



Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

33642

FTIP#: LAF5808
PPNO: 4540

CFP# 5808
LOA.P00F5808

February 25, 2014

City of Long Beach
333 Ocean Blvd.
Long Beach, CA 90802
Attn: Patrick H. West, City Manager

**RE: LETTER OF AGREEMENT FOR PROJECTS PROGRAMMED THROUGH THE
LACMTA CALL FOR PROJECTS AND STATE TRANSPORTATION IMPROVEMENT
PROGRAM**

Dear Sir/Madam:

As part of the Los Angeles County Metropolitan Transportation Authority ("LACMTA") 2011 Call for Projects and the 2012 State Transportation Improvement Program ("STIP"), the LACMTA Board of Directors, at its meeting on September 22, 2011 and the California Transportation Commission ("CTC") at its meeting of March 29, 2012, authorized the programming of funds City of Long Beach ("Project Sponsor") for the Atlantic Avenue Streetscape Enhancements – LACMTA Call for Projects ID# F5808, FTIP# LAF5808, (the "Project") subject to the terms and conditions contained in this STIP Letter of Agreement ("LOA").

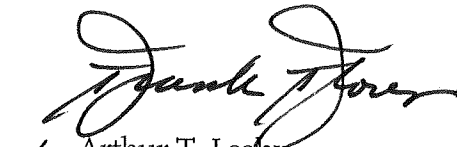
Whereas, on December 23, 2013, Administrative changes in the scope of work was approved.

The terms and conditions of this LOA consist of the following and each is incorporated by reference herein as if fully set forth herein: Specific Terms of the LOA, General Terms of the LOA, Attachment A - the Project Funding, Attachment B, the Scope of Work, Attachment C - the Reporting Guidelines, Attachment D - the Federal Transportation Improvement Program (FTIP) Sheet, Attachment E -- the CTC Amendment of STIP Guidelines & 2001 Guidelines (PDF files will be provided via email), and any other attachments or documents referenced therein.

In the event of a conflict, the Special Conditions for the Project, if any, shall prevail over the Specific Terms of the LOA and the Specific Terms of the LOA shall prevail over the General Terms of the LOA.

Please acknowledge your acceptance and agreement to the terms and conditions of this LOA by signing below.

Very truly yours,


for Arthur T. Leahy
Chief Executive Officer

Project Sponsor has read and understands the terms and conditions of this LOA, including all the attachments, and by signing below Project Sponsor hereby accepts and agrees to the terms of this LOA.

CITY OF LONG BEACH


By: 
Patrick West
City Manager

Date: 5-6-14

~~APPROVED AS TO FORM:~~

~~By: _____
Robert E. Shannon
City Attorney~~

APPROVED AS TO FORM

5/1, 20 14
CHARLES PARKIN, City Attorney
By: 
LINDA T. VU
DEPUTY CITY ATTORNEY

**CALL FOR PROJECTS
STATE TRANSPORTATION IMPROVEMENT PROGRAM
LETTER OF AGREEMENT**

**PART I
SPECIFIC TERMS OF THE LOA**

1. Title of the Project (the "Project"): Atlantic Avenue Streetscape Enhancements - LACMTA Call for Projects ID# F5808, FTIP # LAF5808.
2. Amount of Funds Programmed (the "Funds"): LACMTA Board of Directors' action of September 22, 2011, and CTC approval of March 29, 2012, programmed \$418,285 (the "Funds") to Project Sponsor for the Project. The STIP TEA Funds are no longer available; therefore the program funds were adjusted to \$96,184 for the allocated design funds only. The Funds are programmed over one year, for Fiscal Year(s) (FY) 2014-15. Project sponsor is seeking early allocation with LACMTA concurrence.
3. The Funding Agency for this Project (the "Agency") is CALTRANS.
The Programming Agency for this Project is LACMTA.
4. The "Project Funding" documents all sources of fund programmed for the Project as approved by LACMTA and is attached as **Attachment A**. The Project Funding includes the total programmed budget for the Project, including the Funds programmed by LACMTA and the Project Sponsor Funding Commitment (local match). The Project Funding also includes the fiscal years in which all the funds for the Project are programmed.
5. Project Sponsor shall complete the Project as described in the Scope of Work. The "Scope of Work" for the Project is attached as **Attachment B**. The Scope of Work includes a general description of the Project and a detailed description of the work to be completed including, without limitation, Project milestones consistent with the lapsing policy described in Part II below. The Scope of Work also includes a set schedule. Work shall be delivered in accordance with that schedule unless otherwise agreed to by the parties in writing.
6. **Attachment C** - the Reporting Guidelines; Project Sponsor shall complete the "Quarterly Progress Report." The Quarterly Progress Report is attached to this LOA as Attachment C1 in accordance with Attachment C - Reporting Guidelines.
7. The "FTIP PROJECT SHEET (PDF)" is attached as **Attachment D** and is required to ensure that the Project is programmed correctly in the most up-to-date FTIP document. The FTIP PROJECT SHEET (PDF) can be found in ProgramMetro FTIP database under the reports section at <https://program.metro.net>. All projects that receive funding through the LACMTA Call For Projects must be programmed into the FTIP which includes locally funded regionally significant projects for information and air quality

year and update or correct the Project as necessary during a scheduled FTIP amendment or adoption. Project Sponsor will be notified of amendments and adoptions to the FTIP via e-mail. Changes to the FTIP through ProgramMetro should be made as soon as possible after Project Sponsor is aware of any changes to the Project, but no later than October 1 of the year the change or update is effective. Should Project Sponsor fail to meet this date, it may affect Project Sponsor's ability to access funding, delay the Project and may ultimately result in the Funds being lapsed.

8. The CTC Amendment of STIP Guidelines referenced as Attachment E is posted in the Agreement Reference Documents (www.metro.net/projects_studies/call_projects/ref_docs.htm). The guidelines describe the policy, standards, criteria and procedures for the development, adoption and management of the STIP. The STIP Guidelines also provide incentives for Project Sponsor's accountability for the timely use of the Funds.
9. Project Sponsor will submit to LACMTA for concurrence copies of Agency Grant Applications, allocation and extension request documents, and/or Fund Transfer Agreements and/or the Fund Request it submits to the CTC. The Fund Request or the extension request or the allocation request shall be administratively approved by LACMTA before it is submitted to Caltrans and the CTC.
10. Prior to allocation of the Funds by the CTC, no material changes to the Project Funding or the Scope of Work shall be allowed without prior written approval of LACMTA and Project Sponsor. Prior approval of the CTC may also be required by Caltrans. Such prior approval shall be evidenced by an amendment to this LOA, approved and signed by the LACMTA Chief Executive Officer or his designee and Project Sponsor. After the allocation of the Funds by CTC, no material changes will be allowed.
11. LACMTA's Address:
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012
Attention: Desiree Portillo-Rabinov
Transportation Planning Manager, MS: 99-22-04
Rabinovd@metro.net
12. Project Sponsor's Address:
City of Long Beach
333 Ocean Blvd.
Long Beach, Ca 90802
Attention: Meredith Elguire
Capital Projects Coordinator
Meredith.Elguire@Longbeach.gov

PART II
GENERAL TERMS OF THE LOA

1. **PAYMENT OF FUNDS:** Project Sponsor understands and agrees that LACMTA provides no Funds under this LOA and LACMTA shall have no responsibility or obligation to provide any Funds for the Project. Project Sponsor shall receive the Funds directly from the Agency pursuant to a separate agreement with the Agency. Project Sponsor shall submit to the Agency the appropriate invoices in the form, manner, and schedule specified by the applicable requirements of the Agency. Project Sponsor cannot be reimbursed for any cost incurred without prior authorization from the Agency. Project Sponsor shall be subject to, and comply with, all applicable requirements of the Agency. The allowability of expenditures, the cost reimbursement schedule, eligibility issues, resolution of disputes, and all other issues relating to this LOA shall be subject to the rules, regulations, and requirements of the Agency.

2. **TERM:**

2.1 The term of this LOA shall commence upon the date of this LOA, and shall terminate upon the completion of the agreed upon Scope of Work and LACMTA's receipt of Caltrans' final voucher paid for the Project.

2.2 Prior to the allocation of the Funds, should LACMTA determine there are insufficient Funds available for the Project, LACMTA may terminate this LOA by giving written notice to Project Sponsor at least thirty (30) days in advance of the effective date of such termination.

3. **USE OF FUNDS:**

3.1 Project Sponsor shall utilize the Funds to complete the Project as described in the Scope of Work and as approved by LACMTA and in accordance with the applicable requirements of the Agency.

3.2 The Funds, as programmed under this LOA, can only be used towards the completion of the Scope of Work originally adopted by LACMTA unless modified by an amendment to this LOA. Project Sponsor shall also be subject to and comply with all applicable requirements of the Agency administering this Project.

