



*City of Ceres • City of Hughson • City of Modesto • City of Newman • City of Oakdale • City of Patterson  
City of Riverbank • City of Turlock • City of Waterford • County of Stanislaus*

# **Congestion Mitigation & Air Quality (CMAQ) Program Cycle FFY 2010/11, 2011/12**

**CALL FOR PROJECTS  
APPLICATION PACKET**

**August 2009**

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## **INTRODUCTION**

The purpose of the Congestion Mitigation and Air Quality (CMAQ) program is to fund transportation projects or programs that will contribute to attainment or maintenance of the national ambient air quality standards (NAAQS). Funding can be expended on projects to reduce ozone precursor emissions (including nitrogen oxides (NOx) and volatile organic compounds (VOC)), carbon monoxide (CO), and particulate matter (PM) emissions.

In 1990, Congress amended the Clean Air Act (CAA) to accelerate efforts to attain the NAAQS. The amendments required further reductions in the amount of permissible tailpipe emissions, initiated more stringent control measures in nonattainment areas, and provided for a stronger linkage between transportation and air quality planning. In 1991, Congress adopted the Intermodal Surface Transportation Efficiency Act (ISTEA). This law authorized the CMAQ program to provide funding for surface transportation and related projects that contribute to air quality improvements and congestion mitigation. The CAA amendments, ISTEA and the CMAQ program were intended to focus transportation planning toward a more inclusive, environmentally-sensitive, and multimodal approach to addressing transportation problems.

The CMAQ Program enables communities to increase public awareness regarding the link between transportation and air quality, fund technological applications to improve transportation systems, or increase transit services, as a few examples. Most of the CMAQ project categories include a wide variety of measures to decrease vehicle emissions. Policy considerations exclude highway maintenance and reconstruction projects because these activities preserve existing levels of service and are unlikely to contribute to further improvements in air quality.

## **OVERVIEW**

StanCOG, acting in its role as a Metropolitan Planning Organization (MPO), is in the process of programming the future federal transportation revenues that will come to the Stanislaus Region. CMAQ funds are reimbursable federal aid funds, subject to the requirements of Title 23, United States code. Eligible costs for funds include preliminary engineering, right-of-way acquisition, capital costs, and construction costs associated with an eligible activity.

Approximately \$12.2 million in CMAQ funding is available for the Federal Fiscal (FFY) years 2010/11 and 2011/12 Call for Projects. Once projects have been approved by the MPO, they must be included in the Federal Transportation Improvement Program (FTIP) prior to reimbursement of federal funding. Due to the time and effort required to process federal-aid funds, these projects should be included in the FTIP in a timely manner in order to ensure sufficient time for project delivery.

## TIMELINE

The “Call for Projects” schedule and related Federal Transportation Improvement Programming and Air Quality Conformity processes are as follows:

Friday, August 7 <sup>th</sup> , 2009	Call for Projects
Friday, November 20, 2009	Project Applications due to StanCOG
November 23 <sup>rd</sup> – December 11 <sup>th</sup>	Verification Committee Review & Selection
December – January	Prepare Draft FTIP Amendment
Wednesday, January 13, 2009	Policy Board adopts prioritization

## ELIGIBLE PROJECTS

The guidance for project eligibility is currently based on FHWA memo “The Congestion Mitigation and Air Quality (CMAQ) Improvement Program under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” dated October, 2008. *A copy of that guidance is available in Appendix A.* If you have any questions or need additional clarification on project eligibility, please contact StanCOG.

All projects and programs eligible for CMAQ funds must come from a conforming transportation plan and TIP, and be consistent with the conformity provisions contained in section 176(C) of the Clean Air Act (CAA) and the Transportation Conformity Rule. Projects need to be included in TIPs or state-wide transportation improvement projects developed by MPOs or States respectively, under the metropolitan or statewide planning regulations. Projects also need to complete the National Environmental Policy Act (NEPA) requirements and meet basic eligibility requirements for funding under titles 23 and 49 of the United States Code. In cases where specific guidance is not provided, the following should guide CMAQ eligibility decisions.

