California Department of Transportation

Regional Transportation Planning Agency Overall Work Program Guidance

FY 2009/2010

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SECTION 1
Introduction: The Overall Work Program Guidance

The Overall Work Program (OWP) Guidance package is an annual supplement to the 2008 Regional Planning Handbook. The Regional Planning Handbook describes respective roles and responsibilities for the regional agencies and Caltrans transportation planners who have regional transportation planning duties. The Regional Planning Handbook and the OWP Guidance are posted on the web at:

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

Please note there are separate Metropolitan Planning Organization (MPO) and Regional Transportation Planning Agency (RTPA) versions of the OWP Guidance.

Key Changes to the 09/10 OWP Guidelines

For FY 09/10, the following changes have been made to the OWP Guidance:

- There will be no Federal Planning Emphasis Areas (PEAs) for the 2009/2010 OWP cycle.

SECTION 2
Rural Planning Assistance for FY 2009/2010

26 Rural Regional Transportation Planning Agencies	Total Formula Allocation Per Agency
Alpine	$116,000
Amador	$216,000
Calaveras	$216,000
Colusa	$147,000
Del Norte	$216,000
El Dorado	$315,000
Glenn	$216,000
Humboldt	$315,000
Inyo	$216,000
Lake	$275,000
Lassen	$216,000
Mariposa	$147,000
Mendocino	$275,000
Modoc	$147,000
Mono	$216,000
Monterey	$395,000
Nevada	$275,000
Placer	$315,000
Plumas	$147,000
San Benito	$275,000
Santa Cruz	$315,000
Sierra	$116,000
Siskiyou	$216,000
Tehama	$275,000
Trinity	$147,000
Tuolumne	$275,000
TOTAL	**$6,000,000**

Estimate 2009-2010

These funds are only available after the passage of the State Budget and on a reimbursement basis.

SECTION 3
2009/2010 Planning Emphasis Areas (PEAs)

There will not be any Federal PEAs for the fiscal year 2009/2010 OWP cycle.

Federal Planning Factors

The Federal Planning Factors in Title 23 of the United States Code, section 134(f) (revised in SAFETEA-LU section 6001(h)) should also be incorporated in the OWP. The Federal Planning Factors issued by Congress emphasize planning factors from a national perspective. The Federal Planning Factors as revised with new reauthorization. With the passage of SAFETEA-LU, the federal planning factors were expanded to eight. The eight planning factors (for both metro and statewide planning) are as follows:

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.

SECTION 5
The RTPA OWP Timeline

RTPA Overall Work Program Timeline 09/10

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

Beginning of State Fiscal Year 09/10: July 1, 2009		
July '09	August '09	September'09
July 31: Q4 Progress Report due to District. • Following passage of the State Budget, Accounting encumbers funds for RTPAs using complete and accurate OWPs/ OWPAs and updated MFTAs. RTPAs begin work after funds are encumbered.	August 15: Q4 Progress Report due to ORIP By August 31: Year End Package due to District. **	September 15, Year-End Package due to ORIP. **
Beginning of Federal Fiscal Year 09/10: September 1, 2009		
October '09	November'09	December '09
October 31: Q1 Progress Report due to District.	November 15: Q1 Progress Report due to ORIP. November – June: MPOs/RTPAs draft, circulate and finalize OWPs	• ORIP's annual OWP Guidance.
January '10	February '10	March '10
January 1: RTPA Annual Fiscal and Compliance Audit Report due to District January 31: Q2/ mid-year Progress Report due to District. January-February: District mid-year OWP status meeting with RTPAs.	February 15: Districts send Annual Fiscal and Compliance Audit Reports to Audits, ORIP, Accounting and FHWA. February 15: Q2/ mid-year Progress Report due to ORIP. February - May: Districts review and circulate draft OWPs.	March 1: **Latest date to submit draft OWP to District.**
April '10	May '10	June '10
April 1: **deadline for OWP/OWPA amendments (complete package due to ORIP).** April 30: Q3 Progress Report due to District.	May 15: Q3 Progress Report due to ORIP. May : Adopted OWPs due to Districts, Districts approve OWPs	
Beginning of State Fiscal Year 09/10: July 1, 2010		
July '10	August '10	September '10
July 31: Q4 Progress Report due to District. Before July 1: Final approved and adopted OWP and fully executed OWPA due to ORIP. • After Passage of the State Budget, Accounting encumbers funds for RTPAs using complete and accurate OWPAs	August 15: Q4 Progress Report due to ORIP. August 31: Year End Package due to District.	September 15: Year End Package due to ORIP**.

