

# **2020 LOCAL PARTNERSHIP PROGRAM GUIDELINES**

Adopted March 25, 2020

Resolution G-20-33

**California Transportation Commission**



**CALIFORNIA TRANSPORTATION COMMISSION  
2020 LOCAL PARTNERSHIP PROGRAM GUIDELINES**

**TABLE OF CONTENTS**

<b>I.</b>	<b>Authority and Purpose.....</b>	<b>4</b>
<b>II.</b>	<b>Program Objectives .....</b>	<b>4</b>
<b>III.</b>	<b>Program Schedule .....</b>	<b>4</b>
<b>IV.</b>	<b>Funding and Programming Cycle.....</b>	<b>5</b>
	<b>FORMULAIC PROGRAM GUIDELINES .....</b>	<b>6</b>
<b>1A.</b>	<b>Distribution .....</b>	<b>7</b>
	<b>Unprogrammed Formulaic Funding .....</b>	<b>9</b>
	<b>Incentive for New and Renewed Tax Measures, Tolls, or Fees.....</b>	<b>9</b>
<b>2A.</b>	<b>Matching Requirements.....</b>	<b>10</b>
<b>3A.</b>	<b>Funding Restrictions .....</b>	<b>11</b>
<b>4A.</b>	<b>Reimbursement .....</b>	<b>11</b>
<b>5A.</b>	<b>Eligible Applicants .....</b>	<b>11</b>
<b>6A.</b>	<b>Eligible Projects .....</b>	<b>12</b>
<b>7A.</b>	<b>Screening Criteria .....</b>	<b>13</b>
<b>8A.</b>	<b>Programming.....</b>	<b>13</b>
<b>9A.</b>	<b>Committed Funds.....</b>	<b>14</b>
<b>10A.</b>	<b>Amendments .....</b>	<b>14</b>
<b>11A.</b>	<b>Allocations.....</b>	<b>15</b>
	<b>Allocation Adjustments .....</b>	<b>15</b>
<b>12A.</b>	<b>Letter of No Prejudice .....</b>	<b>16</b>
<b>13A.</b>	<b>Timely Use of Funds .....</b>	<b>16</b>
<b>14A.</b>	<b>Delivery Deadline Extensions .....</b>	<b>17</b>
<b>15A.</b>	<b>Project Cost Savings .....</b>	<b>17</b>
<b>16A.</b>	<b>Project Reporting .....</b>	<b>17</b>

<b>17A.</b>	<b>Project Tracking Database .....</b>	<b>18</b>
<b>18A.</b>	<b>Project Auditing .....</b>	<b>18</b>
<b>19A.</b>	<b>Workforce Development Requirements and Project Signage.....</b>	<b>18</b>
<b>20A.</b>	<b>Eligible Taxing Authorities Receiving Formulaic Funding .....</b>	<b>19</b>
	<b>COMPETITIVE PROGRAM GUIDELINES .....</b>	<b>20</b>
<b>1B.</b>	<b>Distribution .....</b>	<b>21</b>
<b>2B.</b>	<b>Matching Requirements.....</b>	<b>21</b>
<b>3B.</b>	<b>Funding Restrictions .....</b>	<b>22</b>
<b>4B.</b>	<b>Reimbursement .....</b>	<b>22</b>
<b>5B.</b>	<b>Eligible Applicants .....</b>	<b>22</b>
<b>6B.</b>	<b>Eligible Projects .....</b>	<b>23</b>
<b>7B.</b>	<b>Delivery Methods .....</b>	<b>25</b>
<b>8B.</b>	<b>Project Segmenting .....</b>	<b>25</b>
<b>9B.</b>	<b>Multimodal Projects / Modes / Contracts .....</b>	<b>25</b>
<b>10B.</b>	<b>Screening Criteria .....</b>	<b>26</b>
<b>11B.</b>	<b>Project Rating Process .....</b>	<b>26</b>
<b>12B.</b>	<b>Evaluation Criteria .....</b>	<b>27</b>
<b>13B.</b>	<b>Programming.....</b>	<b>28</b>
<b>14B.</b>	<b>Committed/Uncommitted Funds .....</b>	<b>28</b>
<b>15B.</b>	<b>Amendments .....</b>	<b>29</b>
<b>16B.</b>	<b>Allocations.....</b>	<b>30</b>
<b>17B.</b>	<b>Letter of No Prejudice.....</b>	<b>31</b>
<b>18B.</b>	<b>Timely Use of Funds .....</b>	<b>31</b>
<b>19B.</b>	<b>Delivery Deadline Extensions .....</b>	<b>32</b>
<b>20B.</b>	<b>Project Cost Savings .....</b>	<b>32</b>
<b>21B.</b>	<b>Project Reporting .....</b>	<b>33</b>

