

**2018**  
**SOLUTIONS FOR**  
**CONGESTED CORRIDORS PROGRAM**  
**GUIDELINES**

**DRAFT**

October 6, 2017



**CALIFORNIA TRANSPORTATION COMMISSION**  
**2018 SOLUTIONS FOR CONGESTED CORRIDORS PROGRAM**  
**DRAFT GUIDELINES**

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## 1. Authority and Purpose

The Road Repair and Accountability Act of 2017, or Senate Bill (SB) 1 (Beall, Chapter 5, Statutes of 2017) created the Solutions for Congested Corridors Program (Congested Corridors Program) and continuously appropriates two hundred and fifty million dollars (\$250,000,000) annually to be allocated by the California Transportation Commission (Commission) to projects designed to achieve a balanced set of transportation, environmental, and community access improvements within highly congested travel corridors throughout the state.

These guidelines describe the policy, standards, criteria and procedures for the development, adoption and management of the Congested Corridors Program. These guidelines were developed in consultation with the California Air Resources Board, California Department of Transportation (Caltrans), Regional Transportation Planning Agencies, advocacy groups and other transportation stakeholders. The Commission may amend these guidelines after first giving notice of the proposed amendments. 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 in order to comply with the amended guidelines.

## 2. Program Objective

The primary objective of the Congested Corridors Program is to fund projects that make specific improvements and are part of a comprehensive corridor plan designed to reduce congestion in highly traveled corridors by providing more transportation choices while preserving the character of the local community and creating opportunities for neighborhood enhancement projects.

## 3. Schedule

The following schedule lists the major milestones for the development and adoption of the Congested Corridors Program:

Draft Guidelines presented to the Commission	October 18, 2017
Guidelines Hearing, North	October 18 2017
Workshop – Los Angeles	October 24, 2017
Guidelines submitted to the Joint Legislative Budget Committee and the Transportation policy committees in the Senate and Assembly	November 6, 2017
Guidelines Hearing, South	December 6, 2017
Adoption of the Guidelines	December 6, 2017
Applications due	February 16, 2018
Release staff recommendations	April 25, 2018
Program adoption	May 16, 2018

#### **4. Funding and Program Cycle**

Two hundred and fifty million dollars (\$250,000,000) will be available upon appropriation to the Congested Corridors Program annually. Any unused balance or savings generated will be added to the available funding in the following cycle. The Commission intends to program four years of funding in the initial program (2018 Program) beginning with fiscal year 2017-18 and ending with fiscal year 2020-21. Following the initial program, the Commission intends to program three years of funding in subsequent cycles (2020, 2022, etc.) by November 1 of each even-numbered year with two new years of programming capacity added to the program. The last year of the cycle will be carried to the following cycle.

#### **5. Congested Corridor Plans**

All projects nominated for the Congested Corridors Program must be in a multimodal corridor plan. For the initial program, the Commission will accept a broad range of existing corridor plans that are specific to a transportation corridor and written with a corridor planning intent. Acceptable corridor plans ideally incorporate all transportation modes that are presently used or have potential to move people and goods along that corridor. In addition, the plans should address safety, congestion, accessibility, economic development, land use, and air quality and greenhouse gas emissions.

Acceptable corridor plans include, but are not limited to the following:

- Corridor System Management Plans
- An Integrated Corridor Management plan or program
- A plan or program developed for a specific multimodal, multiagency transportation corridor
- An integrated analysis of mode specific plans along a corridor

In subsequent programs, beginning with the 2020 Program, all projects nominated for the Congested Corridors Program must be included in a Comprehensive Corridor Plan. The Comprehensive Corridor Plan shall address congestion through a process that provides for safe and effective integrated management and operation of the multimodal transportation system with a focus on balancing transportation, the environment and community considerations. The Commission intends to provide further guidance on the development of Comprehensive Corridor Plans after the 2018 Program is adopted.

#### **6. Matching Requirements**

Projects funded from the Congested Corridors Program will not be required to provide a match. While there is no minimum match requirement for this funding source, funding leverage is desirable and will be considered in the evaluation of projects as detailed in Section 14. Consideration will also be given to projects that leverage funding from private, federal, state, local or regional sources that are discretionary funds.

## **7. Funding Restrictions**

Congested Corridors Program funds will only fund the construction component of a project.

