	n/a	PSE/ROW+	13,900	13,900	0	Caltrans Lump-Sum Allocation
Napa	REG050014	MTC	2130	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	13	13	0	Allocated
Napa	NAP010009	MTC/Napa TPA	1003E	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	24	24	0	Allocated
Napa-TE	REG070005	MTC	2130B	TE reserve			N/A	414	0	414	Lapsed, return to county share
Napa RTIP Totals								18,551	18,137	414	
San Francisco-PTA	SF-050003	SF Muni	2134A	AB 3090 reimbursement (3rd St light rail mtn fac)	26-Jul-07	n/a	CON	22,570	22,570	0	Allocated
San Francisco	SF-010020	San Francisco	2014D	Addison & Digby Traffic Circles	20-Sep-07	n/a	PSE	20	20	0	Allocated
San Francisco	SF-010008	MTC/SFCTA	2007	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	466	466	0	Allocated
San Francisco	REG050014	MTC	2131	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	58	58	0	Allocated
San Francisco-PTA	SF-030001	Golden Gate	2014J	SF Ferry Terminal Berth	13-Dec-07	n/a	ENV	1,000	1,000	0	Allocated
San Francisco-PTA	SF-010028	Peninsula JPB	2014I	Caltrain Electrification			PSE	4,000	0	4,000	To be delivered with CMAQ funds
San Francisco-PTA	SF-010015	TJPA	2133A	Caltrain Downtown Extension to Rebuilt Transbay Terminal	10-Jan-08	n/a	ENV	4,000	4,000	0	Allocated
San Francisco-TE	SF-050031	San Francisco	2007Z	Stockton St Tunnel Lighting - Ped Improvements	29-May-08	25-Nov-08	CON	799	799	0	Allocated
San Francisco-TE	SF-070032	SF DPW	9098A	Leland Ave Streetscape Improvements Project	08-Nov-07	n/a	ENV	27	27	0	Allocated
San Francisco-TE	SF-070033	SF DPT	9098C	Inner Sunset Traffic Calming & Transit Enh	20-Sep-07	n/a	PSE	135	135	0	Allocated
San Francisco RTIP Totals								33,075	29,075	4,000	

STIP Allocation Status Report for FY 2007-08 Programmed Projects

Projects with Allocation Deadline of 6/30/08 (All numbers in \$1,000s)

County	TIP ID	Agency	PPNO	Project	Allocation Date	Award Deadline	Phase	Programmed Amount	Completed Allocations	Balance	Comments
San Mateo	SM-010031	Caltrans	700C	Aux lanes landscaping/#700B, 6-08 vote	01-Jul-07	n/a	CON-CT	33	33	0	Caltrans Lump-Sum Allocation
San Mateo	SM-030001	Caltrans	658B	U.S. 101 Aux Lanes - SCL Co. Line to Marsh Rd	01-Jul-07	n/a	ENV	5,200	5,200	0	Caltrans Lump-Sum Allocation
San Mateo	SM-070003	Caltrans	645C	Menlo Park-Millbrae, interconnect signals	01-Jul-07	n/a	PSE	739	739	0	Caltrans Lump-Sum Allocation
San Mateo	REG050014	MTC	2140	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	60	60	0	Allocated
San Mateo	SM-030015	SM C/CAG	2140A	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	467	467	0	Allocated
San Mateo-PTA	SM-070030	BART	1003J	Daly City BART Station Improvements	9 Mo. Extension App'd		CON	900	0	900	Extension: 9 months (to Mar 09)
San Mateo-TE	REG070005	MTC	2140C	TE reserve			N/A	1,690	0	1,690	Lapsed, return to county share
San Mateo-TE	SM-050026	South SF		BART Linear Park Ph. 2 and 3	29-May-08	25-Nov-08	CON	177	177	0	Allocated
San Mateo-TE	SM-070031	San Bruno		ECR Street Median & Grand Blvd Improvements			CON	779	0	779	Will allocate from reserve
San Mateo RTIP Totals								10,045	6,676	3,369	
Santa Clara	SCL030012	SCVTA	409C	GARVEE debt (I-880 Coleman)	01-Jul-07	n/a	CON	7,315	7,315	0	Allocated
Santa Clara	SCL030012	SCVTA	443N	GARVEE debt (SR 87 HOV North)	01-Jul-07	n/a	CON	3,968	3,968	0	Allocated
Santa Clara	SCL030012	SCVTA	443S	GARVEE debt (SR 87 HOV South)	01-Jul-07	n/a	CON	4,565	4,565	0	Allocated
Santa Clara	SCL991077	Caltrans	B157D	I-680 Sunol Grade SB HOV Phase 3	26-Jun-08	23-Dec-08	CON+C-CT	8,308	8,308	0	Allocated
Santa Clara	REG050014	MTC	2144	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	133	133	0	Allocated
Santa Clara	SCL010004	MTC/SCVTA	2255	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	230	230	0	Allocated
Santa Clara-TE	SCL070023	Palo Alto	9035B	Stanford Ave/EI Camino Real Intersection Project	13-Dec-07	n/a	ENV/PSE	124	124	0	Allocated
Santa Clara-TE	SCL070015	Sunnyvale	9035C	Tasman/Fair Oaks Area Enhancements	26-Jun-08	23-Dec-08	CON	1,809	1,809	0	Allocated
Santa Clara-TE	SCL070021	Milpitas	9035D	Midtown Transportation & Streetscape Imps	09-Apr-08	06-Oct-08	CON	1,500	1,500	0	Allocated
Santa Clara RTIP Totals								27,952	27,952	0	
Solano	SOL990004	Solano TA	5301	Jepson Parkway (I-80 reliever)	05-Sep-07	n/a	ENV	1,837	1,837	0	Allocated
Solano	REG050014	MTC	2152	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	35	35	0	Allocated
Solano	SOL010002	MTC/STA	2263	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	853	853	0	Allocated
Solano-PTA	SOL030001	Dixon	6046	Dixon Intermodal Facility	13-Dec-07	n/a	PSE	1,330	1,330	0	Allocated
Solano-TE	SOL030004	Suisun City	5152G	Driftwood Drive Pedestrian Way	26-Jul-07	22-Jan-08	CON	372	372	0	Allocated
Solano-TE	REG070005	MTC	5152A	TE reserve			N/A	333	0	333	Lapsed, return to county share
Solano RTIP Totals								4,760	4,427	333	
Sonoma	SON010024	Caltrans	775	U.S. 101 HOV Lanes from Petaluma to Rohnert Park	01-Jul-07	n/a	ROW	2,950	2,950	0	Caltrans Lump-Sum Allocation
Sonoma	SON010019	Caltrans	749A	US-101 HOV Lanes, Steele - Windsor (North)	29-May-08	25-Nov-08	CON-CT	3,500	3,500	0	Allocated (advanced)
Sonoma	REG050014	MTC	2156	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	43	43	0	Allocated
Sonoma	SON010017	MTC/SCTA	770E	Planning, programming, and monitoring	26-Jul-07	n/a	ENV	1,055	1,055	0	Allocated
Sonoma-TE	SON070002	Regional Parks	5156B	Santa Rosa Creek Trail	26-Jun-08	23-Dec-08	ENV/CON	550	550	0	Allocated
Sonoma-TE	SON070005	Windsor	5156F	Old Redwood Hwy pedestrian enhancements	09-Apr-08	n/a	PSE	68	68	0	Allocated
Sonoma-TE	SON070005	Windsor	5156F	Old Redwood Hwy pedestrian enhancements	9 Mo. Extension App'd		CON	270	0	270	Extension: 9 months (to Mar 09)
Sonoma-TE	SON070008	Regional Parks	5156H	Bodega Bay Trail			PSE/CON	100	0	100	Lapse: will move all funds to fy10
Sonoma-TE	SON070001	Rohnert Park	5156D	City Center Drive	09-Apr-08	06-Oct-08	CON	550	550	0	Allocated
Sonoma RTIP Totals								9,086	8,716	370	
Total RTIP - Region								244,011	235,525	8,486	

Interregional Transportation Improvement Program (ITIP)

County	TIP ID	Agency	PPNO	Project	Allocation Date	Award Deadline	Phase	Programmed Amount	Completed Allocations	Balance	Comments
Santa Clara-PTA	SCL010013	Caltrans	2008	4th track, San Jose-Santa Clara			CON	20,600	0	20,600	Moved to FY 09-10 in 2008 STIP
Alameda	ALA991084	Caltrans	A157D	Sunol Grade SB HOV, phase 3 (IIP) 1st Con	10-Apr-08	07-Oct-08	CON+C-CT	30,824	30,824	0	Allocated
Alameda	ALA991084	Caltrans	A157D	Sunol Grade SB HOV, phase 3 (IIP) 1st Con	01-Jul-07	n/a	ROW	1,500	1,500	0	Caltrans Lump-Sum Allocation
Alameda	ALA991084	Caltrans	A157D	Sunol Grade SB HOV, phase 3 (IIP) 2nd Con	10-Apr-08	07-Oct-08	CON+C-CT	1,700	1,700	0	Allocated
Alameda/CC	CC-010002	Caltrans	57A	Caldecott Tunnel 4th bore (IIP)(TCRP #15)	01-Jul-07	n/a	PSE+R/W	5,200	5,200	0	Caltrans Lump-Sum Allocation
Contra Costa	CC-010003	Caltrans	261F	I-80 WB HOV Rt 4-Carquinez (supplemental)	26-Jul-07	n/a	CON	936	936	0	Allocated
Solano	SOL070014	Caltrans	5306	Rt 680, landscaping for mitigation (vote rev 1-04)	01-Jul-07	n/a	PSE	50	50	0	Caltrans Lump-Sum Allocation
Solano	SOL030006	Caltrans	5201F	Rt 37 Planting (Rt 29/37 interchange)	01-Jul-07	n/a	PSE	758	758	0	Caltrans Lump-Sum Allocation
Solano-PTA	SOL010030	Caltrans/CCJPA	2085	Bahia Benicia Crossover	13-Dec-07	10-Jun-08	CON	4,750	4,750	0	Allocated
Alameda-PTA	ALA010015	ACE	2021	Livermore Valley siding (TCRP #26)			CON	1,000	0	1,000	Lapsed
Alameda-PTA	BRT990002	BART	2103	Oakland Airport connector guideway (ITIP)			CON	10,000	0	10,000	Lapsed (transferred to BART)
Marin-ITIP-TE	MRN050003	Caltrans	1069	Wildlife crossing, Rt 1 (04S-55)			CON+C-CT	625	0	625	Lapsed
Santa Clara-ITIP-TE	SCL050011	Caltrans	1062	Water Quality Enhancements, Rt 152	26-Jun-08	23-Dec-08	R/W+CON	590	590	0	Allocated
Sonoma-ITIP-TE	SON070009	Caltrans	0748I	Kashaya Pomo Cultural Landscape	08-Nov-07	06-May-08	CON	573	573	0	Allocated
Total ITIP								79,106	46,881	32,225	

STIP Allocation Status Report for FY 2008-09 Programmed Projects

Projects with Allocation Deadline of 6/30/09 (All numbers in \$1,000s)

January 15, 2009

Regional Transportation Improvement Program (RTIP) and Transportation Enhancements (TE)

County	TIP ID	Agency	PPNO	Project	Allocation Date	Award Deadline	Phase	Programmed Amount	Completed Allocations	Balance	Comments
Alameda	ALA070060	Caltrans	96G	I-238 Replacement Landscaping	01-Jul-08	n/a	ENV	220	220	0	Caltrans Lump-Sum Allocation
Alameda	ALA070060	Caltrans	96G	I-238 Replacement Landscaping	01-Jul-08	n/a	PSE	339	339	0	Caltrans Lump-Sum Allocation
Alameda	REG050014	MTC	2100	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	113	113	0	Allocated
Alameda	ALA99SA01	MTC/ACCMA	2179	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	1,409	1,409	0	Allocated
Alameda-PTA	ALA050081	Berkeley	2009W	Ashby BART/Ed Roberts Campus Imps. (FY 09-10)	AB 3090 Approved		CON	1,500	0	1,500	AB 3090 approved Aug-08
Alameda-TE	ALA050080	Oakland	2100E	7th St / West Oakland TOD (FY 09-10)			CON	1,300	0	1,300	
Alameda RTIP Totals								4,881	2,081	2,800	
Contra Costa	CC-010002	Caltrans	57A	SR 24 - Caldecott Tunnel 4th Bore			CON	31,000	0	31,000	Deferred Jan-09
Contra Costa	CC-010009	Caltrans	192E	SR 4 Widening from Loveridge to Somersville			CON/C-CT	32,035	0	32,035	
Contra Costa	REG050014	MTC	2118	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	74	74	0	Allocated
Contra Costa	CC-070021	CCTA	2011O	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	1,358	1,358	0	Allocated
Contra Costa-TE	CC-070083	Concord	183G	Monument Blvd Pedestrian Improvements			CON	1,000	0	1,000	Submitted to CT 12/22/08
Contra Costa-TE	CC-070085	Martinez	183I	Marina Vista Streetscape			CON	127	0	127	
Contra Costa-TE	CC-070084	Pittsburg	183H	Bailey Rd Transit Access Improvements			CON	989	0	989	
Contra Costa-TE	CC-010031	CC County	2011K	Delta DeAnza Trail crossing of SR-4	11-Dec-08	09-Jun-09	CON	251	251	0	Allocated
Contra Costa-TE	CC-990046	CC County	2011U	Iron Horse Trail Overcrossing Over Treat Blvd.	11-Dec-08	09-Jun-09	CON	246	246	0	Allocated
Contra Costa-TE	CC-070086	Hercules	2025D	Refugio Bridge Bike/Ped/Vehicle Connectivity			CON	775	0	775	
Contra Costa-TE	CC-070087	CC County	183K	Montalvin Manor Pedestrian Improvements			CON	365	0	365	
Contra Costa RTIP Totals								68,220	1,929	66,291	
Marin	MRN050034	Caltrans	A360F	US-101 Marin-Sonoma Narrows	01-Jul-08	n/a	PSE	7,200	7,200	0	Caltrans Lump-Sum Allocation
Marin	MRN050034	Caltrans	360G	US-101 San Antonio Curve Correction	01-Jul-08	n/a	PSE	1,900	1,900	0	Caltrans Lump-Sum Allocation
Marin	MRN050002	TAM	2127C	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	450	450	0	Allocated
Marin	REG050014	MTC	2127	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	21	21	0	Allocated
Marin RTIP Totals								9,571	9,571	0	
Napa	REG050014	MTC	2130	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	13	13	0	Allocated
Napa	NAP010009	MTC/Napa TPA	1003E	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	24	24	0	Allocated
Napa	NAP010008	Solano TA	0367D	SR-12 Jameson Canyon Widening	25-Sep-08	n/a	PSE	2,659	2,659	0	Allocated
Napa-TE	REG070005	MTC	2130B	TE reserve			N/A	352	0	352	
Napa RTIP Totals								3,048	2,696	352	
San Francisco	SF-010020	San Francisco	2014D	Addison & Digby Traffic Circle	30-Oct-08	28-Apr-09	CON	180	180	0	Allocated
San Francisco	SF-010008	MTC/SFCTA	2007	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	541	541	0	Allocated
San Francisco	REG050014	MTC	2131	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	58	58	0	Allocated
San Francisco-TE	SF-070032	SF DPW	9098A	Leland Ave Streetscape Improvements Project	11-Dec-08	09-Jun-09	CON	1,735	1,735	0	Allocated
San Francisco-TE	SF-070031	SF DPW	9098B	Renewed Valencia Streetscape, 15th-19th	11-Dec-08	09-Jun-09	CON	1,500	1,500	0	Allocated
San Francisco-TE	SF-070033	SF DPT	9098C	Inner Sunset Traffic Calming & Transit Enh			CON	343	0	343	Submitted to CT 12/22/08
San Francisco RTIP Totals								4,357	4,014	343	
San Mateo	SM-030001	Caltrans	658B	U.S. 101 Aux Lanes - SCL Co. Line to Marsh Rd	01-Jul-08	n/a	PSE	8,525	8,525	0	Caltrans Lump-Sum Allocation
San Mateo	SM-030001	Caltrans	658B	U.S. 101 Aux Lanes - SCL Co. Line to Marsh Rd	01-Jul-08	n/a	ROW-CT	496	496	0	Caltrans Lump-Sum Allocation
San Mateo	SM-070037	SM C/CAG	2140F	San Mateo Smart Corridors ITS	30-Oct-08	n/a	PSE	2,000	2,000	0	Allocated
San Mateo	REG050014	MTC	2140	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	60	60	0	Allocated
San Mateo	SM-030015	SM C/CAG	2140A	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	460	460	0	Allocated
San Mateo-TE	REG070005	MTC	2140C	TE reserve			N/A	1,124	0	1,124	
San Mateo RTIP Totals								12,665	11,541	1,124	
Santa Clara	SCL030012	SCVTA	409C	GARVEE debt (I-880 Coleman)	01-Jul-08	n/a	CON	7,315	7,315	0	Allocated
Santa Clara	SCL030012	SCVTA	443N	GARVEE debt (SR 87 HOV North)	01-Jul-08	n/a	CON	3,968	3,968	0	Allocated
Santa Clara	SCL030012	SCVTA	443S	GARVEE debt (SR 87 HOV South)	01-Jul-08	n/a	CON	4,565	4,565	0	Allocated
Santa Clara	REG050014	MTC	2144	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	133	133	0	Allocated
Santa Clara	SCL010004	MTC/SCVTA	2255	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	547	547	0	Allocated
Santa Clara-TE	SCL070022	Campbell	9035A	East Campbell Ave Downtown Enhancements			CON	1,200	0	1,200	
Santa Clara RTIP Totals								17,728	16,528	1,200	
Solano	SOL990004	Solano TA	5301	Jepson Parkway (I-80 reliever)			PSE	2,400	0	2,400	
Solano	REG050014	MTC	2152	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	35	35	0	Allocated
Solano	SOL010002	MTC/STA	2263	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	589	589	0	Allocated
Solano-TE	SOL050057	Vacaville	5152E	Jepson Pkwy Gateway Enhancement			PSE	120	0	120	
Solano-TE		Benicia		State Park Overcrossing, Rt 780			CON	320	0	320	Deferred Jan-09
Solano-TE	REG070005	MTC	5152A	TE reserve			N/A	381	0	381	
Solano RTIP Totals								3,845	624	3,221	

STIP Allocation Status Report for FY 2008-09 Programmed Projects

Projects with Allocation Deadline of 6/30/09 (All numbers in \$1,000s)

County	TIP ID	Agency	PPNO	Project	Allocation Date	Award Deadline	Phase	Programmed Amount	Completed Allocations	Balance	Comments
Sonoma	SON010024	Caltrans	775	US-101 HOV Lanes from Petaluma to Rohnert Park (Central)			CON/C-CT	43,453	0	43,453	
Sonoma	SON070004	Caltrans	360F	US-101 Marin-Sonoma Narrows	01-Jul-08	n/a	ROW	7,020	7,020	0	Caltrans Lump-Sum Allocation
Sonoma	SON070004	Caltrans	360F	US-101 Marin-Sonoma Narrows	01-Jul-08	n/a	ROW-CT	700	700	0	Caltrans Lump-Sum Allocation
Sonoma	SON950005	Caltrans	781E	US-101 HOV Lanes, Rohnert Pk-Sta Rosa (Wilfred)	25-Sep-08	24-Mar-09	CON/C-CT	11,500	11,500	0	Allocated
Sonoma	SON990001	Caltrans	789A	US-101 HOV Lanes, SR-12 - Steele (supp)	28-Aug-08	n/a	CON	2,869	2,869	0	Allocated
Sonoma	REG050014	MTC	2156	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	43	43	0	Allocated
Sonoma	SON010017	MTC/SCTA	770E	Planning, programming, and monitoring	24-Jul-08	n/a	ENV	607	607	0	Allocated
Sonoma-TE	SON070006	Santa Rosa	5156C	Santa Rosa Courthouse Square	11-Dec-08	09-Jun-09	CON	1,000	1,000	0	Allocated
Sonoma RTIP Totals								67,192	23,739	43,453	
Total RTIP - Region								191,507	72,723	118,784	

Interregional Transportation Improvement Program (ITIP)

County	TIP ID	Agency	PPNO	Project	Allocation Date	Award Deadline	Phase	Programmed Amount	Completed Allocations	Balance	Comments
Alameda/CC-IIP	CC-010002	Caltrans	57A	Caldecott Tunnel 4th bore (IIP)			CON-CT	4,800	0	4,800	Deferred Jan-09
Marin-IIP	MRN050034	Caltrans	360G	US-101 San Antonio Rd Curve Correction	01-Jul-08	n/a	PSE	400	400	0	Caltrans Lump-Sum Allocation
Napa-IIP	NAP010008	Solano TA	0367D	SR-12 Jameson Canyon Widening	25-Sep-08	n/a	PSE	1,806	1,806	0	Allocated
Santa Clara-IIP		VTA	484G	New Alignment, SR-152, US-101-SR-156	11-Dec-08	n/a	ENV	5,000	5,000	0	Allocated
Solano-IIP	SOL030006	Caltrans	5201F	Rt 37 Planting (Rt 29/37 interchange)			CON/C-CT	3,769	0	3,769	
Solano-IIP	SOL050003	Caltrans	8273B	I-80 Recon Connectors, I-680 Landscaping	01-Jul-08	n/a	PSE	700	700	0	Caltrans Lump-Sum Allocation
Sonoma-IIP	SON990001	Caltrans	789A	US-101 HOV Lanes, SR-12 - Steele (supp)	28-Aug-08	n/a	CON	956	956	0	Allocated
Total ITIP								17,431	8,862	8,569	

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METROPOLITAN
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COMMISSION

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Memorandum

TO: Programming and Delivery Working Group

DATE: February 2, 2009

FR: Kenneth Folan

RE: State Local Partnership Program

Summary

In December 2008, the California Transportation Commission adopted the attached guidelines for implementation of the Proposition 1B State Local Partnership Program. Although, the Pooled Money Investment Board (PMIB) has acted to suspend all Proposition 1B disbursements for all bond-funded projects, the SLPP administrative process is moving forward so allocations can resume once the suspension is lifted. MTC staff will provide additional information on the SLPP process at the February 2nd PDWG meeting. Applications are due to the CTC by February 17th, 2009.

Submittal Instructions from CTC Guidelines

Section 4 of the CTC Guidelines states:

*Each applicant should submit its nomination by **February 17, 2009 for 2008-09** and by August 15 for each fiscal year thereafter. The Commission's program of projects will not include a project nomination that exceeds the applicant's formula funding share. A nomination will include the signature of the Chief Executive Officer or other officer authorized by the applicant's governing board. Where the project is to be implemented by an agency other than the applicant, the nomination will also include the signature of the Chief Executive Officer or other authorized officer of the implementing agency. The Commission requests that applicants for funding from a formula share submit three hard copies of each nomination. The nominations should be addressed or delivered to:*

*Executive Director
California Transportation Commission
Mail Station 52, Room 2231
1120 N Street
Sacramento, CA 95814*

A project nomination may be for supplemental funding of a project that was allocated SLPP funding in a prior year, provided that the supplemental SLPP funding and the match for that supplemental funding will not be expended until after the allocation of the supplemental funding. The supplemental SLPP funding may be to replace local funding already committed to the project, subject to the required one-to-one match. For each nominated project, the applicant should submit project information using the Project Programming Request form in use for STIP projects. The nomination should identify the implementing agency, which may be different from the applicant agency. As specified in statute, the nomination shall include:

Page 2 of 2

- *A description of the nominated project, including its cost and scope and the specific improvements and benefits it is anticipated to serve. The description should identify the project's useful life.*
- *A description of the project's current status, including the current phase of delivery, and the schedule for the completion of construction or acquisition.*
- *A description of how the project would support transportation and land use planning goals within the region.*
- *The amount and source of matching funds.*
- *The amount of SLPP funds requested.*

An eligible applicant may adopt and submit a multiyear program for SLPP funding, either in addition to or in lieu of project nominations for the program year. As described in section 2, the Commission's acknowledgement of an applicant's multiyear program will not constitute a Commission programming commitment of future year SLPP funding.

Feel free to contact Kenneth Folan at 510.817.5804 or kfolan@mtc.ca.gov with any questions or comments.

Attachment

CALIFORNIA TRANSPORTATION COMMISSION
Adoption of State-Local Partnership Program (SLPP) Guidelines
December 11, 2008

RESOLUTION SLP1B-G-0809-01

- 1.1 WHEREAS the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B on November 7, 2006, authorized \$1 billion to be deposited in the State-Local Partnership Program (SLPP) Account, and
- 1.2 WHEREAS the Bond Act provides that funds in the SLPP Account shall be available to the California Transportation Commission, upon appropriation by the Legislature, for allocation over a five-year period to eligible transportation projects nominated by an applicant transportation agency, and
- 1.3 WHEREAS implementation legislation for the Bond Act enacted in 2007 (SB 88 and AB 193) designated the Commission as the administrative agency for the State-Local Partnership Program Account and mandated that program guidelines provide for audits of expenditures and outcomes, require that project nominations identify a project's useful life and delivery milestones, and require recipient agencies to report on progress made toward project implementation, and
- 1.4 WHEREAS implementing legislation specific to the SLPP was enacted as AB 268 (2008), which mandates that the Commission develop and adopt guidelines for the program, adopt the initial program of projects and make initial allocations to projects at the Commission's meeting in April 2009, and
- 1.5 WHEREAS a draft of proposed SLPP guidelines prepared by Commission staff was made available to the Department and regional agencies on October 1, 2008 and the Commission held its first hearing on the guidelines at its October 29, 2008 meeting in Riverside, and
- 1.6 WHEREAS Commission staff has prepared a revised draft dated November 25, 2008 that responds to questions and comments received at the first hearing and in other communications, including a teleconference with the regional transportation planning agencies on November 13, 2008, and
- 1.7 WHEREAS the Commission held its second hearing on the guidelines at its December 10, 2008 in Oakland, and
- 1.8 WHEREAS several regional agencies have asked that prior expenditures qualify for match or reimbursement for allocations made over multiple years, and
- 1.9 WHEREAS Government Code Section 8879.71 requires the Commission to distribute the funds from each annual appropriation to the SLPP Account between the Voter-Approved Taxes and Fees Subaccount (95%) and the Uniform Developer Fees Subaccount (5%), and
- 1.10 WHEREAS Government Code Section 8879.72 requires the Commission to establish funding shares for each eligible applicant for funding from the Voter-Approved Taxes and Fees Subaccount prior to the commencement of each annual funding cycle, and

- 1.11 WHEREAS Commission staff, in accordance with Sections 8879.71 and 8879.72, has prepared a calculation of 2008-09 SLPP funding shares and distributed it for review with the draft guidelines,
- 2.1 NOW THEREFORE BE IT RESOLVED that the Commission adopts the SLPP guidelines, as presented by staff on December 11, 2008, and
- 2.2 BE IT FURTHER RESOLVED that the purpose of these guidelines is to identify the Commission's policy and expectations for the SLPP and thus to provide guidance to eligible applicants and implementing agencies in carrying out their responsibilities under the program, and
- 2.3 BE IT FURTHER RESOLVED that the Commission intends to approve letters of no prejudice as part of its annual program of projects if it has received legislative authority to do so, and that the Commission intends that approval of a letter of no prejudice would authorize an eligible applicant for formula funding shares to expend its own funds in advance of a supplemental allocation and to have those funds qualify for reimbursement and the required local match, and
- 2.4 BE IT FURTHER RESOLVED that these guidelines do not preclude any project nomination or any project selection that is consistent with the Bond Act and the implementing legislation in Chapter 12.491 (commencing with Section 8879.50) of Division 1 of Title 2 of the Government Code, and
- 2.5 BE IT FURTHER RESOLVED that the Commission approves the distribution of funds and the establishment of SLPP formula funding shares for 2008-09 as presented by staff on December 11, 2008, and
- 2.6 BE IT FURTHER RESOLVED that the Commission directs staff to post these guidelines and the 2008-09 funding distribution and formula funding shares on the Commission's website and requests that the Department assist Commission staff in making copies available to eligible applicants and implementing agencies.

