

2016 TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM GUIDELINES

**Discussion Draft
October 30, 2015**

TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM

Contents

1	Authority and purpose.....	2
2	Background	2
3	Objectives.....	2
4	Funding	3
5	Schedule.....	3
6	Eligible Applicants	4
7	Eligible Projects	4
8	Project applications.....	6
9	Project Evaluation	8
9.1	Primary Evaluation Criteria	8
9.2	Secondary Evaluation Criteria	8
9.3	Benefit to disadvantaged communities	9
10	Project Selection Process	10
11	Programming	11
12	Allocations and Project Delivery	12
12.1	Letter of No Prejudice	14
12.2	Project Delivery Deadline Extensions	14
13	Project Reporting	15
14	Project Administration	16
	Attachment 1: Investments to Benefit Disadvantaged Communities	17
	Low Carbon Transportation	17
	Transit Projects	18
	Attachment 2: Quantification Methodology	20

1 Authority and purpose

The Transit and Intercity Rail Capital Program was created by Senate Bill 862 (Chapter 36, Statutes of 2014) and modified by Senate Bill 9 (Chapter 710, Statutes of 2015) to provide grants from the Greenhouse Gas Reduction Fund to fund transformative capital improvements and operational investments that will modernize California's transit systems and intercity, commuter, and urban rail systems, and bus and ferry transit systems to significantly reduce emissions of greenhouse gases, by reducing vehicle miles traveled throughout California, and congestion.

These guidelines describe the policy, standards, criteria, and procedures for the development, adoption and management of the Transit and Intercity Rail Capital Program. The guidelines were developed in consultation with the Air Resources Board, the California Transportation Commission (Commission), the Department of Finance, the Department of Transportation (Caltrans), and the Strategic Growth Council, and informed by input received both in writing and through in-person workshops in the fall of 2015, as well as at public workshops in Sacramento and Pasadena in November 2015 attended by regional planning agencies, transit and intercity rail agencies, and advocacy organizations.

2 Background

The Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32, Nunez, Chapter 488) created a comprehensive program to reduce greenhouse gas emissions in California. AB 32 requires California to reduce greenhouse gas emissions to 1990 levels by 2020, and to maintain and continue reductions beyond 2020. In March 2012, Governor Brown signed Executive Order B-16-12 affirming a long-range climate goal for California to reduce greenhouse gas emissions from the transportation sector to 80 percent below 1990 levels by 2050. Additionally, in April 2015, Governor Brown signed Executive Order B-30-15 setting a mid-range climate goal for California to reduce greenhouse gases to 40 percent below 1990 levels by 2030.

The Cap-and-Trade Program is a key element in California's Scoping Plan, which implements AB 32. It creates a limit on the emissions from sources responsible for 85 percent of California's greenhouse gas emissions, establishes the price signal needed to drive long-term investment in cleaner fuels and more efficient use of energy, and gives covered entities flexibility to implement the lowest-cost options to reduce greenhouse gas emissions.

In 2012, the Legislature passed and Governor Brown signed into law three bills, AB 1532 (Pérez, Chapter 807, Statutes of 2012), Senate Bill (SB) 535 (De León, Chapter 830, Statutes of 2012), and SB 1018 (Budget and Fiscal Review Committee, Chapter 39, Statutes of 2012), that established the Greenhouse Gas Reduction Fund to receive the State's portions of proceeds from the distribution of allowances via auction and provided the framework for how those auction proceeds will be appropriated and expended. These statutes require that expenditures from the Greenhouse Gas Reduction Fund be used to facilitate the achievement of greenhouse gas emission reductions and further the purposes of AB 32. In addition, expenditures must comply with the requirements contained in SB 862 and SB 9.

3 Objectives

The goals of the Transit and Intercity Rail Capital Program are to provide monies to fund transformative capital improvements and operational investments that will reduce greenhouse gas emissions, modernize California's intercity rail, bus, ferry, and rail transit systems to achieve all of the following objectives:

1. Reduce greenhouse gas emissions;
2. Expand and improve rail transit service to increase ridership;
3. Integrate the rail service of the state's various rail operations, including integration with the high-speed rail system; and
4. Improve transit safety.

Additionally, SB 862 establishes a programmatic goal to provide at least 25 percent of available funding to projects that provide a direct, meaningful, and assured benefit to disadvantaged communities, consistent with the objectives of SB 535, and address a community need.

4 Funding

The Transit and Intercity Rail Capital Program will receive allocated \$25 million of 2014-15 funds, as well as 10 percent of the Cap-and-Trade auction proceeds deposited in the Greenhouse Gas Reduction Fund commencing with the August 2015 auction.

It is the intent of the California State Transportation Agency (CalSTA) to adopt an initial a multi-year program of projects covering a minimum of two years of estimated funding 2016-17 and 2017-18. Estimates for the funding available in 2015-16 will be based on forecasts developed for the Governor's Proposed 2015-16 2016-17 Budget released on or before January 10, 2016, and . The funding level may be refined based on the results of subsequent auctions. Any uncommitted funds from 2014-15 and 2015-16, such as unprogrammed funds or revenue greater than forecast, will be incorporated into the funds available for programming in this cycle.

Pursuant to SB 9, no later than July 1, 2018, CalSTA will approve an initial five-year program of projects with the first year being 2018-19.

Funds appropriated in 2014-15 (\$25 million) must be allocated by the Commission no later than June 30, 2016, and expended (liquidated) by June 30, 2020.