= 08/09 OWP Closeout = 09/10 OWP Current Year = 10/11 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 for the OWP cycle clearly marked "FINAL".

SECTION 5
Caltrans OWP Information Element

To better coordinate transportation planning in each region, Caltrans Districts should prepare an informational element for inclusion in each of the regional agency OWPs. District staff shall prepare a list of the Department's transportation planning activities in the region for the same timeframe of the OWP and provide it to the RTPAs for inclusion as an informational element in the RTPA's OWP (23 CFR 450.314). The important aspect of this is to promote coordination through awareness of Caltrans and RTPA planning activities and where they may complement or intersect. There are various ways of incorporating Caltrans informational elements into the OWPs and the Districts shall coordinate with the RTPA to determine a format that is most appropriate. One example is to create work elements for each Caltrans activity, such as Intergovernmental (IGR)/California Environmental Quality Act (CEQA) review and System Planning. Another example is to create a matrix such as the one shown below. The CFR requirement is to show, at a minimum, the Activity Description, Product(s) and a due date.

SAMPLE FORMAT

Activity Description	Product(s)	Funding Source	Estimated Cost	Due Date
Update and development of the California Transportation Plan (CTP)	California Transportation Plan	SP & R	$168,000	June 2008
Identify route needs and develop funding & construction strategies	Highway 99 Corridor Master Plan	TBD	TBD	On-Going
Update various Trans. Concept Reports (TCR)	Transportation Concept Reports	STATE	TBD	On-Going
Caltrans work elements for the Overall Work Program (OWP), progress reports, reimbursement and monitoring	OWP Management	Caltrans	$252,000	February 2008 On-Going/As Needed
Update Programmed Project data, Market the tool to internal & external users, prepare quarterly reports on major activities & expenditures	California Transportation Investment System (CTIS)	N/A	TBD	On-Going

SECTION 6
OWP Review Checklist

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

The Content of the OWP Should:

_____ Respond to planning priorities, including the PEAs (if applicable) and the eight SAFETEA-LU Planning Factors.

_____ Comply with state and federal planning/administration program requirements and policies.

_____ Contain the RTPA's annual certifications and assurances. The RTPA 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 RTPA 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 for i.e., FHWA Partnership Planning, FTA Section 5304 and Blueprint Planning grant. (Include only **approved** discretionary-funded projects in the Final OWP.)

_____ 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).

The Financial Information in the OWP Should:

_____ Reflect the fund source, type and amount for each work element and show the same source, type and amount in the Budget Revenue Summary.

_____ Include the correct local match for each federal fund source and type.

_____ Show consistency between the fund amounts in the individual work elements 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.

_____ Contain a reasonable task statement; estimated project schedule with completion date; detailed fund source, type and amounts; description of any related work accomplished in previous OWPs; and final products/activities for each work element.

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

Draft OWP Review Circulation:

Regional agencies submit electronic and hard copies of the draft OWP to the Districts.

District regional planning staff is responsible for obtaining District and Headquarters review/comments of Draft OWPs. The District should send copies of the Draft OWPs to:

- Division of Aeronautics, Attn: Terry Barrie, Office of Aviation Planning
- Division of Mass Transportation, Attn: Tracey Frost, Office of State and Federal Grants
- Division of Rail, Attn: Victoria Coulter, Office of Planning and Policy
- Division of Transportation Planning
  Attn: Dara Wheeler, Office of Regional and Interagency Planning
  Attn: Pam Korte, Office of State Planning
  Attn: Kelly Eagan, Office of Advanced & System Planning
  Attn: Ed Philpot, Office of Community Planning
  Attn: Mike Yee, Office of Project/Plan Coordination
  Attn: Richard Nordahl, Office of Goods Movement
  Attn: Carolyn Yee, Native American Liaison Branch

Any other Headquarters or District staff deemed appropriate for OWP review, depending on the situation.

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.