<b>22B.</b>	<b>Project Tracking Database .....</b>	<b>33</b>
<b>23B.</b>	<b>Project Auditing .....</b>	<b>33</b>
<b>24B.</b>	<b>Workforce Development Requirements and Project Signage.....</b>	<b>33</b>
	<b>Attachment 1 – Project Nominations - Formulaic Program.....</b>	<b>34</b>
	<b>Attachment 2 – Project Nominations - Competitive Program .....</b>	<b>36</b>
<b>Appendix I</b>	<b>Project Programming Request.....</b>	<b>40</b>
<b>Appendix II</b>	<b>Performance Metrics.....</b>	<b>41</b>
<b>Appendix III</b>	<b>State Highway System Project Impact Assessment .....</b>	<b>44</b>

## 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 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(I)].

## III. Program Schedule

The following schedule lists the major milestones for the development and adoption of the Local Partnership 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.**

Publish Proposed Formulaic Funding Distribution	January 22, 2020
Draft Guidelines presented to the Commission	January 29, 2020
Guidelines Hearing	March 25, 2020
Adoption of the Guidelines and Formulaic Funding Distribution Call for Projects	March 25, 2020

<b>Applications due</b>	<b>June 12, 2020</b>
<b>Release staff recommendations</b>	<b>November 12, 2020</b>
<b>Program adoption</b>	<b>December 2, 2020</b>

#### **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 three years of funding. The 2020 Program (Formulaic and Competitive) will cover Fiscal Years 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 year from the Local Partnership Program leaving \$180 million to be distributed 60% via Formulaic and 40% via Competitive.

# **FORMULAIC PROGRAM GUIDELINES**

## **1A. Distribution**

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 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 beginning of each fiscal year.
- A. 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**

B. 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**

C. 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.

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 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.

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 at the beginning of the fiscal year following the measure effective date. Adjustments will be made to the total funding amount available for all taxing authorities in the subsequent cycle of the Local Partnership Formulaic Program.

- 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 generated by voter-approved parcel or property taxes, voter-approved tolls, and other voter-approved taxes in Northern California.

### **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.

### **Incentive for New and Renewed Tax Measures, Tolls, or Fees**

To recognize new or renewed voter-approved self-help efforts and to incentivize jurisdictions to pursue future tax measures, tolls, or fees, 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 have a minimum period of ten years, are dedicated solely to transportation, and for sales taxes are equal to or greater than one quarter cent.

The total amount of incentive funding 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 up to a maximum of \$5,000,000 for each jurisdiction. The incentive funding amount will be \$200,000 if the projected tax revenue is less than \$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 incentive funding amounts (based on the above) exceed \$20 million in any year, each incentive funding amount 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 if incentive funding is available (that is, if the incentive funding in that following year do not exceed \$20,000,000). Amounts for the incentive funding will be made available in June of each year.

Incentive funding will be set-aside each year from the Local Partnership Program.

### **Unused Incentive Funding**

Unused incentive funding will be redistributed based on the program funding distribution (60% via formulaic and 40% via competitive) in the next fiscal year.

## **2A. 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 components may be used to meet the one-to-one match for the construction 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 funding.

The matching funds must be expended concurrently and proportionally on the project 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 Program funds.

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.

### **3A. Funding Restrictions**

The Local Partnership Formulaic Program funds may be used for any capital project component (Project Approval and Environmental Documentation; Plans, Specifications, and Estimates; Right-of-Way; and Construction), 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.

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

The supplemental funding may be to replace local funding already committed to the project, subject to the required one-to-one match.

### **4A. Reimbursement**

The Local Partnership 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.

### **5A. Eligible Applicants**

Eligible applicants are those that have 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.

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.

## **6A. Eligible Projects**

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.

#### **7A. Screening Criteria**

The Commission will include in the formulaic program of projects each project nominated by a taxing authority for formulaic funding 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.

Nominations will be screened for the following:

- Demonstrate a one-to-one funding match (as outlined in Section 2A)
- Project demonstrates that all other funds for the proposed project (segment) are committed.

#### **8A. Programming**

The program of projects for each fiscal year will include, for each project, the amount to be funded from the Local Partnership Formulaic Program, and the estimated total cost of the project. Project costs in the Local Partnership Formulaic Program will include costs for each of the following components: (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, 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 cost.

The Commission's program of projects will not include projects that exceed a taxing authority's formulaic funding distribution.

