ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

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Memorandum

May 28, 2009
Agenda Item 6.3.1

DATE: May 14, 2009

TO: CMA Board

FROM: Plans and Programs Committee

RE: **State Transportation Improvement Program (STIP): 2010 STIP Development Process and Schedule**

Action Requested
It is recommended that the Board approve the Draft Principles for the Development of the 2010 STIP Project List and the 2010 STIP Development Schedule. Project applications are anticipated to be due to the CMA in late June or early July.

Discussion
The overall process for the development of the STIP begins with the development of the STIP Fund Estimate. The STIP Fund Estimate serves as the basis for determining the county shares for the STIP and the amounts available for programming each fiscal year during the five-year STIP period. Typically, the county shares represent the amount of new STIP funding made available in the last two years of a given STIP period. The California Transportation Commission (CTC) reviewed the draft assumptions for the 2010 STIP Fund Estimate at their April 2009 meeting. The CTC is expected to approve the final assumptions for the 2010 STIP Fund Estimate in June 2009, and the final Fund Estimate in August 2009. During difficult financial times such as in recent years, little if any new funding is made available and already programmed STIP funds may be delayed into later years of the STIP period in order for STIP revenue projections to "catch up" with current programming.

The region's STIP proposal (i.e. the RTIP) is due to the CTC in December 2009. Correspondingly, the counties' proposals are due to MTC in November 2009. The attached 2010 STIP Development Schedule shows the CMA Board approving Alameda County's 2010 STIP Program in October 2009.

Staff is also seeking Board approval of the attached principles by which the Alameda County share of the 2010 STIP will be programmed. The principles proposed for the 2010 STIP development include the criteria used for the 2008 STIP along with consideration of existing commitments of future STIP programming memorialized in two resolutions attached to this memo: Resolution No. 08-006 Revised and Resolution No. 08-018.

In order to meet the anticipated schedule from MTC for the regional development of the 2010 STIP, the attached Draft 2010 STIP Development Schedule shows the CMA Board approving

the Final STIP proposal in October 2009. To meet this schedule the CMA must release of a Call for Projects after the May CMA Board meeting with a due date for project applications about the end of June 2009. As in past STIP cycles, MTC is scheduled to adopt the final STIP policies after the call for projects is complete and applications are due. The development of the Alameda County STIP proposal will have to be closely coordinated with the statewide and regional development of the 2010 STIP policies. The CTC schedule calls for adoption of the 2010 STIP in April 2010.

Transportation Enhancement (TE) funding was made available through the American Recovery and Reinvestment Act (ARRA). Projects that had been identified for STIP TE that were substantially ready to allocate/obligate TE Funds were assigned ARRA TE in the MTC region. Based on this programming, the CMA expects additional STIP TE funds to program through the 2010 STIP process. Staff proposes to collect project proposals for these funds through the 2010 STIP call for projects. Legislation has also been passed (SB286 and ABX3 20) that could affect the programming of TE funding. Staff will continue to follow the discussions regarding the interpretation and implementation of this legislation.

During the 2008 STIP development process, the following policies were considered important and it is anticipated that they will be applied to the development of the 2010 STIP:

- CMAs notify all eligible project sponsors within the county of the availability of STIP funds; and
- Caltrans should notify the CMAs and MTC of any anticipated costs increases to currently-programmed STIP projects in the same time frame as the new project applications.

Attachments:

