California Federal Programming Group (CFPG)

Agenda

July 14, 2009
10:30 am – 12:30 pm

Caltrans
1120 N Street, Room 4409
Sacramento, CA 95814
Contact: Abhijit Bagde
(916) 654-3638

Telephone Number: (712) 432-1438
Participant Access Code: 932832#

Meeting called by: Muhaned Aljabiry

Facilitator: Abhijit Bagde

Recorder/Time Keeper: Sarkes Khachek

Agenda Topics

Item	Description	Time	Presenter
1	Topics/Agenda/Introductions	10:30	Abhijit Bagde
2	Ground Rules	10:35	Abhijit Bagde
3	Approval of 05/26/2009 meeting minutes	10:40	Abhijit Bagde
4	**Announcements and updates:** • Caltrans Federal Programming Office staff changes: Muhaned Aljabiry • State Furlough Fridays: Muhaned Aljabiry • Change to Recorder/Time Keeper assignment: Abhijit Bagde	10:45	All
5	**Follow-Up Items from last meeting:** 1. Abhijit Bagde noted that comments on the proposed CTIPS data entry screen are due to Caltrans by June 3rd – Item completed 2. Kimberly Gayle will provide the dates and locations of the upcoming ARRA 5311 and PTMISEA workshops – Item completed 3. Abhijit Bagde will provide information on using ARRA Cost Savings/obligations – see Item No. 7 below 4. MPOs who participate on the task force will survey MPOs to develop a statewide list of MPO managed grouped project listings by June 30th – see Item No. 10 below	10:50	Abhijit Bagde
6	Clean up legislation for Senate Bill No. 375 (Handout No. 1)	10:55	Muhaned Aljabiry
7	**Recovery Act Projects:** • Obligation time lines (Handout No. 2) • Transportation Enhancement Program	11:05	Denix Anbiah
8	Reevaluation of the FTIP financial plan	11:20	Steve Luxenberg
9	Task Force to develop 2011 FSTIP timeline/FSTIP duration/update frequency	11:35	Muhaned Aljabiry
10	Grouped project Listings Task Force - Update	11:45	Abhijit Bagde
11	Public Participation - Review and Comment Period for Amendments	11:50	Penny Gray

12	Checklist for FTIP amendment or administrative modification submittal (Handout No. 3)	11:55	Abhijit Bagde
13	Development of FTIP/FSTIP data management tool	12:00	Dennis Jacobs
14	Caltrans Revision to the federal-aid funding criteria	12:10	Jody Tian
15	• Follow-Up Items • Open Forum • Future Agenda Items	12:15	All
16	**Future meeting dates and locations:** August 25, 2009 – FHWA, Sacramento (10:30 am – 12:30 pm) October 6, 2009 – SACOG, Sacramento (10:30 am – 12:30 pm) November 17, 2009 – MTC, Oakland (10:30 am – 12:30 pm) January 5, 2010 - Caltrans, Sacramento (10:30 am – 12:30 pm)	12:20	All

CALIFORNIA FEDERAL PROGRAMMING GROUP (CFPG)
DRAFT MEETING MINUTES – July 14, 2009
Caltrans
1120 N Street, Room 4409
Sacramento, CA 95814

1. Topics/Agenda/Introduction:

Self introductions were made at this time.

2. Ground Rules:

Abhijit Bagde, Caltrans, asked the group to refer to the Ground Rules from previous meeting minutes.

3. Approval of 05/26/2009 meeting minutes

Sookyung Kim clarified that Muhaned Aljabiry raised the topic of the next FSTIP update cycle at the May CFPG meeting. Meeting minutes from the May 26th CFPG meeting were approved.

4. Announcements and updates:

- Muhaned Aljabiry, Caltrans, announced that Lima Huy has joined the Caltrans Federal Programming group and reviewed the updated staff assignments. An updated staff assignment sheet will be distributed to the CFPG today.
- Muhaned Aljabiry noted that due to state furlough, Caltrans offices will be closed on the first three Fridays of each month.
- Abhijit Bagde, Caltrans, noted that Jose Luis Cáceres will be the recorder for the next CFPG meeting.

5. Follow-Up Items from last meeting:

- CTIPS - changes to the CTIPS screen have been made based on comments received.
- The dates and the locations of the ARRA 5311 and PTMISEA workshops – item completed.
- ARRA Cost Savings will be discussed as part of item 7 on the agenda.
- The Grouped Project Listings item will be discussed as part of item 10 on the agenda.

6. Clean up legislation for Senate Bill No. 375: Muhaned Aljabiry

- Muhaned Aljabiry referred to Handout #1 and mentioned that Caltrans had concern with language that was included in Senate Bill 375 related to federal

programming. The concern is related to Chapter 728 of SB 375 the interpretation of whether projects programmed in FTIPs on or before December 11, 2011 are subject to SB 375 if they are contained in the 2007 or 2009 FSTIP.

Muhaned added that clean-up legislation should be proposed with an aggressive timeline and that MPOs discuss this item with their legislative staffs to work together on.

7. Recovery Act Projects:

Obligation Timelines: Denix Anbiah

- Denix Anbiah, Caltrans, referred to Handout #2 regarding Recovery Act obligation time lines and noted that the same handouts had been discussed at the most recent RTPA meeting. Denix summarized the process of developing the Local Assistance ARRA guidelines and timelines for obligation.
- June 30, 2009 – The Recovery Act required a minimum and aggregate total of 50 percent of apportionments in "any area" must be obligated by the Regions and the State by this date. California met this requirement by May 2009.
- All remaining funding in Recovery Act apportionments based on population and "any area" funds, must be obligated by March 2, 2010.
- Muhaned asked if cost savings impact the March 2nd deadline. Denix responded that any funds deobligated before March 2nd have to be reobligated by March 2nd. Funds deobligated after September 30, 2010 will be lost.
- The federal deadline to obligated "redistributed" funds is September 30, 2010.
- Denix added that Recovery Act funds should be spent first for those projects programmed with different funding sources.
- Regions should consider exchanging ARRA TE funds with other regions if they can't use the funds within the required timeline. Local assistance will not obligate funds beyond the apportionment amounts unless a signed agreement between both parties is on file.
- The normal request for authorization and obligation process is being used for Recovery Act projects.

Transportation Enhancement Program: Denix Anbiah and Kevin Pokrajac

- Denix mentioned that a committee had met to discuss the impacts of SB 286 on the ARRA TE Program. AB 286 gives first priority in the selection of projects to the sponsors of eligible projects that partner with or commit to employ the services of a corps to construct or undertake the project. The Department, in consultation with other entities developed TE project selection criteria to implement SB 286.
- A letter was distributed to RTPAs on July 6, 2009 addressing the requirements of SB 286 and implementation of TE projects based on the new criteria. TE projects will be categorized as either Priority 1 or Priority 2. Priority 1 is for

projects that use community conservation corps (ccc) or tried to use conservation corps. Priority 2 is for those projects that did not attempt to use cccs. FHWA is requiring a project specific cost/benefit analysis for all priority 1 projects. This analysis must be submitted by the project sponsors and approved by FHWA prior to utilizing the corps on the project. You do not need a cost/benefit analysis if the projects is off the roadway. Agencies should also demonstrate why they are sole sourcing with the corps. (Note: Abhijit Bagde will distribute a copy of the July 6 letter to the CFPG group.)

- Kevin Pokrajac noted that a new TE application that addresses Recovery Act funds and SB 286 requirements is posted on the Caltrans website http://www.dot.ca.gov/hq/TransEnhAct/app_pgs.htm.
- Muhaned mentioned that Caltrans sent the list of TE projects that should not be programmed based on the issue of sole sourcing with the corps.
- Sookyung Kim, SANDAG, asked if using the corps was only required for new TE projects and Denix responded that new priorities are for new ARRA TE projects and that the corps is required for all new TE projects, not currently programmed TE projects.
- Kevin Pokrajac added that all projects submitted after June 25th are subject to these requirements.

8. Reevaluation of the FTIP Financial Plan – Steve Luxenberg

Steve Luxenberg, FHWA, noted that due to issues with the state budget, FHWA will reevaluate financial plans once the state budget is final. When the new budget is passed, financial plans will be reevaluated.

MPOs should start evaluating their individual financial plans, and start identifying areas to be impacted or changed. FHWA may withhold approval of FSTIP actions until new financial plans are developed. Please note that this is just a "heads up" for now, but may change as additional state budget information is finalized.

Sri Srinivasan, MTC, asked if amendments could still be approved if the fiscal constraint is still consistent with the state budget and Steve Luxenberg could not confirm.

Muhaned noted that there is time for the state to update information in the FSTIP after the budget is approved. The Department will continue discussions with FHWA regarding the impact of Budget Revisions.

Scott Carson, FHWA, added that MPOs should develop 2 or 3 budget scenarios and evaluate how taking out projects could affect conformity analysis.

Sookyung Kim, SANDAG, asked if amendments can be approved if they are approved before the state budget is passed and Steve Luxenberg could not confirm at this time.

Sookyung, noted that is difficult for MPOs to know what the impact of the state budget will have on their FTIPs at this time and Steve Luxenberg responded that MPOs should have multiple scenarios while processing an amendment. Sookyung noted that administrative amendments do not require financial constraint.

Scott Carson added that MPOs should have one scenario for amendments that includes a minimum of projects needed for conformity.

9. Task Force to develop 2011 FSTIP timeline/FSTIP duration/update frequency: Muhaned Aljabiry

Muhaned Aljabiry suggested that a group be formed to decide on the update frequency for the FSTIP and asked for volunteers. Sookyung Kim volunteered to lead the task force. Sri Srinivasan, MTC, Sam Kaur, SJCOG and Scott Carson, FHWA volunteered to be on the task force. Jose Luis Cáceres, SACOG was also nominated to be on the task force.

10. Grouped Project Listings Task Force – Update: Abhijit Bagde

Abhijit Bagde noted that as a follow-up to the prior CFPG meeting, MPOs representing on the task Force were asked to compile MPO managed grouped project listings. The task force will meet in the next few weeks to review the approved listings and decide which are appropriate and not appropriate. The task force will provide an update at the next CFPG meeting.

Steve Luxenberg, FHWA, noted that listings must be submitted by MPOs to Caltrans for state approval.

Penny Gray, Caltrans, added that several new listings had been added as a result of ARRA.

Muhaned noted that there is concern with FHWA projects that are grouped which shouldn't be grouped.

11. Public Participation – Review and Comment Period for Amendments: Penny Gray

Penny Gray, Caltrans, noted that Caltrans FTIP Amendment page should be consistent with MPO's amendment webpages and that the webpages include a link to the current amendment.

Muhaned Aljabiry added that Caltrans website is the public participation portal for amendments.

12. Checklist for FTIP amendment or administrative modification submittal: Abhijit Bagde

Abhijit referred to handout number 3 which is a checklist of items required for submittal for FTIP amendments and administrative modifications. Abhijit added that MPOs must submit financial plans in Microsoft Excel format for amendments.

Muhaned added that it is important to let the public know of scope of the projects included in amendments.

13. Development of FTIP/FSTIP data management tool: Dennis Jacobs

Dennis Jacobs noted that FSTIP database information varies by state. He added that CTIPS does not meet the needs of every user. The Department would like to explore updating/revising CTIPS. Dennis will be requesting input from the CFPG group on areas for improvement.

Steve Luxenberg recommended that the New York State FTIP database be evaluated.

Ross McKeown, MTC, noted that MTC had recently received access to the FMIS database after a long period of requesting access. He recommended that MPOs contact Brenda Bryant's office for access.

14. Caltrans Revision to the federal aid funding criteria: Jody Tian

Jody Tian noted that Caltrans federal funding guidelines had been changed for SHOPP projects. He added that projects in the SHOPP over $1million in cost now qualify for federal funding, and therefore should be included in FTIPs. Jody added that Districts will be contacting MPOs for amendments.

15. Follow-up items, Open Forum and Future Agenda items

Abhijit noted that there will be a follow-up letter from Denix on the ARRA TE guidelines.

Webinar on O&M Costs sponsored by FHWA will be held next week.

16. Future meeting dates and locations:

The next meeting will be on August 25, 2009 at FHWA in Sacramento.

HANDOUT NO. 1

land use authority of cities and counties within the region. Nothing in this section shall be interpreted to limit the state board's authority under any other provision of law. Nothing in this section shall be interpreted to authorize the abrogation of any vested right whether created by statute or by common law. Nothing in this section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy. Nothing in this section requires a metropolitan planning organization to approve a sustainable communities strategy that would be inconsistent with Part 450 of Title 23 of, or Part 93 of Title 40 of, the Code of Federal Regulations and any administrative guidance under those regulations. Nothing in this section relieves a public or private entity or any person from compliance with any other local, state, or federal law.

(K) Nothing in this section requires projects programmed for funding on or before December 31, 2011, to be subject to the provisions of this paragraph if they (i) are contained in the 2007 or 2009 Federal Statewide Transportation Improvement Program, (ii) are funded pursuant to Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2, or (iii) were specifically listed in a ballot measure prior to December 31, 2008, approving a sales tax increase for transportation projects. Nothing in this section shall require a transportation sales tax authority to change the funding allocations approved by the voters for categories of transportation projects in a sales tax measure adopted prior to December 31, 2010. For purposes of this subparagraph, a transportation sales tax authority is a district, as defined in Section 7252 of the Revenue and Taxation Code, that is authorized to impose a sales tax for transportation purposes.

(L) A metropolitan planning organization, or a regional transportation planning agency not within a metropolitan planning organization, that is required to adopt a regional transportation plan not less than every five years, may elect to adopt the plan not less than every four years. This election shall be made by the board of directors of the metropolitan planning organization or regional transportation planning agency no later than June 1, 2009, or thereafter 54 months prior to the statutory deadline for the adoption of housing elements for the local jurisdictions within the region, after a public hearing at which comments are accepted from members of the public and representatives of cities and counties within the region covered by the metropolitan planning organization or regional transportation planning agency. Notice of the public hearing shall be given to the general public and by mail to cities and counties within the region no later than 30 days prior to the date of the public hearing. Notice of election shall be promptly given to the Department of Housing and Community Development. The metropolitan planning organization or the regional transportation planning agency shall complete its next regional transportation plan within three years of the notice of election.