_____ Copy of the Draft OWP.

SECTION 7
Final OWP Process

How to finalize the RTPA OWP:

1. RTPA Board approves and sends the final OWP to the District.
2. District reviews and approves final OWP.
3. District prepares transmittal letter to the RTPA and the Office of Regional and Interagency Planning (ORIP). Either District Director or Deputy District Director for Planning signs the letter.
4. District submits the transmittal letter and the final OWP to ORIP by June 30.

Final OWP/OWPA Package from Caltrans Districts to ORIP include the following:

1. District OWP approval letter.
2. Two copies of the adopted and approved OWP.
3. One original OWPA bearing (original) RTPA and District signatures in ***blue*** ink.
4. The RTPA Governing Board resolution (or equivalent) adopting the OWP and giving authority for RTPA staff to sign the OWPA.
5. Signed Certifications and Assurances. RTPAs that receive Consolidated Planning Grant (CPG) funds, Partnership Planning and/or 5304 are required to complete the State Transportation Planning Process Certification, FTA Certification and State Debarment and Suspension Certification. RTPAs that do not receive CPG funds are still required to complete the State Transportation Planning Process Certification but do not have to complete the State Debarment and Suspension Certification.

Section 8
Differences Between MPOs and RTPAs Matrix

There are many differences between MPOs and RTPAs when it comes to funding and administering OWPs. The following table was developed to highlight the major differences.

	MPOs	RTPAs
Funding	• Consolidated Planning Grant (FHWA Metropolitan Planning PL and FTA Metropolitan Planning Section 5303) • CPG funds can be carried over	• Rural Planning Assistance (RPA) funds • RPA funds cannot be carried over from one state fiscal year to another
Discretionary Grants	All MPOs/RTPAs may apply for the Partnership Planning and Transit Planning grants. Subrecipients may only apply through their MPOs/RTPAs. Agencies can only apply for the Transit Technical Planning Assistance grant if their transit service area has a population of 100,000 or less. All MPOs/RTPAs may apply for a California Regional Blueprint Planning grant.	
Certification Requirements	MPOs must complete the following certification requirements: • FHWA Certification • FTA Certification & Assurances • State Debarment & Suspension Certification	RTPAs must complete the State Transportation Planning Process Certification RTPAs must perform the following tasks as necessary: • RTPAs are required to complete the FHWA Certification and the State Debarment and Suspension Certification when they receive a FHWA Partnership Planning grant, a Regional Blueprint grant and/or CPG funds • RTPAs are required to complete the FTA Certification and the State Debarment and Suspension Certification when they receive a FHWA Partnership Planning, a FTA Section 5304 Transit Planning grant, a Regional Blueprint Planning Grant, and/or CPG funds (Please see the Regional Planning Handbook on

		page 26 for further information)
RTP	RTPs must be updated every four years for agencies that are non-attainment. Areas that reach attainment must update their RTP every five years.	RTPs must be updated every five years.
Invoicing Timeline	FHWA PL Funds • District must submit the RFR with encoding (done by the ORIP Fund Specialist) to Accounting within 7 calendar days • Payment should not exceed more than 30 days after the date of receipt to the District • Problems with the RFR – District must contact the agency formally by phone and in writing within 5 calendar days of receipt	RPA/Non-FHWA PL Funds • District must submit RFR to the ORIP Fund Specialist within 10 days • Payment should not exceed more than 45 calendar days • Problems with the RFR – the District must formally notify the agency within 15 days by phone and in writing of the error in the RFR
Air Quality Conformity –	Conformity must be determined at least every 4 years in non-attainment and maintenance areas, or when regionally significant amendments are made to the RTP or FTIP.	For isolated areas, conformity is done when a new non-exempt project is federally funded or approved.

APPENDIX A
State Transportation Planning Process Certification

A fully executed version of this transportation planning process certification must be provided with each adopted, Final OWP.

