

KINGS COUNTY  
ASSOCIATION OF GOVERNMENTS

FY 2018-2019  
OVERALL WORK PROGRAM  
*for Transportation Planning*

*Amendment No. 1:  
November 28, 2018*

*KINGS COUNTY  
ASSOCIATION OF GOVERNMENTS*

*FY 2018-2019  
OVERALL WORK PROGRAM  
for Transportation Planning*

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Area Representation

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Hanford City Manager  
Lemoore City Manager  
County Administrative Officer  
Avenal Planning Director  
Corcoran Planning Director  
Hanford Community Dev. Director  
Lemoore Community Dev. Director  
Kings County Community Dev. Director  
Avenal Public Works Director  
Corcoran Public Works Director  
Hanford Public Works Director  
Lemoore Public Works Director  
Kings County Public Works Director  
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Kings County Area Public Transit Agency  
San Joaquin Valley APCD  
Santa Rosa Rancheria  
Naval Air Station, Lemoore  
Kings County Environmental Health

KINGS COUNTY ASSOCIATION OF GOVERNMENTS

Social Service Transportation Advisory Council

Members

Area Representation

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Elizabeth Barrera	Social Service Provider for Persons of Limited Means
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Jeff Garner	Social Service Provider for Persons of Limited Means
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Jacqueline Johnson	Social Service Provider
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Guy Martin	Social Service Provider for Persons with Disabilities
Steve Mendoza	Social Service Provider for Persons with Disabilities
Debra Ann Oliveira	Social Service Provider for Seniors
Racheal Palmer	Transit Users for Persons with Disabilities
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Gloria Rede	Transit Users for Persons with Disabilities
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Angie Vargas	Senior Transit Users and Persons with Disabilities

OVERALL WORK PROGRAM

Kings County Regional Transportation Planning Agency
FY 2018-2019

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**KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION PLANNING  
OVERALL WORK PROGRAM  
F.Y. 2018-2019**

**I. INTRODUCTION**

This Overall Work Program (OWP) describes activities needed to maintain the "Kings County Regional Transportation Plan" (RTP) and Transportation Improvement Program (TIP) according to federal and state requirements, to study the overall transportation needs of the Kings County region, and to coordinate transportation planning efforts with other regional transportation planning agencies within the San Joaquin Valley. An integral part of the comprehensive planning process is to update and maintain the RTP, which is required to be updated every four years. This ensures that the adopted RTP will continue to address and respond to the pertinent transportation issues of the region, and to ever-changing laws, regulations, and needs. This OWP details the work effort for Fiscal Year 2018-2019 necessary to ensure completion of required transportation planning and programming documents and provides for additional studies, public participation, and administration of the Kings County Local Transportation Fund (LTF).

The Kings County Regional Transportation Planning Agency (RTPA) and Metropolitan Planning Organization (MPO) covers the entire Kings County area including the incorporated cities. Kings County is located in the Central San Joaquin Valley south of Fresno County, west of Tulare County and north of Kern County. There are four incorporated cities in the county. The population of Kings County in 2017 as identified by the California Department of Finance is 149,537. Hanford, the county seat, has a population of 55,645, Lemoore with 26,369, Corcoran has 21,786 residents (including state prison inmates), and Avenal has 12,491 (including state prison inmates).

Kings County is home to the Santa Rosa Rancheria of the Tachi-Yokut Tribe with an estimated population of 997 (see MPO Boundary Map in Appendix B). The Santa Rosa Rancheria is located four miles south of Lemoore and includes roughly 2,300 acres of land. The Santa Rosa Rancheria was first established in 1934 and has grown to include the Palace Indian Gaming Center.

Kings County is primarily an agricultural county. Both commercial and industrial activities are important employment generators for the county, as is the Lemoore Naval Air Station. Two state prisons are located in Kings County and are also considered to be major employers in the county. These state prison facilities are located in Avenal and in Corcoran. A good overall transportation system is essential to these activities. It is important that a well-conceived plan for providing transportation system services is developed through the participation of local, state, Tribal, and federal agencies.

In order to accomplish this, the regional transportation planning process was begun in 1974, as mandated by AB 69. The major accomplishment of that first effort was the preparation and adoption of the Kings County Regional Transportation Plan in April of 1975. Subsequent biennial updates were prepared through 2014. The RTP updates were prepared in coordination with local jurisdictions, transit operators, the eight San Joaquin Valley regional transportation planning agencies, Caltrans, and the public as required by Federal and State legislation.

With the enactment of SB 375, RTPs adopted after 2010 must include a Sustainable Communities Strategy (SCS) Plan to reduce greenhouse gases (GHG) from vehicles. The GHG emission reduction targets set by the California Air Resources Board (ARB) involved coordination with other San Joaquin Valley MPOs. The 2014 RTP update included an SCS that considered policies and projects that reduce greenhouse gas emissions from passenger vehicles and light duty trucks. The selected scenario included an increase in transit investments and service improvements that, if implemented, would be able to meet the targets set by ARB. The 2018 RTP/SCS will be subject to the current targets, but ARB is scheduled to update the GHG emission reduction targets in 2018 that will be used in the development of the SCS for the 2022 RTP Update. By developing and implementing the measures included in the SCS, it also assists the region in meeting federal air quality standards and making positive conformity findings for the federal transportation programming documents.

KCAG also adopts a Federal Transportation Improvement Program (FTIP) and conformity determination every two years. The current 2017 FTIP was adopted by KCAG on September 28, 2016 and federally approved on December 16, 2016. This year's efforts will include maintaining the 2017 FTIP and adopting the 2019 FTIP and conformity determination, with the adoption of various amendments as needed.

The San Joaquin Valley Air Basin is currently designated by the U.S. Environmental Protection Agency (EPA) as nonattainment for 8-hour ozone and PM-2.5, and has a maintenance plan for PM-10. Work performed through the OWP in countywide transportation will be consistent with the EPA's Standard Evaluation Procedures and will include conformity findings for the RTP and FTIP and planning for the implementation of transportation control measures.

This OWP reflects a conscious effort by KCAG to identify all essential elements of the transportation planning process, and to meet the region's needs in light of fiscal constraints at the local, state, and federal levels. The work involved in this year's efforts relates to the overall transportation and regional planning agency activities of KCAG. It also recognizes that a need may arise for special studies into areas of new or immediate concern. The OWP provides for this flexibility of action.

The largest public transit operator within Kings County is the Kings County Area Public Transit Agency (KCAPTA), a joint powers agency comprised of the County and the cities of Hanford, Lemoore and Avenal. KCAPTA oversees the operation of the Kings Area Rural Transit (KART) bus system carried out under contract with a private firm. KART began to provide service in 1980 and currently provides fixed route, demand-response, and commuter services. Both KCAG and KCAPTA must continue to seek out and define transportation needs. It is vital that the KART system remain proactive to transit patron's needs, allowing both input and feedback for future transit service adjustments. KCAPTA staff conducts numerous outreach activities throughout Kings County and the surrounding area to obtain input on transit needs, including public hearings, flyers, newsletters, on-board surveys, and a web site. With the 2000 Census, KCAPTA was designated as an urbanized area operator eligible for FTA Section 5307 funds. KCAG will work with KCAPTA, as specified in the memorandum of understanding (MOU) between KCAG and KCAPTA, in programming these funds and other federal funds in the FTIP.

Not only does KART provide transit service between Kings County urban and rural communities, but it also provides fixed route services from Hanford to communities within the adjoining counties of Tulare, Fresno and Kern. Service is provided to Visalia in Tulare County; and in Fresno County to Laton and Coalinga, including service to medical facilities in Fresno. However, there is no reciprocal service provided by other transit operators in other counties to Kings County communities.

KCAG has entered into a Joint Powers Agreement with other area MPOs to form the California Van Pool Authority (CalVans) to operate the van pool programs previously operated by KCAPTA. This agency provides for future stability and representation of all participants. CalVans began operations in January 2012. CalVans offers vanpool services and administers and operates the Agricultural Industries Transportation Service (AITS) for safe farm worker transportation. There are about 500 vanpools providing transportation services throughout the State as the programs have expanded into other counties. Of the total number of vanpools operating, there are about 150 that either originate or end within Kings County.

The "Intercity Passenger Rail Act of 2012" (AB1779) authorized regional government agencies' ability to form the San Joaquin Joint Powers Authority (SJJPA) to take over the governance/management of the existing San Joaquin intercity passenger rail service. KCAG is a member of the SJJPA and will participate in its activities to help ensure that Amtrak service within Kings County is maintained and improved.

This OWP also includes activities for the administration of KCAG's role for the Kings County Abandoned Vehicle Abatement Service Authority (KCAVASA).

## II. FEDERAL AND STATE FUNDING PRIORITIES

### The FY 2018-2019 Overall Work Program

MAP-21 issued Federal Planning Factors (Section 134(h)) that emphasize transportation planning considerations from a national perspective. In MAP-21, the metropolitan and statewide transportation planning processes are continued and enhanced to incorporate performance goals, measures, and targets into the process of identifying needed transportation improvements and project selection. The transition to a performance and outcome-based program looks to focus greater attention on the investment of resources in projects that will achieve targets that collectively make progress toward national goals.

On December 4, 2015, the Fixing America's Surface Transportation Act (FAST Act) was signed into law. The FAST Act authorizes the allocation of \$305 billion over five fiscal years from 2016 to 2020. Overall, the FAST Act largely maintains the current programs structure and funding shares between highways and transits.

This OWP for Fiscal Year 2018-2019 complies with the priorities for State and Federal funding for MPOs / RTPAs. The ten planning factors identified in Federal transportation legislation in MAP-21 and the FAST Act are incorporated in various Work Elements of the OWP and are identified as follows:

- 1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity and efficiency;
- 2) Increase safety of the transportation system for motorized and non-motorized users;
- 3) Increase security of the transportation system for motorized and non-motorized users;
- 4) Increase the accessibility and mobility of people and for freight.
- 5) Protect and enhance the environment, promote energy conservation, improve quality of life and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- 6) Enhance integration and connectivity of the transportation system, across and between modes, for people and freight;
- 7) Promote efficient system management and operation;
- 8) Emphasize the preservation of the existing transportation system;
- 9) Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
- 10) Enhance travel and tourism.

In addition to the above ten planning factors, each year the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) develop Planning Emphasis Areas (PEAs) to promote themes for consideration in transportation planning. The priorities identified for FY 2018-19 are the same as those that were provided by the Department of Transportation on March 18, 2015 and include the following:

- 1) MAP-21 Implementation – *Transition to Performance Based Planning and Programming*

The development and implementation of a performance management approach to transportation planning and programming that supports the achievement of transportation system performance outcomes

MAP-21 establishes a performance and outcome based program for the adoption of system performance goals and measures. The MPOs will be challenged to cope with program delivery under any new legislation. KCAG will work with FHWA and FTA in the identification of a performance measure for transportation programming so that the most effective transportation investments are selected to improve mobility in the region. Work Element 502.11 – Transportation Performance Measures specifically applies to establishing and monitoring a variety of highway safety, bridge, pavement and overall system performance measures within the transportation planning process. The goal would be to gauge the progress of our decisions

over time and to determine what kind of results are being achieved. Goals, objectives and performance measures to assess and/or track the performance of transportation investment decisions in the areas of safety, infrastructure condition, mobility, congestion, freight, and livability/sustainability will be established. Consideration of performance management will also be considered within the activities identified in Work Elements 501.03, 501.04, 502.01, 502.02, 502.03, 502.04, 502.05, 502.06, 502.07, 502.08, 502.09, 502.10, 502.11, 502.12, 503.01, and 504.01.

- 2) *Models of Regional Planning Cooperation – Promote cooperation and coordination across MPO boundaries and across State boundaries where appropriate to ensure a regional approach to transportation planning.*

KCAG is involved in several regional planning activities in cooperation with the MPOs and other agencies within the San Joaquin Valley. Cooperation occurs through memorandums of understanding between the agencies and through development of work programs for regional planning tasks and work products, as well as the submittal of joint applications for grant funding to develop regional transportation planning products. Consideration of regional planning cooperation will be included in Work Elements 501.01, 501.02, 501.03, 501.04, 502.01, 502.02, 502.03, 502.05, 502.08, 502.09, 502.11, and 503.01.

- 3) Ladders of Opportunity - *Access to essential services – as part of the transportation planning process, identify transportation connectivity gaps in access to essential services.*

Tying the quality and location of transportation facilities to broader opportunities such as access to good jobs, affordable housing, quality schools, and safe streets, while protecting the environment in communities is the goal of livability/sustainability. The RTP update will incorporate the principles of livability/sustainability that provide more transportation choices; promote equitable, affordable housing; enhance economic competitiveness; support existing communities; leverage Federal policies and investment; and value communities and neighborhoods. Through the implementation of SB 375, KCAG will have opportunities to coordinate land use and transportation planning with the development of the Sustainable Communities Strategy (SCS), adopted as part of the RTP update. The Corcoran Transit Study and an Active Transportation Plan will also assist in identifying gaps in access to essential services and methods and projects to address them. Consideration of these principles will be included in Work Elements 501.04, 502.01, 502.03, 502.05, 502.06, 502.07, 502.08, 502.09, 502.11, 503.01, and 504.01.

This Overall Work Program includes various work elements that will emphasize these priorities, as well as, additional regional planning consensus efforts. Transportation issues will be defined to determine problem areas in the regional system. The study of the issues will lead KCAG to a solution of these problem areas. A matrix is provided in Appendix G to indicate the relationship between the planning areas and the work elements.

#### Summary of the 2017-2018 OWP Effort

Several major products were planned in the FY 2017-2018 Work Program. These were:

- Apportion and distribute Regional Surface Transportation Program (RSTP) funds to the county and cities and ensure that funds were expended on eligible projects.
- Update and maintain the KCAG website to allow access to planning documents and to disseminate information about transportation and regional planning activities as part of the public participation and interagency coordination efforts.
- Increase the role of KCAG and the San Joaquin Valley MPOs in state and federal-level policy making.
- Monitored the obligation of federal CMAQ funds to meet the “timely use of funds” policy; preparing an Obligation Plan for the planned expenditure of federal funds for local projects; and developed a call for projects to program available CMAQ projects in the FTIP.

- Worked with various local, regional, state and federal agencies in the process to implement SB 375 to reduce greenhouse gas emissions from passenger vehicles and light duty trucks by developing traffic modeling data and establishing emission reduction targets in cooperation with the Air Resources Board (ARB).
- Administer the Transportation Development Act (TDA) funds, which include the Local Transportation Fund (LTF) and State Transit Assistance (STA) fund.
- Continue the development of a Regional Active Transportation Plan to incorporate bicycle and pedestrian facility projects.
- Maintained the 2017 Federal Transportation Improvement Program (FTIP) and prepared amendments.
- Worked with a consultant and the Kings County Area Public Transit Agency in the development and preparation of an ADA Transit Design Standards Manual.
- Worked with a consultant and the Kings County Area Public Transit Agency in the development and preparation of a Transit Site Selection Study.
- Monitored the 2016 State Transportation Improvement Program (STIP) projects, prepared and adopted the 2018 RTIP.
- Updating the travel demand forecasting model with transportation network and land use information.
- Continued with the coordination and development of the San Joaquin Valley Regional Blueprint and Greenprint Planning projects.
- Worked with the San Joaquin Valley MPOs in projects to study goods movement within the San Joaquin Valley and to implement the Interregional Goods Movement Plan, and to prepare an I-5 / SR 99 goods movement study.
- Worked with the San Joaquin Valley MPOs, UC Davis and transit operators in the development of a Rural Transit Alternatives Study.
- Monitored state agencies in the development of guidelines for various Cap and Trade funded programs in anticipation of project development for the purpose of implementing measures to meet federal air quality standards.
- Participated as a member of the San Joaquins Joint Powers Authority in the goal to manage the San Joaquin intercity passenger rail service to ensure improvements to create a balanced interregional transportation system.
- Participated as a member of the California Vanpool Authority as a means of addressing the non-traditional transportation needs of residents and to ensure that the quality and productivity of its vanpool services uniformly meet the highest standards for all member agencies.
- Administered the AVA program and distributed funds.
- Participated in Census 2010 activities and acted as the regional Census Data Center for Kings County.
- Conducted Areawide Planning Reviews for various projects that applied for federal grant funding.

#### Funding Sources

Various federal, state, and local fund sources are used for regional transportation planning work necessary to accomplish activities in the FY 2018-19 OWP.

- Federal Funds – A variety of federal funding sources are available to MPOs and include the following, which are either an allocation or are grant funds received on a competitive basis.
  - Federal Highway Administration (FHWA PL) - FHWA allocates funds to MPOs to support urban transportation planning activities. These funds are allocated based on urban area population and require a non-federal match of 11.47%. The estimate of FY 2018-19 FHWA PL funds to KCAG includes a maximum amount of \$611,935. The FY 2018-19 OWP programs the total apportionment and includes toll credits for the match.

- FHWA PL Carryover Balance - KCAG currently has a carryover balance of FHWA PL funds that may be programmed in the OWP. KCAG has been programming carryover funds for various consulting projects to reduce the carryover balance and is utilizing toll credits for matching funds. The FY 2018-19 OWP includes the programming of a total of \$1,157,226 from the FHWA PL carryover balance for W.E. 502.02 - Travel Model (\$125,000); for W.E. 502.04 – Traffic Counts (\$945); for W.E. 502.07 – Regional Active Transportation Plan (\$60,000); for W.E. 502.08 – Corcoran Transit Study (\$125,000); for W.E. 502.09 - Regional Corridor Needs Study (\$314,281); for W.E. 502.10 –Transit Asset Management Plan (\$113,000); and W.E. 502.12 – Regional Pavement Management System (\$419,000). KCAG will continue to consider additional projects to spend down the carryover balance to a reasonable level.
- Federal Transit Administration (FTA) - Section 5303 – These funds are made available directly to the agency to support urban transit planning activities. These funds are allocated based on urban area population and require a non-federal match of 11.47%. The preliminary estimate of FY 2018-19 FTA Section 5303 funds to KCAG includes a maximum amount of \$59,270. The FY 2018-19 OWP programs the total apportionment and includes toll credits for the match.
- FTA Section 5303 Carryover Balance - KCAG currently has a carryover balance of FTA Section 5303 funds that may be programmed in the OWP. KCAG has been programming carryover funds for various consulting projects to reduce the carryover balance and is utilizing toll credits for matching funds. The FY 2018-19 OWP includes programming a total of \$115,730 from the FTA Section 5303 carryover balance for W.E. 502.03 – Transit Site Selection Study. The total amount of carryover balance utilized in this year’s OWP is more than the current year’s apportionment. Planned expenditures has brought down the balance to a reasonable level, but KCAG will continue to consider additional ways to spend down any remaining carryover balance in future year OWPs.
- Planning Programming and Monitoring (PPM) Funds – These state funds are made available by SB 45 of 1997 and are limited to 5% of the total Regional Improvement Program (RIP) funds available to the Kings County region.
- Local Transportation Fund (LTF) - The LTF is derived from 1/4 cent of the retail sales tax collected within Kings County. These funds are utilized for activities to administer the Transportation Development Act (TDA) and to fund activities to carry out the regional transportation planning and programming process.
- Member Agency Funds - Participating member agencies contribute to the cost of local planning elements included in the OWP for which other funds are not eligible. Shares are based on their percentage of total county population.
- Abandoned Vehicle Abatement Service Authority (AVA) – Funds required to administer the Abandoned Vehicle Abatement program are collected by the state and returned to Kings County. These funds result from collection of an additional 1\$ fee on registered vehicles.

### **III. KCAG ORGANIZATION AND MANAGEMENT**

The Kings County Association of Governments (KCAG) is a council of governments responsible for addressing problems of an inter-jurisdictional nature. KCAG is a voluntary organization whose members are Kings County and the cities of Hanford, Lemoore, Corcoran, and Avenal.

KCAG is a state-designated regional transportation planning agency (RTPA) recognized by the California State Transportation Agency (CalSTA). The primary functions of an RTPA are in developing and updating a Regional Transportation Plan, preparing a Regional Transportation Improvement Program, preparing a Federal Transportation Improvement Program, and administering the Local Transportation Fund. KCAG is also a metropolitan planning organization (MPO) recognized by the Federal Highway Administration and Federal Transit Administration, and receives federal funding to conduct several activities required of MPOs. As a COG, KCAG is responsible for preparing the Regional Housing Needs Allocation Plan to be used in updating the Housing Elements of city and county general plans.

All RTPA activities are governed by the Transportation Policy Committee (TPC), which is the final approving authority. The TPC is a committee of the KCAG Commission and composed of members of the regular KCAG Commission, plus the Director of the Caltrans District 6 representing the Director of Caltrans Headquarters.

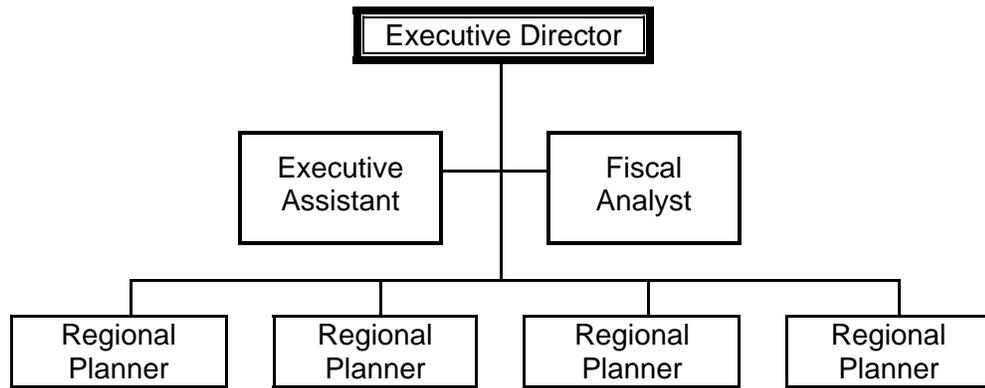
The Commission is advised by two committees. The first is a Technical Advisory Committee (TAC) whose members include KCAG staff, county and city public works and planning directors, city managers, county administrative officer, Caltrans District 6 staff, a Kings County Area Public Transit Agency (KCAPTA) representative, a Lemoore NAS representative, a San Joaquin Valley Air Pollution Control District representative, and a Santa Rosa Rancheria Tachi Yokut Tribe representative. The primary responsibility of the TAC is to review all issues that KCAG will consider and to provide technical input to advise the Commissioners in making their decisions. TAC membership of the Santa Rosa Rancheria was added in 2002 and has effectively been used in meeting the issues and concerns of the Tribe.

The second committee is the Social Service Transportation Advisory Council (SSTAC) and is a statutorily created committee with specific responsibilities that include advising the TPC on transit needs issues of the elderly, persons with disabilities, and low income citizens. The members of the SSTAC consist of representatives of social service providers and transit users from the above mentioned needs group, as well as citizens who are interested in the transit planning process. KCAG conducts an annual recruitment process to obtain additional representatives for the SSTAC.

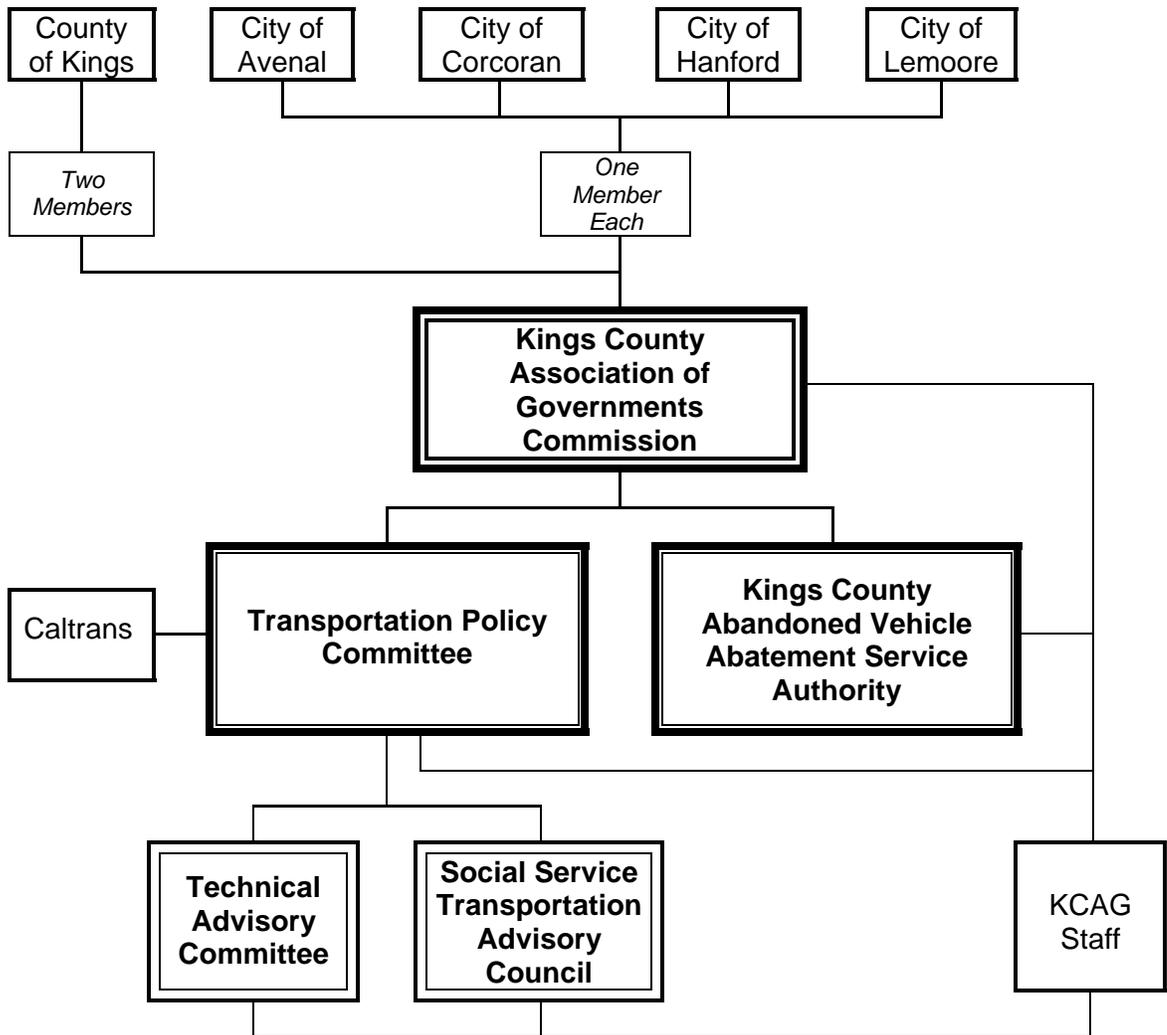
The KCAG Commission also serves as the Board of Directors of the Kings County Abandoned Vehicle Abatement Service Authority. The responsibilities of the Board of Directors are to manage the financial affairs of the Authority, review and approve quarterly claims for reimbursement, submit annual reports to the California Highway Patrol, and disburse funds to claimants.

In addition to these committees, more citizen participation is accomplished through various other activities. KCAG uses news releases, public hearings, and public meetings to get public input into its planning activities. KCAG staff directly contacts citizen, business, commercial organizations, and the Tribal Council Chairman of the local Native American tribe for input into specific items. KCAG's website includes meeting agendas and meeting minutes, planning and programming documents, and other information that the public can access to assist in the planning process. KCAG also has an adopted Public Participation Plan that outlines various outreach activities required to meet the federal planning process, including a process for consultation with Federally recognized Native American Tribal Governments. The adopted KCAG policy for government-to-government consultation with federally recognized Native American Tribal Governments in Kings County is included in Appendix E-9.

### KCAG Staff Organizational Chart



### KCAG Organizational Chart



#### IV. **PLANNING ACTIVITIES**

The first priority is to ensure that the required transportation planning and programming documents are completed by their statutory deadlines. This will include a thorough review by local and state technical staff, local citizens, local government bodies, Tribal Government, and Caltrans.

##### Other Activities

*Long-range transportation studies:* KCAG will update traffic count information on regional routes to identify problem areas of the transportation network for transporting goods and people. KCAG will maintain information to be used for the next Regional Transportation Plan update and submit traffic count data to Caltrans for the Highway Performance Monitoring System (HPMS).

*Transportation Model:* KCAG will maintain the base year and future year traffic models, analyze land use changes on the transportation system, and conduct transportation conformity analysis with the model. KCAG will continue to work with other San Joaquin Valley MPOs in the development of long-term model improvements in order to implement SB 375 and to maintain current planning assumptions, and to analyze alternative scenarios for the next Sustainable Communities Strategy.

*Air Quality:* Kings County is within the San Joaquin Valley Air Basin which has been designated as an area of non-attainment for the 8-hour ozone standard, and for particulate matter (PM<sub>2.5</sub>), and a maintenance area for PM-10, and as such must make air quality conformity findings on the Regional Transportation Plan and Federal Transportation Improvement Program. KCAG will implement the Transportation Control Measures Plan in cooperation with the San Joaquin Valley Air Pollution Control District (SJVAPCD) and other San Joaquin Valley RTPAs. KCAG will also coordinate with local agencies in the implementation of Reasonably Available Control Measures (RACM) and Best Available Control Measures (BACM) for the attainment of PM 2.5 and Ozone standards. KCAG will participate in the Valleywide air quality planning and coordination consulting services contract to facilitate consistency in Valleywide regional air quality planning. KCAG will participate in the implementation of SB 375 by working with local agencies in carrying out of the measures included in the Sustainable Community Strategies (SCS) Plan adopted in the 2014 RTP update, and cooperate with the California Air Resources Board and the Valley MPOs in the update of the GHG emission reduction targets. KCAG will participate in the monitoring of Cap and Trade funded programs and work with member agencies to seek funding to implement programs to reduce GHG emissions. The preparation of a regional Electric Vehicle Readiness Plan can facilitate projects to be included in the SCS. By developing and implementing the measures included in the SCS, it also allows the region to meet federal air quality standards and make positive conformity findings for the federal transportation programming documents.

*RTP Update:* KCAG will complete the process of preparing the 2018 update of the RTP and the Sustainable Communities Strategy. Goods movement issues will be considered within this work element, including the implementation of the recently completed San Joaquin Valley Interregional Goods Movement Plan and the I-5 / SR 99 Goods Movement Study. Monitoring of intercity passenger rail service as a member of the San Joaquins Joint Powers Authority and other rail activities will be conducted by KCAG.

*RTIP/FTIP and STIP Review:* KCAG will continue to monitor Caltrans and California Transportation Commission (CTC) activities related to the transportation programming process, and will take an active role in ensuring that Kings County area concerns are heard in Sacramento. KCAG will also monitor the implementation of State Transportation Improvement Program (STIP) projects and prepare and adopt the 2018 Regional Transportation Improvement Program. KCAG will maintain the 2017 Federal Transportation Improvement Program (FTIP) and prepare the 2019 FTIP in coordination with other San Joaquin Valley transportation planning agencies, member agencies, Caltrans, Federal Highways Administration, Federal Transit Administration, the SJVAPCD, Tribal Governments, Environmental Justice communities, and the general public. Projects included in the FTIP that implement the ITS plan will be specifically noted to facilitate early FHWA education and technical assistance to project sponsors in the application of the Systems Engineering process, and avoid unnecessary project delays.

*Amtrak Review:* Another issue of vital concern to the Kings County area is continued passenger train service through the Valley. KCAG will take an active role to ensure that Caltrans and Amtrak are aware of the importance of these services and monitor the performance of intercity rail passenger rail service on the San Joaquin Corridor. KCAG is a member of the San Joaquin Joint Powers Authority and will participate in its activities to help ensure that Amtrak service within Kings County is maintained and improved.

*High Speed Rail Review:* KCAG will continue to be involved in monitoring the development of high speed rail proposed by the California High Speed Rail Authority that is to travel through Kings County, particularly regarding alignment and station locations, through the Regional Transportation Plan work element.

*Aviation:* KCAG will include planning for aviation facilities and services in efforts to develop a coordinated and balanced regional transportation system through the Regional Transportation Plan work element. KCAG will prepare the Capital Improvement Program (CIP) for the public use airport within Kings County, including Hanford Municipal Airport, for submittal to Caltrans.

*Transit Assets Management Plan:* KCAG will work with a consultant to develop a Federally-required Transit Asset Management Plan for the Kings County Area Public Transit Agency to prioritize funding based on the condition of transit assets, in order to achieve or maintain transit networks in a state of good repair.

*Regional Active Transportation Plan:* KCAG will work with local agencies to prepare a Regional Active Transportation Plan to incorporate bicycle and pedestrian facility projects in an effort to increase the proportion of biking and walking trips, increase safety and mobility for non-motorized users, achieve greenhouse gas reduction goals, enhance public health, including the reduction of childhood obesity through the use of projects eligible for Safe Routes to Schools Program funding, ensure disadvantaged communities fully share in program benefits, and provide a broad spectrum of projects to benefit many types of active transportation users.

*FAST Act Implementation:* KCAG will continue to process funds for the Congestion Mitigation and Air Quality (CMAQ) program and Regional Surface Transportation Program (RSTP), including the exchange of RSTP funds for state funds and monitor the use of the funds for compliance. KCAG will work with local project sponsors to ensure that federal funds programmed in the FTIP are fully obligated before the end of the year and will seek advanced obligations through the expedited project selection procedures adopted by KCAG. KCAG will also monitor legislation to implement the FAST Act in an effort to increase the flexibility of spending federal funds on important local projects. The OWP will also address the planning factors that should be considered in the transportation planning process through the activities undertaken within each work element.

*FTA Programs:* KCAG will administer the Federal Transit Administration programs; including the Sections 5307 small urbanized area program, 5339 bus and bus facilities program, 5310 elderly persons and persons with disabilities program, 5311 rural public transit operator program, and 5311(f) intercity bus program, to allocate funds apportioned to Kings County for transit projects, review local applications for discretionary funding, and provide technical assistance to local transit operators, public and private social service agencies, and local Native American tribes in applying for transit planning grants.

*Abandoned Vehicle Abatement:* KCAG will act as the Service Authority responsible for administering the Kings County Abandoned Vehicle Abatement program for the purpose of funding the removal of abandoned vehicles in Kings County. The collection of the vehicle registration fee to administer this program was extended to May 31, 2027.

*Valley Coordination:* KCAG participates in various regional planning processes among the eight San Joaquin Valley MPOs to promote coordination, cooperation and communication. KCAG will coordinate with the Valley counties in the maintenance of the San Joaquin Valley Regional Blueprint Planning project, interregional goods movement plan, maintenance of the Valleywide Intelligent Transportation System Plan, maintenance of the Valleywide truck model, model improvement plan to implement SB 375, Regional Transportation Plan, Federal Transportation Improvement Program, and air quality planning.

TABLE 1

SUMMARY REVENUE CHART FY 2018-2019										
FUNDING SOURCE	LTF FUNDS	PL FUNDS	PL Carry Over FUNDS	FTA 5303 FUNDS	FTA 5303 Carry Over FUNDS	PPM FUNDS	AVA FUNDS	LOCAL FUNDS	TOTAL OF MPO ACTIVITY	TOLL CREDITS
WORK ELEMENTS										
501.01 MPO / RTPA Planning & Coordination	\$27,300	\$45,500						\$18,200	\$91,000	\$0
501.02 Overall Work Program	\$3,900	\$30,100							\$34,000	\$0
501.03 FAST Act Programs		\$33,000							\$33,000	\$3,785
501.04 Federal Transit Act Programs				\$40,000					\$40,000	\$4,588
502.01 Regional Transportation Plan		\$158,780							\$158,780	\$18,212
502.02 Travel Model			\$125,000						\$125,000	\$14,338
502.03 Transit Station Site Selection Study				\$19,270	\$115,730				\$135,000	\$15,484
502.04 Traffic Counts		\$34,055	\$945						\$35,000	\$4,015
502.05 Air Quality Planning		\$62,000							\$62,000	\$7,111
502.06 Electric Vehicle Readiness Plan		\$144,000							\$144,000	\$16,517
502.07 Regional Active Transportation Plan			\$60,000						\$60,000	\$6,882
502.08 Corcoran Transit Study			\$125,000						\$125,000	\$14,338
502.09 Regional Corridor Needs Study			\$314,281			\$40,719			\$355,000	\$0
502.10 Transit Asset Management Plan			\$113,000						\$113,000	\$12,961
502.11 Transportation Performance Measures		\$44,500							\$44,500	\$5,104
502.12 Regional Pavement Management System			\$419,000						\$419,000	\$48,059
503.01 Transportation Improvement Program		\$60,000							\$60,000	\$6,882
504.01 TDA Administration	\$146,000								\$146,000	\$0
505.01 Abandoned Vehicle Abatement Admin.							\$43,000		\$43,000	\$0
405.01 Areawide Clearinghouse Review								\$6,000	\$6,000	\$0
407.01 Census Data Center								\$11,000	\$11,000	\$0
<b>TOTAL</b>	<b>\$177,200</b>	<b>\$611,935</b>	<b>\$1,157,226</b>	<b>\$59,270</b>	<b>\$115,730</b>	<b>\$40,719</b>	<b>\$43,000</b>	<b>\$35,200</b>	<b>\$2,240,280</b>	<b>\$178,276</b>
		<b>\$1,769,161</b>		<b>\$175,000</b>						

TABLE 2

SUMMARY EXPENDITURE CHART FY 2018-2019																								
FUNDING SOURCE	LTF FUNDS		PL (FHWA) FUNDS		PL (FHWA) Carry Over		FTA 5303 FUNDS		FTA 5303 Carry Over		PPM FUNDS		GRANT FUNDS		AVA FUNDS		IN-KIND FUNDS		LOCAL FUNDS		TOTAL OF MPO ACTIVITY		TOLL CREDITS	
	KCAG	CONSULT.	KCAG	CONSULT.	KCAG	CONSULT.	KCAG	CONSULT.	KCAG	CONSULT.	KCAG	CONSULT.	KCAG	CONSULT.	KCAG	CONSULT.	KCAG	CONSULT.	KCAG	CONSULT.	KCAG	CONSULT.	KCAG	CONSULT.
501.01 MPO / RTPA Planning & Coordination	\$23,050	\$4,260	\$42,750	\$2,750																	\$7,700	\$10,500	\$91,000	\$0
501.02 Overall Work Program	\$3,900	\$0	\$30,100	\$0																			\$34,000	\$0
501.03 FAST Act Programs			\$33,000	\$0																			\$33,000	\$3,785
501.04 Federal Transit Act Programs					\$40,000	\$0																	\$40,000	\$4,588
502.01 Regional Transportation Plan			\$123,500	\$35,280																			\$158,780	\$18,212
502.02 Travel Model					\$33,537	\$91,463			\$27,000	\$88,730													\$125,000	\$14,338
502.03 Transit Station Site Selection Study					\$0	\$945																	\$135,000	\$15,484
502.04 Traffic Counts			\$15,000	\$19,055																			\$35,000	\$4,015
502.05 Air Quality Planning			\$42,000	\$20,000																			\$62,000	\$7,111
502.06 Electric Vehicle Readiness Plan			\$44,000	\$100,000																			\$144,000	\$16,517
502.07 Regional Active Transportation Plan					\$24,000	\$36,000																	\$60,000	\$6,882
502.08 Corcoran Transit Study					\$62,000	\$63,000			\$0	\$0	\$6,309	\$34,410											\$125,000	\$14,338
502.09 Regional Corridor Needs Study					\$48,691	\$265,590																	\$355,000	\$0
502.10 Transit Asset Management Plan					\$38,000	\$75,000			\$0	\$0													\$113,000	\$12,961
502.11 Transportation Performance Measures			\$44,500	\$0	\$0	\$0																	\$44,500	\$5,104
502.12 Regional Payment Management System					\$19,000	\$400,000																	\$419,000	\$48,059
503.01 Transportation Improvement Program			\$60,000	\$0																			\$60,000	\$6,882
504.01 TDA Administration			\$68,700	\$77,300																			\$146,000	\$0
505.01 Abandoned Vehicle Abatement Admin.															\$33,000	\$10,000							\$43,000	\$0
405.01 Area-wide Clearinghouse Review																					\$6,000	\$0	\$6,000	\$0
407.01 Census Data Center																					\$11,000	\$0	\$11,000	\$0
<b>SOURCE TOTAL</b>	\$95,650	\$81,550	\$434,850	\$177,085	\$225,228	\$831,988	\$58,000	\$1,270	\$27,000	\$88,730	\$6,309	\$34,410	\$0	\$0	\$33,000	\$10,000	\$0	\$0	\$0	\$0	\$24,700	\$10,500	\$178,276	\$178,276
<b>GRAND TOTAL</b>		\$177,200	\$611,935	\$1,769,161	\$1,157,226	\$59,270	\$175,000	\$115,730	\$40,719	\$43,000	\$35,200	\$2,240,280	\$0	\$0	\$43,000	\$178,276	\$0	\$0	\$0	\$0	\$35,200	\$178,276	\$2,240,280	\$2,240,280

# ***WORK ELEMENTS***

**PROGRAM: 500 TRANSPORTATION**  
**SUBPROGRAM: 501 MPO / RTPA Administration**  
**WORK ELEMENT: 501.01 Regional Transportation Planning and Coordination Activities**

**PURPOSE:** To maintain the process of organizing and implementing the Kings County Regional Transportation Plan as required by Federal and State law, to provide support to the overall transportation planning effort and other transportation activities, and to conduct outreach activities to various communities through the implementation of the public participation plan. Monitor legislation related to the regional and transportation planning process to ensure compliance with State and Federal laws. Coordinate the transportation and regional planning activities within the San Joaquin Valley among the eight RTPAs, the SJVAPCD, CARB, the Department of Transportation, FHWA and FTA to further achieve the goals and objectives of the Federal Transportation Act and the Federal Clean Air Act. To inform the public of issues and processes involved with KCAG activities and encourage public participation in the transportation planning process.

**PREVIOUS WORK:** Conduct of Regional Transportation Planning Agency (RTPA) and Metropolitan Planning Organization (MPO) activities to coordinate staff, local agencies, tribal governments of the Santa Rosa Rancheria Tachi Tribe, Environmental Justice communities, and Caltrans over the past years and direct their activities toward a logical resolution of regional problems. Coordination of the transportation and regional planning activities among the eight San Joaquin Valley RTPAs. Preparation of public participation plans to obtain public input in the transportation planning process.

**PRODUCT:** Support of the transportation planning process, involving coordination of federal, state, Tribe, and local activities and the involvement of citizen input from the community and the private sector; update and implementation of a public participation plan; maintenance of web site to distribute agendas, announcements, and documents to the public and distribution of newsletter; establishment and monitoring of DBE participation; monitoring of proposed legislation; and documentation of Tribal government-to-government relations.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
Monthly	15%	1. Conduct activities to coordinate, consult, and collaborate with local, regional, state, federal, Tribal government agencies, and Environmental Justice communities in the planning process.
June 30	30%	2. Implement the Public Participation Plan to meet State and Federal compliance. Develop outreach materials to assist in presenting planning products. Conduct public workshops, hearings and meetings to obtain public input. Provide for the translation of various documents in Spanish in order to increase outreach and encourage public input from the disadvantaged communities.
June 30	5%	3. Prepare and monitor DBE Program and report annual results.
June 30	10%	4. Maintain internet web site for KCAG activities to include appropriate documents and notices to disseminate information to the public.
June 30	15%	5. Conduct review of proposed legislation that may have an impact of the regional and transportation planning process and report to member agencies.
June 30	15%	6. Participate in various Valley planning efforts and activities with San Joaquin Valley MPOs in accordance with the annual Valleywide work program through participation in the SJV Regional Policy Council, SJV RTPA Directors' Committee, SJVAPCD, and California Partnership for the SJV to strengthen the regional transportation planning process.
June 30	10%	7. Participate in CalCOG activities in support of communication and information sharing between various agencies. *
	100%	

**FUNDING REQUIREMENT: W.E. 501.01 – Regional Transportation Planning and Coordination Activities**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds *	Total Revenue
KCAG	\$23,050	\$42,750	\$0	\$0	\$0	\$7,700	\$73,500
Consultant	\$4,250	\$2,750	\$0	\$0	\$0	\$10,500	\$17,500
<b>Total</b>	<b>\$27,300</b>	<b>\$45,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$18,200</b>	<b>\$91,000</b>

Note: Some "Local Funds" are provided by member agencies from local sources.

\* Participation in some CalCOG activities is funded exclusively with LTF or local funds.

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS							TOTAL
	1	2	3	4	5	6	7	
LTF Funds	\$4,095	\$8,190	\$1,365	\$2,730	\$4,095	\$4,095	\$2,730	\$27,300
FHWA PL Funds	8,190	16,380	1,820	5,460	8,190	5,460	0	45,500
FTA 5303 Funds	0	0	0	0	0	0	0	0
PPM Funds	0	0	0	0	0	0	0	0
AVA Funds	0	0	0	0	0	0	0	0
Local Funds	0	0	0	0	0	13,200	5,000	18,200
<b>TOTAL</b>	<b>\$12,285</b>	<b>\$24,570</b>	<b>\$3,185</b>	<b>\$8,190</b>	<b>\$12,285</b>	<b>\$22,755</b>	<b>\$7,730</b>	<b>\$91,000</b>

**RESPONSIBLE AGENCY: Task**

KCAG 1, 2, 3, 4, 5, 6, 7  
 Consultant 2, 6

**TIME FRAME:** W.E. 501.01 is a continuous activity.

**NOTES:** \*(1) Completion dates are FY 2018-2019 unless otherwise indicated.

**PROGRAM:** 500 **TRANSPORTATION**  
**SUBPROGRAM:** 501 **MPO / RTPA Administration**  
**WORK ELEMENT:** 501.02 **Overall Work Program and Budget**

**PURPOSE:** To provide an organizational mechanism showing the activities necessary for maintaining a current transportation plan and transportation planning effort in conformance with appropriate federal and state law.

**PREVIOUS WORK:** The Overall Work Program (OWP) and budgets have been prepared over the past years. Each work program and budget has led to the following year's activities.

**PRODUCT:** A current FY 2018-19 OWP to meet all funding and programming needs and a final FY 2019-20 OWP developed through the public participation process.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
September 30	5%	1. Make final budget adjustments to 2018-2019 OWP.
December 15	5%	2. Review current state and federal regulations and seek public participation, including coordination, consultation, and collaboration with the Santa Rosa Rancheria Tribal Government.
December 30	5%	3. Evaluate RTP and transportation planning efforts to identify deficiencies and consider grant funding opportunities.
January 1	25%	4. Identify work efforts and develop funding levels.
February 1	20%	5. Prepare draft FY 2019-20 OWP and budget for transportation planning.
March 1	5%	6. Approve draft FY 2019-20 OWP and submit to local, state, federal and Tribal government agencies and the public for review and comment.
April 1	10%	7. Review comments on draft OWP, make changes and prepare final FY 2019-20 OWP and budget.
May 1	5%	8. Prepare and submit amendments to the current OWP to meet any necessary funding or programming changes.
June 1	5%	9. Approve and submit final FY 2019-20 OWP to Caltrans.
June 30	15%	10. Prepare and submit quarterly financial reports to Caltrans of RTPA activities and expenditures.
	100%	

**FUNDING REQUIREMENT: W.E. 501.02 - OWP**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds	Total Revenue
KCAG	\$3,900	\$30,100	\$0	\$0	\$0	\$0	\$34,000
Total	\$3,900	\$30,100	\$0	\$0	\$0	\$0	\$34,000



**PROGRAM:** 500 TRANSPORTATION  
**SUBPROGRAM:** 501 MPO / RTPA Administration  
**WORK ELEMENT:** 501.03 FAST Act Programs

**PURPOSE:** To program federal FAST Act funds to local agencies based upon policies and actions identified in the Regional Transportation Plan. Maintain a tracking system for all federally funded projects to ensure Federal funds are either encumbered or appropriated within the region in a timely manner. To address the FAST Act's planning factors that should be considered throughout the transportation planning process.

**PREVIOUS WORK:** Review of FAST Act legislation and programming of RSTP, CMAQ and other federal funds for local projects. Preparation of local obligation plans for the CMAQ program to track the progress of local project deliveries in meeting AB 1012 requirements.

**PRODUCT:** Programming, monitoring and reporting of RSTP, CMAQ, and other federal program funds and continued review of FAST Act implementation.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
January 1	15%	1. Review RSTP and CMAQ estimates and establish agency shares.
February 1	25%	2. Review CMAQ projects and develop regional project priority list for programming in the FTIP.
March 30	10%	3. Consult with local agencies and exchange RSTP funds.
August 1	5%	4. Report annual RSTP Exchange fund apportionments and monitor local agencies use of funds for compliance.
January 15	15%	5. Calculate and report CMAQ project emission reductions and assist project sponsors in submitting E-76 documentation.
June 30	15%	6. Monitor CMAQ and RSTP obligations and submit Obligation Plan to Caltrans.
June 30	15%	7. Respond to new legislation and funding policies that may affect the implementation of transportation improvement plans in the Kings region.
	100%	

**FUNDING REQUIREMENT: W.E. 501.03 – FAST Act Programs**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds	Total Revenue	Toll Credits
KCAG	\$0	\$33,000	\$0	\$0	\$0	\$0	\$33,000	\$3,785
Total	\$0	\$33,000	\$0	\$0	\$0	\$0	\$33,000	\$3,785

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS							TOTAL
	1	2	3	4	5	6	7	
LTF Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FHWA PL Funds	4,950	8,250	3,300	1,650	4,950	4,950	4,950	33,000
FTA 5303 Funds	0	0	0	0	0	0	0	0
PPM Funds	0	0	0	0	0	0	0	0
AVA Funds	0	0	0	0	0	0	0	0
Local Funds	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>\$4,950</b>	<b>\$8,250</b>	<b>\$3,300</b>	<b>\$1,650</b>	<b>\$4,950</b>	<b>\$4,950</b>	<b>\$4,950</b>	<b>\$33,000</b>
Toll Credits (Not Revenues)	\$568	\$945	\$379	\$189	\$568	\$568	\$568	\$3,785

**RESPONSIBLE AGENCY:**            **Task**  
 KCAG                                    1, 2, 3, 4, 5, 6, 7

**TIME FRAME:**                    W.E. 501.03:    July 1 - June 30.

**NOTES:**                            \*(1) Completion dates are FY 2018-2019 unless otherwise indicated.

**PROGRAM:** 500 **TRANSPORTATION**  
**SUBPROGRAM:** 501 **MPO / RTPA Administration**  
**WORK ELEMENT:** 501.04 **Federal Transit Administration Programs**

**PURPOSE:** To program Federal Transit Administration (FTA) funds to eligible transit operators based upon policies and actions identified in the Regional Transportation Plan in consultation and coordination with local agencies, tribal governments of the Santa Rosa Rancheria Tachi Tribe and Environmental Justice communities to meet the needs of the transit dependent. Provide technical assistance to transit operators to increase the usability, efficiency, effectiveness, and safety of transit in the Kings region.

**PREVIOUS WORK:** Programming of FTA Section 5310, 5311, 5311 (f), 5307, 5339 and 3037 funds for Kings County transit projects.

**PRODUCT:** Regional Program of Projects for the FTA Section 5311 programs; processing of FTA Section 5310 program applications and development of regional priority list; processing of FTA Section 5339 program applications and development of regional priority list; and processing of the 5307 urbanized program for Kings County projects. Review of grant applications for rural transit planning projects from various FTA programs.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
January 15	5%	1. Provide announcements of FTA Sec. 5310 fund availability and regional project evaluation criteria to eligible agencies and transit operators.
July 31	15%	2. Establish and conduct Local Review Committee meetings to review and score local FTA Sec. 5310 project applications.
November 1	10%	3. Review regional apportionment of FTA Sec. 5311 and Sec. 5339 funds and determine shares; provide announcements of FTA Sec. 5311 and Sec. 5339 fund availability to eligible transit operators and Santa Rosa Rancheria Tachi Tribe and publish hearing notice.
November 1	15%	4. Develop proposed FTA Sec. 5311 and Sec. 5339 Regional Program of Projects and submit to Caltrans.
December 31	20%	5. Review FTA Sec. 5311 and Sec. 5339 project applications, conduct public hearing; approve Regional Program of Projects and submit to Caltrans.
April 15	5%	6. Provide notice of available FTA Sec. 5311 (f) Intercity Bus program funds.
May 31	5%	7. Review applications and provide RTPA certification to eligible projects.
November 15	10%	8. Include approved FTA Sec. 5310, 5311, 5307 and 5339 projects in Federal Transportation Improvement Program.
November 15	15%	9. Review FTA Sec. 5307 small urbanized area funds and notify applicants.
	100%	

**FUNDING REQUIREMENT: W.E. 501.04 - FTA Programs**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds	Total Revenue	Toll Credits
KCAG	\$0	\$0	\$40,000	\$0	\$0	\$0	\$40,000	\$4,588
Total	\$0	\$0	\$40,000	\$0	\$0	\$0	\$40,000	\$4,588



**PROGRAM:** 500 **TRANSPORTATION**  
**SUBPROGRAM:** 502 **Regional Transportation Plan**  
**WORK ELEMENT:** 502.01 **Regional Transportation Plan Update**

**PURPOSE:** To review, study, analyze, update and adopt the "Kings County Regional Transportation Plan" and keep its components and elements current and be consistent with the various city and county general plans.

**PREVIOUS WORK:** Updates of the RTP between 1975 and 2014, Sustainable Communities Strategy, Environmental Impact Report, and various studies and reports. Monitoring implementation of various sub plans.

**PRODUCT:** Maintaining the 2018 Update of the "Kings County Regional Transportation Plan" and its modal elements for compliance with FAST Act and SB 375. Preparation of the 2018 RTP update to include policies and actions that encourage the integration and balance of land use and multimodal transportation in response to anticipated growth of the region, to identify strategies for corridor preservation of state highways, and plan for the integration of "Complete Streets" concepts in the development of transportation systems.

**WORK TASKS:**

Completion Date*	% of Effort	Tasks
June 30	10%	1. Review and act on RTP related issues involving all modes.
June 30	10%	2. Coordinate with Caltrans' systems planning products and aviation planning guidance and updated airport master plans; and maintain RTP data base with updated corridor and project information.
June 30	15%	3. Participate with San Joaquin Valley MPOs and Caltrans in the Intelligent Transportation System (ITS) Maintenance Plan and to implement ITS projects within Kings County through programming of projects in the FTIP; work with other Valley agencies to consistently present multimodal issues of valley wide concern and coordinate planning activities where interregional issues occur; review of Amtrak "San Joaquins" rail service plans; and incorporate considerations into the RTP and FTIP.
September 30	5%	4. Conduct public participation process during the development and implementation of the RTP, to include elements of the Public Participation Plan and consultation with local, regional, state, federal agencies, Tribal Governments and Environmental Justice communities.
July 31	10%	5. Prepare draft 2018 RTP/SCS and circulate for review and comment.
July 31	20%	6. Prepare draft Environmental Impact Report consistent with CEQA/NEPA; conduct public meetings and gather comments; prepare responses to comments; and prepare final Environmental Impact Report to present to KCAG committees.
September 30	20%	7. Review and respond to comments on draft RTP/SCS and EIR, prepare final 2018 RTP/SCS, conduct public hearings on RTP/SCS and EIR and adopt for submittal.
June 30	10%	8. Coordinate with the ARB in the evaluation of the 2018 RTP/SCS in meeting emission reduction targets.
	100%	

**FUNDING REQUIREMENT: W.E. 502.01 - Regional Transportation Plan Update**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds	Total Revenue	Toll Credits
KCAG	\$0	\$123,500	\$0	\$0	\$0	\$0	\$123,500	\$14,165
Consultant	\$0	\$35,280	\$0	\$0	\$0	\$0	\$35,280	\$4,047
<b>Total</b>	<b>\$0</b>	<b>\$158,780</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$158,780</b>	<b>\$18,212</b>

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS								TOTAL
	1	2	3	4	5	6	7	8	
LTF Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FHWA PL Funds	15,880	15,880	23,815	7,935	15,880	31,755	31,755	15,880	\$158,780
FTA 5303 Funds	0	0	0	0	0	0	0	0	0
PPM Funds	0	0	0	0	0	0	0	0	0
AVA Funds	0	0	0	0	0	0	0	0	0
Local Funds	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>\$15,880</b>	<b>\$15,880</b>	<b>\$23,815</b>	<b>\$7,935</b>	<b>\$15,880</b>	<b>\$31,755</b>	<b>\$31,755</b>	<b>\$15,880</b>	<b>\$158,780</b>
Toll Credits (Not Revenues)	\$1,821	\$1,821	\$2,733	\$911	\$1,821	\$3,642	\$3,642	\$1,821	\$18,212

**RESPONSIBLE AGENCY:**

**Task**

KCAG 1, 2, 3, 4, 5, 6, 7, 8  
 Consultant 4, 5, 6, 7, 8

**TIME FRAME:** W.E. 502.01: July 1 - June 30

**NOTES:** \*(1) Completion dates are FY 2018-2019 unless otherwise indicated.

**PROGRAM:** 500 TRANSPORTATION  
**SUBPROGRAM:** 502 Regional Transportation Plan  
**WORK ELEMENT:** 502.02 Traffic Model Program

**PURPOSE:** Update and maintain the transportation modeling program to analyze the regional transportation system, develop plans for long-range improvements and conduct conformity analyses for transportation plans, programs and projects.