(M) Two or more of the metropolitan planning organizations for Fresno County, Kern County, Kings County, Madera County, Merced County, San Joaquin County, Stanislaus County, and Tulare County may work together

Senate Bill No. 375

CHAPTER 728

An act to amend Sections 65080, 65400, 65583, 65584.01, 65584.02, 65584.04, 65587, and 65588 of, and to add Sections 14522.1, 14522.2, and 65080.01 to, the Government Code, and to amend Section 21061.3 of, to add Section 21159.28 to, and to add Chapter 4.2 (commencing with Section 21155) to Division 13 of, the Public Resources Code, relating to environmental quality.

[Approved by Governor September 30, 2008. Filed with Secretary of State September 30, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 375, Steinberg. Transportation planning: travel demand models: sustainable communities strategy: environmental review.

(1) Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law authorizes the California Transportation Commission, in cooperation with the regional agencies, to prescribe study areas for analysis and evaluation.

This bill would require the commission to maintain guidelines, as specified, for travel demand models used in the development of regional transportation plans by metropolitan planning organizations. The bill would require the commission to consult with various agencies in this regard, and to form an advisory committee and to hold workshops before amending the guidelines.

This bill would also require the regional transportation plan for regions of the state with a metropolitan planning organization to adopt a sustainable communities strategy, as part of its regional transportation plan, as specified, designed to achieve certain goals for the reduction of greenhouse gas emissions from automobiles and light trucks in a region. The bill would require the State Air Resources Board, working in consultation with the metropolitan planning organizations, to provide each affected region with greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 by September 30, 2010, to appoint a Regional Targets Advisory Committee to recommend factors and methodologies for setting those targets, and to update those targets every 8 years. The bill would require certain transportation planning and programming activities by the metropolitan planning organizations to be consistent with the sustainable communities strategy contained in the regional transportation plan, but would state that certain transportation projects programmed for

funding on or before December 31, 2011, are not required to be consistent with the sustainable communities strategy process. To the extent the sustainable communities strategy is unable to achieve the greenhouse gas emission reduction targets, the bill would require affected metropolitan planning organizations to prepare an alternative planning strategy to the sustainable communities strategy showing how the targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. The bill would require the State Air Resources Board to review each metropolitan planning organization's sustainable communities strategy and alternative planning strategy to determine whether the strategy, if implemented, would achieve the greenhouse gas emission reduction targets. The bill would require a strategy that is found to be insufficient by the state board to be revised by the metropolitan planning organization, with a minimum requirement that the metropolitan planning organization must obtain state board acceptance that an alternative planning strategy, if implemented, would achieve the targets. The bill would state that the adopted strategies do not regulate the use of land and are not subject to state approval, and that city or county land use policies, including the general plan, are not required to be consistent with the regional transportation plan, which would include the sustainable growth strategy, or the alternative planning strategy. The bill would also require the metropolitan planning organization to hold specified informational meetings in this regard with local elected officials and would require a public participation program with workshops and public hearings for the public, among other things. The bill would enact other related provisions.

Because the bill would impose additional duties on local agencies, it would impose a state-mandated local program.

(2) The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. Existing law requires the housing element to identify the existing and projected housing needs of all economic segments of the community.

Existing law requires the housing element, among other things, to contain a program which sets forth a 5-year schedule of actions of the local government to implement the goals and objectives of the housing element. Existing law requires the program to identify actions that will be undertaken to make sites available to accommodate various housing needs, including, in certain cases, the rezoning of sites to accommodate 100% of the need for housing for very low and low-income households.

This bill would instead require the program to set forth a schedule of actions during the planning period, as defined, and require each action to have a timetable for implementation. The bill would generally require rezoning of certain sites to accommodate certain housing needs within specified times, with an opportunity for an extension time in certain cases, and would require the local government to hold a noticed public hearing within 30 days after the deadline for compliance expires. The bill would, under certain conditions, prohibit a local government that fails to complete

a required rezoning within the timeframe required from disapproving a housing development project, as defined, or from taking various other actions that would render the project infeasible, and would allow the project applicant or any interested person to bring an action to enforce these provisions. The bill would also allow a court to compel a local government to complete the rezoning within specified times and to impose sanctions on the local government if the court order or judgment is not carried out, and would provide that in certain cases the local government shall bear the burden of proof relative to actions brought to compel compliance with specified deadlines and requirements.

Existing law requires each local government to review and revise its housing element as frequently as appropriate, but not less than every 5 years.

This bill would extend that time period to 8 years for those local governments that are located within a region covered by a metropolitan planning organization in a nonattainment region or by a metropolitan planning organization or regional transportation planning agency that meets certain requirements. The bill would also provide that, in certain cases, the time period would be reduced to 4 years or other periods, as specified.

The bill would enact other related provisions. Because the bill would impose additional duties on local governments relative to the housing element of the general plan, it would thereby impose a state-mandated local program.

(3) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would exempt from CEQA a transit priority project, as defined, that meets certain requirements and that is declared by the legislative body of a local jurisdiction to be a sustainable communities project. The transit priority project would need to be consistent with a metropolitan planning organization's sustainable communities strategy or an alternative planning strategy that has been determined by the State Air Resources Board to achieve the greenhouse gas emission reductions targets. The bill would provide for limited CEQA review of various other transit priority projects.

The bill, with respect to other residential or mixed-use residential projects meeting certain requirements, would exempt the environmental documents for those projects from being required to include certain information regarding growth inducing impacts or impacts from certain vehicle trips.

The bill would also authorize the legislative body of a local jurisdiction to adopt traffic mitigation measures for transit priority projects. The bill would exempt a transit priority project seeking a land use approval from

compliance with additional measures for traffic impacts, if the local jurisdiction has adopted those traffic mitigation measures.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The transportation sector contributes over 40 percent of the greenhouse gas emissions in the State of California; automobiles and light trucks alone contribute almost 30 percent. The transportation sector is the single largest contributor of greenhouse gases of any sector.

(b) In 2006, the Legislature passed and the Governor signed Assembly Bill 32 (Chapter 488 of the Statutes of 2006; hereafter AB 32), which requires the State of California to reduce its greenhouse gas emissions to 1990 levels no later than 2020. According to the State Air Resources Board, in 1990 greenhouse gas emissions from automobiles and light trucks were 108 million metric tons, but by 2004 these emissions had increased to 135 million metric tons.

(c) Greenhouse gas emissions from automobiles and light trucks can be substantially reduced by new vehicle technology and by the increased use of low carbon fuel. However, even taking these measures into account, it will be necessary to achieve significant additional greenhouse gas reductions from changed land use patterns and improved transportation. Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32.

(d) In addition, automobiles and light trucks account for 50 percent of air pollution in California and 70 percent of its consumption of petroleum. Changes in land use and transportation policy, based upon established modeling methodology, will provide significant assistance to California's goals to implement the federal and state Clean Air Acts and to reduce its dependence on petroleum.

(e) Current federal law requires regional transportation planning agencies to include a land use allocation in the regional transportation plan. Some regions have engaged in a regional "blueprint" process to prepare the land use allocation. This process has been open and transparent. The Legislature intends, by this act, to build upon that successful process by requiring metropolitan planning organizations to develop and incorporate a sustainable communities strategy which will be the land use allocation in the regional transportation plan.

(f) The California Environmental Quality Act (CEQA) is California's premier environmental statute. New provisions of CEQA should be enacted

so that the statute encourages developers to submit applications and local governments to make land use decisions that will help the state achieve its climate goals under AB 32, assist in the achievement of state and federal air quality standards, and increase petroleum conservation.

(g) Current planning models and analytical techniques used for making transportation infrastructure decisions and for air quality planning should be able to assess the effects of policy choices, such as residential development patterns, expanded transit service and accessibility, the walkability of communities, and the use of economic incentives and disincentives.

(h) The California Transportation Commission has developed guidelines for travel demand models used in the development of regional transportation plans. This act assures the commission's continued oversight of the guidelines, as the commission may update them as needed from time to time.

(i) California local governments need a sustainable source of funding to be able to accommodate patterns of growth consistent with the state's climate, air quality, and energy conservation goals.

SEC. 2. Section 14522.1 is added to the Government Code, to read:

14522.1. (a) (1) The commission, in consultation with the department and the State Air Resources Board, shall maintain guidelines for travel demand models used in the development of regional transportation plans by federally designated metropolitan planning organizations.

(2) Any revision of the guidelines shall include the formation of an advisory committee that shall include representatives of the metropolitan planning organizations, the department, organizations knowledgeable in the creation and use of travel demand models, local governments, and organizations concerned with the impacts of transportation investments on communities and the environment. Before amending the guidelines, the commission shall hold two workshops on the guidelines, one in northern California and one in southern California. The workshops shall be incorporated into regular commission meetings.

(b) The guidelines shall, at a minimum and to the extent practicable, taking into account such factors as the size and available resources of the metropolitan planning organization, account for all of the following:

(1) The relationship between land use density and household vehicle ownership and vehicle miles traveled in a way that is consistent with statistical research.

(2) The impact of enhanced transit service levels on household vehicle ownership and vehicle miles traveled.

(3) Changes in travel and land development likely to result from highway or passenger rail expansion.

(4) Mode splitting that allocates trips between automobile, transit, carpool, and bicycle and pedestrian trips. If a travel demand model is unable to forecast bicycle and pedestrian trips, another means may be used to estimate those trips.

(5) Speed and frequency, days, and hours of operation of transit service.

SEC. 3. Section 14522.2 is added to the Government Code, to read:

14522.2. (a) A metropolitan planning organization shall disseminate the methodology, results, and key assumptions of whichever travel demand models it uses in a way that would be useable and understandable to the public.

(b) Transportation planning agencies other than those identified in paragraph (1) of subdivision (a) of Section 14522.1, cities, and counties are encouraged, but not required, to utilize travel demand models that are consistent with the guidelines in the development of their regional transportation plans.

SEC. 4. Section 65080 of the Government Code is amended to read:

65080. (a) Each transportation planning agency designated under Section 29532 or 29532.1 shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. The plan shall be action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear, concise policy guidance to local and state officials. The regional transportation plan shall consider factors specified in Section 134 of Title 23 of the United States Code. Each transportation planning agency shall consider and incorporate, as appropriate, the transportation plans of cities, counties, districts, private organizations, and state and federal agencies.

(b) The regional transportation plan shall be an internally consistent document and shall include all of the following:

(1) A policy element that describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, and pragmatic objective and policy statements. The objective and policy statements shall be consistent with the funding estimates of the financial element. The policy element of transportation planning agencies with populations that exceed 200,000 persons may quantify a set of indicators including, but not limited to, all of the following:

(A) Measures of mobility and traffic congestion, including, but not limited to, daily vehicle hours of delay per capita and vehicle miles traveled per capita.

(B) Measures of road and bridge maintenance and rehabilitation needs, including, but not limited to, roadway pavement and bridge conditions.

(C) Measures of means of travel, including, but not limited to, percentage share of all trips (work and nonwork) made by all of the following:

(i) Single occupant vehicle.

(ii) Multiple occupant vehicle or carpool.

(iii) Public transit including commuter rail and intercity rail.

(iv) Walking.

(v) Bicycling.

(D) Measures of safety and security, including, but not limited to, total injuries and fatalities assigned to each of the modes set forth in subparagraph (C).

(E) Measures of equity and accessibility, including, but not limited to, percentage of the population served by frequent and reliable public transit, with a breakdown by income bracket, and percentage of all jobs accessible by frequent and reliable public transit service, with a breakdown by income bracket.

(F) The requirements of this section may be met utilizing existing sources of information. No additional traffic counts, household surveys, or other sources of data shall be required.

(2) A sustainable communities strategy prepared by each metropolitan planning organization as follows:

(A) No later than September 30, 2010, the State Air Resources Board shall provide each affected region with greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035, respectively.

(i) No later than January 31, 2009, the state board shall appoint a Regional Targets Advisory Committee to recommend factors to be considered and methodologies to be used for setting greenhouse gas emission reduction targets for the affected regions. The committee shall be composed of representatives of the metropolitan planning organizations, affected air districts, the League of California Cities, the California State Association of Counties, local transportation agencies, and members of the public, including homebuilders, environmental organizations, planning organizations, environmental justice organizations, affordable housing organizations, and others. The advisory committee shall transmit a report with its recommendations to the state board no later than September 30, 2009. In recommending factors to be considered and methodologies to be used, the advisory committee may consider any relevant issues, including, but not limited to, data needs, modeling techniques, growth forecasts, the impacts of regional jobs-housing balance on interregional travel and greenhouse gas emissions, economic and demographic trends, the magnitude of greenhouse gas reduction benefits from a variety of land use and transportation strategies, and appropriate methods to describe regional targets and to monitor performance in attaining those targets. The state board shall consider the report prior to setting the targets.

(ii) Prior to setting the targets for a region, the state board shall exchange technical information with the metropolitan planning organization and the affected air district. The metropolitan planning organization may recommend a target for the region. The metropolitan planning organization shall hold at least one public workshop within the region after receipt of the report from the advisory committee. The state board shall release draft targets for each region no later than June 30, 2010.

(iii) In establishing these targets, the state board shall take into account greenhouse gas emission reductions that will be achieved by improved vehicle emission standards, changes in fuel composition, and other measures

it has approved that will reduce greenhouse gas emissions in the affected regions, and prospective measures the state board plans to adopt to reduce greenhouse gas emissions from other greenhouse gas emission sources as that term is defined in subdivision (i) of Section 38505 of the Health and Safety Code and consistent with the regulations promulgated pursuant to the California Global Warming Solutions Act of 2006 (Division 12.5 (commencing with Section 38500) of the Health and Safety Code).