5 Schedule

Distribute discussion draft guidelines	Oct. 30, 2015
Informal workshop, Northern California	Nov. 16, 2015
Informal workshop, Southern California	Nov. 20, 2015
Post and send to Legislature	Dec. 18, 2015
Workshop, Southern California	Jan. 19, 2016
Workshop, Northern California	Jan. 20, 2016
Present draft guidelines to California Transportation Commission	Jan. 21, 2016
Agency publishes final program guidelines	Feb. 4, 2016
Call for projects	Feb. 5, 2016
<u>Optional meetings to discuss projects with CalSTA staff</u>	<u>Feb. 22-26, 2016</u>
Project applications due to Caltrans	April 5, 2016
CalSTA publishes list of approved projects	August 1, 2016
Present project list to California Transportation Commission	August 17, 2016

6 Eligible Applicants

Eligible applicants must be public agencies, including joint powers agencies, that operate **or have planning responsibility for** existing or planned regularly scheduled intercity rail service (and associated feeder bus service), commuter rail, commuter bus service, or bus **ferry** or rail transit service, or that have planning responsibility for future services not under the authority of an existing operator.

An applicant assumes responsibility and accountability for the use and expenditure of program funds. Applicants must comply with all relevant federal and state laws, regulations, policies, and procedures.

7 Eligible Projects

In order to be eligible for funding under this program, **a project must demonstrate that it will achieve a reduction in greenhouse gas emissions.**

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

1. Rail capital projects, including the acquisition of rail cars and locomotives, that expand, enhance, or improve existing rail systems and connectivity to existing and future **rail transit** systems, including the high-speed rail system.
2. Intercity **and** commuter **and urban** rail projects that increase service levels, improve reliability, or decrease travel times. These projects may include **infrastructure access payments to host railroads in lieu of capital investments**, efforts to improve existing rail service effectiveness with a focus on improved operating agreements, schedules, and minor capital investments that are expected to generate increased ridership, as well as larger scale projects designed to achieve significantly larger benefits.
3. Rail **bus, and ferry** integration implementation, including: integrated ticketing and scheduling systems and related capital investments (including integration with bus or ferry operators); projects enabling or enhancing shared-use corridors without increasing net air pollution (both multi-operator passenger only corridors as well as passenger-freight corridors); related planning efforts focused on, but not limited to, delivery of integrated service not requiring **major** capital investment; and other service integration initiatives.
4. Bus rapid transit and other bus **and ferry** transit investments to increase ridership and reduce greenhouse gas emissions, including investments in **the implementation of** transit effectiveness studies that will result **in implementation of** service restructuring and enhancements that will increase ridership.

CalSTA intends to fund a small number of **transformational transformative** projects **that improve the statewide transportation network in the first programming cycle that will significantly reduce vehicle miles traveled, congestion, and greenhouse gas emissions by creating a new transit system, increasing the capacity of an existing transit system, or otherwise significantly increasing the ridership of a transit system.** These may include, for example, both lower-cost projects focused on integration, reliability and enhancement of service, and higher-cost capital expansion projects. In addition, CalSTA seeks projects that link key destinations and improve accessibility to economic opportunities.

CalSTA will also make some funding available for demonstration projects that are smaller scale efforts with great potential to be expanded. Projects may include novel approaches to attracting new riders such as **smart phone mobile ticketing or other software and hardware solutions to reduce ticketing transaction costs**, or a test of a concept related to integrated ticketing, as well as intercity rail or transit effectiveness or operational studies that are expected to have elements that can be implemented with

little or no capital investment (such studies must result in a reduction in net greenhouse gas emission). An agency receiving funding for a transit effectiveness study, operational study, or other planning effort must, within six months of completion of the study, implement improvements which further the objectives this program or the agency will be required to fully or partially repay funds from the Transit and Intercity Rail Capital Program, commensurate with the failure to deliver reductions in greenhouse gas emissions.

No single project shall exceed 33 percent of available funds in any programming cycle. In the first programming cycle, no eligible applicant, excluding applicants operating multiple transit or rail modes, shall submit more than one major capital project for consideration (\$3 million or greater) and one smaller scale operational or integration effort, minor capital project, or demonstration project (less than \$3 million). Eligible applicants operating multiple transit or rail modes (local bus, bus rapid transit, commuter bus, light rail, streetcar, heavy rail, commuter rail, or intercity rail including related feeder buses) may submit up to one project application per mode.

Pursuant to statute, the Transit and Intercity Rail Capital Program is required to fund transformative capital improvements that significantly reduce vehicle miles traveled, congestion, and greenhouse gas emissions, along with achieving geographic equity. An applicant submitting multiple project applications must clearly prioritize its projects, and is encouraged to identify phases or priorities within each project application if available resources do not permit the full project to be funded. Applicants submitting a high-dollar, single application with no scalability or separable project elements may increase the risk of having an uncompetitive project application.

While there is no minimum match requirement for this funding source, funding leverage is desirable and will be considered in the evaluation of expected project impacts benefits. In particular, emphasis will be placed on projects that leverage funding from other greenhouse gas reduction programs such as Caltrans' Low Carbon Transit Operations Program, the Strategic Growth Council's Affordable Housing and Sustainable Communities Program or the Air Resources Board's Low Carbon Transportation funding program, or the leveraging of funding from other federal, state, local or regional sources, with consideration of those sources that are discretionary compared to those that are non-discretionary.

If capital assets are removed from service before their end of their useful life, pro-rata repayment of grant funds may be required.

Redeployment of capital assets to achieve similar, or greater, benefits more effectively (i.e., redeploying bus service to achieve greater greenhouse gas reductions or better serve a disadvantaged community based on current needs) may be permitted but must be documented by the grantee and approved in advance by CalSTA.

All major capital projects applying for funding must have a complete project study report or equivalent document such as the Commission's Uniform Transit Application. The report will, at a minimum, be adequate to define and justify the project scope, cost, and schedule of the project.