**PREVIOUS WORK:** Development and maintenance of the Kings County 2005 base year and 2035 future year travel demand forecasting models. Completion of Model Improvement Program in order to assist in the implementation of SB 375.

**PRODUCT:** Updated and maintained model to reflect the most current available assumptions for base year and future year land uses and transportation systems for use in conducting model runs for various purposes.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	30%	1. Coordinate modeling efforts with other San Joaquin Valley COGs, SJVAPCD, and Caltrans District modeling staff utilizing the Valley Model Users Group.
June 30	20%	2. Analyze traffic impacts of future projects on routes of regional significance.
June 30	15%	3. Conduct traffic model runs in support of local agency's General Plan development.
June 30	30%	4. Conduct model runs to evaluate updated SB 375 greenhouse gas emission reduction targets adopted by the ARB.
June 30	5%	5. Administer consultant services contract for on-call modeling efforts for various transportation planning programs and projects.
	100%	

**FUNDING REQUIREMENT: W.E. 502.02 - Traffic Model Program**

Responsible Agency	LTF Funds	FHWA PL Funds	FHWA PL Carryover	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds	Total Revenue	Toll Credits
KCAG	\$0	\$0	\$33,537	\$0	\$0	\$0	\$0	\$33,537	\$3,847
Consultant	\$0	\$0	\$91,463	\$0	\$0	\$0	\$0	\$91,463	\$10,491
Total	\$0	\$0	\$125,000	\$0	\$0	\$0	\$0	\$125,000	\$14,338

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS					TOTAL
	1	2	3	4	5	
LTF Funds	\$0	\$0	\$0	\$0	\$0	\$0
FHWA PL Funds	0	0	0	0	0	0
PL Carryover	37,500	25,000	18,750	37,500	6,250	125,000
FTA 5303 Funds	0	0	0	0	0	0
PPM Funds	0	0	0	0	0	0
AVA Funds	0	0	0	0	0	0
Local Funds	0	0	0	0	0	0
<b>TOTAL</b>	<b>\$37,500</b>	<b>\$25,000</b>	<b>\$18,750</b>	<b>\$37,500</b>	<b>\$6,250</b>	<b>\$125,000</b>
Toll Credits (Not Revenues)	\$4,301	\$2,868	\$2,151	\$4,301	\$717	\$14,338

**RESPONSIBLE AGENCY:**            **Task**

KCAG                                        1, 2, 3, 4, 5  
 Consultant                                1, 2, 3, 4

**TIME FRAME:**                    W.E. 502.02:    July 1 - June 30.

**NOTES:**                            \*(1) Completion dates are FY 2018-2019 unless otherwise indicated.

**PROGRAM:** 500 **TRANSPORTATION**  
**SUBPROGRAM:** 502 **Regional Transportation Plan**  
**WORK ELEMENT:** 502.03 **Transit Station Site Selection Study**

**PURPOSE:** The Kings Area Rural Transit (KART) bus system has outgrown its current site in Hanford and the Kings County Area Public Transit Agency (KCAPTA) is interested in determining a preferred site for a new transfer station for KART buses, and to incorporate agency office space, and mixed uses. This proposed project would include staff preparing a consulting services request for proposals and managing the contract, and the consultant preparing the study.

**PREVIOUS WORK:** Kings County Transit Development Plans, on-board rider surveys, 1992 "KART Marketing Plan".

**PRODUCT:** "Kings County Area Public Transit Agency Transit Station Site Selection Study".

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	5%	1. Administer consultant contract.
March 31	40%	2. Identify and evaluate candidate sites and property parcels within the expanded study area that could potentially accommodate the functional transit station site requirements in addition to possible non-transit uses.
April 30	30%	3. Modify the preliminary site plan for alternative site locations, develop new sketch level concept site plans, and prepare new conceptual station design plan and a high-level cost estimate with planning-level construction costs.
May 31	15%	4. Develop and circulate Draft KART Station Site Selection Study for review and comment to KCAPTA Board.
June 30	10%	5. Incorporate comments and prepare final KART Station Site Selection Study for presentation and acceptance by KCAPTA Board and KCAG.
	100%	

**FUNDING REQUIREMENT: W.E. 502.03 – Transit Station Site Selection Study**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	FTA 5303 Carry Over	PPM Funds	AVA Funds	Total Revenue	Toll Credits
KCAG	\$0	\$0	\$18,000	\$27,000	\$0	\$0	\$45,000	\$5,161
Consultant	\$0	\$0	\$1,270	\$88,730	\$0	\$0	\$90,000	\$10,323
Total	\$0	\$0	\$19,270	\$115,730	\$0	\$0	\$135,000	\$15,484

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS					TOTAL
	1	2	3	4	5	
LTF Funds	\$0	\$0	\$0	\$0	\$0	\$0
FHWA PL Funds	0	0	0	0	0	0
FTA 5303 Funds	965	7,710	5,780	2,890	1,925	19,270
FTA 5303 Carryover	5,785	46,290	34,720	17,360	11,575	115,730
PPM Funds	0	0	0	0	0	0
AVA Funds	0	0	0	0	0	0
Local Funds	0	0	0	0	0	0
<b>TOTAL</b>	<b>\$6,750</b>	<b>\$54,000</b>	<b>\$40,500</b>	<b>\$20,250</b>	<b>\$13,500</b>	<b>\$135,000</b>
Toll Credits (Not Revenues)	\$775	\$6,194	\$4,645	\$2,320	\$1,550	\$15,484

**RESPONSIBLE AGENCY:**            **Task**

KCAG                                    1, 2, 3, 4, 5  
 Consultant                            2, 3, 4, 5

**TIME FRAME:**                    W.E. 502.03:    July 1 - June 30

**NOTES:**                            \*(1) Completion dates are FY 2018-2019 unless otherwise indicated.

**PROGRAM:** 500 TRANSPORTATION  
**SUBPROGRAM:** 502 Regional Transportation Plan  
**WORK ELEMENT:** 502.04 Traffic Count Program

**PURPOSE:** Traffic monitoring of countywide traffic conditions on routes of regional significance, information to update the RTP and traffic model.

**PREVIOUS WORK:** Regional traffic counts and Kings County Regional Count Report.

**PRODUCT:** Traffic count survey of regional routes in Kings County to be used to update various sections of the RTP and a source of updated traffic count information for traffic modeling and public use. Data for submittal of Highway Performance Monitoring System (HPMS) updates. Regional Traffic Count Report for publication and distribution to the public.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	5%	1. Manage consultant contract.
June 30	70%	2. Conduct volume, speed and class traffic counts at various locations.
June 30	15%	3. Gather traffic count data, obtain traffic count information from other sources, and incorporate traffic count information in the RTP update and transportation demand model data files.
June 30	10%	4. Distribute traffic count information and prepare updated Highway Performance Monitoring System in cooperation with local agencies for submittal to Caltrans.
	100%	

**FUNDING REQUIREMENT: W.E. 502.04 - Traffic Count Program**

Responsible Agency	LTF Funds	FHWA PL Funds	FHWA PL Carryover	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds	Total Revenue	Toll Credits
KCAG	\$0	\$15,000	\$0	\$0	\$0	\$0	\$0	\$15,000	\$1,721
Consultant	\$0	\$19,055	\$945	\$0	\$0	\$0	\$0	\$20,000	\$2,294
<b>Total</b>	<b>\$0</b>	<b>\$34,055</b>	<b>\$945</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$35,000</b>	<b>\$4,015</b>

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS				TOTAL
	1	2	3	4	
LTF Funds	\$0	\$0	\$0	\$0	\$0
FHWA PL Funds	1,703	27,244	3,406	1,703	34,055
PL Carryover	47	756	95	47	945
FTA 5303 Funds	0	0	0	0	0
PPM Funds	0	0	0	0	0
AVA Funds	0	0	0	0	0
Local Funds	0	0	0	0	0
<b>TOTAL</b>	<b>\$1,750</b>	<b>\$28,000</b>	<b>\$3,500</b>	<b>\$1,750</b>	<b>\$35,000</b>
Toll Credits (Not Revenues)	\$201	\$3,212	\$401	\$201	\$4,015

**RESPONSIBLE AGENCY:**            **Task**

KCAG                                    1, 2, 3, 4  
 Consultant                            2

**TIME FRAME:**                    W.E. 502.04:    July 1 - June 30.

**NOTES:**                            \*(1) Completion dates are FY 2018-2019 unless otherwise indicated.

**PROGRAM:** 500 TRANSPORTATION  
**SUBPROGRAM:** 502 Regional Transportation Plan  
**WORK ELEMENT:** 502.05 Air Quality Planning

**PURPOSE:** To continue transportation related air quality planning for non-attainment areas. To ensure that transportation plans, programs, and projects conform to the most recent requirements of the Clean Air Act Amendments. To inform and advise member agencies on air quality issues and policies and coordinate effectively with other government agencies on air quality matters.

**PREVIOUS WORK:** Transportation System Management programs of previous RTPs, coordination of the "San Joaquin Valley Transportation Control Measures Program", development and implementation of the Guaranteed Ride Home Program, and conformity analysis of the RTP and FTIP.

**PRODUCT:** Coordinated air quality planning within the San Joaquin Valley among local, regional, state, Tribal, and federal agencies and air quality conformity documents for the Regional Transportation Plan and Federal Transportation Improvement Program.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	25%	1. Participate in Valley-wide air quality planning efforts with Caltrans, SJVAPCD, and other RTPAs, including support for Air Quality Coordinator position, and a review of the interagency consultation procedures.
June 30	25%	2. In cooperation with the California Air Resources Board, participate in the update and review of the RTP/SCS; and monitor implementation of the SCS.
June 30	25%	3. Review various funding programs available for air quality improvements in land use and transportation and provide notification to member agencies; review proposed projects submitted by eligible agencies to evaluate their support of implementing policies and actions identified in the Regional Transportation Plan.
June 30	10%	4. Collaborate with the California Air Resources Board and the SJVAPCD on emission inventory development and provide VMT data for use in emission budgets.
June 30	15%	5. Prepare conformity findings for RTP and FTIP amendments in accordance with interagency consulting procedures.
	100%	

**FUNDING REQUIREMENT: W.E. 502.05 - Air Quality Planning**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds	Total Revenue	Toll Credits
KCAG	\$0	\$42,000	\$0	\$0	\$0	\$0	\$42,000	\$4,817
Consultant	\$0	\$20,000	\$0	\$0	\$0	\$0	\$20,000	\$2,294
<b>Total</b>	<b>\$0</b>	<b>\$62,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$62,000</b>	<b>\$7,111</b>

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS					TOTAL
	1	2	3	4	5	
LTF Funds	\$0	\$0	\$0	\$0	\$0	\$0
FHWA PL Funds	15,500	15,500	15,500	6,200	9,300	62,000
FTA 5303 Funds	0	0	0	0	0	0
PPM Funds	0	0	0	0	0	0
AVA Funds	0	0	0	0	0	0
Local Funds	0	0	0	0	0	0
<b>TOTAL</b>	<b>\$15,500</b>	<b>\$15,500</b>	<b>\$15,500</b>	<b>\$6,200</b>	<b>\$9,300</b>	<b>\$62,000</b>
Toll Credits (Not Revenues)	\$1,778	\$1,778	\$1,778	\$711	\$1,066	\$7,111

**RESPONSIBLE AGENCY:**            **Task**

KCAG                                        1, 2, 3, 4, 5  
 Consultant                                2, 3, 4, 5

**TIME FRAME:**                    W.E. 502.05:    July 1 - June 30.

**NOTES:**                                \*(1) Completion dates are FY 2018-2019 unless otherwise indicated.

**PROGRAM:** 500 **TRANSPORTATION**  
**SUBPROGRAM:** 502 **Regional Transportation Plan**  
**WORK ELEMENT:** 502.06 **Electric Vehicle Readiness Plan**

**PURPOSE:** To prepare a Electric Vehicle Readiness Plan for the Kings County region in response to California’s aggressive commitment to zero emission vehicles. The purpose of the readiness plan will be to foster greater use of PEVs in the region by preparing a plan to support infrastructure deployment.

**PREVIOUS WORK:** None.

**PRODUCT:** Electric Vehicle Readiness Plan for the Kings County region.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	5%	1. Prepare consultant RFP, select consultant, and administer consultant contract.
June 30	5%	2. Establish an advisory committee and conduct public outreach efforts throughout development of the plan.
July 31	5%	3. Research current Plug-in Electric Vehicle charging infrastructure, available technologies, best practices, compatibility and appropriate regional and local applications.
September 31	20%	4. Review existing PEV facilities, recommend upgrades and new installations to the network, identify potential PEV charge port locations and compile data for GIS mapping, recommend signage options for public charge ports, research feasibility of solar shade structures at or near the charge port parking spaces, forecast future PEV use and air quality emissions benefits.
October 31	20%	5. Provide cost estimates for recommended improvements and funding needs, identify grants and funding sources for implementation, research utility payment methods for PEV customers at public charge ports to recover costs and generate revenue
December 31	10%	6. Develop a regional charging infrastructure plan, prepare guidance to local jurisdictions in regards to codes and ordinances.
February 28	25%	7. Prepare draft Electric Vehicle Readiness Plan and circulate for review and comment.
April 30	10%	8. Review comments, prepare final Electric Vehicle Readiness Plan and present to local agency governing boards and KCAG for approval.
	100%	

**FUNDING REQUIREMENT: W.E. 502.06 – Electric Vehicle Readiness Plan**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	PPM Funds	AVA Funds	Total Revenue	Toll Credits
KCAG	\$0	\$44,000	\$0	\$0	\$0	\$44,000	\$5,047
Consultant	\$0	\$100,000	\$0	\$0	\$0	\$100,000	\$11,470
<b>Total</b>	<b>\$0</b>	<b>\$144,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$144,000</b>	<b>\$16,517</b>

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS								TOTAL
	1	2	3	4	5	6	7	8	
LTF Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FHWA PL Funds	7,200	7,200	7,200	28,800	28,800	14,400	36,000	14,400	144,000
FTA 5303 Funds	0	0	0	0	0	0	0	0	0
PPM Funds	0	0	0	0	0	0	0	0	0
AVA Funds	0	0	0	0	0	0	0	0	0
Local Funds	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>\$7,200</b>	<b>\$7,200</b>	<b>\$7,200</b>	<b>\$28,800</b>	<b>\$28,800</b>	<b>\$14,400</b>	<b>\$36,000</b>	<b>\$14,400</b>	<b>\$144,000</b>
Toll Credits (Not Revenues)	\$826	\$826	\$826	\$3,303	\$3,303	\$1,652	\$4,129	\$1,652	\$16,517

**RESPONSIBLE AGENCY:**                      **Task**

KCAG    1, 2, 3, 4, 5, 6, 7, 8

Consultant    2, 3, 4, 5, 6, 7, 8

**TIME FRAME:**                      W.E. 502.06:    July 1 - June 30

**NOTES:**                                      \*(1) Completion dates are FY 2018-2019.

**PROGRAM:** 500 **TRANSPORTATION**  
**SUBPROGRAM:** 502 **Regional Transportation Plan**  
**WORK ELEMENT:** 502.07 **Regional Active Transportation Plan**

**PURPOSE:** To prepare a Regional Active Transportation Plan which will integrate local and regional bicycle plans combined with pedestrian and safe routes to schools planning efforts and guide the efforts to improve bicycling and walking conditions in the region, including disadvantaged communities, and to assist in the coordination and implementation of complete streets policies.

**PREVIOUS WORK:** Kings County Regional Bicycle Plans.

**PRODUCT:** Regional Active Transportation Plan that will incorporate local bicycle plans, pedestrian plans, and safe routes to schools plans to encourage increased use of active modes of transportation.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	5%	1. Administer consultant contract.
January 31	15%	2. Conduct public outreach efforts throughout development of the plan, including meetings with the bicycle advisory committee, traditionally underrepresented and underserved populations, disadvantage communities and the community at large.
November 30	40%	3. Develop a list of proposed projects and program priorities for implementation of the active transportation plan based on established criteria, public input, and a proposed timeline for implementation.
January 31	25%	4. Prepare draft Regional Active Transportation Plan and circulate for review and comment.
July 31	15%	5. Review comments on draft Plan, prepare and adopt final Regional Active Transportation Plan.
	100%	

**FUNDING REQUIREMENT: W.E. 502.07 – Regional Active Transportation Plan**

Responsible Agency	LTF Funds	FHWA PL Funds	FHWA PL Carryover	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds	Total Revenue	Toll Credits
KCAG	\$0	\$0	\$24,000	\$0	\$0	\$0	\$0	\$24,000	\$2,753
Consultant	\$0	\$0	\$36,000	\$0	\$0	\$0	\$0	\$36,000	\$4,129
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$60,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$60,000</b>	<b>\$6,882</b>

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS					TOTAL
	1	2	3	4	5	
LTF Funds	\$0	\$0	\$0	\$0	\$0	\$0
FHWA PL	0	0	0	0	0	0
PL Carryover	3,000	9,000	24,000	15,000	9,000	60,000
FTA 5303 Funds	0	0	0	0	0	0
PPM Funds	0	0	0	0	0	0
AVA Funds	0	0	0	0	0	0
Local Funds	0	0	0	0	0	0
<b>TOTAL</b>	<b>\$3,000</b>	<b>\$9,000</b>	<b>\$24,000</b>	<b>\$15,000</b>	<b>\$9,000</b>	<b>\$60,000</b>
Toll Credits (Not Revenues)	\$344	\$1,032	\$2,753	\$1,721	\$1,032	\$6,882

**RESPONSIBLE AGENCY:**            **Task**

KCAG                                    1, 2, 3, 4, 5  
 Consultant                            2, 3, 4, 5

**TIME FRAME:**                    W.E. 502.07:    July 1 - June 30

**NOTES:**                            \*(1) Completion dates are FY 2018-2019.

The activities included in this work element are needed to maintain consistency and eligibility for new funding programs and to keep the non-motorized elements of the Regional Transportation Plan current.

**PROGRAM:** 500 **TRANSPORTATION**  
**SUBPROGRAM:** 502 **Regional Transportation Plan**  
**WORK ELEMENT:** 502.08 **Corcoran Transit Fixed Route Study**

**PURPOSE:** The city is interested in developing a fixed route within the city to lower costs and to provide needed services. A fixed route study is needed to identify alternatives to provide transit services to meet the regional mobility and access needs. The study could identify both inter and intra city fixed route alternatives to serve this disadvantaged community and will have a direct effect on the regional transit system. The city also utilizes Amtrak tickets as a transit service option, but may no longer be available due to ticketing issues and the potential loss of service due to high speed rail.

**PREVIOUS WORK:** Transit Development Plans and transit marketing studies.

**PRODUCT:** A Corcoran Area Transit Fixed Route Study to identify alternatives for providing transit services to meet the regional mobility and access needs.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	5%	1. Prepare consultant RFP, select consultant, and administer consultant contract.
June 30	5%	2. Establish an advisory committee and conduct public outreach efforts throughout development of the study.
September 30	5%	3. Review and analyze existing local and regional transit services.
October 31	10%	4. Conduct demographic and economic analysis and forecast future transit demand.
December 31	15%	5. Develop route designs principles, identify potential route types, and formulate route alternatives.
February 28	15%	6. Develop financial estimates for potential routes and identify potential funding sources for capital and operating needs.
March 31	15%	7. Develop fixed route implementation plan.
April 30	20%	8. Develop and circulate Draft Corcoran Fixed Route Study for review and comment, present to stakeholders groups, City of Corcoran, KCAG and KCAPTA Boards.
June 30	10%	9. Incorporate comments and prepare final Corcoran Fixed Route Study for presentation and acceptance by the City of Corcoran and KCAG.
	100%	

**FUNDING REQUIREMENT: W.E. 502.08 - Corcoran Transit Fixed Route Study**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	FTA 5303 Carryover	Local Funds	Total Revenue	Toll Credits
KCAG	\$0	\$0	\$26,270	\$35,730	\$0	\$62,000	\$6,538
Consultant	\$0	\$0	\$0	\$63,000	\$0	\$63,000	\$7,226
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$26,270</b>	<b>\$98,730</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$14,338</b>

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS									TOTAL
	1	2	3	4	5	6	7	8	9	
LTF Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FHWA PL Funds	0	0	0	0	0	0	0	0	0	0
FTA 5303 Funds	1,313	1,313	1,313	2,628	3,940	3,940	3,940	5,255	2,628	26,270
FTA 5303 Carryover	4,937	4,937	4,937	9,872	14,810	14,810	14,810	19,745	9,872	98,730
PPM Funds	0	0	0	0	0	0	0	0	0	0
AVA Funds	0	0	0	0	0	0	0	0	0	0
Local Funds	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>\$6,250</b>	<b>\$6,250</b>	<b>\$6,250</b>	<b>\$12,500</b>	<b>\$18,750</b>	<b>\$18,750</b>	<b>\$18,750</b>	<b>\$25,000</b>	<b>\$12,500</b>	<b>\$125,000</b>
Toll Credits (Not Revenues)	\$717	\$717	\$717	\$1,433	\$2,151	\$2,151	\$2,151	\$2,868	\$1,433	\$14,338

**RESPONSIBLE AGENCY:**            **Task**

KCAG    1, 2, 3, 4, 5, 6, 7, 8, 9

Consultant                                    2, 3, 4, 5, 6, 7, 8, 9

**TIME FRAME:**                    W.E. 502.08:    July 1 - June 30.

**NOTES:**                                \*(1) Completion dates are FY 2018-2019.

**PROGRAM:** 500 **TRANSPORTATION**  
**SUBPROGRAM:** 502 **Regional Transportation Plan**  
**WORK ELEMENT:** 502.09 **Regional Corridor Needs Study**

**PURPOSE:** To prepare a Regional Corridor Needs Study within Kings County to identify and prioritize future state highway improvement needs. The focus will be on state highway corridors that are experiencing recent growth in development and to identify projects to be proposed for inclusion in the Regional Transportation Plan, State Transportation Improvement Program, and Federal Transportation Improvement Program.

**PREVIOUS WORK:** SR 198 Corridor Preservation and Improvement Strategic Plan, 2016.

**PRODUCT:** Regional Corridor Needs Study that analyzes current and future performance of state highway facilities, identifies deficiencies and alternative improvements to address transportation deficiencies, and provision of conceptual designs, planning level cost estimates, and general time frames when improvements are needed.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	5%	1. Prepare consultant RFP, select consultant, and administer consultant contract.
June 30	5%	2. Establish an advisory committee and conduct public outreach efforts throughout development of the plan.
January 31	5%	3. Conduct an overview of existing conditions on regional highway corridors including land use and demographics, roadway facilities, and collision data.
February 28	20%	4. Conduct detailed roadway analyses in areas affected by planned developments and local jurisdiction's general plan land use changes and forecast traffic volumes for design year; and analyze existing and future traffic operational conditions.
April 30	10%	5. Develop performance measures, to include new state and federally mandated air quality and planning policies, develop project selection policy and evaluation criteria for review and ranking of candidate projects.
June 30	25%	6. Determine future multi-modal transportation needs on applicable state highway corridors and assess the feasibility of proposed transportation projects, strategies and actions; recommend alternatives for future traffic demands for design year 2040 and identify the time frames when improvements are needed.
August 31	5%	7. Identify corridor and subarea studies to support decisions on the design concepts and scope of proposed major transportation investments.
September 30	15%	8. Prepare planning level cost estimates of recommended transportation improvement alternatives, identify the current and anticipated revenue sources and financing options available to fund the improvements, and identify future financial requirements and new revenue sources; and identify financially constrained short-term alternatives that compliment long-term improvement alternatives.
December 31	5%	9. Prepare draft Regional Corridor Needs Study and circulate for review and comment.
March 31	5%	10. Review comments, prepare final Regional Corridor Needs Study and present to KCAG for approval.
	100%	

**FUNDING REQUIREMENT: W.E. 502.09 – Regional Corridor Needs Study**

Responsible Agency	LTF Funds	FHWA PL Funds	FHWA PL Carry Over	FTA 5303 Funds	PPM Funds	AVA Funds	Total Revenue
KCAG	\$0	\$0	\$48,691	\$0	\$6,309	\$0	\$55,000
Consultant	\$0	\$0	\$265,590	\$0	\$34,410	\$0	\$300,000
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$314,281</b>	<b>\$0</b>	<b>\$40,719</b>	<b>\$0</b>	<b>\$355,000</b>

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS										TOTAL	
	1	2	3	4	5	6	7	8	9	10		
LTF Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FHWA PL CO	15,714	15,714	15,714	62,856	31,428	78,570	15,714	47,142	15,714	15,714	15,714	314,281
FTA 5303	0	0	0	0	0	0	0	0	0	0	0	0
PPM Funds	2,036	2,036	2,036	8,144	4,072	10,180	2,036	6,108	2,036	2,036	2,036	40,719
AVA Funds	0	0	0	0	0	0	0	0	0	0	0	0
Local Funds	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>\$17,750</b>	<b>\$17,750</b>	<b>\$17,750</b>	<b>\$71,000</b>	<b>\$35,500</b>	<b>\$88,750</b>	<b>\$17,750</b>	<b>\$53,250</b>	<b>\$17,750</b>	<b>\$17,750</b>	<b>\$17,750</b>	<b>\$355,000</b>

**RESPONSIBLE AGENCY: Task**

KCAG 1, 2, 3, 4, 5, 6, 7, 8, 9, 10  
 Consultant 2, 3, 4, 5, 6, 7, 8, 9, 10

**TIME FRAME:** W.E. 502.09: July 1 - June 30

**NOTES:** \*(1) Completion dates are FY 2018-2019.

**PROGRAM:** 500 **TRANSPORTATION**  
**SUBPROGRAM:** 502 **Regional Transportation Plan**  
**WORK ELEMENT:** 502.10 **Transit Asset Management Plan**

**PURPOSE:** Prepare and implement a Federal Transit Administration (FTA) Transit Asset Management Plan and develop Performance Measures in compliance with MAP-21 and Fixing America’s Surface Transportation (FAST) Act.

**PREVIOUS WORK:** 2018 Federal MPO/State Safety Performance Measure (PM 1), Kings County Transit Development Plan.

**PRODUCT:** Transit Asset Management Plan and Performance Measures for the Kings County Area Public Transit Agency (KCAPTA).

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	5%	1. Prepare consultant RFP, select consultant, and administer consultant contract.
June 30	10%	2. Acquire transit planning platform and conduct analysis of operational improvements and associated capital needs.
August 30	10%	3. Inventory transit assets and assess condition.
October 31	10%	4. Develop decision support tools and management approach.
December 31	10%	5. Develop a prioritized list of projects.
January 31	10%	6. Develop performance targets and methods for measuring performance.
February 28	10%	7. Develop approach for record keeping and NTD reporting.
March 30	15%	8. Develop fleet inspection process and facility inspection plan.
April 30	10%	9. Prepare draft Plan and circulate for review and comment.
June 30	10%	10. Incorporate comments and prepare final Transit Asset Management Plan for presentation and acceptance by the Kings County Area Public Transit Board.
	100%	

**FUNDING REQUIREMENT: W.E. 502.10 - Transit Asset Management Plan**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	FTA 5303 Carryover	Local Funds	Total Revenue	Toll Credits
KCAG	\$0	\$0	\$0	\$38,000	\$0	\$38,000	\$4,358
Consultant	\$0	\$0	\$0	\$75,000	\$0	\$75,000	\$8,603
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$113,000</b>	<b>\$0</b>	<b>\$113,000</b>	<b>\$12,961</b>



**PROGRAM:** 500 **TRANSPORTATION**  
**SUBPROGRAM:** 502 **Regional Transportation Plan**  
**WORK ELEMENT:** 502.11 **Transportation Performance Measures**

**PURPOSE:** Establish and monitor a variety of highway safety, bridge, pavement and overall system performance measures within the transportation planning process in compliance with MAP-21 and Fixing America’s Surface Transportation (FAST) Act.

**PREVIOUS WORK:** 2018 Federal MPO/State Safety Performance Measure (PM 1).

**PRODUCT:** Performance measures incorporated into the Regional Transportation Plan, Federal Transportation Improvement Program, and transportation planning process.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	20%	1. Collaborate with local agency representatives and other stakeholders regarding goals, objectives, measures and targets.
June 30	20%	2. Monitor Safety Performance Management (PM 1) targets and evaluate projects for inclusion in local plans and programs.
July 31	20%	3. Review Pavement/Bridge Performance Measures (PM 2) requirements, evaluate data and consider targets.
August 31	20%	4. Review System Performance/Freight/Congestion Mitigation and Air Quality performance (PM 3) requirements, evaluate data and consider targets.
June 30	15%	5. Develop monitoring plan and report on meeting performance targets.
June 30	5%	6. Coordinate with FHWA and Caltrans regarding federal and state requirements regarding transportation performance management.
	100%	

**FUNDING REQUIREMENT: W.E. 502.11 – Transportation Performance Measures**

Responsible Agency	LTF Funds	FHWA PL Funds	FHWA PL Carryover	FTA 5303 Funds	Local Funds	Total Revenue	Toll Credits
KCAG	\$0	\$44,500	\$0	\$0	\$0	\$44,500	\$5,104
Total	\$0	\$44,500	\$0	\$0	\$0	\$44,500	\$5,104

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS						TOTAL
	1	2	3	4	5	6	
LTF Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FHWA PL Funds	0	0	0	0	0	0	0
FHWA PL Carryover	8,900	8,900	8,900	8,900	6,675	2,225	44,500
FTA 5303 Funds	0	0	0	0	0	0	0
PPM Funds	0	0	0	0	0	0	0
AVA Funds	0	0	0	0	0	0	0
Local Funds	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>\$8,975</b>	<b>\$8,900</b>	<b>\$8,900</b>	<b>\$8,900</b>	<b>\$6,675</b>	<b>\$2,225</b>	<b>\$44,500</b>
Toll Credits (Not Revenues)	\$1,021	\$1,021	\$1,021	\$1,021	\$766	\$255	\$5,104

**RESPONSIBLE AGENCY:**            **Task**  
 KCAG                                      1, 2, 3, 4, 5, 6

**TIME FRAME:**                      W.E. 502.11:    July 1 - June 30.

**NOTES:**                                \*(1) Completion dates are FY 2018-2019.

**PROGRAM:** 500 **TRANSPORTATION**  
**SUBPROGRAM:** 502 **Regional Transportation Plan**  
**WORK ELEMENT:** 502.12 **Regional Pavement Management System**

**PURPOSE:** Assist with the development, operation, and maintenance of a Pavement Management System that will help local jurisdictions plan and manage the roadway repair and maintenance more efficiently and to provide data.

**PREVIOUS WORK:** None.

**PRODUCT:** Updated Pavement Management System for member jurisdictions to be implemented with StreetSaver as a tool to plan roadway network maintenance and repair to optimize pavement conditions over time.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	5%	1. Prepare consultant RFP, select consultant, and administer consultant contract.
June 30	5%	2. Obtain StreetSaver software and license, and work with local agency staff to install/update StreetSaver for each jurisdiction.
September 30	5%	3. Review each jurisdiction's existing pavement management system.
November 30	45%	4. Collect pavement data on all maintained paved streets and roads within the city and county networks for all participating jurisdictions. Perform automated pavement surveys to identify pavement condition and asset inventory for amenities within rights of way.
December 31 30	10%	5. Create and populate the pavement management system database(s) with the collected pavement distress data and calculate the PCI for each jurisdiction.
February 28	10%	6. Review maintenance and rehabilitation strategies with local representatives of each participating jurisdiction and include the recommendation and selection of appropriate treatments, and the determination of treatment unit costs.
March 31	10%	7. Prepare budget needs and funding scenario analysis and reporting templates.
April 30	5%	8. Develop a User's Manual for the pavement management system and provide hands on computer training to include all aspects of the proposed software program, including data entry and editing, performing PCI calculations and budget analysis, generating reports, and using GIS. Provide technical support to each jurisdiction and conduct a Questions/Answers session to address any questions from the participating jurisdictions.
June 30	5%	9. Presentation of the pavement management system to the appropriate Board of each jurisdiction and the KCAG Transportation Policy Committee.
	100%	

**FUNDING REQUIREMENT: W.E. 502.12 – Regional Pavement Management System**

Responsible Agency	LTF Funds	FHWA PL Funds	FHWA PL Carryover	FTA 5303 Funds	Local Funds	Total Revenue	Toll Credits
KCAG	\$0	\$0	\$19,000	\$0	\$0	\$19,000	\$2,179
Consultant	\$0	\$0	\$400,000	\$0	\$0	\$400,000	\$45,880
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$419,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$419,000</b>	<b>\$48,059</b>

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS									TOTAL
	1	2	3	4	5	6	7	8	9	
LTF Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FHWA PL Funds	0	0	0	0	0	0	0	0	0	0
FHWA PL Carryover	10,475	10,475	12,570	219,975	41,900	41,900	41,900	29,330	10,475	419,000
FTA 5303 Funds	0	0	0	0	0	0	0	0	0	0
PPM Funds	0	0	0	0	0	0	0	0	0	0
AVA Funds	0	0	0	0	0	0	0	0	0	0
Local Funds	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>\$10,475</b>	<b>\$10,475</b>	<b>\$12,570</b>	<b>\$219,975</b>	<b>\$41,900</b>	<b>\$41,900</b>	<b>\$41,900</b>	<b>\$29,330</b>	<b>\$10,475</b>	<b>\$419,000</b>
Toll Credits (Not Revenues)	\$1,201	\$1,201	\$1,442	\$25,231	\$4,806	\$4,806	\$4,806	\$3,365	\$1,201	\$48,059

**RESPONSIBLE AGENCY: Task**

KCAG 1, 2, 3, 4, 5, 6, 7, 8, 9  
 Consultant 2, 3, 4, 5, 6, 7, 8, 9

**TIME FRAME:** W.E. 502.12: July 1 - June 30.

**NOTES:** \*(1) Completion dates are FY 2018-2019.

**PROGRAM:** 500 **TRANSPORTATION**  
**SUBPROGRAM:** 503 **State Liaison and Monitoring**  
**WORK ELEMENT:** 503.01 **Regional and Federal Transportation Improvement Programs and STIP Review**

**PURPOSE:** To prepare the Regional and Federal Transportation Improvement Programs and air quality conformity analysis and finding in accordance with interagency consultation procedures. To ensure that local transportation needs and concerns are heard at the State and Federal levels and are included in the STIP and FSTIP and other programming documents, for more favorable consideration of rural needs and to monitor the STIP program.

**PREVIOUS WORK:** Review and comment on State Transportation Improvement Programs since 1980, preparation of biennial Regional Transportation Improvement Programs since 1990, and Federal Transportation Improvement Programs since 1993, and FTIP Amendments.

**PRODUCT:** Current Federal Transportation Improvement Program and Regional Transportation Improvement Program.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	5%	1. Attend California Transportation Commission meetings, hearings and workshops.
June 30	5%	2. Coordinate and consult with other Valley RTPAs on the development of the RTIP and FTIP and integration of intelligent transportation system projects within programming documents.
December 15	5%	3. Prepare and publish annual listing of projects for which federal funds were obligated in the preceding year.
June 30	45%	4. Prepare amendments to the current FTIP and submit to Caltrans, FHWA, and FTA for approval.
June 30	5%	5. Review project programming needs and work with Caltrans in preparing project study reports.
June 30	5%	6. Monitor FTIP projects for compliance with timely use of funds policy.
July 31	20%	7. Prepare and submit draft 2019 FTIP for review and comment in accordance with provisions of the Public Participation Plan and in consultation with local, state, and Tribal agencies and conduct public hearing.
September 30	10%	8. Review comments received on the draft 2019 FTIP and prepare final 2019 FTIP for submittal to FHWA/FTA and Caltrans.
	100%	

**FUNDING REQUIREMENT:** W.E. 503.01 – Regional and Federal Transportation Improvement Programs and STIP Review

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds	Total Revenue	Toll Credits
KCAG	\$0	\$60,000	\$0	\$0	\$0	\$0	\$60,000	\$6,882
Total	\$0	\$60,000	\$0	\$0	\$0	\$0	\$60,000	\$6,882

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS								TOTAL
	1	2	3	4	5	6	7	8	
LTF Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FHWA PL	3,000	3,000	3,000	27,000	3,000	3,000	12,000	6,000	60,000
FTA 5303	0	0	0	0	0	0	0	0	0
PPM Funds	0	0	0	0	0	0	0	0	0
AVA Funds	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>\$3,000</b>	<b>\$3,000</b>	<b>\$3,000</b>	<b>\$27,000</b>	<b>\$3,000</b>	<b>\$3,000</b>	<b>\$12,000</b>	<b>\$6,000</b>	<b>\$60,000</b>
Toll Credits (Not Revenues)	\$344	\$344	\$344	\$3,097	\$344	\$344	\$1,377	\$688	\$6,882

**RESPONSIBLE AGENCY:**            **Task**  
 KCAG                                    1, 2, 3, 4, 5, 6, 7, 8

**TIME FRAME:**                    W.E. 503.01:    July 1 – June 30

**NOTES:**                            \*(1) Completion dates are FY 2018-2019 unless otherwise indicated.

**PROGRAM:** 500 TRANSPORTATION  
**SUBPROGRAM:** 504 Transportation Development Act  
**WORK ELEMENT:** 504.01 TDA Administration and Support

**PURPOSE:** To administer the Kings County Local Transportation Fund and State Transit Assistance Fund in accordance with the California Public Utilities and Administrative Codes.

**PREVIOUS WORK:** Administration of TDA funds since they were first made available.

**PRODUCT:** Dispersal of FY 2017-2018 funds to claimants; notification of FY 2017-18 funds to claimants; allocation of FY 2017-18 funds to claimants, including public hearings, financial and compliance audits, and annual report. Social Service Transportation Advisory Council meetings and evaluation of public transit operators using TDA money.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
October 1	5%	1. Prepare and submit annual report of FY 2016-2017 TDA apportionments and allocations to State Controller.
June 30	5%	2. Prepare and advertise request for proposals and select contractor to conduct triennial performance audits of KCAG, KCAPTA and Corcoran Area Transit and administer contract.
April 30	25%	3. Conduct triennial performance audits and prepare draft audit reports to circulate for review and comment.
June 30	10%	4. Prepare final triennial performance audit reports and present to KCAG for approval and submittal to Caltrans.
January 31	25%	5. Prepare and advertise request for proposals and select contractor to conduct financial audit of KCAG. Prepare TDA Fiscal and Compliance Audit of FY 2017-2018 claimants.
December 27	5%	6. Review and submit FY 2017-2018 TDA Fiscal and Compliance Audit of TDA claimants to State Controller.
March 1	5%	7. Prepare FY 2019-2020 TDA apportionments and notify claimants.
April 1	5%	8. Review KART and Corcoran Transit systems and TDA claims.
June 30	5%	9. Conduct SSTAC meetings to consider unmet transit needs.
June 30	5%	10. Conduct the unmet transit needs finding process pursuant to PUC Section 99401.5, including public hearings, adopt unmet transit needs finding and submit to Caltrans for acknowledgment, and approve the allocation of FY 2019-20 TDA funds to claimants.
June 30	5%	11. Prepare and process necessary amendments to TDA claims.
	100%	

**FUNDING REQUIREMENT:** W.E. 504.01 – TDA Administration

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds	Total Revenue
KCAG	\$68,700	\$0	\$0	\$0	\$0	\$0	\$68,700
Consultant	\$77,300	\$0	\$0	\$0	\$0	\$0	\$77,300
Total	\$146,000	\$0	\$0	\$0	\$0	\$0	\$146,000



**PROGRAM: 500 TRANSPORTATION**  
**PROGRAM: 500 TRANSPORTATION**  
**SUBPROGRAM: 505 AVA Administration**  
**WORK ELEMENT: 505.01 Abandoned Vehicle Abatement Service Authority**

**PURPOSE:** To administer the activities and duties of the Kings County Abandoned Vehicle Abatement Service Authority.

**PREVIOUS WORK:** Preparation and adoption of the Abandoned Vehicle Abatement Plan, establishment of the Kings County Abandoned Vehicle Abatement Service Authority and Board of Directors.

**PRODUCT:** Administration of the Kings County Abandoned Vehicle Abatement Service Authority, disbursement of funds to claimants, preparation of quarterly status reports, annual reports and audits. Potential extension of AVA program.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
Monthly	20%	1. Prepare agenda materials and conduct meetings of the Kings County AVA Service Authority.
Quarterly	35%	2. Review AVA claims and disburse funds to claimants.
Quarterly	5%	3. Report FY 2017-18 AVA Service Authority activities to the State Controller.
December 31	40%	4. Conduct annual audit of AVA funds for FY 2016-2017.
	100%	

**FUNDING REQUIREMENT: W.E. 505.01 – AVA Service Authority**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds	Total Revenue
KCAG	\$0	\$0	\$0	\$0	\$33,000	\$0	\$33,000
Consultant	\$0	\$0	\$0	\$0	\$10,000	\$0	\$10,000
Total	\$0	\$0	\$0	\$0	\$43,000	\$0	\$43,000

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS				TOTAL
	1	2	3	4	
LTF Funds	\$0	\$0	\$0	\$0	\$0
FHWA PL Funds	0	0	0	0	0
FTA 5303 Funds	0	0	0	0	0
PPM Funds	0	0	0	0	0
AVA Funds	8,600	15,050	2,150	17,200	43,000
Local Funds	0	0	0	0	0
<b>TOTAL</b>	<b>\$8,600</b>	<b>\$15,050</b>	<b>\$2,150</b>	<b>\$17,200</b>	<b>\$43,000</b>

<b>RESPONSIBLE AGENCY:</b>	<b>Task</b>
KCAG	1, 2, 3, 4
Consultant	4

**TIME FRAME:** W.E. 505.01 is a continuous activity.

**NOTES:** \*(1) Completion dates are FY 2018-2019 unless otherwise indicated.

**PROGRAM:** 400 Kings County Association of Governments  
**SUBPROGRAM:** 400 Metropolitan Planning Agency  
**WORK ELEMENT:** 405.01 Areawide Clearinghouse Review

**PURPOSE:** To provide Areawide Clearinghouse Review services for agencies and organizations in Kings County in accordance with State and Federal mandates.

**PREVIOUS WORK:** Conduct on-going Areawide Clearinghouse Review Services.

**PRODUCT:** Review and distribute federal grant applications for comments as necessary.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	20%	1. Review State Clearinghouse Newsletter and applications received for federal assistance.
June 30	40%	2. Prepare summaries and comment forms for federal grant applications and distribute to review committee for comments.
June 30	30%	3. Present federal grant applications with received comments to the KCAG Commission.
June 30	10%	4. Notify local agencies, Tribal Government, and state officials with the ratification of comments by the KCAG Commission.
	100%	

**FUNDING REQUIREMENT: W.E. 405.01 Areawide Clearinghouse Review**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds *	Total Revenue
KCAG	\$0	\$0	\$0	\$0	\$0	\$6,000	\$6,000
Total	\$0	\$0	\$0	\$0	\$0	\$6,000	\$6,000

*Note: Local Funds are provided by member agencies from local sources.*

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS				TOTAL
	1	2	3	4	
LTF Funds	\$0	\$0	\$0	\$0	\$0
FHWA PL Funds	0	0	0	0	0
FTA 5303 Funds	0	0	0	0	0
PPM Funds	0	0	0	0	0
AVA Funds	0	0	0	0	0
Local Funds	1,200	2,400	1,800	600	6,000
<b>TOTAL</b>	<b>\$1,200</b>	<b>\$2,400</b>	<b>\$1,800</b>	<b>\$600</b>	<b>\$6,000</b>

**RESPONSIBLE AGENCY: Task**

KCAG 1, 2, 3, 4

**TIME FRAME:** W.E. 405.01: July 1 - June 30.

**NOTES:** \*(1) Completion dates are FY 2018-2019 unless otherwise indicated.

**PROGRAM:** 400 Metropolitan Planning Activities  
**SUBPROGRAM:** 400 US Census  
**WORK ELEMENT:** 407.01 Census Data Center

**PURPOSE:** To review, study, analyze, and provide demographical information for Kings County.

**PREVIOUS WORK:** Distribution of past Kings County demographic information.

**PRODUCT:** Distribution of various types of census information including population and housing estimates provided by the California Department of Finance.

**WORK TASKS:**

Completion Date* (1)	% of Effort	Tasks
June 30	20%	1. Review, study, analyze, and provide demographical information to interested persons.
June 30	10%	2. Review California Department of Finance population and housing estimates, prepare informational reports and provide to local agencies and the public, and post on the KCAG website; attend annual State Data Center meeting as the local affiliate center.
June 30	70%	3. Review and utilize current Census and American Community Survey data to prepare Kings County information for posting on KCAG website and distribution to the public.
	100%	

**FUNDING REQUIREMENT: W.E. 407.01 Census Data Center**

Responsible Agency	LTF Funds	FHWA PL Funds	FTA 5303 Funds	PPM Funds	AVA Funds	Local Funds *	Total Revenue
KCAG	\$0	\$0	\$0	\$0	\$0	\$11,000	\$11,000
Total	\$0	\$0	\$0	\$0	\$0	\$11,000	\$11,000

*Note: Local Funds are provided by member agencies from local sources.*

**FUNDING SOURCES BY TASKS:**

SOURCE	WORK TASKS			TOTAL
	1	2	3	
LTF Funds	\$0	\$0	\$0	\$0
FHWA PL Funds	0	0	0	0
FTA 5303 Funds	0	0	0	0
PPM Funds	0	0	0	0
AVA Funds	0	0	0	0
Local Funds	2,200	1,100	7,700	11,000
<b>TOTAL</b>	<b>\$2,200</b>	<b>\$1,100</b>	<b>\$7,700</b>	<b>\$11,000</b>

**RESPONSIBLE AGENCY: Task**

KCAG 1, 2, 3

**TIME FRAME:** W.E. 407.01: July 1 - June 30.

**NOTES:** \*(1) Completion dates are FY 2018-2019 unless otherwise indicated.

**VII. OTHER PLANNING ACTIVITIES WITHIN THE REGION PERFORMED BY CALTRANS****Informational Element Matrix**

The following is a list of planning activities for which Caltrans is participating in the RTPA/MPO planning area.

Activity Description	RTPA Work Element No.	Funding Type	Products	Work Performed By	Due Date	FSTIP Programming
Caltrans Work Elements for OWP, Progress Reports, Reimbursements and Monitoring	N/A	Federal / State	OWP Management	Caltrans	On-Going	No
IGR / Local Development Reviews	N/A	State	Recommended mitigation for development impacts on State facilities	Caltrans	On-Going	No
Update Various System Planning Documents	N/A	State	Various System Planning Documents	Caltrans	On-Going	No
Valley-Wide GIS	N/A	State	Coordinate integration of Valley-wide GIS into Caltrans GIS	Caltrans	On-Going	No
Joint Corridor Planning Plan	N/A	State	Planning strategies on State highways and interchanges in coordination with KCAG and local agencies.	Caltrans	On-Going	No
Mass Transit – Kings County	N/A	State	Coordinate & Administer 5311, CMAQ, Capital, STIP programs w/local agencies to enhance the use of public transportation system in city and rural areas.	Caltrans & Kings County	On-Going	No
Caltrans Sustainable Transportation Planning Grant	N/A	State	Smart Growth State Route 41 Corridor Improvement Plan	Kings Co. and Consultant	February 2018	No
Caltrans PlanWorks Grant to develop a TCR for SR 41 – entire route D6, extending into D5	N/A	Federal	SR 41 Transportation Concept Report	Caltrans	September 2017	No

## APPENDICES

On March 11, 1988, the federal government published the “Common Rule” (49 CFR Part 18 – Uniform Administrative Requirements for Grant and Cooperative Agreements to State and Local Governments). The rule governs such things as the maintenance of accounting systems, records retention, property management, procurement and contracts. 49 CFR Part 18 is referenced in every federal pass through grant document that KCAG executes with the State.

- A. KCAG Transportation Policy Committee Resolution No. 18-05 approving FY 2018-2019 Overall Work Program for Transportation Planning
- B. MPO Boundary Map
- C. Certifications and Assurances Statements
- D. Budget Worksheet
- E. Agreements
  - 1. Caltrans and Kings County Association of Governments MFTA
  - 2. Caltrans and the Kings County Association of Governments MOU
  - 3. Caltrans / KCAG MOU Addendum
  - 4. Regional Transportation Planning Agencies and the San Joaquin Valley Unified Air Pollution Control District MOU
  - 5. San Joaquin Valley Regional Transportation Planning Agencies MOU
  - 6. KCAG and the Kings County Area Public Transit Agency (KCAPTA) MOU
  - 7. Kings County Abandoned Vehicle Abatement Service Authority
  - 8. California Vanpool Authority
  - 9. San Joaquin Joint Exercise of Power Agreement
  - 10. KCAG Policy for government-to-government consultation with federally recognized Native American Tribal Governments in Kings County
- F. Glossary of Terms and Definitions
- G. Planning Emphasis Areas and Matrix
- H. Comments on Draft OWP

## **APPENDIX A**

***(Resolution for OWP Adoption)***

BEFORE THE KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE

\*\*\*\*\*

IN THE MATTER OF AMENDING )  
THE FY 2018-2019 OVERALL )  
WORK PROGRAM FOR )  
TRANSPORTATION PLANNING )

RESOLUTION NO. 18-17  
RE: FY 2018-19 OWP  
AMENDMENT NO. 1

**WHEREAS**, on May 23, 2018, the Kings County Association of Governments (KCAG) Transportation Policy Committee adopted the FY 2017-2018 Overall Work Program (OWP); and

**WHEREAS**, the FY 2018-2019 OWP includes Federal Planning funds for regional transportation planning activities; and

**WHEREAS**, an amendment to the FY 2018-2019 OWP is needed to adjust work element expenditures due to previous over programming of FTA 5303 carryover funds and adjustments for current project status and costs.

**NOW, THEREFORE, BE IT RESOLVED**, that the KCAG Transportation Policy Committee does hereby approve Amendment No. 1 to the FY 2018-2019 OWP to amend the work elements as shown in Attachment A.

The foregoing Resolution was adopted on a motion by Commissioner Brown, seconded by Commissioner Fagundes, at a regular meeting held on the 28th day of November 2018, by the following vote:

**AYES:** Brown, Fagundes, Neves, Ayers, Mendibles, Woolley

**NOES:**

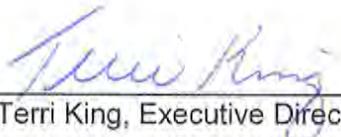
**ABSTAIN:**

**ABSENT:** Palmerin

KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE

  
\_\_\_\_\_  
Chair

**WITNESS**, my hand this 28<sup>th</sup> day of November, 2018.

  
\_\_\_\_\_  
Terri King, Executive Director

**BEFORE THE KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE**

\*\*\*\*\*

**IN THE MATTER OF APPROVING )  
THE FY 2018-2019 OVERALL WORK )  
PROGRAM FOR REGIONAL )  
TRANSPORTATION PLANNING )**

**RESOLUTION NO. 18-05  
RE: FY 2018-2019 OWP**

**WHEREAS**, the Kings County Association of Governments (KCAG) is the Metropolitan Planning Organization for Kings County; and

**WHEREAS**, each year the KCAG Transportation Policy Committee adopts a work program which represents its transportation planning effort and the cost of that effort for the following year; and

**WHEREAS**, in the development of the overall work program KCAG has sought input from member agencies, transit operators, other San Joaquin Valley Transportation Planning Agencies, Federal, and State agencies with respect to proposed work to be performed; and

**WHEREAS**, a draft overall work program was submitted to the public and local, State, and Federal agencies for review and comment and that comments, views and recommendations were accommodated and incorporated into the final OWP to the maximum extent possible; and

**WHEREAS**, 23 CFR 450.334 requires that the designated MPO certify each year that the planning process is being conducted in conformance with applicable requirements.

**NOW, THEREFORE, BE IT RESOLVED**, that the KCAG Transportation Policy Committee does hereby adopt the "FY 2018-2019 Overall Work Program" and certifies that its planning process will be implemented through this document in accordance with the following:

1. 23 U.S.C. 134, 49 U.S.C. 5303 through 5306 and 5323(l);
2. Sections 174 and 176 (c) and (d) of the Clean Air Act as amended (42 U.S.C. 7504, 7506 (c) and (d));
3. Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by California Under 23 U.S.C. 324 and 29 U.S.C. 794;
4. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded projects; and
5. The provision of the Americans With Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat 327, as amended) and the U.S. DOT implementing regulations (49 CFR 27, 37 and 38).

**BE IT FURTHER RESOLVED**, that the KCAG Transportation Policy Committee hereby authorizes submittal of the FY 2018-19 OWP to the various participating State and Federal agencies; and

**BE IT FURTHER RESOLVED**, that the KCAG Executive Director be, and is hereby designated and authorized to submit the FY 2018-19 OWP and to execute all necessary agreements and contracts on behalf of KCAG to implement the purposes of this resolution; and

**BE IT FINALLY RESOLVED**, that the KCAG Executive Director is hereby authorized to make and submit to the appropriate funding agencies necessary work program and budget modifications to the OWP based upon actual available funds, and to draw funds as necessary.

The foregoing Resolution was adopted on a motion by Commissioner Verboon, seconded by Commissioner Woolley, at a regular meeting held on the 23rd day of May, 2018 by the following vote:

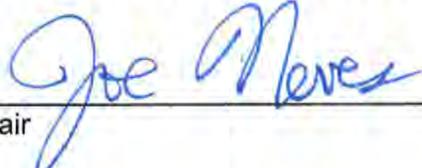
AYES: Verboon, Woolley, Neves, Kimmel, Madrigal, Mendes, Palmerin

NOES:

ABSTAIN:

ABSENT:

KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE

  
\_\_\_\_\_  
Chair

WITNESS, my hand this 23<sup>rd</sup> day of May, 2018.

  
\_\_\_\_\_  
Terri King, Executive Director



U.S. Department  
Of Transportation  
**Federal Transit  
Administration**

REGION IX  
Arizona, California,  
Hawaii, Nevada, Guam  
American Samoa,  
Northern Mariana Islands

90 7th Street  
Suite 15-300  
San Francisco, CA 94103-6701  
415-734-9490  
415-734-9489 (fax)

**JUN 26 2018**

Ms. Laurie Berman  
Director  
California Department of Transportation  
1120 N Street  
Sacramento, CA 95814

Re: Approval of FY 2018/2019  
Overall Work Programs

Dear Ms. Berman:

The Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) have reviewed FY 2018/19 Overall Work Programs (OWPs) for California Metropolitan Planning Organizations (MPOs). Based on this review and in accordance with the FHWA/FTA Memorandum of Understanding, FTA approves final OWPs from the following MPOs for FTA 49 USC Section 5303, 5304 and FHWA Metropolitan Planning (PL) funding:

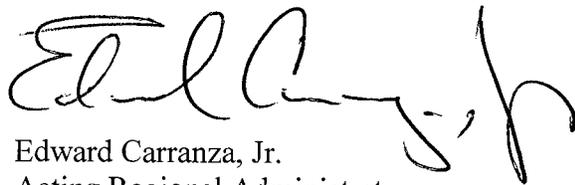
- Butte (BCAG)
- Fresno (COFCG)
- Kern (KCOG)
- Kings (KCAG)
- Madera (MCTC)
- Merced (MCAG)
- Monterey (AMBAG)
- Sacramento (SACOG)
- San Diego (SANDAG)
- San Francisco (MTC)
- San Joaquin (SJCOG)
- San Luis Obispo (SLOCOG)
- Santa Barbara (SBCAG)
- Shasta (Shasta RTPA)
- Southern California (SCAG)
- Stanislaus (StanCOG)
- Tahoe (TMPO)
- Tulare (TCAG)

This approval authorizes reimbursement of metropolitan planning activities under Title 23 and Title 49. FTA's Circular 8100.1C identifies eligible grant activities. Please see Chapter II, page II-2 for a complete list. This approval is authorized only for planning-eligible activities, and not for project implementation or project oversight of non-planning tasks. Any activities funded in the OWP using other Federal program funds (STP, CMAQ, etc.) are not approved and must be submitted for authorization using the E-76 approval process.

