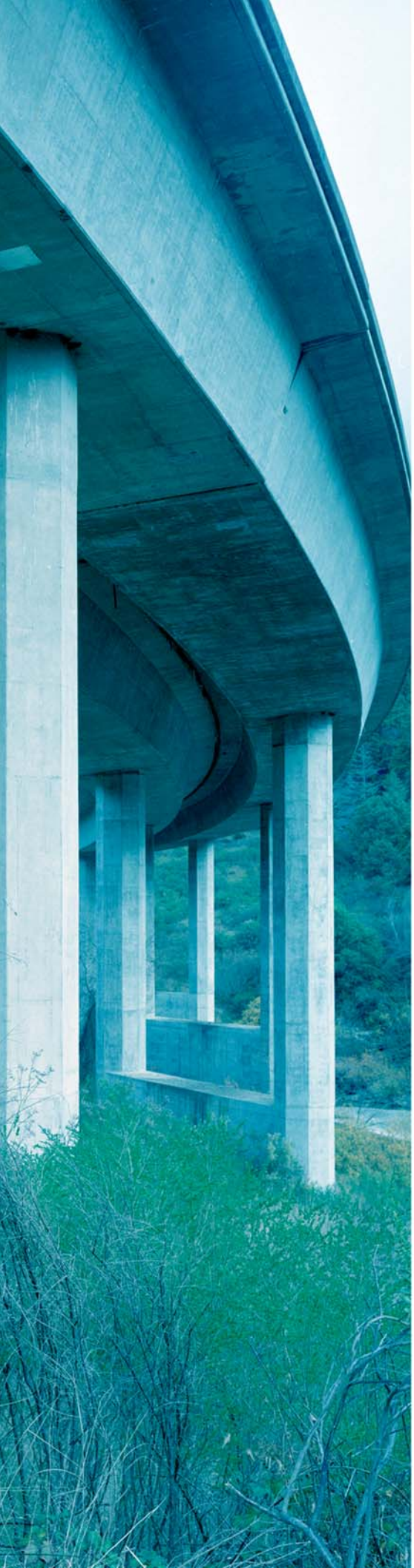

Regional Planning Handbook

2013

A Reference Manual for Administering Overall Work Programs, Regional Transportation Plans, and Regional Transportation Planning Funds

Office of Regional & Interagency Planning

Division of Transportation Planning

California Department of Transportation

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1 INTRODUCTION

Within the California Department of Transportation (Department), regional transportation planning is primarily conducted by transportation planners in the Districts and in the Office of Regional and Interagency Planning (ORIP), located within the Division of Transportation Planning (DOTP) at Headquarters, Sacramento.

The focus is the Department's interaction with the Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs) in regard to Overall Work Programs (OWPs) and Regional Transportation Plans (RTPs), with emphasis on monitoring activities funded with ORIP-administered transportation planning funds: state Rural Planning Assistance (RPA) and federal Consolidated Planning Grant (CPG).

This Handbook describes the respective regional planning roles and responsibilities of the District Transportation Planners, ORIP Transportation Planners, MPOs and RTPAs. The Handbook will be updated as procedures change. The most recent version is posted on ORIP's website along with all forms, samples, and supplementary information pertaining to regional planning.

http://dot.ca.gov/hq/tpp/offices/orip/orip.htm.

This Handbook replaces the 2011 version of the *Regional Planning Handbook*, all earlier versions thereof, and any interim or proposed partial revisions.

1.01 Regional Transportation Planning and 3C" Planning: Continuing, Cooperative and Comprehensive

Regional Transportation Planning is long-range (20+ years), area-wide, developed through formal consultation with Native American Tribal Governments, and the involvement of federal, state, regional, and local agencies, public entities, private and community based organizations, and individuals working together to identify future regional transportation needs and to plan how these needs can and will be met.

The purpose of regional transportation planning is to prepare and provide for the region's mobility in a fiscally and environmentally responsible manner, consistent with the needs, preferences, and sensibilities of the community.

Regional transportation planning is based on the "3Cs" in federal transportation law: continuing, cooperative and comprehensive. All modes of transportation, including pedestrian walkways and bicycle transportation facilities, among others, shall be considered [23 United States Code (USC), Section 134 and Title 49, USC, Section 3004]. Regional transportation planning involves a wide range of parties in the development of a shared mobility vision, including improving the transition among modes in the multi-modal transportation system and incorporation of new transportation technologies.

Transportation concepts and improvements are considered during the planning and programming phases. Project development is post-planning. Examples of project development include: purchasing buses, providing traveler information service, a rideshare

program, and construction of a bikeway/pedestrian path. Environmental, right-of-way, design, award, and construction are also considered post-planning phases. While these phases should be iterative and coordinated, Consolidated Planning Grant (CPG) and Rural Planning Assistance (RPA) funds may only fund planning activities.

1.03 Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs)

Among the key regional transportation planning entities in California are eighteen MPOs. Every county in California is served by an RTPA and every county with at least one urbanized area is also served by an MPO.

Federal law [Title 23 United States Code section 134] defines a MPO as a forum for cooperative transportation decision-making. A MPO is an urbanized area over 50,000 in population, but a single MPO may serve more than one urbanized area. MPOs are generally known in California as councils of government or associations of government.

RTPAs are created pursuant to California law (Government Code Section 29532 et seq.) and although State law does not define a RTPA, Government Code Section 65080 identifies some RTPA responsibilities: to adopt a regional transportation plan and to prepare and adopt a regional transportation improvement program. The RTPAs are local transportation commissions, county transportation commissions, councils of government, and associations of government

MPOs and RTPAs perform generally the same transportation planning work. For example, both prepare an annual Overall Work Program (OWP) and both develop regional transportation plans (RTPs), and both program projects into transportation improvement programs.

Some MPOs serve a single county and some serve several counties. With the exception of the Sacramento Area Council of Governments (SACOG) and the Association of Monterey Bay Area Governments (AMBAG), the boundaries of MPOs and RTPAs are the same. Two MPOs, AMBAG and the Tahoe Metropolitan Planning Organization* (TMPO) are not RTPAs. The Tahoe Regional Planning Agency (TRPA) is the RTPA for TMPO. The RTPAs within AMBAG's boundaries are Santa Cruz County Regional Transportation Commission, Transportation Agency for Monterey County and San Benito Council of Governments.

All non-MPO Rural RTPAs serve only one county. El Dorado County Transportation Commission and Placer County Transportation Planning Agency are the RTPAs for their respective counties to the crest of the Sierra Mountains. The area east of the crest in these two counties is part of the Tahoe Regional Planning Agency (TRPA), which has the same boundaries as TMPO. The TRPA/TMPO boundaries also include portions of Nevada. The map on page 5 shows MPO and RTPA boundaries within California.

MPOs and rural RTPAs are the entities that receive state and/or federal transportation planning funds to accomplish regional transportation planning through the activities detailed in their OWPs. These funds are used to identify transportation improvements in sufficient detail in RTP action elements to model them for air quality conformity (in air

quality non-attainment and maintenance areas), to establish fiscal constraint, and to serve as a purpose and need foundation for environmental alternatives analysis and project approval.

As needed, MPOs and RTPAs may enter into agreements or memoranda of understanding (MOUs) to accomplish their work; for example, with adjacent MPOs/RTPAs regarding cross-jurisdictional issues, to prepare inter-urban/inter-area corridor studies, to perform air quality conformity analyses if the air basin has different boundaries from those of the MPO/RTPA, to assess feasibility of inter-urban/inter-area commuter rail service, etc. All agreements entered into by agencies must also comply with the provisions of the MFTA between Caltrans and the individual agencies.

California MPO and RTPA Map:

1.04 The Core Regional Transportation Planning Document and Products

The core regional transportation planning document is the Overall Work Program (OWP) and its core product is the regional transportation plan (RTP).

The OWP and RTP are directly and inextricably interconnected. OWP activities support the RTP and development of the RTP is an OWP activity. The RTP is implemented through the Regional Transportation Improvement Program (RTIP) and the Federal Transportation Improvement Program (FTIP). Development of the RTIP and FTIP are OWP activities.

The OWP is a California variant of what federal regulations [23 Code of Federal Regulation (CFR) 450.314] refer to as a Unified Planning Work Program (UPWP). Federal regulations do not define it, but list what it must contain, depending on the size of the MPO and various other factors. The least complex OWPs include a description of what work is to be accomplished, when, by whom, and using which specific funding.

The OWP is a one-year scope of work and budget for transportation planning activities and funding sources to be accomplished between July 1 and June 30 of the state fiscal year. It is a statement of proposed work and estimated costs that tie specific available transportation planning funding sources to specific transportation planning activities.

Federal law uses the term Metropolitan Transportation Plan (MTP) and defines the term as the official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area. California law uses the term regional transportation plan. Statutes relative to legislative intent (Gov. Code Section 65070), preparation and contents (Gov. Code Section 65080), and public hearing (Gov. Code Section 65090) effectively provide a definition.

As with most plans, the RTP has a long-term horizon (not less than 20 years within the entire life of the RTP) and identifies existing and future transportation needs in the region. Although it includes rough cost estimates for the transportation proposals and is fiscally constrained (i.e., the total anticipated cost of the proposals is limited to the total reasonably anticipated revenues for the term of the plan), specific fund sources are usually not identified for the individual transportation proposals.

The RTP is defined as a project under the California Environmental Quality Act, and in air quality non-attainment areas it must conform to the State Implementation Plan (SIP). (See Sections 6.04 and 6.09 for more information about air quality and CEQA.)

1.05 Transportation Planning Funding Administered by ORIP

ORIP administers two transportation planning fund groups:

- Rural Planning Assistance (RPA)
- Consolidated Planning Grant (CPG)

RPA is state transportation planning funding included in a State Budget line item, allocated by the Department per population formula to rural RTPAs per PUC 99311.1. (None of the rural RTPAs are MPOs). It is provided on a reimbursement basis, after costs are incurred and paid for using local funds.

In FY 2012/2013, the annual RPA allocation was approximately $6 million. CPG is federal funding which statewide totals approximately $55-60 million annually. The amount can increase or decrease contingent upon California's federal apportionment.

Reference may be made to other funding sources, but the fund encumbrance, monitoring, administration and reimbursement procedures described in this Handbook only apply to RPA and CPG. Please contact the appropriate Caltrans office for information and guidance on other funding sources.

1.06 Regional Planning Responsibilities

Every District has regional planning liaisons for each MPOs and/or RTPAs. The District has primary review, monitoring, and approval responsibility for OWPs, but works with ORIP when there are issues or concerns. Although District and ORIP responsibilities are different, they are complementary.

The District informs ORIP about District and MPO/RTPA staffing changes, MPO/RTPA successes, problems, and issues (e.g. important accomplishments, high profile work elements, politically sensitive or significant issues). ORIP informs the Districts about legislation and regulations, funding, audit issues, new policies and procedures, statewide transportation planning issues of interest to the region(s), and regional lobbying efforts to the Department Director, the Secretary of the Business, Transportation and Housing Agency, and/or the Governor's Office.

Below is a list of the ORIP Regional Planning Responsibilities:

- Develop and update the *Regional Planning Handbook*.
- Distribute the Planning Emphasis Areas and fund estimates.
- Coordinate the Annual MPO meetings with FHWA and FTA for the MPOs.
- Review all draft OWPs to ensure that the MPOs/RTPAs meet the needs of federal and State regulations and/or policies, ensure all tasks are eligible and meet federal regulations, coordinate with other HQ Planning Offices and Modal Programs as needed, and send HQ comment letter to District Liaison.
- Attend Annual MPO Meetings when possible.
- Allocate RPA and CPG and reconcile prior years CPG and RPA carryover with each MPO/RTPA.

- Encumber CPG and RPA through Accounting and code Requests for Reimbursement.
- Collect and process Final OWP Packages (Final OWP package to HQ District Liaisons (Final OWP, board resolution or meeting minutes, original OWPA and Certifications and Assurances).
- Process OWP Amendments as needed.
- Collect OWP Close-out Package (Quarterly Progress Reports, final products, etc)
- Collect and Process OWP Fiscal Year-end Package (Final invoice, Certification by Expenditure, and Final Statement of Expenditures).
- Process year-end package and develop reconciliation letter.
- Advise Districts of statewide transportation policy issues, proposed legislation and new legal and regulatory requirements.
- Coordinate with Caltrans Audits & Investigations on ICAP, pre-award, and cost incurred audits. Oversee planning corrective actions.
- Provide Regional Planning Training when needed.
- Answer any questions about policy and statute.
- Update MFTA and MOUs as needed.
- Develop *RTP Guidelines*.
- Answer any questions pertaining to RTP policy and statute.
- Review all draft RTPs to ensure that they meet the needs of Federal and State regulations and/or policies.
- Monitor RTP updates.
- Maintain RTP files and logs.
- Prepare FHWA Partnership Planning, FTA § 5304 Transit Planning, and FHWA Regional Blueprint Planning Grant applications.
- Coordinate with District on monitoring of FHWA Partnership Planning, FTA § 5304 Transit Planning, FHWA Regional Blueprint Planning Grants.

Below is a list of the Districts Regional Planning Responsibilities:

- Forward *Regional Planning Handbook* updates to the MPO/RTPA.
- Review all draft OWPs to ensure the goals of the region and State are accomplished, to ensure Caltrans and related stakeholders are consulted when appropriate, and to ensure the identified activities benefit the regional transportation system.
- Send draft OWP with a comment transmittal memo to HQ ORIP District Liaison. Coordinate with other District Planning Offices and Modal Programs as needed.
- Collect all Draft OWP comments to include in a comprehensive letter to the MPO/RTPA.
- Ensure all comments are included in the Final OWP.
- Attend Annual MPO Meetings and represent the Department on related issues.
- Provide recommended OWP approval letter to FHWA/FTA by June 1st.
- Send completed Final OWP package to ORIP District Liaison (Final OWP, board resolution or meeting minutes, original OWPA and Certifications and Assurances).
- Review and approve all Quarterly Reports.
- Review and approve OWP Amendments. Coordinate with FHWA and FTA when needed and send original copies to ORIP District Liaison.

- Approve and send all additional OWP documents, i.e. Quarterly Reports, final products to ORIP District Liaison once all documents are submitted.
- Review and approve all RFRs to ensure expenditures are accurate, requested on a reimbursement basis, for eligible activities, for delivered products, and completed in accordance with work elements in the OWP and Federal and State Requirements.
- Review and approve year-end package send original copies to ORIP District Liaison.
- Manage and monitor FHWA Partnership Planning, FTA § 5304 Transit Planning, FHWA Regional Blueprint Planning Grants.
- Participate on Technical Advisory Committees, serve as an ex-officio member on the MPO/RTPA board, and attend any special committees that relate to tasks identified in the OWP.
- Notify ORIP Distinct Liaison if any problems arise.
- Represent the Department in the RTP process.
- Review and circulate Draft RTP and environmental document.
- Collect and prepare draft RTP comments.
- Distribute Final RTP package.
- Notify HQ of any RTP amendments.
- Review, approve, and submit FHWA Partnership Planning, FTA § 5304 Transit Planning, and FHWA Regional Blueprint Planning Grant Close-out Packages to ORIP District Liaison.

Below is a list of the MPOs/RTPAs Regional Planning Responsibilities:

- Develop draft OWPs.
- Send draft OWP with a comment transmittal memo to Districts.
- Attend Annual MPO Meetings.
- MPOs' incorporate Caltrans, FHWA, and FTA comments in the Final OWP.
- RTPAs' incorporate Caltrans' comments in the Final OWP.
- Provide Final OWP Package to District (Final OWP, board resolution or meeting minutes, original OWPA and Certifications and Assurances).
- Develop and submit Quarterly Reports.
- Develop and submit OWP Amendments as needed.
- Develop and submit RFRs to ensure expenditures are accurate, requested on a reimbursement basis, for eligible activities, for delivered products, and completed in accordance with work elements in the OWP and Federal and State Requirements.
- Develop and submit year-end package.
- Apply and manage FHWA Partnership Planning, FTA § 5304 Transit Planning, FHWA Regional Blueprint Planning Grants.
- Coordinate Technical Advisory Committees and any special committees that relate to tasks identified in the OWP.
- Notify Caltrans if any problems arise.
- Develop and circulate Draft RTP and environmental document.
- Incorporate draft RTP comments.
- Distribute Final RTP package.

- Distribute RTP amendments.

1.07 Authority

Regulations and Statutes authorizing regional transportation planning are found primarily in Titles 23 and Title 49 of United States Code (USC), and in Sections 65080 et seq., and 29532 et seq., of the California Government Code. Governing regulations are found in the Code of Federal Regulations (CFR) and the California Code of Regulations.

Federal accounting and auditing requirements are as per Titles 48 and 49 USC and CFR, and Office of Management and Budget (OMB) and Federal Transit Administration (FTA) Circulars and guidance. State accounting and auditing requirements are as per the Government Code, the Public Utilities Code, the Public Contracts Code, and the Health and Safety Code.

Some other key authorities include Government Code Section 6500 et seq., Streets and Highways Code, Presidential Executive Orders 12372, 12612, and 12898, the State Budget, the State Administrative Manual, the California Labor Code, the Older Americans Act, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act, the Clean Air Act Amendments, Title VI of the Civil Rights Act of 1964, and the California Environmental Quality Act (CEQA).

The Department Director has delegated authority for most regional transportation planning responsibilities to the District Directors in Executive Orders, *Confirmation of and Delegation of Authority*. These twelve Executive Orders reference and incorporate the Director's Policy for *Program Management* (Number 16, effective 12-1-94). ORIP provides oversight and statewide guidance relative to these authorities. ORIP may also request additional information as needed.

1.08 Reference Materials

In this Handbook, forms, samples, and products are referenced throughout the Handbook and are available on ORIPs website. Below are companion and reference documents:

- Moving Ahead for Progress in the 21st Century (MAP-21)
- 23 USC 134 – Federal Aid Highways – Metropolitan Transportation Planning
- 49 USC 5303-5305 – Transportation – Metropolitan and Statewide Planning programs
- 23 CFR 450 –Metropolitan and Statewide Planning regulations
- 23 CFR 420 – Administration of FHWA Planning and Research funds
- 49 CFR 18 – Uniform Administrative Requirements for Grants and cooperative Agreements to States and Local Governments
- 2 CFR Part 225 – Cost Principals for State, local, and Indian Tribal Governments
- OMB circular A-133

- FTA Master Agreement
- Government code 65080 – CA Metropolitan Planning Responsibilities
- Public Utilities Code 99310 – 99320 – State Transportation Funding
- Local Programs Procedures:
    - 00-05: Pre-award audit requirements and Consultant procurement
    - 04-10: accounting/invoices

- FTA Circulars:
    - C 5010.1D – Grant management Requirements
    - C 8100c – Program Guidance for Metropolitan Planning and State Planning and Research Grants
    - C 4220.1F- Third Party Contracting Guidance

- FHWA Guidance:
    - Area Boundaries for Census
    - Bicycle and Pedestrian Guidance
    - Guidance on Financial Planning, Fiscal Constraint for Transportation Plans, Programs
    - Non-federal Matching Requirements
    - Third Party in-kind contributions
    - Transportation and Sustainability Guidebook

ORIP's Website:
http://www.dot.ca.gov/hq/tpp/offices/orip/index/html

1.09 Terms and Acronyms

There are thousands of transportation and transportation planning terms and acronyms. However, familiarity with the following terms and acronyms is essential to understanding concepts in this Handbook.

Allocation	A distribution of funds by formula or agreement.
Apportionment	Distribution of federal funds (grants) by a statutory formula to the states' Governors for allocation by them to the grant recipients.
Appropriation	An official action (e.g. passage of a law) to make funds available, with specific limitations as to amount, purpose and duration.
Encumber	The formal processes, which commit funds for a specific purpose, e.g., commitment of Rural Planning Assistance (RPA) to an RTPA, or FHWA Metropolitan Planning (PL) funds to an MPO.

FHWA, FTA	The Federal Highway Administration and the Federal Transit Administration are two of the modal agencies in the United States Department of Transportation (US DOT).
MAP-21	Moving Ahead for Progress in the 21st Century, federal transportation legislation signed into law in 2012; successor to SAFETEA-LU.
MFTA	Along with the OWP and OWPA, it constitutes the funding contract and requirements between the state and the MPO/RTPA for CPG and/or RPA funds. It is an ongoing, multi-year agreement that prevails until is it amended, updated, or replaced. The provisions of the MFTA also apply to any MPO/RTPA contractors or subcontractors.
MPO	Metropolitan Planning Organizations are the regional planning entities in urbanized areas, usually an area with a population of 50,000 or more. As of December 2006, there are eighteen MPOs in California. Although the Tahoe region does not include an urbanized area 50,000 or larger, TEA-21, permitted the Tahoe region to establish a MPO.
Obligation	The Federal government's legal commitment (promise) to pay or reimburse the States or other entities for the Federal share of a project's eligible costs.
ORIP	Office of Regional and Interagency Planning in the Department's Division of Transportation Planning, Headquarters, Sacramento.
Reimbursement	State or federal transportation planning funds paid to the MPO/RTPA for transportation planning work activities in the OWP already done by the MPO/RTPA, or on behalf of the RTPA/MPO by a contractor or consultant, and already paid for using local funds.
RTPA	Regional Transportation Planning Agency, the regional planning entity referenced in California law; e.g., a local transportation commission, a statutorily created RTPA, or a council of governments.
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, federal transportation legislation signed into law in 2005; successor to TEA-21.

Toll Credits	Toll credits are earned when the state, a toll authority, or a private entity funds a capital transportation investment with toll revenues earned on existing toll facilities. Toll credits may substitute for the required nonfederal share on a new Federal-aid project, the Federal reimbursement can effectively be increased to 100 percent.
Unexpended Carryover	Unexpended Federal CPG funding -- FHWA Metropolitan Planning (PL), FTA Metropolitan Planning, FTA § 5304 Transit Planning Grants, FHWA State Planning and Research Partnership Planning, FHWA Regional Blueprint Planning, and Rural Planning Assistance (RPA)—do not need to be fully expended during the fiscal year in which they are appropriated and allocated or awarded. The recipient may carryover unexpended amounts to the next fiscal year. MPOs' carryover FHWA PL and FTA § 5303 and RTPAs' carryover 25% of RPA via a reconciliation letter process. Both MPOs/RTPAs are allowed to carryover FTA § 5304 Transit Planning Grants, FHWA Partnership Planning, and FHWA Regional Planning funds through the reconciliation letter process.

