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Attachment 1  
Resolution No. 3825  
Page 1 of 39

**2008  
Regional Transportation Improvement Program**

**Policies, Procedures,  
and Project Selection Criteria**

**October 24, 2007**

**MTC Resolution No. 3825  
Attachment 1**

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

**2008 RTIP  
Regional Transportation Improvement Program  
Policies, Procedures and Project Selection Criteria  
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## **2008 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 19, 2008. The 2008 STIP will include programming for the five fiscal years from 2008-09 through 2012-13. The region may request advancement of future county shares.

### **2008 RTIP Development**

The following principles will frame the development of MTC's 2008 RTIP, the region's contribution to the 2008 STIP.

- MTC will work with CTC staff, CMA's, transit operators, Caltrans, and project sponsors to prepare the 2008 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. Among these considerations would be operational projects intended to improve the performance of the metropolitan transportation system as a whole, projects proposed for the Interregional Transportation Improvement Program (ITIP), and projects that meet commitments in Transportation 2030, such as the Streets and Roads/Transit Capital shortfall funding commitment. Any regional priorities would be considered in light of 1) size and magnitude of regional need, 2) availability and timing of state funding, and 3) availability and timing of other funding sources to fund projects of regionwide benefit.
- 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 2008 RTIP.

#### **Consistency with Regional and Local Plans**

##### **RTP Consistency**

Transportation 2030 Plan, the 2005 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) 2008 STIP guidelines are scheduled for adoption on October 24, 2007. After release, the MTC 2008 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/stip.htm>. All CMAs and project sponsors are required to follow the MTC and CTC STIP guidelines in the development and carrying out of the 2008 RTIP/STIP.

#### **2008 RTIP Development Schedule**

Development of the 2008 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 2008 RTIP, as well as future county shares. Each county's project list, due to MTC in draft form by November 16, 2007, 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 2008 STIP Fund Estimate adopted by the CTC on October 24, 2007, 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.

Below are suggestions for congestion management agencies to use in seeking suggestions and comments on proposed projects that will be submitted to MTC for inclusion in the 2008 RTIP. Further guidance is contained in the CMA Guidelines for Public Involvement Strategy for the Transportation 2030 Plan.

- § Hold an appropriate number of public meetings to adequately cover the major population centers and sub-areas within the county. These meetings should be structured to ensure the inclusion of the views and concerns of low-income and minority communities covered under Title VI of the Civil Rights Act.
- § Provide for the public the key decision milestones in the process, so that interested residents can follow the process and know in advance when the CMA board will take final action.
- § In addition to the public meetings above, provide and publicize opportunities for affected stakeholders to comment about county projects at regularly scheduled meetings of the CMA policy board.
- § Make a concerted effort to publicize meetings to a wide range of interest organizations and residents, including groups representing low-income and minority communities.

### **Federal Transportation Enhancement (TE) Funds**

As adopted in the 2004 RTIP Policies and Procedures, the first three years of TE funding in SAFETEA (FY 2003-04 through FY 2005-06) funded the county discretionary program and the final three years (FY 2006-07 through FY 2008-09) funded the County Transportation for Livable Communities (TLC) program. Many counties moved forward with the county discretionary programs in the first three years while some deferred projects to the final three years.

In the 2006 RTIP, new TE programming in FY 2009-10 and 2010-11 is split 50-50 between the TLC and county discretionary programs. Since the region's priorities have not yet been determined for the next federal reauthorization (and as a part of the Regional Transportation Plan process), MTC's portion of half of each county's new TE funds (FY 2011-12 and 2012-13) will be held in reserve until such time prioritization can be made.

### **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 2008 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.

### **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.

Whenever Department programming recommendations or nominations are not included in the CMA's RTIP proposal, the CMA must identify those recommendations and provide an explanation of its reasons for not accepting them with its submittal to MTC. Where the Department has identified unprogrammed State highway improvement needs and the CMA's proposed RTIP funding includes programming for rehabilitation or improvement projects off the State highway system, the CMA must identify those needs and provide either an explanation of how funding to meet the State highway improvement needs will be met or provide an explanation for its reason for not reserving RTIP county share to preserve future capacity for meeting those needs. These explanations should be made with reference to the regional transportation plan, the cost effective use of state funds, and the evaluation of the cost-effectiveness and performance measures of the CMA's RTIP Candidate submittal, as specified in the CTC STIP Guidelines.