As in previous years, we ask that copies of Final OWPs be sent to FTA and FHWA as well as Caltrans by June 1<sup>st</sup> next year.

If you have any questions, please call Alex Smith, FTA Region IX, at (415) 734-9472.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Carranza, Jr.", with a stylized flourish at the end.

Edward Carranza, Jr.  
Acting Regional Administrator

Copy to (by email):

Erin Thompson, Caltrans Division of Transportation Planning  
Tashia Clemons, FHWA California Division

All MPOs approved by this letter

## **APPENDIX B**

***(MPO Boundary Map)***

# Kings County Association of Governments MPO Boundary Area

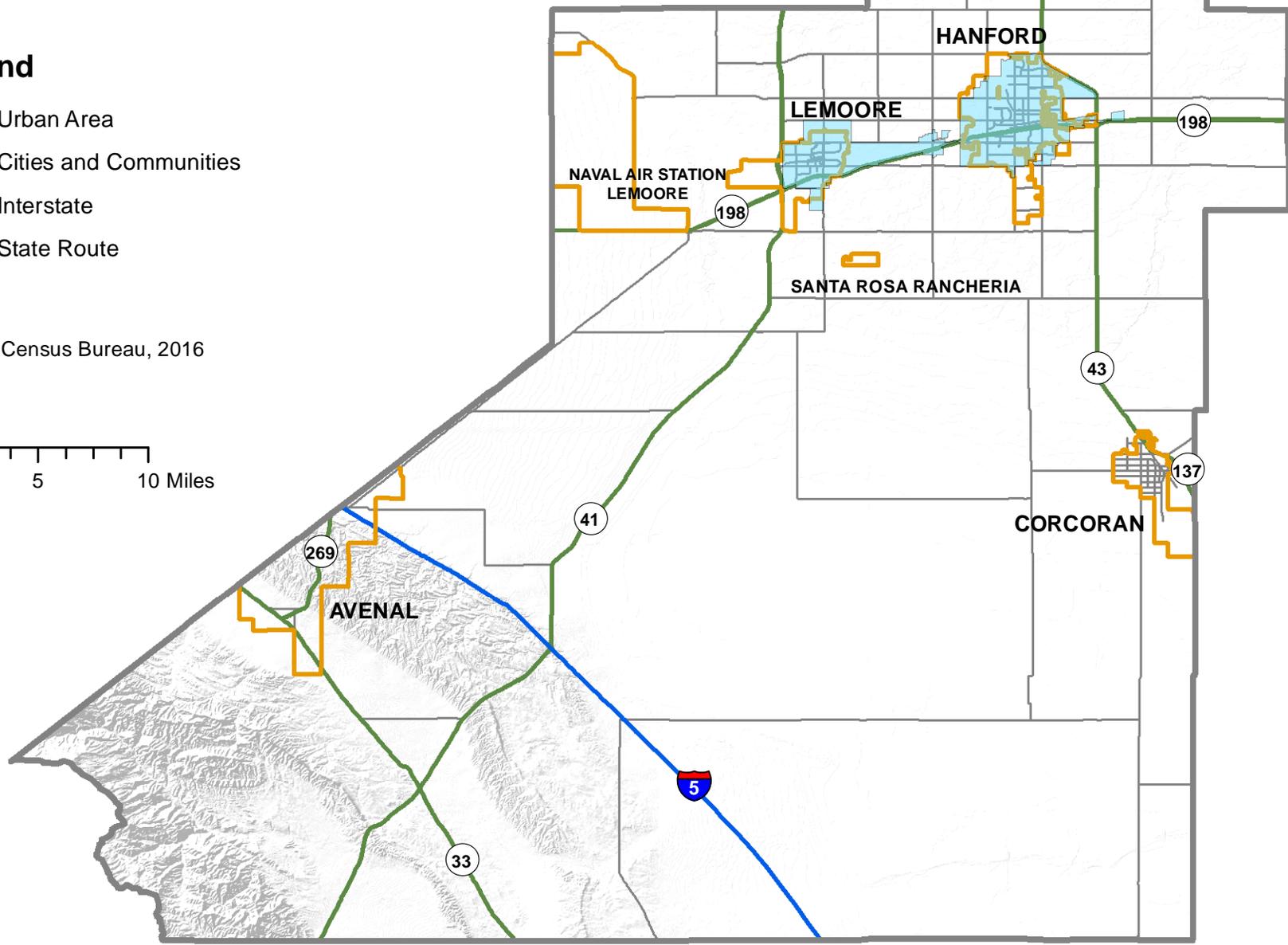
Exhibit A

## Legend

- Urban Area
- Cities and Communities
- Interstate
- State Route

Source: Census Bureau, 2016

0 2.5 5 10 Miles



## **APPENDIX C**

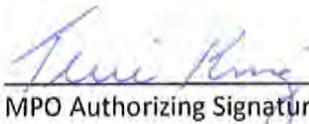
### ***(Certifications and Assurances Statements)***

1. FHWA Metropolitan Transportation Planning Process Certification
2. Debarment and Suspension Certification
3. FTA Certifications and Assurances

## FY 2018/2019 FHWA and FTA Metropolitan Transportation Planning Process Self-Certification

In accordance with 23 CFR part 450, the California Department of Transportation and the Kings County Association of Governments, the designated Metropolitan Planning Organization for the Kings County urbanized area(s), hereby certify that the transportation planning process is being carried out in accordance with all applicable requirements including:

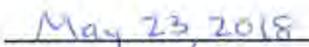
- (1) 23 U.S.C. 134, 49 U.S.C. 5303, and subpart C of 23 CFR part 450;
- (2) In nonattainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93;
- (3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- (4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- (5) Section 1101(b) of the FAST Act (Pub. L. 114-94) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- (6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- (7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
- (8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- (9) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- (10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

  
\_\_\_\_\_  
MPO Authorizing Signature

\_\_\_\_\_  
Caltrans District Approval Signature

\_\_\_\_\_  
Executive Director  
Title

\_\_\_\_\_  
Title

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Fiscal Year 2018/2019 California Department of Transportation  
Debarment and Suspension Certification**

*As required by U.S. DOT regulations on governmentwide Debarment and Suspension*

*(Nonprocurement), 49 CFR 29.100:*

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

**DEPARTMENT OF TRANSPORTATION  
DEBARMENT AND SUSPENSION CERTIFICATION  
FISCAL YEAR 2018/2019  
SIGNATURE PAGE**

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

Signature Terri King Date May 23, 2018

Printed Name Terri King

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

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

**AFFIRMATION OF APPLICANT'S ATTORNEY**

For Kings County Association of Governments (Name of Applicant)

Signature Kris Pedersen Date May 23, 2018

Printed Name of Applicant's Attorney Kris Pedersen

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

### PREFACE

*Before the Federal Transit Administration (FTA or We) may award federal assistance for public transportation in the form of a federal grant, cooperative agreement, loan, line of credit, loan guarantee, master credit agreement, or State Infrastructure Bank (SIB) cooperative agreement, certain pre-award Certifications and Assurances are required, except as FTA determines otherwise in writing. The Applicant must authorize a representative (Authorized Representative) to select and sign its Certifications and Assurances and bind the Applicant's compliance. You, as your Applicant's Authorized Representative, must select and sign all Certifications and Assurances that your Applicant must provide to support each application it submits to FTA for federal assistance during federal fiscal year (FY) 2018.*

*We request that you read each Certification and Assurance and select those that will apply to any application for which your Applicant might seek FTA assistance during FY 2018. As provided by federal laws, regulations, and requirements, FTA may award federal assistance only if the Applicant's Authorized Representative selects adequate Certifications and Assurances.*

*We have consolidated our Certifications and Assurances into twenty-one (21) Categories.*

*We encourage you to make a single selection that will encompass all twenty-one (21) Categories of Certifications and Assurances that apply to our various programs. FTA, the Applicant, and the Applicant's Authorized Representative, understand and agree that not every provision of these twenty-one (21) Categories of Certifications and Assurances will apply to every Applicant or every Award or Project included in an Award, even if you make a single selection encompassing all twenty-one (21) Categories. Nor will every provision of each Certification or Assurance within a single Category apply if that provision does not apply to your Applicant or the Award it seeks. The type of Applicant and its application will determine which Certifications and Assurances apply.*

*In the alternative:*

- *All Applicants must select the Assurances in Category 01, "Required Certifications and Assurances for each Applicant.*
- *If your Applicant requests or intends to request more than \$100,000 in federal assistance during FY2018, you must select the "Lobbying" Certification in Category 02, except if your Applicant is an Indian tribe, Indian organization, or an Indian tribal organization.*
- *Depending on the nature of your Applicant and the Award it seeks, you may also need to select one or more Certifications and Assurances in Categories 03 through 21.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected that apply to its Award, itself, any Subrecipient, or any other Third*

## **FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES**

*Party Participant in its Award, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant as necessary to assure your Applicant's compliance with the applicable Certifications and Assurances selected on its behalf.*

*Except as FTA determines otherwise in writing, if your Applicant is a team, consortium, joint venture, or partnership, it understands and agrees that you must identify the activities that each member will perform and the extent to which each member will be responsible for compliance with the selected Certifications and Assurances. You also must identify each member's role in the Award, whether as a Recipient, Subrecipient, Third Party Contractor, or other Third Party Participant.*

*It is important that you and your Applicant also understand that these Certifications and Assurances are pre-award requirements, generally imposed by federal law or regulation, and do not include all federal requirements that may apply to it or its Award. We expect you to submit your Applicant's FY 2018 Certifications and Assurances and its applications for federal assistance in FTA's Transit Award Management System (TrAMS). You must be registered in TrAMS to submit your Applicant's FY 2018 Certifications and Assurances. TrAMS contains fields for selecting among the twenty-one (21) Categories of Certifications and Assurances and a designated field for selecting all twenty-one (21) Categories of Certifications and Assurances. If FTA agrees that you are unable to submit your Applicant's FY 2018 Certifications and Assurances electronically, you must submit the Signature Pages at the end of this document, as FTA directs, marked to show the Categories of Certifications and Assurances that you are submitting.*

*Be aware that these Certifications and Assurances have been prepared in light of:*

- *The Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, and other authorizing legislation to be enacted,*
- *The Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), Public Law No. 112-141, July 6, 2012, as amended by the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Public Law No. 114-41, July 31, 2015,*
- *Previous enabling legislation that remains in effect, and*
- *Appropriations Acts or Continuing Resolutions funding the U.S. Department of Transportation during Fiscal Year 2018.*

## **FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES**

### **CATEGORY 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.**

*Before FTA may provide federal assistance for your Applicant's Award, you must select the Certifications and Assurances in Category 01 in addition to any other applicable Certifications and Assurances, except as FTA determines otherwise in writing.*

*Any provision of the Certifications and Assurances in Category 01 that does not apply will not be enforced.*

#### **01.A. Certifications and Assurances of Authority of the Applicant and Its Authorized Representative.**

You certify and affirm that in signing these Certifications, Assurances, and Agreements, both you, as your Applicant's Authorized Representative, and your Applicant's attorney who is authorized to represent your Applicant in legal matters, may undertake the following activities on your Applicant's behalf, in compliance with applicable state, local, or Indian tribal laws, regulations, and requirements and your Applicant's by-laws or internal rules:

1. Execute and file its application for federal assistance,
2. Execute and file its Certifications, Assurances, Charter Service Agreement, and School Bus Agreement, as applicable, binding its compliance,
3. Execute its Grant Agreement, Cooperative Agreement, Loan, Loan Guarantee, Line of Credit, Master Credit Agreement, or State Infrastructure Bank (SIB) Cooperative Agreement for which the Applicant is seeking federal assistance from FTA,
4. Comply with applicable federal laws, regulations, and requirements, and
5. Follow applicable federal guidance.

#### **01.B. Standard Assurances.**

On behalf of your Applicant, you assure that it understands and agrees to the following:

1. It will comply with all applicable federal laws, regulations, and requirements in implementing its Award.
2. It is under a continuing obligation to comply with the terms and conditions of its Grant Agreement or Cooperative Agreement with FTA for each Award, including the FTA Master Agreement and other documents incorporated by reference and made part of its Grant Agreement or Cooperative Agreement, or latest amendment thereto.
3. It recognizes that federal laws, regulations, and requirements may be amended from time to time and those amendments may affect the implementation of its Award.
4. It understands that Presidential executive orders and federal guidance, including federal policies and program guidance, may be issued concerning matters affecting it or its Award.
5. It agrees that the most recent federal laws, regulations, requirements, and guidance will apply to its Award, except as FTA determines otherwise in writing.
6. Except as FTA determines otherwise in writing, it agrees that requirements for FTA programs may vary depending on the fiscal year for which the federal assistance for those programs was appropriated or made available.

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

### 01.C. Intergovernmental Review Assurance.

*(This assurance in this Category 01.C does not apply to an Indian tribe, an Indian organization, or an Indian tribal organization that applies for federal assistance made available under 49 U.S.C. § 5311(c)(1), which authorizes FTA's Tribal Transit Programs.)*

As required by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, on behalf of your Applicant, you assure that it has submitted or will submit each application for federal assistance to the appropriate state and local agencies for intergovernmental review.

### 01.D. Nondiscrimination Assurance.

On behalf of your Applicant, you assure that:

1. It will comply with the following laws, regulations, and requirements so that no person in the United States will be denied the benefits of, or otherwise be subjected to discrimination in, any U.S. DOT or FTA assisted program or activity (particularly in the level and quality of transportation services and transportation-related benefits) based on race, color, national origin, religion, sex, disability, or age including:
  - a. Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity),
  - b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d,
  - c. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (prohibiting discrimination based on race, color, religion, sex, (including gender identity and sexual orientation) or national origin,
  - d. Executive Order No. 11246, "Equal Employment Opportunity" September 24, 1965, 42 U.S.C. § 2000e note, as amended by any later Executive Order that amends or supersedes it in part and is applicable to federal assistance programs,
  - e. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 *et seq.*,
  - f. U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25,
  - g. The Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, *et seq.*,
  - h. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.*,
  - i. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21,
  - j. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
  - k. Any other applicable federal statutes that may be signed into law, federal regulations that may be issued, or federal requirements that may be imposed.
2. It will comply with federal guidance implementing federal nondiscrimination laws, regulations, or requirements, except as FTA determines otherwise in writing.
3. As required by 49 CFR § 21.7:

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- a. It will comply with 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 in the manner that:
  - (1) It implements its Award,
  - (2) It undertakes property acquisitions, and
  - (3) It operates all parts of its facilities, as well as its facilities operated in connection with its Award.
- b. This assurance applies to its Award and to all parts of its facilities, as well as its facilities used to implement its Award.
- c. It will promptly take the necessary actions to carry out this assurance, including the following:
  - (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA Headquarters Office of Civil Rights, and
  - (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request.
- d. If it transfers U.S. DOT or FTA assisted real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:
  - (1) While the property is used for the purpose that the federal assistance is extended, or
  - (2) While the property is used for another purpose involving the provision of similar services or benefits.
- e. The United States has a right to seek judicial enforcement of any matter arising under:
  - (1) Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
  - (2) U.S. DOT regulations, 49 CFR part 21, or
  - (3) This assurance.
- f. It will make any changes in its Title VI implementing procedures, as U.S. DOT or FTA may request, to comply with:
  - (1) Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
  - (2) U.S. DOT regulations, 49 CFR part 21, and
  - (3) Federal transit law, 49 U.S.C. § 5332.
- g. It will comply with applicable federal guidance issued to implement federal nondiscrimination requirements, except as FTA determines otherwise in writing.
- h. It will extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each Third Party Participant, including any:
  - (1) Subrecipient,
  - (2) Transferee,
  - (3) Third Party Contractor or Subcontractor at any tier,
  - (4) Successor in Interest,
  - (5) Lessee, or
  - (6) Other Participant in its Award, except FTA and the Applicant (and later, the Recipient).
- i. It will include adequate provisions to extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each third party agreement, including each:
  - (1) Subagreement at any tier,
  - (2) Property transfer agreement,

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- (3) Third party contract or subcontract at any tier,
- (4) Lease, or
- (5) Participation agreement.
- j. The assurances you have made on your Applicant's behalf remain in effect as long as FTA determines appropriate, including, for example, as long as:
  - (1) Federal assistance is provided for its Award,
  - (2) Its property acquired or improved with federal assistance is used for a purpose for which the federal assistance is extended, or for a purpose involving similar services or benefits,
  - (3) It retains ownership or possession of its property acquired or improved with federal assistance provided for its Award,
  - (4) It transfers property acquired or improved with federal assistance, for the period during which the real property is used for a purpose for which the financial assistance is extended or for another purpose involving the provision of similar services or benefits, or
  - (5) FTA may otherwise determine in writing.
4. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR § 27.9, and consistent with 49 U.S.C. § 5332, you assure that:
  - a. It will comply with the following prohibitions against discrimination based on disability listed below in subsection 4.b of this Category 01.D Assurance, of which compliance is a condition of approval or extension of any FTA assistance awarded to:
    - (1) Construct any facility,
    - (2) Obtain any rolling stock or other equipment,
    - (3) Undertake studies,
    - (4) Conduct research, or
    - (5) Participate in any benefit or obtain any benefit from any FTA administered program.
  - b. In any program or activity receiving or benefiting from federal assistance that U.S. DOT administers, no qualified individual with a disability will, because of his or her disability, be:
    - (1) Excluded from participation,
    - (2) Denied benefits, or
    - (3) Otherwise subjected to discrimination.

### **01.E Procurement Certification.**

The Applicant agrees to comply with:

- a. U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 200, particularly 2 CFR §200.317-26 "Procurement Standards;
- b. Federal laws, regulations, and requirements applicable to FTA procurements; and
- c. The latest edition of FTA Circular 4220.1 and other applicable federal guidance.

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### 01.F. Suspension and Debarment, Tax Liability, and Felony Convictions Certifications.

#### 01.F.1 Suspension and Debarment.

On behalf of your Applicant, you certify that:

- a. It will comply and facilitate compliance with U.S. DOT regulations, “Nonprocurement Suspension and Debarment,” 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) “Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” 2 CFR part 180.
- b. To the best of its knowledge and belief, that its Principals and Subrecipients at the first tier:
  - (1) Are eligible to participate in covered transactions of any federal department or agency and are not presently:
    - (a) Debarred,
    - (b) Suspended,
    - (c) Proposed for debarment,
    - (d) Declared ineligible,
    - (e) Voluntarily excluded, or
    - (f) Disqualified.
  - (2) Within a three-year period preceding its latest application or proposal, its management has not been convicted of or had a civil judgment rendered against any of them for:
    - (a) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction, or contract under a public transaction,
    - (b) Violation of any federal or state antitrust statute, or
    - (c) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property.
  - (3) It is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses listed in the preceding subsection b(2) of this Certification.
  - (4) It has not had one or more public transactions (federal, state, or local) terminated for cause or default within a three-year period preceding this Certification.
  - (5) If, at a later time, it receives any information that contradicts the preceding statements of subsections a or b of this Category 01.F Certification, it will promptly provide that information to FTA.
  - (6) It will treat each lower tier contract or subcontract under its Award as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
    - (a) Equals or exceeds \$25,000,
    - (b) Is for audit services, or
    - (c) Requires the consent of a federal official.
  - (7) It will require that each covered lower tier contractor and subcontractor:
    - (a) Comply and facilitate compliance with the federal requirements of 2 CFR parts 180 and 1200, and
    - (b) Assure that each lower tier participant in its Award is not presently declared by any federal department or agency to be:

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- 1 Debarred from participation in any federally assisted Award,
  - 2 Suspended from participation in any federally assisted Award,
  - 3 Proposed for debarment from participation in any federally assisted Award,
  - 4 Declared ineligible to participate in any federally assisted Award,
  - 5 Voluntarily excluded from participation in any federally assisted Award, or
  - 6 Disqualified from participation in any federally assisted Award.
- c. It will provide a written explanation if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Category 01.F.1 Certification.

### 01.F.2. Tax Liability.

If your Applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, on behalf of your Applicant, you certify that:

- a. Your Applicant and its prospective Subrecipients have no unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
- b. Your Applicant and its Subrecipients will follow applicable U.S. DOT guidance when issued.

### 01.F.3. Felony Convictions.

If your Applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, on behalf of your Applicant, you certify that:

- a. Your Applicant and its prospective Subrecipients have not been convicted of a felony criminal violation under any federal law within the preceding 24 months.
- b. Your Applicant and its Subrecipients will follow applicable U.S. DOT guidance when it is issued.

### 01.G. U.S. OMB Assurances in SF-424B and SF-424D.

*The assurances in this Category 01.G are consistent with the U.S. OMB assurances required in the U.S. OMB SF-424B and SF-424D, and updated as necessary to reflect changes in federal laws, regulations, and requirements.*

1. *Administrative Activities.* On behalf of your Applicant, you assure that:
  - a. For any application it submits for federal assistance, it has adequate resources to plan, manage, and properly complete the tasks to implement its Award, including:
    - (1) The legal authority to apply for federal assistance,
    - (2) The institutional capability,
    - (3) The managerial capability, and
    - (4) The financial capability (including funds sufficient to pay the non-federal share of the cost of incurred under its Award).
  - b. As required, it will give access and the right to examine materials related to its Award to the following entities or individuals, including, but not limited to:

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- (1) FTA,
- (2) The Comptroller General of the United States, and
- (3) The State, through an appropriate authorized representative.
- c. It will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance.
- d. It will establish safeguards to prohibit employees from using their positions for a purpose that results in:
  - (1) A personal or organizational conflict of interest or personal gain, or
  - (2) An appearance of a personal or organizational conflict of interest or personal gain.
2. *Specifics of the Award.* On behalf of your Applicant, you assure that:
  - a. It will begin and complete work within the period of performance that applies following receipt of an FTA Award.
  - b. For FTA assisted construction Awards:
    - (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
    - (2) It will provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms to the approved plans and specifications,
    - (3) It will include a covenant to assure nondiscrimination during the useful life of the real property financed under its Award in its title to that real property, and it will include such covenant in any transfer of such property,
    - (4) To the extent FTA requires, it will record the federal interest in the title to FTA assisted real property or interests in real property, and
    - (5) It will not alter the site of the FTA assisted construction or facilities without permission or instructions from FTA by:
      - (a) Disposing of the underlying real property or other interest in the site and facilities,
      - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
      - (c) Changing the terms of the underlying real property title or other interest in the site and facilities.
  - c. It will furnish progress reports and other information as FTA or the state may require.
3. *Statutory and Regulatory Requirements.* On behalf of your Applicant, you assure that:
  - a. Your Applicant will comply with all federal laws, regulations, and requirements relating to nondiscrimination that apply, including, but not limited to:
    - (1) The prohibitions against discrimination based on race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. § 2000d.
    - (2) The prohibitions against discrimination based on sex, as provided in:
      - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 – 1683, and 1685 – 1687, and
      - (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25.

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- (3) The prohibitions against discrimination based on age in federally assisted programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 – 6107.
  - (4) The prohibitions against discrimination based on disability in federally assisted programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.
  - (5) The prohibitions against discrimination based on disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101.
  - (6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. § 3601 *et seq.*
  - (7) The prohibitions against discrimination based on drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. § 1101 *et seq.*
  - (8) The prohibitions against discrimination based on alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. § 4541 *et seq.*
  - (9) The confidentiality requirements for records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. § 290dd – 290dd-2.
  - (10) The prohibitions against discrimination in employment as provided in Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*,
  - (11) The nondiscrimination provisions of any other statute(s) that may apply to its Award.
- b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. § 4601 *et seq.*, and 49 U.S.C. § 5323(b), regardless of whether federal assistance has been provided for any real property acquired or improved for purposes of its Award:
- (1) It will provide for fair and equitable treatment of any displaced persons or any persons whose property is acquired or improved as a result of federally assisted programs.
  - (2) It has the necessary legal authority under state and local laws, regulations, and requirements to comply with:
    - (a) The Uniform Relocation Act. 42 U.S.C. § 4601 *et seq.*, as specified by 42 U.S.C. §§ 4630 and 4655, and
    - (b) U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, specifically 49 CFR § 24.4.
  - (3) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations because:
    - (a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24.
    - (b) As provided by 42 U.S.C. §§ 4622, 4623, and 4624, and 49 CFR part 24, if its Award results in displacement, it will provide fair and reasonable relocation payments and assistance to:
      - 1 Displaced families or individuals, and
      - 2 Displaced corporations, associations, or partnerships.

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- (c) As provided by 42 U.S.C. § 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such:
    - 1 Displaced families and individuals, and
    - 2 Displaced corporations, associations, or partnerships.
  - (d) As provided by 42 U.S.C. § 4625(c)(3), within a reasonable time before displacement, it will make available comparable replacement dwellings to families and individuals.
  - (e) It will do the following:
    - 1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and
    - 2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin.
  - (f) It will be guided by the real property acquisition policies of 42 U.S.C. §§ 4651 and 4652.
  - (g) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. §§ 4653 and 4654, understanding that FTA will provide federal assistance for its eligible costs of providing payments for those expenses, as required by 42 U.S.C. § 4631.
  - (h) It will execute the necessary implementing amendments to FTA assisted third party contracts and subagreements.
  - (i) It will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances.
  - (j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, related to its Award that involves relocation or land acquisition.
  - (k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions.
- c. It will comply with the Lead-Based Paint Poisoning Prevention Act, specifically 42 U.S.C. § 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures.
  - d. It will, to the extent applicable, comply with the protections for human subjects involved in research, development, and related activities supported by federal assistance of:
    - (1) The National Research Act, as amended, 42 U.S.C. § 289 *et seq.*, and
    - (2) U.S. DOT regulations, “Protection of Human Subjects,” 49 CFR part 11.
  - e. It will, to the extent applicable, comply with the labor standards and protections for federally assisted Awards of:
    - (1) The Davis-Bacon Act, as amended, 40 U.S.C. §§ 3141 – 3144, 3146, and 3147,
    - (2) Sections 1 and 2 of the Copeland “Anti-Kickback” Act, as amended, 18 U.S.C. § 874, and 40 U.S.C. § 3145, respectively, and
    - (3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. § 3701 *et seq.*
  - f. It will comply with any applicable environmental standards prescribed to implement federal laws and executive orders, including, but not limited to:

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- (1) Complying with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 – 4335 and following Executive Order No. 11514, as amended, 42 U.S.C. § 4321 note.
- (2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. § 7606 note.
- (3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. § 4321 note.
- (4) Following the evaluation of flood hazards in the floodplains provisions of Executive Order No. 11988, May 24, 1977, as amended, 42 U.S.C. § 4321 note.
- (5) Complying with the assurance of consistency with the approved state management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §§ 1451 – 1465.
- (6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1970, as amended, 42 U.S.C. §§ 7401 – 7671q.
- (7) Complying with protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. § 300f – 300j-6.
- (8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 – 1544.
- (9) Complying with the environmental protections for federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, state, or local significance or any land from a historic site of national, state, or local significance to be used in a transportation Award, as required by 49 U.S.C. § 303 (also known as “Section 4f”).
- (10) Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. §§ 1271 – 1287.
- (11) Complying with and facilitating compliance with:
  - (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 300108,
  - (b) The Archaeological and Historic Preservation Act of 1974, as amended, 54 U.S.C. § 312501 *et seq.*, and
  - (c) Executive Order No. 11593 (identification and protection of historic properties), 54 U.S.C. § 300101.
- g. To the extent applicable, it will comply with the following federal requirements for the care, handling, and treatment of warm-blooded animals held or used for research, teaching, or other activities supported with federal assistance:
  - (1) The Animal Welfare Act, as amended, 7 U.S.C. § 2131 *et seq.*, and
  - (2) U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4.
- h. To the extent applicable, it will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR § 41.117(d), before accepting delivery of any FTA assisted buildings.

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- i. It will comply with and assure that each of its Subrecipients located in special flood hazard areas will comply with section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. § 4012a(a), by:
  - (1) Participating in the federal flood insurance program, and
  - (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- j. It will comply with:
  - (1) The Hatch Act, 5 U.S.C. §§ 1501 – 1508, 7324 – 7326, which limits the political activities of state and local agencies and their officers and employees whose primary employment activities are financed in whole or part with federal assistance, including a federal loan, grant agreement, or cooperative agreement, and
  - (2) 49 U.S.C. § 5323(1)(2) and 23 U.S.C. § 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving federal assistance appropriated or made available under 49 U.S.C. chapter 53 and 23 U.S.C. § 142(a)(2) to whom the Hatch Act does not otherwise apply.
- k. It will perform the financial and compliance audits as required by the:
  - (1) Single Audit Act Amendments of 1996, 31 U.S.C. § 7501 *et seq.*,
  - (2) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 200, and
  - (3) Most recent applicable U.S. OMB Compliance Supplement, 2 CFR part 200, appendix XI (previously known as the U.S. OMB Circular A-133 Compliance Supplement).
- l. It will comply with all other federal laws, regulations, and requirements that apply.
- m. It will follow federal guidance governing it and its Award, except as FTA has expressly approved otherwise in writing.

### CATEGORY 02. LOBBYING.

*Before FTA may provide federal assistance for a grant or cooperative agreement exceeding \$100,000 or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, you must select the Lobbying Certifications in Category 02, unless your Applicant is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 31 U.S.C. § 1352, and/or except as FTA determines otherwise in writing.*

*Any provision of the Certifications in Category 02 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that:

1. As required by 31 U.S.C. § 1352 and U.S. DOT regulations, “New Restrictions on Lobbying,” specifically 49 CFR § 20.110:
  - a. The lobbying restrictions of this Certification apply to its requests:
    - (1) For \$100,000 or more in federal assistance for a grant or cooperative agreement, and

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- (2) For \$150,000 or more in federal assistance for a loan, line of credit, loan guarantee, or loan insurance, and
  - b. Your Certification on your Applicant's behalf applies to the lobbying activities of:
    - (1) The Applicant,
    - (2) Its Principals, and
    - (3) Its Subrecipients at the first tier.
2. To the best of your knowledge and belief:
  - a. No federal appropriated funds have been or will be paid by your Applicant or on its behalf to any person to influence or attempt to influence:
    - (1) An officer or employee of any federal agency regarding the award of a:
      - (a) Federal grant or cooperative agreement, or
      - (b) Federal loan, line of credit, loan guarantee, or loan insurance, or
    - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
      - (a) Federal grant or cooperative agreement, or
      - (b) Federal loan, line of credit, loan guarantee, or loan insurance.
  - b. Your Applicant will submit a complete OMB Standard Form LLL (Rev. 7-97), "Disclosure of Lobbying Activities," consistent with the instructions on that form, if any funds other than federal appropriated funds have been or will be paid to any person to influence or attempt to influence:
    - (1) An officer or employee of any federal agency regarding the award of a:
      - (a) Federal grant or cooperative agreement, or
      - (b) Federal loan, line of credit, loan guarantee, or loan insurance, or
    - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
      - (a) Federal grant or cooperative agreement, or
      - (b) Federal loan, line of credit, loan guarantee, or loan insurance.
  - c. Your Applicant will include the language of this Certification in its Award documents under a federal grant, cooperative agreement, loan, line of credit, or loan insurance including, but not limited to:
    - (1) Each third party contract,
    - (2) Each third party subcontract,
    - (3) Each subagreement, and
    - (4) Each third party agreement.
3. Your Applicant understands that:
  - a. This Certification is a material representation of fact that the Federal Government relies on, and
  - b. It must submit this Certification before the Federal Government may award federal assistance for a transaction covered by 31 U.S.C. § 1352, including a:
    - (1) Federal grant or cooperative agreement, or
    - (2) Federal loan, line of credit, loan guarantee, or loan insurance.
4. Your Applicant understands that any person who does not file a required Certification will incur a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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### CATEGORY 03. PRIVATE SECTOR PROTECTIONS.

*Before FTA may provide federal assistance for an Award that involves the acquisition of public transportation property or the operation of public transportation facilities or equipment, you must select the Private Property Protections Assurances in Category 03.A and enter into the Agreements in Category 03.B and Category 03.C on behalf of your Applicant, except as FTA determines otherwise in writing.*

*Any provision of the Assurances and Agreements in Category 03 that does not apply will not be enforced.*

#### **03.A. Private Property Protections.**

*If your Applicant is a state, local government, or Indian tribal government and seeks federal assistance from FTA to acquire the property of a private transit operator or operate public transportation in competition with or in addition to a public transportation operator, the Private Property Protections Assurances in Category 03.A apply to your Applicant, except as FTA determines otherwise in writing.*

To facilitate FTA's ability to make the findings required by 49 U.S.C. § 5323(a)(1), on behalf of your Applicant, you assure that:

1. Your Applicant has or will have:
  - a. Determined that the federal assistance it has requested is essential to carrying out its Program of Projects as required by 49 U.S.C. §§ 5303, 5304, and 5306,
  - b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and
  - c. Paid just compensation under state or local laws to the company for any franchise or property acquired.
2. Your Applicant has completed the actions described in the preceding section 1 of this Category 03.A Certification before:
  - a. It acquires the property or an interest in the property of a private provider of public transportation, or
  - b. It operates public transportation equipment or facilities:
    - (1) In competition with transportation service provided by an existing public transportation operator, or
    - (2) In addition to transportation service provided by an existing public transportation operator.

#### **03.B. Charter Service Agreement.**

*If your Applicant seeks federal assistance from FTA to acquire or operate transit facilities or equipment, the Charter Service Agreement in Category 03.B applies to your Applicant, except as FTA determines otherwise in writing.*

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To comply with 49 U.S.C. § 5323(d) and (g) and FTA regulations, “Charter Service, 49 CFR part 604, specifically 49 CFR § 604.4, on behalf of your Applicant, you are entering into the following Charter Service Agreement:

1. FTA’s “Charter Service” regulations apply as follows:
  - a. FTA’s Charter Service regulations restrict transportation by charter service using facilities and equipment acquired or improved under an Award derived from:
    - (1) Federal transit laws, 49 U.S.C. chapter 53,
    - (2) 23 U.S.C. §§ 133 or 142, or
    - (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
  - b. FTA’s charter service restrictions extend to:
    - (1) Your Applicant, when it receives federal assistance appropriated or made available for:
      - (a) Federal transit laws, 49 U.S.C. chapter 53,
      - (b) 23 U.S.C. §§ 133 or 142, or
      - (c) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
    - (2) Any Third Party Participant that receives federal assistance derived from:
      - (a) Federal transit laws, 49 U.S.C. chapter 53,
      - (b) 23 U.S.C. §§ 133 or 142, or
      - (c) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
  - c. A Third Party Participant includes any:
    - (1) Subrecipient at any tier,
    - (2) Lessee,
    - (3) Third Party Contractor or Subcontractor at any tier, and
    - (4) Other Third Party Participant in its Award.
  - d. You and your Applicant agree that neither it nor any governmental authority or publicly owned operator that receives federal public transportation assistance appropriated or made available for its Award will engage in charter service operations, except as permitted under:
    - (1) Federal transit laws, specifically 49 U.S.C. § 5323(d) and (g),
    - (2) FTA regulations, “Charter Service,” 49 CFR part 604, to the extent consistent with 49 U.S.C. § 5323(d) and (g),
    - (3) Any other federal Charter Service regulations, or
    - (4) Federal guidance, except as FTA determines otherwise in writing.
  - e. You and your Applicant agree that the latest Charter Service Agreement selected in its latest annual Certifications and Assurances is incorporated by reference and made part of the Underlying Agreement accompanying its Award of federal assistance from FTA.
  - f. You and your Applicant agree that:
    - (1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives federal assistance from FTA that has demonstrated a pattern of violating of FTA’s Charter Service regulations by:
      - (a) Conducting charter operations prohibited by federal transit laws and FTA’s Charter Service regulations, or

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- (b) Otherwise violating its Charter Service Agreement selected in its latest annual Certifications and Assurances.
- (2) These corrective measures and remedies may include:
  - (a) Barring your Applicant or any Third Party Participant operating public transportation under its Award that has provided prohibited charter service from receiving federal assistance from FTA,
  - (b) Withholding an amount of federal assistance as provided by Appendix D to FTA's Charter Service regulations, or
  - (c) Any other appropriate remedy that may apply.
- 2. In addition to the exceptions to the restrictions in FTA's Charter Service regulations, FTA has established the following additional exceptions to those restrictions:
  - a. FTA's Charter Service restrictions do not apply to your Applicant if it seeks federal assistance appropriated or made available under 49 U.S.C. §§ 5307 or 5311 to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under former 49 U.S.C. § 5316 in effect in FY 2012 or a previous fiscal year, provided that it uses that federal assistance from FTA for those program purposes only.
  - b. FTA's Charter Service restrictions do not apply to your Applicant if it seeks federal assistance appropriated or made available under 49 U.S.C. § 5310 to be used for New Freedom activities that would have been eligible for assistance under former 49 U.S.C. § 5317 in effect in FY 2012 or a previous fiscal year, provided it uses that federal assistance from FTA for those program purposes only.
  - c. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that Applicant provides a private intercity or charter transportation operator reasonable access to that Applicant's federally assisted public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes, as provided in 49 U.S.C. § 5323(r).

### **03.C. School Bus Agreement.**

*If your Applicant seeks federal assistance from FTA to acquire or operate transit facilities or equipment, the School Bus Agreement in Category 03.C applies to your Applicant, except as FTA determines otherwise in writing.*

To comply with 49 U.S.C. § 5323(f) and (g) and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. § 5323(f) and (g), your Applicant agrees to enter into the following School Bus Agreement:

- 1. FTA's "School Bus Operations" regulations at 49 CFR part 605 restricts school bus operations using facilities and equipment acquired or improved with federal assistance derived from:
  - a. Federal transit laws, 49 U.S.C. chapter 53,
  - b. 23 U.S.C. §§ 133 or 142, or
  - c. Any other Act that provides federal public transportation assistance, unless otherwise excepted.
- 2. FTA's school bus operations restrictions extend to:
  - a. Your Applicant, when it receives federal assistance appropriated or made available for:

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- (1) Federal transit laws, 49 U.S.C. chapter 53,
  - (2) 23 U.S.C. §§ 133 or 142, or
  - (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
- b. Any Third Party Participant that receives federal assistance derived from:
  - (1) Federal transit laws, 49 U.S.C. chapter 53,
  - (2) 23 U.S.C. §§ 133 or 142, or
  - (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
3. A Third Party Participant includes any:
  - a. Subrecipient at any tier,
  - b. Lessee,
  - c. Third Party Contractor or Subcontractor at any tier, and
  - d. Any other Third Party Participant in the Award.
4. You and your Applicant agree, and will obtain the agreement of any Third Party Participant, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:
  - a. Federal transit laws, specifically 49 U.S.C. § 5323(f) and (g),
  - b. FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. § 5323(f) and (g),
  - c. Any other federal School Bus regulations, or
  - d. Federal guidance, except as FTA determines otherwise in writing.
5. You and your Applicant agree that the latest School Bus Agreement selected on its behalf in FTA's latest annual Certifications and Assurances is incorporated by reference and made part of the Underlying Agreement accompanying its Award of federal assistance.
6. You and your Applicant agree that after it is a Recipient, if it or any Third Party Participant has violated this School Bus Agreement, FTA may:
  - a. Bar your Applicant or Third Party Participant from receiving further federal assistance for public transportation, or
  - b. Require the Applicant or Third Party Participant to take such remedial measures as FTA considers appropriate.

### **CATEGORY 04. ROLLING STOCK REVIEWS AND BUS TESTING.**

*Before FTA may provide federal assistance for an Award to acquire rolling stock for use in revenue service or to acquire a new bus model, you must select the Rolling Stock Reviews and Bus Testing Certifications in Category 04, except as FTA determines otherwise in writing.*

*Any provision of the Certifications in Category 04 that does not apply will not be enforced.*

#### **04.A. Rolling Stock Reviews.**

*If your Applicant seeks federal assistance from FTA to acquire rolling stock for use in revenue service, the Rolling Stock Reviews Certifications in Category 04.A apply to your Applicant, except as FTA determines otherwise in writing.*

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On behalf of your Applicant, you certify that, when procuring rolling stock for use in revenue service:

1. Your Applicant will comply with:
  - a. Federal transit laws, specifically 49 U.S.C. § 5323(m), and
  - b. FTA regulations, “Pre-Award and Post-Delivery Audits of Rolling Stock Purchases,” 49 CFR part 663, and
2. As provided in 49 CFR § 663.7:
  - a. Your Applicant will conduct or cause to be conducted the required pre-award and post-delivery reviews of that rolling stock, and
  - b. It will maintain on file the Certifications required by 49 CFR part 663, subparts B, C, and D.

### **04.B. Bus Testing.**

*If your Applicant seeks federal assistance from FTA to acquire a new bus model, the Bus Testing Certifications in Category 04.B apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify that:

1. FTA’s bus testing requirements apply to all acquisitions of new buses and new bus models that require bus testing as defined in FTA’s Bus Testing regulations, and it will comply with:
  - a. 49 U.S.C. § 5318, and
  - b. FTA regulations, “Bus Testing,” 49 CFR part 665.
2. As required by 49 CFR § 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration, your Applicant will not spend any federal assistance appropriated under 49 U.S.C. chapter 53 to acquire that new bus or new bus model until:
  - a. That new bus or new bus model has been tested at FTA’s bus testing facility, and
  - b. It has received a copy of the test report prepared for that new bus or new bus model.
3. It will ensure that the new bus or new bus model that is tested has met the performance standards consistent with those regulations, including the:
  - a. Performance standards for:
    - (1) Maintainability,
    - (2) Reliability,
    - (3) Performance (including braking performance),
    - (4) Structural integrity,
    - (5) Fuel economy,
    - (6) Emissions, and
    - (7) Noise, and
  - b. Minimum safety performance standards established under 49 U.S.C. § 5329, when issued.
4. It will ensure that the new bus or new bus model that is tested has received a passing aggregate test score under the “Pass/Fail” standard established by regulation.

### **CATEGORY 05. DEMAND RESPONSIVE SERVICE.**

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*Before FTA may provide federal assistance to a public entity that operates demand responsive service for an Award to acquire a non-rail vehicle that is not accessible, you must select the Demand Responsive Service Certifications in Category 05, except as FTA determines otherwise in writing.*

*Any provision of the Certifications in Category 05 that does not apply will not be enforced.*

As required by U.S. DOT regulations, “Transportation Services for Individuals with Disabilities (ADA),” 49 CFR part 37, specifically 49 CFR § 37.77(d), on behalf of your Applicant, you certify that:

1. Your Applicant offers public transportation services equivalent in level and quality of service to:
  - a. Individuals with disabilities, including individuals who use wheelchairs, and
  - b. Individuals without disabilities.
2. Viewed in its entirety, your Applicant’s service for individuals with disabilities is:
  - a. Provided in the most integrated setting feasible, and
  - b. Equivalent to the service it offers individuals without disabilities with respect to:
    - (1) Response time,
    - (2) Fares,
    - (3) Geographic service area,
    - (4) Hours and days of service,
    - (5) Restrictions on priorities based on trip purpose,
    - (6) Availability of information and reservation capability, and
    - (7) Constraints on capacity or service availability.

### **CATEGORY 06. INTELLIGENT TRANSPORTATION SYSTEMS.**

*Before FTA may provide federal assistance for an Award in support of an Intelligent Transportation System (ITS), you must select the Intelligent Transportation Systems Assurances in Category 06, except as FTA determines otherwise in writing.*

*Any provision of the Assurances in Category 06 that does not apply will not be enforced.*

On behalf of your Applicant, you and your Applicant:

1. Understand that, as used in this Assurance, the term Intelligent Transportation System is defined to include technologies or systems of technologies that provide or significantly contribute to the provision of one or more Intelligent Transportation System (ITS) user services as defined in the “National ITS Architecture.”
2. Assure that, as provided in 23 U.S.C. § 517(d), any Award that includes an ITS or related activity financed with appropriations made available from the Highway Trust Fund, including amounts made available to deploy ITS facilities or equipment, will conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. § 517(a) or (c), unless it obtains a waiver as provided in 23 U.S.C. § 517(d)(2).

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### CATEGORY 07. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY LEASE.

*Before FTA may award federal assistance appropriated or made available under 49 U.S.C. chapter 53 to support the interest, financing, or leasing costs of any Award financed under the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, any program to which the requirements of 49 U.S.C. § 5307 apply, or any other program as FTA may specify, you must select the Certifications in Category 07, except as FTA may determine otherwise in writing.*

*Any provision of the Certifications and Assurances in Category 07 that does not apply will not be enforced.*

#### **07.A. Interest and Financing Costs.**

*If your Applicant intends to use federal assistance to support the interest or any other financing costs for an Award financed under the Urbanized Area Formula Grants Program, the Fixed Guideway Capital Investment Grants Program, the New Starts, Small Starts, and Core Capacity Programs, any program that must comply with the requirements of 49 U.S.C. § 5307, or any other program as FTA may specify, the Interest and Financing Costs Certifications in Category 07.A apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify that:

1. It will not seek reimbursement for interest or any other financing costs unless:
  - a. It is eligible to receive federal assistance for those costs, and
  - b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, as FTA may require.
2. It will comply with the same favorable financing cost provisions for Awards financed under:
  - a. The Urbanized Area Formula Grants Program,
  - b. A Full Funding Grant Agreement,
  - c. An Early Systems Work Agreement,
  - d. The Fixed Guideway Capital Investment Program financed by previous FTA enabling legislation,
  - e. Any program that must comply with the requirements of 49 U.S.C. § 5307, or
  - f. Any other program as FTA may specify.

#### **07.B. Acquisition of Capital Assets by Lease.**

*If your Applicant seeks federal assistance from FTA to acquire capital assets (other than rolling stock or related equipment) through a lease, the Acquisition of Capital Assets by Lease Certifications and Assurances in Category 07.B apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify and assure that, as required by FTA regulations, “Capital Leases,” 49 CFR part 639, to the extent consistent with the FAST Act. If your

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Applicant acquires any capital asset (other than rolling stock or related equipment) through a lease financed with federal assistance appropriated or made available under 49 U.S.C. chapter 53, it will not enter into a capital lease for which FTA can provide only incremental federal assistance unless it has adequate financial resources to meet its future lease obligations if federal assistance is not available.

### **CATEGORY 08. TRANSIT ASSET MANAGEMENT PLAN, PUBLIC TRANSPORTATION AGENCY SAFETY PLAN, AND STATE SAFETY OVERSIGHT REQUIREMENTS.**

*Before FTA may provide federal assistance appropriated or made available under 49 U.S.C. chapter 53 to support an Award, you must select the Certifications in Category 08, except as FTA determines otherwise in writing.*

*Any provision of the Certifications in Category 08 that does not apply will not be enforced.*

#### **08.A. Transit Asset Management Plan.**

*If your Applicant applies for funding appropriated or made available for 49 U.S.C. chapter 53, the Transit Asset Management Certifications in Category 08.A apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify that it and each of its Subrecipients will:

1. Comply with FTA regulations, "Transit Asset Management," 49 CFR part 625, and
2. Follow federal guidance that will implement the regulations at 49 CFR part 625.

#### **08.B. Public Transportation Safety Program.**

*If your Applicant applies for funding under 49 U.S.C. chapter 53 and it is a State, local government authority, or any other operator of a public transportation system, the particular provisions under the Public Transportation Safety Program in Category 08.B apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify that it will comply with applicable regulations, and follow federal guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

#### **08.C. State Safety Oversight Requirements.**

*If your Applicant applies for funding under 49 U.S.C. chapter 53 and is in a state with a rail fixed guideway public transportation system, Category 08.C applies to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, if it is a state and has a rail fixed guideway public transportation system, you certify that:

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1. The Applicant will comply with FTA regulations, “State Safety Oversight,” 49 CFR part 659, until the Applicant has a certified State Safety Oversight Program under the regulations at 49 CFR part 674.
2. For those Applicants that do have a certified State Safety Oversight Program, the Applicant will comply with the regulations at 49 CFR part 674.
3. For those Applicants that do not have a certified State Safety Oversight Program, the Applicant will make progress towards meeting the April 15, 2019, State Safety Oversight Program certification deadline.

### **CATEGORY 09. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.**

*If your Applicant must comply with the alcohol and controlled substance testing requirements of 49 U.S.C. § 5331 and its implementing regulations, before FTA may provide federal assistance for an Award, you must select the Certifications in Category 09, except as FTA may determine otherwise in writing.*

*Any provision of the Certifications in Category 09 that does not apply will not be enforced.*

As required by 49 U.S.C. § 5331, and FTA regulations, “Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” 49 CFR part 655, subpart I, specifically 49 CFR § 655.83, on behalf of your Applicant, including an Applicant that is a state, and on behalf of its Subrecipients and Third Party Contractors, you certify that:

1. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have established and implemented:
  - a. An alcohol misuse testing program, and
  - b. A controlled substance testing program.
2. Your Applicant, its Subrecipients, and its Third Party Contractors to which these testing requirements apply have complied or will comply with all applicable requirements of 49 CFR part 655 to the extent those regulations are consistent with 49 U.S.C. § 5331.
3. Consistent with U.S. DOT Office of Drug and Alcohol Policy and Compliance Notice, issued October 22, 2009, if your Applicant, its Subrecipients, or its Third Party Contractors to which these testing requirements apply reside in a state that permits marijuana use for medical or recreational purposes, your Applicant, its Subrecipients, and its Third Party Contractors to which these testing requirements apply have complied or will comply with the federal controlled substance testing requirements of 49 CFR part 655.

### **CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS PROGRAM (NEW STARTS, SMALL STARTS, AND CORE CAPACITY IMPROVEMENT).**

*Before FTA may provide federal assistance for an Award financed under the New Starts, Small Starts, or Core Capacity Improvement Program authorized under 49 U.S.C. § 5309, you must select the Certifications in Category 10, except as FTA may determine otherwise in writing.*

*Any provision of the Certifications in Category 10 that does not apply will not be enforced.*

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Except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625,
4. It will comply with:
  - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
  - b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304, and
5. It will comply with FTA guidance, "Final Interim Policy Guidance, Federal Transit Administration Capital Investment Grant Program," June 2016.

### **CATEGORY 11. STATE OF GOOD REPAIR PROGRAM.**

*Before FTA may provide federal assistance for an Award financed under the State of Good Repair Program authorized under 49 U.S.C. § 5337, you must select the Certifications in Category 11, except as FTA determines otherwise in writing.*

*Any provision of the Assurance in Category 11 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award,
3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the Applicant's transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625, and
4. It will comply with:
  - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
  - b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.

### **CATEGORY 12. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS**

*Before FTA may provide federal assistance for an Award under the Buses and Bus Facilities Program authorized under 49 U.S.C. § 5339, as amended by the FAST Act, which authorizes grants for formula and competitive Bus and Bus Facilities and Low or No Emission buses or an award under the Low or No Emission Vehicle Development Program authorized under former 49 U.S.C. § 5312(d)(5), you must select the Certifications in Category 12, except as FTA determines otherwise in writing.*

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*Any provision of the Certifications in Category 12 that does not apply will not be enforced.*

### **12.A. Grants for Buses and Bus Facilities Program**

*The following Certifications for the Grants for Buses and Bus Facilities Program and Low or No Emission Buses are required by 49 U.S.C. § 5339, as amended by the FAST Act, which provides that the requirements of 49 U.S.C. § 5307 shall apply to Recipients of grants made in urbanized areas and under the Low or No Emission Bus Program, 49 U.S.C. § 5339(c) The requirements of 49 U.S.C. § 5311 shall apply to Recipients of Bus and Bus Facilities grants made in rural areas. Therefore:*

1. If your Applicant is in an urbanized area, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
  - a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
  - b. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
  - c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
  - d. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5339 during non-peak hours for transportation, Applicants in an urbanized area will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
    - (1) Any senior,
    - (2) Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
    - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and
    - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act, 42 U.S.C. § 1395 *et seq.*
  - e. When carrying out a procurement under 49 U.S.C. § 5339, it will comply with:
    - (1) The applicable general provisions of 49 U.S.C. § 5323, and
    - (2) The applicable third party contract provisions of 49 U.S.C. § 5325.
  - f. It has complied with or will comply with 49 U.S.C. § 5307(b).
  - g. As required by 49 U.S.C. § 5307(d):
    - (1) It has or will have the amount of funds required for the non-federal share,
    - (2) It will provide the non-federal share from sources approved by FTA, and
    - (3) It will provide the non-federal share when needed.
  - h. It will comply with:
    - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and

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- (2) The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
- i. It has a locally developed process to solicit and consider public comment before:
  - (1) Raising a fare, or
  - (2) Implementing a major reduction of public transportation service.
- j. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.
2. Except as FTA determines otherwise in writing, if your Applicant is in a rural area, you certify, on behalf of your Applicant, that:
  - a. It has or will have and require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
  - b. It has or will have and require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
  - c. It will maintain and require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
  - d. Its state program has provided for a fair distribution of federal assistance appropriated or made available under 49 U.S.C. § 5311(b) within the state to eligible entities, including Indian reservations.
  - e. Its program provides or will provide the maximum feasible coordination of federal assistance for public transportation service with transportation service financed by other federal sources.
  - f. Its Awards and Subawards in its Formula Grants for the Rural Areas Program are included in:
    - (1) The statewide transportation improvement program, and
    - (2) To the extent applicable, a metropolitan transportation improvement program.
  - g. With respect to the non-federal share:
    - (1) It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by 49 U.S.C. § 5311(g),
    - (2) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
    - (3) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.
  - h. It may transfer a facility or equipment acquired or improved under its Award to any other entity eligible to receive assistance under 49 U.S.C. chapter 53, if:
    - (1) The Recipient possessing the facility or equipment consents to the transfer, and
    - (2) The facility or equipment will continue to be used as required under 49 U.S.C. § 5311.