## **9A. Committed Funds**

The Commission will program and allocate funding to projects in whole thousands of dollars and will include a project only if it is fully funded from a combination of Local Partnership Program and other committed funding.

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.

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

## **10A. Amendments**

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

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.

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 must include the following:

- 1.) An explanation of the proposed change;
- 2.) The reason for the proposed change; and
- 3.) The impact to the project benefits.

A revised Project Programming Request form must be included in the notification.

Caltrans will review the proposed amendments and present the proposed amendments 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).

## **11A. Allocations**

When an agency is ready to implement a project or project component, the implementing agency will submit an allocation request to Caltrans. The typical time required, after receipt of the request, to complete Caltrans review, and recommendation and Commission allocation is 60 days.

The Commission will consider the allocation of funds for a project when it receives an allocation with a recommendation from Caltrans. The recommendation will include a determination of project readiness, the availability of appropriated funding, the availability of all identified and committed supplementary funding, and the consistency with Baseline Agreement, if applicable. The Commission will only consider an allocation of construction and/or construction support funds to projects that are ready to advertise.

For projects that are ready to advertise, the Commission expects Caltrans to certify that a 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. Projects not ready for advertisement will not be placed on the Commission's agenda for allocation approval.

In compliance with Section 21150 of the Public Resources Code, the Commission will not allocate funds for 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.

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 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.

Where the project is to be implemented by an agency other than the taxing authority, the allocation request must be signed by the implementing agency.

When Caltrans is the implementing agency, right-of-way support and construction support costs must be allocated separately from right-of-way capital construction capital costs.

The implementing agency must not award the contract for a project until the Commission has allocated the funds for the project.

### **Allocation Adjustments**

Allocated funds may be shifted between project 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, estimates. In addition, an implementing agency may expend an amount allocated for project approval and environmental documentation; plans, specifications, estimates; right of way and construction for another allocated project component, provided that the total expenditure shifted to a component



in this way is not more than 20 percent of the amount actually allocated for either component. This means that the amount transferred by an implementing agency from one component to another may be no more than 20 percent of whichever of the components has received the smaller allocation from the Commission.

Shifting of allocated funds between components will not impact the formulaic funding balances. Implementing agencies shall receive the approval of all the partners that nominated the project before submitting allocation adjustment requests to Caltrans.

#### **12A. 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.

#### **13A. Timely Use of Funds**

Local Partnership Formulaic Program allocations for any programmed project 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 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 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.

#### **14A. 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.

#### **15A. 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.

#### **16A. 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.

#### **17A. 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.

#### **18A. Project Auditing**

The audit requirements are outlined in the Commission's Accountability and Transparency Guidelines.

#### **19A. 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>

## **20A. Eligible Taxing Authorities Receiving Formulaic Funding**

(As of March 13, 2020)

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

# **COMPETITIVE PROGRAM GUIDELINES**

## **1B. Distribution**

The Local Partnership Competitive Program will be divided in two parts: one for taxing authorities with voter-approved taxes, tolls, or fees; and the second for applicants with only imposed fees. The Local Partnership Competitive Program will be divided into these two groups based on relative tax, toll, and fee revenue of the applicants. In no case will the portion for applicants with only imposed fees be less than \$5,000,000.

The Commission may identify a contingency list of projects to be amended in the competitive program in the event a redistribution of incentive funding occurs. The contingency list will be in effect only until the adoption of the next programming cycle.

## **2B. Matching Requirements**

Projects funded from the Local Partnership Competitive 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 taxes, tolls, or fees, or applicants with imposed fee, which generates less than \$100,000 annually are only required to provide a match equal to 25% of the requested Local Partnership Competitive 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 components may be used to meet the one-to-one match for the construction 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 funding.

Priority will be given to projects that have committed discretionary federal funds at time of project nomination. The commitment should be in the form of a letter or public announcement issued by the authorizing federal agency.

The matching funds must be expended concurrently and proportionally on the project component programmed with Local Partnership Competitive 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 Program funds.

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

### **3B. Funding Restrictions**

Local Partnership Competitive Program will only fund the construction component of a capital project, except for those projects expected to be delivered using the design-build method, where a portion of the funds may be in design. A project will be considered for funding if at time of adoption, the project has completed a project level environmental process in accordance with California Environmental Quality Act (CEQA) and, if the project is federalized, the National Environmental Policy Act (NEPA). A project may also be considered for funding if at time of adoption it has completed the final draft of a project level environmental document in accordance with CEQA and if applicable, NEPA. Environmental clearance must be completed within 6 months of program adoption.

Funds will not be allocated to any portion of a project until all project modes of the project have completed the environmental process.