4. **REPORTING AND AUDIT REQUIREMENTS:**

4.1 Project Sponsor shall be subject to and comply with all applicable requirements of the Agency regarding Project reporting and audit requirements. *Project Sponsor shall use the Federal Transportation Improvement Program ("FTIP") No., Expenditure Authorization ("EA") No., and LACMTA Call for Projects Project ID# on all correspondence.*

4.2 Since the Project is funded exclusively with Federal/State funds and contains no LACMTA local funding, LACMTA has no audit responsibilities on this Project. Project Sponsor shall comply with all Agency compliance, pre-award and performance audit

requirements as deemed necessary to assure that funding expenditures conform to all applicable Project funding guidelines, laws and regulations. LACMTA, as the programming agency, shall have the right, at its sole discretion, to audit the Project for compliance with the terms of this LOA and to assure that funding expenditures conform to the terms of this LOA. LACMTA shall have the same audit rights as the Agency to audit the Project.

4.3 Project Sponsor shall submit the Quarterly Progress Report within 60 days after the close of each quarter on the last day of the months November, February, May and August. Annually with the 4th quarter Progress Report, Project Sponsor also shall submit photos of key components and milestones demonstrating Project progress or completion.

5. **EXPENDITURE AND DISPOSITION OF FUNDS:**

5.1 The expenditure and disposition of the Funds by Project Sponsor shall be subject to and in accordance with the terms and conditions of this LOA and the applicable requirements of the Agency. Project Sponsor shall not utilize the Funds in any other way or on any project other than that specified in this LOA and the applicable requirements of the Agency.

5.2 Project Sponsor shall be responsible for any and all cost overruns for the Project.

5.3 Project Sponsor shall be eligible for the Funds up to the programmed amount specified in Part I, Section 2 of this LOA subject to the terms and conditions contained herein and in all applicable requirements of the Agency.

5.4 The programming of the Funds does not imply nor obligate any future funding commitment on the part of LACMTA or the Agency.

6. **TIMELY USE OF FUNDS / REPROGRAMMING OF FUNDS:**

6.1 The following is LACMTA's understanding of the state requirements for timely use of funds, as of the date of this LOA; the terms of this section are subject to change by the Agency and/or the CTC.

6.2 Programmed Funds are available for a project specific allocation vote by the CTC only until the end of the Fiscal Year (FY) for which they are programmed. Project Sponsor may request a one-time extension to the allocation deadline, however there is no guarantee it will be approved. Project Sponsor must present Caltrans District 7 with either a completed Project specific allocation request or a completed request for extension at least 60 days in advance of the last CTC meeting of the fiscal year in which the Funds are programmed, otherwise, the Funds may be rescinded by the CTC and LACMTA will not be responsible for replacing them. An allocation request and/or a request for extension will not be considered complete by Caltrans unless it includes LACMTA concurrence.

- After the Funds are allocated by a specific vote of the CTC for construction or capital

purchase, Project Sponsor has six (6) months to award a contract; or request a one-time extension from the CTC. However, the CTC is under no obligation to grant this extension. Otherwise, the Funds may be rescinded by the CTC and LACMTA will not be responsible for replacing them.

- After award of a contract, Project Sponsor has a maximum of thirty-six (36) months to complete such contract and expend and receive reimbursement of the expenditures.
- Funds allocated by the CTC for Project development or right-of-way costs must be expended by the end of the second Fiscal Year following the year in which the Funds were allocated.

The deadline for the Project specific allocation vote can be extended by the CTC, but only if the CTC's action occurs by June of the Fiscal Year in which the Funds are programmed. The possible CTC extensions are one time and for up to twenty (20) months at the discretion of the CTC, but only if the CTC finds that an unforeseen and extraordinary circumstance beyond the control of Project Sponsor has occurred that justifies the extension.

Following the allocation, at the end of the period allowed for expenditure and reimbursement of expenditures, subject to the requirements and regulations of the Agency and the CTC, and to the extent allowed by the Agency and the CTC, Project Sponsor shall relinquish any Funds not reimbursed to the State Highway Account for future programming at the CTC's discretion.

Assuming the above allocation and Project development/right-of-way expenditure and reimbursement deadlines have been met, all Funds programmed for FY 2014-15 are subject to lapse on June 30, 2017.

Prior to the programmed year, a STIP amendment reprogramming funds to a later year will postpone the application of the lapsing provision. A STIP amendment request must be made ninety (90) days prior to the last CTC meeting or no later than March of the program year of the Fiscal Year prior to the Fiscal Year in which the Funds are programmed. A STIP amendment request will not be considered complete by Caltrans unless it includes LACMTA concurrence. The CTC will not amend the STIP to change the program year of the funding after the beginning of the fiscal year for which the Project is programmed.

If Project Sponsor fails to meet any of the above conditions, the Project shall be considered lapsed by the CTC and will be removed from LACMTA's program of projects.

6.3 Project Sponsor must execute this LOA within ninety (90) days of receiving formal transmittal of the LOA from LACMTA or by December 31 of the first fiscal year in which the Funds are programmed, whichever is later and demonstrate evidence of timely allocation of Funds programmed for the Project within the time period described in Part II, Section 6.2 of this LOA. Evidence of timely allocation includes an executed allocation request document, an approved Grant Application document with the Agency, and the Fund Allocation Request that Project Sponsor submits to the CTC.

Allocation Request that Project Sponsor submits to the CTC.

6.4 In the event this LOA is not executed and/or evidence of timely allocation of Funds is not provided as described in Part II, Sections 6.1, 6.2 and 6.3 of this LOA, the Project will be reevaluated by LACMTA as part of the annual Call for Projects Recertification/Deobligation process and the Funds may be deobligated and reprogrammed to another project by the LACMTA Board of Directors. If Project Sponsor does not complete one element of the Project, as described in the FTIP Project Sheet, due to all or a portion of the Funds lapsing, the entire Project may be subject to deobligation at LACMTA's sole discretion. In the event the Funds are reprogrammed, this LOA shall automatically terminate without further action by either party.

7. SOURCES AND DISPOSITION OF FUNDS:

7.1 The obligation for LACMTA to program the Funds for the Project is subject to sufficient Funds being made available for the Project by the LACMTA Board of Directors, the United States Government or the State of California, as applicable. If such Funds are not made available for the Project, this LOA shall be void and have no further force and effect, and LACMTA shall have no obligation to program the Funds for the Project, unless otherwise agreed to in writing by LACMTA.

7.2 Project Sponsor shall fully fund and contribute the Project Sponsor Funding Commitment, as identified in the Project Funding (Attachment A), towards the cost of the Project. If the Funds identified in Attachment A are insufficient to complete the Project, Project Sponsor agrees to secure and provide such additional non-LACMTA programmed funds necessary to complete the Project.

8. COMMUNICATIONS:

8.1 Project Sponsor shall ensure that all Communication Materials contain recognition of LACMTA's contribution to the Project as more particularly set forth in "Funding Agreement Communications Materials Guidelines" available on line or from the LACMTA Project Manager. Please check with the LACMTA Project Manager for the web address. The Funding Agreement Communications Materials Guidelines may be changed from time to time during the course of this Agreement. Project Sponsor shall be responsible for complying with the latest Funding Agreement Communications Materials Guidelines during the term of this Agreement, unless otherwise specifically authorized in writing by the LACMTA Chief Communications Officer.

8.2 For purposes of this Agreement, "Communications Materials" include, but are not limited to, press events, public and external newsletters, printed materials, advertising, websites radio and public service announcements, electronic media, and construction site signage. A more detailed definition of "Communications Materials" is found in the Funding Agreement Communications Materials Guidelines.

8.3 The Metro logo is a trademarked item that shall be reproduced and

displayed in accordance with specific graphic guidelines. These guidelines and logo files including scalable vector files will be available through the LACMTA Project Manager.

8.4 Project Sponsor shall ensure that any subcontractor, including, but not limited to, public relations, public affairs, and/or marketing firms hired to produce Project Communications Materials for public and external purposes will comply with the requirements contained in this Section.

8.5 The LACMTA Project Manager shall be responsible for monitoring Project Sponsor compliance with the terms and conditions of this Section. Project Sponsor failure to comply with the terms of this Section shall be deemed a default hereunder and LACMTA shall have all rights and remedies set forth herein.

9. OTHER TERMS AND CONDITIONS:

9.1 This LOA, along with the applicable requirements of the Agency, constitutes the entire understanding between the parties, with respect to the subject matter herein. The LOA shall not be amended, nor any provisions or breach hereof waived, except in writing signed by the parties who agreed to the original LOA or the same level of authority.

9.2 In the event that there is any legal court (e.g. Superior Court of the State of California, County of Los Angeles, or the U.S. District Court for the Central District of California) proceeding between the parties to enforce or interpret this LOA, or the applicable requirements of the Agency, to protect or establish any rights or remedies hereunder, the prevailing party shall be entitled to its costs and expenses, including reasonable attorneys' fees.