CALIFORNIA TRANSPORTATION COMMISSION
State-Local Partnership Program Guidelines
Adopted December 11, 2008

General Program Policy

1. Authority and purpose of guidelines. The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B on November 7, 2006, authorized \$1 billion to be deposited in the State-Local Partnership Program (SLPP) Account to be available, upon appropriation by the Legislature, for allocation by the California Transportation Commission over a five-year period to eligible transportation projects nominated by an applicant transportation agency. The Bond Act required a dollar for dollar match of local funds for an applicant agency to receive state funds under the program.

In 2008, the Legislature enacted implementing legislation (AB 268) to add Article 11 (commencing with Section 8879.66) to Chapter 12.491 of Division 1 of Title 2 of the Government Code. Article 11 defines the purpose and intent of the program, defines the eligibility of applicants, projects, and matching funds, and provides that 95% of program funds will be distributed by formula to match voter-approved transportation taxes and fees and that the remaining 5% will be available for a competitive grant application program to match uniform developer fees. Section 8879.74 requires the Commission to adopt an annual program of projects for the program and to develop and adopt guidelines to implement the program, consistent with Article 11. Initial project allocations are to be made by April 2009.

Earlier legislation to implement the Bond Act (SB 88, 2007) designated the Commission as the administrative agency for the SLPP and mandated that various administrative and reporting requirements be incorporated in the guidelines for all programs established by Proposition 1B.

2. Program of Projects. The Commission will adopt an annual program of projects for the SLPP, by April 2009 for 2008-09 and by October for each fiscal year thereafter. The program will consist of projects nominated by eligible applicants for the formula program and projects selected by the Commission under the competitive grant program to match uniform developer fees. SLPP project funding will match eligible local funding for project construction or equipment acquisition, consistent with Section 8879.70. The Commission will not program or allocate SLPP funding to match local funding for preconstruction work.

The program of projects for each fiscal year will include, for each project, the amount to be funded from the SLPP, the source of the dollar-for-dollar match of SLPP funding, and the estimated total cost of project construction or equipment acquisition, including any additional supplementary funding. The source of the dollar-for-dollar match will include only revenues from the transportation tax or fee that qualifies the applicant for SLPP funding and only funds to be expended after the Commission allocation of SLPP funds.

The Commission will program and allocate funding to projects in whole thousands of dollars and will include a project only if it is fully funded from a combination of SLPP and other committed funding. The Commission will regard funds as committed when they are programmed by the Commission or when the agency with discretionary authority over the funds has made its commitment to the project by ordinance or resolution. For federal formula funds, including RSTP, CMAQ, and federal formula transit funds, the commitment may be by federal TIP adoption. For federal discretionary funds, the commitment may be by federal approval of a full funding grant agreement or by grant approval.

The Commission's annual SLPP program of projects will also include multiyear programs of projects for SLPP funding that eligible applicants may elect to adopt and submit to the Commission. The Commission will include these multiyear programs for informational purposes, acknowledging the future plans and intent of the eligible applicants. The inclusion of an applicant multiyear program, however, will not constitute a programming commitment by the Commission for future year funding.

Formula Program for Voter-Approved Taxes and Fees

3. Annual Funding Shares. The Commission will adopt the annual funding share for each eligible applicant for the Voter-Approved Taxes and Fees Subaccount with the adoption of these guidelines for 2008-09 and prior to the beginning of each subsequent fiscal year. These shares will be determined in accordance with Government Code Section 8879.72 and rounded to the nearest whole thousand dollars. In establishing funding shares, the Commission will use the following:
 - For toll revenues, the sum of revenues from Regional Measures 1 and 2 for the second prior fiscal year (e.g., 2006-07 data for 2008-09 funding shares), as reported in audited financial statements from the Bay Area Toll Authority.
 - For parcel and property tax revenues, the revenues for the second prior fiscal year (e.g., 2006-07 data for 2008-09 funding shares), as reported to the State Controller pursuant to Government Code Section 53891.
 - For local sales tax revenues, the sum of gross revenues for the most recent four quarters as reported for each local tax by the Board of Equalization.
 - For population, the annual population estimate for cities and counties issued by the Department of Finance in May prior to the beginning of each fiscal year.

The Commission will determine a funding share for each eligible applicant with a voter-approved tax or toll that was approved prior to the adoption of the funding shares and will be collected during the fiscal year. Where a city has a voter-approved local sales tax and is located within a county without a countywide sales tax, the Commission will adopt a funding share for the city based on the city's population. Where there are multiple eligible applicants with a voter-approved local sales tax within a county with a countywide sales tax, the Commission will adopt a single countywide funding share based on the population for the county.

The Commission will set aside up to 2 percent of the total amount appropriated each year for the program as a reserve for bond administrative expenses. In the absence of an enacted state budget, the Commission may establish the funding shares based on its best estimate of the amount that the Legislature will appropriate to the SLPP Account, subject to adjustment based on the final appropriation in the Budget Act.

4. Project nominations. The Commission will include in the annual program of projects each project nominated by an eligible applicant for a formula funding share provided that the Commission finds that the nomination meets the requirements of statute and that the project has a commitment of the required match and any supplementary funding needed for full funding. Each applicant should submit its nomination by February 17, 2009 for 2008-09 and by August 15 for each fiscal year thereafter. The Commission's program of projects will not include a project nomination that exceeds the applicant's formula funding share. A nomination will include the signature of the Chief Executive Officer or other officer authorized by the applicant's governing board. Where the project is to be implemented by an agency other than the applicant, the nomination will also include the signature of the Chief Executive Officer or other authorized officer of the implementing agency. The Commission requests that applicants for funding from a formula share submit three hard copies of each nomination. The nominations should be addressed or delivered to:

John Barna, Executive Director
California Transportation Commission
Mail Station 52, Room 2231
1120 N Street
Sacramento, CA 95814

A project nomination may be for supplemental funding of a project that was allocated SLPP funding in a prior year, provided that the supplemental SLPP funding and the match for that supplemental funding will not be expended until after the allocation of the supplemental funding. The supplemental SLPP funding may be to replace local funding already committed to the project, subject to the required one-to-one match.

For each nominated project, the applicant should submit project information using the Project Programming Request form in use for STIP projects. The nomination should identify the implementing agency, which may be different from the applicant agency. As specified in statute, the nomination shall include:

- A description of the nominated project, including its cost and scope and the specific improvements and benefits it is anticipated to serve. The description should identify the project's useful life.
- A description of the project's current status, including the current phase of delivery, and the schedule for the completion of construction or acquisition.
- A description of how the project would support transportation and land use planning goals within the region.

- The amount and source of matching funds.
- The amount of SLPP funds requested.

An eligible applicant may adopt and submit a multiyear program for SLPP funding, either in addition to or in lieu of project nominations for the program year. As described in section 2, the Commission's acknowledgement of an applicant's multiyear program will not constitute a Commission programming commitment of future year SLPP funding.

5. Balance of funding share. If the program of projects adopted by the Commission does not program the full amount of an applicant's formula funding share, the balance will remain available for later program amendments supported by eligible project nominations. A balance not programmed in one fiscal year will carry over and be available in the following fiscal year.

Competitive Grant Program to Match Uniform Developer Fees

6. Project selection. The Commission will select projects from among eligible project nominations for the competitive grant program from the Uniform Developer Fees Subaccount pursuant to Government Code Section 8879.73. No single competitive grant for the SLPP may exceed \$1 million. The Commission will consider approval of a competitive grant only when it finds that the grant request meets the requirements of statute and that the project has a commitment of the required match and any supplementary funding needed for full funding. The selected projects will be included in the Commission's annual program of projects for the SLPP. The Commission will consider only projects for which five hard copies of a complete nomination are received in the Commission office by February 17, 2009 for 2008-09 and by August 15 for each fiscal year thereafter. A nomination will include the signature of the Chief Executive Officer or other officer authorized by the applicant's governing board. Where the project is to be implemented by an agency other than the applicant, the nomination will also include the signature of the Chief Executive Officer or other authorized officer of the implementing agency. The nominations should be addressed or delivered to:

John Barna, Executive Director
California Transportation Commission
Mail Station 52, Room 2231
1120 N Street
Sacramento, CA 95814

7. Project applications. For each project nominated for the competitive grant program, the applicant should submit project information using the Project Programming Request form in use for STIP projects. The nomination should identify the implementing agency, which may be different from the applicant agency. As specified in statute, the nomination shall include:

- A description of the nominated project, including its cost and scope and the specific improvements and benefits it is anticipated to serve. The description should identify the project's useful life.
- A description of the project's current status, including the current phase of delivery, and the schedule for the completion of construction or acquisition.
- A description of how the project would support transportation and land use planning goals within the region.
- The amount and source of matching funds.
- The amount of SLPP funds requested.

In addition, the grant request should include a copy of the ordinance or resolution adopted by a city, county or city and county that establishes the uniform developer fee to be matched by the grant.

An agency may apply for supplemental funding of up to \$1 million for a project that was allocated SLPP funding in a prior year or years, provided that the supplemental SLPP funding and the match for that supplemental funding will not be expended until after the allocation of the supplemental funding. The supplemental SLPP funding may be to replace local funding already committed to the project, subject to the required one-to-one match. Prior year funding of a project under the SLPP discretionary grant program is not a selection criterion for funding in a subsequent year. The Commission will evaluate applications competitively in each funding cycle.

8. Project selection criteria. In approving grants for inclusion in the program of projects, the Commission will give consideration to geographic balance and to demonstrated project cost-effectiveness. The Commission will give higher priority to projects that are more cost-effective, that can commence construction or implementation earlier, that leverage more uniform developer fees per program dollar, and that can demonstrate quantifiable air quality improvements, including a significant reduction in vehicle-miles traveled.
9. Balance of grant program funds. If the program of projects adopted by the Commission does not program the full amount of the share for the competitive grant program, the balance will remain available for later program amendments supported by eligible project grant requests. A balance not programmed in one fiscal year will carry over and be available for the competitive grant program in the following fiscal year.

Project Allocations and Delivery

10. Amendments to program of projects. The Commission may approve an amendment of the SLPP program of projects at any time. An amendment need only appear on the agenda published 10 days in advance of the Commission meeting. It does not require the 30-day notice that applies to a STIP amendment.

11. Allocations from the SLPP Account. The Commission will consider the allocation of funds from the SLPP Account for a project when it receives an allocation request and recommendation from the Department of Transportation, in the same manner as for the STIP (see section 64 of the STIP guidelines). The recommendation will include a determination of the availability of appropriated funding from the SLPP Account and the availability of all identified and committed matching and supplementary funding. The Commission will approve the allocation if the funds are available, the allocation is necessary to implement the project as included in the adopted SLPP program, and the project has the required environmental clearance.
12. Timely Use of Funds. Under statute, projects receiving an SLPP allocation shall encumber the funds no later than two years after the end of the fiscal year in which the Commission makes the allocation. Commission policy, however, is that SLPP allocations are valid for encumbrance for six months from the date of approval unless the Commission approves an extension. Applicants may submit and the Commission will evaluate extension requests in the same manner as for STIP projects (see section 66 of the STIP guidelines).
13. Semiannual delivery reports: As a condition of the project allocation, the Commission will require the implementing agency to submit semiannual reports on the activities and progress made toward implementation of the project.

As mandated by Government Code Section 8879.50, the Commission shall forward these reports to the Department of Finance. The purpose of the reports is to ensure that the project is being executed in a timely fashion and is within the scope and budget identified when the decision was made to fund the project. If it is anticipated that project costs will exceed the approved project budget, the implementing agency shall provide a plan to the Commission for achieving the benefits of the project by either downscoping the project to remain within budget or by identifying an alternative funding source to meet the cost increase. The Commission may either approve the corrective plan or direct the implementing agency to modify its plan.

14. Final delivery report. Within six months of the project becoming operable, the implementing agency shall provide a final delivery report to the Commission on the scope of the completed project, its final costs as compared to the approved project budget, its duration as compared to the project schedule in the project baseline agreement, and performance outcomes derived from the project as compared to those described in the project baseline agreement. The Commission shall forward this report to the Department of Finance as required by Government Code Section 8879.50.

For the purpose of this section, a project becomes operable when the construction contract is accepted or acquired equipment is received.

15. Audit of project expenditures and outcomes. The Department of Transportation will ensure that project expenditures and outcomes are audited. For each SLPP project, the Commission expects the Department to provide a semi-final audit report within 6 months

after the final delivery report and a final audit report within 12 months after the final delivery report. The Commission may also require interim audits at any time during the performance of the project.

Audits will be performed in accordance with Generally Accepted Government Auditing Standards promulgated by the United States Government Accountability Office. Audits will provide a finding on the following:

- Whether project costs incurred and reimbursed are in compliance with the executed project baseline agreement or approved amendments thereof; state and federal laws and regulations; contract provisions; and Commission guidelines.
- Whether project deliverables (outputs) and outcomes are consistent with the project scope, schedule and benefits described in the executed project baseline agreement or approved amendments thereof.

STATE-LOCAL PARTNERSHIP PROGRAM TAX/TOLL REVENUES USED TO DETERMINE FUNDING SHARES FOR 2008-09

Voter-Approved Tolls, Parcel/Property Taxes	Annual Revenue	Source
Bay Area Transportation Authority (BATA)	252,594,949	FY 2006-07, BATA Annual Report
Alameda-Contra Costa Transit District	77,524,530	FY 2006-07, Report to State Controller's Office
Bay Area Rapid Transit District	50,188,155	FY 2006-07, Report to State Controller's Office
Total toll/parcel/property tax	380,307,634	

N/S	BOE Code	Voter-Approved Transportation Sales Taxes	Yr end 2nd Q 08	Quarterly Gross Receipts (reported by Bd of Equalization)			
				2nd Q, 2008	1st Q, 2008	4th Q, 2007	3rd Q, 2007
N	002	San Mateo County Transit District	69,347,120.51	17,908,857.86	15,739,977.76	18,414,546.60	17,283,738.29
N	003	Santa Clara County Transit District	164,712,594.15	41,384,693.65	38,836,073.70	43,403,343.55	41,088,483.25
N	004	Santa Cruz Metropolitan Transit District	16,976,900.68	4,297,705.06	3,852,902.67	4,376,776.36	4,449,516.59
S	005	Los Angeles County Transportation Commission	693,475,595.99	175,157,001.49	164,891,342.97	180,432,115.20	172,995,136.33
N	006	Santa Clara County Traffic Authority	20,537.27	493.76	1,169.85	249.36	18,624.30
N	010	Alameda County Transportation Authority	590,532.47	2,971.52	1,192.30	48,237.37	538,131.28
N	012	Fresno County Transportation Authority	59,321,804.17	15,295,021.74	13,678,523.14	15,170,173.28	15,178,086.01
S	013	San Diego County Regional Transportation Commission	244,774,704.26	61,285,587.42	57,429,819.63	63,305,985.66	62,753,311.55
N	018	San Mateo County Transit Authority	69,350,003.54	17,909,825.27	15,740,477.27	18,415,703.72	17,283,997.28
N	023	Sacramento Transportation Authority	101,604,763.78	25,949,786.44	23,255,875.19	26,060,097.55	26,339,004.60
N	024	Contra Costa Transportation Authority	74,196,200.14	18,348,390.01	17,168,037.72	19,796,679.07	18,883,093.34
S	026	Riverside County Transportation Commission	143,958,648.08	35,493,852.28	34,595,479.86	37,658,721.88	36,210,594.06
N	027	San Francisco County Transportation Authority	80,346,317.27	20,059,657.20	18,998,404.24	21,446,588.49	19,841,667.34
S	029	Imperial County Local Transportation Authority	12,545,802.60	3,182,519.28	2,858,234.71	3,448,225.91	3,056,822.70
S	030	Santa Barbara County Local Transportation Authority	32,603,609.13	8,272,920.31	7,481,811.95	8,393,103.07	8,455,773.80
S	031	San Bernardino County Transportation Authority	139,914,132.98	34,847,717.82	32,727,462.12	35,627,920.67	36,711,032.37
N	034	Madera County Transportation Authority	28,439.14	7,199.80	12,477.53	8,304.64	457.17
S	035	Los Angeles County Transportation Commission	693,586,139.54	175,159,366.55	164,981,938.78	180,466,449.15	172,978,385.06
S	037	Orange County Transportation Authority	265,253,490.68	65,412,729.49	61,343,576.21	69,673,299.90	68,823,885.08
N	038	San Joaquin Transportation Authority	45,731,715.20	11,838,750.27	10,496,880.47	11,573,876.16	11,822,208.30
N	068	Town of Truckee Road Maintenance Tax	1,927,723.47	452,324.33	394,054.97	483,184.08	598,160.09
N	079	Alameda County Transportation Improvement Authority	116,589,912.89	29,335,583.77	27,070,662.90	30,356,471.52	29,827,194.70
N	084	City of Willits Road System Tax	801,857.94	210,344.44	184,185.17	201,753.77	205,574.56
N	085	City of Point Arena	44,631.04	12,589.85	9,071.09	10,575.85	12,394.25
N	094	City of Fort Bragg Maintain City Streets	843,081.30	215,786.47	189,290.44	204,570.72	233,433.67
N	102	Transportation Authority Marin County	22,356,530.85	5,553,796.09	5,155,986.82	5,958,080.68	5,688,667.26
N	115	Sonoma County Transportation Authority	19,039,151.73	4,800,018.84	4,257,637.62	5,040,804.65	4,940,690.62
N	123	Santa Clara County Valley Transportation Authority	162,024,603.89	41,030,036.31	37,990,301.75	42,498,458.02	40,505,807.81
N	144	Madera County Transportation Authority, 2006	7,819,931.70	2,078,213.97	1,755,362.27	1,997,507.40	1,988,848.06
N	146	Nevada City Street Improvements Tax	639,129.84	158,439.50	121,428.33	192,087.96	167,174.05
S	162	Tulare County Transportation Authority	25,603,004.03	6,835,852.47	5,981,871.54	6,533,152.49	6,252,127.53
N	174	City of El Cerrito Streets Improvements Tax (eff 7-1-08)	0.00	0.00	0.00	0.00	0.00
Total, Voter-Approved Sales Tax			3,266,028,610.26	822,498,033.26	767,201,510.97	851,197,044.73	825,132,021.30
Voter-Approved Sales Tax, North			1,014,313,482.97	256,850,486.15	234,909,973.20	265,658,070.80	256,894,952.82
Voter-Approved Sales Tax, South			2,251,715,127.29	565,647,547.11	532,291,537.77	585,538,973.93	568,237,068.48

	Distribution Factor	Percentage
Total, voter-approved tolls + taxes	3,646,336,244.26	100.00000%
Tolls + parcel/property tax	380,307,634.00	10.42986%
North sales tax	1,014,313,482.97	27.81733%
South sales tax	2,251,715,127.29	61.75281%

STATE-LOCAL PARTNERSHIP PROGRAM FUNDING SHARES, 2008-09

(Funding Shares in \$1,000's)

Funding Distribution of Appropriation		
Program Categories		Amount
Total Annual Program Appropriation		200,000
Take-off for Bond administration (2%)		4,000
Subtotal		196,000
Discretionary grant program (5%)		9,800
Formula share program (95%)	100.00000%	186,200
Tolls + parcel/property tax	10.42986%	19,420
North sales tax	27.81733%	51,796
South sales tax	61.75281%	114,984

Funding Shares Based on Voter-Approved Tolls & Parcel/Property Taxes		
Applicant Agency	Revenue Factor	Funding Share
Bay Area Transportation Authority	252,594,949	12,898
Alameda-Contra Costa Transit District	77,524,530	3,959
Bay Area Rapid Transit District	50,188,155	2,563
Total	380,307,634	19,420

Funding Shares Based on Voter-Approved Sales Taxes - North		
County/City	Population Factor	Funding Share
Alameda	1,543,000	7,814
Contra Costa	1,051,674	5,326
Fresno	931,098	4,715
Madera	150,887	764
Marin	257,406	1,304
Mendocino - Fort Bragg	6,890	35
Mendocino - Point Arena	493	2
Mendocino - Willits	5,032	25
Nevada - Nevada City	3,074	16
Nevada - Truckee	16,165	82
Sacramento	1,424,415	7,214
San Francisco	824,525	4,176
San Joaquin	685,660	3,472
San Mateo	739,469	3,745
Santa Clara	1,837,075	9,303
Santa Cruz	266,519	1,350
Sonoma	484,470	2,453
Total	10,227,852	51,796

Funding Shares Based on Voter-Approved Sales Taxes - South		
County	Population Factor	Funding Share
Imperial	176,158	929
Los Angeles	10,363,850	54,625
Orange	3,121,251	16,451
Riverside	2,088,322	11,007
San Bernardino	2,055,766	10,836
San Diego	3,146,274	16,583
Santa Barbara	428,655	2,259
Tulare	435,254	2,294
Total	21,815,530	114,984

**STATE-LOCAL PARTNERSHIP PROGRAM ACCOUNT STATUTES
GOVERNMENT CODE, TITLE 2, DIVISION 1**

CHAPTER 12.49

THE HIGHWAY SAFETY, TRAFFIC REDUCTION, AIR QUALITY,
AND PORT SECURITY BOND ACT OF 2006

Article 2. Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of
2006 and Program

Allocation of Bond Proceeds to Programs

Added: Proposition 1B (2006)

8879.23. The Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 is hereby created in the State Treasury. The Legislature intends that the proceeds of bonds deposited in the fund shall be used to fund the mobility, safety, and air quality improvements described in this article over the course of the next decade. The proceeds of bonds issued and sold pursuant to this chapter for the purposes specified in this chapter shall be allocated in the following manner:

...

(g) One billion dollars (\$1,000,000,000) shall be deposited in the State-Local Partnership Program Account, which is hereby created in the fund. The funds shall be available, upon appropriation by the Legislature and subject to such conditions and criteria as the Legislature may provide by statute, for allocation by the California Transportation Commission over a five-year period to eligible transportation projects nominated by an applicant transportation agency. A dollar for dollar match of local funds shall be required for an applicant transportation agency to receive state funds under this program.

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CHAPTER 12.491

IMPLEMENTATION OF THE HIGHWAY SAFETY, TRAFFIC REDUCTION,
AIR QUALITY, AND PORT SECURITY BOND ACT OF 2006

Article 1. General Provisions

Definitions

Amended: Chapter 179, Statutes of 2008 (SB 1498)

8879.50 (a) As used in this chapter and in Chapter 12.49 (commencing with Section 8879.20), the following terms have the following meanings:

- (1) "Commission" means the California Transportation Commission.
- (2) "Department" means the Department of Transportation.
- (3) "Administrative agency" means the state agency responsible for programming bond funds made available by Chapter 12.49 (commencing with Section 8879.20), as specified in subdivision (c).
- (4) Unless otherwise specified in this chapter, "project" includes equipment purchase, construction, right-of-way acquisition, and project delivery costs.
- (5) "Recipient agency" means the recipient of bond funds made available by Chapter 12.49 (commencing with Section 8879.20) that is responsible for implementation of an approved project.

(6) “Fund” shall have the same meaning as in subdivision (c) of Section 8879.20.

(b) Administrative costs, including audit and program oversight costs for agencies, commissions, or departments administering programs funded pursuant to this chapter, recoverable by bond funds shall not exceed 3 percent of the program’s cost.

(c) The administrative agency for each bond account is as follows:

(1) The commission is the administrative agency for the Corridor Mobility Improvement Account; the Trade Corridors Improvement Fund; the State Route 99 Account; the State-Local Partnership Program Account; the Local Bridge Seismic Retrofit Account; the Highway-Railroad Crossing Safety Account; and the Highway Safety, Rehabilitation and Preservation Account.

(2) The Office of Homeland Security and the Office of Emergency Services are the administrative agencies for the Port and Maritime Security Account and the Transit System Safety, Security, and Disaster Response Account.

(3) The department is the administrative agency for the Public Transportation Modernization, Improvement, and Service Enhancement Account.

(d) The administrative agency shall not approve project fund allocations for a project until the recipient agency provides a project funding plan that demonstrates that the funds are expected to be reasonably available and sufficient to complete the project. The administrative agency may approve funding for usable project segments only if the benefits associated with each individual segment are sufficient to meet the objectives of the program from which the individual segment is funded.

(e) Guidelines adopted by the administrative agency pursuant to this chapter and Chapter 12.49 (commencing with Section 879.20) are intended to provide internal guidance for the agency and shall be exempt from the Administrative Procedures Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3), and shall do all of the following:

(1) Provide for the audit of project expenditures and outcomes.

(2) Require that the useful life of the project be identified as part of the project nomination process.

(3) Require that project nominations have project delivery milestones, including, but not limited to, start and completion dates for environmental clearance, land acquisition, design, construction bid award, construction completion, and project closeout, as applicable.

(f)(1) As a condition for allocation of funds to a specific project under Chapter 12.49 (commencing with Section 8879.20), the administrative agency shall require the recipient agency to report, on a semiannual basis, on the activities and progress made toward implementation of the project. The administrative agency shall forward the report to the Department of Finance by means approved by the Department of Finance. The purpose of the report is to ensure that the project is being executed in a timely fashion, and is within the scope and budget identified when the decision was made to fund the project. If it is anticipated that project costs will exceed the approved project budget, the recipient agency shall provide a plan to the administrative agency for achieving the benefits of the project by either downscoping the project to remain within budget or by identifying an alternative funding source to meet the cost increase. The administrative agency may either approve the corrective plan or direct the recipient agency to modify its plan.

(2) Within six months of the project becoming operable, the recipient agency shall provide a report to the administrative agency on the final costs of the project as compared to the approved project budget, the project duration as compared to the original project schedule as of the date of allocation, and performance outcomes derived from the project compared to those described in the original application for funding. The administrative agency shall forward the report to the Department of Finance by means approved by the Department of Finance.

* * * * *

Article 11. State-Local Partnership Program

Legislative Intent

Added: Chapter 756, Statutes of 2008 (AB 268)

8879.66. (a) It is the intent of the Legislature, pursuant to subdivision (g) of Section 8879.23, to establish criteria and conditions for use of the fund in the State-Local Partnership Program Account in the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006. These criteria and conditions shall include, but need not be limited to, eligibility of applicants, eligibility of projects, timely use of funds, and relationship of funds in the account to other funds for transportation purposes.

(b) The purpose of the State-Local Partnership Program is to do both of the following:

(1) Reward "self-help" counties, cities, districts, and regional transportation agencies in which voters have approved fees or taxes solely dedicated to transportation improvements.

(2) Provide funds for a wide variety of capital projects that are typically funded in local or regional voter-approved expenditure plans and that provide mobility, accessibility, system connectivity, safety, or air quality benefits.

(c) It is further the intent of the Legislature that all funds available in the account, pursuant to subdivision (g) of Section 8879.23, shall be made available for allocation by the commission over a period of five years.

Definitions

Added: Chapter 756, Statutes of 2008 (AB 268)

8879.67. For purposes of this article, the following definitions shall apply:

(a) "Program" means the State-Local Partnership Program established in this article and funded pursuant to subdivision (g) of Section 8879.23.