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

Local Partnership Competitive Program funds shall not supplant other committed funds.

The Local Partnership Competitive Program will not participate in cost increases to the project.

Any cost increases must be funded from other fund sources. The implementing agency or agencies must provide evidence of their ability to absorb any cost overruns and deliver the project with no additional funding from the program. For jointly nominated projects, the Commission expects the responsibility for payment of cost increases will be negotiated and agreed upon through a funding agreement between both nominating agencies.

The Local Partnership Competitive Program will only fund projects, or segments of projects that are fully funded, have independent utility, and will be ready to start construction (contract award) by December 31, 2023.

### **4B. Reimbursement**

The Local Partnership 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.

### **5B. Eligible Applicants**

Applicants that have sought and received voter approval of taxes, tolls, or fees, or that have imposed fees, including uniform developer fees as defined by subdivision (b) of Section 8879.67 of the Government Code, which taxes, tolls, or fees are dedicated solely to transportation improvements are eligible.

**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.

To verify eligibility, an applicant that is not eligible for formulaic funds or that does not apply for formulaic funds must submit the following information with their project nomination:

An applicant with voter-approved taxes, tolls, or fees must submit the following information with their initial project nomination:

- 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, or taxes other than sales taxes, a copy of the relevant section of the applicant'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.

An applicant with imposed fees, including developer fees, must submit the following information with their initial project nomination:

- A copy of the ordinance or resolution seeking to impose the fee.
- A copy of the relevant section of the applicant's most recent audited financial statements indicating the revenue generated by the imposed 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 applicant should affirm the taxes, tolls, or fees are dedicated solely to transportation.

Applicants are encouraged to submit information prior to submitting initial nomination.

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

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

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

## **6B. Eligible Projects**

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

## **7B. Delivery Methods**

The Commission supports and encourages innovative delivery methods. If a project is expected to use a delivery method other than design-bid-build, the nomination should identify the delivery method as part of the proposal. If the delivery method is unknown at time of nomination, it should be reported as soon as it is known.

For a project expected to use design-build or design-sequencing delivery method, the Commission will program the Local Partnership Competitive funds in the construction component of the project. The allocation however may be a combined amount to include design, right of way, and construction.

When using the Construction Manager/General Contractor delivery method, the project will be programmed and allocated in the same manner as design-bid-build. During the environmental or design phase, Construction Manager/General Contractor contract costs are considered environmental and/or design phase expenditures. As the project advances in the design phase, it may be desirable to separate the project into packages for efficiencies in the construction delivery.

If this is the case, the project may be separated into separate delivery contracts and the Commission must be notified as soon as possible. The delivery dates and the scope of work must be consistent with the approved baseline agreement.

## **8B. Project Segmenting**

Scaling a project into segments because of its size, funding or delivery schedule may be necessary for certain large corridor projects. When segmenting a project into separate independent segments, the nomination should discuss the total corridor and the reasons for segmenting the project. The nomination should address how each segment of the corridor project will be delivered and include an estimated timeline for completing the overall project and each segment in the corridor.

The evaluation of the project will be based on the segment proposed for funding. Therefore, the nomination should: clearly identify the benefits (outputs/outcomes) for the segment proposed for funding; provide a full funding plan of the segment; and demonstrate the segment has independent utility.

## **9B. Multimodal Projects / Modes / Contracts**

Project nominations may include multiple modes to be delivered in separate contracts (i.e. roadwork, rail work, bike lanes) referred to as project modes. The applicant must clearly identify the scope of work for each project mode.

The benefits (outputs/outcomes) that will be achieved may be described for all project modes combined in the project nomination.

If the scope of a project mode includes multiple independent contracts to achieve the benefits as proposed (i.e. rail project mode may include tracks, vehicle purchases, station improvements), the nomination must identify the scope, funding plan and schedule for each contract (each contract should have a Project Programming Request Form), including any contracts not requesting Local Partnership Competitive Program funds.

The nomination should explain the strategy for project delivery. If subsequent to program adoption, the project is divided into independent contracts, it should be reported as soon as possible. A project amendment will need to be approved by the Commission prior to allocation.

### **10B. Screening Criteria**

Nominations will receive an initial screening by the Commission for completeness and eligibility before moving to the evaluation process. An applicant submitting multiple project nominations must clearly prioritize its project nominations. If a project is nominated by multiple applicants, the priority of the applicants should be consistent.

Incomplete or ineligible nominations will not be evaluated.

