2022 LOCAL PARTNERSHIP
FORMULAIC PROGRAM
GUIDELINES
DRAFT

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Resolution G-xx-xx
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I. Authority and Purpose

The Road Repair and Accountability Act of 2017, (Senate Bill [SB] 1, Beall, Chapter 5, Statutes of 2017) created the Local Partnership Program and continuously appropriates two hundred million dollars ($200,000,000) annually to be allocated by the California Transportation Commission (Commission) to local or regional transportation agencies that have sought and received voter approval of taxes or that have imposed fees, which taxes or fees are dedicated solely for transportation improvements. The Local Partnership Program was subsequently amended by Assembly Bill (AB) 115 (Committee on Budget, Chapter 20, Statutes of 2017) and AB 135 (Committee on Budget, Chapter 255, Statutes of 2017).

These guidelines describe the policy, standards, criteria, and procedures for the development, adoption and management of the Local Partnership Program. The Commission may amend these guidelines after first giving notice of the proposed amendments and conducting at least one public hearing. The Commission will make a reasonable effort to amend the guidelines prior to a call for projects or may extend the deadline for project submission to comply with the amended guidelines.

Local Partnership Program guidelines were developed in cooperation with the California Department of Transportation (Caltrans), transportation planning agencies, county transportation commissions, local agencies and other transportation stakeholders, pursuant to Streets and Highways Code Section 2033.

II. Program Objectives

The primary objective of the Local Partnership Program is to provide funding to counties, cities, districts, and regional transportation agencies in which voters have approved fees or taxes dedicated solely to transportation improvements or that have imposed fees, including uniform developer fees, dedicated solely to transportation improvements [as defined by Government Code Section 8879.67(b)]. Consistent with SB 1, the Commission intends this program to balance the need to direct increased revenue to the state’s highest transportation needs while fairly distributing the economic impact of increased funding [SB 1 Section 1(l)].

III. Program Schedule

The following schedule lists the major milestones for the development and adoption of the Local Partnership Formulaic Program: (Formulaic and Competitive)

For the 2020 Local Partnership Formulaic Program of Projects, the Commission will consider adopting project nominations on a case-by-case basis in advance of the program schedule listed.

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Date</th>
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<tbody>
<tr>
<td>Publish proposed Formulaic Funding Distribution</td>
<td>June 17, 2022</td>
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<tr>
<td></td>
<td>January 22, 2020</td>
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</tbody>
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Draft Guidelines presented to the Commission | June 29-30, 2022
Guidelines hearing | August 17-18, 2022
Adoption of the Guidelines and Formulaic Funding Distribution Call for Projects | August 17-18, 2022
Applications Project nominations due (initial programming) | November 14, 2022
Release staff recommendations | January 11, 2023
Initial program adoption | January 25-26, 2023*
Project nominations due (final deadline) | April 30, 2026

*Dates pending Commission approval.

### IV. Funding and Programming Cycle

The Local Partnership Program receives $200 million annually from the Road Maintenance and Rehabilitation Account and each program cycle will include **two** three years of funding. The 2022 Local Partnership Program (Formulaic and Competitive) will **include** cover Fiscal Years **2023-24 and 2024-25** 2020-21 through 2022-23. New cycles will be programmed every two years.

The Formulaic Incentive Funding of $20 million will be set aside each **fiscal** year from the Local Partnership Program leaving $180 million to be distributed **annually**, 60% via Formulaic and 40% via Competitive.
1A. Eligible Applicants

[Reordered sections.]

An eligible applicants under the Local Partnership Formulaic Program (Formulaic Program) are those is a local or regional transportation agency that has sought and received voter-approval of taxes, tolls, or fees, which taxes, tolls, or fees are dedicated solely to transportation improvements.

Applicants that have imposed fees, including uniform developer fees and have not received voter approval of taxes, tolls, or fees are only eligible for the Local Partnership Competitive Program funding.

[Deleted paragraphs moved to Section 10A. Programming.]

A nomination may identify an implementing agency other than the taxing authority to be the project implementing agency. The implementing agency assumes responsibility and accountability for the use and expenditure of program funds.

These guidelines do not preclude the transfer of formula funding between taxing authorities.

Taxing authorities may agree to transfer their formulaic funding by nominating a project in another county. The taxing authority must submit a letter signed by all parties to the Commission with its project nomination.

Taxing authorities and implementing agencies must comply with all relevant federal and state laws, regulations, policies, and procedures.

The Commission expects collaboration and cooperation between the taxing authority, implementing agency, and Caltrans for all projects on the state highway system.

2A. Eligibility Verification

[This is a new section. Existing text moved here from Distribution section.]

Taxing authorities that have established eligibility prior to the adoption of these guidelines are listed in Section 22A.

Taxing authorities with new voter-approved tax measures, tolls, or fees that are potentially eligible for the Local Partnership Formulaic Program, must notify the Commission at least six weeks prior to any future formulaic funding distribution adoption. (see Section III)

To verify eligibility, a taxing authority must submit the following information to the Commission:

- A cover letter signed by the Executive Director of the taxing authority should affirming the taxes, tolls, or fees are dedicated solely to transportation improvements.
• A copy of the ordinance and/or resolution seeking voter-approval of the tax, toll, or fee.

• Ballot information.

• Election results (Official Statement of Votes Cast).

• For tolls, fees, and taxes other than sales taxes, a copy of the relevant section of the taxing authority’s most recent audited financial statements indicating the revenue generated by the tax, toll, or fee, including posting location on the internet and information about how the revenues are reported to the State.

Upon receipt of all required documents, the Commission will conduct a review and notify the taxing authority of the Commission’s determination. The Commission may contact the taxing authority for additional information during the eligibility verification process.

Taxing authorities seeking verification of eligibility after adoption of the formulaic funding distribution must notify the Commission as soon as possible. If eligibility is established, an amendment to the funding distribution will be considered (refer to Section 4A. Distribution).

3A. Eligible Projects

[Reordered sections.]