The Mineta Transportation Institute glossary of transportation planning terms:

http://transweb.sjsu.edu/comglos.htm

FHWA's Planning Glossary:

http://www.fhwa.dot.gov/planning/glossary/glossary_listing.cfm

2 OVERALL WORK PROGRAM (OWP)

Annually, each MPO/RTPA is required to develop and submit an Overall Work Program (OWP) that its Governing Board adopts per the MFTA, Section 1(A).

The OWP provides an overview of the region, with a focus on its transportation goals and objectives, and the actions to achieve those goals and objectives. The OWP is a scope of work for transportation planning activities, including estimated costs, funding sources, and completion schedules.

Although the OWP reflects work to be performed by in-house MPO/RTPA staff or work the agency contracts out, preparation of the OWP should involve collaboration among all transportation partners in the region. Partners that should be included are: the Department, transit providers, community based organizations, railroads/maritime ports/airports, bicycle and pedestrian interests, congestion management agencies, state

and federal resource agencies, city and county local governments, the public (including minority and low-income populations, etc.), and government-to-government consultation with Native American Tribal Governments.

The OWP is intended to provide a comprehensive overview of transportation planning, and should include regionally significant activities that will be completed with other transportation funds. These may be shown as actual work elements, but are typically shown as a chart or matrix, either in the body of the OWP or in the appendix.

2.01 The Purpose and Contents of the OWP

The OWP is the MPO's/RTPA's transportation planning structure for the state fiscal year, July 1 through June 30. It can also be used for other purposes, such as:

- The MPO's/RTPA's annual operations plan for the state fiscal year
- The MPO's/RTPA's planning budget for the state fiscal year
- An activity tracking and management tool for the MPO/RTPA Governing Board
- A contract and monitoring tool for local, state, and federal entities to track the completion of annual transportation planning and expenditure of funds
- An easy reference for members of the public who wish to know the "who/what/when/where/how much" of transportation planning activities in the region

In the OWP, there is an overview of the MPO's/RTPA's decision-making, partnering, public participation and other approaches. For example, technical planning committees, workshops, data gathering, public participation, outreach, and information sharing efforts, etc. Formal decisions are made by a vote of the MPO/RTPA Governing Board at regularly scheduled meetings based on recommendations and information provided by MPO/RTPA staff and advisory committees. Members of the public have the opportunity to present their views and express their support or opposition at Board meetings.

2.02 The OWP is Part of a Funding Contract

In conjunction with the Overall Work Program Agreement (OWPA) and the regional transportation planning Master Fund Transfer Agreement (MFTA), the OWP constitutes the annual funding contract between the state and the MPO/RTPA for the Consolidated Planning Grant (CPG) and/or Rural Planning Assistance (RPA). It is also the annual application for CPG formula funds and RPA. (See Chapter 3 for more information about CPG.)

The MFTA is an on-going, multi-year agreement that prevails until it is amended, updated, or replaced. The current MFTAs are set to expire December 31, 2014. The MFTA requires that MPOs/RTPAs submit an OWP each year. The MFTA also states that the MPO/RTPA agrees to comply with all applicable state and federal laws, regulations and requirements.

Although the MFTA is a complex legal document, it is written in sufficiently generic terms and does not require annual reconsideration. Detail is added through the OWP and OWPA. This three-document arrangement is straightforward and practical, and much less expensive for the MPO/RTPA and the Department than entering into a completely new fund transfer contract each year. The provisions of the MFTA are also applicable to any MPO/RTPA contractors and subcontractors.

2.03 The OWPA

The Overall Work Program Agreement (OWPA) is a one-page document signed by the MPO/RTPA and the District. The Director's Delegation of Authority allows the District Deputy Director to approve annual OWPAs with RTPAs and MPOs. The signatures on the OWPA formalize the annual CPG and/or RPA contract, effective upon passage of the State Budget.

The MPO/RTPA provides original signed OWPAs and forwards it to the District. The authorized MPO/RTPA signatory is usually the Executive Director or the Finance Officer, as per Governing Board delegation. The District signatory is the District Director or the Deputy District Director for Planning, as delegated by the District Director. After the District obtains the necessary signature on the original OWPA (signed in **blue** ink to more easily distinguish original signatures from photocopies), the District makes photocopies for its file and for the MPO/RTPA and forwards the original to the ORIP District Liaison.

ORIP requires three original OWPAs. The District and/or the MPO/RTPA may also prefer (or require) originals rather than photocopy versions. In such instances the two parties need to determine how many additional original OWPAs they will need.

After passage of the State Budget, ORIP's Fund Specialist uses the OWPA to encumber CPG and/or RPA on behalf of the MPO/RTPA for the term of the OWP.

The OWPA is specific to a fiscal year and must accurately reflect the OWP. This means a new OWPA must be submitted each year with the adopted and approved Final OWP. The CPG/RPA funds programmed and approved in the OWP will be equal to the funds to be encumbered by the OWPA. An OWPA amendment must be submitted each time there is an OWP amendment that changes the total amount of CPG (which will also change the local match) and/or RPA.

There are separate OWPA forms for MPOs and RTPAs. It is the District's responsibility to ensure the correct version of the form is used and all fill-in information is accurate. The District should check that:

- The CPG and/or RPA totals in the funding columns are consistent with the amounts in the OWP work elements and Budget Revenue Summary.
- Allocations are not exceeded.
- The local match for each federal fund source and type precisely reflects the mandatory (minimum) percentage.

The OWPA cannot include separate line entries for current versus prior years' balances, therefore the ORIP Fund Specialist requires a letter or memo from the MPO/RTPA to identify current year CPG versus carryover amounts when carryover funds are included or amended into the OWP and OWPA. In the Budget Revenue Summary, CPG carryover funds must be listed in a separate column from the current year's funds and must be identified by funding source and type.

MPO and RTPA OWPA forms can be found on ORIP's website at http://www.dot.ca.gov/hq/tpp/offices/orip/index.html

2.04 The MFTA/OWP/OWPA Trio Only Encumbers CPG and/or RPA

Although the OWP is a comprehensive document that includes a wide variety of funding sources, the regional planning MFTA and the OWPA only apply to CPG and/or RPA. There are different applications, agreements, and fund transfer arrangements for other transportation planning funds, specifically funds not administered by ORIP.

Even if there is a fully executed MFTA between the state and the MPO/RTPA, the current year's CPG and/or RPA cannot be encumbered for the MPO/RTPA until it has a Final OWP adopted by the MPO/RTPA Governing Board, is approved by the Department and FHWA and FTA, has a fully completed and executed *original* OWPA and Certifications and Assurances on file in ORIP, and the state budget has been approved and signed by the Governor per the MFTA, Article 1 (E) and (F) and Article 2, Section 4.

2.05 The Three Components of the OWP

Although OWPs vary in length, complexity, and format, in general, they include the following three components:

- Introduction or prospectus
- Work elements
- Budget Revenue Summary

Per 23 CFR Part 450.308(c) the federal unified planning work program contents describe the work proposed for the next one or two year period by major activity and task (including activities that address the planning factors in § 450.306(a)) in sufficient detail to indicate who (e.g., MPO, State, public transportation operator, local government, or consultant) will perform the work, the schedule for completing the work, the resulting products, the proposed funding by activity/task, and a summary of the total amounts and sources of Federal and matching funds.

2.05.a Introduction or Prospectus

The OWP introduction or prospectus provides the context for understanding the proposed work activities and gives information about the region. For example, the following information should be provided:

- The region's transportation planning approach
- Agency organizational structure and interagency arrangements
- Decision-making steps
- Government-to-government consultation with Native American Tribal Governments
- An overview of public participation and involvement
- Significant regional characteristics and issues, demographics, transportation needs, priorities, and goals
- How the annual Planning Emphasis Areas (PEAs) and the federal planning factors are addressed in the work elements
- Progress made toward implementing the RTP and TIP

2.05.b Work Elements

Work elements identify specific planning work (such as "activities," "tasks," "steps," "products," etc.) to be completed during the term of the OWP.

There should be a separate work element for each major activity and grant award. Each work element should include:

- A title and work element number
- A purpose or objective statement
- An identification of previous, ongoing and future years' work
- A description of eligible steps/activities/tasks/products, etc., completion dates, responsible entities (including work identified as contracted, in-house, sub-regional, etc.)
- A product or outcome associated with each task/activity
- A schedule and completion date for each task and product
- A table showing all fund sources, uses of these funds (e.g., in-house, contracted), and local match source

Each task should correlate with an end product and schedule. If there is not a specific end date then the schedule should reflect the frequency of task such as monthly, quarterly, bi-annually, etc. For multi-year work elements, the activities to be completed, as well as the sources and uses, are shown separately by year. For prior years, the accomplished activities are summarized. For the current and future years, the sources and uses are estimates.

Some MPOs/RTPAs have created one single work element for each category of work, referred to as mega-work elements. Mega-work elements are discouraged because such a broad-brush approach defeats the OWP's utility as a comprehensive planning document for the Governing Board, other agencies, and the public, and as a tool to monitor and approve eligible planning activities and expenditures.

2.05.c Budget Revenue Summary

Although each work element entry includes a breakdown of funding sources and local match, *all* OWP sources and uses must also be listed in a comprehensive Budget Revenue Summary table. Some other commonly used titles for the summary are Revenue and Expenditure Summary, Funding Table, etc. The summary shows all funds in the OWP, itemized by work element and funding sources and types. Prior years' unexpended CPG and RPA carryover in the OWP must be identified separately from the current year's allocations and/or awards as a place holder until the carryover funds are reconciled and amended into the OWP and OWPA.

Consistency of funding throughout the OWP is important (i.e. the entries in the Budget Revenue Summary must accurately reflect the amounts in the individual work elements). Totals for individual sources may not exceed allocations or awards. (The total amount for each work element should also not exceed allocation.

2.06 OWP Timeline

The draft portion of an MPO/RPTAs OWP cycle may begin as early as October and may continue into June of the following calendar year. The administration and completion of the OWP spans the state fiscal year July 1 through June 30. Closeout begins with the end of the state fiscal year and extends to March 31 of the next calendar year when the MPO's/RTPA's Annual Fiscal and Compliance Audit Report is due to the State Controller's Office.

The three columns in the MPO/RTPA Timeline tables represent the three OWP documents that will be administered in a given fiscal year. The rows represent the month in which activities or deadlines are recommended:

MPO Overall Work Program Timeline 12/13

Key dates for the previous year's closeout through the following year's draft

	FY 11/12 OWP	FY 12/13 OWP	FY 13/14 OWP
Beginning of State Fiscal Year 12/13: July 1, 2012			
July '12	July 31: Q4 Progress Report **due to District**.		
Aug '12	August 15: All FY Quarterly Progress Reports and Final Products **due to ORIP** By August 31: Year End Package **due to District.** **		
Sep '12	September 15, Year-End Package **due to ORIP.** **		
Beginning of Federal Fiscal Year 12/13: September 1, 2012			
Oct '12		October 31: Q1 Progress Report **due to District.**	
Nov '12		November : Q1 Progress teleconference between **ORIP and District**	November – June: MPOs/RTPAs draft, circulate and finalize OWPs
Dec '12			
Jan '13		January 31: Q2/mid-year Progress Report **due to District.** January-February: District mid-year OWP status meeting with MPOs.	
Feb '13		February : Q2/mid-year Progress teleconference between **ORIP and District**	February - May: Individual Annual MPO meetings, ***MPO draft OWPs due 30 days before the annual MPO meeting, but no later than March 1***, Districts review and circulate draft OWPs.
Mar '13	March 31: MPO Annual Fiscal and Compliance Audit Report due to State Controller's Office		March 1: **Latest date to submit draft OWP to District.**
Apr '13		April 30: Q3 Progress Report **due to District.** April-May, District year-end OWP status meetings with MPOs.	
May '13		May 1: **deadline for OWP/OWPA amendments (complete package due to ORIP).** May 15: Q3 Progress teleconference between **ORIP and District**	May :Adopted OWPs due to Districts, Districts approve OWPs and send to FHWA/FTA. May 1 deadline for MPO Indirect Cost Negotiation Agreements and Cost Allocation Plans due to CT Audits and Investigations. (MPO's are encouraged to submit their ICAP's with draft OWPs) .
Jun '13			June 1: FHWA/FTA receive final MPO OWPs by June 1 and review and approve by July 1. • Districts recommend OWP approval to FHWA/FTA. • FHWA/FTA concur and re-approve MPO OWPs. June 30: Final approved and adopted OWP and fully executed OWPA due to ORIP.
Beginning of State Fiscal Year 13/14: July 1, 2013			
Jul '13		July 31: Q4 Progress Report **due to District**.	
Aug '13		August 15: All FY Quarterly Progress Reports and Final Products **due to ORIP** August 31: Year End Package **due to District**.	

= 11/12 OWP Closeout = 12/13 OWP Current Year = 13/14 OWP draft, review, adopt and approve

** The Year End Package must include a Certification of Expenditure by Fund Source including the Final Statement of Expenditures attachment *and* the last Request for Reimbursement

RTPA Overall Work Program Timeline 12/13

Key dates for the previous year's closeout through the following year's draft

	FY 11/12 OWP	FY 12/13 OWP	FY 13/14 OWP
Beginning of State Fiscal Year 12/13: July 1, 2012			
July '12	July 31: Q4 Progress Report **due to District**.		
Aug '12	August 15: All FY Quarterly Progress Reports and Final Products **due to ORIP** By August 31: Year End Package **due to District.** **		
Sep '12	September 15, Year-End Package **due to ORIP.** **		
Beginning of Federal Fiscal Year 12/13: September 1, 2012			
Oct '12		October 31: Q1 Progress Report **due to District.**	
Nov '12		November : Q1 Progress teleconference with **ORIP and District**	November – June: MPOs/RTPAs draft, circulate and finalize OWPs
Dec '12			
Jan '13		January 31: Q2/mid-year Progress Report **due to District.** January-February: District mid-year OWP status meeting with RTPAs.	
Feb '13		February: Q2/mid-year Progress teleconference with **ORIP and District**	February - May: Districts review and circulate draft OWPs.
Mar '13	March 31: RTPA Annual Fiscal and Compliance Audit Report due to State Controllers Office		March 1: **Latest date to submit draft OWP to District.**
Apr '13	April –May: District year-end OWP status meetings with RTPAs.	April 30: Q3 Progress Report **due to District**.	
May '13		May 1: **deadline for OWP/OWPA amendments (complete package due to ORIP).** May : Q3 Progress teleconference with **ORIP and District**	May :Adopted OWPs due to Districts, Districts approve OWPs. May 1: deadline for RTPA Indirect Cost Negotiation Agreements and Cost Allocation Plans due to CT Audits and Investigations. (RTPA's are encouraged to submit their ICAP's with draft OWPs) .
Jun '13			June 30: Final approved and adopted OWP and fully executed OWPA due to ORIP.
Beginning of State Fiscal Year 13/14: July 1, 2013			
Jul '13		July 31: Q4 Progress Report **due to District**.	
Aug '13		August 15: All FY Quarterly Progress Reports and Final Products **due to ORIP**. August 31: Year End Package **due to District**.	
Sep '13		September 15: Year End Package **due to ORIP**** .	

= 11/12 OWP Closeout = 12/13 OWP Current Year = 13/14 OWP draft, review, adopt and approve

** The Year End Package must include a Certification of Expenditure by Fund Source including the Final Statement of Expenditures attachment *and* the last Request for Reimbursement

2.07 Planning Emphasis Areas and Federal Planning Factors

FHWA develops California Planning Emphasis Areas (PEAs) each year to promote priority areas for consideration in transportation planning and integration into the OWP specifically for California MPOs. The National PEAs are published in the Federal Register, usually toward the end of the calendar year and ORIP sends both the state and national PEAS when they become available.

MPOs are required to incorporate the California and National PEAs in the OWP. While it is not required, it is recommended that RTPAs include the National PEAs in the current OWP. Some RTPAs/MPOs identify their PEAs-related work in the OWP introduction or prospectus. Others include matrixes to indicate the PEAs-related work elements. If one (or more) of the PEAs is not addressed, the reason should be clearly stated.

Like the PEAs, the federal planning factors in MAP-21 Section 134(h) should also be incorporated in the MPOs/RTPAs OWP. Federal Planning Factors are issued by Congress and emphasize planning factors from a national perspective. The Federal Planning Factors are revised or reinstated with new reauthorization. The eight planning factors (for both metro and statewide planning) are: (See Sample OWP Matrix below which is applicable to both PEAs and/or the MAP-21 Planning Factors.)

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

2. Increase the safety of the transportation system for motorized and non-motorized users.

3. Increase the security of the transportation system for motorized and non-motorized users.

4. Increase the accessibility and mobility of people and for freight.

5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.

6. Enhance the integration and connectivity of the transportation system, across and between modes, people and freight.

7. Promote efficient system management and operation.

8. Emphasize the preservation of the existing transportation system.

Sample OWP Matrix for MAP-21 Planning Factors or PEAs

MAP- 21 Planning Factors						
	Work Element 1	Work Element 2	Work Element 3	Work Element 4	Work Element 5	Work Element 6
1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.	X	X			X	
2. Increase the safety of the transportation system for motorized and non-motorized users.		X		X		X
3. Increase the security of the transportation system for motorized and non-motorized users.	X		X		X	
4. Increase the accessibility and mobility of people and for freight.			X	X		
5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.	X					X
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.			X		X	
7. Promote efficient system management and operation.		X				X
8. Emphasize the preservation of the existing transportation system.				X		

2.08 District and ORIPs Review of the Draft OWP

Regional planning staff in the Districts are the initial and primary points of contact for transportation planning between the Department and the MPO/RTPA. The draft OWPs are submitted to the Districts for review.

District staff should:

- Review the draft OWP (primary reviewer)
- Prepare a transmittal memo identifying significant work elements and activities and route the draft OWP for review and comment to other units within the District and Headquarters, as appropriate
- Receive comments from the reviewing units, and prepare a comprehensive formal Department comment letter to the MPO/RTPA, with a copy to ORIP. District comment letters regarding MPO OWPs are also copied to FHWA/FTA

Development and adoption of the OWP is a lengthy procedure for MPOs/RTPAs. District Regional Planning staff should bear this in mind as they review, route and comment on draft OWPs.

The District reviews draft OWPs with two emphases: a conceptual and technical. The conceptual evaluation focuses on the OWP as a whole to determine whether the activities accomplish the transportation planning goals of the region. The technical evaluation focuses on the feasibility of planning activities identified in the work elements.

The conceptual review considers whether the activities in the OWP:

- Respond to District concerns
- Consider regional mobility issues and requirements
- Represent an inclusive planning approach to address transportation in the region
- Include appropriate stakeholders
- Contribute to implementation of the Regional Transportation Plan

The technical review of the OWP centers on points such as:

- Has progress made in the previous year's OWP been described?
- Do the task statements, project schedules, and costs seem realistic?
- Are all regional transportation planning contracts, and grants listed?
- Have Title VI, American with Disabilities Act and other compliance considerations been included?

ORIP also reviews the draft OWPs with the same emphases, but from a statewide perspective to ensure consistency. The conceptual evaluation focuses on the OWP as a whole to determine whether the activities accomplish the transportation planning goals outlined in State and federal legislation. The technical evaluation focuses on eligibility and funding compliance

The conceptual review considers whether the activities in the OWP:

- Include required products such as Regional Transportation Plans, Transportation Improvement Programs, air quality conformity, etc.
- Incorporate the applicable PEAs and the federal planning factors. If any of these are not included, the reason for *not* including any of them should be stated

The technical review of the OWP centers on points such as:

- Are funding amounts consistent throughout?
- Do the budget figures add up correctly?
- Are the activities eligible uses for the regional transportation planning funding sources?
- Have federal match requirements been satisfied?

2.9 District Staff Circulate the Draft OWP

District staff should receive the MPO's draft OWP 30 days before the federal Annual MPO meeting or March 1, whichever occurs first. Draft OWPs for RTPAs are due to the Districts March 1. Once District staff receives the draft OWP from the MPO/RTPA, they send the draft OWP and solicit comments from ORIP . ORIP requests one hard copy and one electronic copy of the draft OWP.

The OWP is a comprehensive document, and the regional transportation planning activities and projects within the work elements relate to, projects, activities and responsibilities of other District and Headquarters units. Staff in affected units should be provided the opportunity to review and comment on specific work elements that pertain to their responsibilities. The District

and ORIP's request for review and comment transmittal memo should clearly state what is expected from these reviewers, including:

- Specific work elements, activities and/or products should be referenced
- Relevant questions should be posed
- Related accomplishments should be cited
- Pertinent Department activities should be mentioned

Some District units to whom District staff might circulate the draft OWP are:

- Traffic Operations
- Systems Planning and/or Traffic Forecasting
- Local Assistance Engineers
- Project Management
- Community Planning
- IGR/CEQA Coordinators
- Title VI Liaison
- Transit/Public Transportation Planning

Headquarters units to whom ORIP staff might circulate the draft OWP are:

- The Division of Transportation Planning
    - Office of Regional and Interagency Planning (**always**!)
    - Office of Goods Movement
    - Office of Community Planning
    - Office of Advanced and System Planning and Goods Movement
- Division of Aeronautics
- Division of Mass Transportation
- Any other affected Division

Note: Headquarters Local Assistance does not review draft OWPs. They do, however, request copies of Final OWPs.

MPO draft OWPs are also sent to the FHWA/FTA. The drafts may be sent by the MPO directly or through the District, as MPO/District preference and custom dictate, but it is the District's responsibility to make sure the draft is provided to FHWA/FTA.

FHWA requests an electronic version and one hard copy of each MPO's draft OWP. FTA, however, prefers an electronic copy of the MPO's draft OWP. FHWA and FTA contact information is provided by ORIP.

The Department's comment letters should be comprehensive (i.e. they should include the Department's comments in one letter and not be piecemealed) and should communicate all of the Department's concerns. If major problems are discovered after the comment letter is sent to the RTPA/MPO, the District and ORIP still needs to work with the MPO/RTPA to resolve them.

2.10 OWP Review Checklist

The following checklist can assist District staff as they review draft OWPs. MPOs may also use the list to draft more complete OWPs. The list is illustrative, not inclusive.