Nominations will be screened for the following:

- Demonstrate a one-to-one funding match (as outlined in Section 2B).
- Provide specified information for eligibility verification (as outlined in Section 5B).
- Project demonstrates that negative environmental/community impacts will be avoided or mitigated.
- Project demonstrates that all other funds for the proposed project (segment) are committed.

### **11B. Project Rating Process**

All project nominations that meet the screening criteria will be evaluated and selected through a competitive process.

Each nomination will be evaluated for compliance with the objectives of the program. Each nomination will be rated using the evaluation criteria as specified in this section. Each evaluation criteria will be scored with a “High”, “Medium-High”, “Medium”, “Medium-Low”, or “Low”. The highest-ranking nomination will be selected for funding.

The Commission may collaborate with the following state agencies when evaluating project nominations: The California Air Resources Board to review the air quality benefits; The Department of Housing and Community Development to review the efficient land use benefits; and Caltrans to review the Life-Cycle Benefit-Cost Analysis.

To ensure a more equitable competition, the Commission will compare projects based on the population of jurisdiction(s) across which the tax or fee is applied. In most cases, this will be a county or city.

For voter-approved tolls, the population will be the sum of the population of the jurisdictions that voted on the toll. The following population categories will be used:

- Category I:  $\geq 1,500,000$
- Category II: 700,000 to 1,499,999
- Category III: 300,000 to 699,000
- Category IV: 100,000 to 299,999
- Category V:  $< 100,000$

To maximize the effectiveness of program funds, the minimum request for Local Partnership Competitive Program funds that will be considered is indicated below based on the population totals:

- Category I (population  $\geq$  1,500,000): \$5,000,000
- Category II (population 700,000 to 1,499,999): \$3,000,000
- Category III (population 300,000 to 699,999): \$2,000,000
- Category IV (population 100,000 to 299,999): \$1,000,000
- Category V (population < 100,000): No minimum requirement

The maximum request for Local Partnership Competitive Program funds is \$25,000,000 per project.

An applicant submitting multiple project nominations must clearly prioritize its projects. The Commission may elect to only evaluate the highest priority nomination(s) submitted by each applicant.

In approving funding for inclusion in the program of projects, the Commission will give consideration to geographic balance over multiple programming cycles.

## **12B. Evaluation Criteria**

A project nomination must include documentation regarding the quantitative and qualitative measures validating the project's consistency with policy objectives. Each section must be addressed, including relative data of the performance metrics.

For soundwall only projects, a project nomination must be 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.

For all other projects, the Commission will give higher priority to the following:

- Cost Effectiveness –Projects that provide the greatest benefit in relationship to the project costs. The Commission will consider measurable benefits using the California Life-Cycle Benefit/Cost Analysis or an alternative proposed by the applicant.
- Deliverability –Projects that have completed design and right-of-way certification, unless the project is being delivered using Design-Build or Construction Manager/General Contractor method. If using these methods, the start of construction will be the basis for the evaluation.
- Projects that leverage funds above the required matching funds amount (see Section 2B).

- Air Quality & Greenhouse Gases – The nomination should address how the proposed project will reduce greenhouse gas emissions and criteria pollutants and advance the State’s air quality and climate goals.
- Vehicle-Miles Traveled – The nomination should demonstrate how the project will minimize vehicle miles traveled while maximizing person throughput.
- Regional and Community Project Support -The nomination should demonstrate meaningful public outreach and engagement of the proposed project. (i.e., brief descriptions from public outreach events, voter approved expenditure plans that include the proposed project, Regional Transportation Plan (RTP) that include the proposed project and public outreach, and/or letters of support from community-based organizations).
- Safety – The nomination should address safety issues and concerns, including actual reported property, injury, and fatality collisions for the last 5 full years. Demonstrate how the proposed project increases safety for motorized and non-motorized users. Identify and discuss other safety measures the project will address, including health impacts.
- System Preservation – The nomination should demonstrate how the project will improve the current conditions. Identify and discuss other performance measures the project will address.
- Regional and Local Transportation, Land Use, and Housing Goals – The nomination should explain how the project will advance transportation, land use, and housing goals within the region as identified in the region’s Regional Transportation Plan, Sustainable Communities Strategy (where applicable), Regional Housing Needs Allocation and local Housing Element Implementation<sup>1</sup>, as well as other local plans such as general plans and specific plans if applicable.

### **13B. Programming**

The program of projects for each fiscal year will include, for each project, the amount to be funded from the Local Partnership Competitive Program, and the estimated total cost of the project. Project costs in the Local Partnership Competitive Program will include the construction component only. For Caltrans implemented projects, the cost of construction support will be separated out and programmed separately from the construction capital cost.