The Local Partnership Program eligible projects will be consistent with subdivisions (a) and (b) of Government Code Section 8879.70, and Streets and Highways Code Section 2032(a). The Commission encourages projects that align with the state’s climate goals.

Eligible projects shall include all the following:

A. Improvements to the state highway system including, but not limited to, all of the following:

   • Major rehabilitation of an existing segment that extends the useful life of the segment by at least 15 years;
   • New construction to increase capacity of a highway segment that improves mobility or reduces congestion on that segment; and
   • Safety or operational improvements on a highway segment that are intended to reduce accidents and fatalities or improve traffic flow on that segment.

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

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

D. Improvements to the local road system, including, but not limited to, the following:

- Major roadway rehabilitation, resurfacing, or reconstruction that extends its useful life by at least 15 years;
- New construction and facilities to increase capacity, improve mobility, or enhance safety; and
- Safety or operational improvements that are intended to reduce accidents and fatalities or improve traffic flow on that segment.

E. Improvements to bicycle or pedestrian safety or mobility with an extended useful life.

F. Improvements to mitigate the environmental impact of new transportation infrastructure on a locality’s or region’s air quality or water quality, commonly known as “urban runoff,” including management practices for capturing or treating urban runoff.

G. For purposes of the Local Partnership Program, a separate phase or stage of construction for an eligible project may include mitigation of the project’s environmental impacts, including, but not limited to, sound walls, landscaping, wetlands or habitat restoration or creation, replacement plantings, and drainage facilities.

H. Sound walls for a freeway that was built prior to 1987 without sound walls and with or without high occupancy vehicle lanes if the completion of the sound walls has been deferred due to lack of available funding for at least 20 years and a noise barrier scope summary report has been completed within the last 20 years.

I. Road maintenance and rehabilitation.

J. Other transportation improvement projects.

4A. Distribution

[Reordered sections. Reorganized existing language in this section.]

Prior to each programming cycle, the Commission will establish the formulaic distribution of funding for each eligible taxing authority rounded to the nearest whole thousand dollars. as follows: The Commission will determine the formulaic funding amount for each eligible taxing authority with a voter-approved tax, toll, or fee that will be collected during this programming cycle. was approved prior to the adoption of the formulaic funding distribution... and will be collected during the fiscal year.

All taxing authorities eligible for formulaic funding will receive a minimum annual amount of $200,000. The Commission may adjust this minimum funding in future programming cycles.
District Factors

A. Revenue and Population

The Commission will determine the total amount of annual revenue generated from voter-approved sales taxes, voter-approved parcel or property taxes, voter-approved tolls, and other voter-approved taxes dedicated solely to transportation improvements according to the most recent available data reported as follows:

- Local sales tax revenues: the sum of gross revenues for the most recent four quarters as reported for each local tax by the Department of Tax and Fee Administration.
- Parcel and property tax revenues: the revenues for the most recent fiscal year, as reported to the State Controller pursuant to Government Code Section 53891.
- Tolls and other tax revenues: the sum of revenues for the most recent fiscal year, as reported in the taxing authority’s most recent audited financial statements.
- Population: the annual population estimate for cities and counties issued by the Department of Finance in May prior to the adoption of the formulaic funding distribution beginning of each fiscal year.

B. Geographic Location

The Commission will establish funding for northern California and southern California by attributing the proportional share of revenues from voter-approved sales taxes, voter-approved parcel or property taxes, voter-approved tolls, and other voter-approved taxes dedicated solely to transportation improvements and imposed in counties in northern California to the northern share; and by attributing the proportional share of revenues from voter-approved sales taxes, voter-approved parcel or property taxes, voter-approved tolls, and other voter-approved taxes imposed in counties located in southern California to the southern share. The determination as to whether a county is in northern or southern California shall be based on the definitions set forth in the Streets and Highways Code Section 187.

Southern Distribution. Program funds made available to the southern share will be distributed as follows:

- 75% based on the population of the county in which the taxing authority is located compared to the total population of southern California counties with voter-approved sales taxes dedicated solely to transportation improvements.
- 25% based on the total amount of sales tax revenue generated by the voter-approved sales tax measures dedicated solely to transportation improvements administered by the taxing authority compared to the total amount of sales tax revenue generated from voter-approved sales tax measures dedicated solely to transportation improvements in southern California.
Northern Distribution. Program funds made available to the northern share will be distributed as follows:

- Program funds generated by voter-approved parcel or property taxes, voter-approved tolls, and other voter-approved taxes, excluding sales taxes, dedicated solely to transportation improvements shall be distributed to the taxing authority based on the proportional share of revenues generated by the toll or tax by that entity in comparison to the total revenues generated by, voter-approved parcel or property taxes, voter-approved tolls, and other voter-approved taxes dedicated solely to transportation improvements in northern California.

- Program funds generated by voter-approved sales taxes dedicated solely to transportation improvements shall be distributed to the taxing authority as follows:
  - 75% based on the population of the county in which the taxing authority is located compared to the total population of northern California counties with voter-approved sales taxes dedicated solely to transportation improvements.
  - 25% based on the total amount of sales tax revenue generated by the voter-approved sales tax measures dedicated solely to transportation improvements administered by the taxing authority compared to the total amount of sales tax revenue generated from voter-approved sales tax measures dedicated solely to transportation improvements in northern California.

The following factors will be considered for calculating the funding distribution as applicable:

- Where a city has a voter-approved local sales tax and is located within a county without a countywide sales tax, the Commission will adopt a formulaic funding distribution for the city based on the city’s population and the city’s sales tax revenue.

- Where a city has a voter-approved local sales tax and is located within a county with a voter-approved local sales tax, the Commission will adopt a countywide formulaic funding amount based on the county’s population and the county’s sales tax revenue; and a formulaic funding amount for the city based on the city’s sales tax revenue.

- Where there are multiple eligible taxing authorities with a voter-approved local sales tax within a county (or counties) with a countywide sales tax, the Commission will adopt a formulaic funding distribution for each taxing authority based on the relative tax rates of each voter-approved sales tax.

