Date: October 28, 2009
W.I.: 1515
Referred by: PAC

ABSTRACT

Resolution No. 3928

This resolution adopts the policies, procedures and project selection criteria for developing the 2010 Regional Transportation Improvement Program (RTIP) for the San Francisco Bay Area, for submission to the California Transportation Commission (CTC), consistent with the provisions of Senate Bill 45 (Chapter 622, Statutes 1997).

Further discussion of these actions is contained in the MTC Executive Director's Memorandum to the MTC Programming and Allocations Committee dated October 14, 2009.

Attachment 1 – Policies, Procedures and Project Selection Criteria for the 2010 RTIP Augmentation (with attachments)

Attachment 2 – STIP Amendment / Extension Rules and Procedures

Date: October 28, 2009
W.I.: 1515
Referred by: PAC

RE: Adoption of 2010 Regional Transportation Improvement Program (RTIP) Program Policies, Procedures, and Project Selection Criteria

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3928

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

WHEREAS, MTC has adopted and periodically revises, pursuant to Government Code Sections 66508 and 65080, a Regional Transportation Plan (RTP); and

WHEREAS, MTC adopts, pursuant to Government Code Section 65080, a Regional Transportation Improvement Program (RTIP) Augmentation when additional STIP funding is available, that is submitted, pursuant to Government Code Section 14527, to the California Transportation Commission (CTC) and the California Department of Transportation (Caltrans); and

WHEREAS, MTC has developed, in cooperation with Caltrans, operators of publicly owned mass transportation services, congestion management agencies, countywide transportation planning agencies, and local governments, policies, procedures and project selection criteria to be used in the development of the 2010 RTIP, to include projects programmed in fiscal years 2010-11 through 2014-15; and

WHEREAS, using the process and criteria set forth in the Attachments to this resolution, attached hereto as though set forth at length, a set of capital priorities for the 2010 Regional Transportation Improvement Program (RTIP) will be developed; and

WHEREAS, the 2010 RTIP will be subject to public review and comment; now, therefore, be it

RESOLVED, that MTC approves the process and criteria to be used in the evaluation of candidate projects for inclusion in the 2010 RTIP, as set forth in Attachment 1 of this resolution, and be it further

RESOLVED, that MTC approves the STIP Amendment / Extension Rules and Procedures to be used in processing STIP amendment and extension requests, as set forth in Attachment 2 of this resolution, and be it further

RESOLVED, that the Executive Director shall forward a copy of this resolution, and such other information as may be required to the CTC, Caltrans, and to such other agencies as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

_____

Scott Haggerty, Chair

The above resolution was entered
into by the Metropolitan Transportation
Commission at a regular meeting of
the Commission held in Oakland,
California, on October 28, 2009.

2010
Regional Transportation Improvement Program

Policies, Procedures, and Project Selection Criteria

October 28, 2009

MTC Resolution No. 3928
Attachment 1

Metropolitan Transportation Commission
Programming and Allocations Section
http://www.mtc.ca.gov/funding/

2010 RTIP
Regional Transportation Improvement Program
Policies, Procedures and Project Selection Criteria
Table of Contents

Background **4**
2010 RTIP Development **4**
Key Policies and Guidance **4**
Consistency with Regional and Local Plans 5
CTC Guidance 5
2010 RTIP Development Schedule 5
RTIP County Share Targets 5
Project Eligibility 5
RTIP Project Solicitation 5
Public Involvement Process 6
Federal Transportation Enhancement (TE) Funds 6
SB 286 TE Prioritization of Conservation Corps Implemented Projects 6
RTIP Projects in the Transportation Improvement Program (TIP) 7
Reprogramming of Transportation Enhancement Funds Made Available From ARRA 7
ARRA RTIP Backfill Programming 7
Regional Planning, Programming, and Monitoring (PPM) funds 7
Caltrans Project Nomination 8
Title VI Compliance 8
Intelligent Transportation Systems Policy 8
Traffic Operations System Policy for Major New Freeway Projects 8
Freeway Performance Initiative and Express Lane (HOT) Network 9
Accommodations for Bicyclists, Pedestrians and Persons with Disabilities 9
Grant Anticipation Revenue Vehicle (GARVEE) Bonding 10
AB 3090 Project Replacement or Reimbursement 10
SB 184 Advance Expenditure of Funds 11
AB 608 Contract Award Provisions 11
Santa Clara GARVEE Debt Service 11
Project Advancements 12
Programming to Reserves 12
Countywide RTIP Listing 12
Project Screening Criteria, Including Readiness 12
RTIP Applications 12
STIP Performance Measures 13
Regional Projects 13
85-115% Adjustments 13
Timely Use of Funds Provisions and Deadlines 13
Notice of Cost Increase 14

Cost Escalation for Caltrans-Implemented Projects 14
Notice of Contract Award 14
State-Only Funding 14
Matching Requirements 14
Attachment A: 2010 RTIP Development Schedule 16
Attachment B: 2010 RTIP County Targets 17
Attachment C: 2010 RTIP Project Screening Criteria 18
Eligible Projects 18
Planning Prerequisites 18
Project Costs and Phases 18
Readiness Standards 20
Other Requirements 21
Attachment D: 2010 RTIP Project Application 23
Part 1: Sample Resolution of Local Support 24
Part 1b: Sample Opinion of Legal Counsel 26
Part 2: Certification of Assurances 27
Part 3: Project Study Report (PSR), or equivalent 28
Part 4: Project Programming Request (PPR) Form 29
Part 5: Performance Measures Worksheet 29
Part 6: Routine Accommodations Checklist 29

2010 Regional Transportation Improvement Program (RTIP)
Policies, Procedures and Project Selection Criteria

Background

The State Transportation Improvement Program (STIP) provides funding for a significant number of transportation projects around the State. As the Regional Transportation Planning Agency (RTPA) for the Bay Area, the Metropolitan Transportation Commission (MTC) is responsible for developing regional project priorities for the STIP for the nine counties of the Bay Area.

The Regional Transportation Improvement Program (RTIP) is the region's proposal to the State for STIP funding, due to the California Transportation Commission (CTC) by February 12, 2010. The 2010 STIP will include programming for the five fiscal years from 2010-11 through 2014-15. The region may request advancement of future county shares.

2010 RTIP Development

The following principles will frame the development of MTC's 2010 RTIP, the region's contribution to the 2010 STIP.

- MTC will work with CTC staff, CMA's, transit operators, Caltrans, and project sponsors to prepare the 2010 STIP.

- Investments made in the RTIP must carry out the objectives of the Regional Transportation Plan (RTP), and be consistent with its improvements and programs.

- MTC may choose to consult with counties to consider programming a portion of their RTIP shares for projects that will meet a regional objective.

- MTC will continue to work with CMAs, transit operators, Caltrans and project sponsors to aggressively seek project delivery solutions. Through the use of AB 3090 authority, GARVEE financing, and federal, regional, and local funds, MTC will work with its transportation partners to deliver projects in the region.

- Each county's project list must be constrained within the county share limits unless arrangements have been made with other counties to aggregate the county share targets. MTC continues to support aggregation of county share targets to deliver ready-to-go projects in the region. CMAs that submit a list that exceeds their county share must identify and prioritize those projects that exceed the county share target.

Key Policies and Guidance

The following policies serve as the primary guidance in the development of the 2010 RTIP.

Consistency with Regional and Local Plans

RTP Consistency

Transportation 2035 Plan, the 2009 Regional Transportation Plan (RTP) established a policy based on three strategies: adequate maintenance of the existing system, system efficiency, and strategic expansion. Programming policies governing the STIP and other flexible, multi-modal discretionary funding sources such as the federal Surface Transportation Program (STP) and the Congestion Mitigation and Air Quality Improvement (CMAQ) funds need to be responsive to that policy. New projects submitted for RTIP consideration must include a statement addressing how the project meets the strategies set forth in the RTP.

Local Plans

Projects included in the RTIP must be included in a Congestion Management Plan (CMP) or Capital Improvement Program (CIP).

CTC Guidance

The California Transportation Commission (CTC) 2010 STIP guidelines are scheduled for adoption on October 14, 2009. After release, the MTC 2010 RTIP Policies, Procedures and Project Selection Criteria will be revised to reflect any changes in STIP policy implemented by the CTC. The entire CTC STIP Guidelines are available on the internet at: http://www.dot.ca.gov/hq/transprog/ocip.htm. All CMAs and project sponsors are required to follow the MTC and CTC STIP guidelines in the development and carrying out of the 2010 RTIP/STIP.

2010 RTIP Development Schedule

Development of the 2010 RTIP under these procedures will be done in accordance with the schedule outlined in Attachment A of these policies and procedures.

RTIP County Share Targets

Attachment B of the Policies and Procedures provides the county share targets for each county for the 2010 RTIP, as well as future county shares. Each county's project list, due to MTC in draft form by December 1, 2009, should be constrained within these county share limits; however, there may be opportunities to advance future county shares. The final county share programming targets will be established in the 2010 STIP Fund Estimate adopted by the CTC on October 14, 2009, or as subsequently amended by the CTC. It is expected that MTC's RTIP will be developed using a region-wide aggregate of county-share targets and advancement of future county shares.

Project Eligibility

SB 45 (Chapter 622, Statutes 1997) considerably expanded the range of projects that are eligible for consideration in the RTIP. Eligible projects include, state highway improvements, local road improvements and rehabilitation, public transit, intercity rail, pedestrian, and bicycle facilities, and grade separation, transportation system management, transportation demand management, soundwall projects, intermodal facilities, and safety.