(b) "Uniform developer fees" means developer fees imposed pursuant to existing statutory authority, including, but not limited to, Chapter 5 (commencing with Section 66000) of Division 1 of Title 7 and Article 5 (commencing with Section 66483) of Chapter 4 of Division 2 of Title 7. The developer fees must be imposed by a local ordinance or resolution adopted by a city, county, or city and county and must be dedicated to transportation purposes to address cumulative transportation impacts. The developer fees must be uniformly applied to new development within a defined area or jurisdiction, except in cases in which fees are waived, such as for affordable housing development. Developer fees imposed to mitigate onsite impacts related to a specific development project do not qualify as uniform developer fees under this subdivision.

Eligible Applicant

Added: Chapter 756, Statutes of 2008 (AB 268)

8879.68. An eligible applicant under the program shall be a local or regional transportation agency that has responsibility for funding, procuring, or constructing transportation improvements within its jurisdiction, and that does either of the following:

- (a) Has sought and received voter approval for the imposition of taxes or fees solely dedicated to transportation improvements and administers those taxes or fees.
- (b) Has imposed uniform developer fees.

Eligible Matching Funds

Added: Chapter 756, Statutes of 2008 (AB 268)

8879.69. Eligible local matching funds required to obtain funding under the program shall be obtained from revenues from any voter-approved local or regional tax or fee solely dedicated to transportation improvements, or from uniform developer fees. Tax or fee, for purposes of this section, means a countywide or citywide sales tax, a property or parcel tax in a county or counties or district, and voter-approved bridge tolls or voter-approved fees dedicated to specific transportation improvements.

Eligible Projects

Added: Chapter 756, Statutes of 2008 (AB 268)

8879.70. (a) Eligible projects shall include all of the following:

(1) Improvements to the state highway system, including, but not limited to, all of the following:

(A) Major rehabilitation of an existing segment that extends the useful life of the segment by at least 15 years.

(B) New construction to increase capacity of a highway segment that improves mobility or reduces congestion on that segment.

(C) Safety or operational improvements on a highway segment that are intended to reduce accidents and fatalities or improve traffic flow on that segment.

(2) Improvements to transit facilities, including guideways, that expand transit services, increase transit ridership, improve transit safety, enhance access or convenience of the traveling public, or otherwise provide or facilitate a viable alternative to driving.

(3) The acquisition, retrofit, or rehabilitation of rolling stock, buses, or other transit equipment, including, but not limited to, maintenance facilities, transit stations, transit guideways, passenger shelters, and fare collection equipment with a useful life of at least 10 years. The acquisition of vans, buses, and other equipment necessary for the provision of transit services for seniors and people with disabilities by transit and other local agencies is an eligible project under this paragraph.

(4) Improvements to the local road system, including, but not limited to, both of the following:

(A) Major roadway rehabilitation, resurfacing, or reconstruction that extends its useful life by at least 15 years.

(B) New construction and facilities to increase capacity, improve mobility, or enhance safety.

(5) Improvements to bicycle or pedestrian safety or mobility with a useful life of at least 15 years.

(6) Improvements to mitigate the environmental impacts of new transportation infrastructure on a locality's or region's air quality or water quality, commonly known as "urban runoff," including, but not limited to, the installation of catch basin screens, filters, and inserts, or other best management practices for capturing or treating urban runoff.

(b) For purposes of the program, a separate phase or stage of construction for an eligible project may include mitigation of the project's environmental impacts, including, but not limited to, soundwalls, landscaping, wetlands or habitat restoration or creation, replacement plantings, and drainage facilities.

Two Subaccounts: Voter-Approved Taxes and Fees, Uniform Developer Fees

Added: Chapter 756, Statutes of 2008 (AB 268)

8879.71. (a) For purposes of distributing funds annually appropriated by the Legislature to the State-Local Partnership Program Account, the commission shall segregate the funds into two separate subaccounts, which are hereby created in the account, as follows:

(1) Ninety-five percent of the funds shall be deposited into the Voter-Approved Taxes and Fees Subaccount and shall be made available to eligible applicants as defined in subdivision (a) of Section 8879.68 for expenditure on eligible projects, as approved by the commission. Funds in this subaccount shall be distributed by formula, pursuant to Section 8879.72.

(2) Five percent of the funds shall be deposited into the Uniform Developer Fees Subaccount and shall be made available to eligible applicants as defined in subdivision (b) of Section 8879.68 for expenditure on eligible projects, as approved by the commission. Funds in this subaccount shall be distributed through a competitive grant application process to be administered by the commission pursuant to Section 8879.73.

(b) Notwithstanding Section 13340, the money in the subaccounts described in subdivision (a) are hereby appropriated, without regard to fiscal year, to the commission for the purposes described in subdivision (a).

Voter-Approved Taxes and Fees: Funding Shares

Added: Chapter 756, Statutes of 2008 (AB 268)

8879.72. (a) To establish the funding shares for each eligible applicant described in paragraph (1) of subdivision (a) of Section 8879.71, the commission shall do the following prior to the commencement of a funding cycle:

(1) Determine the total amount of annual revenue generated from voter-approved sales taxes, voter-approved parcel or property taxes, and voter-approved bridge tolls dedicated to transportation improvements according to the most recent available data reported to the State Board of Equalization, the Controller, or the Bay Area Toll Authority.

(2) Establish a northern California and southern California share by attributing the proportional share of revenues from voter-approved sales taxes, voter-approved parcel or property taxes, and voter-approved bridge tolls dedicated to transportation improvements and imposed in counties in northern California to the northern share, and by attributing the proportional share of revenues from voter-approved sales taxes imposed in counties located in southern California to the southern share. The determination of whether a

county is located in northern or southern California shall be based on the definitions set forth in Section 187 of the Streets and Highways Code.

(3) Program funds made available to the southern share, based on the determination in paragraph (2), shall be distributed to the entity responsible for programming and allocating revenues from the sales tax in proportion to the population of the county in which the entity is located compared to the total population of southern California counties with voter-approved sales taxes dedicated to transportation improvements. For the purpose of calculating population, the commission shall use the most recent information available from the Department of Finance.

(4) Program funds made available to the northern share, based on the determination in paragraph (2), shall be distributed as follows:

(A) Program funds generated by voter-approved bridge tolls and voter-approved parcel or property taxes dedicated to transportation improvements shall be distributed to the entity responsible for programming and allocating revenues from the toll or tax based on the proportional share of revenues generated by the toll or tax by that entity in comparison to the total revenues generated by voter-approved sales taxes, voter-approved parcel or property taxes, and voter-approved bridge tolls dedicated to transportation improvements in northern California.

(B) Program funds generated by voter-approved sales taxes dedicated to transportation improvements shall be distributed to the entity responsible for programming and allocating revenues from the sales tax in proportion to the population of the county in which the entity is located compared to the total population of the northern California counties with voter-approved sales taxes dedicated to transportation improvements. For the purposes of calculating population, the commission shall use the most recent information available for the Department of Finance.

(b) Under this section, each fiscal year in which funds are appropriated for the program shall constitute a funding cycle.

(c) Each eligible applicant desiring to participate in the program in any funding cycle under this section shall submit to the commission all of the following:

(1) A description of the eligible project nominated for funding, including a description of the project's cost, scope, and specific improvements and benefits it is anticipated to achieve.

(2) A description of the project's current status, including the phase of delivery the project is in at the time it is nominated for funding and a schedule for the project's completion.

(3) A description of how the project would support transportation and land use planning goals within the region.

(4) The amount of eligible local matching funds the applicant is committing to the project.

(5) The amount of program funds the applicant seeks from the program for the project.

(d) The commission shall review nominated projects under this section and their accompanying documentation to ensure that each nominated project meets the requirements of this article and to confirm that each project has a commitment of the requisite amount of eligible local matching funds as required in this article. Upon

conducting the review of the requirements and determining the proposed projects to be in compliance with this article, the projects shall be deemed eligible.

(e) An eligible applicant that is identified to receive an allocation of funds under this section, but that does not submit a project for funding in a funding cycle, may utilize its funding share in a subsequent funding cycle.

Uniform Developer Fees: Competitive Grant Program

Added: Chapter 756, Statutes of 2008 (AB 268)

8879.73. (a) To distribute funds from the Uniform Developer Fees Subaccount to eligible applicants, as defined in paragraph (2) of subdivision (a) of Section 8879.71, the commission shall administer a competitive grant application program pursuant to this section.

(b) Under this section, each fiscal year in which funds are appropriated for the program shall constitute a funding cycle. To ensure that as many eligible applicants as possible may benefit from the competitive portion of the program, no single project shall receive more than one million dollars (\$1,000,000) in a single funding cycle in which program funds are allocated by the commission.

(c) Each eligible applicant desiring to participate in the program in any funding cycle under this section shall submit to the commission all of the following:

(1) A description of the eligible project nominated for funding, including a description of the project's cost, scope, and specific improvements and benefits it is anticipated to achieve.

(2) A description of the project's current status, including the phase of delivery the project is in at the time it is nominated for funding and a schedule for the project's completion.

(3) A description of how the project would support transportation and land use planning goals within the region.

(4) The amount of eligible local matching funds the applicant is committing to the project.

(5) The amount of program funds the applicant seeks from the program for the project.

(d) The commission shall review nominated projects under this section and their accompanying documentation to ensure that each nominated project meets the requirements of this article and to confirm that each project has a commitment of the requisite amount of eligible local matching funds as required in this article. Upon conducting the review of the requirements and determining the proposed projects to be in compliance with this article, the projects shall be deemed eligible.

(e) The commission shall adopt a program of projects under this section that is geographically balanced and provides cost-effective and multimodal, safety, reliability, and environmental benefits. In allocating funds to specific projects, the commission shall give priority to projects that do any of the following:

(1) Can commence construction or implementation of the project in a manner to provide the public benefit at the earliest possible date.

(2) Can enhance the leveragability of bond funds, by utilizing a higher proportion of nonbond funds toward a project's total cost than is otherwise required by this article.

(3) Can demonstrate quantifiable air quality improvements, including, but not limited to, a demonstration that the project can result in a significant reduction in vehicle-miles traveled.

Annual Program Cycle, Allocations, Guidelines

Added: Chapter 756, Statutes of 2008 (AB 268)

8879.74. (a) The commission shall adopt a program of projects to receive allocations under this article for each funding cycle, with allocations to projects to be initially made at the commission's meeting in April 2009, and to be made no later than the commission's October meeting for subsequent years.

(b) Projects receiving an allocation under the program shall encumber funds no later than two years after the end of the fiscal year in which an allocation is made by the commission. The commission shall rescind an allocation to a project that fails to comply with these requirements. Rescinded allocations of funds shall, in the case of the program established pursuant to Section 8879.72, be made available for another eligible project proposed by the agency that nominated the original project for funding, and, in the case of the program established in Section 8879.73, be reallocated to other projects during the fiscal year following the year in which the applicable timely use of funds requirement was not met.

(c) The commission shall develop and adopt guidelines to implement this article, and to establish the process for allocating funds to eligible projects under the program, consistent with this article. Prior to adopting the guidelines, the commission shall hold one public hearing in northern California and one public hearing in southern California to review and provide an opportunity for public comment on the proposed guidelines. The commission may incorporate the hearings into its regular meeting schedule.

Required Match

Added: Chapter 756, Statutes of 2008 (AB 268)

8879.75. Pursuant to subdivision (g) of Section 8879.23, an eligible project funded pursuant to this article shall require a match of one dollar (\$1) of eligible local matching funds for each dollar of program funds applied for under this article. An applicant may propose to use other funds for the same project, including local, federal, or other state funds, however, those other funds shall not be counted toward the match required by this article.

Summary in Annual Report

Added: Chapter 756, Statutes of 2008 (AB 268)

8879.76. The commission shall include in its annual report to the Legislature, required pursuant to Section 14535, a summary of its activities related to the administration of the program. The summary, at a minimum, shall include the description, location, and total cost of each project contained in the program, the amount of bond funds allocated to each project, the status of each project, and a description of the system improvements each project is achieving.



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Memorandum

TO: Programming and Delivery Working Group

DATE: February 2, 2009

FR: Kenneth Kao

RE: Suspension of Pooled Money Investment Account Disbursements

In December 2008, the Pooled Money Investment Board (PMIB) suspended reimbursements for all Proposition 1B funded projects. Funding for Proposition 1B projects currently comes from the Pooled Money Investment Account (PMIA), to which proceeds from bond sales are deposited. Currently, the PMIB is considering reimbursements for incurred costs on a monthly basis only for projects already under construction. The PMIA suspension freezes about \$1 billion in bond funds to over 90 projects in the Bay Area.

The PMIA situation changes frequently. Attached are the latest letter from the state informing project sponsors of the developments as of January 22, a listing of affected projects, as well as the MTC information item that was presented to the Programming and Allocations Committee on January 14. Staff is also presenting an item to the MTC Commission on January 28, and will summarize any actions taken to the Working Group at the February 2 meeting. The PMIB is expected to meet in early February to consider further payments.

Attachments

- A – Letter from W. Kempton re: Proposition 1B PMIA Suspension, dated January 22, 2009
- B – Listing of Bay Area Proposition 1B Projects Administered by Caltrans
- C – Memo to MTC Programming and Allocations Committee re: PMIA Suspension, including attachments, dated January 14, 2009

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DEPARTMENT OF TRANSPORTATION

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*Flex your power!
Be energy efficient!*

January 22, 2009

Dear Proposition 1B Recipients:

The purpose of this letter is to provide you with the most current information regarding funding needed to support Proposition 1B projects. As communicated in my December 19, 2008, letter, the Pooled Money Investment Board (PMIB) acted on December 17, 2008, to suspend disbursements from the Pooled Money Investment Account (PMIA). The California Department of Transportation (Caltrans) relies upon these disbursements for all bond-funded projects.

The PMIB met on January 16, 2008, to reevaluate the suspension of disbursements from the PMIA. Staff to the PMIB reported that the State's fiscal crisis combined with weak financial markets continue to prevent the sale of General Obligation (GO) bonds or other borrowing necessary to sustain Proposition 1B programs. As a result, the PMIB voted to continue the suspension of disbursements except for a total of \$650 million to cover bond-funded administrative costs and the estimated value of unpaid bills for work already performed on a limited number of projects identified by the California Department of Finance (DOF). In the absence of a budget solution to improve the State's cash position, this amount represents the maximum that can be distributed between now and the end of the fiscal year. The DOF Director Michael Genest reported that the disbursement amount may need to be reduced if a budget solution is not reached by February 1, 2009.

Caltrans has requested that a portion of the disbursements authorized by the PMIB be directed to 98 bond-funded transportation projects with contracts awarded before December 17, 2008. An attachment to the PMIB staff report indicates that approximately \$153 million of the \$650 million authorized by the PMIB could be made available to Caltrans for these projects. Unless the DOF must reduce this amount, Caltrans should be able to reimburse recipient agencies for eligible expenditures included in invoices submitted to date and continue to make reimbursements through mid-February. Since the DOF may need to reduce disbursement, our ability to continue making reimbursements beyond February 1, 2009, is at this time unknown. Unless your agency has cash-flow available to cover contract expenditures for a considerable period, you should consider steps to manage the work to contain costs within your existing resources. You may continue to submit invoices in accordance with existing procedures, but please recognize that, as of today, there is no guarantee of timely reimbursement. The State intends to ultimately reimburse you for all eligible costs when funds become available.

An additional 57 projects have received an allocation of Proposition 1B funds but are not being considered for an exemption as these projects had not, according to our records, awarded a construction contract before December 17, 2008. I again strongly suggest that you

Proposition 1B Recipients
January 22, 2009
Page 2

not enter into any new contract or make any other commitment that requires Proposition 1B funds at this time.

The list of projects that received an allocation of Proposition 1B funds can be found at the website listed below. The referenced document includes the 98 projects with an awarded construction contract as well as the 57 projects that do not have an awarded construction contract. The projects are also sorted by those with construction contracts awarded by Caltrans and contracts awarded by others. Individual recipient agencies will receive a separate communication to ensure that there is no misunderstanding about the specific projects affected by the PMIB's decision.

<http://www.dot.ca.gov/hq/transprog/ibond/081222Combined-PMIAlist.pdf>

If you have any questions regarding this matter, please contact Ross Chittenden, Proposition 1B Program Manager, at ross_chittenden@dot.ca.gov or at (916) 654-4252.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Kempton", with a long horizontal flourish extending to the right.

WILL KEMPTON
Director

c: Dale E. Bonner, Secretary, Business, Transportation and Housing Agency
John Barna, Executive Director, California Transportation Commission
Ross Chittenden, Proposition 1B Program Manager

MTC Region Proposition 1B Allocations
 Status of Contract Award
 (\$'s in thousands)

Caltrans Awarded Proposition 1B Contracts - Highways

Bond Program *	Caltrans District	County	Route	EA	Project Title	Contracting Agency	Assembly District	Senate District	Bond Funds Allocated - Construction Contract Awarded	Total Construction Cost	Award Date
SHOPP	04	Alameda	24	4A5351	Traffic Detection	Caltrans	15,18	9,10	\$ 1,249	\$ 1,249	4/23/2008
SHOPP	04	Alameda	580	4A5311	Traffic Detection	Caltrans	15,18	9,10	\$ 1,611	\$ 1,611	4/15/2008
CMIA, STIP, SHOPP	04	Alameda	580	290841	Route 580 Eastbound HOV Lane Project (Segment #1)	Caltrans	15,18	9,10	\$ 44,560	\$ 47,410	7/28/2008
STIP and SHOPP	04	Alameda	680	253791	Sunol Grade HOV Corridor-Southbound	Caltrans	18,20	10	\$ 38,830	\$ 38,830	9/2/2008
SHOPP	04	Marin	101	4A5334	Traffic Detection	Caltrans	1, 6, 7, 8, 11, 14, 16, 21, 27	2, 3, 5, 8, 9,	\$ 3,699	\$ 3,699	4/14/2008
SHOPP	04	San Mateo / Santa Clara	101, 880 - various	4A5321	Traffic Detection	Caltrans	20, 22, 23, 24, 28	11, 13, 15	\$ 2,617	\$ 2,617	4/11/2008
CMIA	04	Solano	80	0A5311	I-80 HOV lanes, I-80/I-680/12 to Putah Creek	Caltrans	8	5	\$ 29,450	\$ 29,550	6/4/2008
SHOPP	04	Solano / Napa	80 - various	4A5344	Traffic Detection	Caltrans	1, 6, 7, 8, 11, 14, 16, 19, 21, 27	2, 3, 5, 8, 9,	\$ 1,691	\$ 1,691	4/23/2008
CMIA	04	Sonoma	101	0A10U1	US 101 HOV lanes between Santa Rosa - Windsor	Caltrans	1	2	\$ 57,932	\$ 86,106	10/29/2008

Sub-Total; Caltrans Awarded Proposition 1B Contracts - Highways \$ 181,639 \$ 212,763

Local Agency Awarded Proposition 1B Contracts - Highways

Bond Program *	Caltrans District	County	Route	EA	Project Title	Contracting Agency	Assembly District	Senate District	Bond Funds Allocated - Construction Contract Awarded	Total Construction Cost	Award Date
STIP	04	Alameda	680	2A4721	Sunol Grade HOT accomodations	ACCMA	15	7	\$ 8,000	\$ 8,000	12/18/2008

Sub-Total; Local Agency Awarded Proposition 1B Contracts - Highways \$ 8,000 \$ 8,000

Caltrans Awarded Proposition 1B Contracts - Intercity Rail

Bond Program *	Caltrans District	County	Route	EA	Project Title	Contracting Agency	Assembly District	Senate District	Bond Funds Allocated - Construction Contract Awarded	Total Construction Cost	Award Date
Intercity Rail	04	Alameda	Capitol	R984BA	Emeryville Station and Track Improvements:2	Caltrans	14,16	9	\$ 10,000	\$ 10,000	10/10/2008
Intercity Rail	04	Solano	Capitol	R952BA	Bahia Benicia Crossover	Caltrans	8	2	\$ 4,750	\$ 4,750	9/12/2008

Sub-Total; Caltrans Awarded Proposition 1B Contracts - Intercity Rail \$ 14,750 \$ 14,750

MTC Region Proposition 1B Allocations
 Status of Contract Award
 (\$'s in thousands)

Local Agency Awarded Proposition 1B Contracts - Local Roads

Bond Program *	Caltrans District	County	Route	EA	Project Title	Contracting Agency	Assembly District	Senate District	Bond Funds Allocated - Construction Contract Awarded	Total Construction Cost	Award Date
LSBRP	04	Alameda			Ballena Blvd	Alameda	16	9	\$ 62	\$ 542	7/3/2007
TLSP	04	Santa Clara		74594	Citiwide Traffic Light Sygnalization (partial allocation)	San Jose	28	13	\$ 9,277	\$ 12,369	10/14/2008
LSBRP	04	Santa Clara			E. William St	San Jose	23	13	\$ 35	\$ 306	6/23/2008
LSBRP	04	Santa Clara			Southwest Exp. Way	San Jose	24	13	\$ 60	\$ 525	7/3/2008
LSBRP	04	Santa Clara			E. Julian St	San Jose	23	13	\$ 62	\$ 542	6/23/2008
LSBRP	04	Santa Clara			Shoreline Blvd	Santa Clara County	12	13	\$ 87	\$ 758	Awarded
LSBRP	04	Santa Clara			Aldercroft Heights Rd	Santa Clara County	21	15	\$ 105	\$ 914	5/2/2006
LSBRP	04	Santa Clara			Central Expressway	Santa Clara County	22	13	\$ 117	\$ 1,024	Awarded
TLSP	04	Sonoma		074564	In Santa Rosa, on Steele Lane/Guerneville Road	Santa Rosa	7	2	\$ 1,100	\$ 1,100	10/14/2008
Sub-Total; Local Agency Awarded Proposition 1B Contracts - Local Roads									\$ 10,906	\$ 18,080	
Total; Caltrans and Local Agency Awarded Proposition 1B Contracts									\$ 215,295	\$ 253,593	

* Note: CMIA Corridor Mobility Improvement Account
 SR 99 State Route 99
 STIP State Transportation Improvement Program
 SHOPP State Highway Operation and Protection Program
 TLSP Traffic Light Synchronization Program
 LSBRP Local Seismic Bridge Retrofit Program
 HRCSA Highway-Railroad Crossing Safety Account

MTC Region Proposition 1B Allocations
 Status of Contract Award
 (\$'s in thousands)

Proposition 1B Bond Allocations - Contract not Awarded, Caltrans

Bond Program *	Caltrans District	County	Route	EA	Project Title	Contracting Agency	Assembly District	Senate District	Bond Funds Allocated - Pending Contract Award	Total Construction Cost	Advertised, not Awarded	Expected Award Date
CMIA, STIP, SHOPP	04	Alameda	580	290831	I-580 Eastbound HOV, Segment 2	Caltrans	15, 18	9, 10	\$ 43,881	\$ 58,591	X	Feb-09
CMIA	04	Alameda	580	171331	I-580 / Isabel Interchange, Segment 3	Caltrans	15, 18	9, 10	\$ 31,500	\$ 52,200	X	Mar-09
STIP and SHOPP	04	Alameda	680	4A5204	In Fremont, from Route 238 to Koopman Road. Rehabilitate pavement Sunol Grade Southbound HOV Lane Phase 3	Caltrans	18,20	10	\$ 30,063	\$ 30,063		
SHOPP	04	Alameda	680	253781	In Fremont, from Scott Creek Road to Grimmer Blvd. Rehabilitate pavement.	Caltrans	18, 20	10	\$ 17,500	\$ 17,500	X	Jan-09
CMIA	04	Solano	80	0A5331	Interstate 80 HOV lanes and pavement rehabilitation	Caltrans	8	5	\$ 3,400	\$ 25,600		
CMIA, STIP	04	Sonoma	101	129651	US 101 HOV Lanes - Wilfred	Caltrans	6	3	\$ 48,200	\$ 69,100	X	Jan-09

Sub-Total: Proposition 1B Bond Allocations - Contract not Awarded, Caltrans

\$ 174,544 \$ 253,054

Proposition 1B Bond Allocations - Contract not Awarded, Local Agencies

Bond Program *	Caltrans District	County	Route	EA	Project Title	Contracting Agency	Assembly District	Senate District	Bond Funds Allocated - Pending Contract Award	Total Construction Cost	Advertised, not Awarded	Expected Award Date
CMIA	04	Alameda	580	171321	I-580 / Isabel Interchange, Segment 2	City of Livermore	15, 18	9, 10	\$ 3,900	\$ 7,300	X	May-09
CMIA	04	Alameda	580 / 84	171311	I-580 / Isabel Interchange, Segment 1	City of Livermore	15, 18	9, 10	\$ 24,600	\$ 37,400	X	May-09
TLSP	04	Alameda		074574	In San Leandro, Citywide ATMS Expansion.	San Leandro	16,18	10	\$ 350	\$ 558	X	Jan-09
TLSP	04	Contra Costa		74601	Ygnacio Valley Road Corridor	Walnut Creek	15	7	\$ 1,489	\$ 1,489	X	Feb-09
TLSP	04	Marin		74584	Sir Frances Drake Boulevard	Marin County	6	3	\$ 208	\$ 260	X	Jan-09
TLSP	04	San Francisco		74614	Franklin, Gough & Polk Streets	San Francisco MTA	13	3	\$ 5,110	\$ 10,220	X	Jan-09
LSBRP	04	San Mateo			Departing Flight Traffic	SF Airport	9,11,12,13,14, 16,19,20	3,7,8,9,10	\$ 823	\$ 7,179		

Sub-Total: Proposition 1B Bond Allocations - Contract not Awarded, Local Agencies

\$ 47,305 \$ 75,231

Total; Caltrans and Local Agency Allocated / Not Awarded Proposition 1B Contracts

\$ 221,849 \$ 328,285

Grand Total; Proposition 1B Construction Allocations - Awarded / Not Awarded

\$ 437,144 \$ 581,878

MTC Region Proposition 1B Allocations
 Status of Contract Award
 (\$'s in thousands)

Proposition 1B Bond Allocations - Pre-construction

Bond Program *	Caltrans District	County	Route	EA	Project Title	Contracting Agency	Assembly District	Senate District	Bond Funds Allocated Pre-Construction	Comment
CMIA	03	Sacramento		928802	White Rock Road widening	Sacramento County	10	1	\$ 1,500	Environmental Clearance
STIP	04	Alameda / Contra Costa	80	3A7701	I-80 Integrated Corridor	ACCMA	11, 14, 16	7, 9	\$ 954	Environmental Clearance
CMIA	04	Marin	101 / 580	4A7701	WB 580 to NB 101 connector	Transportation agency of Marin County	6	3	\$ 4,700	Environmental Clearance and Design
STIP	08	Riverside	215	0F1611	I-215 Widening	RCTC	66	36	\$ 3,548	Design
SR 99	03	Sutter	99	1A4321	Feather River Bridge	Caltrans	2	4	\$ 3,250	Right of Way
SR 99	06	Fre/Tul	99	324501	Goshen to Kingsberg - 6 lanes	Caltrans	30	16	\$ 1,834	Right of Way
SR99	10	Mer	99	415801	Upgrade and Plainsberg I/C	Caltrans	17	12	\$ 2,300	Right of Way

Total Pre-construction allocations \$ 18,086

- * Note:
- CMIA Corridor Mobility Improvement Account
 - SR 99 State Route 99
 - STIP State Transportation Improvement Program
 - SHOPP State Highway Operation and Protection Program
 - TLSP Traffic Light Synchronization Program
 - LSBRP Local Seismic Bridge Retrofit Program
 - HRCSA Highway-Railroad Crossing Safety Account



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Memorandum

TO: Commission

DATE: January 28, 2009

FR: Executive Director

RE: Resolution 3887 – Authorization to Enter into a Bond Purchase Agreement with the State of California for Up to \$200 Million of Bonds Issued by the State of California, to Backfill State Proposition 1B Funds

Staff recommends that the Commission adopt Resolution 3887 – which authorizes the Bay Area Toll Authority to invest in State of California bonds, up to \$200 million, to finance Proposition 1B projects already underway or scheduled for award in the next several months. This action would prevent the delay or cancellation of Bay Area bond funded projects.