The Content of the OWP Should:

_____ Demonstrate the scope and schedule of major tasks.
_____ Respond to planning priorities, including the PEAs, and the eight MAP-21 Planning Factors.
_____ Comply with state and federal planning/administration program requirements and policies.
_____ Contain the MPO's annual certification and assurances. The MPO planning process should address the major issues facing the region and should be conducted in accordance with all applicable laws.
_____ Respond to Caltrans concerns, regional transportation issues, regional transportation planning activities and transportation problems and needs facing the region.
_____ Reflect the progress made by the MPO in carrying out the previous year's program and its performance capabilities. All anticipated continuing activities should be clearly identified.
_____ Contain a work element in the Draft OWP for each discretionary planning grant application i.e., FHWA Partnership Planning, FTA § 5304 Transit Planning Grants, and FHWA Blueprint Planning
_____ Include an information element, which lists the transportation planning activities being done by other transportation planning entities in the region. As discussed in Section 6 there are various options for presenting the Caltrans informational element.
_____ Show non-planning sources for all project work in the OWP, e.g., PIDs, transit marketing, ride matching, transportation engineering and Transportation Development Act (TDA) required activities, etc.
_____ Respond to Air Quality and Conformity issues (please see 40 CFR 93 for Conformity requirements).
_____ If a MPO has any indirect costs associated with the OWP they must submit an Indirect Cost Plan (ICAP) to Audits and Investigations. Once the ICAP is approved they may invoice for indirect costs.

The Financial Information in the OWP Should:

_____ Reflect the fund source, type and amount for each work element. Also, show the same source, type and amount in the Budget Revenue Summary.
_____ Include and identify the correct local match for each federal fund source and type.
_____ Identify correct toll credits if using in lieu of a cash or in-kind local match.
_____ Show consistency between the fund amounts identified within the work element/work task discussion and the fund amounts in the Budget Revenue Summary.
_____ Identify any carryover from prior years by fund source, type, amount and fiscal year within work elements and the Budget Revenue Summary.

The Work Elements in the OWP Should:

_____ Illustrate an organized and logical flow of work element tasks and activities from project inception to project completion.

_____ Contains task statements which include enough detail that the work product is easily identifiable and eligibility can be easily determined. The work task also identifies who is responsible for performing the work.

_____ Work elements/work tasks which will be completed over multiple years should have a schedule that details and identified significant milestones to be accomplished throughout the term of the planning grant.

_____ Identify all planning contracts in both the task and budget statements.

_____ All tasks and products listed are eligible uses of Federal Funds.

Draft OWP Review Circulation:

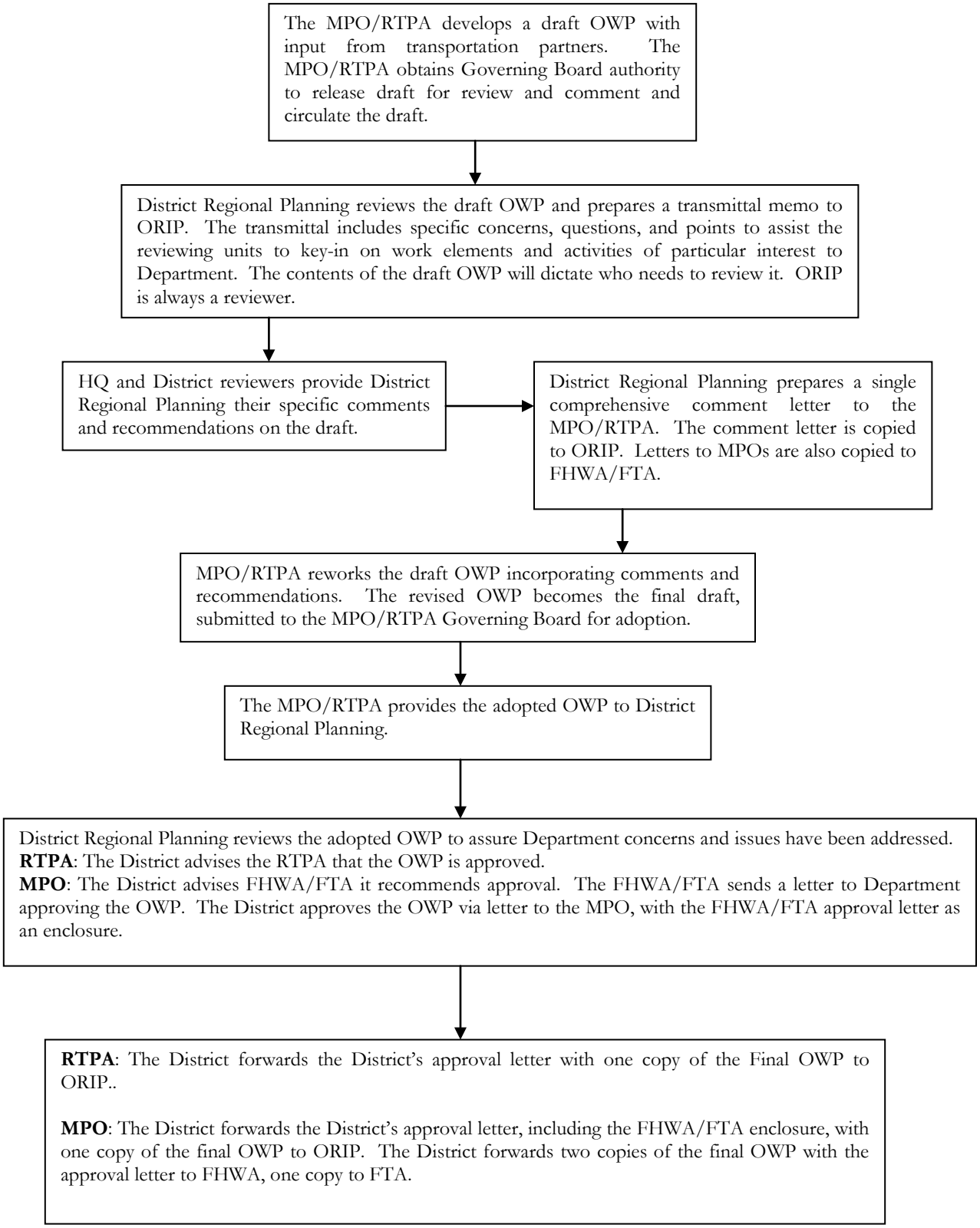
Regional agencies submit electronic and hard copies of the draft OWP to the Districts, FHWA and FTA. It is the District's responsibility to ensure FHWA and FTA have received a draft copy. The District also sends copies of Draft OWPs to the ORIP District Liaison

The Draft OWP Review Packages Should:

_____ Include transmittal memo to District and Headquarters reviewing units. The transmittal memo should include specific concerns, questions and points to assist reviewing units on work elements and activities of particular interest to the Department. The memo should also include comment due date and identify the District Coordinator to whom the comments are to be returned.

_____ **Transmittal** memo and final Caltrans letter of recommendation approving the draft OWP should reflect the fact we are only approving or recommending approval of CPG funds. Other work/work elements contained in the OWP are not subject to our approval.

2.11 OWP Development and Review



2.12 Annual MPO Meetings

Between February and April of each year, the FHWA/FTA schedules interagency review meetings of the MPOs, formerly known as Intermodal Planning Group (IPG) meetings. In addition to FHWA/FTA, the MPO, the District, representatives from Headquarters, and other transportation partners often attend. The purpose of the meeting is to discuss transportation issues, trends, accomplishments, and any problems the MPO may be experiencing. The District should complete and distribute the OWP comment letter prior to the Annual MPO Meeting, and major concerns expressed in the letter should be discussed at the meeting with the District as the lead Caltrans representative. FHWA and FTA will manage the development of the meetings and ORIP will provide the current schedule to the Districts.

It is important that all attendees have time to review the OWP and OWP comment letter prior to the Annual MPO meeting. It is recommended that comment letters be submited one week before the meetings. Both the next fiscal year's draft OWP and progress on the current fiscal year's OWP are included in the meeting discussion.

2.13 Certifications and Reviews

MPOs that include an urbanized area of 200,000 persons or larger are referred to Transportation Management Areas (TMAs). TMAs are subject to a federal certification review every four years. California MPOs that are currently designated TMA's are:

Southern California Association of Governments (SCAG)
Metropolitan Transportation Commission (MTC)
San Diego Association of Governments (SANDAG)
Sacramento Area Council of Governments (SACOG)
Fresno Council of Governments (FCOG)
Kern Council of Governments (KCOG)
San Joaquin Council of Governments (SJCOG)
Stanislaus Council of Governments (StanCOG)
Tulare County Association of Governments (TCAG)
Santa Barbara County Association of Governments (SBCAG)

The federal agency representatives review the TMA's self-certifications compliance with the laws listed in the FHWA/FTA certifications and assurances.

Although in the past the Annual MPO Meetings and certification meetings have been scheduled together, recently FHWA/FTA began to separate the two. The reason for splitting the two is to permit better focus at each, on OWP activities at the Annual MPO Meetings, and certification compliance at the certification review. Generally certification review meetings last approximately two to three days. ORIP will notify the District when a meeting has been scheduled.

Those MPOs that annually receive more than $250,000 in FTA § 5303 funds must also submit their Equal Employment Opportunity (EEO) Program reports by September 30 every four years

(2001, 2005, 2009, 2013 etc). The EEO Program reports are required per, and must comply with, the Urban Mass Transportation Administration (UMTA) Circular 4704.1. The reports should be submitted to the Districts, for review to ensure compliance with the UMTA Circular.

The Districts maintain copies of the reports for their files and submit the original to ORIP within two weeks after receipt from the MPOs. ORIP checks the reports and forwards them to FTA.

At present, only Southern California Association of Governments (SCAG), Metropolitan Transportation Commission (MTC), San Diego Association of Governments (SANDAG) and Sacramento Area Council of Governments (SACOG), Council of Fresno County Governments (COFCG), Association of Monterey Bay Area Governments (AMBAG), and the San Joaquin Council of Governments (SJCOG) receive more than $250,000 in FTA § 5303 funds annually.

Information about EEO reporting may be found at:

http://www.fta.dot.gov/civilrights/sitemap_78.html

2.14 Certifications and Assurances

By including the FHWA, FTA, and Debarment and Suspension certifications and assurances in their final adopted OWP each year, MPOs/RTPAs certify their compliance with the federal laws listed on the certification. MPOs/RTPAs are required to submit signed Federal and state certifications per the MFTA, Article I (D) and Article IV, Section 1.The federal certifications and assurances are published in the *Federal Register* and posted on ORIP's website.

MPOs who receive both FHWA PL and FTA § 5303 each year must always include both FTA and FHWA certifications and assurances in their OWPs annually. FTA requires the "Federal FY Certifications and Assurances for FTA Assistance" and FHWA require the "Metropolitan Transportation Planning Process Certification." MPOs must also submit the Debarment and Suspension certification and assurances form in their annual OWPs.

RTPAs that receive RPA funds must include the State Transportation Planning Process certification. If a RTPA received federal funds they need to include the following certifications: include the FHWA Metropolitan Transportation Planning Process Certification if they receive FHWA PL, FHWA State Planning and Research – Partnership Planning grant, and/or a FHWA Regional Blueprint Planning Grant; provide the FTA certifications and assurances when they receive FTA § 5303 or FTA § 5304 Transit Planning grant; and provide Debarment and Suspensions certification if they receive a FHWA PL, FHWA Partnership Planning grant, FHWA Regional Blueprint Planning Grant, FTA §5303, and/or a 5304 Transit Planning grant.

At the MPO/RTPA level, certifications must be executed by an individual who the Governing Board has delegated signature authority (usually the Executive Director or Finance Officer). The District Director or her/his delegate signs the certification for the Department. The FTA Certifications and Assurances also include an affirmation signed by the MPO's/RTPA's attorney-at-law.

Please note: All original Certifications and Assurances must be signed and forwarded to the HQ District Liaison in order for funds to be encumbered and repaid for that fiscal year.

All Certifications and Assurances can be found on ORIP's website at http://www.dot.ca.gov/hq/tpp/offices/orip/index.html

2.15 Approving the Final OWP

Prior to approving the OWP, District staff reviews the MPO/RTPA Governing Board-adopted Final OWP to assure that Department concerns have been adequately addressed. Headquarters staff provides comments to the District only for the draft OWP. The District is responsible for all subsequent monitoring of the OWP including the comparison and verification of changes the MPO/RTPA may make between the draft version of the OWP and the adopted Final OWP. The OWP *cannot* be approved if it contains questionable issues that do not meet federal regulations

The Final OWP should only include committed funds. The FHWA PL and RPA estimates are deemed committed amounts even though totals may change after passage of the federal and state budgets, respectively.

RTPAs: The District is responsible for approving (or disapproving) the Final OWP. When the Department's issues have been resolved, the District advises the RTPA in writing of the Department's approval of the Final OWP.

MPOs: The District is responsible for the Department's recommendation of approval (or disapproval) of the MPO's Final OWP once the Department's issues, including compliance with Title VI and related statutes, have been resolved. The District advises FHWA/FTA that the state *recommends* approval.

FHWA/FTA does not write its approval letter until after it has received approval recommendation notification from the District by June 1. The District's recommendation signifies to FHWA/FTA the Department's determination that the OWP complies with all of the Department's requirements, and that the District has completed a thorough review and is satisfied with the OWP.

FHWA/FTA approval only pertains to those aspects of the OWP, that they are responsible for reviewing, such as CPG funded work elements.
FHWA and FTA may prepare a joint reply or may send separate approval letters. After FHWA/FTA provides their written approval, the District advises the MPO in writing of the Department's approval of the Final OWP and encloses the FHWA/FTA approval letter. The FHWA and FTA MOU requires FTA to send out the approval letter to the MPO and District.

After the OWP and the OWPA are finalized, the District transmits these documents to the ORIP liaisons:

- ✓ District OWP recommend approval letter (MPOs) or approval letter (RTPAs)
- ✓ FHWA/FTA OWP approval letter (MPOs only)
- ✓ One hard copy of the adopted and approved OWP
- ✓ Three original OWPA bearing (original) MPO/RTPA and District signatures in **blue** ink
- ✓ The MPO/RTPA Governing Board resolution (or equivalent i.e. board minutes) adopting the OWP
- ✓ Governing Board authority for MPO/RTPA staff to sign the OWPA
- ✓ Original Certifications and Assurances (FHWA, FTA, Debarment and Suspensions and/or State Certification)

2.16 ORIP Requests an Electronic Version of the Final Adopted and Approved OWP

In addition to a hardcopy of each final adopted and approved OWP, ORIP requests an electronic copy of the final OWP. Districts should obtain these from the MPOs/RTPAs and should e-mail them to their ORIP liaison.

2.17 Accomplishing the OWP

If ORIP has received the required documentation from the District, the ORIP Fund Specialist works with Accounting to encumber transportation planning funds for the MPO/RTPA. Periodically the MPO/RTPA seeks reimbursement through the District using the Request for Reimbursement (RFR) form for completed OWP work for which it has paid using non-federal funds.

Throughout the year, the District monitors completion of the MPO's/RTPA's OWP regional transportation planning activities and products. District staff maintains close communication with the MPO/RTPA as a member of advisory committees, task forces and working groups; by providing Department input for OWP activities and products; by attending meetings; by reviewing Governing Board agendas and actions; by commenting on draft documents; etc. District regional transportation planning staff also facilitates communication between various District and Headquarters units and the MPO/RTPA.

2.18 OWP Amendments

It is critical that the OWP accurately reflects the transportation planning activities of the MPO/RTPA. If funding, schedules, work products, or other items change, the OWP must be revised to reflect these changes. The significance of the changes determines whether this can be accomplished administratively or with a formal amendment

Amending the OWP requires many of the same steps as development and adoption of the original OWP. District Regional Planning staff should bear this in mind and work to approve OWP amendments in a timely manner.

The Department receives the official FHWA PL and FTA § 5303 appropriation for the current year after passage of the federal budget. Since OWPs follow the state fiscal year, many MPO OWPs and OWPAs need to be amended to update FHWA PL amounts and activities (the state fiscal year begins July 1 and ends June 30, and the federal fiscal year begins October 1 and ends September 30).

After closeout of the prior year's OWP, the MPO/RTPA, the District and the ORIP Fund Specialist need to reconcile unexpended CPG formula fund and RPA carryover balances. After reconciliation, the affected MPOs/RTPAs may amend their OWPs to add-in unexpended carryover and the activities to be funded therewith. The OWPAs **must** also be amended to agree with any carryover amended into the OWPs.

The distributed RPA amounts are also estimates. If there are substantial population changes in one or more counties, the RPA distribution may change, resulting in an increase or decrease in the amount of RPA a rural county receives. Also, the anticipated annual RPA funding is not committed until it is included in the State Budget, signed by the Governor.

FHWA PL, FTA § 5303 and RPA estimates are used for the Final OWP and the initial OWPA. If, after the State and Federal budget passage these estimates are too high or too low, the OWP and the OWPA need to be amended consistent with the different amount.

2.19 Administrative Amendments

An administrative amendment is accomplished unilaterally by the MPO/RTPA. These amendments involve insignificant changes that do not affect delivery of regional transportation planning tasks, activities, steps, products, or the funding amounts listed on the OWPA. Examples of an administrative amendment are the correction of errata or moving of funds between work elements as long as there is no change in scope of work or increase or decrease in the total programmed amount.

An administrative amendment would occur if the delays with one work element are so significant that the MPO/RTPA anticipates rescoping the activity or postponing activities to the next state fiscal year, the funding from the delayed work element may need to be redirected. If a work element is progressing well, but is more costly than anticipated, funds from the delayed work element may be freed up and used for an underfunded work element. This requires an OWP amendment and District approval of the amendment *before* activities are changed and funds redirected.

There also may be changes to non-transportation planning work elements that do not affect transportation planning funds, activities and products. These may be considered administrative amendments so long as the changes do not result in a diversion of MPO/RTPA staff time or are a detriment to previously approved transportation planning activities and products.

The CPG/RPA or local match cannot be redirected among work elements until the District reviews the administrative OWP amendment package. The administrative amendment package should include a memo outlining the administrative changes made to the OWP and/or OWP budget and a copy of the revised work element(s) and OWP budget spreadsheet.

2.20 Formal Amendments

A formal amendment is required if there are substantive changes to work elements funded with CPG and/or RPA *or* if the changes impact regional transportation planning activities. **The MPO/RTPA cannot change work activities, or initiate work prior to the District's approval, and if needed FTA/FHWA's approval, of an amendment per the MFTA Article 1 (K).**

Given the time and effort required to amend an OWP, the Districts should first consider if the MPO/RTPA needs to adopt a formal amendment to the OWP. If an OWP amendment causes the information on the OWPA to be inaccurate, the OWPA must also be amended.

Some examples of changes that require a formal amendment:

- Increase/decrease in total CPG and/or RPA in the OWP
- Including carry-over from previous fiscal years
- New FHWA Partnership Planning, FTA § 5304 Transit Planning Grants, or FHWA Regional Blueprint Grant awards
- Change in scope of work- altering the broad purpose or objective of a work element, or adding/deleting work elements.

2.21 Formal Amendment Triggers that Require Federal and State Approval

All formal amendments that require federal approval should be sent to FTA who will consult with FHWA. Amendments should be made available to FHWA upon request of the FHWA MPO Coordinator. Formal amendments require ORIP concurrence before they are sent to FTA for approval.

A twenty percent (20%) increase or decrease of CPG in an MPO's OWP (either 20% in one change, or cumulatively through several smaller changes) or change in scope-of-work, or addition/deletion of work elements and projects funded with CPG triggers the requirement for FHWA and FTA amendment approval. The District should not sign the OWPA until they have received federal approval of the amendment. FTA and FHWA have 30 days to review and approve the amendment.

For more information on formal amendment requirements please see FTA Circular 5010.1 D Exhibit I-1: A Summary of Planning, Capital and Operating Grant Changes:

http://fta.dot.gov/documents/C_5010_1D_Finalpub.pdf

2.22 Approving an Amendment

The steps for approving an amendment are similar to those for approving the OWP: after Governing Board authorization, the MPO/RTPA provides the District with an amendment package. The District reviews it and determines whether it needs federal approval. For administrative amendments the district will review the amendment package; it does not require Governing Board approval or a revised OWPA. At any time during the amendment review the District may request additional documentation/information from the MPOs/RTPAs in accordance with the MFTA. Districts provide all amendments to ORIP and must have ORIP's concurrence prior to approving formal amendments. If other District or Headquarters units are affected by the amendment, it is shared with them.

If federal approval is not needed, the OWP amendment is considered approved the date the Deputy District Director signs a completed OWPA.

2.23 The District Provides ORIP All Amendment Information

Both the District and ORIP need to have current and accurate copies of the OWPs that reflect all changes, whether they are considered correction of errata, administrative, or formal amendments. The District always provides the ORIP liaison with the most current OWP and OWPA. FTA and FHWA also request copies of all changes to MPO OWPs.

An OWP amendment package includes a transmittal memo, which briefly explains the amendment and all effected pages of the OWP attached (e.g. revised work element pages, a revised Budget Revenue Summary, and a resolution or minutes from the MPO/RTPA Board approving the amendment). If there are CPG and/or RPA changes, the package must include an amended, fully executed, original OWPA (signed in **blue** ink to more easily distinguish original signature from photocopies).

The above are needed to keep the funding contract components current and accurate, to inform ORIP about regional planning activities, to accurately track funds in the MPO's/RTPA's account, and, as applicable, for federal oversight and review.

2.24 The Deadline for Formal OWP Amendments is May 1

The deadline for amending the current fiscal year's OWP is May 1. The amendment package must be received in the District and ORIP by this date.

This deadline is established to allow time to encumber additional funds, if applicable, to process Requests for Reimbursements (RFRs) and to allow the MPO/RTPA sufficient time to complete all work during the current state fiscal year funding cycle.

On a case-by-case basis, requests for extension of the May 1 deadline *may* be considered by ORIP. **There is no assurance deadline extensions will be granted.**

A complete Request for Extension package from the District to ORIP consists of an explanatory memo with attachments documenting the request.

The memo includes:

- A summary and analysis of the proposed change(s)
- An explanation of the special circumstances of the extension request
- A statement of the consequences of *not* granting the extension
- An assurance the work can be completed and funds expended by June 30
- The District's recommendation to approve or deny

The required attachments to the District's memo include:

- The revised OWP work element(s), and as applicable, Budget Revenue Summary
- Authority from the MPO's/RTPA's Board to make the changes
- Evidence of concurrence, as applicable

2.25 Monitoring Progress

After the OWP is approved and the CPG/RPA funds are encumbered, the District is responsible for monitoring progress of the OWP through:

- Participation on technical advisory committees and working groups, in meeting attendance, and other direct interaction with the MPO/RTPA
- Review and circulation of any draft products (e.g., working papers, reports, tools, etc.)
- Review of Quarterly Progress and Expenditure Reports, including receipt and review of any completed products
- Conducting Mid-year Reviews, and/or participating in MPO annual meetings and certification reviews
- Review for accuracy of Requests for Reimbursement including the supporting financial materials

Note: There can be no reimbursement of RPA and/or CPG funds prior to:

(1) Adoption and approval of the OWP
(2) Submittal of a complete and fully executed OWPA, board resolution and all certifications and assurances to ORIP *and*
(3) Adoption of the State Budget

The District works closely with the MPO/RTPA to assure that activities are being completed on schedule, reimbursed work is accurately charged, and reimbursement is occurring timely. If there appears to be problems, the District coordinates with ORIP Liaison to provide immediate assistance.