### **12.B. Low or No Emission Vehicle Deployment.**

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*If your Applicant seeks federal assistance from FTA for an Award financed under the Low or No Emission Vehicle Development Program authorized under former 49 U.S.C. § 5312(d)(5), the Certifications and Assurances in Category 12.B apply to your Applicant, except as FTA determines otherwise in writing.*

Former section 5312(d)(5)(C)(i) of title 49, United States Code, requires the following Certifications for Low or No Emission Vehicle Deployment Program before awarding federal assistance appropriated or made available under MAP-21. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with its transit management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. When using or involving a facility or equipment acquired or improved with federal assistance under former 49 U.S.C. § 5312(d)(5) during non-peak hours for transportation, it will charge a fare not exceeding fifty (50) percent of the peak hour to the following individuals:
  - a. Any senior,
  - b. Any individual who, because of illness, injury, age, a congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or who has semi-ambulatory capability) and is unable to use a public transportation service or a public transportation facility effectively without special facilities, special planning, or special design,
  - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and
  - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act, 42 U.S.C. § 1395 *et seq.*
5. When carrying out a procurement under this Program, it will comply with:
  - a. The applicable general provisions of 49 U.S.C. § 5323, and
  - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. It has complied with or will comply with 49 U.S.C. § 5307(b) because:
  - a. It has informed or will inform the public of the amounts of its federal assistance available under this Program,
  - b. It has developed or will develop, in consultation with interested parties including private transportation providers, its proposed Program of Projects for activities to be financed,
  - c. It has published or will publish its proposed Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Projects and its performance as an Applicant,
  - d. It has provided or will provide an opportunity for a public hearing to obtain the views of individuals on its proposed Program of Projects,
  - e. It has assured or will assure that its proposed Program of Projects provides for coordination of public transportation services assisted under 49 U.S.C. § 5336, as

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- amended by the FAST Act, with federally assisted transportation services supported by other federal sources,
- f. It has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
  - g. It has made or will make the final list of Projects for which an Award is sought available to the public.
7. With respect to the non-federal share:
    - a. It has or will have the amount of funds required for the non-federal share,
    - b. It will provide the non-federal share from sources approved by FTA, and
    - c. It will provide the non-federal share when needed.
  8. It will comply with:
    - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
    - b. The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.
  9. It has a locally developed process to solicit and consider public comment before:
    - a. Raising a fare, or
    - b. Implementing a major reduction of public transportation service.
  10. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

### **CATEGORY 13. URBANIZED AREA FORMULA GRANTS PROGRAMS AND PASSENGER FERRY GRANT PROGRAM.**

*Before FTA may provide federal assistance for an Award financed under the Urbanized Area Formula Grants Program authorized under 49 U.S.C. § 5307, as amended by the FAST Act, which authorizes federal assistance for Job Access and Reverse Commute (JARC) activities, and the Passenger Ferry Grant Program authorized under 49 U.S.C. § 5307(h), you must select the Certifications in Category 13, except as FTA determines otherwise in writing.*

*Any provision of the Certifications in Category 13 that does not apply will not be enforced.*

#### **13.A. Urbanized Area Formula Grants Program under the FAST Act.**

*If your Applicant seeks federal assistance from FTA for an Award financed under the Urbanized Area Formula Grants Program authorized under 49 U.S.C. § 5307, as amended by the FAST Act, the Certifications in Category 13.A apply to your Applicant, except as FTA determines otherwise in writing.*

The following Certifications for the Urbanized Area Formula Grants Program under 49 U.S.C. § 5307, as amended by the FAST Act, are required by 49 U.S.C. § 5307(c)(1). Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.

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3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR part 625,
4. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5307 during non-peak hours for transportation, it will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
  - a. Any senior,
  - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
  - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and
  - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act, 42 U.S.C. § 1395 *et seq.*
5. When carrying out a procurement under 49 U.S.C. § 5307, it will comply with:
  - a. The applicable general provisions of 49 U.S.C. § 5323, and
  - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. It has complied with or will comply with 49 U.S.C. § 5307(b) because:
  - a. It has made or will make available to the public information on the amounts of federal assistance available to it under 49 U.S.C. § 5307,
  - b. It has developed or will develop, in consultation with interested parties including private transportation providers, its proposed Program of Projects for activities for which federal assistance is sought,
  - c. It has published or will publish its proposed Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on its proposed Program of Projects and its performance as an Applicant or Recipient,
  - d. It has provided or will provide an opportunity for a public hearing to obtain the views of individuals on its proposed Program of Projects,
  - e. It has ensured or will ensure that its proposed Program of Projects provides for coordination of transportation services financed by FTA under 49 U.S.C. § 5336, as amended by the FAST Act, with transportation services supported by other Federal Government sources,
  - f. It has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
  - g. It has made or will make its final Program of Projects available to the public.
7. As required by 49 U.S.C. § 5307(d):
  - a. It has or will have the amount of funds required for the non-federal share,
  - b. It will provide the non-federal share from sources approved by FTA, and
  - c. It will provide the non-federal share when needed.
8. As required by 49 U.S.C. § 5307(c)(1)(H), it will comply with:
  - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and

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- b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
9. As required by 49 U.S.C. § 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation.
10. Each fiscal year:
  - a. It will assure that at least one (1) percent of the amount of federal assistance under 49 U.S.C. § 5307 apportioned to its urbanized area must be expended for Public Transportation Security activities as described in 49 U.S.C. § 5307(c)(1)(J)(i) including:
    - (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
    - (2) Increased camera surveillance of an area in or adjacent to that system,
    - (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
    - (4) Any other activity intended to increase the security and safety of an existing or planned public transportation system, or
  - b. The Designated Recipients in its urbanized area certify that such expenditures for Public Transportation Security activities are not necessary.
11. If it serves an urbanized area with a population of at least 200,000 individuals, as determined by the Bureau of the Census:
  - a. It will provide a report by the end of the fourth quarter of the preceding federal fiscal year that lists projects carried out in the preceding fiscal year under this section for associated transit improvements as defined in 49 U.S.C. § 5302, and
  - b. The report of its Associated Transit Improvements or related activities is or will be incorporated by reference and made part of its Certifications and Assurances.
12. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

### **13.B. Passenger Ferry Grant Program.**

*If your Applicant seeks federal assistance from FTA for an Award financed under the Passenger Ferry Grant Program authorized under 49 U.S.C. § 5307(h), as amended by the FAST Act, the Certifications in Category 13.B apply to your Applicant, except as FTA determines otherwise in writing.*

The following Certifications for the Passenger Ferry Grant Program are required by 49 U.S.C. § 5307(c)(1) or (h). Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.

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3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5307(h) during non-peak hours for transportation, it will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
  - a. Any senior,
  - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
  - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and
  - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act, 42 U.S.C. § 1395 *et seq.*
5. When carrying out a procurement under 49 U.S.C. § 5307(h), it will comply with:
  - a. The applicable general provisions of 49 U.S.C. § 5323, and
  - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. As required by 49 U.S.C. § 5307(d):
  - a. It has or will have the amount of funds required for the non-federal share,
  - b. It will provide the non-federal share from sources approved by FTA, and
  - c. It will provide the non-federal share when needed.
7. As required by 49 U.S.C. § 5307(c)(1)(H), it will comply with:
  - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
  - b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
8. As required by 49 U.S.C. § 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation service.
9. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

### **CATEGORY 14. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.**

*Before FTA may provide federal assistance for an Award financed under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized under 49 U.S.C. § 5310, as amended by the FAST Act, or the Pilot Program for Innovative Coordinated Access and Mobility under Section 3006(b) of the FAST Act, you must select the Certifications in Category 14, except as FTA determines otherwise in writing.*

*Any provision of the Certifications in Category 14 that does not apply will not be enforced.*

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

1. The following Certifications for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program are required by 49 U.S.C. § 5310. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
  - a. Each Subrecipient is:
    - (1) A private nonprofit organization, or
    - (2) A state or local governmental authority that:
      - (a) Is approved by a state to coordinate services for seniors and individuals with disabilities, or
      - (b) Certifies that there are no private nonprofit organizations readily available in the area to provide the services authorized for support under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program.
  - b. Your Applicant will comply with the following selection and planning requirements:
    - (1) The Projects it has selected or will select for an Award or Subaward of federal assistance appropriated or made available under 49 U.S.C. § 5310 are included in a public transit-human services transportation plan that has been:
      - (a) Locally developed, and
      - (b) Coordinated.
    - (2) The public transit-human services transportation plan was developed and approved through a process that included participation by:
      - (a) Seniors,
      - (b) Individuals with disabilities,
      - (c) Representatives of public, private, and nonprofit transportation providers,
      - (d) Representatives of public, private, and nonprofit human services providers, and
      - (e) Other members of the public.
    - (3) Within its Award, the Projects selected to receive federal assistance will assist in providing transportation services for seniors and individuals with disabilities are included in its Program of Projects submitted to FTA annually.
    - (4) To the maximum extent feasible, the services financed by 49 U.S.C. § 5310 will be coordinated with transportation services financed by other federal departments and agencies, including any transportation activities carried out by a Recipient of federal assistance from the Department of Health and Human Services.
  - c. As required by 49 U.S.C. § 5310(e)(2)(B), it certifies that if it allocates federal assistance received under 49 U.S.C. § 5310 to any Subrecipient, it will have allocated that federal assistance on a fair and equitable basis.
  - d. It will not transfer a facility or equipment acquired or improved with federal assistance appropriated or made available for a grant under 49 U.S.C. § 5310 to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, unless:
    - (1) The Recipient possessing the facility or equipment consents to the transfer, and
    - (2) The facility or equipment will continue to be used as required under 49 U.S.C. § 5310.
  - e. As required by 49 U.S.C. § 5310(b)(2), it will use at least fifty-five (55) percent of the federal assistance it receives for Capital Projects to meet the special needs of seniors and individuals with disabilities.

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- f. The requirements of 49 U.S.C. § 5307, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized by 49 U.S.C. § 5310.
2. FTA has determined that certain requirements of 49 U.S.C. § 5307 are appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, some of which require Certifications. Therefore, as specified under 49 U.S.C. § 5307(c)(1), your Applicant certifies that:
  - a. It has or will have and will require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
  - b. It has or will have and will require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award or Subaward.
  - c. It will maintain and will require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award or Subaward, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
  - d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, it will require each Subrecipient to comply with:
    - (1) The applicable general provisions of 49 U.S.C. § 5323, and
    - (2) The applicable third party contract provisions of 49 U.S.C. § 5325.
  - e. With respect to the non-federal share:
    - (1) It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by 49 U.S.C. § 5310,
    - (2) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
    - (3) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.
  - f. It has complied or will comply and will require each Subrecipient to comply with:
    - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
    - (2) The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
  - g. To the extent applicable, it will and will require its Subrecipients to comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

### **CATEGORY 15. RURAL AREAS AND APPALACHIAN DEVELOPMENT PROGRAMS.**

*Before FTA may provide federal assistance for an Award financed under the Formula Grants for Rural Areas Program authorized under 49 U.S.C. § 5311(b), as amended by FAST Act, and the Appalachian Development Public Transportation Assistance Program authorized under*

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*49 U.S.C. § 5311(c)(2), as amended by FAST Act, you must select the Certifications in Category 15, except as FTA determines otherwise in writing.*

*Any provision of the Certifications and Assurances in Category 15 that does not apply will not be enforced.*

### **15.A. Formula Grants for Rural Areas Program.**

*If your Applicant seeks federal assistance from FTA for an Award financed under the Formula Grants for the Rural Areas Program authorized under 49 U.S.C. § 5311, the Certifications in Category 15.A apply to your Applicant, except as FTA determines otherwise in writing.*

The following Certifications apply to each state or state organization serving as your Applicant for federal assistance appropriated or made available for the Rural Areas Formula Program financed under 49 U.S.C. § 5311(b), as amended by FAST Act. On its behalf, you certify and assure that:

1. It has or will have and require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have and require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain and require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. It will and will require each Subrecipient to comply with applicable regulations and guidance that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.
5. Its state program has provided for a fair distribution of federal assistance appropriated or made available under 49 U.S.C. § 5311(b) within the state to eligible entities, including Indian reservations.
6. Its program provides or will provide the maximum feasible coordination of federal assistance for public transportation service authorized by 49 U.S.C. § 5311(b) with transportation service financed by other federal sources.
7. Its Awards and Subawards in its Formula Grants for the Rural Areas Program are included in:
  - a. The statewide transportation improvement program, and
  - b. To the extent applicable, a metropolitan transportation improvement program.
8. With respect to the non-federal share:
  - a. It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by former 49 U.S.C. § 5311(g),
  - b. It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
  - c. It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.

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9. It may transfer a facility or equipment acquired or improved under its Award to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
  - a. The Recipient possessing the facility or equipment consents to the transfer, and
  - b. The facility or equipment will continue to be used as required under 49 U.S.C. § 5311.
10. Each fiscal year:
  - a. It will spend at least fifteen (15) percent of its federal assistance authorized under 49 U.S.C. § 5311 and available that fiscal year for eligible activities to develop and support intercity bus transportation within the state including:
    - (1) Planning and marketing for intercity bus transportation,
    - (2) Capital grants for intercity bus facilities.
  - b. If it will spend less than fifteen (15) percent of its federal assistance authorized under 49 U.S.C. § 5311 and available that fiscal year for eligible activities to develop and support intercity bus transportation within the state, it will provide to FTA a Certification from the governor of the state that:
    - (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the state, and
    - (2) The state's intercity bus service needs are being met adequately.

### **15.B. Appalachian Development Public Transportation Assistance Program.**

*If your Applicant seeks federal assistance from FTA for an Award financed under the Appalachian Development Public Transportation Assistance Program authorized under 49 U.S.C. § 5311(c)(2), the Certifications in Category 15.B apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify and assure that, if it is unable to use its federal assistance made available or appropriated for public transportation operating assistance, in accordance with 49 U.S.C. § 5311(c)(2)(D), it may use the federal assistance for a Highway Project only after:

1. It provides notice and an opportunity for comment and appeal to affected public transportation providers,
2. It approves such use in writing, and
3. In approving the use, it determines that local transit needs are being addressed.

### **CATEGORY 16. TRIBAL TRANSIT PROGRAMS (PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAMS).**

*Before FTA may provide federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), you must select the Certifications in Category 16, except as FTA determines otherwise in writing.*

*Any provision of the Certifications in Category 16 that does not apply will not be enforced.*

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FTA has established terms and conditions for Tribal Transit Program grants financed with federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). On behalf of your Applicant, you certify and assure that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
4. With respect to its procurement system:
  - a. It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 200, for Awards made on or after December 26, 2014,
  - b. It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
  - c. It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
5. It will comply with the Certifications, Assurances, and Agreements in:
  - a. Category 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
  - b. Category 04.A and 04.B (Rolling Stock Reviews and Bus Testing),
  - c. Category 05 (Demand Responsive Service),
  - d. Category 06 (Intelligent Transportation Systems),
  - e. Category 08.A and 08.B (Transit Asset Management Plan and Public Transportation Safety Program), and
  - f. Category 09 (Alcohol and Controlled Substances Testing).

### **CATEGORY 17. STATE SAFETY OVERSIGHT GRANT PROGRAM.**

*Before FTA may provide federal assistance for an Award financed under the State Safety Oversight Grant Program authorized under 49 U.S.C. § 5329(e)(6), you must select the Certifications in Category 17, except as FTA determines otherwise in writing.*

*Any provision of the Certifications in Category 17 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.

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2. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with the its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR part 625.
4. When carrying out a procurement under its Award, it will comply with:
  - a. The applicable general provisions of 49 U.S.C. § 5323, and
  - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
5. As required by 49 U.S.C. § 5329(e)(6)(C):
  - a. It has or will have the amount of funds required for the non-federal share,
  - b. It will provide the non-federal share only from sources approved by FTA, and will not be met by:
    - (1) Any federal assistance,
    - (2) Any funds received from a public transportation agency, or
    - (3) Any revenues earned by a public transportation agency, and
  - c. Will provide the non-federal share when needed.
6. Depending on how far your Applicant has progressed in developing a certified State Safety Oversight program under 49 CFR part 674, the following FTA regulations will apply:
  - a. States With a Certified Program. Your Applicant agrees that FTA regulations, “State Safety Oversight,” 49 CFR part 674, will apply;
  - b. States Without a Certified Program. Your Applicant agrees that FTA regulations, “Rail Fixed Guideway Systems; State Safety Oversight,” 49 CFR part 659, will continue to apply to those states that do not have a certified Program as required by 49 U.S.C. § 5329(e) and 49 CFR part 674.

### **CATEGORY 18. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.**

*Before FTA may provide federal assistance for an Award financed under the Public Transportation Emergency Relief Program authorized under 49 U.S.C. § 5324, you must select the Certifications in Category 18, except as FTA determines otherwise in writing.*

*Any provision of the Assurance in Category 18 that does not apply will not be enforced.*

As required by 49 U.S.C. § 5324(d), on behalf of your Applicant, you assure that it will:

1. Comply with the requirements of the Certifications and Assurances as FTA determines will apply to an Applicant for federal assistance appropriated or made available for the Public Transportation Emergency Relief Program, and
2. Comply with FTA regulations, “Emergency Relief,” 49 CFR part 602.

### **CATEGORY 19. EXPEDITED PROJECT DELIVERY PILOT PROGRAM.**

*Before FTA may provide federal assistance for an Award financed under the Expedited Project Delivery Pilot Program authorized under section 3005(b) of the FAST Act, you must select the Certifications in Category 19, except as FTA determines otherwise in writing.*

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*To the extent that any Certification in Category 19 does not apply, it will not be enforced.*

As required by section 3005(b)(3)(B) of the FAST Act, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR part 625.
4. It will comply with:
  - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
  - b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.

### **CATEGORY 20. INFRASTRUCTURE FINANCE PROGRAMS.**

*Before FTA may provide credit assistance for an Award that also is or will be financed under the Transportation Infrastructure Finance and Innovation Act (TIFIA) Program authorized under 23 U.S.C. §§ 601 – 609, or the State Infrastructure Banks (SIB) Program authorized under 23 U.S.C. § 610, you must select the Certifications in Category 20.*

*If the Applicant does not receive credit assistance under the TIFIA or SIB programs, the Certifications and Assurances in Category 20 will not be enforced.*

#### **20.A. Transportation Infrastructure Finance and Innovation Act (TIFIA) Program.**

*If your Applicant seeks federal assistance from FTA for an Award that also is or will be financed under the TIFIA Program authorized under 23 U.S.C. §§ 601 – 609 the Certifications and Assurances in Category 20.A apply to your Applicant. In administering this Program, the FAST Act cross-cutting requirements supersede inconsistent former requirements.*

On behalf of your Applicant, you certify and assure, as required by 49 U.S.C. § 5323(o), that federal transit laws, specifically 49 U.S.C. § 5307, 49 U.S.C. § 5309, and 49 U.S.C. § 5337, apply to any Project under 49 U.S.C. chapter 53 that receives TIFIA credit assistance under 23 U.S.C. §§ 601 – 609.

1. To comply with 49 U.S.C. §5307, specifically 49 U.S.C. § 5307(c)(1), on your Applicant’s behalf, you certify that:
  - a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
  - b. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.

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- c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
  - d. For transportation during non-peak hours and using or involving a facility or equipment of an Award financed using 49 U.S.C. § 5307 funds, it will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
    - (1) Any senior,
    - (2) Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
    - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and
    - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act, 42 U.S.C. § 1395 *et seq.*
  - e. When carrying out a TIFIA-financed procurement, the Applicant will comply with:
    - (1) The applicable provisions of 49 U.S.C. § 5323, and
    - (2) The applicable provisions of 49 U.S.C. § 5325.
  - f. It has complied with or will comply with 49 U.S.C. § 5307(b).
  - g.
    - (1) It has or will have no more than 80 percent of the Total Award Budget as the sum of all federal grants and any TIFIA-financed awards,
    - (2) It will provide the non-federal share from sources approved by FTA, and
    - (3) It will provide the non-federal share when needed.
  - h. It will comply with:
    - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
    - (2) The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.
  - i. It has a locally developed process to solicit and consider public comment before:
    - (1) Raising a fare, or
    - (2) Implementing a major reduction of public transportation.
  - j. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.
2. To comply with the interest and financing costs restrictions of 49 U.S.C. chapter 53, it agrees that it will not seek reimbursement for interest or any other financing costs incurred in connection with its Award that must be in compliance with those requirements unless:
    - a. It is eligible to receive federal assistance for those expenses, and
    - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
  3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*).
  4. Pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 5321 *et seq.*, the Project will qualify for an environmental categorical exclusion or receive a finding of no significant impact or a record of decision under NEPA before the Applicant undertakes activities for which it expects to receive federal assistance.

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5. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. § 5326(d).

### **20.B. State Infrastructure Banks (SIB) Program.**

*If your Applicant is a state and seeks federal assistance from FTA for a project that also is or will be financed under the SIB Program authorized under 23 U.S.C. § 610, the Certifications and Assurances in Category 20.B apply to your state and its Award, except as the Secretary determines in writing. In administering this Program, the FAST Act cross-cutting requirements supersede inconsistent former requirements.*

On behalf of the state Applicant for federal assistance for its SIB Program, you certify and assure that:

1. It will comply with the following applicable federal laws establishing the various SIB Programs since 1995:
  - a. 23 U.S.C. § 610,
  - b. Section 1511 of TEA-21, 23 U.S.C. § 181 note, or
  - c. Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. § 181.
2. It will comply with or follow the Grant Agreement between it and FTA that provides federal assistance to the SIB, including the FTA Master Agreement, which is incorporated by reference into the Grant Agreement, except that, unless FTA determines otherwise in writing, a provision of the FTA Master Agreement incorporated by reference into that Grant Agreement will not apply if it conflicts with any provision of:
  - a. 23 U.S.C. § 610, as amended by the FAST Act,
  - b. 23 U.S.C. § 610 or its predecessor before the FAST Act was signed into law,
  - c. Section 1511 of TEA-21, 23 U.S.C. § 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. § 181 note,
  - d. Federal guidance pertaining to the SIB Program,
  - e. The SIB Cooperative Agreement establishing the state's SIB Program,
  - f. The Grant Agreement with FTA.
3. As required by 49 U.S.C. § 5323(o), federal transit laws, specifically 49 U.S.C. § 5307, 49 U.S.C. § 5309, and 49 U.S.C. § 5337, as amended by the FAST Act, apply to any Award under 49 U.S.C. chapter 53 that receives SIB support or financing under title 23, United States Code.
4. As required by 49 U.S.C. § 5323(o) and 49 U.S.C. § 5307(c)(1):
  - a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
  - b. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
  - c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
  - d. When using or involving a facility or equipment acquired or improved with federal assistance under a SIB-financed Award during non-peak hours for transportation, it will

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
- (1) Any senior,
  - (2) Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
  - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act, 42 U.S.C. § 401 *et seq.*, and
  - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act, 42 U.S.C. § 1395 *et seq.*
- e. When carrying out a procurement under a SIB-financed Award, it will comply with:
    - (1) The applicable general provisions of 49 U.S.C. § 5323, and
    - (2) The applicable third party contract provisions of 49 U.S.C. § 5325.
  - f. It has complied with or will comply with 49 U.S.C. § 5307(b).
  - g. It has or will have or provide:
    - (1) The amount of funds required for the non-federal share by the SIB Program, but not less than twenty-five (25) percent of each capitalization grant,
    - (2) The non-federal share from sources approved by FTA, and
    - (3) The non-federal share when needed.
  - h. It will comply with:
    - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
    - (2) The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.
  - i. It has a locally developed process to solicit and consider public comment before:
    - (1) Raising a fare, or
    - (2) Implementing a major reduction of public transportation.
  - j. It will comply with applicable regulations, a guidance, and directives that implement the Public Transportation Safety Program provisions of § 5329(b)-(d), except as FTA determines otherwise in writing.
5. As required by 49 U.S.C. chapter 53, it certifies that it will not seek reimbursement for interest or any other financing costs incurred in connection with its Award unless:
    - a. It is eligible to receive federal assistance for those expenses, and
    - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, as FTA may require.
  6. It agrees that it will adopt a transit asset management plan that complies with FTA regulations, "Transit Asset Management," 49 CFR part 625.

### CATEGORY 21. CONSTRUCTION HIRING PREFERENCES.

*Before FTA may provide federal assistance for a third party contract for construction hiring financed under title 49 U.S.C. or title 23 U.S.C. using a geographic, economic, or any other hiring preference not otherwise authorized by federal law or regulation, you must select the*

## **FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES**

*Certifications in Category 21 on behalf of your Applicant, except as FTA determines otherwise in writing.*

*Any provision of the Certifications in Category 21 that does not apply will not be enforced.*

As provided by section 192 of division L, title I of the Consolidated Appropriations Act, 2017, Public Law No. 114-113, on behalf of your Applicant, you certify that if, in connection with any third party contract for construction hiring financed under title 49 U.S.C. or title 23 U.S.C., it uses a geographic, economic, or any other hiring preference not otherwise authorized by law or prohibited under 2 CFR § 200.319(b):

1. Except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the third party contract requires resides in the jurisdiction where the work will be performed,
2. It will include appropriate provisions in its bid document ensuring that its third party contractor(s) do not displace any of its existing employees in order to satisfy such hiring preference, and
3. That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

Selection and Signature Page(s) follow.

**FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES**

**FEDERAL FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES FOR  
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**  
(Signature pages alternative to providing Certifications and Assurances in TrAMS)

**Name of Applicant:** Kings County Association of Governments

**The Applicant agrees to comply with applicable provisions of Groups 01 – 21. \_\_\_\_\_**  
**OR**

**The Applicant agrees to comply with applicable provisions of the Categories it has selected:**

<b><u>Category</u></b>	<b><u>Description</u></b>	
01.	Required Certifications and Assurances for Each Applicant.	<u>    X    </u>
02.	Lobbying.	<u>    X    </u>
03.	Private Sector Protections.	<u>          </u>
04.	Rolling Stock Reviews and Bus Testing.	<u>          </u>
05.	Demand Responsive Service.	<u>          </u>
06.	Intelligent Transportation Systems.	<u>          </u>
07.	Interest and Financing Costs and Acquisition of Capital Assets by Lease.	<u>          </u>
08.	Transit Asset Management Plan, Public Transportation Safety Program, and State Safety Oversight Requirements.	<u>          </u>
09.	Alcohol and Controlled Substances Testing.	<u>          </u>
10.	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity Improvement).	<u>          </u>
11.	State of Good Repair Program.	<u>          </u>
12.	Grants for Buses and Bus Facilities and Low and No Emission Vehicle Deployment Grant Programs.	<u>          </u>
13.	Urbanized Area Formula Grants Programs and Passenger Ferry Grants Program.	<u>          </u>
14.	Enhanced Mobility of Seniors and Individuals with Disabilities Programs.	<u>          </u>
15.	Rural Areas and Appalachian Development Programs	<u>          </u>
16.	Tribal Transit Programs (Public Transportation on Indian Reservations Programs).	<u>          </u>
17.	State Safety Oversight Grant Program.	<u>          </u>
18.	Public Transportation Emergency Relief Program.	<u>          </u>
19.	Expedited Project Delivery Pilot Program.	<u>          </u>
20.	Infrastructure Finance Programs.	<u>          </u>
21.	Construction Hiring Preferences.	<u>          </u>

**FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES**

**FEDERAL FISCAL YEAR 2018 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2018)

**AFFIRMATION OF APPLICANT**

Name of Applicant: Kings County Association of Governments

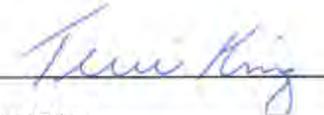
Name and Relationship of Authorized Representative: Terri King, Executive Director

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2018, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2018.

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

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

Signature 

Date: May 23, 2018

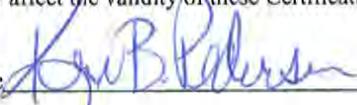
Name Terri King  
Authorized Representative of Applicant

**AFFIRMATION OF APPLICANT'S ATTORNEY**

For (Name of Applicant): Kings County Association of Governments

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

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature 

Date: May 23, 2018

Name Kris Pedersen  
Attorney for Applicant

*Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.*

**APPENDIX D**

***(Budget Worksheet)***

## KINGS COUNTY ASSOCIATION OF GOVERNMENTS BUDGET WORKSHEET

Revenues	FY 18-19 Budget	Expenses	FY 18-19 Budget
FHWA PL	\$611,935	<b>Direct Salaries &amp; Benefits</b>	
FHWA PL Carry Over	\$998,726	Salaries	\$290,877
FTA 5303	\$59,270	Benefits	\$109,343
FTA 5303 Carry Over	\$296,730	<b>Subtotal Salaries &amp; Benefits</b>	<b>\$400,220</b>
FTA 5304	\$0	<b>Indirect Costs</b>	
FTA 5307	\$0	Communications	\$5,400
PPM	\$40,719	Insurance	\$13,000
LTF	\$178,920	Maintenance - Equipment	\$0
AVA	\$43,000	Janitorial Services	\$5,500
Local	\$35,200	Rent Office Space	\$28,800
<b>Total Revenues</b>	<b>\$2,264,500</b>	Memberships	\$350
Toll Credits (PL)	\$139,764	Legal Expenses	\$14,300
Toll Credits (FTA)	\$39,572	Office Expenses	\$5,000
	<b>\$179,336</b>	Computer Software Expenses	\$1,890
		Bank Charges	\$450
		Books and Periodicals	\$100
		Record Storage Charges	\$900
		Postage and Freight	\$1,500
		Offset Printing/Stores	\$500
		Purchasing Charges	\$3,025
		Professional & Special Services	\$45,500
		Auditing and Accounting	\$0
		Consultant Expenses	\$0
		Info Tech Services	\$16,190
		Publications/Legal Notices	\$4,000
		Rents & Leases - Copier	\$3,800
		Cost Allocation Plan Charges	\$2,310
		In-Service Training	\$3,265
		Motor Pool Services	\$1,000
		Travel and Expenses	\$5,500
		Utilities	\$7,200
		Fixed Assets (Depreciation)	\$0
		Indirect Salaries and Benefits	\$322,290
		<b>Subtotal Indirect Costs</b>	<b>\$491,770</b>
		<b>Other Direct Costs</b>	
		Computer Software	\$1,460
		Traffic Model Support	\$90,000
		Transit Site Selection Study	\$60,000
		Transit Assets Plan	\$75,000
		Corcoran Transit Study	\$63,000
		Performance Measures	\$75,000
		Pavement Management System	\$400,000
		RTP EIR	\$50,000
		Regional Corridor Needs Study	\$300,000
		Traffic Counts	\$20,000
		Electric Vehicle Readiness Plan	\$100,000
		Regional Active Transportation Plan	\$15,500
		Public Participation	\$5,000
		Triennial Performance Audit	\$45,000
		Legal Expenses	\$700
		TDA Financial Audit	\$24,800
		Federal Single Audit	\$7,500
		AVA Audit	\$10,000
		Rents & Leases - Copier	\$200
		Special Dept. Expense	\$12,000
		Travel and Expenses	\$1,500
		Office Expense	\$300
		Postage and Freight	\$50
		Valley Coordination Participation	\$15,500
		<b>Subtotal Other Direct Costs</b>	<b>\$1,372,510</b>
		<b>Total Expenses</b>	<b>\$2,264,500</b>

## **APPENDIX E**

### ***(Agreements with Various Agencies)***

- Caltrans and Kings County Association of Governments Master Fund Transfer Agreement (MFTA)
- Caltrans and Kings County Association of Governments Memorandum of Understanding (MOU)
- Caltrans and KCAG Addendum MOU
- Regional Transportation Planning Agencies and the San Joaquin Valley Unified Air Pollution Control District Memorandum of Understanding (MOU)
- San Joaquin Valley Regional Transportation Planning Agencies Memorandum of Understanding (MOU)
- KCAG and the Kings County Area Public Transit Agency (KCAPTA) Memorandum of Understanding (MOU)
- Kings County Abandoned Vehicle Abatement Service Authority
- California Vanpool Authority
- San Joaquin Joint Exercise of Power Agreement
- KCAG Policy for Government-to-Government Consultation with Federally Recognized Native American Tribal Governments in Kings County

**STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF TRANSPORTATION PLANNING**

**MASTER FUND TRANSFER AGREEMENT**

Recipient: **Kings County Association of GovernmentsKings County Association of Governments**  
**a Metropolitan Planning Organization (MPO)**

Effective Date of this Agreement: January 1, 2015

Termination Date of this Agreement: December 31, 2024

**FUND SOURCES COVERED BY THIS AGREEMENT MAY INCLUDE ALL OR SOME OF THE  
FOLLOWING FUND SOURCES AS IDENTIFIED IN EACH ANNUAL OVERALL WORK  
PROGRAM AGREEMENT**

- ◆ Federal Highway Administration (FHWA)--Metropolitan Planning (PL)
- ◆ FHWA State Planning and Research--Partnership Planning
- ◆ Federal Transit Administration (FTA)--Metropolitan Planning Section 5303
- ◆ FTA State Planning and Research--Section 5304
- ◆ Any other Federal or State Funds administered by and through the California Department of Transportation, Office of Regional and Interagency Planning

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This Master Fund Transfer Agreement (MFTA), effective as of the date set forth above, is by and between the signatory public entity identified above, hereinafter referred to as MPO [as authorized in section 134 of Title 23 of the United States Code (23 USC Section 134), section 450.104 of the Code of Federal Regulations (23 CFR section 450.104), and Title 49 Code of Federal Regulations (49 CFR Part 18)], and the State of California, acting by and through its Department of Transportation, hereinafter referred to as STATE. This MFTA supersedes all previous Master Fund Transfer Agreements issued to MPO by STATE for all these types of funds.

**RECITALS**

A. These funds may include, without limitation, federal Consolidated Planning Grant, and any other Federal or State funds administered by and through the Department of Transportation, Office of Regional and Interagency Planning.

Consolidated Planning Grant consists of four federal funding types and sources: (i) FHWA Metropolitan Planning (PL); (ii) FTA Metropolitan Planning (Section 5303), both of which are annually allocated to MPOs; (iii) FHWA State Planning and Research-Partnership Planning; and (iv)

FTA State Planning and Research (Section 5304), the last two of which are discretionary grants awarded through a grant application solicitation process.

- B. Pursuant to Public Utilities Code sections 99311 and 99311.1, STATE is required to pass through federal and state funds made available for transportation planning to entities qualified to act as recipients of these funds in accordance with the intent of law and policy.
- C. STATE is also required to encumber Federal and State funds made available for planning purposes to entities qualified to act as recipients of these federal and state funds in accordance with the intent of law and policy.
- D. STATE agrees to notify MPO annually in writing of the anticipated level of State and Federal Planning funding that may be available to MPO for each subsequent year's approved Overall Work Program, hereinafter referred to as the OWP.
- E. STATE has prepared this MFTA, which hereby, together with the annual OWP and annual Overall Work Program Agreement, hereinafter referred to as the annual OWPA, found in Appendix A, set forth the entire terms and conditions under which these funds are to be expended by MPO for the fiscal year period of that OWP and annual OWPA.

## **ARTICLE 1 - PROGRAM ADMINISTRATION**

### **Section 1. Overall Work Program and Overall Work Program Agreement**

- A. MPO agrees to develop and submit an annual draft OWP, in compliance with 23 CFR 420, 23 CFR 450, and FTA Circular 8100.1C, for approval by STATE, FTA and FHWA, as applicable. This submittal, due no later than each March 1, shall describe MPO's next Fiscal Year transportation planning program (Fiscal Year refers to the State Fiscal Year of July 1 to June 30).
- B. Each annual OWPA will expressly adopt and incorporate the terms and conditions of this MFTA by reference.
- C. MPO shall be responsible for the complete performance of the work contained in each OWP. All work shall be accomplished in accordance with applicable provisions of State and Federal law.
- D. MPO will include a signed FHWA Annual "Metropolitan Transportation Planning Process Certification" form, a signed annual FTA "Certifications and Assurances for FTA Assistance" form (refer to Article IV, Section 1), and a signed California Department of Transportation Debarment and Suspension form in each annual OWP (Appendix E).
- E. The annual OWPA is the approved OWP encumbrance document. Disbursement of funds by STATE will occur only after the execution of this MFTA; approval of the annual OWP by STATE, the FTA and FHWA; and execution of the annual OWPA. Funds will not be encumbered or reimbursed by STATE to MPO until the annual OWPA has been executed and the State Budget for that fiscal year has been passed.

- F. No funds of any nature are allocated or encumbered in this MFTA unless included in an adopted and approved OWP by means of an approved and fully executed annual OWPA. Costs incurred prior to OWP approval are not eligible for reimbursement.
- G. MPO agrees to satisfactorily complete all work element tasks, projects, and products as described in each approved annual OWP financed with State or Federal funds and encumbered by STATE via the annual OWPA.
- H. MPO will identify in the OWP all work that is to be completed through a third party contract and funded, in whole or in part, under the terms and conditions of this agreement.
- I. STATE agrees to pass through available funds and to reimburse allowable costs incurred in executing the tasks, projects, and products incorporated in the annually approved OWP funded from State and Federal sources and encumbered by STATE.
- J. Only work performed during the term of, and consistent with, the work elements in the OWP may be reimbursed. Reimbursements are based upon the fiscal year, July 1 to June 30. All work performed subsequent to the end of each fiscal year (June 30) is subject to the approved OWP and annual OWPA for that corresponding fiscal year and reimbursed from the corresponding fiscal year budgeted funds.
- K. MPO may incur costs against its approved annual OWP and may submit requests for reimbursement with the understanding that STATE is unable to approve any payments for reimbursement until such time as the funds are included in that Fiscal Year's Annual State Budget which is passed by the Legislature and is signed by the Governor.
- L. MPO shall use non-federal funds to finance the local share of eligible costs to ensure compliance with all applicable matching requirements for federal funds described in this MFTA and actually encumbered against the annual OWPA. Credit for local match will be allowed only for work performed during the approved term of each annual OWPA. Third-party "in-kind" contributions are allowed as local match according to the provisions of 23 CFR 420.119 and 49 CFR 18.24.
- M. MPO further agrees to ensure that amendments to a previously approved OWP and annual OWPA are adopted by the MPO Board and approved by STATE, FTA, and FHWA, as applicable, prior to initiating any work identified in those amendments. Changes requiring amendments generally include adding, deleting, or revising a work element; adding funds to, deleting funds from a work element; or revising a scope of work. If a work element or project will not be completed as approved, MPO will report this in its Quarterly Progress Report and amend the OWP/annual OWPA accordingly. OWP and annual OWPA amendments must be submitted to STATE and be fully executed no later than May 1 each year. Through administrative amendment, MPO will notify STATE of administrative OWP changes which do not affect overall funding, scope of work, or project schedule, although such changes shall not require STATE approval.

- N. MPO acknowledges and agrees that MPO is the sole control and manager of the work proposed in the OWP and is solely responsible for complying with the funding and use restrictions established by State and Federal law and this MFTA.
- O. MPO shall be free to copyright the material developed under work items identified in the OWP provided that STATE and FHWA/FTA, as applicable, reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and authorize others to use, that work for government purposes.

## **Section 2. Quarterly Progress Reports**

- A. MPO agrees to submit to STATE, no later than thirty (30) calendar days after the close of each quarter, Quarterly Progress Reports that include all work elements for transportation planning tasks, projects, and products funded wholly or in part by any of the fund sources listed in the "Recitals" section of this MFTA. Quarterly Progress Reports submitted to STATE will identify all projects by work element number and title and shall contain, at a minimum, a budget table and/or short narrative describing the following:
  - 1. Comparison of actual performance with work element-level goals and deliverables;
  - 2. Progress in adhering to schedules;
  - 3. Status of expenditures in a format compatible with the work Program, including a comparison of budgeted (approved) amounts and actual costs incurred;
  - 4. Other pertinent supporting information, such as major products, challenges, etc.
- B. STATE reserves the right to deem incomplete any Quarterly Progress Report that does not sufficiently document the above-required information and may withhold payment of Requests for Reimbursement submitted pending the submission of required documentation.

## **ARTICLE II - ALLOWABLE COSTS AND REIMBURSEMENT**

### **Section 1. Requests for Reimbursement**

- A. Requests for Reimbursement must conform to either subpart 1 or subpart 2 hereinbelow for the entire State fiscal year:
  - 1. MPO shall prepare and electronically submit to STATE, not more frequently than once a month, but at least quarterly, one signed Request for Reimbursement of actual allowable costs incurred and paid (expended) by MPO consistent with work elements described in the OWP (conforming to the format provided in APPENDIX B) and including the information required in part B of this section. The amount billed per each work element is not to exceed the total amount authorized for that work element in the OWP. Each Request for Reimbursement must demonstrate the expenditure of at least the minimum required rate of local match, if applicable. Reimbursements under this MFTA will be allowed if based upon actual costs expended and supported by MPO's accounting system. MPO must not only have incurred the allowable project cost on or after the effective date of the annual OWPA and on or before its termination date, but must also have paid those expenses.

2. MPO shall prepare and electronically submit to STATE, not more frequently than once a month, but at least quarterly, one signed Request for Reimbursement of actual allowable costs incurred by MPO consistent with work elements described in the OWP (conforming to the format provided in APPENDIX B) and including the information required in part B of this section. The amount billed per each work element is not to exceed the total amount authorized for that work element in the OWP. Each Request for Reimbursement must demonstrate the expenditure of at least the minimum required rate of local funds, if applicable. Reimbursements under this MFTA will be allowed if based upon actual costs incurred and supported by MPO's accounting system. Allowable incurred costs that are eligible for reimbursement by STATE are only those that are treated by MPO's accounting system in accordance with Generally Accepted Accounting Principles as accrued due to such costs having been billed to MPO and recognized by MPO as valid, undisputed, due and payable.

By submitting accrued but unpaid costs for reimbursement, MPO agrees that within ten (10) working days of receipt of STATE's reimbursement, the full amount of all cost items submitted as reimbursable accrued costs shall be paid to each billing entity. Any reimbursed accrued cost not paid within this ten (10) working day grace period shall accrue interest payable to STATE at the then present interest rate established by the State Treasurer's Pooled Money Investment Account. Interest accrued must be timely remitted to STATE. Reimbursed accrued costs not paid to the billing entities by MPO within forty-five (45) days of MPO's receipt of STATE's reimbursement will thereafter be deemed unallowable. All unallowable costs must be immediately remitted to STATE.

If MPO is found, through audit or other means, not to have paid a billing entity its invoiced sums then owed within the (10) working day grace period, MPO must immediately revert to the reimbursement process described in subpart 1 above.

- B. In order to receive reimbursements, MPO agrees to furnish with each billing, at a minimum, the information provided for in APPENDIX B2, and information from its accounting system which denotes that reimbursable costs, as well as those used for local match, were either expended or incurred, as applicable.
- C. STATE agrees to make reimbursements to MPO, in conformance with Federal regulations, as promptly as STATE fiscal procedures will permit upon the receipt of a signed and electronically submitted Request for Reimbursement (conforming to the format provided in APPENDIX B) that includes all required information, as applicable, (provided in example APPENDIX B2) of actual allowable costs incurred for the period of time covered by that Request for Reimbursement. Incomplete or inaccurate requests for reimbursement shall be returned to MPO unapproved for correction as soon as errors are discovered.
- D. No State and/or Federal funds administered under this MFTA will be dispersed on the advance basis defined in 49 CFR Part 18.21.

## **Section 2. Travel and Per Diem Reimbursement**

- A. Payments to MPO for travel and subsistence (per diem) expenses of MPO staff and its contractors and subcontractors claimed for reimbursement using funds administered through this agreement or as local match credit shall not exceed rates authorized to be paid non-state employees under current State Department of Personnel Administration (DPA) rules unless written verification is supplied that government hotel rates are not commercially available to MPO, or its contractors, its subcontractors, and/or its subrecipients, at the time and location required as specified in the California Department of Transportation's Travel Guide Exception Process.

## **Section 3. Final Request for Reimbursement and OWP Closeout Documentation**

- A. MPO shall electronically submit an OWP/annual OWPA closeout documentation package to STATE no later than August 31<sup>st</sup> of each fiscal year. The closeout package shall conform to the format provided in APPENDIX C.
- B. The closeout package must be attached to a transmittal letter, typed on MPO's letterhead. If these documents are not received by August 31<sup>st</sup> of each fiscal year, STATE may withhold future apportionments and/or allocations to MPO. STATE's election not to withhold future apportionments and/or allocations immediately after the end of one fiscal year shall not limit STATE's ability to initiate subsequent withholdings.
- C. Upon receipt of the required closeout documentation, STATE will issue a reconciliation letter to MPO stating the amount of unspent funds available to be carried over to the subsequent year's OWP. MPO may amend some or all of these funds into the OWPA only upon signature of the reconciliation letter by the MPO executive director or his or her appointee, and submittal of the signed letter to STATE.

## **Section 4. Funding Contingencies**

- A. All obligations of STATE under the terms of the MFTA and each annual OWPA are subject to the availability of Federal and State funds, appropriation of resources by the Legislature, and the annual passage of the State Budget Act. The authorization and obligation of these funds by outside entities may be terminated, limited or otherwise adversely affected by factors which may include, but are not limited to, changes in State or Federal law regarding the encumbrance and reimbursement of the funds provided by each annual OWPA and this MFTA.

# **ARTICLE III - AUDITS AND REPORTS**

## **Section 1. Cost Principles**

- A. MPO agrees to comply with Title 2, CFR, part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, as applicable.

- B. MPO agrees, and will require that its contractors, subcontractors, and subrecipients be obligated to agree, that (a) the Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual project cost items (subrecipients shall refer to, 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards); and (b) all parties shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving Project funds as a contractor, subcontractor, or sub-grantee under this MFTA shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- C. MPO agrees and shall require that all of its agreements with contractors, subcontractors, and subrecipients contain provisions requiring adherence to this section in its entirety.

**Section 2. Indirect Cost Agreement and Cost Allocation Plan (ICAP)**

- A. Prior to MPO seeking reimbursement of indirect costs, MPO must prepare and submit annually to STATE for review and acceptance an indirect cost rate proposal and a central service costs allocation plan (if any) in accordance with 2 CFR, Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards or applicable cost principles and Local Program Procedures Manual (Chapter 5).
- B. Prior to MPO seeking reimbursement of subrecipient indirect costs, and when subrecipient cognizant federal agency, as defined in 2 CFR part 200, is USDOT and/or STATE, MPO agrees and will require subrecipient to comply with section 2A.
- C. Prior to MPO seeking reimbursement of subrecipient indirect costs, and when subrecipient ICAP is approved by a cognizant federal agency other than USDOT, MPO agrees and will require subrecipient to submit to STATE a copy of the cognizant agency approval, the approved proposal, plan, subsidiary worksheets, and other relevant data on an annual basis as evidence of the approval.
- D. If a submitted ICAP does not meet the requirements of 2 CFR Part 200, and is determined to be insufficient, STATE will advise MPO of additional documentation or changes needed to meet Federal and State requirements. MPO agrees to provide requested documentation or required changes, and if MPO is non-compliant the submissions may be returned to MPO if requested documentation is not provided or required changes are not made.
- E. Material audit adjustments will require reimbursement to STATE or adjustment to subsequent years' ICAP if proposals are later found to have included costs that are unallowable as specified by law or regulation, or the terms and conditions of this MFTA.
- F. MPO agrees and shall require that all of its agreements with subrecipients contain provisions requiring adherence to this section in its entirety.

### **Section 3. Record Retention/Audits**

- A. MPO shall maintain, and shall require its subrecipients, contractors and its subcontractors to maintain all source documents, books and records connected with their performance of OWP work initiated under this MFTA and each applicable annual OWPA for a minimum of three (3) years from the date of final payment to MPO or, if an audit is initiated within that timeframe, until audit resolution is achieved for each annual OWPA, whichever is later, and shall make all such supporting information available for inspection and audit by representatives of STATE, the Bureau of State Audits, or the Federal Government upon request. Copies will be made and furnished by MPO upon request at no cost to STATE. Scanned original documents in electronic form are suitable to meet this requirement.
- B. MPO shall establish and maintain, and shall require that its subrecipients, contractors and subcontractors shall establish and maintain, an accounting system conforming to Generally Accepted Accounting Principles (GAAP) to support Requests for Reimbursement which segregate and accumulate the costs of work elements by line item (i.e. direct labor, other direct costs, subrecipients/subcontractor, etc) and enable the determination of expenditures at interim points of completion, and provide support for reimbursement payment vouchers or invoices.
- C. For the purpose of determining compliance with Title 2, California Government Code, Chapter 6.5, Article 2, Section 8546.7, in connection with the performance of MPO contracts and/or agreements with third parties, MPO, MPO's sub-recipients, contractors, and subcontractors, shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts and/or agreements, including, but not limited to, the costs of administering those various contracts and/or agreements. All of the above referenced parties shall make such contracts and/or agreements available at their respective offices at all reasonable times during the entire period of each annual OWPA and for three (3) years from the date of final payment to MPO or, if an audit is initiated within that timeframe, until audit resolution is achieved for each annual OWPA, whichever is later. STATE, the California State Auditor, or any duly authorized representative of STATE or the United States Department of Transportation, shall each have access to any books, records, and documents that are pertinent to the fulfillment of the contracts/and/or agreements for audits, examinations, excerpts, and transactions, and MPO shall furnish copies thereof if requested.
- D. Where applicable, MPO agrees to comply with audit requirements for third party contractors, subcontractor and subrecipients in accordance with STATE Local Assistance Procedure Manual, Ch. 10 or any successor thereto.
- E. MPO agrees to include all costs associated with this MFTA, OWP and annual OWPA, and any amendments thereto; to be examined in the annual audit and in the schedule of activities to be examined under MPO's single audit prepared in compliance with Office of Management and Budget Circular A-133. MPO is responsible for assuring that the Single Auditor has reviewed the requirements of this MFTA, the OWP and the annual OWPA. Copies of said audits shall be submitted to STATE.

- F. When conducting an audit of the costs and match credits claimed under the provisions of each annual OWPA and this MFTA, STATE will rely to the maximum extent possible on any prior audit of MPO pursuant to the provisions of State and Federal law. In the absence of such an audit, work of other auditors will be relied upon to the extent that work is acceptable to STATE when planning and conducting additional audits.
- G. MPO agrees to furnish documentation to STATE supporting this requirement that all of its agreements with contractors, subcontractors, and subrecipients do contain applicable provisions requiring adherence to this section in its entirety.
- H. Neither the pendency of a dispute nor its consideration by STATE will excuse MPO from full and timely performance in accordance with the terms of this MFTA, the OWP, and the annual OWPA.

## **ARTICLE IV - MISCELLANEOUS PROVISIONS**

### **Section 1. Federal Certifications and Assurances**

- A. MPO shall comply with the FHWA "Metropolitan Transportation Planning Process Certification" requirements in accordance with 23 CFR 450.334 and Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; SAFETEA-LU) and the successors thereto. This certification is provided annually by FHWA and FTA. It may include, but is not limited to:
  - I. 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;
  - II. In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
  - III. Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by California under 23 U.S.C. 324 and 29 U.S.C. 794;
  - IV. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
  - V. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
  - VI. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
  - VII. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;

- VIII. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- IX. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- X. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

B. MPO shall comply with the annual FTA "Certifications and Assurances for FTA Assistance," including "Certifications and Assurances Required of Each Applicant" and the "Lobbying Certification" in compliance with 49 U.S.C. Chapter 53; published annually in the *Federal Register*, and found online at [http://www.fta.dot.gov/grants/12825\\_93.html](http://www.fta.dot.gov/grants/12825_93.html).

The 2013 Federal Certification includes the following areas under "Assurances Required of Each Applicant:"

- 1. Authority of Applicant and its Representatives
- 2. Standard Assurances
- 3. Intergovernmental Review Assurance
- 4. Suspension and Debarment Certification
- 5. U.S. OMB Assurances in SF-424B and SF-424D

- C. Copies of these annual Certifications and Assurances shall be included by MPO in each final OWP.
- D. MPO shall comply, and shall require its contractors, subcontractors, and subrecipients to comply, with these Certifications.
- E. MPO agrees to furnish documentation to STATE to support this requirement that all of its agreements with contractors, subrecipients and subcontractors, do contain provisions requiring adherence to this section in its entirety.

## **Section 2. Disadvantaged Business Enterprise (DBE) Requirements**

A. As mandated by 49 CFR Part 26, MPO shall require that its contractors, subcontractors, and subrecipients do not, discriminate on the basis of race, color, national origin, or sex in the award, administration and performance of any FHWA/FTA fund-assisted contract or in the administration of MPO's DBE program.

- B. MPO's DBE program, as required by 49 CFR Part 26 and as approved by STATE, is incorporated by reference in this MFTA. Implementation of this program is a legal obligation and the failure of MPO to carry out its terms shall be treated as a violation of this MFTA. Upon notification to the recipient of its failure to carry out its approved program, the US DOT may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq. and 49 CFR Part 26.13(a).
- C. As required by 49 CFR part 26, the contract language in APPENDIX D relating to DBE requirements must be incorporated into all contracts funded in whole or in part with funds authorized in this agreement.

### **Section 3. Non-Discrimination Clause**

- A. In the performance of work undertaken pursuant to this MFTA, MPO shall not, and shall affirmatively require that its contractors shall not, unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, denial of family and medical care leave, and denial of pregnancy disability leave.
- B. MPO shall ensure, and shall require that its contractors and all subcontractors and/or subrecipients shall ensure, that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. MPO shall comply, and ensure that its contractors and subcontractors and/or subrecipients shall comply, with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this MFTA by reference and made a part hereof as if set forth in full.
- C. Each of MPO's contractors, subcontractors, and/or subrecipients shall give written notice of their obligations under this clause to labor organizations with which they have collective bargaining or other labor agreements. MPO shall include the non-discrimination and compliance provisions hereof in all contracts and subcontracts to perform work under this MFTA.
- D. MPO shall comply with the nondiscrimination program requirements of Title VI of the Civil Rights Act of 1964. Accordingly, 49 CFR Part 21, and 23 CFR Part 200 are made applicable to this MFTA by this reference. Wherever the term "Contractor" appears therein, it shall mean MPO.
- E. MPO shall permit, and shall require that its contractors, subcontractors, and subrecipients will permit, access to all records of employment, employment advertisements, application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission or any

other agency of the State of California designated by STATE to investigate compliance with this Section 3.

#### **Section 4. Federal Lobbying Activities Certification**

- A. MPO certifies, to the best of its knowledge and belief, that no State or Federal funds have been paid or will be paid, by or on behalf of MPO, to any person for influencing or attempting to influence an officer or employee of any State or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the Legislature or Congress in connection with the awarding of any State or Federal contract, the making of any State or Federal grant, the making of any State or Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any State or Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than State or Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, MPO shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with those form instructions.
- C. This certification is a material representation of fact upon which reliance was placed when this MFTA and each annual OWPA was entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- D. MPO also agrees by signing this MFTA that MPO shall require that the language of this certification be included in all contracts and subcontracts funded wholly or in part by any fund sources listed on Page 1 of this MFTA and which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

### **ARTICLE V – GENERAL PROVISIONS**

#### **Section 1. Contract Award**

- A. MPO, contractor, subcontractor and subrecipient contracts containing Federal and State planning funds are required to be bid and awarded in accordance with Title 49, CFR, Part 18, and consistent with Local Assistance Procedure Manual, Ch. 10 or successors thereto as applicable.

#### **Section 2. Contract Amendment**

- A. No amendments to the terms of this MFTA, any OWP or any annual OWPA shall be valid unless made in writing and signed by the individuals legally authorized to contractually bind the parties

hereto. Each party agrees that it has had or will have the opportunity to seek review by and approval from its legal counsel of the original documents and any proposed alteration or variation. No oral understanding or agreement not incorporated herein shall be binding on any of the parties thereto. For the purposes of this MFTA, the Chief of the Office of Regional and Interagency Planning, Division of Transportation Planning, shall be the Contract Administrator for STATE.

### **Section 3. Adjudication of Disputes by Way of Administrative Proceedings**

- A. STATE hereby sets up an Administrative Procedure for adjudication of disputes that may arise when administering the program as defined by the terms and conditions of this Agreement.

MPO agrees to exhaust the administrative remedy prior to resorting to legal remedies. In case of disputes with STATE, MPO shall submit to the Chief of the Division of Transportation Planning, CALTRANS (DC PLANNING) or designee a written demand for a decision regarding the disposition of any dispute, arising under this agreement. The DC PLANNING shall make a written decision regarding the dispute and will provide it to the MPO. The MPO shall have an opportunity to challenge the DC PLANNING's determination but must make that challenge in writing, within ten (10) working days to the STATE's Contract Officer or his/her designee. If the challenge is not made by MPO within the ten (10) day period, the DC PLANNING'S decision shall become the final decision of the STATE. If such a challenge is made, The DC PLANNING and MPO shall submit written, factual information and data in support of their respective positions to STATE's Contract Officer within a timeframe established by the MPO at the time of challenge. The decision of the STATE's Contract Officer or his/her designee shall be final, conclusive and binding regarding the dispute, unless MPO commences an action in court of competent jurisdiction to contest the decision in accordance with Division 3.6 of the California Government Code.

### **Section 4. Intercept Clause**

- A. Costs for which MPO receives reimbursement payment that are determined by a subsequent audit or other review by either STATE or Federal authorities to be unallowable under 2 CFR, part 200; 48 CFR, Chapter 1, Part 31; or 49 CFR, Part 18, are to be repaid to STATE by MPO within thirty (30) days of MPO receiving notice of audit findings. Should MPO fail to reimburse moneys due STATE within thirty (30) of discovery or demand, or within such other period as may be agreed in writing between the Parties hereto, STATE is authorized to intercept and withhold future payments due to MPO from STATE or any third-party source, including, but not limited to, the State Treasurer, the State Controller or any other fund source.

