

2020

SOLUTIONS FOR

CONGESTED CORRIDORS PROGRAM

DISCUSSION DRAFT GUIDELINES

California Transportation Commission



CALIFORNIA TRANSPORTATION COMMISSION
2020 SOLUTIONS FOR CONGESTED CORRIDORS PROGRAM
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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 designed to reduce congestion in highly traveled and highly congested corridors through performance improvements that balance transportation improvements, community impacts, and that provide environmental benefits.

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 9, 2019 |
| Guidelines Hearing, North | October 9 19 |
| Workshop – Sacramento | October, 2019 |
| Guidelines submitted to the Joint Legislative Budget Committee and the Transportation policy committees in the Senate and Assembly | November4, 2019 |
| Guidelines Hearing, South | December 4, 2019 |
| Adoption of the Guidelines Call for Projects | December 4, 2019 |
| Applications due | March 30, 2020 |
| Release staff recommendations | July 15, 2020 |
| Program adoption | August 15, 2020 |

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 two years of funding in the 2020 Program (\$500,000,000) in fiscal years 2021-22 and 2022-23. The last year of programming in the 2018 Program (fiscal year 2020-21) will be carried to the 2020 Program.

5. Congested Corridor Plans

All projects nominated for the Congested Corridors Program must be in a multimodal corridor plan. For the 2020 Program, the Commission will accept the following types of plans:

Existing Plan – Agencies may use an existing multimodal plan that is consistent with the intent of these guidelines, was prepared with a public input process, and utilizes the most recent planning assumptions available as determined by the agency.

Plan Update – Agencies may update an existing multimodal plan that is consistent with the intent of these guidelines. A plan update is expected to include a public input process and utilize the most recent planning assumptions available.

Hybrid Plan – Agencies may conduct an integrated analysis of existing plans within a corridor (such as mode specific plans along a corridor). This effort must be consistent with the intent of these guidelines. A hybrid plan is expected to utilize the most recent planning assumptions available, and demonstrate that the integrated plans, proposed projects, and modal components proposed in the hybrid plan included a public input process.

New Plan – Agencies may use a completely new plan that has been prepared consistent with the intent of these guidelines. For plans well underway prior to the issuance of these guidelines, this effort must be generally consistent with the direction of these guidelines.

In subsequent programs, beginning with the 2022 Program, all projects nominated for the Congested Corridors Program must be included in a comprehensive multimodal corridor plan. The comprehensive multimodal corridor plan shall be prepared consistent with the approved Comprehensive Multimodal Corridor Plan Guidelines.

6. Matching Requirements

Projects funded from the Congested Corridors Program will not require a match. While there is no match requirement for this funding source, funding leverage is desirable and will be considered in the evaluation of projects as detailed in Section 16.3.

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. Projects will be considered for funding only if at time of adoption, the projects have completed the environmental process in accordance with California Environmental Quality Act and the National Environmental Policy Act, if the project is federalized. Caltrans implemented projects will require an approved Project Report.

No single award will exceed \$100 million. It is the Commission's intent to fund one project each fiscal year in a jurisdiction with a population of 250,000 or less, not to exceed 15% of the funding available per fiscal year.

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 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 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.

The Congested Corridors Program will only fund projects, or segments of projects that are fully funded, have independent utility, and will be ready to start construction by December 31, 2023.

8. Reimbursement

The Congested Corridors Program is a reimbursement program for eligible costs incurred. An agency may begin incurring eligible costs upon allocation, however, reimbursement may be dependent upon entering into a subsequent agreement with Caltrans. Costs incurred prior to Commission allocation approval 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 or agencies assume the responsibility and accountability for the project as well as the use and expenditure of program funds.

The Commission expects collaboration and cooperation between the applicable regional transportation agency and Caltrans for all projects in the state highway system.

10. Eligible Projects

Funding is available for projects that make specific improvements designed to reduce congestion in highly traveled and highly congested corridors through performance improvements that balance transportation improvements, community impacts, and that provide environmental benefits.

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 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; traffic signal priority for improved bus or light rail service; adding rail capacity or implementing other rail improvements; 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.
- Adding new or improving 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, including zero-emission buses.
- 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.

Projects that propose to construct a toll transportation facility and are successful in the Congested Corridors Program must request approval from the Commission in accordance with the Commission's Toll Facility Application Guidelines immediately after the project is programmed.

General purpose lanes are not eligible for funding in the Solutions for Congested Corridors Program. 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. Nominations that include general purpose lanes as project component will be determined ineligible for this program.

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

11. Delivery Methods

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 delivery method, where a portion of the funds can be used for design. A design-build project will be programmed and allocated in the same manner as projects utilizing design-bid-build delivery, although flexibility in schedule, scope and cost may be requested and approved consistent with allocation and programming capacity and timely use of funds rules.

Construction Management/General Contractor (CMGC) delivery method is programmed and allocated in the same manner as design-bid-build.

All nominations must identify the delivery method for the project or segments of a projects proposed for funding.