All taxing authorities eligible for formulaic funding will receive a minimum annual amount of $200,000. The Commission may adjust this minimum funding in future programming cycles.
Taxing authorities with new voter-approved tax measures, tolls, or fees that are potentially eligible for the Local Partnership Formulaic Program, must notify the Commission six weeks prior to any future formulaic funding distribution adoption (see Section III).

To verify eligibility, a taxing authority must submit the following information to the Commission:

- Ballot information.
- A copy of the ordinance or resolution seeking voter approval of the tax, toll, or fee.
- Election results (Official Statement of Votes Cast).
- For tolls, fees, and taxes other than sales taxes, a copy of the relevant section of the taxing authority’s most recent audited financial statements indicating the revenue generated by the tax, toll, or fee, including posting location on the internet and information about how the revenues are reported to the state.

A cover letter signed by the Executive Director of the taxing authority should affirm the taxes, tolls, or fees are dedicated solely to transportation.

The Commission will determine formulaic funding for each eligible taxing authority with a voter-approved tax, toll, or fee that was approved prior to the adoption of the formulaic funding distribution and will be collected during the fiscal year.

**Distribution Adjustments**

The adopted formulaic funding distribution amounts for each taxing authority will not be adjusted mid-cycle to accommodate the inclusion of new voter-approved tax measures, tolls, or fees. Adjustments will be made to the total funding amount available for all taxing authorities in the subsequent cycle of the Local Partnership Formulaic Program except when unused incentive funding is redistributed (refer to Section 5A. Incentive Funding).

Taxing authorities that receive voter approval for new tax measures, tolls, or fees after adoption of the formulaic funding distribution, will be eligible to receive formulaic funding on the first day at the beginning of the fiscal year following the measure effective date.

- For taxing authorities with new voter-approved sales taxes, the formulaic funding shall be distributed based on 75% of the county’s population in which the taxing authority is located compared to the total population of the region’s (Northern or Southern) counties with voter-approved sales taxes dedicated solely to transportation improvements.
- For taxing authorities with new voter-approved parcel or property taxes, voter-approved tolls, and other voter-approved taxes, excluding sales taxes, the formulaic funding shall be distributed based on the proportional share of the projected annual revenue of the voter-approved tax initiative in comparison to the total revenues.
Unprogrammed Formulaic Funding

If the program of projects adopted by the Commission does not program the full amount of a taxing authority’s formulaic funding, the balance will remain available for later program amendments supported by eligible project nominations until the end of the programming cycle. The taxing authority must submit project nominations by April 30 of the last fiscal year in the programming cycle. Funds that remain unprogrammed at the end of the programming cycle will be redistributed in the subsequent programming cycle.

For taxing authorities that receive incentive funding in Fiscal Year 2022-23, any unprogrammed incentive balance will remain available for programming in the subsequent programming cycle.

5A. Incentive Funding for New and Renewed Tax Measures, Tolls, or Fees

The Formulaic Program recognizes new or renewed voter-approved self-help efforts and incentivizes jurisdictions to pursue future voter-approved tax measures, tolls, or fees. Incentive funding will be set-aside each fiscal year from the Local Partnership Program.

One-time incentive funding will be provided to jurisdictions that seek and receive voter-approval of new or renewed tax measures, tolls, or fees, if those tax measures, tolls, or fees meet the following criteria:

- Have a minimum period of ten years, and
- Are dedicated solely to transportation, and
- For sales taxes, are equal to or greater than one quarter cent.

The total amount of incentive funding awarded to jurisdictions will not exceed $20 million annually. The incentive funding amount is based upon the projected annual revenue of the voter-approved tax, toll, or fee initiative. Incentive funding amounts will be a minimum of $200,000 and may range up to a maximum of $5,000,000 for each jurisdiction. Jurisdictions with a projected tax revenue of less than $200,000 will receive the minimum incentive funding amount of $200,000. For jurisdictions that generate tax revenues above $200,000, the incentive funding amount will not exceed $5,000,000.

Should the sum of the eligible incentive funding amounts (based on the above criteria) exceed $20 million in any fiscal year, each incentive funding amount provided in that
fiscal year will be reduced proportionally while still maintaining the $200,000 minimum funding amount. If this occurs, in the following year the Commission may elect to provide funding equal to the reductions in the following fiscal year, if incentive funding is available (that is, if the incentive funding in that following year is not depleted). do not exceed $20,000,000).

Amounts for the Incentive funding will be made available to eligible jurisdictions in June of each year.

Unused Incentive Funding

Unused incentive funding will be redistributed as outlined below. If there are unused incentive funds in the last year of the programming cycle, those funds will be redistributed in the subsequent cycle.

1. Based on the program funding distribution (60% via formulaic and 40% via competitive). in the next fiscal year

2. The amount to the Formulaic Program will first be used to offset the formulaic funding distribution amounts of new tax measures, tolls, or fees added during the fiscal year. Then the remaining balance will be redistributed to eligible taxing authorities in the next fiscal year.

3. The amount to the Competitive Program will be redistributed in the last fiscal year of the Competitive Program programming cycle.

6A. Matching Requirements

Projects funded from the Local Partnership Formulaic Program will require at least a one-to-one match of private, local, federal, or state funds with the following exceptions:

- Taxing authorities with a voter-approved tax, toll, or fee which generates less than $100,000 annually are only required to provide a match equal to 25% of the requested Local Partnership Formulaic Program funds.

- For Soundwall only projects, the expenditure of local funds to complete the Project Approval and Environmental Documentation; Plans, Specifications, and Estimates; and Right-of-Way phases components may be used to meet the one-to-one match for the Construction phase component.

For purposes of calculating the required match, the Commission will only consider:

- Funds that are not allocated by the Commission on a project specific basis, with exception of State Transportation Improvement Program (STIP) funding.

- Local Streets and Roads Program apportionments received from the State Controller’s Office and the project is eligible as outlined in the Local Streets and Roads Program Guidelines.
The matching funds must be expended concurrently and proportionally on the project phase component programmed with Local Partnership Formulaic Program funds, except as noted below. Costs incurred prior to allocation will not be counted towards the match.