Congested Corridors Program funds shall not supplant other committed funds.

The Congested Corridors Program will not participate in cost increases to the project. Any cost increases should be funded from other fund sources. The implementing agency 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 between Caltrans and a local agency, the Commission expects the responsibility for payment of cost increases will be negotiated and agreed to through a funding agreement between both agencies.

## **8. Reimbursement**

The Congested Corridors Program is a reimbursement program for eligible costs incurred. 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.

## **9. Eligible Applicants**

A regional transportation planning agency or county transportation commission or authority responsible for preparing a regional transportation improvement plan under Section 14527 of the Government Code or Caltrans may nominate projects for funding.

The Commission encourages the regional agencies and Caltrans to work collaboratively to plan, program, implement, operate and manage transportation facilities as an integrated system with the objective of maximizing available resources and overall transportation system performance. In an effort to encourage collaboration, priority will be given to those projects that are jointly nominated by multiple eligible applicants.

For jointly nominated projects, the implementing agency assumes the responsibility and accountability for the project as well as the use and expenditure of program funds.

## **10. Eligible Projects**

Funding is available for projects that make specific improvements and are part of a comprehensive corridor plan designed to reduce congestion in highly traveled corridors by providing more transportation choices while preserving the character of the local community and creating opportunities for neighborhood enhancement projects.

These improvements may be on the state highway system, local streets and roads, public transit facilities, bicycle and pedestrian facilities or required mitigation or restoration or some combination thereof.

Projects eligible for funding under the program include, but are not limited to, the following:

- Addition of a high-occupancy vehicle lanes and managed lanes.
- New or existing transit infrastructure improvements including: adding roadway capacity for improved transit service, such as bus-only lanes or traffic signal priority; adding rail capacity or implementing other rail improvements or traffic signal priority for improved light rail service; operational and/or safety improvements that allow for faster transit speeds, more reliable service, or more frequent service; improvements at transit stations that allow for improved safety, operational efficiency, or additional capacity.
- New or existing rail infrastructure such as: construction of track siding to allow for trains to pass; adding railroad capacity by expanding the number of tracks serving the rail corridor; operational and/or safety improvements that allow for faster train speeds; improvements at rail stations that allow for improved safety, operational efficiency, or additional capacity.
- Transit hubs to increase linked trips or multimodal transportation modes.
- Transit hubs or stations and nearby roadways providing accessibility for first mile and last mile connectivity to public transit systems.
- Acquisition of buses, rail cars, locomotives, or other rolling stock.
- Operational improvements such as: interchange and ramp modifications, auxiliary lanes for merging or weaving between adjacent interchanges, passing lanes, curve corrections and alignment improvements, truck climbing lanes, signals and/or intersection improvements, two-way left-turn lanes, channelization, turnouts, railroad at-grade crossings improvements or separations, shoulder widening.
- Closing gaps in the street network including general purpose mainline lanes on local streets and roads
- Safety improvements such as: wet pavement corrections, curve corrections, shoulder widening, high friction treatment, left turn channelization, safety barriers, new guardrail, end treatments and crash cushions, rumble strips, lighting, glare screen, rock fall mitigation, over crossing pedestrian fencing, or bikeways and crosswalk safety enhancements.
- Direct mitigation or other regulatory requirements of a transportation project or facility funded under the Congested Corridors Program, including restoration or protection of critical habitat and open space.
- Projects that employ advanced and innovative technology, like Intelligent Transportation Systems.
- Projects that include supporting infrastructure for deployment of current and future technologies.
- Transportation Management Systems and Transportation Demand Management.
- Bicycle facilities such as dedicated bicycle lanes, separated bikeways, bicycle parking, and secure storage.
- Pedestrian facilities, including: sidewalks, walkways, paths, driveways, crosswalks, median islands, ramps, pedestrian bridges and tunnels.

Highway lane capacity-increasing projects funded by this program shall be limited to high-occupancy vehicle lanes, managed lanes, and other non-general purpose lanes designed to improve safety for all modes of travel.

Projects on railroad corridors that do not serve passenger rail are not eligible for funding.

## **11. Eligible Components**

The Commission will only program the construction component of a project in the Congested Corridors Program, except for those projects expected to be delivered using the design-build method, where a portion of the funds may be in design.

