



METROPOLITAN  
TRANSPORTATION  
COMMISSION

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## *Memorandum*

TO: Partnership Technical Advisory Committee

DATE: July 20, 2009

FR: Kenneth Kao

RE: 2010 STIP Development Policies and Guidelines

### **Background**

As the Regional Transportation Planning Agency for the nine-county Bay Area, the Metropolitan Transportation Commission (MTC) is responsible for developing and submitting the region's proposed projects for the upcoming 2010 Regional Transportation Improvement Program. In cooperation with the Congestion Management Agencies, MTC will develop the schedule and Policies and Procedures for the 2010 RTIP in the coming months.

There are some policy and programming issues regarding the 2010 RTIP that will be discussed at the Programming and Delivery Working Group, as well as the Partnership Technical Advisory Committee. The issues include:

- **Complete Streets (“Routine Accommodation”) Checklist**

MTC's Resolution No. 3765 requires project sponsors to complete a checklist that considers the needs of bicycles and pedestrians for applicable projects. All projects programmed during the RTIP must consider the impact to bicycle transportation, pedestrians and persons with disabilities. Project sponsors are required to complete the checklist when the draft RTIP project lists are due to MTC (see attached schedule). The Checklist is available from the Congestion Management Agencies and at the MTC website at [http://www.mtc.ca.gov/planning/bicyclespedestrians/routine\\_accommodations.htm](http://www.mtc.ca.gov/planning/bicyclespedestrians/routine_accommodations.htm).

- **ARRA TE Backfill Programming**

The American Recovery and Reinvestment Act of 2009 (ARRA) provided the region with \$9.6 million in ARRA Transportation Enhancement funds. Of that amount, \$2.1 million ARRA TE funds were used to fund a regionally significant project, while the remaining \$7.5 million was distributed to each county based on STIP county share formula. Given the short timeframe for the use of ARRA funds, the region selected projects that were already programmed in the STIP TE program that were ready for construction (see MTC Resolution No. 3896, Revised). The STIP TE funds that were freed up by the ARRA TE funds returned to that county's STIP share. Since some counties received more than their county share of ARRA TE funds than other counties, those counties that received less than their county share will be able to program freed up STIP TE funds from those counties that received more than their county share. The distribution of freed up STIP TE funds resulting from ARRA TE is detailed in Attachment B.

- **ARRA RTIP Backfill Programming**

In order to expedite obligation and expenditure of ARRA funds, and to address the State's lack of funding, MTC programmed \$31 million in ARRA funds to backfill unavailable STIP funds for the Caldecott Tunnel Fourth Bore project. Of the \$31 million, \$29 million came from Contra Costa's county share, and \$2 million from Alameda's county share. In the 2010 RTIP, MTC will have discretion to program the \$31 million in freed up RTIP capacity from these two counties. Therefore, Contra Costa's available programming capacity will be reduced by \$29 million, and Alameda's available programming capacity will be reduced by \$2 million in FY 2009-10.

- **Prioritization of TE Projects Utilizing the Conservation Corps**

In an effort to increase Conservation Corps participation on Transportation Enhancement projects, the Legislature approved SB 286 (2008, Lowenthal), which directs regional agencies to prioritize TE projects that partner with the Conservation Corps. Caltrans, in consultation with state and local Conservation Corps, CTC, and regional agencies, developed criteria for the prioritization of such projects (letter from Denix Anbiah dated July 6, 2009). Regional agencies are now required to select TE projects based on the following criteria:

1. TE eligible projects whose sponsor is partnering with or has agreed to employ the services of the state or local conservation corps, shall be selected first for funding;
2. After all TE eligible projects described in paragraph (1) have been selected for funding, the remaining eligible TE projects may be selected.

TE project candidates that meet the following specific categories are exempt from the above selection criteria and may compete on an equal basis with all project candidates in category (1) above:

- a. Projects that have been selected and programmed in an RTIP prior to June 25, 2009.
- b. Projects for which no corps will partner with the sponsor or agree to provide services. A project sponsor can request this exemption only by certifying on the TE application with the concurrence of the California Conservation Corps and the California Association of Local Conservation Corps. The application must indicate that the sponsor notified both organizations about the available project, but that no corps in the state was prepared to serve as a partner or provide services.