### ***Capital Investment***

CMAQ funds may be used to establish new or expanded transportation projects or programs that reduce emissions, including capital investments in transportation infrastructure, congestion relief efforts, diesel engine retrofits, or other capital projects.

### ***Operating Assistance***

There are several general conditions that must be met for operating assistance to be eligible under the CMAQ program.

- Operating assistance is limited to new transit services, intermodal facilities, and travel demand management strategies (including traffic operation centers); and the incremental cost of expanding existing transit services.

- In using CMAQ funds for operating assistance, the intent is to help start up viable new transportation services that can demonstrate air quality benefits and eventually cover their costs as much as possible. Other funding sources should supplement and ultimately replace CMAQ funds for operating assistance, as these projects no longer represent additional, net air quality benefits but have become part of the baseline transportation network.
- Operating assistance includes all costs of providing new transportation services, including, but not limited to, labor, fuel, administrative costs, and maintenance.
- When CMAQ funds are used for operating assistance, non-Federal share requirements still apply.
- With the focus on start-up costs only, operating assistance under the CMAQ program is limited to three years. The provisions in 23 U.S.C. §116 place responsibilities for maintenance on States. Since facility maintenance is akin to operations, three years of CMAQ assistance provides adequate incentive and flexibility while not creating a pattern of excessive or even perpetual support. Exceptions are listed under VII.D.7 Travel Demand Management, VII.D.8 Public Education, and VII.D.10 Carpooling and Vanpooling.

### ***Emission Reduction***

Air quality improvement is defined by several distinct terms in 23 U.S.C. §149. These terms include contribution to attainment, reduction in pollution, air quality benefits, and others. For purposes of this guidance, the FHWA uses emission reduction to represent this group of terms. CMAQ-invested projects or programs must reduce CO, ozone precursor (NO<sub>x</sub> and VOCs), PM, or PM precursor (e.g., NO<sub>x</sub>) emissions from transportation. These reductions must contribute to the area's overall clean air strategy and can be demonstrated by the assessment that is required under this guidance. States and MPOs also may consider the ancillary benefits of eligible projects, including greenhouse gas reductions, congestion relief, safety, or other elements, when programming CMAQ funds, though such benefits do not alone establish eligibility.

### ***Planning and Project Development***

Activities in support of eligible projects also may be appropriate for CMAQ investments. Studies that are part of the project development pipeline (e.g., preliminary engineering) under the National Environmental Policy Act (NEPA) are eligible for CMAQ support, as are FTA's Alternatives Analyses. General studies that fall outside specific project development do not qualify for CMAQ funding. Examples of such efforts include major investment studies, commuter preference studies, modal market polls or surveys, transit master plans, and others. These activities are eligible for Federal planning funds.

## ***Projects Not Eligible for CMAQ Funding***

The following projects are ineligible for CMAQ funding:

- Light-duty vehicle scrappage programs.
- Projects that add new capacity for SOVs are ineligible for CMAQ funding unless construction is limited to high-occupancy vehicle (HOV) lanes.
- Routine maintenance and rehabilitation projects (e.g., replacement-in-kind of track or other equipment, reconstruction of bridges, stations, and other facilities, and repaving or repairing roads) are ineligible for CMAQ funding as they only maintain existing levels of highway and transit service, and therefore do not reduce emissions. Other funding sources, such as STP and FTA's Section 5307 program, are available for such activities.
- Administrative costs of the CMAQ program may not be defrayed with program funds, e.g., support for a State's "CMAQ Project Management Office" is not eligible.
- Projects that do not meet the specific eligibility requirements of titles 23 and 49 U.S.C. are ineligible for CMAQ funds.
- Stand-alone projects to purchase fuel.

## **COST-EFFECTIVENESS POLICY**

All San Joaquin Valley Metropolitan Planning Organizations (MPOs) adopted policies for distributing at least 20% of the Congestion Mitigation and Air Quality (CMAQ) funds to projects that meet a cost-effectiveness threshold for emission reductions beginning in FY 2011.