The Commission may, at the time of programming or allocation, approve non-proportional spending. For projects receiving federal funds, the non-proportional spending must be approved by the Federal Highway Administration prior to allocation. Adjustments will be made at project closeout to ensure matching funds were spent proportionally to the Local Partnership Formulaic Program funds.

[Following deleted text was moved to Section 11A.]

The implementing agency must provide a project funding plan through construction that demonstrates the non-Local Partnership Formulaic Program funding in the plan (local, federal, state, private sources) is reasonably expected to be available and sufficient to complete the project.

7A. Funding Restrictions

The Local Partnership Formulaic Program funds may be used for any capital project phase component (Project Approval and Environmental Documentation; Plans, Specifications, and Estimates; Right-of-Way; and Construction). [Following deleted text was moved to Section 15A.] however, projects must commence right-of-way acquisition or construction within 10 years of receiving pre-construction funding through the Local Partnership Formulaic Program, or the implementing agency must repay the Local Partnership Program funds. Repaid funds will be redistributed in the subsequent programming cycle.

The Formulaic Program will only fund projects or project phases that are fully funded.

Projects on the state highway system and/or projects implemented by Caltrans require a Caltrans approved Project Report.

Supplemental Funding

A taxing authority may nominate an existing programmed project for supplemental funding, if the project was allocated Local Partnership Formulaic Program funding and in a prior programming cycle, provided that the supplemental Formulaic Program funding is programmed to the same project phase. The supplemental funding and the match for that supplemental funding will cannot be expended until after the allocation of the approved supplemental funding allocation.

The supplemental funding may be to replace local funding already committed to the project, subject to the required one-to-one match (refer to Section 6A. Matching Requirements).
To streamline the programming process, a taxing authority may request to program supplemental funds with a simplified project nomination submittal as outlined in Attachment XA. Taxing authorities requesting to add funding to an unallocated phase should refer to Section 12A. Amendments.

8A. Reimbursement

The Local Partnership Formulaic Program is a reimbursement program for eligible costs incurred. An implementing agency may begin incurring eligible costs upon allocation, however, reimbursement is dependent upon entering into an agreement with Caltrans. Costs incurred prior to Commission allocation and, for federally funded projects, Federal Highway Administration project approval (i.e. Authorization to Proceed) are not eligible for reimbursement.

9A. Screening Criteria

The Commission will include each project nominated by a taxing authority for formulaic funding in the formulaic program of projects provided that the Commission finds that the nomination meets the requirements of statute and Commission guidelines. and that the project has a commitment of the required match.

Project nominations will be screened for the following:

- Demonstrate a one-to-one the required funding match. (as outlined in Section 2A)
- Demonstrate that all other funds for the proposed project (segment or phase) are committed.
- Project eligibility.
- Nomination package is complete.

10A. Programming

The program of projects is a list of projects adopted by the Commission at the beginning of each programming cycle that shows the amount of Formulaic Program funds approved for each nominated project.

The Formulaic Program of projects for each fiscal year will include, at a minimum for each project, the nominating and implementing agency, project title, and the amount to be funded from the Local Partnership Formulaic Program and the estimated total cost of the project. The Commission’s program of projects will not include projects that request Formulaic Program funding that exceeds a taxing authority’s formulaic funding distribution.

A taxing authority can nominate a project for inclusion in the program of projects by submitting a project nomination as outlined in Attachment 1. Projects nominated for inclusion in the Formulaic Program after the initial deadline will be amended into the program of projects with a subsequent Commission action.
Programming Requirements:

The Commission will program eligible project costs in the Local Partnership Formulaic Program will include costs for each of the following phases: (1) Project Approval and Environmental Documentation; (2) Plans, Specifications, and Estimates; (3) Right-of-Way, and (4) Construction. The cost of each project component will be listed in the program no earlier than in the fiscal year in which the particular project component can be implemented.

For Caltrans implemented projects only, the cost of Right-of-Way support and Construction support will be separated out and programmed separately from the Right-of-Way capital and Construction capital costs.

The Commission will program and allocate funding to projects in whole thousands of dollars. and will include a project only if

The Commission will not program a project phase unless it is fully funded from a combination of Local Partnership Formulaic Program and other committed funding.

Project phases may be programmed sequentially. That is, a project may be programmed only for Project Approval and Environmental Documentation without being programmed for Plans, Specifications, and Estimate (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 Commission may program a project phase only if it finds that the phase itself is fully funded, and that the required match has been met. The Commission will regard funds as committed when they meet the requirements outlined in Section XA. Committed / Uncommitted Funds.

A project nomination may identify an implementing agency other than the eligible taxing authority to be the implementing agency. The implementing agency assumes responsibility and accountability for the use and expenditure of program funds as well as reporting requirements.

These guidelines do not preclude the transfer of formulaic funding between eligible taxing authorities. Taxing authorities may agree to transfer their Formulaic Program funding by nominating a project in another county. The taxing authority must submit include a letter signed by all parties agreeing to the transfer to the Commission with its as part of the project nomination.

Taxing authorities and implementing agencies must comply with all relevant federal and state laws, regulations, policies, and procedures.

The Commission expects collaboration and cooperation between the taxing authority (nominating agency), implementing agency, and Caltrans for all projects on the state highway system.
Unprogrammed Formulaic Funding

If the initial program of projects adopted by the Commission does not program the full amount of a taxing authority’s formulaic and/or incentive award funding, the balance will remain available for later program amendments supported by eligible project nominations until June 30, 2026 (first fiscal year of the subsequent programming cycle). The taxing authority must submit project nominations by April 30, 2026. of the last fiscal year in the programming cycle.

Unprogrammed funds must be programmed and allocated by June 30, 2026. Funds that remain unprogrammed and unallocated by the deadline at the end of the programming cycle will be redistributed to the Local Partnership Program in the subsequent programming cycle. Where a project will not be ready for allocation, the implementing agency should request an extension of the allocation deadline (refer to Section XA).

For taxing authorities that receive incentive funding in Fiscal Year 2022-23, any unprogrammed incentive balance will remain available for programming in the subsequent programming cycle.

