



MERCED COUNTY
ASSOCIATION OF
GOVERNMENTS



FY 2018-19

Overall Work Program

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Introduction

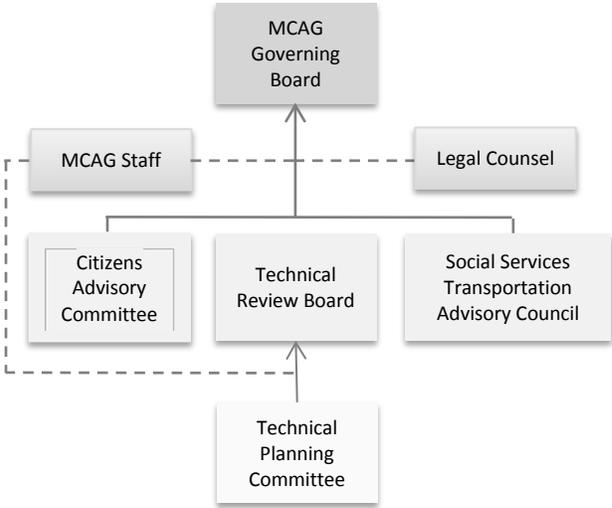
The Overall Work Program (OWP) is the annual blueprint for Merced County Association of Governments' activities for the fiscal year as they relate to the agency's role as a Regional Transportation Planning Agency and Metropolitan Planning Organization. The mandated programs and plans required of MCAG, along with the variety of Governing Board approved projects, are described and budgeted in this document which directs the administration, project management and planning work to be carried out by MCAG staff and contracted firms. The OWP is developed through a cooperative effort of staff, advisory committees, member agencies, Caltrans, other valley transportation planning agencies and the MCAG Governing Board.

The OWP serves four important objectives.

1. Satisfies federal, state, and local requirements for a comprehensive work program documenting all proposed work tasks, products, and financing for the upcoming fiscal year.
2. Serves as a reference for citizens, agencies and elected officials throughout the region to understand MCAG's objectives and how these will be met through a comprehensive, continuous and cooperative planning process.
3. Serves as a management tool for MCAG's planning program. The division of this program into work elements with scheduled tasks and specific products facilitates management and Governing Board review throughout the year to ensure that the planned activities are accomplished on schedule and within budget.
4. Serves as documentation to support the local funding and various federal and state grants that finance planning and programming activities. Following the adoption of the OWP, the MCAG Governing Board reviews quarterly financial and OWP reports to state and federal agencies documenting progress in meeting the OWP objectives.

ORGANIZATIONAL STRUCTURE AND DECISION MAKING

MCAG is a consensus builder, developing and implementing programs and solutions to issues of regional significance. The agency is a voluntary association of local governments – one of California's 38 regional planning agencies – formed in 1967 through a countywide joint powers agreement. MCAG undertakes comprehensive regional planning with an emphasis on transportation, provides citizens an opportunity to be involved in the planning process and supplies technical assistance to its members. Decision-making authority lies with the MCAG Governing Board, with coordination and recommendations from the Technical Review Board and Citizens Advisory Committee.



Governing Board and Member Agencies

The MCAG Governing Board is the decision-making authority for the agency, responsible for establishing policy and guiding the agency's work program. It is an 11-member board comprised of the five County Supervisors and an elected official from each of the six incorporated cities in Merced County: City of Atwater, City of Dos Palos, City of Gustine, City of Livingston, City of Los Banos, and City of Merced.

Member Agencies and Populations

| | |
|--------------------|-------------------|
| City of Atwater | 30,406 population |
| City of Dos Palos | 5,391 population |
| City of Gustine | 5,886 population |
| City of Livingston | 13,947 population |
| City of Los Banos | 39,993 population |
| City of Merced | 84,464 population |
| County of Merced | 94,578 population |
| Total population: | 274,665 |

2018-2019 Governing Board

| | |
|---------------------------|------------------------------|
| Merced County, District 1 | Rodrigo Espinoza |
| Merced County, District 2 | Lee Lor |
| Merced County, District 3 | Daron McDaniel |
| Merced County, District 4 | Lloyd Pareira |
| Merced County, District 5 | Jerry O'Banion |
| City of Atwater | Jim Price, Mayor |
| City of Dos Palos | April Hogue, Mayor |
| City of Gustine | Joe Oliveira, Council Member |
| City of Livingston | Alex McCabe, Council Member |
| City of Los Banos | Mike Villalta, Mayor |
| City of Merced | Mike Murphy, Mayor |

Agency Staff

The MCAG management team is comprised of an Executive Director, Deputy Executive Director, Finance Director, Transit Director, Transportation Director, Regional Waste Director, Public Information Officer, Human Resources Director and a number of administrative and programmatic support staff.