State Transportation Planning Process Certification

In accordance with 23 CFR 450.334 and 450.220, Caltrans and _____, Regional Transportation Planning Agency for _____ hereby certify that the transportation planning process is addressing the major issues in the regional planning area and is being conducted in accordance with all applicable requirements of:

I. 23 U.S.C. 134 and 135, 49 U.S.C. 5303 through 5306 and 5323(1); as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users;

II. Sections 174 and 176 (c) and (d) of the Clean Air Act as amended (42 U.S.C. 7504, 7506 (c) and (d)) **(Note – only for Metropolitan Planning Organizations with non-attainment and/or maintenance areas within the metropolitan planning area boundary);**

III. Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by California under 23 U.S.C. 324 and 29 U.S.C. 794;

IV. Section 1101(b) of the Transportation Equity Act for the 21st Century (Pub. L. 105-178 112 Stat. 107) regarding the involvement of disadvantaged business enterprises in the FHWA and FTA funded projects (FR Vol. 64 No. 21, 49 CFR part 26); and,

V. The provision of the Americans With Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat 327, as amended) and the U.S. DOT implementing regulations (49 CFR 27, 37 and 38).

_____	_____
RTPA Authorizing Signature	Caltrans District Approval Signature
_____	_____
Title	Title
_____	_____
Date	Date

APPENDIX B
FTA Certifications and Assurances

FEDERAL FISCAL YEAR 2009 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

Name of Applicant: _____

The Applicant agrees to comply with applicable requirements of Categories 01 - 23. _____

OR

The Applicant agrees to comply with the applicable requirements of the following Categories it has selected:

Category	Description	
01.	For Each Applicant.	_____
02.	Lobbying.	_____
03.	Procurement Compliance.	_____
04.	Private Providers of Public Transportation.	_____
05.	Public Hearing.	_____
06.	Acquisition of Rolling Stock.	_____
07.	Acquisition of Capital Assets by Lease.	_____
08.	Bus Testing.	_____
09.	Charter Service Agreement.	_____
10.	School Transportation Agreement.	_____
11.	Demand Responsive Service.	_____
12.	Alcohol Misuse and Prohibited Drug Use.	_____
13.	Interest and Other Financing Costs.	_____
14.	Intelligent Transportation Systems.	_____
15.	Urbanized Area Formula Program.	_____
16.	Clean Fuels Grant Program.	_____
17.	Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program.	_____
18.	Nonurbanized Area Formula Program.	_____

19. Job Access and Reverse Commute Program. _____

20. New Freedom Program. _____

21. Alternative Transportation in Parks and Public Lands Program. _____

22. Infrastructure Finance Projects. _____

23. Deposits of Federal Financial Assistance to State Infrastructure Banks. _____

FEDERAL FISCAL YEAR 2009 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)

AFFIRMATION OF APPLICANT

Name of Applicant:

_____

Name and Relationship of Authorized Representative:

_____

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and directives applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2009.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances this document, should apply, as provided, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2009.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq*., as implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute.

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the

Applicant are true and correct.

Signature_____
Date: _____

Name_____
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant):
_____

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature_____
Date: _____

Name_____
Attorney for Applicant

Each Applicant for FTA financial assistance (except 49 U.S.C. 5312(b) assistance) and each FTA Grantee with an active capital or formula project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

APPENDIX C
California Department of Transportation
Debarment and Suspension Certification for Fiscal Year 2008/2009

As required by U.S. DOT regulations on governmentwide Debarment and Suspension (Nonprocurement), 49 CFR 29.100:

1) The Applicant certifies, to the best of its knowledge and belief, that it and its contractors, subcontractors and subrecipients:
    a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
    b) Have not, within the three (3) year period preceding this certification, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) transaction or contract under a public transaction, violation of Federal or state antitrust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
    c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, state, or local) with commission of any of the offenses listed in subparagraph (1)(b) of this certification; and
    d) Have not, within the three (3) year period preceding this certification, had one or more public transactions (Federal, state, and local) terminated for cause or default.
2) The Applicant also certifies that, if Applicant later becomes aware of any information contradicting the statements of paragraph (1) above, it will promptly provide that information to the State.
3) If the Applicant is unable to certify to all statements in paragraphs (1) and (2) of this certification, through those means available to Applicant, including the General Services Administration's ***Excluded Parties List System (EPLS)***, Applicant shall indicate so in its applications, or in the transmittal letter or message accompanying its annual certifications and assurances, and will provide a written explanation to the State.

DEPARTMENT OF TRANSPORTATION
DEBARMENT AND SUSPENSION CERTIFICATION
FISCAL YEAR 2009/2010
SIGNATURE PAGE

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature_____ Date_____

Printed Name _____

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has the authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, these certifications and assurances have been legally made and constitute legal and binding obligations of the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances or of the performance of the described project.