(iv) The state board shall update the regional greenhouse gas emission reduction targets every eight years consistent with each metropolitan planning organization's timeframe for updating its regional transportation plan under federal law until 2050. The state board may revise the targets every four years based on changes in the factors considered under clause (iii) above. The state board shall exchange technical information with the Department of Transportation, metropolitan planning organizations, local governments, and affected air districts and engage in a consultative process with public and private stakeholders prior to updating these targets.

(v) The greenhouse gas emission reduction targets may be expressed in gross tons, tons per capita, tons per household, or in any other metric deemed appropriate by the state board.

(B) Each metropolitan planning organization shall prepare a sustainable communities strategy, subject to the requirements of Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations, including the requirement to utilize the most recent planning assumptions considering local general plans and other factors. The sustainable communities strategy shall (i) identify the general location of uses, residential densities, and building intensities within the region; (ii) identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth; (iii) identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Section 65584; (iv) identify a transportation network to service the transportation needs of the region; (v) gather and consider the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of Section 65080.01; (vi) consider the state housing goals specified in Sections 65580 and 65581; (vii) set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the state board; and (viii) allow the regional transportation plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506). Within the jurisdiction of the Metropolitan Transportation Commission, as defined by Section 66502, the Association of Bay Area Governments shall be responsible for clauses (i), (ii), (iii), (v), and (vi), the Metropolitan Transportation Commission shall be responsible

for clauses (iv) and (viii); and the Association of Bay Area Governments and the Metropolitan Transportation Commission shall jointly be responsible for clause (vii).

(C) In the region served by the multicounty transportation planning agency described in Section 130004 of the Public Utilities Code, a subregional council of governments and the county transportation commission may work together to propose the sustainable communities strategy and an alternative planning strategy, if one is prepared pursuant to subparagraph (H), for that subregional area. The metropolitan planning organization may adopt a framework for a subregional sustainable communities strategy or a subregional alternative planning strategy to address the intraregional land use, transportation, economic, air quality, and climate policy relationships. The metropolitan planning organization shall include the subregional sustainable communities strategy for that subregion in the regional sustainable communities strategy to the extent consistent with this section and federal law and approve the subregional alternative planning strategy, if one is prepared pursuant to subparagraph (H), for that subregional area to the extent consistent with this section. The metropolitan planning organization shall develop overall guidelines, create public participation plans pursuant to subparagraph (E), ensure coordination, resolve conflicts, make sure that the overall plan complies with applicable legal requirements, and adopt the plan for the region.

(D) The metropolitan planning organization shall conduct at least two informational meetings in each county within the region for members of the board of supervisors and city councils on the sustainable communities strategy and alternative planning strategy, if any. The metropolitan planning organization may conduct only one informational meeting if it is attended by representatives of the county board of supervisors and city council members representing a majority of the cities representing a majority of the population in the incorporated areas of that county. Notice of the meeting shall be sent to the clerk of the board of supervisors and to each city clerk. The purpose of the meeting shall be to present a draft of the sustainable communities strategy to the members of the board of supervisors and the city council members in that county and to solicit and consider their input and recommendations.

(E) Each metropolitan planning organization shall adopt a public participation plan, for development of the sustainable communities strategy and an alternative planning strategy, if any, that includes all of the following:

(i) Outreach efforts to encourage the active participation of a broad range of stakeholder groups in the planning process, consistent with the agency's adopted Federal Public Participation Plan, including, but not limited to, affordable housing advocates, transportation advocates, neighborhood and community groups, environmental advocates, home builder representatives, broad-based business organizations, landowners, commercial property interests, and homeowner associations.

(ii) Consultation with congestion management agencies, transportation agencies, and transportation commissions.

(iii) Workshops throughout the region to provide the public with the information and tools necessary to provide a clear understanding of the issues and policy choices. At least one workshop shall be held in each county in the region. For counties with a population greater than 500,000, at least three workshops shall be held. Each workshop, to the extent practicable, shall include urban simulation computer modeling to create visual representations of the sustainable communities strategy and the alternative planning strategy.

(iv) Preparation and circulation of a draft sustainable communities strategy and an alternative planning strategy, if one is prepared, not less than 55 days before adoption of a final regional transportation plan.

(v) At least three public hearings on the draft sustainable communities strategy in the regional transportation plan and alternative planning strategy, if one is prepared. If the metropolitan transportation organization consists of a single county, at least two public hearings shall be held. To the maximum extent feasible, the hearings shall be in different parts of the region to maximize the opportunity for participation by members of the public throughout the region.

(vi) A process for enabling members of the public to provide a single request to receive notices, information, and updates.

(F) In preparing a sustainable communities strategy, the metropolitan planning organization shall consider spheres of influence that have been adopted by the local agency formation commissions within its region.

(G) Prior to adopting a sustainable communities strategy, the metropolitan planning organization shall quantify the reduction in greenhouse gas emissions projected to be achieved by the sustainable communities strategy and set forth the difference, if any, between the amount of that reduction and the target for the region established by the state board.

(H) If the sustainable communities strategy, prepared in compliance with subparagraph (B) or (C), is unable to reduce greenhouse gas emissions to achieve the greenhouse gas emission reduction targets established by the state board, the metropolitan planning organization shall prepare an alternative planning strategy to the sustainable communities strategy showing how those greenhouse gas emission targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. The alternative planning strategy shall be a separate document from the regional transportation plan, but it may be adopted concurrently with the regional transportation plan. In preparing the alternative planning strategy, the metropolitan planning organization:

(i) Shall identify the principal impediments to achieving the targets within the sustainable communities strategy.

(ii) May include an alternative development pattern for the region pursuant to subparagraphs (B) to (F), inclusive.

(iii) Shall describe how the greenhouse gas emission reduction targets would be achieved by the alternative planning strategy, and why the development pattern, measures, and policies in the alternative planning

strategy are the most practicable choices for achievement of the greenhouse gas emission reduction targets.

(iv) An alternative development pattern set forth in the alternative planning strategy shall comply with Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations, except to the extent that compliance will prevent achievement of the greenhouse gas emission reduction targets approved by the state board.

(v) For purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), an alternative planning strategy shall not constitute a land use plan, policy, or regulation, and the inconsistency of a project with an alternative planning strategy shall not be a consideration in determining whether a project may have an environmental effect.

(I) (i) Prior to starting the public participation process adopted pursuant to subparagraph (E) of paragraph (2) of subdivision (b) of Section 65080, the metropolitan planning organization shall submit a description to the state board of the technical methodology it intends to use to estimate the greenhouse gas emissions from its sustainable communities strategy and, if appropriate, its alternative planning strategy. The state board shall respond to the metropolitan planning organization in a timely manner with written comments about the technical methodology, including specifically describing any aspects of that methodology it concludes will not yield accurate estimates of greenhouse gas emissions, and suggested remedies. The metropolitan planning organization is encouraged to work with the state board until the state board concludes that the technical methodology operates accurately.

(ii) After adoption, a metropolitan planning organization shall submit a sustainable communities strategy or an alternative planning strategy, if one has been adopted, to the state board for review, including the quantification of the greenhouse gas emission reductions the strategy would achieve and a description of the technical methodology used to obtain that result. Review by the state board shall be limited to acceptance or rejection of the metropolitan planning organization's determination that the strategy submitted would, if implemented, achieve the greenhouse gas emission reduction targets established by the state board. The state board shall complete its review within 60 days.

(iii) If the state board determines that the strategy submitted would not, if implemented, achieve the greenhouse gas emission reduction targets, the metropolitan planning organization shall revise its strategy or adopt an alternative planning strategy, if not previously adopted, and submit the strategy for review pursuant to clause (ii). At a minimum, the metropolitan planning organization must obtain state board acceptance that an alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets established for that region by the state board.

(J) Neither a sustainable communities strategy nor an alternative planning strategy regulates the use of land, nor, except as provided by subparagraph (I), shall either one be subject to any state approval. Nothing in a sustainable communities strategy shall be interpreted as superseding the exercise of the

land use authority of cities and counties within the region. Nothing in this section shall be interpreted to limit the state board's authority under any other provision of law. Nothing in this section shall be interpreted to authorize the abrogation of any vested right whether created by statute or by common law. Nothing in this section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy. Nothing in this section requires a metropolitan planning organization to approve a sustainable communities strategy that would be inconsistent with Part 450 of Title 23 of, or Part 93 of Title 40 of, the Code of Federal Regulations and any administrative guidance under those regulations. Nothing in this section relieves a public or private entity or any person from compliance with any other local, state, or federal law.

(K) Nothing in this section requires projects programmed for funding on or before December 31, 2011, to be subject to the provisions of this paragraph if they (i) are contained in the 2007 or 2009 Federal Statewide Transportation Improvement Program, (ii) are funded pursuant to Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2, or (iii) were specifically listed in a ballot measure prior to December 31, 2008, approving a sales tax increase for transportation projects. Nothing in this section shall require a transportation sales tax authority to change the funding allocations approved by the voters for categories of transportation projects in a sales tax measure adopted prior to December 31, 2010. For purposes of this subparagraph, a transportation sales tax authority is a district, as defined in Section 7252 of the Revenue and Taxation Code, that is authorized to impose a sales tax for transportation purposes.

(L) A metropolitan planning organization, or a regional transportation planning agency not within a metropolitan planning organization, that is required to adopt a regional transportation plan not less than every five years, may elect to adopt the plan not less than every four years. This election shall be made by the board of directors of the metropolitan planning organization or regional transportation planning agency no later than June 1, 2009, or thereafter 54 months prior to the statutory deadline for the adoption of housing elements for the local jurisdictions within the region, after a public hearing at which comments are accepted from members of the public and representatives of cities and counties within the region covered by the metropolitan planning organization or regional transportation planning agency. Notice of the public hearing shall be given to the general public and by mail to cities and counties within the region no later than 30 days prior to the date of the public hearing. Notice of election shall be promptly given to the Department of Housing and Community Development. The metropolitan planning organization or the regional transportation planning agency shall complete its next regional transportation plan within three years of the notice of election.

(M) Two or more of the metropolitan planning organizations for Fresno County, Kern County, Kings County, Madera County, Merced County, San Joaquin County, Stanislaus County, and Tulare County may work together

to develop and adopt multiregional goals and policies that may address interregional land use, transportation, economic, air quality, and climate relationships. The participating metropolitan planning organizations may also develop a multiregional sustainable communities strategy, to the extent consistent with federal law, or an alternative planning strategy for adoption by the metropolitan planning organizations. Each participating metropolitan planning organization shall consider any adopted multiregional goals and policies in the development of a sustainable communities strategy and, if applicable, an alternative planning strategy for its region.

(3) An action element that describes the programs and actions necessary to implement the plan and assigns implementation responsibilities. The action element may describe all transportation projects proposed for development during the 20-year or greater life of the plan. The action element shall consider congestion management programming activities carried out within the region.

(4) (A) A financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues. The financial element shall also contain recommendations for allocation of funds. A county transportation commission created pursuant to Section 130000 of the Public Utilities Code shall be responsible for recommending projects to be funded with regional improvement funds, if the project is consistent with the regional transportation plan. The first five years of the financial element shall be based on the five-year estimate of funds developed pursuant to Section 14524. The financial element may recommend the development of specified new sources of revenue, consistent with the policy element and action element.

(B) The financial element of transportation planning agencies with populations that exceed 200,000 persons may include a project cost breakdown for all projects proposed for development during the 20-year life of the plan that includes total expenditures and related percentages of total expenditures for all of the following:

(i) State highway expansion.

(ii) State highway rehabilitation, maintenance, and operations.

(iii) Local road and street expansion.

(iv) Local road and street rehabilitation, maintenance, and operation.

(v) Mass transit, commuter rail, and intercity rail expansion.

(vi) Mass transit, commuter rail, and intercity rail rehabilitation, maintenance, and operations.

(vii) Pedestrian and bicycle facilities.

(viii) Environmental enhancements and mitigation.

(ix) Research and planning.

(x) Other categories.

(C) The metropolitan planning organization or county transportation agency, whichever entity is appropriate, shall consider financial incentives for cities and counties that have resource areas or farmland, as defined in Section 65080.01, for the purposes of, for example, transportation investments for the preservation and safety of the city street or county road

system and farm to market and interconnectivity transportation needs. The metropolitan planning organization or county transportation agency, whichever entity is appropriate, shall also consider financial assistance for counties to address countywide service responsibilities in counties that contribute towards the greenhouse gas emission reduction targets by implementing policies for growth to occur within their cities.

(c) Each transportation planning agency may also include other factors of local significance as an element of the regional transportation plan, including, but not limited to, issues of mobility for specific sectors of the community, including, but not limited to, senior citizens.

(d) Except as otherwise provided in this subdivision, each transportation planning agency shall adopt and submit, every four years, an updated regional transportation plan to the California Transportation Commission and the Department of Transportation. A transportation planning agency located in a federally designated air quality attainment area or that does not contain an urbanized area may at its option adopt and submit a regional transportation plan every five years. When applicable, the plan shall be consistent with federal planning and programming requirements and shall conform to the regional transportation plan guidelines adopted by the California Transportation Commission. Prior to adoption of the regional transportation plan, a public hearing shall be held after the giving of notice of the hearing by publication in the affected county or counties pursuant to Section 6061.

SEC. 5. Section 65080.01 is added to the Government Code, to read:

65080.01. The following definitions apply to terms used in Section 65080:

(a) "Resource areas" include (1) all publicly owned parks and open space; (2) open space or habitat areas protected by natural community conservation plans, habitat conservation plans, and other adopted natural resource protection plans; (3) habitat for species identified as candidate, fully protected, sensitive, or species of special status by local, state, or federal agencies or protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plan Protection Act; (4) lands subject to conservation or agricultural easements for conservation or agricultural purposes by local governments, special districts, or nonprofit 501(c)(3) organizations, areas of the state designated by the State Mining and Geology Board as areas of statewide or regional significance pursuant to Section 2790 of the Public Resources Code, and lands under Williamson Act contracts; (5) areas designated for open-space or agricultural uses in adopted open-space elements or agricultural elements of the local general plan or by local ordinance; (6) areas containing biological resources as described in Appendix G of the CEQA Guidelines that may be significantly affected by the sustainable communities strategy or the alternative planning strategy; and (7) an area subject to flooding where a development project would not, at the time of development in the judgment of the agency, meet the requirements of the National Flood Insurance Program or where the area is subject to more protective provisions of state law or local ordinance.