### **Section 5. Parties of Agreement**

- A. This MFTA, the OWP, the annual OWPA and any related agreements are solely between the named parties thereto and no express or implied benefit to entities or individuals not a party thereto is intended or to be inferred. There are no third-party beneficiaries to or of this MFTA or any OWP, or annual OWPA or any other agreement pertaining hereto.

## **Section 6. Hold Harmless and Indemnification Clause**

- A. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by MPO under or in connection with any work, authority or jurisdiction delegated to MPO under this MFTA and/or each annual OWPA. It is understood and agreed that, pursuant to Government Code section 895.4, MPO shall fully defend, indemnify and save harmless STATE and its officers and employees from all claims, suits or actions of every name, kind and description occurring by reason of anything done or omitted to be done by MPO under or in connection with any work, authority or jurisdiction delegated to MPO under this MFTA and each annual OWPA.
- B. Neither MPO nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by STATE under or in connection with any work, authority or jurisdiction delegated to STATE under this MFTA. It is understood and agreed that, pursuant to Government Code section 895.4, STATE shall fully defend, indemnify and save harmless MPO, its officers and employees from all claims, suits, or actions of every name, kind and description occurring by reason of anything done or omitted to be done by STATE under or in connection with any work, authority or jurisdiction delegated to STATE under this MFTA.

## **Section 7. Default**

- A. In the event that MPO (a) fails to comply with applicable Federal and State laws and regulations; (b) fails to timely proceed with OWP in accordance with the MFTA or OWPA; or (c) otherwise materially violates the terms and conditions of this MFTA and/or OWPA, STATE reserves the right to terminate all funding for that OWP, or a portion thereof. Any such termination shall be accomplished by delivery to MPO of a Notice of Termination, which notice shall become effective not less than thirty (30) days after receipt, specifying the reason for the termination, the extent to which funding of work under this MFTA is terminated and the date upon which such termination becomes effective. During the period before the termination date becomes effective, MPO and STATE shall meet to try to resolve any dispute. No such termination shall become effective if, (a) during the process described in Article V, Section 3, the termination is stayed, (b) within the thirty (30) day period after receipt of the Notice of Termination, MPO either cures the default, or (c) if that default is not reasonably susceptible to cure within said thirty (30) day period, STATE approves a MPO plan and MPO thereafter diligently completes the cure in a manner and timeline acceptable to STATE.
- B. If STATE terminates funding for OWP pursuant to the above paragraph A, STATE shall pay MPO the sum due MPO under the OWPA for eligible work performed prior to termination.

## **Section 8. Termination**

- A. This MFTA shall remain in full force and effect until the termination date stated on Page 1 of this MFTA, unless superseded or terminated in conformance with Section 7 of this Article. All indemnification, document retention, audit, claims, and legal challenge articles will remain in effect until terminated or modified in writing by mutual agreement or expiry by statute of limitations.

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

By: Carla D. Brisano  
Contract Officer

Date: 11/26/14

Kings County Association of Governments

By: Tami King  
Executive Director

Date: 9-24-14

By: A. B. Pedersen  
Attorney

Date: 9/24/2014

APPENDICES

- A Overall Work Program Agreement
- B Request for Reimbursement
- B2 Request for Reimbursement by Fund Source
- C Closeout Documentation
- D DBE Contract Language (required)
- D2 DBE Semi-Annual Report
- E Federal Certifications and Assurances
- F Board Resolution

BEFORE THE KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE

\*\*\*\*\*

IN THE MATTER OF APPROVING )  
THE MASTER FUND TRANSFER )  
AGREEMENT FOR FEDERAL )  
PLANNING ASSISTANCE FUNDS )

RESOLUTION NO. 14-10  
RE: MASTER FUND  
TRANSFER  
AGREEMENT

**WHEREAS**, as a designated Regional Transportation Planning Agency and a Metropolitan Planning Organization, the Kings County Association of Governments (KCAG) is eligible for Federal planning assistance funds to carry out the metropolitan transportation planning process required by 23 U.S.C. 134; and

**WHEREAS**, the State of California Department of Transportation requires a Master Fund Transfer Agreement (MFTA) in order to fund Federal Highway Administration (FHWA) – Metropolitan Planning (PL), FHWA State Planning and Research-Partnership Planning, Federal Transit Administration (FTA) Metropolitan Planning Section 5303, FTA State Planning and Research-Section 5304, and any other Federal or State funds administered by and through the California Department of Transportation, Office of Regional and Interagency Planning; and

**WHEREAS**, the annual Overall Work Program adopted by KCAG is funded in part with Federal planning assistance funds; and

**WHEREAS**, the State of California Department of Transportation requires an MFTA with agencies before funds will be made available; and

**NOW, THEREFORE, BE IT RESOLVED**, that the KCAG Transportation Policy Committee approves the Master Fund Transfer Agreement Number 74A0811 with the State of California Department of Transportation and the Kings County Association of Governments.

**BE IT FURTHER RESOLVED**, that the KCAG Transportation Policy Committee authorizes the Executive Director to sign said Master Fund Transfer Agreement.

The foregoing Resolution was adopted on a motion by Commissioner Verboon, seconded by Commissioner Wynne, at a regular meeting held on the 24th day of September, 2014 by the following vote:

AYES: Verboon, Wynne, Neves, Casida, Curry, Miller

NOES:

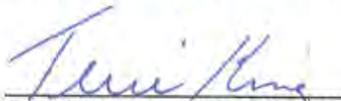
ABSENT: Cartwright

ABSTAIN:

KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE

  
\_\_\_\_\_  
Chairman

WITNESS, my hand this 24<sup>th</sup> day of September, 2014.

  
\_\_\_\_\_  
Terri King, Executive Director

## MEMORANDUM OF UNDERSTANDING

### Comprehensive Federal and State Transportation Planning and Programming

This Memorandum of Understanding (MOU), entered into and effective this 7 day of July, 2017, by and between the State of California acting through its Department of Transportation, hereinafter referred to as Department, and the Kings County Association of Governments, acting as both the federally designated Metropolitan Planning Organization, herein referred to as MPO, of the urbanized County of Kings in accordance with Title 23 of the United States Code (USC) section 134 (23 USC 134) and 23 Code of Federal Regulations (CFR) 450.104 (23 CFR 450.104) and the Regional Transportation Planning Agency (RTPA) recognized under California Government Code Section 29532, establishes a general transportation planning and programming process codifying the responsibilities of the MPO and the Department, collectively referred to as the Parties, in accordance with 23 CFR 450.314.

#### CHAPTER 1: RECITALS

- 1.1 **Basis for Organization** - MPO is a regional transportation planning agency formed pursuant to California Government Code sections 6500 et seq., as designated in 23 USC 134.
- 1.2 **Ability to Contract and Receive Grants** - MPO is empowered to make and enter into contracts in its own name and to accept grants, gifts, donations and other monies to carry out its statutory purposes and functions.
- 1.3 **State Requirement for Transportation Plan** - In accordance with the schedule specified in California Government Code sections 65080 et seq. and the California Transportation Commission's (CTC) Regional Transportation Planning Guidelines, MPO shall prepare, adopt and submit a Regional Transportation Plan (RTP) and either Sustainable Communities Strategy (SCS) or, if applicable, Alternative Planning Strategy (APS).
- 1.4 **Federal Requirements for Long-Range Transportation Plans** - 23 USC 134 and 49 USC 5303, as amended by the Fixing America's Surface Transportation (FAST) Act and its successors, require that as a condition of receipt of federal capital or operating assistance, each urbanized area must have a continuing, comprehensive, coordinated transportation planning process, including a Long Range Transportation Plan, of which the MPO RTP is the equivalent. As part of the process, MPO shall fulfill the requirements of the joint Federal Highway (FHWA)/Federal Transit Administration (FTA) planning regulations (23 CFR Part 450 and 49 CFR Part 613) and any amendments thereto when developing the financially constrained Long Range Transportation Plan that conforms to the State Implementation Plan (SIP).
- 1.5 **Federal requirement for Overall Work Program** - MPO will document metropolitan planning activities and projected expenditures of funds provided under 23 U.S.C. Chapter 104 and 48 U.S.C. Chapter 53 in an annual Unified Planning Work Program, interchangeably referred to as the Overall Work Program, in accordance with 23 CFR 450 and 23 CFR 420.

- 1.6 **Federal Requirement for the Federal Transportation Improvement Program (FTIP) and Federal State Transportation Improvement Program (FSTIP)** - 23 USC 135 and 49 USC 5304 require the FTIP to be updated at least once every 4 years. However, California Streets and Highways Code Sections 182.6 and 182.7 require the FTIP to be updated biennially. The FTIP shall be financially constrained, shall be consistent with the adopted RTP, and shall conform to the State Implementation Plan (SIP). For purposes of this MOU, Department and MPO agree that FTIP and FSTIP shall be updated biennially.
- 1.7 **State and Federal Requirements for Congestion Management Program (CMP)** – California Government Code sections 65088 and 65089 and 23 CFR 450.322 require that a Congestion Management Program shall be developed, adopted, and updated for every county that includes an urbanized area, and that includes every city within the county and the entire county area, unless exempt from State requirements pursuant to Government Code section 65088.3. 23 CFR 500 requires the development of a Congestion Management System (CMS) that provides for effective management of new and existing transportation facilities.
- 1.8 **Federal Clearinghouse Requirements** - Presidential Executive Order 12372, entitled Intergovernmental Review of Federal Programs, requires that federal agencies coordinate the review of proposed federal financial assistance and direct development activities, including transportation programs and projects funded under the FAST Act and its successors, with affected State and local government entities. In California, the Governor's Office of Planning and Research (OPR) and designated Area-wide Clearinghouses are the entities responsible for implementation of Executive Order 12372.

Department fulfills this reporting requirement for the Federal State Transportation Improvement Program (FSTIP) and for the Consolidated Planning Grant (CPG). The CPG consists of funds flowing from the FHWA Metropolitan Planning (PL) source, the FTA Metropolitan Planning (Section 5303) source, FHWA State Planning and Research, and FTA Statewide Planning and Research source (Section 5304(f)).

1.9 **Planning Area Boundaries**

a) Federal Metropolitan Planning Area (MPA) Boundaries - For the purposes of meeting the requirements of 23 USC 134 and the agreement between the Governor and MPO, the MPA Boundaries include the County of Kings as shown on Exhibit A.

MPO and Department will comply with 23 CFR 450.312 regarding MPA boundaries. Department and MPO will review the MPA boundary after each census to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized areas, and the MPA will be adjusted, as necessary, within 2 years of each decennial U.S. census, beginning in the year 2020. To the extent the Governor of California approves an exception request to allow multiple MPOs in an MPA to continue to generate separate planning products pursuant to 23 CFR 450.312(i), Department will recognize the exception.

b) State Regional Transportation Planning Area Boundaries - For purposes of meeting the requirements of California Government Code sections 65080 et seq., the boundaries of MPO, acting as the RTPA, include the County of Kings as shown on Exhibit A.

- 1.10 **Coordination Across Metropolitan Planning Area Boundaries** – In accordance with 23 CFR 450.312 and 23 CFR 450.314(e), MPO agrees to coordinate with adjacent MPOs in the creation of long range planning and programming documents to ensure consistent assumptions in the urbanized areas identified in Exhibit A, especially where proposed transportation investments span MPA boundaries. This includes coordination with local and State air quality agencies, where appropriate. Coordination efforts and planning assumptions will be documented in MPO’s OWP, RTP and TIP. MPO will comply with federal regulation in instances where urbanized areas are not encompassed by existing MPA boundaries. Furthermore, Department will coordinate with MPO in pursuing exceptions to Federal rules regarding Metropolitan Planning Area boundaries, where applicable.

## **CHAPTER 2: THE PLANNING AND COORDINATION PROCESS**

- 2.1 **Provisions for the Planning and Programming Processes** - MPO is recognized as the agency responsible for comprehensive regional transportation planning pursuant to state and federal laws, as amended by the most current federal transportation authorization bill, for each MPO County and each incorporated city included in each county. This responsibility shall include, on a regional basis: providing a forum for regional transportation issues, developing and adopting goals and objectives, performing intermodal corridor and sub-area studies, developing and maintaining appropriate management information systems as required by the most current federal transportation authorization bill, providing policy guidance, allocating State and federal transportation funds in accordance with applicable regulations and laws, assuring prioritization of proposed transportation improvements to be funded with State and federal funds as required by applicable regulations, determining air quality conformity with the applicable SIP, complying with the California Environmental Quality Act (CEQA), and coordinating the RTP with other plans and programs as appropriate. The parties hereby express their joint intent to mutually carry out the above described transportation planning process for this MPO transportation planning area in a manner which will assure full compliance with the laws referred to in Chapter 1 of this MOU, the RTP Guidelines, and the planning constraints of the United States Department of Transportation (USDOT).
- 2.2 **Cooperation and Coordination** - The planning process employed by MPO will provide for the cooperation of, and coordination with, public transit and paratransit operators, public airport operators, local public works and planning departments, air pollution control districts, passenger and freight rail operators, port operators, other federal agencies, as appropriate, and the Department. MPO will provide the level of coordination and cooperation necessary to meet State and federal transportation and air quality laws and regulations. MPO will coordinate with Department's District, MPO’s Air Pollution Control Districts, and the other affected air basin MPOs to develop consistency in travel demand modeling, transportation air emission modeling, air quality conformity determinations on the RTP and FTIP, transportation control measures, Overall Work Programs (OWP), other interregional issues related to the development of plans, and will, by entering into such agreements and operating procedures with other MPOs as is necessary and appropriate, implement this cooperative provision.

2.3 **Formal Public Participation** – In accordance with 23 CFR 450.212 and 23 CFR 450.316(b), the MPO planning process shall be conducted in an open manner so members of the public, civic groups, interest groups, businesses and industries, and other agencies can fully participate. Public participation procedures shall be documented, periodically revised, and their effectiveness regularly evaluated. MPO shall take appropriate actions to ensure public participation through such formal means as:

(a) posting of public hearing agendas, (b) appointment of eligible citizen members, where appropriate and allowed, to serve as committee members, (c) innovative and creative outreach efforts targeting particularly the traditionally underserved public (e.g., minorities, senior citizens, low income citizens, and Native Americans), and (d) creation of standing advisory committees. Those committees not composed entirely of citizen members shall post public hearing agendas in accordance with the Brown Act (California Government Code section 54950 et seq.), when applicable, and all committees shall operate according to their adopted bylaws.

2.4 **State Cooperation in Transportation Planning** - Department has a continuing duty of:

(a) Planning transportation systems of statewide significance; (b) identifying potential transportation issues and concerns of overriding statewide interest; and (c) recognizing conflicts in regional transportation improvement programs.

In carrying out its duties, Department will work in partnership with MPO relative to activities within its transportation planning area and include MPO in its dealings with cities, counties, public transit operators, rail operators, and airports. MPO and Department will mutually carry out the transportation planning process for this transportation planning area in a manner which will assure full compliance with the laws referenced in Chapter 1 hereinabove and assure cooperation between all participants.

2.5 **Policy Level Involvement** - There exists within MPO, a Transportation Policy Committee, which consists of members of the Governing Board of Directors, members of the MPO, and the Department's- Director, or their designated representatives and alternates.

2.6 **Resolution of Disagreements** – MPO and Department agree in good faith to resolve any and all disputes arising from the performance or non-performance of the responsibilities in this MOU through existing administrative processes where possible. MPO and Department agree to notify the other party in writing if a disagreement regarding these responsibilities remains after attempts have been made to resolve at the staff level. Upon receipt of formal notification, the Chief of the Caltrans Division of Transportation Planning or designee will meet with the Executive Director of MPO, or designee, within thirty (30) days of notice to reach an understanding and resolution regarding the dispute; provided, however the Executive Director of the MPO, or designee, shall have the option to request a meeting with the Director of Caltrans to reach an understanding. Thereafter, Department shall document such resolution in writing. During any such dispute, the appropriate administration of the United States Department of Transportation (USDOT) will be consulted by the Department. In cases where a resolution cannot be reached between the Parties regarding the disagreement, Department will initiate a request to USDOT for an administrative determination. The determination by USDOT shall be final,

binding on each party, not appealable, and rendered within thirty (30) days of the request. Such request will include as an attachment a statement of facts from each party.

### CHAPTER 3: FORMAL CONSULTATION

- 3.1 **Consultation with Native American Tribal Governments** - In accordance with 23 CFR 450.316 and 49 U.S.C. 5303, MPO will appropriately involve any Indian Tribal government(s) within or contiguous to its planning area in the development of the RTP and the TIP.
- 3.2 **Consultation with Land and Resource Agencies** - In accordance with 23 CFR 450.316, MPO will involve any State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan. The consultation shall involve, as appropriate, comparison of transportation plans with State conservation plans or maps or comparison of transportation plans to inventories of natural or historic resources, if available.
- 3.3 **Documented Consultation Processes** - In accordance with 23 CFR 450.316, MPO will develop documented processes that outline the procedures that it will follow when consulting with other governments and agencies as identified in paragraph 3.1 and 3.2.
- 3.4 **Clean Air act Consultation** - In nonattainment or maintenance areas, MPO shall consult with State and local agencies responsible for SIP, and will establish a consultation procedure and will coordinate the development of the RTP and improvement programs with the SIP development process, including the development of transportation control measures.

### CHAPTER 4: PARTNERSHIP/COORDINATION

- 4.1 **MPO Role and Responsibilities** – MPO, in cooperation with Department, the designated air pollution control agency, and public transportation service providers, will be responsible for carrying out the metropolitan transportation planning process. MPO will cooperatively develop plans and programs in accordance with the requirements specified in 23 USC 134 and 135, 23 CFR 450.100 through 600, Title 49 USC, and the Clean Air Act and all Clean Air Act Amendments.
- 4.2 **Long-range Transportation Plan Coordination** - MPO will prepare, adopt and update a long-range transportation plan, in the form of the MPO's RTP. The RTP will be updated at least every 4 years to incorporate new data and cost estimates, or 5 years in air quality attainment areas, and ensure that the horizon of the plan extends at least 20 years. This function will be carried out by MPO in cooperation with the Air Pollution Control District, Department, local government agencies, public transit owners and operators, and Native American Tribal Governments in the region. MPO shall fulfill the requirements of the joint FHWA/FTA planning regulations (23 CFR 450 and 49 CFR 613) and any amendments thereto. The RTP will also be prepared in accordance with the provisions specified in California Government Code section 65080, including the adoption of a Sustainable Communities Strategy or, if applicable, Alternative Planning Strategy. MPO will give public transportation service providers the opportunity to actively participate in

the development of the RTP. Department, in collaboration with the California Transportation Commission (CTC) and in consultation with MPO, resource agencies, tribal governments, and other stakeholders, prepare and update the Regional Transportation Plan Guidelines for adoption by the CTC on an as needed basis.

- 4.3 **Transportation Improvement Program (TIP) Coordination** - MPO shall prepare, adopt, and biennially update at least a four-year TIP in accordance with the requirements of 23 CFR 450.300 et al. and California Government Code 65082. This function will be carried out by MPO in cooperation with MPO's Air Pollution Control District, Department, local government agencies, public transit owners and operators in MPO's County, Native American Tribal Governments in the region, and with the participation of the public. In accordance with the provisions in 23 CFR 450.326, MPO and Department will work with public transportation operators to cooperatively develop estimates of available federal and State funds which MPO can utilize in developing the TIP.
- 4.4 **Federal Statewide Transportation Improvement Program (FSTIP) Development Coordination** - Department shall prepare and biennially update at four-year FSTIP in accordance with the requirements of 23 CFR 450.200 et al. The FSTIP shall include all MPO FTIPs along with projects from the rural non-MPO region of the State. The FSTIP will be financially constrained by year according to the appropriate Code of Federal Regulations. The biennially prepared FSTIP will be submitted to the FHWA and FTA for joint approval.
- 4.5 **State Highway Operations and Protection Program (SHOPP) Coordination** - Under California Government Code section 14526.5, Department is required to prepare a SHOPP for the expenditure of transportation funds for major capital improvements which are necessary to preserve and protect the state highway system. Projects are limited to capital improvements relative to maintenance, safety, operations, and rehabilitation of State highways and bridges which do not add new capacity to the system. The program must be submitted no later than January 31 of each even numbered year. SHOPP is a four year program of projects adopted separately from the State Transportation Improvement Program (STIP) cycle. Prior to submitting the SHOPP, Department will make available, within a reasonable amount a time, to MPO a draft of the SHOPP for review and comment and will consider and include any comments received from MPO in the final SHOPP.
- 4.6 **State Highway System Planning Coordination** - In conducting its Transportation System Planning Program, Department will coordinate its studies with those being conducted by MPO. As one means of coordinating transportation planning activities, Department will provide information on its system planning activities for MPO's use in development of the OWP, RTP, RTIP, and FTIP, including required traffic data.
- 4.7 **Overall Work Program (OWP) Coordination** - MPO will develop, adopt, and submit to FHWA/FTA and Department (the "funding agencies"), an annual OWP intended to provide guidance in the management of work by MPO to develop and implement the State and federal transportation plans and programs and act as the basis for the MPO's annual budget. The draft OWP, and any amendments thereto, will be subject to review and approval by the funding agencies. As a basis for review of amendment requests, MPO will submit reasons for changes, scope of work revisions, and funding enhancements or reductions. MPO will require the same information from its sub-grantees, if any. MPO

will provide the publicly owned transportation service providers timely notice of plans, programs, and studies and the full opportunity to participate in and comment on OWP development and implementation. Transportation planning activities conducted by public transportation providers may be included in the OWP for informational purposes.

- 4.8 **Federal Clearinghouse Requirements** - MPO has been designated by the State of California and the Governor's Office of Planning and Research (OPR) as the Area-wide Clearinghouse for its constituent counties to review regionally significant transportation projects in accordance with procedures developed by OPR as described in CEQA.
- 4.9 **Data Collection** – Department and MPO will share responsibility for fulfilling the data requirements of 23 CFR 420.105(b). Department will be responsible for data on State Highways and MPO will be responsible for data on local streets and roads of regional significance, as appropriate.
- 4.10 **Provisions for Performance Based Planning** - In accordance with 23 CFR 490, 49 U.S.C. 5326(c), and 49 U.S.C. 5329(d), MPO and Department agree to collaborate to implement the performance reporting and performance-based planning provisions first incorporated in MAP-21 and revised in the FAST Act. Specifically, MPO and Department agree to share information with regards to performance data and target-setting and to report on performance in attaining targets per the requirements established in federal final rule-making. MPO will integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other Department transportation plans and transportation processes required as part of a performance-based program.
- 4.11 **Project Cost Estimates** – For Department sponsored programs and projects, Department will collect and analyze data to be used in evaluating alternative transportation projects. For these projects, Department will supply MPO with project level cost and other data necessary for MPO to demonstrate in its financial plans that the entire system will be adequately maintained and operated. FHWA guidance for project cost estimates can be found at <http://www.fhwa.dot.gov>. MPO and local project sponsors will collect and analyze data reflecting existing and historical information which will be the basis for local project estimates cost and revenue projections for transportation planning, programs, and projects.
- 4.12 **Annual Listing of Obligated Projects** – In accordance with 23 CFR 450.332, the State, public transportation operators, and MPO will cooperatively develop an annual listing of projects, including active transportation facilities, for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year. The listing will include all federally funded projects authorized or revised to increase obligations in the preceding program year, and will at a minimum include the TIP information under §450.326(g) (1) and (4) and identify, for each project, the amount of federal funds requested in the TIP, the federal funding that was obligated during the preceding year, and the federal funding remaining and available for subsequent years. This listing will be created no more than 90 days after the end of the federal program year and published or otherwise be made available in accordance with the MPO's public participation criteria for the TIP.

## CHAPTER 5: AIR QUALITY CONFORMITY

- 5.1 **Conformity** - In accordance with Title 42, section 176(c) (4) (C) of the Clean Air Act and the final rule on U.S. EPA Transportation Conformity (40 CFR, Parts 51 and 93, hereafter "the Final Rule"), and the U.S. DOT Planning Regulations (23 CFR 450), MPO, in cooperation with MPO's Air Pollution Control District, will make air quality conformity determinations for regional transportation plans and plan amendments, as applicable. MPO will collect and analyze data necessary to carry out its responsibilities under the Final Rule. The Air Quality Conformity determination will be made in accordance with the rules of MPO's Air Pollution Control District and consistent with the MOU and/or approved interagency consultation procedures among air basin MPOs and/or RTPAs where applicable. Department will fully participate and carry out its responsibilities as defined in the Final Rule, including public and interagency consultation, making project level conformity analysis for Department sponsored projects, and facilitating statewide discussion of SIP revisions and other conformity related issues.

## CHAPTER 6: ENVIRONMENTAL PROTECTION AND STREAMLINING COORDINATION

- 6.1 **Environmental Protection and Streamlining** – MPO will be an equal partner with Department to promote environmental stewardship in planning and programming projects for California's transportation systems. MPO and Department will work to streamline the environmental review and wetlands permitting process and expedite the development of transportation projects. MPO and Department agree to comply with all applicable environmental laws, regulations and policies, and cooperatively address any informational needs associated with such statutes. MPO will consult with federal and State resource agencies to seek their input, coordinate environmental protection issues with its constituents and any other entities for which it has assumed federal planning and programming responsibilities in the most current transportation authorization bill, and resolve any disputes using the processes defined in the most current federal regulations. Department will assist MPO in developing its plans and programs by making available existing resources to MPO, participating in appropriate planning activities and, wherever possible, improving the available environmental data.

## CHAPTER 7: CERTIFICATION

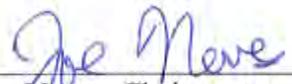
- 7.1 **Certification Requirement** - Federal Metropolitan Transportation Planning Regulations require that MPO, undergo certification that the planning process is being carried out in conformance with all applicable requirements of 23 CFR 450.334.
- 7.2 **Certification Process** - For purposes of certification, MPO will establish a process which includes the following:
- a) Fully executed copies of both FHWA Metropolitan Planning Process Certification and FTA Certifications and Assurances are to be included as part of the final adopted and approved OWP.

b) MPO will provide Department with documentation (e.g. quarterly reports, public notices, finished work element products, etc.) to support MPO's planning process.

**CHAPTER 8: GENERAL PROVISIONS**

- 8.1 **Review** - This MOU has been reviewed and endorsed by both parties to assure its continued effectiveness. Any proposed amendments shall be submitted in writing for the consideration of both parties.
- 8.2 **Amendment** - This MOU constitutes an expression of desire and a means of accomplishing the general requirements for a comprehensive transportation planning process for the MPO. It may be modified, altered, revised or expanded as deemed appropriate to that end by written agreement of both parties.
- 8.3 **Rescission of Prior Agreements** - This MOU supersedes any existing MOU designed to serve as a statement of the transportation planning and programming relationship between Department and MPO.
- 8.4 **Monitoring** - MPO and Department jointly agree to meet periodically to address and review issues of consistency with this MOU. Meetings will be held as often as is mutually agreed. Other issues and activities of mutual interest or concern may also be addressed. During the term of the MOU, MPO and Department mutually agree to notify the other of events which have a significant impact upon the MOU.
- 8.5 **Termination** - Subject to the provisions in Section 2.6 (Resolution of Disputes), either party may terminate this understanding upon written notice provided at least ninety (90) days prior to the effective date of termination and specifying that effective date of termination.
- 8.6 **No Third-party Beneficiaries** - This MOU is for the benefit of and applies to the Parties. There are no third-party beneficiaries, intended or otherwise.

IN WITNESS WHEREOF the parties hereto have cause this Memorandum of Understanding to be executed by their respective officers duly authorized.

  
\_\_\_\_\_  
Joe Neves, Chairperson  
Kings County Association of Governments

February 22, 2017  
Date

  
\_\_\_\_\_  
Malcolm Dougherty, Director  
Department of Transportation

2/2/17  
Date

BEFORE THE KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE

\* \* \* \* \*

IN THE MATTER OF APPROVING THE )  
MEMORANDUM OF UNDERSTANDING )  
WITH THE STATE DEPARTMENT OF )  
TRANSPORTATION )

RESOLUTION NO. 17-02  
RE: CALTRANS MOU  
UPDATE

**WHEREAS**, as a Regional Transportation Planning Agency (RTPA) and a Metropolitan Planning Organization (MPO), pursuant to State and Federal designation, the Kings County Association of Governments (KCAG) is required to enter into a Memorandum of Understanding (MOU) with the State Department of Transportation (Caltrans); and

**WHEREAS**, the MOU covers the roles and responsibilities of both the MPO and Caltrans in federal transportation planning and programming processes; and

**WHEREAS**, KCAG and Caltrans entered into an MOU in 2005; and

**WHEREAS**, an updated MOU has been prepared by Caltrans that includes updated sections according to the most recent state and federal regulations.

**NOW, THEREFORE, BE IT RESOLVED**, that the KCAG Transportation Policy Committee does hereby approve the Memorandum of Understanding with Caltrans for the Comprehensive Federal and State Transportation Planning and authorizes the Chairman to sign the agreement.

The foregoing Resolution was adopted on a motion by Commissioner Mendes, seconded by Commissioner Madrigal, at a regular meeting held on the 22nd day of February, 2017 by the following vote:

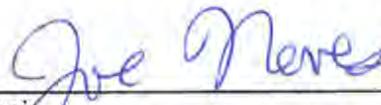
AYES: Mendes, Madrigal, Neves, Marquez, Woolley

NOES:

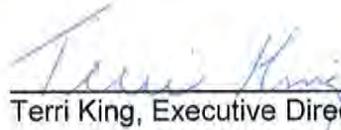
ABSTAIN:

ABSENT: Palmerin, Verboon

KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE

  
\_\_\_\_\_  
Chair

**WITNESS**, my hand this 22<sup>nd</sup> day of February, 2017.

  
\_\_\_\_\_  
Terri King, Executive Director

## **MEMORANDUM OF UNDERSTANDING ADDENDUM**

This Addendum (Addendum) to the Memorandum of Understanding (MOU), entered into and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the State of California acting through its Department of Transportation, herein referred to as “State,” and the Kings County Association of Governments, acting as the federally designated Metropolitan Planning Organization, herein referred to as “MPO,” further outlines the roles and responsibilities for the State and MPO to meet the performance-based planning and programming requirements established in the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21). This Addendum serves to provide more detail to the requirements identified in Section 4.9 of the existing MOU for Comprehensive Federal and State Transportation Planning and Programming between the State and the MPO, which was entered into effect on July 7, 2017.

In accordance with 23 Code of Federal Regulations (CFR) 450.314 (h), the MPO, State, and the providers of public transportation shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO, and the collection of data for the State asset management plans for the National Highway System (NHS).

This Addendum outlines the roles and responsibilities between the State and MPO, as referenced in 23 CFR Part 450, and established in the MAP-21 Planning Final Rule published on May 27, 2016. The Addendum also establishes roles and responsibilities for the State and MPO to meet the requirements of Federal Transportation Performance Management. Specific performance measures related to Performance Management 1 (PM 1) on safety, Performance Management 2 (PM 2) on pavement and bridges, and Performance Management 3 (PM 3) on the use of the Interstate and non-Interstate NHS, freight movement and the Congestion Mitigation and Air Quality Improvement (CMAQ) Program are further described in the Addendum. Appendix A to this Addendum also provides additional information regarding the 23 CFR Part 450 performance management planning and programming requirements for the MPO. The following provisions are hereby added and incorporated into the MOU by reference as part of Chapter 4” of the MOU.

### **State Coordination for Performance Based Approach**

Per 23 CFR 450, Subpart B, Statewide and Nonmetropolitan Transportation Planning and Programming, the State responsibilities are as follows:

23 CFR 450.206(c)(2) - The State shall select and establish performance targets in coordination with the MPOs to ensure consistency to the maximum extent practicable.

### **MPO Coordination for Performance Based Approach**

Per 23 CFR 450, Subpart C, Metropolitan Transportation Planning and Programming, the MPO responsibilities are as follow:

23 CFR 450.306(a) – The MPO, in cooperation with the State and public transportation operators, shall develop long-range transportation plans and Transportation Improvement

Programs (TIPs) through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

23 CFR 450.306(d)(2) – Establishment of performance targets by metropolitan planning organizations.

23 CFR 450.306(d)(2)(i) - The MPO shall establish performance targets that address the performance measures or standards established under 23 CFR part 490, 49 United States Code (U.S.C.) 5326(c), and 49 U.S.C. 5329(d) to use in tracking progress toward attainment of critical outcomes for the region of the MPO.

23 CFR 450.306(d)(2)(ii) - The selection of targets that address performance measures described in 23 U.S.C 150(c), shall be in accordance with the appropriate target setting framework established at 23 CFR part 490, and shall be coordinated with the State to ensure consistency, to the maximum extent practicable.

23 CFR 450.306(d)(2)(iii) - The selection of performance targets that address performance measures described in 49 U.S.C. 5236(c) and 49 U.S.C. 5329(d) shall be coordinated, to the maximum extent practicable, with public transportation providers to ensure consistency with the performance targets that public transportation providers establish under 49 U.S.C. 5236(c) and 49 U.S.C. 5329(d).

23 CFR 450.306(d)(3) - The MPO shall establish the performance targets, or choose to adopt the State established targets, under paragraph (d)(2) of this section not later than 180 days after the date on which the State or provider of public transportation establishes the performance targets.

23 CFR 450.306(d)(4) - The MPO shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed under 49 U.S.C. chapter 53 by providers of public transportation, required as part of a performance-based program including:

(i) The State Asset Management Plan for the NHS, as defined in 23 U.S.C. 119(e) and the Transit Asset Management Plan, as discussed in 49 U.S.C. 5326;

(ii) Applicable portions of the Highway Safety Improvement Program (HSIP), including the Strategic Highway Safety Plan (SHSP), as specified in 23 U.S.C. 148;

(iii) The Public Transportation Agency Safety Plan in 49 U.S.C. 5329(d);

(iv) Other safety and security planning and review processes, plans, and programs, as appropriate;

- (v) The Congestion Mitigation and Air Quality Improvement Program performance plan in 23 U.S.C. 149(l), as applicable;
- (vi) Appropriate (metropolitan) portions of the State Freight Plan (MAP-21 section 1118);
- (vii) The congestion management process, as defined in 23 CFR 450.322, if applicable; and
- (viii) Other State transportation plans and transportation processes required as part of a performance-based program.

**MPO Responsibilities for Metropolitan Transportation Plan (MTP) Development**

Per 23 CFR 450.324, Development and Content of the Metropolitan Transportation Plan, the MPO’s Metropolitan Transportation Plan (MTP), also referred to as the Regional Transportation Plan (RTP), shall include:

23 CFR 450.324(f)(3) - A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with § 450.306(d).

23 CFR 450.324(f)(4) - A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in 23 CFR 450.306(d), including –

- (i) Progress achieved by the MPO in meeting the performance targets in comparison with system performance recorded in previous reports, including baseline data; and
- (ii) For MPOs that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

**MPO Responsibilities for Transportation Improvement Program (TIP) Development**

Per 23 CFR 450.326, Development and Content of the Transportation Improvement Program (TIP), the MPO’s TIP shall:

23 CFR 450.326(c) - Be designed such that once implemented, it makes progress toward achieving the performance targets established under 23 CFR 450.306(d).

23 CFR 450.326(d) - Include, to the maximum extent practicable, a description of the anticipated effect of the TIP toward achieving the performance targets identified in the metropolitan transportation plan, linking investment priorities to those performance targets.

### **Implementation of the Planning Final Rule**

23 CFR 450.340(e) - Two years from the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, and 49 U.S.C. 5329 FHWA/FTA will only determine the conformity of, or approve as part of a State Transportation Improvement Program (STIP), a TIP that is based on a metropolitan transportation planning process that meets the performance based planning requirements in this part and in such a rule.

### **MPO Coordination with State and Transit Providers for Transit Asset Management (TAM)**

49 CFR 625.45 - Requires transit providers to coordinate with the States and MPOs, to the maximum extent practicable, in the selection of State and MPO performance targets.

The State encourages each MPO to update agreements with the transit providers within their region so that local Transit Asset Management (TAM) efforts required by 49 CFR Part 625 may influence MPO and State transportation funding investment decisions that are identified, programmed, committed to, and funded as part of the planning process.

## **Performance Management 1 (PM1): Highway Safety Improvement Program (HSIP) and Safety Performance Measures**

MAP-21 and subsequent federal rulemaking established five performance measures related to Safety. The final federal rule establishing these performance measures, the selection of performance targets and reporting on the progress of achieving performance targets for these measures is known as “Performance Management 1.” The specific performance measures are:

- Number of fatalities;
- Number of serious injuries;
- Rate of fatalities per 100 million vehicle miles traveled;
- Rate of serious injuries per 100 million vehicle miles traveled; and
- Number of non-motorized fatalities and serious injuries.

Federal regulations require the State to establish and report annual safety performance management targets (SPMTs) related to each of these five performance measures by August 31 of each year. Three of the five targets must be established by July 1 of each year. For each performance measure, the MPO shall establish a target six months after the State establishes targets (February 27) by either: 1) agreeing to plan and program projects so that they contribute toward the accomplishment of the State safety target for that performance measure; or 2) committing to a quantifiable target for that performance measure for their metropolitan planning area.

To provide the MPO with flexibility, the MPO may support all of the State’s SPMTs, establish their own specific numeric SPMTs for all of the performance measures, or any combination. The MPO may support the State’s SPMTs for one or more individual performance measures and establish specific numeric targets for the other performance measures. Annual targets will be expressed as five-year rolling averages and be compared with a five-year rolling average base period comprised of the five calendar years ending prior to the year the targets are due.

The State will:

- Lead SPMT Engagement Workshops to coordinate target-setting efforts with MPO prior to setting annual statewide SPMTs each year.
- Establish and maintain a website with links to videos and/or other information related to SPMT Engagement Workshops and State-hosted training, as well as links to other performance management training resources. The website will provide: 1) county-level daily vehicle miles traveled data for the past 10 years; and 2) county-level data for the most recent previous 10 years from the Fatality Analysis Reporting System (FARS) and the Statewide Integrated Traffic Records System (SWITRS) required to measure performance and set SPMTs; this data will be provided at the outset of annual SPMT Engagement Workshops to set SPMTs for the respective calendar year.
- Coordinate with the Office of Traffic Safety (OTS) to report statewide SPMTs for number of fatalities, number of serious injuries, and rate of fatalities to National Highway Traffic Safety Administration (NHTSA) by July 1 each year, and report statewide SPMTs for all performance measures to Federal Highway Administration (FHWA) by August 31 each year.

- Prepare and disseminate a summary overview of target setting methodology and proposed State targets to MPOs a minimum of 14 days prior to State target deadline.
- Prepare and disseminate a whitepaper documenting target-setting coordination with MPOs and explaining the analytical methodology the State used to calculate statewide SPMTs by September 30 each year.
- Provide information and guidance to the MPO about the State's statewide SPMT analytical methodology.
- Integrate performance goals, objectives, measures and targets into the State's planning and programing process as required by 23 CFR Part 450.

The MPO will:

- Participate in target-setting efforts with the State through the SPMT Engagement process. SPMT Engagement Workshops provide an important opportunity for the MPO to address the requirement that they coordinate their performance measure target setting efforts with the State.
- By February 27 each year, document with the State for each safety performance measure whether they: 1) agree to plan and program projects so that they contribute toward the accomplishment of the State safety target for that performance measure; or 2) commit to a quantifiable target for that performance measure for their metropolitan planning area.
- Integrate performance goals, objectives, measures and targets into the MPO's planning and programing processes as required by 23 CFR Part 450.

### **Significant Safety Transportation Performance Management Federal Regulations:**

**23 CFR 490.205** - Definitions of Terms for Highway Safety Improvement Program National Performance Management Measures

**23 CFR 490.207** - Calculating the Highway Safety Improvement Program National Performance Management Measures

**23 CFR 490.209** - Establishment of Performance Targets by State DOTs and MPOs

**23 CFR 490.213** - Reporting of Targets by MPOs for the Highway Safety Improvement Program

## **Performance Management 2 (PM 2): Assessing Pavement Condition for the National Highway Performance Program and Bridge Conditional for the National Highway Performance Program**

MAP-21 and subsequent federal rulemaking established federal regulation that requires the development of a Transportation Asset Management Plan (TAMP) and the implementation of Performance Management. These regulations require all states to utilize nationally defined performance measures for pavements and bridges on the National Highway System (NHS). The Bridge and Pavement Performance Management (PM) Final Federal Rule established six performance measures related to the performance of the Interstate and non-Interstate National Highway System (NHS) for the purpose of carrying out the National Highway Performance Program (NHPP); to assess pavement and bridge condition. The specific performance measures are:

### **23 CFR Part 490 Subpart C – Pavement Performance of the NHS**

- Percentage of Interstate pavements in Good condition
- Percentage of Interstate pavements in Poor condition
- Percentage of non-Interstate NHS pavements in Good condition
- Percentage of non-Interstate NHS pavements in Poor condition

### **23 CFR Part 490 Subpart D – Bridge Performance of the NHS**

- Percentage of NHS bridges in Good condition
- Percentage of NHS bridges in Poor condition

The Pavement and Bridge Final Federal Rule establishing these performance measures, the selection of performance targets, and reporting on the progress of achieving performance targets for these measures is known as “Performance Management 2.”

The TAMP Final Federal Rule requires the State to develop and implement a risk-based asset management plan for the NHS, covering a 10-year period, that will improve or preserve the condition of the assets and the performance of the system.

The following outlines the roles and responsibilities of the State and MPO with regard to coordinating the establishment of targets for the Performance Management 2 performance measures to ensure consistency, or where applicable, adopting unified targets. Additionally, this documents agreement between the State and MPO in the establishment of good, and poor performance metrics for measuring pavement and bridge performance.

**I. Performance Management 2 Initial Target-Setting for Pavement and Bridge Performance Measures – Reporting Cycle 2018 – 2020**

**Pavement**

For the initial performance cycle, the State DOT must establish statewide 2-year and 4-year targets for **non-Interstate National Highway System (NHS)** and 4-year targets for the **Interstate NHS pavement** by **May 20, 2018**.

**Within 180 days of the State establishing targets for these measures**, the MPO shall establish 2-year and 4-year targets for these measures by agreeing to plan or program projects so that they contribute toward the accomplishment of the State performance targets; or establishing quantifiable targets for these measures for their respective metropolitan planning areas by November 16, 2018. The State DOT and MPO will coordinate on the establishment of these performance targets; the MPO targets will be provided to the State and made available to Federal Highway Administration (FHWA) upon request.

**Bridge**

For the initial performance cycle, the State must establish statewide 2-year and 4-year targets for **NHS Bridges** by **May 20, 2018**.

**Within 180 days of the State establishing targets for these measures**, the MPO shall establish 2-year and 4-year targets for these measures by agreeing to plan or program projects so that they contribute toward the accomplishment of the State performance targets; or establishing quantifiable targets for these measures for their respective metropolitan planning areas by November 16, 2018. The State and MPO will coordinate on the establishment of these performance targets; the MPO targets will be provided to the State and made available to FHWA upon request.

**II. Performance Management 2 Reporting – Reporting Cycle 2018 - 2020**

The State must report 2-year and 4-year performance targets, baseline condition and progress toward achieving performance targets in **Biennial Performance Reports** to FHWA. 23 CFR 490.107 provides the requirements for the **Baseline Performance Period Report** (due **October 1, 2018**), the **Mid Performance Period Progress Report** (due **October 1, 2020**; the State may adjust 4-year performance targets in this report), and **Full Performance Period Progress Report** (due **October 1, 2022**).

**III. State and MPO Roles and Responsibilities for the Performance Management 2 Initial Target Setting and Reporting - Cycle 2018 - 2020**

**The State will:**

- Lead Performance Management 2 Engagement Workshops to coordinate target-setting efforts with MPOs prior to setting annual statewide Performance Management 2 targets.
- Collect NHS condition data for pavements and bridges as required for federal reporting.

- Annually and upon request, in an electronic format, provide MPOs with NHS condition data for pavements and bridges.
- Prepare and disseminate a summary overview of target setting methodology and proposed State targets to MPOs a minimum of 14 days prior to State target deadline.
- Prepare and disseminate a whitepaper documenting target-setting coordination with MPOs and explaining the analytical methodology the State used to calculate statewide Performance Management 2 by June 30, 2018.
- Provide information and guidance to MPOs about statewide Performance Management 2 analytical methodology.
- Submit Biennial Performance Reports to FHWA: Baseline Performance Period Report (due October 1, 2018); Mid Performance Period Progress Report (due October 1, 2020); Full Performance Period Progress Report (due October 1, 2022).
- Integrate performance goals, objectives, measures and targets into the State's planning and programming process as required by 23 CFR Part 450.

**The MPO will:**

- Participate in target-setting efforts with Caltrans through the Performance Management 2 Engagement process. Performance Management 2 Engagement Workshops provide an important opportunity for the MPOs to address the requirement that they coordinate their performance measure target setting efforts with Caltrans.
- Within 180 days after May 20, 2018, when the State will establish performance targets for pavement and bridge measures, the MPO must document with Caltrans whether they: 1) agree to plan and program projects so that they contribute toward the accomplishment of the established statewide target for that performance measure; or 2) commit to a quantifiable target for that performance measure for their metropolitan planning area.
- Integrate performance goals, objectives, measures and targets into the MPO's planning and programming processes as required by 23 CFR Part 450.

**Significant Asset Management Plan, Performance Management 2 Federal Regulations:**

**23 CFR Part 515 and 667 – Asset Management Plans and Periodic Evaluations of Facilities Repeatedly Requiring Repair and Reconstruction Due to Emergency Events**

**23 CFR 515.5** – Definitions

**23 CFR 515.7** – Process for establishing the asset management plan

**23 CFR 515.9** – Asset management plan requirements

**23 CFR 515.11** – Deadlines and phase-in of asset management plan development

**23 CFR 515.13** – Process, certification and recertification, and annual plan consistency review

**23 CFR 515.15** – Penalties

**23 CFR 667.3** – Definitions

**23 CFR 667.5** – Data time period, availability, and sources

**23 CFR 667.7** – Timing of evaluations

**23 CFR 667.9** – Consideration of evaluations

### **23 CFR Part 490 Subpart C – Pavement Performance of the NHS**

- **23 CFR 490.307** – National performance management measures for assessing pavement condition
- **23 CFR 490.309** – Data Requirements
- **23 CFR 490.311** – Calculation of pavement metrics
- **23 CFR 490.313** – Calculation of pavement performance management measures
- **23 CFR 490.315** – Establishment of minimum level for condition of pavements

### **23 CFR Part 490 Subpart D – Bridge Performance of the NHS**

- **23 CFR 490.407** – National performance management measures for assessing bridge condition
- **23 CFR 490.409** – Calculation of National performance management measures for assessing bridge condition
- **23 CFR 490.411** – Establishment of minimum level for condition of bridges.

### **Performance Management 3 (PM 3): Assessing Performance of the National Highway System (NHS), Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program (CMAQ)**

The MAP-21 and subsequent federal rulemaking established seven performance measures related to the performance of the Interstate and non-Interstate National Highway System (NHS) for: carrying out the National Highway Performance Program (NHPP); assessing freight movement on the Interstate System; and assessing traffic congestion and on-road mobile source emissions for the purpose of carrying out the Congestion Mitigation and Air Quality (CMAQ) Improvement Program. The final federal rule establishing these performance measures, the selection of performance targets and reporting on the progress of achieving performance targets for these measures is known as “Performance Management 3.” The specific performance measures are:

#### **23 CFR Part 490 Subpart E – Performance of the NHS**

- Percent of the person-miles traveled on the Interstate that are reliable (referred to as the Interstate Travel Time Reliability measure).
- Percent of person-miles traveled on the non-Interstate NHS that are reliable (referred to as the Non-Interstate Travel Time Reliability measure).
- Percent change in tailpipe CO<sub>2</sub> emissions on the NHS compared to the calendar year 2017 level (referred to as the Greenhouse Gas (GHG) measure).

#### **23 CFR Part 490 Subpart F – Freight Movement on the Interstate System**

- Truck Travel Time Reliability (TTTR) Index (referred to as the Interstate Freight Reliability measure).

#### **23 CFR Part 490 Subpart G – CMAQ Program Traffic Congestion**

- Annual Hours of Peak Hour Excessive Delay (PHED) Per Capita (referred to as the PHED measure).
- Percent of Non-Single Occupancy Vehicle (SOV) Travel.

#### **23 CFR Part 490 Subpart H – CMAQ On-Road Mobile Source Emissions**

- Total Emissions Reduction.<sup>1</sup>

The following outlines the roles and responsibilities of the State and MPO with regard to coordinating the establishment of targets for the Performance Management 3 performance measures to ensure consistency, or where applicable, adopting unified targets. Additionally, this documents agreement between the State and MPO on a single travel time data set and a single set of reporting segments for calculating performance measures and metrics as required by federal regulations.

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<sup>1</sup> 2-year and 4-year cumulative reported emission reductions, for all projects funded by CMAQ funds, of each criteria pollutant and applicable precursors (PM<sub>2.5</sub>, PM<sub>10</sub>, CO, VOC, and NO<sub>x</sub>) under the CMAQ program for which the area is designated nonattainment or maintenance. 25 CFR 490.807

## I. Performance Management 3 Initial Target-Setting and Reporting Cycle (2018 - 2020)

Performance Management 3 sets out a 4-year performance target setting and reporting cycle. For the initial performance cycle, the State must establish 2-year and 4-year targets for the **Interstate Travel Time Reliability** measure, but only a 4-year target for the **Non-Interstate Travel Time Reliability** measure, by **May 20, 2018**. The State must also establish 2-year and 4-year targets for the **Interstate Freight Reliability** measure by **May 20, 2018**. **Within 180 days of the State establishing targets for these measures**, the MPO shall establish 4-year targets for these measures by agreeing to plan or program projects so that they contribute toward the accomplishment of State performance targets or by establishing quantifiable targets for these measures for their respective metropolitan planning area by November 16, 2018. The State and MPO will coordinate on the establishment of these performance targets; the MPO targets will be provided to the State and made available to the Federal Highway Administration (FHWA) upon request.

For the initial performance cycle, the **Peak Hour Excessive Delay (PHED)** and **Non-Single Occupancy Vehicle (SOV)** performance measures apply to urbanized areas of more than 1 million people that are also in non-attainment or maintenance areas for ozone, carbon monoxide or particulate matter. The State and MPO with NHS mileage within an applicable urbanized area must coordinate on a *single, unified* 4-year PHED performance target and *as well a single, unified* 2-year and 4-year Non-SOV target for each applicable urbanized area by **May 20, 2018**.

For the initial performance cycle, the State must report 2-year and 4-year targets for **Total Emissions Reductions** under the CMAQ program by **May 20, 2018**. MPOs with a population more than 1 million and with designated nonattainment and maintenance areas must develop both 2-year and 4-year quantifiable targets (otherwise, only 4-year targets). **Within 180 days of the State establishing targets for these measures**, the MPO shall establish performance targets for this measure by agreeing to plan or program projects so that they contribute toward the accomplishment of the State performance targets or by establishing quantifiable targets for these measures for their respective metropolitan planning areas by November 16, 2018. The State and MPO will coordinate on the establishment of these performance targets; the MPO performance targets will be provided to the State and made available to the FHWA upon request.

On September 28, 2017, FHWA published a notice in the Federal Register making the **GHG measure** effective. On October 5, 2017, FHWA published a notice of proposed rulemaking (NPRM) in the Federal Register proposing to repeal the GHG measure and seeking public comments on that proposal. Under the originally published final rule, the State must establish initial 2-year and 4-year targets for the GHG Measure by **September 28, 2018**. The MPO shall establish 4-year performance targets for this measure by agreeing to plan or program projects so that they contribute toward the accomplishment of State performance targets or establishing quantifiable 4-year targets for these measures **within 180 days of the State establishing targets for these measures by November 16, 2018**. The State and MPO will coordinate on the establishment of these performance targets, as applicable; MPO performance targets will be provided to State and made available to FHWA upon request. All clauses related to the GHG performance measure would become null if the repeal is approved by FHWA.

The State must report 2-year and 4-year performance targets, baseline condition and progress toward achieving performance targets in **Biennial Performance Reports** to FHWA. 23 CFR 490.107 provides the requirements for the **Baseline Performance Period Report** (due **October 1, 2018**), the **Mid Performance Period Progress Report** (due **October 1, 2020**; the State may adjust 4-year performance targets in this report), and **Full Performance Period Progress Report** (due **October 1, 2022**). MPOs with urbanized areas of more than 1 million people that are also in non-attainment or maintenance areas must provide the State with a **CMAQ Performance Plan** to be included as an attachment to the Biennial Performance Reports to FHWA (CMAQ Performance Plan requirements are set forth in 23 CFR § 490.107). The CFR will dictate requirements for reporting taking place after 2022.

## **II. Travel Time Data and Reporting Segments: State and MPO Concurrence**

23 CFR 490.103(e) requires the State, in coordination with MPOs, to establish a single travel time data set that will be used to calculate the annual metrics in 23 CFR Part 490 subpart E (Performance of the NHS), Subpart F (Freight Movement on the Interstate System), and Subpart G (CMAQ Program Traffic Congestion). Per 23 CFR 490.103(e), the State intends to use the National Performance Management Research Data Set (NPMRDS) travel time data to annually calculate the performance under subpart E, subpart F, and subpart G.

Additionally, 23 CFR 490.103(f) requires the State, in coordination with MPOs, to define a single set of reporting segments on the Interstate System and non-Interstate NHS for use in calculating the travel time-based measures specified in subpart E, subpart F, and subpart G. The State intends to exercise the option described in 23 CFR 490.103(f) to accept the travel time segments in NPMRDS as the reporting segments.

## **III. State and MPO Roles and Responsibilities for the Performance Management 3 Initial Target Setting and Reporting Cycle (2018 - 2020)**

The State will:

- Lead Performance Management 3 Engagement Workshops to coordinate target-setting efforts with MPOs prior to setting annual statewide Performance Management 3 targets. The State and MPO must coordinate to the maximum extent practicable when setting Performance Management 3 targets to ensure consistency, and in certain instances, adopt unified targets. Performance Management 3 Engagement Workshops provide an important opportunity for the State and MPO to address the requirement that they coordinate their performance measure target setting efforts with the State.
- Establish and maintain a website with links to videos and/or other information related to Performance Management 3 and State-hosted training, as well as links to other performance management training resources. The website will host a web-based tool (PeMS for MAP-21 Reporting) that will provide MPO-level and county-level NPMRDS performance data required to measure performance and set Performance Management 3 targets. This data will be provided at the outset of annual Engagement Workshops to set targets for the respective calendar year.

- Establish statewide targets for Performance Management 3 measures by May 20, 2018 (except the statewide GHG performance target, which will be established by September 28, 2018).
- Prepare and disseminate a summary overview of target setting methodology and proposed State targets to MPOs a minimum of 14 days prior to State target deadline.
- Prepare and disseminate a whitepaper documenting target-setting coordination with the MPOs and explaining the analytical methodology the State used to calculate statewide Performance Management 3 by June 30, 2018.
- Provide information and guidance to the MPO about the State's statewide Performance Management 3 analytical methodology.
- Submit Biennial Performance Reports to FHWA: Baseline Performance Period Report (due October 1, 2018); Mid Performance Period Progress Report (due October 1, 2020); Full Performance Period Progress Report (due October 1, 2022).
- Integrate performance goals, objectives, measures and targets into the State's planning and programming process and report on progress toward target achievement as required by federal regulations, including 23 CFR Part 450.
- Ensure the MPO has access to information regarding progress towards statewide target achievement.