The policies indicate that prior to allocation of CMAQ funds with each new FTIP, the SJV MPOs in consultation with the interagency consultation (IAC) partners will develop the cost-effectiveness threshold. The threshold is \$30 per pound (\$60,000 per ton) as described below.

### ***Methodology***

The appropriate methodology for calculating cost-effectiveness is the 2005 ARB "Methods to Find the Cost-Effectiveness of Funding Air Quality Projects". Other methodology may be used for projects not included in the guidance or upon agreement. Cost-effectiveness for CMAQ projects should be expressed as dollars spent per pound of pollutant reduced (VOC + NO<sub>x</sub> + PM<sub>10</sub>). CO emissions are not included in the formula. CO is several orders of magnitude larger than ozone precursors and

overwhelms cost-effectiveness ratios unless CO emission reductions are scaled back significantly, typically by a factor of seven.

As with the state Carl Moyer Heavy-Duty Program, diesel particulate matter can be given an additional weighting factor of 20, since exhaust PM10 has also been identified as a toxic air contaminant. As indicated in the policy, cost-effectiveness is based on CMAQ dollars only (vs. total project costs which include capital investments and operating costs). The funding dollars are amortized over the expected project life using a discount rate. The amortization formula yields a capital recovery factor, which, when multiplied by the funding, gives the annual funding for the project over its expected lifetime. Cost-effectiveness is determined by dividing annualized funds by annual emission reductions (VOC+ NOx + PM10).

#### **Example Formula**

Cost-Effectiveness = (Capital Recovery Factor\* Funding) / (VOC + NOx + PM10)  
dollars/pound

## **METHODOLOGY FOR THE DISTRIBUTION OF CMAQ FUNDS**

**General Intent:** The CMAQ Program provides funding for transportation projects or programs that will reduce transportation-related emissions. The StanCOG CMAQ Program is aimed toward providing a balanced program of transportation projects that will improve our air quality. Major emphasis is placed upon projects that support alternative modes of transportation, provide congestion relief measures, provide low-polluting transit vehicles and equipment, and provide new technologies/improvements geared toward providing a more efficient and safer transportation system.

On June 10, 2009 the Stanislaus Council of Governments Policy Board approved the following Methodology for the Distribution of CMAQ Funds:

- 50% Formula (Based on Percent by Population)
- 50% Competitive (Cost Effective)
- Rideshare taken off the top
- \$100,000 Floor for the Cities of Hughson, Waterford, and Newman  
(Supplemented by the Competitive Share of Funds)

All projects being submitted as “Competitive” will contend based on “Cost-Effectiveness” and will abide by the methodology as described in the section of this document titled “Cost-Effectiveness Policy”.

**STANISLAUS COUNCIL OF GOVERNMENTS  
CMAQ PROJECT APPLICATION**

\_\_\_\_\_

**Agency**

**Application Prepared By:**

\_\_\_\_\_

<b>Name</b>	<b>Title</b>	<b>Phone#</b>
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.....  
*(ONLY SELECT ONE)*

**TARGET FUNDS:**  **COMPETITIVE FUNDS:**

**Priority #:** \_\_\_\_ of \_\_\_\_

**If "Target Fund" Project, Project is Being Submitted in the Following Category:**

- Transit
- Alternative Fuel/Diesel Retrofit
- Traffic Flow Improvements
- Bicycle/Pedestrian
- PM-10 Reduction
- Miscellaneous
- Cost-Effective (\$30/lb. or less)

**Project Description (Purpose of Project/Scope of Work):**

**Warrant Study/Level of Service and Traffic Volume (Submit calculations as attachment):**

**Route # or Name:**

**Postmile/Project Limits/Length:**

**Air Pollution Reduction (kg/day):**

**Cost-Effectiveness (Submit calculations as attachment):**

**Average Daily Traffic Volume (ADT):**

**Photo of Facility/Project (Optional-Please Attach):**



**Air Quality Screening Criteria Code:**

*The following information will be used directly in the development of the FTIP.  
Please use care in writing the descriptions.*