(b) "Farmland" means farmland that is outside all existing city spheres of influence or city limits as of January 1, 2008, and is one of the following:

(1) Classified as prime or unique farmland or farmland of statewide importance.

(2) Farmland classified by a local agency in its general plan that meets or exceeds the standards for prime or unique farmland or farmland of statewide importance.

(c) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

(d) "Consistent" shall have the same meaning as that term is used in Section 134 of Title 23 of the United States Code.

(e) "Internally consistent" means that the contents of the elements of the regional transportation plan must be consistent with each other.

SEC. 6. Section 65400 of the Government Code is amended to read:

65400. (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2). Prior to and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. That report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

(C) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(b) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

SEC. 7. Section 65583 of the Government Code is amended to read:

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action

to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(7) An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

(8) An analysis of opportunities for energy conservation with respect to residential development.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly

and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community

Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than three years and 120 days from the statutory deadline in Section 65588 for adoption of the housing element.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in subdivision (b) of Section 65583.2.

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit towards its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the sites for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:

(1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state federal or local agency.

(2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.

(3) The local government must undertake a major revision to its general plan in order to accommodate the housing related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph; and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be

subject to the Subdivision Map Act. Design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, "housing development project" means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

SEC. 8. Section 65584.01 of the Government Code is amended to read:

65584.01. (a) For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

(b) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the planning period, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of

3 percent of the total regional population forecast for the planning period over the same time period by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population growth projected by the council of governments and the total population growth projected for the region by the Department of Finance is greater than 3 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

(c) (1) At least 26 months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. The council of governments shall provide data assumptions from the council's projections, including, if available, the following data for the region:

(A) Anticipated household growth associated with projected population increases.

(B) Household size data and trends in household size.

(C) The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures.

(D) The vacancy rates in existing housing stock, and the vacancy rates for healthy housing market functioning and regional mobility, as well as housing replacement needs.

(E) Other characteristics of the composition of the projected population.

(F) The relationship between jobs and housing, including any imbalance between jobs and housing.

(2) The department may accept or reject the information provided by the council of governments or modify its own assumptions or methodology based on this information. After consultation with the council of governments, the department shall make determinations in writing on the assumptions for each of the factors listed in subparagraphs (A) to (F), inclusive, of paragraph (1) and the methodology it shall use and shall provide these determinations to the council of governments.

(d) (1) After consultation with the council of governments, the department shall make a determination of the region's existing and projected housing need based upon the assumptions and methodology determined pursuant to subdivision (c). The region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan. Within 30 days following notice of

the determination from the department, the council of governments may file an objection to the department's determination of the region's existing and projected housing need with the department.

(2) The objection shall be based on and substantiate either of the following:

(A) The department failed to base its determination on the population projection for the region established pursuant to subdivision (b), and shall identify the population projection which the council of governments believes should instead be used for the determination and explain the basis for its rationale.

(B) The regional housing need determined by the department is not a reasonable application of the methodology and assumptions determined pursuant to subdivision (c). The objection shall include a proposed alternative determination of its regional housing need based upon the determinations made in subdivision (c), including analysis of why the proposed alternative would be a more reasonable application of the methodology and assumptions determined pursuant to subdivision (c).

(3) If a council of governments files an objection pursuant to this subdivision and includes with the objection a proposed alternative determination of its regional housing need, it shall also include documentation of its basis for the alternative determination. Within 45 days of receiving an objection filed pursuant to this section, the department shall consider the objection and make a final written determination of the region's existing and projected housing need that includes an explanation of the information upon which the determination was made.

SEC. 9. Section 65584.02 of the Government Code is amended to read:

65584.02. (a) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the existing and projected need for housing may be determined for each region by the department as follows, as an alternative to the process pursuant to Section 65584.01:

(1) In a region in which at least one subregion has accepted delegated authority pursuant to Section 65584.03, the region's housing need shall be determined at least 26 months prior to the housing element update deadline pursuant to Section 65588. In a region in which no subregion has accepted delegation pursuant to Section 65584.03, the region's housing need shall be determined at least 24 months prior to the housing element deadline.

(2) At least six months prior to the department's determination of regional housing need pursuant to paragraph (1), a council of governments may request the use of population and household forecast assumptions used in the regional transportation plan. This request shall include all of the following:

(A) Proposed data and assumptions for factors contributing to housing need beyond household growth identified in the forecast. These factors shall include allowance for vacant or replacement units, and may include other adjustment factors.

(B) A proposed planning period that is not longer than the period of time covered by the regional transportation improvement plan or plans of the

region pursuant to Section 14527, but a period not less than five years, and not longer than six years.

(C) A comparison between the population and household assumptions used for the Regional Transportation Plan with population and household estimates and projections of the Department of Finance.

(b) The department shall consult with the council of governments regarding requests submitted pursuant to paragraph (2) of subdivision (a). The department may seek advice and consult with the Demographic Research Unit of the Department of Finance, the State Department of Transportation, a representative of a contiguous council of governments, and any other party as deemed necessary. The department may request that the council of governments revise data, assumptions, or methodology to be used for the determination of regional housing need, or may reject the request submitted pursuant to paragraph (2) of subdivision (a). Subsequent to consultation with the council of governments, the department will respond in writing to requests submitted pursuant to paragraph (1) of subdivision (a).

(c) If the council of governments does not submit a request pursuant to subdivision (a), or if the department rejects the request of the council of governments, the determination for the region shall be made pursuant to Sections 65584 and 65584.01.

SEC. 10. Section 65584.04 of the Government Code is amended to read:

65584.04. (a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall be consistent with the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (d) that will allow the development of a methodology based upon the factors established in subdivision (d).

(2) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(3) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(4) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (d) prior to the public comment period provided for in subdivision (c).

(c) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community. The proposed methodology, along with any relevant underlying data and assumptions, and an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, and how each of the factors listed in subdivision (d) is incorporated into the methodology, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written request for the proposed methodology. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(d) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to

maximize the use of public transportation and existing transportation infrastructure.

(4) The market demand for housing.

(5) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.

(6) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(7) High-housing cost burdens.

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) Any other factors adopted by the council of governments.

(e) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (d) was incorporated into the methodology and how the methodology is consistent with subdivision (d) of Section 65584. The methodology may include numerical weighting.

(f) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.

(g) In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05.

(h) Following the conclusion of the 60-day public comment period described in subdivision (c) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, each council of governments, or delegate subregion, as applicable, shall adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and to the department.

(i) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan.

SEC. 11. Section 65587 of the Government Code is amended to read:

65587. (a) Each city, county, or city and county shall bring its housing element, as required by subdivision (c) of Section 65302, into conformity with the requirements of this article on or before October 1, 1981, and the deadlines set by Section 65588. Except as specifically provided in subdivision (b) of Section 65361, the Director of Planning and Research shall not grant an extension of time from these requirements.

(b) Any action brought by any interested party to review the conformity with the provisions of this article of any housing element or portion thereof or revision thereto shall be brought pursuant to Section 1085 of the Code of Civil Procedure; the court's review of compliance with the provisions of this article shall extend to whether the housing element or portion thereof or revision thereto substantially complies with the requirements of this article.

(c) If a court finds that an action of a city, county, or city and county, which is required to be consistent with its general plan, does not comply with its housing element, the city, county, or city and county shall bring its action into compliance within 60 days. However, the court shall retain jurisdiction throughout the period for compliance to enforce its decision. Upon the court's determination that the 60-day period for compliance would place an undue hardship on the city, county, or city and county, the court may extend the time period for compliance by an additional 60 days.

(d) (1) If a court finds that a city, county, or city and county failed to complete the rezoning required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583, as that deadline may be modified by the extension provided for in subdivision (f) of that section, the court shall issue an order or judgment, after considering the equities of the circumstances presented by all parties, compelling the local government to complete the rezoning within 60 days or the earliest time consistent with public hearing notice requirements in existence at the time the action was filed. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out, the court shall issue further orders to ensure that the purposes and policies of this article are fulfilled, including ordering, after considering the equities of the circumstances presented by all parties, that any rezoning required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 be completed within 60 days or the earliest time consistent with public hearing notice requirements in existence at the time the action was filed and may impose sanctions on the city, county, or city and county.

(2) Any interested person may bring an action to compel compliance with the deadlines and requirements of paragraphs (1), (2), and (3) of subdivision (c) of Section 65583. The action shall be brought pursuant to Section 1085 of the Code of Civil Procedure. An action may be brought pursuant to the notice and accrual provisions of subdivision (d) of Section 65009. In any such action, the city, county, or city and county shall bear the burden of proof.

SEC. 12. Section 65588 of the Government Code is amended to read:

65588. (a) Each local government shall review its housing element as frequently as appropriate to evaluate all of the following:

(1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.

(2) The effectiveness of the housing element in attainment of the community's housing goals and objectives.

(3) The progress of the city, county, or city and county in implementation of the housing element.

(b) Except as provided in paragraph (7) of subdivision (e), the housing element shall be revised as appropriate, but not less than every eight years, to reflect the results of this periodic review, by those local governments that are located within a region covered by (1) a metropolitan planning organization in a region classified as nonattainment for one or more pollutants regulated by the federal Clean Air Act or (2) a metropolitan planning organization or regional transportation planning agency that is required, or has elected pursuant to subparagraph (L) of paragraph (2) of subdivision (b) of Section 65080, to adopt a regional transportation plan not less than every four years, except that a local government that does not adopt a housing element within 120 days of the statutory deadline for adoption of the housing element shall revise its housing element as appropriate, but not less than every four years. The housing element shall be revised, as appropriate, but not less than every five years by those local governments that are located within a region covered by a metropolitan planning organization or regional transportation planning agency that is required to adopt a regional transportation plan not less than every five years, to reflect the results of this periodic review. Nothing in this section shall be construed to excuse the obligations of the local government to adopt a revised housing element no later than the date specified in this section.

(c) The review and revision of housing elements required by this section shall take into account any low- or moderate-income housing provided or required pursuant to Section 65590.

(d) The review pursuant to subdivision (c) shall include, but need not be limited to, the following:

(1) The number of new housing units approved for construction within the coastal zone after January 1, 1982.

(2) The number of housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, required to be provided in new housing developments either within

the coastal zone or within three miles of the coastal zone pursuant to Section 65590.

(3) The number of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been authorized to be demolished or converted since January 1, 1982, in the coastal zone.

(4) The number of residential dwelling units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been required for replacement or authorized to be converted or demolished as identified in paragraph (3). The location of the replacement units, either onsite, elsewhere within the locality's jurisdiction within the coastal zone, or within three miles of the coastal zone within the locality's jurisdiction, shall be designated in the review.

(e) Notwithstanding subdivision (b) or the date of adoption of the housing elements previously in existence, each city, county, and city and county shall revise its housing element according to the following schedule:

(1) Local governments within the regional jurisdiction of the Southern California Association of Governments: June 30, 2006, for the fourth revision.

(2) Local governments within the regional jurisdiction of the Association of Bay Area Governments: June 30, 2007, for the fourth revision.

(3) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2002, for the third revision, and June 30, 2008, for the fourth revision.

(4) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2002, for the third revision, and June 30, 2009, for the fourth revision.

(5) Local governments within the regional jurisdiction of the San Diego Association of Governments: June 30, 2005, for the fourth revision.

(6) All other local governments: December 31, 2003, for the third revision, and June 30, 2009, for the fourth revision.

(7) (A) All local governments within a metropolitan planning organization in a region classified as nonattainment for one or more pollutants regulated by the federal Clean Air Act (42 U.S.C. Sec. 7506), except those within the regional jurisdiction of the San Diego Association of Governments, shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan to be adopted after September 30, 2010.

(B) All local governments within the regional jurisdiction of the San Diego Association of Governments shall adopt their fifth revision no more than five years from the fourth revision and their sixth revision no later than 18 months after adoption of the first regional transportation plan to be adopted after the fifth revision due date.

(C) All local governments within the regional jurisdiction of a metropolitan planning organization or a regional transportation planning agency that has made an election pursuant to subparagraph (L) of paragraph

(2) of subdivision (b) of Section 65080 shall be subject to the eight-year planning period pursuant to subdivision (b) of Section 65588 and shall adopt its next housing element 18 months after adoption of the first regional transportation plan following the election.

(f) For purposes of this article, "planning period" shall be the time period for periodic revision of the housing element pursuant to this section.

SEC. 13. Section 21061.3 of the Public Resources Code is amended to read:

21061.3. "Infill site" means a site in an urbanized area that meets either of the following criteria:

(a) The site has not been previously developed for urban uses and both of the following apply:

(1) The site is immediately adjacent to parcels that are developed with qualified urban uses, or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses, and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses.

(2) No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.

(b) The site has been previously developed for qualified urban uses.

SEC. 14. Chapter 4.2 (commencing with Section 21155) is added to Division 13 of the Public Resources Code, to read:

CHAPTER 4.2. IMPLEMENTATION OF THE SUSTAINABLE COMMUNITIES STRATEGY

21155. (a) This chapter applies only to a transit priority project that is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

(b) For purposes of this chapter, a transit priority project shall (1) contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75; (2) provide a minimum net density of at least 20 dwelling units per acre; and (3) be within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. A major transit stop is as defined in Section 21064.3, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high-quality transit corridor means a corridor

with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. A project shall be considered to be within one-half mile of a major transit stop or high-quality transit corridor if all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop or corridor.