11A. Committed/Uncommitted Funds

The Commission will regard funds as committed when they are programmed by the Commission or when the taxing authority with discretionary authority over the funds has made its commitment to the project by ordinance or resolution. For federal formula funds, including Regional Surface Transportation, Congestion Mitigation and Air Quality, and federal formula transit funds, the commitment may be by Federal Transportation Improvement Program adoption. For federal discretionary funds, the commitment may be by federal approval of a full funding grant agreement or by grant approval.

Uncommitted funds may only be from the following competitive programs: Trade Corridor Enhancement Program, Solutions for Congested Corridors and Local Partnership Competitive Program. If a project with uncommitted funds is programmed, all funding commitments must be secured prior to July 1 of the year in which the project is programmed.

The implementing agency must provide a project funding plan through the Construction phase that demonstrates the non-Local Partnership Formulaic Program funding in the plan (local, federal, state, private sources) is reasonably expected to be available and sufficient to complete the project.

Projects programmed by the Commission in the Local Partnership Formulaic Program will not be given priority in other programs under the Commission’s purview.
12A. Amendments

The Commission will consider amendment requests to assist agencies in implementing their projects and maximize the overall benefits of the Local Partnership Formulaic Program.

Implementing agencies shall receive the approval of all the partners that nominated the project before submitting amendment requests to Caltrans. Amendment requests should be submitted in a timely manner and include documentation that supports the requested change and its impact on scope, cost, schedule, and benefits (outputs and outcomes).

Amendment requests include, but are not limited to, the following: programming a new project; deprogramming formulaic funding from a programmed project; deleting a programmed project; and, scope, cost, and schedule changes. The Commission will not consider deprogramming formulaic funding from an allocated component unless it is consistent with the policy outlined in Section 15A.

The Formulaic Program amendments are significant or minor updates, changes, or corrections to a programmed project including the information submitted in the project nomination package.

Schedule changes to a project will not be considered unless a time extension was approved (refer to Section XA.).

If there is a cost increase to the project, the implementing agency must submit an updated electronic Project Programming Request form that identifies the cost increase and the fund source that will cover the cost increase.

General Instructions for all Amendments:

Caltrans shall coordinate all amendment requests and utilize the Project Programming Request form to help document the change. Implementing agencies must notify Caltrans in writing of proposed amendments. This written notification Amendment requests must be documented in writing and include the following:

1.) An Detailed explanation of the proposed change.

2.) The Reason for the proposed change. and Provide documentation as applicable.

3.) The Impacts to the project benefits (outputs and outcomes).
   a. Provide a comparison between the proposed benefits (outputs and outcomes) and those submitted in the initial project nomination, noting an increase, decrease, or no change.
4.) A Revised electronic Project Programming Request form documenting the proposed changes and the amendment request must be included in the notification.

5.) Written approval of the proposed amendment from all partners that nominated the project.

Caltrans will review the proposed amendments and present the proposed amendments agency’s proposal along with Caltrans’ written analysis and recommendation to Commission staff for Commission’s approval. Where a project will not be ready for allocation in the current fiscal year, the implementing agency should request an extension of the allocation deadline rather than an amendment (as outlined in Section 13A).

Amendment requests include, but are not limited to, the following:

**Scope changes**

The Commission will consider changes to the approved scope submitted in the project nomination to assist agencies in implementing their projects and maximize the benefits. The Commission and Caltrans should be notified as soon as possible of a potential change in project scope.

- Scope changes occurring before an allocation approval and deemed by Commission staff to be minor changes will be presented to the Commission as part of the project allocation request. Minor changes are those with little or no impact to the project benefits or those that increase the project benefits.
- Scope changes deemed by Commission staff to be significant changes, and the project benefits are less, will be presented to the Commission with a Commission staff recommendation.
- The Commission will not consider scope changes after construction phase allocation.
- Scope changes to expand the scope due to savings at contract award must be submitted and approved by Commission staff prior to contract award (refer to Section 17A. Project Cost Savings).

**Contract Separation**

If the project is divided into more than one independent contract after programming, the Commission will consider a program amendment. The Commission and Caltrans should be notified as soon as possible if the project is divided into independent contracts.

- Each project phase must remain programmed in the fiscal year in which it was originally programmed.
The amendment request must identify the scope, funding plan, and schedule for each contract. This includes contracts without Formulaic Program funding but delivering any portion of the project scope that was originally programmed.

A separate electronic Project Programming Request must be submitted for each contract.

The benefits (outputs/outcomes) that will be achieved should be described for all contracts combined.

An agency may only request to separate contracts for a programmed project once during the life of a project.

Contract separation must be approved prior to the construction allocation.

Reprogramming Formulaic Funding

The Commission will consider reprogramming Formulaic Program funds on a programmed project if the funds have not been allocated. Project cost savings will be reprogrammed consistent with the policy outlined in Section XA. Project Cost Savings.

Requests to increase the amount of Formulaic Program funding on a programmed, unallocated project phase must be submitted prior to allocation of the project phase.

Unused funds from an approved reprogramming action (i.e. partial funds are deprogrammed from a project) will be returned to the taxing authority’s unprogrammed Formulaic Program funding balance.

An allocation adjustment should be requested to reprogram allocated funds (refer to Section 13A. Allocations).

Requests for programming a new project or adding supplemental funds to an existing project should reference Attachment 1 and Attachment 1A.

Deleting Programmed Project(s)

The Commission will consider deleting a programmed project if the Formulaic Program funds have not been allocated.

The Commission will not consider reprogramming a deleted project in the same programming cycle.

Funds from a deleted project will be returned to the taxing authority’s unprogrammed Formulaic Program funding balance.
13A. Allocations

[Reorganized existing language for clarification.]

When an agency is ready to implement a *programmed* project or project *phase component*, the implementing agency will submit an allocation request to Caltrans. The (typically) time required, after receipt of the request, to complete Caltrans review, and recommendation and Commission allocation is 60 days prior to an upcoming Commission meeting.