Note that a TE application is required for any new TE project as the PSR equivalent. Congestion Management Agencies are required to consider the above criteria and exemptions when selecting projects for inclusion into the RTIP.

Refer to Attachment C for additional information from Caltrans.

- **MTC Resolution No. 3434 Programming Commitments**

MTC Resolution No. 3434 establishes specific funding commitments for regional transit expansion projects. Attachment C to Resolution 3434 details the funding commitments for each project, including \$385 million from RTIP funds. CMAs are required to consider these projects as a priority for funding from the 2010 RTIP to the extent that the funding years in the 2010 RTIP match that project's cash flow needs. MTC will review each county's RTIP project submissions to ensure consistency with the Resolution 3434 funding commitments and related subsequent actions. MTC will work with the affected CMAs on specific

expectations regarding these projects as it relates to joint funding contributions for transit project delivery.

- **Express Lane (HOT) Network and Freeway Performance Initiative**

Projects on the state highway system proposed for programming in the 2010 RTIP should be consistent with the planned Regional Express Lane (High-Occupancy Toll) Network and the Freeway Performance Initiative (FPI). For new RTIP funding commitments on the Regional Express Lane Network, the CMAs should work with MTC so as not to preclude future High-Occupancy Vehicle (HOV) lane conversion to express lane, and may want to consider advance construction elements (such as structures and conduit) to support the future conversion of HOV lanes to express lanes. Additionally, all projects on the state highway system must demonstrate a scope and funding plan that includes Traffic Operations System (TOS) elements, consistent with the section titled "Traffic Operations System Policy for Major New Freeway Projects" in the 2010 RTIP Policies and Procedures. Projects must also include any additional traffic operations recommendations resulting from the FPI.

- **Prohibition of Multiple Phases in the Same Year**

Unless substantially justified, no project may program more than one project phase in a single fiscal year. Caltrans-sponsored projects are exempt from this prohibition. Additionally, right of way (ROW) funds may be programmed in the same year as final design (PS&E) if the environmental document is approved. ROW funds may be programmed in the same year as construction (CON) only if the project does not have significant right of way acquisition or construction costs that require more than a simple Categorical Exemption or basic permitting approvals.

- **Project Size Minimums**

New projects or the sum of all project components per project cannot be programmed for less than \$500,000 for counties with a population over 1 million (from 2008 California Department of Finance estimates: Alameda, Contra Costa, and Santa Clara Counties), and \$250,000 for counties with a population under 1 million (Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma Counties). Exceptions are detailed in the Policies and Procedures document, but include PPM and landscaping/soundwall projects.

- **2010 STIP Schedule**

At the July meeting of the CTC, Caltrans recommended that the Commission delay the consideration of the Draft 2010 Fund Estimate until their August meeting. Caltrans is concerned with the state budget's effect on the fund estimate, and that the budget has not yet been adopted. It is hoped that the state will have an adopted budget by the next CTC meeting in August.

It is not clear at this time how long the delay will be due to the postponement of the Fund Estimate, as it is dependent on the approval of the state budget. If the budget is adopted in July, then the CTC could review the Draft Fund Estimate in August and adopt it in September. This would cause a delay of one month. However, the schedule would be further lengthened if no budget is adopted in July. MTC staff will notify the CMAs of the updated schedule. For now, we should assume that the MTC Commission will approve the RTIP on in December 2009.

- **Transportation Enhancement Reserves**

In previous RTIPs, half of the Transportation Enhancement (TE) funds are used for the CMA's discretionary Transportation for Livable Communities program, while the remaining half is at the full discretion of the CMAs. Since the region's priorities are currently being developed for the next federal reauthorization, staff proposes holding MTC's portion of half of each county's new TE funds in reserve until such time prioritization can be made.

Additionally, CMAs and Caltrans are reminded of two important policies for the development of the 2010 RTIP:

- **CMAs Notification of All Eligible Project Sponsors**

The CMAs are reminded that they must notify all eligible project sponsors within the county of the availability of RTIP funds. Eligible project sponsors include cities, counties, and transit operators. Notification can be in the form of a call for projects to all eligible project sponsors. Prior board action committing RTIP funds to a specific set of projects may also be sufficient to meet this requirement.

- **Caltrans Notification of Cost Increases**

Caltrans should notify the CMAs and MTC of any anticipated cost increases to currently-programmed RTIP projects by September. This will allow sufficient time to ensure these cost increases are programmed in the RTIP or addressed another way in consultation with Caltrans and the CMA. Ideally, Caltrans should notify the CMAs and MTC of cost increases prior to the call for projects.