21155.1. If the legislative body finds, after conducting a public hearing, that a transit priority project meets all of the requirements of subdivisions (a) and (b) and one of the requirements of subdivision (c), the transit priority project is declared to be a sustainable communities project and shall be exempt from this division.

(a) The transit priority project complies with all of the following environmental criteria:

(1) The transit priority project and other projects approved prior to the approval of the transit priority project but not yet built can be adequately served by existing utilities, and the transit priority project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.

(2) (A) The site of the transit priority project does not contain wetlands or riparian areas and does not have significant value as a wildlife habitat, and the transit priority project does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and the project does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.

(B) For the purposes of this paragraph, "wetlands" has the same meaning as in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(C) For the purposes of this paragraph:

(i) "Riparian areas" means those areas transitional between terrestrial and aquatic ecosystems and that are distinguished by gradients in biophysical conditions, ecological processes, and biota. A riparian area is an area through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. A riparian area includes those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems. A riparian area is adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines.

(ii) "Wildlife habitat" means the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.

(iii) Habitat of "significant value" includes wildlife habitat of national, statewide, regional, or local importance; habitat for species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531, et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with

Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code); habitat identified as candidate, fully protected, sensitive, or species of special status by local, state, or federal agencies; or habitat essential to the movement of resident or migratory wildlife.

(3) The site of the transit priority project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.

(4) The site of the transit priority project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.

(A) If a release of a hazardous substance is found to exist on the site, the release shall be removed or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.

(B) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.

(5) The transit priority project does not have a significant effect on historical resources pursuant to Section 21084.1.

(6) The transit priority project site is not subject to any of the following:

(A) A wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.

(B) An unusually high risk of fire or explosion from materials stored or used on nearby properties.

(C) Risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.

(D) Seismic risk as a result of being within a delineated earthquake fault zone, as determined pursuant to Section 2622, or a seismic hazard zone, as determined pursuant to Section 2696, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake fault or seismic hazard zone.

(E) Landslide hazard, flood plain, flood way, or restriction zone, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.

(7) The transit priority project site is not located on developed open space.

(A) For the purposes of this paragraph, "developed open space" means land that meets all of the following criteria:

(i) Is publicly owned, or financed in whole or in part by public funds.

(ii) Is generally open to, and available for use by, the public.

(iii) Is predominantly lacking in structural development other than structures associated with open spaces, including, but not limited to,

playgrounds, swimming pools, ballfields, enclosed child play areas, and picnic facilities.

(B) For the purposes of this paragraph, "developed open space" includes land that has been designated for acquisition by a public agency for developed open space, but does not include lands acquired with public funds dedicated to the acquisition of land for housing purposes.

(8) The buildings in the transit priority project are 15 percent more energy efficient than required by Chapter 6 of Title 24 of the California Code of Regulations and the buildings and landscaping are designed to achieve 25 percent less water usage than the average household use in the region.

(b) The transit priority project meets all of the following land use criteria:

(1) The site of the transit priority project is not more than eight acres in total area.

(2) The transit priority project does not contain more than 200 residential units.

(3) The transit priority project does not result in any net loss in the number of affordable housing units within the project area.

(4) The transit priority project does not include any single level building that exceeds 75,000 square feet.

(5) Any applicable mitigation measures or performance standards or criteria set forth in the prior environmental impact reports, and adopted in findings, have been or will be incorporated into the transit priority project.

(6) The transit priority project is determined not to conflict with nearby operating industrial uses.

(7) The transit priority project is located within one-half mile of a rail transit station or a ferry terminal included in a regional transportation plan or within one-quarter mile of a high-quality transit corridor included in a regional transportation plan.

(c) The transit priority project meets at least one of the following three criteria:

(1) The transit priority project meets both of the following:

(A) At least 20 percent of the housing will be sold to families of moderate income, or not less than 10 percent of the housing will be rented to families of low income, or not less than 5 percent of the housing is rented to families of very low income.

(B) The transit priority project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for very low, low-, and moderate-income households at monthly housing costs with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing. Rental units shall be affordable for at least 55 years. Ownership units shall be subject to resale restrictions or equity sharing requirements for at least 30 years.

(2) The transit priority project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the

development of an equivalent number of units that would otherwise be required pursuant to paragraph (1).

(3) The transit priority project provides public open space equal to or greater than five acres per 1,000 residents of the project.

21155.2. (a) A transit priority project that has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Section 21081, shall be eligible for either the provisions of subdivision (b) or (c).

(b) A transit priority project that satisfies the requirements of subdivision (a) may be reviewed through a sustainable communities environmental assessment as follows:

(1) An initial study shall be prepared to identify all significant or potentially significant impacts of the transit priority project, other than those which do not need to be reviewed pursuant to Section 21159.28 based on substantial evidence in light of the whole record. The initial study shall identify any cumulative effects that have been adequately addressed and mitigated pursuant to the requirements of this division in prior applicable certified environmental impact reports. Where the lead agency determines that a cumulative effect has been adequately addressed and mitigated, that cumulative effect shall not be treated as cumulatively considerable for the purposes of this subdivision.

(2) The sustainable communities environmental assessment shall contain measures that either avoid or mitigate to a level of insignificance all potentially significant or significant effects of the project required to be identified in the initial study.

(3) A draft of the sustainable communities environmental assessment shall be circulated for public comment for a period of not less than 30 days. Notice shall be provided in the same manner as required for an environmental impact report pursuant to Section 21092.

(4) Prior to acting on the sustainable communities environmental assessment, the lead agency shall consider all comments received.

(5) A sustainable communities environmental assessment may be approved by the lead agency after conducting a public hearing, reviewing the comments received, and finding that:

(A) All potentially significant or significant effects required to be identified in the initial study have been identified and analyzed.

(B) With respect to each significant effect on the environment required to be identified in the initial study, either of the following apply:

(i) Changes or alterations have been required in or incorporated into the project that avoid or mitigate the significant effects to a level of insignificance.

(ii) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(6) The legislative body of the lead agency shall conduct the public hearing or a planning commission may conduct the public hearing if local

ordinances allow a direct appeal of approval of a document prepared pursuant to this division to the legislative body subject to a fee not to exceed five hundred dollars ($500).

(7) The lead agency's decision to review and approve a transit priority project with a sustainable communities environmental assessment shall be reviewed under the substantial evidence standard.

(c) A transit priority project that satisfies the requirements of subdivision (a) may be reviewed by an environmental impact report that complies with all of the following:

(1) An initial study shall be prepared to identify all significant or potentially significant effects of the transit priority project other than those that do not need to be reviewed pursuant to Section 21159.28 based upon substantial evidence in light of the whole record. The initial study shall identify any cumulative effects that have been adequately addressed and mitigated pursuant to the requirements of this division in prior applicable certified environmental impact reports. Where the lead agency determines that a cumulative effect has been adequately addressed and mitigated, that cumulative effect shall not be treated as cumulatively considerable for the purposes of this subdivision.

(2) An environmental impact report prepared pursuant to this subdivision need only address the significant or potentially significant effects of the transit priority project on the environment identified pursuant to paragraph (1). It is not required to analyze off-site alternatives to the transit priority project. It shall otherwise comply with the requirements of this division.

21155.3. (a) The legislative body of a local jurisdiction may adopt traffic mitigation measures that would apply to transit priority projects. These measures shall be adopted or amended after a public hearing and may include requirements for the installation of traffic control improvements, street or road improvements, and contributions to road improvement or transit funds, transit passes for future residents, or other measures that will avoid or mitigate the traffic impacts of those transit priority projects.

(b) (1) A transit priority project that is seeking a discretionary approval is not required to comply with any additional mitigation measures required by paragraph (1) or (2) of subdivision (a) of Section 21081, for the traffic impacts of that project on intersections, streets, highways, freeways, or mass transit, if the local jurisdiction issuing that discretionary approval has adopted traffic mitigation measures in accordance with this section.

(2) Paragraph (1) does not restrict the authority of a local jurisdiction to adopt feasible mitigation measures with respect to the effects of a project on public health or on pedestrian or bicycle safety.

(c) The legislative body shall review its traffic mitigation measures and update them as needed at least every five years.

SEC. 15. Section 21159.28 is added to the Public Resources Code, to read:

21159.28. (a) If a residential or mixed-use residential project is consistent with the use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities

strategy or an alternative planning strategy, for which the State Air Resources Board pursuant to subparagraph (I) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code has accepted the metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets and if the project incorporates the mitigation measures required by an applicable prior environmental document, then any findings or other determinations for an exemption, a negative declaration, a mitigated negative declaration, a sustainable communities environmental assessment, an environmental impact report, or addenda prepared or adopted for the project pursuant to this division shall not be required to reference, describe, or discuss (1) growth inducing impacts; or (2) any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network.

(b) Any environmental impact report prepared for a project described in subdivision (a) shall not be required to reference, describe, or discuss a reduced residential density alternative to address the effects of car and light-duty truck trips generated by the project.

(c) "Regional transportation network," for purposes of this section, means all existing and proposed transportation system improvements, including the state transportation system, that were included in the transportation and air quality conformity modeling, including congestion modeling, for the final regional transportation plan adopted by the metropolitan planning organization, but shall not include local streets and roads. Nothing in the foregoing relieves any project from a requirement to comply with any conditions, exactions, or fees for the mitigation of the project's impacts on the structure, safety, or operations of the regional transportation network or local streets and roads.

(d) A residential or mixed-use residential project is a project where at least 75 percent of the total building square footage of the project consists of residential use or a project that is a transit priority project as defined in Section 21155.

SEC. 16. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

O

HANDOUT NO. 2

FINAL DRAFT

DIVISION OF LOCAL ASSISTANCE

Guidelines for Managing Local Assistance
American Recovery and Reinvestment Act (Recovery Act) Funding
July 7, 2009

BACKGROUND

On February 17, 2009, President Obama signed The American Recovery and Reinvestment Act of 2009 (the Recovery Act). Among its many provisions, the Recovery Act provides states with federal economic stimulus/recovery funding. California is set to receive approximately $2.57 billion in federal apportionments for its Highway Infrastructure Investment Program.

The Recovery Act specifies a sub-allocation of 30 percent of these funds to the Regions through the Surface Transportation Program (STP) process which is "based on population", and does not require sub-allocation of the remaining 70 percent designated to the state. The State of California (State) has 120 days from the date of apportionment by Federal Highway Administration (FHWA) to obligate half of the 70 percent of the stimulus funds that are not sub-allocated. Any funds not obligated within the first 120 days are to be redistributed to states that are able to meet the deadline. California has approximately $900 million subject to the federal 120-day requirement that must be obligated by June 30, 2009 to prevent the loss of funds to other states; this is the State's 50 percent of the 70 percent.

On March 27, 2009, Governor Schwarzenegger signed Assembly Bill x3 20 (ABx3 20). This new law established the distribution formula of federal economic stimulus funds, 62.5% to the Regions and 37.5% to the State. This additional influx of "any area" funding to the Regions will be subject to the federal 120-day deadline (June 30, 2009). On April 3, 2009, the Department's Division of Transportation Programming (Programming) released "final" Recovery Act fund apportionment levels for the local Regions. This includes the Recovery Act funds sub-allocated "based on population" and the additional ABx3 20 "any area" funds.

As of May 2009, the June 30, 2009 minimum requirement has been met for California.

Description of Recovery Act Apportionments:
The specific Recovery Act fund types that may be received by the Regions are:

"Based on Population"

- C200 – Areas with Population equal to or less than 200,000
- C230 – Urbanized Areas over 200,000 Population
- C250 – Rural Areas with Population under 5,000

"Any Area"

- C220 – Transportation Enhancements
- C240 – Available for Use in Any Area (flexible)

The federal reimbursement rate for projects using recovery funds can be up to 100 percent, at the discretion of the recipients/regions receiving the funding.

FINAL DRAFT

DEADLINES (also, please see DLA Timelines for Recovery Act Funding dated July 1, 2009)

The following dates apply to the Regions based on the specific Recovery Act Highway Infrastructure Investment fund types:

- **June 30, 2009** – The 120th day from March 2, 2009, the apportionment date of the Recovery Act funding by FHWA. A minimum and aggregate total of 50% of apportionments in "any area" must be obligated by the Regions and the State by this date.
  - **As of May 2009, the June 30, 2009 minimum requirement has been met for California.**
  - As a result, requirements for meeting the June 30, 2009 deadline have been removed from these Guidelines. However, language is provided for Redistribution of June 30, 2009 funds from other States should any redistribution become available for Local Assistance.
- **March 2, 2010** – All remaining funding in Recovery Act apportionments "based on population" and the "any area" funds must be obligated by the Regions and the State. **Recovery Act funds not obligated by this deadline will be lost by California and distributed to other states that are able to obligate all of their Recovery Act funds.**
- **September 30, 2010** – Recovery Act funds not obligated by this date will lapse.
  - **Recovery Act funds can not be obligated after September 30, 2010.**
  - This date applies to Recovery Act funds that are redistributed, as well as Recovery Act funds deobligated from projects.
- **September 30, 2015** – Final Recovery Act fund deadline. **Recovery Act funds not expended by this time will expire.**

RESPONSIBILITES:

Department:

1. Distribution of Recovery Act apportionments to the Regions.
2. Oversee and monitor the use of local Recovery Act funds. The Department will provide online delivery and monthly activity reports for District Local Assistance Engineers (DLAEs) and the Regions.
3. Work closely with Regions and Local Agencies in the obligation of their Recovery Act funds.

Regions (MPOs/RTPAs):

1. Ensure that projects using Recovery Act funds are programmed in the FTIP – including back-up projects and/or projects that may use Redistributed Recovery Act funds, if any.
2. Ensure that any Recovery Act funding programmed is obligated in accordance with the deadlines of the Recovery Act.
3. To expedite obligation of the Recovery Act funds, Regions may consider swapping the recovery funds on projects that are already programmed in the FTIP through FTIP Administrative Modifications. Projects programmed in any of the four years of the FTIP may be advanced for delivery using the Recovery Act funds.