CalSTA intends to will give priority to projects which fund construction or implementation, however, projects that will be completed with other funds are eligible for funding. If an implementing agency receives funding for a project that is to be completed with other funds (for example, a project which receives funds for plans, specifications, and estimates from the Transit and Intercity Rail Capital Program but which will receive local measure funding for construction), that agency is required to complete the project as proposed. If the project is not completed as proposed, the agency may be required to fully or partially repay funds from the Transit and Intercity Rail Capital Program commensurate with the failure to complete the project and deliver anticipated reductions in greenhouse gas emissions.

Prior to the project application due date, CalSTA intends to invite interested eligible applicants to meet to discuss proposed projects and greenhouse gas reduction quantification.

8 Project applications

Each project application must include:

A cover letter with signature authorizing and approving the application.

An explanation of the project and its proposed benefits, including the following:

1. Project title, which should be a brief non-technical description of the project type, scope, and location.
2. Project purpose and need.
3. Project scope.
4. A map of the project location denoting the project site and the location of any disadvantaged communities that will benefit from the project.
5. Project costs:
 - A. Cost estimates should be escalated to the year of proposed delivery.
 - B. Only cost estimates approved by the Chief Executive Officer or other authorized officer of the implementing agency should be used.
 - C. The amount and source of funds committed to the project (including funding for initial operating costs). A funding commitment is defined in section 11 below.
 - D. The amount of Transit and Intercity Rail Capital Program funds requested. Transit and Intercity Rail Capital Program funds cannot be used to supplant other committed funds.
6. Project schedule, including the project's current status and major delivery milestones.
7. Project benefits:
 - A. A clear demonstration of the expected benefits and the proposed metrics for tracking and reporting on those benefits consistent with the Air Resources Board's Funding Guidelines (www.arb.ca.gov/cc/capandtrade/auctionproceeds/fundingguidelines.htm).
 - B. The description of project benefits must address all of the Primary and Secondary Evaluation Criteria listed below under Project Selection Process (Section 9), indicating that a category is not applicable or no benefits are expected when that is the case.
 - C. An estimate of the useful life of the project for the dominant project asset type (can be separated by project category or phase if elements of the project have independent utility and could be separately funded or placed in service).
 - D. If a project will be competing for funding from other greenhouse gas reduction programs (such as Caltrans' Low Carbon Transit Operations Program, the Strategic Growth Council's Affordable Housing and Sustainable Communities Program or the Air Resources Board's Low Carbon Transportation funding program) or from the Commission's Active Transportation or State Transportation Improvement Programs, the applicant must indicate if there are separable elements that will be funded from that source. The applicant must clearly explain any change to the benefits of the project if the funding from that source is not awarded to the project.
8. A discussion of the proposed project's impact on other projects planned or underway within the corridor.
9. If appropriate, an explanation of how some or all of the project provides direct, meaningful, and assured benefits to a disadvantaged community, and addresses a need of that community, along with identifying the portion of the project, if any, that is located within a disadvantaged community (see Section 9.3 and Attachment 1).

10. Description of funding sources and approach to ensuring ongoing operating and maintenance costs of the project are funded through the useful life of the project (as applicable).
11. **Letters Indication** of support for project implementation, including **letter from**:
 - A. **From Stakeholders** critical to the project, such as host railroads or facility owners.
 - B. **A Metropolitan Planning Organization (MPO), indication that the project is or is not consistent with an adopted Sustainable Communities Strategy, or in non-MPO regions, a regional plan to reduce greenhouse gas emissions.**
 - C. **Regional agency or agencies.**
 - D. **Members of the community.**
12. Description of project elements that are separable or scalable based on available funding, while still maintaining independent utility. For example, if an application is for improving service on three routes, each route should be separately described and prioritized so that the highest-priority portion of the application could be funded if resources are not sufficient for full project funding. **If some or all of the project is already programmed using state or federal funds, the application must clearly explain if and how the scope of the project has changed since the most recent state or federal programming action.**

Each application **should must** include a Project Programming Request Form. A template of this form in Excel may be found at www.dot.ca.gov/hq/transprog/ocip/2016stip.htm. Each Project Programming Request must list Federal, State, and local funding categories by fiscal year **over the time frame that funding is sought. If the project schedule exceeds the funding horizon, the amount needed beyond what is currently requested must be indicated.** All applicants must demonstrate the ability to absorb any cost overruns and deliver the proposed project with no additional funding from this program beyond that provided in initial grant or cooperative agreement, and to fund initial operating costs.

An eligible applicant may submit an application to fund a project over multiple fiscal years. The cost of each project component must be listed in the State fiscal year in which the particular project component can be delivered. For environmental studies and permits, costs should be listed in the fiscal year during which environmental studies will begin. Costs for the preparation of plans, specifications, and estimates should be listed in the fiscal year during which this work will begin. Right-of-way costs should be listed in the fiscal year during which right-of-way acquisition (including utility relocation) contracts will first be executed. Construction costs should be programmed in the fiscal year during which construction contracts will be advertised. All construction costs that are included in or related to a single construction contract should be listed in one fiscal year, regardless of the length of time over which construction costs will be paid. If a project requires multiple construction contracts, each contract should be listed separately.

Documentation of the basis for the costs, benefits, and schedules must be cited in the project application and made available upon request.

Each applicant awarded funding in this program must post a copy of its application on their website.

Each project will be required to track and report on project status and benefits. CalSTA encourages project **sponsors applicants** to carefully consider how to track the status and benefits of the proposed project, including having project budgets that allow for an appropriate level of before and after data collection and analysis (e.g., greenhouse gas reductions, diesel particulate matter reductions, increased transit service for disadvantaged community residents, etc.). This tracking could take the form of customer surveys made before and after the proposed project, specific data analysis before and after the project, or other efforts. Since this is an ongoing funding program of the state, developing lessons learned and good supporting data are critical to future program effectiveness.

In future cycles, CalSTA will consider a pre-application data request that would enable feedback to be provided to prospective applicants after the call for projects and before final project applications are submitted.

