2009
Regional Planning Handbook

A Guide to Administering Overall Work Programs, Regional Transportation Plans, and their Funding Sources

Caltrans

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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.

This Handbook describes the respective roles and responsibilities for District Transportation Planners with regional transportation planning duties, and for Transportation Planners within ORIP.

The focus is Department 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 paid for with ORIP-administered transportation planning funds: state Rural Planning Assistance (RPA) and federal Consolidated Planning Grant (CPG).

The Handbook will be updated as procedures change. It is supplemented annually with *Overall Work Program Guidance* packages, which focus on OWP information that changes from year-to-year. There are separate RTPA and MPO versions of the *Guidance* posted on the Internet at http://dot.ca.gov/hq/tpp/offices/orip/orip.htm (all other ORIP products are also posted here). ORIP also prepares and distributes annual requests for grant proposals, with application procedures for the two discretionary components of the CPG.

This Handbook replaces the 2008 version of the *Regional Planning Delegation Handbook*, all earlier versions thereof, and any interim or proposed partial revisions

1.01 Regional Transportation Planning

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. "Identify future regional transportation needs" may also include programming specific projects both near and long term to address immediate problems.

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.

1.02 "3C" Planning: Continuing, Cooperative and Comprehensive

Regional transportation planning is based on the "3Cs" articulated in federal transportation law: continuing, cooperative and comprehensive. It is on-going, not a single completed action. 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.

Another way of expressing the 3Cs is all transportation providers and users are working together to achieve intermodal mobility in the region.

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 Metropolitan Planning Organizations (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 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. Seven RTPAs are statutorily created (Gov. Code Section 29532.1).

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 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. TRPA is the RTPA and TMPO is the MPO. The TRPA/TMPO boundaries also include portions of Nevada. The map on page 5 shows MPO and RTPA boundaries within California.

MPOs and 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.

A map of the MPOs/RTPAs can be found on page 5.

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.

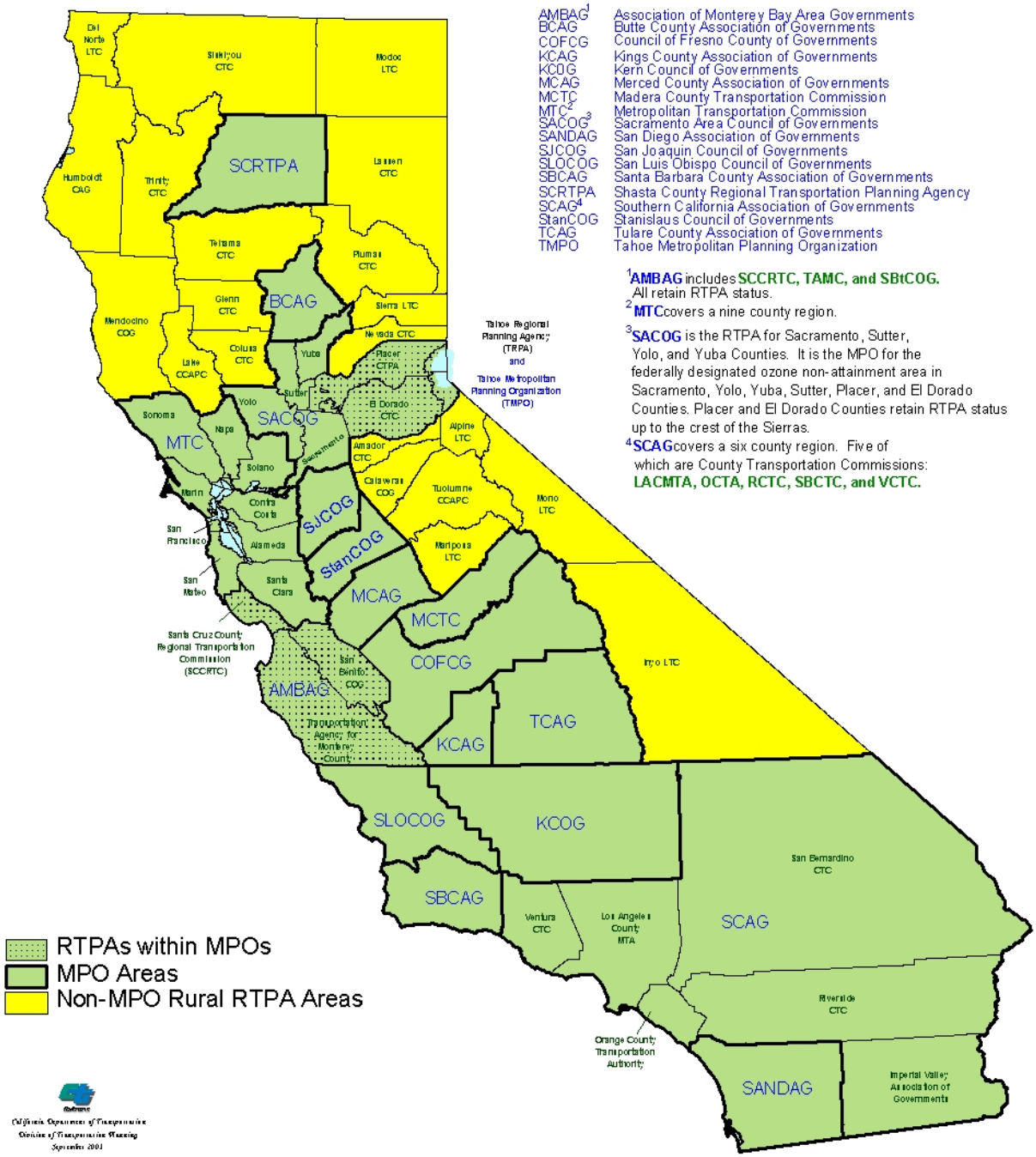
The RTP is defined as a project under the California Environmental Quality Act, and in air quality non-attainment areas it must conform to the State Implementation Plan (SIP). (See Sections 6.04 and 6.09 for more information about air quality and CEQA.)

CALIFORNIA

Metropolitan Planning Organizations(MPOs)

and

Regional Transportation Planning Agencies (RTPAs)



AMBAG[1]	Association of Monterey Bay Area Governments
BCAG	Butte County Association of Governments
COFCG	Council of Fresno County of Governments
KCAG	Kings County Association of Governments
KCOG	Kern Council of Governments
MCAG	Merced County Association of Governments
MCTC	Madera County Transportation Commission
MTC[2]	Metropolitan Transportation Commission
SACOG[3]	Sacramento Area Council of Governments
SANDAG	San Diego Association of Governments
SJCOG	San Joaquin Council of Governments
SLOCOG	San Luis Obispo Council of Governments
SBCAG	Santa Barbara County Association of Governments
SCRTPA	Shasta County Regional Transportation Planning Agency
SCAG[4]	Southern California Association of Governments
StanCOG	Stanislaus Council of Governments
TCAG	Tulare County Association of Governments
TMPO	Tahoe Metropolitan Planning Organization

[1] **AMBAG** includes **SCCRTC, TAMC, and SBtCOG.** All retain RTPA status.

[2] **MTC** covers a nine county region.

[3] **SACOG** is the RTPA for Sacramento, Sutter, Yolo, and Yuba Counties. It is the MPO for the federally designated ozone non-attainment area in Sacramento, Yolo, Yuba, Sutter, Placer, and El Dorado Counties. Placer and El Dorado Counties retain RTPA status up to the crest of the Sierras.

[4] **SCAG** covers a six county region. Five of which are County Transportation Commissions: **LACMTA, OCTA, RCTC, SBCTC, and VCTC.**

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. (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 2008/2009, the annual RPA allocation was approximately $6 million. (Sections 4.02 and 4.03 provide additional information about RPA.)

CPG is federal funding which statewide totals approximately $55-60 million annually. The amount can increase or decrease contingent upon California's federal apportionment. (Chapter 3 provides more detail about CPG.)

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.

1.06 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.

1.07 Reference Materials

In this Handbook, forms and samples are interspersed with the text or are included in the Appendix. Companion and reference documents are cited by web address.

ORIP products are posted at:
http://www.dot.ca.gov/hq/tpp/offices/orip/index/html

1.08 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).
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991; federal transportation legislation signed into law in 1991, succeeded by the Transportation Equity Act for the 21st Century (TEA-21) in 1998.
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.
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.
TEA-21	Transportation Equity Act for the 21st Century; federal transportation legislation signed into law in 1998; successor to ISTEA, succeeded by SAFETEA-LU.
Unexpended Carryover	Unexpended Federal CPG funding -- FHWA Metropolitan Planning (PL), FTA Metropolitan Planning (§ 5303), FTA State Planning and Research (§5304), and FHWA State Planning and Research – Partnership Planning Element -- need not 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 RPA via a reconciliation letter process. Both MPOs/RTPAs are allowed to carryover FTA 5304 and FHWA State Planning and Research-Partnership Planning Element funds and RTPAs are allowed to carryover 25% of RPA funds via permission from HQ Regional Planning.

The Mineta Transportation Institute glossary of transportation planning terms:

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

2 OVERALL WORK PROGRAM (OWP)

Annually, each MPO/RTPA develops and its Governing Board formally adopts an Overall Work Program (OWP).

The OWP introduces the agency and 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. Example partners should include: 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.

Because it is intended to provide a comprehensive overview of transportation planning, activities to be completed by other entities within the region should also be included. These may be shown as actual work elements, but are more generally shown in as a chart or matrix, either in the body of the OWP or in the appendix. (See Sample Chart)

Sample Other Entities' Transportation Planning Activities Chart

Activity Title	Activity Description	Product(s)	Comments

Regional transportation planning staff in the District are the initial and principal point of planning contact between Department and the MPO/RTPA. They have primary review, monitoring, and administration responsibilities for the MPO's/RTPA's OWPs. District staff also provide the MPO/RTPA with information about the Department's transportation planning activities in the region.

Regional transportation planning staff at ORIP provide tools and guidance to assist and to support the efforts of the District regional planners.

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

The OWP Budget Revenue Summary is an at-a-glance overview of the entire year's transportation planning activities and funding. The individual work elements provide more specific information and work completion timelines. (See Section 2.04b.)

In the OWP, there is an overview of the MPO's/RTPA's decision-making, partnering, public participation and other approaches. For example, staff accomplishes work through technical committees, workshops, data gathering, public participation, outreach, and information sharing efforts. Binding decisions are made by a vote of the MPO/RTPA Governing Board at regularly scheduled meetings based upon 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. (See also Section 7.02, Native American Tribal Governments and Communities.)

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 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 that references the MFTA. The MFTA also states that the MPO/RTPA agrees to comply with all applicable state and federal laws, regulations and requirements. (See Section 2.05 for more information about OWPAs.)

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 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, i.e., 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, approved by the Department, fully completed and executed *original* OWPA on file in ORIP, and the state budget has been approved and signed by the Governor.

Reimbursement can only occur after passage of the State Budget on or around July 1.

2.04 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

The federal unified planning work program contents are divided into five categories 1) tasks, 2) federally funded studies and all relevant state and local planning activities regardless of funding source, 3) funding sources by project, 4) schedule of activities, and 5) responsible entity for each task or study. All five are included among the three OWP components.

2.04.a Introduction or Prospectus

The OWP introduction or prospectus provides the context for understanding the work activities proposed 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 Regional Transportation Plan

2.04.b Work Elements

Work elements identify specific planning work (variously called "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 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 steps/activities/tasks/products, etc., completion dates, responsible entities (including work identified as contracted, in-house, sub-regional, etc.)
- A table showing all fund sources, and uses of these funds (e.g., in-house, contracted)

For OWPs with many different work elements, reference may be facilitated if the elements are grouped by category, e.g., Regional Transportation Plan, Air Quality Planning, Transit Planning, Corridor Planning, Programming, Travel Forecasting, etc.

Whenever possible, work elements should be included in the OWP that demonstrate efforts to enhance non-motorized transportation and provided a balanced, multi-modal transportation system, regardless of whether or not non-motorized transportation is included as one of the Planning Emphasis Areas (PEAs).

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 information document for the Governing Board, other agencies, and the public; as a transportation planning work plan; and as a budget to monitor planning and expenditures.

In each work element, previous, on-going, and future years' work should be identified. 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 and the work element budget should shows actual expenditures. For the current and future years, the sources and uses are estimates.

If federal funds are displayed as a funding source in the work element, the required percentage of local match, (i.e., non-federal local funds or local "in-kind" contributions), must be shown. (See Section 3.05 for more information about local matches.)

Appendix A includes a sample Work Element.

2.04.c Budget Revenue Summary

Although each work element entry includes a breakdown of funding sources and types, and shows the entity to which those funds will be reimbursed, *all* OWP sources and uses must also be also 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.

Consistency of funding throughout the OWP is vitally 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. (Sections 2.05 and 3.07 provide more information about unexpended carryover.) The total amount for each work element should also not exceed allocation.

Appendix B includes a sample Budget Revenue Summary.

2.05 The OWPA

The Overall Work Program Agreement (OWPA) is a one-page document signed by the MPO/RTPA and the District. The Directors 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 generates an original signed OWPA 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. Although the Board action adopting the OWP is very specific, often the signature delegation authority for the OWPA is fairly generic.

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 one original signature OWPA. 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 need to be generated.

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.

For CPG, the minimum "mandatory local match" amount entered on the OWPA is based on the total amount of each federal funding source and type. For example: total FHWA Metropolitan Planning (PL) dollars in the OWP divided by the PL federal participation rate (.8853) multiplied by the local match rate (.1147) = mandatory local match. (Section 3.05 provides more information about local match.)

Total PL = $100
$100 ÷ .8853 = $112.96 (total PL divided by PL federal participation rate)
$112.96 × .1147 = $12.96 (sum of federal and local match multiplied by the local match rate)
Mandatory local match for $100 PL is $12.96

The Final OWP for the fiscal year beginning July 1 (the next fiscal year) is usually adopted in May or June, while the current fiscal year's OWP is still active. Unexpended CPG carryover from prior years that are part of the currently active OWP cannot be included in the next fiscal year's Final OWP and OWPA until after closeout and reconciliation of the current fiscal year's OWP. Any prior years' carryover not encumbered by the current year's OWP may be included in the next fiscal year's Final OWP. After reconciliation, any remaining CPG or RPA funds and the activities to be funded therewith may be amended into the OWP and the OWPA. (See Sections 3.08, Reconciliation of CPG Carryover Balances, and 4.09, Year-End Package.)

What some regions refer to as "carryover work" or work not completed by June 30, is not tied to carryover balances. All carryover work must be included in the new fiscal year's OWP and must be funded with amounts not encumbered in the current year OWP. Post-reconciliation funds amended into the OWP and OWPA are for additional work amended into the OWP.

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. (See Section 3.06 and 3.07 for more information about unexpended carryover.)

Appendix C and D includes sample MPO and RTPA OWPAs.

2.06 OWP Timeline

The full cycle of an OWP from draft through audit closeout is approximately two years.

The draft portion of the cycle may begin as early as October and may continue into June of the following calendar year. The administration and accomplishment of the OWP spans the state fiscal year July 1 through June 30. Closeout commences with the end of the state fiscal year and extends to January 1 of the next calendar year when the MPO's/RTPA's Annual Fiscal and Compliance Audit Report is due to the District. (See Timelines on pages 17 and 18.)

All of these activities should be reflected in the MPO's/RTPA's current OWP.

Draft OWPs for RTPAs are due to the Districts and ORIP by March 1.

Draft OWPs for MPOs are due to the Districts and ORIP 30 days before the MPO's federal Annual MPO meeting or March 1, whichever occurs first. (See Section 2.14 for more information about Annual MPO meetings.)

2.07 *OWP Guidance*

Toward the end of the calendar year, ORIP prepares and distributes *OWP Guidance* consistent with which the MPO/RTPA drafts its OWP for the next fiscal year.

The *OWP Guidance* includes:

- A timetable
- A review checklist
- The planning emphasis areas (PEAs)

- The current year's actual FHWA Metropolitan Planning (PL) amounts to use as next year's estimated FHWA PL amounts
- Actual FTA § 5303 appropriations
- The current year's actual RPA amounts to use as next year's estimated RPA amounts
- Highlights from the previous FY OWP process

The MPOs use the FHWA PL estimates in the *OWP Guidance* in their Final OWPs. If these amounts change after passage of the federal budget, the OWPs and the OWPAs need to be amended accordingly.

The rural RTPAs use the RPA estimates in the *OWP Guidance* in their Final OWPs. If these amounts change after passage of the State Budget, the OWPs and OWPAs need to be amended accordingly.

There is no reimbursement of CPG and RPA prior to passage of the State Budget. This is due to the states lack of spending authority until a budget is approved and signed by the Governor.