9.3 Neither LACMTA nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or committed to be done by Project Sponsor under or in connection with any work performed by and or service provided by Project Sponsor, its officers, agents, employees, contractors and subcontractors under this LOA. Project Sponsor shall fully indemnify, defend and hold LACMTA, and its subsidiaries and their respective officers, agents and employees harmless from and against any liability and expenses, including without limitation, defense costs, any costs or liability on account of bodily injury, death or personal injury of any person or for damage to or loss of risk of property, any environmental obligation, any legal fees and any claims for damages of any nature whatsoever arising out of the Project, including, without limitation: (i) use of the Funds by Project Sponsor, or its officers, agents, employees, contractors or subcontractors; (ii) breach of Project Sponsor's obligations under this LOA; or (iii) any act or omission of Project Sponsor, or its officers, agents, employees, contractors or subcontractors in the performance of the work or the provision of the services in connection with the Project, including, without limitation, the Scope of Work, described in this LOA.

9.4 Neither party hereto shall be considered in default in the performance of its obligations hereunder to the extent that the performance of any such obligation is prevented or delayed by unforeseen causes including acts of God, acts of a public enemy, and government acts beyond the control and without fault or negligence of the affected party. Each

party hereto shall give notice promptly to the other of the nature and extent of any such circumstances claimed to delay, hinder, or prevent performance of any obligations under this LOA.

9.5 Project Sponsor shall comply with and insure that work performed under this LOA is done in compliance with Federal Agency Regulations (FAR), Generally Accepted Accounting Principles (GAAP), all applicable provisions of federal, state, and local laws, statutes, ordinances, rules, regulations, and procedural requirements and the applicable requirements and regulations of the Agency, CTC and LACMTA.

9.6 Project Sponsor shall not assign this LOA, or any part thereof, without written consent and prior approval of the LACMTA Chief Executive Officer or his designee, and any assignment without said consent shall be void and unenforceable.

9.7 This LOA shall be governed by California law. If any provision of this LOA is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

9.8 The terms of this LOA shall inure to the benefit of, and shall be binding upon, each of the parties and their respective successors and assigns.

9.9 If any software/Intelligent Transportation Systems ("ITS") is developed with the Funds and if Project Sponsor ceases to use the software/ITS for public purposes or Project Sponsor sells, conveys, licenses or otherwise transfers the software/ITS, LACMTA shall be entitled to a refund or credit, at LACMTA's sole option, equivalent to the amount of the Funds spent developing the software/ITS. Such refund or credit shall not be required, subject to LACMTA approval of the intended use, if Project Sponsor reinvests the proceeds of such sale, conveyance, license or transfer into the Project to offset operating or systems management costs.

9.10 Implementation of any ITS project shall be consistent with the Regional ITS Architecture. ITS projects must comply with LACMTA's Countywide ITS Policy and Procedures adopted by the LACMTA Board of Directors including the submittal of a completed, signed self-certification form in the form of **Attachment F-1**. See http://www.metro.net/projects_studies/call_projects/other_resources.htm for ITS Policy and Procedures, and the Self Certification form.

9.11 If any parking facilities are designed and/or constructed using the Funds, Project Sponsor shall coordinate with the LACMTA parking program staff in the planning, design and management of the facility and shall ensure that its implementation is consistent with the LACMTA-adopted parking policy. For LACMTA's Parking Policy, see http://www.metro.net/projects_studies/call_projects/other_resources.htm.

9.12 Project Sponsor agrees that the disposal of property purchased with the Funds shall be disposed of in accordance with the Agency's guidelines.

9.13 Notice will be given to the parties at the address specified in Part I, otherwise notified in writing of change of address.

9.14 Project Sponsor in the performance of the work required by this LOA is not a contractor nor an agent or employee of LACMTA. Project Sponsor attests to no organizational or personal conflicts of interest and agrees to notify LACMTA immediately in the event that a conflict, or the appearance thereof, arises. Project Sponsor shall not represent itself as an agent or employee of LACMTA and shall have no powers to bind LACMTA in contract or otherwise.

9.15 Project Sponsor shall notify LACMTA in advance of any key Project staffing changes.

FTIP#: LAF5808
PPNO: 4540

CFP#: 5808

PROGRAMMED FUNDS	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	BUDGET	%
LACMTA PROGRAMMED FUNDING:								
<u>Federal</u>								
(RSTP) Regional Surface Transportation Program								

STIP-TEA								
-PA & ED			96,184				96,184	65.4%
-PS&E								
-R/W								
-Construction								

	LACMTA SUBTOTAL						96,184	65.4%
GRANTEE/SPONSOR MATCH:								
Grantee Funding Commitment (specify type)								

City General Fund								
-PA & ED			50,864				50,864	34.6%
-PS&E								
-R/W								
-Construction								
Note:You can not match Federal with Federal								
	PROJECT SPONSOR MATCH SUBTOTAL						50,864	34.6%
TOTAL PROJECT FUNDING			\$147,048				\$147,048	100.0%

ATTACHMENT B
SCOPE OF WORK

Project Title: Atlantic Avenue Streetscape Enhancements

Project Limits: Atlantic Avenue between 55th Street to 60th Street, Project Boundary was revised and approved by Metro. Attached is the Project Map.

Project Description: The project will design streetscape improvements that include shade trees, pedestrian lighting and decorative crosswalk treatment and pavement features. The funds are for design costs.

Project Funding:

PROJECT ITEM	Grant funds (LACMTA) STIP	LOCAL AGENCY	TOTAL
Design, and Engineering	\$96,184	\$50,864	\$147,048
Project Management, Construction			
TOTAL BUDGET COST	\$96,184	\$50,864	\$147,048

ESTIMATED PROJECT COSTS:

Item #	Item Description	Qty	Unit	Unit Cost	Sub Total Cost
1.	B- Permit Design, Engineering and Survey Fees		LS		\$147,048
2.	ROW Cert – Utility Impact Analysis		LS		\$0
3.	NEPA Environmental Documentation		LS		\$0
4.	Bid and Award		LS		\$0
5.	Admin		LS		\$0
5.1.					
Grand Total					\$147,048

Milestones	Begin	End	Duration
• Execute LOA	Sept 2013	Feb 2014	4 months
• Caltrans Field Review (submit Caltrans forms)/Request to Proceed to Design, Caltrans issues Notice to Proceed/ Program Supplement Agreement E76 for Design	Feb 2014	July 2014	5 months
• Construction Documents (final design, specifications, cost estimate)	Dec 2014	May 2015	5 months
• Submit Caltrans forms (CTC) / Request to Proceed to Construction, Caltrans issues Notice to Proceed/Agreement E76 for Construction	Sept 2014	Oct 2014	1 month