*Please note if you are programming a lump sum each project in the lump sum  
must have an individual delivery schedule submitted.*

**FTIP Proposed Project Title (34 Characters Max):**

**FTIP Proposed Description of Location and Work (156 Characters Max):**

**PROJECT DELIVERY SCHEDULE**

<i>FUND</i>	<i>WORK PHASE</i>	<i>10-11</i>	<i>11-12</i>	<i>TOTAL</i>
<b>CMAQ ___% (typically 88.53%)</b>				
	<i>PE</i>			
	<i>ROW</i>			
	<i>CONST.</i>			
	<i>TOTAL</i>			
<b>Local ___% (most projects require minimum 11.47% match)</b>				
	<i>PE</i>			
	<i>ROW</i>			
	<i>CONST.</i>			
	<i>TOTAL</i>			
<b>Project Total</b>				
	<i>PE</i>			
	<i>ROW</i>			
	<i>CONST.</i>			
	<i>TOTAL</i>			

**Please identify where local matching funds for this project will be coming from:**

**PLEASE SUBMIT ASSURANCE FORM WITH APPLICATION**

## CMAQ PROJECT SUBMITTAL INSTRUCTIONS

**Step #1 (Agency):** Indicate the name of your Jurisdiction or Agency. Indicate the Name, Title, and Phone Number of the person who prepared the application.

**Step #2 (Target/ Competitive):** Indicate whether the project is a “Target” or “Competitive” project by checking the appropriate box.

**Step #3 (Priority #):** The proposing agency should rank the projects that are submitted in accordance with their own priorities.

**Step #4 (Category):** The proposing agency should indicate the proposed category for any “Competitive” projects. Any project submitted in the cost-effective category must include documentation that the project meets the threshold of \$30/lb. or less.

**Step #5 (Project Description):** Describe the type of project that you propose **with sufficient detail so that the Scoring Committee can understand the purpose and extent of your project.** It may be expansion of transit services to reduce air pollutant emissions (i.e. purchase clean air buses), or conversion of an abandoned right-of-way (i.e. rail line to a bicycle path) etc. Please refer to the “Eligible Projects” Section for proper descriptions.

**Step #6 (Warrant Study):** If project is a traffic signal project, include “Warrant Study” to include level of service and traffic volumes (on each leg).

**Step #7 (Route # or Name):** List the name of the road or highway if applicable.

**Step #8 (Project Location/ Length):** Indicate the length of the facility (road, highway, bikeway, etc.) measured in miles including tenths of a mile. If postmiles are available, indicate postmile limits if applicable. Indicate the nearest cross-street at each end of the travel way. (Example: Charles Avenue between Walnut and Clover Avenues)

**Step #9 (Air Pollution Reduction):** Utilizing the ARB “Methods to Find the Cost-Effectiveness of Funding Air Quality Projects”.

**Step #10 (Cost-Effectiveness):** Funding Air Quality Projects” Guidelines, you must calculate the kilograms per day of VOC, NOx, and PM10 pollutants that will be eliminated if the project is implemented. Using this guide, you will also determine the cost effectiveness of the project measured in total cost per pound of pollutants reduced.

**Step #11 (ADT):** Average Daily Traffic Volume on a road facility, or equivalent volume levels for transit/bicycle/pedestrian facilities if applicable.

**Step #12 (Photo of Facility/Project):** Although photos are optional, they are highly recommended.

**Step #13 (Air Quality Screening):** Please select the applicable “air quality screening” code from the attached list.

**Step #14 (FTIP Project Title):** Please write the title for the project as it would appear in the FTIP. Please note character limit.

**Step #15 (FTIP Description):** Please write the description for the project as it would appear in the FTIP. Must include project limits and describe all work being completed. Please note character limit.

**Step #16 (Project Delivery):** Please program the specific work phase and dollar amount into the appropriate Fiscal Year.

Please note that the MINIMUM local match for most projects is 11.47%. Agencies may provide a higher percentage match, if possible.