In response to a request from the Rural Counties Task Force (a committee, that consists of the rural RTPAs), ORIP began to prepare separate RTPA and MPO *OWP Guidance,* beginning with the 2001/2002 cycle. ORIP distributes the *OWP Guidance* to the Districts with instructions to share it with MPOs/RTPAs. ORIP also posts the *OWP Guidance* at: http://www.dot.ca.gov/hq/tpp/offices/orip/orip.htm

MPO 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 MPOs using complete and accurate OWPs/ OWPAs and updated MFTAs. MPOs begin work.	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. • FHWA PL actual #s for 08/09 after passage of federal budget. ORIP notifies Districts, Districts notify MPOs, MPOs amend OWPs/OWPAs to show actual PL #s.	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: MPO 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 MPOs.	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: 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.	March 1: Latest date to submit draft OWP to District.
April '10	May '10	June '10
April 30: Q3 Progress Report due to District. April-May, District year-end OWP status meetings with MPOs.	May 1: **Deadline for OWP/OWPA amendments (complete package due to ORIP).** MPO Indirect Cost Negotiation Agreements and Cost Allocation Plans due to CT Audits and Investigation (MPO's are encouraged to submit their ICAP's with draft OWPs). May 15: Q3 Progress Report due to ORIP. May : Adopted OWPs due to Districts, Districts approve OWPs and send to FHWA/ FTA.	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.
Beginning of State Fiscal Year 10/11: 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 MPOs 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".

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 08/09: 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 08/09: 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 '
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 30: Q3 Progress Report due to District.	May 1: **Deadline for OWP/OWPA amendments (complete package due to ORIP).** 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".

2.08 Planning Emphasis Areas and Federal Planning Factors

Each year FHWA/FTA jointly develop Planning Emphasis Areas (PEAs) to promote priority themes for consideration in transportation planning (i.e. for integration into the OWP). The PEAs are published in the Federal Register, usually toward the end of the calendar year and ORIP includes them in the annual *OWP Guidance*. Generally, the Department accepts the PEAs as the state planning priorities. However, the FHWA California Division also develops state specific PEAs.

MPOs are required to incorporate the PEAs in the OWP. While it is not required, it is recommended that RTPAs include PEAs in the current OWP. Some RTPAs/MPOs discuss 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 Title 23 United States Code, Section 134(f) (revised in SAFETEA-LU section 6001(h) to separate safety and security) 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 with new reauthorization. With the passage of SAFETEA-LU, the federal planning factors were expanded to eight (safety and security were split into separate planning factors). The eight planning factors (for both metro and statewide planning) are: (See Sample Matrix below which is applicable to both PEAs and/or the SAFETEA-LU Planning Factors.)

Sample Matrix for SAFETEA-LU Planning Factors or PEAs

SAFETEA-LU 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		

2.09 District 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)
- Identify compliance concerns (e.g. eligible uses, funding levels, etc)
- 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 copies to the reviewing units and 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. They should forward *OWP Guidance* to the MPOs/RTPAs as early as possible and should send comment letters in a timely manner. Comment letters should be comprehensive (i.e. they should include the Department's comments). If the District does not incorporate a comment the commenter should be notified before the letter is distributed.

The District reviews draft OWPs with two different emphases: 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 compliance.

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
- Contribute to implementation of the Regional Transportation Plan
- 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? (See Section 4.02 for a listing of eligible uses.)
- Have federal match requirements been satisfied?
- 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?

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. Every effort should be made to provide an electronic version of the draft OWP to both the FHWA and FTA. (See the current *OWP Guidance* for contact names and addresses.)

District regional planners should find the OWP review checklist in the annual *OWP Guidance* a helpful review tool for both the draft and the final OWP (also see the OWP Development and Review Flowchart on page 2-14).

2.10 District Staff Circulate the Draft OWP

Once District staff receive the draft OWP from the MPO/RTPA, they circulate the draft OWP to, and solicit comments from, ORIP and other affected units in the District and Headquarters. ORIP is always included, but the contents of the draft OWP will dictate which other units should participate in the review. ORIP requests one hard copy and one electronic copy, if available, of the draft OWP.

The OWP is comprehensive, and the regional transportation planning activities and projects in the work elements relate to, impact, and correlate with, projects, activities and responsibilities of various District and Headquarters units. Staff in affected units should be provided the opportunity to review and comment. The District'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 District 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
- Division of Aeronautics
- Division of Mass Transportation
- Division of Research and Innovation
- Any other affected Division

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

Thorough and comprehensive review of the draft OWP by all affected Department areas is of critical importance. The District needs to communicate all the Department's substantive concerns during the OWP draft stage when issues may be more easily resolved. The District collects and is the repository for all Department comments and should send them in a single comment letter. The District should not piecemeal comments to the MPOs/RTPAs.

Obviously if major problems are discovered after the comment letter is sent to the RTPA/MPO, the District still needs to work with the MPO/RTPA to resolve them. However, after the OWP is adopted, making changes may be more costly and could delay OWP work.

2.11 The District Copies the Comment Letter to Reviewing Units and ORIP

The District coordinates its own comments with input received from District and Headquarters reviewing units in a comprehensive letter to the MPO/RTPA. The letter is copied to ORIP and to all reviewing units who provided comment. As the primary contact with the MPO/RTPA, the District determines (consistent with state and federal requirements) which comments will be included in the letter and which are better handled informally.

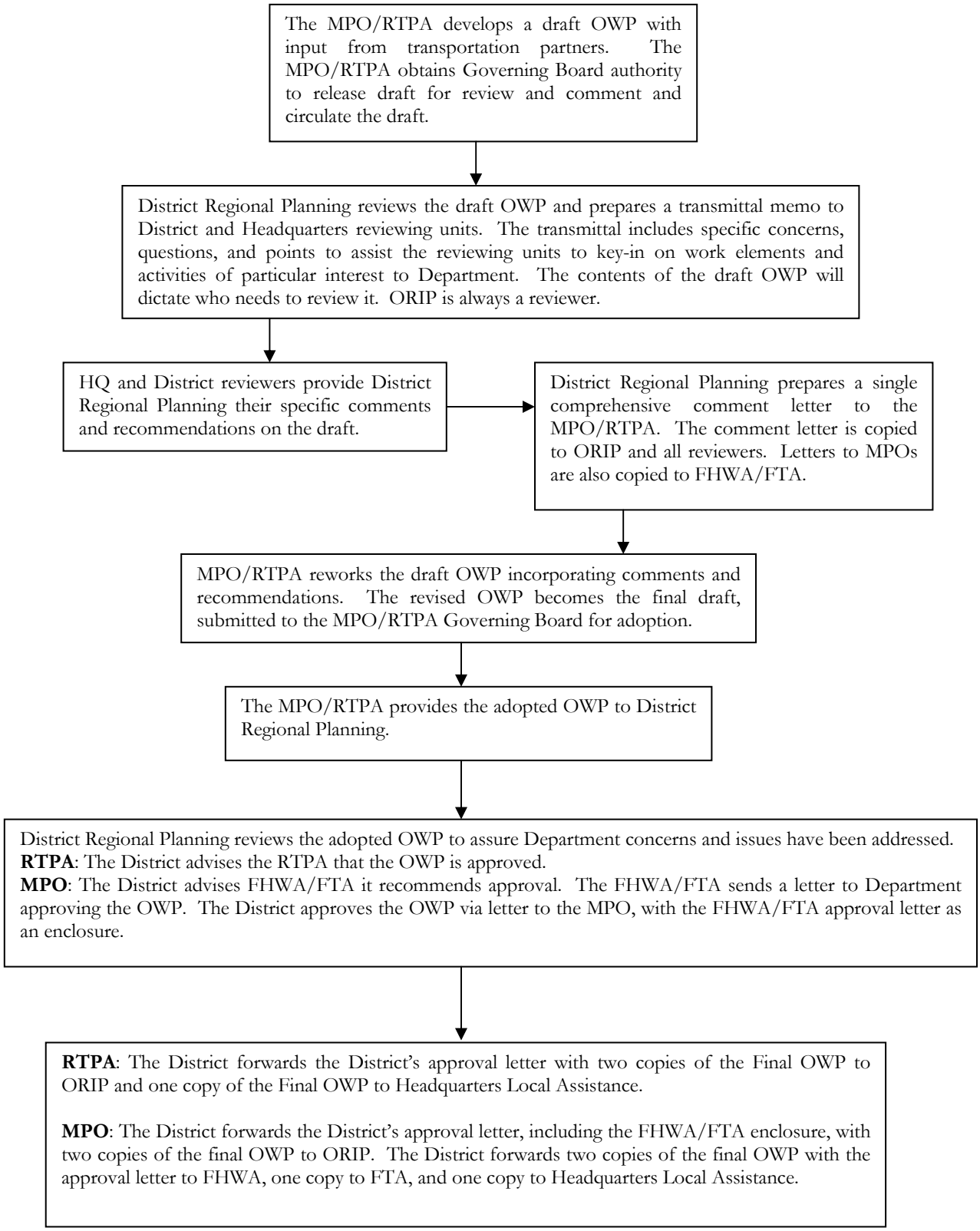
District staff provides the FHWA/FTA copies of the comment letters the District writes to MPOs. (See the current *OWP Guidance* for contact names and addresses.)

2.12 ORIP OWP Responsibilities

The following are among ORIP responsibilities:

- Develop the annual *OWP Guidance* packages for MPOs and RTPAs
- Develop the *RTP Guidelines* and supplements
- Develop and update the *Regional Planning Handbook*
- Review all draft OWPs to ensure that they meet the needs of statewide programs and/or policies
- 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
- Advise Districts of statewide transportation policy issues, proposed legislation and new legal and regulatory requirements
- Provide regional planning training to Districts
- Manage FHWA Partnership Planning, FTA 5304 Transit Planning, and Regional Blueprint Planning Grants

OWP DEVELOPMENT AND REVIEW



2.13 District and ORIP Cooperation

Every District has an ORIP liaison. The District has primary review, monitoring, and approval responsibility for OWPs, but should work with ORIP liaison to incorporate comments on OWPs when there are issues or concerns that jeopardize approval. 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 approaches 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.

2.14 Annual MPO Meetings

Between February and May 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.

It is important that all attendees have time to review the OWP prior to the Annual MPO meeting. Both the next fiscal year's draft OWP and progress on the current fiscal year's OWP are included in the meeting discussion, for this reason, **MPO draft OWPs must be submitted to the District at least thirty days before the meeting**, or March 1, whichever is earlier. (See the current *OWP Guidance* at http://www.dot.ca.gov/hq/tpp/offices/orip/owp/index.html for the latest draft schedule.)

2.15 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.

The federal agency representatives review the TMA's self-certifications compliance with the laws listed in the FHWA/FTA certifications and assurances. (See Section 2.16 for more information.)

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. Please see the OWP Guidance for the Certification Review Schedule.

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), and Association of Monterey Bay Area Governments (AMBAG) receive more than $250,000 in FTA § 5303 funds annually.

Copies of the circular may be obtained from ORIP and information about EEO reporting may be found at:
http://www.fta.dot.gov/legal/federal_register/2004/16290_17942_ENG_HTML.htm

2.16 Certifications and Assurances

By including the FHWA and FTA certifications and assurances in their final adopted OWP each year, MPOs certify their compliance with the federal laws listed on the certification, for example: the Civil Rights Act of 1964, the Americans with Disabilities Act, and others. The federal certifications and assurances are published in the *Federal Register* and the latest versions are included in the MPO version of the *OWP Guidance* prepared each year by ORIP.

District staff must carefully compare the certifications and assurances in the OWP. The legal citations may change from year to year and an inaccuracy of a few letters or numbers in the citation may have significant legal implications.

MPOs receive both FHWA PL and FTA § 5303 each year and 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 both FTA and FHWA require the "Metropolitan Transportation Planning Process Certification."

In addition to the FHWA and FTA certifications and assurances, MPOs must also submit the Debarment and Suspension certification and assurances form in their annual OWPs. Previously, the Debarment and Suspension certification was included in the FTA certification and assurances; however this clause was removed by FTA beginning in FY 2004/2005.

RTPAs that receive RPA funds must include the State Transportation Planning Process certification. RTPAs need to perform the following tasks as necessary: include the FHWA Metropolitan Transportation Planning Process Certification if they receive a FHWA State Planning and Research – Partnership Planning Element grant and/or a Regional Blueprint Planning Grant; provide the FTA certifications and assurances when they receive an FTA § 5304 grant; and provide Debarment and Suspensions certification if they receive a FHWA Partnership Planning Element grant, FTA § 5304 grant, and/or a Regional Blueprint 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.

The Civil Rights Restoration Act of 1987 clarified the intent of Congress to include all programs and activities of Federal-aid recipients, subrecipients and contractors, whether or not federal funding is used for the specific activity in question, (i.e. recipients of any federal funds are required to comply with non discrimination on the basis of race, color, national origin, sex, disability and age).

All RTPAs receive some federal funding, therefore RTPAs need to certify that their regional transportation planning efforts and processes comply with federal Civil Rights provisions.

Government Code Section 65080 stipulates regional transportation plans shall consider factors specified in Section 134 of Title 23 of United States Code (USC), and the plan shall be consistent with federal planning and programming requirements.

Beginning with the 2002/2003 OWP cycle, the RTPA Certification format is provided in the annual *OWP Guidance* and is required to be included in all (non-MPO) RTPA OWPs.

Please note: All 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.

2.17 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 as outlined in the OWP Guidance Package.

The Final OWP should only include committed funds. The FHWA PL and RPA totals included in the *OWP Guidance* are deemed committed amounts even though totals may change after passage of the federal and state budgets, respectively. (Sections 3.06 and 3.07 discuss permitted inclusion of CPG discretionary grants and unexpended CPG carryover balances in the draft and Final OWP.)

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 Department 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. 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. Although their approval comes later in time, it is not a substitute for careful District review and does not supersede the District's ability to disapprove the OWP.

FHWA and FTA may prepare a joint reply or may send separate approval letters. Their approval may be addressed to the District with copies to the MPO or it may be addressed to the MPO with copies to the District. There is no statewide uniformity on this procedure. After the 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 require that FTA send out the approval letter to the MPO and District.

After the OWP and the OWPA are finalized, the District transmits these to their ORIP liaison. An OWP/OWPA transmittal package includes the following:

- ✓ District OWP approval letter
- ✓ FHWA/FTA OWP approval letter (MPOs only)
- ✓ Two copies of the adopted and approved OWP
- ✓ One original OWPA bearing (original) MPO/RTPA and District signatures in **blue** ink
- ✓ MPO letter indicating how much PL and/or FTA § 5303 carryover or a RTPA letter indicating how much RPA, if any, is included in the OWPA. (See Sections 3.07, 3.08, 4.03 for more information.)
- ✓ 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
- ✓ Certifications and Assurances (FHWA, FTA, Debarment and Suspensions)

Although the Governing Board resolution adopting the OWP is very specific, the action authorizing staff signature of the OWPA may be more generic. If the Chair of the Governing Board signs the OWPA, no signature authority is required.

If the MPO/RTPA is awarded an FTA § 5304 or FHWA SP&R-Partnership Planning grant, the OWP must include the work to be performed and the products to be completed, and the OWPA must include the grant amount. The OWPA submittal package must also include a copy of the grant award notification letter.

ORIP requests two copies of the final adopted and approved OWP:

(1) Official ORIP file copy
(2) Caltrans library copy

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

In addition to two hardcopies 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.

2.19 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 local funds. (RFRs are discussed in Sections 4.04, 4.05, 4.06, and 4.07.) Beginning in FY 2004/2005, the Master Fund Transfer Agreement (MFTA) allows two options for seeking reimbursement defined in each MPO/RTPA MFTA Article II, Section 1.

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.

District regional planning keeps the MPO/RTPA informed about pertinent Department matters and it keeps the Department informed about pertinent MPO/RTPA matters.

2.20 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 (See 2.21 Administrative Amendments and 2.22 Formal Amendments for more information).

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 appropriation for the current year after passage of the federal budget, approximately October 1. 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 (See Sections 3.07, 4.03 and 4.09 for more information about unexpended carryover year-end closeout).

The RPA amounts in the *OWP Guidance* also are 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 and RPA estimates in the *OWP Guidance* are used for the Final OWP and the initial OWPA. If, after budget passage these estimates are too high or too low, the OWP and the OWPA need to be amended consistent with the different amount.

2.21 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, etc. One example of an administrative amendment is the correction of errata.

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.

A copy of all changes to the OWP, whether administrative or formal amendments need to be provided to the Districts, and to ORIP (via the Districts). Any changes to an MPO OWP need to be provided to FHWA/FTA. While it is not required, ORIP suggests that the District check with the ORIP District Liaison regarding changes.

2.22 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 (regardless of funding type) impact regional transportation planning activities. **The MPO/RTPA cannot change work activities or redirect funds prior to the District's approval, and if needed FHWA/FTA's approval, of an amendment.**

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 a formal amendment is required, an explanatory letter or memo and the affected pages, with the changes highlighted, would be sufficient documentation of the OWP files.

The Districts need to use some discretion to determine what triggers the need for a formal OWP amendment. If the activities and products in an existing work element prove to be more expensive than estimated, the MPO/RTPA, may add in local funding through an informal OWP amendment. This should be handled between the District and the MPO/RTPA. However, this does not mean the MPO/RTPA can move local match money from work element to work element without a formal OWP amendment.

The Quarterly Progress and Expenditure Report can be used to reflect insignificant schedule changes that affect work activities or products. However, if there are significant delays or deletion of some deliverables, a formal amendment is needed.