A. Draft Principles for the Development of the 2010 STIP Project List

B. Draft 2010 STIP Development Schedule

C. CMA Resolution No. 08-006 Revised

D. CMA Resolution No. 08-018

Attachment A

Draft Principles for the Development 2010 STIP Project List

- The CMA's approach to the development of the 2010 STIP project list will focus on evaluation of projects currently programmed in the STIP.
- The CMA's commitments of future STIP programming, as memorialized in Resolutions 08-006 Revised (Caldecott Tunnel project) and 08-018 (Previous STIP commitment and MTC Reso 3434 projects), will be accounted for in the development of the 2010 STIP project list.
- All sponsors will be required to provide the CMA with updated cost, scope and schedule information for currently programmed projects.
- It is anticipated that any new funding programmed in the 2010 STIP will be made available in FY's 13/14 and 14/15.
- Any project submitted for funding must be consistent with the Countywide Transportation Plan and be able to meet all STIP requirements.
- Priority for new funding is proposed for components of projects that are currently programmed in the STIP and projects that have received a commitment of future STIP programming as memorialized in Resolutions 08-006 Revised and 08-018.
- Projects recommended for STIP programming must be shown to be ready to meet applicable programming, allocation and delivery deadlines associated with STIP programming.
- The following criteria are proposed for prioritization required for the development of the 2010 STIP project list:
    - Highest priority to projects that are currently programmed in the STIP and projects that have received a commitment of future STIP programming as memorialized in Resolutions 08-006 Revised and 08-018 that meet applicable project readiness standards.
    - For the remaining projects, strike a balance between funding for construction and project development, considering the following aspects of project delivery:
        - √ How far along is project development? – Highest priority to projects that are closest to capital expenditure, i.e. construction or right of way
        - √ Does the project have a full funding plan? Has funding been identified for future phases? What is the level of certainty of the availability of the project funding?
        - √ Can the project be phased?
        - √ Are there special considerations or timing constraints such as the need to preserve right of way or matching other funds?
        - √ Priority consistent with CMA Board identified priority projects
        - √ Equity (geographic, sponsor, modal)
        - √ Climate change impact

Attachment B

Draft 2010 STIP Development Schedule

CMA Activity	Date	MTC/CTC Activity
CMA Approve Draft 2010 STIP Principles and Schedule and Release Call for Projects after May Board Meeting	May 2009	
CMA Approve Final 2010 STIP Principles and Schedule and Project Applications due to CMA by end of month [1]	June 2009	CTC Approve Final Fund Estimate Assumptions
Application Summary to Committees and CMA Board	July 2009	CTC Review Draft Fund Estimate
	August 2009	CTC Adopt 2010 STIP Fund Estimate
Draft RTIP Proposal to CMA Committees and Board	September 2009	MTC Reviews Draft RTIP Policies
CMA Board Approve Final RTIP	October 2009	MTC Approves Final RTIP Policies
	Nov/Dec 2009	MTC Approves RTIP
	December 2009	RTIP due to CTC
	April 2010	CTC Adopts 2010 STIP

1. Sponsors of existing STIP programming in future years of the STIP as well as Caltrans sponsored projects with open Expenditure Authorization authority (or with a close out pending) will also be required to submit project information.

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ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY RESOLUTION 08-006 REVISED

STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) COMMITMENT TO ROUTE 24 CORRIDOR ENHANCEMENTS

WHEREAS, SB 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

WHEREAS, as part of this process, the Alameda County Congestion Management Agency (ACCMA) is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to Government Code Section 14527(a), for inclusion in the Regional Transportation Improvement Program, and submission to the Metropolitan Transportation Commission (MTC) and then to the California Transportation Commission (CTC), for inclusion in the State Transportation Improvement Program (STIP); and

WHEREAS, the ACCMA has included $8 million in its 25-year Countywide Transportation Plan for enhancements along and in the vicinity of the Route 24 Corridor in Oakland associated with the Caldecott Tunnel 4th Bore project; and

WHEREAS, the ACCMA included the first $2 million for the Route 24 Corridor in its submittal for the 2008 STIP that was approved by the CTC on June 26, 2008; and

WHEREAS, the Contra Costa Transportation Authority (CCTA) has agreed to exchange the $2 million in 2008 STIP funding with its local sales tax funding in order to expedite delivery of the enhancements; and

WHEREAS, the CCTA has agreed to exchange another $2 million to be included in 2010 Alameda County STIP submittal with its local sales tax funding in order to further expedite delivery of the enhancements; and

WHEREAS, the Route 24 Corridor enhancements have been proposed by the ACCMA for the MTC's update of its regional transportation plan, expected to be completed in 2009; and

WHEREAS, the City of Oakland has identified a tentative package of enhancements to be funded with the above-referenced $8 million in ACCMA's 25-year Countywide Transportation Plan; and

WHEREAS, the City of Oakland and Caltrans are finalizing a settlement agreement regarding the environmental document for the Caldecott Tunnel 4th Bore project; and

WHEREAS, the ACCMA Board, at the regular ACCMA Board meeting on April 24, 2008, adopted Resolution 08-006 setting forth a commitment on the part of the ACCMA Board to program up to $6 million in the 2010 and 2012 STIPs to effectuate certain provisions of the above-referenced settlement agreement, subject to certain conditions; and

WHEREAS, to account for the CCTA commitments described above, the ACCMA Board has considered and has determined to adopt this Resolution 08-006 Revised, which amends and restates in its entirety the previously adopted Resolution 08-006.