### **14B. Committed/Uncommitted Funds**

The Commission will program and allocate funding to projects in whole thousands of dollars and will include a project only if it is fully funded from a combination of Local Partnership Program funds and other committed funds and uncommitted funds.

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<sup>1</sup>For more information on resources available from the California Department of Housing and Community Development for the development and implementation of Housing Elements please visit: [www.hcd.ca.gov](http://www.hcd.ca.gov)

The Commission will regard funds as committed when they are programmed by the Commission or when the applicant 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 Program, 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:

- Solutions for Congested Corridors Program; and
- Trade Corridor Enhancement Program

The applicant must indicate its plan for securing a funding commitment, explain the risk of not securing that commitment, and its plan for securing an alternate source of funding should the commitment not be obtained. If a project with uncommitted funds is programmed in Fiscal Years 2020-21 or 2021-22, all funding commitments must be secured prior to July 1, 2021. If a project with uncommitted funds is programmed in Fiscal 2022-23, funds must be secured prior to July 1, 2022.

Projects programmed by the Commission in the Local Partnership Competitive Program will not be given priority in other programs under the Commission's purview.

### **15B. Amendments**

Project amendments will be considered for the Local Partnership Competitive Program as follows:

- **Scope Changes** – The Commission will not consider changes to the scope of the project unless the change is minor and has no impact to the project benefits or the scope change increases the benefits of the project. The Commission should be notified as soon as possible of a change in project scope. In the case where scope changes are significant, and the project benefits are less, the Commission will evaluate the proposed changes and make a determination to continue funding the project or deleting the project from the program through a formal amendment.
- **Cost Changes** – The Local Partnership Competitive Program will not participate in cost increases to the project. Any cost increases must be funded from other fund sources. If there is a change in the cost estimate, the Commission should be notified as soon as possible in writing explaining the change and the plan to cover the increase. A revised Project Programming Request form identifying the source of funding must also be included as described below.
- **Schedule Changes** – Schedule changes to a project will not be considered unless a time extension was approved as specified in Section 19B. For projects programmed in the last year of the Local Partnership Competitive Program, the implementing agency may request by June 1, 2020 to reprogram the project only once with justification. In addition to the written notification, the request must include: a cover letter from all the partners that nominated the project; a clear and concise explanation

for the request; the extraordinary circumstances that led to the request; consequences if the request is not approved; and an updated Project Programming Request as described below. The Commission may approve the request only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the change at the time the 2020 Program is adopted.

**General Instructions for All Amendments:**

- Implementing agencies must notify Caltrans in writing of proposed project amendments.
- Caltrans shall coordinate all amendment requests and utilize the Project Programming Request to help document the change.
- Caltrans will review the proposed amendment change and forward the proposed amendment change with Caltrans' written analysis and recommendation to the Commission for the Commission's approval.
- The written notification to Caltrans must include:
  - An explanation of the proposed change.
  - The reason for the proposed change.
  - The impact the proposed change would have to the project.
  - An estimate of the impact the proposed change would have on the potential of the project to deliver the project benefits as compared to the benefits identified in the project application (increase or decrease in benefits) and an explanation of the methodology used to develop the aforementioned estimate.
  - A revised Project Programming Request form must be included in the notification.
- 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 the scope, cost, schedule, and benefits (outputs and outcomes).
- Commission staff will present recommended changes deemed by staff to be minor changes, such as those with little or no impact to project benefits or which increase the benefits of the project, to the Commission as a part of the project allocation request. Staff will present all other amendment changes to the Commission as project amendments.

**16B. Allocations**

When an agency is ready to implement a project or project component, the implementing agency will submit an allocation request to Caltrans. The typical time required, after receipt of the request, to complete Caltrans review, and recommendation and Commission allocation is 60 days.

The Commission will consider the allocation of funds for a project when it receives an allocation with a recommendation from Caltrans. The recommendation will include a determination of project readiness, the availability of appropriated funding, the availability of all identified and committed supplementary funding, and the consistency with Baseline Agreement, if applicable. The Commission will only consider an allocation of construction and/or construction support funds to projects that are ready to advertise.

For projects that are ready to advertise, the Commission expects Caltrans to certify that a 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. Projects not ready for advertisement will not be placed on the Commission's agenda for allocation approval.

In compliance with Section 21150 of the Public Resources Code, the Commission will not allocate funds for 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 construction of a federally funded project prior to documentation of environmental clearance under the National Environmental Policy Act.

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 Competitive Program. 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. If the fund source(s) is not identified to cover the cost increase, the project will be deleted from the Local Partnership Competitive Program.

Where the project is to be implemented by an agency other than the applicant, the allocation request must be signed by the implementing agency.