RTIP Project Solicitation

Each county congestion management agency (CMA), or countywide transportation planning agency for those counties that have opted out of the CMA requirement, is responsible for soliciting projects

for its county share of the RTIP. The CMA must notify all eligible project sponsors, including Caltrans and transit operators, of the process and deadlines for applying for RTIP funding, recognizing the expanded project eligibility allowed under SB 45.

Public Involvement Process

MTC is committed to having the CMAs as full partners in development of the RTIP. That participation likewise requires the full commitment of the CMAs to a broad, inclusive public involvement process. Federal regulations call for active outreach strategies in any metropolitan planning process, but opportunities for the public to get involved are especially important with the project selection process for the RTIP.

Federal Transportation Enhancement (TE) Funds

In the 2006 RTIP, new TE programming in FY 2009-10 and 2010-11 was split 50-50 between the TLC and county discretionary programs. The region's New Act proposal identifies half of the TE funds the region receives (with the 2008 and 2010 RTIPs, about $22 million total from FY 12-13, FY 13-14, and FY 14-15) to be used for TLC projects, consistent with past actions.

SB 286 TE Prioritization of Conservation Corps Implemented Projects

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 (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.

RTIP Projects in the Transportation Improvement Program (TIP)
In response to new state and federal requirements, RTIP funds must be programmed in the TIP prior to seeking a CTC allocation. In addition, a federal authorization to proceed (E-76) request must be submitted simultaneously with the RTIP allocation request when the request includes federal funds – especially TE funds. Currently, the 2010 non-TE RTIP funds are state-only, and do not need a federal authorization to proceed. Since all STIP projects are considered regionally significant, all projects must have funds escalated to the year of expenditure, in accordance with federal regulations.

Reprogramming of Transportation Enhancement Funds Made Available From ARRA
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. MTC will propose to program the $31 million in freed up RTIP capacity from these two counties to a project consistent with the New Federal Act proposal, recognizing that this will require CTC to over-program the region's share. In identifying overprogramming prioritization, the $31 million regional project shall receive the highest priority.

Regional Planning, Programming, and Monitoring (PPM) funds
Passage of Assembly Bill 2538 (Wolk, 2006) allows all counties to program up to 5% of their county share to Planning, Programming, and Monitoring (PPM) purposes in the STIP. Since the MTC region previously was limited to a 1% limit, this change allows for a considerable increase in PPM funding available for programming. However, due to limited new STIP county shares available in the 2010 STIP, each county's 5% Planning, Programming, and Monitoring (PPM) limitation did not significantly increase. As agreed with the CMAs, MTC will program a portion of each county's PPM for regional PPM activities each year. With the addition of two new STIP years, but limited increase in the PPM limitation, certain counties may need to deprogram some PPM in FY 2012-13 and spread their PPM programming if they wish to have PPM in each fiscal year. PPM programmed in the last three years of the 2010 RTIP may be re-evaluated in the 2012 RTIP process.

Caltrans Project Nomination

Senate Bill 1768 (Chapter 472, Statutes 2002) authorizes the Department of Transportation to nominate or recommend projects to be included in the RTIP to improve state highways using regional transportation improvement funds. To be considered for funding in the RTIP, the Department must submit project nominations directly to the applicable CMA (or countywide transportation planning agency for those counties that have opted out of the CMA requirement). The Department should also identify any additional state highway improvement needs within the county that could be programmed within the 3 years beyond the end of the current STIP period. The Department must submit these programming recommendations and identification of state highway improvement needs to the CMA within the timeframe and deadline prescribed by the applicable CMA.

Title VI Compliance

Investments made in the RTIP must be consistent with federal Title VI requirements. Title VI prohibits discrimination on the basis of race, color, income, and national origin in programs and activities receiving federal financial assistance. Public outreach to and involvement of individuals in low income and minority communities covered under Title VI of the Civil Rights Act and the Executive Order pertaining to Environmental Justice is critical to both local and regional decisions. The CMA must consider equitable solicitation and selection of project candidates in accordance with federal Title VI requirements.

Intelligent Transportation Systems Policy

In collaboration with federal, state, and local partners, MTC is developing the regional Intelligent Transportation Systems (ITS) architecture. The San Francisco Bay Area Regional ITS Plan is a roadmap for transportation systems integration in the Bay Area over the next 10 years. The plan provides methods to make the most out of technological advances by developing a strategy for deployment and a framework, or architecture, for linking the region's transportation systems.

MTC, state and federal agencies require projects funded with federal highway trust funds to meet applicable ITS architecture requirements. Since the 2006 RTIP, MTC requires that all applicable projects conform to the regional ITS architecture. Through the on-line Fund Management System (FMS) application process, 2010 RTIP project sponsors will identify the appropriate ITS category, if applicable. Information on the regional ITS architecture can be found at: http://www.mtc.ca.gov/planning/ITS/index.htm.

Traffic Operations System Policy for Major New Freeway Projects

It is the Commission's policy that all major new freeway projects included in the Transportation 2035 Plan and subsequent regional transportation plans shall include traffic operations system (TOS) elements to effectively operate the regions freeway system and coordinate with local transportation management systems. MTC requires that all applicable RTIP projects conform to the regional policy. For purposes of this policy, a major freeway project is a project that adds lanes to a freeway, constructs a new segment of freeway, upgrades a segment to freeway status, modifies a freeway interchange, modifies freeway ramps, or reconstructs an existing freeway. A project is considered new if it did not have an approved Project Study Report (PSR) by December 2004, or did not have

funds programmed for the construction phase in the STIP as of December 2004. Caltrans shall operate, manage, maintain and replace the TOS elements installed within its right-of-way.

Freeway Performance Initiative and Express Lane (HOT) Network

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 above. Projects must also include any additional traffic operations recommendations resulting from the Freeway Performance Initiative (FPI). Additionally, 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 FPI. For new RTIP funding commitments on the Regional Express Lane Network, the CMAs should work with MTC to determine the appropriateness of advance construction elements (such as structures and conduit) to support the future conversion of HOV lanes to express lanes if identified.

Accommodations for Bicyclists, Pedestrians and Persons with Disabilities

Federal, state and regional policies and directives emphasize the accommodation of bicyclists, pedestrians, and persons with disabilities when designing transportation facilities. Of particular note is Caltrans Deputy Directive 64 which stipulates: "pedestrians, bicyclists and persons with disabilities must be considered in all programming, planning, maintenance, construction, operations, and project development activities and products." In addition, MTC's Resolution 3765 requires project sponsors to complete a checklist that considers the needs of bicycles and pedestrians for applicable projects. MTC's Regional Bicycle Plan, adopted as a component of the 2001 RTP, requires that "all regionally funded projects consider enhancement of bicycle transportation consistent with Deputy Directive 64".

In selecting projects for inclusion in the RTIP, the CMAs and project sponsors must consider federal, state and regional policies and directives regarding non-motorized travel, including, but limited to, the following:

Federal Policy Mandates

TEA-21 states that, "Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation projects, except where bicycle and pedestrian use are not permitted." (Section 1202)

The Federal Highways Administration Program Guidance on bicycle and pedestrian issues makes a number of clear statements of intent, and provides a best practices concept as outlined in the US DOT "Policy Statement on Integrating Bicycling and Walking into Transportation Infrastructure." (http://www.fhwa.dot.gov/environment/bikeped/Design.htm)

State Policy Mandates

California Government Code Section 65089(b)(1)(B)(5) requires that the design, construction and implementation of roadway projects proposed for funding in the RTIP must consider maintaining bicycle access and safety at a level comparable to that which existed prior to the improvement or alteration.

Caltrans Deputy Directive 64 (http://www.dot.ca.gov/hq/tpp/offices/bike/sites_files/DD-64-R1_Signed.pdf), states: "the Department fully considers the needs of non-motorized travelers (including pedestrians, bicyclists, and persons with disabilities) in all programming, planning, maintenance, construction, operations, and project development activities and products. This includes incorporation of the best available standards in all of the Department's practices. The Department adopts the best practices concept in the US DOT Policy Statement on Integrating Bicycling and Walking into Transportation Infrastructure."

Regional Policy Mandates
All projects programmed during the RTIP must consider the impact to bicycle transportation, pedestrians and persons with disabilities. The Routine Accommodations Checklist is incorporated as Part 6 of the Project Application. Furthermore, it is encouraged that all bicycle projects programmed in the RTIP support the Regional Bicycle Network. Guidance on considering bicycle transportation can be found in MTC's 2001 Regional Bicycle Plan (a component of the 2001 RTP) and Caltrans Deputy Directive 64. MTC's Regional Bicycle Plan, containing federal, state and regional polices for accommodating bicycles and non-motorized travel, is available on MTC's Web site at: http://www.mtc.ca.gov/planning/bicyclespedestrians/.

Grant Anticipation Revenue Vehicle (GARVEE) Bonding
Chapter 862 of the Statutes of 1999 (SB 928) authorizes the State Treasurer to issue GARVEE bonds and authorizes the California Transportation Commission (CTC) to select projects for accelerated construction from bond proceeds. Bond repayment is made through annual set asides of the county share of future State Transportation Improvement Program (STIP) funds. Bond repayments are typically made over several STIP programming periods.

In accordance with state statute and the CTC GARVEE guidelines, GARVEE debt repayment will be the highest priority for programming and allocation within the particular county Regional Improvement Program (RIP) share until the debt is repaid. In the event that the RIP county share balance is insufficient to cover the GARVEE debt service and payment obligations, the RIP county share balance for that particular county will become negative through the advancement of future RIP county share. Should a negative balance or advancement of capacity be unattainable, then funding for other projects using RIP county share within that particular county would need to be reprogrammed or deleted, to accommodate the GARVEE debt service and payment obligations.