**Allocation Submittal, Review and Approval Process**

The following steps occur as part of the allocation approval process:

1. The implementing agency submits an allocation request to Caltrans at least 60 days prior to the Commission meeting where they wish to receive allocation approval.
   a. Where If the project is to be implemented by an agency other than the taxing authority the allocation request must:
      • Be signed by the implementing agency
      • Include a copy of the Memorandum of Understanding or Interagency Agreement between the project applicant (taxing authority) and implementing agency.

2. Caltrans will review the allocation request and determine whether to recommend the request to Commission staff for review.

3. The Commission staff will review consider the allocation request of funds for a project when it receives an allocation the request with a recommendation from Caltrans is received. The recommendation from Caltrans must will include:
   a. a Determination of project readiness
   b. the Availability of appropriated funding
   c. the Availability of all identified and committed supplementary and matching funding and
   d. the Consistency with the executed Baseline Agreement, if applicable
   e. For projects that are ready to advertise, the Commission expects certification from Caltrans to certify that a the project’s Plans, Specifications, and Estimate are complete, environmental and Right-of-Way clearances are secured, and all necessary permits and agreements (including railroad construction and maintenance) are executed. These projects are considered Ready to List (RTL) by Caltrans.

4. After Commission staff have reviewed the request, it will either be placed on the Commission agenda for final approval or additional actions will be recommended prior to allocation.

**Requirements for Allocation**

A. In compliance with Section 21150 of the Public Resources Code, the Commission will not allocate funds for *Plans, Specifications, and Estimate* (design), Right-of-Way,
or Construction prior to documentation of environmental clearance under the California Environmental Quality Act. As a matter of policy, the Commission will not allocate funds for design, Right-of-Way, or Construction of a federally funded project prior to documentation of environmental clearance under the National Environmental Policy Act (NEPA).

• The Commission, as a Responsible Agency, must approve the environmentally cleared project for future funding consideration. The submission forms for this approval are available on the Commission website.

B. The Commission will approve the allocation in whole thousands of dollars if the funds are available and the allocation is necessary to implement the project as included in the adopted Local Partnership Formulaic Program. If there are insufficient program funds to approve an allocation, the Commission may delay the allocation of funds to a project until the next fiscal year without requiring an extension.

[Deleted text is moved to Section 12A.] If there is a cost increase to the project, the implementing agency must submit an updated Project Programming Request form that identifies the cost increase and the fund source that will cover the cost increase.

C. Construction phase and/or Construction Support phase allocations:

• A project not ready for advertisement will not be placed on the Commission’s agenda for allocation approval. The Commission will only consider an allocation of Construction and/or Construction support funds to unless the project that are ready to advertise.

• When Caltrans is the implementing agency, Right-of-Way Support and Construction Support costs must be allocated separately from Right-of-Way capital and Construction capital costs.

• The implementing agency must not award the Construction contract for a project until the Commission has approved allocation of the Formulaic Program funds for the project.

• Agencies should not request a Construction phase allocation unless they are prepared to award contract(s) related to the allocation within six months of allocation approval.

• Agencies that have Commission approval to use more than one independent contract to deliver the programmed project scope must request separate allocations for each independent contract.

D. If a project or project phase is ready for implementation earlier than the fiscal year that it is programmed in the Formulaic Program, the implementing agency may request an allocation in advance of the programmed year. The Commission may approve an allocation in advance of the programmed year if
it finds that the allocation will not delay availability of funding for other projects.

**Allocation Adjustments**

Allocated funds may be shifted between project phases components to accommodate cost changes within the following limits:

Any amount that is allocated for Project Approval and Environmental Documentation may also be expended for Plans, Specifications, and Estimate. Any amount that is allocated for Plans, Specifications, and Estimate may also be expended for Project Approval and Environmental Documentation. In addition, an implementing agency may expend an amount allocated for Project Approval and Environmental Documentation; Plans, Specifications, and Estimate; Right-of-Way and Construction for another allocated project phase component, provided that the total expenditure shifted to a phase component in this way is not more than 20 percent of the amount actually allocated for either phase component. This means that the amount transferred by an implementing agency from one phase component to another may be no more than 20 percent of whichever of the phases components has received the smaller allocation from the Commission.

Shifting of allocated funds between phases components will not impact the amount of Formulaic Program funding programmed to the project. An implementing agency must coordinate with Caltrans and receive the approval of all the partners that nominated the project before submitting allocation adjustment requests to Caltrans.

**14A. Letter of No Prejudice**

The Commission will consider approval of a Letter of No Prejudice to advance a project programmed in the Local Partnership Formulaic Program. Approval of the Letter of No Prejudice will allow the implementing agency to begin work and incur eligible expenses prior to allocation. The Letter of No Prejudice Guidelines are available on the Commission’s website.

**15A. Timely Use of Funds**

Local Partnership Formulaic Program allocations for any programmed project phase component must be requested in the fiscal year of project programming, and construction allocations are valid for award for six months from the date of allocation unless the Commission approves an extension. When programmed funds are not allocated within the fiscal year programmed or within the time allowed by an approved extension, the project phase component will be deleted from the Local Partnership Formulaic Program and the funds redistributed in the subsequent programming cycle.

The Commission may extend the deadline only once for allocation and only if it 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 cannot exceed twelve months.

Funds allocated for 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. The implementing agency must invoice Caltrans for these costs no later than 180 days after the fiscal year in which the final expenditure occurred.

The Commission may extend the deadline only once for contract award and only if it 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 cannot exceed twelve months.

After award of the contract, the implementing agency has up to 36 months to complete (accept) the contract. At the time of fund allocation, the Commission may extend the deadline for completion of work and the liquidation of funds if necessary to accommodate the proposed expenditure plan for the project.

Upon request of the implementing agency, the Commission may extend the deadlines for expenditures for project development or right-of-way, or for contract completion no more than one time, only if it 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 cannot exceed more than 20 months for project completion and 12 months for expenditure.

Except for the allocation of funds, the request to extend the deadline for any of the above must be received by Caltrans prior to the expiration date. For allocation of funds, the time extension must be approved by the Commission by June 30 of the year the funds are programmed; otherwise the funds will be redistributed as specified in this section. Where a project phase component will not be ready for allocation as programmed in the current fiscal year, the implementing agency should request an extension of the allocation deadline rather than a project amendment.