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:

- Substitution of fund sources within a work element; redirection of CPG, RPA or local match among work elements
- Increase/decrease in total CPG and/or RPA in the OWP

A change in scope means altering the broad purpose or objective of a work element. For FTA Section 5304 and FHWA State Planning and Research- Partnership Planning grants, a schedule change constitutes a change that requires amendment of both the OWP and the grant application.

Districts provide any and all amendments to ORIP and must have ORIP's concurrence prior to approving formal amendments and forwarding them to FHWA/FTA for final approval.

2.23 Formal Amendment Triggers that Require Federal and State Approval

The District has primary approval responsibility for informal amendments. Formal amendments require ORIP concurrence before they are sent to FHWA and FTA for approval.

Change in scope-of-work, or addition/deletion of work elements and projects funded with CPG require ORIP concurrence along with FHWA and FTA amendment approval. A redirection of CPG, or local match among work elements requires ORIP concurrence. Changes-in-scope are discouraged for CPG discretionary grants because they are competitively awarded. Reduction in scope-of-work or addition of work elements and projects funded with RPA requires ORIP's concurrence.

Change-in-scope amendments involving discretionary state and federal grants administered by Division of Transportation Planning, if any, require concurrence from the administering Office, such as the Office of Community Planning for Community Based Transportation Planning Grants, or the Office of Policy Analysis and Research for Environmental Justice Grants. Such changes are discouraged because these grants are also competitively awarded.

Offices whose concurrence is required for an OWP amendment are encouraged to respond expeditiously, via e-mail if possible.

A thirty percent (30%) change of CPG in an MPO's OWP (either 30% in one change, or cumulatively through several smaller changes) triggers the requirement for FHWA and FTA amendment approval. FHWA/FTA request copies of *all* changes to an MPO's OWP. (See the current *OWP Guidance* for contacts and addresses.)

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://www.fta.dot.gov/laws/circulars/leg_reg_4114.html#exhibit1-1

2.24 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. The District reviews it and determines whether it is a formal or informal amendment. At any time during the amendment review the District may request additional documentation/information from the MPOs/RTPAs in accordance with the MFTA. If other District or Headquarters units are affected by the amendment, it is shared with them. Amendments are always provided to the ORIP District Liaison.

Transportation planning activities cannot be added, deleted, or changed, and activities *affecting* delivery of transportation planning cannot be changed. The CPG/RPA or local match cannot be added/deleted or redirected among work elements until the District approves the OWP amendment. Formal amendments may require FHWA/FTA approval.

If federal approval is not needed, the OWP amendment is considered approved the date the Deputy District Director signs a completed OWPA. See Section 2.23 for more information.

2.25 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, informal, or formal amendments. The District always provides the ORIP liaison with the most current OWP and OWPA. FHWA/FTA also request copies of all changes to MPO OWPs.

An OWP amendment package includes a transmittal memo, which briefly explains the amendment, and all *affected* pages of the OWP attached (e.g. revised work element pages, a revised Budget Revenue Summary, and a resolution 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.

2.26 The Deadline for 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 in 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.

In *extraordinary and compelling* instances and *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

Due to the time required for Accounting to redirect funds (which may involve the State Controller), amendments which involve an OWPA amendment, will *almost never* be considered after May 1. However, should a Request for Extension involve an amendment of the OWPA, an amended, fully executed, original OWPA also needs to be among the memo attachments.

2.27 Monitoring Progress

After the OWP is approved and the CPG/RPA funds are encumbered, the District is responsible for monitoring progress on 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 appear to be problems, the District provides immediate assistance.

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.

2.28 Quarterly Progress and Expenditure Reports

To assure effective communication of OWP progress and to provide opportunity for timely intervention by the District, if needed, the MPO/RTPA is required to submit a Quarterly Progress and Expenditure Report within 30 days after the end of each quarter (23 CFR 420.117 and MFTA Article I, Section 2). These Reports are submitted to the District, which provides copies to ORIP.

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 District forwards copies to ORIP within 2 weeks after the above due dates.

The District's transmittal memo to ORIP of the MPOs/RTPAs Quarterly Progress and Expenditure Report should highlight key aspects, particularly any fiscal and/or progress problems and approval of the report.

Originally in two components (a narrative and a spreadsheet format), the quarterly report has been combined into a single spreadsheet format, the Quarterly Progress and Expenditures Report. This report only needs to address regional transportation planning related activities and work elements funded with CPG and/or RPA.

The spreadsheet includes the opportunity for brief comments to reference MPO/RTPA accomplishments and/or problems for the quarter. If work is not progressing on schedule, this should be stated and new target dates should be provided; either the date when activities will be back on schedule or new anticipated completion dates.

MPOs/RTPAs are strongly encouraged to continue to prepare a more 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
- Work progress, schedule slippages, 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 local match dollar amount and its identification as funds or in-kind services

The quarterly reports keep the District regional transportation planner and the District's ORIP liaison current with OWP progress. If OWP activities are off schedule, it may be appropriate to amend the OWP to reflect the new schedule. If CPG and/or RPA funds are to be redirected, or if funding changes impact regional transportation planning activities, an amendment is required. The District may also request additional documentation/information from the MPO/RTPA when they are reviewing Quarterly Progress and Expenditure Reports, per the MFTA.

After the end of each fiscal year, the District submits the MPO's quarterly reports for the year to the FHWA/FTA. Although the District provides ORIP quarterly reports throughout the year, the District also forwards ORIP the annual collection of quarterly reports transmitted to FHWA/FTA. (See the *OWP Guidance* for current contacts and addresses.)

Some MPOs prefer to submit quarterly and/or end of year reports directly to FHWA/FTA, with copies to the District. In this case, it remains the District's responsibility to assure quarterly reporting is occurring, to review such reports, and to provide copies to ORIP.

The District also obtains and reviews copies of end products funded with CPG. The District makes these available to ORIP and/or FHWA/FTA upon request.

The District also obtains and reviews copies of end products funded with RPA. These are provided to ORIP, but are not forwarded to FHWA/FTA.

The Appendix E includes sample MPO and RTPA Quarterly Progress and Expenditures Reports.

2.29 Mid-Year Reviews

The District should schedule a Mid-Year review meeting with the MPO/RTPA to review OWP progress. As appropriate, the Mid-Year review may be conducted less formally, e.g., as part of another meeting, on the telephone, etc.

3 THE CONSOLIDATED PLANNING GRANT (CPG)

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. California's implementation of CPG is as per the procedures described in this Handbook and in the MPO version of the annual *OWP Guidance*.

In California, the four 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 (FTA § 5304)

FHWA PL is a set aside, not to exceed 1.25% of a state's authorized funds, to be appropriated, after deductions, as per Section 104, Title 23 USC (also see § 420.103, Title 49 CFR). California's share of FHWA PL totaled approximately $40 million in 2008/2009. 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 2008/2009.

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 2008/2009, California's share totaled approximately $1,000,000 for FHWA State Planning and Research – Partnership Planning Element and approximately $2.3 million for FTA §5304.

There are some key differences among these four 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.

Each year, ORIP solicits applications for FHWA State Planning and Research – Partnership Planning Element and FTA § 5304 discretionary grants through request for grant applications. The grant application package provides more specific information about these grants, filing procedures and deadlines, rating criteria, etc. (For more information go to: http://www.dot.ca.gov/hq/tpp/offices/orip/grants.htm)

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.

Per Title 23 U.S.C. § 104 (f), an amount not to exceed 1.25% of funds authorized to be appropriated for expenditure upon programs (less authorized deductions as per § 104(a)) is set aside for metropolitan planning, i.e. FHWA PL.

Per Title 49 U.S.C. § 5338 (c), (h), and (i) amounts authorized for FTA § 5303, and 5304 are set forth by year.

3.02 FHWA State Planning and Research – Partnership Planning Element

Any MPO/RTPA may compete for FHWA State Planning and Research – Partnership Planning Element, but proposals must be jointly submitted with Department. Grants are for Department and MPOs/RTPAs to jointly perform and jointly fund transportation planning studies having statewide benefit and/or multi-regional significance.

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

- The project should demonstrate how it considers and/or affects jobs housing balance, land use, population growth and distribution, development, and the conservation of natural resources
- Results in improvements to public involvement and consensus efforts including government-to-government relations

Please visit the DOTP grants website for more information:

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

3.03 FTA § 5304 Transit Planning Grants

MPOs/RTPAs may compete for FTA § 5304 transit planning grants, on their own 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 components:

- Transit Technical Planning Assistance
- Statewide Planning Studies
- Transit Professional Development

Transit Technical Studies Grants fund the preparation of public transit and/or intermodal transportation planning efforts in rural areas.

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

Transit Professionals Development Grants fund training for transit planning professionals and student interns using public or private training entities (not MPO/RTPA or transit agency in-house staff) with public transportation expertise.

3.04 Regional Blueprint Planning Program

MPOs and rural RTPAs that are not within an MPO boundary may compete for a Regional Blueprint Planning Grant. The Regional Blueprint Planning Program is a voluntary, competitive grant program that will initiate or augment existing efforts of MPOs and their Councils of Government (COGs), and rural RTPAs 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.

The California Regional Blueprint Planning Program is sponsored by the California Business, Transportation and Housing Agency, the California Departments of Transportation and Housing and Community Development and the Governor's Office of Planning and Research.

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

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

3.05 California's Implementation of the CPG

Implementation of the CPG in California is described in this Handbook and in the annual MPO version of the *OWP Guidance*. These are the references the Districts should use and should share with the MPOs. Both are posted on the ORIP website:

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

Rather than each MPO and any RTPA recipient of a CPG discretionary grant applying individually to FHWA and to FTA, Department makes application for all of California. Additionally, through Headquarters Accounting, ORIP annually establishes CPG expenditure authorizations (EAs.)

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 Local (Non-Federal) Match

Like most other federal funding sources, CPG requires a state or local match. The non-federal match rate for FHWA PL, FTA § 5303, and FTA § 5304 funds is 11.47 percent. The non-federal match required for FHWA State Planning and Research – Partnership Planning Element and Regional Blueprint Planning Grant is 20 percent.

The term Minimum Local Match refers to the percentage of local match required by a specific grant program. However, the term "Mandatory Local Match" shown on the

Overall Work Program Agreement (OWPA) form refers to the total amount of the local match, including both cash and in-kind contributions. 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 that 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 shown in the grant application, in the OWP Work Element page, in the Budget summary table and in the OWPA must be consistent.

The ORIP Fund Specialist can provide a spreadsheet with preset calculations to assist Districts and MPOs/RTPAs to accurately compute local match.

- 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.
- The match is calculated work element-by-work element. It is not a percentage of total federal funds in the OWP.
- If different federal sources and types are among a work element's funding sources, local match must be calculated for each federal source and type.

Three local match calculation considerations are:

1.) The local match rate is calculated on the total sum of the federal participation amount plus the required (non-federal) local share amount, not just the federal participation amount.

Assuming an 11.47% local match rate, to determine the local match amount if only the federal participation amount and federal participation percentage rate are known:

The total of the federal participation amount ($88.53) divided by the federal participation percentage rate (.8853) equals the sum of federal participation plus the mandatory local match.

$88.53 ÷ .8853 = $100 (the quotient is the sum of federal participation plus the mandatory local match)

This quotient ($100) multiplied by the local match rate (.1147) yields the local match amount.

$100 x .1147 = $11.47 (local match amount)

2.) The local match rate 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. (See Sections 2.20, 2.21, 2.22, 2.23 and 2.24 for information regarding OWP amendments.)

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

The work element includes an $80 federal participation amount of State Planning and Research – Partnership Planning Element funds, which requires a 20% local share, and an $88.53 federal participation amount of FHWA PL funds, which requires an 11.47% local share.

$80 ÷ .80 = $100
$100 x .20 = $20 (the mandatory local match for the State Planning and Research – Partnership Planning Element portion), and

$88.53 ÷ .8853 = $100
$100 x .1147 = $11.47 (the mandatory local match for the FHWA PL portion)

Each work element entry on each 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.

Federal participation may also be matched with services, i.e. work performed that benefits the project, provided it is not funded with federal funds. This is called "in-kind" or "soft match". Some examples of "soft match" are the value of community advisory committee members' services, the value of volunteer services, and the value of services provided to a specific MPO/RTPA planning work activity by a subregional agency, or city or county staff.

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. (Section 4.04 provides more information about Indirect Costs.)

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.

Effective immediately, 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". These changes can be seen in the new sample support documentation in Appendix F.

The OWPA and RFR forms now contain a clause that each MPO must sign off on 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.

3.07 Unexpended Carryover

A MPO may use unexpended FHWA PL and FTA § 5303 funds in a future fiscal year provided the following are met:

- The MPO 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, executed by an individual to whom the Governing Board has designated signature authority (usually the Executive Director or Finance Officer.)

and

- The District, MPO and the ORIP Fund Specialist have reconciled the unexpended FHWA PL and/or FTA § 5303 balances at the end of each fiscal year.

CPG carryover amounts and work to be accomplished therewith should be included in the Final OWP; however FHWA PL or FTA § 5303 programmed in the current OWP cannot be included in the next year's Final 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 4.08 for more information about Closeout.)

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

Both the original fully executed OWPA (signed in **blue** ink to more easily distinguish original signatures from photocopies) and the executed original of the MPO/RTPA explanatory memo or letter are filed with the ORIP Fund Specialist.

Starting July 1, 2009, the same process apply to RTPAs who desire to carry over RPA funds from one year to the next. No more than 25% of the RTPAs yearly RPA allocation can be carried over into the next fiscal year.

3.08 Reconciliation of CPG Carryover Balances

After the MPO has submitted its Year-end Package, the ORIP Fund Specialist establishes the MPO's remaining balances of prior years' FHWA PL and FTA § 5303. ORIP then prepares a balance reconciliation letter. Should there be disagreement about the balance, the ORIP Fund Specialist, the District, and the MPO work together until they achieve balance reconciliation. (See Section 4.08 for more information about Year-end Packages.)

Signed by the ORIP Office Chief, the MPO and the District Director, the letter demonstrates concurrence of all involved parties.

After balance reconciliation, the MPO may amend its OWP to include some or all of this FHWA PL and/or FTA § 5303 carryover and the activities to be funded therewith. The OWPA must be amended accordingly, including the required local match.

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). (See Chapter 3 for more information about CPG and Section 4.03 for more information about RPA.) ORIP also administers and monitors the following grant funds: Blueprint Planning Grant, FHWA State Planning and Research – Partnership Planning Element Grant and the FTA State Planning and Research, Section 5304 Grant. (See Chapter 3 and 5 for more information about the FHWA, FTA, and Blueprint Planning grants.)

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 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 Section 5303 and State RPA) are to be used for the Metropolitan and Rural transportation planning process. They cannot be used for project development such as project initiation documents (PIDs), and project study reports (PSRs); or project implementation, such as rideshare activities or transit administration. 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.

Examples of eligible uses for transportation planning funds can be found in the Annual MPO and RTPA OWP Guidance at:

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

4.03 Rural Planning Assistance (RPA) and RPA unexpended Carryover

RPA is part of a line item in the State Budget, which ORIP annually allocates to the rural, non-MPO, RTPAs. Expenses incurred prior to June 30 can be reimbursed for up to sixty days after June 30. (See Section 4.09 for more information about Year-End Packages.)

Starting July 1, 2009 RTPAs may carry over up to 25% of unexpended RPA funds into the future Fiscal Year. The reconciliation and carry over process reflects the process used for CPG funds in Section 3.07 and 3.08.

4.04 25% Limit on use of RPA for Administrative Purposes

Not more than twenty-five percent of RPA money may be expended for the rural RTPA's administrative purposes. This limitation imposed on State Subvention funds, carries over to its successor, RPA. District staff should review the draft OWP for adherence to this limit.

To distinguish an "administrative use" from a "planning use", the District may need to request clarification from the RTPA, particularly if activities in the OWP are grouped into broad and generic categories.

For example the terms "clerical support" and "photocopies" might appear to be administrative. If, however, "clerical support" means mailing invitations to a transit planning round table meeting, this would be a component of a transit planning activity. Likewise, if "photocopies," means reproducing these mailers, this too would be a component of that same transit planning activity. District staff should work with the RTPA partners to ensure OWP language is sufficiently descriptive to avoid confusion.

4.05 Indirect Cost Allocation Plan (ICAP)

If an 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 annually for approval an Indirect Cost Allocation Plan (ICAP) along with a copy of the previous year Single Audit report to the Chief of External Audits, Audits & Investigations (A&I), with a copy to the Districts. Early submittal of the ICAP is encouraged. MPO/RTPAs needing a provisional (temporary) indirect rate must submit a written justification for a provisional rate along with their ICAP package

The following should be included with each indirect cost proposal: the rates proposed, including subsidiary work sheets and other relevant data, cross referenced and reconciled to the financial data, a copy of financial data (financial statements, comprehensive annual financial report, executive budgets, accounting reports, etc) upon which the rate is based. Financial data also includes audited financial statements, comprehensive annual financial reports, general ledgers, trail balances, single audits, approved budgets, any and all schedules used to support the indirect cost proposal, etc.