The CTC is responsible for programming the funds, derived from federal sources, as GARVEE debt service and the State Treasurer is responsible for making the debt service payments for these projects.

AB 3090 Project Replacement or Reimbursement
AB 3090 (Statutes of 1992, Chapter 1243) allows a local jurisdiction to advance a project included in the STIP to an earlier fiscal year through the use of local funds. With the concurrence of the appropriate transportation planning agency, the California Transportation Commission and Caltrans, one or more replacement state transportation project shall be identified and included in the STIP for an equivalent amount and in the originally scheduled fiscal year or a later year of the advanced

project. Alternately, the advanced project can be reimbursed in the originally scheduled fiscal year or a later year.

Projects approved for AB 3090 consideration must award a contract within six months of the CTC approval. Section 2.c of the AB 3090 Policy, adopted by the CTC in April 2003 states, "The local agency commits to award a contract or otherwise begin delivery of the project component within 12 months of the Commission's approval, with the understanding that the arrangement may be cancelled if that condition is not met." Note that the CTC adopted a new 6 month award deadline in June 2006, and the 6 month deadline supercedes the April 2003 language.

The allocation of AB 3090 reimbursement projects is the highest priority in the MTC region.

SB 184 Advance Expenditure of Funds

SB 184 (Statutes of 2007, Chapter 462) authorizes a regional or local entity to expend its own funds for any component of a transportation project within its jurisdiction that is programmed in the current fiscal year and for which the Commission has not made an allocation. The amount expended would be authorized to be reimbursed by the state, subject to annual appropriation by the Legislature, if (1) the commission makes an allocation for, and the department executes a fund transfer agreement for, the project during the same fiscal year as when the regional or local expenditure was made; (2) expenditures made by the regional or local entity are eligible for reimbursement in accordance with state and federal laws and procedures; and (3) the regional or local entity complies with all legal requirements for the project, as specified.

MTC discourages the use of SB 184 since allocation of funds is not guaranteed. Therefore, sponsors are exposing themselves to the risk of expending local funds with no guarantee that the STIP funds will be allocated.

Should a sponsor want to proceed with an SB 184 request, the sponsor must notify the CMA, MTC and Caltrans in writing on agency letterhead in accordance with Caltrans Local Assistance procedures.

AB 608 Contract Award Provisions

AB 608 authorizes the adjustment by the CTC of a programmed project amount in the STIP if the Caltrans-sponsored construction contract award amount for a project is less than 80% of the engineer's final estimate, excluding construction engineering.

The CTC will not approve any AB 608 request after 120 days from the contract award. Sponsors intending to take advantage of AB 608 project savings must notify Caltrans and the CMA within 30 days of the contract award, to ensure the request to the CTC can be processed in time to meet the CTC's deadline.

Santa Clara GARVEE Debt Service

In accordance with MTC Resolution No. 3538, the debt service for the I-880/Coleman Avenue, SR-87 HOV Lanes (SR 85 to I-280), and the SR-87 HOV Lanes (I-280-Julian Street) projects will be paid from the Santa Clara County RIP county share balance. In the event that the Santa Clara County

RIP county share balance is insufficient to cover the GARVEE debt service and payment obligations, the Santa Clara County RIP county share balance will become negative through the advancement of future Santa Clara County RIP county share. Should a negative balance or advancement of capacity be unattainable, then funding for other projects using Santa Clara County RIP county share would need to be reprogrammed or deleted, to accommodate the GARVEE debt service and payment obligations.

Project Advancements

If a project or project component is ready for implementation earlier than the fiscal year that it is programmed in the STIP, the implementing agency may request an allocation in advance of the programmed year. The CTC will consider making advanced allocations based on a finding that the allocation will not delay availability of funding for other projects programmed in earlier years than the project to be advanced and with the approval of the responsible regional agency if county share funds are to be advanced. Project advancements are unlikely during the 2010 STIP period. In project and financial planning, sponsors should not expect the CTC to advance any projects.

Programming to Reserves

The counties and the region may propose to leave county share STIP funds unprogrammed for a time to allow adequate consideration of funding options for future projects. The CTC particularly encourages Caltrans and the regional agencies to engage in early consultations to coordinate their ITIP and RTIP proposals for such projects. Counties intending to maintain an unprogrammed balance of its county share for future program amendments prior to the next STIP must include a statement of the intentions for the funds, including the anticipated use of the funds, as well as the amount and timing of the intended STIP amendment(s). However, access to any unprogrammed balance is subject to availability of funds, and is not expected to be approved by the CTC until the next STIP programming cycle.

Countywide RTIP Listing

By December 1, 2009, each county Congestion Management Agency or countywide transportation planning agency must submit to MTC a draft proposed countywide RTIP project listing showing the proposed programming of county shares. The final list is due to MTC by December 16, 2009, and must include the final project applications for any new projects added to the STIP (or any significantly revised existing STIP projects) and appropriate project level performance measure analysis.

Project Screening Criteria, Including Readiness

In addition to the CTC Guidelines, all projects included in the 2010 RTIP must meet all MTC project-screening criteria listed in Attachment C of this guidance. Of utmost importance are the project readiness requirements.

RTIP Applications

Project sponsors must complete an application for each new project proposed for funding in the RTIP, consisting of the items included in Attachment D of this guidance. In addition to MTC's Fund Management System (FMS) application, project sponsors are to use the Project Programming Request (PPR) forms provided by Caltrans for all projects. CMAs should submit PPRs for all

projects (including existing projects with no changes) on the revised form provided by Caltrans. The nomination sheet must be submitted electronically for upload into the regional and statewide databases. Existing projects already programmed in the STIP with proposed changes should still submit Part 1: Resolution of Local Support of Attachment D, as well as propose an amendment in MTC's FMS, and submit both electronically and in hard copy a revised PPR provided by Caltrans.

STIP Performance Measures

The CTC continues to require performance measures into the RTIP and ITIP review process for the 2010 RTIP. According to the STIP guidelines, a regional, system-level performance report must be submitted along with the RTIP submission. MTC staff will compile this report, focusing on applying the measures at the Regional Transportation Plan (RTP) level. In addition, project-level performance measure data will be reviewed for new projects greater than $50 million or 50 percent of a county's available share. An example of the analysis for reference is included in Attachment D: 2010 RTIP Project Application. The CMAs are required to submit the project-level performance measures to MTC.

Regional Projects

Applications for projects with regionwide or multi-county benefits should be submitted to both MTC and the affected county CMAs for review. Regional projects will be considered for programming in the context of other county project priorities. MTC staff will work with the affected parties (CMAs and project sponsors) to determine the appropriate level of funding for these projects and negotiate county contributions of the project cost. County contributions would be based on population shares of the affected counties, or other agreed upon distribution formulas.

85-115% Adjustments

MTC may, pursuant to Streets and Highways Code Section 188.8 (k), pool the county shares within the region, provided that each county shall receive no less than 85 percent and not more than 115 percent of its county share for any single STIP programming period and 100 percent of its county share over two STIP programming cycles.

MTC may recommend use of the 85%-115% rule provided for in SB 45 to ensure, as needed, that the proper scope of projects submitted for programming can be accommodated. MTC will also work with CMAs to recommend other options, such as phased programming across STIP cycles, to ensure that sufficient funding and concerns such as timely use of funds are adequately addressed.

Timely Use of Funds Provisions and Deadlines

SB 45 established strict timely use of funds and project delivery requirements for transportation projects programmed in the STIP. Missing critical milestones could result in deletion of the project from the STIP, and a permanent loss of the funds to the county and region. Therefore, these timely use of funds deadlines must be considered in programming the various project phases in the STIP. While SB 45 provides some flexibility with respect to these deadlines by allowing for deadline extensions under certain circumstances, the CTC has made it very clear that deadline extensions will be the exception rather than the rule. See Attachment 2 to MTC Resolution No. 3928 for specific timely use of funds deadlines.

Notice of Cost Increase
For projects with a total estimated cost over $25 million, the implementing agency must perform quarterly project cost evaluations. If a cost increase greater than 10 percent of the total estimated cost of the particular phase is identified, the implementing agency must notify and submit updated STIP Project Programming Request (PPR) form to the appropriate CMA and MTC. In the event that a project is divided into sub-elements, the implementing agency will include all project sub-elements (i.e. landscaping, soundwalls, adjacent local road improvements) in the quarterly cost evaluation.

Early notification of cost increases allows the CMA and MTC to assist in developing strategies to manage cost increases and plan for future county share programming.

Cost Escalation for Caltrans-Implemented Projects
In recent months, CTC has been very critical of unexpected cost increases to projects funded by the STIP. In order to ensure that the amounts programmed in the STIP are accurate, MTC encourages the CMAs to consult with Caltrans and increase Caltrans project costs by an agreed-upon escalation rate if funds are proposed to be shifted to a later year. This will currently only apply to projects implemented by Caltrans.

Notice of Contract Award
Caltrans has developed a procedure (Local Programs Procedures LPP-01-06) requiring project sponsors to notify Caltrans immediately after the award of a contract. Furthermore, Caltrans will not make any reimbursements for expenditures until such information is provided. Project sponsors must also notify MTC and the appropriate CMA immediately after the award of a contract. To ensure proper monitoring of the Timely Use of Funds provisions of SB 45, project sponsors are required to provide MTC and the county CMA with a copy of the LPP-01-06 "Award Information for STIP Projects – Attachment A" form, when it is submitted to Caltrans. This will assist MTC and the CMA in maintaining the regional project monitoring database, and ensure accurate reporting on the status of projects in advance of potential funding lapses. In accordance with CTC and Caltrans policies, construction funds must be encumbered in a contract within six months of allocation.