2.26 Quarterly Progress and Expenditure Reports

To assure effective communication of OWP progress, the MPO/RTPA is required to submit a Quarterly Progress and Expenditure Report (23 CFR 420.117 and MFTA Article I, Section 2). The quarterly report describes work progress (or delays in work) and invoicing during the quarter to accomplish the OWP. The Reports are due to the Districts within 30 days after the end of each quarter of the state fiscal year:

1st quarter = Reports covering July 1 through September 30 are due October 31.
2nd quarter = Reports covering October 1 through December 31 are due January 31.
3rd quarter = Reports covering January 1 through March 31 are due April 30.
4th quarter = Reports covering April 1 through June 30 are due July 31.

The Quarterly report contains two components, a narrative and a spreadsheet format. The report only needs to address regional transportation planning related activities and work elements funded with CPG and/or RPA. Some MPOs/RTPAs combine these components into a single spreadsheet format. MPOs/RTPAs are strongly encouraged to prepare a comprehensive narrative quarterly report. Narratives provide a convenient overview and summary of work progress for Governing Boards, transportation planning partners, members of the public, and others.

The Quarterly Progress and Expenditure Report spreadsheet includes, for example:

- The work element by number and title
- A brief narrative describing work progress, schedule changes, etc.
- A list of tasks and products completed during the quarter
- Total funds budgeted and spent for the work element by funding source and type, year-to-date expenditures of all planning funds, indirect costs, local match, etc.
- Total RPA and/or CPG expended during the quarter

The District may request additional documentation/information from the MPO/RTPA when they are reviewing Quarterly Progress and Expenditure Reports. Per the MFTA, Article 1-Program Administration, Section 2-Quarterly Progress Reports, the District reserves the right to deem the Quarterly Progress and Expenditure Report incomplete if it does not sufficiently document the required information and may withhold payment of Request for Reimbursements (RFRs) pending the submission of required documentation.

Starting in July 1, 2013, the District Liaisons is no longer required to forward quarterly reports to the HQ ORIP Liaison each quarter. In its place the District Liaison's will engage in a quarterly conversation with the HQ ORIP Liaison to discuss the current activities highlighted in the quarterly report. At the end of each fiscal year, the District Liaison will submit the MPO/RTPA's quarterly reports and final products completed for the year to ORIP and FHWA/FTA.

A separate Quarterly Progress Report for FHWA Partnership Planning, FTA 5304, and FHWA Regional Blueprint Planning is no longer required. Instead, grant recipients will be required to report grant activities as part of the OWP Quarterly Progress and Expenditure Report, including a transmittal memo noting the percentage of project work completed.

2.27 Mid-Year Reviews

The District should schedule a Mid-Year review meeting with the MPO/RTPA to review OWP progress after the end of the 2nd quarter. The Mid-Year review should address the MPOs/RTPAs accomplishments, issues, changes, etc. that have taken place in the first half of the State fiscal year. As appropriate, the Mid-Year review may be conducted less formally, e.g., as part of another meeting, on the telephone, etc. A summary of the Mid-Year review should be included in the Districts' 3rd Quarter transmittal memo to the HQ ORIP Liaison.

3 THE CONSOLIDATED PLANNING GRANT (CPG) AND RUAL PLANNING ASSISTANCE (RPA)

In 1997, FHWA/FTA instituted a transportation planning funds process called the Consolidated Planning Grant (CPG). As per the Common Rule (Title 49 Code of Federal Regulations, Part 18), state procedures apply unless they are less restrictive than federal procedures. In the latter instance, federal requirements prevail.

In California, the four major CPG fund sources and types are:

- FHWA Metropolitan Planning (FHWA PL)
- FTA Metropolitan Planning, Section 5303 (FTA § 5303)
- FHWA State Planning and Research -- Partnership Planning Element
- FTA State Planning and Research, Section 5304 (FTA § 5304 Transit Planning Grants)

FHWA PL Funding under MAP-21 is determined using a multiplier that is applied to the State lump sum apportionment to determine PL fund amounts. The multiplier is the Ratio of the State's FY 2009 PL funds to its FY 2009 Total Apportionment as per Section 104, Title 23 USC. This formula replaces the previous 1 ¼ percent set-aside from core programs that was apportioned to the States based on urbanized area population used under SAFETEA-LU. This change in formula does not present a significant change in funding levels between SAFETEA-LU and MAP-21. California's share of FHWA PL totaled approximately $39 million in 2011/12. Annual estimates can be found in the OWP Guidance packages for MPOs and RTPAs.

FTA § 5303 annual authorized appropriations are set forth-in Section 5338, Title 49 USC. California's share of FTA § 5303 totaled approximately $14 million in 2011/2012.

FHWA and FTA State Planning and Research grant funds are available as set forth in Section 307(c)(1), Title 23 USC, and Section 5338, Title 49 USC. In 2011/2012, California's share

totaled approximately $1,200,000 for FHWA State Planning and Research – Partnership Planning Element and approximately $2,800,000 for FTA § 5304 Transit Planning Grants.

There are some key differences among these four key components:

- FHWA PL and FTA § 5303 are allocated to MPOs, per formula, from the annual federal apportionment to California. Non-MPO RTPAs do not receive these funds.
- The two discretionary grants - FHWA Partnership Planning Element and FTA § 5304 - must be applied for annually and are competitively awarded. RTPAs and MPOs may apply.
- FHWA and FTA funds are administered on different time lines. Around October 1, with the federal budget, FHWA funds are appropriated and apportioned for the current federal fiscal year, and FTA funds are appropriated for the following federal fiscal year.
- FHWA PL and FTA § 5303 may be carried over from year-to-year.
- FTA § 5304 and FHWA State Planning and Research – Planning Partnership Element may be carried over, but must be expended within three years (one year to encumber, plus two years to liquidate), consistent with the grant application representations, and as shown in the OWP work elements.

3.01 FHWA PL Metropolitan Planning and FTA § 5303

MPOs receive FHWA PL and FTA § 5303 funds each year to develop transportation plans and programs. All MPOs receive FHWA PL funds and all MPOs with an urbanized area receive FTA § 5303 funds each year. TMPO is the only MPO, that does not currently receive FTA § 5303 funds.

The percentage of the California apportionment of FHWA PL and FTA § 5303 each MPO receives is determined by a formula agreed to by the MPOs, Department, and FHWA/FTA.

The FHWA PL formula has three components:

(1) A base allocation
(2) A two-part population component which distributes funds by the proportion of the total population of each MPO based on California Department of Finance estimates each January
(3) An air quality component based on the proportion of federal Congestion Mitigation Air Quality (CMAQ) funds to total programmatic FHWA PL funds

The FTA § 5303 formula has two components:

(1) A base allocation
(2) A population component, which distributes funds according to the MPO's percentage of statewide urbanized area population as of the most recent decennial census.

The FHWA PL formula refers to *total* population, but the FTA § 5303 formula refers to *urbanized area* population. Also, the FHWA PL population number is adjusted annually, but the FTA § 5303 population number is only adjusted after each decennial census.

3.02 FHWA State Planning and Research (SPR) – Partnership Planning Grants

MPOs/RTPAs with a current Master Fund Transfer Agreement with ORIP may compete for FHWA SPR– Partnership Planning Grants on their behalf or on behalf of one or more subrecipients. Examples of subrecipients are public agencies, private non-profit or community based organizations, universities, and Native American Tribal Governments.

The anticipated benefits of the proposal must result in improvements to the statewide or regional transportation system. These benefits include: (1) strengthen the economy, promote equity, protect the environment, and promote public health and safety in the state; (2) improved public involvement and consensus efforts including government-to-government relations; (3) enhanced ability to plan or operate, collect data on, and provide information about the State, regional or local transportation systems; and, (4) improved ability to plan and implement transportation services, systems and projects that improves mobility across the State.

Grant Specific Objectives:

- Project is a transportation planning study having statewide benefit and/or multi-regional significance and both jointly performed by MPOs, RTPAs, and Caltrans
- The project must result in improvements to the State or regional transportation system
- Results in improvements to public involvement and consensus efforts including government-to-government relations

Please visit the ORIP grants website for more information about this Grant Program:

http://www.dot.ca.gov/hq/tpp/offices/orip/Grants/grants.html

3.03 FTA § 5304 Transit Planning Grants

MPOs/RTPAs with a current Master Fund Transfer Agreement with ORIP may compete for FTA § 5304 Transit Planning Grants, on their behalf or on behalf of one or more subrecipients. Examples of subrecipients are transit operators, public agencies, private non-profit or community based organizations, universities, training institutes, and Native American Tribal Governments.

There are three FTA § 5304 Transit Planning grant components:

- Statewide or Urban Transit Planning Studies
- Rural or Small Urban Transit Planning Studies
- Transit Planning Student Internships

Statewide or Urban Transit Planning Grants fund transit issue studies of statewide or multi-regional significance to reduce urban congestion through transit, and/or improved transit service.

Rural or Small Urban Transit Planning Grants fund the preparation of public transit and/or intermodal transportation planning efforts in rural or small urban areas.

Transit Planning Student Internships Grants fund student internships in transit planning at public transportation agencies..

Please visit the ORIP grants website for more information about these Grant Programs:

http://www.dot.ca.gov/hq/tpp/offices/orip/Grants/grants.html

3.04 FHWA Regional Blueprint Planning Program

RTPAs that are not within an MPO boundary may compete for a FHWA Regional Blueprint Planning Grant when funds are available. The Regional Blueprint Planning Program is a voluntary, competitive grant program that will initiate or augment existing efforts to conduct comprehensive scenario planning that results in consensus by regional leaders, local governments and stakeholders on a preferred growth scenario – or "blueprint" – to achieve the objectives delineated below for a twenty-year (or longer) planning horizon. The Program provides funds for regional collaborative decision-making and adoption of blueprint plans that will achieve performance outcomes to:

Foster more efficient land use patterns that (a) support improved mobility and reduced dependency on single-occupant vehicle trips, (b) accommodate an adequate supply of housing for all incomes, (c) reduce impacts on valuable habitat, productive farmland, and air quality, (d) increase resource use efficiency, (e) promote a prosperous economy, and (f) result in safe and vibrant neighborhoods.

Please visit the Regional Blueprint Planning Program website for more information:

http://calblueprint.dot.ca.gov/

3.05 California's Implementation of the CPG

The Department makes an application for all of California's MPOs and RTPAs that are recipients of CPG funds and establishes CPG Project IDs annually through Headquarters Accounting. Districts no longer need to obligate/deobligate funds each fiscal year and ORIP has standardized Request for Reimbursement (RFR) and other procedures. The transfer of CPG funds is accomplished through a single Master Fund Transfer Agreement between Department and each MPO/RTPA rather than several source-specific fund transfer agreements.

To satisfy federal Intergovernmental Review, Presidential Executive Order 12372, ORIP now files Office of Management and Budget Forms STD 424 with the State Clearinghouses on behalf of all MPOs/RTPAs.

3.06 Rural Planning Assistance (RPA)

RPA is state transportation planning funding included in a State Budget line item that is allocated annually by ORIP (per population formula) to the rural, non-MPO, RTPAs per PUC 99311.1. It is provided on a reimbursement basis, after costs are incurred and paid for using local funds. Expenses incurred prior to the end of the fiscal year (June 30) can be reimbursed for up to sixty days after June 30.

3.07 Local (Non-Federal) Match

Like most other federal funding sources, CPG requires recipients to fund a portion of the total grant using non-federal funds, or "local match", per the MFTA, Article I (J). RPA does not require any local match because it is state funded rather than federally. The table below lists the non-federal match funds for each fund type:

Fund Type	FHWA PL	FTA § 5303	FTA § 5304	FHWA State Planning and Research	
				FHWA Partnership Planning Element	FHWA Regional Blueprint Planning Grant
Federal Grant	88.53%	88.53%	88.53%	80.00%	80.00%
Local Match	11.47%	11.47%	11.47%	20.00%	20.00%

"Minimum Local Match" refers to the percentage of non-federal fund contribution required by a specific grant program. However, "Mandatory Local Match" as shown on the Overall Work Program Agreement (OWPA) form refers to the total amount of the non-federal fund contribution, including both cash and in-kind contributions the MPO/RTPA programmed in the OWP. The mandatory (or total) amount of the local match must be shown on the Overall Work Program Agreement (OWPA). In most cases mandatory and minimum local match are the same. However, when an MPO/RTPA overmatches that fund type, the overmatch should be shown on the OWPA.

Upon incorporation of an approved federal grant application as a Work Element in the OWP, the local match amount must be consistent as shown in the Grant Application, the OWP Work Element page, the Budget Summary table, and the OWPA.

<u>Local match calculation considerations:</u>

The local match is a percentage of the total sum of the federal participation amount *plus* the required non-federal participation amount. It is not only a percentage of the federal participation amount.

Assuming an 88.53% federal match rate, the total grant amount (including federal and local funds) multiplied by 88.53% will equal federal participation amount. If this amount is subtracted from the total grant amount, the local match amount can be determined.

For example, a grant with a total amount of $100, 88.53% X $100 = $88.53 (federal fund amount)

This quotient ($88.53) can then be subtracted from the total grant amount ($100) to find the local match amount. $100 - $88.53 = $11.47

Per state policy, the match is calculated work element-by-work element. It is not a percentage of total federal funds in the OWP.

Each work element in the OWP, the OWP Budget Revenue Summary, and each RFR must reflect the mandatory local match by work element. Including more than the mandatory minimum local match in one work element (sometimes called "overmatching") cannot be "balanced" with less than the mandatory local match in a different work element (sometimes called "undermatching").

Local match, like other sources in the OWP cannot be redirected among work elements without amending the OWP, and as appropriate also the OWPA.

If more than one federal source is among a work element's funding sources, local match must be calculated for each federal source and type.

For example, if a work element includes Partnership Planning Grant (80% federal participation and 20% local share) and FHWA PL funds (88.53% federal participation and 11.47% local share), the funds must be calculated separately:

FHWA PL
$100 total grant X 88.53% (federal participation) = $88.53
Subtract federal participation ($88.53) from total grant amount ($100) = $11.47 (the mandatory local match)

Partnership Planning Grant:
$100 total grant X 80% (federal participation) = $80
Subtract federal participation ($80) from total grant amount ($100) = $20 (the mandatory local match)

Each work element entry on an RFR must show at least the mandatory local match amount and match source. A higher match amount (overmatch) on one RFR cannot compensate for a lower match (under match) on a previous or subsequent RFR.

An excel spreadsheet with preset calculations (Local Match Calculator)is available on the ORIP website to assist Districts and MPOs/RTPAs to accurately compute local match.

http://www.dot.ca.gov/hq/tpp/offices/orip/index.html

In the instance of "in-kind" or "soft-match" local participation, the District needs to verify such services are not funded with a different federal funding source and such services are not also inadvertently charged as Indirect Costs. The MPO/RTPA needs to provide solid supporting documentation when "in-kind" is used as the local match.

If federal sources are used to fund consultant contracts, a "hard" match, i.e. non-federal funds, is preferred. If "in-kind" match is to be used, the District needs to carefully review the in-kind services match to assure it:

1. Was funded with non-federal funds (e.g., with Planning Programming and Monitoring (PPM), local sales tax measure, etc.), and
2. Adds some benefit to the consultant contract, i.e. makes it better or less expensive. For example, a local agency could provide data the consultant will not need to be paid to collect.

It is extremely important to note that, local match funds for the CPG cannot come from other federal sources. The local match must consist of either state and/or local funding sources. District staff will be primarily responsible for monitoring local match sources via reviewing all of the MPOs Requests for Reimbursement (RFRs) and support documentation.

MPOs will also submit a detailed breakdown of their fund source(s) for local match to the CPG funds they expended. In doing so, the support documentation will now demonstrate the source of the local match funds, rather than the fund solely be labeled "local match".

The OWPA and RFR forms now contain a clause that each MPO must sign that certifies that all State and Federal matching requirements have been met and that no Federal Funds were used for local match and/or In-Kind Service.

3.07a In-kind Local (Non-Federal) Match

"In-kind" match refers to the value of third party services that may be accepted as match for federal funds. Some examples of in-kind match are the value of community advisory committee members' services, or the value of services provided to a specific MPO/RTPA planning work activity by a city or county staff. All in-kind contributions must fund allowable costs and must be performed in the period (i.e. quarter) to which the work applies. A local agency cannot perform work at the beginning of a grant project and apply it as in-kind match to all future reporting periods. In such cases, the grantee will be asked to provide another match source for the federal expenditures per work period.

An agency can freely decide to match any federal planning funds in-kind, but must provide additional documentation to ensure compliance with federal regulations. All in-kind match must be verifiable from records that show how the value was derived. For example, if a transit agency's staff time were to be counted as in-kind match, the grantee should provide the applicable staff's hourly wage and the total hours to be worked. This should be verified during every invoicing period by a printout from the agency's accounting system that shows that the staff costs have been paid.

In-kind match must be identified in the original work program or grant agreement and all subsequent amendments. The agency providing those goods or services must also agree to their use as local match, and the use of in-kind contributions must be approved by the FWHA division administrator. This approval can be assumed upon FWHA approval of the Overall Work Program.

In the instance of in-kind local participation, the MPO/RTPA must provide verification that the cost of the in-kind work is not borne by federal funds. To ensure that this provision is met, the lead agency should identify the funding source for in-kind match on the grant application or OWP. In addition, there is a clause in the OWPA and RFR forms that states compliance with federal rules.

Some in-kind contributions include goods and services that would be indirect in nature if paid for by the MPO/RTPA. An agency can only receive matching credit for in-kind indirect services if the grantee or subgrantee has established an indirect cost rate and a special rate for allocating the value of its contributions to specific projects. All other expenditures of in-kind match must be for tasks that would otherwise be eligible for CPG reimbursement.

For more information on in-kind match please refer to 23 CFR 18.24, and 23 CFR 420.119.

3.07b Use of Toll Credits for Local Match

Toll credits are earned when the state, a toll authority, or a private entity funds a capital transportation investment with toll revenues earned on existing toll facilities. Toll credits may substitute for the required nonfederal share on a new Federal-aid project, the Federal reimbursement can effectively be increased to 100 percent. The two year pilot program was approved as a permanent program in January 2012.

Starting with state FY 2011-12, MPOs could begin to use toll credits in lieu of local match for planning activities funded with FHWA PL and FTA § 5303 funds in their OWPs. **Toll credits can only be used as match for the current year allocation for each of these two fund types**. Toll credits cannot be used for matching carryover funds programmed in the current FY OWP.

In order for MPOs to use toll credits in lieu of required local match, MPOs need to ensure the following guidelines are met starting with the FY 2011-12 OWP and corresponding RFR's and quarterly reports.

- Identification of the amount of toll credits used for each OWP work element. In each work element, toll credits will need to be shown by fund source. If a work element includes both FHWA PL and FTA § 5303 funds, then toll credits will need to be shown separately for each of the two federal fund sources.
- Within each work element, an obvious separation of FHWA PL and FTA § 5303 programmed carryover from the FHWA/FTA § 5303 toll-credit matched funds.

Please note: Toll Credits are not a form of cash or revenue. They are credits that can be used as a substitution for local matching funds, which allows for work to be 100% funded with federal funds. When Toll Credits are used as match to fund a work task item or element, the MPO should ensure that enough federal, state or local funds are documented and programmed to ensure enough revenue is available to fund the work element.

The sample work element budget sheet demonstrates, at a minimum, what the MPO will need to show in the OWP work element budget if they choose to utilize toll credits to match FHWA PL and FTA § 5303 funds including making sure the toll credits are not shown as a source of revenue. The sample work element budget sheet can be found on ORIP website.

When reviewing OWPs, District staff should ensure that the MPO has properly identified the use of toll credits with appropriate and eligible fund sources. The ORIP Fund Specialist will track and report the use of toll credits by MPOs for FHWA.

4 ORIP-ADMINISTERED TRANSPORTATION PLANNING FUNDS

Of the various local, state and federal fund sources and types included in OWPs, this Handbook only addresses administration of federal Consolidated Planning Grant (CPG) and state Rural Planning Assistance (RPA).

4.01 Non-ORIP-Administered Transportation Planning Funds

Non-ORIP administered transportation planning funds are not covered by the regional transportation planning MFTA and the OWPA and their application and encumbrance procedures are not addressed in this Handbook. More information is available at the listed websites:

The Division of Transportation Planning, Office of Community Planning administers Environmental Justice and Community Base Transportation Planning funds:
http://www.dot.ca.gov/hq/tpp/offices/ocp/cbtp.html

The Division of Aeronautics administers aviation planning funds:
http:/www.dot.ca.gov/hq/planning/aeronaut/

Planning, Programming and Monitoring (PPM) funds are administered by Division of Local Assistance:
http:/www.dot.ca.gov/hq/LocalPrograms/

Transportation Development Act (Local Transportation Fund and State Transit Assistance) funds are administered by the Division of Mass Transportation:

http:/www.dot.ca.gov/hq/MassTrans/

4.02 Use of Transportation Planning Funds

As the name indicates, transportation planning funds (FHWA PL, FTA § 5303) are to be used for the Metropolitan transportation planning process. The main documents that are developed with these funds are the OWP, RTP and the TIP. The Federal Planning Factors and PEAs also guide the planning activities within the OWP

These funds cannot be used for activities that go beyond the planning process. For example, studying whether a traffic impact fee would benefit transportation in the region and even determining appropriate fee levels are acceptable uses, but implementation of the traffic impact fee program goes beyond planning and is not an acceptable use. Federal cost principles also apply to transportation planning funds and are identified in 2 CFR Part 225. In addition, if an agency does not adhere to the Contract and Procurement process outlined in 49 CFR, Part 18.36 federal planning funds cannot be used.

State RPA also adheres to the same eligibility requirements as the Metropolitan planning funds. RPA should be used for the rural transportation planning process and should not be used for activities that go beyond the planning process or for activities that have been identified as an ineligible use of transportation planning funds.