AFFIRMATION OF APPLICANT'S ATTORNEY

For _____ (Name of Applicant)

Signature_____ Date_____

Printed Name _____
of Applicant's Attorney

APPENDIX D
Planning Funds – Eligible Uses

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 list is illustrative, not inclusive.

Regional planning studies and activities:

- Participate in Federal and State Clean Air Act transportation related air quality planning activities.
- Identify and analyze issues relating to integration of 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 transportation impacts on community livability.
- Consider alternative growth scenarios that provide information on compact development and related infrastructure needs and costs.
- Participate in appropriate local level mandates.
- Involve the public in the transportation planning process.
- Establish and maintain formal consultation with Native American Tribal Governments enabling their participation in local and state transportation planning and project programming activities.
- Identify and document transportation facilities, projects and services required to meet regional and interregional mobility and access needs.
- Define solutions and implementation issues in terms of the 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 transportation system components within and between metropolitan and rural areas, and interconnections to and through regions.
- Identify the rights of way for construction of future transportation projects, including unused rights of way needed for future transportation corridors and facilities including airports and intermodal transfer stations.
- 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 plans and programs where appropriate.
- Conduct transit needs assessments and prepare transit development plans and transit marketing plans as appropriate.
- Consider airport ground 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.

Regional planning consensus efforts:

- 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 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 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 transportation and land use alternatives to improve community livability, long-term economic stability and sustainable development.
- Work with appropriate agencies and developers to reach agreement on proper mitigation measures, and strategies to finance, implement and monitor these mitigation measures; after mitigation measures are implemented and determined to be effective, report status to project sponsors.
- Use partners to identify policies, strategies, programs and actions that enhance the movement of people, goods, services and information.
- Ensure that projects developed at the regional level are compatible with statewide and interregional transportation needs.
- Review the regional project screening process, ranking process, and programming guidelines ensuring comprehensive cost/benefit analysis of all project types are considered.
- Develop and implement 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 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 and project activities (including corridor studies, and other transportation planning studies) to identify and develop candidate projects for the FY 2008/2009 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:

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

Transportation planning funds cannot be used for project development such as project initiation documents (PID) and project study reports (PSRs); or project implementation, such as rideshare activities or transit administration.

APPENDIX E
State of California
Transportation Planning and Programming
Requirements Regarding Tribal Governments

Federal statute and regulations require that Tribal Governments be involved in transportation planning and programming processes. The Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)

reiterates and expands compliance with existing requirements and re-emphasizes the Tribal Government participation in transportation planning and programming processes that was initiated by the Intermodal Surface Transportation Efficiency Act of 1991(ISTEA) and the Transportation Equity Act for 21st Century (TEA 21).

Regional transportation agencies are sometimes uncertain of the governance underlying the need to involve Tribal Governments and/or the appropriate methods of involvement required. The following attempts to clarify, without going into contemporary Indian law, the "why" and "how" of Tribal Governmental participation in transportation planning and programming.

GOVERNANCE

Statute

Title 23, U.S.C., Chapter 1, Sections 134 and 135, as amended by SAFETEA-LU, provides statutory guidance relative to the planning requirements. SAFETEA-LU requires that State and metropolitan agencies must consult, coordinate and consider the concerns of Tribal Governments when developing transportation plans, and the State Transportation Improvement Program (STIP).

Statewide Transportation Plan: “Each State shall develop a statewide transportation plan, with a minimum 20-year forecast period, updated at least every five years, for areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.”

Indian Tribal Areas- “With respect to each areas of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and Secretary of the Interior.”

Statewide Transportation Improvement Program (STIP) —“Each State shall develop a statewide transportation improvement program for all areas of the State.”

Subpart C, Metropolitan Transportation Planning and Programming, § 450.312 Metropolitan transportation planning: Responsibilities, cooperation, and coordination,

"Where a metropolitan planning area includes Federal public lands and/or Indian tribal lands, the affected Federal agencies and Indian tribal governments shall be involved appropriately in the development of transportation plans and programs."

SAFETEA LU adds new requirements as summarize below, that expands the scope in the regulations for consultation, mitigation and participation of tribes under Sections 3005, 3006 and 6001.