### **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, 2008 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 2030 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.

### **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. As this checklist is not yet finalized, applicants are strongly encouraged to complete the draft checklist. 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 CMAAs 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/DD64.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. While not required as a part of the 2008 RTIP process, applicable projects applying for RTIP funds are encouraged to complete the draft Routine Accommodations Checklist as described by MTC Resolution 3765 and submit the checklist to MTC. 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 policies for accommodating bicycles and non-motorized travel, is available on MTC’s Web site at: <http://www.mtc.ca.gov/projects/rtp/bicycle.htm>.

### **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.

### **AB 872 Advance Expenditure of Funds**

AB 872 (Statutes of 2001, Chapter 815) authorizes a regional or local entity to expend its own funds for any component of a transportation project within its jurisdiction that is included in the current fiscal year's state transportation improvement program 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 AB 872 to expend funds in the programmed year prior to allocation by the CTC. Allocation of funds in the year programmed is not guaranteed due to the current state financial situation. 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 AB 872 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 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.

**Caltrans Quality Assurance Oversight**

For projects on the state highway system, the Department of Transportation must verify that procedures are adequate to ensure completed work conforms to established standards, policies, and practices. The Department must perform this quality assurance as part of its responsibility for the planning, design, construction, maintenance, and operation of the state highway system (Government Code 14520.3 (b)).

With Caltrans Deputy Directive 90, effective December 2006, the Department will no longer charge a fee for its quality assurance oversight services on all state highway project components implemented by an agency other than the Department. This has been updated in the Department's document on "Implementing Agency Responsibilities for State Transportation Improvement Program (STIP) projects on State Highways." Previously, the Department would withhold ten percent from the STIP funds allocated by the CTC for this purpose. Cooperative agreements may identify other fees to be reimbursed to Caltrans.

**Santa Clara GARVEE Debt Service**

In accordance with MTC Resolution 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.

**Future STIP Prioritization: Doyle Drive and Marin-Sonoma Narrows Payback**

In response to CTC Commissioner concerns regarding MTC exceeding its augmentation highway target, the region removed San Francisco's US-101 Doyle Drive Replacement project from the 2006 RTIP Augmentation proposal in the amount of \$54 million, and made this project the region's top priority in the 2008 STIP. In order to accommodate San Francisco, as well as the advancement of

county shares in Marin and Sonoma Counties (for the US-101 Marin-Sonoma Narrows project), the remaining six counties would have less capacity for programming in the 2008 STIP. In order to balance this advance, Sonoma must pay back this advancement of county share capacity in the 2010 STIP, and Marin in the 2012 STIP by allowing other regionally-significant projects to be advanced from their county shares.

### **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.

### **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 2008 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.

### **Advance Project Development Element**

Additional funding is available for programming of project development components through the Advance Project Development Element (APDE) of the STIP. This equates to 25 percent of the estimated programming capacity for the two years beyond the STIP period (2013-14 and 2014-15). Funds that have been programmed from past STIP APDEs are carried over as a debit against programming capacity. Once a project funded within the STIP APDE moves to construction, the funding within the APDE for that project is deducted from the programming capacity of the county share.

The CTC will be treating the programming of funds in the county share period, as well as the funds programmed within the APDE for projects that have gone to construction, as advances against future STIP period county shares. Amounts programmed under these provisions will be deducted from the regular county share in the next STIP.

It is not expected that the CTC will be programming APDE projects in the 2008 STIP.

### **Countywide RTIP Listing**

By November 16, 2007, 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 18, 2007, 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 2008 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 fact and fund sheets provided by Caltrans for all projects. CMAs should submit fact and fund sheets 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 fact and fund sheet provided by Caltrans.

### **STIP Performance Measures**

The CTC continues to require performance measures into the RTIP and ITIP review process for the 2008 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: 2008 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.

Project sponsors must be certain that they can meet all of the timely use of funds deadlines imposed by the CTC and SB 45 as described below.

### **Allocation**

Funds programmed in the STIP for all components of local grant projects and for Caltrans construction capital must receive an allocation from the CTC by the end of the fiscal year in which the funds are programmed. Funds not allocated or extended by the CTC within this deadline are deleted from the STIP with the funds returning to the county in the next county share period. The next county share period begins July 1, 2008, with the following share period beginning July 1, 2012.