Headquarters A&I review the MPOs/RTPAs Single Audits and approve the MPOs/RTPAs Indirect Cost Allocation Plan (ICAP) for those MPOs/RTPAs who plans to request reimbursement for indirect costs.

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 with 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 ICAP had been approved by A&I and that the proper Indirect Cost Rate is being applied. 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 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

and 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 Invstigations.

Appendix P, Q, R, and S includes additional definitions, examples of eligible and ineligible indirect costs, common ICAP issues, an example of an ICAP, and an ICAP checklist.

4.06 Requests for Reimbursement (RFRs)

Once the MPO/RTPA has an adopted and approved OWP, has a fully executed original OWPA 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.

To be reimbursed for OWP work, the MPO/RTPA submits a Request for Reimbursement (RFR).

Unless the MPO's/RTPA's MFTA provides differently, RFRs may not be submitted more frequently than once per month and may not be submitted less frequently than quarterly.

ORIP has developed Request for Reimbursement forms for:

- MPOs seeking reimbursement for CPG funds, including reimbursement for Regional Blueprint Planning Grant Funds
- RTPAs seeking reimbursement only for RPA

- RTPAs seeking reimbursement for FTA 5304 and/or SPR-Partnership Planning funds, including reimbursement for Regional Blueprint Planning Grant Funds

To assist the MPOs/RTPAs, the Districts, and ORIP in accurately monitoring CPG 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 RPA-only RFR does not require supporting financial information pages. Districts may also request supplemental information or documentation if there are additional concerns.

The ORIP Fund Specialist can provide electronic versions of these forms to the Districts.

Appendix F, G, and H includes sample RFRs.

4.07 Timely District Review of RFRs

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

For CPG and the Blueprint Planning Grant, the District also verifies that the RFR reflects the appropriate local match amount. (Section 3.05 provides information about local match). Please note, RFRs cannot be approved for payment when there is no supporting documentation or the supporting documentation is not adequate. RFR's should contain invoices with supporting documentation (i.e. breakdown of labor costs, travel costs etc.) to support all costs requested for reimbursement. (Please refer to the Appendix for minimum required support documentation).

RPA and NON-CPG RFR's:

For RPA and non-FHWA PL RFR's, 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. The District (including 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 4.07 provides information about Inaccurate RFRs).

Accounting has another 15 days to authorize payment and the State Controller's Office has fifteen 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 date stamps and reviews the RFR for accuracy and, if accurate, faxes the RFR to the ORIP Fund Specialist who further reviews and codes the bottom of the RFR.

The ORIP Fund Specialist faxes the coded RFR to the District with a coversheet (Form 100) advising Accounting the coding is consistent with the processes agreed to between ORIP and Accounting. The District should make no changes to the Form 100 from the ORIP Fund Specialist. Accounting has directed its staff to only process RFRs that include the Form 100.

The District's Senior Transportation Planner whose unit is responsible for regional planning, and for OWP administration and monitoring, signs the RFR. If the District signs the RFR prior to it being faxed to the ORIP Fund Specialist, the District's signature affirms the District's agreement with, and approval of, the RFR. If the District elects to sign the RFR only after the ORIP Fund Specialist provides coding information, the act of faxing the RFR to the ORIP Fund Specialist signifies the District's agreement with, and approval of, its content.

The District sends the RFR and the ORIP Fund Specialist's Form 100 to Accounting via interoffice mail or fax.

CPG RFR's:

SAFETEA-LU, section 1107 amended 23CFR104(f), requiring that reimbursement for FHWA PL funds be not later than 30 days after the date of receipt. This change in 23CFR104(f) 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.

For FHWA PL RFRs, the District (including coding through ORIP) has a total of 7 calendar days from date of receipt in the District to send the approved 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 days to authorize payment and the State Controller's Office has 15 days to issue the actual payment check.

RFR Flow: The District date stamps and reviews the RFR for accuracy and, if accurate, faxes the RFR to the ORIP Fund Specialist who further reviews and codes the bottom of the RFR.
The ORIP Fund Specialist faxes the coded RFR to the District with a coversheet (Form 100), and Receiving Record (Form FA1226A)

advising Accounting that the coding is consistent with the processes agreed to between ORIP and Accounting. The District should make no changes to the Form 100 and Form 1226A from the ORIP Fund Specialist. Accounting has directed its staff to only process RFRs that include the Form 100 and Form 1226A.

The District's Senior Transportation Planner whose unit is responsible for regional planning, and for OWP administration and monitoring, signs the RFR (Form 1226A). If the District signs the RFR prior to it being faxed to the ORIP Fund Specialist, the District's signature affirms the District's agreement with, and approval of, the RFR. If the District elects to sign the RFR only after the ORIP Fund Specialist provides coding information, the act of faxing the RFR to the ORIP Fund Specialist signifies the District's agreement with, and approval of, its content.

The District sends the RFR, Form 1226A, and the ORIP Fund Specialist's Form 100 to Accounting, attn: Thao Nguyen via fax.

4.08 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 an RFR to Accounting 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 makes a written record of both the specific concern and the phone conversation communicating the concern using Invoice Dispute Notification form STD 209.

Form STD 209 is a multi-copy NCR (no carbon required) form. Within 15 working days of receipt (5 days for FHWA PL RFRs) of the inaccurate RFR, the District must send the white and goldenrod copies to the MPO/RTPA. The white copy is for the MPO's/RTPA's file. The goldenrod copy is to be returned to the District with a corrected RFR.

If the District fails to adhere to the 15 working 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.

Copies of STD 209 are available from the Caltrans Electronic Forms System (http://cefs.dot.ca.gov).

4.09 Year-End Package

Within 60 days after June 30 (the state fiscal year), 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.

MPO and RTPA CPG 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 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 funds expended for a work element by fund source and type, i.e., FHWA PL and FTA § 5303. 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 Department to ensure FHWA PL and FTA § 5303 and RPA carryover balances are accurately credited to the MPO's/RTPA's account. (See Section 3.08 for information about CPG Balance Reconciliation and Section 4.03 about RPA Carryover)

After the District has received the coded RFR marked "Final" from the ORIP Fund Specialist, they can then proceed to compile the year-end package. The District forwards the complete package to the ORIP Fund Specialist

Appendix I and J includes a sample Certification of Expenditure by Fund Source for the MPOs/RTPAs, including the Final Statement of Expenditures.

4.10 Annual MPO/RTPA Fiscal and Compliance Audit

As stipulated in the MFTA, and as a condition of receiving transportation planning funds, MPOs/RTPAs undergo an annual fiscal and compliance audit. This audit may be part of another audit, e.g. a federal or Transportation Development Act audit.

- The annual fiscal and compliance audit report must be submitted to the District within 180 days after June 30, i.e. by January 1st of the following calendar year.
- District staff reviews the audit report to ensure correct CPG and RPA planning funds amounts and uses.
- If the auditor identifies deficiencies in an MPO's/RTPA's accounting or administrative system, the MPO/RTPA and the District must work to develop a corrective action plan. The identified deficiencies will determine

the corrective action needed. It may be straightforward, (e.g. increasing records retention to at least three years), or it may be more complicated, (e.g. developing a better accounting and monitoring procedure).

- The District may seek advice from the ORIP Fund Specialist or Regional Planning Liaison to assist MPO/RTPA develop the corrective action plan.
- The District must provide ORIP a copy of the corrective action plan.
- The District must monitor and evaluate resolution of any deficiencies and provide ORIP written progress reports.

For additional information, please see Office of Management and Budget Circular A-133: http://www.whitehouse.gov/omb/circulars/a133/a133.html

4.11 Audit Report Distribution

MPOs submit five audit copies and RTPAs submit three copies of the audit to the District.

Within 45 days after receipt, i.e. no later than February 15, the District shall distribute copies of the audit report as follows:

RTPAs:

- District retains one copy for review and reference
- District forwards one copy to ORIP
- District forwards one copy to Headquarters Audits & Investigations

MPOs:

- District retains one copy for review and reference
- District forwards one copy to ORIP
- District forwards one copy to Headquarters Audits and Investigations
- District forwards one copy to Headquarters Accounting
- District forwards one copy to:

FHWA CA Division	FTA Region IX
Sue Kiser	Ray Sukys
650 Capitol Mall, Suite 4 – 100	201 Mission Street, Suite 2210
Sacramento, CA 95814	San Francisco, CA 94105

Some MPOs/RTPAs submit their Audit Reports directly to FHWA/FTA and/or to Headquarters Audits and Investigations. It is the District's monitoring responsibility to ensure the Audit Report is submitted whether it is routed through the District or directly to FHWA/FTA and/or to Audits and Investigations at Department Headquarters, Sacramento.

4.12 Records Retention

As stipulated in the MFTA, 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 three years from the date of the final payment to the MPO/RTPA or until audit resolution is achieved, whichever is later. In the event of multi-year projects, all records must be retained for a minimum of three years after the project's closeout year.

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

Additionally, if any action has commenced relative to said records (e.g., litigation, claim, arbitration, audit, negotiation, etc.) the records must be retained until completion of said action and resolution of all issues that arise from it.

Whether for three years or for a longer period, 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.

The above-described records retention period is the minimum. Caltrans district staff should refer to the current Caltrans policy on record retention.

4.13 Electronic Submittals

In an effort to facilitate availability and accessibility to transportation partners and users, MPOs/RTPAs are requested to submit electronic versions of OWPs, RTPs, and other documents and information. After adoption, MPOs/RTPAs should submit electronic products to the Districts, which forward copies to ORIP. As appropriate, these will be posted on the ORIP website listed in Section 1.07. ORIP has implemented electronic formats of its tools and documents.

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

ORIP administers and monitors the following transportation planning grant funds: FHWA State Planning and Research – Partnership Planning, FTA State Planning and Research, Section 5304 Transit Planning Grant (FTA Statewide Transit Planning Studies, FTA Transit Technical Planning Assistance, and FTA Transit Planning Professional Development), and the Regional Blueprint Planning Grant. All five grants must be applied for annually and are competitively awarded. The grant application package for each type of grant provides specific information about the intent of the grant program, eligibility, filing, procedures, deadlines, and rating criteria.

The Environmental Justice: Context-Sensitive Planning and Community Based Transportation Planning grant programs are respectively administered by the Office of Policy Analysis and Research and 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.

5.01 Programming

Grant work cannot begin until the project is assigned an OWP work element number and amended into the current OWP and OWPA. Once the project has been amended into the OWP, MPOs/RTPAs are expected to complete the project and expend their grant funds within two years.

5.02 Time Extensions

MPOs/RTPAs are expected to follow through with the project funding and schedule chart and scope of work submitted with the original grant application. However, ORIP recognizes hardships in project management may arise. On a case-by-case basis, ORIP 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 receive an approved time extension, the grantee must send the District a brief written justification to explain the need for a time extension and an updated project funding and schedule chart. The District reviews and forwards this time extension request to the HQ ORIP liaison for concurrence. Once the extension has been approved the agency must submit a revised schedule, which the District sends a copy of to the HQ ORIP liaison.

5.03 Grant Request for Reimbursement (RFR)

The Request for Reimbursement (RFR) process for the FHWA Partnership Planning, FTA Section 5304, and the Regional Blueprint Planning grants is identified in Section 4.06. A separate RFR must be submitted for the Regional Blueprint Planning Grant.

Appendix H includes a sample FHWA Partnership Planning Grant and the FTA Section 5304 Grant Request for Reimbursement form and a separate Regional Blueprint Planning Grant Request for Reimbursement form.

5.04 Quarterly Progress and Expenditure Report

The grant recipient is required to submit a Quarterly Progress Report describing the work that has been accomplished during the quarter. These reports are due to the District on October 31st, January 31st, April 30th, and July 31st. This is the same quarterly reporting schedule that is used for the OWPs "Quarterly Progress and Expenditure Report (see section 2.28). The District, then provides copies of the Quarterly Progress Report to the HQ ORIP Liaison on November 15th, February 15th, May 15th, and August 15th (see page 17 for a OWP Timeline).

Appendix K and L includes a sample FTA 5304 and FHWA Partnership Planning Grant Quarterly Progress Report Form and a Regional Blueprint Planning Grant Quarterly Progress Report Form.

5.05 FTA 5304 and FHWA Partnership Planning Grant Close-Out Procedures

When the project is complete, the MPO/RTPA is required to submit a closeout package to the District office. The MPO/RTPA provides one copy of the quarterly progress report marked 'FINAL' and one copy of the RFR marked 'FINAL' along with three copies of the final work product.

The District Liaison:

1. Completes and signs the Grant Program Closeout Report form
2. Reviews the final Quarterly Progress Report marked "FINAL";
3. Reviews final RFR;
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 with in 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 years OWP and OWPA.

Appendix M and N includes a sample Caltrans Transportation Planning Grant Program Close-out Report and a Sample Regional Blueprint Planning Fund Close-out Report

5.06 Regional Blueprint Planning Grant Close-Out Procedures

When an MPO/RTPA has expended their Regional Blueprint Planning Grant award amount (per year) the District must complete and submit a Regional Blueprint Planning Grant Funding Close-Out Report (see Appendix N) along with a RFR marked "FINAL" to the appropriate HQ ORIP Liaison.

5.07 Unexpended Carryover for Grants

FTA § 5304, FHWA State Planning and Research – Partnership Planning Element, and/or Regional Blueprint Planning Grant may be carried over but must be liquidated within three years of award, as noted below. Funds must be expended as per the grant application and schedule, and as shown in the OWP work elements for the applicable fiscal years. If there are changes, both the grant application and the OWP must be amended. When a FTA 5304 or FHWA Partnership Planning Grant has been completed any remaining funds cannot be transferred to another grant effort.

An MPO/RTPA recipient may use unexpended FTA § 5304, FHWA State Planning and Research – Partnership Planning and/or Regional Blueprint Planning Grant Element 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.

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.

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 and contracting out oversight is a District responsibility. The District should monitor third party contracts throughout, from request for proposal (RFP) through closeout evaluation. (See Section 6.04 for Contract Review Points.)

Districts do not *approve* contracts or contract *language*. They should review executed third party contracts to ensure the scope of work addressed is approved work in the OWP.

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. (See Section 5.04 for contract review points.)

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

6.01 Open and Competitive

Consultant procurement always needs to be done in an open and competitive manner, which is inclusive, and includes certified Disadvantaged Business Enterprises (DBEs); the best quality work at the fairest price. (See Section 5.06 for more about Disadvantaged Business Enterprise.)

6.02 Contracts Smaller Than $100,000

According to the delegation of authority for Director's Orders, approving RTPA and MPO third party contacts, up to $100,000, funded with Federal Local Assistance Planning funds has been assigned to the Districts for approval. 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 5.02 and LLP 00-05.)

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 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, i.e., 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. (See Section 4.13 for more information about Records Retention.)

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.

An 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.

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. 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 is competitive, i.e., if the cost is not reasonable and/or if none of the bidders is qualified to do the job.

If the contract exceeds $250,000, a pre-award evaluation must be completed prior to entering into the contract. (See Section 5.02)

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 5.04 and LPP 00-05.

6.04f Contract Monitoring and Evaluation

Obviously 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 4.05, 4.06 and 4.07 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. (See also Section 4.11 Records Retention)

6.05 Pre-Award Evaluations

If a pre-award evaluation 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 evaluation is always required.

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

- There is inadequate knowledge about the consultant's accounting procedures
- There has been a previous, unfavorable experience with the consultant's estimating or accounting methods

- The MPO/RTPA or the consultant requests an audit
- The MPO/RTPA has no history of using consultants and Department deems it prudent

District or ORIP staff may request a pre-award evaluation to forestall 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 evaluation. The evaluation'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.

6.06 Disadvantaged Business Enterprise (DBE)

This DBE update provides the latest guidance and direction to MPOs and RTPAs to ensure compliance with the race neutral DBE program. 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 Part 26.101.

Title 49 Code of Federal Regulations, Part 26, describes this race-neutral program as one used to assist all small businesses. 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.

For both MPOs and RTPAs, the following ORIP federal planning funds impacted are:

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

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

Any federal planning funds that MPOs and RTPAs use directly for staff time are not impacted by these requirements.

RTPAs and MPOs receiving federal planning funds, formula and grant, participate in this race neutral program. Because of a court decision, in May 2006 Caltrans implemented a race neutral DBE program, and in April 2008, Caltrans issued a Director's Policy updating the DBE Program *(See Appendix U)* to assure equal opportunity in doing business with Caltrans or subrecipients, such as MPOs/RTPAs and their outside contractors (sub-recipients). The Director's Policy ensures that MPOs/RTPAs meet DBE program requirements, and data

and reports on DBE participation are collected for federal reporting requirements. As a result of the court decision and subsequent report, the need to collect more information for the federal reporting requirements was highlighted. Therefore, the changes to the DBE race-neutral program are:

New Impacts Include:

- All MPOs and RTPAs receiving FHWA or FTA federal planning funds must now participate in the race neutral program when they contract/award to sub-recipients (planning consultants) using any fraction of their federal planning funds. They must complete, sign and turn in the appropriate DBE forms *(See Appendix V),* showing the appropriate dollar amount provided through the contract/s. This information will provide requested data for the DBE database.