2 CFR Part 225 Cost Principals for State, Local, and Indian Tribal Governments:

http://www.whitehouse.gov/sites/default/files/omb/fedreg/2005/083105_a87.pdf

FHWA Memorandum: FHWA/FTA Planning Program Funds to Support Integration of Transportation, Land Use, and Climate Change

http://www.fhwa.dot.gov/planning/processes/land_use/statewide_metropolitan/plnlnduse.cfm

49 CFR Part 18.36 Procurement:

http://www.fhwa.dot.gov/hep/49cfr18.htm#sec.18.36

Appendix A lists examples of eligible uses for transportation planning funds

4.03 Indirect Cost Allocation Plan (ICAP)

If a MPO/RTPA plans to request reimbursement for indirect costs (i.e. those costs incurred for a common or joint purpose benefiting more than one cost objective and not readily assignable to the cost objectives specifically benefited), it must submit an Indirect Cost Allocation Plan (ICAP) and related documentation to the Departments' Audits & Investigations (A&I), per the MFTA, Article 2, Section 2. The ICAP submittal must be in compliance with 2 Code of Federal Regulations (CFR), Part 225 [formally known as Office of Management and Budget Circular A-87 (OMB A-87)] and Caltrans Local Programs Procedures Manual Chapter 5, Accounting/Invoicing (LLP 04-10). If a MPO/RTPA determines that they will not bill for indirect costs for a specific fiscal year(s) then an ICAP is not required for the specific year(s).

The Department in cooperation with the Federal Highway Administration (FHWA), is implementing a streamlined approach to processing Local Government Agency (LGA) indirect cost allocation plans/indirect cost rate proposals (ICAPs/ICRPs).

Effective July 1, 2011, the Department will issue a rate acceptance letter within 30 business days of receipt of an ICAP/ICRP that meets the submission requirements of 2 Code of Federal Regulations (CFR) Part 225. . After receiving a rate acceptance letter, the LGA may use the accepted rate(s) for billing and reimbursement purposes.

Pursuant to the MFTA, if MPO/RTPA seeks reimbursement for indirect costs, indirect cost agreements and cost allocation plans are to be provided to A&I annually prior to the beginning of each fiscal year for review and acceptance prior to MPO/RTPA seeking any reimbursement of indirect costs. Also the MPO/RTPA agrees and shall require that all of its agreements with subrecipients contain provisions requiring adherence to this section in its entirety. (2 CFR Part 225 requires LGAs to submit ICAPs/ICRPs within six months after the close of the LGA's fiscal year. Therefore, unless the LGA has received FHWA's approval for a time extension, LGAs that submit an ICAP/ICRP after six months of their fiscal year end will not be eligible for indirect cost billing and reimbursement.)

Subsequent to issuance of rate acceptance letters, the Department will perform a risk assessment of submitted ICAPs/ICRPs for audit determination. If an ICAP/ICRP is selected for audit, the LGA will be notified. Material audit adjustments will require reimbursement if proposals are later found to have included costs that are unallowable as specified by law or regulation or by the terms and conditions of federal or State awards.

The following describes in more detail the Annual ICAP/ICRP submission process, Audit, and documentation requirements.

Annual ICAP/ICRP Submission Process

- The Federal Highway Administration (FHWA) and the California Department of Transportation (Department) require Local Government Agencies (LGA) to submit an Indirect Cost Allocation Plan/Indirect Cost Rate Proposal (ICAP/ICRP) and Central Service Cost Allocation Plan (CSCAP) to the Department for review and acceptance prior to invoicing for indirect costs.

- Within 30 business days of receipt, the Department will review the ICAPs/ICRPs/CSCAPs received for compliance to the submission requirements of 2 CFR Part 225. The Department's acceptance must be received by the LGA prior to the LGA billing for indirect costs.

- The Department will advise LGAs of the additional documentation needed to support/evaluate the proposed plan or identify changes required to make the proposed plan compliant.

- Non-compliant submissions may be returned to the LGA if requested documentation is not provided or required changes are not made within 5 business days of notification to the LGA of the additional document(s) needed or changes required.

- LGAs with an ICAP/ICRP/CSCAP approved by a cognizant federal agency will submit a copy of the cognizant federal agency approval, the approved proposal, plan, subsidiary worksheets, and other relevant data (as described below) to the Department.

- If overall fringe benefit rates are not approved for the LGA as part of the CSCAP, a proposed fringe benefit rate and computation should accompany the ICAP/ICRP submittal.

Timeline

The Department is committed to issuance of a rate acceptance letter within 30 business days of Department receipt, provided that the ICAP/ICRP/CSCAP package is in compliance with all submission requirements of 2 CFR Part 225.

ICAP/ICRP Audits

Annually, the Department will perform a risk assessment of submitted ICAPs/ICRPs for audit. If an ICAP/ICRP is selected for audit, the LGA will be notified. Material audit adjustments will require reimbursement if proposals are later found to have included costs that are unallowable as specified by law or regulation or by the terms and conditions of federal or State awards.

Documentation of Proposal

All LGAs desiring to claim indirect costs for federal-aid and/or State funded projects must prepare an ICAP/ICRP/CSCAP and related documentation to support those costs. All documents related to the ICAP/ICRP/CSCAP must be retained for audit in accordance with the record retention requirements in the "Common Rule," 49 CFR Part 18.

The following documentation shall be included with each proposal as prescribed by 2 CFR Part 225:

1. ICAP/ICRP:
   a. Schedule showing calculation of rates proposed including subsidiary worksheets and other relevant data, cross-referenced and reconciled to the financial data noted below.
   b. Subsidiary worksheets should include the following:
      - Schedule of actual direct / indirect /unallowable costs incurred by cost category type (i.e., rent, utilities, etc.) as well as by departmental unit.
      - Schedule of budgeted direct costs and indirect costs by cost category type and department unit (Budget approval by Board, etc.).
      - Schedule showing calculation of the over/under carry forward provision when "fixed rate" is used.

c. A copy of the financial data (financial statements, comprehensive annual financial report, single audit reports and management reports, if applicable, etc.) on which the rate is based.
d. The approximate amount of direct base costs to be incurred under federal-aid and State reimbursement. These costs should be distinguished between salaries and wages and other direct costs.
e. A chart identifying the organizational structure of the agency during the period for which the proposal applies along with a functional statement noting the duties and/or responsibilities of all agency units. (Once this is submitted, only revisions need be submitted with subsequent proposals.)
f. Certification that the ICAP/ICRP was prepared in a manner consistent and is in compliance with the Cost Principles of 2 CFR Part 225. (See Attachment D for Sample Certification)
g. The Department's Submission Review Checklist to assist LGAs in understanding the documentation that is used to review each submittal and perform a risk assessment. (See Attachment C for Submission Review Checklist)

2. Central Service Cost Allocation Plan
LGAs required to submit their CSCAP to the Department for acceptance should submit a Certificate of Cost Allocation Plan, document their plan, and include supporting documentation in accordance with 2 CFR 225, Appendix C, Section E. See ASMB C-10 for a Sample Central Service Cost Allocation Plan and supporting documentation.

It is the District's responsibility to ensure the MPO's/RTPA's proposed ICAP is sent to Headquarters A&I, even though some MPOs/RTPAs may submit their ICAP directly to Audits. ICAP packages will no longer be accepted if they are submitted later than six months after the close of the fiscal year, or a request for an extension is not received within the first six months after the close of the fiscal year, 2 CFR 225.55, Section D. 1.

If the MPO/RTPA charges indirect costs in their RFRs, the District must ensure that an approved ICAP rate is used and applied correctly. The District is responsible for ensuring that the RFR submitted by the MPO/RTPA includes a breakdown of costs by direct labor, indirect costs, other direct costs and consultant costs, sufficient to review for reasonableness of cost categories billed and to compare the indirect rate billed to the approved ICAP rate. If the District is unsure if an ICAP has been submitted and/or approved, the District should contact the ORIP Fund Specialist.

Please visit the two following sites for more information on ICAPs:

2 CFR, Part 225.55:

http://www.whitehouse.gov/omb/fedreg/2005/083105_a87.pdf

Local Assistance Procedures Manual, Chapter 5 Accounting/Invoice Section 5.14 - Obtaining Approval for Indirect Costs:

http://www.dot.ca.gov/hq/LocalPrograms/lam/prog_p/p05accin.pdf

If the MPO/RTPA has questions about ICAPs, the District should direct them to Audits and Investigations.

Appendix B includes additional definitions and resources on ICAPs.

4.04 Requests for Reimbursement (RFRs)

Once the MPO/RTPA has an adopted and approved OWP, a three fully executed original OWPA and Certifications and Assurances filed with the ORIP Fund Specialist, and the State Budget has been signed by the Governor, the MPO/RTPA can request reimbursement for eligible OWP expenditures per the MFTA, Article II, Section 1.

To be reimbursed for OWP work, the MPO/RTPA submits a Request for Reimbursement (RFR) with support documentation that clearly tie all expenditures by the agency and all sub-contractors to the RFR.

Unless the MPO's/RTPA's MFTA provides differently, RFRs may not be submitted more frequently than a monthly time period and may not be submitted less frequently than for a quarterly time period. If the MPO/RTPA does not meet the minimum RFR submittal requirements as outlined in their MFTA, District staff should notify ORIP of the agencies response as to why the minimum submittal requirements are not being met.

ORIP has developed Request for Reimbursement forms for:

- MPOs seeking reimbursement for CPG funds, including reimbursement for FHWA Regional Blueprint Planning Grant Funds
- RTPAs seeking reimbursement only for RPA
- RTPAs seeking reimbursement for FTA § 5304 and/or FHWA Partnership Planning funds, including reimbursement for FHWA Regional Blueprint Planning Grant Funds

To assist the MPOs/RTPAs, the Districts, and ORIP in accurately monitoring CPG and RPA expenditures, RFR forms are multi-page documents; page one summarizes the request and the subsequent page(s) provides supporting financial information including but not limited to, a work element by work element breakdown of direct and indirect charges by fund source and a breakdown of the source(s) of the non-federal local matches.

The previous process provided Caltrans support documentation spreadsheets with designated column information to be filled out by the MPO/RTPA. However, ORIP has determined that this level of support documentation does not properly document expenditures and the current format may allow for mistakes in transferral of information to the support documentation spreadsheets. Therefore, ORIP will now additionally require MPOs/RTPAs provide a project summary report generated directly from the regional agencies accounting system that reconciles CPG and RPA expenditures (still shown on the support documentation spreadsheets) to their

accounting system. The project summary report will supplement the support documentation spreadsheets on each submitted RFR.

For more information on standards for financial management systems please see 49 CFR Part 18.20.

When necessary, Districts may also request additional information or documentation when there are concerns with the submitted RFR per the MFTA Section 1(a) and 49 CFR Part 18. If during District review, it is unclear what work CPG and/or RPA funds are tied to, paying for, or if the work has actually been performed, Districts should contact the regional agency and request additional documentation such as copies of third party contractor invoices, timesheets, cancelled checks and other miscellaneous support documentation in order to approve the RFR. If the District is unable to determine that the RFR is accurate they may file a Dispute Notification Form

MPO and RTPA RFRs can be found on ORIP's website at http://www.dot.ca.gov/hq/tpp/offices/orip/owp/index.html.

4.04a Electronic Funds Transfer (EFT) for MPOs and RTPAs

The Electronic Funds Transfer (EFT) payment process is now available to MPOs and RTPAs for the following fund sources:

- Rural Planning Assistance (RPA),
- FHWA Metropolitan Planning,
- FTA § 5303, Metropolitan Transportation Planning Program,
- FHWA State Planning and Research – Partnership Planning and Blueprint Grants,
- FTA Statewide Transportation Planning Program, Section 5304 – Transit Planning Grants.

Through this new EFT process, the State Controller's Office (SCO) receives electronic notification of payments due from Caltrans. The SCO will then electronically transfer funds to a MPO/RTPA's designated bank account in approximately four to seven business days, reducing the MPO/RTPA's waiting period by approximately one week. After the funds are transferred, a paper remittance advice will automatically be sent to each MPO/RTPA detailing the specific account the payment was posted to, as well as the amount of the payment that was issued. General information regarding the EFT program is available at http://www.dot.ca.gov/hq/asc/eft/index.htm.

Agencies that are not currently enrolled and wish to participate in the EFT payment program or wants to make changes to existing EFT account information should complete and return the attached EFT Payment Enrollment Form, FA-2656 to:

Department of Transportation
Division of Accounting – MS 25
P.O. Box 168018
Sacramento, CA 95816-8018

Attention: Ms. Suet Wong

Specific questions regarding enrolling in the EFT program should be directed to Ms. Suet Wong at (916) 227-9201.

4.05 Timely District Review of RFRs

It is the District's responsibility to review all RFRs to ensure expenditures are accurate and used for eligible activities, delivered products, and completed in accordance with work elements in the OWP.

For CPG and the FHWA Blueprint Planning Grant, the District also verifies that the RFR reflects the appropriate local match amount. Please note, RFRs cannot be approved for payment when there is no supporting documentation or the supporting documentation is not adequate.

Invoice Processing Breakdown:

Fund Types	Days for District Review	Days for HQ Coding	Days for Accounting Processing	Days for SCO Payment	Maximum Allowable Days for Payment of Invoice
Non - PL Invoices	10	5	15	15	45
PL Invoices - MAP-21	5	2	8	6	21

RPA and CPG (Without PL) RFR's:

For RPA and non-FHWA PL RFR's there is a total of 45 calendar days for review and processing. The District will forward the RFR to the ORIP Fund Specialist for coding within 10 days after receipt in the District, to allow time further review and coding. RFRs must be submitted to the ORIP Fund Specialist Mailbox at Regional_Planning_Invoices@dot.ca.gov. Caltrans Planning (including District review and review coding through ORIP) has a total of 15 calendar days from date of receipt in the District to send the approved RFR to Accounting.

If there are problems with the RFR, within 15 calendar days from receipt in the District, the District must formally notify the MPO/RTPA, both by phone and in writing, of an error in the RFR (Section 4.08 provides information about Inaccurate RFRs).

Accounting has another 15 days to authorize payment and the State Controller's Office has 15 days to issue the actual payment check. The maximum turnaround time on any non-FHWA PL RFR should not exceed 45 calendar days.

RFR Flow: The District receives the complete invoice, date stamps, and reviews the RFR for accuracy. If accurate, the District Liaison's Senior Transportation Planner whose unit is responsible for regional planning, and for OWP administration and monitoring, signs the RFR. The District Liaison then emails the signed RFR and support documentation to the ORIP Fund Specialist for coding the bottom of the RFR. The District Liaison will receive an auto-reply from the Regional Planning Invoices mailbox that they were received.

As a reminder RFRs should never be sent through the interagency or postal mail service.

The ORIP Fund Specialist codes and emails RFR to HQ Accounts Payable advising Accounting that the coding is consistent with the processes agreed to between ORIP and Accounting. The District is also notified when accounting receives the coded RFR.

CPG (With PL) RFR's:

Effective October 1, 2012, Moving Ahead for Progress in the 21st Century Act (MAP-21), section 1105 § 104 (d)(2)(B), requires that reimbursement to the MPOs of FHWA PL funds shall occur within 15 business days once the invoice has been submitted by the MPO. This change supersedes prior federal requirements under SAFETEA-LU, which required reimbursement for FHWA PL funds to occur within 30 days after the date of receipt. This change in MAP-21 supersedes Assembly Bill 2275 (California Prompt Payment Act) and has required ORIP to institute a unique RFR process for RFR's that contain FHWA PL funds. This process now highly encourages MPOs to use EFT.

For FHWA PL RFRs there is a total of 15 business days for review and processing, which typically amounts to roughly 21 calendar days. The reason for the conversion to calendar days is that SCO does not process EFT daily and Caltrans must account for SCO's processing timeline and work backwards to determine how much time the District and HQ have to process the invoices.

As a result, the District will forward the RFR to the ORIP Fund Specialist for coding within 5 calendar days after receipt in the District, to allow time for coding. RFRs must be submitted to the ORIP Fund Specialist Mailbox at Regional_Planning_Invoices@dot.ca.gov. ORIP–has 2 calendar days to send the coded RFR to Accounting.

If there are problems with the RFR, within 5 calendar days from receipt in the District, the District must formally notify the MPO/RTPA, both by phone and in writing, of an error in the RFR (Section 4.07 provides information about Inaccurate RFRs).

Accounting has 8 calendar days to authorize payment and the State Controller's Office has 6 calendar days to transfer the funds through EFT.

RFR Flow: The District receives the complete invoice, date stamps, and reviews the RFR for accuracy. If accurate, the District Liaison's Senior Transportation Planner whose unit is responsible for regional planning, and for OWP administration and monitoring, signs the RFR. The District Liaison then emails the signed RFR and support documentation to the ORIP Fund Specialist for coding the bottom of the RFR. The District Liaison will receive an auto-reply from the Regional Planning Invoices mailbox that they were received.

As a reminder RFRs should never be sent through the interagency or postal mail service.

The ORIP Fund Specialist codes and emails the RFR to HQ Accounts Payable advising Accounting that the coding is consistent with the processes agreed to between ORIP and Accounting. The District is also notified when accounting receives the coded RFR.

4.05a District RFR Review Checklist

The following checklist can assist District staff when they review and approve RFRs. This list is illustrative, not inclusive.

- Invoice is date stamped by District.
- Invoice is signed by both the submitting agency and signed by the District's Senior Transportation Planner whose unit is responsible for regional planning and for OWP administration and monitoring.
- MPO/RTPA has submitted yearly FHWA/FTA certifications of assurances and a state Debarment Form if they are receiving Federal Funds.
- RTPA has submitted RTPA Certification of Assurances and a state Debarment Form if they are receiving state funds.
- Invoice is consistent with funding programmed in the OWP/OWPA.
- The MPO/RTPA has not overspent the funds programmed in each work element.
- MPO/RTPA has indicated at least the correct minimum local match for each fund source and work element.
- MPO/RTPA has submitted support documentation that details the expenditures at the individual fund source and work element level (including sub-work elements if applicable).
- MPO/RTPA has provided a project summary report generated directly from the regional agencies accounting system that reconciles CPG expenditures (still shown on the support documentation spreadsheets) to their accounting system.
- MPO/RTPA has indicated in its support documentation the source(s) of local match (not applicable to RPA invoices).
- Support documentation adequately shows that costs have been incurred by the agency.
- MPO/RTPA has indicated the approved Indirect Cost Allocation Plan Rate percentage and a breakdown of indirect costs per fund source and work element (including sub-work elements).

4.06 Inaccurate RFRs/Dispute Notification Form

Within 15 calendar days of receipt (5 days for FHWA PL RFRs), the District must notify the MPO/RTPA if the District finds an inaccuracy in an RFR. District staff works with the MPO/RTPA to correct any and all errors prior to forwarding the RFR to ORIP for payment. This involves both telephone and written communication with the MPO/RTPA.

For example:

- District staff phones the MPO/RTPA to discuss the specific RFR concerns, *and*
- District staff also makes a written record of both the specific concern and the phone conversation communicating the concern using EFIS. To properly dispute an invoice in EFIS, please see the directions at the attached link on how to "Dispute an Invoice – Enter an Invoice Dispute Document (IDN) Document".

http://onramp.dot.ca.gov/hq/finance/efis/qrg_info/pdf/DisputeInvoice.pdf

If the District fails to adhere to the 15 calendar day (5 days for FHWA PL RFRs) mandated notice timeframe, the District is liable for paying interest on the RFR balance. To avoid this interest penalty, the District must document its communication with the MPO/RTPA about the inaccuracy in the RFR.

4.07 Year-End Package

Within 60 days after June 30 (the state fiscal year) and no later than August 31st, each MPO/RTPA must closeout the OWP through submittal of a Year-End Package. Please note, the "Year-End Package" should not be sent until all invoices for the fiscal year that just ended have been submitted and must be attached to a transmittal memo. If the documents are not received within 60 days after the close of the fiscal year, the state may with hold future apportionments allocated to the agency, per the MFTA, Article 2, Section 3.

MPO and RTPA Recipients Year-end Package

The following documents make up the year-end package for the MPOs/RTPAs:

- A Certification of Expenditure by Fund Source that has been executed by an MPO/RTPA entity who has specific signature authority from the Governing Board (usually the Executive Director or Finance Officer) and
- A Final Statement of Expenditures – a summary of the total amount of federal and state funds expended for a work element by fund source and type, i.e., FHWA PL and FTA § 5303, and RPA. It must match the reported expenditures contained in the Certification of Expenditure by Fund Source.

ORIP and Accounting use the Certification of Expenditure by Fund Source to close the MPO's/RTPA's account for the fiscal year. This document is critical to enable the Department

to ensure FHWA PL and FTA § 5303 and RPA carryover balances are accurately credited to the MPO's/RTPA's account.

After the District has received the coded RFR marked "Final" from the agency, the agency can then proceed to compile the year-end package. The District Liaison reviews the package to ensure that the expenditures match the RFRs approved by the District and forwards the complete package to the ORIP Fund Specialist.

CPG and RPA Certification by Expenditure Forms can be found on ORIP's website at http://www.dot.ca.gov/hq/tpp/offices/orip/owp/index.html.

4.08 Unexpended Carryover

A MPO and RTPA may use unexpended FHWA PL, FTA § 5303, and RPA (no more than 25%) in a future fiscal year once the following are met:

- The MPO/RTPA has submitted a Certification of Expenditure by Fund Source, including the Final Statement of Expenditures, within sixty days after the end of every state fiscal year and executed by an individual to whom the Governing Board has designated signature authority (usually the Executive Director or Finance Officer.)

and

- The District, MPO/RTPA and the ORIP Fund Specialist have reconciled the unexpended FHWA PL FTA § 5303, and RPA balances at the end of each fiscal year via a signed reconciliation letter.
-

CPG and RPA carryover amounts and the work to be accomplished with the funds should be included in the next FY's Final OWP as informational items; however, FHWA PL or FTA § 5303 programmed in the current OWP cannot be amended into the next FY's OWP and OWPA until after balance reconciliation. After closeout of the current year's OWP and balance reconciliation, the MPO may amend some or all of these amounts, and the activities to be funded therewith, into the OWP and the OWPA. (See Section 4.09 for more information about Closeout.)

Agencies may not invoice for Carryover funds until the prior year Close-out and Reconciliation processes have been completed and Carryover letter signed by both the agency and Caltrans.

If an MPO has FHWA PL or FTA § 5303 funds not programmed in the current OWP, such amounts may be included in the next year's Final OWP.