State-Only Funding
Historically, projects programmed in the STIP received a combination of state and federal funds. However, for the 2010 RTIP, no federal funds will be available. Therefore, all projects programmed in the 2010 RTIP will receive state-only funding. This provision may change in the future, and project sponsors should be prepared to federalize their projects.

Matching Requirements
A local match is not required for projects programmed in the STIP, except under special situations affecting projects subject to Article XIX restrictions established by the State Constitution. Article XIX limits the use of state revenues in the State Highway Account (SHA) to state highways, local roads, and fixed guideway facilities. Other projects, such as rail rolling stock and buses, are not eligible to receive state funds from the SHA. Article XIX restricted projects must therefore be funded with either a combination of federal STIP funding and matching STIP funds from the Pubic Transportation Account (PTA), or with 100 percent federal STIP funds in the State Highway

Account (which requires a non-federal local match of 11.47% from a non-STIP local funding source).

Project sponsors wishing to use STIP PTA funds as matching funds for Article XIX restricted projects must note such a request in the "Special Funding Conditions" section of the RTIP Application Nomination sheet, and obtain approval from Caltrans through the state-only approval process as previously described. Otherwise, the CTC may assume any Article XIX restricted STIP project will be funded with 100 percent federal funds.

Since funds programmed in the 2010 RTIP is expected to be state-only funds, there will be no matching requirements for all Article XIX eligible projects.

METROPOLITAN TRANSPORTATION COMMISSION
2010 Regional Transportation Improvement Program
Final Development Schedule
October 28, 2009

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)
July 8, 2009	CTC defers presentation of the draft STIP Fund Estimate and draft STIP Guidelines (CTC Meeting – San Jose)
July 20, 2009	Partnership Technical Advisory Committee (PTAC) / Programming and Delivery Working Group (PDWG) discussion and review of initial issues and schedule for 2010 RTIP
August 12, 2009	CTC reviews draft 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 3, 2009	Local Streets and Roads Working Group (LS&RWG) review of proposed RTIP Policies and Procedures
September 9, 2009	CTC conducts workshop on draft STIP Fund Estimate and STIP Guidelines (CTC Meeting – Long Beach)
September 21, 2009	PTAC and PDWG review of proposed RTIP Policies and Procedures
October 14, 2009	CTC adopts final STIP Fund Estimate and STIP Guidelines (CTC Meeting – San Diego)
October 14, 2009	MTC Programming and Allocations Committee (PAC) review and recommendation of final proposed RTIP Policies and Procedures
October 28, 2009	MTC Commission adopts RTIP Policies and Procedures
December 1, 2009	CMAs 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.
December 16, 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 (**Final Complete Applications due**)
December 21, 2009	PTAC review of draft RTIP
January 6, 2009	Draft RTIP available for public review
January 13, 2010	PAC review of RTIP and referral to Commission for approval
January 27, 2010	MTC Commission approves 2010 RTIP
February 12, 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 29, 2010	CTC Staff Recommendations on 2010 STIP released
May 19, 2010	CTC adopts 2010 STIP (CTC Meeting – Sacramento)

Shaded Area – Actions by Caltrans or CTC

MTC Resolution No. 3928
Attachment 1-B

2010 STIP Fund Estimate County Targets

Table 1: Transportation Enhancement Targets

	New TE Share	MTC 50% TLC Share	CMA 50% Discretion	ARRA Backfill*	Total CMA Discretion
Alameda	**5,299**	2,650	2,649	257	**2,906**
Contra Costa	**3,434**	1,717	1,717	0	**1,717**
Marin	**1,003**	501	502	294	**796**
Napa	**621**	310	311	183	**494**
San Francisco	**2,707**	1,354	1,353	0	**1,353**
San Mateo	**2,822**	1,411	1,411	827	**2,238**
Santa Clara	**6,208**	3,104	3,104	0	**3,104**
Solano	**1,624**	812	812	0	**812**
Sonoma	**2,007**	1,004	1,003	311	**1,314**
Bay Area Totals	**25,725**	**12,863**	**12,862**	**1,872**	**14,734**

Note: 2010 STIP FE identifies only TE targets. There are no new TIF or PTA targets.
* Counties with $0 backfill must return a certain amount of TE Reserve already programmed.

Table 2: Planning, Programming, and Monitoring Amounts
FY 12-13 through FY 14-15

	PPM Limit FY13 - FY15	Currently Programmed	MTC Share New PPM	CMA Share New PPM**
Alameda	**2,347**	1,114	240	**993**
Contra Costa	**1,521**	1,421	156	**(56)**
Marin	**445**	415	45	**(15)**
Napa	**276**	13	27	**236**
San Francisco	**1,201**	588	122	**491**
San Mateo	**1,247**	750	126	**371**
Santa Clara	**2,749**	681	281	**1,787**
Solano	**720**	264	73	**383**
Sonoma	**877**	819	88	**(30)**
Bay Area Totals	**11,383**	**6,065**	**1,158**	**4,160**

** New CMA share is for all three years (FY 12-13, FY 13-14, and FY 14-15). Negative numbers indicate that deprogramming of existing PPM in FY 12-13 must occur.

Table 3: ARRA Backfill of RTIP Funds

	ARRA Backfill of RTIP Funds Project Title	RTIP Share Adjustment
Alameda	SR-24 Caldecott Tunnel Fourth Bore	**(2,000)**
Contra Costa	SR-24 Caldecott Tunnel Fourth Bore	**(29,000)**
Bay Area Totals		**(31,000)**

Note: ARRA Backfill Projects shall receive the highest priority for overprogramming in the region.

2010 Regional Transportation Improvement Program
Policies, Procedures and Project Selection Criteria
Attachment C: 2010 RTIP Project Screening Criteria

Eligible Projects

A. Eligible Projects. SB 45 (Chapter 622, Statutes 1997) expanded the range of projects that are eligible for consideration in the RTIP. Eligible projects include, state highway improvements, local road improvements and rehabilitation, public transit, intercity rail, pedestrian, and bicycle facilities, and grade separation, transportation system management, transportation demand management, soundwall projects, intermodal facilities, and safety.

Planning Prerequisites

B. RTP Consistency. Projects included in the RTIP must be consistent with the adopted Regional Transportation Plan (RTP), which state law requires to be consistent with federal planning and programming requirements. Each project to be included in the RTIP must identify its relationship with meeting the goals and objectives of the RTP, and where applicable, the RTP ID number and/or RTP travel corridor and whether the project is to be credited against the county's transit capital shortfall target.

C. CMP Consistency. Local projects must also be included in a County Congestion Management Plan (CMP), or in an adopted Capital Improvement Program (CIP) for counties that have opted out of the CMP requirement, prior to inclusion in the RTIP.

D. PSR or PSR Equivalent is Required. Projects in the STIP must have a complete project study report or, for a project that is not on a state highway, a project study report equivalent or major investment study. The intent of this requirement is to ensure that the project scope, cost and schedule have been adequately defined and justified. This requirement is particularly important in light of SB 45 timely use of funds requirements, discussed below.

The required format of a PSR or PSR equivalent varies by project type. Additional guidance on how to prepare these documents is available on the internet at the addresses indicated within Part 3 (Project Study Report (PSR), or equivalent) of Attachment D: 2010 RTIP Project Application, which includes a table categorizing PSR and PSR equivalent requirements by project type.

Project Costs and Phases

E. Escalated Costs. All projects will count against share balances on the basis of their fully escalated (inflated) costs. All RTIP project costs must be escalated to the year of expenditure.

As required by law, inflation estimates for Caltrans operations (support) costs are based on the annual escalation rate established by the Department of Finance.

Local project sponsors may use the state escalation rates or their own rates in determining the escalated project cost in the year programmed.

F. Project Phases. Projects must be separated into the following project components:

1. Completion of all studies, permits and environmental studies (ENV)
2. Preparation of all Plans, Specifications, and Estimates (PS&E)
3. Acquisition of right-of-way (ROW)
4. Construction and construction management and engineering, including surveys and inspections." (CON)
   Note: Right-of-way and construction components on Caltrans projects must be further separated into capital costs and Caltrans support costs (ROW-CT and CON-CT).

The project sponsor/CMA must display the project in these four components (six for Caltrans projects) in the final submittal. STIP funding amounts programmed for any component shall be rounded to the nearest $1,000. Additionally, 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 (see section L).

All requests for funding in the RTIP for projects on the state highway system and implemented by an agency other than the Department must include the Caltrans Assurance of Quality (CAQ) fee within each project component cost, as identified in the cooperative agreement. This is to ensure sufficient funding is available for the project component, and, if necessary, that the additional ten percent CAQ fee is included within the RIP funding.

G. Minimum Project Size. 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), with the following exceptions:

(a) Funds to match Regional Surface Transportation Program (STP) or Congestion Mitigation and Air Quality Improvement (CMAQ);
(b) Planning, Programming and Monitoring (PPM);
(c) Projects for landscaping and mitigation of State highway projects, including soundwalls;
(d) Caltrans project support components not allocated by the Commission; and
(e) Right-of-way capital outlay for Caltrans, which is not allocated by the Commission on a project basis.
(f) Other exceptions may be made on a case-by-case basis.

H. Fiscal Years of Programming. The 2010 STIP covers the five-year period from FY 2010-11 though 2014-15. The 2010 STIP may contain new targets for each fiscal year, which may require counties to delay certain projects in order to match the new targets. If a project will be ready for allocation in a later year, project sponsors may program funds in a later year of the five-year STIP period.