- All MPOs and RTPAs receiving FHWA or FTA federal planning funds must now participate in the race neutral program even if they have not contracted out work to sub-recipients. They must also complete, sign and turn in the appropriate DBE forms, showing zero dollars. This information will also provide requested data for the DBE database.

- The appropriate DBE forms are completed by all MPOs and RTPAs twice a year: April 1st and October 1st. The completed forms are sent to the HQ District Liaison.

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).

The intent of this Chapter is to describe the District and Headquarter's roles and responsibilities during the development and adoption of the RTP. A brief explanation of the RTP is included as background.

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 is 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 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. 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**. Headquarters liaisons will not accept a draft RTP or comment on it without the checklist.

Appendix O 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 of the environmental document rests with the Office of Regional and Interagency Planning (ORIP). 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 (see the list of recipients on pages 21 and 22). 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 (e-mail) copy of the draft RTP, the draft Environmental document and a completed RTP checklist to their assigned ORIP HQ liaison.

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 HQ 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 appendices 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)).

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 Distirct 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 requires 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 TRANPORTATION 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)(5)(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

Federal statute and regulations require that Tribal Governments be involved in the transportation planning and programming processes. SAFETEA-LU reiterates and

expands existing requirements and re-emphasizes Tribal Government participation in transportation planning and programming processes as initiated by ISTEA and 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.

Consultation with Tribal Governments

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, 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 district and headquarters staff are responsible for ensuring that indidual 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 district and headquarters 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. (For a complete listing of statute, regulations, and guidelines that establish the baseline for consultation and coordination, see (Appendix U)). 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

Sample Work Element

801.04 CONGESTION MANAGEMENT PROGRAM/SYSTEM

A. Previous Work: AB 471 requires development of Congestion Management Programs for all urbanized counties in California. A Congestion Management Program was adopted in Fiscal Year 1991-92. Also, the Intermodal Surface Transportation Efficiency Act and SAFETEA-LU require a Congestion Management System. A Congestion Management Plan was adopted in 1996. The Measure K Renewal Program Ordinance, approved in November 2006, includes goals and provisions for update of the CMP and process to review and comment on local plans and development proposals in FY 2006/07.

B. Purpose: To implement the requirements of the Congestion Management Program, the Federal Congestion Management System and the Measure K Renewal Program. To begin establishing a process that flags and corrects new areas of congestion before they occur. To implement a technically sound and achievable set of planning methods that monitor the transportation system as well as the land use developments that generate trip making. Also to complete the work items identified in the plan.

C. Tasks.

1 CMP Modeling - Use of the transportation model to best meet the requirements of the adopted Congestion Management Program for San Joaquin County.
2 Maintain Congestion Management Program/System as necessary to meet local and state needs.
3 Complete update of the CMP and accompanying CEQA document. Initiate implementation of revised document by January 2008.
4 Assist in the development of Deficiency Plans as necessary.
5 Complete work necessary to comply with CMP requirements in SAFETEA-LU—June 2008.
6 Prepare CMP process and system in conformance with SAFETEA-LU Final Rule provisions.

D. Products & Schedule:

1 Maintain transportation model that effectively measures regional impacts of modified General Plans - Continuous
2 Complete updated CMP and environmental documentation—January 2008.
3 Assist in preparation of Deficiency Plans - As Needed
4 Complete work necessary to comply with CMP requirements in SAFETEA-LU—June 2008
5 Review planning and development proposals in accordance with the CMP and provisions of the Measure K Renewal Ordinance—Continuous.

E. Funding Source:

Federal Highway Administration PL-	$ 70.0
Local Transportation Authority-	141.01
Responsible Agency: $ (000)	

TABLE 1

FUNDING SOURCE	LTF FUNDS	PL FUNDS	FTA 5303 FUNDS	PPM FUNDS	GRANT FUNDS	AVA FUNDS	LOCAL FUNDS	TOTAL OF RTPA ACTIVITY
WORK ELEMENTS								
501.01 RTPA Administration	$17,600	$136,000						$153,600
501.02 Overall Work Program	$2,500	$19,500						$22,000
501.03 SAFETEA-LU Programs		$17,700		$2,300				$20,000
501.04 Federal Transit Act Programs	$2,300		$17,700					$20,000
502.01 Regional Transportation Plan		$154,900		$20,100				$175,000
502.02 Travel Model		$84,100		$10,900				$95,000
502.03 Transit Development Plan	$2,900		$22,100					$25,000
502.04 Traffic Counts		$15,000		$2,000				$17,000
502.05 Air Quality Planning		$34,500		$4,500				$39,000
502.06 SJV Regional Blueprint				$9,400	$194,700			$204,100
502.08 Human Service Coordination Plan	$1,700		$13,300					$15,000
502.09 Vanpool and Rideshare Study					$102,000		$13,000	$115,000
502.10 GIS System		$8,900		$1,100				$10,000
503.01 Transportation Improvement Program		$29,200		$3,800				$33,000
504.01 TDA Administration	$20,000							$20,000
505.01 Abandoned Vehicle Abatement Admin.						$20,000		$20,000
405.01 Areawide Clearinghouse Review							$13,000	$13,000
406.01 Regional Housing Needs Allocation							$20,700	$20,700
40[illegible] Census Data Center							$16,000	$16,000
TOTAL	$47,000	$499,800	$53,100	$54,100	$296,700	$20,000	$62,700	$1,033,400

TABLE 2

FUNDING SOURCE	LTF FUNDS		PL (FHWA) FUNDS		FTA 5303 FUNDS		PPM FUNDS		AVA FUNDS		GRANT FUNDS		LOCAL FUNDS		TOTAL OF RTPA ACTIVITY
RESPONSIBLE AGENCY / WORK ELEMENTS	KCAG	CONSLT.	KCAG	CONSLT.	KCAG	CONSLT.	KCAG	CONSLT.	KCAG	CONSLT.	KCAG	CONSLT.	KCAG	CONSLT.	
501.01 RTPA Administration	$14,200	$3,400	$109,400	$26,800											$153,600
501.02 Overall Work Program	$2,500	$0	$19,500	$0											$22,000
501.03 SAFETEA-LU Programs			$17,700	$0			$2,300	$0							$20,000
501.04 Federal Transit Programs	$2,300	$0			$17,700	$0									$20,000
502.06 Regional Transportation Plan			$68,400	$88,500			$8,800	$11,500							$175,000
502.07 Travel Model			$13,300	$70,900			$1,700	$9,200							$95,000
502.08 Transit Development Plan	$2,900	$0			$22,100	$0									$25,000
502.24 Traffic Counts			$15,000	$0			$2,000	$0							$17,000
502.25 Air Quality Planning			$28,300	$8,200			$3,700	$800							$39,000
502.26 KCAG Regional Blueprint							$3,900	$5,600			$77,900	$116,800			$204,100
502.28 Human Services Coordination Plan	$1,700	$0			$13,300	$0									$15,000
502.29 Vanpool and Ridesharing Study											$10,000	$92,000	$1,000	$12,000	$115,000
502.30 GIS System			$8,900	$0			$1,100	$0							$10,000
503 Transportation Improvement Program			$29,200	$0			$3,800	$0							$33,000
504 TDA Administration	$15,000	$5,000													$20,000
505.01 Abandoned Vehicle Abatement Admin									$6,000	$14,000					$20,000
505.02 Statewide Clearinghouse Review													$13,000	$0	$13,000
506.01 Regional Housing Needs Allocation													$20,700	$0	$20,700
507.01 Census Data Center													$16,000	$0	$16,000
SOURCE TOTAL	$38,600	$8,400	$307,700	$192,100	$53,100	$0	$27,000	$27,100	$6,000	$14,000	$87,900	$208,800	$50,700	$12,000	$1,033,400
GRAND TOTAL	$47,000		$499,800		$53,100		$54,100		$20,000		$296,700		$62,700		

Contract Number
Document Number

OVERALL WORK PROGRAM AGREEMENT

The undersigned signatory MPO hereby commits to complete, this fiscal year FY (beginning July 1, 2007 and ending June 30, 2008), the annual Overall Work Program (OWP), a copy of which was approved on date and is attached as part of this OWP Agreement.

2. All of the obligations, duties, terms and conditions set forth in the Master Fund Transfer Agreement (MFTA), numbered number and executed with an effective date of date between agency name (MPO) and the Department of Transportation (STATE), are incorporated herein by this reference as part of this OWP Agreement for this FY.

The federal letters of approval from the Federal Transit Administration (FTA and from the Federal Highway Administration (FHWA), dated and attachments, if applicable, which approved the attached OWP, are by this reference made an express part of this OWP Agreement.

4. MPO agrees to comply with FTA and FHWA matching requirements for "Consolidated Planning Grant" funds obligated and encumbered against this OWP Agreement. This OWP Agreement obligates and encumbers only these following federal funds: FHWA – Metropolitan Planning (PL), federal/local – 88.53/11.47; FHWA State Research and Planning (SP&R) – Partnership Planning, federal/local – 80/20; FTA Section 5303, federal/local – 88.53/11.47 and FTA Section 5305, federal/local – 88.53/11.47 as are specifically identified in Section 5 below. All local match funds are to be provided from non-federal sources.

Subject to the availability of funds this FY OWP funds encumbered by STATE include, but may not exceed, the following:

Funding Source	Funding	Mandatory Local Match
FHWA PL	$	$
FTA Sect. 5303	$	$
FTA Sect. 5304	$	$
FHWA SP&R Partnership Planning	$	$

6. Should MPO expend funds in excess of those encumbered against this FY OWP Agreement, those costs shall be borne solely by MPO.

Department of Transportation (STATE)	Name of Agency (MPO)
Authorized Signature	Authorized Signature
Printed Name of Person Signing	Printed Name of Person Signing
Title	Title
Date	Date

(For Use by Caltrans Accounting Only)	(For Use by Caltrans Accounting Only)
The total amount of all federal funds encumbered by this document is $	The total amount of all State funds encumbered by this document is $
Fund Title:	Fund Title:

Item	Chapter Statute Fiscal Year	Item	Chapter Statute Fiscal Year
E.A. /Subjob	Encumbrance Document Number (For Accounting Use Only)	E.A. /Subjob	Encumbrance Document Number (For Accounting Use Only)

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and expenditure purpose stated above.

Signature of Department of Transportation Accounting Officer — Date

Reviewed by Department Legal June 2001

Appendix D

Contract Number
Document Number

OVERALL WORK PROGRAM AGREEMENT

The undersigned signatory RTPA hereby commits to complete the annual Overall Work Program (OWP), a copy of which was approved on date.

All of the obligations, duties, terms and conditions set forth in the Master Fund Transfer Agreement (MFTA), numbered number and executed with an effective date of date between agency name (RTPA) and the Department of Transportation (STATE), are incorporated herein by this reference as part of this OWP Agreement.

This OWP Agreement obligates and encumbers only these following funding sources: State Highway Account – Rural Planning Assistance (RPA) funds, Federal Highway Administration (FHWA) State Research and Planning (SP&R) – Partnership Planning Element (FHWA SP&R Part. Planning) and Federal Transit Administration Section 5304 (FTA Sect. 5304 as are specifically identified in Section 4 below). RTPA agrees to comply with FHWA and FTA matching requirements for "Consolidated Planning Grant" funds obligated and encumbered against this OWP Agreement: FHWA – SP&R Part. Planning, federal/local – 80/20; and/or FTA Sect. 5304, federal/local 88.53/11.47, Rural Blueprint federal/local – 80/20). All local match funds are to be provided from non-federal sources.

4 Subject to the availability of funds, this FY OWP funds encumbered by STATE include, but may not exceed, the following:

Funding Source	Funding	Mandatory Local Match, if applicable
RPA State Highway Account	$	$
FHWA SP & R Part. Planning	$	$
FTA Sect 5304	$	$
Rural Blueprint	$	$

Should RTPA expend funds in excess of those encumbered by STATE against this OWP Agreement, those costs shall be borne solely by RTPA.

Department of Transportation (STATE)	Name of Agency (RTPA)
Authorized Signature	Authorized Signature
Printed Name of Person Signing	Printed Name of Person Signing
Title	Title
Date	Date

(For Use by Caltrans Accounting Only)	**(For Use by Caltrans Accounting Only)**
The total amount of all federal funds encumbered by this document is $	The total amount of all State funds encumbered by this document is $:
Fund Title:	Fund Title:

Item	Chapter Statute Fiscal Year	Item	Chapter Statute Fiscal Year
E.A. Subjob	Encumbrance Document Number (For Accounting Use Only)	E.A. /Subjob	Encumbrance Document Number (For Accounting Use Only)

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and expenditure purpose stated above.

Signature of Department of Transportation Accounting Officer — Date

Reviewed by Department Legal February 2009

MPO/RTPA Name
FY 2007-08 Overall Work Program
Quarterly Progress Report
2nd Quarter
Expenditures from Octover 1 2007 through December 31 2007

Work Element #	Work Element Title	% of Work Completed	Expected Completion Date	Tasks Completed this Quarter	[redacted]								
				Check Totals	0	0	0	0	0	0			0

Appendix E

Appendix F

NAME OF MPO
ADDRESS OF MPO
CONSOLIDATED PLANNING GRANT (CPG)
Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)

REQUEST FOR REIMBURSEMENT
NUMBER_____, Fiscal Year 2008-2009

The **FILL IN AGENCY NAME**, a Metropolitan Planning Organization requests reimbursement in the amount of $_____ for the period beginning _____ through and inclusive of _____. I certify that I am a duly authorized representative of **FILL IN AGENCY NAME** and the request for reimbursement is consistent with the terms of the Master Fund Transfer Agreement, numbered _____ and dated _____, entered into between **FILL IN AGENCY NAME** and the State of California, Department of Transportation. The reimbursement request is for work completed in accordance with the **2008- 09** approved Overall Work Program. **By signing this Request for Reimbursement Form, FILL IN AGENCY NAME 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.**

2008-09 OWPA Authorized	_____
Total Requests for Reimbusements Year-to-Date	_____
*Current Request for Reimbursement	_____
Balance	$ -

***Current Reimbusement Breakdown. This portion must be completed by local agency to receive reimbursement.**

			Local Funds	and/or	In-Kind Service
FHWA PL Funds	_____	Local Match (11.47%) for PL	$ -		_____
FTA Sec. 5303 Funds	_____	Local Match (11.47%) for Sec. 5303	$ -		_____
FTA Sec. 5304 Funds	_____	Local Match (11.47%) for Sec. 5304	$ -		_____
FHWA SPR PP Funds	_____	Local Match (20%) for SPR PP	$ -		_____
Regional Blueprint Planning	_____	Local Match (20%) for BP	$ -		_____

Name & Title (please print) _____ Signature _____ Date _____

Department of Transportation Use Only

I certify that I am duly authorized by the Department of Transportation to approve payment to **FILL IN AGENCY NAME** in the amount of $ _____. **FILL IN AGENCY NAME** has an approved Overall Work Program and the request for reimbursement is consistent with the Master Fund Transfer Agreement between the State of California, Department of Transportation and **FILL IN AGENCY NAME**. This authorization to pay acknowledges receipt of services billed.