When Caltrans is the implementing agency, construction support costs must be allocated separately from construction capital costs.

The implementing agency must not award the contract for a project until the Commission has allocated the funds for the project.

#### **17B. Letter of No Prejudice**

The Commission will consider approval of a Letter of No Prejudice to advance a project programmed in the Local Partnership Competitive 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.

#### **18B. Timely Use of Funds**

The Local Partnership Program allocations must be requested in the fiscal year of project programming and 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 will be deleted from the Local Partnership Competitive Program.

After award of the construction 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 fund if necessary to accommodate the proposed expenditure plan for the project.

The Commission may extend the deadline only once for each delivery deadline only if it finds that an unforeseen and extraordinary circumstance beyond the control of the implementing agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance.

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 project will be deleted as specified in this section.

#### **19B. 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.

#### **20B. Project Cost Savings**

Savings at contract award may be used to expand the scope of the project only if the expanded scope provides additional quantifiable benefits. The expanded scope must be approved by Commission staff prior to contract award. All other contract award savings will be returned proportionally and made available for redistribution in subsequent programming cycles.

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, and will be made available for programming in subsequent programming cycles.

### **21B. 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.

### **22B. Project Tracking Database**

Caltrans is responsible for developing, upgrading, and maintaining an electronic database record of the adopted Local Partnership Competitive 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.

### **23B. Project Auditing**

The audit requirements are outlined in the Commission's SB 1 Accountability and Transparency Guidelines.

### **24B. 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.](#)

## **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](mailto: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**

- o 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.
- o Project background and a purpose and need statement.
- o 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.

## **Attachment 2 – Project Nominations - Competitive 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](mailto: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**

- o 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.
- o Project background and a purpose and need statement.
- o 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.
- Project priority (if the taxing authority is submitting multiple nominations).
- When proposing a segment of a corridor, the applicant should include a description of the transportation corridor and the function of the proposed project within the corridor and discuss why the project is being segmented. The project must demonstrate that the segment proposed for funding has independent utility and include a narrative of the plan to complete remaining improvements of the corridor. Address how each segment of the corridor project will be delivered and include an estimated time line for completing the overall project and each segment in the corridor. If proposing the last segment of the corridor, the nomination should discuss the benefits that have been achieved of all the other segments that have been completed and the benefits of completing the corridor. Conversely, the nomination should address the impacts of not completing the last segment. The analysis should be coordinated with other jurisdictions if the corridor crosses multiple jurisdictions.
- For projects on the state highway system, evidence must be provided of cooperation between the nominating agency and Caltrans.
- 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.
- For projects required to be in a Regional Transportation Plan, a confirmation, to the best of the nominating agency's knowledge, that the project(s) proposed for funding is not anticipated to be impacted by the implementation of the Safer Affordable Fuel-Efficient Vehicles Rule.
- If a delivery method other than design-bid-build is used for the project, identify the delivery method used. If the delivery method is unknown at the time of nomination, it should be reported as soon as it is known.
- Clearly identify the scope of work for each mode used. Describe the benefits (outputs/outcomes) that will be achieved for all project modes combined in the project nomination.
- Identify the scope, funding plan and schedule for each contract (each contract should have a Project Programming Request Form), including any contracts not requesting Local Partnership Competitive Program Funds, that are being used for the project. Explain the strategy for project delivery. If subsequent to program adoption, the project is divided into independent contracts, it should be reported as soon as possible. A project amendment will need to be approved by the Commission prior to allocation.

#### **D. Screening Criteria**

- The Project Programming Request form, Appendix I, must list all funding match sources (federal, state, local, and private).
- Include the required documentation for eligibility verification (as outlined in Section 5B).

- A description of environmental and community impacts as identified in the environmental document. This may be demonstrated with the final environmental document. A link to the final environmental document, or the draft environmental document, must be included for all project modes.

## **E. Evaluation Criteria**

- A quantitative and qualitative analysis of the proposed project compared to the no-build environment. Every criteria identified in Section 12B of the guidelines must be addressed. If a criterion is not addressed the project may not be funded in the Local Partnership Competitive Program.
- The required performance metrics in Appendix II must support the narrative of the criteria.
- Soundwalls – Include a noise barrier scope summary report that has been completed within the last 20 years.

## **F. 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.
- Uncommitted funds may only be from those programs identified in Section 14B. If uncommitted funding is proposed, the nomination must address the plan for securing a funding commitment, explain the risk of not securing that commitment, and its plan for securing an alternate source of funding.
- 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 that demonstrates the ability to absorb any cost overruns and deliver the proposed project with no additional funding from this program. For Caltrans implemented projects, Caltrans must demonstrate the plan to secure alternate source(s) to fund potential cost overruns.
- 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.