## **12. Screening Criteria**

Nominations will receive an initial screening by the Commission for completeness and eligibility before moving to the evaluation process. Incomplete or ineligible applications may not be evaluated.

Nominations will be screened for the following:

- Project is included in an adopted regional transportation plan and, if applicable, consistent with an approved Sustainable Communities Strategies determined by the State Air Resources Board to achieve the region's greenhouse gas emissions reduction targets.
- Project is included in a multimodal comprehensive corridor plan that has been prepared by either the county transportation commission, the regional transportation planning agency, or Caltrans.
- Project meets the objective of the Congested Corridors Program as specified in Section 2.
- Project demonstrates that negative environmental/community impacts will be avoided or mitigated.

An agency submitting multiple project applications must clearly prioritize its projects.

The nominating agency may propose to deliver the nominated project utilizing multiple contracts (i.e. roadwork, rail work, bike lanes). The project evaluation will be based on the benefits that will be achieved for the entire nominated project.

Where practical, scaling the projects into deliverable phases is encouraged. When a project is scaled and the agency is proposing improvement on a segment or a phase of a corridor, the nomination should address how all other segments or phases of the corridor will be delivered and include an estimated time line. The segment to be funded under this program must have independent utility.

The application must clearly identify ineligible elements of a project and certify (or confirm) that those ineligible elements will not be funded with Congested Corridors Program funds or be considered as match.

### **13. Project Rating Process**

All project nominations that meet the screening criteria will be selected through a competitive process using a primary evaluation criteria, a secondary evaluation criteria and deliverability criteria as indicated in Section 14. Each nomination will be evaluated for compliance with the objective of the program. Each evaluation criteria will be scored with a “High”, “Medium”, or “Low”.

The Commission may group projects for the purposes of comparing the ratings of like applications or for purposes of comparing similar projects within similar regions. The highest ranking applications will be selected for funding.

The Commission intends to fund transformative projects that bring significant change to a community.

### **14. Evaluation Criteria**

#### **14.1 Primary Evaluation Criteria**

The primary evaluation criteria will be based on how well a project meets the primary objective of the program of addressing congestion by making specific improvements and is part of a comprehensive corridor plan designed to reduce congestion in highly traveled corridors by providing more transportation choices while preserving the character of the local community and creating opportunities for neighborhood enhancement projects.

A project nomination shall include documentation regarding the quantitative and qualitative measures validating the project’s consistency with identified policy objectives. Listed are the metrics to include in the application to help answer the criteria questions.

- A. The project shall identify the extent of congestion in the corridor. What is the current state? How extensive is the problem (include a description of congestion on all modes)? What are the community and environmental impacts? How much worse will the problem get under the no-build environment?
  - Existing vehicle hours of delay
  - Existing person hours of delay
  - Existing person throughput by mode
  - Travel time reliability
- B. How well will the proposed project address the problem? Does the project incorporate multiple modes? How is the solution balancing transportation, environment and community? Why is this solution the most effective improvement in the corridor? What improvements to other modes were considered and why were they not chosen? For highway and local road projects, the impact of induced demand should be considered and discussed.



- Changes in vehicle hours of delay
- Changes in person hours of delay
- Changes in person throughput by mode
- Changes in mode choices
- Changes in travel time reliability
- Dedicated rights of way for bike and transit
- Changes in vehicles miles traveled

#### 14.2 Secondary Evaluation Criteria

Projects will also be evaluated based on the following co-benefits criteria:

A project nomination shall include documentation regarding the quantitative and qualitative measures validating the projects consistency with identified co-benefits of the proposed project.

- Safety – What are the actual reported property, injury, and fatality collisions for the last 3 full years? How does the proposed project increase safety for motorized and non-motorized users?
  - Number of property, injury and fatal collisions expected to be avoided due to project implementation
  - Property, injury and fatal collisions per 100 million vehicle miles traveled expected to be avoided due to project implementation
  - Elements that support the enhancement of public safety and security such as secured bike parking, lighting for transit projects, other crime prevention and safety measures
- Accessibility– How will the proposed project improve accessibility for people that travel the corridor or need to travel through the corridor?
  - Access to multimodal choices
  - Closing gaps in transit and active transportation
  - Connecting to jobs, major destinations and residential areas
  - Reliability of the system
  - First/last mile
  - Complete streets
  - Creation of networks of non-vehicle facilities that connects residential, recreational and employment
- Economic development and job creation and retention – How does the proposed project support economic development and access to employment? How does the proposed project improve regional competitiveness?
  - Cumulative job access for all modes
  - Change in cumulative job access for communities (disadvantaged populations)