### **Award**

Funds allocated for construction or for purchase of equipment must be encumbered by the award of a contract within six months of the date of the allocation. Federal funds for transit projects are considered encumbered and expended upon completion of the fund transfer from Federal Highway Administration (FHWA) to Federal Transit Administration (FTA). Funds not encumbered by the award of a contract, or transferred to FTA, or extended by the CTC within the statutory deadline are permanently lost to the region, with no adjustment to the county share balance.

### **Expenditure**

Funds allocated for local project development or right of way costs must be expended by the end of the second fiscal year following the fiscal year in which the funds were allocated. Funds allocated for construction or for the purchase of equipment must be expended within 36 months of award of the contract. Funds not expended, or transferred to FTA, or extended by the CTC

within the expenditure deadline are permanently lost to the region, with no adjustment to the county share balance.

### **Invoicing**

Implementing agencies must invoice against allocated funds at least once in every six-month period following allocation of the funds until project closeout. Federal funds not invoiced at least once in a six-month period are subject to de-obligation from the project. Federal funds not invoiced at least once in a twelve-month period are permanently lost to the region, with no adjustment to the county share balance. Federal funds for transit projects must meet applicable Federal Transit Administration (FTA) invoicing requirements.

### **Reimbursement**

For local grant projects, the sponsor has 180 days after contract acceptance (completion of expenditure of funds) to make the final payment to the contractor or vendor, prepare the final Report of Expenditure and submit the final invoice to Caltrans for reimbursement. Funds not reimbursed or extended by the CTC within the reimbursement deadline are permanently lost to the region, with no adjustment to the county share balance.

Note for Transit Projects: Federal funds programmed and allocated for transit projects are considered obligated as soon as they are transferred to the Federal Transit Administration (FTA). Federal funds for such projects will be considered encumbered and expended upon completion of the fund transfer to FTA. Allocation of Public Transportation Account (PTA) funds or state funds allocated to match the federal funds for such projects or used to fully fund transit projects will be subject to the timely use of funds provisions described above.

Note that FTA funds will not be used in the 2008 STIP, and all transit projects will receive PTA funds and are subject to the timely use of funds provisions.

For each of these deadlines, the project sponsor may request the CTC (following CMA and MTC concurrence) to extend the deadlines no more than one time and only if the CTC finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and will in no event be for more than 20 months. As a part of MTC's regional policy as adopted in attachment 2 to MTC resolution 3825, the project sponsor (or, in limited cases, the CMA) must be present at the CTC meeting to answer any questions CTC staff or Commissioners may have regarding the extension request. When submitting the extension request to the CMA and MTC, the project sponsor must also submit a listing showing the status against all funding deadlines and status for allocated STIP projects, as well as for all federal Surface Transportation Program (STP) or Congestion Mitigation Air Quality (CMAQ) funded projects.

In addition to the Timely Use of Funds provisions of SB 45, the California Transportation Commission has strengthened its STIP Amendment policy by prohibiting amendments for funds programmed in the current fiscal year. Also, for federal Transportation Enhancement (TE) funds in the STIP, note that TE-funded projects are subject to the Regional Project Funding Delivery Policy as stated in MTC Resolution No. 3606, and as may be further amended.

### **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 Fact and Funding sheets 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**

Most projects programmed in the STIP receive a combination of state and federal funds. However, for the 2008 RTIP, no federal funds will be available. Therefore, all projects programmed in the 2008 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 2008 RTIP is expected to be state-only funds, there will be no matching requirements for all Article XIX eligible projects.

### **STIP Amendment/Extension Procedure**

The STIP amendment and extensions process has been updated and is incorporated as Attachment 2 of this resolution. Project sponsors will be required to follow this process in addition to any procedures imposed by the CTC, Caltrans or the CMAs, for all STIP amendment and extension requests. A new policy is that project sponsors (or, in limited cases, the CMA) must be present at the CTC meeting if requesting an extension of any kind to answer questions from CTC staff or Commissioners. Project sponsors must also submit a listing showing the status against all funding deadlines for all allocated STIP projects, as well as for all federal Surface Transportation Program (STP) or Congestion Mitigation Air Quality (CMAQ) funded projects. Additionally, a ‘STIP History’ must accompany all requests to delay 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.