Readiness Standards

I. Project Phases Must Be Ready in the Year Proposed. Funds designated for each project component will only be available for allocation until the end of the fiscal year in which the funds are programmed in the STIP. Once allocated, the sponsor will have two additional years to expend funds. For construction, the sponsor will have six months to award a contract and three years to expend funds. Project sponsors must invoice at least once in a six-month period following the allocation of funds. It is therefore very important that projects be ready to proceed in the year programmed.

J. Completion of Environmental Process. Government Code Section 14529(c) requires that funding for right-of-way acquisition and construction for a project may be included in the STIP only if the CTC makes a finding that the sponsoring agency will complete the environmental process and can proceed with right-of-way acquisition or construction within the five year STIP period. Furthermore, in compliance with Section 21150 of the Public Resources Code, the CTC may not allocate funds to local agencies for design, right-of-way, or construction prior to documentation of environmental clearance under the California Environmental Quality Act (CEQA). Therefore, project sponsors must demonstrate to MTC that these requirements can be reasonably expected to be met prior to programming right-of-way or construction funds in the RTIP.

K. Programming Project Components in Sequential STIP Cycles. Project components may be programmed sequentially. That is, a project may be programmed for environmental work only, without being programmed for plans, specifications, and estimates (design). A project may be programmed for design without being programmed for right-of-way or construction. A project may be programmed for right-of-way without being programmed for construction. The CTC recognizes a particular benefit in programming projects for environmental work only, since projects costs and particularly project scheduling often cannot be determined with meaningful accuracy until environmental studies have been completed. As the cost, scope and schedule of the project is refined, the next phases of the project may be programmed with an amendment or in a subsequent STIP.

When proposing to program only preconstruction components for a project, the implementing agency must demonstrate the means by which it intends to fund the construction of a useable segment, consistent with the regional transportation plan or the Caltrans interregional transportation strategic plan. The anticipated total project cost and source of any uncommitted future funding must be identified.

L. Sequential Phasing. For most projects, the different project phases should be programmed sequentially in the STIP, i.e. environmental before design before right of way before construction. Projects with significant right of way acquisition or construction costs that require more than a simple Categorical Exemption or basic permitting approvals, must not be programmed with the right of way and construction components in the same year as the environmental. Project sponsors must provide sufficient time between the scheduled allocation of environmental funds and the start of design, right of way or construction. As prescribed in Section F, projects may not have more than one phase programmed per fiscal year, with the exceptions of Caltrans-sponsored preconstruction

phases, and right of way (ROW) funds programmed with final design (PS&E) or construction (CON) where there are no significant ROW acquisitions necessary.

M. The Project Must Be Fully Funded. All local projects must be accompanied by an authorizing resolution stating the sponsor's commitment to complete the project as scoped with the funds requested. A model resolution including the information required is outlined in Attachment D - Part 1 of this guidance.

The CTC will program a project component only if it finds that the component itself is fully funded, either from STIP funds or from other committed funds. The CTC will regard non-STIP funds as committed 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.

All regional agencies with rail transit projects shall submit full funding plans describing each overall project and/or useable project segment. Each plan shall list Federal, State, and local funding categories by fiscal year over the time-frame that funding is sought, including funding for initial operating costs. Moreover, should the project schedule exceed the funding horizon, then the amount needed beyond what is currently requested shall be indicated. This information may be incorporated in the project application nomination sheets.

N. Field Review for Federally Funded Local Projects. One way to avoid unnecessary STIP amendment and extension requests is to conduct a field review as early as possible, so potential issues may be identified with sufficient time for resolution.

In the unlikely event that certain projects are federalized in the 2010 RTIP, the project sponsor agrees to contact Caltrans and schedule and make a good faith effort to complete a project field review within 6-months of the project being included in the Transportation Improvement Program (TIP). For the 2010 STIP, Caltrans field reviews should be completed by September 1, 2010 for federal aid projects programmed in 2010-11 and 2011-12. The requirement does not apply to planning activities, state-only funded projects, or STIP funds to be transferred to the Federal Transit Administration (FTA).

Other Requirements

O. Availability for Audits. Sponsors must agree to be available for an audit if requested. Government Code Section 14529.1 "The commission [CTC] shall request that the entity receiving funds accept an audit of funds allocated to it by the commission, if an audit is deemed necessary."

P. Interregional Projects May Be Proposed Under Some Restrictive Circumstances. The project must be a usable segment and be more cost-effective than a Caltrans alternative project. Government Code Section 14527 (c) "A project recommended for funding by the RTPA in the Interregional Improvement Program shall constitute a usable segment, and shall not be a condition for inclusion of

other projects in the RTIP." Government Code Section 14529 (k) "... the commission [CTC] must make a finding, based on an objective analysis, that the recommended project is more cost-effective than a project submitted by the department…"

Q. **Premature Commitment of Funds.** The project sponsor may not be reimbursed for expenditures made prior to the allocation of funds by the CTC (or by Caltrans under delegation authority), unless the provisions of Senate Bill 184 are met in accordance with the CTC Guidelines for Implementation of SB 184. Under no circumstances may funds be reimbursed for expenditures made prior to the funds being programmed in the STIP or prior to the fiscal year in which the project phase is programmed. In addition, the sponsor must make a written request to Caltrans prior to incurring costs, in accordance with Caltrans Locals Assistance Procedures for SB 184 implementation.

R. **State-Only Funding.** Since the 2010 RTIP is not expected to have any federal funding, all projects will receive state-only funding. Project sponsors are expected to meet all requirements of Article XIX in selecting projects receiving state-only funding.

S. **Federal Transportation Improvement Program.** All projects programmed in the STIP must also be programmed in the federal Transportation Improvement Program (TIP), regardless of fund source. Project sponsors are encouraged to submit TIP amendment requests immediately following inclusion of the project into the STIP by the CTC. The project listing in the TIP must include total project cost by phase regardless of the phase actually funded by the CTC. STIP projects using federal funds (such as the Transportation Enhancement (TE) projects) will not receive federal authorization to proceed without the project being properly listed in the TIP.

2010 Regional Transportation Improvement Program (RTIP)
Attachment D: 2010 RTIP Project Application

Project sponsors must submit a completed project application for each project proposed for funding in the 2010 RTIP. The application consists of the following five to six parts and are available on the Internet (as applicable) at: http://www.mtc.ca.gov/funding/

1a. Resolution of local support *
1b. Opinion of legal counsel *
2. Local agency certification of assurances
3. Project Study Report (PSR), or equivalent
4. RTIP Project Programming Request (PPR) form (with maps) (must be submitted electronically)
5. Performance Measures Worksheet (if applicable)
6. Routine Accommodations Checklist (if applicable: check with CMA or on MTC's website, listed above)

* Project sponsor has the option to incorporate language into the Resolution of Local support – see note below

* NOTE: Project sponsors have the option of consolidating the 'Opinion of Legal Counsel' within the Resolution of Local Support, by incorporating the following statements into the Resolution of Local Support:

Resolved, that (agency name) is an eligible sponsor of projects in the State Transportation Improvement Program; and be it further

Resolved, that (agency name) is authorized to submit an application for State Transportation Improvement Program funds for (project name); and be it further

Resolved, that there is no legal impediment to (agency name) making applications for Regional Improvement Program funds; and be it further

Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of (agency name) to deliver such project; and be it further

If the above language is not provided within the Resolution of Local Support, an Opinion of Legal Counsel is required as provided in Part 1b.

RTIP Project Application

Part 1: Sample Resolution of Local Support

Resolution No. _____

WHEREAS, (INSERT AGENCY NAME HERE) (herein referred to as "APPLICANT") is submitting an application to the Metropolitan Transportation Commission (MTC) for (INSERT RTIP FUNDING $ AMOUNT HERE) in funding from the 2010 Regional Transportation Improvement Program (RTIP) for the (INSERT PROJECT TITLE(S) HERE) (herein referred to as "PROJECT" or "PROJECTS") for the MTC 2010 RTIP, as authorized by MTC by Resolution No. 3928 (herein referred to as "PROGRAM"); and

WHEREAS, SB 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

WHEREAS, as part of that process, MTC is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to California Government Code Section 14527(b), for inclusion in the RTIP, and submission to the California Transportation Commission, for inclusion in the State Transportation Improvement Program; and

WHEREAS, MTC will review and include, if approved, 2010 RTIP projects in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC has requested eligible transportation project sponsors to submit applications nominating projects to be programmed for Regional Improvement Program funds in the RTIP; and

WHEREAS, applications to MTC must be submitted consistent with procedures, conditions, and forms it provides transportation project sponsors; and

WHEREAS, APPLICANT is a sponsor of transportation projects eligible for Regional Improvement Program funds; and

WHEREAS, the RTIP Project Programming Request (PPR) form of the project application, attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule and budget for which APPLICANT is requesting that MTC program Regional Improvement Program funds for inclusion in the RTIP; and

WHEREAS, Part 2 of the project application, attached hereto and incorporated herein as though set forth at length, includes the certification by APPLICANT of assurances required by SB 45 in order to qualify the project listed in the RTIP project nomination sheet of the project application for programming by MTC; and

WHEREAS, as part of the application for 2010 RTIP funding, MTC requires any resolution adopted by the responsible implementing agency to state that the project will comply with the procedures specified in the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 3928, Attachment 1, Pages 14-15, and as may be further amended).