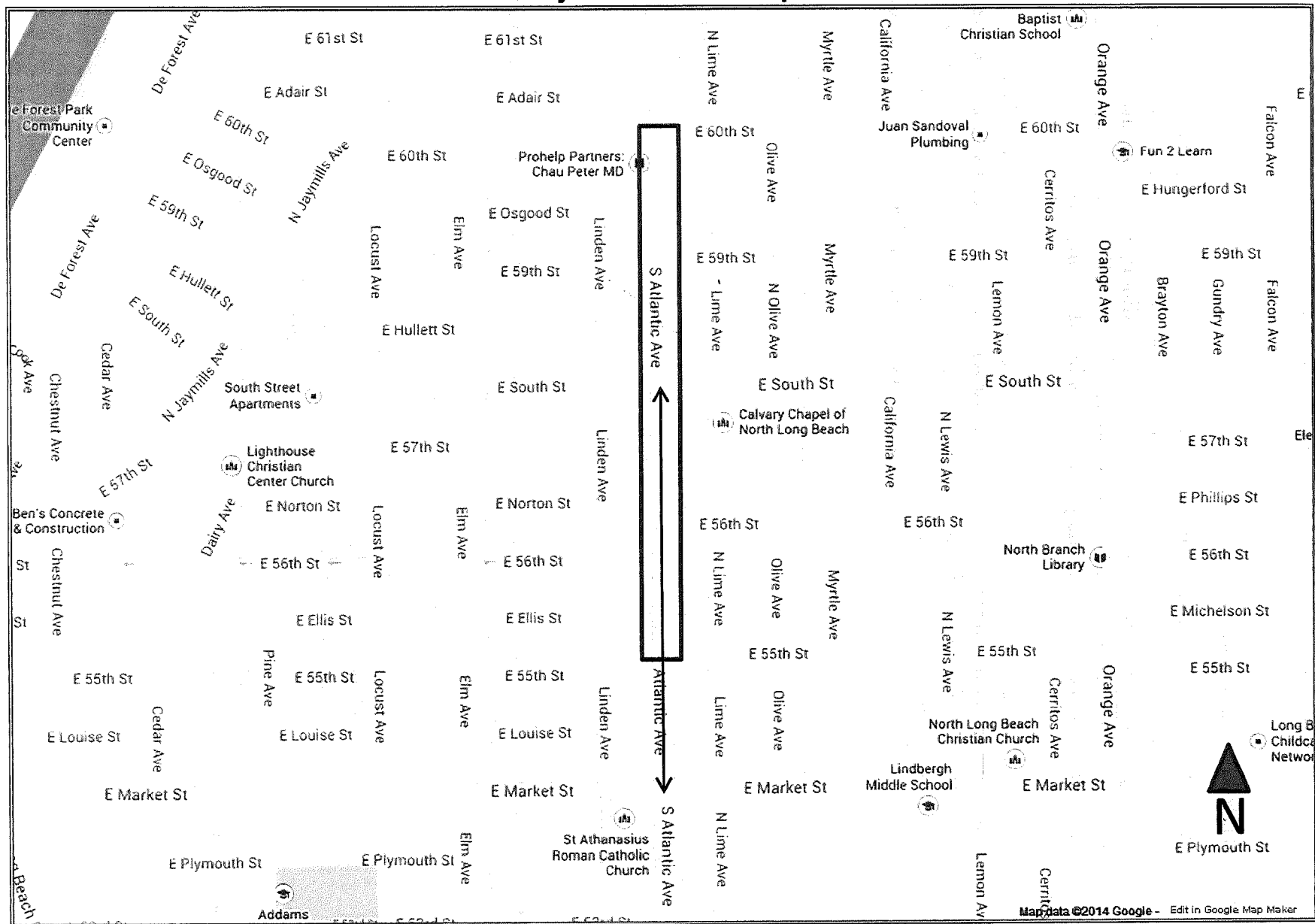
Milestones

Schedule

Task	Begin	End	Duration
• Preliminary Design / Outreach	Feb 2014	Mar 2014	1 month
• Execute LOA	October 2013	Feb 2014	5 months
• CTC Allocation (Design)	Feb 2014	Mar 2014	1 month
• Approval to Proceed with Design (Receive E76 from Caltrans)	Mar 2014	Dec 2014	9 months
• PES / Environmental Clearance. Permits / Design Review	April 2014	May 2014	1 month
• Final Design	Dec/Jan 2014-15	May 2015	5 months

Atlantic Avenue Streetscape Enhancement Project CFP#P005808

Project Location Map



Current Project Boundary



Previous Project Boundary

Project Scope: Street Trees
Pedestrian Lighting
Decorative Pavement

LOA ATTACHMENT C

REPORTING GUIDELINES FOR FEDERAL FUNDS

REPORTING PROCEDURES

- The Quarterly Progress Report (Attachment C1) is required for all projects. The Project Sponsors shall be subject to and comply with all applicable requirements of the funding agency regarding project-reporting requirements. In addition, Project Sponsor will submit a quarterly report to the LACMTA PROJECT MANAGER. Please note that letters or other forms of documentation may not be substituted for this form.
- The Quarterly Progress Report covers all activities related to the project and lists all costs incurred. It is essential that Project Sponsors provide complete and adequate response to all the questions. The expenses listed must be supported by appropriate documentation with a clear explanation of the purpose and relevance of each expense to the project. Expenses must reflect the proportionate share of local match, including in-kind, charged to the grant.
- In cases where there are no activities to report, or problems causing delays, clear explanation, including actions to remedy the situation, must be provided.
- Project Sponsors are required to track and report on the project schedule. LACMTA will monitor the timely use of funds and delivery of projects. Project delay, if any, must be reported each quarter. Projects not delivered in a timely manner will be reevaluated by LACMTA as part of the annual Call for Projects Recertification process and the Funds may be deobligated and reprogrammed by the LACMTA Board.
- The Quarterly Progress Report is due to the LACMTA as soon as possible after the close of each quarter, but no later than the following dates for each fiscal year:

<i>Quarter</i>	<i>Report Due Date</i>
July –September	November 30
October - December	February 28
January - March	May 31
April - June	August 31

Upon completion of the Project a Final Report that includes project's final evaluation must be submitted.

LACMTA LOA ATTACHMENT C1

QUARTERLY PROGRESS REPORT

Project Sponsor to Complete

LOA#

Quarterly Report #

Project Sponsors are requested to mail this report to the LACMTA PROJECT MANAGER.

Please submit Quarterly Progress Report with 60 days after the close of each quarter.

No later than November 30, February 28, May 31, and August 31.

SECTION 1: GENERAL INFORMATION

PROJECT TITLE: Atlantic Avenue Streetscape Enhancements

LOA#: F5808

QUARTERLY REPORT SUBMITTED FOR:

Fiscal Year : ☐ 2013-2014 ☐ 2014-2015 ☐ 2015-2016
☐ 2016-2017 ☐ 2017-2018 ☐ 2018-2019

Quarter : ☐ Q1: Jul - Sep ☐ Q2: Oct - Dec
☐ Q3: Jan - Mar ☐ Q4: Apr - Jun

(Attach photos of key components & milestones)

DATE SUBMITTED: _____

LACMTA MODAL CATEGORY:

☐ RSTI ☐ Pedestrian ☐ Signal Synchronization
☐ TDM ☐ Bicycle ☐ Goods Movement
☐ Transit ☒ TEA

LACMTA Project Mgr.	Name:	Desiree Portillo Rabinov
	Project Mgr:	Transportation Planning Manager
	Mailing Address:	1 Gateway Plaza, MS: 99-22-04, Los Angeles Ca 90012
	Phone Number:	213-922-3039
	e-mail:	rabinovd@metro.net

Project Sponsor Contact / Project Manager	Contact Name:	Meredity Elguira
	Job Title:	Capitol Projects Coordinator
	Department:	Public Works
	City / Agency:	City of Long Beach
	Mailing Address:	333 Ocean Blvd.
	Phone Number:	562-570-6293
	e-mail:	Meredith.Elguira@longbeach.gov

SECTION 2: Quarterly PROGRESS REPORT

1. Project-to-Date Expenditure

% of Project Budget Expended to Date	
% of Project Completion	

2. DELIVERABLES & MILESTONES

duration. **DO NOT CHANGE THE ORIGINAL LOA MILESTONE START AND END DATES SHOWN IN THE 2ND AND 3RD COLUMNS BELOW.**

Project sponsors must make every effort to accurately portray milestone dates in the original LOA Scope of Work, since this will provide the basis for calculating any project delay. If milestone start and/or end dates change from those stated in the Original LOA Scope of Work, indicate the new dates under Actual Schedule below and re-calculate the project duration. However, this does not change the original milestones in your LOA. **PER YOUR LOA AGREEMENT, ANY CHANGES TO THE PROJECT SCHEDULE MUST BE**

LOA Milestones	Original LOA Schedule in Scope of Work		Actual Schedule	
	Start Date	End Date	Start Date	End Date
Environmental Clearance				
Design Bid & Award				
Design				
Right-of-Way Acquisition				
Construction Bid & Award				
Ground Breaking Event				
Construction				
Ribbon Cutting Event				
Total Project Duration (Months)				

3. PROJECT COMPLETION

A. Based on the comparison of the original and actual project milestone schedules above, project is (select only one) :

- | | |
|--|---|
| <input type="checkbox"/> On schedule per original LOA schedule | <input type="checkbox"/> Less than 12 months behind original sc |
| <input type="checkbox"/> Between 12-24 months behind original schedule | <input type="checkbox"/> More than 24 months behind original sc |

B. Was the project design started within 6 months of the date originally stated in the LOA?

- ☐ Yes ☐ No ☐ Not Applicable

C. Was a construction contract or capital purchase executed within 9 months after completion of design / specifications?

☐

Yes

☐

No

☐

Not Applicable

4. TASKS / MILESTONES ACCOMPLISHED

List tasks or milestones accomplished and progress made this quarter.

5. PROJECT DELAY

If project is delayed, describe reasons for delay (this quarter). Pay particular attention to schedule delays. If delay is for the same reason as mentioned in previous quarters, please indicate by writing "Same as Previous Quarter."

6. ACTION ITEMS TO RESOLVE DELAY

If the project is delayed (as described in #4), include action items that have been, or will be, undertaken to resolve the delay.

I certify that I am the responsible Project Manager or fiscal officer and representative of _____ and that to the best of my knowledge and belief the info stated in this report is true and correct.

Signature

Date

Name

Title

Los Angeles Metropolitan Transportation Authority

2015 Federal Transportation Improvement Program (\$000)

TIP ID **LAF5808**Implementing Agency **Long Beach, City of**

Project Description: Atlantic Avenue Streetscape Enhancements. This project is located in Long Beach along Atlantic Av between Market St and South St. It will install streetscape improvements, shade trees, pedestrian lighting and decorative pavement features. Funds are requested for design, construction and installation costs. The original scope of this project was reduced by eliminating the section between South St and Artesia Bl.