**CODES (for Fund Type and Work Phase):**

**FUND TYPE:**

CMAQ      Congestion Mitigation & Air Quality  
Local      Local Agency Funds

**WORK PHASE:**

PE      Preliminary Engineering/Development  
ROW      Right-of-Way Acquisition  
CONST      Construction

Please specify sources and amounts of local funding.

**Step #17 (Local Funds):** Please indicate the anticipated source of local funds that will be used to match the federal fund requested.

**SAMPLE PROJECT APPLICATION**

City of Sample  
Agency

**Application Prepared By:**

Joe Smith

Director of Public Works

209 333-3333

**Name**

**Title**

**Phone#**

.....

(ONLY SELECT ONE)

TARGET FUNDS:  COMPETITIVE FUNDS:

**Priority #: 1 of 7**

**If "Target Fund" Project, Project is Being Submitted in the Following Category:**

- Transit
- Alternative Fuel/Diesel Retrofit
- Traffic Flow Improvements
- Bicycle/Pedestrian
- PM-10 Reduction
- Miscellaneous
- Cost-Effective (\$30/lb. or less)

**Project Description (Purpose of Project/Scope of Work):**

Transit Van Purchase/ Purchase of 10 Compressed Natural Gas Modified Vans. To expand existing City of Sample Transit System in order to provide greater levels of service and meet the present and future transportation needs of the County. Major air quality benefits include reduction of ozone, carbon monoxide, and particulate by using "clean air vans."

**Warrant Study/Level of Service and Traffic Volume (Submit calculations as attachment):** N/A

**Route # or Name:** N/A (City of Sample Sub-Systems)

**Postmile/Project Limits/Length:** N/A

**Air Pollution Reduction (kg/day):** Kilograms Per Day Reduced

ROG = 0.37

NOX = 0.50

**Cost-Effectiveness (Submit calculations as attachment):**

\$25.00/lb. reduced

(See attached calculations)

**Average Daily Traffic Volume (ADT):** N/A

**Photo of Facility/Project (Optional-Please Attach):** Information regarding the proposed buses is attached.

**Air Quality Screening Criteria Code: 4.02**

**The following information will be used directly in the development of the FTIP.  
Please use care in writing the descriptions.**

**Please note if you are programming a lump sum each project in the lump sum must have an individual delivery schedule submitted.**

**FTIP Proposed Project Title (34 Characters Max):**

Purchase of 10 Compressed Natural Gas Modified Vans to increase transit service.

**FTIP Proposed Description of Location and Work (156 Characters Max):**

Purchase of 10 Compressed Natural Gas Modified Vans to expand existing City of Sample Transit System.

**PROJECT DELIVERY SCHEDULE**

<b>FUND</b>	<b>WORK PHASE</b>	<b>10-11</b>	<b>11-12</b>	<b>TOTAL</b>
<b>CMAQ 88.53% (typically 88.53%)</b>				
	<i>PE</i>	<b>44,500</b>		<b>44,500</b>
	<i>ROW</i>			
	<i>CONST.</i>		<b>872,700</b>	<b>872,700</b>
	<b>TOTAL</b>	<b>44,500</b>	<b>872,700</b>	<b>917,200</b>
<b>Local 11.47% (most projects require minimum 11.47% match)</b>				
	<i>PE</i>	<b>5,800</b>		<b>5,800</b>
	<i>ROW</i>			
	<i>CONST.</i>		<b>113,100</b>	<b>113,100</b>
	<b>TOTAL</b>	<b>5,800</b>	<b>113,100</b>	<b>118,900</b>
<b>Project Total</b>				
	<i>PE</i>	<b>50,300</b>		<b>50,300</b>
	<i>ROW</i>			
	<i>CONST.</i>		<b>985,800</b>	<b>985,800</b>
	<b>TOTAL</b>	<b>50,300</b>	<b>985,800</b>	<b>1,036,100</b>