Vendor# Accounting Use Only	Name (please print)	Signature	Date

TC ____ Source Dist 74	Source Unit 162	Chg. Dist **EA**	Subjob	FA 6	ObjCode 049
Amount $	**FY**	RPI____N	**Encumbrance Document #**		
TC ____ Source Dist 74	Source Unit 162	Chg. Dist **EA**	Subjob	FA 6	ObjCode 049
Amount $	**FY**	RPI____N	**Encumbrance Document #**		
TC ____ Source Dist 74	Source Unit 162	Chg. Dist **EA**	Subjob	FA 6	ObjCode 049
Amount $	**FY**	RPI____N	**Encumbrance Document #**		
TC ____ Source Dist 74	Source Unit 162	Chg. Dist **EA**	Subjob	FA 6	ObjCode 049
Amount $	**FY**	RPI____N	**Encumbrance Document #**		
TC ____ Source Dist 74	Source Unit 162	Chg. Dist **EA**	Subjob	FA 6	ObjCode 049
Amount $	**FY**	RPI____N	**Encumbrance Document #**		
TC ____ Source Dist 74	Source Unit 162	Chg. Dist **EA**	Subjob	FA 6	ObjCode 049
Amount $	**FY**	RPI____N	**Encumbrance Document #**		
TC ____ Source Dist 74	Source Unit 162	Chg. Dist **EA**	Subjob	FA 6	ObjCode 049
Amount $	**FY**	RPI____N	**Encumbrance Document #**		
TC ____ Source Dist 74	Source Unit 162	Chg. Dist **EA**	Subjob	FA 6	ObjCode 049
Amount $	**FY**	RPI____N	**Encumbrance Document #**		

Date Dist received Invoice Invoice Dispute Notification Sent Date Invoice Sent to HQ Accounting

MPO Name
FY 2009-10 Overall Work Plan
FHWA PL
Billing Period from xyz date to xyz date.
Request for Reimbursement Number xyz

Work Element #	WE Title	OWP WE Budget	WE Spent to Date	Current Billing				Current Billing Local Match				
				WE Current Amount Billed	PL Budget	PL Spent to Date	PL Amount Billed	Cash	Source	3rd Party Inkind	Source	Total Local Match

MPO Name
FY 2009-10 Overall Work Plan
FTA 5303
Billing Period from xyz date to xyz date.
Request for Reimbursement Number xyz

Work Element #	WE Title	OWP WE Budget	WE Spent to Date	Current Billing				Current Billing Local Match				
				WE Current Amount	5303 Budget	5303 Spent to Date	5303 Amount Billed	Cash	Source	3rd Party Inkind	Source	Total Local Match

MPO/RTPA Name
FY 2009-10 Overall Work Plan
FTA 5304
Billing Period from xyz date to xyz date.
Request for Reimbursement Number xyz

Work Element #	WE Title	OWP WE Budget	WE Spent to Date	Current Billing				Current Billing Local Match				
				WE Current Amount Billed	5304 Budget	5304 Spent to Date	5304 Amount Billed	Cash	Source	3rd Party Inkind	Source	Total Local Match

MPO/RTPA Name
FY 2009-10 Overall Work Plan
FHWA SP&R Partnership Planning
Billing Period from xyz date to xyz date.
Request for Reimbursement Number xyz

Work Element #	WE Title	OWP WE Budget	WE Spent to Date	Current Billing				Current Billing Local Match				
				WE Current Amount	SP&R Budget	SP&R Spent to Date	SP&R Amount Billed	Cash	Source	3rd Party Inkind	Source	Total Local Match

MPO/RTPA Name
FY 2009-10 Overall Work Plan
Indirect Costs, Current Billing and To Date
Billing Period from xyz date to xyz date.
Request for Reimbursement Number xyz

Approved Indirect Cost Rate =

Work Element #	WE Title	OWP WE Budget	WE Spent to Date	WE Current Amount Billed	Current Billing Indirect Costs							Billed To Date Indirect Costs		
					Direct Labor	Fringe Benefits	Indirect Costs Applied	Other Direct	Consultants /Vendors	Sub-Recipients	Total Billed	Labor	Fringe	Total

RTPA
Address
City, State
RURAL PLANNING ASSISTANCE (State Highway Account Only)
REQUEST FOR REIMBURSEMENT **Fiscal** Year 2008/2009

Agency Invoice No. _____ **Progress Payment No.** _
No. _____ **EA 984150 Subjob** _____
Internal **Revenue Service No.** _____

The fill in agency name, a Regional Transportation Planning Agency, requests reimbursement in the amount of _____. For the period beginning date and through and
inclusive of date.

I certify that I am a duly authorized representative of fill in agency name and the request for reimbursement is consistent with the terms of the Master Fund Transfer Agreement dated fill in date entered into between fill in agency name and the STATE. The reimbursement request is for work completed in accordance with the 2008/2009 approved Overall Work Program. I certify that all STATE matching requirements have been met.

2008/2009 RPA OWPA Authorized	$_____
Invoices Year to Date	$_____
Current Invoice	**$**_____
Balance	$_____

Name (Please print) _____ Signature _____ Date _____

(Department of Transportation Use Only)

I certify that I am duly authorized by the Department of Transportation to approve payment to fill in agency name in the amount of _____.
fill in agency name has an approved Overall Work Program and the request for reimbursement is consistent with the Master Fund Transfer Agreement between the STATE and fill in agency name. This authorization to pay acknowledges receipt of services billed.

Name (Please print) _____ Signature _____ Date _____
Phone Number_____

RTPA
Address
City, State, Zip
FTA SECTION 5304, SPR PARTNERSHIP PLANNING, and Rural Blueprint **ONLY**

REQUEST FOR REIMBURSEMENT
INVOICE NUMBER_____, Fiscal Year 2008-2009

The **FILL IN AGENCY NAME**, a Regional Transportation Planning Agency, requests reimbursement in the amount of $ _____ for the period beginning _____ through and inclusive of _____. I certify that I am a duly authorized representative of **FILL IN AGENCY NAME** and the request for reimbursement is consistent with the terms of the Master Fund Transfer Agreement, dated _____, entered into between **FILL IN AGENCY NAME** and the State of California, Department of Transportation. The reimbursement request is for work completed in accordance with the **2008-09** approved Overall Work Program **By signing this Request for Reimbursement Form, FILL IN AGENCY NAME 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**.

2008-09 FTA 5304 OWPA Authorized	_____
2008-09 FHWA SPR PP OWPA Authorized	_____
2008-09 Rural Blueprint OWPA Authorized	_____
Total Invoices Year-to-Date	_____
*Current Invoice	_____
Balance	$ -

***Current invoice Breakdown. This portion must be completed by local agency to receive reimbursement.**

			Local Funds	**and/or**	In-Kind Service
FTA Sec. 5304 Funds	_____	Local Match (11.47%) for Sec. 5304	$ -		_____
FHWA SPR PP Funds	_____	Local Match (20%) for SPR PP	$ -		_____
Rural Blueprint	_____	Local Match (20%) for BP	$ -		_____

Name & Title (please print) _____ Signature _____ Date _____

Department of Transportation Use Only

I certify that I am duly authorized by the Department of Transportation to approve payment to **RTPA Name** in the amount of $ _____ **RTPA Name** has an approved Overall Work Program and the request for reimbursement is consistent with the Master Fund Transfer Agreement between the State of California, Department of Transportation and **RTPA Name**. This authorization to pay acknowledges receipt of services billed.

Vendor# Accounting Use Only	Name (please print)	Signature	Date

TC	Source Dist 74	Source Unit 162	Chg. Dist **EA**	Subjob	FA 6	ObjCode 049
Amount $		**FY**	RPI_____N	**Encumbrance Document #**		

TC	Source Dist 74	Source Unit 162	Chg. Dist **EA**	Subjob	FA 6	ObjCode 049
Amount $		**FY**	RPI_____N	**Encumbrance Document #**		

MPO
Address
City, State

Certification of Expenditure by Fund Source
Fiscal Year 2009/10

I certify that I am a duly authorized representative of the **MPO** and the following statement of expenditure of funds is consistent with the terms of the Master Fund Transfer Agreement, numbered _____, dated_____, entered into between the **MPO** and the State.

I have attached a copy of the Statement of Expenditures by fund source and work element. Matching funds are identified. The expenditures shown are for work completed in accordance with the Fiscal Year 2009/10 approved Overall Work Program. I certify that all state and federal matching requirements have been met.

Metropolitan Planning (PL/FHWA)	$	_____
FTA Section 5303	$	_____
FTA Section 5305	$	_____
SPR – Partnership Planning	$	_____
Total Consolidated Grant		_____

I understand that this represents a final statement of expenditure for the 2009/10 fiscal year and no future requests for reimbursement will be processed by the State for payment.

_____ _____
Name (Please print) Signature

_____ _____
Title (Please print) Date

RTPA
Address
City, State

Certification of Rural Planning Assistance Funds
Fiscal Year 2009/10

I certify that I am a duly authorized representative of the ***insert RTPA name*** and the following statement of expenditure of funds is consistent with the terms of the Master fund Transfer Agreement, dated_____, entered into and between the **RTPA** and the State.

I have attached a copy of the Statement of Rural Planning Assistance Expenditures by work element. The expenditures shown are for Rural Planning Assistance work completed in accordance with the Fiscal Year 2009/10 approved Overall Work Program.

Rural Planning Assistance $ _____

I understand that this represents a final statement of Rural Planning Assistance expenditures for the 2009/10 fiscal year and no future requests of these funds, for this fiscal year, will be processed by the State for payment.

_____ _____
Name (Please print) Signature

_____ _____
Title (Please print) Date

Division of Transportation Planning Grant Program

Quarterly Progress Report for FTA 5304, Transit Planning (Statewide, Technical Assistance or Professional Development) and FHWA Partnership Planning Grants

FY (e.g. 08/09) Quarter (e.g. 2nd-Oct., Nov., Dec.)

OWP Work Element Number _____

District: _____
District Grant Manager: (name/phone) _____
Project Title: _____
Grant Applicant: _____
Grant Program: (e.g. 5305 Technical Assistance or Partnership Planning) _____
Project End Date: _____
Date Funds expire: _____

	Grant Funds	Total Local Match Cash / In-kind		Estimated % of Project Completed to Date	% of Total Amount Expended to Date
Total Authorized					
Funds Expended to Date				%	%
Balance Available					

1. Project status/general comments for the quarter (progress, problems encountered, products completed etc.)

2. Has any Scope of Work changes been made this quarter?

3. Has the Project end date been changed this quarter?

Quarterly Report Prepared By:	*Date:*

Caltrans Division of Transportation Planning Grant Program

Partnership: Regional Blueprint Planning Grants
Quarterly Progress Report FY2008-09

FY (e.g. 08/09) Quarter (e.g. 2nd-Oct., Nov., Dec.)

OWP Work Element Number _____

District: _____
District Grant Manager (name/phone) _____
Project Title: _____
Grant Applicant: _____
Project End Date _____
Date Funds Expire _____

	Grant Funds	Total Local Match Cash / In-kind		Estimated % of Project Completed to Date	% of Total Amount Expended to Date
Total Authorized					
Funds Expended to Date				%	%
Balance Available					

1 Summarize progress this quarter toward addressing the six program criteria for building a regional vision to: a) foster a more efficient regional land use pattern; b) improve mobility through a combination of strategies and investments; c) accommodate adequate housing supply for the full spectrum of the population; d) minimize impacts to valuable habitat and productive farmland; e) increase efficient use of energy, water, building materials, and overall conservation to protect the environment; and f) secure local government and community support
Highlight successes, any obstacles or challenges that were encountered and the strategies or actions being taken to address them.

2. Identify tasks, milestones and products completed during each month.
Attach examples of materials that illustrate milestones and/or products, e.g., flyer, meeting agenda, newspaper article. (If these are available on a website or through other means, note this instead.)

Month	Task	Product	Percent Completed
January			
February			
March			

3. Describe the community outreach/public participation strategies being used to engage the full spectrum of the population, including: local elected officials; city and county agencies; Tribal Governments; organizations representing business, labor, the community, and the environment; community leaders; neighborhood groups; and the general public. What role do these stakeholders play in the decision making process? Please describe any notable outcomes.

4. Describe the progress in developing/using performance measures to address the objectives of this program and the regional vision in the areas of transportation, land use, jobs, housing and environment.

Quarterly Report Prepared By:	*Date:*
	Date:

FTA 5304 and FHWA Partnership Planning Grants
CLOSE- OUT REPORT

(To be completed by District Planning Staff)

Type of Grant Program: 5304 Transit Planning Partnership Planning
(circle one)

Grant Applicant: _____

Project Title: _____

Date Project was completed: _____

Quarter and FY of final progress report: _____

Date final work product sent to HQ: _____

Amount of grant funds awarded: _____

Amount of unspent federal grant funds at project completion: _____

Verify confirm that the project named above is completed in the Overall Work Program and that the final Request for Reimbursement (RFR) has been submitted.

_____

District Grant Manager Signature Date

PLEASE FORWARD THIS FORM ALONG WITH THE FINAL WORK PRODUCT TO THE HQ OFFICE OF REGIONAL AND INTERAGENCY PLANNING

Partnership: Regional Blueprint Planning Grant
FUNDING CLOSE- OUT REPORT

(To be completed by District Planning Staff)

Grant Applicant: _____

Project Title: _____

_____

Year Funds were awarded: _____

Date final invoice was submitted to District: _____

Date final invoice sent to HQ: _____

Amount of grant funds awarded: _____

Amount of unspent grant funds at project completion per application: _____

Year tasks completed ONLY (Listed in this years grant application)	2nd Year tasks completed ONLY (Listed in this years grant application)

3rd Year tasks completed ONLY (Listed in this years grant application)	4th Year tasks completed ONLY (Listed in this years grant application)

I verify/confirm that the tasks listed above are completed and the final Request for Reimbursement (RFR) has been submitted for the funds named above.

District Grant Manager Signature _____ Date

PLEASE FORWARD THIS FORM ALONG WITH THE FINAL WORK PRODUCT TO THE HQ OFFICE OF REGIONAL AND INTERAGENCY PLANNING

Regional Transportation Plan Checklist

(Revised June 2008)

(To be completed electronically in Microsoft Word format by the MPO/RTPA and submitted along with draft RTP to the Calif. Department of Transportation)

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		
Does the RTP address no less than a 20-year planning horizon (Title 23 CFR 450.322(a))?		
Does the RTP include both long-range and short-range strategies/actions (Title 23 CFR 450.322(b))?		
Does the RTP address issues specified in the policy, action and financial elements identified in California Government Code Section 65080?		
Does the RTP include Project Intent i.e. Plan Level Purpose and Need Statements?		
Consultation/Cooperation		
Does the MPO have a public participation plan that meets the requirements of Title 23, CFR 450.316 (1)(i-x)?		
Did the MPO RTPA consult with the appropriate State and local officials responsible for airport, transit, and freight operations, environmental protection, and economic development during the preparation of the RTP? (Title 23CFR 450.316(b)		

	Yes/No	Page #
Did the MPO RTPA who has Federal lands within its jurisdictional boundary involve the Federal land management agencies during the preparation of the RTP?		
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? (Title 23 CFR 450.322(g))		
Did the RTP include a comparison with the California State Wildlife Action Plan and (if available) inventories of natural and historic resources? (Title 23 CFR 450.322(g))		
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 450.316(c))		
Does the RTP address how the public and various specified groups, including the nonmotorized community, were given a reasonable opportunity to comment on the plan using the participation plan developed under Title 23 CFR 450.316(a) and (a) (1) (i)?		
Does the RTP contain a discussion describing the private sector involvement efforts that were used during the development of the participation plan? (Title 23 CFR 450.316(a))		
Does the RTP contain a discussion describing the coordination efforts with regional air quality planning authorities (Title 23 CFR 450.316(3)(b)? (MPO nonattainment and maintenance areas only)		
Is the RTP coordinated and consistent with the Public Transit-Human Services Transportation Plan?		
Were the draft and adopted RTP posted on the Internet? (Title 23 CFR 450.322(j))		

Modal Discussion

Does the RTP discuss intermodal and connectivity issues?		
Does the RTP include a discussion of highways?		
Does the RTP include a discussion of mass transportation?		
Does the RTP include a discussion of the regional airport system and its ground access improvement program?		
Does the RTP include a discussion of regional pedestrian needs?		
Does the RTP include a discussion of regional bicycle needs?		
Does the RTP include a discussion of rail transportation?		

	Yes/No	Page #
Does the RTP include a discussion of maritime transportation (if appropriate)?		
Does the RTP include a discussion of goods movement?		

Programming/Operations

Is a congestion management process discussed in the RTP? (MPOs designated as TMAs only) (Title 23 CFR 450.450.320(b))		
Is the RTP consistent (to the maximum extent practicable) with the development of the regional ITS architecture?		
Does the RTP address both safety and security issues?		
Does the RTP identify the objective criteria used for measuring the performance of the transportation system?		
Does the RTP contain a list of un-constrained projects?		

Financial

Does the RTP include a financial plan that meets the requirements identified in Title 23 CFR 450.322(f)(10)?		
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)		
Do the projected revenues in the RTP reflect Fiscal Constraint (Title 23 CFR 450.322(f)(10)(ii))?		
Does the RTP contain a list of financially constrained projects? Any regionally significant projects shall be identified. (Government Code 65080(3)(A) and Title 23CFR 450.324(d))		
Do the cost estimates for implementing the projects identified in the RTP reflect "year of expenditure dollars" to reflect inflation rates? (Title 23 CFR 450.322(f)(10)(iv))		
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 (Title 23 CFR 450.322(f)(10)(i))?		
Does the RTP contain a Statement regarding consistency between the projects in the RTP and the FTIP (2006 STIP Guidelines section 33)?		
Does the RTP contain a Statement regarding consistency between the projects in the RTP and the FTIP (2006 STIP Guidelines section 19)?		

	Yes/No	Page #
Does the RTP address the specific financial strategies required to ensure the identified TCMs from the SIP can be implemented? (nonattainment and maintenance MPOs only) (Title 23 CFR 450.322(f)(10)(vi)		

Environmental

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

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

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

_____ Date

_____ Print Name

_____ Title

Indirect Cost Allocation Plan
(ICAP) Definitions and Reoccurring Issues
APPENDIX

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 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

ATTACHMENT A
EXAMPLE ICAP/ICRP SUBMISSION PACKAGE

o comply with the requirements of 2 CFR Part 225.55, Appendix E. Section D. Submissions and Documentation of Proposals, the ICAP/ICRP rates proposed, including subsidiary work sheets and other relevant data must be eferenced and reconciled to the financial data used to develop the rate proposal. A copy of the audited financial data or approved budget used to develop the rate must accompany the ICAP/ICRP and be referenced to the CAP/ICRP and all supporting schedule(s).