Any questions regarding these policy and programming issues should be directed to Kenneth Kao at (510) 817-5768, or [kkao@mtc.ca.gov](mailto:kkao@mtc.ca.gov).

#### Attachments

A – Tentative 2008 RTIP Schedule

B – ARRA TE Programming and Share Reconciliation

C – SB 286 Letter from D. Anbiah (dated July 6, 2009)

**PENDING STATE BUDGET ADOPTION FOR FINALIZATION OF PROGRAM TIMELINE**

<b>METROPOLITAN TRANSPORTATION COMMISSION 2010 Regional Transportation Improvement Program Draft Development Schedule July 20, 2009</b>	
April 15, 2009	Caltrans presentation of draft STIP Fund Estimate Assumptions (CTC Meeting – Sacramento)
June 10, 2009	CTC adoption of STIP Fund Estimate Assumptions (CTC Meeting – Sacramento)
June 15, 2009	Partnership Technical Advisory Committee (PTAC) / Programming and Delivery Working Group (PDWG) discussion and review of initial issues and schedule for 2010 RTIP
July 8, 2009	Caltrans presentation of the draft STIP Fund Estimate and draft STIP Guidelines (CTC Meeting – San Jose)
July 20, 2009	PTAC and PDWG review of proposed RTIP Policies and Procedures
August 12, 2009 (?)	CTC adopts STIP Fund Estimate and STIP Guidelines (CTC Meeting – Sacramento)
September 2, 2009	Transit Finance Working Group (TFWG) review of proposed RTIP Policies and Procedures
September 4, 2009	Local Streets and Roads Working Group (LS&RWG) review of proposed RTIP Policies and Procedures
September 9, 2009	MTC Programming and Allocations Committee (PAC) review and recommendation of final proposed RTIP Policies and Procedures
September 21, 2009	PTAC and PDWG review of final proposed RTIP Policies and Procedures
September 23, 2009	MTC Commission adopts RTIP Policies and Procedures
November 6, 2009	CMAAs submit to MTC, RTIP projects summary listings and identification of projects requiring project-level performance measure analysis. Deadline to submit Complete Streets (“Routine Accommodations”) Checklist for new projects.
November 16, 2009	PTAC review of draft RTIP
November 18, 2009	Final Project Programming Request (PPR) forms due to MTC. Final RTIP project listing and performance measure analysis due to MTC. Final PSR (or PSR Equivalent), Resolution of Local Support and Certification of Assurances due to MTC ( <b>Final Complete Applications due</b> )
December 2, 2009	Draft RTIP available for public review
December 9, 2009	PAC review of RTIP and referral to Commission for approval
December 16, 2009	MTC Commission approves 2010 RTIP
January 15, 2010	2010 RTIP due to CTC
March 2010	CTC 2010 STIP Hearing – Northern California (CTC Meeting - Sacramento)
March 2010	CTC 2010 STIP Hearing – Southern California (Los Angeles)
April 2010	CTC Staff Recommendations on 2010 STIP released
May 2010	CTC adopts 2010 STIP (CTC Meeting – Sacramento)

Shaded Area – Actions by Caltrans or CTC

American Recovery and Reinvestment Act

**Attachment B**

**Transportation Enhancement State ARRA Funding Prioritization**

(All numbers in thousands)

Project	Current Programming Need		New Programming Need	Total Need	ARRA TE	
	Existing RTIP-TE	RTIP-TE Advance	Regional Project			
	<b>1. Existing Ready-To-Go TE Projects Currently Programmed in the STIP-TE Program</b>					
AL	Oakland, 7th St / West Oakland TOD	1,300			1,300	1,300
CC	Concord, Monument Blvd Pedestrian Improvements	1,000			1,000	1,000
CC	Martinez, Marina Vista Streetscape	127			127	127
SF	MTA, Inner Sunset Traffic Calming, Transit Enhancements	343			343	343
SF	MTA, Pedestrian Signal Upgrade		589		589	589
SC	Campbell, E Campbell Ave Downtown Enhancements	1,200	960		2,160	2,160
SL	Benicia, State Park Overcrossing of I-780	320			320	320
SL	Solano Co., McGary Road Enhancements		640		640	640
SL	Solano Co., Old Town Cordelia Improvements, Ph 2		800		800	800
SN	Windsor, Old Redwood Hwy Pedestrian Enhancements	270			270	270
	<i>Totals:</i>	<i>4,560</i>	<i>2,989</i>	<i>0</i>	<i>7,549</i>	<i>7,549</i>
<b>2. Ready-To-Go TE-Eligible Regional Share Projects</b>						
RG	Belmont, US-101 Belmont Bike Bridge			2,100	2,100	2,100
	<i>Totals:</i>	<i>0</i>	<i>0</i>	<i>2,100</i>	<i>2,100</i>	<i>2,100</i>
	<b>Totals</b>	<b>4,560</b>	<b>2,989</b>	<b>2,100</b>	<b>9,649</b>	<b>9,649</b>