The same reconciliation process applies to the FHWA Partnership Planning, FHWA Blueprint Planning, and FTA § 5304 Transit Planning Grants; however, a conservative estimate of the remaining funds can be programmed in the next FY OWP/OWPA without closeout of the previous year OWP/reconciliation. This exception is made to allow a continuation for time sensitive grants. Once a final invoice is submitted each grants' final carryover amount will need to be amended into the next FY OWP/OWPA.

The OWPA cannot include separate current year and carryover entry lines. The combined total of the current year's amount plus any carryover amount must be entered on the respective CPG fund source and type line. Along with the OWPA, the MPO/RTPA must provide an explanatory letter or memo specifying:

- Current year amounts
- Carryover amounts by CPG fund source, type, and allocation year

CPG and RPA Certification by Expenditure Forms can be found on ORIP's website at http://www.dot.ca.gov/hq/tpp/offices/orip/owp/index.html.

4.09 Reconciliation of CPG Carryover Balances

After the MPO has submitted its Year-end Package, the ORIP Fund Specialist reconciles the MPO's remaining balances of prior years' FHWA PL, FHWA Partnership Planning Grants , FHWA Regional Blueprint Planning Grants, FTA § 5303, and FTA § 5304 funds. ORIP then prepares a balance reconciliation letter. If there is a disagreement about the balance, the ORIP Fund Specialist, the District, and the MPO will work together until they achieve balance reconciliation (See Section 4.09 for more information about Year-end Packages.). Completion of the reconciliation letters are based on the Final Allocations being posted in the Federal Register. The completion of the reconciliation letters may also vary from agency to agency due to unapproved Indirect Cost Allocation Plans (ICAPs).

The reconciliation letter is signed by the ORIP Office Chief, the MPO and the District Planning Deputy Director to demonstrate concurrence of all involved parties.

After balance reconciliation, the MPO must amend its OWP to include FHWA Partnership Planning, FHWA Regional Blueprint Planning, and FTA § 5304 Transit Planning grant carryover amounts. The agency may also include some or all of its FHWA PL and/or FTA § 5303 FHWA PL carryover and the activities to be funded therewith. The OWPA must be amended accordingly, including the required local match.

Carryover FHWA PL and FTA § 5303 funds do not have an expiration date.

4.10 Reconciliation of RPA Carryover Balances

Reconciliation of RPA fund carryover balances will occur in the same manner as CPG reconciliation. After the RTPA has submitted its Year-end Package, the ORIP Fund Specialist reconciles the RTPA's remaining balance of prior years' RPA and CPG funds. ORIP then prepares a balance reconciliation letter. Should there be any disagreement about the balance, the ORIP Fund Specialist, the District, and the RTPA will work together until they achieve balance reconciliation. (See Section 4.08 for more information of Year-end Packages.

Signed by the ORIP Office Chief, the RTPA and the District Planning Deputy Director, the RPA reconciliation letter demonstrates concurrence of all involved parties.

After balance reconciliation, the RTPA must amend its OWP to include FHWA Partnership Planning, FHWA Regional Blueprint Planning, and FTA § 5304 Transit Planning grant carryover amounts. The agency may also include some or all of its RPA carryover and the activities to be funded therewith.

RPA carryover funds expire at the end of the year in which they were carried over into.

4.11 Annual MPO/RTPA Single Audits

As stipulated in the MFTA, and as a condition of receiving federal transportation planning funds, MPOs/RTPAs must have an annual Single Audit if they incur $500,000 or more in total federal fund expenditures. Office of Management and Budgets (OMB) Circular A-133, Subpart D describes the responsibilities of federal agencies and pass-through entities.

To ensure the State of California carries out its responsibilities in accordance with the Federal Single Audit Act, local California governments (including MPOs/RTPAs) are required to submit annual single audit reports directly to the State Controller's office (SCO) within thirty days after receipt of the auditor's report or nine months from the close of the fiscal year being audited, whichever is earlier. For most MPOs/RTPA's this means by March 31 of the following fiscal year being audited. The SCO, acting as the single audit report clearing house for California local governments, will perform the following procedures.

- Determine whether or not the single audit reports conform to Government Auditing Standards.
- Determine whether the single audit reports comply with OMB Circular A-133.
- Distribute copies of each audit report to State Departments affected by individual audit findings.
- Request the corresponding State Departments to review single audit reports and evaluate the local government corrective action plans submitted in response to findings of noncompliance.

For single audit findings related to the federal programs the Department is responsible for, the SCO will send the associated single audit reports to Audits & Investigations (A&I). A&I is responsible to follow up on these single audit findings and determine the disposition of the findings. MPOs/RTPAs with single audit findings should be prepared to promptly respond to A&I inquiries and provide corrective action plans upon request.

For additional information, please see Office of Management and Budget Circular A-133:

http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2012

4.12 Records Retention

As stipulated in the MFTA, Article 2, Section 3 the MPO/RTPA must retain all documents, books and records connected with the funds transferred to the MPO/RTPA, and performance requirements related to those funds. The retention period is a minimum three years from the date of the final payment to the MPO/RTPA or until audit resolution is achieved. In the event of multi-year projects, all records must be retained for a minimum of three years after the project's closeout year. Additionally, if any action has occurred relative to the records (e.g., litigation, claim, arbitration, audit, negotiation, etc.) the records must be retained until completion of the action and resolution of all issues that arise from it.

Like other conditions, record retention applies to the MPO's/RTPA's contractors and sub-contractors.

For as long as they are retained, records shall be available for inspection by state and/or federal representatives and requested copies shall be provided to them without cost.

A sampling of the kinds of records that need to be retained includes:

- OWPs, OWPAs, MFTAs, and any amendments
- Products, e.g., working papers, studies, plans, programs, models, etc.
- RFRs and Year-end Packages, fund tracking spreadsheets
- Billings, payable/receivable records, and financial summaries
- Certification of Expenditure by Fund Source, including the Final Statement of Expenditures
- Quarterly Progress and Expenditures Reports
- Contracting and procurement information and procedures, e.g., requests for proposal (RFPs), proposals received, contracts, consultant products, etc.

Caltrans district staff should refer to the current Caltrans policy on record retention for more information.

4.13 Electronic Submittals

In an effort to facilitate availability and accessibility to transportation partners and users, MPOs/RTPAs are requested to submit an electronic version of OWPs, RTPs, and other documents and information. Unless an original and/or hard copy is required, an electronic version can be submitted in place of a hard copy. After adoption, MPOs/RTPAs should submit electronic products to the Districts, which forward copies to ORIP. ORIP has implemented electronic formats of its tools and documents. As appropriate, these will be posted on the ORIP website listed in Section 1.08.

5 ORIP-ADMINISTERED TRANSPORTATION PLANNING GRANTS (FTA § 5304 TRANSIT PLANNING, FHWA PARTNERSHIP PLANNING, FHWA REGIONAL BLUEPRINT PLANNING)

ORIP administers and monitors the following transportation planning grant funds: FHWA Partnership Planning, FTA § 5304 Transit Planning (FTA Statewide or Urban Transit Planning Studies, FTA Rural or Small Urban Transit Planning Studies, and FTA Transit Planning Student Internships), and FHWA Regional Blueprint Planning. All grants must be applied for and are competitively awarded. The grant application package for each grant provides specific information about the intent of the grant program, eligibility, filing, procedures, deadlines, and rating criteria.

The Environmental Justice Transportation Planning and Community-Based Transportation Planning grant programs are administered by the Office of Community Planning in the Division of Transportation Planning. ORIP only manages the grants mentioned in the title of this section. The intent of this chapter is to discuss the different grant programs administration and monitoring process from award to completion.

Grant Program descriptions, forms and other tools are found on the ORIP Grants website:

http://www.dot.ca.gov/hq/tpp/offices/orip/Grants/grants.html

5.01 Programming

In general, grant work cannot begin until the project is assigned a stand-alone OWP work element number and amended into the current OWP and OWPA. Once the project has been amended into the OWP, MPOs/RTPAs are required to keep the project in future OWPs/OWPAs until the project is complete. When a grant has been completed, the remaining funds cannot be transferred to another grant effort.

An MPO/RTPA grant recipient may continue work using unexpended grant funds in a future year provided:

- The three year time limit to expend grant funds has not been exceeded, i.e., year of award plus two years; and,
- Both the OWP work element and the grant application reflect the multi-year expenditure schedule and the remaining funds have been programmed in the current fiscal year OWP

The programming process is formalized in the Conditional Award Letter. The Conditional Award Letter is normally sent to grant recipients as a follow-up to the electronic award announcement from Caltrans management. The Conditional Award Letter provides deadlines for programming, project completion, and outlines the conditions of grant acceptance that must be fulfilled in order to begin grant funded activities.

There are three basic conditions of grant acceptance: (1) the revised final scope of work, project timeline, and grant application cover sheet are submitted to Caltrans, as needed; (2) if applicable,

a Third Party In-kind Valuation Plan is submitted for the use of in-kind contributions to satisfy the federal minimum local match requirement; and, (3) the OWP and OWPA are amended to incorporate the grant project. The OWP/OWPA amendment includes the OWPA, OWP Budget Summary, and a stand-alone Work Element. These three items must show consistent funding information for the grant project. The OWP/OWPA amendment process is the last condition to be completed after the scope of work and project timeline are approved by District staff with concurrence from Headquarters. Some grant awards may have additional conditions that were developed by the grant application review committee.

The package of completed documentation needed to fulfill the conditions of grant acceptance is sent to the District. After review, the District sends the package to the HQ ORIP Liaison for approval. The HQ ORIP Liaison will coordinate with the District to send the grant recipient a notice to proceed once the OWP/OWPA amendment is processed to signal that grant activities may begin.

5.02 Project Timeline Extensions and Scope of Work Modifications

Grant recipients are expected to adhere to the project timeline and scope of work submitted with the original grant application. However, ORIP recognizes hardships in project management may arise once the project is underway. On a case-by-case basis, the District may consider a request for a time extension if project completion will be delayed beyond the end date set forth in the original grant application. To initiate a request, the grantee must send the District a revised project timeline and a brief written justification to explain the need for a time extension. Additionally, the District must ensure the grantee has provided adequate project progress updates through quarterly reporting that ties to the written justification.

Similarly, the District may consider a request for a minor scope of work modification so long as the original intent of the project remains unchanged. A minor scope change may include adding detail to tasks or further defining tasks that lead to a more comprehensive study of the existing transportation problem. To initiate the request, the grantee must send the District a written justification to explain why a scope of work modification is necessary, along with a revised scope of work.

The District reviews and either approves or denies the grantee's request, provided that the three year time limit for expending funds will not be exceeded. Once requests for scope of work or project timelines changes are approved, the District sends the updated documents to the HQ ORIP Liaison.

For any request that would exceed the three year allowable time frame, the District reviews and recommends approval or denial, then forwards the request to the HQ ORIP Liaison for consideration.

5.03 Unallowable Administrative Fees and Project Management Costs

Grant recipients are not allowed to charge Caltrans Transportation Planning Grant sub-recipients administrative fees. Similarly, project management costs must not exceed five percent of the grant amount awarded. By charging administrative fees or project management costs, fewer funds are available to the sub-recipient or for the actual grant funded planning activity. This will ensure that grant funds are dedicated to planning work products that benefit the region as a whole.

5.04 Quarterly Progress and Expenditure Report

Starting with fiscal year 2013/14, a separate Quarterly Progress Report for each grant project will no longer be required. Instead, grant recipients will be required to report grant activities as part of the OWP Quarterly Progress and Expenditure Report, including a transmittal memo noting the percentage of project work completed. The OWP Quarterly Progress and Expenditure Report is due to the District on October 31st, January 31st, April 30th, and July 31st. The District provides copies of the Quarterly Progress and Expenditure Report in a Year-End Package to the HQ ORIP Liaison at the end of each fiscal year.

The HQ ORIP Liaison will schedule quarterly teleconferences throughout the year to receive status updates for each grant project.

5.05 Grant Close-Out Procedures

When the project is complete, the grant recipient is required to submit a closeout package to the District office, including one copy of the quarterly progress report marked 'FINAL' and one copy of the RFR marked 'FINAL' along with two copies of the final work product (an electronic copy is preferred).

The District Liaison:

1. Completes and signs the Grant Program Closeout Report form;
2. Reviews the final Quarterly Progress Report marked "FINAL;"
3. Reviews the final RFR marked "FINAL;"
4. Reviews and keeps one copy of Final Products; and,
5. Sends one copy of each of the above documents to the HQ ORIP Liaison.

If the grant funded project is completed by June 30 a final RFR must be received within 60 days of the close of the current fiscal year. If the grant funded project is not fully completed by June 30 it will need to be carried over into the following fiscal year's OWP and OWPA.

6 THIRD PARTY CONTRACTS

Some OWP work cannot be accomplished by MPO/RTPA in-house staff and will be contracted out, i.e., contractors or consultants will be hired to perform the work. The agreements between the MPO/RTPA and the contractors are referred to as "third party contracts". Contracting out is also called consultant procurement. In this chapter, consult, consultant, contract, contractor, third party and third party contracts will be used interchangeably.

In accordance with Title 49 CFR, Part 18.36 and state law and procedures, all MPO/RTPA contractors, subcontractors, and subrecipient contracts containing Federal and state planning funds are required to be competitively bid and awarded consistent with LPP 00-05, per the MFTA, Article IV, Section 5.

When work is contracted out, all state and federal compliance responsibilities of the MPO/RTPA apply to these consultants/contractors/third parties as they do to the MPO/RTPA and must be included in the consultant agreement entered into between the MPO/RTPA and consultant/contractor/third party. If portions of the work are further contracted out to subcontractors, the consultant/contractor/third party must include all state and federal compliance responsibilities in the subcontractors agreement so the subcontractors/subconsultants are bound. If the MPO/RTPA sub-grants CPG or RPA or any other state or federal funds through to their sub-regional agencies, third party contract procedures apply to any contracts, which the sub-regions let.

Contracted out work needs to be identified or labeled as such in the OWP. The District should monitor third party contracts throughout, from request for proposal (RFP) through closeout evaluation.

The District oversight focuses on equitable contracting procedures and quality output by the MPO/RTPA, e.g., inclusive advertisement, solid requests for proposal, objective selection procedures, sound cost estimates, timely delivery schedules, stated expectations for quality results, and stated expectations for production of high quality work.

The District oversight may involve participation in the development of the contracted-for products, e.g., the District may be part of the working group which develops a public participation plan evaluation and adds enhanced outreach efforts to the plan update, or the District may provide data for alternative scenario planning or needs assessments, or the District may participate in creation of the regional transportation plan, the bike plan, the long range transit plan, corridor studies, etc.

MPO's should provide copies of contracts and related executed amendments to the District prior to the Department reimbursing the MPO/RTPA for costs incurred on those contracts.

Appendix C includes Key Contract and Procurement Requirements

6.01 Open and Competitive

Consultant procurement always needs to be done in an open and competitive manner and includes certified Disadvantaged Business Enterprises (DBEs). The process should be based on the best quality work at the fairest price. Local geographical preference is an unallowable procurement practice in the evaluation of bids or proposals when using CPG or RPA funds. The process should be based on the best quality work at the fairest price. If an agency does not adhere to the Contract and Procurement process outlined in 49 CFR, Part 18.36 federal planning funds cannot be used.

6.02 Contracts up to $100,000

Third party contracts for less than $100,000 (also referred to as Personal Services Contracts or Small Purchases Procedures) may be awarded through a fairly informal procedure where price or rate quotations are obtained from an adequate number of sources.

This $100,000 amount is a cumulative limit for services procured of any individual consultant or consulting firm on a contract or procurement document. This means that if an existing contract or procurement, which was procured using an informal procurement procedure, is to be amended for additional funds that will result in the contract being in excess of $100,000 a new procurement is necessary.

Price or rate quotations shall be obtained from qualified available sources. Generally, this means a minimum of three consultants or vendors should be solicited for quotes. For these smaller contracts, the MPO/RTPA must prepare and retain the following information, in addition to other contracting documents to support the procurement:

- An explanation of the services needed from the consultant and why the MPO/RTPA staff cannot provide them
- Documentation indicating which firms or consultants have been contacted and whether they were interested in providing price or rate quotations
- Copies of the written price or rate quotations and proposals
- The name and qualifications of the consultant who provided the services and a copy of the contract
- Documentation of the fees, showing how the fee was calculated and that it is reasonable by comparative standards

6.03 Contracts for $100,000 or More

Third party contracts for more than $100,000 must be awarded through the procedures described in detail in Chapter 10 of the *Local Assistance Procedures Manual* and in Local Program Procedure 00-05, *Revised Pre-award Audit Requirements and Consultant Procurement* (LPP 00-05).

http:www.dot.ca.gov/hq/LocalPrograms/lpp/LPP00-05.pdf

Contracts larger than $250,000 must also satisfy the pre-award evaluation requirement described in LPP 00-05. If there is unfamiliarity with the consultant or uncertainty about the consultant's fiscal capability, pre-award evaluations may be advisable or required for smaller contracts. (See Section 6.05 and LLP 00-05)

Please reference Section 6.06 for information on the Disadvantaged Business Enterprise Program that applies to CPG planning contracts.

6.04 Seven Contract Steps

The contract process has seven steps:

- Determination that the work can best be accomplished by a consultant
- Selection of the appropriate contracting method
- Development of a request for proposal (RFP), request for qualifications (RFQ) or invitation for bid (IFB), (this will depend on the contracting method chosen)
- Advertisement for project to solicit bids or proposals
- Consultant selection and contract negotiation
- Contract approval and execution
- Contract performance monitoring, evaluation, and closeout

6.04a Determination of How to Best Accomplish the Work

In determining whether work activities are to be performed by staff or consultants, the MPO/RTPA must assess its needs and staff resources: Is contracting the most cost-effective and efficient way to get the work done? A consultant contract should only be pursued if use of in-house staff is not a practical option.

Like work performed by in-house staff, transportation planning contract activities, products, schedule and funding need to be shown in the MPO's/RTPA's OWP. They need to be identified as contracted out consultant work.

6.04b Contracting Methods

There are several consultant selection processes, e.g., sealed bid, competitive proposals (also called competitive negotiation), and non-competitive proposals (also called sole source). Competitive negotiation process using Requests for Proposals (RFPs) is most commonly used for transportation planning work.

Sealed bid/lowest cost contracting is appropriate for construction contracts, or procurement contracts (e.g., office supplies and equipment). Transportation planning third party contracts require competitive selection.

Personal Services Contracts, i.e., smaller contracts for less than $100,000, may be awarded after consideration of price or rate quotes from at least three different consulting entities, whenever possible. As stated above, contracts exceeding $100,000 (individually, including any

amendments or augmentations, or a series of smaller contracts with one consultant or consulting firm, which together total more than $100,000) require a competitive procurement process to be used.

Because sole source contracts can only be pursued if one of the following is demonstrated, sole source contracting conditions rarely apply to transportation planning work:

- Only one contractor is qualified to do the work
- An emergency exists of such magnitude that delay cannot be permitted
- Competition is determined to be inadequate after solicitation of a number of sources

If a sole source contract is pursued, the MPO/RTPA needs to assure the contract expectations are clear (e.g., scope of work, tasks, schedules, products, evaluation criteria, conflict resolution, etc.) and the cost is fair and reasonable. A cost analysis is required to be performed, verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits per 49 CFR, Part 18.36(d)(4)(ii). The special conditions, which necessitate sole source, must be documented and provided to the Department for review and approval prior to the award of the contract. All supporting documentation must be retained and available for review by Department and/or FHWA/FTA.

6.04c Development of the Request for Proposal (RFP)

RFPs should be widely publicized to elicit responses from all capable candidates, and to select the most-qualified candidate to deliver the best product at the most reasonable cost, consistent with legal and fair competition requirements.

RFPs should be advertised in newspapers, trade journals and newsletters, posted on the internet, and innovative outreach efforts should be pursued to ensure the most complete participation of potential contractors, including disadvantaged business enterprises and community based organizations. Existing bidder-list direct mail recruitment is not sufficient.

A RFP package with well-defined expectations should include specifications such as, tasks, products, schedules, available resources, as well as performance evaluation and conflict resolution particulars. The proposal evaluation criteria should be described and all requirements for the final contract should be stipulated.

A complete RFP package should include, for example:

- All applicable dates, e.g., briefing dates, filing deadlines, and contract completion. The filing period should allow prospective bidders sufficient time to put together a complete and viable proposal package.
- Background and outline of the study area or topic
- Statement of required proposal content, e.g., methodology or approach, staffing and duties, qualifications, schedule, deliverables, and budget
- Identification of all state and federal requirements, e.g., federal debarment and suspension certification, non-discrimination/non-harassment practices, drug-free

workplace, non-lobbying assurances, records retention, product delivery, invoicing, hold harmless and/or indemnification conditions, etc.

- Confidentiality of bidder information, if applicable
- Listing of proposal evaluation criteria (including relative importance or weighting) and description of the selection process
- A pro forma proposed contract, which lists all applicable state and federal requirements

See LPP 00-05 for more information.

It should be noted that if during the RFP review, selection, and award period, any deviation from the agencies internal contracting and procurement procedures are violated (i.e. the Board overrides the agencies recommendation) federal funds can no longer be used to contract per 49 CFR Part 18.36.

6.04d Consultant Selection and Contract Negotiation

Selection of the consultant and the development of the contract is a multi-step process. After the RFP has been developed, consultant selection and contract negotiation can proceed. This four-step process can be outlined as follows:

- Proposal evaluation team selection. This should occur prior to the receipt of the proposals, preferably during development of the RFP.
- Review of submitted proposals using the evaluation criteria set forth in the RFP.
- Top candidate interviews, such as oral presentations are an effective method to confirm consultants' understanding of MPO/RTPA needs and the consultant's qualifications in the subject area.
- Contractor selection and completion of negotiable parts of the contract.

There is no requirement to award a contract if none of the proposals are competitive, i.e., if the cost is not reasonable and/or if none of the bidders are qualified to do the job.

If the contract exceeds $250,000, a pre-award evaluation must be completed prior to entering into the contract.

6.04e Contract Approval and Execution

Contract approval and execution are the final steps in the RFP process. MPOs/RTPAs should prepare a contract approval package available for Department review. The MPO's must provide executed copies of contracts and related executed amendments to the Districts for its records prior to reimbursing the MPO for costs incurred on those contracts.

This package should include:

- A cover letter -- name of the contractor, purpose and summary of the contract, applicable OWP work element (s), contract amount and funding sources, procurement method.
- A review of the selection process -- bidder recruitment methods, listing of proposals received, summary of the proposal evaluation process, a copy of proposal scoring summary. The MPO/RTPA should retain the original scoring documents supporting the summary.
- Two complete copies of the final executed contract (i.e., work plan or scope of work, project staff, schedule and deliverables, and contract budget), including all exhibits.
- A copy of the original proposal of the successful bidder.
- A copy of the Request for Proposals package, with cover letter.