9 Project Evaluation

Applications will receive an initial screening for completeness and eligibility. Incomplete or ineligible applications may not be evaluated.

9.1 Primary Evaluation Criteria

Projects will be selected through a competitive process. The primary evaluation will be based on how well a project meets the objectives of the program:

1. Reduce greenhouse gas emissions. The Air Resources Board has developed a quantification methodology for estimating greenhouse gas reductions that may occur as a result of project implementation (see Appendix 2). The inputs and assumptions behind these calculations must be thoroughly documented as part of the application. Applicants should present project elements that are scalable or separable in a manner that allows the greenhouse gas emission reductions of each element to be understood. Total cost per ton of CO₂e reduction and Transit and Intercity Capital Program funding per ton of CO₂e reduction will be primary elements of the evaluation for project selection. ~~Implementing agencies Applicants~~ must quantify greenhouse gas reductions (see Appendix 2) and submit reporting information in accordance with Air Resources Board's Funding Guidelines (www.arb.ca.gov/cc/capandtrade/auctionproceeds/fundingguidelines.htm), including reporting on benefits to disadvantaged communities. The reporting required may be modified over time based on the evolving needs of the program.
2. Increase ridership through expanded and improved rail and transit service (including connectivity to rail services through expanded and improved transit and/or feeder bus services). Documentation of the assumptions and approach to estimating ridership changes is a critical component of evaluating greenhouse gas emission reductions.
3. Integrate the services of the state's various rail and transit operations, including integration with the high-speed rail system, as described in the most recent, currently approved High Speed Rail Business Plan, or subsequent documents referenced at the time of project solicitation.
4. Improve safety.

9.2 Secondary Evaluation Criteria

Projects will also be evaluated based on the following criteria:

1. The extent to which the project supports co-benefits of projects that support the implementation of sustainable communities strategies through one or more of the following:
 - A. Reducing auto vehicles miles traveled and the number of automobile trips through growth in transit and intercity rail ridership.
 - B. Promoting housing development and employment within one-half mile walk of a rail station, major transit center, or other transit station, or within one-half mile walk of a transit stop serviced by high speed rail, intercity rail, commuter or light rail, bus rapid transit, or express bus.

- C. Expanding existing rail and public transit systems.
 - D. Enhancing the connectivity, integration, and coordination of the state's various transit systems, including, but not limited to, regional and local transit systems and the high-speed rail system.
 - E. Implementing clean vehicle technology.
 - F. Promoting active transportation by increasing the proportion of trips accomplished by biking and walking or increasing the safety and mobility of bicyclists and pedestrians.
 - G. Improving public health.
 - H. Air quality impacts of the project not included in the reduction of greenhouse gas emissions.
2. Benefit to disadvantaged communities. The applicant must evaluate the criteria detailed in Attachment 1 to determine whether the project meets at least one of the criteria for providing direct, meaningful, and assured benefits to a disadvantaged community and address a community need pursuant the Air Resources Board's Funding Guidelines (www.arb.ca.gov/cc/capandtrade/auctionproceeds/fundingguidelines.htm). Consideration should be given to identifying the most disadvantaged communities within an applicant's service area, and identifying benefits specific to those communities.
 3. The project priorities developed through the collaboration of two or more rail operators and any memoranda of understanding between state agencies (including intercity rail joint powers authorities) and local or regional rail operators.
 4. Geographic equity.
 5. Consistency with a plan or strategy contained in an adopted Sustainable Communities Strategy, as confirmed by the Metropolitan Planning Organization (MPO), or, in non-MPO regions, a regional plan that includes policies and programs to reduce greenhouse gas emissions, and the recommendations of a regional agency or agencies.
 6. The extent to which a project has supplemental funding committed to it from non-state sources, with an emphasis on projects that leverage of funding from federal, local or regional sources that are discretionary.
 7. Integration across other modes of transportation, such as connections at airports, bus and ferry terminals, and subway stations.
 8. For expansions of service, the presence and quality of a financial plan that analyzes the financial viability of the proposed service, including the availability of any required operating financial support.

9.3 Benefit to disadvantaged communities

It is a goal of this program to maximize benefit to disadvantaged communities and to provide at least 25 percent of available funding to projects that provide a direct, meaningful, and assured benefit to disadvantaged communities, consistent with the objectives of SB 535, and to provide at least 10 percent of available funding for projects located within a disadvantaged community. Where a proposed project involves the demolition or rehabilitation of existing units occupied by lower-income households or businesses in disadvantaged communities, and to ensure longer-term retention of benefits to disadvantaged communities, applicants should consult with the host communities on policies and on project design that avoid displacement of disadvantaged community residents and businesses and the project applicant must include a description of measures to mitigate or avoid the displacement of low-income residents and businesses from

those communities. Similar efforts should be documented with regards to displacement of low-income households throughout the project area should a project be likely to result in such displacement, regardless of whether the project impacts a disadvantaged community.

SB 535 directs the Secretary for Environmental Protection at California Environmental Protection Agency (CalEPA) to identify disadvantaged communities. This identification must be based on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code Section 37911). CalEPA has identified disadvantaged communities for investment based on a tool called CalEnviroScreen 2.0 (www.calepa.ca.gov/EnvJustice/GHGInvest/default.htm and www.arb.ca.gov/auctionproceeds).