- Improves freight throughput
- Air Quality & Greenhouse Gases – How will the proposed project reduce greenhouse gas emissions and criteria pollutants, and advance the State’s air quality and climate goals?
  - Potential for reducing greenhouse gas emissions and improve air quality by reducing airborne particulate matter; ground level ozone, toxic air contaminants, and other pollutants in the corridor as well as the localized area most impacted by the project
- Efficient land use – How does the proposed project support transportation-efficient land use principles?
  - Supports mixed-use development with multimodal choices
  - Supports in-fill development
  - Supports interconnected streets and corridor access management policies
  - Addresses climate adaptation

### 14.3 Deliverability Criteria

Projects will also be evaluated based on the following deliverability criteria:

- Matching Funds –The projects will be evaluated based on the amount of matching funds and the source of funds. Emphasis will be placed on projects that leverage funding from private, federal, state, local or regional sources that are discretionary funds to the nominating agency.

Matching funds will only be considered in the construction component and limited to those funds not allocated by the Commission on a project basis.

The matching funds must be expended concurrently and proportionally to the Congested Corridors Program funds. Costs incurred prior to allocation will not be counted towards the match. The implementing agency must provide a project funding plan through construction that demonstrates the supplemental funding in the plan (local, federal, state, private sources) is reasonably expected to be available and sufficient to complete the project.

- Deliverability – Emphasis is placed on early delivery, therefore, projects with an early start construction date will be given higher priority.
- Collaboration –Jointly nominated and jointly funded projects are encouraged. For projects that cross jurisdictions, regions may pool their resources to jointly nominate and fund a project. Similarly, agencies may pool their resources to jointly nominate and fund projects with Caltrans.

- Cost Effectiveness – Consideration will be given to those 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.

## 15. Project Nominations

Project nominations and supporting documentation must be submitted to the Commission by February 16, 2018. Nominations will be treated in accordance with California Public Records Act requirements and information, subject to those requirements, may be publicly disclosed.

Nominations from regional agencies will include the signature of the Chief Executive Officer or other authorized officer of the agency. Nominations from Caltrans will include the signature of the Director of Transportation or a person authorized by the Director to submit the nomination. Jointly nominated projects shall have the duly authorized signature of both agencies. Where a project is to be implemented by an agency other than the nominating agency, the nomination will also include the signature of the Chief Executive Officer or other authorized officer of the implementing agency.

The Commission will post basic project application information on its website prior to adopting the final program of projects. After projects are selected for programming, the Commission will post the status of all project applications to its website.

Each project application submittal must include two copies of the application package and one electronic copy. All application materials should be bound, addressed and delivered to:

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

Caltrans is working to develop an online application for this program. This online application may not be completed in time for use in the initial application cycle. The Commission will notify potential applicants through its website and through the RTPA Group when the online application is available.

Each project application should be limited to 25 pages (excluding the Project Programming Request form) and must include:

- A. A cover letter, with signature authorizing and approving the application. 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 application
- B. An explanation of the project and its proposed benefits, including the following:
  - Project title, which should be a brief non-technical description of the project type, scope, and location.

- A description and a link to the corridor plan the project is part of.
- Project priority (if agency is submitting multiple applications).
- Project background and a purpose and need statement.
- A concise description of the project scope and anticipated benefits (outcomes and outputs) proposed for funding.
- Projects are to be designed to achieve a balanced set of improvements within highly congested travel corridors. Improvements must include transportation, environmental, and community access considerations. A description on how the project furthers the objectives of the Congested Corridors Program must be included that addresses all of the following:
  - Providing more transportation choices for residents, commuters and visitors.
  - Advancing the State's air quality and climate goals.
  - Preserving the character of the local community.
  - Creating opportunities for neighborhood enhancement projects.
  - Advancing program co-benefits of safety, economy and efficient land use.
- A map (or maps) of the project location.
- 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. If uncommitted funding is identified, the requirements as outlined in Section 17 must be included. 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.
- When proposing funding for a project that will be delivered in multiple contracts, include the cost estimate for the whole project, as well as for each of the proposed contracts as indicated above.
- When proposing a segment or a phase of a corridor, the applicant must demonstrate the segment has independent utility and include a narrative of the plan to complete the improvements of the entire corridor. The analysis should be coordinated with other jurisdictions if the corridor crosses multiple jurisdictions.
- 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, community involvement, and funding commitments.