**STP Suballocation Reconciliation**

Regional STP-TE Available		9,649
RSTP-TE Programming		9,649
<b>Balance (Over) Under</b>		<b>0</b>

**ARRA TE County/Regional Split Reconciliation**

County	ARRA TE Share	ARRA TE Program	2010 STIP Credits and Advances	TE Adjustment	Net TE Backfill
Alameda - West Oakland TOD	1,557	1,300	1,300	257	1,557
Contra Costa - Monument Blvd and Marina Vista	1,009	1,127	1,127	(118)	1,009
Marin - None	294	0	0	294	294
Napa - None	183	0	0	183	183
San Francisco - Inner Sunset Traffic Calming, Ped Signals	797	932	932	(135)	797
San Mateo - None	827	0	0	827	827
Santa Clara - E Campbell Downtown Enhancements	1,824	2,160	2,160	(336)	1,824
Solano - State Park, McGary Road, Old Town Cordelia	477	1,760	1,760	(1,283)	477
Sonoma - Old Redwood Highway Enhancements	581	270	270	311	581
<b>County Subtotal</b>	<b>7,549</b>	<b>7,549</b>	<b>7,549</b>	<b>0</b>	<b>7,549</b>
Regional - TBD	2,100	2,100	0	0	0
<b>County + Regional Total</b>	<b>9,649</b>	<b>9,649</b>	<b>7,549</b>	<b>0</b>	<b>7,549</b>

\* Negative numbers indicate overprogramming of ARRA-TE share (in Contra Costa, San Francisco, Santa Clara, and Solano Counties). In the next TE call for projects, these four counties will give up the amount they overprogrammed and allow counties that underprogrammed ARRA-TE (Alameda, Marin, Napa, San Mateo, and Solano Counties) to utilize to use their TE share.

**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

FAX (916) 654-2409

TTY 711

*Flex your power!  
Be energy efficient!*

July 6, 2009

All Regional Transportation Planning Agencies:

Dear Executive Director:

Senate Bill (SB) 286 requires that the California Department of Transportation (Department), in consultation with Community Conservation Corps and the California Conservation Corps (collectively referred to as corps), the California Transportation Commission (CTC), Regional Transportation Planning Agencies (RTPA), county transportation commissions or authorities, and congestion management agencies, shall develop criteria that give priority in the selection of projects to the sponsors of eligible projects that partner with, or commit to employ, the services of a corps to construct or undertake the project.

Furthermore, Section 1108(g) of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) states that "the Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform appropriate transportation enhancement activities under Chapter 1 of Title 23, United States Code."

The Department, in consultation with the other entities as required by SB 286, has developed Transportation Enhancement (TE) project selection criteria to implement SB 286.

RTPAs are required to use the following criteria in prioritizing and selecting TE projects for programming in the Regional Transportation Improvement Programs (RTIP):

- (1) TE eligible projects whose sponsor is partnering with or has agreed to employ the services of a corps, shall be selected first for funding (the scope of the work performed by the corps will be identified in page 6 of the enclosed revised TE application);
- (2) After all TE eligible projects described in paragraph (1) have been selected for funding, the remaining eligible TE projects may be selected.

TE project candidates that meet the following specific categories are exempt from the above selection criteria and may compete on an equal basis with all project candidates in category (1) above:

All Regional Transportation Planning Agencies

July 6, 2009

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- (a) Projects that have been selected and programmed in an RTIP prior to June 25, 2009.
- (b) Projects for which no corps will partner with the sponsor or agree to provide services. A project sponsor can request this exemption only by certifying on the TE application with the concurrence of the California Conservation Corps and the California Association of Local Conservation Corps. The application must indicate that the sponsor notified both organizations about the available project, but that no corps in the state was prepared to serve as a partner or provide services.