NOW, THEREFORE, BE IT RESOLVED, that APPLICANT approves the assurances set forth in Part 2 of the project application, attached to this resolution; and be it further

RESOLVED, that APPLICANT will comply with the provisions and requirements of the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 3928, Attachment 1, Pages 14-15, and as may be further amended), that PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP, and that APPLICANT and PROJECT will comply with the requirements as set forth in the 2010 RTIP Policies and Procedures (MTC Resolution No. 3928); and therefore be it further

RESOLVED, that APPLICANT has reviewed the project and has adequate staffing resources to deliver and complete the project within the schedule set forth in the RTIP Project Programming Request (PPR) form of the project application, attached to this resolution; and be it further

RESOLVED, that APPLICANT is an eligible sponsor of projects in the State Transportation Improvement Program; and be it further

RESOLVED, that APPLICANT is authorized to submit an application for State Transportation Improvement Program funds for PROJECT; and be it further

RESOLVED, that there is no legal impediment to APPLICANT making applications for Regional Improvement Program funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED, that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC to program Regional Improvement Program funds into the RTIP, for the projects, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the APPLICANT application referenced herein.

RTIP Project Application

Part 1b: Sample Opinion of Legal Counsel

Project sponsors have the option of including specified terms and conditions within the Resolution of Local Support as included in Part 1. If a project sponsor elects not to include the specified language within the Resolution of Local Support, then the sponsor shall provide MTC with a current Opinion of Counsel stating that the agency is an eligible sponsor of projects for the State Transportation Improvement Program; that the agency is authorized to perform the project for which funds are requested; that there is no legal impediment to the agency applying for the funds; and that there is no pending or anticipated litigation which might adversely affect the project or the ability of the agency to carry out the project. A sample format is provided below.

(Date)

To: Metropolitan Transportation Commission
Fr: (Applicant)
Re: Eligibility for State Transportation Improvement Program (STIP) funds

This communication will serve as the requisite opinion of counsel in connection with the application of (Applicant) _____ for funding from the State Transportation Improvement Program (STIP) made available pursuant to the State Transportation Funding Plan, Streets and Highways Code Section 163 *et. seq.*

1. (Applicant)_____ is an eligible sponsor of projects for the STIP.
2. (Applicant) _____ is authorized to submit an application for STIP funding for (project) _____.
3. I have reviewed the pertinent state laws and I am of the opinion that there is no legal impediment to (Applicant) _____ making applications for STIP funds. Furthermore, as a result of my examinations, I find that there is no pending or threatened litigation which might in any way adversely affect the proposed projects, or the ability of (Applicant) _____ _____ to carry out such projects.

Sincerely,

_____
Legal Counsel

_____
Print name

RTIP Project Application
Part 2: Certification of Assurances

The implementing agency certifies that the project for which Regional Improvement Program funding is requested meets the following project screening Criteria. **Please initial each.**

1. The project is eligible for consideration in the RTIP. Pursuant to Streets and Highways Code Section 164 (e), eligible projects include improving state highways, local roads, public transit, intercity rail, pedestrian, and bicycle facilities, and grade separation, transportation system management, transportation demand management, soundwall projects, intermodal facilities, and safety. _____
2. For the funds requested, no costs have/will be incurred prior to adoption into the STIP by the CTC. _____
3. A Project Study Report (PSR) or PSR equivalent has been prepared for the project. _____
4. The project budget included in Part 2 of the project application reflects current costs updated as of the date of application and escalated to the appropriate year. _____
5. The project is included in a local congestion management program (CMP). (Note: For those counties that have opted out of preparing a CMP in accordance with Government Code Section 65088.3, the project must be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation planning agency.) _____
6. The year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project. _____
7. The project is fully funded. _____
8. For projects with STIP federal funds, the implementing agency agrees to contact Caltrans and schedule and complete a field review within six months of the project being adopted or amended into the TIP. _____
9. For STIP construction funds, the implementing agency agrees to send a copy of the Caltrans LPP 01-06 "Award Information for STIP Projects – Attachment A" to MTC and the CMA, upon award. _____
10. The implementing agency agrees to be available for an audit of STIP funds, if requested. _____

The implementing agency also agrees to abide by all statutes, rules and regulations applying to the State Transportation Improvement Program (STIP), and to follow all requirements associated with the funds programmed to the project in the STIP. _____

These include, but are not limited to:

1. Environmental requirements: NEPA standards and procedures for all projects with Federal funds; CEQA standards and procedures for all projects programmed with State funds.
2. California Transportation Commission (CTC) requirements for transit projects, formerly associated with the Transit Capital Improvement (TCI) program. These include rules governing right-of-way acquisition, hazardous materials testing, and timely use of funds.
3. Federal Transit Administration (FTA) requirements for transit projects as outlined in FTA regulations and circulars.
4. Federal Highway Administration (FHWA) and Caltrans requirements for highway and other roadway projects as outlined in the Caltrans Local Programs Manual.
5. Federal air quality conformity requirements, and local project review requirements, as outlined in the adopted Bay Area Conformity Revision of the State Implementation Plan (SIP).

RTIP Project Application

Part 3: Project Study Report (PSR), or equivalent

The required format of a PSR or PSR equivalent varies by project type. The following table categorizes PSR and PSR equivalent requirements by project type. Additional guidance on how to prepare these documents is available on the Internet at the addresses indicated below, or from MTC.

Project Study Report (PSR) Requirements
PSR and Equivalents by Project Type

Project Type	Type of Document Required *	Where to get more information
State Highway	Full PSR or PD/ENV Only	http://www.dot.ca.gov/hq/oppd/pdpm/pdpmn.htm
Local Roadway a. rehabilitation b. capacity increasing or other project	 PSR for local rehabilitation PSR equivalent – project specific study with detailed scope and cost estimate	 http://www.dot.ca.gov/hq/LocalPrograms/public.htm then look in "13. Project Study Report (Local Rehabilitation)" In most cases completing the Preliminary Environmental Study and Field Review forms in the Local Assistance Procedures Manual should be sufficient. These forms can be found at: Preliminary Environmental-- http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm then look in chapter 6 pg 6-31. Field Review -- http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm then look in chapter 7 pg 7-13.
Transit	State of California Uniform Transit Application	http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/state-uta-app-091906.pdf
Traffic Congestion Relief (TCR) Program projects (Specific phase)	TCR program application for the phases of work included in the TCR application	For a Traffic Congestion Relief (TCR) Program project, a TCR program application is considered a PSR equivalent for the phases of work included in the TCR application http://www.dot.ca.gov/hq/transprog/ocip.htm
Transportation Enhancements	Transportation Enhancement (TE) Application	http://www.dot.ca.gov/hq/TransEnhAct/app_pgs.htm
Other	PSR equivalent with detailed scope and cost estimate	To be determined on a case by case basis

* In some instances a Major Investment Study (MIS) prepared under federal guidance may serve as a PSR equivalent where information provided is adequate for programming purposes.

RTIP Project Application

Part 4: Project Programming Request (PPR) Form

Applicants are required to submit a Project Programming Request (PPR) form in order to be considered for funding from the 2010 RTIP.

The PPR for new projects can be downloaded from the following location:
http://www.dot.ca.gov/hq/transprog/ocip/archives/stip2010/PPR%20-%20New%20Projects.xls

The PPRs for existing projects can be downloaded from the following location:
http://www.dot.ca.gov/hq/transprog/ocip/archives/stip2010/2010_pprs/ppr_list2.html

Part 5: Performance Measures Worksheet

Applicants submitting nominations for projects with total project costs exceeding $50 million, or using over 50% of a county share (for the county share period) are required to submit a Performance Measure Worksheet.

The Worksheet template is available at the following location:
http://www.catc.ca.gov/programs/stip.htm

Select the "Final 2010 STIP Guidelines" document. The template is on pages 5 and 6 of the section titled "Policies and Procedures Specific to the 2010 STIP".

Part 6: Routine Accommodations Checklist

Applicants are required to include the Routine Accommodations Checklist with the application submittal to MTC for projects that will have an impact on bicycles or pedestrians. 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.

2010
Regional Transportation Improvement Program

STIP Amendments / Extensions
Rules and Procedures

October 28, 2009

MTC Resolution No. 3928
Attachment 2

Metropolitan Transportation Commission
Programming and Allocations Section
http://www.mtc.ca.gov/funding.htm

RTIP
Regional Transportation Improvement Program

STIP Amendments / Extensions
Rules and Procedures
Table of Contents

What is the STIP? 3
When are Amendments and Extensions Allowed? 3
STIP Amendments 3
One-time Extension Requests 3
Roles and Responsibilities 4
Requesting STIP Amendments and Extensions 5
Step I: Project Sponsor Requests STIP Amendment or Extension 5
For currently programmed Caltrans projects: 5
For a STIP Amendment: 5
For an Extension: 6
For currently programmed local projects: 6
For a STIP Amendment: 6
For an Extension: 6
For all new projects: 7
Step 2 : MTC Review and Concurrence 8
Major versus minor changes 8
Additional/Supplemental Funds 9
Allocation of Funds 10
Timeline for STIP Amendment/Extension Approval 11
STIP Amendment Form/TIP Amendment Form 12
Contacts for STIP Amendments/Extensions: 12

Regional Transportation Improvement Program (RTIP)
STIP Amendments / Extensions Rules and Procedures

What is the STIP?
The State Transportation Improvement Program (STIP) is the State's spending program for state and federal funding. The STIP is comprised of the Regional Transportation Improvement Program (RTIP) and the Interregional Transportation Improvement Program (ITIP). The program is updated every two years and currently covers a five-year period. STIP funded projects, like all other state and federally funded projects, must be listed in the TIP in order for the sponsor to access the funding. This biennial STIP process is outlined in the attached "STIP Process".

Seventy-five percent (75%) of the funding in the STIP flows to regions by formula through their RTIPs. Regions throughout the state are charged with developing an expenditure plan for the funds. Eligible project types include improvements to state highways, local roads, public transit, intercity rail, pedestrian and bicycle facilities, grade separations, transportation system management, transportation demand management, soundwall projects, intermodal facilities, and safety.