- 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.
  - A description of the projected quantitative and qualitative measures of the proposed improvements as described in the Evaluation Criteria in Section 14.
  - A quantitative and qualitative analysis of the proposed project compared to the no-build environment.
  - A description and quantification of community impacts, such as noise, localized congestion, safety, public health, etc.
  - A description of how local residents and community-based organizations were engaged in developing and supporting the project.
  - A description of how the project furthers the goals, performance measures, and targets of the region's Regional Transportation Plan, corridor plan and, if applicable, the sustainable communities strategy.
  - A description of the corridor plan or other coordinated management strategies being implemented by the nominator and other jurisdictions within the corridor to preserve corridor mobility.
- C. Documentation supporting the benefits and cost estimates cited in the application should cite or excerpt, as appropriate, the project study report, environmental document, 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 while at the same time preserving the character of the community.
- Each applicant should provide documentation that the expected benefits of the proposed project justify its costs, recognizing that some costs and benefits can be difficult to quantify. Each application should include analysis utilizing Caltrans' Life-Cycle Benefit-Cost Analysis Model 6.0. This model can be found at: [http://www.dot.ca.gov/hq/tpp/offices/eab/LCBC\\_Analysis\\_Model.html](http://www.dot.ca.gov/hq/tpp/offices/eab/LCBC_Analysis_Model.html). If another model is more applicable the application should describe why and provide the analysis based on the alternate model.
  - Where investment is proposed to improve private infrastructure, this documentation should include an assessment of public and private benefits to show that the share of public benefit is commensurate with the share of public funding. The investment of public funding must be tied to public benefits as demonstrated through a public/private benefit cost analysis. The benefit cost analysis should take into account who owns the asset once the project is completed.
  - A description and quantification of the local and corridor effects of the project on diesel particulate (PM 10 and PM 2.5), nitrogen oxides, greenhouse gases and other pollutant emissions using the Caltrans' Life-Cycle Benefit-Cost Analysis Model 6.0. (Cal B/C), the SB 1 Intermodal Tool, or the SB 1 Other Projects Tool. Report emissions saved in both tons and dollars. The SB 1 Intermodal Tool and the SB 1 Other Projects

Tools are currently under development. These tools will be provided by December 15, 2017, by Caltrans at: [http://www.dot.ca.gov/hq/tpp/offices/eab/LCBC\\_Analysis\\_Model.html](http://www.dot.ca.gov/hq/tpp/offices/eab/LCBC_Analysis_Model.html). If another model is more applicable the application should describe why and provide the analysis based on the alternate model along with the above.

- D. Documentation for rail investments should acknowledge and describe how the private railroads, regional agencies and appropriate state agencies will come to agreement on public and private investment levels and resulting benefits.
- E. Each application 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.

An excel template of this form may be found at <http://www.dot.ca.gov/hq/transprog/ocip.htm>. Caltrans is working to develop a web-based PPR form and expects to make this available by November 1, 2017. The Commission will notify potential applicants through its website and through the RTPA Group when the web-based form is available.

## 16. Programming

The Congested Corridors Program will be developed consistent with the annual amount of funds available for the Program. There are no regional guarantees, minimums or targets for this program. All nominated projects will be evaluated based on the evaluation criteria as specified in Section 14. The Commission will not program more than one-half of the funds available each year to projects nominated exclusively by Caltrans.

## 17. Committed/Uncommitted Funds

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

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

Uncommitted funds may only be from the following competitive programs: Active Transportation Program, Trade Corridor Enhancement Program, Local Partnership Program or the Transit and Intercity Rail Capital Program. The agency 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, all funding commitments must be secured prior to July 1 of the year in which the project is programmed.