Transportation Planning and Programming:

- Consultation with Tribal Governments is required for the coordination of environmental planning and transportation planning requirements when working with Tribal Governments. Environmental planning includes all environmental concerns a tribe may have – not only the cultural resources. Transportation planning includes all modes of transportation i.e., transit pedestrian, etc. The Department and regional transportation planning agencies may consider including tribal representatives on the project management team when the project will clearly impact a tribal community and/or environmental resource.

- Consultation with the Federally-recognized Tribal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation is required during the planning and programming processes.

- There must be a discussion of types of potential environmental mitigation activities to be developed in consultation with Federal, State and Tribal wildlife, land management and regulatory agencies in the transportation planning and programming documents.

- A "participation plan" must be developed in consultation with all interested parties, which includes tribal governments and their communities**.**

SAFETEA-LU has also provided new revisions to the Federal Transit Administration (FTA)—Tile 49, U.S.C.:

- When developing the annual listing of obligated projects, there shall be a cooperative effort of "transit operators" that shall include "investments in pedestrian walkways and bicycle transportation facilities." "Transit operators" include Tribal transit operators.

- A coordinated Public Transit-Human Services Transportation Plan must be developed through a process that include representatives of public, private, and non profit transportation and human services providers, as well as the public, Tribal nonprofit organizations, e.g., Indian health clinics in California are primarily incorporated as non-profit organizations.

Regulations

Code of Federal Regulations (CFR) 23, pursuant to Title 23, U.S.C., provides regulatory guidance relative to the planning requirements.

Part 450, Planning Assistance and Standards:

Subpart B, Statewide Transportation Planning, § 450.202 Applicability: "The requirements of this subpart are applicable to States and any other agencies/organizations which are responsible for satisfying these requirements."

Subpart B, § 450.208, Statewide transportation planning process: Factors, (a)(23): "The concerns of Indian tribal governments having jurisdiction over lands within the boundaries of the State."

Subpart B, § 450.210, Coordination,

(a): "In addition to the coordination required under § 450.208(a)(21) in carrying out the requirements of this subpart, each State, in cooperation with participating organizations (such as MPOs, Indian tribal governments, environmental, resource and permit agencies, public transit operators) shall, to the extent appropriate, provide for a fully coordinated process including coordination of the following:
(2): "Plans, such as the statewide transportation plan required under §450.214, with programs and priorities for transportation projects, such as the STIP;"

Subpart B, § 450.214, Statewide transportation plan,

(a): "The State shall develop a statewide transportation plan for all areas of the State."
(c): "In developing the plan, the State shall:
(2) "Cooperate with the Indian tribal government and the Secretary of the Interior on the portions of the plan affecting areas of the State under the jurisdiction of an Indian tribal government:"

Subpart C, Metropolitan Transportation Planning and Programming, § 450.312 Metropolitan transportation planning: Responsibilities, cooperation, and coordination,

(i): "Where a metropolitan planning area includes Federal public lands and/or Indian tribal lands, the affected Federal agencies and Indian tribal governments shall be involved appropriately in the development of transportation plans and programs."

Subpart C, § 450.324, Transportation improvement program: General,

(f): The TIP shall include:
(1): "All transportation projects, or identified phases of a project, (including pedestrian walkways, bicycle transportation facilities and transportation enhancement projects) within the

metropolitan planning area proposed for funding under title 23, U.S.C., (including Federal Lands Highway projects). "

Guidelines

California Transportation Commission (CTC), Regional Transportation Plan Guidelines, approved in December 1999, and amended in December 2003.

The California Transportation Commission approved the following requirement in the Regional Transportation Guidelines: "the MPOs and RTPA should include a discussion of consultation, coordination and communication with federally recognized Tribal Governments when the community is located within the boundary of an MPO/RTPA".

The MPO/RTPAs should develop a government-to-government relationship with each of these tribes. This refers to the protocol for communicating between the MPOs/RTPAs and the Tribal Governments as sovereign nations. This consultation process should be documented in the RTP. The initial point of contact for Tribal Governments should be the Chairperson for the tribe. When unsuccessful in getting a response from the Tribe, the MPO/RTPA should re-evaluate the method used in encouraging participation from the Tribal Government and these efforts should be documented.