Summary

In December 2008, the Pooled Money Investment Board (PMIB) suspended reimbursement for all Proposition 1B funded projects. The PMIB is considering month by month reimbursements for projects under construction. This suspension freezes roughly \$1 billion in bond funds to over 90 projects in the Bay Area.

The Proposition 1B suspension is due to the state's current budget crisis and uncertain demand in the municipal bond markets. Depending on the outcome of state budget negotiations and broader economic conditions, Proposition 1B reimbursements could be delayed for several months. If state bond funds began to flow by September 2009, most projects listed in *Attachment A* would still be able to move forward, albeit subject to delays and potential cost increases.

However, nine project contracts, listed in *Attachment B* and among the projects mapped in *Attachment C*, are subject to more immediate risk, including contract termination, suspension of work, delays due to loss of the construction season, and significant cost increases due to contractor penalties. Staff is recommending that the Commission approve the investment in state notes to address the remaining cashflow gaps after considering the following:

- **State Reimbursement of Bond Commitments for Projects Under Construction**
Staff will continue to work with our partners and transportation stakeholders to urge that the Pooled Money Investment Board continue to make monthly payments for construction work in progress. Each additional month of reimbursements reduces the amount of funds necessary to complete projects.
- **Extension of Contractor Payment Schedule**
Should Caltrans be successful in negotiating delayed payments plans with contracts, this could reduce the amount of funds necessary to complete the projects and therefore reduce the required BATA investment. Because no additional state funds have been identified to

Memo to Commission – MTC Resolution No. 3887

January 28, 2009

Page 2

cover interest charges, staff would recommend BATA investment over increased interest payments on projects.

▪ **Advancement of Other Funds Committed to Projects**

In most cases, the projects at risk are funded with multiple fund sources including: local sales tax funds, bridge tolls, federal funds, non-bond state funds, and other sources. Staff reviewed whether these funds could be accelerated allowing the bond funds to become the “last in” fund source. Unfortunately, this option was not as promising as we thought due to lack of available cashflow for other funder sources, restrictive cooperative agreements, expenditure plan policies, and other hurdles. Three projects are expected to be able to make use of state Traffic Congestion Relief Program funds.

In addition, staff has identified three Regional Measure 2 (RM2) transit projects that could potentially benefit from this strategy. Two projects, the BART Extension to Warm Springs and Ferry Terminal construction in South San Francisco, are not currently under contract so will be the subject of future discussions with the Programming and Allocations Committee about advancing RM2 commitments so these projects will not be delayed in their advertisement and contract award due to the current state budget crisis. The third project, vessel construction for South San Francisco ferries, has been awarded but may also benefit from an advance of RM2 funds.

Remaining Cashflow Gap

Staff will consider the options listed above first to keep these projects moving. Thereafter, it is recommended that BATA invest in state bonds, subject to the parameters and conditions discussed later, to cover the estimated remaining unreimbursed Proposition 1B funding for the nine projects in the table below.

Projects Scheduled To Continue Due to BATA Investment in State Bonds (\$ millions)

County	Description	Award Date	Approx. Cash Flow Need
Projects Already Awarded			
Various	Traffic Detection for CMIA Projects	4/11/2008	\$5.8
Solano	I-80 HOV Lanes from I-80/I-680/SR-12 to Putah Creek	6/4/2008	\$16.6
Alameda	I-580 Eastbound HOV Lane Project, Segment 1	7/28/2008	\$19.9
Alameda	I-680 Sunol Grade HOV SB, Segment 1	9/2/2008	\$0.0
Sonoma	US-101 HOV Lanes between Santa Rosa and Windsor (North)	10/29/2008	\$53.0
Alameda	I-680 Sunol Grade HOV SB Lane Phase 3 (HOT Integrator)	12/18/2008	\$3.7
Totals:			\$99.0
Projects With Bid Openings but Not Yet Awarded**			
Alameda	I-680 Sunol Grade HOV SB, Segment 2	Jan-09	\$0.0
Alameda	I-680 Sunol Grade HOV SB, Segment 3	Jan-09	\$15.0
Sonoma	US-101 HOV Lanes (Wilfred)	Jan-09	\$41.0
Totals:			\$56.0
Grand Totals:			\$155.0

Memo to Commission – MTC Resolution No. 3887

January 28, 2009

Page 3

The estimated need is net of: 1) the estimated reduction if the PMIB reimburses invoices for February 2009; 2) the estimated reduction if contractors participate in the financing partnership; and 3) the estimated reduction through advancing other funding. These strategies are estimated to reduce the cashflow gap to roughly \$155 million. In order to close the remaining cashflow gap with some contingency to address evolving information about other Proposition 1B projects, staff recommends that the Commission authorize BATA to invest in state bonds, up to \$200 million, to complete the projects listed, and avoid costly shutdowns, delays or suspensions. Specifically, the amount is estimated to cover remaining cashflow for one year (through December 2009) for projects already awarded and to meet the entire bond commitment for those projects that will be awarded to take advantage of positive bid savings.

Purchasing State Bonds to Delivery Proposition 1B Projects

Staff from BATA and other major transportation debt issuers in California are discussing with the State Treasurer's Office the possibility of investing in bonds that would be issued by the state as a means of providing "bridge funding" to Proposition 1B projects already underway or scheduled for award in the next several months. In general, the terms involve the state issuing general obligation bonds for up to three years and subject to a mandatory put at maturity. Proceeds of the bond issue will go into a bond account to be drawn by Caltrans for Bay Area Proposition 1B projects. The state is open to terms on both variable and fixed rate options in the 3-5% interest rate range. This debt sale would be a "private placement" with BATA as the only buyer. However, the bonds would constitute a general obligation of the state of California, and are consistent with BATA's existing investment policy.

Staff recommends that BATA purchase up to \$200 million in state general obligation bonds subject to the following principles:

1. Proceeds of the sale will be used to backfill Proposition 1B projects in the San Francisco Bay Area designated by MTC.
2. The Pooled Money Investment Board agrees to continue to reimburse the San Francisco Bay Area 1B projects up to the point of BATA investment.
3. Terms not to exceed three years and at rates to be negotiated but not less than the current market rate for similar short term tax exempt notes.

In addition, MTC will work with the Caltrans Director and the California Transportation Commission (CTC) to get assurances that if the state backfills Proposition 1B funds with federal economic stimulus funds, funding levels for Bay Area projects will be consistent with past STIP and SHOPP funding cycles and Caltrans and the CTC will not prejudice the region or any projects in the region because of the local investment in backfilling the Proposition 1B bond funds.

Recommendation: Adopt Resolution 3887.



 Steve Heminger

Attachments

Attachment A

Bay Area Transportation Projects Affected by PMIA Suspension

(all figures in millions)

County	Description	Bond Funds	Total Cost	Bond Source
Alameda	Ballena Blvd	\$0.1	\$0.5	Loc Bridge
Alameda	Emeryville Station and Track Improvements	\$10.0	\$10.0	IC Rail
Alameda	I-580 / Isabel Interchange (Seg. 1, Realignment)	\$24.6	\$37.4	CMIA
Alameda	I-580 / Isabel Interchange (Seg. 2, Local Roads)	\$3.9	\$7.3	CMIA
Alameda	I-580 / Isabel Interchange (Seg. 3, Interchange)	\$31.5	\$52.2	CMIA
Alameda	I-580 Eastbound HOV Lane Project (Seg. 1)	\$44.6	\$47.4	CMIA/SHOPP/STIP
Alameda	I-580 Eastbound HOV Lane Project (Seg. 2)	\$43.9	\$58.6	CMIA/SHOPP/STIP
Alameda	I-580 Traffic Detection	\$1.6	\$1.6	SHOPP
Alameda	I-680 in Fremont, from Rt 238 - Koopman Rd, rehab pavement	\$30.1	\$30.1	STIP/SHOPP
Alameda	I-680 in Fremont, from Scott Crk Rd - Grimmer Bl., rehab pvmt	\$17.5	\$17.5	SHOPP
Alameda	I-680 Sunol Grade HOV SB	\$38.8	\$38.8	STIP/IIP; SHOPP
Alameda	I-680 Sunol Grade SB HOV Lane Phase 3 (HOT Integrator)	\$8.0	\$8.0	STIP/RIP
Alameda	I-80 Integrated Corridor Management	\$76.7	\$80.7	CMIA/TLSP
Alameda	In San Leandro, Citywide ATMS Expansion	\$0.4	\$0.6	TLSP
Alameda	LAVTA Route 10 Rapid Bus (BRT) Project	\$0.4	\$18.1	Public Transportation
Alameda	Local Streets and Roads Improvements	\$10.3	\$10.3	Local Streets and Roads
Alameda	Redwood Rd	\$0.1	\$0.1	Local Streets
Alameda	SR-24 Traffic Detection	\$1.2	\$1.2	SHOPP
Alameda	Union City Transit - Bus Purchase	\$0.2	\$0.9	Public Transportation
Alameda, Contra Costa	Rolling Stock Procurement	\$9.1	\$27.8	Public Transportation
Contra Costa	BART Intermodal Access Improvements at West County BART Stations	\$0.5	\$0.9	Public Transportation
Contra Costa	BART Pittsburg/Bay Point Station Improvements	\$0.3	\$0.4	Public Transportation
Contra Costa	Bollinger Canyon	\$0.5	\$0.5	Local Streets
Contra Costa	Central Contra Costa BART Crossover	\$5.0	\$37.0	Public Transportation
Contra Costa	County Connection Bus Purchase	\$1.9	\$18.8	Public Transportation
Contra Costa	County Connection Bus Stop Access and Amenity Improvements - Martinez	\$0.1	\$0.1	Public Transportation
Contra Costa	County Connection Rolling Stock Replacement	\$0.8	\$18.8	Public Transportation
Contra Costa	Crow Canyon	\$0.3	\$0.3	Local Streets
Contra Costa	eBART	\$6.0	\$503.4	Public Transportation
Contra Costa	Local Streets and Roads Improvements	\$6.8	\$6.8	Local Streets and Roads
Contra Costa	SR-24 Caldecott Tunnel Fourth Bore	\$206.0	\$367.4	CMIA/STIP
Contra Costa	SR-4 East Widening from Loveridge - Somersville	\$32.0	\$98.2	STIP/RIP
Contra Costa	Tri-Delta Transit Bus Purchase	\$0.9	\$1.1	Public Transportation
Contra Costa	Tri-Delta Transit Bus Shelters and Amenities for Communities of Concern	\$0.2	\$0.3	Public Transportation
Contra Costa	WestCat Bus Purchase	\$0.1	\$0.3	Public Transportation
Contra Costa	WestCat Bus Purchase	\$0.3	\$0.6	Public Transportation
Contra Costa	Ygnacio Valley Rd Corridor	\$1.5	\$1.5	TLSP
Marin	Golden Gate Transit Asset Management and Vehicle Fluid Management Systems	\$2.2	\$5.0	Public Transportation
Marin	Golden Gate Transit Bus Purchase (deferred project FY2007-08)	\$0.9	\$6.5	Public Transportation
Marin	Golden Gate Transit Ferry Terminal Public Restroom Facilities Rehabilitation	\$0.9	\$0.9	Public Transportation
Marin	Local Streets and Roads Improvements	\$1.2	\$1.2	Local Streets and Roads
Marin	San Rafael Canal Neighborhood Transit Improvements	\$0.4	\$0.8	Public Transportation
Marin	Sir Francis Drake Blvd	\$0.2	\$0.2	TLSP
Marin	US-101 Traffic Detection	\$3.7	\$3.7	SHOPP
Marin	WB I-580 to NB US-101 Connector Improvements	\$15.3	\$15.3	CMIA
Multiple	BART Stations Modernization Program	\$15.1	\$15.1	Public Transportation
Multiple	State Match to Local Projects - Voter Approved Measures	\$29.0	\$29.0	State/Local Partnership
Multiple	Transit Security Improvements	\$21.4	\$21.4	Transit Security
Napa	Local Streets and Roads Improvements	\$0.8	\$0.8	Local Streets and Roads
Napa	Napa Vine Bus Purchase	\$0.6	\$0.6	Public Transportation

Attachment A

Bay Area Transportation Projects Affected by PMIA Suspension

(all figures in millions)

County	Description	Bond Funds	Total Cost	Bond Source
San Francisco	BART Balboa Park Station Westside Entrance and Walkway	\$1.2	\$4.3	Public Transportation
San Francisco	Franklin, Gough, and Polk St	\$5.1	\$10.2	TLSP
San Francisco	Local Streets and Roads Improvements	\$5.9	\$5.9	Local Streets and Roads
San Francisco	San Francisco MTA Persia Triangle Improvements	\$0.1	\$1.0	Public Transportation
San Francisco	San Francisco MTA Randolph/Farallones/Orizaba Transit Access Improvements	\$0.1	\$0.6	Public Transportation
San Francisco	San Francisco Muni Central Control and Communications	\$1.3	\$94.9	Public Transportation
San Francisco	San Francisco Muni Central Subway	\$30.0	\$1,300.0	Public Transportation
San Francisco	San Francisco Muni Interim Line Management Center	\$0.4	\$0.4	Public Transportation
San Francisco	San Francisco Muni Light Rail Operations Control Center Improvements	\$1.3	\$1.3	Public Transportation
San Mateo	Departing Flight Traffic	\$7.2	\$7.2	Other
San Mateo	East Palo Alto Bus Stop Improvements	\$0.1	\$0.1	Public Transportation
San Mateo	Local Streets and Roads Improvements	\$4.9	\$4.9	Local Streets and Roads
San Mateo	SamTrans Bus Replacement Project	\$9.0	\$61.7	Public Transportation
San Mateo	SamTrans Fare Collection Equipment	\$1.7	\$9.6	Public Transportation
San Mateo	SamTrans Van Purchase for Shelter Network	\$0.0	\$0.0	Public Transportation
San Mateo	Smart Corridors ITS Project	\$18.0	\$30.5	STIP/TLSP
Santa Clara	Aldercroft Heights Rd	\$0.1	\$0.9	Loc Bridge
Santa Clara	Caltrain South Terminal Station Project	\$6.8	\$52.0	Public Transportation
Santa Clara	Central Expressway	\$0.1	\$1.0	Loc Bridge
Santa Clara	Citywide Traffic Light Signalization/Synchronization	\$9.3	\$12.4	TLSP
Santa Clara	E. Julian St	\$0.1	\$0.5	Loc Bridge
Santa Clara	E. William St	\$0.0	\$0.3	Loc Bridge
Santa Clara	Local Streets and Roads Improvements	\$12.9	\$12.9	Local Streets and Roads
Santa Clara	Shoreline Blvd	\$0.1	\$0.8	Loc Bridge
Santa Clara	Southwest Exp. Way	\$0.1	\$0.5	Loc Bridge
Santa Clara	US-101, I-880 Traffic Detection	\$2.6	\$2.6	SHOPP
Solano	Bahia Benicia Crossover	\$4.8	\$4.8	IC Rail
Solano	City of Dixon Read-Ride Bus Purchase	\$0.1	\$0.2	Public Transportation
Solano	Fairfield Bus Stop Improvements	\$0.3	\$0.4	Public Transportation
Solano	I-80 HOV HOV Lanes - Pavement Rehabilitation	\$3.4	\$25.6	CMIA
Solano	I-80 HOV Lanes from I-80/I-680/SR-12 to Putah Creek	\$29.5	\$29.6	CMIA
Solano	Local Streets and Roads Improvements	\$3.1	\$3.1	Local Streets and Roads
Solano	Suisun City/City of Fairfield DART Paratransit Replacement Vehicles	\$0.1	\$0.1	Public Transportation
Solano	Traffic Detection	\$1.7	\$1.7	SHOPP
Solano	Vacaville Bus Shelters	\$0.1	\$0.1	Public Transportation
Solano	Vacaville City Coach Bus Purchase	\$0.2	\$2.4	Public Transportation
Solano	Vallejo - Install Bus Shelters and Stops	\$0.4	\$0.5	Public Transportation
Sonoma	Healdsburg Bus Purchase	\$0.1	\$0.1	Public Transportation
Sonoma	In Santa Rosa, on Steele Ln / Guerneville Rd, Traffic Synch.	\$1.1	\$1.1	TLSP
Sonoma	Local Streets and Roads Improvements	\$2.8	\$2.8	Local Streets and Roads
Sonoma	Santa Rosa CityBus BusPurchase	\$0.9	\$2.4	Public Transportation
Sonoma	Sonoma County Transit Bus Purchase	\$0.8	\$7.4	Public Transportation
Sonoma	US-101 HOV Lanes (Central)	\$86.3	\$94.3	CMIA/STIP
Sonoma	US-101 HOV Lanes (Wilfred)	\$48.2	\$69.1	CMIA
Sonoma	US-101 HOV Lanes between Santa Rosa and Windsor (North)	\$57.9	\$86.1	CMIA
Totals:		\$1,067.8	\$3,554.1	

Attachment B: Projects Scheduled To Continue Due to BATA Investment in State Bonds

(all figures in millions)

County	Description	Award Date	Const Total \$	Unreimb. Bond Amt	Potential Advance of Other Funds	Approx. Cash Flow Need
Projects Already Awarded						
Various	Traffic Detection for CMIA Projects	4/11/2008	\$10.8	\$12.9		\$5.8
Solano	I-80 HOV Lanes from I-80/I-680/SR-12 to Putah Creek	6/4/2008	\$29.6	\$35.9		\$16.6
Alameda	I-580 Eastbound HOV Lane Project, Segment 1	7/28/2008	\$47.4	\$50.2		\$19.9
Alameda	I-680 Sunol Grade HOV SB, Segment 1	9/2/2008	\$38.8	\$46.4	\$39.1	\$0.0
Sonoma	US-101 HOV Lanes between Santa Rosa and Windsor (North)	10/29/2008	\$86.1	\$66.4		\$53.0
Alameda	I-680 Sunol Grade HOV SB Lane Phase 3 (HOT Integrator)	12/18/2008	\$8.0	\$8.0		\$3.7
	Totals:		\$220.7	\$219.8	\$39.1	\$99.0
Projects With Bid Openings but Not Yet Awarded						
Alameda	I-680 Sunol Grade HOV SB, Segment 2	Jan-09	\$40.1	\$35.0	\$35.0	\$0.0
Alameda	I-680 Sunol Grade HOV SB, Segment 3	Jan-09	\$34.0	\$14.5		\$15.0
Sonoma	US-101 HOV Lanes (Wilfred)	Jan-09	\$44.2	\$35.3		\$41.0
	Totals:		\$118.3	\$84.8	\$35.0	\$56.0
Grand Totals:			\$339.0	\$304.6	\$74.1	\$155.0

Projects Already Awarded — \$209.9 M

- 1** I-80 HOV Lanes — \$29.6 M
from I-80/I-680/SR-12 to Putah Creek
- 2** I-580 Eastbound HOV Lane Project — \$47.4 M
Segment 1
- 3** I-680 Sunol Grade HOV Southbound — \$38.8M
Segment 1
- 4** US-101 HOV Lanes — \$86.1 M
Between Santa Rosa and Windsor (North)
- 5** I-680 Sunol Grade Southbound HOV Lane — \$8 M
Phase 3 (HOT Integrator)

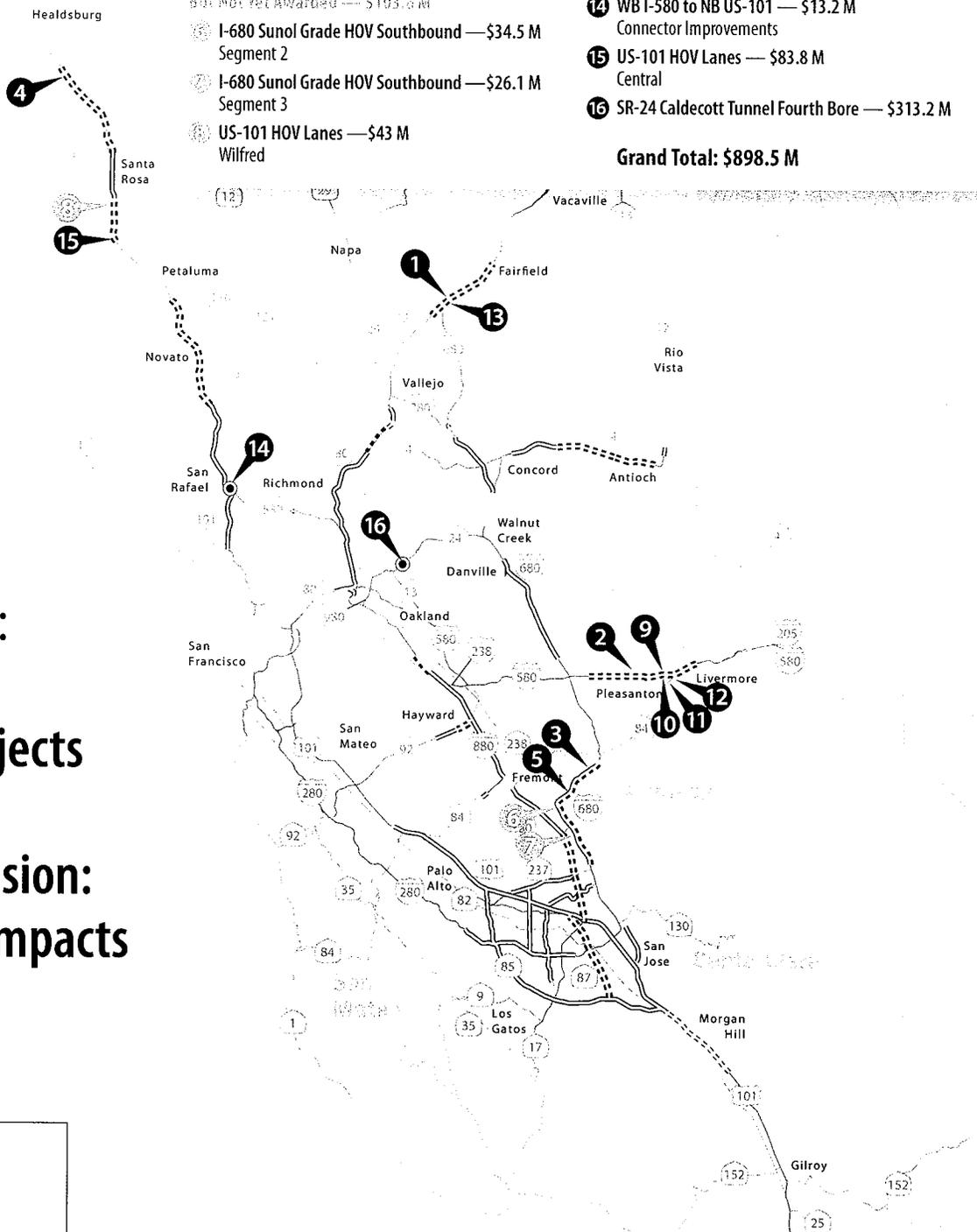
**Projects With Bid Openings
But Not Yet Awarded — \$193.6 M**

- 6** I-680 Sunol Grade HOV Southbound — \$34.5 M
Segment 2
- 7** I-680 Sunol Grade HOV Southbound — \$26.1 M
Segment 3
- 8** US-101 HOV Lanes — \$43 M
Wilfred

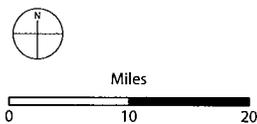
**Projects To Be Awarded
In Next Six Months — \$585.0 M**

- 9** I-580 Eastbound HOV Lane Project — \$58.6 M
Segment 2
- 10** I-580 / Isabel Interchange — \$32.4 M
Segment 1: Realignment
- 11** I-580 / Isabel Interchange — \$6 M
Segment 2: Local Roads
- 12** I-580 / Isabel Interchange — \$52.2 M
Segment 3: Interchange
- 13** I-80 HOV HOV Lanes — \$25.6 M
Pavement Rehabilitation
- 14** WB I-580 to NB US-101 — \$13.2 M
Connector Improvements
- 15** US-101 HOV Lanes — \$83.8 M
Central
- 16** SR-24 Caldecott Tunnel Fourth Bore — \$313.2 M

Grand Total: \$898.5 M



Attachment C: Bay Area Highway Projects Affected by PMIA Suspension: Short-Term Impacts



Legend

- HOV Lane (existing)
- HOV Lane (under construction or funded)

Street base map © Thomas Bros. Maps. All rights reserved.
MTC Graphics/pb — 1/13/2009

Date: January 28, 2009

W.I.: 1255

Referred by: PAC

ABSTRACT

MTC Resolution No. 3887

This resolution authorizes MTC to enter into an Agreement and to purchase up to \$200 million of general obligation bonds from the State of California to fund under construction projects and projects going to construction within the next several months that are at risk due to the suspension of Proposition 1B reimbursements by the Pooled Money Investment Board (PMIB).

This resolution includes:

Attachment A – Principals for entering into an Agreement with the State of California

Attachment B – Projects to be Funded that were otherwise at immediate risk due to the PMIB suspension of Proposition 1B reimbursements.

Additional discussion of this action is contained in the Executive Director memorandum dated January 28, 2009.

Date: January 28, 2009
W.I.: 1255
Referred by: PAC

Re: Authorization to Enter into Bond Purchase Agreement with State of California to Continue Project Delivery for Projects Affected by Suspension of Reimbursements of State Proposition 1B Funding

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION No. 3887

WHEREAS, pursuant to Government Code Section 66500 *et seq.*, the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area; and

WHEREAS, Streets and Highways Code Sections 30950 *et seq.* created the Bay Area Toll Authority (“BATA”) which is a public instrumentality governed by the same board as that governing MTC; and

WHEREAS, Senate Bill 1266 (Statutes 2006, Chapter 25) established the Highway, Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 (Government Code 8879.20 *et seq.*) and California voters approved Proposition 1B on November 7th, 2006; and

WHEREAS, due to the FY 2008-09 state fiscal crisis, on December 17, 2008, the Pooled Money Investment Board suspended further project reimbursements for Proposition 1B funded bond projects, including reimbursements to projects under construction; and now, therefore, be it

RESOLVED, that MTC purchase up to \$200 million worth of 2009 State General Obligation Bonds, subject to the conditions listed in Attachment A, to fund projects, listed in Attachment B, that would otherwise be at immediate risk due to the PMIB suspension of Proposition 1B reimbursements; and, be it further

RESOLVED, Executive Director or designee is authorized to make changes to Attachments A and B, based on new information provided by the Department of Finance, Caltrans, project sponsors or the Pooled Money Investment Board.

METROPOLITAN TRANSPORTATION COMMISSION

Bill Dodd, Chair

The above resolution was adopted by the Metropolitan Transportation Commission at the regular meeting of the Commission held in Oakland, California, on January 28, 2009.

Date: January 28, 2009
W.I.: 1255
Referred by: PAC

Attachment A
MTC Resolution No. 3887
Page 1 of 1

Attachment A
Specific Principals of Bond Purchase Agreement

1. Proceeds of the sale will be used to backfill Proposition 1B projects in the San Francisco Bay Area designated by MTC.
2. The Pooled Money Investment Board agrees to continue to reimburse the San Francisco Bay Area 1B projects up to the point of BATA investment.
3. That the terms and conditions of the purchase not exceed an amount of \$200 million, a term of three years and at an interest rate to be negotiated but not less than the current market rate for similar short term tax exempt notes.