Projects programmed by the Commission in the Congested Corridors Program will not be given priority in other programs under the Commission's purview

## **18. Project Amendments**

Project amendments will be considered for the Congested Corridors 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 and the request must be included as part of the allocation request package. In the case where scope changes are significant and the project benefits are less, the Commission may delete the project from the program through a formal amendment.
- Cost Changes – The Congested Corridors Program will not participate in cost increases to the project. Any cost increases should 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.
- Schedule changes – Schedule changes to a project will not be considered unless a time extension was approved as specified in Section 19. For projects programmed in the last year of the Congested Corridors Program, the agency may request to reprogram the project only once with a justification. 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.

Project amendments requested by implementing agencies shall receive the approval of all partner and funding entities before presenting the request to the Commission. 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.

Caltrans shall coordinate all amendment requests and utilize the Project Programming Request to help document the change. Implementing agencies must notify Caltrans in writing of proposed project amendments. This notification must include an explanation of the proposed change, the reason for the proposed change, the impact the proposed change would have to the project, and 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.

## **19. Allocations**

When an agency is ready to implement a project or project component, the 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 request with a recommendation from Caltrans. The recommendation will include a determination of project readiness, the availability of appropriated funding, and the availability of all identified and committed supplementary funding. 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 (PS&E) 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 (NEPA).

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 Congested Corridors Program. If there is a cost increase to the project, the implementing agency must submit an updated PPR 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 Congested Corridors Program.

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

## **20. Letter of No Prejudice**

The Commission will consider approval of a Letter of No Prejudice (LONP) to advance a project programmed in the Congested Corridors Program. Approval of the LONP will allow the agency to begin work and incur eligible expenses prior to allocation. The Amended LONP Guidelines were adopted in October 2017 and are available on the Commission's website.

## **21. Timely Use of Funds**

Congested Corridors 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 Congested Corridors Program.

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.

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 responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance.

## **22. Delivery Deadline Extensions**

The Commission may extend a deadline for allocation or 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.

## **23. 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. Savings at contract award of 10% or less may remain committed to the project to fund future cost increases (in proportion to other funds). 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 and made available for redistribution in subsequent programming cycles.

## **24. Project Reporting**

SB 1 places responsibility on the Commission to track the performance and report to the public how well funding recipients are delivering projects receiving Trade Corridor Enhancement Program funds. Additional reporting requirements will be outlined in the Commission's upcoming Accountability and Transparency Guidelines.

Caltrans, in cooperation with the implementing agencies, will report to the Commission on a semi-annual basis. The reports will include information on the activities and progress made toward implementation of the project, including those project activities taking place prior to an allocation and the commitment status of supplemental funding identified at the time of programming. The reports will at a minimum include:

- A summary describing the overall progress of the project since the programming adoption.
- Expenditures to date for all project phase costs.
- A summary of milestones achieved during the prior year and milestones expected to be reached in the coming year.
- Identify any changes to the scope, cost, or schedule of the project

A final delivery report will be required. The purpose of the report is to ensure that the project achieves the objectives of the program, is executed in a timely fashion, and is within the scope and budget identified when the decision was made to fund the project.

Within one year of the project becoming operable, the implementing agency must provide the following information to Caltrans to be included in a final delivery report to the Commission which includes:

- The scope of the completed project as compared to the programmed project.
- Before and after photos documenting the project.
- The final costs, by component and fund type, as compared to the approved project budget at allocation and baseline agreement, if applicable
- Project duration as compared to the project schedule in the project application.
- Project deliverables (outputs) and outcomes derived from the project as compared to those described in the project application. This should include an explanation of the methodology used to quantify and qualify the benefits.
- For the purpose of this section, a project becomes operable when the construction contract is accepted.

## **25. Project Tracking Database**

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

## **26. Project Auditing**

Caltrans must audit, in accordance with Generally Accepted Government Auditing Standards, a representative sample of the projects. The scope of these audits will be performed to determine whether:

- A. Project costs incurred and reimbursed are in compliance with the Commission's Congested Corridor Program Guidelines, the Commission's SB 1 Accountability Guidelines, contract provisions and state and federal laws and regulations;
- B. Project deliverables (outputs) and outcomes are consistent with the project scope, schedule, and benefits described in the project nomination used to program the project.

A report on the projects audited, their findings and status of any corrective action must be submitted to the Commission by October 1 of each year.

## **27. Project Signage**

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.