**Please identify where local matching funds for this project will be coming from:**

City Sales Tax

**PLEASE SUBMIT ASSURANCE FORM WITH APPLICATION**

# AIR QUALITY SCREENING CRITERIA

## **1.00 SAFETY PROGRAMS**

- 1.01 Railroad/Highway Crossing
- 1.02 Hazard Elimination Program
- 1.03 Safer non Federal-aid system roads
- 1.04 Shoulder improvements
- 1.05 Increasing sight distance
- 1.06 Safety Improvement Program
- 1.07 Traffic control devices and operating assistance other than signalization projects
- 1.08 Railroad/highway crossing warning devices
- 1.09 Guardrail, median barriers, crash cushions
- 1.10 Pavement resurfacing and/or rehabilitation
- 1.11 Pavement marking demonstration
- 1.12 Emergency Relief (23 U.S.C. 125)
- 1.13 Fencing
- 1.14 Skid treatments
- 1.15 Safety roadside rest areas
- 1.16 Adding medians
- 1.17 Truck climbing lanes outside the urbanized area
- 1.18 Lighting improvements
- 1.19 Widening narrow pavements or reconstructing bridges (no additional travel lanes)
- 1.20 Emergency truck pullovers

## **2.00 MASS TRANSIT**

- 2.01 Operating assistance to transit agencies
- 2.02 Purchase of support vehicles
- 2.03 Rehabilitation of transit vehicles
- 2.04 Purchase of office, shop and operating equipment for existing facilities
- 2.05 Purchase of operating equipment for vehicles (e.g. radios, fareboxes, lifts, etc.)
- 2.06 Construction or renovation of power, signal, and communications systems
- 2.07 Construction of small passenger shelters and information kiosks
- 2.08 Reconstruction or renovation of transit buildings and structures
- 2.09 Rehabilitation or reconstruction of track structures, track, and trackbed in existing right-of-way
- 2.10 Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of fleet
- 2.11 Construction of new bus, rail storage/maintenance facilities categorically excluded (23 CFR 771)

## **3.00 AIR QUALITY**

- 3.01 Continuation of ride-sharing and van-pooling promotion activities at current levels
- 3.02 Bicycle and pedestrian facilities

## **4.00 LANDSCAPING/SIGNS**

- 4.01 Specific activities which do not involve or lead directly to construction
- 4.05 Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action
- 4.06 Noise attenuation
- 4.07 Emergency or hardship advance land acquisitions [23 CFR 712.204(d)].
- 4.08 Acquisition of scenic easements
- 4.09 Plantings, landscape, etc.
- 4.10 Sign removal
- 4.11 Directional and informational signs
- 4.12 Transportation enhancement activities (excepting rehabilitation and operation of historic buildings, structures, or facilities).
- 4.13 Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity increase

## **5.00 OTHER**

- 5.01 Intersection channelization projects
- 5.02 Intersection signalization projects at individual intersections
- 5.03 Changes in vertical and horizontal alignment
- 5.04 Interchange reconfiguration projects
- 5.05 Truck size and weight inspection stations
- 5.06 Bus terminals and transfer points
- 5.07 Traffic signal synchronization

## CMAQ DELIVERY SCHEDULE SUPPORT FORM

Approval of AB 1012 requires that both State and Federal funds be used in a “timely” manner. In order to avoid losing any Federal or State funds to our Region, the “use it or lose it” requirements of AB 1012 place local governmental agencies in a position that they must be able to deliver their projects on time as proposed and as programmed within the Federal Transportation Improvement Program (FTIP).

Each agency must be able to assure that their project(s) can be delivered timely. Therefore, **the following “Delivery Schedule Support Form”** will be required one month after CMAQ projects have been selected **stating that each project will meet project delivery schedules and that staff be directed to insure that projects are delivered timely. Failure to submit such resolution will put at risk CMAQ funds for the agency.** The “Delivery Schedule Form” is attached.

**Congestion Mitigation and Air Quality (CMAQ)  
Program Cycle FFY 2010/11 & 2011/12  
Delivery Schedule Support Form**

AB 1012 has been enacted into State Law in part to provide for the "timely use" of State and Federal funding; and the **(City/County)** \_\_\_\_\_ is able to apply for and receive Federal funding under the FFY 2010/11 – FFY 2011/12 Congestion Mitigation Air Quality (CMAQ) Program.