TRIBAL GOVERNMENT CONSULTATION vs. NATIVE AMERICAN PUBLIC PARTICIPATION

When involving Tribal Governments in the planning and programming process, transportation agencies need to consult with them---in addition to the need to include Native Americans in public participation. Establishing and maintaining government-to-government relations with Federally-recognized Tribal Governments through consultation is separate from, and precedes, the public participation process.

Consultation with Tribal Governments

Federally-recognized Tribes are familiar with the federal “consultation” process that requires agencies to identify when the agency is formally consulting with the Tribe.

CFR 23, Subpart A, § 450.104, Definitions: "Consultation means that one party confers with another identified party and, prior to taking action(s), considers that party’s views."

Tribal Government refers to the recognized government, or political unit, of a Tribe.

CFR 23, Subpart B § 450.208(b): "The degree of consideration and analysis of the factors should be based on the scale and complexity of many issues, including transportation problems, land use, employment, economic development, environmental and housing and community development objectives . . ."

Issues may also include Tribal Governments' concerns about projects outside their jurisdiction that have the potential to impact their communities or cultural resources.

It is important to know with whom you are consulting and what methods are most effective:

Each federally recognized Tribe is a sovereign government. Each Tribe has its own form of government and protocol for how business is to be conducted. There is no singular approach. Unless otherwise directed by the Tribe, correspondence should be addressed to the Tribal Chairperson.

Tribes differ in their ability to finance leaders, spokespersons or administrative support. Tribal leaders are frequently participating 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.

Providing enough time for the Tribal Government to respond is important. Most Tribal Governments meet once a month, and it may be difficult to put additional items on the agenda if not given enough time.

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 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.

APPENDIX F
Indirect Cost Allocation Plan
(ICAP) Definitions and Areas of Particular Importance

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.

Areas of Particular Importance:

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 audit-or- (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:

CFR, Part 225.55:

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

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)

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 G
Transit-Highway Planning Integration

This Appendix suggests the need for corridor specific transit data collection. The Department anticipates that this activity will have co-benefits for both regional and State Highway System multimodal planning and project development. The Divisions of Mass Transportation and Transportation Planning are encouraging District System and Regional planning to promote this planning effort with MPOs/RTPAs and transit agencies.

Collaboratively developed OWP work elements are suggested. Focus should concentrate on who, what, where, when and how transit data should be captured, utilized and managed for corridor specific applications that support State highway transit planning - Corridor System Management Plans (CSMP's) and Regional Blueprint Planning efforts.

Transit data currently exists for almost all regional transit systems. However, in most circumstances this data cannot be utilized by Caltrans to sufficiently conduct an accurate assessment of transit performance on a State highway at the corridor level. Transit data collected for corridor level analysis will help local agencies and the Department develop the tools and models necessary for sound transit-highway planning and project development decisions.

Use of Intelligent Transportation Systems (ITS) consistent with a region's ITS Architecture can enhance transit data collaboration opportunity. Open source Automatic Vehicle Locators (AVL) integrated with open source Automatic Passenger Counters (APC) and other desired ITS transit components should be sought. Data collected through these ITS applications could be integrated with highway planning tools such as PeMS – the "Freeway Performance Measurement System" to help synthesize corridor specific transit data. This type of activity can greatly enhance partnership-planning opportunities for "Multimodal Integrated Corridor Management". More information about the use of ITS for transit applications can be found at:

http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_126.pdf

The Department is expanding High Occupancy Vehicle (HOV) lanes and High Occupancy Toll (HOT) lanes. Caltrans is also seeking more sophisticated use of State owned Park-n-Rides. The data collection efforts described above will help promote better use of Park-n-Rides and promote or expand bus rapid transit, express bus or light rail services operating on or parallel to State Highways.

The Department has adopted a *Director's Policy for Bus Rapid Transit (BRT) Implementation (DP-27)*. This Policy can be viewed at:

http://admin.dot.ca.gov/bfams/Policies/DP-27%20Signed.pdf

The Department anticipates that pursuit of these activities will help Caltrans work more effectively with our transit partners, RTPA's and MPO's when deploying transit projects that share and support the mutual goals of congestion relief, improved mobility, efficient land use and reduced Green House Gas emissions – which will all help support economic growth.

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