SCAG RTP Project #: 101009
Study: N/A Is Model: NO Model #:
PM: Nancy Villaseñor - (562) 570-6667
Email: nancy.villaseñor@longbeach.gov
LS: N LS GROUP#:
Conformity Category: EXEMPT - 93.126
Completion Date 12/01/2016

System :Local Hwy Route : Postmile: Distance: Phase: Environmental Document/Pre-Design Phase (PAED)

Lane # Extd: Lane # Prop: Imprv Desc:

Air Basin: SCAB Envir Doc: CATEGORICALLY EXEMPT - 07/01/2015

Toll Rate: Toll Colc Loc: Toll Method: Hov acs eg loc:

Uza: Los Angeles-Long Beach-Santa Ana Sub-Area: Sub-Region:

CTIPS ID: EA #: PPNO:

Program Code: NCR27 - PEDESTRIAN FACILITIES-UPGRADE Stop Loc:

	PHASE	PRIOR	14/15	15/16	16/17	17/18	18/19	19/20	BEYOND	TOTAL
CITY - City Funds	PE			\$0						\$0
	RW			\$0						\$0
	CON			\$225						\$225
	SUBTOTAL			\$225						\$225
STPE-R - STP Enhancement-RIP	PE		\$96	\$0						\$96
	RW		\$0	\$0						\$0
	CON		\$0	\$322						\$322
	SUBTOTAL		\$96	\$322						\$418
TOTAL										

TOTAL PE: \$96

TOTAL RW: \$0

TOTAL CON: \$547

- General Comment: The CTC approved an early allocation request for the project on 6/11/13.

- Modeling Comment:

- TCM Comment:

- Narrative: Project cost stays the same

Changed Current Implementation Status:

- from "No Project Activity" to "Environmental Document/Pre-Design Phase (PAED)"

No change in project funding

Total project cost remains the same at \$643

Last Revised **Adoption 15-00 - Accepted**

Change reason: Carry Over, SCHEDULE ADVANC

Total Cost

\$643

**CALIFORNIA TRANSPORTATION COMMISSION (CTC)
GUIDELINES AND PROCEDURES FOR THE
STATE HIGHWAY ACCOUNT LOAN PROGRAM
(APPROVED BY CTC ON JUNE 15, 2000)**

1 AUTHORITY AND PURPOSE

2 SCOPE OF STATE HIGHWAY ACCOUNT LOAN PROGRAM GUIDELINES AND PROCEDURES

3 GUIDELINES

3.1 Funding Availability, Minimums/Maximums—Criteria to Determine Application Status

3.2 Independent Fiscal Consultant Analysis Required

3.3 Project Eligibility

3.4 Loan Application, Loan Approval and Disbursement of Loaned Funds

3.5 Loan Terms

3.6 Project Overruns

3.7 Delay of Construction and Notification Rescinding the Loan

3.8 Monitoring and Reporting

3.9 Reporting of Defaults

4 PROCEDURES

4.1 Department of Transportation Responsibilities

4.2 Eligible Applicants

4.3 Approval Subject to Funding Minimums/Maximums - Criteria

4.4 Project and Applicant Requirements

4.4.1 Ineligible Projects

4.4.2 Minimum Project Requirements

4.4.3 Project Readiness

4.4.4 Applicant Requirements and Responsibilities

4.5 Independent Fiscal Consultant Requirements and Responsibilities

4.5.1 Fiscal Assessment Required

4.5.2 Applicant to Exercise Due Diligence

4.6 Approving Authority Responsibilities

4.7 Uniform Loan Application and Agreement Package

4.8 Additional Information on the Loan Program and Procedures

**CALIFORNIA TRANSPORTATION COMMISSION
GUIDELINES AND PROCEDURES FOR THE
STATE HIGHWAY ACCOUNT LOAN PROGRAM**

1 AUTHORITY AND PURPOSE

Government Code Section 14529.6, added by Chapter 783 of the Statutes of 1999 (AB 1012), establishes a loan program to advance unallocated funds from the State Highway Account (SHA) to local entities for the advancement of projects eligible under the State Transportation Improvement Program (STIP) that are included within an adopted Regional Transportation Plan (RTP). The statutory intent is to expedite the use of the high cash balance in the SHA by putting the funds to work "at the earliest possible time on needed transportation improvements."

The Commission is required by Section 14529.6(e) to propose guidelines and procedures to implement and expedite the loan program authorized under AB 1012, hereinafter referred to as the SHA Loan Program, and by Section 14529.6(f) to adopt, after a public hearing, a "uniform loan agreement package" including guidelines and procedures.

These guidelines and procedures become effective when adopted by the Commission. The Commission may revise these guidelines and procedures at any time after first giving notice of proposed amendments and conducting at least one public hearing.

2 SCOPE OF SHA LOAN PROGRAM GUIDELINES AND PROCEDURES

The guidelines apply to all loans to local entities approved by the Commission under the provisions of Government Code Section 14529.6. For purposes of these guidelines, the term "local entity" includes transportation planning agencies, county transportation commissions, transit districts, city and county governments, and local transportation authorities. The guidelines are intended to provide policy guidance and direction for actions as well as activity processes and procedures related to loans for advancement of eligible projects. Specific activities governed by these guidelines include independent fiscal analysis, project eligibility, loan application review and approval, transmittal of funds, loan terms, "calling" of the loan for non-compliance or default, project overruns, and monitoring and reporting.

The procedures are intended to detail responsibilities and requirements, and provide guidance on making an application. Caltrans may develop and maintain additional internal administrative procedures necessary to carry out the legislative intent of this loan program.

3 GUIDELINES

3.1 Funding Availability, Minimums/Maximums – Criteria to Determine Application Status

As authorized by Government Code Section 14529.6, the Commission may advance monies from the SHA in the form of loans whenever the SHA cash balance exceeds \$400 million. The total amount of outstanding loans shall not exceed \$500 million at any one time.

Twice a year, on January 15 and July 15, the Commission is required to adopt projections of funding availability and the period of time during which the funds will be available. In addition to the minimum SHA balance and loan program capacity, approval of a loan application is subject to the Commission's adopted projection in effect at the time the application is received by Caltrans.

Loans will be approved on a first-come, first-served basis, except that an out-of-order application may be approved when program capacity would be exceeded if a preceding application were approved. The Commission intends that Caltrans use the following criteria to determine an application's "status" in determining its call on available funds.

1. The date and order in which it is received.
2. Whether the cumulative total of funds available to loan is greater than the amount requested.

Caltrans may, however, negotiate with an applicant for a reduced loan amount when an application that exceeds available funds includes funding for more than one project. The applicant may elect to delete one or more projects from the original request, bringing the reduced loan amount in line with available funds.

3.2 Independent Fiscal Consultant Analysis Required

Government Code Section 14529.6(b)(3) requires an applicant for a loan to have had a fiscal assessment of its ability to repay a loan completed by an independent fiscal consultant selected from a list of fiscal consultants that were "pre-qualified" and approved for inclusion on the list by Caltrans and the Commission. The fiscal analysis of the applicant's ability to repay a loan must be submitted with the application. Caltrans' recommendation to the Commission for approval of a loan will primarily be based on the fiscal consultant's analysis.

Caltrans will advertise for fiscal consultants interested in being on the "pre-qualified" list. The advertisement notice will be through Caltrans' normal contract advertising process including notice on the Caltrans web page: <http://www.dot.ca.gov> or <http://www.ns.net/caltrans/consult.htm>. Interested fiscal consultants will be asked to respond to a "Request for Information" that includes criteria necessary to be pre-qualified. Once established, the "pre-qualified" list of fiscal consultants may be updated periodically by Caltrans.

In addition to periodic advertising, Caltrans shall post the qualification criteria approved by the Commission as part of the Uniform Loan Application and Agreement package on the CTC web site at: <http://www.dot.ca.gov/CTC/>. Qualification information and resumes submitted by interested fiscal consultants shall be accepted on a continuous basis.

Loan applicants may select a consultant who is not on the "pre-qualified" list of consultants, however Caltrans must validate the consultant's credentials prior to loan approval. Commission approval of the consultant for inclusion on the "pre-qualified" list may occur concurrently with loan approval. If the loan applicant elects to proceed in this manner, the fiscal consultant's qualification information and resume must be submitted to Caltrans within the due dates set in the CTC Meeting Material Submittal due date schedule as discussed in Section 3.4 below. If Caltrans finds that the consultant does not meet the minimum qualification criteria, the fiscal analysis completed by the consultant for the applicant will be invalid for this loan program, and the loan will not be approved.

3.3 Project Eligibility

Only projects that are STIP eligible and included in an adopted RTP are eligible for funding under this program. Projects must also comply with the California Environmental Quality Act requirements and cost limitations as specified in Government Code Sections 14529.6(b)(1) and (b)(2), respectively.

"STIP eligible" means those types of projects as defined in Streets and Highways Code Section 164(e) and further clarified in the CTC's STIP guidelines, Section 25, and which are also included in the adopted RTP.

Loans will be solely for the capital improvement phase of a project, which may include the costs of construction management and engineering. The Commission will not approve loans for environmental, preliminary and final engineering, right-of-way engineering, and associated project development activities.