FINAL DRAFT

Local Agencies:

1. Submit any Requests for Authorization (RFA) for projects using Recovery Act funds in a timely manner and in accordance with the Local Assistance Procedures Manual (LAPM).
2. Ensure that all Federal and State requirements as set forth in the LAPM are being adhered to when submitting an RFA. *[This includes, but is not limited, to the new federal Disadvantaged Business Enterprise (DBE) requirements.]*

GUIDELINES

Obligating Recovery Act Funding:

1. As of May 2009, the Department and Regions have collectively obligated more than the required $900 million of the "any area" Recovery Act funds, approximately 60 days prior to the June 30, 2009 deadline.
2. The remaining Recovery Act funding will need to be obligated by March 2, 2010.
3. Each Region is strongly encouraged to obligate their share of the Recovery Act funding as expeditiously as possible.
4. Any Region that will be unable to use their share of the Recovery Act funding received in a timely manner may transfer their share to another Region. In such case, the Caltrans Division of Local Assistance (DLA) Headquarters (HQs) will need to receive a letter, co-signed by both Regions, agreeing to transfer of the Recovery Act funds. It will be the responsibility of the donating and receiving agencies of the transfer, to adjust the programming amounts appropriately in the FTIP; the donating agency will have a decrease in programming capacity and the receiving agency will have an increase in programming capacity. Any replacement funding, as a result of this transfer of Recovery Act funding, will be outside the scope of oversight and responsibility of the Department as it relates to the Recovery Act funds.
5. ABx3 20 requires that Regions report to the Department for any Recovery Act funds that will not be obligated within the "one-year to obligate" deadline.
6. ABx3 20 also authorizes the Department to redistribute the funds to other projects to ensure that California will continue to compete for additional funds through federal redistribution of Recovery Act funds.
7. The least flexible Recovery Act funds within each Region should be obligated first (such as C230 and C250). The most flexible Recovery Act funds (C240) should be obligated last. Therefore, if a Region is not able to use 100 percent of their Recovery Act funds, by any of the applicable deadlines, then the necessary redistribution of funds will be of the most flexible Recovery Act funds.
8. In order to avoid lost Recovery Act funds from later project savings, it is recommended that Regions use mixed federal funding for the projects that are using Recovery Act funds. Therefore, any project savings can be applied to the non-Recovery Act funding, so as to keep the Recovery Act fund usage at 100 percent (particularly after the September 30, 2010 deadline).

Receipt of Additional Recovery Funding:

1. July 2009 - Any "June 30, 2009" Recovery Act funds redistributed to DLA will be distributed to the Regions based on the ratio of recovery funds received from Programming.

2. January 1, 2010 – Based on obligations as of January 1, 2010 and "Final" RFAs submitted to the DLAEs by December 15, 2009, ANY Recovery Act funds that will not be obligated prior to specified deadlines may be redistributed. As possible, these funds would be redistributed within Local Assistance to the Regions that have obligated 100 percent of their pre-March 2, 2010 Recovery Act funds (including 12/15/2009 "Final" RFAs with DLAEs or DLA HQs). These eligible Regions will receive any redistributed Recovery Act funds, if sufficient, per the ratio of the eligible Regions obligated funds to the total obligated Recovery Act funds for all eligible Regions.
3. March 2010 - Any "March 2, 2010" Recovery Act funds redistributed to DLA will be distributed to the Regions that have obligated 100 percent of their pre-March 2, 2010 Recovery Act funds. These eligible Regions will receive any redistributed Recovery Act funds per the ratio of the eligible Regions obligated funds to the total obligated Recovery Act funds for all eligible Regions.
4. If any of the Redistributed March 2, 2010 Recovery Act funds are unobligated by July 2010 those funds may be redistributed to another Region(s), Program(s), and/or the State. This redistribution would be necessary to ensure the full delivery of the Recovery Act funds prior to the final September 30, 2010 lapsing date. A complete RFA that would use these Recovery Act funds - with the DLAEs or DLA HQs by July 1, 2010 - would be taken into consideration to avoid the redistribution.

These guidelines will be implemented effective March 2, 2009.

DRAFT

DIVISION OF LOCAL ASSISTANCE

Timelines for
American Recovery and Reinvestment Act (Recovery Act) Funding
July 7, 2009

June 30, 2009

- The 120th day from the receipt of the Recovery Act apportionments from the Federal Highway Administration (FHWA) (March 2, 2009). At this mark, a minimum of 50% of "any area" apportionments to States must be obligated or lost.
  ▶ **Goal achieved by California as of May 4, 2009.**

July 2009

- First FHWA Redistribution - FHWA to redistribute any Recovery Act funds from states that did not meet the June 30, 2009 deadline.

If additional Recovery funds are received from FHWA:

- Recovery Act funds will be distributed to the Regions and State per the same ratio in ABx3 20.
- Redistributed Recovery Act funds will be distributed to the Regions based on the prior ratio of Recovery Act funds received per Caltrans Division of Transportation Programming (Programming).
- Programming to update Distribution Sheets, if necessary.

November 1, 2009

- Regions **MUST** submit to Caltrans Division of Local Assistance (DLA) Headquarters (HQs) a report with the amount of Recovery Act funds they plan to obligate.
  - Report shall include a list of Recovery Act funded projects that will be obligated by January 1, 2010 and specify **ANY** Recovery Act funds that **will not** be obligated by January 1, 2010.
  - Report should include a list of back-up Recovery Act funded projects that could be obligated if other projects are not ready or if any redistributed Recovery Act funds become available. Back-up projects will need to be obligated by January 1, 2010 as well and therefore must be programmed in the FTIP. To maintain financial constraints of the FSTIP, the back-up projects may initially be programmed using other funds and reconciliation can be done through an FTIP administrative modification. Regions and Local Agencies need to work with their District Local Assistance Engineers (DLAEs) and Programming as necessary to ensure appropriate programming and use of the Recovery Act funds within the specified timelines.

December 1, 2009

- Local Agencies **MUST** submit "Draft" Requests for Authorization (RFA) to DLAEs.

December 15, 2009

- Local Agencies **MUST** submit "Final" project RFAs funded with Recovery Act funds to DLAEs.
- After this date, Caltrans will not deobligate any funds until after March 2, 2010.

DRAFT

December 31, 2009

- Districts **MUST** submit RFAs for DLA Recovery Act funded projects to DLA HQs.

January 1, 2010

- Caltrans DLA will redistribute any local Recovery Act funds that will not be used by Regions based on the "Final" RFAs.
- Redistribution of Recovery Act funds will be as follows:
    - Regions that will obligate 100 percent of their Recovery Act funds including the "Final" RFAs.
    - Regions that have back-up projects identified and programmed in the FTIPs (see November 1, 2009 of these timelines).
    - Depending on the amount of available funds to redistribute, if sufficient, based on the ratio of the obligated funds of the eligible Region to the total obligated amount of all eligible Regions.
    - As necessary to ensure that DLA will use these funds on Local Assistance funded projects and continue to compete for and receive Recovery Act funds during the federal redistribution of Recovery Act funds .

January 2010

- DLA HQs submits all timely and complete electronic RFAs (E76s) to FHWA; this includes RFAs for all redistributed funds, if any.

February 1, 2010

- DLA notifies Federal Resources Office (FRO) of any Recovery Act funds that will not be obligated by DLA.

March 2, 2010 - One year date from March 2, 2009.

- On this date, **all** remaining Recovery Act fund apportionments to States must be obligated or lost to other states.
- Obligation as used in these timelines is the date of FHWA approval.

March 2010

- Second FHWA Redistribution --FHWA Redistribution of Recovery Act funds from states that did not meet the March 2, 2010 obligation deadline.

If additional Recovery Act funds are received from FHWA:

- Recovery Act funds will be distributed to the Regions and State per the same ratio in ABx3 20.
- Redistributed Recovery Act funds will be distributed to the Regions as follows:
    - Only Regions that obligated 100 percent of their Recovery Act funds by March 2, 2010 deadline.
    - The ratio of the obligated funds of the eligible Region to the total obligated amount of all eligible Regions on March 2, 2010.
- Programming to update Distribution Sheets, if necessary.

DRAFT

July 1, 2010

- Local agencies **MUST** submit RFAs for Recovery Act funded projects to their DLAEs.
- Regions **MUST** submit to Caltrans DLA HQs a report with the amount of any Recovery Act apportionments that they intend to obligate.
    - This report shall include a list of Recovery Act funded projects that will be obligated by August 1, 2010 and specify **ANY** Recovery Act funds that will not be obligated by August 1, 2010.
    - This report shall include a list of back-up Recovery Act funded projects that may be obligated if other projects are not ready for obligation or if any redistributed Recovery Act funds become available. Back-up projects will need to be obligated by August 1, 2010 as well and therefore must be programmed in the FTIP.

July 31, 2010

- Districts **MUST** submit RFAs for DLA Recovery Act funded projects to DLA HQs.

August 2010

- DLA HQs submits all timely and complete electronic RFAs (E76s) to FHWA.

September 1, 2010

- DLA notifies Federal Resources Office (FRO) of any Recovery Act funds that will not be obligated by DLA.

September 30, 2010 --Any Recovery Act funds not obligated will lapse.

- Any Recovery Act funds deobligated after this date will not be available for future obligation. Recovery Act funds can not be obligated after September 30, 2010.

September 30, 2015 --Unexpended Recovery Funds will expire.

FFY 2008 - 2009
Local Assistance Delivery
Formula OA Funds
Based on CBARS/FMIS Transactions as of June 30, 2009

Region	"Revised" Projected Base FFY 2009 OA[1]	Adjustment to FFY 2009 OA for FFY 2008 Over - Under Delivery[2]	Contribution for NEPA FY 2008/09	NEPA Funding Offset	Projected FFY 2009 Target OA[3]	FFY 2009 Obligations as of 6/30/09	Percent Target Delivered	Balance of FFY 2009 Target OA[4]
Butte	4,385,471	2,739,111			7,124,582	3,896,766	54.7%	3,227,816
Fresno	19,341,940	(1,886,989)	(18,376)		17,436,575	10,982,193	63.0%	6,454,382
Kern	14,869,781	(4,255,046)	(15,266)		10,599,469	10,966,902	103.5%	(367,433)
Kings	2,863,251	828,298			3,691,550	2,107,410	57.1%	1,584,140
Los Angeles	234,039,298	(14,464,436)	(227,743)	1,000,000	220,347,119	165,822,553	75.3%	54,524,566
Madera	2,785,383	392,032			3,177,414	2,909,827	91.6%	267,587
Merced	4,740,539	681,096			5,421,635	2,478,993	45.7%	2,942,642
Monterey	4,472,548	(2,475,959)			1,996,589	4,969,841	248.9%	(2,973,252)
Orange	70,201,664	19,774,865	(68,238)		89,908,290	27,200,332	30.3%	62,707,958
Riverside[5]	42,292,816	(1,723,170)	(39,081)		40,530,565	7,116,931	17.6%	33,413,634
Sacramento (SACOG)	43,778,676	(17,423,079)	(41,308)		26,314,289	47,282,534	179.7%	(20,968,244)
San Benito	592,618	134,221			726,839	473,692	65.2%	253,148
San Bernardino[5]	44,339,665	18,702,707	(41,847)		63,000,525	95,939,070	152.3%	(32,938,545)
San Diego	60,410,612	(19,353,888)	(58,763)		40,997,960	46,877,806	114.3%	(5,879,845)
S.F. Bay Area (MTC)	144,379,590	(46,878,465)	(139,797)		97,361,328	117,647,951	120.8%	(20,286,623)
San Joaquin	14,176,032	(3,965,149)	(13,292)		10,197,591	7,416,743	72.7%	2,780,848
San Luis Obispo	2,746,135	(134,760)			2,611,375	2,949,329	112.9%	(337,954)
Santa Barbara	4,445,664	(38,361)			4,407,303	4,774,161	108.3%	(366,858)
Santa Cruz	2,845,446	(64,344)			2,781,102	3,642,627	131.0%	(861,525)
Stanislaus	10,990,785	(1,738,604)	(10,465)		9,241,716	(841,239)	0.0%	10,082,955
Tahoe	1,093,431	1,764,828			2,858,259	897,680	31.4%	1,960,579
Tulare	8,170,862	(3,776,290)			4,394,572	4,469,446	101.7%	(74,874)
Ventura	15,620,651	(863,135)	(14,974)		14,742,541	2,651,072	18.0%	12,091,470
Amador[6, 8]	708,620	196,683			788,705 [8]	596,657	75.7%	192,048
Calaveras[6, 8]	838,743	336,865			794,044 [8]	483,422	60.9%	310,622
Imperial[6]	2,872,334	(189,329)	(1,923)		2,681,082	313,303	11.7%	2,367,779
Mariposa[6]	339,996	423,405			763,401	364,308	47.7%	399,093
Nevada[6]	1,837,545	733,960			2,571,506	1,729,149	67.2%	842,357
Tuolumne[6, 8]	1,097,363	661,738			2,257,263 [8]	670,895	29.7%	1,586,368
Rural Counties[6]	10,936,240	-	-	-	10,936,240	11,222,285	102.6%	(286,044)
TOTAL LOCAL AGENCIES	772,213,699	(71,861,195)	(691,073)	1,000,000	700,661,431	588,012,636	83.9%	112,648,795
HBP	254,898,411	(25,840,262)	(308,927)		228,749,222	153,553,113 [9]	67.1%	75,196,110
Safety	42,464,552	64,202,438			106,666,990	10,103,375	9.5%	96,563,614
SRTS	20,948,373	29,543,072			50,491,445	12,681,516	25.1%	37,809,929
TOTAL	1,090,525,035 [1]	(3,955,946) [7]	(1,000,000)	1,000,000	1,086,569,089	764,350,640 [10]	70.3%	322,218,449
FFY 2008 Formula OA Obligations YTD (6/30/08) (Total)	*Prior year data here for informational purposes*				1,108,519,560	727,309,290	65.6%	381,210,269

Assumptions:

< Obligations are based on CBARS/FMIS transactions and adjustments per the Department's Federal Resources Office (FRO).