The remaining 25% of the funding flows to the ITIP, which is a statewide competitive program. This funding is directed to projects that improve interregional transportation. Eligible project types include intercity passenger rail, mass transit guideways, grade separation, and state highways.

When are Amendments and Extensions Allowed?

STIP Amendments
An amendment may change the cost, scope or schedule of a STIP project and its components. For instance, if the final cost estimate for a project is higher (or lower) than the amount programmed, a STIP amendment may be requested to increase or (decrease) the amount programmed. Or, as a project progresses through project development, it may be time to add the next component or phase. Likewise, if the project schedule is delayed significantly, an amendment may be warranted to request a change in program year of the funding in order to prevent a funding lapse. STIP amendments may also be requested to delete project funding or to add a new project into the STIP.

Important Tip*:* Once a state fiscal year (July 1 – June 30) has begun, the CTC will not allow STIP amendments to delete or change the funding programmed in that fiscal year. Instead, the project sponsor may request a one-time extension as described below.

One-time Extension Requests
SB 45 established deadlines for allocation, contract award, expenditure and reimbursement of funds for all projects programmed in the STIP. The CTC may, upon request, grant a one-time extension to each of these deadlines for up to 20 months. However, the CTC will only

grant an extension if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. Furthermore, the extension will not exceed the period of delay directly attributable to the extraordinary circumstance. Generally, the CTC does not grant extensions longer than 12 months. Additionally, project sponsors must be present at the CTC meeting where action is taken on any extension request, to answer questions the CTC staff or commissioners may have.

Roles and Responsibilities

The STIP Amendment and Extensions process requires review and approval by various agencies to ensure the action requested is appropriate, and consistent with state statutes, CTC guidance, Caltrans procedures and regional policies. Projects must be included in a county Congestion Management Program (CMP) or county Capital Improvement Program (CIP), and must be consistent with the Regional Transportation Plan (RTP) to be programmed in the RTIP. Therefore, any additions or changes that may impact the priorities established within these documents must be reviewed and approved by the appropriate agency. Furthermore, improperly programmed funds or missed deadlines could result in funding being permanently lost to the region.

Project sponsors are responsible for reviewing and understanding the procedures, guidance and regulations affecting projects programmed in the STIP. Each project manager and the individual responsible for submitting documentation for STIP amendments and extensions must have read and understood these policies and procedures, particularly the CTC STIP Guidelines available on the internet at http://www.dot.ca.gov/hq/transprog/ocip.htm and the MTC RTIP Policies and Application Procedures posted on the internet at: http://www.mtc.ca.gov/funding/. Project sponsors are ultimately responsible for ensuring the required documentation is provided to Caltrans by the deadlines established by Caltrans for all allocations, extensions, and additional supplemental funds requests.

The Congestion Management Agencies/Transportation Authorities are responsible for ensuring the packages submitted by the project sponsors are complete, and the proposed changes are consistent with the Regional Transportation Plan (RTP), and Congestion Management Plans (CMPs) or Capital Improvement Program (CIP). The CMAs/TAs check to ensure the proposed changes meet MTC, CTC and other state or federal guidance and regulations. As mentioned in the Guiding Principles of the 2010 RTIP Policies and Procedures, the CMA must consider equitable distribution of projects in accordance with Title VI. Following CMA/TA concurrence of the request, the complete package is forwarded to MTC.

The Metropolitan Transportation Commission (MTC), as the Regional Transportation Planning Agency (RTPA) for the nine counties of the San Francisco Bay Area, provides concurrence for the STIP requests and formally submits all STIP Amendments to Caltrans for approval by the CTC. MTC also verifies compliance with established state and regional policies. Although MTC provides concurrence on extensions, additional supplemental funds requests and some allocation requests, it is the responsibility of the project sponsor, not MTC, to ensure the required documentation is submitted to Caltrans by the established deadlines for these action requests.

The California Department of Transportation (Caltrans) processes the requests and makes recommendations to the California Transportation Commission (CTC) in accordance with Department procedures and CTC policies and guidelines.

The California Transportation Commission (CTC) approves or rejects the requests based on state statutes and its own established guidance and procedures.

Requesting STIP Amendments and Extensions

As described below, the procedures for processing STIP amendments and extensions vary depending on whether the project is sponsored by Caltrans or a local agency, and whether it has already received STIP funding.

Step I: Project Sponsor Requests STIP Amendment or Extension

For currently programmed Caltrans projects:

- Caltrans and the appropriate CMA identify and discuss the issue(s) that may require an amendment or extension and notify MTC Programming and Allocations (P&A) Section staff that a change to the current STIP may be necessary and is being considered.
- Caltrans and CMA agree on proposed change(s).
- Where necessary, CMA staff requests policy board approval of proposed change.
- Once approved by the CMA, CMA notifies Caltrans in writing of the county's concurrence, with a copy sent to MTC P&A.
- Caltrans requests MTC concurrence for the STIP Amendment/Extension by transmitting the following to MTC P&A:
  - Letter requesting the STIP Amendment or Extension with explanation and justification of the need for the action with the following attachments:

For a STIP Amendment:

- Copy of CMA's letter of concurrence
- Revised RTIP Application Form – http://www.mtc.ca.gov/funding/
- TIP Amendment Form - http://www.mtc.ca.gov/funding/
- A construction 'STIP History' for each amendment that would delay the year of construction. The 'STIP History' outlines the project's construction history as programmed in the STIP with particular attention to any previous delays and reason for the previous and current delay. It must note the original inclusion of the project construction component in the STIP and each prior project construction STIP amendment delay including for each, the amendment date, the dollar amount programmed for construction, and the scheduled year of construction delay. It must also include a statement on the financial impact of the construction delay on the project, and an estimated funding source for the additional funds necessary to complete the project

under the delayed schedule. (A STIP History is only required for amendments to delay the year of construction.)

For an Extension:

- Copy of CMA's letter of concurrence
- A construction 'STIP History' for each extension that would delay construction as described above for a STIP Amendment.

For currently programmed local projects:

- Sponsor and the appropriate CMA identify and discuss the issue(s) that may require an amendment or extension and notify Caltrans and MTC Programming and Allocations Section staff that a change to the current STIP may be necessary and is being considered.
- Sponsor and CMA agree on proposed change(s).
- Sponsor requests CMA concurrence for the STIP Amendment/Extension by submitting the following to the CMA:
  - Letter requesting the STIP Amendment or Extension with explanation and justification of the need for the action with the following attachments:

For a STIP Amendment:

- Revised RTIP Application Form - http://www.mtc.ca.gov/funding/
- TIP Amendment Form - http://www.mtc.ca.gov/funding/
- A construction 'STIP History' for each amendment that would delay the year of construction. The 'STIP History' outlines the project's construction history as programmed in the STIP with particular attention to any previous delays and reason for previous and current delay. It must note the original inclusion of the project construction component in the STIP and each prior project construction STIP amendment delay including for each, the amendment date, the dollar amount programmed for construction, and the scheduled year of construction delay. It must also include a statement on the financial impact of the construction delay on the project, and an estimated funding source for the additional funds necessary to complete the project under the delayed schedule. (A STIP History is only required for amendments to delay the year of construction.)
- Any other documentation required by the CMA or Caltrans

For an Extension:

- Copy of completed Request for Time Extension form (located on the internet at: http://www.dot.ca.gov/hq/LocalPrograms/lam/forms/acrobat/LAPG23B.pdf).
- A construction 'STIP History' for each extension that would delay construction, as described above for a STIP Amendment.

    - A listing showing the status of all SB 45 and regional project delivery policy (MTC Resolution 3606) deadlines for all of the project sponsors' allocated STIP projects, and all active federal Surface Transportation Program (STP) and Congestion Mitigation Air Quality (CMAQ) funded projects. This is to ensure project sponsors are aware of the other deadlines facing other projects, and so that sponsors will work to meet those deadlines.
    - Any other documentation required by the CMA or Caltrans
- Where necessary, CMA staff requests policy board approval of proposed request.
- Sponsor submits Caltrans' "Request for Time Extension" form and any other required documentation to Caltrans.
- CMA requests MTC concurrence for the STIP Amendment/Extension by transmitting a letter to MTC P&A requesting the STIP Amendment or Extension with explanation and justification of the need for the action along with the documentation submitted by the project sponsor. A copy of the request is also sent to Caltrans.
- Sponsor must be present at the CTC meeting where action is being taken on the extension request to justify the reasons for the extension. Failure to be present may result in the CTC denying the extension request, and risk losing the programmed funds permanently due to missed deadlines. In limited instances, a project sponsor may request that their CMA be available in place of the project sponsor. The CMA and MTC must concur with this request via email.

Important Tip*:* For STIP Extensions, the CTC will only grant an extension if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. Furthermore, the extension will not exceed the period of delay directly attributable to the extraordinary circumstance, up to a maximum of 20 months (although the Commission generally does not grant any extension longer than 12 months). It is therefore absolutely necessary that the letter and supporting documentation clearly explains and justifies the extension request. Failure to provide adequate justification and not being present at the CTC meeting will most likely result in an extension not being approved.