The MPO will:

- Participate in target-setting efforts with the State through the Performance Management 3 Engagement process. The State and MPO must coordinate to the maximum extent practicable when setting Performance Management 3 targets to ensure consistency, and in certain instances, adopt unified targets. Performance Management 3 Engagement Workshops provide an important opportunity for the State and MPO to address the requirement that they coordinate their performance measure target setting efforts with the State.
- MPOs with NHS mileage in applicable urbanized areas must document agreement with the State on a single, unified set of targets for the PHED and Non-SOV performance measures for each applicable urbanized area by May 20, 2018.
- Not later than November 16, 2018, 180 days after May 20, 2018 when the State establishes performance targets for the Interstate Travel Time Reliability, Non-Interstate Travel Time Reliability, and Interstate Freight Reliability measures, the MPO must document with the State whether they: 1) agree to plan and program projects so that they contribute toward the accomplishment of the State target for that performance measure; or 2) commit to a quantifiable target for that performance measure for their metropolitan planning area.
- Not later than March 27, 2019, 180 days after September 28, 2018 when the State will establish performance targets for the GHG performance measure, as applicable, the MPO must document with the State whether they: 1) agree to plan and program projects so that they contribute toward the accomplishment of the State target for that performance measure; or 2) commit to a quantifiable target for that performance measure for their metropolitan planning area.
- MPOs with urbanized areas of more than 1 million people that are also in non-attainment or maintenance areas must provide the State with a CMAQ Performance Plan pursuant to 23 CFR 490.107 to be included as an attachment to the Biennial Performance Reports to FHWA. These MPOs will provide CMAQ Performance Plans to the State by: September 15, 2018; September 15, 2020; and September 15, 2022.

- Integrate performance goals, objectives, measures and targets into the MPO's planning and programming processes and report on progress toward target achievement as required by 23 CFR Part 450.
- Ensure the State has access to information regarding progress toward the MPO target achievement.

**Significant Performance Management 3 Federal Regulations:**

**23 CFR 490.101** – Definitions

**23 CFR 490.103** – Data Requirements

**23 CFR 490.105** – Establishment of Performance Targets

**23 CFR 490.107** – Reporting of Performance Targets

**23 CFR 490.109** – Significant Progress Determination

**23 CFR Part 490 Subpart E – Performance of the NHS**

- **23 CFR 490.507** – National performance management measures for system performance (i.e., the Interstate Travel Time Reliability measure, Non-Interstate Travel Time Reliability measure, GHG Measure).
- **23 CFR 490.509** – Data Requirements
- **23 CFR 490.511** – Level or Travel Time Reliability (LOTTR) Metric

**23 CFR Part 490 Subpart F – Freight Movement on the Interstate System**

- **23 CFR 490.607** – National Performance Management Measures to Assess Freight Movement on the Interstate System (i.e., Interstate Freight Reliability measure)
- **23 CFR 490.609** – Data Requirements
- **23 CFR 490.611** – Calculation of Truck Travel Time Metrics
- **23 CFR 490.613** – Calculation of Interstate Freight Reliability Measure

**23 CFR Part 490 Subpart G – CMAQ Program Traffic Congestion**

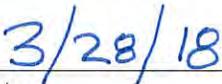
- **23 CFR 490.703** – Applicability: PHED and Non-SOV Travel Measures
- **23 CFR 490.707** – PHED Measure and Non-SOV Travel Measures
- **23 CFR 490.709** – Data requirements
- **23 CFR 490.711** – Calculation of PHED
- **23 CFR 490.713** – Calculation of Traffic Congestion Measures

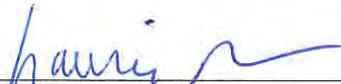
**23 CFR Part 490 Subpart H – CMAQ On-Road Mobile Source Emissions**

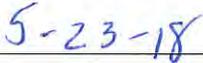
- **23 CFR 490.803** – Applicability of CMAQ On-Road Mobile Source Emissions
- **23 CFR 490.807** - CMAQ On-Road Mobile Source Emissions Measure
- **23 CFR 490.809** – Data Requirements
- **23 CFR 490.813** – Calculation of CMAQ On-Road Mobile Source Emissions

**IN WITNESS WHEREOF the Parties hereto have caused this Memorandum of Understanding Addendum to be executed by their respective officers duty authorized.**

  
\_\_\_\_\_  
Joe Neves, Chairperson  
Kings County Association of Governments

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Laurie Berman, Director  
Department of Transportation

  
\_\_\_\_\_  
Date

## Appendix A - Performance Management Planning and Programming Reporting Requirements

This appendix provides additional information regarding the 23 CFR Part 450 performance management planning and programming requirements for the MPO Metropolitan Transportation Plans (or MPO Regional Transportation Plans (RTP)), Caltrans' long-range statewide transportation plan (or California Transportation Plan (CTP)), MPOs Transportation Improvement Program (or MPO Federal Transportation Improvement Program (FTIP)) and the Caltrans' Statewide Transportation Improvement Program (or Caltrans' FSTIP).

Per 23 CFR § 450.324, the MPO's MTP/RTP shall include:

- 23 CFR § 450.324(f)(3) - A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with § 450.306(d).
- 23 CFR §450.324(f)(4) - A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in 23 CFR § 450.306(d), including –
  - (i) Progress achieved by the MPO in meeting the performance targets in comparison with system performance recorded in previous reports, including baseline data; and
  - (ii) For MPOs that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

Each MPO that adopts an MTP/RTP after May 27, 2018 must include a description of performance measures and targets and a system performance report that meets the requirements of 23 CFR § 450.324. Additionally, amendments to approved MPO MTP/RTPs will include a short cover memorandum explaining how the amendment supports the performance targets in the approved MTP/RTP.

The Federal Highway Administration (FHWA) Transportation Performance Management website (<https://www.fhwa.dot.gov/tpm/>) provides examples of Noteworthy Practices for performance reporting, and FHWA California Division staff have specifically cited two best practices to Caltrans for performance reporting format:

- 1) The Sacramento Area Regional Progress Report, <https://www.sacog.org/post/regional-progress-report>; and
- 2) The Seattle Department of Transportation 2017 Performance Report, <http://www.seattle.gov/Documents/Departments/SDOT/About/DocumentLibrary/Reports/SDOT MovetheNeedle2017.pdf>

Caltrans recommends that you review these reports as well as FHWA Noteworthy Practices and consult directly the FHWA California Division staff if you need additional guidance on meeting the 23 CFR § 450.324 requirements.

In December 2020, California will adopt its next five year long-range statewide transportation plan/CTP. Per 23 CFR 450.216, Caltrans next the long-range statewide transportation plan shall include:

- 23 CFR 450.216(f)(1) – A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with 450.206(c); and
- 23 CFR 450.216(f)(2) – A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to performance targets described in 450.206(c), including progress achieved by the MPOs in meeting the performance targets in comparison with system performance recorded in previous reports.

On or after May 27, 2018, MPOs must update their current 2017 FTIPs through their next amendment to acknowledge the new Performance Management Requirements and to explain their efforts in working toward meeting these requirements. Caltrans is required by state statute (Statutes Government Code 65074) to submit the Caltrans FSTIP to the FHWA and Federal Transit Administration (FTA) by December 1 of each even-numbered year. Each MPO must provide a Board-adopted 2019 FTIP to Caltrans by October 1, 2018 per Streets and Highways Codes sections 182.6 and 182.7. Development and content of the FTIP must be in accordance with Title 23 CFR § 450.326. The MPO's FTIP shall:

- 23 CFR 450.326(c) - Be designed such that once implemented, it makes progress toward achieving the performance targets established under 23 CFR 450.306(d).
- 23 CFR 450.326(d) - Include, to the maximum extent practicable, a description of the anticipated effect of the TIP toward achieving the performance targets identified in the metropolitan transportation plan, linking investment priorities to those performance targets.

A subgroup has been formed through the Caltrans/MPO California Federal Programming Group (CFPG) to discuss how California MPOs intend to address the Performance Management requirements and make recommendations.

Development and content of the Caltrans FSTIP must be in accordance with 23 CFR 450.218. The Caltrans FSTIP shall include:

- 23 CFR 450.218(q) – to the maximum extent practicable, a discussion of the anticipated effect of the STIP toward achieving the performance targets identified by the State in the statewide transportation plan or other State performance-based plan, linking investment priorities to those performance targets.

The MPO FTIPs and Caltrans FSTIP must include discussions to describe the adopted performance targets and what the MPOs did in their process to prioritize the programming of projects that would move performance toward those targets and how the system is performing.

BEFORE THE KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE

\* \* \* \* \*

IN THE MATTER OF APPROVING THE )  
MEMORANDUM OF UNDERSTANDING )  
ADDENDUM WITH THE STATE )  
DEPARTMENT OF TRANSPORTATION )

RESOLUTION NO. 18-02  
  
RE: CALTRANS MOU  
ADDENDUM

**WHEREAS**, as a Regional Transportation Planning Agency (RTPA) and a Metropolitan Planning Organization (MPO), pursuant to State and Federal designation, the Kings County Association of Governments (KCAG) is required to enter into a Memorandum of Understanding (MOU) with the State Department of Transportation (Caltrans); and

**WHEREAS**, KCAG and Caltrans entered into an MOU in 2017; and

**WHEREAS**, Moving Ahead for Progress in the 21st Century (MAP-21) established new performance-based planning and programming requirements for States and MPOs; and

**WHEREAS**, an MOU Addendum has been prepared by Caltrans that includes roles and responsibilities between Caltrans and KCAG according to the requirements of the MAP-21 Planning Final Rule and Federal Transportation Performance Management.

**NOW, THEREFORE, BE IT RESOLVED**, that the KCAG Transportation Policy Committee does hereby approve the Memorandum of Understanding Addendum with Caltrans for the MAP-21 Planning Final Rule requirements and authorizes the Chairman to sign the agreement.

The foregoing Resolution was adopted on a motion by Commissioner Palmerin, seconded by Commissioner Ayers, at a regular meeting held on the 28th day of March, 2018 by the following vote:

AYES: Palmerin, Ayers, Neves, Brown, Kimmel, Valle, Woolley  
NOES:  
ABSTAIN:  
ABSENT:

KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE

Joe Neves  
Chair

**WITNESS**, my hand this 28<sup>th</sup> day of March, 2018.

Terri King  
Terri King, Executive Director

**MOU BETWEEN THE SAN JOAQUIN VALLEY  
REGIONAL TRANSPORTATION PLANNING AGENCIES  
AND THE SAN JOAQUIN VALLEY UNIFIED  
AIR POLLUTION CONTROL DISTRICT**

**SAN JOAQUIN VALLEY TRANSPORTATION PLANNING AGENCIES**

The councils of governments of Fresno, Kern, Merced, San Joaquin, Stanislaus and Tulare counties are federally designated Metropolitan Planning Organizations responsible for implementing the comprehensive transportation planning process and the air quality/transportation conformity certifications for their respective areas. Those six agencies, along with the Kings County Regional Planning Agency, are designated by the State of California as Regional Transportation Planning Agencies with the responsibility for developing long range transportation plans. The Local Transportation Commission of Madera County is responsible under state certification for the long range transportation planning within their county. In recognition of the need to coordinate regional transportation planning and air quality plans, and in response to the newly enacted Intermodal Surface Transportation Efficiency Act of 1991 (hereinafter ISTEA), these eight transportation planning agencies (hereinafter TPAs), have entered into a Memorandum of Understanding that provides for coordination of planning activities where interregional issues are involved.

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

The San Joaquin Valley Unified Air Pollution Control District (hereinafter SJVUAPCD) has adopted the SJVUAPCD 1991 Air Quality Attainment Plan (hereinafter AQAP) as required by the California Clean Air Act (hereinafter CCAA) which includes all feasible transportation control measures (hereinafter TCMs) as identified by the California Air Resources Board (hereinafter ARB). The Federal Clean Air Act Amendments (hereinafter FCAA) require the development of a State Implementation Plan (hereinafter SIP) which must also include necessary TCMs.

**BACKGROUND FOR MEMORANDUM OF UNDERSTANDING**

Whereas the San Joaquin Valley is designated a nonattainment area for both ozone and PM-10 and portions of the valley are nonattainment for carbon monoxide; and

Whereas both the federal and state clean air acts require TCMs that will significantly reduce the rate of increase in vehicle miles traveled (VMT); and

Whereas the transportation plans of the TPAs must provide for timely implementation of TCMs and must assure federal funding sources that their transportation plans, programs and projects "conform" to the SIP; and

Whereas these transportation plans, programs and projects should also assist in implementing the TCMs of the 1991 AQAP and attaining the transportation performance standards of that plan;

Now therefore, an ongoing formal relationship is hereby established between the SJVUAPCD and the TPAs to ensure the maximum effectiveness and compatibility of regional air quality and transportation plans; to comply with the conformity requirements of ISTEA and the FCAA; to comply with the CCAA and the FCAA transportation related mandates; and to help achieve the attainment of federal and state air quality standards.

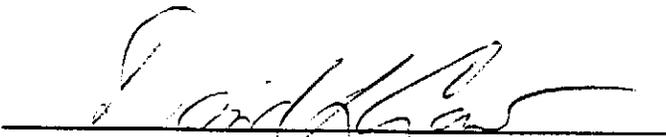
For these reasons, the TPAs and the SJVUAPCD have entered into this Memorandum of Understanding (hereinafter MOU) to ensure a coordinated approach to the development and implementation of the transportation portions of both the SIP and the 1991 AQAP. This Memorandum of Understanding constitutes a statement of the obligations, intentions and policies of the parties involved.

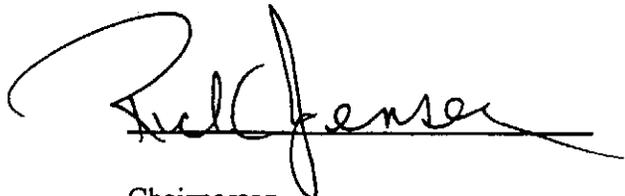
### GENERAL

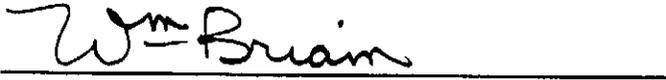
- A. A working committee, consisting of TPA and SJVUAPCD staff, shall be established to provide coordination and direction for the consultant services and for the development and implementation of the transportation control sections of the SIP and AQAP. Local agency and public input will be obtained through the existing technical, public and policy committees of the TPAs and the SJVUAPCD.
- B. Specifically required annual work products to accomplish the goals of the MOU are outlined in a Specific Work Plan (hereinafter Work Plan) adopted as an attachment to this MOU. It is the intent of the parties to this agreement to amend the Work Plan as necessary to include tasks required to attain the stated goals of the MOU. The Work Plan may be amended separately from the MOU, however, failure to adopt proposed amendments to the Work Plan by the SJVUAPCD or the TPAs does not void the MOU or the existing Work Plan.
- C. The TPAs shall serve as co-lead with the SJVUAPCD in the joint development and implementation of the transportation control sections of the SIP submittals. The transportation control recommendations will be developed with the input of each TPA, and when finalized will go through the public review process for ratification by each agency policy board. The intent is to present a package that has the support of each of the TPAs. For the purpose of ensuring delivery of the transportation control products reflected in the MOU, approval by a majority of the TPAs, representing a majority of the population shall constitute ratification of the transportation control recommendations.

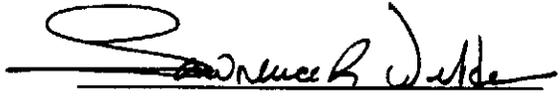
The TPAs recognize that the SJVUAPCD and the ARB shall have the ultimate responsibility for adoption of the SIP, including the portion dealing with transportation control measures. Upon adoption, the SJVUAPCD and the ARB shall have the responsibility for submittal of the SIP to the Environmental Protection Agency (hereinafter EPA) who has the ultimate responsibility for approval or promulgation. Notwithstanding the previously described ratification procedure for the transportation control portion of the SIP submittals, the SJVUAPCD reserves the right to submit to the ARB and the EPA the transportation control measures that it has adopted if the governing board of the SJVUAPCD makes either of the following two findings in their resolution:

1. A majority of the TPAs, representing a majority of the population have failed to ratify a package of transportation controls or have ratified a package that is insufficient to meet the mandates and requirements of the FCAAA.
  2. There is insufficient time for a majority of the policy boards of the TPAs, representing a majority of the population, to ratify an adequate package of transportation controls prior to the required submittal date.
- D. The TPAs shall assist the SJVUAPCD in the future development and implementation of the transportation control sections of the AQAP.
- E. The SJVUAPCD will consult with the TPAs on any plans or programs of the District that will impact transportation planning in the San Joaquin Valley including but not limited to indirect source control programs and on-road mobile source offsets.
- F. The TPAs will consult with the SJVUAPCD on any plans or programs that will impact air quality in the San Joaquin Valley including but not limited to state mandated congestion management plans, federal mandated congestion managements systems, and regional transportation plans.
- G. The TPAs and the SJVUAPCD agree to provide each other with the data or information necessary to complete the products in the Work Plan and for other work related to the transportation control section of the SIP and the AQAP.
- H. Both the TPAs and the SJVUAPCD are charged with the administration of funds that can be used for development and implementation of TCMs and other air quality and congestion management programs. The TPAs and the SJVUAPCD will coordinate to the maximum extent possible in the administration of funds such as AB 2766 Vehicle License Fee Surcharge and the Congestion Management/Air Quality Program to ensure expeditious implementation of TCMs and congestion management program; to direct applicants for funds to the most appropriate funding source; to maximize utilization of funds; and to avoid duplication of efforts.

  
DAVID CROW, Executive Director  
San Joaquin Valley Unified Air Pollution Control District

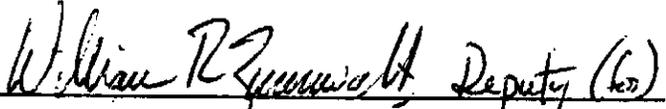
  
Chairperson

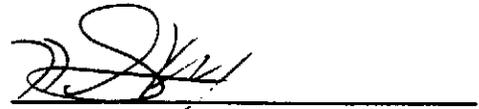
  
WILLIAM BRIAM, Executive Director  
Council of Fresno County Governments

  
Chairperson

  
RONALD E. BRUMMETT, Executive Director  
Kern County Council of Governments

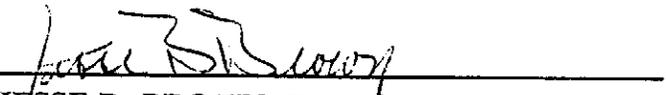
  
Chairperson

  
CHARLES GARDNER, Executive Director  
Kings County Regional Planning Agency

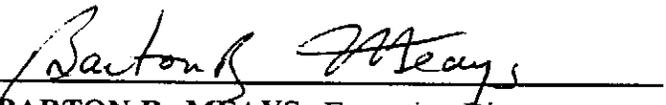
  
Chairperson

  
LARRY COLUCCI, Acting Executive Director  
Madera County Transportation Commission

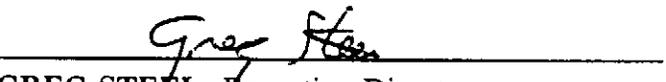
  
Chairperson

  
JESSE B. BROWN, Executive Director  
Merced County Association of Governments

  
Chairperson

  
BARTON R. MEAYS, Executive Director  
San Joaquin Association of Governments

  
Chairperson

  
GREG STEEL, Executive Director  
Stanislaus Area Association of Governments

  
Chairperson

  
DOUGLAS WILSON, Executive Secretary TPA  
Tulare County Association of Governments

  
Chairperson

**MEMORANDUM OF UNDERSTANDING  
OF THE  
REGIONAL PLANNING AGENCIES  
IN THE  
SAN JOAQUIN VALLEY**

THIS MEMORANDUM OF THE UNDERSTANDING, which shall be effective upon the 21<sup>st</sup> day of September 2006, between and among the Council of Fresno County Governments, the Kern Council of Governments, the Kings County Association of Governments, the Madera County Transportation Commission, the Merced County Association of Governments, the San Joaquin Council of Governments, the Stanislaus Council of Governments, and the Tulare County Association of Governments, herein referred to as regional planning agencies, hereby enter into this Memorandum of Understanding;

WITNESSETH:

WHEREAS, the above listed regional planning agencies first entered into a Memorandum of Understanding on September 21, 1992, agreeing to coordinate regional planning activities; and

WHEREAS, this memorandum of understanding shall supercede and replace the existing memorandum of understanding; and

WHEREAS, since 1992 the above listed regional planning agencies have cooperatively addressed issues pertaining to transportation planning and related air quality responsibilities, transportation modeling, geographic information mapping; and

WHEREAS, the regional planning agencies of the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare are federally designated metropolitan planning organizations (MPOs) responsible for implementing the federal comprehensive transportation process and have specified air quality/transportation planning responsibilities for their respective areas; and

WHEREAS, the eight regional planning agencies of the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare (hereinafter referred to as the "Eight Valley RPAs" are state designated regional transportation planning agencies (RTPA) or local transportation commissions (LTC) responsible for the state comprehensive transportation planning process; and

WHEREAS, the Eight Valley RPAs shall cause to be developed and adopted a Valley Chapter of the Regional Transportation Plan, which shall be included within each regional planning agency's own plan. This chapter shall address issues that cross jurisdictional boundaries and specifically affect several counties, such as a transportation corridor, and may include air quality, highways, streets and roads, aviation, rail, goods movement, and transportation demand management efforts; and

WHEREAS, the regional planning agencies of the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare are responsible for the allocation of projected housing needs to their respective cities and county; and

WHEREAS, the San Joaquin Valley is designated as:

- a nonattainment area for the 8-hour ozone standard,
- a nonattainment area for both PM-10 and PM-2.5 standards, and
- the urban areas of Bakersfield, Fresno, Modesto and Stockton are designated as maintenance areas for carbon monoxide, and

WHEREAS, the Federal Clean Air Act requires nonattainment area plans to include transportation control measures; and

WHEREAS, the California Clean Air Act requires nonattainment area plans to include reasonably available transportation control measures; and

WHEREAS, the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users of 2005, and any successor federal act, requires that when multiple Metropolitan Planning Organizations exist within designated air quality nonattainment areas they shall consult with each other and with the state in the coordination of plans and programs; and

WHEREAS, the Eight Valley RPAs shall develop and maintain a unified and coordinated approach to air quality management planning process issues; and

WHEREAS, the cities and counties within the San Joaquin Valley are projected to have significant increases in population, housing and employment during the next thirty years requiring a cooperative, comprehensive, and coordinated planning process.

WHEREAS, the Eight Valley RPAs shall serve as a forum to encourage and facilitate regional data sharing, GIS development and mapping; and

WHEREAS, the Eight Valley RPAs shall rely, as much as practicable, on existing regional planning agencies for its financing, data and expertise, but may jointly contract for services if provided for in each of their individual Overall Work Programs and Budgets.

NOW, THEREFORE, BE IT UNDERSTOOD AND AGREED that the regional planning agencies of the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare shall coordinate as the San Joaquin Valley Regional Planning Agencies with respect to the performance of the following tasks when interregional issues are involved:

1. Preparation of multi-modal transportation plans that will include coordinated forecast methodologies for future population, housing, employment, land use, and air quality, and identify other common elements in relationship to the San Joaquin Valley and major interregional transportation corridors.
2. Preparation of regional transportation plans and policies addressing identified common transportation issues occurring within the Valley.
3. Preparation and development of regional transportation improvement programs and other short-range programs to provide for timely implementation of transportation control measures consistent with schedules included in applicable Air Quality Attainment plans.
4. Coordination with the San Joaquin Valley Unified Air Pollution Control District on emission reduction projects necessary for the implementation of the California Clean Air Act.
5. Coordination with Caltrans District Offices on transportation system planning efforts.
6. Coordinate planning efforts with the appropriate state and federal agencies to insure good communication is maintained on issues important to the San Joaquin Valley.
7. Development and use of coordinated transportation and traffic database information for transportation modeling and related emission modeling.
8. Preparation of interregional technical and transportation systems studies in developing transportation corridor or plan alternatives.

9. Coordination on rail issues (both passenger rail and goods movement) within the Valley, including the development of plans and policies that affect rail service.
10. Provide a leadership role for all Valley Blueprint activities by planning for future growth and quality of life through the integration of transportation, housing, land use, economic development and environmental protection elements. Such integration to result in a more efficient and effective transportation system and land use pattern to achieve the three outcomes (3Es) that define quality of life – prosperous economy, quality environment, and social equity.
11. Provide a leadership role and act as a forum for Valley issues and concerns, where such issues and concerns transcend boundaries, allowing the development and consensus of policy questions of mutual interest in order to pursue a coordinated course of action without infringing on the jurisdictional powers of the individual governments.

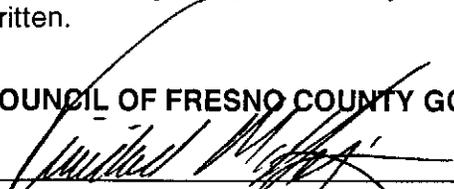
BE IT FURTHER UNDERSTOOD AND AGREED that to oversee the coordination efforts the following organizational structures shall be established:

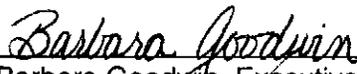
12. The San Joaquin Valley Regional Planning Agencies Policy Council is hereby created consisting of two elected officials (and one alternate) appointed from each of the regional planning agencies policy boards listed herein. The Policy Council shall meet at least twice each fiscal year to provide guidance on common interregional policy issues. The Policy Council shall also represent the San Joaquin Valley at public forums, including before the California Transportation Commission, the Governor and his/her administration, and before State and Federal legislative bodies that require a common voice. The Policy Council shall also provide direction and guidance to the Regional Planning Agencies Executive Directors Committee.
  - a. The Policy Council shall cause to be created a set of By-Laws which shall further describe its operational structure and the operational structure of any subcommittees it may create.
  - b. The Policy Council shall provide direction to the Regional Planning Agencies Executive Committee on the development of an Annual Work Program and Budget for activities to be carried out jointly, including identifying revenue for the implementation of these activities. The Annual Work Program and Budget is to be reflected in each respective regional planning agency's budget documents as appropriate.
  - c. Nothing herein shall be construed as limiting in any manner the authority and responsibilities of the respective regional planning agencies, and all plans, programs and activities shall at all times be carried out in such manner as to maintain and recognize the separateness and autonomy of the individual regional planning agencies.
13. The San Joaquin Valley Regional Planning Agencies Executive Directors Committee consisting of the regional planning agencies' Executive Directors (or their designees) shall hereby continue to provide coordination and direction on all administrative work required to carry out the development of plans that address interregional issues. The Executive Directors Committee may establish technical committees to assist in research and plan development that address interregional issues as defined herein and on other interregional issues as directed by the Policy Council. One of the primary roles of the Executive Directors Committee shall be as the primary advisory body to the Policy Council on all items appearing on its agenda, and one of its functions shall be to recommend agenda items for the Policy Council's regular agenda. The Executive

Directors Committee shall implement the Annual Work Program and Budget as approved by the Policy Council.

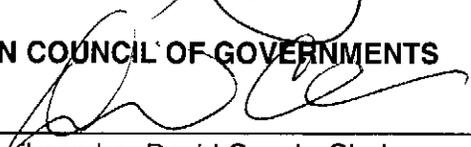
IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed by their respective officers to be effective on the date first above written.

**COUNCIL OF FRESNO COUNTY GOVERNMENTS**

  
\_\_\_\_\_  
Mayor Pro Tem Trinidad M. Rodriguez, Chairman

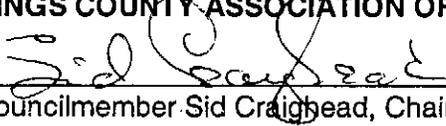
  
\_\_\_\_\_  
Barbara Goodwin, Executive Director

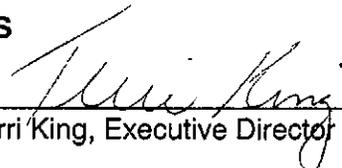
**KERN COUNCIL OF GOVERNMENTS**

  
\_\_\_\_\_  
Councilmember David Couch, Chairman

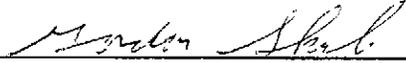
  
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Ronald E. Brummett, Executive Director

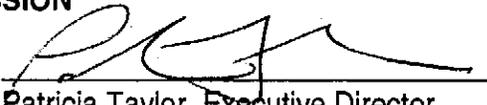
**KINGS COUNTY ASSOCIATION OF GOVERNMENTS**

  
\_\_\_\_\_  
Councilmember Sid Craighead, Chairman

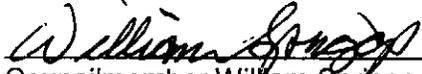
  
\_\_\_\_\_  
Terri King, Executive Director

**MADERA COUNTY TRANSPORTATION COMMISSION**

  
\_\_\_\_\_  
Councilman Gordon Skeels, Chairman

  
\_\_\_\_\_  
Patricia Taylor, Executive Director

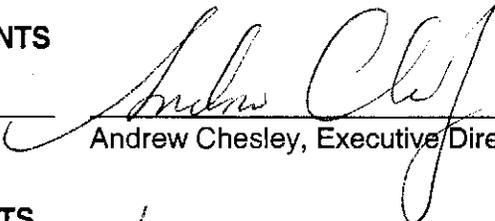
**MERCED COUNTY ASSOCIATION OF GOVERNMENTS**

  
\_\_\_\_\_  
Councilmember William Spriggs, Chairman

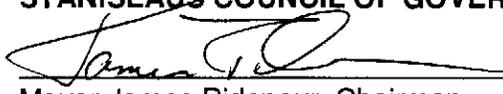
  
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Jesse Brown, Executive Director

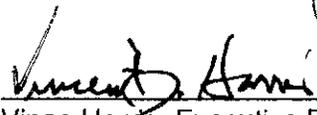
**SAN JOAQUIN COUNCIL OF GOVERNMENTS**

  
\_\_\_\_\_  
Councilman John W. Harris, Chairman

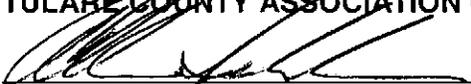
  
\_\_\_\_\_  
Andrew Chesley, Executive Director

**STANISLAUS COUNCIL OF GOVERNMENTS**

  
\_\_\_\_\_  
Mayor James Ridenour, Chairman

  
\_\_\_\_\_  
Vince Harris, Executive Director

**TULARE COUNTY ASSOCIATION OF GOVERNMENTS**

  
\_\_\_\_\_  
Supervisor Allen Ishida, Chairman

  
\_\_\_\_\_  
George Finney, Executive Director

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
AND  
KINGS COUNTY AREA PUBLIC TRANSIT AGENCY**

*"Regarding the coordination of ongoing transit planning and programming of Federal funds that support the ongoing and future deployment of transit services by the Kings County Area Public Transit Agency"*

This Memorandum of Understanding (MOU) is entered into between the Kings County Association of Governments, hereinafter referred to as KCAG, and the Kings County Area Public Transit Agency, hereinafter referred to as KCAPTA, as of this 24 day of April, 2013. The purpose of this MOU is to:

- 1) Foster a cooperative and mutually beneficial working relationship between KCAG and KCAPTA for the provision of comprehensive, effective, and coordinated transit planning on behalf of KCAPTA's public mass transit system; and
- 2) Identify the transit planning responsibilities in coordination with the State of California for the purpose of programming federal funds within the KCAG Federal Transportation Improvement Program (FTIP).

WHEREAS, KCAG is a joint powers agency, created in 1967 pursuant to Title 1, Division 7, Chapter 5 of the California Government Code, Section 6500 et. seq., by Cooperative Agreement No. 67-21, as amended, between the cities of Avenal, Corcoran, Hanford and Lemoore and the County of Kings; and

WHEREAS, KCAPTA was established in 1979 as a joint powers agency, whose membership includes the cities of Avenal, Hanford, and Lemoore and the County of Kings, for the purpose of providing transit services within member agency jurisdictions; and

WHEREAS, Hanford-Lemoore is a designated urbanized area based on the 2000 Census (cited in the Federal Register / Vol. 67, No. 164 / Friday, August 23, 2002 / Notices); and

WHEREAS, as the public transportation provider serving the urbanized area, KCAPTA is eligible to apply for and receive Federal Transit Act (FTA) Section 5307 funding for capital, operating, and planning assistance for the delivery of public mass transportation.

NOW, THEREFORE, in consideration of the mutual benefits to the parties hereto, and in consideration of the covenants and conditions herein contained, the parties agree as follows:

**SECTION 1: Cooperative Relationship**

**1.1 Communication**

KCAG and KCAPTA rely upon a cooperative relationship to foster comprehensive regional transit planning which feeds directly into State and national planning. A critical component of this relationship involves open and productive communication, which leads to setting project priorities and federal funding needs. KCAG is required to update the Federal Transportation

Improvement Program (FTIP) every even numbered year. The need to ensure responsive communication between the two parties is imperative in order to meet this federal programming mandate.

The Executive Director of KCAG and the Executive Director of KCAPTA are the primary individuals responsible for ensuring that the provisions specified in this MOU are followed.

## **SECTION 2: Transit Federal Programming**

### **2.1 Short-Range Planning**

In accordance with the planning regulations and Federal Transit Administration (FTA) guidance, KCAG shall prepare a five-year short-range transit plan to support sound financial and operational decision-making in the transit planning and programming process. Consistent with the Short-Range Plan, KCAPTA will provide a draft list of projects for federal transit funding. The list shall:

- a) Identify and describe the scope of the specific projects that respond to ongoing and increased transit demands. These needs are to include Americans with Disabilities Act (ADA) and Transportation Control Measure (TCM) type, along with sufficient detail (design, concept, and scope) to permit air quality conformity analysis performed by KCAG.
- b) Qualitatively and quantitatively support the basis of how projects respond to the transit needs.
- c) Identify the amount and type of federal and non-federal funds required to support the projects for each year represented in the plan. In addition, this needs to include all discretionary funding estimates for the FTIP.

KCAG will work cooperatively with and support KCAPTA in its efforts to generate information needed to establish a 5-year short-range transit plan and future updates. This includes, but is not limited to, the following:

- a) Obtain and analyze data from various sources to develop concrete assumptions for the purpose of transit forecasting and development.
- b) Developing financial forecasting methods.
- c) Assistance in securing funds to conduct transit demand studies and in-depth analysis.

### **2.2 Programming Criteria**

As part of the FTIP updating process, federally funded projects are programmed by KCAG on behalf of all transit providers receiving federal funds through the FTIP. For proposed transit projects, the criterion used for the programming of federal funds within the KCAG FTIP is essential. KCAG and KCAPTA agree to employ the following selection criteria to establish priorities for transit funding:

- a) Project purpose and need.
- b) Anticipated benefits.
- c) Degree to which project will improve transit accessibility.
- d) Degree to which project will improve transit on-time performance.
- e) Air quality benefits.
- f) Overall cost effectiveness.
- g) Leveraging other funding sources.

## **2.3 KCAPTA Applications to FTA**

KCAPTA will prepare applications to the FTA for transit funding which are consistent with the FTIP. KCAG will review the applications and prepare a letter of concurrence indicating consistency with the FTIP.

## **SECTION 3: FTIP Project Monitoring and Maintenance**

### **3.1 Progress Reporting**

KCAG will be responsible for tracking the overall progress of all projects in the FTIP and will produce a mid-year report for the KCAG Transportation Policy Committee review that identifies those transit projects that have been obligated and those that are behind schedule. In addition, as per the Moving Ahead for Progress in the 21st Century (MAP-21), KCAG will produce an annual listing of projects for which federal funds have been obligated in the proceeding year and will ensure that it is made available for public review.

KCAPTA will assist in KCAG's effort to track the overall progress of FTIP projects by forwarding a copy of quarterly reports submitted to FTA.

In addition to monitoring project deployment, KCAPTA will provide KCAG a copy of all documents/products produced as an end result from all planning activities identified in the Overall Work Plan thirty (30) days after the end of each fiscal year.

### **3.2 FTIP Amendments**

KCAG's Executive Director may exercise the authority delegated to process minor administrative amendments, requested by KCAPTA, involving for example, changes in the project scope, shifting of federal funds between project phases within the triennial element of the FTIP. All requests for administrative amendments, changes, and shifts in federal funds that affect KCAPTA will be initiated in writing by KCAPTA for consideration by the KCAG Executive Director.

As part of the quarterly progress report, or sooner if required, KCAPTA will alert KCAG as to the need for amending the FTIP. In general, reasons for FTIP amendments include e.g., funding shortfalls, delays in project deployment, and/or new projects that need to be included in the document. Other controls may need to be established to foster consistent communication to ensure the FTIP is amended in a timely fashion.

## **SECTION 4: MOU Amendment**

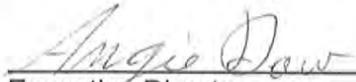
This MOU may only be amended by the written consent of both parties.

## **SECTION 5: MOU Termination**

Either party upon 30 days written notification to the other may terminate this MOU.

IN WITNESS THEREOF, the parties hereto have executed this Memorandum of Understanding to be effective on the 24th day of April 2013.

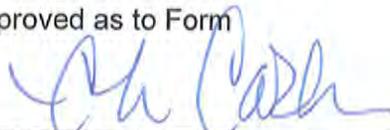
King County Area Public Transit Agency

  
\_\_\_\_\_  
Executive Director

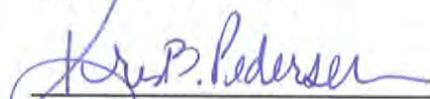
Kings County Association of Governments

  
\_\_\_\_\_  
Executive Director

Approved as to Form

  
\_\_\_\_\_  
County Counsel

Approved as to Form

  
\_\_\_\_\_  
Counsel

**AMENDMENT NO. 1 TO  
JOINT POWERS AGREEMENT FOR  
KINGS COUNTY ABANDONED VEHICLE ABATEMENT  
SERVICE AUTHORITY**

This Agreement is made this 13th day of April, 1998 by and between the COUNTY OF KINGS ("COUNTY"), the CITY OF CORCORAN, the CITY OF HANFORD, the CITY OF LEMOORE, and the CITY OF AVENAL (hereinafter referred to as "CORCORAN", "HANFORD", "LEMOORE", and "AVENAL" respectively, or as "CITIES" collectively).

**WITNESSETH**

WHEREAS, pursuant to the provisions of a joint powers agreement entered into by and between the parties dated June 25, 1996 (hereinafter the "Agreement"), the parties formed the Kings County Abandoned Vehicle Abatement Service Authority (hereinafter "Authority"). The Authority is a joint powers authority authorized under the provisions of Government Code section 6500, et seq and Vehicle Code section 22710, formed for the purposes of planning for and providing funding for the removal of abandoned vehicles in the incorporated and unincorporated territory in Kings County; and

WHEREAS, by the enactment of Chapter 272 of the Statutes of 1997, the Legislature amended Vehicle Code sections 9250.7 and 22710, modifying and restricting the ways in which the abandoned vehicle abatement program and plan may be implemented and the ways in which funds may be distributed and used by local entities; and

WHEREAS, it is now necessary for the parties to amend the Agreement to comply with the provisions of Chapter 272.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. Paragraph 5 of the Agreement is hereby amended to read as follows:

"5. BOARD OF DIRECTORS. The Authority shall be governed by a five-member Board of Directors, which shall be comprised of one representative from each participating jurisdiction, appointed from the members currently sitting on the Board of Supervisors of the County and the City Council of each City. The County representative shall be appointed by the Board of Supervisors. City representatives appointed to the Board of Directors shall be selected by their respective City Councils. It is contemplated by the parties that for the purposes of convenience and

administration each member agency's representative on the board shall be appointed from the governing board of the Kings County Association of Governments. Individual terms shall be at the discretion of each respective member entity.

The duties of the Board of Directors will include, but are not limited to, preparing and recommending to the County Board of Supervisors and to the City Councils action regarding the Abandoned Vehicle Abatement Program and Plan; preparing and submitting a Service Plan to the State of California, California Highway Patrol (CHP); conducting and reporting the results of any survey, study or analysis pertaining to the Program; managing the financial affairs of the Authority; preparing, approving and submitting the quarterly and annual reports to the State Controller; and disbursing of funds."

2. Paragraph 8 of the Agreement is hereby amended to read as follows:

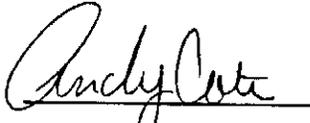
"8. SERVICE FEE. Pursuant to Vehicle Code sections 9250.7 and 22710, subdivision (a), the Authority hereby imposes an annual service fee of one dollar (\$1.00) on vehicles registered to an owner with an address anywhere in the incorporated or unincorporated areas of Kings County, provided the Plan is approved by the County and a majority of the Cities having a majority of the incorporated population in Kings County in compliance with subdivision (d) of Vehicle Code section 22710. Collection of the one dollar (\$1.00) service fee shall remain in effect for a period not to exceed 10 years from the initial date of collection (June 1, 1997), as required by the provisions of Vehicle Code section 9250.7. If any funds received by the Authority pursuant to the provisions of Vehicle Code section 9250.7 and this Agreement are not expended to abate abandoned vehicles within 90 days of the close of the fiscal year in which the funds were received and the amount of those remaining funds exceeds the amount expended by the Authority in the previous fiscal year, the one dollar (\$1.00) service fee shall be suspended for one year, commencing the following January 1."

3. Paragraph 12 of the Agreement is hereby amended to read as follows:

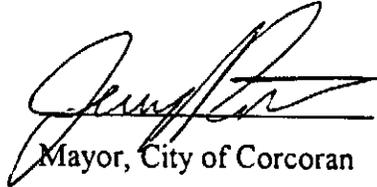
"12. DISBURSEMENT OF FUNDS. The funds received by the Authority from the one dollar (\$1.00) registration fee shall be used in accordance with Vehicle Code sections 9250.7 and 22710. No Authority member agency shall receive any funds from the Authority for the abatement of abandoned vehicles to pursuant to the Plan unless the agency has submitted a quarterly report to the Authority stating the manner in which the funds were expended and the number of vehicles abated. Each member agency shall receive that percentage of the total funds collected by the Authority fixed on a formula derived by the Authority. The formula shall apportion 50% of those funds to a member agency based on the percentage of vehicles abated by that agency of the total

number of abandoned vehicles abated by all member agencies, and 50% based on population and geographic area, as determined by the Authority for its member agencies.”

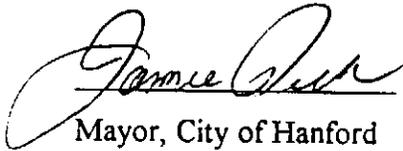
4. EFFECTIVE DATE. This Amendment No. 1 to the Agreement shall become effective upon its approval by the COUNTY Board of Supervisors and by the City Councils of each of the CITIES, and when executed by the authorized representative of each of the parties hereto. Except as otherwise set forth herein, the remaining terms, conditions and provisions of the Agreement shall remain in full force and effect.

  
Mayor, City of Avenal

4-9-98  
Date

  
Mayor, City of Corcoran

3/4/98  
Date

  
Mayor, City of Hanford

4-10-98  
Date

  
Mayor, City of Lemoore

3/17/98  
Date

  
Chairman, Kings County  
Board of Supervisors

4/13/98  
Date

h/agreement/ava-jpa4

BEFORE THE KINGS COUNTY ASSOCIATION OF GOVERNMENTS

\*\*\*\*\*

IN THE MATTER OF KINGS COUNTY ASSOCIATION )  
OF GOVERNMENTS (KAG) COMMISSION )  
BECOMING THE KINGS COUNTY ABANDONED )  
VEHICLE ABATEMENT SERVICE AUTHORITY )  
(KCAVASA) BOARD OF DIRECTORS )

RESOLUTION NO. 97-01

RE: AVA SERVICE AUTHORITY  
BOARD OF DIRECTORS

**WHEREAS**, on March 20, 1996, the Kings County Association of Governments directed staff to develop an Abandoned Vehicle Abatement (AVA) Program and Service Authority for Kings County and the four incorporated Cities of Avenal, Corcoran, Hanford, and Lemoore; and

**WHEREAS**, Section 9250.7 and 22710 of the California Vehicle Code provides for the establishment of a Service Authority for Abandoned Vehicle Abatement if the Board of Supervisors of the County and a majority of the cities within the County having a majority of the population adopt resolutions providing for the establishment of the authority; and

**WHEREAS**, the County Board of Supervisors of the County of Kings, and City Councils of the Cities of Avenal, Corcoran, Hanford, and Lemoore have all adopted resolutions approving the Kings County AVA Plan and formation of the Kings County AVA Service Authority; and

**WHEREAS**, the Kings County AVA Plan was submitted to the California Highway Patrol by August 1, 1996, and approved on December 13, 1996, to become effective on January 1, 1997; and

**WHEREAS**, the County Board of Supervisors of the County of Kings, and City Councils of the Cities of Avenal, Corcoran, Hanford, and Lemoore have entered into a Joint Powers Agreement to establish the Kings County AVA Service Authority; and

**WHEREAS**, the adopted Joint Powers Agreement requires that a Board of Directors, made up of one representative from each of the participating jurisdictions, be established to govern the Kings County AVA Service Authority and have responsibility for implementing the abandoned vehicle abatement program for Kings County; and

**WHEREAS**, the Joint Powers Agreement was adopted by the participating jurisdictions with the understanding that the KCAG Commission, with the exception of one County representative, would serve as the Kings County AVA Service Authority Board of Directors.

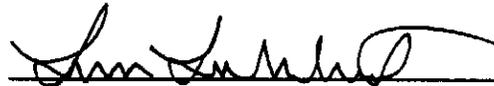
**NOW THEREFORE, BE IT RESOLVED**, that the Kings County Association of Governments Commission duly considered the matter of assuming the responsibilities of a Kings County AVA Service Authority and accepts to serve as the Kings County AVA Service Authority Board of Directors.

**BE IT FURTHER RESOLVED**, that the AVA Service Authority Board of Directors will consist of one KCAG Commission Member from each of the participating jurisdictions (County Of Kings, City of Avenal, City of Corcoran, City of Hanford, and City of Lemoore).

The foregoing Resolution was adopted on a motion by Commissioner Vickers, seconded by Commissioner Lee, at a regular meeting held on the 26th day of February, 1997 by the following vote:

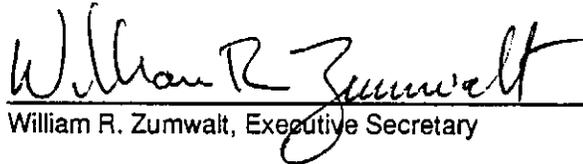
AYES: Commissioners Vickers, Lee, Taylor, Quintanilla, Woolley, Lockhart  
NOES: None  
ABSTAIN: None  
ABSENT: None

KINGS COUNTY ASSOCIATION OF GOVERNMENTS



Lee Lockhart, Chairman

WITNESS, my hand this 27<sup>th</sup> day of February, 1997.



William R. Zumwalt, Executive Secretary

**AGREEMENT TO FORM JOINT POWERS AUTHORITY**

by and between the

~~Association of Monterey Bay Area Governments~~

Fresno Council of Governments

Kings County Association of Governments

Madera County Transportation Commission

Tulare County Association of Governments

Sacramento Area Council of Governments

Santa Barbara County Association of Governments

Ventura County Transportation Commission

## AGREEMENT TO FORM JOINT POWERS AUTHORITY

THIS AGREEMENT is made this 21 day of OCTOBER, 2011, by and between the ~~ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS~~, FRESNO COUNCIL OF GOVERNMENTS, KINGS COUNTY ASSOCIATION OF GOVERNMENTS, MADERA COUNTY TRANSPORTATION COMMISSION, SACRAMENTO AREA COUNCIL OF GOVERNMENTS, SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS, TULARE COUNTY ASSOCIATION OF GOVERNMENTS and VENTURA COUNTY TRANSPORTATION COMMISSION (hereinafter sometimes referred to individually as "Member Agency" and collectively as "Member Agencies").

### W I T N E S S E T H:

WHEREAS, each Member Agency has an interest in and is authorized to operate van pool services and related activities, including, but not limited to, obtaining grant funds and borrowing funds for purchasing and leasing vans; and

WHEREAS, Federal Transit Administration and State matching funds have provided for the establishment of the "Agricultural Industries Transportation Services" and "RideShare" demonstration programs to help workers have an efficient and safe means of commuting to work within the southern San Joaquin Valley; and

WHEREAS, the California Department of Transportation ("Caltrans") has determined that the Kings County Area Public Transit Agency's vanpool programs should be replicated regionally as a means of addressing the non-traditional transportation needs of California residents; and

WHEREAS, the Member Agencies desire to share resources in order to further their above-described interest by forming a new public entity to handle such matters within the areas of their various political boundaries; and

WHEREAS, the Joint Exercise of Powers Act, found in California Government Code Sections 6500 *et seq.*, authorizes the Member Agencies to form a joint powers

authority as an entity that will allow them to share resources in order to further their common interest,

NOW, THEREFORE, the Member Agencies agree as set forth below.

Article I

General Provisions

1. Name.

The legal name of the joint powers authority shall be the "California Vanpool Authority," which shall also be known as "CalVans" (hereinafter called "Transit Authority").

2. Boundaries.

The boundaries of the Transit Authority shall be the same as the collective geographic boundaries of the Member Agencies.

3. Purposes and Functions.

The purposes and functions of the Transit Authority shall be to operate van pool services and related activities, including, but not limited to, obtaining grant funds and borrowing funds for purchasing and leasing vans, within the boundaries described above in Section 2 of this Article I of this Agreement.

4. General Powers.

The Transit Authority shall have such powers as may be necessary for the accomplishment of the purposes and functions described above in Section 3 of Article I of this Agreement, including, but not limited to, the power in its own name to make and enter into contracts in its own name; to acquire and maintain insurance of all types; to employ agents and employees; to acquire, lease, construct, manage, maintain and operate any real property including building, works or improvements; to acquire, lease, hold or dispose of any personal property; to accept, hold, invest (pursuant to law, including, without limitation, California Government Code Section 6509.5), manage, and expend monies; to incur debts, liabilities or obligations; to obtain and secure funding from all available public and private sources, including local, state and federal government,

including but not limited to, lease purchase agreements, public grants, private contributions, public and private loans, and other funds; and to sue and be sued in its own name. The Transit Authority may accept grants, gifts, donations and other monies made in the public interest to carry out the purposes and functions as provided in this Agreement. To the extent budgeted, and as provided by law, the Board is authorized to pay expenses reasonably and necessarily incurred in the conduct of business, including travel expenses to attend meetings and conferences relating to the business of the Transit Authority.

5. Limitations.

Pursuant to California Government Code Section 6509, the powers of the Transit Authority are subject to the restrictions upon the manner of exercising such powers of one of the Member Agencies so designated, the designee being KINGS COUNTY ASSOCIATION OF GOVERNMENTS, which is a transportation planning agency as defined in paragraph (a) of California Public Utilities Code Section 99214 and paragraph (b) of California Government Code Section 29532 and, therefore, governed by California Public Utilities Code Sections 99200 through 99420, or any statutes superseding the same.

6. Separate Legal Entity.

The Transit Authority shall be a public entity duly formed under the laws of the State of California. It shall be a legal entity that is separate and distinct from Member Agencies. The debts, liabilities, and obligations of the Transit Authority shall be the sole responsibility of the Transit Authority and not of its officers, employees, agents or Member Agencies.

7. Term.

This Agreement will continue in full force and effect and the Transit Authority will continue to exist as a separate entity, until such time as this Agreement is rescinded or terminated by a vote in accordance with Section 7 of Article II of this Agreement.

Article II  
Organization

1. Board of Directors.

The powers of the Transit Authority are vested in its Board of Directors ("Board"). The Board shall be composed of representatives from the Member Agencies. Each Member Agency shall appoint one voting member of the Board and one alternate member. Each appointed and alternate Board member shall serve at the pleasure of the Member Agency. Each Member Agency shall have one vote. Each Member Agency shall notify the Transit Authority in writing upon making an appointment or change thereof.

2. Officers.

The officers of the Transit Authority shall be elected, appointed and serve as hereinafter set forth.

(a) The Chair of the Board shall be elected at the first meeting of the Board. Thereafter, the Chair of the Board shall be elected annually at the last regular meeting in each calendar year and shall begin serving as Chair at the first regular meeting in the next calendar year. Any vacancy in the office of Chair shall be filled at the next regular meeting of the Board. Any member of the Board may be authorized to represent the Board upon approval by the Board.

(b) The Vice Chair of the Board shall be elected at the first meeting of the Board. Thereafter, the Vice Chair of the Board shall be elected annually at the last regular meeting in each calendar year and shall begin serving as Vice Chair at the first regular meeting in the next calendar year. Any vacancy in the office of Vice Chair shall be filled at the next regular meeting of the Board. The Vice Chair will have all the powers and act in the place of the Chair in the absence of the Chair.

(c) The Executive Director of the Transit Authority shall serve as Secretary. The Secretary will keep a public record of the Board's

resolutions, transactions, findings and determinations, and the preparation of minutes of every meeting.

3. Quorum.

A simple majority of the Board must be present to constitute a quorum for action on the business of the Board.

4. Ex Officio Members.

The California Department of Transportation and the San Joaquin Valley Air Pollution Control District may each designate one non-voting representative to serve as an ex officio member of the Board.

5. Meetings.

The Board shall by resolution establish the date, time, and place for regular meetings. Special meetings may be called by either the Chair of the Board or the Executive Director and as otherwise allowed by law. All meetings of the Board shall be in conformance with the Ralph M. Brown Act (California Government Code Sections 64950, *et seq.*), as will meetings of its committees, if any, to the extent required by law.

6. Executive Director.

The Board shall appoint an Executive Director (hereinafter referred to as "Executive Director"), who shall be charged with managing the operations of the Transit Authority, subject to the authority and direction of the Board.

7. Voting.

Except as otherwise specified herein, all actions, decisions, resolutions, rules and minute orders of the Board shall be approved by at least a two-thirds vote of the Board members present at any meeting at which a quorum, meaning a simple majority of the Board, is present.

8. Bylaws.

The Board may adopt, by resolution, bylaws or rules of procedure to govern organization and operations of the Board and the Transit Authority, and to govern the conduct of the Board's meetings. The bylaws may include rules for the establishment of committees of the Board and may also provide for the establishment of a technical

advisory committee to provide program recommendations to the Board. Any bylaws adopted by the Board shall be approved by a unanimous vote of the entire Board.

### Article III

#### Finances

1. Contributions, Payments and Advances.

As allowed by California Government Code Section 6504, funding for the Transit Authority may include, but shall not be limited to, the following:

- (a) Contributions may be made from the treasuries of one or more of the Member Agencies for the purposes set forth in this Agreement;
- (b) Payments may be made directly by one or more of the Member Agencies to defray the costs of achieving the purposes of the Transit Authority;
- (c) Public funds may be advanced by one or more Member Agencies, with the understanding that such advances will be repaid as provided in this Agreement; and
- (d) Personnel, equipment or property of one or more of the Member Agencies may be used in lieu of other contributions or advances.

Any advance made in accordance with paragraph (c) of this Section 1 shall be repaid in the manner agreed to by the advancing Member Agency and the Board, at the time the advance is made.

2. Limitation of Financial Commitment.

The Board shall not obligate the Transit Authority to expenditures of funds not appropriated by the legislative bodies of the Member Agencies or received directly from the State or federal government.

3. Non-Competition for Funds.

The Transit Authority shall not compete with any of its Member Agencies for state or federal funding without the prior written consent of the Member Agency.

4. Approval of Funding Applications.

The Transit Authority shall receive approval from a Member Agency prior to applying for federal, state or local funds within the jurisdiction of said Member Agency.

5. Treasurer.

Pursuant to California Government Code Section 6505.5, the Transit Authority designates the Treasurer of the County of Kings to be the depository and have custody of all money of the Transit Authority, from whatever source. The Treasurer of the County of Kings shall comply with the provisions of paragraphs (a) through (e) of Government Code Section 6505.5 and otherwise act in accordance with Government Code Section 6505.5 and other applicable law. The Kings County Board of Supervisors shall determine the charges to be made against the Transit Authority for the services rendered by its Treasurer.

6. Auditor.

The Auditor shall draw warrants to pay demands against the Transit Authority when approved by the Treasurer. The Transit Authority shall use the Auditor of the County of Kings, who shall comply with all of the applicable provisions of California Government Code Section 6505.5. The Auditor shall provide for strict accountability of all funds and report of all receipts and disbursements pursuant to California Government Code Section 6505. The Kings County Board of Supervisors shall determine the charges to be made against the Transit Authority for the services rendered by its Auditor.

7. Budget.

The Board shall adopt a budget no later than sixty (60) days after the first meeting of the Board, and no later than June 30<sup>th</sup> of each year thereafter. Each budget shall be adopted by a majority vote of the entire Board.