Local entities in need of funding for certain project development elements, specifically environmental, permits, and plans, specifications, and estimates, may be eligible for advance funding under the Advance Project Development Element (APDE) added to the STIP in response to provisions of Government Code Section 14529.01. Additional information about the APDE may be found in the "Guidelines for 2000 STIP Advance Project Development Element" (CTC Resolution G-99-28 Amending Resolutions G-99-23 and G-99-27).

3.4 Loan Application, Loan Approval and Disbursement of Loaned Funds

Government Code Section 14529.6 provides a 60-day timeline for loans to be approved and monies to be transmitted. The Commission is required to approve or disapprove loan applications within 30 days after the application is submitted. During the 30 days prior to approval, loan agreements must be made available to interested parties. Not later than 30 days after loan approval, the monies must be transmitted directly to the applicant.

In addition to the 60-day timeline, an unspecified period is allowed by Government Code Section 14529.6(b)(3) for Caltrans to make a recommendation to the Commission based on the analysis conducted by the independent fiscal consultant. For purposes of these guidelines, the "date the application is submitted" shall be defined as "the date the Commission receives a loan request and recommendation from Caltrans" at a regularly scheduled public meeting.

When a local entity has a fiscal analysis completed by an independent fiscal consultant, the entity will submit an application to Caltrans in the form of the "Uniform Loan Application and Agreement" adopted by the Commission. Upon receipt, the application will be posted on the CTC web site for review by interested parties. Interested parties may submit comments concerning an application to Caltrans. Comments shall be in writing.

Caltrans must receive the application and other material within the due dates set in the "CTC Meeting Material Submittal" due date schedule in order for Caltrans to make a recommendation to the CTC at the earliest meeting. The CTC meeting schedule can be found on the web site: <http://www.dot.ca.gov/hq/transprog/ctcliaison.htm>. The appropriate due date for loan application and material submittals is the same date as for "Program Amendments and Fund Requests Due Programming/Budgets." Any material not meeting the deadline will be held over for presentation at the next scheduled CTC meeting. However, a report of all material received by Caltrans shall be made available to Commission staff as it is received.

Caltrans will review the application in the order it is received, prepare appropriate agreements if applicable, and make a loan request and recommendation to the Commission. Caltrans will submit a loan request and recommendation for all timely received applications, and any comments from interested parties, to the Commission at its next regularly scheduled meeting.

The loan request and recommendation to be presented to the Commission shall include all of the following information:

- Identity of the applicant.
- The date and time the application was received by Caltrans.
- The application "status" established by Caltrans using criteria in Section 3.1.
- The amount of the loan requested rounded to the nearest \$1,000.
- The terms of the loan.
- A request for waiver for a county with less than 500,000 population.
- The project(s) description.
- Evidence that the project is in an adopted RTP.
- The estimated date the project is scheduled for construction.
- Caltrans' recommendation (approve or disapprove) based on at least the following:
 - All conditions for loan approval specified in Government Code Section 14529.6(b) have/have not been met.
 - The fiscal assessment by the independent fiscal analyst.
 - The "status" of the application.
- A copy of the Loan Agreement and attachments.
- Copy of comments from interested parties.

After the Commission has been assured by Caltrans that all the conditions specified in Government Code Section 14529.6(b) have been met, and the local entity has the resources and capability of repaying the loan, the Commission shall act on the loan.

The Commission may delegate authority to Caltrans to execute (sign) the loan agreement once the Commission approves a loan.

The statutes allow Caltrans a period of 30 days after loan approval to transmit the loaned funds to the recipient. It is the intent of the Commission that transmittal of loaned funds is accelerated by Caltrans to the extent possible.

Any work performed by Caltrans under contract or other agreement with a local entity when the project is being funded from monies loaned under this program shall be undertaken in conformance to provisions of Government Code Section 14529.3. Under no circumstances will loaned monies be held as advance collections in the SHA pending completion of reimbursed work. Loaned monies will be transmitted directly to applicants.

3.5 Loan Terms

Loan terms specified in Government Code Section 14529.6(b) apply to all loans approved by the CTC under this program.

Loans must be repaid within four (4) years from the date the loan is made. However, for the stated purpose of informing potential loan applicants of the availability of funds to be loaned, the Commission is required to adopt a semi-annual projection of funds available to loan, and the length of times funds are available. The projection may show funds are available for different lengths of time within the 4-year period allowed by law. Applicants will base their loan request, and, Caltrans, its recommendation, on the adopted projection in effect at the time the application was received. To ensure that applicants are fully aware of funding availability and time limitations, it shall be Caltrans' responsibility to inform applicants of the status at the time a "Uniform Loan Application and Agreement" package is requested by the applicant.

Repayment of loans must be in cash from non-state sources. Cash from non-state sources may include, but is not limited to, local funding such as "measure" money or bond proceeds that have been approved through a public vote for transportation purposes, or sales tax or gas tax money that flows directly to the local entity. Cash from non-state sources does not include monies that would be allocated by the Commission as direct STIP project allocations, or as subventions funded from either state or federal resources. [E.g.: Local sales taxes, fuel taxes, measure money, motor vehicle fees, and developer fees are examples of fund sources that may be used for repayment; Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality Program (CMAQ) funds do not qualify.]

Interest must be charged at the rate paid on money in the Pooled Money Investment Account (PMIA) during the period of time the money is loaned. Repayment of the principal, interest, and penalties, if any, must be made to the State Highway Account. Because the PMIA rate changes quarterly, Caltrans shall fully disclose the manner in which interest will be assessed over the length of the loan in the "Uniform Loan Application and Agreement." A history of the PMIA Yield Rates can be found at the State Controller's Office web site: <http://www.sco.ca.gov/ard/pooled/pmia.pdf>.

Caltrans shall require applicants to include in their application a financial plan that demonstrates full funding of the project and the proposed loan repayment plan. The

financial plan is to include full funding of all phases of the project, including those not provided for by the loaned funds, an expenditure plan for the project, and the proposed plan of repayment of principal and interest on the loan, including fund sources. There shall be, however, no penalty for prepayment of principal and/or interest made in advance of the proposed plan.

3.6 Project Overruns

Applicants are responsible to make accurate estimates of project costs. A local entity receiving a loan under this program shall be responsible for funding any deficiencies over the loaned amount.

3.7 Delay of Construction and Notification Rescinding the Loan

Government Code Section 14529.6(b)(13) requires projects funded under this program to be under construction not later than six (6) months after transmittal of loan funds. If construction does not begin before the date set by Caltrans under this provision, Caltrans is required to notify the applicant that the loan, plus interest, must be repaid within ten (10) days after notification is made to avoid default. Caltrans will set the final date that construction may begin at the time it sets the date that funds are to be transmitted to the recipient following approval of the loan. As directed by the statute, Caltrans will require applicants to agree in writing that construction of the project will begin no later than the date set by Caltrans.

For the purposes of these guidelines, "construction" is defined as the "award of construction" date. Recipients of loans under this program shall provide Caltrans with a copy of the executed construction contract on, or before, the date set by Caltrans for construction to begin, as evidence that "construction" has begun. If, for any reason, the project must be re-advertised for contract award after the date set by Caltrans, the loan shall be in default and all principal, interest, and penalties prescribed by Government Code Section 14529.6(b)(7) are immediately due and payable.

The Commission recognizes that situations may arise that could delay the construction date far beyond the six months, or prevent it altogether. If known early by the recipient of a loan, the loaned monies plus interest may be voluntarily repaid early for re-circulation within the loan program. Therefore, at any time prior to the date set by Caltrans for construction to begin, if a local entity becomes aware that construction may be delayed for an indefinite time period, the entity may notify Caltrans, in writing, that the loan may be rescinded early. Upon receipt of the notification, Caltrans may immediately rescind the loan and no penalties will be assessed (interest charges will still apply for the period the loan was in effect).

Caltrans shall provide a written notification to the Commission within 30 days, with the particulars of any rescinded loan. As part of the notification, Caltrans shall advise the Commission of the availability of the returned monies for re-circulation within the loan program.

3.8 Monitoring and Reporting

Caltrans shall be responsible to monitor loans and repayment schedules and to provide a semi-annual "status of loans report" to the Commission. The report shall be submitted at the time Caltrans reports the six-month cash-flow needs of the STIP, prior to the Commission adopting projections of available funds to be loaned on January 15 and July 15 each year.

3.9 Reporting of Defaults

Caltrans shall immediately report any default to the Commission. In addition to detailed specifics regarding the default, the report shall include information on how repayment of the principal, interest, and penalty will be made.

County shares will be reduced to satisfy the default requirements in accordance to Government Section 14529.6(b)(7). Interest will continue to accrue on any loan that is in default up to the date the county share reduction is made. Reductions in county share funding and ineligibility for regional share fund programming are to be outlined in the report.