MTC Resolution No. 3887

**Attachment B: Projects Scheduled To Continue Due to BATA
Investment in State Bonds**

County	Description	Award Date
Projects Already Awarded		
Various	Traffic Detection for CMIA Projects	4/11/2008
Solano	I-80 HOV Lanes from I-80/I-680/SR-12 to Putah Creek	6/4/2008
Alameda	I-580 Eastbound HOV Lane Project, Segment 1	7/28/2008
Alameda	I-680 Sunol Grade HOV SB, Segment 1	9/2/2008
Sonoma	US-101 HOV Lanes between Santa Rosa and Windsor (North)	10/29/2008
Alameda	I-680 Sunol Grade HOV SB Lane Phase 3 (HOT Integrator)	12/18/2008
	Totals:	
Projects With Bid Openings but Not Yet Awarded		
Alameda	I-680 Sunol Grade HOV SB, Segment 2	Jan-09
Alameda	I-680 Sunol Grade HOV SB, Segment 3	Jan-09
Sonoma	US-101 HOV Lanes (Wilfred)	Jan-09



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona California
Hawaii Nevada Guam
American Samoa
Northern Mariana Islands

201 Mission Street
Suite 1650
San Francisco CA 94105-1839
415-744-3133
415-744-2726 (fax)

JAN 16 2009

Dear Colleague:

As you may be aware, with economic stimulus and recovery as national priorities, Congress is considering a range of funding options targeted to the Nation's infrastructure improvement needs, including those of public transportation. The Federal Transit Administration (FTA) is supporting this effort by working with state and local governments and transit agencies to identify "ready-to-go" and "imminent" projects that could be funded upon enactment of economic stimulus legislation, currently projected for mid-February 2009.

If you have projects that may be eligible for consideration of stimulus funding that are not already in Federally-approved statewide Transportation Improvement Programs (TIPs), please be prepared to take the necessary actions, including any necessary public comment periods, to include projects in metropolitan and statewide TIPs once stimulus funds are available. If you have not been contacted on this matter by a representative of your State Department of Transportation, the metropolitan planning organization for your urban area, or a local unit of government, please contact my office immediately. A FTA staff member will refer you to the appropriate contact persons in state or local government with whom you can discuss the capital improvement needs of your agency and the prospects of receiving funding support through stimulus legislation.

I urge you to take these early steps to identify candidate projects for stimulus funding that are "ready-to-go", to ensure that these projects are properly referenced in the planning documents and to prioritize projects that have or could quickly meet National Environmental Policy Act requirements. These are important steps that will expedite a future obligation of stimulus funding that is being contemplated under new legislation. Also, your early action to prepare for an eventual contract award will ensure that these funds are put to work immediately to stimulate the economy.

We are committed to working closely with you and will keep you informed as we learn more about the funding specifics and terms of availability.

Sincerely,

Leslie I. Rogers
Regional Administrator



METROPOLITAN
TRANSPORTATION
COMMISSION

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
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Memorandum

TO: Programming and Delivery Working Group

DATE: February 2, 2009

FR: Kenneth Kao

RE: CTC's Proposed Amendments to STIP G-12 Delegation Authority

The California Transportation Commission is proposing to amend the current STIP G-12 Delegation Authority “to make it consistent with Commission policies regarding SHOPP Minor, Proposition 1B and AB 608”. The G-12 policy allows Caltrans to adjust State Transportation Improvement Program (STIP) and State Highway Operation and Protection Program (SHOPP) project allocations and modify project descriptions for Department implemented projects, within well-defined boundaries. These G-12 increases to STIP projects do not impact County shares.

The most significant change would be to disallow any G-12 authority on any project with bond funding. CTC staff note that this is consistent with current Proposition 1B policies. Under this policy, bond-funded projects with STIP funding would not be able to tap into the G-12 pot, nor would cost savings be deposited into the G-12 pot. Essentially, this would make the STIP contribution on a bond-funded project a fixed amount. Cost savings at award would not be proportionally distributed to the STIP, and conversely, the STIP would not contribute any more in the event of a cost increase.

MTC has raised a number of concerns with some of the proposed changes. While this item was on the agenda for information and discussion at the January CTC meeting, it was deferred. The issue may come back to the Commission in the near future. If you have comments you would like to add, please contact Kenneth Kao at (510) 817-5768 or kkao@mtc.ca.gov.

Attachment

A – CTC Book Item re: G-12 Amendments, dated January 14, 2009

J:\COMMITTEE\Partnership\Partnership PDWG\2009 PDWG\09 PDWG Memos\01_Feb 09 - PDWG\04x_0_STIP_G-12_Amendments.doc

Memorandum

To: Chairman and Commissioners

Date: January 14, 2009

From: John Barna

**File No:
Book Item 4.8
Information**

Ref: RESTATEMENT OF G-12 DELEGATION OF AUTHORITY TO ADJUST PROJECT ALLOCATIONS AND MODIFY PROJECT DESCRIPTIONS

SUMMARY:

Resolution G-02-12, passed in July 2002, delegates to the Department the authority to adjust State Transportation Improvement Program (STIP) and State Highway Operation and Protection Program (SHOPP) project allocations and modify project descriptions for Department implemented projects, within well-defined boundaries. In general, under the G-12 delegation, cost increases of up to 10% plus \$200,000 are approved by the Department. These G-12 increases to STIP projects do not impact County shares.

The G-12 delegation is being amended to make it consistent with Commission policies regarding SHOPP Minor, Proposition 1B and AB 608, and to also correct the perception that this delegation creates a pot of money which project managers rely on when estimating and delivering projects.

Commission staff is proposing three alternative G-12 delegation amendments to address these issues:

1. A revision of the existing delegation to:
 - clarify its use for STIP and SHOPP funds only and to request additional information in the monthly report to the Commission Executive Director,
 - remove the reference to Longer Life Pavement criteria and update SHOPP references,
 - clarify that adjustments should be proportional among all project funds,
 - deny its use on projects funded with CMIA, Route 99 and/or TCIF funds, or to any Proposition 1B bond projects that have an approved baseline agreement,
 - deny its use on project allocations that the Commission has previously adjusted in accordance with Streets and Highways Code Section 188(d)(3), as authorized by AB 608 (2001), and
 - include an expectation that the Department will implement a high level of review to determine appropriateness and need for any adjustment.

This revision is an update that would have little impact to the Commission or Commission staff, and would not impact STIP County shares. Enhanced review of allocation adjustment requests could mean a higher workload for the Department.

Chairman and Commissioners
 Book Item 4.8
 Page 2 of 2

2. A revision of the existing delegation as described above, but allowing adjustments only up to award of the construction contract. Any adjustments after contract award must be approved by the Commission.

This revision would result in additional supplemental requests coming to the Commission for action and higher workload for Commission and Department staff. It would also result in additional adjustments to STIP County shares.

3. A revised delegation that would provide for an annual lump-sum allocation from which the Department may make adjustments. This revised delegation would:
 - eliminate supplemental requests to the Commission and instead empower the Department to make any adjustments it deems necessary, with adjustments of 5% and greater counting against STIP County shares,
 - require the Department to present a monthly report of all adjustments to the Commission,
 - include an expectation that the Department will implement a high level of review to determine appropriateness and need for any adjustment, and
 - not apply to projects funded with CMIA, Route 99 and/or TCIF funds, or to any Proposition 1B bond projects that have an approved baseline agreement.

This revision would result in fewer actions, but more information, presented to the Commission, and higher workload for Commission and Department staff. It would also result in additional adjustments to STIP County shares.

BACKGROUND:

On July 28, 1978, the Commission delegated to the Department the authority to adjust STIP and SHOPP project allocations and modify project descriptions within well-defined boundaries. Over the years, the G-12 delegation has been revised numerous times to reflect new transportation laws and Commission procedures.

With the recent changes to transportation funding, it has become necessary to again revise the delegation to affirm its use for STIP and SHOPP funds only and to re-define the boundaries of its use.

Three possible revisions are attached.

Attachments

January 14, 2009

Item 4.8

Attachment 1

CALIFORNIA TRANSPORTATION COMMISSION

Delegation of Authority to Adjust Project Allocations And Modify Project Descriptions

Resolution #G-08-__ Amending Resolution #G-02-12

- 1.1 WHEREAS, the California Transportation Commission adopted Resolution #G-12, delegation of authority to adjust project allocations and modify project descriptions to the Director of Transportation on July 28, 1978; and
 - 1.2 WHEREAS, over the years Resolution #G-12 was revised by Resolutions #G-83-6, #G-85-10, #G-88-18, #G-89-23, #G-90-24, #G-95-08, ~~and #G-98-12;~~ **and #G-02-12;** and
 - 1.3 WHEREAS, a complete restatement of the Resolution #G-12 delegation authority to the Director of Transportation is now needed; and
 - 1.4 WHEREAS, the delegation greatly reduces the volume of financial transactions submitted to the Commission and increased the efficiency of the Department of Transportation in processing changes.
- 2.1 NOW THEREFORE, BE IT RESOLVED, that the following policies shall be in effect for capital outlay allocations by the California Transportation Commission (Commission) for State Transportation Improvement Program (STIP), State Highway Operation and Protection Program (SHOPP), and SHOPP Minor ~~Reserve~~ projects:
- A. The Director of Transportation (Director) is authorized to increase individual project construction allocations **of STIP and/or SHOPP funds** to allow the advertisement, award and completion of contracts within the following limits:
 1. For programmed STIP and SHOPP projects receiving a Commission allocation of less than a \$1,000,000, the Director may adjust the funds allocated for construction provided the adjustment does not increase the Commission's allocation by more than \$200,000.

January 14, 2009

Attachment 1

Page 2 of 5

2. For programmed STIP and SHOPP projects receiving a Commission allocation of \$1,000,000 or more, the Director may adjust the funds allocated for construction provided the adjustment does not increase the Commission's allocation by more than \$200,000 plus 10 percent of the initial Commission allocation.
3. When a programmed STIP or SHOPP project is awarded for less than the Commission construction allocation amount, the above authorized construction allocation increase is to be based upon the contract allotment including such items as contingencies, supplemental work and state furnished materials, if any, rather than on the initial Commission allocation amount.
4. ~~For the 32 identified 1998 STIP projects (see Attachment A) that triggered Longer Life Pavement (LLP) criteria after being programmed in the STIP, the Director may adjust the construction funds allocated by the Commission to cover the incremental LLP costs. The incremental LLP cost adjustment may be up to 4.0 percent of the Commission's construction allocation amount. The incremental LLP cost adjustment is a permissible additional amount to the adjustments authorized above.~~
4. For **projects enumerated on the Commission reviewed and accepted SHOPP Minor A Reserve projects list** (~~unprogrammed projects with construction contract allotments estimated within the range of \$120,000 through \$750,000 at the time of allocation by the Commission~~), the Director may adjust the funds **sub-**allocated for construction provided that the adjustment does not ~~increase the Commission's allocation by more than \$150,000~~ **exceed the estimated construction expenditure by more than \$200,000.**
5. For SHOPP Minor B Reserve projects (~~unprogrammed projects with a construction contract allotment estimate of less than \$120,000 at the time of allocation by the Director of Transportation~~), the Director may adjust the funds **sub-**allocated for construction provided that the adjustment does not exceed 110 percent of the Minor B Reserve **project limit as defined in Resolution G-05-05 under L.2 (an amount equal to the lower limit of projects subject to the State Contract Act as revised by the Department of Finance).**
6. Any adjustments that exceed the authorized limits described above must be allocated by the Commission and ~~do not establish a new funding capacity adjustment base for the project.~~ **In addition, all** subsequent increases to the allocation must be presented to the Commission for approval.
7. **Any allocation adjustment for programmed STIP, SHOPP and SHOPP Minor projects is assumed to be proportionate to any non-state funding on the project, unless the project was programmed for non-proportional funding (per STIP Guidelines, Section 49).**
8. **The Director is expected to provide for the review of allocation adjustment requests for appropriateness and need prior to approval.**

January 14, 2009

Attachment 1

Page 3 of 5

- B. The Director is authorized to modify Commission approved project descriptions to meet unforeseen conditions and to correct project description errors in order to proceed with the advertisement of projects provided that:
1. Such revisions do not change the Commission's intent with regard to an individual project's program component, principal purpose, primary characteristic and general location.
 2. Any cost increase resulting from the proposed change in project description is within the limits authorized to the Director under item A above.
 3. Any needed project scope change, which exceeds the authorized limits described above, must be approved by the Commission.
- C. The Director is authorized to split or combine allocated projects in close geographical proximity for ease and economy of contract administration provided that:
1. The amount of a combined project does not exceed the sum of the individual approved projects, and the amount of split projects does not exceed the allocation for the original project.
 2. When two or more STIP and/or SHOPP programmed projects are combined, the cost increase limits authorized under item A above are based on the total cost of the combined project as though it was a single project. When a STIP and/or SHOPP programmed project is split, the cost increase limits authorized under item A shall be based on the contract allotment of each portion.
 3. When two or more SHOPP Minor A ~~Reserve~~ projects are combined, the combined project will be considered a single Minor A ~~Reserve~~ capital outlay project for accounting purposes. The cost increase limits authorized under item A above shall be individually determined for each of the Minor A ~~Reserve~~ projects involved.
 4. When a SHOPP Minor A ~~Reserve~~ project is combined with a SHOPP programmed project, the combined project will be considered a single SHOPP programmed capital outlay project for cost increase limits authorized under item A above and accounting purposes.
 5. When an independently designed and allocated SHOPP programmed project is combined with a STIP programmed project for construction purposes, the cost increase limits authorized under item A above shall be individually determined and accounted for the SHOPP portion and the STIP portion of the combined project.
 6. When an independently designed and allocated SHOPP Minor A ~~Reserve~~ project is combined with a STIP programmed project for construction purposes, the cost increase limits authorized under item A above shall be individually determined and

January 14, 2009

Attachment 1

Page 4 of 5

accounted for the SHOPP Minor A ~~Reserve~~ portion and the STIP portion of the combined project.

- D. The SHOPP Minor ~~Reserve~~ is for SHOPP projects only. The Commission will not allocate funds from the SHOPP Minor ~~Reserve~~ for capacity-increasing projects, including bicycle and pedestrian facilities, soundwalls, and enhancements and mitigation for STIP projects nor to enhance and/or cover cost increases on STIP projects. The following additional procedures shall apply to SHOPP Minor ~~Reserve~~ projects:
1. When funds required to complete a SHOPP Minor A ~~Reserve~~ project are greater than authorized under item A above, the following procedures shall be followed:
 - a. When there has been no change in the scope of the project, any additional State funds will come from the SHOPP Minor A ~~Reservation~~.
 - b. When there is a change in the scope of the project, the project must compete for funding with other projects in the normal SHOPP programming process.
 2. The SHOPP Minor B ~~Reserve~~ limit is established to be consistent with the lower limit of the State Contract Act (SCA). The SCA is reviewed each even numbered year by the Department of Finance and adjusted to be consistent with change in the annual California Construction Index. The Commission authorizes the Director to change the SHOPP Minor B ~~Reserve~~ limit and the SHOPP Minor A ~~Reserve~~ lower limit to an amount equal to the lower limit of projects subject to the SCA as revised by the Department of Finance, and the Director shall inform the Commission of any such change within 45 days.
 3. The Director is authorized to allocate funds for SHOPP Minor B ~~Reserve~~ projects to individual Districts.
 4. SHOPP Minor A ~~Reserve~~ financial contributions to STIP projects will be allocated by the Commission only after independent utility for the SHOPP Minor A work and lack of responsibility by the STIP project sponsor for the SHOPP Minor A work is established and approved by the Director under the requirements of the Department's June 5, 2002, Minor A Project Policy memorandum (~~attached see Attachment B~~).
 5. Projects funded jointly with SHOPP Minor A ~~Reserve~~ funds and other non-STIP or non-SHOPP funds shall be administered as SHOPP Minor A ~~Reserve~~ projects, irrespective of the total cost of the project.
- E. The Director shall report all project capital outlay allocation changes made under this delegation (both increases and decreases) to the Commission Executive Director on a monthly basis. At a minimum the report will contain the following information:

January 14, 2009

Attachment 1

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1. A listing of projects which received increases or decreases during the prior month, including allocations revised downward to match lower contract allotment amounts. Include the following project information: project identifiers (**both** PPNO and EA numbers), **project type (STIP, SHOPP or SHOPP Minor)**, description of work, initial Commission allocation **date and** amount, current allocation amount, and the Director revised allocation amount.
2. A cumulative total of Director approved increases and decreases to funds allocated by the Commission during the fiscal year. It is intended that the Director approved decreases will offset the Director approved increases.

F. The delegation of authority to adjust project allocations or modify project descriptions under this resolution does not apply to projects funded, wholly or in part, with CMIA, Route 99 and/or TCIF bond funds, or to any Proposition 1B bond projects that have an approved baseline agreement. Any changes to these projects must be approved by the Commission.

G. The delegation of authority to adjust project allocations under this resolution does not apply to project allocations that the Commission has previously adjusted in accordance with Streets and Highways Code Section 188(d)(3), as first authorized by AB 608 (2001). The Commission must approve any further adjustments.

2.2 THEREFORE BE IT FURTHER RESOLVED, that this resolution supersedes and replaces Resolution #G-02-12 and serves as a complete restatement of Resolution #G-12.

January 14, 2009

Item 4.8

Attachment 2

CALIFORNIA TRANSPORTATION COMMISSION

Delegation of Authority to Adjust Project Allocations And Modify Project Descriptions

Resolution #G-08-__ Amending Resolution #G-02-12

- 1.1 WHEREAS, the California Transportation Commission adopted Resolution #G-12, delegation of authority to adjust project allocations and modify project descriptions to the Director of Transportation on July 28, 1978; and
 - 1.2 WHEREAS, over the years Resolution #G-12 was revised by Resolutions #G-83-6, #G-85-10, #G-88-18, #G-89-23, #G-90-24, #G-95-08, ~~and #G-98-12;~~ **and #G-02-12;** and
 - 1.3 WHEREAS, a complete restatement of the Resolution #G-12 delegation authority to the Director of Transportation is now needed; and
 - 1.4 WHEREAS, the delegation greatly reduces the volume of financial transactions submitted to the Commission and increased the efficiency of the Department of Transportation in processing changes.
- 2.1 NOW THEREFORE, BE IT RESOLVED, that the following policies shall be in effect for capital outlay allocations by the California Transportation Commission (Commission) for State Transportation Improvement Program (STIP), State Highway Operation and Protection Program (SHOPP), and SHOPP Minor ~~Reserve~~ projects:
- A. The Director of Transportation (Director) is authorized to increase individual project construction allocations **of STIP and/or SHOPP funds** to allow the advertisement and award ~~and completion~~ of contracts within the following limits:
 1. For programmed STIP and SHOPP projects receiving a Commission allocation of less than a \$1,000,000, the Director may adjust the funds allocated for construction provided the adjustment does not increase the Commission's allocation by more than \$200,000.

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2. For programmed STIP and SHOPP projects receiving a Commission allocation of \$1,000,000 or more, the Director may adjust the funds allocated for construction provided the adjustment does not increase the Commission's allocation by more than \$200,000 plus 10 percent of the initial Commission allocation.
- ~~3. When a programmed STIP or SHOPP project is awarded for less than the Commission construction allocation amount, the above authorized construction allocation increase is to be based upon the contract allotment including such items as contingencies, supplemental work and state furnished materials, if any, rather than on the initial Commission allocation amount.~~
- ~~4. For the 32 identified 1998 STIP projects (see Attachment A) that triggered Longer Life Pavement (LLP) criteria after being programmed in the STIP, the Director may adjust the construction funds allocated by the Commission to cover the incremental LLP costs. The incremental LLP cost adjustment may be up to 4.0 percent of the Commission's construction allocation amount. The incremental LLP cost adjustment is a permissible additional amount to the adjustments authorized above.~~
- 3 For **projects enumerated on the Commission reviewed and accepted SHOPP Minor A Reserve projects list** (~~unprogrammed projects with construction contract allotments estimated within the range of \$120,000 through \$750,000 at the time of allocation by the Commission~~), ~~t~~ All adjustments would count against shares. The Director may adjust the funds **sub**-allocated for construction provided that the adjustment does not increase the Commission's allocation by more than \$150,000 **exceed the estimated construction expenditure by more than \$200,000.**
- 4 For SHOPP Minor B Reserve projects (~~unprogrammed projects with a construction contract allotment estimate of less than \$120,000 at the time of allocation by the Director of Transportation~~), the Director may adjust the funds **sub**-allocated for construction provided that the adjustment does not exceed 110 percent of the Minor B Reserve **project limit as defined in Resolution G-05-05 under L.2 (an amount equal to the lower limit of projects subject to the State Contract Act as revised by the Department of Finance).**
5. Any adjustments that exceed the authorized limits described above must be allocated by the Commission and ~~do not establish a new funding capacity adjustment base for the project.~~ **In addition, a** All subsequent increases to the allocation must be presented to the Commission for approval.
6. **Any allocation adjustment for programmed STIP, SHOPP and SHOPP Minor projects is assumed to be proportionate to any non-state funding on the project, unless the project was programmed for non-proportional funding (per STIP Guidelines, Section 49).**
7. **The Director is expected to provide for the review of allocation adjustment requests for appropriateness and need prior to approval.**

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- B. The Director is authorized to modify Commission approved project descriptions to meet unforeseen conditions and to correct project description errors in order to proceed with the advertisement of projects provided that:
1. Such revisions do not change the Commission's intent with regard to an individual project's program component, principal purpose, primary characteristic and general location.
 2. Any cost increase resulting from the proposed change in project description is within the limits authorized to the Director under item A above.
 3. Any needed project scope change, which exceeds the authorized limits described above, must be approved by the Commission.
- C. The Director is authorized to split or combine allocated projects in close geographical proximity for ease and economy of contract administration provided that:
1. The amount of a combined project does not exceed the sum of the individual approved projects, and the amount of split projects does not exceed the allocation for the original project.
 2. When two or more STIP and/or SHOPP programmed projects are combined, the cost increase limits authorized under item A above are based on the total cost of the combined project as though it was a single project. When a STIP and/or SHOPP programmed project is split, the cost increase limits authorized under item A shall be based on the contract allotment of each portion.
 3. When two or more SHOPP Minor A ~~Reserve~~ projects are combined, the combined project will be considered a single Minor A ~~Reserve~~ capital outlay project for accounting purposes. The cost increase limits authorized under item A above shall be individually determined for each of the Minor A ~~Reserve~~ projects involved.
 4. When a SHOPP Minor A ~~Reserve~~ project is combined with a SHOPP programmed project, the combined project will be considered a single SHOPP programmed capital outlay project for cost increase limits authorized under item A above and accounting purposes.
 5. When an independently designed and allocated SHOPP programmed project is combined with a STIP programmed project for construction purposes, the cost increase limits authorized under item A above shall be individually determined and accounted for the SHOPP portion and the STIP portion of the combined project.
 6. When an independently designed and allocated SHOPP Minor A ~~Reserve~~ project is combined with a STIP programmed project for construction purposes, the cost increase limits authorized under item A above shall be individually determined and

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accounted for the SHOPP Minor A ~~Reserve~~ portion and the STIP portion of the combined project.

- D. The SHOPP Minor ~~Reserve~~ is for SHOPP projects only. The Commission will not allocate funds from the SHOPP Minor ~~Reserve~~ for capacity-increasing projects, including bicycle and pedestrian facilities, soundwalls, and enhancements and mitigation for STIP projects nor to enhance and/or cover cost increases on STIP projects. The following additional procedures shall apply to SHOPP Minor ~~Reserve~~ projects:
1. When funds required to complete a SHOPP Minor A ~~Reserve~~ project are greater than authorized under item A above, the following procedures shall be followed:
 - a. When there has been no change in the scope of the project, any additional State funds will come from the SHOPP Minor A ~~Reservation~~.
 - b. When there is a change in the scope of the project, the project must compete for funding with other projects in the normal SHOPP programming process.
 2. The SHOPP Minor B ~~Reserve~~ limit is established to be consistent with the lower limit of the State Contract Act (SCA). The SCA is reviewed each even numbered year by the Department of Finance and adjusted to be consistent with change in the annual California Construction Index. The Commission authorizes the Director to change the SHOPP Minor B ~~Reserve~~ limit and the SHOPP Minor A ~~Reserve~~ lower limit to an amount equal to the lower limit of projects subject to the SCA as revised by the Department of Finance, and the Director shall inform the Commission of any such change within 45 days.
 3. The Director is authorized to allocate funds for SHOPP Minor B ~~Reserve~~ projects to individual Districts.
 4. SHOPP Minor A ~~Reserve~~ financial contributions to STIP projects will be allocated by the Commission only after independent utility for the SHOPP Minor A work and lack of responsibility by the STIP project sponsor for the SHOPP Minor A work is established and approved by the Director under the requirements of the Department's June 5, 2002, Minor A Project Policy memorandum (~~attached see Attachment B~~).
 5. Projects funded jointly with SHOPP Minor A ~~Reserve~~ funds and other non-STIP or non-SHOPP funds shall be administered as SHOPP Minor A ~~Reserve~~ projects, irrespective of the total cost of the project.
- E. The Director shall report all project capital outlay allocation changes made under this delegation (both increases and decreases) to the Commission Executive Director on a monthly basis. At a minimum the report will contain the following information:

January 14, 2009

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1. A listing of projects which received increases or decreases during the prior month, including allocations revised downward to match lower contract allotment amounts. The listing shall specify whether the adjustment was prior to, or after award, and will include the following project information: project identifiers (**both** PPNO and EA numbers), **project type (STIP, SHOPP or SHOPP Minor)**, description of work, initial Commission allocation **date and** amount, current allocation amount, and the Director revised allocation amount.
2. A cumulative total of Director approved increases and decreases to funds allocated by the Commission during the fiscal year. It is intended that the Director approved decreases will offset the Director approved increases.

F. The delegation of authority to adjust project allocations or modify project descriptions under this resolution does not apply to projects funded, wholly or in part, with CMIA, Route 99 and/or TCIF bond funds, or to any Proposition 1B bond projects that have an approved baseline agreement. Any changes to these projects must be approved by the Commission.

G. The delegation of authority to adjust project allocations under this resolution does not apply to project allocations that the Commission has previously adjusted in accordance with Streets and Highways Code Section 188(d)(3), as first authorized by AB 608 (2001). The Commission must approve any further adjustments.

2.2 THEREFORE BE IT FURTHER RESOLVED, that this resolution supersedes and replaces Resolution #G-02-12 and serves as a complete restatement of Resolution #G-12.

January 14, 2009

Item 4.8

Attachment 3

CALIFORNIA TRANSPORTATION COMMISSION

Delegation of Authority to Adjust Project Allocations And Modify Project Descriptions

Resolution #G-08-__ Amending Resolution #G-02-12

- 1.1 WHEREAS, the California Transportation Commission adopted Resolution #G-12, delegation of authority to adjust project allocations and modify project descriptions to the Director of Transportation on July 28, 1978; and
 - 1.2 WHEREAS, over the years Resolution #G-12 was revised by Resolutions #G-83-6, #G-85-10, #G-88-18, #G-89-23, #G-90-24, #G-95-08, ~~and #G-98-12;~~ **and #G-02-12;** and
 - 1.3 WHEREAS, a complete restatement of the Resolution #G-12 delegation authority to the Director of Transportation is now needed; and
 - 1.4 WHEREAS, the delegation greatly reduces the volume of financial transactions submitted to the Commission and increased the efficiency of the Department of Transportation in processing changes.
- 2.1 NOW THEREFORE, BE IT RESOLVED, that the following policies shall be in effect for capital outlay allocations by the California Transportation Commission (Commission) for State Transportation Improvement Program (STIP), State Highway Operation and Protection Program (SHOPP), and SHOPP Minor projects:
- A. The Director of Transportation (Director) will request annually (in June), Commission approval of a lump-sum allocation of STIP and SHOPP dollars to be used to adjust project allocations as allowed in this resolution. The Commission must approve any revisions to the total allocation required during the year.**
 - B. The Director is authorized **to sub-allocate funds from the annual lump-sum allocation to adjust individual project construction allocations of STIP and/or SHOPP funds** to allow the advertisement, award and completion of contracts.