Districts should review contract packages relative to inclusive bidder recruitment, clear scope of work, deliverables schedule, contract budget and personnel exhibits, and consistent with the review points listed in Section 6.07 and LPP 00-05.

6.04f Contract Monitoring and Evaluation

No work can be done prior to there being an approved and fully executed contract. When contract work proceeds, the District monitors progress in a manner similar to tracking OWP work elements activities, and OWP Quarterly Progress and Expenditure monitoring. For example, the District attends relevant meetings, reviews deliverables for content and timeliness and checks Requests for Reimbursement (RFRs) to assure they are supported with billings.

As work progresses, the District routes deliverables within the Department for information, and solicits comments to provide to the MPO's/RTPA's consultant, as appropriate, on draft products.

RFRs should not be approved unless the District has invoices and supporting documentation. Although District staff may have considerable familiarity with the MPO's/RTPA's business practices, particulars of the consultant contract, and the consultant's progress, approval of RFRs without invoices and supporting documentation is prohibited. Since the Districts are considered contract managers it is expected that all RFRs contain invoices and supporting documentation. RFRs cannot be approved for payment with out invoices and relevant supporting documentation. It is important to maintain objective procedures relative to all MPOs/RTPAs, and it is important to have complete files for audit purposes.

Sections 4.06, 4.07 and 4.08 describe RFR approval and dispute procedures.

Supporting documentation for RFR's are outlined in the MPO MFTA's. In order to have complete files for audit purposes, one of the requirements is to have invoices and relevant support that is retained for three years after final payment under the contract.

District staff should document its contract monitoring activities in a log, journal or calendar, in the contract file. Contract files may be paper or electronic.

6.05 Pre-Award Audits

If a pre-award audit is required, it must be completed and indicate satisfactory capabilities before the MPO/RTPA enters into a contract with the consultant.

For contracts of $250,000 or more, a pre-award audit is always required.

For contracts *less* than $250,000, a pre-award audit is required if one or more of the following conditions exists:

- There is inadequate knowledge about the consultant's financial management system
- There has been a previous, unfavorable experience with the consultant's estimating, accounting methods or financial management system
- The MPO/RTPA or the consultant requests an audit
- The MPO/RTPA has no history of using consultants and the Department deems it prudent

District or ORIP staff may request a pre-award audit if they foresee potential problems.

Headquarters Audits and Investigations, an audit firm hired by the MPO/RTPA, or MPO/RTPA in-house staff with audit expertise may perform the pre-award audit. The audit's focus is the consultant's financial management system, which includes a review of the project cost accounting system, estimating and administrative systems, proposed costs and quantities, and financial conditions, etc. In addition, the contract language is reviewed to ensure that the required fiscal provisions are included.

6.06 Disadvantaged Business Enterprise (DBE)

This section provides guidance and direction to MPOs, RTPAs, and local government entities (i.e., subrecipients) to ensure compliance with the race neutral Caltrans DBE Program for Federal Transit Administration (FTA) fund recipients. Failure to comply with the DBE Program may result in the suspension or termination of federal funds until deficiencies are remedied as discussed in Title 49 Code of Federal Regulations (CFR) Part 26.101 and the Master Fund Transfer Agreement, Article IV, Section 2.

Title 49 CFR, Part 26, entitled, Participation by DBEs in Department of Transportation Financial Assistance Programs, describes this race neutral DBE Program as one used to assist all small businesses, including DBEs. Race neutral measures focus on developing the business practices of all small businesses and include providing assistance in overcoming bonding and financing obstacles, simplifying bidding procedures, providing technical assistance, establishing programs to assist start-up firms, and other methods open to all firms or any disadvantaged firm regardless of race or gender.

The Caltrans Director's Policy on DBE assures equal opportunity in doing business with Caltrans or subrecipients, such as MPOs/RTPAs and their outside contractors (e.g., consultants). The Director's Policy also ensures that MPOs/RTPAs meet DBE program

requirements, and data and reports on DBE participation are collected for federal reporting requirements.

DBE Program requirements apply to the following ORIP-administered federal Consolidated Planning Grant (CPG) funds:

- FHWA PL
- FTA § 5303
- FHWA Partnership Planning Grants
- FTA § 5304 Transit Planning Grants
- FHWA Regional Blueprint Planning Grants

RTPAs receiving only State Rural Planning Assistance funds are not impacted by these DBE requirements.

Subrecipients of CPG funds must participate in this race neutral DBE Program. It is important to note that all of these CPG funds are administered by the FTA thus are considered to be FTA funds. This includes the FHWA PL, Partnership Planning, and FHWA Regional Blueprint Planning funds even though these funds originate from FHWA. The FTA maintains ultimate responsibility over these CPG funds in California, which operate under a completely independent, race neutral Caltrans DBE Program with an overall annual goal of four percent.

CPG Subrecipient Responsibilities for DBE include:

- Participation in the race neutral DBE Program when contracting/awarding to subrecipients or planning consultants involving any fraction of federal CPG funds.

- Participation in the race neutral DBE Program even if subrecipients have not contracted out work to sub-recipients or consultants. They must also complete, sign and turn in the FTA DBE Uniform Report form, showing zero dollars. This information will provide necessary data for the federally mandated Caltrans DBE disparity study.

- Completion of the FTA DBE Uniform Report form twice a year: April 1st and October 1st. The DBE Uniform Report shows the federal dollar amount provided through contract/s as well as DBE participation in these contracts. This information will provide necessary data for the federally mandated Caltrans DBE disparity study and reporting to the FTA. The completed forms are sent to the appropriate HQ ORIP Liaison.

- Development and implementation of a DBE Program following the Caltrans DBE Program Plan, pursuant to the Master Fund Transfer Agreement, Article IV, Section 2. This Plan formally acknowledges the statutory and/or regulatory requirements with its race-neutral measures, and their commitment to comply with all the prescribed responsibilities explained herein.

- Development and maintenance of a Bidder's List, consisting of information about all DBE and non-DBE firms that bid or quote on CPG-assisted contracts. The Bidder's

List includes the name, address, DBE/non-DBE status, age and annual gross receipts of firms.

- Inclusion of the following clause is required, verbatim, in each CPG-assisted contract:

  - The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of United States Department of Transportation-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

- Inclusion of contractual language specifying prompt payment clauses are required in the foregoing provisions. These prompt payment clauses benefit all subcontractors equally.

  - **Prompt Progress Payment to Subcontractors—**A prime contractor or subcontractor shall pay to any subcontractor not later than 10-days of receipt of each progress payment, in accordance with the provision in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-day rule is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30-days may take place only for good cause and with the agency's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
  - **Prompt Payment of Withheld Funds to Subcontractors**—The MPO, RTPA or local government entity shall include either (1), (2), or (3) of the following provisions in their CPG-assisted contracts to ensure prompt and full payment of retainage (withheld funds) to subcontractors in compliance with 49 CFR 26.29.

    1) No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor

performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

2) No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30-days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

3) The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30-days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

6.07 RFP Review Points

Each RFP is different, but the following list includes fairly typical RFP review categories and points:

Selection Procedures

- Description of need for consultant
- Records of publication of RPF and other solicitation efforts
- Candidate qualifications and evaluation criteria
- Documentation of selection steps
- Evaluation of DBE efforts (when applicable)
- Plan to monitor work

Consultant Agreement

- Date of agreement
- Names, addresses, and other identifying data of agreeing parties (complete name and address of each party to the agreement, including the legal status [e.g., individual, corporation, partnership, etc.], address where work is available for inspection)
- Name of contract administrator
- Work to be done (include any data, etc., MPO/RTPA will provide) and work schedule
- Deliverables and delivery schedule (including number of copies when applicable and what constitutes completion)
- Schedule, e.g., effective date of contract, commencement of work, milestones, deliverables, completion
- Method of payment (whole or progress, what milestones for progress)
- Records retention (See Section 4.13)
- Contract cost principles and procedures (must specify 48 CFR, Chapter 1, Part 31) and Administrative Requirements of 49 CFR, Part 18
- Covenants against contingent fees (If federal funds are used, the following must be included: "The consultant warrants that s/he has not employed or retained any company or person, other than a bona fide employee working for the consultant, to solicit or secure this agreement, and that s/he has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or formation of this agreement. For breach or violation of this warranty, the MPO/RTPA shall have the right to annul this agreement without liability, or at its discretion to deduct from the agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.")
- Ownership of deliverables (become the property of the MPO/RTPA)
- Copy rights (if consultant is permitted copy rights, the agreement must provide FHWA/FTA and Department shall have the royalty-free non-exclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for government purposes)
- Changes in work (mutually agreed to, plus provisions for resulting schedule and cost changes)

- Delays/extensions (appropriate time adjustment in instances of unavoidable delays and warranted adjustments in payment)
- Termination or abandonment (ownership of completed or partially completed work, basis for payment in the event of termination; including conditions for termination due to default and circumstances beyond the control of the contractor)
- Remedies (administrative, contractual or legal remedies for violation or breach of contract, citing sanctions and penalties)
- Disputes (procedures to resolve disputes)
- Responsibility for claims and liability (hold harmless provisions for all levels of government from all claims and liability due to the negligent acts of the contractor and/or its subcontractors, agents or employees)
- General compliance with laws and wage rates (requirement for contractor to comply with all federal, state and local laws and ordinances applicable to the work, including compliance with prevailing wage as per California Labor Code, Section 1775, if applicable)
- Subcontractors, assignment and transfer including prohibition against subcontracting, assignment or transfer of any work, except as provided in the agreement.
- Conclusions, i.e., customary closing provisions included in MPO's/RTPA's contracts
- Signatures
- Certifications of consultant and agency (as per the covenants against contingent fees)
- Cost price proposal (per consultant team member by hours, rate and total; indirect cost rate; direct costs of equipment, supplies, other by quantity, unit cost and total profit and total cost).

Other review points:

- Is the consultant qualified to do business in California (e.g., a California corporation or partnership or agent for service of process filed with the Secretary of State)?
- Is there a drug-free work place certification?

If the contract is for $5,000 or more, does the contract include the following certification: The prospective contractor's signature affixed hereon and dated shall constitute a certification, under the penalty of perjury under the laws of the State of California, that the bidder/proposer has, unless exempted, complied with the nondiscrimination program requirements of Government Code Section 12990(a-f) and Title 2, California Code of Regulations, Section 8113.

7 REGIONAL TRANSPORTATION PLAN (RTP)

The MPOs and RTPAs are required by federal law (Title 23CFR 450.300, Subpart C) and by state law (Government Code section 65080 et seq) to develop Regional Transportation Plans (RTPs) in order to qualify for and receive federal transportation funding. Additionally, federal funding is contingent upon an air quality conformity finding. For MPOs in non-attainment areas, the RTP must show how its projects will 'conform' or achieve the Federal air quality standards. (See the Regional Transportation Guidelines for more detailed information).

The RTP is also known as a metropolitan transportation plan (MTP) or a long range plan that is developed by the MPO/RTPA in concert with the public and transportation partners in the region, including District staff. The RTP is a comprehensive, 20+ year vision of a balanced,

multimodal transportation system. It identifies regional issues and problems, includes population and traffic growth projections for the region, and suggests mobility solutions to accommodate future transportation needs. The RTP includes a list of proposed projects known as the Regional Transportation Improvement Program (RTIP). The RTIP is designed to implement the vision and goals of the RTP. The RTIP is sometimes generically referred to a Transportation Improvement Program (TIP). The RTP must be fiscally constrained i.e. the RTP must provide evidence that the proposed projects in the TIP are fully-funded through the cycle of the Plan, the revenues are reasonably available to finance projects and the costs of each project have been estimated consistent with any regional programming or project environmental documentation currently available.

All RTPs must also be accompanied by an environmental review document pursuant to state law (Public Resources Code 21000 et seq, also known as the California Environmental Quality Act (CEQA).

7.01 *The Regional Planning Handbook* and *The RTP Guidelines*

This Regional Planning Handbook describes the procedural or administrative steps that the District and Headquarters staff take to process and monitor the Regional Transportation Plan. The RTP Guidelines outlines the requirements to suggested planning practices that MPOs and RTPAs must adhere to in their development of the RTP.

The California Transportation Commission (CTC) has the authority to approve the Regional Transportation Plan (RTP) Guidelines. The *RTP Guidelines* interpret the state and federal statutory requirements and offer guidelines for practice to MPOs and RTPAs. The RTP *Guidelines* are updated as needed to reflect changes in federal and/or state law and is a comprehensive reference manual for the MPOs and RTPAs.

The RTP Guidelines are posted on the ORIP website at:

http://www.dot.ca.gov/hq/tpp/offices/orip/rtp/rtp.htm.

7.02 The Role of the District Regional Planning Staff in Reviewing the RTP

The primary role of the District is to act as the communication link between the MPO/RTPA and the Department. The District staff represents the interests and priorities of the Department in the RTP process. The District prepares the Department's comments on the draft RTP and Environmental Document. The District's comment letter should be provided in a timely manner and should be comprehensive, i.e., it should be a compilation of both District and Headquarters comments. The Department does not have approval authority of the RTP. The Department's role is to review and comment.

The primary responsibility of the District is to accomplish the following tasks related to the administration of the RTP:

7.02a Review of the Draft RTP

The District review ensures that the RTP is a complete and accurate document reflecting the MPO/RTPAs stated goals. The main tool that the Districts should use in their review and comment of the draft RTP is the RTP Checklist. This is the same checklist that the MPO/RTPA completes and submits along with the RTP. **A Completed RTP Checklist must always accompany the draft RTP**. HQ ORIP Liaisons will not accept a draft RTP or comment on it without the checklist.

Appendix D includes the Regional Transportation Plan Checklist.

7.02b Review of the RTP Environmental Document

In addition to reviewing the RTP, the District also needs to carefully review and, as appropriate, comment on the environmental document. The responsibility for ensuring appropriate District review and comment on the environmental document rests with the District Regional Planning Liaison. District size, organizational structure, and staff expertise will determine whether this review is completed by the District's regional transportation planning staff, IGR/CEQA staff, and/or Environmental staff.

It is strongly advised that the regional transportation planner who is familiar with the draft RTP always become familiar with the environmental document.

7.02c Circulation of the Draft RTP and the Draft Environmental document

Upon receipt of the draft RTP and the draft environmental document from the MPO/RTPA, District staff solicits comments from the affected units in Headquarters and the District. ORIP is always included, but the contents of the draft RTP will dictate which other units in Headquarters should participate in the review. The District must send one hard copy and one electronic copy of the draft RTP, the draft Environmental document and a completed RTP checklist to their assigned ORIP HQ liaison.

Draft RTP Review Circulation Contacts:

- Division of Aeronautics, Attn: Terry Barrie, Office of Aviation Planning
- Division of Transportation Planning
  - Attn: Garth Hopkins, Office of Regional and Interagency Planning
  - Attn: Pam Korte, Office of State Planning
  - Attn: Bruce De Terra, Office Freight and System Planning
  - Attn: Alyssa Begley, Office of Community Planning
- High Speed Rail Authority, Attn: John Mason, jmason@hsr.ca.gov

Draft Environmental Document Circulation Contacts:

- Division of Transportation Planning
  - Attn: Garth Hopkins, Office of Regional and Interagency Planning

Attn: Alyssa Begley, Office of Community Planning

- Division of Environmental Analysis, Attn: Gina Moran, Office of Environmental Management
- High Speed Rail Authority, Attn: John Mason, jmason@hsr.ca.gov

7.02d Distribution of the Final RTP

It is ultimately the District's responsibility to assure that the California Transportation Commission (CTC), FHWA/FTA, and their assigned ORIP Liaison receive copies of the adopted final RTP. Distribution of the final document may be handled by either the District or the MPO/RTPA according to established practice between the MPO/RTPA and the District.

7.02e Routing of Final Documents

As soon as the final RTP documents are received from the MPO or RTPA, the District forwards the following documents to their assigned ORIP HQ liaison:

1 hard copy and 1 electronic (CD) copy of the Final RTP;
1 hard copy and 1 electronic (CD) copy of the Final RTP environmental document;
1 hard copy of the MPO/RTPA board resolutions adopting the RTP and certifying the Environmental document;
1 hard copy of all federal air quality conformity determination letters;
1 hard copy of all subsequent major amendments to the RTP; and,
1 hard copy of the MPOs/RTPAs current participation plan.

* Please note that the MPOs air quality conformity analysis may be part of the RTP, an appendix to the RTP or a separate document.

7.02f RTP Update Cycles

The due date for the next routinely scheduled RTP update for MPOs in maintenance and non-attainment areas is based on the date of the FHWA/FTA air quality conformity determination letter. For MPOs in an air quality attainment area and for all RTPAs the due date for the next scheduled RTP update is calculated from the date of the Board resolution that adopted the current RTP.

For MPOs in federally designated non-attainment and maintenance areas, the RTP must be updated at least every 4 years. For MPOs in attainment areas, the RTP must be updated at least every 5 years (Title 23 CFR 450.322(c)).

For RTPAs in federally designated non-attainment and maintenance areas and in attainment areas, the RTP must be updated at least every 5 years (Govt. Code Section 65080 (d)).

MPOs or RTPA that are required to adopt a RTP no less than every 5 years may elect to adopt the plan no less thatn every 4 years (Govt. Code Sections 65080(b)(2)(M) and 65588(b).

7.03 The Role of the Headquarters Staff in Reviewing the RTP

The primary role of the ORIP HQ liaison is to act as a resource to support the District staff in their administration of the RTP. ORIP HQ liaisons research and answer questions from the District, make policy interpretations and maintain complete RTP, OWP, and grant files for each of their assigned MPOs or RTPAs.

HQ liasions monitor RTPs to assess whether they are updated in a timely manner, to track statewide transportation trends and air quality conformity issues. Periodically, at the request of the CTC, HQ Staff will report on how well RTPs are in compliance with the current *RTP Guidelines*. ORIP also uses this information to comment on proposed legislation.

The primary responsibility of the HQ liaison is to accomplish the several tasks related to the administration of the RTP. The HQ liaison routes the draft RTP document and RTP checklist to internal ORIP units for comment provides the District with ORIP comments and, monitors the timing of the RTP update cycle.

Additionally, the HQ liaison compiles documents from the District in order to maintain a complete, updated RTP file that includes the following:

- A copy of ORIP comments that were sent to the District;
- A copy of the District's comment letter that was sent to the MPO;
- A copy of the draft RTP checklist;
- A copy of the draft RTP and draft environmental document;
- A copy of the final RTP;
- A copy of the RTPs final environmental document;
- A copy of all subsequent RTP amendments that reflect a major revision to the RTP or RTIP that require a public hearing. (see Title 23 CFR 450.104 definitions of amendment, administrative modification and revision)
- A copy of the MPO/RTPA board resolutions adopting the RTP and certifying the Environmental document;
- A copy of the federal air quality conformity determination letter(s); and,
- A copy of the MPOs/RTPAs current public participation plan.

8 FULL PARTICIPATION REGIONAL TRANSPORTATION PLANNING

As stated in Section 1.02, regional transportation planning is a 3Cs approach: continuing, cooperative and comprehensive. It involves the entire community: individuals, federal, state, tribal governments, regional and local agencies, and public, private and community based organizations all working together to identify how future regional transportation needs will be met.

Comprehensive regional transportation planning can be understood from several perspectives, among which are mode, participation and setting. All modes shall be considered. Decisions shall be made through formal government-to-government consultation with Native American Tribal Governments, and with the full participation of the community served. Consistent with a collaboratively crafted vision, the region will work together to determine how best to provide a full range of transportation options for all system users.

As stated in the eight planning factors in SAFETEA-LU, the goal is to:

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency
- Increase the safety of the transportation system for motorized and non-motorized users
- Increase the security of the transportation system for motorized and non-motorized users
- Increase the accessibility and mobility of people and for freight
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight
- Promote efficient system management and operation
- Emphasize the preservation of the existing transportation system

8.01 A Public Participation Plan/Public Involvement Program

Each MPO/RTPA shall have a structure for public participation by developing a Public Participation Involvement Plan [23 USC 134(i)(6)(B)]. This plan will be the foundation for transportation planning decisions and shall contain these principles:

- Be developed in consultation with all interested parties
- Provide all interested parties reasonable opportunities to comment on the contents of the transportation plan

The Public Participation Plan should also take into consideration the transportation system as a whole and involve the entire community as well as the interplay and impact of transportation on other regional factors such as the economy, the environment and quality of life.

This structure should be periodically reviewed, its effectiveness evaluated, and changes made to better ensure full public participation and involvement. Like transportation planning efforts, review, update and evaluation of the public participation structure should be transparent and should fully involve all stakeholders.

Changes to the transportation system can have profound impacts on a region. Full, open and active involvement of all users and stakeholders is essential for successful regional transportation planning.

A partial listing of who should be involved includes:

- Community members and groups, and community based organizations
- Individuals and groups with special interests, needs and advocacy positions, e.g., ethnic, economic, environmental, modal, age, access, neighborhood
- Public and private transit operators, including paratransit; carpools/rideshare coordinators/transportation management agencies
- Emergency responders
- Regional airport and seaport operators, managers and authorities
- Trucking and freight rail operators and advisory councils
- Local, regional, intercity, commuter, and high speed rail planners and providers
- Local and regional planning agencies, e.g., city/county government, congestion management agencies, affected individuals and agencies in adjacent regions
- Native American Tribal Governments (formal consultation)
- Non-federally recognized Tribal communities
- State transportation agencies, e.g., California Highway Patrol, Department (Districts, affected HQ functions such as Mass Transportation, Aeronautics, Research and Innovation, Local Assistance, Traffic Operations)
- Federal agencies, e.g., FWHA/FTA, EPA, Bureau of Indian Affairs, resource agencies such as US Forest Service, National Park Service, National Marine and Fishery Service, Fish and Wildlife Service, and the US Army Corps of Engineers
- State resources entities, e.g., California Air Resources Board, California Resources Agency, Coastal Commission, California Energy Commission, California Environmental Protection Agency, State Water Board, Regional Water Quality Control Board, State Department of Fish and Game, Regional Waste Board
- Intelligent Transportation System interests such as the California Alliance for Advanced Transportation Systems.