8. Disposition of Assets.

Upon termination of this Agreement, after the payment of all obligations of the Transit Authority, any surplus money or other assets remaining shall be distributed to the Member Agencies in proportion to the contributions made.

9. Liability of Transit Authority.

Funds of the Transit Authority shall be used to defend, indemnify, and hold harmless the Transit Authority, any Member Agency, any member of the Board or alternate, and any employee or officer of the Transit Authority for their actions taken within the scope of their duties while acting on behalf of the Transit Authority.

10. Liability of Individuals.

All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of officers, agents or employees of any such public agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially for the Transit Authority.

11. Transit Equipment.

At the option of the Board, California Government Code Section 6518 shall be applicable to the Transit Authority.

12. Audit.

To the extent required by law, the Transit Authority shall comply with the audit and other requirements set forth in paragraphs (a) through (e) of California Government Code Section 6505. The Transit Authority shall promptly deliver copies of the annual audit report to the Board and the Member Agencies.

13. Accounts and Records.

The Board shall establish and maintain such funds and accounts of the Transit Authority as may be required by good accounting practice. The books and records of the Transit Authority shall be open to inspection at all reasonable times to the Member Agencies and their respective representatives.

14. Insurance.

Within thirty (30) days after the execution of this Agreement by the Member Agencies, Transit Authority shall obtain and continuously maintain general liability

insurance with limits of at least Ten Million and No/100 Dollars (\$10,000,000.00). Coverage shall be placed with a carrier with an A.M. Best rating of no less than A-VII, or equivalent.

#### Article IV

##### Miscellaneous

1. Custodians of Transit Authority Property.

The Executive Director of the Transit Authority shall have charge of, handle, and have access to, all property of the Transit Authority. Pursuant to California Government Code Section 6505.1, the Executive Director shall file an official bond in an amount determined by the Member Agencies through the Board. To the extent permitted by law, this requirement may be satisfied by the Executive Director filing an official bond obtained in connection with another public office or by the Transit Authority obtaining a fidelity bond or bonds covering all officers and staff of the Transit Authority who have charge of, handle, or have access to any property of the Transit Authority.

2. Severability.

Should any part, term, or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

3. Withdrawal.

A Member Agency may withdraw from the Transit Authority by filing its written notice of withdrawal with the Executive Director 180 days before the actual withdrawal. Such a withdrawal shall be effective on the last day of that 180-day period. The withdrawal of a Member Agency shall not in any way discharge, impair or modify the voluntarily-assumed obligations of the withdrawn Member Agency in existence as of the effective date of its withdrawal. Withdrawal of a Member Agency shall not affect the remaining Member Agencies. A withdrawn Member Agency shall not be entitled to the return of any funds or other assets belonging to the Transit Authority, until the effective

date of termination of the Transit Authority or upon a vote of all remaining Member Agencies.

4. Joining the Transit Authority.

Other public entities may join the Transit Authority by filing a written request for inclusion with the Executive Director. The request for inclusion shall be reviewed by the Transit Authority and voted on by the entire Board. By a two-thirds majority vote of the entire Board, a public entity may be accepted as part of the Transit Authority. Thereafter, upon execution of this Agreement, including any amendments thereto, the new member shall become a full and equal member of the Transit Authority.

5. Amendment.

This Agreement may be amended at any time with the unanimous written approval of all Member Agencies.

6. Ratification and Effective Date.

This Agreement shall become effective upon the signature of the last of the aforementioned Member Agencies to sign this Agreement.

7. Notices to Transit Authority and Member Agencies.

Any notices to the Transit Authority and/or Member Agencies required or given pursuant to this Agreement shall be delivered or mailed, U.S. first class, postage prepaid, addressed as follows:

Transit Authority:

California Vanpool Authority  
1340 North Drive  
Hanford, CA 93230

Member Agencies:

~~Association of Monterey Bay Area  
Governments (AMBAG)  
455 Reservation Rd., Suite G  
Marina, CA 93933~~

Fresno Council Governments (FCOG)  
2035 Tulare St., Suite 201  
Fresno, CA 93721

Kings County Association of  
Governments (KCAG)  
339 West "D" Street, Suite B  
Lemoore, CA 93245

Madera County Transportation  
Commission (MCTC)  
2001 Howard Road, Suite 201  
Madera, CA 93637

Sacramento Area Council of  
Governments (SACOG)  
1415 L Street  
Sacramento, CA 95814

Santa Barbara County Association of  
Governments (SBCAG)  
Sacramento Area Council of  
260 N. San Antonio Rd., Suite B  
Santa Barbara, CA 93110

Tulare County Association of  
Governments (TCAG)  
5955 S. Mooney Blvd.  
Visalia, CA 93277

Ventura County Transportation  
Commission (VCTC)  
950 County Square Drive, Suite 207  
Ventura, CA 93003

Any party may change the address to which notices pursuant to this Section are given by giving notice of its new address according to the provisions of this Section.

8. Notice of a Joint Powers Agreement.

Within thirty (30) days after the effective date of this Agreement or any amendment thereto, the Transit Authority shall cause a notice of this Agreement or any amendment thereto, to be prepared and filed with the office of the California Secretary of State. Additionally, the Transit Authority shall furnish an additional copy of the

aforementioned notice of this Agreement or any amendment thereto, to the California Secretary of State, who shall forward such copy to the Controller of the State of California. The aforementioned notices shall contain:

- (a) The name of each Member Agency that is a party to this Agreement;
- (b) The date that this Agreement became effective;
- (c) A statement of the purpose of this Agreement or the power to be exercised by the Transit Authority; and
- (d) A description of the amendment or amendments made to this Agreement, if any.

9. Venue.

The proper venue for any lawsuit based on any cause of action arising out of or in any way related to this Agreement or the operation of the Transit Authority shall be brought in a court of competent jurisdiction located in Kings County, California.

10. Headings.

The headings used in this Agreement are for convenience only and have no effect on the content, construction, or interpretation of the Agreement.

11. Counterparts.

This Agreement may be executed in any number of counterparts, and by different parties in separate counterparts, each of which, when executed and delivered, shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the Member Agencies have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, and, if appropriate, their official seals to be hereto affixed, to be effective as of the day and year first above written.

~~ASSOCIATION OF MONTEREY BAY  
AREA GOVERNMENTS~~

Dated: \_\_\_\_\_  
~~Chairperson~~

~~Approved as to Form:~~

Dated: \_\_\_\_\_  
~~County Counsel, County of Monterey~~

FRESNO COUNCIL OF GOVERNMENTS

Dated: 7-4-11 *Angela S. [Signature]*  
Chairperson

Approved as to Form:

Dated: 10/19/11 *[Signature]*  
County Counsel, County of Fresno

KINGS COUNTY ASSOCIATION OF GOVERNMENTS

Dated: 7-20-11 *Dan Chin*  
Chairperson

Approved as to Form:

Dated: July 15 2011 *David A. Hamada, Deputy*  
County Counsel, County of Kings

MADERA COUNTY TRANSPORTATION COMMISSION

Dated: 10-5-11 *Scott Peay [Signature]*  
Chairperson

Approved as to Form:

Dated: Oct 13, 2011 *[Signature], Deputy*  
County Counsel, County of Madera

SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

Dated: 10/11/11

[Signature]  
Chairperson

Approved as to Form:

Dated: 10/10/11

[Signature]  
Counsel, Santa Barbara County Association of Governments

SACRAMENTO AREA COUNCIL OF GOVERNMENTS

Dated: 5/19/11

[Signature]  
Chairperson

Approved as to Form:

Dated: 5/20/11

[Signature]  
Counsel, Sacramento Area Council of Governments

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Dated: 9/1/11

[Signature]  
Chairperson

Approved as to Form:

Dated: 9/10/11

[Signature]  
County Counsel, County of Tulare

VENTURA COUNTY TRANSPORTATION COMMISSION

Dated: 10/30/11

[Signature]  
Chairperson

Approved as to Form

Dated: 10/12/11

[Signature]  
Legal Counsel, Ventura County Transportation Commission

BEFORE THE KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
COMMISSION

\*\*\*\*\*

IN THE MATTER OF THE JOINT )  
POWERS AGREEMENT FOR THE )  
CaIVANS PUBLIC TRANSIT AGENCY )

RESOLUTION NO. 11-01  
RE: CALVANS JPA

**WHEREAS**, the Kings County Association of Governments is a Metropolitan Planning Organization, pursuant to State and Federal designation; and

**WHEREAS**, the Kings County Association of Governments, is empowered by law to undertake public transportation projects and programs; and

**WHEREAS**, Federal Transit Administration and State matching funds have provided for the establishment of the "Agricultural Industries Transportation Services" and "Rideshare" demonstration programs to help workers have an efficient and safe means of commuting to work within the southern San Joaquin Valley; and

**WHEREAS**, the California Department of Transportation ("Caltrans") has determined that the Kings County Area Public Transit Agency's vanpool programs should be replicated regionally as a means of addressing the non-traditional transportation needs of California residents; and

**WHEREAS**, a new entity, the California Vanpool Authority (CalVans), will provide coordinated vanpool services and programs on behalf of Member Agencies; and

**WHEREAS**, the Kings County Association of Governments, desires to participate as a Member Agency through a Joint Powers Agreement for CalVans services as an efficient and effective means of improving transportation options in Kings County.

**NOW, THEREFORE, BE IT RESOLVED**, that the Kings County Association of Governments agrees to become a Member Agency of CalVans, a Public Transit Agency.

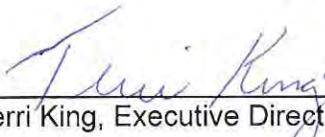
The foregoing Resolution was adopted on a motion by Commissioner BARBA, seconded by Commissioner MURRAY, at a regular meeting held on January 26, 2011, by the following vote:

**AYES:** BARBA, MURRAY, CHIN, FAGUNDES, CASIDA  
**NOES:**  
**ABSENT:** HANSHEW

KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
COMMISSION

  
\_\_\_\_\_  
Chairman

**WITNESS**, my hand this 26<sup>th</sup> day of January, 2011.

  
\_\_\_\_\_  
Terri King, Executive Director



**JOINT EXERCISE OF POWERS AGREEMENT (JEPA)  
ESTABLISHING THE SAN JOAQUIN JOINT POWERS AUTHORITY  
NOVEMBER 19, 2012  
(AS AMENDED MARCH 22, 2013)**

**INTRODUCTION**

This Agreement is made and entered into in the State of California by and among the following public agencies that are parties to this Agreement:

- a) Sacramento Regional Transit District (Sac RT)
- b) San Joaquin Regional Rail Commission (SJRRC)
- c) Stanislaus Council of Governments (StanCOG)
- d) Merced County Association of Governments (Merced CAG)
- e) Madera County Transportation Commission (Madera CTC)
- f) Fresno Council of Governments (Fresno COG)
- g) Kings County Association of Governments (Kings CAG)
- h) Tulare County Association of Governments (Tulare CAG)
- i) Kern Council of Governments (Kern COG)
- j) Contra Costa Transportation Authority (Contra Costa TA)
- k) Alameda County

**RECITALS**

WHEREAS, intercity passenger rail service is environmentally friendly, and the state has a continuing interest in the provision of cost-effective and efficiently administered intercity passenger rail services; and

WHEREAS, with more efficient administration, stronger local and regional support, and the ability to better partner with local agencies, a regionally managed San Joaquin intercity passenger rail service will result in improved service that will attract greater ridership -

creating jobs, improving air quality, and promoting sustainable development. Local decision-making will also be more responsive and better adapted to passenger issues; and

WHEREAS, it is in the best interests of the Member Agencies to combine their efforts to protect the existing San Joaquin Rail Corridor services and facilities while seeking to expand service as warranted by ridership and available revenue; and

WHEREAS, as provided by the Intercity Passenger Rail Act of 2012 and other provisions, the Member Agencies possess collectively, the powers, among others, to plan, budget, apply for grants, hire consultants and staff, exercise eminent domain, own, maintain, lease, contract for, and operate railroad services and facilities for the purpose of transporting passengers within and outside their respective boundaries; and

WHEREAS, the Intercity Passenger Rail Act of 2012 providing for, among other things, the San Joaquin Joint Powers Authority (SJJPA) which, if certain requirements are met, principally the execution of an interagency transfer agreement by December 31, 2014 with the State of California, will manage the San Joaquin Rail Service; and

WHEREAS, it is the intention of the Member Agencies to negotiate for, and to enter into an interagency transfer agreement by December 31, 2014; and

WHEREAS, the SJJPA will bring a more focused relationship with the host freight railroads, provide more aggressive advocacy efforts, and afford a governance structure that is more accessible to the public that is served and to the service contractors; and

WHEREAS, the Member Agencies recognize the importance of working in partnership with Caltrans on policy, programming and statewide consistency objectives where the state brings its greatest strengths; and

WHEREAS, the State will maintain funding in an amount to support at least the level of service in the San Joaquin Rail Corridor at the time of the transfer for not less than a three-year period following the transfer of administrative responsibility for the San Joaquin Rail Service to the SJJPA. After that three-year period, it is understood that the State will continue to be responsible for funding of the operating, administrative, and marketing needs of the San Joaquin Rail Service and its feeder bus services; and

WHEREAS, each Member Agency is authorized to contract with each other for the joint exercise of any common power under Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code; and

WHEREAS, the level of service funded by the State shall in no event be less than the current number of intercity round trips currently operated in the San Joaquin Rail Corridor, and shall also include feeder bus service with substantially the same number of route miles as the current feeder system.

NOW THEREFORE, in consideration of the recitals, the parties to this Agreement agree to the following:

## 1.0 DEFINITIONS

- 1.1 **Board** means the governing body of the SJJPA, which shall assume administrative responsibility for the San Joaquin Rail Service. Each Member Agency will appoint one member as provided in Section 14074.2 (a) of California Government Code. Each Member Agency shall also appoint an alternate.
- 1.2 **Business Plan** means the business plan to be submitted by the SJJPA to the Secretary of the Business, Transportation and Housing Agency, as mandated by Section 14070.4 of the Government Code, and updated and submitted annually thereafter.
- 1.3 **California State Rail Plan** means the plan that is prepared every two years by the California Department of Transportation as an examination of passenger and freight rail transportation in California, in accordance with Section 14036 of the Government Code.
- 1.4 **Executive Director** means the director of SJJPA who shall be an employee of the Managing Agency. The Executive Director reports to and serves at the pleasure of the Board.
- 1.5 **Fiscal Year** means from July 1 to and including the following June 30.
- 1.6 **Interagency Transfer Agreement** means the agreement provided for in Section 14070.2(a) of the Government Code whereby the State of California will transfer all responsibility for administering the San Joaquin Rail Service to the SJJPA.
- 1.7 **Managing Agency** means the agency designated to provide all necessary administrative support to the SJJPA and shall be selected by the Board, consistent with the SJJPA's criteria for selection of a Managing Agency.
- 1.8 **Member Agencies** means the Sacramento Regional Transit District (Sac RT), the San Joaquin Regional Rail Commission (SJRRRC), the Stanislaus Council of Governments (StanCOG), the Merced County Association of Governments (Merced CAG), the Madera County Transportation Commission (Madera CTC), the Fresno Council of Governments (Fresno COG), the Kings County Association of Governments (Kings CAG), the Tulare County Association of Governments (Tulare CAG), the Kern Council of Governments (Kern COG), the Contra Costa Transportation Authority (Contra Costa TA), and Alameda County that have executed this Agreement and that have not withdrawn from the SJJPA.

- 1.9 **Member Agency** means each of those governmental entities set forth in Section 1.8 to this Agreement that have executed this Agreement and that have not withdrawn from the SJJPA.
- 1.10 **Regional Transportation Planning Agency** means an entity authorized to prepare a regional transportation plan pursuant to Government Code Section 65080.
- 1.11 **San Joaquin Rail Corridor** means the Los Angeles-San Joaquin Valley-Sacramento-Oakland intercity passenger rail corridor.
- 1.12 **San Joaquin Rail Service** means the San Joaquin intercity passenger rail service that operates on the San Joaquin Rail Corridor, and is a 365 mile long intercity rail service, that stretches throughout the Central Valley from Bakersfield to Sacramento, and provides direct rail connection between the Central Valley and Oakland, and utilizes a comprehensive network of connecting buses.
- 1.13 **SJJPA** means the San Joaquin Joint Powers Authority formed by the Member Agencies pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the California Government Code.

## 2.0 CREATION OF SJJPA

There is hereby created an organization to be known as the San Joaquin Joint Powers Authority, hereafter "SJJPA", which shall be a public entity separate and apart from any Member Agency. The SJJPA shall be governed by the terms of this Joint Exercise of Powers Agreement and any Bylaws passed and adopted by its Board, which do not conflict with this Agreement. The SJJPA is deemed to be organized when at least six of the potential Member Agencies approve this Joint Exercise of Powers Agreement and elect to appoint Board Members and Alternates to serve on the Board by December 31, 2013.

## 3.0 PURPOSES

The specific purposes for the creation of the SJJPA and the exercise of common powers are as follows:

- 3.1 Develop policy, plan and implement improvements, administer and manage the operations and marketing for the San Joaquin Rail Service as part of the California Passenger Rail System.
- 3.2 To work with state and federal agencies to plan, program, and secure funding for improvements for intercity rail passenger services and facilities in the San Joaquin Rail Corridor, including the acquisition or leasing or use by agreement of right-of-way, stations and station sites; the leasing or acquisition of or use by agreement of equipment; and related activities.

- 3.3 Negotiate for and accept funds to be expended for the purpose of providing and improving intercity rail passenger services and activities.
- 3.4 Review and comment on facility, service, and operational plans and programs of the agency or agencies planning potential commuter rail service in the San Joaquin Rail Corridor.
- 3.5 Coordinate facility, service, and operational plans and programs with other organizations, providing rail service in the San Joaquin Rail Corridor or with whom the SJJPA may share common facilities, including Caltrain, Capitol Corridor, the BNSF Railway and Union Pacific or their successor agencies or corporations.
- 3.6 Advocate before local, regional, state, and federal officials and agencies for improvements to services and facilities for the San Joaquin Rail Corridor.

#### **4.0 POWERS OF THE SJJPA**

As may be necessary for the accomplishment of the purposes of this Agreement, the SJJPA shall have the power in its own name to undertake the following:

- 4.1 To exercise in the manner provided by this Agreement the powers common to each of the Member Agencies and necessary to the accomplishment of the purposes of this Agreement. Powers common to each of the Member Agencies shall include any powers granted to all Member Agencies by legislative enactment prior to or subsequent to the date of this Agreement.
- 4.2 To make and enter into contracts.
- 4.3 To employ agents and employees.
- 4.4 To contract for the services deemed necessary to meet the purposes of the SJJPA including the retention of counsel as the Board deems appropriate.
- 4.5 To acquire, by lease, purchase, lease-purchase, or eminent domain, and to hold and dispose of real and personal property necessary to carry out the purposes of this Agreement.
- 4.6 To construct, manage, and maintain facilities and services.
- 4.7 To sue and be sued in its own name.
- 4.8 To incur debts, liabilities, or obligations including, but not limited to certificates of participation and revenue bonds. The debts, liabilities, and obligations of the SJJPA shall not constitute a debt, liability, or obligation of any of the Member Agencies that are parties to this Agreement.

- 4.9 To apply for and execute, and administer grants for financial aid pursuant to any applicable state or federal statutes or local requirements.
- 4.10 Pursuant to the requirements of California Government Code Section 6509, in exercising its powers, the SJJPA shall be subject to the statutory restrictions upon the manner of exercising the powers of its Managing Agency.
- 4.11 To develop procedures for selecting a Managing Agency and to select a Managing Agency.
- 4.12 To exercise other powers and to engage in such other activities as are authorized by law and approved by the Board.
- 4.13 All powers of the SJJPA shall be exercised by the Board.

## **5.0 SJJPA BOARD**

The composition of the membership of the Board of the SJJPA shall be as follows:

- 5.1 The Board is to be composed of not more than eleven members.
- 5.2 One Board Member from each of the eleven potential Member Agencies, appointed by their respective boards as provided in Section 14074.2 of California Government Code. If a Board Member ceases to be a member of the respective Board from which they are appointed, the Board Member's office on the Board will terminate.
- 5.3 Each signatory Member Agency to this Agreement shall have appointed its members to the Board prior to and as a condition of its executing this Agreement. Members so appointed shall serve at the pleasure of their respective appointing boards.
- 5.4 Each Board Member shall have one vote.
- 5.5 Each Member Agency shall appoint an Alternate to serve in the absence of the Board Member. Alternates may attend all Board meetings including closed sessions and participate in discussion but may only vote if the Board Member representing their respective jurisdiction is absent. Alternates shall have the same qualifications as their respective Board Member. If an Alternate ceases to be a member of the respective Board from which they are appointed, the Alternate's office on the Board will terminate.
- 5.6 If the rail service boundaries of the San Joaquin Rail Corridor are extended, an additional Board Member and an Alternate from each additional county receiving rail service may be added to the Board by the designated potential

Member Agency from each county. The addition of new potential Member Agencies must be approved by the Board.

- 5.7 Once the Board is organized, those potential Member Agencies identified in Section 1.8 that have not yet appointed a Board Member and Alternate to serve on the board may do so at any time thereafter and be represented on the Board.
- 5.8 The Board shall elect a chairperson and at least one vice-chairperson from among its members. The term of office shall be one year. No member may serve more than two consecutive years as chairperson of the Board.
- 5.9 Subject to the limitations on the exercise of its powers set forth in Section 6509 of the California Government Code, all actions of the Board shall be taken in accordance with and under the provisions of this Agreement.

## **6.0 QUORUM**

A majority of the voting Member Agencies of the Board shall constitute a quorum for the transaction of business and all official acts of the SJJPA. No action may be taken by the Board except upon the affirmative vote of at least a majority of its Member Agencies.

## **7.0 VOTING**

- 7.1 Matters that require a two-thirds affirmative vote of the members of the Board:
  - a. Recommending changes to the SJJPA's enabling legislation;
  - b. Recommending amendments to the Joint Exercise of Powers Agreement regarding addition of new members pursuant to Government Code section 14074.2(c);
  - c. Recommending amendments to the Joint Exercise of Powers Agreement regarding voting structure of the Board;
  - d. Approval of the Business Plan;
  - e. Revisions to the Business Plan;
  - f. Approval and changes to the SJJPA Bylaws;
  - g. Selection of the Managing Agency; and
  - h. Amendments to this Joint Exercise of Powers Agreement.
- 7.2 All other matters require an affirmative vote of a majority of the members of the Board.

## 8.0 MANAGING AGENCY

The Board will select a Managing Agency of the SJJPA that shall provide all necessary administrative support to the SJJPA. The Executive Director shall be an employee of the Managing Agency and serve at the pleasure of the Board. Other necessary management employees shall be provided by the Managing Agency. The Managing Agency shall solicit the input and participation of the Board and endeavor to achieve consensus while providing the following administrative support to the SJJPA:

- 8.1 Negotiate and recommend the award of all necessary agreements for the SJJPA, including but not limited to the Interagency Transfer Agreement, agreements for the provision of passenger rail services, and use of tracks and other facilities, subject to approval by the Board;
- 8.2 Manage all agreements entered into by the SJJPA;
- 8.3 Implement projects contained in the approved Business Plan's Capital Improvement Program unless the administration of particular capital projects is more appropriately managed in another manner, for example by an individual Member Agency or a local government, as determined by the Board;
- 8.4 Provide for the maintenance and management of such property as may be owned or controlled by the SJJPA unless the administration of that property is more appropriately managed in another manner, such as by an individual Member Agency or a local government, as determined by the Board;
- 8.5 Provide a risk management program to cover the SJJPA, the Board, the Managing Agency, and each of the Member Agencies in the performance of their duties pursuant to this Agreement, and seek appropriate insurance coverage to implement the risk management program;
- 8.6 Seek, obtain, and administer grants, subject to the provisions of Section 9.0 below;
- 8.7 Develop and implement marketing programs;
- 8.8 Prepare and submit financial reports;
- 8.9 Prepare the Business Plan for approval by the Board;
- 8.10 Report regularly to the Board regarding San Joaquin Rail Corridor issues;
- 8.11 Recommend changes in fares and the collection of fares to the Board;
- 8.12 Recommend changes in scheduling and levels of service to the Board;
- 8.13 Prepare and implement changes in scheduling and fares, subject to required public involvement and Board approval;

- 8.14 Prepare capital and operating budgets for presentation to the Board;
- 8.15 Facilitate interaction with other entities involved in operation, construction and renovation of the San Joaquin Rail Service; and
- 8.16 Negotiate with any other public or private transportation providers as necessary to ensure coordinated service with the San Joaquin Rail Service.

## **9.0 SOLICITATION OF GRANTS**

The Managing Agency shall pursue any and all sources of funding for the SJJPA; provided, however, that neither the Managing Agency, on behalf of the SJJPA, nor the Board shall apply for existing sources of transit funding, including funds derived from the Transportation Development Act Funds as defined in Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the California Public Utilities Code or for any conflicting funding, for which any Member Agency is also an applicant or approving Member Agency without the express written consent of that Member Agency.

## **10.0 BUDGET AND FUNDING**

- 10.1 The Managing Agency shall prepare and submit to the Board for approval a preliminary operating and capital budget for the succeeding fiscal year by April 1 of each year which is consistent with the prior Business Plan submitted. Upon receipt of an annual allocation from the State, the Board shall by resolution adopt a final budget at the next regularly scheduled meeting of the Board. The fiscal year shall be July 1 of each year to and including the following June 30. The budget shall include separate components for Managing Agency administration costs, operations, and capital costs anticipated to be incurred by the SJJPA during the fiscal year. The annual budget resolution shall set forth the authority of the Managing Agency to make capital and operating expenditures during the fiscal year, subject to the policy guidelines the Board may establish.
- 10.2 It is the goal of the SJJPA to fully fund its annual budget from State and other non-Member Agency funding sources. The SJJPA shall not operate at a deficit. The SJJPA or local or regional entities may, but shall not be required to, augment state-provided resources to expand intercity passenger rail services, or to address funding shortfalls in achieving agreed-upon performance standards only if dedicated by a vote of a local agency providing funds, with the concurrence of the Board. The SJJPA may identify and secure new supplemental sources of funding for the purpose of expanding or maintaining intercity rail passenger service levels, which may include state and federal intercity rail resources. Local resources are not required to offset any redirection, elimination, reduction, or reclassification of state resources for operating intercity rail services.
- 10.3 No funding, debt, or financial obligation is created against any Member Agency solely as a consequence of executing this Agreement and no funding, debt, or

financial obligation approved by the Board and/or incurred by the SJJPA shall be binding against a Member Agency unless and until specifically ratified by that Member Agency's governing body.

## **11.0 ANNUAL BUDGET AND CAPITAL IMPROVEMENT PROGRAM**

The Board shall approve a preliminary administrative budget and a Capital Improvement Program for the succeeding fiscal year no later than April 1 of each year. The Board shall adopt a final budget no later than June 30 of each year. No funding or financial obligations are created against any Member Agency solely as a consequence of executing this Agreement.

## **12.0 LIABILITY OF SJJPA, OFFICERS AND EMPLOYEES**

The debts, liabilities, and obligations of the SJJPA shall not be the debts, liabilities and obligations of any of the Member Agencies, the Managing Agency, the Board or any of their respective members, officers, directors, employees, or agents. Any obligations incurred by any bonds issued by the SJJPA as set forth in Section 4.8 above shall not constitute general obligations of the SJJPA but shall be payable solely from the moneys pledged to the repayment of such obligations or the repayment of principal or interest on such bonds under the terms of the resolution, indenture, trust agreement, contract or other instrument pursuant to which the obligation is incurred or the bonds are issued. The Board and the Managing Agency, their directors, officers, employees, staff and agents shall use ordinary care and reasonable diligence in the exercise of their powers and in the performance of their duties pursuant to this Agreement. No Member Agency or Board Member, officer, director or employee shall be responsible for any action taken or omitted by any other Member Agency or Board Member, officer, director or employee. The SJJPA shall indemnify, defend and hold harmless the Board, the individual Member Agencies, their members, officers, directors, employees and agents from and against any and all liability, loss, damage, expenses, costs (including, without limitation, costs and fees of litigation or arbitration) of every nature, arising out of any act or omission related to this Agreement, except such loss or damage which was caused by the willful misconduct of the Board, a Board Member, or any individual Member Agency. The SJJPA's duty to indemnify each Member Agency shall survive that Member Agency's withdrawal from the SJJPA.

## **13.0 SERVICES BY MANAGING AGENCY**

Subject to the provisions of Section 8.0 above, the SJJPA shall enter into a formal contract with the Managing Agency for the services it will perform pursuant to this Agreement, and the compensation for such services. The initial duration of the Managing Agency contract shall not exceed five years. At the conclusion of the initial contract and subsequent Managing Agency contracts, the Board may, through procedures that it determines, select the same Managing Agency or another existing public rail transportation agency for a period that shall not exceed five years.

#### **14.0 EFFECTIVE DATE OF AGREEMENT**

This Agreement shall take effect upon its execution by the Member Agencies pursuant to Section 2.0, and shall remain in full force and effect until dissolved pursuant to the provisions herein.

#### **15.0 CUSTODIAN OF PROPERTY**

- 15.1 Pursuant to the requirements of California Government Code Section 6505.1, the Managing Agency's Controller and Treasurer shall have charge of, handle, and have access to any property of the SJJPA, and shall amend the official bond with the Managing Agency to provide for coverage, in the same amount, for the duties of the Controller and the Treasurer set forth in this Agreement.
- 15.2 The Treasurer of the Managing Agency shall be the Treasurer of the SJJPA and serves at the pleasure of the Board. Subject to the applicable provisions of any indenture, trust agreement or resolution providing for a trustee or other fiscal agent, the Treasurer is designated as the depository of the SJJPA to have custody of all the money of the SJJPA, for whatever source, and, as such, shall have the powers, duties and responsibilities specified in Section 6505.5 of the California Government Code.
- 15.3 The Controller of the Managing Agency, who performs the functions of auditor and controller for the Managing Agency, shall be the Controller of the SJJPA, and, as such, shall have the power, duties and responsibilities specified in Sections 6500 and 6505.5 of the California Government Code. The Controller shall draw checks to pay demands against the SJJPA when the demands have been approved by the Board, or in accordance with any purchasing and/or procurement policies adopted by the Board.
- 15.4 Upon providing reasonable notice, any Member Agency shall have the right to review any records maintained by the Managing Agency or the Managing Agency's Controller and Treasurer relating to the performance of their duties pursuant to this Agreement.

#### **16.0 RALPH M. BROWN ACT**

All meetings of the SJJPA shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).

#### **17.0 FILING WITH SECRETARY OF STATE**

As required by Section 6503.5 of the California Government Code, an appropriate notice of this Agreement shall be filed with the Secretary of State within 30 days of its effective date.

## **18.0 BYLAWS**

The Board may adopt and amend from time to time Bylaws as may be required for the conduct of its meetings and the orderly operation of the SJJPA, subject to the terms of Section 7.1 above.

## **19.0 COMMITTEES**

19.1 The Steering Committee of the California Department of Transportation (Caltrans) Rail Task Force shall remain in existence and shall become the Steering Committee of the SJJPA for the purpose of advising the SJJPA. The Steering Committee will advise the SJJPA on technical issues associated with the improvements in passenger rail service and related facilities in the San Joaquin Rail Corridor, including stations and rights-of-way, the coordination of public mass transit services and facilities, the coordination of passenger and freight services in the Corridor, and other technical matters. Members of the Board may not also concurrently serve as a member of the Steering Committee of the Caltrans Rail Task Force. Future appointments to the Steering Committee will be made by the Board.

19.2 The Board shall form other committees as are necessary.

## **20.0 WITHDRAWAL BY MEMBER AGENCY**

20.1 Notwithstanding any other provision of this Agreement, any Member Agency may withdraw from the SJJPA by giving 90 days advance written notice to the SJJPA. Any withdrawal from the SJJPA will also constitute withdrawal from the Board.

20.2 A withdrawing Member Agency shall remain liable for all financial liabilities incurred during its membership in the SJJPA, but shall not be liable for any new financial liabilities incurred after submitting written notice of its withdrawal.

## **21.0 DURATION OF AGREEMENT AND TERMINATION**

This Agreement shall continue in full force and effect until such time as the Member Agencies determine that it is in the public interest to dissolve the SJJPA. Notwithstanding the foregoing, any of the Member Agencies may exercise its prerogative to terminate its membership in the SJJPA as set forth in Section 20.0, above. Upon termination of this Agreement by mutual consent of all the Member Agencies, all assets, liabilities and equity of the SJJPA shall be distributed in accordance with the provisions of the Interagency Transfer Agreement and any other agreements authorized by the SJJPA governing such distribution, and any remaining money or assets in possession of the SJJPA after the payment of all liabilities, costs, expenses, and charges validly incurred under this Agreement shall be returned to the Member Agencies in proportion to their contributions, if any, determined as of the time of termination.

## 22.0 NOTICE

Addresses of the parties to the Agreement for the purpose of formal communications among the signatories which may be changed by written notice to the other Member Agencies.

Sacramento Regional Transit District  
P.O. Box 2110  
Sacramento, CA 95816  
(916) 321-2811

San Joaquin Regional Rail Commission  
949 East Channel Street  
Stockton, CA 95202  
(209) 944-6220

Stanislaus Council of Governments  
1111 I Street, Suite 308  
Modesto CA, 95354  
(209) 525-4600

Merced County Association of Governments  
369 West 18<sup>th</sup> Street  
Merced, CA 95340  
(209) 723-3153

Madera County Transportation Commission  
2001 Howard Road, Suite 201  
Madera CA 93637  
(559) 675-0721

Fresno Council of Governments  
2035 Tulare Street, Suite 201  
Fresno, CA 93721  
(559) 233-4148

Kings County Association of Governments  
339 West D Street, Suite B  
Lemoore, CA 93245  
(559) 852-2654

Tulare County Association of Governments  
210 N. Church Street, Suite B  
Visalia, CA 93291  
(559) 623-0450

Kern Council of Governments

1401 19<sup>th</sup> Street, Suite 300  
Bakersfield, CA 93301  
(661) 861-2191

Contra Costa Transportation Authority  
2999 Oak Road, Suite 100  
Walnut Creek, CA 94597  
(925) 256-4700

Alameda County  
1221 Oak Street  
Oakland, CA 94612  
(510) 208-9770

## **23.0 AUDIT**

The SJJPA shall provide for the accountability of all funds and shall provide for an annual independent audit pursuant to Section 6506 of the Government Code.

## **24.0 AMENDMENTS TO THE AGREEMENT**

This Agreement may be amended at any time by two-thirds approval of the voting Member Agencies and effectuated through a fully-executed written amendment to this Agreement.

## **25.0 ARBITRATION**

25.1 In the event of a dispute between the SJJPA, the Board, the Managing Agency, one or more Member Agencies or any other agency/agencies, which cannot be satisfactorily resolved by the parties involved, the dispute shall be submitted to arbitration by a panel of three arbitrators who shall conduct the arbitration pursuant to the rules of the American Arbitration Association. The panel of arbitrators shall consist of one arbitrator appointed by each of the parties involved, the third arbitrator to be appointed by mutual consent of the other two arbitrators. The arbitration panel shall resolve the dispute in accordance with the terms of this Agreement, and such resolution shall be final and binding upon the parties. Each party shall bear its own costs of arbitration, including reasonable attorney's fees. The cost of the third arbitrator shall be divided equally between the disputants.

25.2 Unless otherwise expressly agreed in writing by the disputants, only disputes regarding a disputant's rights and obligations arising under the terms of: (i) this Agreement, or (ii) any other agreement between the disputants in which this arbitration provision is incorporated by reference shall be subject to arbitration pursuant to Section 25.1, above.

## **26.0 CONFLICT OF INTEREST CODE**

The SJJPA by resolution shall adopt a conflict of interest code as required by law.

## **27.0 SUCCESSOR STATUTES**

All statutes cited herein shall be deemed to include amendments and/or successor statutes to the cited statutes as they presently exist.

## **28.0 AGREEMENT, COMPLETE**

This Agreement constitutes the full and complete Agreement of the parties, superseding and incorporating all prior oral and written agreements relating to the subject matter of this Agreement.

## **29.0 COUNTERPARTS**

This Agreement may be executed in counterparts, each of which shall constitute an original and all of which together shall constitute one and the same agreement.

## **30.0 SEVERABILITY**

If any one or more of the terms, provisions, promises, covenants, or conditions of this Agreement, were to any extent, adjudged invalid, unenforceable, void, or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and conditions of this Agreement shall not be affected and shall be valid and enforceable to the fullest extent permitted by law.

**BEFORE THE KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
COMMISSION**

\*\*\*\*\*

<b>IN THE MATTER OF APPROVING AND ) EXECUTING THE SAN JOAQUIN JOINT ) EXERCISE OF POWERS AGREEMENT ) AND APPOINTING A BOARD MEMBER ) AND ALTERNATE TO THE SAN JOAQUIN ) JOINT POWERS AUTHORITY )</b>	<b>RESOLUTION NO. 13-01  RE: SAN JOAQUIN JOINT POWERS AGREEMENT</b>
--	---

**WHEREAS**, Intercity Passenger Rail Act of 2012 (Assembly Bill 1779), passed in 2012, enables the transfer of administrative responsibility of the San Joaquin intercity passenger rail service from the Department of Transportation to a new joint powers authority; and

**WHEREAS**, Kings County Association of Governments (KCAG) is specifically listed as a potential member agency to the San Joaquin Joint Powers Authority for the Kings County region; and

**WHEREAS**, KCAG will join this Joint Powers Authority pursuant to the statute language in AB 1779 as codified in Government Code 14074.2; and

**WHEREAS**, the KCAG Commission shall appoint a Member to represent the Kings County Association of Governments; and

**WHEREAS**, the KCAG Commission shall appoint an Alternate Member to represent the Kings County Association of Governments.

**NOW, THEREFORE, BE IT RESOLVED**, that the KCAG Commission does hereby approves joining the San Joaquin Joint Powers Authority and grants authority to the KCAG Commission Chairman and the KCAG Executive Director to execute the attached version of the Joint Exercise of Powers Agreement.

**BE IT FURTHER RESOLVED**, that a Member and Alternate Member to the San Joaquin Joint Powers Authority shall be appointed from the KCAG Commission.

The foregoing Resolution was adopted on a motion by Commissioner Verboon, seconded by Commissioner Casida, at a regular meeting held on the 24th day of April, 2013 by the following vote:

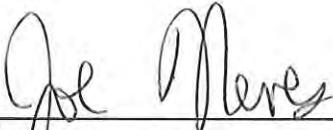
AYES: Verboon, Casida, Neves

NOES: Gordon

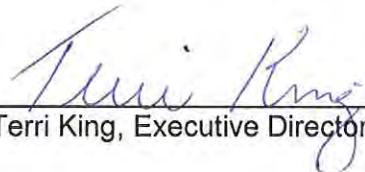
ABSTAIN:

ABSENT: Cartwright, Curry

KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
COMMISSION

  
\_\_\_\_\_  
Chair

WITNESS, my hand this 24<sup>th</sup> day of April, 2013.

  
\_\_\_\_\_  
Terri King, Executive Director

# **Kings County Association of Governments**

## ***Policy for Government to Government Consultation with Federally Recognized Native American Tribal Governments***

**Prepared by:**



**Kings County Association of Governments  
339 W. D Street, Suite B  
Lemoore, CA 93245**

**[www.kingscog.org](http://www.kingscog.org)**

**Adopted:  
February 28, 2018**

## Policy for Government-to-Government Consultation with Federally Recognized Native American Tribal Governments

*The U.S. DOT defines consultation as when: “one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken.” Some areas of consultation could include transportation, land use, employment, economic development, housing, community development and environmental issues.*

### Requirement to Consult

#### Native American Tribal Government Consultation and Coordination

23 C.F.R. 450.316(c) requires that when the MPO includes Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the Metropolitan Transportation Plan and Federal Transportation Improvement Program.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments (November 6, 2000), establishes regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies with tribal implications. The goals of this order are to strengthen government to government relationships with Indian tribes and to reduce the imposition of unfunded mandates upon local tribes.

California Assembly Bill (AB) 52 of 2014 provides a process for a California Native American tribe to engage in the California Environmental Quality Act (CEQA) review process to avoid significant effects on tribal cultural resources. AB 52 added California Public Resources Code § 21080.3.1, which requires local governments to conduct meaningful consultation with California Native American tribes that have requested to be notified by lead agencies of proposed projects in the geographic area with which the tribe is traditionally and culturally affiliated.

### Federally Recognized Tribes

A contact list of California Native American Tribes that are both federally and non-federally recognized is maintained by the Native American Heritage Commission. There is one federally recognized Tribe in Kings County including:

- Tachi Yokut Tribe of the Santa Rosa Rancheria, Lemoore CA

Federal recognition is a legal distinction that applies to a Tribe’s right to a government-to government relationship with the federal government and eligibility for federal programs.

All California Native American Tribes are distinct and independent governmental entities with specific cultural beliefs and traditions and unique connections to areas of California that are their ancestral homelands.

Federal and state law require local agencies to consult with federally recognized Tribal governments prior to making transportation decisions, taking actions, or implementing programs that may impact their communities. This activity is separate from, and precedes the public participation process. Protocol should be flexible and dynamic with respect to initiation of communication and discussion format. More than one Tribe may have an affiliation with the area of consideration. Individual consultation may be necessary if a combined consultation format is not preferred by the Tribal Government. Determining the degree and adequacy of consultation will vary depending on a number of factors including the scope of proposed activities, whether the activity is short-term or long-term, the cultural or political sensitivity of the issue at hand, and the number of potential stakeholders.

The Kings County Association of Governments (KCAG) intends to consult with Native American Tribal Governments on activities that may impact their communities. Although consultation is not mandated for non-federally recognized Tribes, this does not preclude the KCAG from consulting with local Tribes when plans or activities might impact cultural values or the community.

## Consultation

The Executive Director is the designated Metropolitan Planning Organization/Regional Transportation Planning Agency (MPO/RTPA) official with principal responsibility for the agency's implementation of consultation requirements. At the appropriate time in the planning phase, contact shall be initiated directly with the Tribal Chair to inquire as to protocols in place such as cultural resource contacts, procedures, time limits, and restrictions affecting communication. Development of mutually agreed-upon protocols may result in more effective consultation efforts with individual Tribes. Consultation should be done face-to-face whenever possible.

Consultation is a process, not a single event, and communication should continue until the project or plan is complete. Notification of Tribes is not the same as consultation. Sufficient time should be provided in a request for consultation in order to allow the Tribal Council to take official action. Consultation requests should include a clear statement of purpose, explaining the reason for the request and declaring the importance of the tribe's participation in the planning process. The request should specify the location of the area of potential effect addressed by the proposal. All aspects of the consultation process should be documented, including how the lead agency reaches a final decision.

In 2017, the California Transportation Commission (CTC) adopted new Regional Transportation Plan (RTP) Guidelines for MPOs that have more extensive language on when and how to consult. This language is located in Section 4.9 of the RTP Guidelines, which can be found at:

[http://www.dot.ca.gov/hq/tpp/offices/orip/rtp/index\\_files/2017RTPGuidelinesforMPOsr.pdf](http://www.dot.ca.gov/hq/tpp/offices/orip/rtp/index_files/2017RTPGuidelinesforMPOsr.pdf).

*During the development of the RTP, Tribal Government consultation can be described as the meaningful and timely process of seeking, discussing, and considering carefully the views of leaders of federally recognized Tribal Governments and, where feasible, seeking agreement on important matters. The MPO can do this by sharing information and conducting meetings with leaders of the federally recognized Tribal Governments during the preparation of the RTP prior to taking action(s) on the plan and by making sure to consider input from the tribe as decisions are made. Consultation should be conducted in a way that is mutually respectful of each party's sovereignty. Tribal Government coordination is the comparison of the MPOs transportation plans, programs, projects and schedules with similar documents prepared by the tribe. The MPO needs to ensure consistency with tribal plans and the RTP.*

*When the MPO region includes California Indian Tribal Lands (reservations, Rancherias, and allotments) the MPO shall appropriately involve the federally recognized Native American Tribal Government(s) in the development of the RTP. The MPO should also seek input even from tribes that are not federally recognized or from other “interested parties” that may have a background and/or history of Native American culture within the region. In addition, AB 52 mandates that agencies must consult with tribes regarding impacts to Tribal Cultural Resources as an impact under CEQA.*

*The MPO should include a discussion of consultation, coordination and communication with federally recognized Tribal Governments when the tribes are located within the boundary of an MPO/RTPA. The MPO should establish a government-to-government relationship with each tribe in the region. This refers to the protocol for communicating between the MPOs and the Tribal Governments as sovereign nations. This consultation process should be documented in the RTP. The initial point of contact for Tribal Governments should be the Chairperson for the tribe.*

*The MPO should develop protocol and communication methods for outreach and consultation with the Tribal Governments. However these protocol and communication methods should be re-evaluated if the agencies are un-successful in obtaining a response during the development of the RTP.*

*MPOs should involve the Native American communities in the public participation processes. Establishing and maintaining government-to-government relations with federally recognized Tribal Governments through consultation is separate from and precedes the public participation process.*

## **KCAG Organizational Structure**

KCAG is a council of governments responsible for addressing problems of an inter-jurisdictional nature. KCAG is a voluntary organization whose members are Kings County and the cities of Hanford, Lemoore, Corcoran, and Avenal.

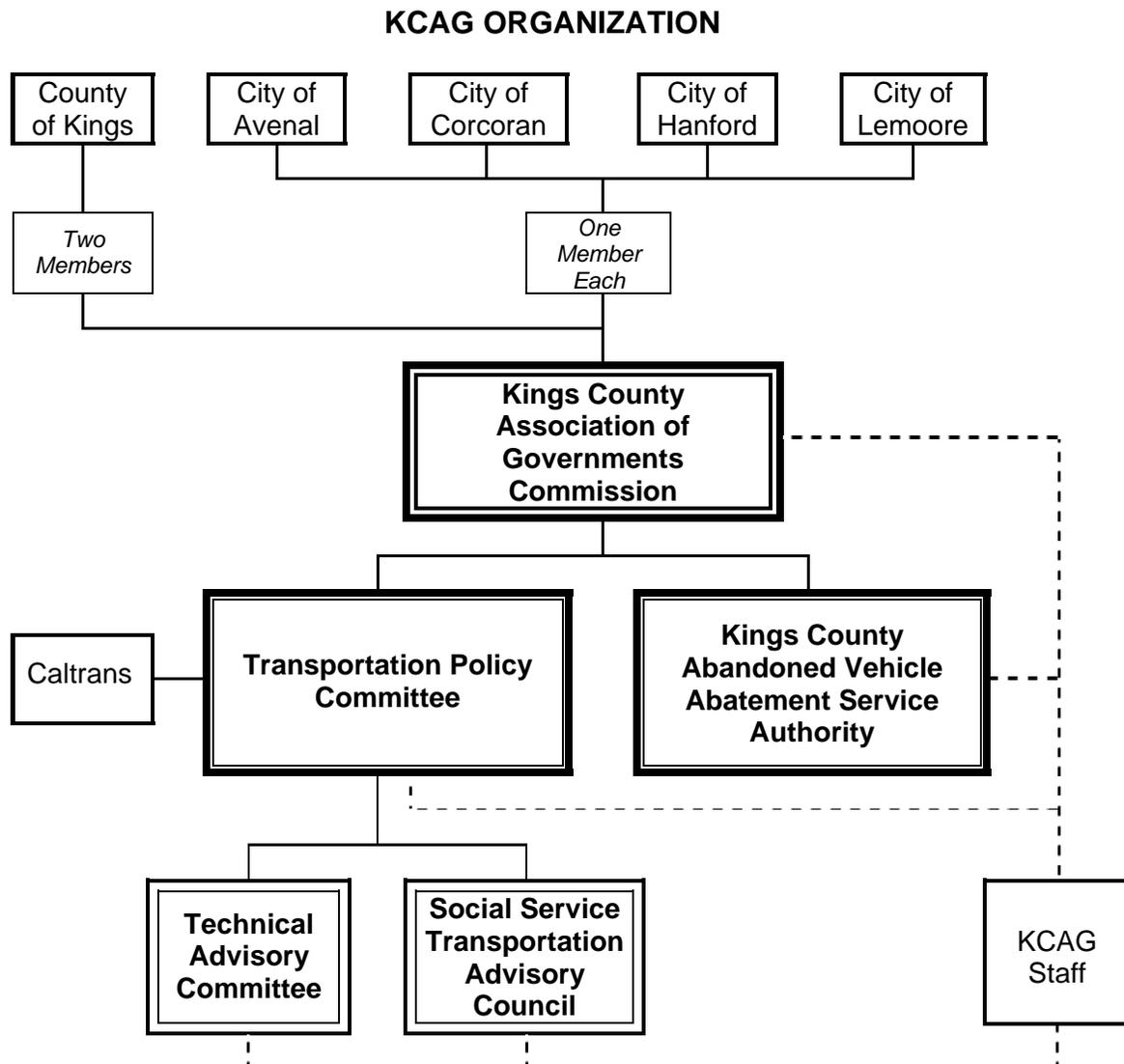
KCAG is a state-designated regional transportation planning agency (RTPA) recognized by the California State Transportation Agency (CalSTA). The primary functions of an RTPA are in developing and updating a Regional Transportation Plan, preparing a Regional Transportation Improvement Program, preparing a Federal Transportation Improvement Program, and administering the Local Transportation Fund. KCAG is also a metropolitan planning organization (MPO) recognized by the Federal Highway Administration and Federal Transit Administration, and receives federal funding to conduct several activities required of MPOs. KCAG staff includes an Executive Director, an Executive Assistant, a Fiscal Analyst, and four Regional Planners.

The KCAG Commission is composed of local elected officials from each of the member agencies. All RTPA activities are governed by the Transportation Policy Committee (TPC) which includes members of the regular KCAG Commission, plus the Director of the Caltrans District 6 representing the Director of Caltrans Headquarters.

The Commission is advised by two committees. The first is a Technical Advisory Committee (TAC) whose members include KCAG staff, county and city public works and planning directors, city managers, county administrative officer, Caltrans District 6 staff, a Kings County Area Public Transit Agency (KCAPTA) representative, a Lemoore Naval Air Station (LNAS) representative, a San Joaquin Valley Air Pollution Control District representative, and a Santa Rosa Rancheria Tachi Yokut Tribe representative. The

primary responsibility of the TAC is to review all issues that KCAG will consider and to provide technical input to advise the Commissioners in making their decisions.

The second committee is the Social Service Transportation Advisory Council (SSTAC) and is a statutorily created committee with specific responsibilities that include advising the TPC on transit needs issues of the elderly, persons with disabilities, and low income citizens. The members of the SSTAC consist of representatives of social service providers and transit users from the above mentioned needs group, as well as citizens who are interested in the transit planning process. Other citizen committees are formed on an ad hoc basis by the KCAG Commission. The relationship between the KCAG Commission, its staff and the committees is illustrated in the figure below.



In addition to these committees, more citizen participation is accomplished through various other activities. KCAG uses news releases, public hearings, and public meetings to get public input into its planning activities. KCAG staff directly contacts citizen, business, commercial organizations, and the Tribal Council Chairman of the local Native American tribe for input into specific items. KCAG's website includes meeting agendas and meeting minutes, planning and programming documents, and other information that the public can access to assist in the planning process. KCAG also has an adopted Public Participation Plan that outlines various outreach activities required to meet the federal planning process.

## **Planning Documents / Planning Studies, Transportation Improvement Programs**

- Federal Transportation Improvement Program (FTIP)
- State Transportation Improvement Program (STIP)
- Regional Transportation Improvement Program (RTIP)
- Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS)
- Overall Work Program (OWP)

Consult with Tribal Governments in preparation of planning studies and programs affecting the Tribe:

- Initiate consultation by letter from the Executive Director to the agency and Tribal Chair with copies to the CEO, Administrator, and Cultural Department representatives.
- Offer to meet to discuss the agency and Tribe's needs and concerns regarding impacts within their jurisdiction prior to the beginning of preparation of documents. If the agency, Tribal Chair and/or their representatives elect not to meet, send a copy of the draft report for their review.
- Consult with agency and Tribal governments while developing the RTP/SCS, addressing agency and Tribal concerns regarding impacts within their jurisdiction and again prior to adoption of the RTP/SCS.
- Invite representatives of the agency and Tribe to public meetings.

## **Transit studies, unmet needs hearing, transit needs assessment**

Consult with the Tribal Governments on transit needs in their area:

- Initiate consultation and invitation to the unmet needs hearing by letter from the Executive Director to Tribal Chair with copies to the CEO, Administrator, and Cultural Department representatives.
- Offer to meet to discuss the Tribe's transit needs and concerns.
- Outreach to members of the Tribe through local newspapers, Indian newsletters, or trust lands meeting places.

## **Grant Programs: Transit 5311, Transportation Enhancements, JARC, New Freedom, etc.**

Coordinate with the Tribal Governments to provide them information and technical assistance on grant programs administered by the RTPA or others:

- Initiate consultation by letter from the Executive Director to the Tribal Chair with copies to the CEO, Administrator, and Cultural Department representatives.

- Provide notice of each grant and its application deadlines.
- Offer assistance in completing grant applications.
- Invite representatives of the Tribe to any training or public meetings regarding the grants.
- Coordinate between the Tribe and RTPA member agencies.
- Consult with and consider the interests of the Tribal Government.

### **Indian Reservation Road (IRR) Planning and Programming**

Coordinate amongst planners and engineers in local agencies and Tribes:

- Offer to meet to discuss the Tribes needs and concerns when contacted by the Tribal representatives.
- Provide assistance in IRR planning.
- Coordinate with federal entities as requested by the Tribe.

### **Tribal Transportation Program (TTP) – Highway Trust Fund Planning and Programming**

Coordinate amongst planners and engineers in local agencies and Tribes:

- Offer to meet to discuss the tribe’s needs and concerns when contacted by the tribal representatives.
- Provide assistance in TTP planning.
- Coordinate with federal entities as requested by the tribe.
- Collaborate on funds awarded to the Tribe through the Active Transportation Program.

### **Kings County Association of Governments Contact Information**

Please refer to KCAG’s website for the current KCAG Contact regarding Federally Recognized Native American Tribal Governments consultation: [http://www.kingscog.org/get\\_involved](http://www.kingscog.org/get_involved)

BEFORE THE KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE

\*\*\*\*\*

IN THE MATTER OF ADOPTING A )  
POLICY FOR GOVERNMENT TO )  
GOVERNMENT CONSULTATION WITH )  
FEDERALLY RECOGNIZED NATIVE )  
AMERICAN TRIBAL GOVERNMENTS )

RESOLUTION NO. 18-01

RE: TRIBAL  
CONSULTATION

**WHEREAS**, 23 U.S. Code § 135(e)(f), and 23 CFR 450.316(c) specifies that Metropolitan Planning Organizations involve Federally Recognized Native American Tribal Governments in the development of the Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP); and

**WHEREAS**, the Kings County Association of Governments (KCAG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

**WHEREAS**, a draft Policy for Government to Government Consultation with Federally Recognized Native American Tribal Governments was prepared that describes the agreed upon consultation requirements, protocol and responsibilities in the planning process.

**NOW, THEREFORE, BE IT RESOLVED**, that the KCAG Transportation Policy Committee does hereby adopt the Policy for Government to Government Consultation with Federally Recognized Native American Tribal Governments and authorizes the KCAG Executive Director to approve additional updates, as necessary.

The foregoing Resolution was adopted on a motion by Commissioner Verboon, seconded by Commissioner Ayers, at a regular meeting held on February 28, 2018, by the following vote:

**AYES:** Verboon, Ayers, Neves, Madrigal, Navarro, Palmerin, Woolley

**NOES:**

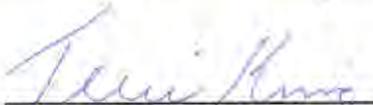
**ABSTAIN:**

**ABSENT:**

KINGS COUNTY ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION POLICY COMMITTEE

  
\_\_\_\_\_  
Chairman

**WITNESS**, my hand this 28<sup>th</sup> day of February, 2018.

  
\_\_\_\_\_  
Terri King, Executive Director

## **APPENDIX F**

### ***(Glossary of Terms and Definitions)***

## GLOSSARY OF TERMS AND DEFINITIONS

### A

**AASHTO - *American Association of State Highway and Transportation Officials:*** A transportation industry group which provides research and lobbying.