Projects that have been selected and programmed in an RTIP prior to June 25, 2009 shall be evaluated by the RTPA to determine if the project sponsor can partner with or agree to obtain the services of a corps.

The Department will work with the CTC to update the State Transportation Improvement Program guidelines to be consistent with the requirements of SB 286 and its criteria.

SB 286 specifies that "Community Conservation Corps" shall have the same meaning as defined in Section 14507.5 of the Public Resources Code. Information regarding these organizations is available on the internet at:

<http://www.consrv.ca.gov/dor/grants/Pages/lccc.aspx>

<http://www.ccc.ca.gov/partner/partners.htm>

[www.calcc.org](http://www.calcc.org)

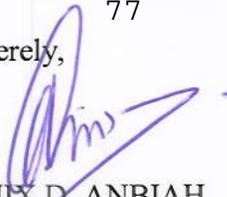
The Department is committed to revisit the requirements set forth in this letter at a later date and will consider future suggested improvements to the implementation of SB 286.

Please note that the Federal Highway Administration (FHWA) has indicated that for projects within the roadway right of way, a project specific cost effectiveness analysis has to be submitted by project sponsors and approved by FHWA prior to utilizing the corps on TE projects. Projects sponsors are directed to use the enclosed Request for Approval of Cost-Effectiveness/Public Interest Finding to submit this analysis.

If you have any questions please contact our TE Program Coordinator John Haynes at: (916) 653-8027 or his email at: [john\\_haynes@dot.ca.gov](mailto:john_haynes@dot.ca.gov).

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Sincerely,



DENIX D. ANBIAH

Chief

Division of Local Assistance

All Regional Transportation Planning Agencies

July 6, 2009

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Enclosures:

Revised TE Project Application

Request for Approval of Cost Effectiveness Analysis/Public Interest Finding

c: SB 286 Committee Members

John Haynes TE Program Coordinator

Martin Tuttle, Deputy Director, Planning and Model Programs

Richard Harmon, Assistant Deputy Director, Division of Legislative Affairs

Rachel Falsetti, Chief, Division of Transportation Programming

Denix Anbiah, Chief, Division of Local Assistance

Fardad Falakfarsa Chief, Office of Federal Resources, Division of Budgets

Division of Local Assistance Office Chiefs

District Local Assistance Engineers

Kevin Pokrajac, Chief, Office of Special and Discretionary Programs

HQ Local Assistance Area Engineers

**Transportation Enhancement (TE) Application (PSR Equivalent)**

TE funds are federal funds and must follow federal funding guidelines and environmental (NEPA) processes.

All projects must have an approved eligible application prior to programming in the RTIP.

**PART ONE: GENERAL PROJECT INFORMATION**

\_\_\_\_\_ RTIP TE    \_\_\_\_\_ ITIP TE    Is the project within Caltrans Right of Way Yes  No .

Does this project partner with or commit to employ the services of a Community Conservation Corps or the California Conservation Corps?    Yes  No .

If you answered yes to the above question please list the contact information for the corps.

Corps Name: \_\_\_\_\_ Contact Name: \_\_\_\_\_ Phone number: \_\_\_\_\_

PROJECT TITLE:

IMPLEMENTING AGENCY Administrator/person with day-to-day responsibility for implementing project (Name, title, agency, address, phone, fax, email)	(Round dollars to nearest thousands)  TE FUNDS REQUESTED        \$ _____  State Match (11.47%)        \$ _____  Local Match (if Required)    \$ _____  TOTAL TE PROJECT COST    \$ _____  <input type="checkbox"/> TE is a stand-alone project. <input type="checkbox"/> TE is part of a larger project.
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Person who can answer questions about this application (Name, title, phone, fax, email)	PARTNER(S) (Name, title, agency, address, phone, fax)
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IF TE IS AN ENHANCEMENT TO A LARGER PROJECT, DESCRIBE LARGER PROJECT (if larger project is programmed, provide PPNo, EA, Project Title; if not currently programmed, describe the project)

Total Project Cost \$ \_\_\_\_\_

PROJECT SCOPE OF PROPOSED TRANSPORTATION ENHANCEMENT ACTIVITIES  
(Describe the project's location, limits of work, size, etc. *Not* the justification or benefits).