NOW, THEREFORE BE IT RESOLVED, that the ACCMA Board intends to program $2 million in the 2010 STIP to a project(s) to be identified by the CCTA; and

BE IT FURTHER RESOLVED, the CCTA agreed, at its June 18, 2008 meeting, to exchange this $2 million commitment of ACCMA 2010 STIP funding with an advance of its local transportation sales tax funds in order to further expedite delivery of the enhancements along and in the vicinity of the Route 24 Corridor in Oakland associated with the Caldecott Tunnel 4th Bore project; and

BE IT FURTHER RESOLVED, that the ACCMA Board intends to program additional STIP funding, up to $4 million collectively, in the 2010 and 2012 STIPs for transportation enhancements along and in the vicinity of the Route 24 corridor in Oakland to effectuate certain provisions of the above-referenced settlement agreement, subject to the necessary applications and documents being prepared by the City of Oakland and/or Caltrans as required by law and the policies of the MTC and CTC, and subject to the enhancements being included in MTC's update of its regional transportation plan; and

BE IT FURTHER RESOLVED, that the ACCMA Board authorizes the Executive Director to enter into fund transfer agreements and other agreements with the City of Oakland, CCTA and Caltrans as may be required to develop and implement the Route 24 Corridor enhancements.

DULY PASSED AND ADOPTED by the ACCMA at the regular ACCMA Board meeting held on Thursday, July 31, 2008 in Oakland, California, by the following vote:

AYES: 33 **NOES:** ϕ **ABSTAIN:** ϕ **ABSENT:** ϕ

SIGNED:

Scott Haggerty

Scott Haggerty, Chairperson

ATTEST:

Gladys Parmelee

Gladys V. Parmelee, Board Secretary

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ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY RESOLUTION 08-018

State Transportation Improvement Program (STIP) Commitments

WHEREAS, SB 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

WHEREAS, as part of this process, the Alameda County Congestion Management Agency (ACCMA) is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to Government Code Section 14527 (a), for inclusion in the Regional Transportation Improvement Program (RTIP), and submission to the Metropolitan Transportation Commission (MTC) and then to the California Transportation Commission (CTC), for inclusion in the State Transportation Improvement Program (STIP); and

WHEREAS, the MTC adopted Revised Resolution 3434 on September 23, 2008, that requests that the ACCMA commit funding to certain transit projects that are included in the 25-year Countywide Transportation Plan (CWTP); and

WHEREAS, the ACCMA has included the following three projects in the Draft 2008 CWTP: 1) $160 million for BART Warm Springs Extension (WSX) Project; 2) $85 million for the AC Transit Bus Rapid Transit (BRT) Project; 3) $14.8 million for the Dumbarton Rail Project (three projects collectively referred to as the RESOLUTION 3434 Projects); and

WHEREAS, MTC Revised Resolution 3434 specifies that the transfer of $91 million of RM2 funds, previously identified for the Dumbarton Rail Project, to the WSX Project is conditioned on the ACCMA adopting a board resolution committing the like amount of RTIP funding to the Dumbarton Rail Project detailed above; and

WHEREAS, to accomplish the MTC request, the Final 2008 CWTP will need to be amended to reflect a reduction to the BART WSX Project from $160 million to $69 million of funding, with the balance of the funding assigned to the Dumbarton Rail Corridor Project and increasing the funding from $14.8 million to $105.8 million; and

WHEREAS, MTC has committed $35 million in CMAQ funds to the BRT Project contingent upon the ACCMA adopting a funding commitment plan (and exploring a strategy to advance the funding) for $40 M of RTIP funds; and

WHEREAS, the Backfill of Lifeline Program Funds Project ($2 million), Mission/880 Project (Landscaping Component) ($3.5 million), Broadway/Jackson Interchange Project ($3 million), and the 880 Corridor Project ($1.9 million), which are collectively referred to as PREVIOUS STIP COMMITMENT Projects, were proposed in the 2008 STIP but not included in the final 2008 STIP approved by the CTC; and

WHEREAS, Proposition 1B was approved by the voters of California in November of 2006 and included approximately $20 billion for infrastructure improvements, including multiple transportation programs; and

WHEREAS, projects in Alameda County that have been programmed with Corridor Mobility Improvement Account (CMIA), Trade Corridor Improvement Fund (TCIF) Account, Traffic Light Synchronization Program (TLSP), and Infrastructure Bond Funding Programmed by the CTC through the STIP, are all components of the Proposition 1B Program, with this set of projects collectively referred to as the INFRASTRUCTURE BOND Projects; and

WHEREAS, the ACCMA was awarded/programmed approximately $500 million of Infrastructure Bond funding for multiple projects on I-80, San Pablo Avenue, I-880, I-580, and I-680; and

WHEREAS, the CTC has indicated that project sponsors are responsible to fund any cost increases on the Infrastructure Bond Program projects.