Page 2 of ICAP Certification Letter, G: Calculation of Rate:

FY 08/09 Budgeted Indirect Costs	$	235,630	<See indirect cost calculation detail page 3>
Carry Forward From FY 2006-07	$	26,874	<Carryforward Calculation page 2>
Adjusted Indirect Costs for FY 2008/09	$	262,504	
FY 2008/09 Budgeted Direct Salaries and Wages plus Fringe Benefits	$	352,444	<See indirect cost calculation detail page 3>
FY 2008/09 Indirect Cost Rate		74.48%	

FOR EXAMPLE PURPOSES ONLY

FY 08/09 INDIRECT COST CARRYFORWARD CALCULATION FOR FY 06/07

	Actual FY 06/07	Reference	ACTUAL FY 07/08	Estimated FY 08/09	Reference
Approved ICAP Rate	**60.25%**	*FY 06/07 approved ICAP rate*			
Beginning Carryforward (FY 04/05)	$ 15,346	*FY 06/07 approved ICAP*		$ 26,874	*FY 06/07 carryforward* **
Actual Indirect Costs	181,654	*<Actual cost detail from page 4>*		235,630	*<from ICAP rate detail page 3>)*
Total Indirect Costs	$ 197,000		$ -	$ 262,504	
Actual Direct Salaries & Fringe Benefits	$ 282,366	*<Actual cost detail from page 4>*		$ 352,444	*<from ICAP rate detail page 3>)*
Approved Rate	**60.25%**	*FY 06/07 approved ICAP rate*			
Recovered Indirect Costs (approved rate x actual base)	$ 170,126			74.48%	**FY 08/09 Calculated ICAP Rate** (Total Indirect costs / Actual Direct Salaries & Fringe Benefits
Ending Carryforward (total Indirect costs - Recovered Indirect Costs	$ 26,874	*To FY 08/09 rate calculation <To page 1>*			

* As required by 2 CFR, Part 225.55 all costs and rates identified on this page are referenced to the schedule(s) and document(s) that support the stated amount and rate.

** The costs for FY 08/09's Beginning Carryforward come from the FY 06/07 actual costs, i.e. two years prior to the ICAP year submitted. The actual direct labor costs and actual indirect costs must be supported by audited financial statements. If the audited financial statements do not provide details then the audited general ledger detail must be provided and reconciled to the audited financial and/or any schedule(s) included in the ICAP package. Any differences in the statements amounts must be fully explained. Any adjustments made to audited figures should also be fully explained (i.e. unallowable costs).

FOR EXAMPLE PURPOSES ONLY

EXAMPLE ICAP/ICRP SUBMISSION PACKAGE

INDIRECT COST ALLOCATION PLAN DETAIL FY 08/09

The source of the information on this page must be identified by reference and provided in the ICAP/ICRP package. If the ICAP/ICRP is based on budget then the submitting agency must provide an approved budget document with proof of approval (Board approval for example.) If it is based on a prior years actual cost then the audited financial statements and supporting general ledger must be provided for that year (Pertains to some City's and County's only)

Item	Direct Expense	Reference:	Indirect Expense	Reference:	Unallowable Expense	Reference/ Foot Note	TOTAL	Reference
Salaries	$ 240,000		$ 114,000		$ 6,000	See *** below	$ 360,000	<Financial
Fringe Benefits (46.8517 %)	112,444		53,411		2,811		168,666	document at page/s
Total	$ 352,444	<To page 1>	$ 167,411		$ 8,811		$ 528,666	_____>
Direct costs								
Rent			$ 20,000				$ 20,000	
Utilities			5,000				5,000	
Telephone			3,800		$ 200		4,000	
Advertising/Pub.	$ 100,000		3,000				103,000	
Office Supplies			7,500				7,500	
Computer Supplies			2,000				2,000	
Travel			3,419		581		4,000	
Consultants	200,000		11,500				211,500	
Insurance	50,000		4,000				54,000	
Conference/training			6,000				6,000	
Miscellaneous			2,000		500		2,500	
Subtotals	$ 350,000		68,219		$ 1,281		$ 419,500	
TOTAL COSTS	$ 702,444		$ 235,630	<To page 1>	$ 10,092		$ 948,166	

NOTES:
The detailed ICAP/ICRP spreadsheet must identify direct, indirect and unallowable costs that when added equal the audited financial records and/or approved budget document.. If the audited financial records or approved budget document does not break out expenses by the three categories of costs then the submitting agency must identify in a schedule the breakout of expenses into these three categories and reference the total expenses to the audited financial records or approved budget document.

If there are schedule(s) that support any figure(s) in the ICAP/ICRP the schedule(s) must be referenced to the audited financial records / approved budget documents where the costs came from and those same audited financial records / approved budget documents must be submitted with the ICAP package.

Any differences between the audited financial records and/or approved budget and the ICAP/ICRP amounts must be fully explained.

*** All unallowable costs should be identified as to the type of costs unallowed, (i.e. lobbying related, entertainment, etc.) If based on actual costs then reference the financial documents where the costs originated..

FOR EXAMPLE PURPOSES ONLY

ATTACHMENT A

EXAMPLE ICAP/ICRP SUBMISSION PACKAGE

FY 06/07 ACTUAL COSTS DETAILED FOR FY 08/09 CARRYFORWARD CALCULATION <See Note 1 Below>

The calculation should clearly show that unallowable costs are accounted for before the actual allowable indirect costs were calculated

	Direct Expense	Reference	Indirect Expense	Reference	Unallowable Expense	Reference/ Foot Note	TOTAL	Reference
Salaries	$ 195,936		$ 70,300		$ 4,000	See *** below	$270,236	<Audited Financial
Fringe Benefits (46.8517 %)	86,430		31,010		1,764		119,204	document at
Total	$ 282,366		$ 101,310		$ 5,764		$389,440	page/s _____>
	<To page 2>							
Indirect Costs								
Rent			$ 35,885				$ 35,885	<page 5>
Utilities			3,431				3,431	<page 5>
Telephone			2,830		$ 200		3,030	
Advertising/Pub.	$ 75,000		3,464				78,464	
Office Supplies			8,811				8,811	
Computer Supplies	5000		217				5,217	
Travel			5,993		581		6,574	
Contracts	3000		11,363				14,363	
Insurance			1,449				1,449	
Conference/training	1000		5,946		1400		8,346	
			955				955	
Subtotals	$ 84,000		$ 80,344		$ 2,181		$166,525	
TOTAL COSTS	$ 366,366		$ 181,654		$ 7,945		$555,965	
			<To page 2>					

NOTE: 1) The costs for the carryforward come from the audited actual costs two years prior to the ICAP/ICRP year submitted. Therefore the actual direct labor costs and other actual costs (by direct, indirect & unallowable) must be supported by the audited financial statements. If the audited financial statements do not provide the details then the general ledger detail that supports the audited financial statement must be provided and referenced. If the general ledger does not support the audited financial statements than those differences must be fully explained.

*** All unallowable costs should be identified as to the type of costs unallowed, (i.e. lobbying related, entertainment, etc.)

FOR EXAMPLE PURPOSES ONLY

The example below shows the referencing of several accounts included in the Carryforward schedule for FY 06/07 actual costs. This is only an example your individual agencies ICAP/ICRP and schedule(s) are dependent upon your financial management system.

Fiscal Year 06/07 General Ledger

Account # XXXXXXX
Account Rent

Date	Description	Amount	
Jul-07	July Rent	$ 2,987.92	
Aug-07	August Rent	$ 2,987.92	
Sep-07	September Rent	$ 2,987.92	
Oct-07	October Rent	$ 2,987.92	
Nov-07	Nov Rent	$ 2,987.92	
Dec-07	December Rent	$ 2,987.92	
Jan-08	Jan Rent	$ 2,987.92	
Feb-08	February Rent	$ 2,987.92	
Mar-08	March Rent	$ 2,987.92	
Apr-08	April	$ 2,987.92	
May-08	May Rent	$ 2,987.92	
Jun-08	June Rent	$ 2,987.92	
	Total	$ 35,855.00	<page 4>

Account # XXXXXXX
Account Utilities

Date	Description	Amount	
8/1/2007	Utility costs	$ 625.20	
10/1/2007	Utility costs	$ 530.20	
12/1/2007	Utility costs	$ 515.90	
2/1/2008	Utility costs	$ 525.19	
4/1/2008	Utility costs	$ 580.45	
6/1/2008	Utility costs	$ 654.06	
	Total	$ 3,431.00	<page 4>

Note. All amounts reported in the ICAP/ICRP and supporting schedules must be supported by approved budget documentation and/or audited financial statements.

FOR EXAMPLE PURPOSES ONLY

ATTACHMENT B

ICAP/ICRP SUBMISSION CHECKLIST

Name of Preparer: _____ Date Completed: _____
Email Address: _____ Phone: _____

A complete checklist must accompany each Indirect Cost Allocation Plan/Rate Proposals (ICAP/ICRP), submitted to the Department's Audits and Investigations Office (A&I). All "**NO**" answers must be fully explained in the comments at the end of the checklist or in a separate document attached o the checklist.

A. The Following Items are Required to be Submitted by All:

Note: Be advised that your ICAP/ICRP submission is not complete until all required supplemental materials are in the possession of A&I. ICAP/ICRP plans are reviewed in the order that a completed submission is received. If your package is incomplete, you have not yet secured your place in A&I audit queue.

		Yes	No	N/A
1	Is ICAP/ICRP Certification, dated and signed by the chief financial official, included?	☐	☐	☐
2	Is a separate schedule of allocated costs (cost exhibit) included?	☐	☐	☐
3	Does the cost plan contain an explanation of significant changes from procedures as reported in the previous cost plan?	☐	☐	☐
4	Is documentation included to sufficiently support all expenditures?	☐	☐	☐
5	Do all cost, expenditure transfers (inter/intra fund), and revenues shown in the cost plan reconcile to the budget or financial statements?	☐	☐	☐
6	Did you include your reconciliation worksheets to support Item #5?	☐	☐	☐
7	In the Comprehensive Annual Financial Repot (CAFR), complete with notes to the financials, included?	☐	☐	☐
8	Are the Single Audits, complete with notes and management reports included?	☐	☐	☐
9	Is the carryforward calculation worksheet included and all cost information included in the carryforward calculation properly supported and referenced?	☐	☐	☐
10	Is the ICAP/ICRP referenced to cost exhibit(s), schedule(s) approved budgets, audited Financial Statements?	☐	☐	☐
11	Are the cost exhibit(s), schedule(s) referenced to approved budgets or audited Financial Statements?	☐	☐	☐

B. For Other Post Employment Benefits (OPEB) GASB 45 Compliance:

Note: In accordance with FHWA Policy, the amortization period for compliance with GASB 45 must be a minimum of 20 years. To ensure equitable, consistent, and reasonable OPEB reimbursement rates for all local agencies within the state of California receiving Federal funding from the FHWA. Therefore, only an amortization period of between 20 to 30 years will be allowed to calculate the reimbursement rate for OPEB benefits related to GASB – 45 compliance for FHWA funded projects in the State of California.

	Does the cost plan include Certificate of Actuarial Assumption, dated and signed by a responsible official, that identifies the Other Post Employment Benefits liability and amortization schedule?	☐	☐	☐

ATTACHMENT B

	Yes	No	N/A
2. Does the ICAP/ICRP include evidence that the Other Post Employment Benefits are being funded?	☐	☐	☐

C: For Local Agencies/City's with Self-Insurance Programs:

1. Does the ICAP/ICRP include copies of your most recent Actuarial Report for each major self-insurance program (General Liability, Worker's compensation and Unemployment at a minimum)?	☐	☐	☐

D. For City's :

Note: A local agency, which has been assigned a cognizant federal agency by the OMB, must submit its ICAP/ICRP and Central Service Cost Allocation Plan to its cognizant federal agency for approval. A list of the cognizant federal agencies assigned to state and local agencies is found in the Federal Register. If the assigned cognizant federal agency is the U.S. Department of Transportation (DOT), and FHWA provides the largest amount of federal funds compared to other DOT agencies, the Indirect Cost Rate Proposal and Central Service Cost Allocation Plan must be submitted to California Department of Transportation, Audits & Investigations for approval, under delegation from the FHWA California Division.

1. Have you determined that FHWA (A&I) is the City's cognizant agency?	☐	☐	☐

2. If A&I is your cognizant agency list all central service departments, including propriety funds that directly bill City departments:

3. Have you provided narratives for each central service department?	☐	☐	☐
4. Have you included the rate-setting methodologies foe each central service department?	☐	☐	☐

CERTIFICATION

I certify that internal controls are in place to ensure that reimbursements received through indirect rate(s) billings during the year reduce allocated actual indirect expenditures and actual indirect expenditures are not also claimed as direct expenditures.

Name: _____ (Please Print)

Signature _____ Date: _____

Title _____ Phone : _____

DIRECTOR'S POLICY

Number: 19

Effective Date: 08-29-01

Supersedes: New

TITLE Working with Native American Communities

POLICY

When working on issues affecting Native American communities, the Department of Transportation (Department) acts consistently, respectfully and sensitively. When there are regulatory, statutory and/or procedural impediments limiting the Department's ability to work effectively and consistently with Native American communities, the Department seeks to resolve such impediments.

The Department establishes and adheres to government-to-government relationships when interacting with federally recognized California Native American Tribes (Tribal Governments). The Department:

- Acknowledges these tribes as unique and separate governments within the United States.
- Ensures that its programs and activities avoid or minimize adverse impacts to cultural and other resources.
- Recognizes and respects important California Native American rights, sites, traditions and practices.
- Consults with Tribal Governments prior to making decisions, taking actions or implementing programs that may impact their communities.

INTENDED RESULTS

When engaging in activities or developing policies that affect Native American tribal rights or trust resources, the Department acts in a knowledgeable, sensitive and respectful manner.

Native American communities include lands held in trust by Tribal Governments, communities of non-federally recognized tribes, tribal members of California tribes living outside the exterior boundaries of a reservation or rancheria, Native Americans that are not part of a California tribe living in California.

RESPONSIBILITIES

Director: Works with Tribal Governments to achieve the intended results of this policy either directly or through subordinates.

Deputy Director, Planning and Modal Programs:

- Has lead responsibility for the development and implementation of departmental policy regarding issues impacting Native American communities.
- Coordinates the activities of and serves as the Director's representative and ex-officio member to the Director's Native American Advisory Committee.
- Advises Districts, Divisions, agencies and states to resolve issues or concerns of Native American communities.

Deputy Director, Civil Rights:

- Develops and implements departmental policy on issues regarding Civil Rights, Disadvantaged Business Enterprises (DBE) and Tribal Employment Rights Ordinances (TERO) as they relate to Native Americans and Native American communities.
- Advises Tribal Governments and the Department on Title VI provisions as they relate to Native Americans.

Deputy Director, Project Delivery:

- Develops and implements departmental policy on issues regarding environmental and cultural resources as they relate to Native American communities.
- Develops procedures to implement this policy as it relates to project delivery issues.

Deputy Director, Maintenance and Operations: Develops procedures to implement this policy as it relates to the maintenance and operation of State transportation facilities.

District Directors:

- Promote, establish and manage government-to-government relationships between the Department and Tribal Governments.
- Coordinate District activities with the Native American Liaison Branch.

Division Chiefs and Program Manager: Develop procedures to implement this policy as it relates to their respective areas of responsibility.

Chief, Division of Transportation Planning:

- Oversees the Department's Native American Liaison Branch that:
  - — Serves as Department ombudspersons on Native American issues and initial contact for Native American legal issues.
  - — Serves as liaisons between the Department, Tribal Governments and other involved third parties to promote government-to-government relationships.
  - — Provides information, training and facilitation services related to issues affecting Native American communities.

Chief, Division of Environmental Analysis:

- Oversees the Native American Cultural Studies Branch.
- Develops policies and procedures implementing applicable State and federal environmental and cultural resources laws that affect Native American communities.
- Acknowledges and complies with applicable tribal environmental laws.

Managers and Supervisors: Ensure that their subordinates are informed of and comply with this policy.

Employees: Ensure that the Department is represented in a knowledgeable, sensitive and respectful manner when engaging in activities that impact Native American communities.

APPLICABILITY

Everyone who works for the Department in any capacity including contractors, consultants and subcontractors.

Jeff Morales
JEFF MORALES
Director

8/29/01
Date Signed

Deputy Director, Planning and Modal Programs:

- Has lead responsibility for the development and implementation of departmental policy regarding issues impacting Native American communities.
- Coordinates the activities of and serves as the Director's representative and ex-officio member to the Director's Native American Advisory Committee.
- Advises Districts, Divisions, agencies and states to resolve issues or concerns of Native American communities.

Deputy Director, Civil Rights:

- Develops and implements departmental policy on issues regarding Civil Rights, Disadvantaged Business Enterprises (DBE) and Tribal Employment Rights Ordinances (TERO) as they relate to Native Americans and Native American communities.
- Advises Tribal Governments and the Department on Title VI provisions as they relate to Native Americans.

Deputy Director, Project Delivery:

- Develops and implements departmental policy on issues regarding environmental and cultural resources as they relate to Native American communities.
- Develops procedures to implement this policy as it relates to project delivery issues.

Deputy Director, Maintenance and Operations: Develops procedures to implement this policy as it relates to the maintenance and operation of State transportation facilities.

District Directors:

- Promote, establish and manage government-to-government relationships between the Department and Tribal Governments.
- Coordinate District activities with the Native American Liaison Branch.

Division Chiefs and Program Manager: Develop procedures to implement this policy as it relates to their respective areas of responsibility.