SB 862 requires the Air Resources Board, in consultation with CalEPA, to develop funding guidelines for all agencies that are appropriated monies from the Greenhouse Gas Reduction Fund. These guidelines must include a component for how administering agencies should maximize benefits for disadvantaged communities. The Air Resources Board, in its Interim Guidance to Agencies Administering Greenhouse Gas Reduction Fund Monies (www.arb.ca.gov/cc/capandtrade/auctionproceeds/fundingguidelines.htm), notes that for effective administration of programs, it is essential that the list of disadvantaged communities remains stable during each project funding cycle. The Air Resources Board has recommended that the list of census tracts identified as disadvantaged communities that agencies use for each fiscal year appropriation will need to remain fixed for projects being funded under that appropriation, regardless of when the funds are actually expended. The Air Resources Board has proposed that if CalEPA updates the list of census tracts defined as disadvantaged communities, the new list of communities will apply to projects funded with subsequent fiscal year monies.

10 Project Selection Process

CalSTA will evaluate applications for compliance with the objectives of the program and rate them based on the aforementioned primary and secondary criteria, assigning ratings such as “High,” “Medium” and “Low” to the specific alignment of the project to each of the selection criteria, and also considering the cost per ton of CO₂e reduction and the risks of successful project delivery. Because of the wide variety in the type and size of projects that can be funded from this program, CalSTA may group projects for the purpose of comparing the ratings of like applications or for purposes of comparing projects within a region. The highest rated applications that meet the program objectives will be selected for programming, except that CalSTA may make adjustments to meet the disadvantaged community goals of this program and to provide geographic equity.

In addition to being evaluated on the aforementioned criteria and benefit to disadvantaged communities, each application will also be assessed to determine the risk associated with the project's capacity to generate, as planned, transportation and greenhouse gas emission reduction benefits (including potential sensitivity to different project benefit outcomes), and to be delivered within budget, on time, and as designed.

Additional factors to be considered include:

1. The overall need and benefit of the project.
2. Project readiness and reasonableness of the schedule for project implementation, including the following:
 - A. Progress towards achieving environmental protection requirements.

- B. The comprehensiveness and sufficiency of agreements with key partners (particularly infrastructure owning railroads) that will be involved in implementing the project.
 - C. For projects that are not fully funded through construction, the timing and amount of the project's future non-committed investments. *Please note, CalSTA intends to will give priority to projects which fund construction or implementation.*
3. The leveraging and coordination of funding from other greenhouse gas reduction programs such as Caltrans' Low Carbon Transit Operations Program, the Strategic Growth Council's Affordable Housing and Sustainable Communities Program or the Air Resources Board's Low Carbon Transportation funding program.
 4. The leveraging and coordination of funding from other federal, state, local or regional sources, with consideration of those sources that are discretionary compared to those that are non-discretionary.

CalSTA will collaborate with other state entities when evaluating project proposals, including but not limited to: the Air Resources Board, CalEPA, the California High-Speed Rail Authority, Caltrans, the Commission, the Department of Housing and Community Development, and the Strategic Growth Council.

11 Programming

CalSTA will publish a initial program of approved projects by August 1, 2016, and present the program to the Commission at its August 17, 2016 meeting. When CalSTA releases the program, it will include a narrative for each approved project that describes that project's rating for primary and secondary criteria as well as special considerations to achieve disadvantaged community benefit and geographic equity. Subsequent programs are expected to be approved by CalSTA biennially. CalSTA may call for additional programming, or adjust existing programming between cycles, as warranted based on the level of auction proceeds.

The Transit and Intercity Rail Capital Program will be developed consistent with a fund estimate published with the program guidelines. The amount programmed in each fiscal year must not exceed the amount identified in the fund estimate. The program of projects for each fiscal year will include, for each project, the amount to be funded from the Transit and Intercity Rail Capital Program, and the estimated total cost of the project. Total project costs will include all project support costs and all project listings will specify costs for each of the following components: (1) completion of all permits and environmental studies; (2) preparation of plans, specifications, and estimates; (3) right-of-way capital outlay; (4) support for right-of-way acquisition; (5) construction capital outlay; and (6) construction management and engineering, including surveys and inspection. The cost of each project component will be listed in the Transit and Intercity Rail Capital Program no earlier than in the fiscal year in which the particular project component can be implemented.

When proposing to fund only preconstruction components for a project, the applicant must demonstrate the means by which it intends to fund the construction of a useable segment, consistent with a regional transportation plan or the Caltrans interregional transportation strategic plan. *Please note, CalSTA intends to will give priority to projects which fund construction or implementation.*

When project design, right-of-way, or construction are programmed before the implementing agency completes the environmental process, the applicant must submit to CalSTA updated cost estimates, updated analysis of the project's cost effectiveness, and updated analysis of the project's ability to further the goals of the program following the completion of the environmental process. If this updated information indicates that a project is expected to accomplish fewer benefits or is less cost effective as

compared with the initial project application, future funding for the project may be deleted from the program.

Consistent with Commission policies, CalSTA will program and the Commission will allocate funding to projects in whole thousands of dollars and will include a project or project component only if it is fully funded from a combination of Transit and Intercity Rail Capital Program and other committed funding. CalSTA 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 Surface Transportation Program, Congestion Mitigation and Air Quality Improvement Program, and federal formula transit funds, the **funding** commitment may be by Federal approval of the Federal Statewide Transportation Improvement Program. For projects seeking federal discretionary funds such as New Starts, **Core Capacity**, or Small Starts, the commitment may take the form of federal acceptance into Accelerated Project Delivery and Development (in the case of Small Starts) with the expectation of federal approval of an Expedited Grant Agreement, or federal approval of a project to enter Engineering (in the case of New Starts **or Core Capacity**) with the expectation of federal approval of a Full Funding Grant Agreement, as long as all funding, excluding Transit and Intercity Rail Capital Program funding, is committed to the project. A project that is programmed prior to receiving federal approval for construction must receive the federal approval for construction prior to the start of the next Transit and Intercity Rail Capital Program call for projects or the project may be subject to deletion from the program.