NEED AND PURPOSE (Describe how is project above and beyond a standard transportation project)

RELATIONSHIP (TE projects must have a relationship to surface transportation; describe relation to surface transportation)

CONFORMANCE (Describe conformance with Route Concept Report or Transportation Corridor Report and District System Management Plan - ITIP projects only)

CONTEXT SENSITIVE SOLUTIONS (Describe how project reflects Director's policy - ITIP projects only)

## ALTERNATIVES CONSIDERED

WHICH OF THE 12 TE CATEGORIES DOES THE PROJECT ENCOMPASS? (May be more than one.)  
<http://www.dot.ca.gov/hq/TransEnhAct/TransEnact.htm>

1.  Provision of facilities for pedestrians and bicycles
2.  Provision of safety and educational activities for pedestrians and bicyclists.
3.  Acquisition of scenic easements and scenic or historic sites (including historic battlefields).
4.  Scenic or historic highway programs (including the provision of tourist and welcome center facilities).
5.  Landscaping and other scenic beautification.
6.  Historic preservation.
7.  Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals).
8.  Preservation of abandoned railway corridors (including the conversion and use of the corridors for pedestrian or bicycle trails).
9.  Inventory, control, and removal of outdoor advertising.
10.  Archaeological planning and research.
11.  Environmental mitigation
  - (i) To address water pollution due to highway runoff; or
  - (ii) Reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.
12.  Establishment of transportation museums.

PROJECT LOCATION MAPS (Provide Location Map of project in State/Region and Area Specific Map)

**PART TWO: FUNDING**

Prepared by \_\_\_\_\_ Title \_\_\_\_\_

Agency \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

**PROJECT COMPONENT COSTS** (round to nearest \$1,000s)

	RTIP	ITIP	OTHER
• E&P (PA&ED)	\$ _____	\$ _____	\$ _____
• PS&E	\$ _____	\$ _____	\$ _____
• Right of Way Capital	\$ _____	\$ _____	\$ _____
• Right of Way Support*	\$ _____	\$ _____	\$ _____
• Construction Support*	\$ _____	\$ _____	\$ _____
Construction Capital	\$ _____	\$ _____	\$ _____

**TOTAL PROJECT COSTS** \$ \_\_\_\_\_

\*Right of way and construction support are for Caltrans implemented projects only

**PRELIMINARY ITEM ESTIMATE - CONSTRUCTION CONTRACT ITEMS**

Item	Description	Unit	Quantity	Unit Price	Amount
------	-------------	------	----------	------------	--------

CONTINGENCY (%)

TOTAL CONSTRUCTION CONTRACT ITEMS

**MAINTENANCE** (The enhancement must be maintained in a functional and operational manner as its intended purpose for the expected life cycle for the type of project. If it is not maintained in such a manner, reimbursement of all or a portion of the enhancement funds may be required).

Who will maintain?

What is the source of maintenance funds?

If project is within Caltrans right of way, must be signed by Deputy District Director, Maintenance

DDD Maintenance: \_\_\_\_\_ Date: \_\_\_\_\_

### **PART THREE: INFORMATION AND ASSURANCES**

Please note the application must be signed by the TE project sponsor below for the project to be considered for funding. The information below is provided to notify all project sponsors of the criteria that shall be used in the selection of eligible TE projects.

#### **For TE projects proposed for funding from American Recovery and Reinvestment Act of 2009**

Assembly Bill X3-20 added Sections 2420-2423 to the Streets and Highways Code which requires that transportation projects proposed for transportation enhancement activities using federal funds provided specifically by the American Recovery and Reinvestment Act of 2009 be programmed and allocated based on the following priorities:

- (1) In programming and allocating these funds, the department and the metropolitan planning organizations, county transportation commissions, and regional transportation agencies shall give priority to the sponsors of eligible projects that partner with, or commit to employ the services of, a Community Conservation Corps or the California Conservation Corps to construct or undertake the project, provided those projects meet the requirements of the American Recovery and Reinvestment Act of 2009.
- (2) After all eligible projects have been selected pursuant to paragraph (1), the department and the metropolitan planning organizations, county transportation commissions, and regional transportation agencies shall next give priority to projects that provide facilities for pedestrians and bicyclists, provided those projects meet the requirements of the American Recovery and Reinvestment Act of 2009.
- (3) After all eligible projects have been selected pursuant to paragraph (2), the department and the metropolitan planning organizations, county transportation commissions, and regional transportation agencies may fund any project eligible in accordance with paragraph (35) of subdivision (a) of Section 101 of Title 23 of the United States Code.