Chief, Division of Transportation Planning:

- Oversees the Department's Native American Liaison Branch that:
  - — Serves as Department ombudspersons on Native American issues and initial contact for Native American legal issues.
  - — Serves as liaisons between the Department, Tribal Governments and other involved third parties to promote government-to-government relationships.
  - — Provides information, training and facilitation services related to issues affecting Native American communities.

Chief, Division of Environmental Analysis:

- Oversees the Native American Cultural Studies Branch.
- Develops policies and procedures implementing applicable State and federal environmental and cultural resources laws that affect Native American communities.
- Acknowledges and complies with applicable tribal environmental laws.

Managers and Supervisors: Ensure that their subordinates are informed of and comply with this policy.

Employees: Ensure that the Department is represented in a knowledgeable, sensitive and respectful manner when engaging in activities that impact Native American communities.

APPLICABILITY

Everyone who works for the Department in any capacity including contractors, consultants and subcontractors.

Jeff Morales
JEFF MORALES
Director

8/29/01
Date Signed

Statute, Regulations, and Guidelines for Native American Consultation and Coordination
APPENDIX

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).

Metropolitan Transportation Plan: "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."

Consultation for Mitigation Activities. "A long –range transportation plan shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities." This discussion shall be developed in consultation with Federal, State, and tribal--- wildlife, land management, and regulatory agencies.

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."

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

Reservations and Rancherias: "Each State shall consider at a minimum the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and coordination of transportation plans, the transportation improvement program, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States."

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 § 450.206(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 . . ."
>
> 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,

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."

> (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;"
> (3): " Data analysis used in development of plans and programs (for example, information resulting from traffic data analysis, data and plans regarding employment and housing availability, data and plans regarding land use control and community development) with land use projects

with data analysis on issues that are part of public involvement relating to project implementation."

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). "

Statewide Transportation Planning and Programming: CFR 23, Subpart B §450.212 and 450.210: In carrying out the statewide transportation planning process, including development of the long-range transportation plan and the STIP, the State shall use a documented public involvement process that provides opportunities for public review and comment at key decision points. Public involvement shall be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement.

Metropolitan public involvement processes shall be coordinated with statewide public involvement processes wherever possible to enhance public consideration of the issues, plans, and programs and reduce redundancies and costs.

Metropolitan planning and programming: CFR 23, Subpart C §450.316(b)(1) "The Metropolitan transportation planning process shall include a proactive public involvement process that provides complete information, timely public notice, full public

access to key decisions, and supports early and continuing involvement of the public in development plans and TIPs."

Guidelines

California Transportation Commission (CTC), Regional Transportation Plan Guidelines, approved in December 1999, and amended in December 2003 and September 2007.

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/RTPA should establish a government-to-government relationship with each tribe in the region. This refers to a protocol for communicating between the MPOs/RTPAs and the Tribal Governments as a sovereign nation. This consultation process should be documented in the RTP.

California Department of Transportation

Flex your power!
Be energy efficient

Director's Policy

Number: DP-13-R2

Effective Date: April 2008

Supersedes: DP-13-R (11-19-98)

TITLE

California Department of Transportation Disadvantaged Business Enterprise Program

POLICY

The California Department of Transportation (Department) assures equal opportunity in the award and performance of any contract to all persons, without regard to race, color, national origin, or sex. The Department ensures Disadvantaged Business Enterprises (DBE) and other disadvantaged persons have the maximum opportunity to compete for and perform on Department contracts.

INTENDED RESULTS

The intent of the DBE Program is to remedy past discrimination, eliminate discriminatory practices, ensure discrimination is not occurring, increase participation of DBEs in all Department contracting activities to the maximum extent feasible, and meet the overall annual DBE participation goal, in compliance with 49 Code of Federal Regulations 26. The DBE Program may be administered through race-neutral and/or race-conscious measures. Adhering to this policy will ensure a level playing field; foster equal opportunity in the United States Department of Transportation federally-assisted contracts; and improve DBE Program flexibility, efficiency, and sustainability.

RESPONSIBILITIES

Director:

- Ensures non-discrimination in implementing all policies.
- Delegates daily operations of the DBE Program to the Deputy Director, Civil Rights.

Deputy Director, Civil Rights:

- Serves as the Department's DBE Advocate.
- Ensures the Department is meeting its DBE participation goals.
- Advises the Director and governing bodies on DBE matters and achievements.
- Develops, implements, and monitors all aspects of the DBE Program and DBE policy.
- Coordinates Department's statewide DBE outreach activities.
- Assists all DBEs in obtaining the necessary information to compete fairly by providing guidance and direction, and advising DBEs where to seek management, technical expertise, bonding, financing, and other supportive services.

- Establishes and maintains a good working relationship with local agencies and community-based organizations.
- Chairs and facilitates statewide Small Business Council (SBC) meetings.
- Ensures coordination with Department managers, the Federal Highway Administration, the Federal Transit Administration (FTA), local agencies, and the business community.
- Ensures only firms meeting eligibility standards participate as DBEs.

Deputy Directors:

- Administer the DBE Program through delegated authority from the Civil Rights Deputy Director to the following Division Chiefs: Procurement and Contracts, Construction, Local Assistance, Mass Transportation, Transportation Planning, and Engineering Services.

Division Chief, Procurement and Contracts:

- Ensures the collection of DBE submittal forms.
- Monitors contracts for compliance.
- Ensures participation in Department-sponsored workshops and outreach meetings to help guide the business community through the State contracting process.
- Ensures inclusion of federally-funded DBE contract requirements in solicitation and contract documents.
- Provides requested input and participation in the SBC meetings.
- Collects data and reports on DBE participation for federal reporting requirements.

Division Chief, Construction:

- Ensures the work each DBE will perform is discussed with the resident engineer and the prime contractor, when required.
- Monitors DBE activities during contract performance.
- Provides requested input and participation in SBC meetings.
- Collects data and reports on DBE participation for federal reporting requirements.

Division Chief, Local Assistance:

- Ensures DBE Program requirements are included in the Local Assistance Procedures Manual (LAPM); local agencies are required to adhere to the LAPM.
- Provides DBE Program training on contract evaluation, data collection, outreach, and compliance monitoring.
- Provides guidance to local agencies on the DBE Program.
- Ensures DBE documents are available to local agencies.
- Monitors local agencies for compliance with DBE requirements.
- Provides requested input and participation in SBC meetings.

- Collects data and report on DBE participation for federal reporting requirements.

Division Chief, Mass Transportation:

- Ensures the acquisition of a certification of DBE Program compliance from each subrecipient receiving FTA funds during the contract solicitation process.
- Monitors local agencies as subrecipients of FTA funds for compliance with DBE requirements.
- Collects data and reports on DBE participation for federal reporting requirements.

Division Chief, Transportation Planning:

- Ensures DBE Program requirements are met by metropolitan planning organizations and regional transportation planning agencies.
- Collects data and reports on DBE participation for federal reporting requirements.

Division Chief, Engineering Services:

- Ensures the collection of DBE submittal forms prior to bid award.
- Ensures participation in Department-sponsored workshops and outreach meetings to help guide the business community through the State contracting process.
- Ensures inclusion of federally funded DBE contract requirements in solicitation and contract documents.
- Collects and maintains the DBE Bidders List.
- Collects data and reports on DBE participation for federal reporting requirements in each case.

District Directors:

- Administer the District-level DBE Program through the delegated authority by the Civil Rights Deputy Director to all District Directors and to all affected within the District.
- Ensure solicitation of DBEs for emergency work or other contracting opportunities.

APPLICABILITY

This policy applies to all departmental employees and subrecipients of State and federal assistance.

Will Kempton

WILL KEMPTON
Director

4/21/08
Date Signed

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS

****Please refer to the Instructions sheet for directions on filling out this form****

1. Submitted to (check only one) FHWA FAA FTA-Vendor Number

2. AIP Numbers (FAA Recipients Only)

3. Federal fiscal year in which reporting period falls FY

4. Date This Report Submitted

5. Reporting Period [ ] Report due June 1 (for period Oct. 1-Mar. 31) [ ] Report due Dec. 1 (for period Oct. 1-Sept. 30) [ ] FAA annual report due Dec. 1

6. Name and address of Recipient:

7. Annual DBE Goal(s): Race Conscious Goal ____ % Race Neutral Goal ___ % OVERALL Goal ___ %

7.5 Percentage of Total Dollars Committed/Awarde to DBEs: ____ % (divide total dollars to DBEs in 9.5(C) by the total dollars in 8(A))

COMMITMENTS/AWARDS MADE DURING THIS REPORTING PERIOD (total contracts and subcontracts committed during this reporting period)	A Total Dollars	B Total Number	C Total to DBEs (dollars) [E+G]	D Total to DBEs (number) [F+H]	E Total to DBEs /Race Conscious (dollars)	F Total to DBEs/Race Conscious (number)	G Total to DBEs/Race Neutral (dollars)	H Total to DBEs/Race Neutral (number)	I Percentage of total dollars to DBEs [C/A]
8. Prime contracts awarded this period							[ ]		
9. Subcontracts committed/awarded this period									
9.5 Totals									

DBE COMMITMENTS/AWARDS THIS REPORTING PERIOD-BREAKDOWN BY ETHNICITY & GENDER	A Black American	B Hispanic American	C Native American	D Subcont. Asian American	E Asian-Pacific American	F Non-Minority Women	G Other (i.e. not of any other group listed here)	H TOTALS (for this reporting period only) [A+B+C+D+E+F+G]
10. Total Number of Contracts (Prime and Sub)								
11. Total Dollar Value								

ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD	A Number of Prime Contracts Completed	B Total Dollar Value of Prime Contracts Completed	C DBE Participation Needed to Meet Goal (Dollars)	D Total DBE Participation (Dollars)	E Percentage of Total DBE Participation [D/B]
12. Race Conscious					
13. Race Neutral				[ ]	
14. Totals					

15. Submitted by (Print Name of Authorized Representative)

16. Signature of Authorized Representative

17. Phone Number:

18. Fax Number:

Notes; *All dollars represent Federal dollars.*
Brackets in 8(G) and 13(D) represent DBE participation beyond what was needed to meet the goal.

INSTRUCTIONS FOR COMPLETING THE UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS

1. Indicate the DOT Operating Administration (OA) that provides your deral financial assistance. If assistance comes from more than one A, use separate reporting forms for each OA. If you are an FTA recipient, indicate your Vendor Number in the space provided.

2. If you are an FAA recipient, indicate the relevant AIP Numbers covered by this report. If there are more than six, attach a separate sheet.

3. Specify the Federal fiscal year (i.e. October 1-September 30) in which the covered reporting period falls.

4. State the date of submission of this report.

5. Check the appropriate box that indicates the reporting period that the data provided in this report covers. If this report is due June 1, data should cover October 1 - March 31. If this report is due December 1 data should cover October 1 - September 30. The second report will be an accumulation of the entire Fiscal Year. FAA reports are due December 1 for the period October 1 - September 30.

6. Name and address of the recipient.

7. State your annual DBE goal(s) established for the Federal fiscal year of this report to be submitted to and approved by the relevant OA. Your Overall Goal is to be reported as well as the breakdown for specific Race Conscious and Race Neutral projections (both of which include gender-conscious/neutral goals/projections). The Race Conscious projection portion should be based on programs that focus on and provide benefits only for DBEs. The use of contract goals is a primary example of a race conscious measure. The Race Neutral projection portion should include programs that, while benefiting DBEs, are not solely focused on DBE firms. For example, unbundling large contracts to make them more accessible to small businesses.

7-8. The percentage of total dollars to DBEs is derived by dividing the total dollars to DBEs in 9.5(C) by the total dollars in 8(A). **All dollar amounts are to reflect only the Federal share of such contracts, and should be rounded to the nearest dollar.**

8-9. The amounts in items 8(A)-9(I) should include all types of prime contracts awarded and all types of subcontracts committed/awarded, including: professional or consultant services, construction, purchase of materials or supplies, lease or purchase of equipment and any other types of services. The definition of commitments and awards vary slightly between OAs. For example, when a prime contract is awarded and subcontractors are listed in the prime contract, but are not yet awarded, FTA considers the subcontracts awarded while FHWA considers the subcontracts committed. In either case, these subcontracts should be reported in 9(A)-9(I). In subsequent reports, FHWA recipients have traditionally reported the actual awards instead of the commitments initially reported once the awards were made. For example, if a prime contract is awarded in March, but the subcontracts are not specifically awarded until July, then the recipient would report the commitments in the June 1 report. However, the second report, due Dec. 1, would reflect the subcontracts awarded instead of the subcontracts committed. The numbers would only be different if there were changes after the prime contract was awarded. Recipients may, but are not required to report subcontracts awarded. However, recipients must be careful not to double count DBE subcontract commitments and awards during the reporting periods.

8(A). Provide the total Federal dollar amount for **all** prime contracts assisted with DOT funds that were awarded during this reporting period.

8(B). Provide the total number of all prime contracts assisted with DOT funds that were awarded during this reporting period.

8(C). From the total dollar amount awarded in item 8(A), provide the Federal dollar amount awarded to certified DBEs during this reporting period.

8(D). From the total number of prime contracts awarded in item 8(B), specify the number awarded to certified DBEs during this reporting period.

8(E) –

8(F). Any time a DBE wins a prime contract through customary competitive procurement procedures, the DBE participation is race-neutral. Therefore, these blocks have been blacked out.

8(G). From the total Federal dollar amount awarded in item 8(C), provide the Federal dollar amount awarded to certified DBEs through the use of Race Neutral methods. See the definition of Race Neutral Goal in item 7 and the explanation in item 8 of project types to include. If DBE participation exceeded what was needed to meet the goal, the excess should be listed in the brackets in 8(G). The excess amount in the brackets should be added to the Race Neutral dollar amount in 8(G) to reach the total in 8(C).

8(H). From the total number of prime contracts awarded in 8(D), specify the number awarded to DBEs through Race Neutral methods.

8(I). Of all prime contracts awarded this reporting period, calculate the percentage going to DBEs. Divide the dollar amount in item 8(C) by the dollar amount in item 8(A) to derive this percentage. Round percentage to the nearest tenth.

9(A)-9(I). Items 9(A)-9(I) are derived in the same way as items 8(A)-8(I), except that these calculations should be based on subcontracts rather than prime contracts. In 9(H), to avoid double counting, do not count race conscious contracts that also have race neutral participation obtained by exceeding the contract goal.

9.5(C). If a DBE prime contractor subcontracts to a DBE subcontractor and you have already counted the DBE prime in 8(C), do not double count by including it in 9(C). For example, if the DBE prime contactor will perform 50% of the work, that amount should be reported in 8(C), and if a DBE subcontractor is to perform the remaining 50% of the work, that amount should be reported in 9(C).

10(A)-11(H). For all DBEs awarded prime contracts and committed/awarded subcontracts as indicated in 8(C)-(D) and9(C)-(D), break the data down further by total dollar amount as well as the number of all contracts committed/awarded to each ethnic group as well as to non-minority women. The "Other" category includes those DBEs who are not members of the presumptively disadvantaged groups already listed, but who are determined eligible for the DBE program on an individual basis (e.g. a Caucasian male with a disability). The TOTALS value in 10(H) should equal the sum of 10(A) – 10(G), and similarly, the TOTALS value in 11(H) should equal the sum of 11(A) – 11(G).

12(A)-14(E). A completed contract refers to the completion of the prime or full contract (i.e., final payment), in the reporting period. This would include all changes, extra work orders, etc. For example, if a subcontract was completed in October 2004, but the full contract is not completed until May 2005, the subcontract payments would not be reported until the final contract was completed in May 2005.

Intermittent progress payments made during the reporting period on a contract that is not completed would not be reported.

12(A). Provide the total number of prime contracts completed during this reporting period that had Race Conscious goals. Race Conscious contracts are those with contract goals or another race conscious measure.

12(B). Provide the total Federal dollar value of prime contracts completed this reporting period that had race conscious goals.

12(C). Provide the total Federal dollar amount of DBE participation on all prime contracts completed this reporting period that was necessary to meet the contract goals on them.

12(D). Provide the actual total DBE participation in Federal dollars on the prime contracts with race conscious subcontracting goals completed this reporting period. 12(D) should not exceed 12(C). If DBE participation exceeds what is needed to meet the goal, it should be reflected in 13(D) in the brackets.

12(E). Of all the prime contracts completed this reporting period, calculate the percentage of DBE participation. Divide the actual total dollar amount in 12(D) by the total dollar value provided in 12(B) to derive this percentage. Round to the nearest tenth.

13(A)-13(E). Items 13(A)-13(E) are derived in the same manner as items 12(A)-12(E), except these figures should be based on Race Neutral prime contacts and subcontracts (i.e. those with no race conscious measures). If DBE participation exceeded what was needed to meet the goal, the excess should be listed in the brackets in 13(D). The excess amount in the brackets should be added to the Race Neutral dollar amount in 13(D) to reach the percentage in 13(E).

14(A)-14(D). Calculate the totals for each column by adding the race conscious and neutral figures provided in each row above.

14(E). Divide the actual total dollar amount in 14(D) by the total dollar value provided in 14(B) to derive the percentage.

15 - 17. Self explanatory.

Submit your completed report to your Regional or Division Office.