12. 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 why the project is being segmented. The nomination should address how all other segments of the corridor project will be delivered and include an estimated time line of completing the remaining segments in the corridor.

The evaluation of the project will only be based on the segment proposed for funding. Therefore, the nomination should: clearly identify only 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.

Priority will be given to the final segment of a corridor as defined in the Corridor plan.

13. Multimodal Projects / Components / Elements

Project nominations that includes multiple modes to be delivered in separate contracts (i.e. roadwork, rail work, bile lanes) will be called project components. Each of the project components must clearly identify the scope and the benefits (outputs/outcomes) each project component will achieve. If a project component does not show a clear connection or a benefit to the corridor that is being addressed, as demonstrated in a corridor plan, the Commission may choose not to fund that individual project component.

If the scope of a project component includes multiple elements to be delivered in separate contracts to achieve the benefits as proposed (i.e. for a rail project component it could include tracks, vehicle purchases, station improvements), the scope, funding plan and schedule for each of the contracts must be included in the nomination, regardless if only seeking funding for one of the elements.

14. 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 meets the primary objective of the Congested Corridors Program as specified in Section 2.
- Project is included in an adopted regional transportation plan and, if within the boundaries of a Metropolitan Planning Organization, 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 as specified in Section 5.
- Project demonstrates that negative environmental/community impacts will be avoided or mitigated.

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

15. 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 16.

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 highest-ranking applications will be selected for funding.

16. 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 the relative data of the performance metrics.

16.1 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 designed to reduce congestion in highly traveled and highly congested corridors through performance improvements that balance transportation improvements, community impacts, and that provide environmental benefits.

- The project shall identify the extent of congestion in the corridor. Identify if the congestion impacts all modes. The nomination should address current community and environmental impacts with existing condition. The nomination should discuss how much worse will the problem get under the no-build environment. Identify if other improvements have been done in the corridor and impacts for not completing the corridor. Other issues the corridor faces.
- Discuss the proposed solution in the corridor? How will the proposed improvements relieve congestion? Does the project incorporate multiple modes? How is the

solution balancing transportation, environment and community? Why is this solution the most beneficial improvement in the corridor? What improvements to other modes were considered and why were they not chosen? For highway and local road projects, will the project induce demand?

16.2 Secondary Evaluation Criteria

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

- Safety – This section should address safety issues and concerns in the corridor, including actual reported property, injury, and fatality collisions for the last 3 full years. Demonstrate how does the proposed project increase safety for motorized and non-motorized users. Other safety measures that the project will address.
- Accessibility– This section should address current accessibility issues and concerns in the corridor and how will the proposed project improve accessibility for people that travel the corridor or need to travel through the corridor. Demonstrate how the proposed project will provide access to multimodal choices? Will the project close the gap in transit and active transportation? How will the project connect to jobs, major destinations and residential areas? Other accessibility measures the project will address
- Economic development and job creation and retention– This section should address how the proposed project will support economic development and access to employment. Does the proposed project improve regional competitiveness? Other economic impacts the project will have.
- Air Quality & Greenhouse Gases – This section should address how will the proposed project reduce greenhouse gas emissions and criteria pollutants and advance the State’s air quality and climate goals. What other environmental benefits will the project provide?
- Efficient land use – This section should address how will the proposed project support transportation-efficient land use principles. How does the project support mixed-use and in-fill development with multimodal choices?

16.3 Deliverability Criteria

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

- Matching Funds –The project 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. Other than State Transportation Improvement Program funds, matching funds will be limited to those funds not allocated by the Commission on a project basis.

In each contract, the matching funds must be expended concurrently and proportionally to the Congested Corridors 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. Adjustments will be made at project closeout to ensure matching funds were spent proportionally to the Congested Corridors Program funds.

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 – Priority will be given to projects that have completed the design and rights of way components of the project, unless the project is being delivered using Design-Build method. If using this method, the start of construction will be the basis for the evaluation.
- 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, regional agencies may pool their resources to jointly nominate and fund projects with Caltrans.

For projects in the state highway system, evidence must be provided of cooperation between the applicable regional transportation agency and 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.

17. Project Nominations

Project nominations and supporting documentation must be submitted to the Commission by **March 30, 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 three (3) hard copies of the application package and one (1) electronic copy. Electronic copies should be sent via e-mail to SCCP@catc.ca.gov.

Additionally, each applicant is required to post a digital copy of its entire application package on its public-facing website as a PDF file. The Commission, being subject to the latest state and federal web accessibility laws, will share links to these application packages on its website. As it is the Commission's policy moving forward to retain documents on its website for three years, each applicant will be required to keep its packet posted online for at least three years. If, due to website maintenance, the packet's URL changes during that period, the applicant will notify the Commission, so staff can update the link accordingly.

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

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

A. Cover Letter

The cover letter must be from the nominee or co-nominees. 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 signatures of both agencies. Where a project is to be implemented by an agency or multiple agencies other than the nominating agency, the nomination will also 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 application.