CalSTA may make an exception to its policy to only program a project if it is fully funded from a combination of Transit and Intercity Rail Capital Program and other committed funding to allow a project to compete for funding from other greenhouse gas reduction programs (such as Caltrans' Low Carbon Transit Operations Program, the Strategic Growth Council's Affordable Housing and Sustainable Communities Program or the Air Resources Board's Low Carbon Transportation funding program) or from the Commission's Active Transportation or State Transportation Improvement Programs. A project intending to compete for funding in one of the aforementioned programs should indicate, if appropriate, the separable elements to be funded from that source. A project that is programmed prior to receiving a commitment of funding from one of the aforementioned programs must receive the funding commitment in the fiscal year prior to the year in which the project is requesting funding from the Transit and Intercity Rail Capital Program. If the project does not receive funding from that program and the project does not have separable elements, the project may be subject to deletion from the program.

12 Allocations and Project Delivery

When an agency is ready to implement a project or project component, the agency will submit a request to Caltrans. Caltrans and CalSTA will review the request, prepare appropriate agreements with the agency and recommend the request to the Commission for action. The typical time required, after receipt of the application, to complete Caltrans review, and recommendation and Commission allocation is 60 days. The specific details and instructions for the allocation, transfer and liquidation of funds allocated to implementing agencies are included in the Procedures for Administering Local Grant Projects in the State Transportation Improvement Program (see www.dot.ca.gov/hq/LocalPrograms/lam/prog_g/g23stip-2013-10-31.pdf). For the procurement of rolling stock, the Commission may consider the exercising of an option or the certification of funds for contract elements as meeting the milestone for contract award provided that the agency is under no

contractual obligation to pay any funds or penalty if the option is not exercised or the funds not certified.

Prior to the completion of project design, an agency may propose to CalSTA modifications to the proposed project in order to achieve the same or greater level of benefits or reduced costs.

Consistent with Commission policies, 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. The Commission will consider the allocation of funds for a project when it receives an allocation with a recommendation from Caltrans and CalSTA. The recommendation will include a determination of project readiness, the availability of appropriated funding, and the availability of all identified and committed funding.

The Commission will approve the allocation if the funds are available and the allocation is necessary to implement the project as included in the adopted Transit and Intercity Rail Capital Program.

The Transit and Intercity Rail Capital Program is a reimbursement program for costs incurred. Costs incurred prior to Commission allocation and, for federally funded projects, federal project approval (i.e. Authorization to Proceed) are not eligible for reimbursement.

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. After the award of a 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.

Following contract acceptance, the implementing agency has six months to make the final payment to the contractor or vendor, prepare the Final Report of Expenditures and submit the final invoice to Caltrans for reimbursement.

If there are insufficient program funds to approve an allocation, the Commission may delay the allocation of funds to a project until the next fiscal year without requiring an extension.

Whenever 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 Transit and Intercity Rail Capital Program. Funds available following the deletion of a project may be allocated to a programmed project advanced from a future fiscal year or to a project amended into the program.

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. Exceptions to this policy may be made in instances where federal law allows for the acquisition of right-of-way prior to completion of National Environmental Policy Act review. If requested by the Commission, Caltrans will assist Commission staff in the preparation of agenda items presenting environmental documents to the Commission.

The Commission expects Caltrans to certify that a project's plans specifications and estimate is complete, environmental and right-of-way clearances are achieved, and all necessary permits and agreements (including railroad construction and maintenance) are executed when it develops its construction allocation recommendation.

12.1 Letter of No Prejudice

An agency may apply to the commission for a letter of no prejudice for a project or for any component of a project included in the approved program of projects. If approved by the commission, the letter of no prejudice will allow the agency to expend its local funds for the project or any component of the project and to be eligible for future reimbursement. The amount will be reimbursed if all of the following conditions are met:

1. The project or project component for which the letter of no prejudice was requested has commenced and the expenditures have been incurred.
2. The expenditures are eligible for reimbursement in accordance with applicable laws and procedures. If expenditures made by the lead applicant agency are determined to be ineligible, the state has no obligation to reimburse those expenditures.
3. The agency complies with all legal requirements for the project, including the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).
4. There are moneys in the Greenhouse Gas Reduction Fund designated for the program that are sufficient to make the reimbursement payment.

The agency and the commission shall enter into an agreement governing reimbursement as described in this section.

The commission, in consultation with intercity, commuter, urban rail, and other public transit entities, may develop guidelines to implement this section.

12.2 Project Delivery Deadline Extensions

CalSTA or the Commission, as explained below, may grant a deadline extension 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 attributable to the extraordinary circumstance and will in no event be for more than 12 months.

Consistent with Commission policies, no deadline may be extended more than once. There are separate deadlines for allocation, for award of a contract, for expenditures for project development or right-of-way, and for project completion, and each project component has its own deadlines.

CalSTA may grant the extension of a deadline for the allocation of a project component. Because funds appropriated in 2014-15 (\$25 million) must be allocated by the Commission no later than June 30, 2016, CalSTA anticipates the approval of few or no requests to extend the deadline for allocation in 2015-16 unless offset by a corresponding allocation advance.

The Commission may grant the extension of a deadline for award of a contract, for expenditures for project development or right-of-way, for project completion, and for project reimbursement.

All requests for project delivery deadline extensions should be submitted by the agency responsible for project delivery to Caltrans at least 60 days prior to the specific deadline for which the particular extension is requested (e.g., 60 days prior to June 30 to request the extension of allocation deadlines). The extension request should describe the specific circumstance that justifies the extension and identify the delay directly attributable to that

circumstance. Caltrans will review extension requests and forward them to for action. Requests to extend the deadline for allocation will be forwarded to CalSTA for action with a copy to be forwarded to the Commission for information. CalSTA will notify the Commission of the approval or denial of request to extend the deadline for allocation. Requests to extend the deadline for award of a contract or for project expenditure will be forwarded to the Commission for action.