For all new projects:

- Sponsor and the appropriate CMA identify and discuss the issue(s) that may require a new project to be added to the STIP and notify Caltrans and MTC Programming and Allocations (P&A) Section staff an amendment to the current STIP may be necessary and is being considered.
- Sponsor and CMA agree on proposed addition.
- Sponsor requests CMA concurrence for the STIP Amendment by submitting the following to the CMA:
    - Letter requesting the STIP Amendment with explanation and justification of the need for the project to be added to the STIP.
    - TIP Amendment form - http://www.mtc.ca.gov/funding/

- RTIP Application form including: - http://www.mtc.ca.gov/funding/
  - Resolution of local support
  - Project Programming Request (PPR) forms (with maps)
  - Local agency certification of assurances
  - Project Study Report (PSR), or equivalent.
  - Copy of State-Only Funding Request Exception Form (Only if requesting state-only funding and project is not on pre-approved state-only eligible funding list. Original request is to be submitted directly to Caltrans HQ Budgets for processing and approval prior to MTC submittal of the request to Caltrans/CTC).
- CMA staff obtains policy board approval of proposed addition.
- CMA requests MTC concurrence for the new project by transmitting a letter to MTC P&A requesting the STIP Amendment with an explanation and justification of the need for the project along with a copy of the CMA Resolution approving the project, and the documentation listed above provided by the project sponsor:

Step 2 : MTC Review and Concurrence

- Once a complete request has been received, MTC P&A staff will place the request on the MTC Programming and Allocations Committee (PAC) meeting agenda for concurrence of major changes, or prepare a letter of concurrence for the Executive Director's signature for minor changes.
- Following approval by PAC and/or the Executive Director, MTC will sign Caltrans' Request for Time Extension form and send it with a Letter of Concurrence to Caltrans District 4 with a copy to the appropriate CMA. (District 4 will ensure that the request is copied to the appropriate contacts at Caltrans Headquarters and CTC.)

Major versus minor changes

- All major changes, including any requests to program a new project, will be presented to MTC's Programming and Allocations Committee (PAC) to determine MTC's concurrence. Major changes include:
  - request to program a new project (or delete a project)
  - schedule delay that affects air quality conformity analysis
  - project advance with reimbursement or replacement project per AB 3090
  - request to use Grant Anticipation Revenue Vehicle (GARVEE) financing
- For minor changes, MTC staff may write a letter of concurrence for the Executive Director's signature. Minor changes include:
  - Extension requests for allocation, award, expenditure and reimbursement/project completion deadlines
  - schedule changes, except where change implies major cost or delivery ramifications

- changes in implementing agency or project sponsor
- changes to project budget that are less than 20% of the total project cost or less than $1 million.
- redirection of funds from one project component to another (e.g. from project engineering into environmental)
- changes considered routine and not impacting project delivery

* Amendments or extensions based on new federal or state requirements may need to go to MTC's PAC

Additional/Supplemental Funds

On occasion it may be necessary to provide additional 'Supplemental' funding to a project as a result of cost increases or revised cost estimates. There are several different processes to follow depending on where the project is within its delivery schedule. The various methods to add STIP funding to a project are as follow:

Biennial STIP Cycle: If additional funding is identified years before the actual allocation, the project sponsor may request the funding through the biennial STIP adoption process. This process is outlined in MTC's RTIP Policies and Application Procedures.

STIP Amendment: If additional funding is identified prior to the allocation of funds, but is required prior to the next biennial STIP adoption, a STIP amendment adding the funds to the project may be requested as outlined in the STIP Amendment procedures above. However, in most cases the additional funds could be added at the time of allocation, thus foregoing the STIP amendment process.

Additional Funds at Time of Allocation: Often the simplest way to add supplemental funds is at the time of allocation. The process is the same as the procedures outlined above for a time extension, except that instead of a "Request for Time Extension" form, a "Request for STIP Funding Allocation" form is used (located on the internet at: http://www.dot.ca.gov/hq/LocalPrograms/lam/forms/acrobat/LAPG23O.pdf). In such circumstances, the additional funding must be approved by the CTC.

Additional Funds After Allocation: It may be necessary to seek additional funds after an allocation, either to award the project or due to unforeseen cost increases while the project is under construction. In either case, an analysis should be performed to determine whether re-engineering could achieve cost reductions to accommodate the increase. If additional funds are still necessary, a funding source outside the STIP should be pursued prior to seeking additional STIP funding. If it is determined that additional STIP funds are needed, then the project sponsor should proceed as with the procedures outlined for "Additional Funds at Time of Allocation". It should be noted that once the funds are allocated, the project sponsor does not have the option to add the funds through a STIP amendment since the CTC does not allow amendments to change the programming for a given component after the funds have been allocated.

Allocation of Funds
Project sponsors request an allocation of funds directly to Caltrans, with Caltrans either allocating the funds under its delegated allocation authority or placing the request on the CTC Agenda for approval. In either case, the completed request package is due to Caltrans 60 days prior to the anticipated allocation of funds. In general MTC is not involved with the allocation process, however, under a few circumstances MTC concurrence is required as noted below:

Local Road Rehabilitation Projects: Allocation of funds for local road rehabilitation projects requires certification from MTC. Project sponsors should submit the "Pavement Management System Certification" form with the "Local Road Rehabilitation Project Certification" form attached (both found on the internet at: http://www.dot.ca.gov/hq/LocalPrograms/lam/forms/acrobat/LAPG23L.pdf and http://www.dot.ca.gov/hq/LocalPrograms/lam/forms/acrobat/LAPG23K.pdf) directly to MTC for signature. MTC will then transmit the signed form to Caltrans District 4 – Local Programs. All other allocation request documentation should be sent directly to Caltrans District 4 – Local Programs.

Allocation of State-Only Funds: MTC concurs with all State-Only funds allocations that are listed in the STIP as State-Only. For the 2010 STIP, no concurrence is necessary because all funding for the will be State-Only funds.

Funds Allocated Differently than Programmed: In some instances it may be necessary to allocate funds differently from what is programmed in the STIP. These situations generally still require MTC concurrence. Fortunately a STIP amendment may not be required, and the funding may be revised at the time of the allocation, thus avoiding the long STIP amendment process. However, A TIP amendment is still required if federal funds are involved. Changes that are allowed at the time of allocation are noted below, however, project sponsors should consult with Caltrans District 4 Local Programs, the CMA and/or MTC to determine whether a change at the time of allocation is permissible before preparing the allocation request.

- Change in implementing agency
- Cost savings (allocation less than program amount)
- Redirection of funds among project components or phases within the project as long as total STIP funding is not increased.
- Advancement of funding from future years (transit projects with funds to be transferred to FTA require a TIP amendment to advance funds)
- Change in funding type (a change to state-only funding requires approval from Caltrans with their "State-Only Funding Request Exception" form if the project type is not on the pre-approved state-only eligible funding list).

STP/CMAQ/TE Match Reserve: Project sponsors must work with the applicable CMA/TA to obtain programming approval for STP/CMAQ/TE match made available in the STIP. The CMA develops a countywide list for the use of the reserved funds and

submits the list to MTC, who in turns provides Caltrans with the region-wide Match Program. Any deviation from this program, whether in the funding amount, project sponsor, or funding year, requires the CMA to resubmit an updated plan for the county to MTC. Caltrans cannot allocate the matching funds if they are inconsistent with the approved STIP - STP/CMAQ/TEA Match Program.

Funds allocated as programmed in the STIP: The allocation of funds as they are programmed in the STIP and TIP do not involve MTC, other than as noted previously. Project sponsors work directly with Caltrans District 4 local programs in obtaining the allocation. STIP projects using federal funds (such as Transportation Enhancement (TE) projects) will not receive federal authorizations to proceed without the project being properly listed in the TIP.

Important Tip*:* Although some minor changes in the allocation of funds may not require a full STIP amendment, most changes still require MTC concurrence, and possibly a TIP amendment and may even require a vote of the CTC rather than a simple Caltrans delegated allocation approval. Project sponsors are encouraged to consult with the CMA, and Caltrans District 4 prior to preparing any allocation request, to ensure sufficient time is allowed for processing the allocation request, particularly toward the end of the year when the Timely Use of Funds provisions of SB 45 are of critical concern.

Timeline for STIP Amendment/Extension Approval

Completed documentation requesting MTC concurrence must be received by MTC staff no later than the first day of the month prior to the month in which the request will be heard by the Programming and Allocations Committee (PAC). (For example, requests received by January 1 will be reviewed at the February PAC meeting). Subsequently, requests with completed documentation and MTC concurrence must be submitted to the Caltrans District Office 60 to 90 days prior to the CTC meeting where the item will be considered. Therefore, requests for concurrence need to be submitted to MTC generally 150 days prior to CTC action for STIP Amendments and 120 days prior to CTC action for extensions.

For example, a STIP amendment request to delay funding in the next fiscal year is due to MTC by January 1, so it may be approved at the February PAC Meeting, and then submitted to Caltrans in time for the 60-day due date of March 2, so it may be noticed at the May 2 CTC meeting for action at the June 6 CTC meeting.

Important Tip*:* The CTC will not amend the STIP to delete or change the funding for any project component after the beginning of the fiscal year in which the funding is programmed. Therefore, all amendments to delay a project component must be approved by the CTC by the June meeting in the year prior to the programmed year of funding. To meet this deadline, amendments to delay delivery must be submitted to MTC no later than January 1 of the fiscal year prior to the fiscal year of the funding subject to delay.

A due date schedule is prepared each year for the submittal of STIP requests. This schedule is posted on the internet at: http://www.mtc.ca.gov/funding/

STIP Amendment Form/TIP Amendment Form

The forms necessary to initiate the STIP Amendment process may be downloaded from the MTC website at: http://www.mtc.ca.gov/funding/. TIP Amendments should be processed through the Fund Management System, also available at the website mentioned above.

Contacts for STIP Amendments/Extensions:

Name	Area	Phone	Email
Kenneth Kao	STIP	510.817.5768	kkao@mtc.ca.gov
Ross McKeown	STIP	510.817.5842	rmckeown@mtc.ca.gov
Sri Srinivasan	TIP Amendments	510.817.5793	ssrinivasan@mtc.ca.gov