**AB - *Assembly Bill:*** A legislative bill originating in the State Assembly. Preceded by a bill number and author, such as AB 2766 (Sher). KCAG reviews legislation which may impact member agencies.

**ADA - *Americans with Disabilities Act of 1990:*** Federal law that provides a comprehensive framework and approach for ending discrimination against persons with disabilities, assuring that persons with disabilities have equal opportunity, a chance to fully participate in society, are able to live independently, and can be economically self-sufficient. Several Titles within the law address employment, public services, public accommodations and services operated by private entities, and telecommunications access. Regulations pertaining to transit include requiring that public entities operating fixed route transportation service for the general public also provide complimentary paratransit service to persons unable to use the fixed route system. A transit operator providing fixed route service must prepare and submit a ADA Paratransit Plan indicating how and when complimentary paratransit service requirements will be met. KCAG determines if a transit operator has prepared an ADA Plan in its review of unmet transit needs.

**ADT - *Average Daily Traffic:*** The average number of vehicles passing a specified point during a 24-hour period. Used when evaluating transportation improvement projects.

**ALUC - *Airport Land Use Commission:*** A commission required in each county containing one or more public-use airports to provide for the orderly development of public-use airports and to ensure compatible land uses in the vicinity of airports. The State Aeronautics Act was revised in 1993 to make ALUCs optional, rather than mandatory, for local jurisdictions. The Kings County ALUC, established in 1991, was disbanded and now issues of airport land use compatibility review are the responsibility of the local jurisdiction.

**AMTRAK - *National Railroad Passenger Corporation:*** A corporation formed by the 1970 Congressional Rail Passenger Service Act to operate a system of intercity passenger trains with federal financial support. The "San Joaquins" is intercity service within the San Joaquin Valley operated by AMTRAK and supported with state funds. KCAG supports the continuation of AMTRAK services within the San Joaquin Valley.

**APCD - *Air Pollution Control District:*** An agency which regulates emissions from industry and employers to improve air quality. The San Joaquin Valley Air Pollution Control District is the APCD for the San Joaquin Valley Air Basin.

**AQAP - *Air Quality Attainment Plan:*** A plan to demonstrate how an air basin will reduce pollution through the use of control measures to meet state and federal ambient air quality standards. KCAG works in cooperation with the SJVAPCD and Valley RTPAs in developing the AQAP for the San Joaquin Valley. Also known as an Attainment Demonstration Plan. The AQAP includes emission budgets which transportation plans, programs, and projects prepared by KCAG must conform to.

**ARB - Air Resources Board:** The State board responsible for preparing the state's air quality planning activities and approving area attainment plans as part of the State Implementation Plan (SIP) for air quality standards. KCAG cooperates with the ARB in determining conformity of transportation plans, programs and projects.

**ATP - Active Transportation Program:** This program consolidates existing federal and state transportation programs into a single program to encourage increased use of active modes of transportation such as biking and walking. Ten percent of available funds must be distributed to small urban and rural areas with populations of 200,000 or less, with projects competitively awarded by the California Transportation Commission (CTC) to projects in those regions. Fifty percent must be distributed to projects competitively awarded by the CTC on a statewide basis, and a minimum of 25% of the funds in the statewide competitive program must benefit disadvantaged communities.

**AVA - Abandoned Vehicle Abatement:** A program and plan prepared and adopted for the purpose of planning and funding for the removal of abandoned vehicles in Kings County. Each jurisdiction is a member of the AVA Service Authority which is funded by a \$1 surcharge on registered vehicles. KCAG is the AVA Service Authority Board of Directors.

## **B**

**BAC - Bicycle Advisory Committee:** A citizens committee established to advise KCAG on bicycle planning activities. The BAC is used to develop the "Kings County Regional Bicycle Plan".

**BTA - Bicycle Transportation Account:** A state program that provides funding to local agencies for projects that improve safety and convenience for bicycle commuters. To be eligible, projects must be included in a Caltrans certified bicycle transportation plan. Local matching funds must provide at least 10% of the total project cost. KCAG staff prepares projects applications for BTA funds. Previously known as the Bicycle Lane Account (BLA).

## **C**

**CAAP - California Aid to Airports Program:** Provides discretionary grant funds for airport projects included in the Aeronautics Program adopted by the California Transportation Commission. Funds are derived from the 18 cent fuel tax and 2 cent jet fuel tax on general aviation aircraft, producing about \$4 million per year for grants. Each public entity owning and operating a public-use airport is eligible to receive funds for specified capital improvements on an airport for aviation purposes. Projects must be included in the Capital Improvement Program adopted by KCAG to be eligible for CAAP funds.

**CAC - California Administrative Code:** Codes established for the administration of the State of California. This is now called the California Code of Regulations (CCR).

**CALCOG - California Association of Councils of Governments:** An association of councils of governments throughout the state which reviews and comments on policy issues. KCAG is a member of CALCOG and regularly attends their meetings.

**CALTRANS - California Department of Transportation:** The state department that provides policy, financial and technical assistance in the areas of aviation, highways and mass transportation. Caltrans is separated into 12 districts. Kings County is located in District 6 which includes Madera, Fresno, Kings, Tulare Counties and a portion of Kern County. Caltrans is a member of the KCAG Technical Advisory Committee and Transportation Policy Committee.

**CASP - California Aviation System Plan:** A plan to guide state input into aviation systems planning and development. The CASP includes several elements consisting of an inventory, forecast, functional classification, system requirements, capital improvement program, integrated airport system, financial plan and action plan. The CASP is required by PUC Section 21701 (Chapter 1149, Statutes of 1989).

**CCAA - California Clean Air Act:** An act established by Chapter 1568, Statutes of 1988 (AB 2595, Sher) to develop and implement a program to attain air quality standards by the earliest practicable date by mandating the development of attainment plans by APCDs. As part of the non-attainment area, KCAG must meet CCAA requirements.

**CCASP - Central California Aviation System Plan:** A regional plan for aviation planning similar to the statewide CASP. The region encompasses the counties of Kern, Kings, Tulare, Fresno, Madera, Merced, Stanislaus, San Joaquin, Sacramento, and Placer. CCASP regional elements consist of those in the statewide CASP. KCAG developed the CCASP for Kings County which includes the public use airports of Hanford Municipal Airport and Corcoran Airport.

**CCR - California Code of Regulations:** Formerly known as the California Administrative Code (CAC).

**CEQA - California Environmental Quality Act:** A 1970 act which requires that state agencies regulate activities with major consideration for environmental protection. Public Resources Code Sections 21000 et seq. CEQA Guidelines are found in Title 14 of the California Code of Regulations.

**CIP - Capital Improvement Program:** A list of capital improvement projects for any particular transportation mode. Aviation projects must be included in the CIP to be eligible for state and federal aviation funds. KCAG biennially prepares a CIP for aviation projects for public-use airports, including Hanford Municipal Airport and Corcoran Airport. The CIP is required by PUC Sections 21702 through 21706.

**CLUP - Comprehensive Land Use Plan:** PUC Section 21675 requires the preparation of a CLUP for all public use airports to establish procedures and criteria by which a local entity can ensure compatible land uses around public-use airports. The "Kings County Airport Land Use Compatibility Plan" was prepared for Kings County and the cities of Corcoran and Hanford in 1994. Without an ALUC, each entity may either adopt the Plan as a stand-alone document, as an element of the general plan, or incorporate it into existing elements of the general plan.

**CMAQ - Congestion Mitigation and Air Quality:** A pot of federal money established through ISTEA for projects and activities that reduce congestion and improve air quality in regions not yet attaining federal air quality standards. Funds are apportioned to non-attainment areas based on population and pollution severity. KCAG programs the use of CMAQ funds for projects in the Federal Transportation Improvement Program (FTIP).

**CMP - Congestion Management Program:** A program required of every county with an urbanized area of at least 50,000 people to reduce traffic congestion. Developed and updated biennially by Congestion Management Agencies, the CMP sets performance standards for roads and public transit and shows how local jurisdictions will attempt to meet those standards. A CMP is not required in Kings County.

COG - ***Council of Government:*** A voluntary association of officials of local governments formed to cooperate on common planning and to solve common development problems of their area. KCAG is a council of governments established under California Government Code Sections 65101 through 65103.

CTC - ***California Transportation Commission:*** A commission established in 1977 by AB 402 to advise and assist the Secretary of the Business, Transportation and Housing Agency and the Legislature in formulating and evaluating state policies and plans for transportation programs. KCAG submits transportation plans and programs to the CTC and attends their monthly meetings as necessary.

CTSA - ***Consolidate Transportation Service Agency:*** An agency designated by the regional transportation planning agency to improve the coordination of specialized transportation services. A CTSA may file claims under Article 4.5 of the Transportation Development Act (TDA) to fund transportation services. There is no CTSA designated for Kings County since it has been determined in the Transit Development Plan that one would not necessarily provide any administrative or operational benefit.

## D

DBE – ***Disadvantaged Business Enterprise:*** In accordance with Title VI of the Civil Rights Act, nondiscrimination provisions apply to all programs and activities of federal-aid recipients, sub-recipients, and contractors, regardless of tier (49 CFR, Parts 21 and 26). The DBE Program is intended to ensure a level playing field and foster equal opportunity in federal-aid contracts. As a regional agency that uses federal transportation funds, KCAG is required to annually report to Caltrans its DBE Goals at the beginning of the FY and its DBE utilization at the end of the year.

DOT - ***Department of Transportation:*** The federal department that provides policy, financial, and technical assistance in the areas of aviation, highways and mass transportation.

DSMP - ***District System Management Plan:*** A systems planning document prepared by each Caltrans District for management of its transportation system. Route Concept Reports for each state highway are developed from the DSMP. KCAG participated in the development of the DSMP for District 6.

## E

EIR - ***Environmental Impact Report:*** A detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in CEQA. A document that assesses the environmental effects relating to planning, construction and operation of a project and indicates ways to reduce or avoid possible environmental damage. To identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.

EIS - ***Environmental Impact Statement:*** An environmental impact document prepared pursuant to the National Environmental Policy Act (NEPA). The federal equivalent to an EIR.

EPA - ***Environmental Protection Agency:*** Federal agency responsible for protecting the environment. KCAG cooperates with the EPA in preparing its conformity findings for transportation plans, programs and projects. The EPA determines the final approval of the State Implementation Plan (SIP) for air quality standards.

## F

FAA - **Federal Aviation Administration:** Federal agency responsible for the civilian aviation program including air safety, airport planning and financing.

FAST Act - **Fixing America's Surface Transportation Act:** The latest federal transportation reauthorization enacted on December 4, 2015 following the expiration of MAP-21. The FAST Act authorizes the allocation of \$305 billion over five fiscal years from 2016 to 2020.

FCAAA - **Federal Clean Air Act Amendments:** Landmark legislation passed by Congress that renews the Federal Clean Air Act and makes significant program changes. Significant changes include a definition of conformity and the requirement for the formulation by EPA and DOT of regulations regarding conformity and requirements for the use and development of clean fuels and vehicles. KCAG must meet the requirements of the FCAAA as part of a non-attainment area for ozone and PM-10.

FCOG - **Fresno Council of Governments:** The council of governments and metropolitan planning organization for Fresno County. One of the eight COGs/RTPAs in the San Joaquin Valley Air Basin coordinating transportation and air quality planning as a party to the MOU. The Executive Director of Fresno COG is Tony Boren.

FHWA - **Federal Highway Administration:** Agency within the USDOT which assists states in constructing highways and roads and provides financial aid. KCAG cooperates with the FHWA in preparing its conformity findings for transportation plans, programs and projects.

FRA - **Federal Railroad Administration:** Federal agency responsible for the nation's railroad system.

FTA - **Federal Transit Administration:** Agency within the USDOT to administer the federal transit program under the Federal Transit Act. KCAG cooperates with the FTA in preparing its conformity findings for transportation plans, programs and projects.

FTA Section 5307 - **Section 5307 of the Federal Transit Act:** Urbanized area formula grant program. Authorizations totaling \$18.02 billion for the 6-year period are provided for the Urbanized Area Formula Grant Program (Title 49 U.S.C. Section 5307). Under this program, 91.23 percent of the funding is made available to all urbanized areas with a population of 50,000 or more. For urbanized areas with populations less than 200,000, funding may be used for either capital or operating costs at local option and without limitation.

FTA Section 5310 - **Section 5310 of the Federal Transit Act:** Capital funds apportioned to states by the federal government through FTA to provide capital assistance to public and private non-profit entities providing transportation services for the elderly and disabled. 5310 funds are programmed on a statewide competitive basis. KCAG administers the Section 5310 program by establishing a Local Review Committee to review and score Section 5310 applications from Kings County area applicants, and submits its findings to Caltrans.

FTA Section 5311 - **Section 5311 of the Federal Transit Act:** Transit funds apportioned to states by the federal government through FTA by formula to rural areas for capital and operating expenses. KCAG administers the Section 5311 program by developing a "Program of Projects" allocating funds to transit agencies for eligible projects. Section 5311 funds are allocated by KCAG on a population basis to the Kings Area Rural Transit (KART) and Corcoran Transit systems for operating assistance.

FTA Section 5316 - **Section 5316 of the Federal Transit Act - Job Access and Reverse Commute:** Transit funds apportioned to states by the federal government through FTA by formula to urban and rural areas for transportation services to and from rural and urban area for employment for qualified welfare and low-income recipients.

FTA Section 5317 - **Section 5317 of the Federal Transit Act - New Freedom:** Transit funds apportioned to states by the federal government through FTA by formula to urban and rural areas for public transportation services and alternatives beyond those required by ADA.

FTA Section 5339 - **Section 5339 of the Federal Transit Act – Bus and Bus Facilities:** Transit funds apportioned to states by the federal government through FTA by formula to small urban areas for capital projects to replace, rehabilitate, and purchase buses and bus-related equipment and to construct bus-related facilities. KCAG administers the Section 5339 program by developing a "Program of Projects" allocating funds to transit agencies for eligible projects.

FTA / TPA - **Federal Transit Act - Technical Planning Assistance:** funds for the Technical Planning Assistance Program administered through Caltrans which funds projects focusing on public transportation planning in non-urbanized areas. KCAG applies for FTA Technical Planning Assistance funds to conduct transit planning studies such as Transit Development Plans, transit marketing plans, action plans for coordinated social service transportation, on-board transit user surveys and transit facility site selection studies.

FTIP - **Federal Transportation Improvement Program:** A financially constrained document prepared by metropolitan planning organizations (MPOs) in cooperation with state and federal agencies which includes a list of projects using federal funding over a four year period. KCAG prepares an FTIP to program federal funds for transportation projects within Kings County. The FTIP must conform to the State Implementation Plan (SIP) for Air Quality.

FY - **Fiscal Year:** The accounting period for local and state agencies beginning July 1 and ending June 30. For federal budget and accounting purposes the FY begins October 1 and ends September 30.

## G

GIS - **Geographic Information System:** A computer based system of geographical data. Kings County is included in the Valleywide GIS system and Kings County is developing a countywide GIS system. KCAG staff prepares GIS maps.

## H

HOV - **High Occupancy Vehicle:** Multi-occupant highway vehicles such as buses, vans and carpools. HOV lanes are preferential and exclusive lanes on the highway system for HOVs and considered a transportation control measure for the more populated urban area freeway systems. HOV lanes are not considered feasible on Kings County highways.

HPMS - **Highway Performance Monitoring System:** Federally mandated planning study on the condition of the states roads. Vehicle miles of travel estimates produced by travel demand forecasting models must be calibrated against the HPMS. Local agencies in Kings County provide road data information to KCAG for submittal to Caltrans for the HPMS.

## I

**IIP - *Interregional Improvement Program:*** State funding program using 25% of the total new funding available for the STIP. Projects funded through this program are nominated by Caltrans in the Interregional Transportation Improvement Program (ITIP) for the STIP.

**IRRS - *Interregional Road System:*** A series of interregional state highway routes, outside the urbanized areas, that provides access to, and links between, the states economic centers, major recreational areas and urban and rural regions. Street and Highways Codes 164.10 through 164.20 list the roads included in the IRRS Plan. For Kings County, these include Interstate 5, State Highways 41 and 198.

**ISTEA - *Intermodal Surface Transportation Efficiency Act of 1991:*** The federal transportation bill enacted by Congress in 1991 to provide funding for highways, highway safety and mass transportation for the next 6 years to improve air quality and congestion. The Act was designed to allow state and local officials the flexibility to integrate transportation projects, enhance metropolitan and statewide planning requirements and create new transportation funding programs. ISTEA expired on September 30, 1997 and has been replaced with TEA-21.

**ITIP - *Interregional Transportation Improvement Program:*** A program developed by Caltrans for projects funded with Interregional Improvement Program (IIP) funds and submitted to the CTC for inclusion in the STIP. Projects for the ITIP are to serve interregional movement of people and goods. Projects considered for the ITIP are generally taken from the Interregional Improvement Strategic Plan consisting of focus routes, high emphasis routes and gateways. For Kings County, these include Interstate 5, State Highways 41 and 198.

**ITS - *Intelligent Transportation Systems:*** Systems that utilize modern detection technology to collect data on transportation systems operation and performance. Elements include changeable message signs, closed circuit television, in-pavement traffic monitoring stations, and highway advisory radios.

## J

**JPA - *Joint Powers Agency:*** A voluntary association of government entities formed into an agency to deal with common problems. KCAG and KCAPTA are Joint Powers Agencies.

## K

**KART - *Kings Area Rural Transit:*** The largest single provider of public transportation within Kings County operated by the Kings County Area Public Transit Agency (KCAPTA). Services include fixed route and demand response service within the county and the cities of Avenal, Corcoran, Hanford and Lemoore. Ron Hughes is the Transit Manger. KCAG annually allocates local, state and federal transit funds to KART and reviews their transit system.

**KCAG - *Kings County Association of Governments:*** The council of governments for Kings County which addresses inter-jurisdictional public policy matters. Its member agencies are the cities of Avenal, Corcoran, Hanford and Lemoore and the County of Kings. The KCAG Commission meets on the fourth Wednesday of every month at 4:30 p.m. The Executive Director of KCAG is Terri King. Renamed KCAG in 1994 from the previous "KCRPA" to more accurately describe the function and activities that a council of government assumes.

**KCAPTA - *Kings County Area Public Transit Agency:*** A joint powers agency established to operate the Kings Area Rural Transit (KART) system. Its member agencies are the Cities of Avenal, Hanford and Lemoore and the County of Kings. KCAG reviews the transit services operated by KCAPTA before it allocates local, state and federal transit funds to it. Angie Dow is the Executive Director of KCAPTA.

**KCRPA - *Kings County Regional Planning Agency:*** The former name of the Kings County Association of Governments (KCAG). Formed in 1967 through a cooperative agreement between the three cities and the county. Later amended to include the newly incorporated city of Avenal in 1980.

**KernCOG - *Kern Council of Governments:*** The council of governments and metropolitan planning organization for Kern County. One of the eight COGs/RTPAs in the San Joaquin Valley Air Basin coordinating transportation and air quality planning as a party to the MOU. The Executive Director of KernCOG is Ahron R. Hakimi.

## L

**LOS - *Level of Service:*** Six levels, A through F, denoting a road's efficiency in handling its average and peak hour demands. LOS "A" means free flow speeds and LOS "F" means zero or low operating speeds.

**LRC - *Local Review Committee:*** A KCAG committee established to review and score applications from Kings County agencies for FTA Section 5310 funds. The LRC is made up of members from the Social Service Transportation Advisory Council (SSTAC) and other social service and transit oriented agency representatives.

**LTC - *Local Transportation Commission:*** A commission created under California Government Code Section 29535 within a county which is not within the jurisdiction of a statutorily created regional transportation planning agency or a council of governments, established to deal with inter-jurisdictional transportation issues. Madera County has an LTC and not a Council of Governments (COG).

**LTF - *Local Transportation Fund:*** Created in each county by the Transportation Development Act (TDA), California Government Code Section 29530 et. seq., for the transportation purposes specified in the Act. Revenues are derived from ¼ cent of the state retail sales tax collected statewide and apportioned back to the counties according to the amount of tax collected in that county. About \$3 million is available annually for apportionment to Kings County jurisdictions and is distributed based on a population formula. Funds can be claimed through the regional transportation planning agency (KCAG) by cities and counties for transportation planning, transit, and street and road purposes. Funds can be allocated for street and road purposes only after all unmet transit needs are funded. About 77% of the LTF annual apportionment is allocated for transit purposes. LTF is the major source of funding for the Kings Area Rural Transit and Corcoran Area Transit. LTF also provides a portion of KCAG's planning revenues. KCAG administers the Local Transportation Fund for Kings County, determining apportionments, conducting the unmet transit needs process and adopting resolutions for allocating funds for transportation purposes.

## M

MAP-21 – ***Moving Ahead for Progress in the 21st Century:*** The latest federal transportation reauthorization enacted July 6, 2012, as Public Law 112-141 following the expiration of SAFETEA-LU. MAP-21 authorizes the Federal surface transportation programs for highways, highway safety, and transit for fiscal years 2013 and 2014. Expired in 2015 and replaced with the FAST Act.

MCAG - ***Merced County Association of Governments:*** The council of governments and metropolitan planning organization for Merced County. One of the eight COGs/RTPAs in the San Joaquin Valley Air Basin coordinating transportation and air quality planning as a party to the MOU. The Executive Director of MCAG is Patrick Pittenger.

MCTC - ***Madera County Transportation Commission:*** The local transportation commission for Madera County. One of the eight RTPAs in the San Joaquin Valley Air Basin coordinating transportation and air quality planning as a party to the MOU. MCTC is the other non-urban county within the San Joaquin Valley Air Basin. The Executive Director of MCTC is Patricia Taylor.

MOU - ***Memorandum of Understanding:*** Formal structure for interagency cooperation. KCAG has entered into MOUs with other RTPAs within the San Joaquin Valley, Caltrans, and the San Joaquin Valley Air Pollution Control District to coordinate air quality and transportation planning efforts and to meet ISTEA and Clean Air Act requirements.

MPO - ***Metropolitan Planning Organization:*** Designated for each urbanized area of more than 50,000 population by agreement among the Governor and units of general purpose local government as a forum for cooperative decision making. KCAG will be designated an MPO following the Census 2000. Previous to becoming an MPO, KCAG entered into an MOU with COFCG to act as the neighboring MPO to meet federal requirements for Kings County.

## N

NEPA – ***National Environmental Protection Act:*** Establishes national policies and goals for the protection of the environment. NEPA directs all federal agencies to give appropriate consideration to the environmental effects of the decision making and to prepare detailed environmental impact statements on recommendations or reports on proposals for legislation and other major federal actions significantly affecting the quality of the environment.

NHS - ***National Highway System:*** An approximately 155,000 mile network called for in ISTEA to provide an interconnected system of principle arterial routes to serve major travel destinations and population centers, international border crossings, as well as ports, airports, public transportation facilities, and other intermodal transportation facilities. Interstate 5 and State Highways 41 and 198 are Kings County routes on the National Highway System to be approved by Congress. KCAG assisted in the designation of NHS routes within Kings County.

NPIAS - ***National Plan of Integrated Airport Systems:*** A national plan for the development of public-use airports published in accordance with the Airport and Airway Improvement Act of 1982 and reauthorized in the Airport and Airway Safety and Capacity Expansion Act of 1987. The State Capital Improvement Program for airport projects is made a part of the NPIAS. KCAG prepares the CIP for aviation projects for Hanford Municipal Airport and Corcoran Airport which is ultimately made a part of the NPIAS.

## O

**OA – *Obligational Authority:*** The federal limitation on the amount of funds that an agency can obligate for transportation projects within a given fiscal year.

**OWP - *Overall Work Program:*** A document prepared by each regional transportation planning agency which identifies resources, staffing responsibility, authority and operating procedures for carrying out the transportation planning process. KCAG annually prepares an Overall Work Program for its transportation planning activities in order to receive state planning assistance funds from Caltrans. The RTPA Budget is prepared based on the OWP.

## P

**PIC - *Productivity Improvement Committee:*** A committee formed by the regional transportation planning agency for the purpose of providing advice on productivity improvements to transit systems. Membership is to consist of representatives from the management and employees of the transit operators, and users of the transit operators services. The Social Services Transportation Advisory Council (SSTAC) acts as the PIC for KCAG.

**PL Funds - *Federal Planning funds:*** Federal funds set aside and allocated to metropolitan planning organizations by formula to support the planning of transportation programs, public transportation systems and other activities to enhance ground transportation planning activities. KCAG will begin receiving PL funds in Federal FY 02-03 as a newly designated MPO.

**PM - *Particulate matter (less than 2.5 and 10 microns in diameter):*** A pollutant for which state and federal ambient air quality standards have been set and the San Joaquin Valley Air Basin has not yet attained. Particulate matter consists of finely divided solids or liquids such as dust, soot, aerosols, fumes and mists which can be inhaled deeply into the lungs and create acute and chronic health effects. KCAG program transportation projects which reduce PM emissions.

**PRC - *Public Resources Code:*** Laws relating to natural resources, the conservation, utilization, and supervision thereof, and matters incidental thereto.

**PSR - *Project Study Report:*** A report, generally prepared by project sponsors, providing preprogramming project information describing the project, its scope and limits, costs and delivery schedule. A project must have a completed PSR before it can be programmed in the State Transportation Improvement Program (STIP).

**PSTIP - *Proposed State Transportation Improvement Program:*** A document formerly prepared by Caltrans and submitted to the CTC and RTPAs every two years listing priority candidate projects for the STIP. SB 45 deleted the provision for this program and has been replaced by the Interregional Transportation Improvement Program (ITIP).

**PTA - *Public Transportation Account:*** Previously known as the Transportation Planning and Development Account and renamed in SB 45, is a trust fund intended for transportation planning and mass transportation purposes. Revenues are derived from sales tax on gasoline and diesel fuels. Fifty percent of the PTA funds are appropriated to the State Controller for allocation to RTPAs for suballocation to transit operators and fifty percent is appropriated to Caltrans for transportation planning and various mass transportation purposes.

PUC - **Public Utilities Code/Commission:** Laws enacted for the purpose of governing public utilities.

## **R**

REMOVE - **Remove Motor Vehicle Emissions:** A program of the San Joaquin Valley Unified Air Pollution Control District that funds projects which either reduce emissions from motor vehicles, implement transportation control measures, assist in attaining the transportation mandates of the California Clean Air Act, or for public education programs that support, but do not duplicate the existing programs of the Air District.

RFP - **Request for Proposals:** The description of criteria to be used by consultants in developing proposals for work.

RIP - **Regional Improvement Program:** Regional funding program using 75% of the total new funding available for the STIP, which is then available to each county by a "county share" formula. Projects funded through this program are nominated by each RTPA in the Regional Transportation Improvement Program (RTIP) for the STIP.

ROG - **Reactive Organic Gases:** Emissions which react in sunlight as a precursor to form ozone. The San Joaquin Valley Air Basin is a nonattainment area for federal and state ozone standards. Also known as volatile organic compounds (VOC).

ROP - **Rate of Progress Plan:** A plan prepared by the APCD to demonstrate the progress made in attaining state and federal clean air standards for various pollutants, showing how the District will achieve a 15% reduction in volatile organic compounds (VOC) emissions between a certain period. The ROP is to be incorporated into the State Implementation Plan (SIP). The SJVAPCD submitted the "Revised 1993 ROP Plan" and "Post 1996 ROP Plan" in November 1994. KCAG cooperated in the development of the ROP Plans.

RSTP - **Regional Surface Transportation Program:** Regional apportionment of Surface Transportation Program (STP) funds created by ISTEA, and continued in the FAST Act, for mass transit and highway projects. Kings County and KCAG exchange these funds for non-federal dollars to avoid administrative costs. KCAG administers the allocation of RSTP funds to projects submitted by member agencies.

RTIP - **Regional Transportation Improvement Program:** A document prepared and submitted every other year by the regional transportation planning agency, as required by PUC Section 65082, providing a list of proposed transportation projects funded from county shares of the 75% regional share of total new funds for the STIP. KCAG prepares and adopts the RTIP for submittal to the CTC and Caltrans.

RTP - **Regional Transportation Plan:** A plan prepared by the regional transportation planning agency every four years as required by California Government Code Section 65080, et. seq. to guide the region's transportation development for a twenty-year period. Required elements include a Policy, Action and Financial element. Projects in the RTIP must be consistent with the RTP.

RTPA - **Regional Transportation Planning Agency:** A state-designated agency responsible for preparing the Regional Transportation Plan (RTP), Regional Transportation Improvement Program (RTIP) and Federal Transportation Improvement Program (FTIP), administering state funds, and other tasks. KCAG is the RTPA for Kings County established under California Government Code Section 29532.

## S

SAFETEA-LU - **Safe, Accountable, Flexible, Efficient, Transportation Equity Act – A Legacy for Users:** The prior federal transportation reauthorization enacted August 10, 2005, as Public Law 109-59 following the expiration of TEA-21. SAFETEA-LU authorized the Federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009. Extensions of this Act were made through 2012 and was replaced by MAP-21, which was then superseded by the FAST Act in 2015.

SB - **Senate Bill:** A legislative bill originating in the State Senate. Proceeded by a bill number and author, such as SB 45 (Kopp).

SCS – **Sustainable Communities Strategy Plan:** A requirement of SB 375 to reduce green house gas emissions from vehicles and VMT reductions through integrated land use and transportation planning.

SH - **State Highway:** A transportation route on the state system classified as a highway. State highways within Kings County include 33, 41, 43, 198 and 269.

SHOPP - **State Highway Operation and Protection Plan:** A program created by state legislation that includes capital improvements relative to maintenance, safety and rehabilitation projects of state highways and bridges which do not add a new traffic lane to the system. The SHOPP is a four year program prepared by Caltrans prior to April 1, as required by PUC Section 14526.5, and adopted by the California Transportation Commission separately from the STIP. KCAG reviews and provides comments on the SHOPP.

SIP - **State Implementation Plan:** A plan required by the Federal Clean Air Act of 1970 to attain and maintain national ambient air quality standards. The SJVAPCD prepared the Ozone Attainment Demonstration Plan and Rate of Progress (ROP) Plans for submittal as part of the SIP for the San Joaquin Valley Air Basin. KCAG participated in the development of the 1994 Ozone Attainment Demonstration Plan, the 1993 and 1996 ROP Plans, and the PM10 Attainment Demonstration Plan.

SJCOG - **San Joaquin Council of Governments:** The council of governments and metropolitan planning organization for San Joaquin County. One of the eight COGs/RTPAs in the San Joaquin Valley Air Basin coordinating transportation and air quality planning as a party to the MOU. The Executive Director of SJCOG is Andrew Chesley.

SJVAPCD - **San Joaquin Valley Air Pollution Control District:** The Air District established for the eight county San Joaquin Valley Air Basin consisting of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, and Tulare Counties and a portion of Kern County. A Kings County Supervisor is a member of the SJVAPCD Governing Board. The SJVAPCD is a member of the KCAG Technical Advisory Committee. Seyed Sadredin is the Executive Director and Air Pollution Control Officer of the SJVAPCD.

SR - **State Route:** Same as State Highway, a transportation route on the state system classified as a highway.

**SSTAC - *Social Service Transportation Advisory Council:*** A committee established by KCAG to advise the KCAG Transportation Policy Committee on unmet transit needs, coordination and consolidation of specialized transportation services and any other major transit issues. The SSTAC is to consist of representatives of potential transit users over 60 years old and potential transit users who are handicapped, representatives of social service providers for seniors, the handicapped and persons of limited means, representatives of the CTSA and representative of the transit operator.

**STA - *State Transit Assistance:*** A program created in 1979 providing a second source of Transportation Development Act (TDA) funds. STA funds are derived from the statewide sales tax on gasoline and diesel fuel and are allocated by formula to each regional transportation planning agency (KCAG), 50% based on population (PUC Section 99313) and 50% based on operator revenues (PUC Section 99314), for apportionment to transit operators within that county. These funds are allocated by KCAG annually to the Kings County Area Public Transit Agency and Corcoran Area Transit.

**Stan COG - *Stanislaus Council of Governments:*** The council of governments and metropolitan planning organization for Stanislaus County. One of the eight COGs/RTPAs in the San Joaquin Valley Air Basin coordinating transportation and air quality planning as a party to the MOU. The Executive Director of StanCOG is Rosa Park.

**STIP - *State Transportation Improvement Program:*** Adopted by the California Transportation Commission every other year, as required by PUC Section 14529, the STIP is a county-by-county schedule over a four-year period for project delivery of all major projects to be funded from state transportation funds. Projects from Caltrans' ITIP and the region's RTIP are used to develop the STIP.

**STP - *Surface Transportation Program:*** A flexible funding program established by ISTEA, and continued in TEA-21, for road projects functionally classified higher than a rural minor arterial, transit projects, transportation enhancement activities, and transportation control measures. STP funds are apportioned to each region (RSTP) and 10% are set aside statewide for funding transportation enhancement activities (TEA).

## ***T***

**TAC - *Technical Advisory Committee:*** A committee to advise the KCAG Commission and Transportation Policy Committee on regional planning issues. Members include city and county public works directors, planning directors, city managers and county administrator, Caltrans, Lemoore Naval Air Station and the San Joaquin Valley Unified Air Pollution Control District. Meetings are held on the second Wednesday of each month at 1:30.

**TCAG - *Tulare County Association of Governments:*** The council of governments and metropolitan planning organization for Tulare County. One of the eight COGs in the San Joaquin Valley Air Basin coordinating transportation and air quality planning as a party to the MOU. The Executive Director of TCAG is Ted Smalley.

**TCR - *Transportation Concept Report:*** A systems planning document prepared by Caltrans which provides a service concept and rationale for each state highway. Transportation Concept Reports have been prepared for each state highway within Kings County.

**TCI - *Transit Capital Improvement:*** A former program funded through the Transportation Planning and Development Account for railroad rights-of-way acquisition, bus rehabilitation, exclusive public mass transit guideways and rolling stock, grade separations, intermodal transfer stations, and ferry vessels and terminals. These funds have been used by Kings County to construct the Hanford and Corcoran Intermodal Facilities, bus rehabilitation and the Cross-Valley Passenger Rail Feasibility Study. This program has been discontinued with the enactment of SB 45. Projects are now programmed in the STIP through the RTIP.

**TCM - *Transportation Control Measure:*** A strategy to reduce vehicle trips, vehicle miles traveled, vehicle idling, or traffic congestion for the purpose of reducing motor vehicle emissions. Examples include carpooling, vanpools, bicycle facilities and mass transit enhancements. KCAG uses federal, state, and local funds earmarked for air quality purposes to implement TCMs such as alternative fuels, transit services, traffic signals, and bicycle projects.

**TDA - *Transportation Development Act:*** State law enacted in 1971, also known as the "Mills-Alquist Deddahl Act", providing funds to meet unmet transit needs. TDA funds are generated from State sales tax revenues and are available to transit operators in the form of Local Transportation Funds (LTF) and State Transit Assistance (STA) funds. TDA is codified in Sections 29530-29536 of the California Government Code and Sections 99200-99408 of the Public Utilities Code. As the RTPA, KCAG administers the TDA funds for Kings County.

**TDM - *Transportation Demand Management:*** A plan for using "demand-based" techniques for reducing traffic congestion, such as ridesharing programs, telecommuting and flexible work schedules enabling employees to commute to and from work outside the a.m. and p.m. peak hours of travel.

**TDP - *Transit Development Plan:*** A list of improvements recommended for a transit system to be implemented over a five-year period. The short-range plan should include an evaluation of the existing transit service conditions, anticipated improvements, schedule of priorities, estimates of cost and anticipated financing, implementation responsibility, maintenance of the Plan, coordination of transit systems, and transit management and operations improvements. KCAG prepared the "Kings County Transit Development Plan" in 2001.

**TEA-21 - *Transportation Efficiency Act for the 21st Century:*** A previous six-year federal transportation reauthorization enacted in 1998 following the expiration of ISTEA. Continued the programs created by ISTEA, created new programs and increased funding levels for the period of FFY 1998 through 2003. TEA-21 expired and was replaced with SAFETEA-LU.

**TE - *Transportation Enhancement:*** A new program established by ISTEA, and continued in TEA-21, providing federal funds for transportation related projects that enhance quality-of-life, in or around transportation facilities. Projects must be over and above required mitigation and normal transportation projects, and the project must be directly related to the transportation system. Local projects are submitted to KCAG for evaluation, approval and programming. Project examples from Kings County include "Community Gateway Planting" on State Highway 198 for landscaping the entrances to Hanford, Armona and Lemoore. Projects were programmed for Hanford and Lemoore by the California Transportation Commission (CTC).

**TMA - *Transportation Management Association:*** An association of employers and others in a community or activity center that develop and assist in implementing transportation control measures to reduce peak hour travel. TMAs are being developed in response to the SJVAPCD's Rule 9001 - Commute Based Trip Reduction.

**TPA - *Transportation Planning Agency:*** Same as RTPA. A state-designated agency responsible for preparing the Regional Transportation Plan (RTP), Regional Transportation Improvement Program (RTIP) and Federal Transportation Improvement Program (FTIP), administering state funds, and other tasks. KCAG is the TPA for Kings County established by California Government Code Section 29532.

**TPC - *Transportation Policy Committee:*** A committee of KCAG established to govern all regional transportation planning agency activities. The TPC is composed of local elected officials of each member agency, one from each city and two from the county, and the Director of Caltrans, or his representative. The KCAG Transportation Policy Committee meets on the fourth Wednesday of every month at 4:30 p.m.

**TP&D - *Transportation Planning and Development Account:*** A trust fund intended for transportation planning and mass transportation purposes. TP&D Account funds are the source of State Transit Assistance, Transit Capital Improvement Program, and state subvention planning funds. SB 45 renamed this to the Public Transportation Account (PTA).

**TSM - *Transportation Systems Management:*** A process, service, and operations oriented approach to solving transportation problems in which low cost, environmentally-responsive, efficient improvements are implemented on existing facilities to improve the flow of traffic.

## U

**UMTA - *Urban Mass Transportation Act of 1964:*** Now known as the "Federal Transit Act" as amended by ISTEA. Intended to provide financial assistance to State and local governments to help implement national goals relating to mobility for elderly persons, persons with disabilities, and economically disadvantaged persons.

## V

**VMT - *Vehicle Miles of Travel:*** Amount of vehicle miles traveled on a particular road segment.

**VOC - *Volatile Organic Compounds:*** Emissions which are a major precursor to the formation of ozone. Also known as reactive organic gases (ROG).

## W

## X

## Y

## Z

**APPENDIX G**

***(Planning Emphasis Areas Matrix)***

## MAP-21 Planning Factors

	<i>Support economic vitality, especially by enabling global competitiveness, productivity, and efficiency.</i>	<i>Increase safety of transportation system for motorized and non-motorized users.</i>	<i>Increase security of transportation system for motorized and non-motorized users.</i>	<i>Increase accessibility and mobility of people and for freight.</i>	<i>Protect and enhance the environment, promote energy conservation, and improve quality of life.</i>
W.E. 501.01 MPO/RTPA Admin.					
W.E. 501.02 OWP					
W.E. 501.03 FAST Act Programs				X	X
W.E. 501.04 FTA Programs				X	
W.E. 502.01 RTP	X	X	X	X	X
W.E. 502.02 Travel Model					
W.E. 502.03 Transit Site Selection	X	X	X	X	X
W.E. 502.04 Traffic Counts					
W.E. 502.05 Air Quality	X				X
W.E. 502.06 EV Readiness Plan					X
W.E. 502.07 Active Transp. Plan		X	X	X	X
W.E. 502.08 Corcoran Transit Study					X
W.E. 502.09 Corridor Study	X	X	X	X	X
W.E. 502.10 Transit Assets Plan				X	X
W.E. 502.11 Performance Measures	X	X	X	X	X
W.E. 502.12 Pavement Mgmt. System	X	X	X	X	X
W.E. 503.01 RTIP/FTIP	X	X	X	X	X
W.E. 504.01 TDA		X	X	X	
W.E. 505.01 AVA					
W.E. 405.01 Clearinghouse					
W.E. 407.01 Census					

## MAP-21 Planning Factors

	<i>Enhance integration and connectivity of the transportation system across and between modes, people, and freight.</i>	<i>Promote efficient system management and operation.</i>	<i>Emphasize preservation of the existing transportation system.</i>	<i>Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation.</i>	<i>Enhance travel and tourism.</i>
W.E. 501.01 MPO/RTPA Admin.					
W.E. 501.02 OWP					
W.E. 501.03 FAST Act Programs					
W.E. 501.04 FTA Programs		X			
W.E. 502.01 RTP	X	X	X	X	X
W.E. 502.02 Travel Model					
W.E. 502.03 Transit Site Selection	X	X	X		
W.E. 502.04 Traffic Counts		X			
W.E. 502.05 Air Quality					
W.E. 502.06 EV Readiness Plan					X
W.E. 502.07 Active Transp. Plan	X	X			
W.E. 502.08 Corcoran Transit Study	X	X			
W.E. 502.09 Corridor Study	X	X	X		X
W.E. 502.10 Transit Assets Plan	X	X	X	X	
W.E. 502.11 Performance Measures	X	X	X	X	X
W.E. 502.12 Pavement Mgmt. System	X	X	X	X	
W.E. 503.01 RTIP/FTIP	X	X	X	X	X
W.E. 504.01 TDA	X	X			
W.E. 505.01 AVA					
W.E. 405.01 Clearinghouse					
W.E. 407.01 Census					

## California Planning Emphasis Areas

	<i>MAP-21 Implementation</i>	<i>Models of Regional Planning Cooperation</i>	<i>Ladders of Opportunity</i>
W.E. 501.01 MPO/RTPA Admin.		X	
W.E. 501.02 OWP		X	
W.E. 501.03 FAST Act Programs	X	X	
W.E. 501.04 FTA	X	X	X
W.E. 502.01 RTP	X	X	X
W.E. 502.02 Travel Model	X	X	
W.E. 502.03 Transit Site Selection	X	X	X
W.E. 502.04 Traffic Counts	X		
W.E. 502.05 Air Quality	X	X	X
W.E. 502.06 EV Readiness Plan	X		X
W.E. 502.07 Active Transportation	X		X
W.E. 502.08 Corcoran Transit Study	X	X	X
W.E. 502.09 Corridor Needs Study	X	X	X
W.E. 502.10 Transit Assets Plan	X		
W.E. 502.11 Performance Measures	X	X	X
W.E. 502.12 Pavement Mgmt. System	X	X	
W.E. 503.01 RTIP/FTIP	X	X	X
W.E. 504.01 TDA	X		X
W.E. 505.01 AVA			
W.E. 405.01 Clearinghouse			
W.E. 407.01 Census			

## **APPENDIX H**

***(Comments Received on Draft OWP)***

## King, Terri

---

**From:** Carson, Scott (FHWA) <Scott.Carson@dot.gov>  
**Sent:** Monday, March 26, 2018 2:47 PM  
**To:** Valencia, Gilbert@DOT; Scherr, Sandra L@DOT; King, Terri; Wiggins, Jerome (FTA)  
**Subject:** [SENDER UNVERIFIED]Comments - Draft Kings 2018 OWP

Thanks for submitting the draft OWP to us for our review and comment. In general, good job. All tasks proposed for PL funding appear to be eligible. And thank you for including Performance Measures as a separate OWP work element (as was discussed at the annual OWP meeting).

Please note that it not necessary to include the national PEAs in the OWP this year. We are only asking that last year's California PEAs be included. We do appreciate the matrices linking tasks and work elements to PEAs and statutory planning requirements.

You may find the Caltrans white paper on Performance Measures implementation that I sent under a separate email useful in refining this draft OWP for the final.

If you have any questions, please call me. Thanks! SAC

Scott Carson  
Transportation Planner  
FHWA-California  
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Sacramento, CA 95814

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*Making Conservation a  
California way of life.*

April 6, 2018

FY 2018 – 2019 Draft OWP  
Review Letter

Ms. Teri King  
Executive Director  
Kings County Association of Governments  
339 W. "D" Street, Suite B  
Lemoore, CA 93245

Dear Ms. King

Thank you for the opportunity to review Kings County Association of Governments (KCAG) Draft Overall Work Program (OWP) for fiscal year (FY) 2018-2019. Caltrans has the following comments:

**TRANSPORTATION PLANNING – DISTRICT 6**

The District would like to commend KCAG for addressing sustainable community strategies (SCS) along with air quality conformity requirement. The development and adoption of a Regional Active Transportation Plan (ATP); which will incorporate bicycle and pedestrian facility projects in an effort to increase the portion of users, increase safety, mobility for non-motorized users, help with greenhouse reduction, and enhance public health. In addition, you are commended for taking an active role in passenger train through the Valley.

Caltrans would like to continue to collaborate with KCAG on future transit-related projects to ensure selected projects address local and regional needs as identified in the Kings Regional Transportation Plan. Furthermore, Caltrans encourages continued public involvement to ensure that project selection is based on local needs and priorities.

**Table of Contents**, It is recommended to provide more detail as to what is included in the Appendices.

Caltrans recommends that KCAG consider inclusion of a Work Element addressing Station Area Planning and Transit Connectivity for the California High Speed Rail. In lieu of this, KCAG should expand upon language addressing the California High Speed Rail where it already occurs in the document.

**Work Element 501.04 Federal Transit Administration Programs, Page 19:** Transit planning should consider coordinating with the ATP Plan for integrating bicycle and pedestrian facilities within transit planning.

**Work Element 502.03 Transit Station Site Selection Study, Page 25:** Bike and pedestrian facilities for KART Routes, Amtrak and Cross Valley Rail transit stations should be coordinated with the ATP Plan.

**Work Element 502.07 Regional Active Transportation Plan, Page 33:** The Bicycle and Pedestrian Count Program should be coordinated with the Disadvantaged Communities/Environmental Justice mapping for prioritizing counts in these communities. In addition, this work element should define how the disadvantaged communities will be addressed in the development of funding prioritization criteria. The importance of identifying and producing Disadvantaged Communities mapping should prove beneficial as 100% of ATP third cycle funding went to these communities.

Toward an Active California State Bicycle Pedestrian Plan is expected to be finalized in April of 2017. Toward An Active California will guide bicycle planning in California. The Kings County Regional ATP can address the visions and goals of Toward An Active California by adding a task to this work element to address the direction of bicycle planning in the state plan.

It is recommended that KCAG promote the approach the City of Ridgecrest has taken within the Kern County Regional ATP as it can be held as a model for proposing to provide almost 12 miles of a combined Class I and Class IV low stress bicycle facilities network within the City of Ridgecrest. This approach can be encouraged among the other member agencies in Kings County.

KCAG should consider reviewing projects funded by way of the Caltrans Transportation Planning Grant Program for the development of the Kings CAG ATP Plan. These planning documents have defined numerous complete streets improvement projects within final reports.

KCAG should consider adding a Work Element for coordinating health and transportation planning. Health related transportation policy is gaining more and more importance.

## **OFFICE OF REGIONAL PLANNING – HEADQUARTERS**

### **General Comments**

We acknowledge and appreciate KCAG's effort to reduce federal Consolidated Planning Grant (CPG) carryover funds. The FY 2018-2019 Draft OWP includes a budget to spend \$788,259 of PL Carryover funds and \$286,730 of FTA 5303 Carryover funds. The 2016 Federal State Transportation Improvement Program Statewide Transportation Planning Finding identifies the issue of excessive CPG carryover as a process in need of improvement. As such, we continue to encourage KCAG to spend excessive CPG carryover balances greater than 100% of the total annual allocation by the end of FY 2018-2019. We request that KCAG include additional

*"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"*

information to address the plan to program and spend the excess carryover balance within the FY 2018-2019 Final OWP and in a separate letter to Caltrans. Please view the chart below that provides a current fund snap shot to show that KCAG has approximately 550% of PL allocation funds available.

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Programmed	\$ 1,231,479.00	\$ 292,000.00
Invoiced	\$ (290,909.07)	\$ (53,398.39)
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- Original signed Certifications and Assurances
- Appendices

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**Work Element 502.01 Regional Transportation Plan Update, Page 21:** Tasks 4-7 seem to be activities that would happen during FY 2017-2018 since KCAG is scheduled to adopt their 2018 RTP in July of 2018. Please ensure that Work Element activities, especially Tasks 4-7 correspond with FY 2018-2019 and include the adoption date of 2018 RTP.

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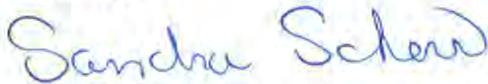
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Ms. Teri King  
April 6, 2018  
Page 5

We ask that KCOG please utilize the Caltrans comment letter and respond to the recommendations, upon incorporating them into the Final OWP.

If you have any further questions, please call me at (559) 445-6035.

Sincerely,



SANDRA SCHERR  
Associate Transportation Planner  
Transportation Planning – South Branch

Enclosure (Attachment)

cc: Gail Miller, Michael Navarro, Eric Olson, Albert Lee, Alec Kimmel, Marta Frausto, Luisa Lopez, Kevin Lum, Caleb Brock, Caltrans  
Scott Carson, FHWA, Ted Matley, FTA

**ATTACHMENT A**  
**KINGS COUNTY ASSOCIATION OF GOVERNMENTS**  
*OTHER PLANNING ACTIVITIES WITHIN THE REGION*  
*FY 2018 - 2019*

**Informational Element Matrix**

The following is a list of planning activities for which Caltrans is involved in within the RTPA/ MPO planning area.

<b>Activity Description</b>	<b>RTPA Work Element Number</b>	<b>Funding Type</b>	<b>Product(s)</b>	<b>Work Performed By</b>	<b>Due Date</b>	<b>FSTIP Prgmn</b>
Caltr+A14:G68+A14:G50a for OWP, progress reports, reimbursement and monitoring	N/A	Fed/State	OWP Management	Caltrans	On-going	No
IGR/local development reviews	N/A	State	Recommended mitigation for development impacts on State facilities	Caltrans	On-going	No
Update Various System Planning Documents	N/A	State	Various System Planning Documents	Caltrans	On-going	No
Valley-Wide GIS	N/A	State	Coordinate Integration of Valley-wide GIS into Caltrans GIS	Caltrans	On-going	No
Joint Corridor Planning Plan	N/A	State	Planning strategies on a State highways and interchanges in coordination with KCAG and local agencies.	Caltrans	On-going	No
Mass Transit - Kings	N/A	State	Coordinate & Administer 5311, CMAQ, Capital, STIP programs w/local agencies to enhance the use of public transportation system in city & rural areas	Caltrans & Kings County	On-going	No
Caltrans Sustainable Transportation Planning Grant	N/A	State	Smart Growth State Route 41 Corridor Improvement Plan	Kings County & Consultant	Feb-18	No
Caltrans PlanWorks Grant to develop a TCR for SR 41 entire route D6, extending into D5	N/A	Federal	SR 41 TCR	Caltrans	Sep-17	No

**DEPARTMENT OF TRANSPORTATION****DISTRICT 6**

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KCAG



*Making Conservation a  
California way of life.*

April 6, 2018

FY 2018 – 2019 Draft OWP  
Review Letter

Ms. Teri King  
Executive Director  
Kings County Association of Governments  
339 W. "D" Street, Suite B  
Lemoore, CA 93245

Dear Ms. King

Thank you for the opportunity to review Kings County Association of Governments (KCAG) Draft Overall Work Program (OWP) for fiscal year (FY) 2018-2019. Caltrans has the following comments:

**TRANSPORTATION PLANNING – DISTRICT 6**

The District would like to commend KCAG for addressing sustainable community strategies (SCS) along with air quality conformity requirement. The development and adoption of a Regional Active Transportation Plan (ATP); which will incorporate bicycle and pedestrian facility projects in an effort to increase the portion of users, increase safety, mobility for non-motorized users, help with greenhouse reduction, and enhance public health. In addition, you are commended for taking an active role in passenger train through the Valley.

Caltrans would like to continue to collaborate with KCAG on future transit-related projects to ensure selected projects address local and regional needs as identified in the Kings Regional Transportation Plan. Furthermore, Caltrans encourages continued public involvement to ensure that project selection is based on local needs and priorities.

**Table of Contents.** It is recommended to provide more detail as to what is included in the Appendices. *Added list of appendices and their associated documents to Table of Contents.*

Caltrans recommends that KCAG consider inclusion of a Work Element addressing Station Area Planning and Transit Connectivity for the California High Speed Rail. In lieu of this, KCAG should expand upon language addressing the California High Speed Rail where it already occurs in the document. *Comment noted.*

**Work Element 501.04 Federal Transit Administration Programs, Page 19:** Transit planning should consider coordinating with the ATP Plan for integrating bicycle and pedestrian facilities within transit planning. *Comment noted. The draft Regional ATP includes the integration and connectivity of transit.*

**Work Element 502.03 Transit Station Site Selection Study, Page 25:** Bike and pedestrian facilities for KART Routes, Amtrak and Cross Valley Rail transit stations should be coordinated with the ATP Plan. *Comment noted. The draft Site Selection Study includes the integration and connectivity of bicycle and pedestrian facilities.*

**Work Element 502.07 Regional Active Transportation Plan, Page 33:** The Bicycle and Pedestrian Count Program should be coordinated with the Disadvantaged Communities/Environmental Justice mapping for prioritizing counts in these communities. In addition, this work element should define how the disadvantaged communities will be addressed in the development of funding prioritization criteria. The importance of identifying and producing Disadvantaged Communities mapping should prove beneficial as 100% of ATP third cycle funding went to these communities. *Comment noted. The draft Regional ATP includes DAC and EJ mapping within the chapter regarding equity analysis.*

Toward an Active California State Bicycle Pedestrian Plan is expected to be finalized in April of 2017. Toward An Active California will guide bicycle planning in California. The Kings County Regional ATP can address the visions and goals of Toward An Active California by adding a task to this work element to address the direction of bicycle planning in the state plan. *Comment noted. The draft Regional ATP includes reference to this document in the chapter regarding existing conditions.*

It is recommended that KCAG promote the approach the City of Ridgecrest has taken within the Kern County Regional ATP as it can be held as a model for proposing to provide almost 12 miles of a combined Class I and Class IV low stress bicycle facilities network within the City of Ridgecrest. This approach can be encouraged among the other member agencies in Kings County. *Comment noted.*

KCAG should consider reviewing projects funded by way of the Caltrans Transportation Planning Grant Program for the development of the Kings CAG ATP Plan. These planning documents have defined numerous complete streets improvement projects within final reports. *Comment noted.*

KCAG should consider adding a Work Element for coordinating health and transportation planning. Health related transportation policy is gaining more and more importance. *Comment noted.*

## **OFFICE OF REGIONAL PLANNING – HEADQUARTERS**

### **General Comments**

We acknowledge and appreciate KCAG's effort to reduce federal Consolidated Planning Grant (CPG) carryover funds. The FY 2018-2019 Draft OWP includes a budget to spend \$788,259 of PL Carryover funds and \$286,730 of FTA 5303 Carryover funds. The 2016 Federal State Transportation Improvement Program Statewide Transportation Planning Finding identifies the issue of excessive CPG carryover as a process in need of improvement. As such, we continue to encourage KCAG to spend excessive CPG carryover balances greater than 100% of the total annual allocation by the end of FY 2018-2019. We request that KCAG include additional

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information to address the plan to program and spend the excess carryover balance within the FY 2018-2019 Final OWP and in a separate letter to Caltrans. Please view the chart below that provides a current fund snap shot to show that KCAG has approximately 550% of PL allocation funds available. The final OWP includes the programming of additional PL carryover totaling \$998,726. Limited staffing precludes adding more tasks/projects for FY 2018-19, but more will be planned for future years.

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**Federal and State Funding Priorities, Page3:** The narrative paragraph identifies “eight” planning factors. Please change the eight to 10 FAST ACT Planning Factors. Change made.

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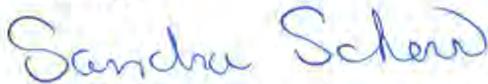
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Table in Section VII., page 55 updated.