13 Project Reporting

As a condition of the project allocation, the implementing agency must submit to Caltrans semi-annual quarterly reports on the activities and progress made toward implementation of the project and a final delivery report. The purpose of the reports is to ensure that the project achieves the goals 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.

Recordkeeping and reporting requirements will apply through the life of the project. All reports must be consistent with the metrics and quantification methodologies in the funding guidelines being developed by the Air Resources Board (www.arb.ca.gov/cc/capandtrade/auctionproceeds/fundingguidelines.htm). Implementing agencies should note that additional reporting may be required for some types of projects, or be modified based on the evolving needs of the program. For projects benefiting disadvantaged communities, reports must identify and include metrics to demonstrate the benefits being achieved.

Within one year of the project becoming operable, the implementing agency must provide a final delivery report to Caltrans which includes:

1. The scope of the completed project as compared to the programmed project.
2. Performance outcomes derived from the project as compared to those described in the project application. This should include before and after measurements and estimates (ridership/service levels, greenhouse gas reductions included updated estimates the greenhouse gas reductions over the life of the project, benefit to disadvantaged communities, project co-benefits, etc.), and an explanation of the methodology used to quantify the benefits.
3. Before and after photos documenting the project.
4. The final costs as compared to the approved project budget by component and fund type, and an estimate of the Transit and Intercity Rail Capital Program funds spent to benefit disadvantaged communities
5. Its duration as compared to the project schedule in the project application.

For the purpose of this section, a project becomes operable when the construction contract is accepted or acquired equipment is received.

The State of California has the right to review project documents and conduct audits during project implementation and over the life of the project. Caltrans or another State agency may audit a sample of Transit and Intercity Rail Capital Program projects to evaluate the performance of the project, determine whether project costs incurred and reimbursed are in compliance with the executed project agreement or approved amendments thereof; state and federal laws and regulations; contract provisions; and program guidelines, and whether project deliverables (outputs) and outcomes are consistent with the project scope, schedule, and benefits described in the executed project agreement or approved amendments thereof. A report on the projects audited must be submitted by the auditing agency to CalSTA.

14 Project Administration

Caltrans will administer the Transit and Intercity Rail Capital Program consistent with these guidelines and existing Commission and Caltrans policies and procedures.

Agencies must encumber and expend monies consistent with State law, and ensure that Greenhouse Gas Reduction Fund monies are utilized consistent with the expenditure record submitted by Caltrans and required by SB 1018. A determination that use of Greenhouse Gas Reduction Fund monies is not consistent with the expenditure record and does not further the purposes of AB 32 may occur during legal proceedings or during an audit or program review conducted by the Bureau of State Audits, Department of Finance, a third-party auditor, or the Air Resources Board. Depending on the outcome of those proceedings or review, agencies may be required to return monies to the Greenhouse Gas Reduction Fund if expenditures are not consistent with the statutory requirements (such as not furthering the purposes of AB 32.)

The state may terminate the grant for any reason at any time if it learns of or otherwise discovers that there are allegations supported by reasonable evidence that a violation of any state or federal law or policy by the grantee which affects performance of this or any other grant agreement or contract entered into with the State. If a grant is terminated, the agency may be required to fully or partially repay funds from the Transit and Intercity Rail Capital Program.

Attachment 1: Investments to Benefit Disadvantaged Communities

From the Air Resources Board's proposed "Interim Guidance to Agencies Administering Greenhouse Gas Reduction Fund Monies" "Funding Guidelines for Agencies that Administer California Climate Investments" (dated September 4, 2015), as amended, to conform to the statutory and guideline provisions for the Transit and Intercity Rail Capital Program (see www.arb.ca.gov/cc/capandtrade/auctionproceeds/fundingguidelines.htm).

To provide transparency on how administering agencies determine which potential projects qualify as providing benefits to a disadvantaged community, Air Resources Board staff applied a standard that such benefits must be "direct, meaningful, and assured" and address a community need. Below are the project qualities that Air Resources Board staff considers sufficient to meet this standard. Each criterion is independent; a project need only meet one criterion to be considered as located within or providing benefits to one or more disadvantaged communities.

All projects will be evaluated to see if the investments could potentially result in benefits for disadvantaged communities, using the following criteria.

Low Carbon Transportation

Projects will achieve greenhouse gas reductions through the use of zero and near zero-emission passenger vehicles, buses, trucks, and freight technology.

CRITERIA TO EVALUATE PROJECTS

Agencies can also use criteria in other applicable tables.

Step 1 – Located Within: Evaluate the project to see if it meets at least one of the following criteria for being located in a disadvantaged community census tract and provides direct, meaningful, and assured benefits to a disadvantaged community and address a community need.

Project must meet at least one of the following criteria focused on reducing air pollution for disadvantaged community residents:

- A. Project provides incentives for vehicles or equipment to those with a physical address in a disadvantaged community; or
- B. Project provides incentives for vehicles or equipment that will be domiciled in a disadvantaged community; or
- C. Project provides incentives for vehicles or equipment that reduce air pollution on fixed routes that are primarily within a disadvantaged community (e.g., freight locomotives) or vehicles that serve transit stations or stops in a disadvantaged community (e.g., zero-emission buses); or
- D. Project provides greater mobility and increased access to clean transportation for disadvantaged community residents by placing services in a disadvantaged community such as increase transit service, including ride-sharing, car-sharing, or other advanced technology mobility options (e.g., neighborhood electric vehicles, vanpooling, shuttles, smartphone application-based ride-sharing services, bikesharing services).

Step 2 – Provides Benefits To: If the project does not meet the above criteria for "located within," evaluate the project to see if it meets at least one of the following criteria for providing direct, meaningful, and assured benefits to a disadvantaged community and address a community need.