## **G. Community Impacts**

- A description of how local residents and community-based organizations were engaged in developing and supporting the project.
- A description of how the final project will address community-identified needs with a description and quantification of the benefits the project will provide for disadvantaged communities and low-income areas.

- A description of any negative impacts to a disadvantaged community and low-income community, in terms of displacement or other negative impacts, and any related mitigations.
- Include a map to identify whether or not the project is located in a disadvantaged community or low-income community using the [Disadvantage and Low-income Community Maps found here](#). A region-specific definition of a disadvantaged community may be used.
- Describe the feedback received during the stakeholder engagement process and describe how the public participation and planning process has improved the project's overall effectiveness at meeting the purpose of the program.
- Describe how stakeholders will continue to be engaged in the implementation of project.

#### **H. Other**

- The nomination should explain how the project will advance transportation, land use, and housing goals within the region as identified in the region's Regional Transportation Plan, Sustainable Communities Strategy (where applicable), Regional Housing Needs Allocation and local Housing Element Implementation<sup>2</sup>, as well as other local plans such as general plans and specific plans if applicable.

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<sup>2</sup>For more information on resources available from the California Department of Housing and Community Development for the development and implementation of Housing Elements please visit: [www.hcd.ca.gov](http://www.hcd.ca.gov)



## **Appendix I**

### **Project Programming Request**

Each nomination must include a Project Programming Request (PPR) form. The PPR must list federal, state, local, and private funding categories by project 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 PPR. The scope, benefits, schedule and funding plan of the PPR must be consistent with the information in the nomination. The template PPR 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 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 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 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 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.
- Modeled and observed data may be used. Modeled data used must be calibrated per federal standards.

<b>Measure</b>	<b>Metric</b>	<b><u>Build</u></b>	<b><u>Future No Build</u></b>	<b><u>Change</u></b>	<b><u>Methodology</u></b>	<b><u>Data/Assumptions</u></b>
<b>Congestion Reduction</b>	Project Area, Corridor, County, or Regionwide VMT per capita and total VMT					
	Person Hours of Travel Time Saved					
	Daily Vehicle Hours of Delay					
	Percent Change in Non-Single Occupancy Vehicle Travel*					
	Per Capita and Total Person Hours of Delay per Year*					
<b>Throughput</b>	Peak Period Person Throughout by Applicable Mode*					
	Passengers per Vehicle Service Hour*					
	Bicyclist/Pedestrian Screen Line Counts*					
<b>System Reliability</b>	Peak Period Travel Time Reliability Index					
	Transit Service On-Time Performance					
<b>Safety</b>	Number of Fatalities					
	Rate of Fatalities per 100 Million VMT					
	Number of Serious Injuries					
	Number of Serious Injuries per 100 Million VMT					
	Number of Non-Motorized Fatalities and Non-Motorized Serious Injuries					
	Number or Rate of Property Damage Only and Non-Serious Injury Collisions*					
	Accident Cost Savings*					

<b>Measure</b>	<b>Metric</b>	<b><u>Build</u></b>	<b><u>Future No Build</u></b>	<b><u>Change</u></b>	<b><u>Methodology</u></b>	<b><u>Data/Assumptions</u></b>
<b>Economic Development</b>	Jobs Created (Direct and Indirect)					
<b>Air Quality &amp; GHG</b>	Particulate Matter (PM 2.5 PM 10)					
	Carbon Dioxide (CO <sub>2</sub> )					
	Volatile Organic Compounds (VOC)					
	Sulphur Dioxides (SO <sub>x</sub> )					
	Carbon Monoxide (CO)					
	Nitrogen Oxides (NO <sub>x</sub> )					
<b>Cost Effectiveness</b>	Cost Benefit Ratio					
<b>Accessibility</b>	Number of Jobs Accessible by Mode					
	Access to Key Destinations by Mode					
	% of Population Defined as Low Income or Disadvantaged within ½ mile of rail station, ferry terminal, or high-frequency bus stop					
<b>System Preservation</b> <i>(Pavement/Bridge Rehabilitation only)</i>	Pavement Condition Index					
	Bridge Condition Rating for Bridge Deck, Superstructure, Substructure					
<b>Noise Level</b> <i>(Soundwalls only)</i> <i>(For reporting only)</i>	Number of Receptors					
	Properties Directly Benefited					
	Number of Decibels					

\*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:  
(Area within State Right of Way ÷ Total project area) x 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.