The **(City/County)** \_\_\_\_\_ desires to ensure that the following CMAQ projects:

**(Identify Projects)** If more space is needed please attach list to this form.

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are delivered in a timely manner to preclude the Stanislaus Region from losing those funds for non-delivery; and

It is understood by the **(City/County)** \_\_\_\_\_ that failure for not meeting project delivery dates for any phase of a project may jeopardize federal funding to the Region; and the **(City/County)** \_\_\_\_\_ must demonstrate dedicated and available local matching funds.

The **(City/County Authorized Authority)** \_\_\_\_\_ hereby agrees to ensure that all project delivery deadlines for all project phases will be met or exceeded.

Failure to meet project delivery deadlines may be deemed as sufficient cause for the Stanislaus Council of Governments Policy Board to terminate an agency's project and reprogram Federal funds as deemed necessary.

The **(City/County Authorized Authority)** \_\_\_\_\_ does direct its management and engineering staffs to ensure all projects are carried out in a timely manner as per the requirements of AB 1012.

**\*\*\* (City/County Authorized Authority)**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_



## CMAQ Programming Criteria

TEA-21, SB 1435, and AB 1012 impose certain requirements on StanCOG regarding the allocation, programming, and monitoring of CMAQ funds. These procedures augment the requirements of Federal and State legislation, and provide a greater level of fund management flexibility of StanCOG, local governments, and Caltrans.

**Projects are proposed to be selected and programmed according to the following criteria:**

1. Projects must meet the CMAQ program eligibility requirements.
2. Projects may NOT increase capacity for single occupant vehicles.
3. Projects must have a positive air quality benefit measured in terms of a reduction in reactive organic gases (ROG), oxides of nitrogen (NOx), and/or particulate matter less than 10 micron (PM-10).
4. Congestion relief benefits, if any, must be documented.
5. The administering agency must be able to enter into a Master Agreement and must complete the Assurances form of the application.
6. Project must be able to be obligated by the end of the fiscal year for which funding is being sought.
7. The project must be consistent with the policies and programs in the most currently adopted Regional Transportation Plan.
8. Total project programming must be constrained to the available funding as provided in the annual funding estimates prepared by StanCOG and cited in the request for projects.
9. Program funds for projects, or project phases, may be allocated by StanCOG in a different federal fiscal year than requested in the project nomination form based on estimates of the total CMAQ funding available and the total amount of funds requested for all projects in a given year.
10. Project sponsors should contact the appropriate regulatory/resource agencies, such as CALTRANS, prior to submitting an application for CMAQ funds. For projects involving work in the Caltrans' right-of-way, the project schedule should be concurred with by Caltrans with respect to encroachments permits, cooperative agreements, signal warrants, etc.
11. Once a CMAQ project has been programmed and approved in the FTIP, jurisdictions will participate in the project tracking and monitoring system developed by StanCOG and Caltrans. This system will include the establishment of quarterly progress reports to ensure that projects, or project phases, are delivered in a timely manner.