Project must meet at least one of the following criteria focused on reducing air pollution for disadvantaged community residents:

- A. Project provides incentives for vehicles or equipment to those with a physical address in a ZIP code that contains a disadvantaged community census tract; or
- ~~B. Project provides incentives for vehicles or equipment that operate primarily in “impacted corridors,” [Note: the Air Resources Board will publish a list of “impacted corridors” based on its assessment of which freight corridors have a substantial air quality impact on disadvantaged communities.]; or~~
- C. Project provides incentives for vehicles or equipment that primarily serve freight hubs (e.g., ports, distribution centers, warehouses, airports as defined in table 2.A-1 of the ARB Funding Guidelines) located in a ZIP code that contains a disadvantaged community census tract; or
- D. Project provides greater mobility and increased access to clean transportation for disadvantaged community residents by placing services that are accessible by walking within one-half mile of a disadvantaged community, including ride sharing, car sharing, or other advanced technology mobility options (e.g., neighborhood electric vehicles, vanpooling, shuttles, bikesharing services).

Transit Projects

Projects will achieve greenhouse gas reductions by reducing passenger vehicle miles travelled through incentives, infrastructure, or operational improvements (e.g., providing better bus connections to intercity rail, encouraging people to shift from cars to mass transit).

CRITERIA TO EVALUATE PROJECTS

Agencies can also use criteria in other applicable tables.

Step 1 – Located Within: Evaluate the project to see if it meets at least one of the following criteria for being located in a disadvantaged community census tract and provides direct, meaningful, and assured benefits to a disadvantaged community **and address a community need.**

Project must meet at least one of the following criteria focused on increasing transit service along transit lines or corridors that have stations or stops in a disadvantaged community, or improving transit access for disadvantaged community residents, or reducing air pollution in a disadvantaged community:

- A. Project provides improved transit or intercity rail service for stations or stops in a disadvantaged community (e.g., new transit lines, more frequent service, greater capacity on existing lines that are nearing capacity, improved reliability, bus rapid transit service for disadvantaged community residents); or
- B. Project provides transit incentives to residents with a physical address in a disadvantaged community (e.g., vouchers, reduced fares, transit passes); or
- C. Project improves transit connectivity at stations or stops in a disadvantaged community (e.g., network/fare integration, better links between transit and active transportation); or
- D. Project improves connectivity between travel modes for vehicles or equipment that service stations or stops in a disadvantaged community (e.g., bicycle racks on transit vehicles); or
- E. Project creates or improves infrastructure or equipment that reduces air pollution at a station, stop or transit facility in a disadvantaged community (e.g., auxiliary power, charging stations); or
- F. Project creates or improves infrastructure or equipment that reduces air pollution on regular routes that are primarily within a disadvantaged community (e.g., rail electrification, zero-emission bus); or
- G. Project provides greater mobility and increased access to clean transportation for disadvantaged community residents by placing services in a disadvantaged community, including ride sharing, car sharing, or other advanced technology mobility options associated with transit (e.g., neighborhood electric vehicles, vanpooling, shuttles, smartphone application based ride sharing services, bikesharing services); or

- H. Project improves transit stations or stops in a disadvantaged community to increase safety and comfort (e.g., lights, shelters, benches).

Step 2 – Provides Benefits To: If the project does not meet the above criteria for “located within,” evaluate the project to see if it meets at least one of the following criteria for providing direct, meaningful, and assured benefits to a disadvantaged community **and address a community need**.

Project must meet at least one of the following criteria focused on increasing transit service along transit lines or corridors that are accessible to disadvantaged community residents, or improving transit access for disadvantaged community residents, or reducing air pollution in a disadvantaged community:

- A. Project provides improved local bus transit service for riders using stations or stops that are accessible by walking within one-half mile of a disadvantaged community (e.g., more frequent service, greater capacity on existing lines that are nearing capacity, improved reliability, bus rapid transit service); or
- B. Project improves local bus transit connectivity for riders using stations or stops that are accessible by walking within one-half mile of a disadvantaged community (e.g., better links to active transportation, bicycle racks on local bus); or
- C. Project provides improved intercity rail (and related feeder bus service), commuter bus or rail transit service for riders using stations or stops in a ZIP code that contains a disadvantaged community census tract **or within one-half mile of a disadvantaged community** (e.g., new lines, express bus service)
- D. Project provides improved intercity rail (and related feeder bus service), commuter bus or rail transit connectivity for riders using stations or stops in a ZIP code that contains a disadvantaged community census tract or within one-half mile of a disadvantaged community (e.g., network/fare integration, better links between local bus and intercity rail, bicycle racks on rail); or
- E. Project will increase intercity rail (and related feeder bus service), commuter bus or rail transit ridership, with at least 25 percent of new riders from disadvantaged communities; or
- F. Project provides greater mobility and increased access to clean transportation for disadvantaged community residents by placing services that are accessible by walking within one-half mile of a disadvantaged community, **including ride-sharing, car-sharing, or other advanced technology mobility options associated with transit (e.g., neighborhood electric vehicles, vanpooling, shuttles, bikesharing services)**; or
- G. Project improves transit stations or stops that are accessible by walking within ½ mile of a disadvantaged community, to increase safety and comfort (e.g., lights, shelters, benches); or
- H. Project includes recruitment, agreements, policies or other approaches that are consistent with federal and state law and result in at least 25 percent of project work hours performed by residents of a disadvantaged community; or
- I. Project includes recruitment, agreements, policies or other approaches that are consistent with federal and state law and result in at least 10 percent of project work hours performed by residents of a disadvantaged community participating in job training programs which lead to industry-recognized credentials or certifications.

Attachment 2: Quantification Methodology

See: www.calsta.ca.gov/res/docs/pdfs/2015/Agency/TIRCP_QuantificationMethodology02092015.pdf
(update pending)

DISCUSSION DRAFT