16A. Delivery Deadline Extensions

The Commission may extend a deadline for allocation and award upon the request of the implementing agency. The extension will not exceed 12 months. The extension will only be granted if it is for an extraordinary circumstance beyond the control of the implementing agency.

Upon request of the implementing agency, the Commission may extend the deadline for expenditure and for project completion. The extension cannot exceed more than
20 months for project completion and 12 months for expenditure. The extension will only be granted if it is for an extraordinary circumstance.

All requests for project delivery deadline extensions shall be submitted directly to Caltrans for processing prior to the expiration date. The extension request should describe the specific circumstance that justifies the extension and identify the delay directly attributable to the circumstance. Caltrans will review and prepare a written analysis of the proposed extension request and forward the written analysis and recommendation to the Commission for action.

17A. Project Cost Savings

Savings at contract award may be used to expand the scope of the project. The expanded scope must be reviewed and accepted by Commission staff prior to contract award. All other contract award savings will be returned proportionally, through a Commission action at project completion, to the taxing authority’s formulaic funding balance.

Savings at project completion must be returned proportionally except when an agency has, subsequent to project programming, committed additional funds to the project to fund a cost increase. In such instances, savings at project completion may be returned to other fund types first, until the proportions match those at programming. Any additional savings must be returned proportionally, through a Commission action, to the taxing authority’s formulaic funding balance.

18A. Project Reporting

SB 1 places responsibility on the Commission to track the performance of and report to the public how well funding recipients are delivering projects receiving Local Partnership Program funds. The reporting requirements are outlined in the Commission’s Accountability and Transparency Guidelines.

19A. Project Tracking Database

Caltrans is responsible for developing, upgrading, and maintaining an electronic database record of the adopted Local Partnership Formulaic Program and Commission actions. The database will include project specific information, including project description, location, cost, scope, schedule, expected benefits, and progress of the project and a map. The project information from the database will be accessible through Caltrans’ website.

20A. Project Auditing

The audit requirements are outlined in the Commission’s Accountability and Transparency Guidelines.
21A. Workforce Development Requirements and Project Signage

Pursuant to Streets and Highways Code Section 2038, by July 1, 2023, agencies receiving Road Maintenance and Rehabilitation Account funds will need to describe how projects will address participation and investment in new or existing pre-apprenticeship training programs that focus on outreach to women, minority participants, underrepresented subgroups, formerly incarcerated individuals, and local residents to access employment opportunities. Therefore, this information should be included in the semi-annual reports submitted to Caltrans.

Additionally, the implementing agency must, for all projects, include signage stating that the project was made possible by SB 1 – The Road Repair and Accountability Act of 2017. The signage should be in compliance with applicable federal or state law, and Caltrans’ manual and guidelines, including but not limited to the provisions of the California Manual on Uniform Traffic Control Devices. Information about signage can be found here: https://dot.ca.gov/programs/traffic-operations/pfi
22A. Eligible Taxing Authorities Receiving Formulaic Funding

(As of March 2022 March 13, 2020)

Alameda-Contra Costa Transit District
Alameda County Transportation Commission
Bay Area Rapid Transit District
Bay Area Toll Authority
Caltrain
City/County Association of Governments of San Mateo County
City and County of San Francisco
Clearlake
Contra Costa Transportation Authority
Council of San Benito County Governments
El Cerrito
El Paso de Robles
Fort Bragg
Fresno County Transportation Authority
Imperial County Local Transportation Authority
Los Angeles County Metropolitan Transportation Authority
Madera County Transportation Authority
Martinez
Merced County Transportation Authority
Monterey-Salinas Transit District
Napa Valley Transportation Authority
Nevada City
Orange County Transportation Authority
Orinda
Point Arena
Riverside County Transportation Commission
Sacramento Transportation Authority
San Bernardino County Transportation Authority
San Diego County Regional Transportation Commission
San Francisco County Transportation Authority
San Joaquin County Transportation Authority
San Mateo County Transportation Authority
San Mateo County Transit District
Santa Barbara County Local Transportation Authority
Santa Clara Valley Transportation Authority
Santa Cruz County Regional Transportation Commission
Santa Cruz Metropolitan Transit District
Sonoma County Transportation Authority
Sonoma-Marin Area Rail Transit District
Stanislaus County Transportation Authority
Transportation Agency of Monterey County Transportation Authority of Marin County
Truckee
Tulare County Transportation Authority
Yuba County
Ukiah
Willits
Attachment 1 – Project Nominations - Formulaic Program

Project nominations and supporting documentation must be submitted to the Commission by June 12, 2020. Nominations will be treated in accordance with California Public Records Act requirements and information, subject to those requirements, may be publicly disclosed.

Applicants must submit two (2) hard copies of the nomination package and one (1) electronic copy. Electronic copies should be sent via e-mail to LPP@catc.ca.gov.

All nomination materials should be bound, addressed and delivered to:

California Transportation Commission
Executive Director
1120 N Street, MS-52
P.O. Box 942873
Sacramento, CA 95814

Each project nomination should be limited to 35 pages, excluding information requested in appendices. Each project nomination must utilize the letter convention as specified.

A. Cover Letter

The cover letter must be addressed to the California Transportation Commission’s Executive Director and clearly identify the nominating agency or agencies. Nominations must include the signature of the Chief Executive Officer or other officer authorized by the nominating agency’s governing board, authoring and approving the nomination. Jointly nominated projects must have the duly authorized signatures of both agencies. Where the project will be implemented by an agency or multiple agencies other than the nominating agency, the nomination must include the signature(s) of the Chief Executive Officer or other authorized officer(s) of the implementing agency or agencies.

Where the project is to be implemented by an agency other than the nominator, documentation of the agreement between the project nominator and implementing agency must be submitted with the nomination.

B. Fact Sheet

A one-page fact sheet describing the project scope, cost, schedule, and benefits (outputs/outcomes). The fact sheet will be posted on the Commission’s website and therefore must meet the latest state and federal web accessibility laws. Information about California website accessibility laws.