< Obligations include obligations, deobligations, exchanges, FTAs.

Footnotes:

[1] **As of the March 31, 2009 Delivery Report, the Locals' projected FFY 2009 OA is based the full FFY projected OA per FHWA N4520.201 dated March 25, 2009. However, OA may be revised or adjusted prior to the close of the FFY for various reasons, including FHWA decreases/increases of OA.**

[2] Balance of FFY 2008 OA -- This is the amount a Region must pay back if over delivered or the amount a Region will receive to "make whole" if under delivered based on the DLA OA Management Policy. Amounts shown in parenthesis are amounts owed back and positive (non-parenthesis numbers) amounts are amounts owed to those Regions/Programs. When DLA, as a whole, under delivers the OA in an FFY and this under delivered OA is "lost" to the State because of DLA under delivery -- this "lost" OA may not be repaid to DLA.

[3] This is projected FFY 2009 OA with the adjustments for FFY 2008 OA Over or Under Delivery and National Environmental Policy Act (NEPA) delegation for FFY 2009.

[4] Balance of FFY 2009 Target OA per date of report – At the end of FFY 2009 (September 30, 2009 report) this is the amount a Region must pay back if over delivered or the amount a Region will receive to "make whole" if under delivered based on the DLA OA Management Policy. Amounts shown in parenthesis are amounts owed back and positive (non-parenthesis numbers) amounts are amounts owed to those Regions/Programs. If OA is lost to the State due to DLA under delivery, as a whole, then under delivered OA may not be available to repay Regions and/or Programs.

[5] Per August 1, 2006 MOU from Riverside County Transportation Commission (RCTC) and the San Bernardino Associated Governments (SANBAG), the FFY 2006 OA for these two regions was adjusted in September 2006 to reflect a loan of OA of $16,000,000. The Loan decreased RCTC's FFY 2006 OA and increased SANBAG's FFY 2006 OA by the $16,000,000. The August 1, 2006 memo states that the payback of the OA to RCTC from SANBAG is anticipated in FFY 2009 or FFY 2010. Upon direction from these Regions the payback will not be in FFY 2009.

[6] The Rural Counties' subtotal above excludes those rural counties receiving CMAQ beginning in FFY 2006.

[7] Based on the FFY 2008 September 30, 2008 year-end reconciliation with FRO, this amount is an adjustment to OA that will be made in FFY 2009. This is a payback of DLA's Over Delivery of OA to Capital and thus reduces DLA's share of FFY 2009 OA.

[8] MOU (June 2008) between ACTC; CCOG; and TCTC -- $381,564 of OA from CCOG to TCTC for FFY 2008-09; and $116,598 of OA from ACTC to TCTC for FFY 2008-09; repayment and future loans in FFYs 2010; 2011; and 2012.

[9] Includes transfer of $24.3M of L1C0 from the Locals to the State in accordance with Prop. 1B.

[10] As of March 31, 2009 Delivery Report, includes FFY 2009 RSTP Exchange.

Prepared by John Flores
July 7, 2009

HANDOUT NO. 3

Checklist for FTIP Amendment or Administrative Modification Submittal

A complete Amendment or Administrative Modification package must include the following:

1. **Cover Letter and transmittal of FTIP Amendment or Administrative Modification package:**
   a. FTIP Amendment: Address the cover letter to the Division Chief, Transportation Programming, Attn: Your FTIP Coordinator
   b. Administrative Modification: Address the cover letter to the Office Chief, Office of Federal Transportation Management Program, Attn: Your FTIP Coordinator
   c. If an administrative modification programs additional revenue to the projects that has not been accounted for in the MPO's financial plan, MPO may rely on the Caltrans' federal programming capacity from the FSTIP to program this revenue in the interim. Note that this revenue must be available for the region prior to processing the administrative modification. In such case, MPO must include the following language in the administrative modification cover letter:

      "This administrative modification adds programming capacity in the amount of $_____that relies on the State's federal programming capacity. Our next amendment will update the financial information to reflect actual funding to support the added programming capacity."
   d. Transmittal of the Amendment or Administrative Modification Package to Caltrans, Division of Transportation Programming:
      If the total number of pages included in the package is less than 25, then the package can be transmitted electronically to your FTIP Coordinator; in that case MPO must submit original signed cover letter by mail to Caltrans, Division of Transportation Programming.
      If the total number of pages included in the package is more than 25, then MPOs must mail 2 hard copies of the package along with the original signed cover letter to Caltrans, Division of Transportation Programming at the following address.

      Department of Transportation
      Division of Transportation Programming, MS 82
      Office of Federal Transportation Management Program
      P.O. Box 942874
      Sacramento, CA 94274-0001

   e. MPOs also to mail copies of Amendments or Administrative Modifications to FHWA, FTA, and EPA. Copies to Caltrans District FTIP Coordinators and Caltrans District Local Assistance Engineers (DLAEs) are at the MPO's discretion and agreement with the Caltrans District in their region.

2. **Signed copy of the Board Resolution (or for MPOs who do not process board resolution, a cover letter signed by the board-designated MPO official) certifying that:**

   a. The amendment is consistent with the metropolitan transportation planning regulations per 23 Code of Federal Regulations Part 450
   b. The proposed amendment is consistent with the Regional Transportation Plan _____ (e.g
   c. As amended, the FTIP is financially constrained and the enclosed financial summary that funding is available
   d. Air quality conformity: See "Attachment A" for guidance.

e. The amendment does not interfere with the timely implementation of the Transportation Control Measures contained in the State Implementation Plan (SIP)
f. Amendment is consistent with the public participation plan adopted by the MPO

In the text of the resolution or in the cover letter for those MPOs who do not process board resolution, either describe the changes to all projects in the amendment or make reference to an attached project listing described under Number 5 below.

Note: If the above information is not included either in the board resolution or in a cover letter signed by the board designated MPO official, Caltrans will not review the amendment until the information is provided.

3. **Updated financial summary that shows changes resulting from the amendment:**
   a. Use format provided by Caltrans. See "Attachment B" for information. Also e-mail an excel format of the updated financial summary to your FTIP Coordinator.
   b. Include information covering the first four years of the FTIP.
   c. Include financial adjustments resulting from prior administrative modifications.
   d. RSTP and CMAQ revenues do not exceed annual apportionments. If an MPO region receives additional CMAQ or RSTP apportionments and the associated Obligational Authority (OA) through an approved agreement with another MPO region; then the signed copy of the agreement must be included with the amendment that programs the additional revenue. In such case the donor MPO must make the corresponding adjustments to its revenue and programming through the next amendment.
   e. Revenue and expenditures for state-managed programs such as Highway Bridge, Safe Routes to School, Highway Safety Improvement Program, etc. must match the amounts provided by the Caltrans managers for these programs.
   f. In the "Previous" column of the financial summary table, show only the amounts that are proposed to be changed by the amendment.

4. **Summary of Changes:**

   Provide summary of changes for the projects included in the amendment. See "Attachment C" for the recommended format.

5. **Project Listing:**
   a. All project phases that are programmed in the FTIP must be fully funded.
   b. Include total funding for projects from all funding sources.
   c. Include matching funds, if any
   d. Include prior and current versions of the project listing, if possible
   e. If the funding for a phase is programmed over multiple years, then ensure that the project is scheduled to be implemented in separate phases as programmed, and each year in which funding is programmed will receive separate federal authorization (E-76 approval)
   f. ~~Approval~~ projects must show funding for all phases under the "Construction" phase. The detailed project lists must also be provided in the amendment package.
   g. For "Non-construction/non-infrastructure" type projects, funding for all phases must be included under the "Construction" phase.
   h. Funding for STIP projects is consistent with CTC action.
   i. Projects with no funding programmed within the four years of FTIP and that are programmed in the FTIP to receive environmental approval must include the following statement in the project description:

      "Project included in FTIP for environmental approval"

ATTACHMENT A

DRAFT

Transportation Conformity Information for TIP Amendments

Type of Amendment	New TIP Conformity Determination?	New Regional Emissions Analysis?	Conformity Information
1. Minor Changes • e.g. changes consistent with Caltrans' administrative amendment procedures	No	No	Transmittal Information: o A statement describing the change being made. o A statement that the change is consistent with the administrative amendment procedures. o If the project is a non-exempt, regionally significant project, a statement that the change does not reflect a change in the design concept and scope of the project or the conformity analysis years as assumed for the regional emissions analysis of the currently conforming RTP and TIP. o If applicable, a statement that the change for this project do not interfere the timely implementation of any approved TCMs. Conformity Procedures/Documentation: o No additional documentation required.
2. Formal Amendment - Funding Changes > allowed as a Minor Change - • e.g. funding changes greater than allowed per Caltrans' administrative procedures	No	No	Transmittal Information: o A statement describing the change being made. o If the project is a non-exempt, regionally significant project, a statement that the change does not reflect a change in the design concept and scope of the project or the conformity analysis years as assumed for the regional emissions analysis of the currently conforming RTP and TIP. o If applicable, a statement that the cost changes for this project do not interfere the timely implementation of any approved TCMs. o A statement that the TIP as amended meets all applicable transportation planning requirements per 23 CFR Part 450 (e.g. financial constraint, public involvement and consistency with the RTP). Conformity Procedures/Documentation: o No additional documentation required.

DRAFT

Transportation Conformity Information for TIP Amendments

Type of Amendment	New TIP Conformity Determination?	New Regional Emissions Analysis?	Conformity Information
3. Formal Amendment - Exempt Projects (2) - • e.g. add/delete exempt project or project phases to/from the TIP • e.g. add environmental studies for a non-exempt project to the TIP (environmental document cannot be approved)	No	No	Transmittal Information: o A statement describing the change being made. o A statement that the project was determined to be exempt from the requirement that a conformity determination and/or regional emissions analysis be performed per 40 CFR 93.126, 93.127 or 93.128. o A statement that because the projects are exempt, no further conformity determination is required. o If applicable, a statement that the changes do not interfere the timely implementation of any approved TCMs. o A statement that the amendment was circulated for the appropriate public and interagency comment period per the MPOs public involvement procedures and the conformity SIP, respectively. o A statement that the TIP as amended meets all applicable transportation planning requirements per 23 CFR Part 450 (e.g. financial constraint, public involvement and consistency with the RTP). Conformity Procedures/Documentation: o No additional documentation required. o The amendment should be circulated through interagency consultation consistent with the procedures contained in the nonattainment area conformity SIP.

DRAFT
Transportation Conformity Information for TIP Amendments

Type of Amendment	New TIP Conformity Determination?	New Regional Emissions Analysis?	Conformity Information
4. Formal Amendment - Conformity Determinations and Relies on a Previous Regional Emissions Analysis - • e.g. adding a regionally significant project to the TIP when it has already been appropriately accounted for in the regional emissions analysis • e.g. adding a non-regionally significant project to the TIP	Yes	No	Transmittal Information: o A statement describing the change being made (e.g. the project is a non-regionally significant, non-exempt project or the project is a regionally significant project). o TIP as amended meets the following transportation conformity provisions 40 CFR 93.122(g). o A statement that the conformity determination was based on the previous regional emissions analysis. Include the name of the RTP and the date of the MPO and USDOT conformity determinations. o A statement that the TIP as amended meets all applicable transportation planning requirements per 23 CFR Part 450 (e.g. financial constraint, public involvement and consistency with the RTP). o If applicable, a statement that the changes do not interfere the timely implementation of any approved TCMs. o A statement that the TIP as amended was found to conform to the applicable SIP. Conformity Procedures/Documentation: o Document interagency consultation per conformity SIP. o Document public involvement per public involvement procedures. o Document conditions of 40 CFR 93.122(g) including reference to documentation of currently conforming RTP and TIP and the dates of the MPO and USDOT conformity determination. o Document financial constraint. o Document timely implementation of approved TCMs. o Include MPO conformity determination (resolution). o Include summary of emissions budget test or interim emissions test from currently conforming RTP and TIP.