#### **For projects proposed for funding with all federal TE funds**

Senate Bill 286 (Chapter 373, Statutes of 2008) added Sections 2370-2374 to the Streets and Highways Code which requires the selection of all TE projects to be based on projects which partner with, or commit to employ the services of a Community Conservation Corps or the California Conservation Corps. The department, in consultation with Community Conservation Corps, the California Conservation Corps, the commission, regional transportation planning agencies, county transportation commissions or authorities, and congestion management agencies, developed the following criteria that give priority in the selection of TE projects. The information below is provided to project sponsors to assist them in understanding how projects will be selected. Regional transportation planning agencies, county transportation commissions or authorities, and congestion management agencies, when selecting candidates for transportation enhancement projects, shall utilize the selection criteria below.

The RTPAs are required to use the following criteria in prioritizing and selecting TE projects for programming in the Regional Transportation Improvement Programs (RTIP):

- (1) TE eligible projects whose sponsor is partnering with, or has agreed to employ the services of a Community Conservation Corps or the California Conservation Corps (collectively referred to as corps), shall be selected first for funding (the scope of the work performed by the corps will be identified in page 6 of the TE application);
- (2) After all TE eligible projects described in paragraph (1) have been selected for funding; the remaining eligible TE projects may be selected.

TE Project candidates that meet the following specific categories are exempt from the above selection criteria and may compete on an equal basis with all project candidates in category (1) above:

- (a) Projects that have been selected and programmed in a RTIP prior to June 25, 2009.
- (b) Projects for which no corps will partner with the sponsor or agree to provide services. A project sponsor can request this exemption only by certifying on the TE Application, with the concurrence of the California Conservation Corps and the California Association of Local Conservation Corps, which the sponsor notified both organizations about the available project, but that no corps in the state was prepared to serve as a partner or provide services.

The department, regional transportation planning agencies, county transportation commissions or authorities, or congestion management agencies shall be authorized to enter into cooperative agreements, grant agreements, or procurement contracts with Community Conservation Corps pursuant to the simplified contract requirements authorized by Section 18.36(j) of Title 49 of the Code of Federal Regulations in order to enable community conservation corps to utilize transportation enhancement project funds.

Section 2370(a) of the Streets and Highways Code is specific as to which organizations can be considered as a Community Conservation Corps or the California Conservation Corps. "Community Conservation Corps" shall have the same meaning as defined in Section 14507.5 of the Public Resources Code. Information regarding these organizations is available on the internet at:

- <http://www.consrv.ca.gov/dor/grants/Pages/lccc.aspx>
- <http://www.ccc.ca.gov/PARTNER/PARTNERS.HTM>
- [www.calcc.org](http://www.calcc.org)

For the RTPA: Conservation Corps Partner Contact use only:

A corps can participate on the following items of work: \_\_\_\_\_

Name of corps: \_\_\_\_\_ and the contact for the corps is: \_\_\_\_\_  
 \_\_\_\_\_ (Name)  
 \_\_\_\_\_ (Phone number)

This project is exempt under category (b) above. This exemption allows the project to compete on an equal basis with all other project candidates in the region. Concurred in by:

California Conservation Corps contact (Print Name)	(Signature)	Date
California Association of Local Conservation Corps contact (Print Name)	(Signature)	Date

**RTPA Conservation Corps Partner Contacts  
For Transportation Enhancement Projects**

AGENCY	CCC Contact Title and Name	Phone Number	Email Address
California Conservation Corps	Chief of Field Operations Mark Rathswohl	916-341-3139	Mark_Rathswohl@ccc.ca.gov
California Association of Local Conservation Corps (representing the Community Conservation Corps)	Association Manager Scott Dosick	916-285-8743	manager@calcc.org

Project Implementing Agency possesses legal authority to nominate this transportation enhancement and to finance, acquire, and construct the proposed project; and by formal action (e.g., a resolution) the Implementing Agency's governing body authorizes the nomination of the transportation enhancement, including all understanding and assurances contained therein, and authorizes the person identified as the official representative of the Implementing Agency to act in connection with the nomination and to provide such additional information as may be required.