**INSERT pdf file: RES-3825\_1A.pdf**

**Attachment A: 2008 RTIP Development Schedule**

**INSERT pdf file: RES-3825\_1B.pdf**

**Attachment B: 2008 RTIP County Targets**

**\* Not Yet Available \***

**2008 Regional Transportation Improvement Program  
Policies, Procedures and Project Selection Criteria  
Attachment C: 2008 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: 2008 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 (PSE)
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.

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 project components cannot be programmed for less than \$100,000, with the following exceptions:

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

**H. Fiscal Years of Programming.** The 2008 STIP covers the five-year period from FY 2008-09 through 2012-13. The 2008 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.

**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 2008 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 2008 STIP, Caltrans field reviews should be completed by September 1, 2007 for federal aid projects programmed in 2007-08 and 2008-09. 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 Assembly Bill 872 (Chapter 572, Statutes of 1999 – Section 14529.7 of the Government Code) are met in accordance with the CTC Guidelines for Implementation of AB 872. Under no circumstances may funds be reimbursed for expenditures made prior to the funds being programmed in the STIP. In addition, the sponsor must make a written request to Caltrans prior to

incurring costs, in accordance with Caltrans Locals Assistance Procedures for AB 872 implementation.

- R. State-Only Funding.** Since the 2008 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.

**2008 Regional Transportation Improvement Program (RTIP)**  
**Attachment D: 2008 RTIP Project Application**

Project sponsors must submit a completed project application for each project proposed for funding in the 2008 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 fact and fund sheets (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 2008 Regional Transportation Improvement Program (RTIP) for the **(INSERT PROJECT TITLE(S) HERE)** (herein referred to as “PROJECT” or “PROJECTS”) for the MTC 2008 RTIP, as authorized by MTC by Resolution No. 3825 (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, 2008 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 fact and fund sheet 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 2008 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. 3825, 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. 3825, 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 2008 RTIP Policies and Procedures (MTC Resolution No. 3825); 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 fact and fund sheet 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	<a href="http://www.dot.ca.gov/hq/oppd/pdpm/apdx.htm/apdx_l/apdx_l.htm">http://www.dot.ca.gov/hq/oppd/pdpm/apdx.htm/apdx_l/apdx_l.htm</a>
Local Roadway a. rehabilitation	PSR for local rehabilitation	<a href="http://www.dot.ca.gov/hq/LocalPrograms/">http://www.dot.ca.gov/hq/LocalPrograms/</a> then look in “Local Programs Publications” and “PSR for local rehab.”
b. capacity increasing or other project	PSR equivalent – project specific study with detailed scope and cost estimate	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: <u>Preliminary Environmental--</u> <a href="http://www.dot.ca.gov/hq/LocalPrograms/">http://www.dot.ca.gov/hq/LocalPrograms/</a> then look in “publications” and “local assistance manuals” chapter 6 pg 6-31. <u>Field Review --</u> <a href="http://www.dot.ca.gov/hq/LocalPrograms/">http://www.dot.ca.gov/hq/LocalPrograms/</a> “publications” and “local assistance manuals” chapter 7 pg 7-13.
Transit	State of California Uniform Transit Application	<a href="http://www.dot.ca.gov/hq/MassTrans/stateostp.htm">http://www.dot.ca.gov/hq/MassTrans/stateostp.htm</a>
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 <a href="http://www.dot.ca.gov/tcrp">http://www.dot.ca.gov/tcrp</a>
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 Nomination Sheet**  
[6 pages]

**INSERT pdf file: RES-3825\_1D\_4.pdf**

**Regional Transportation Improvement Program (RTIP)  
Application Nomination Sheet**











**RTIP Project Application**

**Part 5: Performance Measures Worksheet**

[2 pages]

**INSERT pdf file: RES-3825\_1D\_5.pdf**

**Regional Transportation Improvement Program (RTIP)  
Application Nomination Sheet**



## **RTIP Project Application**

### **Part 6: Routine Accommodations Checklist**

While not required as a part of the 2008 RTIP process, applicants are encouraged to include the draft Routine Accommodations Checklist with the application submittal to MTC for projects that will have an impact on bicycles or pedestrians. The Checklist is not yet available at the time of the adoption of these Policies and Procedures; however, it will be available from the Congestion Management Agencies and at the MTC website at <http://www.mtc.ca.gov/funding/>, by the beginning of November 2007.