DRAFT
Transportation Conformity Information for TIP Amendments

Type of Amendment	New TIP Conformity Determination?	New Regional Emissions Analysis?	Conformity Information
5. Formal Amendment, Conformity Determination and New Regional Emissions Analysis - • e.g. add non-exempt, regionally significant project that has not been accounted for in the regional emissions analysis • e.g. change in non-exempt, regionally significant project that is not consistent with the design concept and scope or the conformity analysis years	Yes	Yes	Transmittal Information: o A statement describing the change being made (e.g. a new regional emissions analysis because a non-exempt project was: 1) added; 2) deleted; 3) there was a significant in the design concept and scope of a regionally significant non-exempt project; or 4) conformity analysis year changed for a regionally significant, nonexempt project). o A statement that the TIP as amended meets all applicable transportation planning requirements per 23 CFR Part 450 (e.g. financial constraint, public involvement and consistency with the RTP). o A statement that a new regional emissions analysis was performed. o If applicable, a statement that the changes do not interfere the timely implementation of any approved TCMs. o A statement that the TIP as amended conforms to the applicable SIP. Conformity Procedures/Documentation: o *Most MPOs have standard documentation and procedures they use for a conformity determination that includes a new regional emissions analysis. To date, the documentation and procedures have been adequate. FHWA/FTA will work with MPOs on an individual basis to address any concerns relating to this type of amendment.*

ATTACHMENT B

State of California

2008/09-2011/12 Federal Transportation Improvement Program

MPO: DRAFT

AMENDMENT #:

	REVENUE SOURCES	(Dollars X 1,000)								
		2008/09		2009/10		2010/11		2011/12		
		Previous	Current	Previous	Current	Previous	Current	Previous	Current	CURRENT TOTAL
LOCAL	Sales Tax	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– City	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– County	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– Other (Transportation Development Act)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Gas Tax	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– Gas Tax (Subventions to Cities)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– Gas Tax (Subventions to Counties)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other Local Funds	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– City General Funds	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– Street Taxes and Developer Fees	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– Other (registration fees (AB434) and Prop 42)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Transit	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– Transit Fares	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– Other Transit (e.g., parcel/property taxes, parking revenue, etc)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Tolls (e.g., non-state owned bridges)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please Specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Local Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
REGIONAL[1]	Tolls	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– Bridge	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– Corridor	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Transit Fares/Measure X	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Sales Tax	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Bond Revenue	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Gas Tax	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Vehicle Registration Fees (CAFR Fees, SAFE)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please Specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
STATE	State Highway Operations and Protection Program (SHOPP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	SHOPP (Including Augmentation)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	SHOPP Prior	$0	$0	$0	$0	$0	$0	$0	$0	$0
	State Transportation Improvement Program (STIP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	STIP (Including Augmentation)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	STIP Prior	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Proposition 1B[2]	$0	$0	$0	$0	$0	$0	$0	$0	$0
	GARVEE Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Traffic Congestion Relief Program	$0	$0	$0	$0	$0	$0	$0	$0	$0
	State Transit Assistance (STA) (e.g. population-based funds, Prop 42)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	State Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
FEDERAL TRANSIT	Bus and Bus Related Grants (5309c)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Clean Fuel Formula Program (5308)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Elderly & Persons with Disabilities Formula Program (5310)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Fixed Guideway Modernization (5309b)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Inerstate Bus (5311f)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Job Access and Reverse Commute Program (5316)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Metropolitan Planning (5303)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	New and Small Starts (Capital Investment Grants) (5309b)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	New Freedom (SAFETEA-LU)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Nonurbanized Area Formula Program (5311)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Public Transportation on Indian Reservation (5311c)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Transit in the Parks (5320)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Urbanized Area Formula Program (5307)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Federal Transit Total	$0	$0	$0	$0	$0	$0	$0	$0	$0

State of California

2008/09-2011/12 Federal Transportation Improvement Program

MPO: DRAFT

AMENDMENT #:

	REVENUE SOURCES	(Dollars X 1,000)								
		2008/09		2009/10		2010/11		2011/12		
		Previous	Current	Previous	Current	Previous	Current	Previous	Current	CURRENT TOTAL
FEDERAL HIGHWAY	Federal Highway Non-Discretionary									
	Congestion Mitigation and Air Quality (CMAQ)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Surface Transportation Program (Regional)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Highway Bridge Program (HBP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Highway Safety Improvement Program (HSIP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Railway (Section 130)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Safe Routes to School (SRTS) (SAFETEA-LU)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Safe Routes to School (SR2S)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Transportation Improvements (TI)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Federal Lands Highway	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Subtotal	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Federal Highway Discretionary Programs									
	Bridge Discretionary Program	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Corridor Infrastructure Improvement Program. (SAFETEA-LU Sec. 1302)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Coordinated Border Infrastructure (SAFETEA-LU Sec.1303)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Ferry Boat Discretionary	$0	$0	$0	$0	$0	$0	$0	$0	$0
	High Priority Projects (HPP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	High Risk Rural Road (HRRR)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	National Scenic Byways Program	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Projects of National/Regional Significance (SAFETEA-LU Sec. 1301)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Public Lands Highway Discretionary	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Recreational Trails	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Transportation and Community and System Preservation Program	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please Specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Subtotal	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Federal Highway Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
	FEDERAL TOTAL[2]	$0	$0	$0	$0	$0	$0	$0	$0	$0
INNOVATIVE FINANCE[3]	TIFIA (Transportation Infrastructure Finance and Innovation Act)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	State Infrastructure Bank	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Section 129 Loans	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Rail Rehab & Improvement Financing	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Private Activity Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Private Concession Fees	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Private Donations	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Program Income (from a federal project)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Innovative Financing Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
REVENUE TOTAL[1]		$0	$0	$0	$0	$0	$0	$0	$0	$0

NOTES:

[1] Regional: Some MPOs may not have regional fund sources. In these cases, data would be shown as "zero" or not applicable.

[2] Federal Total: is the sum of federal highway and federal transit programs.

[3] Innovative Finance: Toll revenues have been included under local and regional while GARVEE bond revenues are included under state.

[4] Proposition 1B: Subtotal is a sum of funding for various programs funded under proposition 1B except for STIP Augmentation and SHOPP Augmentation

State of California

2008/09-2011/12 Federal Transportation Improvement Program

MPO: DRAFT

AMENDMENT # :

	PROGRAMMED	(Dollars X 1,000)								
		2008/09		2009/10		2010/11		2011/12		
		Previous	Current	Previous	Current	Previous	Current	Previous	Current	CURRENT TOTAL
LOCAL	Local Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
REGIONAL[1]	Tolls	$0	$0	$0	$0	$0	$0	$0	$0	$0
	-- Bridge	$0	$0	$0	$0	$0	$0	$0	$0	$0
	-- Corridor	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Transit Fares/Measures	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Sales Tax	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Bond Revenue	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Gas Tax	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Vehicle Registration Fees (CARB Fees, SAFE)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please Specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
STATE	State Highway Operations and Protection Program (SHOPP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	SHOPP (Including Augmentation)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	SHOPP Prior	$0	$0	$0	$0	$0	$0	$0	$0	$0
	State Transportation Improvement Program (STIP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	STIP (Including Augmentation)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	STIP Prior	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Proposition 1 B[2]	$0	$0	$0	$0	$0	$0	$0	$0	$0
	GARVEE Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Traffic Congestion Relief Program	$0	$0	$0	$0	$0	$0	$0	$0	$0
	State Transit Assistance (STA) (e.g., population/revenue based, Prop 42)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	State Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
FEDERAL TRANSIT	Bus and Bus Related Grants (5309c)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Clean Fuel Formula Program (5308)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Elderly & Persons with Disabilities Formula Program (5310)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Fixed Guideway Modernization (5309b)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Intercity Bus (5311f)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Job Access and Reverse Commute Program (5316)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Metropolitan Planning (5303)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	New and Small Starts (Capital Investment Grants) (5309e)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	New Freedom (SAFETEA-LU)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Nonurbanized Area Formula Program (5311)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Public Transportation on Indian Reservation (5311c)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Transit in the Parks (5320)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Urbanized Area Formula Program (5307)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Federal Transit Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
FEDERAL HIGHWAY	Federal Highway Non-Discretionary									
	Congestion Mitigation and Air Quality (CMAQ)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Surface Transportation Program (Regional)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Highway Bridge Program (HBP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Highway Safety Improvement Program (HSIP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Railway (Section 130)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Safe Routes to School (SRTS) (SAFETEA-LU)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Safe Routes to School (SR2S)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Transportation Improvements (TI)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Federal Lands Highway	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Subtotal	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Federal Highway Discretionary Programs									
	Bridge Discretionary Program	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Corridor Infrastructure Improvement Program (SAFETEA-LU Sec. 1302)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Coord/Smaled Border Infrastructure (SAFETEA-LU Sec.1303)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Ferry Boat Discretionary	$0	$0	$0	$0	$0	$0	$0	$0	$0
	High Priority Projects (HPP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	High Risk Rural Road (HRRR)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	National Scenic Byways Program	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Projects of National/Regional Significance (SAFETEA-LU Sec. 1301)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Public Lands Highway Discretionary	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Recreational Trails	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Transportation and Community and System Preservation Program	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please Specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Subtotal	$0	$0	$0	$0	$0	$0	$0	$0	$0

State of California

2008/09-2011/12 Federal Transportation Improvement Program

MPO: DRAFT

AMENDMENT # :

PROGRAMMED		(Dollars X 1,000)								
		2008/09		2009/10		2010/11		2011/12		
		Previous	Current	Previous	Current	Previous	Current	Previous	Current	CURRENT TOTAL
	Federal Highway Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
	FEDERAL TOTAL[2]	$0	$0	$0	$0	$0	$0	$0	$0	$0
INNOVATIVE FINANCE[3]	TIFIA (Transportation Infrastructure Finance and Innovation Act)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	State Infrastructure Bank	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Section 129 Loans	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Rail Rehab & Improvement Financing	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Private Activity Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Private Concession Fees	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Private Donations	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Program Income (from a federal project)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Innovative Financing Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
PROGRAMMED TOTAL		$0	$0	$0	$0	$0	$0	$0	$0	$0

NOTES:

[1]Regional: Some MPOs may not have regional fund sources. In these cases, data would be shown as "zero" or not applicable.

[2]Federal Total: Is the sum of federal highway and federal transit programs.

[3]Innovative Finance: Toll revenues have been included under local and regional while GARVEE bond revenues are included under state.

[4]Proposition 1B: Subtotal is a sum of funding for various programs funded under proposition 1B except for STIP Augmentation and SHOPP Augmentation

State of California

2008/09-2011/12 Federal Transportation Improvement Program

MPO: DRAFT

AMENDMENT #:

	REVENUE Vs. PROGRAMMED	(Dollars X 1,000)								
		2008/09		2009/10		2010/11		2011/12		
		Previous	Current	Previous	Current	Previous	Current	Previous	Current	CURRENT TOTAL
LOCAL	Local Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
REGIONAL	Tolls	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– Bridge	$0	$0	$0	$0	$0	$0	$0	$0	$0
	– Corridor	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Transit Fares/Advances	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Sales Tax	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Bond Revenue	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Gas Tax	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Vehicle Registration Fees (CARB Fees, SAFE)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please Specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Regional Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
STATE	State Highway Operations and Protection Program (SHOPP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	SHOPP (Including Augmentation)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	SHOPP Prior	$0	$0	$0	$0	$0	$0	$0	$0	$0
	State Transportation Improvement Program (STIP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	STIP (Including Augmentation)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	STIP Prior	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Proposition 1 B*	$0	$0	$0	$0	$0	$0	$0	$0	$0
	GARVEE Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Traffic Congestion Relief Program	$0	$0	$0	$0	$0	$0	$0	$0	$0
	State Transit Assistance (STA) (e.g., population/revenue based, Prop 42)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	State Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
FEDERAL TRANSIT	Bus and Bus Related Grants (5309c)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Clean Fuel Formula Program (5308)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Elderly & Persons with Disabilities Formula Program (5310)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Fixed Guideway Modernization (5309b)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Intercity Bus (5311f)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Job Access and Reverse Commute Program (5316)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Metropolitan Planning (5303)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	New and Small Starts (Capital Investment Grants) (5309b)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	New Freedom (SAFETEA-LU)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Nonurbanized Area Formula Program (5311)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Public Transportation on Indian Reservation (5311c)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Transit in the Parks (5320)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Urbanized Area Formula Program (5307)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Federal Transit Total	$0	$0	$0	$0	$0	$0	$0	$0	$0
FEDERAL HIGHWAY	Federal Highway Non-Discretionary									
	Congestion Mitigation and Air Quality (CMAQ)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Surface Transportation Program (Regional)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Highway Bridge Program (HBP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Highway Safety Improvement Program (HSIP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Railway (Section 130)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Safe Routes to School (SRTS) (SAFETEA-LU)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Safe Routes to School (SR2S)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Transportation Improvements (TI)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Federal Lands Highway	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Subtotal	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Federal Highway Discretionary Programs									
	Bridge Discretionary Program	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Corridor Infrastructure Improvement Program (SAFETEA-LU Sec. 1302)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Coordinated Border Infrastructure (SAFETEA-LU Sec.1303)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Ferry Boat Discretionary	$0	$0	$0	$0	$0	$0	$0	$0	$0
	High Priority Projects (HPP)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	High Risk Rural Road (HRRR)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	National Scenic Byways Program	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Projects of National/Regional Significance (SAFETEA-LU Sec. 1301)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Public Lands Highway Discretionary	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Recreational Trails	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Transportation and Community and System Preservation Program	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Other (Please Specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
	Subtotal	$0	$0	$0	$0	$0	$0	$0	$0	$0

State of California

2008/09-2011/12 Federal Transportation Improvement Program

MPO: DRAFT

AMENDMENT #:

REVENUE VS. PROGRAMMED	(Dollars X 1,000)								
	2008/09		2009/10		2010/11		2011/12		
	Previous	Current	Previous	Current	Previous	Current	Previous	Current	CURRENT TOTAL
Federal Highway Trust [1]	$0	$0	$0	$0	$0	$0	$0	$0	$0
FEDERAL TOTAL[2]	$0	$0	$0	$0	$0	$0	$0	$0	$0
INNOVATIVE FINANCE[3]									
TIFIA (Transportation Infrastructure Finance and Innovation Act)	$0	$0	$0	$0	$0	$0	$0	$0	$0
State Infrastructure Bank	$0	$0	$0	$0	$0	$0	$0	$0	$0
Section 129 Loans	$0	$0	$0	$0	$0	$0	$0	$0	$0
Rail Rehab & Improvement Financing	$0	$0	$0	$0	$0	$0	$0	$0	$0
Private Activity Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0
Private Concession Fees	$0	$0	$0	$0	$0	$0	$0	$0	$0
Private Donations	$0	$0	$0	$0	$0	$0	$0	$0	$0
Program Income (from a federal project)	$0	$0	$0	$0	$0	$0	$0	$0	$0
Other (Please specify)	$0	$0	$0	$0	$0	$0	$0	$0	$0
Innovative Financing Total	$0	$0	$0	$0	$0	$0	$0	$0	$0

NOTES:

[1] Regional: Some MPOs may not have regional fund sources. In these cases, data would be shown as "zero" or not applicable.

[2] Federal Total: Is the sum of federal highway and federal transit programs.

[3] Innovative Finance: Toll revenues have been included under local and regional while GARVEE bond revenues are included under state.

[4] Proposition 1B: Subtotal is a sum of funding for various programs funded under proposition 1B except for STIP Augmentation and SHOPP Augmentation

ATTACHMENT C

Summary of Changes

MPO FTIP ID	PROJECT TITLE	DESCRIPTION OF CHANGE	TOTAL PROJECT COST INCREAE/DECREAE, IF APPLICABLE (+/- %)

Notes:
1
2
3
4