4 PROCEDURES

4.1 Department of Transportation Responsibilities

Caltrans is responsible for reviewing and analyzing applications in a timely manner. Caltrans will review and analyze each application and make a determination whether all the conditions required for loan approval specified in Government Code Section 14529.6 are met. Caltrans will submit a loan request and/or a recommendation to approve or disapprove the loan to the Commission for each application it receives.

Caltrans will review and analyze each application in the order it is received. There is, however, no guarantee an application received first will be approved when other factors have been weighed. Caltrans will rank each application based on the analysis conducted by an independent fiscal consultant of the applicant's ability to repay the loan. Caltrans will also use criteria as stated in Section 3.1 of the Guidelines to determine the application's "status," or placement in line for available funds.

Processes conducted during the 30-day period following CTC approval of a loan will include the following:

- The reconciliation of discrepancies between the approved loan amount and terms of repayment if different than requested in the application.
- Setting of the date to transmit loaned monies and the final date for construction to begin, which will be within six (6) months after loaned monies are transmitted.
- Obtaining the applicant's written agreement that construction will begin by the date set by Caltrans.
- Execution of the loan agreement.
- Accounting activities necessary to transmit loaned monies.

Caltrans will transmit loaned monies directly to the applicant no later than 30 days after the Commission approves a loan request.

4.2 Eligible Applicants

Any local entity that is a transportation planning agency or county transportation commission, that is also the approving authority for the county's submission to the STIP, may apply for a loan under this program. Other local entities such as transit districts, city or county governments or local transportation authorities applying for a loan under this program must apply jointly with a regional transportation planning agency or county transportation commission that is the approving authority for the county's submission to the STIP.

4.3 Approval Subject to Funding Minimums/Maximums

Approval of a loan application is subject to the Commission's adopted projection in effect at the time the application is received by Caltrans and the following statutory minimums and maximums:

- The SHA balance must exceed \$400 million.
- The aggregate amount of outstanding loans must not exceed \$500 million at any one time.

The criteria established in Guidelines Section 3.1 will be used when loan approval would result in the minimum or maximum limitations being exceeded, as stated in the adopted projection or in statutes. When recommendations are being made for two or more applications at the same CTC meeting, and all other factors are equal, Caltrans will base its recommendation for approval or disapproval of an application on its status.

Example: (Assume each application includes funding for one (1) project.)

<u>Amount Requested</u>	<u>Date Received</u>	<u>Status</u>	<u>Recommendation</u>	<u>Cumulative Available</u> <u>\$25 million</u>
\$15 million	5/10/00	1	Approve	\$10 million
\$15 million	5/15/00	3	Disapprove	
\$10 million	5/20/00	2	Approve	\$ 0

Note: Using the same example, assume the first application includes a funding request for two \$15 million projects. If the applicant agrees in writing to delete one project from the request, Caltrans' recommendation would be the same as shown in the example. If, however, the first application includes a funding request for one \$15 million project and one \$10 million project, the recommendation would be to approve the first application, and disapprove the second and third applications.

Caltrans will not hold applications over for later processing whenever funding capacity has been reached. The Commission will suspend the loan program when the SHA balance is less than \$400 million, or terminate the program whenever termination is deemed to be the most prudent action. Applications will not be processed during any suspension period. Applicants are encouraged to contact Caltrans' Innovative Finance Program in Sacramento to determine the program status before submitting an application.

4.4 Project and Applicant Requirements

4.4.1 Ineligible Projects

Loans made under the SHA Loan Program are subject to funding restrictions of Article XIX of the California Constitution. Caltrans will automatically reject an application that includes funding for any project that would be prohibited under Article XIX (i.e., rolling stock, freight carrier, non-transportation related, etc.).

4.4.2 Minimum Project Requirements

Loan applications for projects that do not meet the following minimum requirements will not be considered further:

- The project is STIP eligible and included in an RTP adopted by a Regional Planning Agency.
- The project complies with California Environmental Quality Act (CEQA) certification requirements and has an Environmental Impact Report prepared.
- For each project, costs are greater than \$10 million, unless waived by CTC for a county with less than 500,000 population, and then the project costs are equal to, or less than, 50% of the current county's share.

When an application includes more than one project, each project must meet minimum project requirements.

4.4.3 Project Readiness

Monies advanced as loans under this program are for the capital improvement phase of transportation projects. It is the applicant's responsibility to evaluate whether the project is at the stage of development that construction can reasonably be expected to begin within 6 months from the date loaned monies are transmitted.

4.4.4 Applicant Requirements and Responsibilities

Applicants are required to certify that no other funds are available and that there is no intent to borrow and then bank or invest SHA funds at a higher yield than the PMIA rate. This would create an arbitrage situation that is not allowed under this loan program. Applicants should review existing resources to identify other funding sources that may be available to fund the project. During this process, applicants are encouraged to investigate the possibility that the project may be eligible for federal funds.

Applicants must limit a loan request for any single county for one or more projects to an amount not greater than \$100 million that does not exceed 50 percent of the regional share funding allocation (county share) as published in the most recent STIP Fund Estimate for that county.

When the application is for multiple projects, applicants must prioritize the projects. Following negotiations authorized by Section 3.1 of the guidelines, Caltrans may recommend the Commission approve a reduced loan amount dependent upon deletion of one or more projects from the application. Applicants electing to delete one or more lower priority

projects from the application must submit a revised application at least two (2) working days prior to the CTC meeting at which Caltrans' recommendation will be heard.

Applicants must demonstrate their ability to repay the loan from non-state sources. Following their own procurement process, applicants must select an independent fiscal consultant from an approved list to conduct a fiscal assessment of the local entity's ability to repay the loan. Costs incurred for the fiscal assessment must be paid by the applicant, and are not to be included in the loan request. Additional information concerning the pre-qualified independent fiscal consultant list and responsibilities of the fiscal consultant and applicant is included in Section 3.2 and Section 4.5 of these guidelines and procedures.

4.5 Independent Fiscal Consultant Requirements and Responsibilities

4.5.1 Fiscal Assessment Required

A fiscal consultant selected by an applicant for a loan under this program must perform a fiscal assessment that includes a review of the applicant's most recent audited financial statements and available working papers, audit reports, and potential legal claims and or liabilities pending that may impact the applicant's ability to repay a loan.

The fiscal assessment must provide the information necessary to show, at minimum, that the applicant is capable of repaying the loan in the manner, and within the terms, specified in the loan agreement. Failure of an applicant to demonstrate their capability of meeting this requirement is cause for Caltrans to recommend disapproval of an application.

The applicant is to be provided with a written report of findings of the fiscal assessment that may include attachments as necessary. The report must include the fiscal consultant's "warranty of independence" to express an opinion on the financial status of the applicant. The original copy of the report is to be submitted by the applicant to Caltrans when the application for a loan is filed. The fiscal consultant must be available to answer questions made by the Commission, Caltrans or the applicant on the contents of the written report.

4.5.2 Applicant to Exercise Due Diligence

The Approving Authority for the county's STIP submittal, either as applicant or co-applicant, will place at risk future county shares as collateral for the loan. An unsound financial judgement on the part of the fiscal consultant may lead to default of the loan and loss to the county of future county share funding and programming. Therefore, it is imperative that the applicant exercise due diligence in determining that 1) the consultant has the organization and experience necessary to perform a complex financial analysis specific to the loan that will be requested, and 2) the consultant's report is accurate in its material representations.

Applicants are not limited in their selection of a fiscal consultant to those consultants included on the currently approved "pre-qualified" list, which is continuously updated. Section 3.2 of these guidelines and procedures provides the applicant with the flexibility to select a qualified consultant who is not currently on the approved list, provided the consultant's credentials are validated by Caltrans prior to approval of the loan.

4.6 Approving Authority Responsibilities

The Approving Authority for the county's STIP submittal must be either the applicant, or the co-applicant. In either event, the governing body for the Approving Authority must voice its approval, by resolution or other instrument, to enter into the loan for the purpose and terms stated in the application and agreement. The governing body must show in the resolution or other instrument that it recognizes that future county share allocations and regional choice fund programming are collateral in the case of default on the loan, and that in the judgement of the Approving Authority, the conclusion of the financial analysis completed by the financial consultant is sound. A copy of the approving resolution or other instrument must be submitted with the application.

4.7 Uniform Loan Application and Agreement Package

Applications must be completed using the "Uniform Loan Application and Agreement" package adopted by the Commission. The loan package can be requested from:

State Highway Account Loan Program
California Department of Transportation
1120 N Street, MS-6
Sacramento, CA 95814

Attention:
Loan Officer, Innovative Finance
Phone: (916) 324-7623
FAX: (916) 324-7708

or obtained from the Commission's web page: <http://www.dot.ca.gov/CTC/>.

Applicants must submit an original and three copies of all materials submitted to Caltrans for a loan under the State Highway Account Loan Program.

To assure a place on the agenda for the earliest CTC meeting, applications must be submitted to the Caltrans Innovative Finance Program at the same time other meeting material submittals are due (see Guidelines Section 3.4). The CTC meeting material submittal dates are posted on the Commission's web page.