The *RTP Guidelines* specify the following relative to public involvement during the development of the RTP:

- The regional agency seeks out and considers the needs of those traditionally under-served by existing transportation systems, including but not limited to low-income and minority households
- In non-attainment areas, the RTP is based on interagency consultation with air and environmental agencies and the public, and reflects coordination with local and regional air quality planning authorities
- Includes citizen involvement in the early stages of plan development, and
- Where there are Native American Tribal Governments within RTP boundaries, the tribal concerns have been addressed and the RTP was developed in consultation and

cooperation with the Tribal Governments (formal consultation) and the Secretary of the Interior.

For more information on public participation go to:

www.fhwa.dot.gov

8.02 Native American Tribal Governments and Communities

Federally recognized Tribes are familiar with the federal "consultation" process, which requires agencies to identify when the agency is formally consulting with the Tribe. Consultation means that one party confers with another identified party and, prior to taking action(s), considers that party's views (CFR 23, Subpart A, § 450.104, Definitions). A tribal government is a sovereign entity, recognized as the political unit of a given tribe. Thus, consultation with tribes is mandated by law and separate from and precedent to the public participation process. Agencies should not only coordinate their plans with those of tribal governments within their boundaries, but also consider Tribal Governments' concerns about projects outside tribal jurisdiction that have the potential to impact Native American cultural resources or communities, as well as the needs of individuals within those communities.

Unless otherwise directed by the Tribe, correspondence should be addressed to the Tribal Chairperson. Because each Tribe has its own form of government and protocol for how business is to be conducted, there is no singular approach. Tribes differ in their ability to finance leaders, spokespersons or administrative support. For example, Tribal leaders frequently participate on their own time and money. Agencies need to be cognizant of this and act accordingly, e.g., be flexible when and where meetings are scheduled. A meeting with the Tribal Government (most often referred to as the Tribal Council) is usually the most effective way to communicate. Be sure to provide enough time for the Tribal Government to respond, since most Tribal Governments meet once a month, and it may be difficult to put additional items on the agenda if not given enough time.

To obtain an expanded list of Native American Tribes, communities, organizations and individuals within RTPA/MPO boundaries, send a request to:

The Native American Heritage Commission, 915 Capitol Mall, Sacramento, CA 95814
or call (916) 653-4082. Caltrans Native American Liaisons also will be able to provide this information.

Public Participation

Public participation provides for public involvement of all citizens (including Native Americans), affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties of the community affected by transportation plans, programs and projects.

All Native Americans as individual citizens---regardless of whether they are members of Federally-recognized Tribes---can contribute to the public participation process. They belong to a minority, they may be low income, are traditionally underserved, and they may be associated with a community-based organization or be among the groups shown above. Within public participation forums, as individuals, they are not representing Tribal Governments.

Reviewing Planning Documents

Regional agencies and Caltrans staff are responsible for ensuring that individual RTPs and OWPs are in compliance with federal and state law. Tribal consultation and coordination requirements deserve particular attention when reviewing planning documents.

Regional agencies and Caltrans staff are responsible for ensuring that individual RTPs and OWPs are in compliance with federal and state law. Tribal consultation and coordination requirements deserve particular attention when reviewing planning documents. Tribal Governments are separate entities from State and Federal government, yet they occupy adjacent land, and Native American cultural resources often overlap with lands under MPO/RTPA jurisdiction. Any time a work element may affect a Tribal Government, it is important that there is a statement regarding the inclusion of an area's Tribal Governments in the planning process. In turn, any time that a work element identifies a degree of public participation, inclusion of Native American individuals and other disadvantaged groups must be documented.

Stating in a planning document that consultation and coordination are occurring is an important first step, but it is integral that this reflects an actual effort to consult with Native American tribes and individuals in the planning process.

9 FOR COMMENTS, SUGGESTIONS, OR MORE INFORMATION

For comments, suggestions, or more information contact Dara Wheeler at (916) 653-2355 or dara.wheeler@dot.ca.gov

Appendix A
Sample Eligible and Ineligible Regional Transportation Planning Activities

As the name indicates, transportation planning funds (FHWA PL and FTA Section 5303) are to be used for activities associated with the Metropolitan planning process (23 CFR 450). A wide variety of regional transportation planning activities are eligible for transportation planning funds. This is list is illustrative, not inclusive.

Eligible Activities include, but not limited to:

- Participate in Federal and State Clean Air Act transportation related air quality planning activities.
- Identify and analyze issues relating to integration of regional transportation and community goals and objectives in land use, housing, economic development, social welfare and environmental preservation.
- Develop and/or modify tools that allow for better assessment of regional transportation impacts on community livability.
- Consider alternative growth scenarios that provide information on compact development and related infrastructure needs and costs as it relates to regional transportation planning.
- Involve the public in the regional transportation planning process.
- Establish and maintain formal consultation with Native American Tribal Governments enabling their participation in local and state transportation planning and programming activities.
- Identify and document transportation facilities, projects and services required to meet regional and interregional mobility and access needs.
- Define solutions in terms of the regional multimodal transportation system, land use and economic impacts, financial constraints, air quality and environmental concerns (including wetlands, endangered species and cultural resources).
- Assess the operational and physical continuity of the regional transportation system components within and between metropolitan and rural areas, and interconnections to and through regions.
- Identify the right of way for future transportation projects, including unused right of way needed for future transportation corridors and facilities
- Investigate methods to reduce vehicle travel and to expand and enhance travel services.
- Incorporate transit and intermodal facilities, bicycle transportation facilities and pedestrian walkways in regional transportation plans and programs where appropriate.
- Conduct regional transit needs assessments and prepare transit development plans and transit marketing plans as appropriate.
- Consider airport ground access transportation and transportation to ports, recreational areas and other major trip-generating sites in planning studies as appropriate.
- Develop life cycle cost analyses for all proposed transportation projects and services, and for transportation rehabilitation, operational and maintenance activities.
- Participate with regional, local and state agencies, the general public and the private sector in planning efforts to identify and plan policies, strategies, programs and actions that maximize and implement the regional transportation infrastructure.

- Conduct collaborative public participation efforts to further extend transportation planning to communities previously not engaged in discussion.
- Create, strengthen, and use partnerships to facilitate and conduct regional transportation planning activities among California Department of Transportation (Department), MPOs, RTPAs, Native American Tribal Governments, transit districts, cities, counties, the private sector and other stakeholders.
- Develop partnerships with local agencies responsible for land use decisions to facilitate coordination of regional transportation planning with land use, open space, job-housing balance, environmental constraints, and growth management.
- Utilize techniques that assist in community-based development of innovative regional transportation and land use alternatives to improve community livability, long-term economic stability and sustainable development.
- Use partners to identify policies, strategies, programs and actions that enhance the movement of people, goods, services and information on the regional, inter-regional, and state highway system.
- Ensure that projects developed at the regional level (not project specific) are compatible with statewide and interregional transportation needs.
- Review the regional project ranking process and programming guidelines ensuring comprehensive cost/benefit analysis of all project types are considered.
- Develop joint work programs with transportation and air quality agencies, including transit operators, to enhance coordination efforts, partnerships, and consultation processes; eliminate or reduce redundancies, inefficient or ineffective resource use and overlapping review and approvals.
- Identify and address regional transportation issues relating to international border crossings, and access to seaports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments and historic sites, military installations; and military base closures.
- Conduct planning activities (including corridor studies, and other transportation planning studies) to identify and develop candidate projects for the Federal Transportation Improvement Program (FTIP).
- Preserve existing transportation facilities, planning ways to meet transportation needs by using existing transportation facilities more efficiently, with owners and operators of transportation facilities/systems working together to develop operational objectives and plans which maximize utilization of existing facilities.
- Involve federal and state permit and approval agencies early and continuously in the regional transportation planning process to identify and examine issues to develop necessary consensus and agreement; collaborate with Army Corps of Engineers, National Fish and Wildlife Service, Environmental Protection Agency and other federal agencies responsible for permits and National Environmental Protection Act (NEPA) approvals and with state resources agencies for compliance with California Environmental Quality Act (CEQA).
- Document environmental and cultural resources, and develop and improve coordination between agencies using Geographic Information Services (GIS) and other computer-based tools.

Regional planning documents, consistent with federal and state requirements:

- Regional Transportation Plans (RTP)
- Transportation Improvement Programs (TIP)
- RTP and TIP environmental compliance
- Overall Work Programs (OWP) and Amendments
- Overall Work Program Agreements (OWPA) and Amendments
- Master Fund Transfer Agreements (MFTA)
- Corridor studies

Ineligible Activities include, but not limited to:

- Non-planning related TDA administration such as fulfilling TDA auditing requirements, processing TDA invoices and fund reports, TDA allocation and claims process, etc. (planning related activities such as unmet transit needs assessment are eligible if they support the regional transportation planning process and RTP).
- Non-planning related transit administration for 5310, 5311, JARC, New Freedom, etc. including application development and assistance (review of 5310 applications and programming of funds as it relates to the TIP process are eligible planning activities).
- RHNA Process (portions may be eligible, but not the RHNA process as a stand-alone task)
- Project development documents such as Project Initiation Documents and Project Study Reports.
- Review of project level EIRs is only eligible if it is to ensure consistency and compliance with the MPOs/RTPAs RTPs and other regional transportation planning plans and products.
- Implementation of a study or plan.
- Project Delivery activities.
- City or county level transportation studies unless it is regionally significant or has a direct effect on the highway/transit system.
- Lobbying
- Project design, engineering, and construction.
- If you using toll credits as local match, MPOs' OWP administrative work element must be funded with an additional funding source. This is due to the OWP containing ineligible work elements (not funded with CPG), and other funding sources being managed through the OWP.
- Association membership dues and staff time attending CALCOG, NARC, AMPO, NSSR, etc. if planning activities are not segregated.

Appendix B
Indirect Cost Negotiation Agreement and Cost Allocation Plan (ICAP) Definitions and Reoccurring Issues

Definitions:

Indirect costs – Those costs incurred for a common or joint purpose benefiting more than one cost objective and not readily assignable to the cost objectives specifically benefited, e.g. cost of renting the office space/building, audit services, postage, utilities, and misc. supplies.

Direct costs – Any cost that can be specifically identified to a final cost objective, e.g. direct labor costs of engineers, project related travel, photocopies, rental of equipment and consultants.

Central Service Cost Allocation Plan – Documentation identifying, accumulating, and allocating or developing billing rates based on the allowable costs of services provided by a government unit on a centralized basis to its departments and agencies. The costs of these services may be allocated or billed to users.

Public Assistance Cost Allocation Plan – A narrative description of the procedures that will be used in identifying, measuring and allocating all administrative costs to all of the programs administered or supervised by State public assistance.

Indirect Cost Rate Proposal – Documentation prepared by a governmental unit or component thereof to substantiate its request for the establishment of an indirect cost rate.

Cost Allocation Plan – The Central Service Cost Allocation Plan, Public Assistance Cost Allocation Plan, and Indirect Cost Rate Proposal.

Indirect Cost Rate Calculation –

$$\frac{\text{Indirect Cost}}{\text{Direct Salaries + Fringe Benefits}}$$

Examples:

Allowable Costs – Audit services, communications, compensation for indirect personnel services, depreciation, rent, and travel.

Unallowable Costs – Alcoholic beverages, bad debts, contingencies, contributions and donations, entertainment, lobbying, equipment and other capital expenditures, certain

advertising and public relations costs, certain memberships, and general government expenses.

The following items tend to be areas that are of particular importance when reviewing OWPs and its related invoices. If you have any questions regarding a cost on an invoice, please contact HQ Regional Planning staff prior to approval:

- Conflict of Interest
- Inappropriate billings
- Unsupported Direct Labor costs
- Billing of Indirect costs with no approval rate or billing incorrect rate
- Small agencies that share staff/ and or accounting systems with other agencies.
- Inaccurate treatment of overtime and the effective hourly rate
- Independent auditor (Certified Public Accountant) performing routine accounting functions and providing an opinion on the financial statements.

The following two websites provide additional information about the ICAP procedure and definitions:

2 CFR, Part 225.55:

http://www.whitehouse.gov/omb/fedreg/2005/083105_a87.pdf

2 CFR, Part 225.55 has information on definitions, State/Local-Wide Central Service Cost Allocation Plans (Attachment C), Public Assistance Cost Allocation Plans (Attachment D), and the State and Local Indirect Cost Rate Proposals (Attachment E)

~~04-10~~ Local Assistance Procedures Manual, Chapter 5 Accounting/Invoice Section 5.14 - Obtaining Approval for Indirect Costs::

http://www.dot.ca.gov/hq/LocalPrograms/lam/prog_p/p05accin.pdf

Please contact Audits & Investigations if there are any questions about the ICAP procedure.

Appendix C
Key Federal Contract and Procurement Requirements

Per 49 Code of Federal Regulations, Part 18.36:

(2) Grantees and subgrantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

(i) The employee, officer or agent,

(ii) Any member of his immediate family,

(iii) His or her partner, or

(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

(9) Grantees and subgrantees will maintain records sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(10) Grantees and subgrantees will use time and material type contracts only--

(i) After a determination that no other contract is suitable, and

(ii) If the contract includes a ceiling price that the contractor exceeds at its own risk.

(11) Grantees and subgrantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or subgrantee unless the

matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

12) Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and subgrantee before pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:

(i) Violations of Federal law or regulations and the standards of this section (violations of State or local law will be under the jurisdiction of State or local authorities) and

(ii) Violations of the grantee's or subgrantee's protest procedures or failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or subgrantee.

(3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:

(i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

(ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

Appendix D
Regional Transportation Plan Checklist

(Revised February 2010)

(To be completed electronically in Microsoft Word format by the MPO/RTPA and submitted along with the draft RTP to Caltrans)

Name of MPO/RTPA: _____

Date Draft RTP Completed: _____

RTP Adoption Date: _____

What is the Certification Date of the Environmental Document (ED)? _____

Is the ED located in the RTP or is it a separate document? _____

By completing this checklist, the MPO/RTPA verifies the RTP addresses all of the following required information within the RTP.

Regional Transportation Plan Contents

General	Yes/No	Page #
1. Does the RTP address no less than a 20-year planning horizon? (23 CFR 450.322(a))		
2. Does the RTP include both long-range and short-range strategies/actions? (23 CFR part 450.322(b))		
3. Does the RTP address issues specified in the policy, action and financial elements identified in California Government Code Section 65080?		
4. Does the RTP address the 10 issues specified in the Sustainable Communities Strategy (SCS) component as identified in Government Code Sections 65080(b)(2)(B) and 65584.04(i)(1)? **(MPOs only)**		
a. Identify the general location of uses, residential densities, and building intensities within the region? **(MPOs only)**		
b. Identify areas within the region sufficient to house all the population of the region, including all economic segments of the population over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth? **(MPOs only)**		

	Yes/No	Page #
c. Identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Government Code Section 65584? **(MPOs only)**		
d. Identify a transportation network to service the transportation needs of the region? **(MPOs only)**		
e. Gather and consider the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of Government Code Section 65080.01? **(MPOs only)**		
f. Consider the state housing goals specified in Sections 65580 and 65581? **(MPOs only)**		
g. Utilize the most recent planning assumptions, considering local general plans and other factors? **(MPOs only)**		
h. Set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the ARB? **(MPOs only)**		
i. Provide consistency between the development pattern and allocation of housing units within the region (Government Code 65584.04(i)(1)? **(MPOs only)**		
j. Allow the regional transportation plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. Section 7506)? **(MPOs only)**		
4. Does the RTP include Project Intent i.e. Plan Level Purpose and Need Statements?		
5. Does the RTP specify how travel demand modeling methodology, results and key assumptions were developed as part of the RTP process? (Government Code 14522.2) **(MPOs only)**		
<u>Consultation/Cooperation</u>		
1. Does the RTP contain a public involvement program that meets the requirements of Title 23, CFR part 450.316(a)?		

		Yes/No	Page #
2.	Did the MPO/RTPA consult with the appropriate State and local representatives including representatives from environmental and economic communities; airport; transit; freight during the preparation of the RTP? (23CFR450.316(3)(b))		
3.	Did the MPO/RTPA who has federal lands within its jurisdictional boundary involve the federal land management agencies during the preparation of the RTP?		
4.	Where does the RTP specify that the appropriate State and local agencies responsible for land use, natural resources, environmental protection, conservation and historic preservation consulted? (23 CFR part 450.322(g))		
5.	Did the RTP include a comparison with the California State Wildlife Action Plan and (if available) inventories of natural and historic resources? (23 CFR part 450.322(g))		
6.	Did the MPO/RTPA who has a federally recognized Native American Tribal Government(s) and/or historical and sacred sites or subsistence resources of these Tribal Governments within its jurisdictional boundary address tribal concerns in the RTP and develop the RTP in consultation with the Tribal Government(s)? (Title 23 CFR part 450.316(c))		
7.	Does the RTP address how the public and various specified groups were given a reasonable opportunity to comment on the plan using the participation plan developed under 23 CFR part 450.316(a)? (23 CFR 450.316(i))		
8.	Does the RTP contain a discussion describing the private sector involvement efforts that were used during the development of the plan? (23 CFR part 450.316 (a))		
9.	Does the RTP contain a discussion describing the coordination efforts with regional air quality planning authorities? (23 CFR 450.316(a)(2)) **(MPO nonattainment and maintenance areas only)**		
10.	Is the RTP coordinated and consistent with the Public Transit-Human Services Transportation Plan?		
11.	Were the draft and adopted RTP posted on the Internet? (23 CFR part 450.322(j))		
12.	Did the RTP explain how consultation occurred with locally elected officials? (Government Code 65080(D)) **(MPOs only)**		
13.	Did the RTP outline the public participation process for the sustainable communities strategy? (Government Code 65080(E) **(MPOs only)**		

Modal Discussion

1.	Does the RTP discuss intermodal and connectivity issues?		

		Yes/No	Page #
2.	Does the RTP include a discussion of highways?		
3.	Does the RTP include a discussion of mass transportation?		
4.	Does the RTP include a discussion of the regional airport system?		
5.	Does the RTP include a discussion of regional pedestrian needs?		
6.	Does the RTP include a discussion of regional bicycle needs?		
7.	Does the RTP address the California Coastal Trail? (Government Code 65080.1) **(For MPOs and RTPAs located along the coast only)**		
8.	Does the RTP include a discussion of rail transportation?		
9.	Does the RTP include a discussion of maritime transportation (if appropriate)?		
10.	Does the RTP include a discussion of goods movement?		

Programming/Operations

1.	Is a congestion management process discussed in the RTP? (23 CFR part 450.450.320(b)) **(MPOs designated as TMAs only)**		
2.	Is the RTP consistent (to the maximum extent practicable) with the development of the regional ITS architecture?		
3.	Does the RTP identify the objective criteria used for measuring the performance of the transportation system?		
4.	Does the RTP contain a list of un-constrained projects?		

Financial

1.	Does the RTP include a financial plan that meets the requirements identified in 23 CFR part 450.322(f)(10)?		
2.	Does the RTP contain a consistency statement between the first 4 years of the fund estimate and the 4-year STIP fund estimate? (2006 STIP Guidelines, Section 19)		
3.	Do the projected revenues in the RTP reflect Fiscal Constraint? (23 CFR part 450.322(f)(10)(ii))		
4.	Does the RTP contain a list of financially constrained projects? Any regionally significant projects should be identified. (Government Code 65080(4)(A))		

		Yes/No	Page #
5.	Do the cost estimates for implementing the projects identified in the RTP reflect "year of expenditure dollars" to reflect inflation rates? (23 CFR part 450.322(f)(10)(iv))		
6.	After 12/11/07, does the RTP contain estimates of costs and revenue sources that are reasonably expected to be available to operate and maintain the freeways, highway and transit within the region? (23 CFR 450.322(f)(10)(i))		
7.	Does the RTP contain a statement regarding consistency between the projects in the RTP and the ITIP? (2006 STIP Guidelines section 33)		
8.	Does the RTP contain a statement regarding consistency between the projects in the RTP and the FTIP? (2006 STIP Guidelines section 19)		
9.	Does the RTP address the specific financial strategies required to ensure the identified TCMs from the SIP can be implemented? (23 CFR part 450.322(f)(10)(vi) **(nonattainment and maintenance MPOs only)**		

Environmental

1.	Did the MPO/RTPA prepare an EIR or a program EIR for the RTP in accordance with CEQA guidelines?		
2.	Does the RTP contain a list of projects specifically identified as TCMs, if applicable?		
3.	Does the RTP contain a discussion of SIP conformity, if applicable? **(MPOs only)**		
4.	Does the RTP specify mitigation activities? (23 CFR part 450.322(f)(7))		
5.	Where does the EIR address mitigation activities?		
6.	Did the MPO/RTPA prepare a Negative Declaration or a Mitigated Negative Declaration for the RTP in accordance with CEQA guidelines?		
7.	Does the RTP specify the TCMs to be implemented in the region? **(federal nonattainment and maintenance areas only)**		

I have reviewed the above information and certify that it is correct and complete.

_____
(Must be signed by MPO/RTPA
Executive Director
or designated representative)

_____
Date

_____
Print Name

_____
Title

5. Do the cost estimates for implementing the projects identified in the RTP reflect "year of expenditure dollars" to reflect inflation rates? (23 CFR part 450.322(f)(10)(iv))

6. After 12/31/07, does the RTP contain estimates of costs and revenue sources that are reasonably expected to be available to operate and maintain the freeway, highway and transit within the region? (23 CFR 450.322(f)(10)(i))

7. Does the RTP contain a statement regarding consistency between the projects in the RTP and the FTIP? (2006 STIP Guidelines section 11)

8. Does the RTP contain a statement regarding consistency between the projects in the RTP and the FTIP? (2006 STIP Guidelines section 19)

9. Does the RTP address the specific financial strategies required to ensure the identified TCMs from the SIP can be implemented? (23 CFR part 450.322(f)(10)(vi)) (nonattainment and maintenance MPOs only)

Environmental

1. Did the MPO/RTPA prepare an EIR or a program EIR for the RTP in accordance with CEQA guidelines?

2. Does the RTP contain a list of projects specifically identified as TCMs, if applicable?

3. Does the RTP contain a discussion of SIP continuity, if applicable? (MPOs only)

4. Does the RTP specify mitigation activities? (23 CFR part 450.322(f)(7))

5. Where does the EIR address mitigation measures?

6. Did the MPO/RTPA prepare a Negative Declaration or a Mitigated Negative Declaration for the RTP in accordance with CEQA guidelines?

7. Does the RTP specify the TCMs to be implemented in the region? (Federal nonattainment and maintenance areas only)

I have reviewed the above information and certify that it is correct and complete.

(Must be signed by MPO/RTPA Executive Director or designated representative)	Date
Print Name	Title