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Attachment 3

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1. **Any allocation adjustment for programmed STIP, SHOPP and SHOPP Minor projects is assumed to be proportionate to any non-state funding on the project, unless the project was programmed for non-proportional funding (per STIP Guidelines, Section 49).**
 2. **Any allocation adjustment of five percent or greater will count against STIP County shares.**
 3. **The Director is expected to provide for the review of allocation adjustment requests for appropriateness and need prior to approval.**
- C. The Director is authorized to modify Commission approved project descriptions to meet unforeseen conditions and to correct project description errors in order to proceed with the advertisement of projects provided that:
1. Such revisions do not change the Commission's intent with regard to an individual project's program component, principal purpose, primary characteristic and general location.
 2. Any needed project scope change, which exceeds the authorized limits described above, must be approved by the Commission.
- D. The Director is authorized to split or combine allocated projects in close geographical proximity for ease and economy of contract administration provided that the amount of a combined project does not exceed the sum of the individual approved projects, and the amount of split projects does not exceed the allocation for the original project.
- E. The SHOPP Minor is for SHOPP projects only. The Commission will not allocate funds from the SHOPP Minor for capacity-increasing projects, including bicycle and pedestrian facilities, soundwalls, and enhancements and mitigation for STIP projects nor to enhance and/or cover cost increases on STIP projects. The following additional procedures shall apply to SHOPP Minor projects:
1. The SHOPP Minor B limit is established to be consistent with the lower limit of the State Contract Act (SCA). The SCA is reviewed each even numbered year by the Department of Finance and adjusted to be consistent with change in the annual California Construction Index. The Commission authorizes the Director to change the SHOPP Minor B limit and the SHOPP Minor A lower limit to an amount equal to the lower limit of projects subject to the SCA as revised by the Department of Finance, and the Director shall inform the Commission of any such change within 45 days.
 2. The Director is authorized to allocate funds for SHOPP Minor B projects to individual Districts.

January 14, 2009

Attachment 3

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3. SHOPP Minor A financial contributions to STIP projects will be allocated by the Commission only after independent utility for the SHOPP Minor A work and lack of responsibility by the STIP project sponsor for the SHOPP Minor A work is established and approved by the Director under the requirements of the Department's June 5, 2002, Minor A Project Policy memorandum (see Attachment B).
 4. Projects funded jointly with SHOPP Minor A funds and other non-STIP or non-SHOPP funds shall be administered as SHOPP Minor A projects, irrespective of the total cost of the project.
- F. The Director shall report all project capital outlay allocation changes made under this delegation (both increases and decreases) to the Commission on a monthly basis. At a minimum the report will contain the following information:
1. A listing of projects which received increases or decreases during the prior month, including allocations revised downward to match lower contract allotment amounts. Include the following project information: project identifiers (both PPNO and EA numbers), project type (STIP, SHOPP or SHOPP Minor), description of work, initial Commission allocation date and amount, current allocation amount, and the Director revised allocation amount.
 2. A cumulative total of Director approved increases and decreases to funds allocated by the Commission during the fiscal year. It is intended that the Director approved decreases will offset the Director approved increases.
- G. **The delegation of authority to adjust project allocations or modify project descriptions under this resolution does not apply to projects funded, wholly or in part, with CMIA, Route 99 and/or TCIF bond funds, or to and Proposition 1B bond projects that have an approved baseline agreement. Any changes to these projects must be approved by the Commission.**

2.2 THEREFORE BE IT FURTHER RESOLVED, that this resolution supersedes and replaces Resolution #G-02-12 and serves as a complete restatement of Resolution #G-12.



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Memorandum

TO: Programming and Delivery Working Group

DATE: February 2, 2009

FR: Kenneth Kao

RE: CTC's Six Month STIP Award Deadline Follow-Up

A few years ago, the California Transportation Commission changed the STIP award deadline from 12 months to 6 months after the date of allocation. A number of agencies expressed their concern in meeting this shortened award deadline. The CTC and Caltrans have maintained that the new deadline is achievable and the majority of allocated projects are able to meet the six month award deadline.

Recently, some agencies around the state have raised concerns over the six month award deadline, specifically in relation to STIP Transportation Enhancement projects. In order to report back to Caltrans, staff would like to hear if there have been any issues in the MTC region in meeting the six month award deadline for TE funded projects. While there have not been any recent TE award extension requests due to not receiving federal authorization to proceed (E-76), the region may be able to relate our best practices for the benefit of other agencies around the state.

J:\COMMITTEE\Partnership\Partnership PDWG\2009 PDWG\09 PDWG Memos\01_Feb 09 - PDWG\04x_0_STIP_Six_Month_Award.doc



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Memorandum

TO: Programming and Delivery Working Group

DATE: February 2, 2009

FR: Sri Srinivasan

RE: TIP Update

2009 TIP Revisions

MTC's 2009 Transportation Improvement Program (TIP), which is part of the Statewide Transportation Improvement Program, was approved by FHWA and FTA, without conditions, on November 17, 2008. The electronic versions of the approved 2009 TIP as well as the FHWA/FTA approval letter are available on the MTC's web page at: <http://www.mtc.ca.gov/funding/tip/>. The hard copy versions of the TIP are available for review at the MTC/ABAG library in Oakland, CA.

During the TIP development phase, access to MTC's Fund Management System (FMS) was temporarily restricted. With the approval of the 2009 TIP, access to MTC's Fund Management System (FMS) has been restored to allow sponsors to process TIP revisions using FMS.

In addition to the approval, our Federal and State partners have afforded us additional flexibility with respect to the types of changes that qualify as administrative modifications. The limits have changed from 20% or \$2 million (whichever is less) to 25% or \$5 million (whichever is less).

The 2009 TIP revision schedule is attached and is available on MTC's web page at: <http://www.mtc.ca.gov/funding/tip/>. Project sponsors are requested to submit all change requests by 5:00 p.m. of the submittal deadline date. Requests submitted after 5:00 p.m. will be addressed as part of the subsequent TIP revision. This will enable MTC to keep on track with the schedule, thus making the schedule dependable, and will also assist in tracking bottlenecks within the TIP revision process.

TIP Revision 09-01 - Approved

Final Caltrans approval for TIP Revision 09-01 was received on December 16, 2008. For details of the projects in the TIP revision visit: <http://www.mtc.ca.gov/funding/tip/revisions.htm>.

TIP Revision 09-02 - Pending

Revision 09-02 is an amendment referred by the Programming and Allocations Committee on December 10, 2008. It makes revisions to 72 projects with a net increase in funding of \$28,081,615. Among other changes, it updates funding amounts to reflect changes made through Amendment 07-26 which revised the 2007 TIP after the Commission had approved the 2009 TIP. This amendment also reconciles STP/CMAQ funding that was obligated in FY 2007/08, modifies projects to reflect actions taken by the California Transportation Commission and makes adjustments to various grouped project listings at the request of Caltrans. Changes made with this revision do not affect the air quality conformity or conflict with the financial constraint requirements.

TIP revision Update
February 2, 2009
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Revision 09-02 was approved by the MTC Commission on December 17, 2008. Caltrans approval was received on January 7, 2009 and final federal approval is expected in early February 2009. For details of the projects in the TIP revision visit: <http://www.mtc.ca.gov/funding/tip/revisions.htm>.

TIP Revision 09-03 – In Process

Revision 09-03 is an administrative modification currently being processed by MTC. It makes revisions to 15 projects with a net decrease in funding of \$361,802. One significant change in this revision includes combining the Doyle Drive Congestion Tolling project (SF-070043) into the Doyle Drive Replacement project (SF-991030), to reflect the changes made through administrative modification 07-28 which revised the 2007 TIP after the Commission had approved the 2009 TIP. Another change is to split the New Freedom Grouped Listing (REG070013) into three separate New Freedom (NF) grouped listings: NF FY06 Small UA (REG070013), NF FY07 Large UA (REG090004) and NF FY07/09 Small UA (REG090005) with updated project costs and lists to provide clarity. Changes made with this revision do not affect the air quality conformity determination or conflict with financial constraint requirements.

Revision 09-03 is on schedule to be approved by the Director on January 30, 2009. Caltrans approval is expected in early February. For details of the projects in the TIP revision visit: <http://www.mtc.ca.gov/funding/tip/revisions.htm>.

TIP Revision 09-04 – In Process

TIP Amendment 09-04 makes revisions to 62 projects with a net increase in funding of roughly \$84.4M. Among other changes, it updates project lists and costs of several SHOPP Grouped listings. The amendment updates the funding plan to identify \$35M in CMAQ funds for the Enhanced Bus - Telegraph/Int'l/East 14th project as part of Resolution 3434 implementation. It adds the High Street Bridge back into the TIP and amends 10 new projects into the TIP. Of these, four projects received FTA Paul S. Sarbanes Transit in Parks Program (5320) grant funds and the revenues are accounted for as part of this revision. The amendment programs the second cycle funds of the Safe Routes to School grants into the TIP, adds in FY10 and FY11 funds into the Highway Safety Improvement Program and archives eight projects.

Revision 09-04 is on schedule to be approved by the MTC Commission on February 25, 2009. Caltrans approval is expected in late February and final federal approval is expected in early March 2009. For details of the projects in the TIP revision visit: <http://www.mtc.ca.gov/funding/tip/revisions.htm>.

TIP Revision 09-05 – In Process

Revision 09-05 is a special amendment that is scheduled to program only American Economic Recovery fund revenues into the TIP. There will be no projects associated with economic stimulus revenues and projects. MTC staff will provide further guidance in the next few weeks. Revision 09-05 is on schedule to be approved by the MTC Commission on February 25, 2009. Caltrans approval is expected in late February and final federal approval is expected in early March 2009. For details of the projects in the TIP revision visit: <http://www.mtc.ca.gov/funding/tip/revisions.htm>.

TIP revision Update
February 2, 2009
Page 3 of 3

TIP Revision 09-06 – In Process

Revision 09-06 is an amendment being processed by MTC. The 2009 TIP is presently a reflection of the 2030 Regional Transportation Plan (T-2030). MTC is in the process of developing and adopting an updated Regional Transportation Plan (T-2035). This amendment conforms the 2009 TIP to the new RTP (T-2035), revises existing projects and amends in new Air-Quality non-exempt projects.

Draft Transportation Air Quality Conformity Analysis for the Transportation 2035 Plan and TIP revision 09-06 was released for a 30-day public review and comment period on January 9, 2009. The public comment period closes on February 9, 2009. Caltrans approval is expected in early April and final federal approval is expected in mid-May 2009.

TIP Revision 09-07 – In Process

Revision 09-07 is a special amendment that is scheduled to add grouped listings into the TIP for projects that receive Economic stimulus funds. In addition to the grouped listings, only exempt projects that add economic recovery funds will be programmed into the TIP as part of this amendment. The deadline to receive the initial list of projects was January 28, 2009, the final list is due February 9, 2009. Requests submitted after 5:00 p.m., February 9th will be addressed as part of the subsequent TIP revision.

Revision 09-07 is on schedule to be approved by the MTC Commission on February 25, 2009. Caltrans approval is expected in late February and final federal approval is expected in early March 2009. For details of the projects in the TIP revision visit: <http://www.mtc.ca.gov/funding/tip/revisions.htm>.

For additional information please contact Sri Srinivasan at (510) 817-5793.



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Pavement Management Program Certification Listing

In accordance with section 2108.1 of the Streets and Highway Code, MTC requires cities and counties submitting pavement maintenance and rehabilitation projects for funding to utilize a Pavement Management Program (PMP).

Section 2108.1 of the Streets and Highway Codes says:

By July 1, 1990, the City, County, State Cooperation Committee in the department shall develop and adopt a pavement management program to be utilized on local streets or highways that receive funding under the state transportation improvement program. The pavement management program shall be transmitted to every county or city for possible adoption or incorporation into an existing pavement management program. The City, County, State Cooperation Committee shall solicit recommendations from transportation planning agencies and any other entity the committee deems appropriate.

Based on the recommendation of the joint City, County, State Cooperation Committee, the MTC will grant certification to a jurisdiction when all of the following applies:

1. The Pavement Management Program used by the jurisdiction is capable of completing all the following:
 - Storing inventory data for all roads within the jurisdiction
 - Assessing the pavement condition based on distress information
 - Identifying all pavement sections that need rehabilitation or replacement
 - Calculating budget needs for rehabilitating or replacing deficient pavement sections
2. The jurisdiction completes all the following:
 - Reviews and updates the inventory information for all roads every two years. The review will include checking for road network completeness along with checking for the accuracy of the existing management sections.
 - Completes inspection of pavement sections for arterial and collector routes in the system every two years, and residential routes every 5 years.
 - Calculates budget needs for rehabilitating or replacing deficient pavement sections for the current year and the next three years.

To be certified please submit the following to MTC:

1. Your jurisdiction's latest updated pavement management database. If you are not using MTC PMP, please submit items #2 and #3 only. If you are using an MTC PMP software program please submit all files associated with the version of StreetSaver you are using. If you need assistance in accessing these files, please contact your [PMP coordinator](#).
2. The following 3 budget scenarios reports: 1) a report showing sections selected for treatment over the next five years based on your jurisdiction's annual budget estimates, 2) a report showing what would need to be done to maintain your jurisdiction's existing PCI, and 3) a scenario depicting a five-point increase of your jurisdiction's current PCI over the next five years. *(These types of reports are typically generated as part of the Pavement Management Technical Assistance Program (P-TAP) projects.)*
3. A signed letter by the Public Works Director, or equivalent department head, stating that all of the requirements in parts 1 and 2 above have been met. "[Sample letter](#)"

MTC will post certification status updates of Bay Area jurisdictions on this page the first day of every month. The updated certification will have an expiration date two years from the date when the last inspection of arterials and collectors in your network was completed.

Temporary exemptions from the certification process

* A jurisdiction may apply for a one-year extension if the department head submits a letter stating that reinspection will occur within one year. Extensions may not continue beyond three years from the last major inspection date.

** A jurisdiction, whose certification is expiring, may apply for pending status if it is in the process of inspecting its network. You must notify the MTC in writing of your request for pending status, and include a reasonable date when inspections will be completed, or your certification will be considered expired. Jurisdictions who received a pending status because of their

participation with the **P-TAP project (Rounds 7 & 8) had until February 15, 2008** to submit their documentation or be considered expired. **Round-9 participants had until December 31, 2008** to submit their documentation or be considered expired. **Round-10 participants have until September 30, 2009** to submit their documentation or be considered expired.

NOTE: Failure to submit your PMP Certification letter and/or extension request by the above deadlines and/or your Certification Expiration Date will result in a lapse in compliance and any Pending status will revert back to its original expiration date.

The information should be forwarded to your [PMP Contact](#).

Last Updated: January 28, 2009

[Alameda County](#) [Contra Costa County](#) [Marin County](#) [Napa County](#) [San Francisco County](#)

[San Mateo County](#) [Santa Clara County](#) [Solano County](#) [Sonoma County](#)

Note: An *italicized* status represents a certification expected to expire in ~ 30 days.

Alameda County

Jurisdiction	Last Major Inspection	Certified	Certification Expiration Date
County of Alameda	12/31/2005	Pending	P-TAP 10
Alameda	07/16/2004	No	08/01/2006
Albany*	07/31/2004	Pending	Under contract*
Berkeley	10/31/2008	Yes	11/01/2010
Dublin	09/30/2007	Yes	10/01/2009
Emeryville	01/31/2000	No	02/01/2002
Fremont	10/31/2006	Pending	P-TAP 10
Hayward	10/31/2006	Pending	Under contract*
Livermore	04/30/2008	Yes	05/01/2010
Newark	05/30/2007	Yes	06/01/2009
Oakland	07/31/2008	Yes	08/01/2009
<i>Piedmont</i>	<i>01/31/2007</i>	<i>Yes</i>	<i>02/01/2009</i>
Pleasanton*	12/31/2006	Yes	01/01/2010*
San Leandro	03/31/2008	Pending	P-TAP 10
Union City	11/30/2007	Yes	12/01/2009

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Contra Costa County

Jurisdiction	Last Major Inspection	Certified	Certification Expiration Date
Contra Costa County	10/31/2006	Pending	P-TAP 10
Antioch	05/30/2007	Yes	06/01/2009
Brentwood	03/31/2007	Yes	04/01/2009
Clayton	04/30/2008	Yes	05/01/2010
Concord	03/31/2008	Yes	04/01/2010
Danville	12/31/2008	Yes	01/01/2010
El Cerrito	01/31/2006	No	02/01/2008
Hercules	09/30/2007	Yes	10/01/2009
Lafayette	01/31/2008	Yes	02/01/2010
Martinez	07/31/2007	Yes	08/01/2009
Moraga	06/30/2007	Yes	07/01/2009
Oakley	06/30/2007	Yes	07/01/2009
Orinda	06/30/2005	No	07/01/2007
Pinole	12/31/2005	No	01/01/2008
Pittsburg	09/30/2007	Yes	10/01/2009
Pleasant Hill	01/31/2008	Pending	P-TAP 10
Richmond	03/31/2008	Yes	04/01/2010
San Pablo	12/31/2007	Yes	01/01/2010
San Ramon	09/30/2007	Pending	P-TAP 10
Walnut Creek	06/30/2006	Pending	P-TAP 10

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Marin County

Jurisdiction	Last Major Inspection	Certified	Certification Expiration Date
Marin County	05/31/2007	Yes	06/01/2009
Belvedere	10/31/2005	No	11/01/2007
Corte Madera	09/30/2008	Yes	10/01/2010
Fairfax	04/30/2007	Yes	05/01/2009
Larkspur	06/30/2006	Pending	P-TAP 10
Mill Valley	12/31/2007	Yes	01/01/2010
Novato	03/31/2008	Pending	P-TAP 10
Ross	04/30/2007	Pending	P-TAP 10
<i>San Anselmo</i>	<i>02/28/2007</i>	<i>Yes</i>	<i>03/01/2009</i>
San Rafael	09/30/2007	Pending	P-TAP 10
Sausalito	09/30/2008	Yes	10/01/2010
Tiburon	09/30/2008	Yes	10/01/2010

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Jurisdiction	Last Major Inspection	Certified	Certification Expiration Date
Napa County	12/31/2007	Yes	01/01/2010
<i>American Canyon</i>	<i>01/31/2007</i>	<i>Yes</i>	<i>02/01/2009</i>
Calistoga	12/31/2008	Yes	01/01/2011
Napa*	06/30/2004	Pending	Under contract*
St. Helena	06/30/2007	Yes	07/01/2009
Yountville	11/30/2005	No	12/01/2007

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Jurisdiction	Last Major Inspection	Certified	Certification Expiration Date
San Francisco	08/31/2007	Yes	09/01/2009
Presidio Trust		Pending	P-TAP 10

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Jurisdiction	Last Major Inspection	Certified	Certification Expiration Date
San Mateo County	11/30/2006	No	12/01/2008
Atherton	09/30/2008	Yes	10/01/2010
Belmont	07/31/2007	Yes	08/01/2009
Brisbane	01/31/2008	Yes	02/01/2010
Burlingame	09/30/2008	Yes	10/01/2010
Colma	03/31/2006	No	04/01/2008
Daly City	11/30/2005	Pending	P-TAP 10
East Palo Alto	06/30/2007	Yes	07/01/2009
Foster City	12/31/2006	Pending	P-TAP 10
Half Moon Bay	04/30/2008	Yes	05/01/2010
Hillsborough	04/30/2004	No	05/01/2006
Menlo Park	04/30/2007	Pending	P-TAP 10
Millbrae	11/30/2003	Pending	P-TAP 10
Pacifica	03/31/2006	Pending	P-TAP 10
Portola Valley	05/31/2006	No	06/01/2008
Redwood City	09/30/2008	Yes	10/01/2010
San Bruno	12/31/2005	Pending	P-TAP 10
San Carlos	08/31/2008	Yes	09/01/2010
San Mateo	04/30/2008	Yes	05/01/2010
South San Francisco	08/31/2008	Yes	09/01/2010
Woodside	07/31/2007	Yes	08/01/2009

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Jurisdiction	Last Major Inspection	Certified	Certification Expiration Date
Santa Clara County	05/31/2007	Yes	06/01/2009
Campbell	04/30/2007	Yes	05/01/2009
Cupertino	04/30/2008	Yes	05/01/2010
Gilroy	07/12/2005	No	08/01/2007
Los Altos	10/31/2007	Pending	P-TAP 10
Los Altos Hills	01/31/2008	Yes	02/01/2010
Los Gatos	11/30/2005	Pending	P-TAP 10
Milpitas	09/30/2007	Yes	10/01/2009
Monte Sereno	08/31/2008	Yes	09/01/2010
Morgan Hill	12/31/2005	Pending	P-TAP 10
Mountain View	05/31/2008	Yes	06/01/2010
Palo Alto	11/30/2008	Yes	12/01/2010
San Jose	12/31/2007	Yes	01/01/2010
Santa Clara	07/31/2008	Yes	08/01/2010
Saratoga	06/30/2007	Yes	07/01/2009
Sunnyvale	03/30/2007	Yes	04/01/2009

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Jurisdiction	Last Major Inspection	Certified	Certification Expiration Date
Solano County	09/30/2007	Yes	10/01/2009
Benicia	04/30/2008	Yes	05/01/2010
Dixon	05/30/2007	Yes	06/01/2009
Fairfield	03/31/2008	Yes	04/01/2010
Rio Vista	11/30/2002	No	12/01/2004
Suisun City	03/31/2007	Yes	04/01/2009
Vacaville	06/30/2006	Pending	P-TAP 10
Vallejo	09/30/2008	Yes	10/01/2010

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Jurisdiction	Last Major Inspection	Certified	Certification Expiration Date
Sonoma County	05/25/2005	No	06/01/2007
Cloverdale	07/31/2008	Yes	07/31/2010
Cotati	03/31/2007	Pending	P-TAP 10
Healdsburg	01/31/2008	Yes	02/01/2010
Petaluma	01/30/2007	Pending	P-TAP 10
Rohnert Park	02/28/2008	Yes	03/01/2010
Santa Rosa	05/31/2007	Pending	P-TAP 10
Sebastopol	06/30/2007	Yes	07/01/2009
Sonoma*	11/01/2002	Pending	Under contract*
Windsor	11/14/2005	No	12/01/2007

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Administration (NARA)", insert the words "available for inspection".

[FR Doc. E8-30840 Filed 12-23-08; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 924

[FHWA Docket No. FHWA-2008-0009]

RIN 2125-AF25

Highway Safety Improvement Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise Part 924 to incorporate changes to the Highway Safety Improvement Program (HSIP) that resulted from the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), as well as to reflect changes in the overall program that have evolved since the FHWA originally published 23 CFR Part 924.

DATES: *Effective Date:* This final rule is effective January 23, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. Erin Kenley, Office of Safety, (202) 366-8556; or Raymond Cuprill, Office of the Chief Counsel, (202) 366-0791, Federal Highway Administration, 1200 New Jersey Ave., SE., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., *e.t.*, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document, the notice of proposed rulemaking (NPRM), and all comments received may be viewed online through <http://www.regulations.gov>. Electronic submission and retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's Web page at: <http://www.access.gpo.gov/nara>.

Background

On April 24, 2008, at 73 FR 22092, the FHWA published a NPRM proposing to revise the regulations in 23 CFR Part 924 Highway Safety Improvement Program. The NPRM was published to

incorporate the new statutory requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and to provide State and local safety partners with information on the purpose, definitions, policy, program structure, planning, implementation, evaluation, and reporting of HSIP.

Summary of Comments

The FHWA received 15 letters submitted to the docket containing approximately 100 individual comments. Comments were received from State departments of transportation (DOTs), a county department of public works, private industry, and the American Automobile Association (AAA). The FHWA has reviewed and analyzed all the comments received. The significant comments and summaries of the FHWA's analyses and determinations are discussed below.

Section 924.1 Purpose

The FHWA received one comment from the Arkansas State Highway Commission requesting clarification of FHWA's proposal to add evaluation to the list of components of a comprehensive HSIP, since evaluation already exists under the current HSIP. While evaluation has always been a requirement of the HSIP, the FHWA includes this change to emphasize that evaluation is a critical element of the program. The FHWA believes that explicitly adding evaluation to section 924.1 makes this section consistent with the rest of the regulation and corrects an omission of the word "evaluation" from the existing regulation.

Section 924.3 Definitions

The FHWA received 14 comments from State DOTs and the AAA regarding some of the proposed definitions in this section. In particular, the Michigan and North Dakota State DOTs, as well as the Maryland State Highway Administration (SHA), expressed concern with the definition of "highway safety improvement project," because they believed the definition required Strategic Highway Safety Plans (SHSP) to include specific projects. It is not the FHWA's intent for SHSPs to be project specific; therefore, FHWA revises the definition in the final rule to indicate that a highway safety improvement project is "consistent with" the State SHSP, rather than "described in" the SHSP. In addition, the Illinois, Minnesota, and Arizona DOTs and the AAA commented about the list of example projects included within the definition of "highway safety improvement project." Because the

project list is consistent with 23 U.S.C. 148, and the intent is to keep the definition of eligible projects broad, rather than imply that it is an exhaustive list, the FHWA retains the list of projects as proposed in the NPRM. However, the FHWA does incorporate a minor revision to the definition of "highway safety improvement project," project type 10, elimination of a roadside obstacle, to also include roadside hazards. This addresses comments by the Arizona DOT, who suggested that improvement of roadside slopes be included in this project type. The FHWA believes that "roadside hazards" is more general and addresses Arizona DOT's comment, while also being broad enough to cover other hazards. In addition, the FHWA removes the word "installation" from project type 21 in the final rule to be consistent with the language used in 23 U.S.C. 148. The AAA suggested that the term "crash rate," as described in the definition of "high risk rural roads," should include vehicle miles traveled, and a reference to fatalities and serious injuries, for consistency with the serious injury definition in the statutory language. The FHWA recognizes that not all crash rates are recorded with respect to vehicle miles travelled, and FHWA's desire is to allow States flexibility with how crash rates are defined. The definition for "high risk rural roads" is consistent with the 23 U.S.C. 148 definition in its reference to fatalities and incapacitating injuries. The Illinois DOT agreed with FHWA's proposed definition of "high risk rural roads" and suggested expanding the definition to include "locations on such roads that display similar roadway characteristics to warrant systematic safety improvements." The FHWA is adopting the proposed definition without the suggested expansion because it is more consistent with the requirements of 23 U.S.C. 148, and the suggested expansion of the definition would extend the application of the rule beyond its statutory authority. This would need to be addressed in future legislation. The definitions for "high risk rural roads," "highway safety improvement program," "safety projects under any other section," and "strategic highway safety plan," which are based on the definitions in 23 U.S.C. 148(a), remain unchanged in the final rule. The definition of "highway safety improvement project" in the final rule reflects a slight editorial change as discussed above.