B. General Information

- Project title, with a brief non-technical description of the project, total project cost and requested amount.
- Project background and a purpose and need statement.
- A concise description of the type of project, scope and anticipated benefits (outcomes and outputs) proposed for funding.
- A map (or maps) of the project location.
- Project priority (if agency is submitting multiple applications).

- When proposing a segment of a corridor, the applicant should discuss the total corridor and why the project is being segmented. The project 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 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

C. Screening Criteria

- A description of how the project furthers the goals, performance measures, and targets of the region's Regional Transportation Plan, and, if applicable, the sustainable communities strategy. A link to the approved Regional Transportation Plan / SCS must be included.
- A description of the corridor plan that the project is part of and a link to the corridor plan. See section 5 for acceptable corridor plans.
- 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 must be included.

D. Evaluation Criteria

A quantitative and qualitative analysis of the proposed project compared to the no-build environment.

Each of the following questions must be answered. The required performance metrics on Appendix XX must be included.

Congested Corridor

- D-1a.** What is the current state of congestion?
- D-1b.** How extensive is the problem (include a description of congestion on all modes)?
- D-1c.** What are the community and environmental impacts of the current situation?
- D-1d.** How much worse will the problem get under the no-build environment?

Proposed Solution

- D-2a.** How well will the proposed project address the problem?
- D-2b.** Does the project incorporate multiple modes?
- D-2c.** How is the solution balancing transportation, environment and community?
- D-2d.** How is the solution balancing transportation, environment and community?
- D-2e.** Why is this solution the most beneficial improvement in the corridor?
- D-2f.** What improvements to other modes were considered and why were they not chosen?

Safety

- D-3a.** What are the actual reported property, injury, and fatality collisions for the last 3 full years?
- D-3b.** How does the proposed project increase safety for motorized and non-motorized users?
- D-3c.** Other safety measures that the project will address

Accessibility

- D-4a.** How will the proposed project improve accessibility for people that travel the corridor or need to travel through the corridor?
- D-4b.** Will the project provide access to multimodal choices?
- D-4c.** Will the project close the gap in transit and active transportation?
- D-4d.** How will the project connect to jobs, major destinations and residential areas?

Economic Development and Job Creation and Retention

- D-5a.** How does the proposed project support economic development and access to employment?
- D-5b.** How does the proposed project improve regional competitiveness?

Air Quality and Greenhouse Gases

- D-6a.** How will the proposed project reduce greenhouse gas emissions and criteria pollutants, and advance the State's air quality and climate goals?
- D-6b.** What other environmental benefits will the project provide?
- D-6c.** 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.

Efficient Land Use

- D-7a.** How does the proposed project support transportation-efficient land use principles?
- D-7b.** How does the project support mixed-use and in-fill development with multimodal choices?

Matching Funds

- D-8.** Include a project cost estimate with 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 funds from the Trade Corridor Enhancement Program and Local Partnership 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. 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. The information should be consistent with the Project Programming Request Form.

Deliverability

D-9. Include the project method and delivery schedule for each of the project components/elements if the project is being delivered using separate contracts. 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.

Collaboration

D-10. 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, regional agencies may pool their resources to jointly nominate and fund projects with Caltrans.

For projects in the state highway system, evidence must be provided of cooperation between the applicable regional transportation agency and Caltrans. The XX form included in Appendix must be completed.

Cost Effectiveness

D-11. 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. If another model is more applicable the application should describe why and provide the analysis based on the alternate model.

E. 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 along the corridor with a description and quantification of the benefits the project will provide for disadvantaged communities and low-income areas. Additionally, a description of any costs that may be incurred by 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 at: <https://www.arb.ca.gov/cc/capandtrade/auctionproceeds/communityinvestments.htm>

A region-specific definition of a disadvantaged community may be used.

F. Other.

- 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.
- 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.

G. Project Programming Request

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. If the proposed project includes multiple components/elements to be delivered under separate contracts, each component/element should have its own PPR. The scope, benefits, schedule and funding plan of the PPR should be consistent with the information in the application.

18. 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 16. The Commission will not program more than one-half of the funds available each year to projects nominated exclusively by Caltrans.

19. 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: Trade Corridor Enhancement Program and Local Partnership 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.

20. Project Amendments

Project amendments will be considered for the Congested Corridors Program as follows:

- 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 23. For projects programmed in the last year of the Congested Corridors Program, the agency may request by March 30, 2019 to reprogram the project only once with a justification. 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 PPR. 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.
- 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.

21. 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.

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

22. 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.

23. 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.

24. 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.

25. 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 and made available for programming in subsequent programming cycles.

26. 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 Congested Corridors Program funds. The reporting requirements as outlined in the Commission's Accountability and Transparency Guidelines will be required for all projects programmed in the Congested Corridor Program.

27. 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.

28. Project Auditing

The audit requirements as outlined in the Commission's Accountability and Transparency Guidelines will be required for all projects programmed in the Congested Corridor Program.

29. 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 and/or state law, and Caltrans' manual and guidelines, including but not limited to the provisions of the California Manual on Uniform Traffic Control Devices.