C. General Information

- Project title, with a brief non-technical description of the project, total project cost and requested amount. If the project includes multiple project modes, each project mode must be described.
Draft edit key:
New language = blue, bolded
Deleted language = red, strikeout
Comment to reader = [green]

- Project background and a purpose and need statement.
- A concise description of the type of project, scope and anticipated benefits (outcomes and outputs) proposed for funding.
- A map (or maps) of the project location.
- A confirmation that any capacity-increasing project or a major street or highway lane realignment project was considered for reversible lanes pursuant to Streets and Highways Code Section 100.15.

D. Screening Criteria
- The Project Programming Request form, Appendix I, must list all funding match sources (federal, state, local, and private).
- The required performance metrics in Appendix II must support the narrative of the project.

E. Funding and Deliverability
- A project cost estimate which includes the amount and source of all funds committed to the project and the basis for concluding that the funding is expected to be available.
- Cost estimates should be escalated to the year of proposed implementation and be approved by the Chief Executive Officer or other authorized officer of the implementing agency.
- A description of the project delivery plan, including a description of the known risks that could impact the successful implementation of the project and the response plan of the known risks. The risks considered should include, but not be limited to, risks associated with deliverability and engineering issues, and funding commitments.
Appendix I

Electronic Project Programming Request

Each nomination must include an electronic Project Programming Request (ePPR) form. The ePPR must list federal, state, local, and private funding categories by project phase component and fiscal year. If the proposed project includes multiple project modes to be delivered under separate contracts, each project mode must have its own ePPR. The scope, benefits, schedule and funding plan of the ePPR must be consistent with the information in the nomination. The template ePPR form may be found on the Caltrans website.
Appendix II

Performance Metrics

- Please fill in the table included in this section with the requested information for the proposed project. This information must be consistent with the information in the electronic Project Programming Request form that is submitted with the project nomination application under Appendix I.
- Commission staff may contact applicants for additional information.
- Please refer to the Local Partnership Program Project Metrics Instructions which includes additional information and resources for completing the table.
- Project metrics are expected to be provided for the scope of the project as defined in the project nomination application and as projected for the "Build" scenario versus the "No Build" scenario over a 20-year horizon (with no other alternatives consideration required). If a horizon other than 20 years is utilized, it must be specified in the table. Provide current conditions where applicable and explain current conditions as part of project purpose and need.
- These metrics cover estimated project benefits based on what is known at the time of project nomination submittal application.
- Project types include: Local Road, Highway, Transit Rail, Transit Bus, and Active Transportation or any combination thereof. Benefits are reported for the project as a whole.
- A few tools have been identified in the Local Partnership Program Project Metrics Instructions including the Regional Travel Demand Model, Sub-Regional or Project-Level Models, as well as the Cal-B/C Tools which use travel model data or engineering estimates as inputs to generate project benefits. Applicants are encouraged to use tools that are industry standard to the extent possible, but when there is a need to use an alternate tool, applicants should explain their choice of model and underlying assumptions.
- For cost-effectiveness, documentation supporting the benefits and cost estimates provided in the project nomination application should cite, as appropriate, the project study report, environmental documents, Regional Transportation Plan, corridor plans, and other studies that provide quantitative and qualitative measures of the project’s costs and benefits, including both congestion and emission reduction benefits.
- The intent of these metrics is not to require a Regional Travel Demand Model run for every project. It is anticipated that project applicants will utilize existing analyses (i.e. project level modeling conducted for the environmental analysis) and use that information coupled with additional off model tools or other simple calculations to estimate the project benefits for the application process.
- For each measure area please specify the horizon year, methodology, assumptions, and data source(s) used as indicated in the SB 1 Accountability and Transparency Guidelines. Columns for this information have been provided in the table below.

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<th>Measure Area</th>
<th>Horizon Year</th>
<th>Methodology</th>
<th>Assumptions</th>
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• Modeled and observed data may be used. Modeled data used must be calibrated per federal standards.
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<tr>
<th>Measure</th>
<th>Metric</th>
<th>Build</th>
<th>Future No Build</th>
<th>Change</th>
<th>Methodology</th>
<th>Data/Assumptions</th>
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<td><strong>Congestion Reduction</strong></td>
<td>Project Area, Corridor, County, or Regionwide VMT per capita and total VMT</td>
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<td>Person Hours of Travel Time Saved</td>
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<td>Daily Vehicle Hours of Delay</td>
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<td></td>
<td>Percent Change in Non-Single Occupancy Vehicle Travel*</td>
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<td></td>
<td>Per Capita and Total Person Hours of Delay per Year*</td>
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<td><strong>Throughput</strong></td>
<td>Peak Period Person Throughout by Applicable Mode*</td>
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<td>Passengers per Vehicle Service Hour*</td>
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<td>Bicyclist/Pedestrian Screen Line Counts*</td>
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*Indicates an optional metric
Appendix III

State Highway System Project Impact Assessment (Form CTC-0002)

Applicant must complete ALL fields in Sections I and II. Write N/A if not applicable.

1. Nominating Agency
2. Name of Person submitting the nomination
3. Title
4. Phone
5. Email
6. Project Title - The title must be consistent with the nomination and all project documentation
7. Percentage of project area within State Right of Way:
   \[(\text{Area within State Right of Way} \div \text{Total project area}) \times 100\]
8. Total construction cost of physical project elements within State Right of Way:
   Provide a separate estimate for the total construction cost (capital and support costs) of the project for only those physical elements and/or portions of elements that are on or within State Right of Way. This includes project elements within State airspace.
9. Indicate the anticipated environmental document that will be required for California Environmental Quality Act and National Environmental Policy Act (ex. Negative Declaration, EIR/ EIS, etc.) Indicate N/A if a National Environmental Policy Act document is not required.
10. Check all that apply.
11. Fully describe the scope of work to be performed within State Highway Right of Way. This includes all new or modifications to any physical assets within State Right of Way.
12. Expected level of Caltrans involvement: Check one based on the amount entered for item 8.