12. Jurisdiction must receive StanCOG's approval before Caltrans may approve the "Request for Authorization to Proceed" (FNM-76) (Adopted by Resolution by the StanCOG Policy Board on April 21, 1999). The FNM – 76 may be submitted concurrently to StanCOG and Caltrans.
13. Jurisdiction must submit a copy of approved (signed) "Authorization to Proceed," or FNM-76, to StanCOG within fourteen (14) calendar days of receipt from Caltrans.
14. Jurisdictions must submit copies of "Summary of Completion" and a "Report of Expenditures" to StanCOG at the same time the forms are submitted to Caltrans.
15. In cases where a jurisdiction's project is voluntarily canceled, or is completed for "less" than the amount originally programmed in the FTIP, the dollar amounts not expended will revert to the original project sponsor for reprogramming.
16. In cases where a jurisdiction's project "exceeds" the amount originally programmed, local agencies may:
  - a) complete the project using their own non-federal sources; or
  - b) complete the project from a same-source (CMAQ) cost savings from another programmed project (s), assuming such savings exist for the fiscal year in question (NOTE: this policy does not allow a jurisdiction to cancel a programmed FTIP project to fund cost overrun on another project without a formal FTIP amendment); or
  - c) or must submit a Revised Detail Estimate along with a request for modification of the Authorization to Proceed E-76, and a revised finance letter. The Revised Detail Estimate should include the effects of all change orders and anticipated changed work through the end of the contract. This is to avoid future revisions. It be the administering agencies responsibility to ensure that there are enough federal-aid funds programmed by their MPO/RTPA (STP, TEA, or CMAQ) or Caltrans (HSIP, HBP, ER, and RRX), to cover an increase due to a revised detail estimate. If additional federal funds are required, the local agency must obtain written approval from the MPO/RTPA or Caltrans prior to submitting a Revised Detail Estimate." (LAPM CH 15, pg 16)

## Assurances

**This page must be signed for the project to be considered for funding.**

Commitment/Prior Commitment:

Has the project Administering Agency certified that it is willing and able to maintain and operate the project?

Yes  No

Please describe the best evidence of the certification available. If none is available, when can one be provided?

Project Administering Agency possesses legal authority to nominate Congestion Mitigation and Air Quality (CMAQ) Improvement projects and to finance, acquire, and construct, the proposed project; and by formal action (e.g. a resolution) the Administering Agency governing body authorizes the nomination of the CMAQ project, including all understanding and assurances contained therein, and authorizes the person identified as the official representative of the Administering Agency to act in connection with the nomination and to provide such additional information as may be required.

Project Administering Agency will maintain and operate the property acquired, developed, rehabilitated, or restored for the life of the resultant facility(ies) or activity. With the approval of the California Department of Transportation, the Administering Agency of its successors in interest in the property may transfer the responsibility to maintain and operate the property.

Project Administering Agency will give the California Department of Transportation representative access to and the right to examine all records, books, papers, or documents related to the CMAQ project.

Project Administering Agency will cause work on the project to be commenced within a reasonable time after receipt of notification from the State that funds have been approved by the Federal Highway Administration and that the project will be carried to completion with reasonable diligence.

Project Administering Agency will comply where applicable with provisions of the California Environmental Quality Act, the National Environmental Policy Act, the Americans with Disabilities Act, the Secretary of the Interior Standards and Guidelines for Archaeology and Historic Preservation, and any other federal, state, and/or local laws, rules and/or regulations.

I certify that the information contained in this CMAQ application, including required attachments, is accurate and that I have read and understand the important information and agree to the assurances on this form.

Signed

Date

\_\_\_\_\_

(CMAQ Administering Agency Representative as shown in Resolution)

Printed (Name and Title):

\_\_\_\_\_

Administering Agency: \_\_\_\_\_



## **CONTACT INFORMATION**

For further information on eligible projects, submittal of applications or other questions related to the CMAQ program, please contact Scott Philips at (209) 525-4644 or Jeanette Fabela at (209) 525-4645.

Please submit all applications by **5:00 pm on November 20, 2009** and mail all correspondence to:

**Stanislaus Council of Governments  
900 H Street, Suite D  
Modesto, CA 95354  
Attention: Scott Philips, Interim Senior Planner**

# **APPENDIX A PROGRAM GUIDANCE**

**The Congestion Mitigation and Air Quality (CMAQ) Improvement  
Program**

**under the**

**Safe, Accountable, Flexible, Efficient Transportation Equity Act: A  
Legacy for Users**

**FINAL PROGRAM GUIDANCE**

**October, 2008**

The guidance contained in this document is intended to be nonbinding, except insofar as it references existing statutory requirements. In this guidance document, the use of mandatory language such as “shall,” “must,” “required,” or “requirement” is only used to reflect statutory or regulatory mandates and does not create new requirements. This guidance does not create or confer any rights for or on any person and should not be construed as rules of general applicability and legal effect.