4.8 Additional Information on the Loan Program and Procedures

Questions and information requests related to the State Highway Account Loan Program and procedures can be directed to:

State Highway Account Loan Program
California Department of Transportation
1120 N Street, MS-6
Sacramento, CA 95814

Attention:
Loan Officer, Innovative Finance
Phone: (916) 324-7623
FAX: (916) 324-7708

ATTACHMENT D



CALIFORNIA TRANSPORTATION COMMISSION
Amendment of STIP Guidelines

RESOLUTION G-03-19
Replacing Resolution G-01-21

- 1.1 WHEREAS Government Code Section 14530.1 requires the California Transportation Commission to adopt guidelines for the development of the state transportation improvement program (STIP) and permits the Commission to amend the guidelines after conducting a public hearing, and
- 1.2 WHEREAS the Commission last amended the STIP guidelines on July 12, 2001 (Resolution G-01-21), and
- 1.3 WHEREAS on November 24, 2003, the Commission held a public hearing on proposed amendments to the STIP guidelines to govern the 2004 STIP cycle, and
- 1.5 WHEREAS Commission staff has prepared revisions to the proposed guideline amendments, incorporating comments received at the November 24 hearing and subsequently,
- 2.1 NOW THEREFORE BE IT RESOLVED that the Commission adopts the amendments to the STIP guidelines as presented by staff, together with the attached policies and procedures specific to the 2004 STIP, and
- 2.2 BE IT FURTHER RESOLVED that the Commission requests that the Department, in cooperation with Commission staff, distribute copies of the STIP guidelines, as amended, together with the policies and procedures specific to the 2004 STIP, to regional agencies, county transportation commissions, and representatives of local agencies and transit agencies.

Attachment to Resolution G-03-19

STIP Guidelines
Policies and Procedures Specific to the 2004 STIP

The following specific policies and procedures address the particular circumstances of the 2004 STIP and fund estimate.

- Annual targets for reprogramming. Development of the 2004 STIP will consist primarily of rescheduling projects carried forward from the 2002 STIP. The 2004 fund estimate will identify, for each county and the interregional share, the amount from the 2002 STIP that is subject to rescheduling and year-by-year targets for rescheduling. The county targets for delaying 2002 STIP projects to 2008-09 will be based on the share advance that each county has for the 4-year county share period ending 2007-08. Counties with net unprogrammed balances from the 2002 STIP, even after the share reduction from the 2004 STIP fund estimate, will have a zero target for 2008-09.
- Prior projects. Some current STIP programming is not subject to reprogramming (i.e., a region does not have the option of delaying the fiscal year of these items, even if that causes an annual target to be exceeded):
 - Projects already voted an allocation.
 - Programmed AB 3090 cash reimbursements.
 - GARVEE bond debt service, where the Commission has approved the allocation of bond proceeds.
 - Caltrans environmental, design, and right-of-way work now programmed for 2002-03 or prior years, unless Caltrans indicates that work has not yet begun or has been suspended and it is proposed to delete the work from the STIP or to delay the beginning of work until 2005-06 or later. Where work is suspended, the amount of expenditure to date will remain as programmed.
- New projects. Generally, any new project or project component added to the STIP (whether as a trade or from new capacity) will be added in 2008-09. Exceptions will be made for TE projects and may be made for other projects or components if the county has an unprogrammed share balance for the period ending 2007-08 in the 2004 STIP fund estimate. Consistent with statute, the Commission will give preference in the programming of new projects or components to projects in counties with an unprogrammed share balance for the county share period ending 2007-08.
- Transportation Enhancement (TE) targets. The fund estimate includes annual TE project targets for each county and the interregional share, based on share formula proportions of estimated statewide TE apportionments. These targets, however, do not limit TE programming. An RTIP or ITIP may propose any amount in any fiscal year for TE. The Commission will change the proposed programming years for TE projects only if statewide TE proposals exceed statewide TE apportionments.

- Prior STIP projects as TE. A region may identify a previously programmed STIP project as TE-eligible. In that case, the project will be counted toward the TE target and not be subject to rescheduling with non-TE projects. All TE allocations are subject to verification by Caltrans that the project is TE-eligible.
- Limitations on planning, programming, and monitoring. The fund estimate includes calculations of the statutory 1% and 5% limitations for PPM for each county share period. For the period from 2004-05 through 2007-08, this is a reduction from the estimates for the 2002 STIP. For some counties, this will require a reduction from current PPM programming for 2004-05 through 2006-07.
- Reprogramming of current year projects. In a departure from the general rule in the STIP Guidelines, projects programmed in FY 2003-04, including projects from prior years that have allocation extensions, may be reprogrammed to a later fiscal year if they are on the pending vote list or if they have been granted an extension of the allocation period that expires after the adoption of the 2004 STIP fund estimate.
- Allocation Extensions for Lack of Funding. In a departure from the general rule in the STIP Guidelines, the Commission may approve allocation extensions on the basis of the lack of funding. In the case of Caltrans projects, the Commission will grant extensions of the allocation period for construction if it finds that the delay in delivery is due to a lack of available funding for project development or right-of-way. In the case of local agency projects, the Commission will grant extensions of the allocation period if it finds that the delay in delivery is due to a lack of available State funding (including a lack of OA for RSTP/CMAQ) for prior components of the project. A project already granted an allocation extension may not be granted a second extension.
- Advance Project Development Element (APDE). There is no APDE identified for the 2004 STIP. Projects formerly identified as APDE may remain in the 2004 STIP, subject to the same limitations that apply to any other project.
- Programming of cash commitments. A currently programmed STIP project for cash (e.g., AB 3090 cash reimbursement or GARVEE debt service), including current cash commitments through FY 2008-09, is included in the base of existing commitments for the 2004 STIP fund estimate. These commitments will be carried forward to the 2004 STIP automatically and need not be included in RTIP and ITIP proposals and will not be further deducted from county or interregional shares. If, after the fund estimate, a new project is proposed for cash, it will be counted against program capacity in a way that takes into account that the STIP fund estimate was calculated to reflect the capacity to add projects drawing cash over a period of years. To reflect an equivalent draw on cash, a cash project will be counted 30% toward capacity for the fiscal year of the programmed cash commitment, 50% toward the prior year, and 20% toward the second year prior. For example, for a new AB 3090 cash reimbursement of \$100 programmed for allocation in 2008-09, \$20 would be counted toward the programming target for 2006-07, \$50 toward the target for 2007-08, and \$30 toward 2008-09.
- Selection of projects for GARVEE bonding. The Commission may select STIP projects proposed in either an RTIP or the ITIP for accelerated construction through GARVEE bonding. With the agreement of the agency that proposed the project, the Commission may designate a project for GARVEE bonding even if the original RTIP or ITIP did not

specifically propose GARVEE bonding. The Commission may also select projects programmed in the SHOPP for accelerated construction through GARVEE bonding.

- Project criteria for GARVEE bonding. The Commission will select projects for GARVEE bonding that are major improvements to corridors and gateways for interregional travel and goods movement, especially projects that promote economic development and projects that are too large to be programmed within current county and interregional shares or the SHOPP on a pay-as-you-go basis. The Commission's expectation is that, generally, these will be projects that require bond proceeds exceeding \$25 million. Major improvements include projects that increase capacity, reduce travel time, or provide long-life rehabilitation of key bridges or roadways.
- Nomination of projects for GARVEE bonding. In its RTIP, a regional agency may propose a project for GARVEE bonding or may provide alternative funding proposals, depending on whether a particular project is selected for bonding. In any case, a decision of the Commission not to program a project for GARVEE bonding does not constitute a rejection of the RTIP. In the ITIP, the Department may propose projects for GARVEE bonding or provide alternative funding proposals.
- Expectations for 2004 STIP. The Commission will approve documents in January 2004 for the first bond sale. The Commission anticipates that it will authorize additional bond sales whenever it has allocated a sufficiently large amount of bond proceeds to warrant a sale, probably no more frequently than once each year. Each bond will be structured for debt service payments over a term of not more than 12 years. For the 2004 STIP and SHOPP, the Commission intends to consider GARVEE bonding up to an annual debt service limit of 10 percent of Federal revenues (2/3 of its long-term policy limit). This would include projects scheduled for delivery at any time during the five-year STIP period (through 2008-09).
- Non-Federal share. GARVEE bonds cover only the Federally-funded portion of a project's cost (generally 88½ percent). GARVEE bonding in California is structured so that the State's future Federal transportation apportionments cover all debt service payments. This requires that the entire non-Federal portion of project cost (including costs of issuance and interest) be provided up front on a pay-as-you-go basis. Because of the State's recent cash flow shortage, the availability of local non-STIP funds to cover the non-Federal match has been a critical element in approving projects for inclusion in the first bond sale. However, the ability of a local agency to contribute non-STIP funding will not be a major criterion in the future selection of projects for GARVEE bonding. The non-Federal portion of project costs will be programmed within current STIP and SHOPP capacity.