Project Implementing Agency will maintain and operate the property acquired, developed, rehabilitated, or restored for the life of the resultant facility (ies) or activity. With the approval of the California Department of Transportation, the Implementing Agency or its successors in interest in the property may transfer the responsibility to maintain and operate the property.

Project Implementing Agency will give the California Department of Transportation's representative access to and the right to examine all records, books, papers, or documents related to the transportation enhancement activity.

Project Implementing Agency will comply where applicable with provisions of the California Environmental Quality Act, the National Environmental Policy Act, the Americans with Disabilities Act, the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, CTC Guidelines, FHWA Transportation Enhancement Guidance and any other federal, state, and/or local laws, rules and/or regulations.

If TE funds or projects are used for other than the intended enhancement purposes as defined by federal or state regulations or guidelines, the implementing agency may be required to remit all state and federal enhancement funds back to the state. I certify that the information contained in this transportation enhancement activity application, including required attachments, is accurate and that I have read and understand the important information and agree to the assurances on this form.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(TEA Administering Agency Representative)

Printed (Name and Title) \_\_\_\_\_

Administering Agency \_\_\_\_\_

For State Projects:

Upon receiving an eligibility determination, a Project Nomination Sheet must be submitted to the District for programming.

U.S. DEPARTMENT OF TRANSPORTATION	FEDERAL HIGHWAY ADMINISTRATION	CALIFORNIA DEPARTMENT OF TRANSPORTATION
<b>LOCAL AGENCY</b>		
<b>REQUEST FOR APPROVAL OF COST EFFECTIVENESS/PUBLIC INTEREST FINDING</b>		
<b>COST EFFECTIVENESS DETERMINATION REQUIRED</b>		<b>PUBLIC INTEREST DETERMINATION REQUIRED</b>
<input type="checkbox"/> Experimental Contracting methods (23 CFR 635.204) <input type="checkbox"/> Informal Bid (Less than three week advertisement) (23 CFR 635.204) <input type="checkbox"/> Use of force account (day labor) (23 CFR 635.204) <input type="checkbox"/> Use of publicly owned equipment (23 CFR 635.106) <input checked="" type="checkbox"/> Other: <u>Use of Youth Conservation Corps</u>		<input type="checkbox"/> Use of State-furnished materials (23 CFR 635.407) <input type="checkbox"/> Mandatory use of borrow/disposal sites (23 CFR 635.407) <input type="checkbox"/> Use of patented and proprietary materials (23 CFR 635.411) <input type="checkbox"/> Waiver to Buy America Requirements (23 CFR 635.410) <input type="checkbox"/> Other: _____
FEDERAL-AID PROJECT NO	CLASS OF FEDERAL FUNDS <input type="checkbox"/> IM <input type="checkbox"/> NH <input type="checkbox"/> STP <input checked="" type="checkbox"/> OTHER: TE	
	STEWARDSHIP: <input type="checkbox"/> DELEGATED <input type="checkbox"/> HIGH PROFILE	
EA	DIST-CO-RTE-PM	ESTIMATED COST
		FEDERAL FUNDS
GENERAL LOCATION		GENERAL DESCRIPTION OF WORK:
REASONS THAT THE REQUESTED APPROVAL IS CONSIDERED TO BE COST EFFECTIVE OR IN THE PUBLIC'S BEST INTEREST (LOCAL AGENCY):		
SUBMITTED BY LOCAL AGENCY REPRESENTATIVE	LOCAL AGENCY REP. NAME AND TITLE:	DATE:
REVIEWED BY CT LOCAL ASSISTANCE REPRESENTATIVE	LOCAL ASSISTANCE REP. NAME AND TITLE:	DATE:
REMARKS (FHWA):		
APPROVED BY FHWA'S REP. (HIGH PROFILE PROJECTS)	REPRESENTATIVE NAME AND TITLE:	DATE:

NOTE: FHWA'S SIGNATURE REQUIRED FOR FEDERALLY FUNDED TE PROJECTS UTILIZING THE SERVICES OF THE CALIFORNIA CONSERVATION CORPS OR COMMUNITY CONSERVATION CORPS.