NOW, THEREFORE BE IT RESOLVED, the ACCMA amends the CWTP to move $91 million of funding commitment from the WSX Project to the Dumbarton Corridor Project; and

BE IT FURTHER RESOLVED, the ACCMA will prioritize programming for RESOLUTION 3434, PREVIOUS STIP COMMITMENT and INFRASTRUCTURE BOND Projects in future STIPs; and

BE IT FURTHER RESOLVED, the ACCMA will first commit up to fifty percent (50%) of new programming capacity in a STIP cycle to the RESOLUTION 3434 Projects collectively; and

BE IT FURTHER RESOLVED, the ACCMA will commit at least twenty five percent (25%) of new programming capacity in a STIP cycle to the WSX project if programming and financing criteria have been met; and

BE IT FURTHER RESOLVED, the Timing of Funding Requests and Financing Issues Associated with Limited Programming Capacity are further discussed in Attachment A; and

BE IT FURTHER RESOLVED, the ACCMA will work with project sponsors, funding agency partners, and elected officials and consider financing options such as bonding, advance construction authority, and exchanges to identify methods to advance funding; and

BE IT FURTHER RESOLVED, the ACCMA will not commit to a year of programming for RESOLUTION 3434, PREVIOUS STIP COMMITMENT and INFRASTRUCTURE BOND Projects prior to a STIP programming cycle; and

BE IT FURTHER RESOLVED, the ACCMA will require project sponsors to submit a request for funding that includes information that demonstrates that certain milestones are met, as detailed in Attachment B, to determine if a programming action is appropriate.

DULY PASSED AND ADOPTED by the Alameda County Congestion Management Agency at the regular meeting of the Board on Thursday, December 11, 2008 in Oakland, California, by the following vote:

AYES: 33 **NOES:** ϕ **ABSTAIN:** / **ABSENT:** /

SIGNED:

Mark Green, Chairperson

ATTEST:

Gladys V. Parmelee, Board Secretary

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ATTACHMENT A

Timing of Funding Requests and Financing Issues Associated with Limited Programming Capacity

The RESOLUTION 3434 Projects are likely to include requests larger than the funding available in an individual STIP cycle, and are expected to require non-standard programming arrangements. MTC Revised Resolution 3434 states that the financing costs of the RESOLUTION 3434 Projects are the responsibility of the project sponsor. The ACCMA Board may consider alternative financing proposals, including:

- Considering financing costs within the funding proposed
- Considering financing costs in addition to the funding proposed
- Accepting only a portion of the overall financing

The financing for the three RESOLUTION 3434 Projects will be considered on a case by case basis at the time of programming. The RESOLUTION 3434 Projects, with respect to financing, will be treated equally.

A request for funding for the PREVIOUS STIP COMMITMENT Projects could be accommodated within a single STIP cycle and financing issues are not expected to be an issue.

The INFRASTRUCTURE BOND Projects funding needs may occur between the traditional STIP Cycle call for projects and may need to be addressed between STIP programming cycles.

ATTACHMENT B

Programming Requirements

The ACCMA will require project sponsors to submit a request for funding that includes information that demonstrates that certain milestones are met to determine if a programming action is appropriate.

All projects will be required to:

- Have a detailed project schedule that demonstrates that all timely use of funds provisions can be met,
- Have a full funding plan to complete the project, and
- Have a detailed cost estimate (including supporting assumptions).

RESOLUTION 3434 Projects will also be required to:

- Submit an application for the proposed funding at the time of the call for projects of the funding cycle, and
- Have a legally certified environmental document for CEQA and NEPA (if required) prior to the programming of funds, and
- Have a clearly defined locally preferred alternative that has received formal approval from the governing bodies of the responsible local jurisdiction(s) where the improvements will be constructed.

PREVIOUS STIP COMMITMENT Projects will also be required to:

- Submit an application for the proposed funding at the time of the call for projects of the funding cycle, and
- Have a legally certified environmental document for CEQA and NEPA (if required) prior to the programming of funds.

INFRASTRUCTURE BOND Projects will also be required to:

- Provide documentation on the project funding and reason for the cost increase for review and discussion prior to consideration.