The FHWA incorporates a minor editorial revision to the definition for "road safety audit" in the final rule to

clarify that the audit teams that perform road safety audits are multidisciplinary teams. The FHWA also incorporates minor editorial changes in the final rule definition for “safety data” to correspond with similar changes in section 924.9. In the NPRM, the FHWA proposed including case or citation adjudication and injury data to the list of types of safety data; however, several State DOTs, including Arkansas, Michigan, and Oregon indicated that they currently do not have access to all of that data. While the FHWA believes that case or citation adjudication and injury data are elements of an ideal safety data system, the FHWA removes those items in order to prevent the list of safety data from appearing exhaustive.

The FHWA incorporates the definitions for the following terms into the final rule, unchanged from what was proposed in the NPRM: “Highway-rail grade crossing protective devices,” “integrated interoperable emergency communication equipment,” “interoperable emergency communications system,” “operational improvements,” “public road,” “hazard index formula,” “public grade crossing,” “safety stakeholder,” “serious injury,” and “transparency report.” These terms are used in the text of the regulations. The AAA suggested that the definition for “hazard index formula” was overly broad; however, the FHWA believes that the proposed definition provides sufficient Federal level regulatory requirements while also allowing States the appropriate flexibility to incorporate States’ methodologies. The Minnesota DOT agreed with the definition of “public grade crossing,” commenting that it provided a clearer definition than was previously available.

The Illinois DOT suggested removing pedestrian and bicycle facilities from the existing definition of “highway” in Part 924; however, the FHWA leaves the definition unchanged because these types of facilities are eligible for HSIP funding and therefore must be included in the definition. The Arizona DOT suggested adding a definition for the word “safety”; however, the FHWA believes that the definitions and other provisions of the final rule provide sufficient information on the safety projects it covers and therefore a definition of “safety” is not necessary.

Section 924.5 Policy

While the Washington State DOT and the San Diego County Department of Public Works agreed with the proposed revisions to the policy statement in section 924.5(a), the Oregon and North

Dakota DOTs submitted comments about the specific wording. The North Dakota DOT requested clarification of the phrase “evaluate on a continuing basis” and suggested the phrase “all public roads” would include roads outside of the State’s authority. The Oregon DOT commented that the proposed objective of “decreasing the potential for crashes” is not specifically addressed in SAFETEA-LU and that the overall objective of significantly reducing fatalities and serious injuries should be emphasized. As a result of these comments, the FHWA revises the text in section 924.5(a) of the final rule to indicate that States shall “* * * evaluate on an annual basis a HSIP that has the overall objective of significantly reducing the occurrence of and the potential for fatalities and serious injuries resulting from crashes on all public roads.” The FHWA believes that this policy complements the systematic improvement characteristics of the SHSP and supports States in implementing safety countermeasures that target crash types rather than just high crash locations. The FHWA encourages States to fund projects that will have the largest impact on safety regardless of who owns and maintains the road.

In the NPRM, the FHWA proposed adding two additional paragraphs (b) and (c) to this section to provide information about highway safety improvement project eligibility, and to encourage agencies to use HSIP funding for projects that maximize opportunities to advance safety, and to indicate the period of availability for the funds. While the Washington State DOT supported the proposed language in section 924.5(b) emphasizing that States consider safety projects that maximize opportunities to advance safety by addressing locations and treatments with the highest potential for future crash reduction, Michigan and Illinois DOT and Maryland SHA expressed concern with the proposed language. Michigan DOT suggested that, in practice, it is very difficult to implement low cost treatment projects (as suggested in the NPRM) using Federal funding because of the requirement that such projects be competitively bid. The Maryland SHA also commented that these projects would be difficult to fund due to the policy requirement that the activity address locations and treatments with the highest potential for future crash reduction. The FHWA understands these concerns, and as a result, removes the phrase, “* * * by addressing locations and treatments with the highest potential for crash

reduction” from the statement in the final rule. In response to Illinois DOT’s concern that the proposed language in section 924.5(b) suggests prioritization of projects, the FHWA clarifies that this statement does not require prioritization, rather the intent is that the program should fund projects that are considered priority projects, which are projects with maximum lifesaving potential.

Paragraph (b) reiterates that safety projects under any other section are eligible activities only when a State meets the requirements of 23 U.S.C. 148(e) to use or flex 10 percent of the amount apportioned under 23 U.S.C. 104(b)(5) for a fiscal year. This excludes minor activities that are incidental to a specific highway safety improvement project. The FHWA received a comment from the Maryland SHA stating that flexing the 10 percent of the funds apportioned under 23 U.S.C. 104(b)(5) into behavioral programs should be made easier for the States and the FHWA division offices. The FHWA believes that this regulation provides States with the maximum flexibility allowed under current law for implementing the 10 percent flexibility provision and that granting additional flexibility would exceed statutory authority, and therefore, it is outside of the scope of this rulemaking.

The FHWA received comments from the Illinois, Minnesota, and Oregon DOTs supporting the addition of paragraph (c) to this section. The paragraph clarifies that improvements to safety features that are routinely provided as part of broader Federal-aid projects should be funded by the same source as the broader project. The Florida, Michigan, and North Dakota DOTs commented that the proposed language would limit their abilities to dual-fund or split-fund projects. The FHWA emphasizes that this statement does not prohibit dual or split funding, rather it encourages use of other funding sources for safety improvements. States should consider safety in all infrastructure improvements and funding those improvements through all sources possible, not just through dedicated safety funding. States also should consider using HSIP funds for cost effective, high-impact projects in order to use available funding as efficiently and effectively as possible.

Finally, the FHWA adds a new paragraph (d) to this section to explain that eligibility for Federal funding of projects for traffic control devices under this Part is subject to a State and/or local jurisdiction’s substantial conformance with the National Manual on Uniform Traffic Control Devices

(MUTCD) or FHWA-approved State MUTCDs and supplements in accordance with Part 655, Subpart F, of this title. While the FHWA neglected to include this in the NPRM, the FHWA adds this paragraph in the final rule to clarify that traffic control devices that are installed using HSIP funding must be MUTCD compliant. This is not a new requirement.

The purpose of this policy section is to support States in implementing safety countermeasures that target crash types rather than just high crash locations.

Section 924.7 Program Structure

The FHWA received comments from Maryland SHA and Michigan DOT agreeing with the addition of paragraph (a), which requires that the HSIP in each State include a data-driven SHSP and resulting implementation through all roadway improvement projects, in addition to highway safety improvement projects. The language requires that the HSIP include projects for construction and operational improvements on high risk rural roads and the elimination of hazards at railway-highway grade crossings.

The FHWA received comments from Maryland SHA and the North Dakota DOT opposed to proposed modifications of the existing language that require that each State's HSIP include processes for the evaluation of the SHSP, HSIP, and highway safety improvement projects. Both suggested that evaluation on a programmatic level, rather than project specific level, be allowed. The FHWA agrees that evaluation should be based on a programmatic level, and removes the requirement in paragraph (a) for each State to have a process for evaluating highway safety improvement projects as a process requirement from this section, as well as from other related sections in the regulation.

The FHWA received comments from the South Dakota DOT opposing the language that requires FHWA approval of the State's processes for the planning, implementation, and evaluation of the HSIP and SHSP, as well as the requirement for States to develop the processes cooperatively with officials of the various units of local governments. In both cases, South Dakota suggested revising the language to read "in consultation with." In the first instance, the FHWA agrees with the suggested change and has revised the language to read, "These processes shall be developed by the States in consultation with the FHWA Division Administrator in accordance with this section." However, in the second instance, because the role of various units of local governments is different from the role of

the FHWA the word "cooperatively" was not changed to "in consultation."

Section 924.9 Planning

The FHWA revises this section in order to provide more information to States regarding the planning process for HSIPs. The FHWA reorganizes this section and adds more detail regarding individual elements of the planning process from what appears in the existing regulation.

The five main elements that the planning process of the HSIP States shall incorporate are:

- (1) A process for collecting and maintaining a record of crash, roadway, traffic, and vehicle data on all public roads, including the characteristics of both highway and train traffic for railway-highway grade crossings;
- (2) A process for advancing the State's capabilities for safety data collection and analysis;
- (3) A process for analyzing available safety data;
- (4) A process for conducting engineering studies (such as road safety audits and other safety assessments or reviews) of hazardous locations, sections, and elements to develop highway safety improvement projects; and
- (5) A process for establishing priorities for implementing highway safety improvement projects.

Maryland SHA agreed that each State should have a procedure to monitor crashes on State and local highway systems such as to identify those locations having extraordinary frequencies; however, they were concerned that the requirements of this section would be interpreted as requiring that there be a single process or system in the State to identify, analyze, and prioritize crash locations. The FHWA believes that local jurisdictions may have and use data systems of their choice and does not require that a single process or system be used. However, the capabilities of the processes or systems that are used by the State must adhere to the requirements in 23 U.S.C. 148.

While the first of the five elements resembles the first planning component in existing Part 924, the final rule includes collecting and maintaining a record of crash, roadway, traffic, and vehicle data on all public roads. In the NPRM, the FHWA proposed including case or citation adjudication and injury data to the list of items to be collected and maintained; however, several State DOTs, including Arkansas, Michigan, and Oregon, indicated that they currently do not have access to all of that data. While the FHWA believes that

case or citation adjudication and injury data are elements of an ideal safety data system, the FHWA removes the requirement for those data sources in order to prevent the list of safety data from appearing exhaustive. The FHWA incorporates this change to bring additional data sources into the planning process and to encourage States to make their databases more comprehensive. The requirement for comprehensive databases is also consistent with 23 U.S.C. 148 and 408.

The FHWA proposed paragraph (2) to advance States' improvement of capabilities for data collection and analysis, including the improvement of the timeliness, accuracy, completeness, uniformity, integration, and accessibility of safety data or traffic records. The Arizona DOT suggested adding comprehensiveness, efficiency, and consistency to the safety data qualifiers, with "consistency" replacing "uniformity." However, FHWA's desire is to be consistent with 23 U.S.C. 148 and 408 and list the desirable qualities of data, and, therefore, declines to incorporate the suggested change.

The FHWA expands paragraph (3) [formerly paragraph (2) of the existing regulation] to provide more detailed information regarding the processes involved in developing a data-driven program. The revision to this section also provides four paragraphs with additional information on the components of a data-driven program that States must develop. These components include:

- (i) Developing a HSIP in accordance with 23 U.S.C. 148(c)(2) that identifies highway safety improvement projects on the basis of crash experience, crash potential, or other data supported means as identified by the State and establishes the relative severity of those locations, considers the relative hazard of public railway-highway grade crossings based on a hazard index formula; and that analyzes the results achieved by highway safety improvement projects in setting priorities for future projects. The FHWA revises the wording in the final rule based on comments from North Dakota and Colorado DOTs, as well as the Maryland SHA. The North Dakota DOT and Maryland SHA suggested that identifying safety improvement projects on the basis of crash experience is not broad enough and addressing a common system crash type should be allowed. As a result, the FHWA revises section (a)(3)(i)(A) to include "other data supported means as identified by the State." The FHWA includes this item to require that the States develop a data-driven program where projects and priorities are based on crash data, crash

severity, and other relevant safety information. In section 924.9(a)(3)(i)(B), the Maryland SHA questioned whether the use of a hazard index formula for public railway-highway grade crossings would have an impact on safety. The FHWA believes that some means of ranking and prioritizing railway-highway crossing locations for improvements continues to be needed, and required by 23 U.S.C. 130, and a hazard index formula serves this purpose. The FHWA reminds agencies that FHWA provides guidance and technical support to States including recommendations on hazard index formulas and best practices. States have the flexibility to use the DOT formula or a State-developed and validated formula. As a result, States have the ability to develop a hazard index formula that has a positive impact on safety. Section 924.9(a)(3)(i)(C) requires that States use information from their evaluation processes to set priorities for future projects. The Colorado and North Dakota DOT, as well as the Maryland SHA, had comments regarding the interpretation of the proposed language. As a result, the FHWA revises the wording in the final rule to indicate that the information from the evaluation process is to be used where appropriate in setting priorities for future projects. It is the FHWA's intent for evaluation information to be considered, but not as the sole source for data. In addition, the FHWA desires evaluation on a programmatic level and revises the language in the final rule by replacing the term "highway safety improvement project" with "highway safety improvement program." Finally, the FHWA emphasizes that the evaluation process does not require States to create accident modification factors or crash reduction factors; rather, States must establish an evaluation process and use the information as another source of data for future project prioritization. Such information can be very useful in helping the State determine the effectiveness of countermeasures.

(ii) Developing and maintaining a data-driven SHSP in consultation with safety stakeholders that makes effective use of crash data, addresses engineering, management, operation, education, enforcement, and emergency services, and considers safety needs on all public roads. In addition, the SHSP should identify key emphasis areas, adopt performance-based goals, priorities for implementation and a process for evaluation, and obtain approval by the Governor of the State, or a responsible State agency that is delegated by the Governor of the State. The process by

which the State develops the SHSP shall be approved by the FHWA Division Administrator. The elements in this section implement the statutory requirements of 23 U.S.C. 148. The Maryland SHA and the Oregon and South Dakota DOTs each submitted comments about interpreting some of the language in this portion of the regulation. In particular, Maryland SHA and Oregon DOT thought that the proposed language in item (F) implied that the program of HSIP projects had to be listed in the SHSP. The FHWA reiterates that item (F) does not require that the program of HSIP projects be listed in the SHSP, rather the SHSP is to describe a program of projects, technologies, or strategies. Maryland SHA commented that item (G), related to performance-based goals, needed to be cognizant of the work being done by National Highway Traffic Safety Administration (NHTSA) on performance measures and that this regulation should not require States to use specific measures until there is a national consensus on such measures. The FHWA reiterates that item (G) does not require specific measures be used, only that the measures that are used be consistent among other types of safety plans in the State. The consistency of performance measures is an existing requirement of 23 U.S.C. 148. Further, FHWA believes that NHTSA's report on "Traffic Safety Performance Measures for States and Federal Agencies"¹ will not adversely affect this regulation because performance measures described in the report cover the major areas common to many State SHSPs, and States will set the specific goals for the core outcome measures. To clarify the term "low cost," the FHWA replaces the term with the word "cost effective" in item (H). Items (M) and (N) involve approvals by the Governor of a State and the FHWA Division Administrator, respectively. Consistent with stewardship and oversight responsibilities, and with 23 U.S.C. 315, FHWA has the authority to approve the processes that a State uses to administer a federally funded program. While the FHWA revises the reference to process approval in Section 924.7(b) to be "in consultation with," process approval for the SHSP development still remains a requirement.

(iii) Developing a High Risk Rural Roads program using safety data that

¹ NHTSA's report, "Traffic Safety Performance Measures for States and Federal Agencies" can be viewed at the following Web site: http://www.nhtsa.dot.gov/portal/nhtsa_static_file_downloader.jsp?file=/staticfiles/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/811025.pdf.

identifies eligible locations on State and non-State owned roads, and analyzes the highway safety problem to diagnose safety concerns, identify potential countermeasures, make project selections, and prioritize high risk rural roads projects. The elements in this section also implement the statutory requirements of 23 U.S.C. 148. While the San Diego County Department of Public Works agreed with this section, the Illinois DOT suggested that this requirement may require additional staffing and funding for their agency. Since this is already a statutory requirement under 23 U.S.C. 148, FHWA does not make any revisions to the language in the final rule.

(iv) Developing a Railway-Highway Grade Crossing Program. This item is contained in existing Part 924; however, the FHWA incorporates minor edits to clarify the content. Similar to their comment on Section 924.9(a)(3)(i)(B), the Maryland SHA suggested that the use of a hazard index formula for public railway-highway grade crossings would not be valid in their State. As stated above in Section 924.9(a)(3)(i)(B), the FHWA believes that some means of ranking and prioritizing railway-highway crossing locations for improvements is necessary (and required by 23 U.S.C. 130), and a hazard index formula serves this purpose.

The final rule expands paragraph (4) [formerly paragraph (3)] to include road safety audits and other safety assessments or reviews of hazardous locations as processes that may be used to develop highway safety improvement projects. The FHWA incorporates this change because road safety audits and other types of assessments and reviews, as suggested in comments by Minnesota and North Dakota DOTs, are valuable tools that have been developed to aid practitioners in enhancing highway/road safety.

The FHWA expands paragraph (5) [formerly paragraph (4)] to include additional language on the process for establishing priorities for implementing highway safety improvement projects to include consideration of the strategies in the SHSP, correction and prevention of hazardous conditions, and integration of safety in the transportation planning process in 23 CFR 450, including the statewide, and metropolitan where applicable, long-range plans, the Statewide Transportation Planning Improvement Program and the Metropolitan Transportation Improvement Program, where applicable. This additional information incorporates more key elements into the planning process and is designed to tie transportation systems planning to the

SHSP. Referencing 23 U.S.C. 134 and 135 reinforces the link between transportation planning and safety. This safety requirement was introduced in the Transportation Equity Act for the 21st Century (TEA-21) and is included in 23 U.S.C. 135(c)(1)(B). The Maryland SHA expressed concern over the selection of safety projects based solely or primarily on the potential reduction in fatalities and serious injuries; however, the FHWA emphasizes that the regulation does not dictate that projects be selected solely or primarily on the potential to reduce fatalities and serious injuries. This is just one of the six factors to be considered. The FHWA also relocates the last three sentences of former paragraph (4) in the existing regulation to subparagraph (3)(iv), because the sentences relate to Railway-Highway Grade Crossings.

The FHWA also relocates existing paragraph (b) regarding Railway-Highway grade crossings to subparagraph (a)(3)(iv)(D) in order to place all Railway-Highway Grade Crossing planning items in one area.

The FHWA expands paragraph (b) [formerly paragraph (c)] to include references to 23 U.S.C. 130, 133, 148, and 505. As part of this change, the final rule clarifies that funds made available through 23 U.S.C. 104(f) may be used to fund safety planning in metropolitan areas. While the Minnesota DOT suggested adding language about financing of safety planning to include rural areas, the FHWA retains the language in the final rule as proposed. The funding already includes rural areas, since outside of the metropolitan area specification, all other areas, including rural, are eligible for these funding resources.

The FHWA adds a new paragraph (c) to specify that highway safety improvement projects shall be carried out as part of the Statewide and Metropolitan Transportation Improvement Planning Processes consistent with the requirements of 23 U.S.C. 134 and 135 and 23 CFR part 450. The FHWA includes this item to incorporate the statutory requirements of section 148 and to link safety to the transportation planning process.

Section 924.11 Implementation

In the NPRM, the FHWA proposed to incorporate an editorial change to paragraph (a) and to relocate the reference to procedures set forth in 23 CFR Part 630, Subpart A to be a new paragraph (i). The Maryland SHA expressed concern that the scheduling requirement in paragraph (a) impedes the implementation of low-cost improvement projects and other safety

projects that can or should be undertaken quickly and simply. The Maryland SHA also suggested that this paragraph (a) and the last paragraph (i), along with the scheduling requirements under section 924.9 and other requirements in the rule make the HSIP more complex and burdensome than it should be. The FHWA believes that the scheduling components do not impede implementation of low-cost improvement projects. However, FHWA clarifies paragraph (a) by simplifying it to state that the HSIP shall be implemented in accordance with the requirements of section 924.9 of this part. In response to the comments, the FHWA also deletes the reference to scheduling in paragraph (i). The FHWA also corrects the reference in paragraph (i) to 23 CFR part 630 Subpart A to include its correct title: Preconstruction Procedures: Project Authorization and Agreements.

The FHWA modifies paragraph (d) [formerly paragraph (c)] to clarify the requirements for the use of funds set aside pursuant to 23 U.S.C. 130(e) for railway-highway grade crossings. The FHWA includes the reference to 23 U.S.C. 130(f) for funds that must be made available for the installation of grade crossing protective devices. The FHWA also includes reference to the special rule described in 23 U.S.C. 130(c)(2) because of the amendments made by section 101(1) of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572, 1575). In addition, the FHWA includes a reference to 23 U.S.C. 130(k), which specifies that no more than 2 percent of these apportioned funds may be used by the State for compilation and analysis of safety data in support of the annual report to the FHWA Division Administrator required by section 924.15(a)(2) of this part. The Minnesota DOT supports the reference to 23 U.S.C. 130(k) in this paragraph.

Paragraph (h) describes that the Federal share of the cost for most highway safety improvement projects carried out with funds apportioned to a State under 23 U.S.C. 104(b)(5) shall be a maximum of 90 percent. The insertion of the word "maximum" in the final rule is in response to a comment from the North Dakota DOT suggesting that projects using the funding should be allowed to use "up to 90 percent," rather than "shall be 90 percent." In accordance with 23 U.S.C. 120(a) or (b), the Federal share may be increased to a maximum of 95 percent by the sliding scale rates for States with a large percentage of Federal lands. Projects such as roundabouts, traffic control signalization, safety rest areas,

pavement markings, or installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier end treatments, breakaway utility poles, or priority control systems for emergency vehicles or transit vehicles at signalized intersections may be funded at up to a 100 percent Federal share, except not more than 10 percent of the sums apportioned under 23 U.S.C. 104 for any fiscal year shall be used at this Federal share rate. In addition, for railway-highway grade crossings, the Federal share may amount up to 100 percent for projects for signing, pavement markings, active warning devices and crossing closures, subject to the 10 percent limitation for funds apportioned under 23 U.S.C. 104 in a fiscal year. The Illinois and Minnesota DOTs agreed with the proposed changes, particularly enabling States to use Federal funds up to 100 percent on certain items. The FHWA advises States that this is not a new provision, rather it reiterates existing language in 23 U.S.C. 120(c).

Section 924.13 Evaluation

The FHWA revises this section to clearly describe the evaluation process of the HSIP, the information that is to be used, and the mechanisms to be used for financing evaluations. The Maryland SHA provided comments that apply to this section, as well as others in the NPRM, expressing concern over the need to evaluate the effectiveness of HSIP projects in addition to the overall HSIP and SHSP. As in the other sections, FHWA revises the final rule language in this section, deleting the requirement to evaluate the effectiveness of individual highway safety improvement projects. The regulation does require an overall program evaluation. The intent is to determine if the process produces effective projects and an effective program. The Maryland SHA indicated that its comments related to developing accident modification factors, performance factors, and implementing low-cost safety improvements in section 924.9(a)(3)(i)(C) applied to this section as well. Those comments are discussed in that section.

In paragraph (a) regarding the evaluation process, the FHWA proposed to require the States to evaluate the overall HSIP and the SHSP. Within paragraph (a), the FHWA restructured the existing paragraphs (a)(1) through (a)(3) into two paragraphs. Paragraph (a)(1) requires that the evaluation include a process to analyze and assess the results achieved by the HSIP in reducing the number of crashes, fatalities and serious injuries, or potential crashes, and in reaching the

performance goals identified in section 924.9(a)(3)(ii)(G). In the NPRM, the FHWA proposed to provide more specifics about the evaluation process, especially as it related to individual projects. However, the FHWA removes that language (paragraphs (i) through (iii)) in the final rule based on comments from the Illinois, North Dakota, and Colorado DOTs stating that the specifications were too specific for programmatic reviews. The FHWA also includes a new subparagraph (a)(2) in the final rule to require that States have a process to evaluate the overall SHSP on a regular basis as determined by each State and in consultation with the FHWA to: (i) Ensure the accuracy and currency of the safety data; (ii) identify factors that affect the priority of emphasis areas, strategies, and proposed improvements; and (iii) identify issues that demonstrate a need to revise or otherwise update the SHSP. The FHWA includes this evaluation of the SHSP because the strategies in the SHSP must be periodically assessed to ensure continued progress in reducing fatalities and serious injuries. In addition, evaluation of the SHSP is a requirement in 23 U.S.C. 148(c). The San Diego County Department of Public Works expressed support for this language; however, the AAA felt that the criteria should be expanded to require more sophisticated evaluation analysis. The FHWA believes that the States should have the flexibility to choose their analysis methods.

Section 924.15 Reporting

The FHWA expands paragraph (a) of this section in order to specify the requirements for States to submit annual reports. The language in the final rule reflects comments regarding this section, as well as revisions related to other sections in the regulation. Specifically, in paragraph (a), the FHWA had proposed in the NPRM that the reporting period would be the previous July 1 through June 30. However, the Arkansas, Illinois, Michigan, Minnesota, and Oregon DOTs, as well as Maryland SHA, expressed concern over the dates of the reporting period, primarily due to the time needed to gather the appropriate data from various sources. As a result, the FHWA revises the reporting period in the final rule to be "for the period of the previous year," thereby allowing States to use the most recent reporting year that best suits their needs, while still submitting reports to the FHWA Division Administrator by August 31. These reports include: (1) A report with a defined reporting period describing the progress being made to implement

the State HSIP; (2) a report describing progress being made to implement railway-highway grade crossing improvements and assess their effectiveness; and (3) a transparency report describing not less than 5 percent of a State's highway locations exhibiting the most severe safety needs. Based on comments from the Oregon, Illinois, and North Dakota DOTs, the FHWA revises the language in the final rule related to the HSIP report to clarify what is needed to describe the progress in implementing projects and evaluating the effectiveness of the improvements. As part of these changes in the final rule, the FHWA deletes the language proposed in section 924.15(a)(1)(iii) in the NPRM because it applied to the previous detailed requirements for project evaluation in section 924.13(a)(1)(i)–(iii), which have also been deleted. The FHWA received comments from Colorado DOT and Maryland SHA opposed to the transparency report, or at least requesting that the requirements of the report be minimized to reduce the effort needed for States to prepare the report. However, because the 5 percent transparency report is required by 23 U.S.C. 148, the FHWA keeps the requirements in this section. As suggested by Oregon DOT, the transparency report should also include potential remedies to those hazardous locations identified, as well as estimates of costs associated with the remedies and impediments to implementation. The FHWA adds this information to the language in the final rule in order to incorporate all of the requirements from 23 U.S.C. 148 regarding the transparency report in this regulation. The Illinois DOT noted that making the transparency report compatible with the requirements of 29 U.S.C. 794(d), Section 508 of the Rehabilitation Act may be an added cost. The FHWA believes that States will be able to provide the reports without incurring significant additional costs. The FHWA requires that the States submit their transparency reports in a manner that is Section 508 complaint so that such reports are accessible to all members of the public, including persons with disabilities. The AAA supported making the transparency report available to the public and even recommended that all of the annual HSIP reports be made public. However, at this time, the existing statute only requires that the transparency report be made available in a format accessible by the public.

Rulemaking Analysis and Notices

Executive Order 12866 (Regulatory Planning and Review) and U.S. DOT Regulatory Policies and Procedures

The FHWA has determined that this action will not be a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of U.S. Department of Transportation regulatory policies and procedures. These changes are not anticipated to adversely affect, in any material way, any sector of the economy. The changes in Part 924 incorporate provisions outlined in 23 U.S.C. 148 and provide additional information regarding the purpose, definitions, policy, program structure, planning, implementation, evaluation, and reporting of HSIPs. The FHWA believes that this policy for the development, implementation, and evaluation of a comprehensive HSIP in each State will greatly improve roadway safety. These changes will not create a serious inconsistency with any other agency's action or materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. Therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612), the FHWA has evaluated the effects of these changes on small entities and has determined that this action will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This final rule will not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48, March 22, 1995). To the extent the revisions will require expenditures by the State and local governments for the planning, implementation, evaluation, and reporting of the HSIPs and Federal-aid projects, these activities will not be Unfunded Mandates because these activities are reimbursable. This action will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$128.1 million or more in any one year (2 U.S.C. 1532) period to comply with these changes.

Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 dated August 4, 1999, and the FHWA has determined that this action

will not have sufficient federalism implications to warrant the preparation of a federalism assessment. The FHWA has also determined that this rulemaking will not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this action under Executive Order 13175, dated November 6, 2000, and believes that it will not have substantial direct effects on one or more Indian tribes; would not impose substantial direct compliance costs on Indian tribal governments; and would not preempt tribal law. Therefore, a tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

The FHWA has analyzed this action under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The FHWA has determined that it is not a significant energy action under that order because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects under Executive Order 13211 is not required.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. Since this action does require States to write reports, the FHWA requested approval from OMB under the provisions of the PRA. The FHWA received approval from OMB through March 31, 2010. The OMB control number is 2125-0025.

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation,

eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

The FHWA has analyzed this action under Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks. The FHWA certifies that this action would not concern an environmental risk to health or safety that may disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

The FHWA does not anticipate that this action would affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

National Environmental Policy Act

The FHWA has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and has determined that it would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 924

Highway safety, Highways and roads, Motor vehicles, Railroads, Railroad safety, Safety, Transportation.

Issued on: December 11, 2008.

Thomas J. Madison, Jr.,

Federal Highways Administrator.

■ *In consideration of the foregoing, the FHWA revises part 924 to read as follows:*

PART 924—HIGHWAY SAFETY IMPROVEMENT PROGRAM

Sec.

- 924.1 Purpose.
- 924.3 Definitions.
- 924.5 Policy.
- 924.7 Program structure.
- 924.9 Planning.
- 924.11 Implementation.
- 924.13 Evaluation.
- 924.15 Reporting.

Authority: 23 U.S.C. 104(b)(5), 130, 148, 315, and 402; 49 CFR 1.48(b).

§ 924.1 Purpose.

The purpose of this regulation is to set forth policy for the development, implementation, and evaluation of a comprehensive highway safety improvement program (HSIP) in each State.

§ 924.3 Definitions.

Unless otherwise specified in this part, the definitions in 23 U.S.C. 101(a) are applicable to this part. In addition, the following definitions apply:

Hazard index formula means any safety or crash prediction formula used for determining the relative likelihood of hazardous conditions at railway-highway grade crossings, taking into consideration weighted factors, and severity of crashes.

High risk rural road means any roadway functionally classified as a rural major or minor collector or a rural local road—

(1) On which the crash rate for fatalities and incapacitating injuries exceeds the statewide average for those functional classes of roadway; or

(2) That will likely have increases in traffic volume that are likely to create a crash rate for fatalities and incapacitating injuries that exceeds the statewide average for those functional classes of roadway.

Highway means,

(1) A road, street, and parkway;

(2) A right-of-way, bridge, railroad-highway crossing, tunnel, drainage structure, sign, guardrail, and protective structure, in connection with a highway; and

(3) A portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State transportation department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel; and

(4) Those facilities specifically provided for the accommodation and protection of pedestrians and bicyclists.

Highway-rail grade crossing protective devices means those traffic control devices in the Manual on Uniform Traffic Control Devices specified for use at such crossings; and system components associated with such traffic control devices, such as track circuit improvements and interconnections with highway traffic signals.

Highway safety improvement program means the program carried out under 23 U.S.C. 130 and 148.

Highway safety improvement project means a project consistent with the State strategic highway safety plan (SHSP) that corrects or improves a

hazardous road location or feature, or addresses a highway safety problem. Projects include, but are not limited to, the following:

- (1) An intersection safety improvement.
- (2) Pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition).
- (3) Installation of rumble strips or other warning devices, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists, pedestrians and persons with disabilities.
- (4) Installation of a skid-resistant surface at an intersection or other location with a high frequency of crashes.
- (5) An improvement for pedestrian or bicyclist safety or for the safety of persons with disabilities.
- (6) Construction of any project for the elimination of hazards at a railway-highway crossing that is eligible for funding under 23 U.S.C. 130, including the separation or protection of grades at railway-highway crossings.
- (7) Construction of a railway-highway crossing safety feature, including installation of highway-rail grade crossing protective devices.
- (8) The conduct of an effective traffic enforcement activity at a railway-highway crossing.
- (9) Construction of a traffic calming feature.
- (10) Elimination of a roadside obstacle or roadside hazard.
- (11) Improvement of highway signage and pavement markings.
- (12) Installation of a priority control system for emergency vehicles at signalized intersections.
- (13) Installation of a traffic control or other warning device at a location with high crash potential.
- (14) Transportation safety planning.
- (15) Improvement in the collection and analysis of safety data.
- (16) Planning integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including law enforcement assistance) relating to work zone safety.
- (17) Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of road users and workers), and crash attenuators.
- (18) The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.
- (19) Installation and maintenance of signs (including fluorescent yellow-green signs) at pedestrian-bicycle crossings and in school zones.

(21) Construction and operational improvements on high risk rural roads.

(22) Conducting road safety audits.

Integrated interoperable emergency communication equipment means equipment that supports an interoperable emergency communications system.

Interoperable emergency communications system means a network of hardware and software that allows emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary through a dedicated public safety network utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

Operational improvements means a capital improvement for installation of traffic surveillance and control equipment; computerized signal systems; motorist information systems; integrated traffic control systems; incident management programs; transportation demand management facilities, strategies, and programs; and such other capital improvements to public roads as the Secretary may designate by regulation.

Public grade crossing means a railway-highway grade crossing where the roadway is under the jurisdiction of and maintained by a public authority and open to public travel. All roadway approaches must be under the jurisdiction of the public roadway authority, and no roadway approach may be on private property.

Public road means any highway, road, or street under the jurisdiction of and maintained by a public authority and open to public travel.

Road Safety Audit means a formal safety performance examination of an existing or future road or intersection by an independent multidisciplinary audit team.

Safety data includes, but is not limited to, crash, roadway, traffic, and vehicle data on all public roads including, for railway-highway grade crossings, the characteristics of both highway and train traffic.

Safety projects under any other section means safety projects eligible for funding under Title 23, United States Code, including projects to promote safety awareness, public education, and projects to enforce highway safety laws.

Safety stakeholder means
(1) A highway safety representative of the Governor of the State;

(2) Regional transportation planning organizations and metropolitan planning organizations, if any;

(3) Representatives of major modes of transportation;

(4) State and local traffic enforcement officials;

(5) Persons responsible for administering section 130 at the State level;

(6) Representatives conducting Operation Lifesaver;

(7) Representatives conducting a motor carrier safety program under section 31102, 31106, or 31309 of title 49;

(8) Motor vehicle administration agencies; and

(9) Includes, but is not limited to, local, State, and Federal transportation agencies and tribal governments.

Serious injury means an incapacitating injury or any injury, other than a fatal injury, which prevents the injured person from walking, driving, or normally continuing the activities the person was capable of performing before the injury occurred.

State means any one of the 50 States and the District of Columbia.

Strategic highway safety plan means a comprehensive, data-driven safety plan developed, implemented, and evaluated in accordance with 23 U.S.C. 148.

Transparency report means the report submitted to the Secretary annually under 23 U.S.C. 148(c)(1)(D) and in accordance with § 924.15 of this part that describes, in a clearly understandable fashion, not less than 5 percent of locations determined by the State as exhibiting the most severe safety needs; and contains an assessment of potential remedies to hazardous locations identified; estimated costs associated with those remedies; and impediments to implementation other than cost associated with those remedies.

§ 924.5 Policy.

(a) Each State shall develop, implement, and evaluate on an annual basis a HSIP that has the overall objective of significantly reducing the occurrence of and the potential for fatalities and serious injuries resulting from crashes on all public roads.

(b) Under 23 U.S.C. 148(a)(3), a variety of highway safety improvement projects are eligible for funding through the HSIP. In order for an eligible improvement to be funded with HSIP funds, States shall first consider whether the activity maximizes opportunities to advance safety. States shall fund safety projects or activities that are most likely to reduce the number of, or potential for, fatalities and serious injuries. Safety projects under any other section, and funded with 23 U.S.C. 148 funds, are only eligible

activities when a State is eligible to use up to 10 percent of the amount apportioned under 23 U.S.C. 104(b)(5) for a fiscal year in accordance with 23 U.S.C. 148(e). This excludes minor activities that are incidental to a specific highway safety improvement project.

(c) Other Federal-aid funds are eligible to support and leverage the safety program. Improvements to safety features that are routinely provided as part of a broader Federal-aid project should be funded from the same source as the broader project. States should address the full scope of their safety needs and opportunities on all roadway categories by using other funding sources such as Interstate Maintenance (IM), Surface Transportation Program (STP), National Highway System (NHS), and Equity Bonus (EB) funds in addition to HSIP funds.

(d) Eligibility for Federal funding of projects for traffic control devices under this Part is subject to a State and/or local jurisdiction's substantial conformance with National MUTCD or FHWA approved State MUTCDs and supplements in accordance with part 655, Subpart F, of this title.

§ 924.7 Program structure.

(a) The HSIP shall include a data-driven SHSP and the resulting implementation through highway safety improvement projects. The HSIP includes construction and operational improvements on high risk rural roads, and elimination of hazards at railway-highway grade crossings.

(b) The HSIP shall include processes for the planning, implementation, and evaluation of the HSIP and SHSP. These processes shall be developed by the States in consultation with the FHWA Division Administrator in accordance with this section. Where appropriate, the processes shall be developed cooperatively with officials of the various units of local and tribal governments. The processes may incorporate a range of procedures appropriate for the administration of an effective HSIP on individual highway systems, portions of highway systems, and in local political subdivisions, and when combined, shall cover all public roads in the State.

§ 924.9 Planning.

(a) The HSIP planning process shall incorporate:

(1) A process for collecting and maintaining a record of crash, roadway, traffic and vehicle data on all public roads including for railway-highway grade crossings inventory data that includes, but is not limited to, the

characteristics of both highway and train traffic.

(2) A process for advancing the State's capabilities for safety data collection and analysis by improving the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the State's safety data or traffic records.

(3) A process for analyzing available safety data to:

(i) Develop a HSIP in accordance with 23 U.S.C. 148(c)(2) that:

(A) Identifies highway safety improvement projects on the basis of crash experience, crash potential, or other data supported means as identified by the State, and establishes the relative severity of those locations;

(B) Considers the relative hazard of public railway-highway grade crossings based on a hazard index formula; and

(C) Establishes an evaluation process to analyze and assess results achieved by the HSIP and uses this information, where appropriate, in setting priorities for future projects.

(ii) Develop and maintain a data-driven SHSP that:

(A) Is developed after consultation with safety stakeholders;

(B) Makes effective use of State, regional, and local crash data and determines priorities through crash data analysis;

(C) Addresses engineering, management, operation, education, enforcement, and emergency services;

(D) Considers safety needs of all public roads;

(E) Adopts a strategic safety goal;

(F) Identifies key emphasis areas and describes a program of projects, technologies, or strategies to reduce or eliminate highway safety hazards;

(G) Adopts performance-based goals, coordinated with other State highway safety programs, that address behavioral and infrastructure safety problems and opportunities on all public roads and all users, and focuses resources on areas of greatest need and the potential for the highest rate of return on the investment of HSIP funds;

(H) Identifies strategies, technologies, and countermeasures that significantly reduce highway fatalities and serious injuries in the key emphasis areas giving high priority to cost effective and proven countermeasures;

(I) Determines priorities for implementation;

(J) Is consistent, as appropriate, with safety-related goals, priorities, and projects in the long-range statewide transportation plan and the statewide transportation improvement program and the relevant metropolitan long-range transportation plans and

transportation improvement programs that are developed as specified in 23 U.S.C. 134, 135 and 402; and 23 CFR part 450;

(K) Documents the process used to develop the plan;

(L) Proposes a process for implementation and evaluation of the plan;

(M) Is approved by the Governor of the State or a responsible State agency official that is delegated by the Governor of the State; and

(N) Has been developed using a process approved by the FHWA Division Administrator.

(iii) Develop a High Risk Rural Roads program using safety data that identifies eligible locations on State and non-State owned roads as defined in § 924.3, and analyzes the highway safety problem to identify safety concerns, identify potential countermeasures, select projects, and prioritize high risk rural roads projects on all public roads.

(iv) Develop a Railway-Highway Grade Crossing program that:

(A) Considers the relative hazard of public railway-highway grade crossings based on a hazard index formula;

(B) Includes onsite inspection of public grade crossings;

(C) Considers the potential danger to large numbers of people at public grade crossings used on a regular basis by passenger trains, school buses, transit buses, pedestrians, bicyclists, or by trains and/or motor vehicles carrying hazardous materials; and

(D) Results in a program of safety improvement projects at railway-highway grade crossings giving special emphasis to the statutory requirement that all public crossings be provided with standard signing and markings.

(4) A process for conducting engineering studies (such as roadway safety audits and other safety assessments or reviews) of hazardous locations, sections, and elements to develop highway safety improvement projects.

(5) A process for establishing priorities for implementing highway safety improvement projects considering:

(i) The potential reduction in the number of fatalities and serious injuries;

(ii) The cost effectiveness of the projects and the resources available;

(iii) The priorities in the SHSP;

(iv) The correction and prevention of hazardous conditions;

(v) Other safety data-driven criteria as appropriate in each State; and

(vi) Integration with the statewide transportation planning process and statewide transportation improvement program, and metropolitan

transportation planning process and transportation improvement program where applicable, in 23 CFR part 450.

(b) The planning process of the HSIP may be financed with funds made available through 23 U.S.C. 130, 133, 148, 402, and 505 and, where applicable in metropolitan planning areas, through 23 U.S.C. 104(f).

(c) Highway safety improvement projects shall be carried out as part of the Statewide and Metropolitan Transportation Planning Process consistent with the requirements of 23 U.S.C. 134 and 135, and 23 CFR part 450.

§ 924.11 Implementation.

(a) The HSIP shall be implemented in accordance with the requirements of § 924.9 of this part.

(b) A State is eligible to use up to 10 percent of the amount apportioned under 23 U.S.C. 104(b)(5) for each fiscal year to carry out safety projects under any other section, consistent with the SHSP and as defined in 23 U.S.C. 148(a)(4), if the State can certify that it has met infrastructure safety needs relating to railway-highway grade crossings and highway safety improvement projects for a given fiscal year. In order for a State to obtain approval:

(1) A State must submit a written request for approval to the FHWA Division Administrator for each year that a State certifies that the requirements have been met before a State may use these funds to carry out safety projects under any other section; and

(2) A State must submit a written request that describes how the certification was made, the activities that will be funded, how the activities are consistent with the SHSP, and the dollar amount the State estimates will be used.

(c) If a State has funds set aside from 23 U.S.C. 104(b)(5) for construction and operational improvements on high risk rural roads, in accordance with 23 U.S.C. 148(a)(1), such funds:

(1) Shall be used for safety projects that address priority high risk rural roads as determined by the State.

(2) Shall only be used for construction and operational improvements on high risk rural roads and the planning, preliminary engineering, and roadway safety audits related to specific high risk rural roads improvements.

(3) May also be used for other highway safety improvement projects if the State certifies that it has met all infrastructure safety needs for construction and operational

improvements on high risk rural roads for a given fiscal year.

(d) Funds set aside pursuant to 23 U.S.C. 148 for apportionment under the 23 U.S.C. 130(f) Railway-Highway Grade Crossing Program, are to be used to implement railway-highway grade crossing safety projects on any public road. At least 50 percent of the funds apportioned under 23 U.S.C. 130(f) must be made available for the installation of highway-rail grade crossing protective devices. The railroad share, if any, of the cost of grade crossing improvements shall be determined in accordance with 23 CFR part 646, Subpart B (Railroad-Highway Projects). If a State demonstrates to the satisfaction of the FHWA Division Administrator that the State has met its needs for installation of protective devices at railway-highway grade crossings the State may use funds made available under 23 U.S.C. 130 for highway safety improvement program purposes. In addition, up to 2 percent of the section 130 funds apportioned to a State may be used for compilation and analysis of safety data for the annual report to the FHWA Division Administrator required under § 924.15(a)(2) on the progress being made to implement the railway-highway grade crossing program.

(e) Highway safety improvement projects may also be implemented with other funds apportioned under 23 U.S.C. 104(b) subject to the eligibility requirements applicable to each program.

(f) Award of contracts for highway safety improvement projects shall be in accordance with 23 CFR part 635 and part 636, where applicable, for highway construction projects, 23 CFR part 172 for engineering and design services contracts related to highway construction projects, or 49 CFR part 18 for non-highway construction projects.

(g) All safety projects funded under 23 U.S.C. 104(b)(5), including safety projects under any other section, shall be accounted for in the statewide transportation improvement program and reported on annually in accordance with § 924.15.

(h) The Federal share of the cost for most highway safety improvement projects carried out with funds apportioned to a State under 23 U.S.C. 104(b)(5) shall be a maximum of 90 percent. In accordance with 23 U.S.C. 120(a) or (b), the Federal share may be increased to a maximum of 95 percent by the sliding scale rates for States with a large percentage of Federal lands. In accordance with 23 U.S.C. 120(c), projects such as roundabouts, traffic control signalization, safety rest areas, pavement markings, or installation of

traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier end treatments, breakaway utility poles, or priority control systems for emergency vehicles or transit vehicles at signalized intersections may be funded at up to 100 percent Federal share, except not more than 10 percent of the sums apportioned under 23 U.S.C. 104 for any fiscal year shall be used at this Federal share rate. In addition, for railway-highway grade crossings, the Federal share may amount up to 100 percent for projects for signing, pavement markings, active warning devices, and crossing closures, subject to the 10 percent limitation for funds apportioned under 23 U.S.C. 104 in a fiscal year.

(i) The implementation of the HSIP in each State shall include a process for implementing highway safety improvement projects in accordance with the procedures set forth in 23 CFR part 630, Subpart A (Preconstruction Procedures: Project Authorization and Agreements).

§ 924.13 Evaluation.

(a) The HSIP evaluation process shall include the evaluation of the overall HSIP and the SHSP. It shall:

(1) Include a process to analyze and assess the results achieved by the HSIP in reducing the number of crashes, fatalities and serious injuries, or potential crashes, and in reaching the performance goals identified in § 924.9(a)(3)(ii)(G).

(2) Include a process to evaluate the overall SHSP on a regular basis as determined by the State and in consultation with the FHWA to:

(i) Ensure the accuracy and currency of the safety data;

(ii) Identify factors that affect the priority of emphasis areas, strategies, and proposed improvements; and

(iii) Identify issues that demonstrate a need to revise or otherwise update the SHSP.

(b) The information resulting from the process developed in § 924.13(a)(1) shall be used:

(1) For developing basic source data in the planning process in accordance with § 924.9(a)(1);

(2) For setting priorities for highway safety improvement projects;

(3) For assessing the overall effectiveness of the HSIP; and

(4) For reporting required by § 924.15.

(c) The evaluation process may be financed with funds made available under 23 U.S.C. 104(b)(1), (3), and (5), 105, 402, and 505, and for metropolitan planning areas, 23 U.S.C. 104(f).

§ 924.15 Reporting.

(a) For the period of the previous year, each State shall submit to the FHWA

Division Administrator no later than August 31 of each year the following reports related to the HSIP in accordance with 23 U.S.C. 148(g):

(1) A report with a defined one year reporting period describing the progress being made to implement the State HSIP that:

(i) Describes the progress in implementing the projects, including the funds available, and the number and general listing of the types of projects initiated. The general listing of the projects initiated shall be structured to identify how the projects relate to the State SHSP and to the State's safety goals and objectives. The report shall also provide a clear description of the project selection process;

(ii) Assesses the effectiveness of the improvements. This section shall: Provide a demonstration of the overall effectiveness of the HSIP; include figures showing the general highway safety trends in the State by number and by rate; and describe the extent to which improvements contributed to performance goals, including reducing the number of roadway crashes leading to fatalities and serious injuries.

(iii) Describes the High Risk Rural Roads program, providing basic program implementation information, methods used to identify high risk rural roads, information assessing the High Risk Rural Roads program projects, and a summary of the overall High Risk Rural Roads program effectiveness.

(2) A report describing progress being made to implement railway-highway grade crossing improvements in accordance with 23 U.S.C. 130(g), and the effectiveness of these improvements.

(3) A transparency report describing not less than 5 percent of a State's highway locations exhibiting the most severe safety needs that:

(i) Identifies potential remedies to those hazardous locations; estimates costs associated with the remedies; and identifies impediments to implementation other than cost associated with those remedies;

(ii) Emphasizes fatality and serious injury data;

(iii) At a minimum, uses the most recent three to five years of crash data;

(iv) Identifies the data years used and describes the extent of coverage of all public roads included in the data analysis;

(v) Identifies the methodology used to determine how the locations were selected; and

(vi) Is compatible with the requirements of 29 U.S.C. 794(d), Section 508 of the Rehabilitation Act.

(b) The preparation of the State's annual reports may be financed with

funds made available through 23 U.S.C. 104(b)(1), (3), and (5), 105, 402, and 505, and for metropolitan planning areas, 23 U.S.C. 104(f).

[FR Doc. E8-30168 Filed 12-23-08; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9434]

RIN 1545-BC88

Creditor Continuity of Interest; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to final regulations (TD 9434) that were published in the **Federal Register** on Friday, December 12, 2008 (73 FR 75566) providing guidance regarding when and to what extent creditors of a corporation will be treated as proprietors of the corporation in determining whether continuity of interest ("COI") is preserved in a potential reorganization. These final regulations are necessary to provide clarity to parties engaging in reorganizations of insolvent corporations, both inside and outside of bankruptcy. These final regulations affect corporations, their creditors, and their shareholders.

DATES: *Effective Date:* This correction is effective December 24, 2008 and is applicable on December 12, 2008.

FOR FURTHER INFORMATION CONTACT: Jean Brenner (202) 622-7790, Douglas Bates (202) 622-7550, or Bruce Decker (202) 622-7550 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this document are under section 368 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 9434) contains an error that may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

■ Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read, in part, as follows:

Authority: 26 U.S.C. 7805 * * *.

■ **Par. 2.** Section 1.368-1(e)(6)(ii)(A) is amended by revising the last sentence as follows:

§ 1.368-1 Purpose and scope of exception to reorganization exchanges.

(e) * * *

(6) * * *

(ii) * * *

(A) * * * When only one class (or one set of equal classes) of creditors receives issuing corporation stock in exchange for a creditor's proprietary interest in the target corporation, such stock will be counted for measuring continuity of interest provided that the stock issued by the issuing corporation is not de minimis in relation to the total consideration received by the insolvent target corporation, its shareholders, and its creditors.

* * * * *

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. E8-30716 Filed 12-23-08; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9434]

RIN 1545-BC88

Creditor Continuity of Interest; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations (TD 9434) that were published in the **Federal Register** on Friday, December 12, 2008 (73 FR 75566) providing guidance regarding when and to what extent creditors of a corporation will be treated as proprietors of the corporation in determining whether continuity of interest ("COI") is preserved in a potential reorganization. These final

From: John Brewster <john_brewster@dot.ca.gov>
To: rmckeo@mtc.ca.gov; rodunl@mtc.ca.gov; kkao@mtc.ca.gov; ssrini@mtc.ca.gov; stan@mtc.ca.gov; teo@countyroads.org; rnapier@co.sanmateo.ca.us; . . .
Date: 1/20/2009 4:03:12 PM
Subject: Safe Routes to School - Cycle 8 Call for Projects

Bay Area Local Agencies,
Attached is the announcement for Cycle 8 Safe Routes to School Program (SR2S). The attachments direct you to the application process on the Local Assistance website. Applications are due on April 15, 2009. Please send one signed original hardcopy and a minimum of 2 copies of your application and back-up material (note the attachment incorrectly states 1 original and 1 copy). Application documents on CD are accepted in addition to hardcopies but may not replace hardcopies.

(See attached file: SR2S ANNOUNCEMENT.doc)(See attached file: SR2S announcement flyer.doc)

If you have any questions, please contact my office.

jb

John C. Brewster, P.E.
Caltrans District 4 - Local Assistance
Safe Routes to School Coordinator
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ANNOUNCEMENT: Call for Cycle 8 State-legislated Safe Routes to School projects
Posted: January 15, 2009
Application Submittal Deadline: April 15, 2009

What is the State-legislated Safe Routes to School (SR2S) Program?

A reimbursement funding program for reducing injuries and fatalities through capital projects that improve safety for children in grades K-12 who walk or bicycle to school.

How much funding is available?

\$24.25M in State funds was approved in the FY 2008/09 State budget. However, double that amount - \$48.50M worth of projects will be selected in Cycle 8. This multi-year approach is being implemented to 1) fund projects that are ready to go first, 2) allow better planning for projects that are selected for the following year, 3) minimize workload for District and Headquarters staff, and 4) improve chances of continued funding for the SR2S program during the budget development process if decision-makers are aware that projects have already been selected and ready for funding.

How are projects selected?

Caltrans Districts are apportioned funds based on student enrollment. District review committees will score and rate applications using standardized evaluation forms furnished by Caltrans Headquarters and develop two lists. Once projects are selected and prioritized, Districts will then determine which projects will be placed on the Tier I list (those that are ready to go now), and on the Tier II list (those that are selected for future funds) based on the project's delivery schedule. Projects in Tier I will be funded with FY 08/09 funds up to FY08/09 apportionment level, while Tier II projects will be funded when the next round of funding becomes available. Caltrans Headquarters will validate District selections and compile a statewide list of selected projects for each cycle for Director approval. Districts will notify all applicants of the results.

Who is eligible to apply?

Any incorporated city or county

What types of projects are eligible?

Capital projects must fall under the broad categories of pedestrian facilities, traffic calming measures, installation of traffic control devices, construction of bicycle facilities, and public outreach/education/enforcement. See guidelines for examples. Up to 10% of the construction cost can fund an education/encouragement/enforcement element.

Is there a local match required, and what is the maximum amount of funding that can be requested?

There is a 10% local match required; \$900,000 is the maximum amount that can be requested.

Where are the guidelines and applications posted, and how can I get more information?

www.dot.ca.gov/hq/LocalPrograms/saferoutes/saferoutes.htm or contact: Joyce Parks, Safe Routes to School Coordinator at Caltrans Headquarters at: (916) 653-6920 or at: joyce_parks@dot.ca.gov

Where do I send my application(s)?

Original and 1 copy must be sent to your Caltrans District Local Assistance Engineer (DLAE) by the deadline. Applications postmarked on the deadline are acceptable. DLAE information is available at: www.dot.ca.gov/hq/LocalPrograms/dlae.htm

**\$48.50 million is currently available for California State Legislated Safe Routes to School (SR2S) Funds!
Application Deadline is April 15, 2009**

Please spread the word that funds are available for State Legislated Safe Routes to School (SR2S) projects. These funds are not to be confused with Federal Safe Routes to School (SRTS) funds associated with SAFETEA-LU. Applications must be for capital projects such as sidewalks, pathways, bike lanes, traffic calming, etc. (with up to 10% available for non-infrastructure activities such as education, encouragement and enforcement). **Only cities and counties are eligible to compete for these funds; please spread the word to Public Works Officials.**

\$24.25M in State funds was approved in the FY 2008/09 State budget. However, double that amount - \$48.50M worth of projects will be selected in SR2S Cycle 8. This multi-year approach is being implemented to 1) fund projects that are ready to go first, 2) allow better planning for projects that are selected for the following year, 3) minimize workload for Caltrans District and Headquarters staff, and 4) improve chances of continued funding for the SR2S program during the budget development process if decision-makers are aware that projects have already been selected and ready for funding. The deadline for applications is **Wednesday, April 15, 2009**. Start preparing your grant applications now as the deadline is three months away.

To view the updated SR2S Guidelines and Application, please visit:
www.dot.ca.gov/hq/LocalPrograms/saferoutes/saferoutes.htm