2018-2019 Management Team

| | |
|---------------------------------|-------------------|
| Executive Director | Patrick Pittenger |
| Deputy Executive Director | Stacie Dabbs |
| Finance Director | Nav Bagri |
| Transit Director | Artis Smith |
| Transportation Planning Manager | Matt Fell |
| Regional Waste Director | Brooks Stayer |
| Human Resources Manager | Kristina Meraz |

Review Committees

Citizens Advisory Committee (CAC)

The 17 member CAC is a group of private sector individuals who are appointed by the Governing Board to serve based on the geographic location of their home or business and their work experience. According to the committee's by-laws, none can be an elected official in the county. The CAC provides recommendations on issues directly to the MCAG Governing Board.

Technical Review Board (TRB)

The seven-member TRB is composed of the city managers from each of the cities and the executive officer of Merced County. The TRB provides recommendations on issues directly to the MCAG Governing Board.

Technical Planning Committee (TPC)

The seven-member TPC is composed of professional municipal employees from each of the jurisdictions in Merced County. This committee provides recommendations on issues to the MCAG Governing Board by way of the TRB. Each jurisdiction selects a staff person to serve on the committee.

Social Services Transportation Advisory Council

The purpose of SSTAC is to solicit the input of transit-dependent and transit disadvantaged persons, including the elderly, disabled, low-income persons, and youth regarding transit needs in Merced County. Members of the SSTAC are appointed by MCAG, representing a broad range of service providers representing the elderly, handicapped, and persons of limited means. The SSTAC is convened annually, at minimum, for the Unmet Transit Needs process as required by the Transportation Development Act.

ROLES AND SERVICES

MCAG was formed through a Joint Powers Agreement (JPA) signed by member jurisdictions in November 1967. As a regional collaborative agency, MCAG serves in a number of transportation planning roles in Merced County based on local, state and federal designations. These designations offer increased funding for MCAG activities, primarily in transportation planning for the unincorporated areas of Merced County. Additionally, MCAG also provides a variety of services to the region not exclusively related to transportation. These activities include planning and grant writing assistance to member jurisdictions, and managing the Regional Housing Needs Allocation (RHNA) process. In addition, MCAG serves as the Areawide Clearinghouse for Merced County, and as the affiliate to the State Census Data Center.

MCAG has served as the **Regional Transportation Planning Agency** for Merced County since 1972 and the **Metropolitan Planning Organization** for Merced County since 1986 and the **Local Transportation Authority** since 1990, making it the primary transportation facilitator for the region. Responsibilities are many, from identifying priority projects to assuring money accepted for improving transportation has been properly used. As the RTPA for the region, MCAG is responsible for preparing the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Plan (RTIP).

Regional Transportation Planning Agency (RPTA) is a designation provided by the State of California for local transportation commissions, county transportation commissions, councils of governments and associations of government. RPTA responsibilities include adopting a regional transportation plan (RTP) and to prepare and adopt a regional transportation improvement program (RTIP).

Metropolitan Planning Organization (MPO) is a federally mandated and funded transportation policy-making organization made up of representatives from local government and governmental transportation authorities. The Federal-Aid Highway Act of 1962 required the formation on an MPO for any urbanized area with a population greater than 50,000.

As the MPO for the region, MCAG is also required to prepare the Federal Transportation Improvement Program (FTIP).

Regional Transportation Plan

The RTP is a 20-year plan that identifies current and future needs and investments for all modes of transportation in Merced County. It is required by state and federal law and is updated every four years.

Regional Transportation Improvement Program

The RTIP is required by state law to program the county share of the State Transportation Improvement (STIP) funds. It is prepared every two years.

Federal Transportation Improvement Program

The FTIP is required by federal law to indicate how the RTP will be implemented. The FTIP identifies projects programmed regionally for funding under several federal programs including Congestion Mitigation/Air Quality (CMAQ), Regional Improvement Program (RIP) and Surface Transportation Program (STP).

Local Transportation Authority (LTA)

In November 2016, Merced County voters passed Measure V, a ½ cent increase in sales tax to support transportation improvements in Merced County over the next three decades. As the designated Local Transportation Authority for Merced County, MCAG is responsible for administering the sales tax program.

Regional Housing Needs Allocation (RHNA)

MCAG is required by state law to periodically identify the projected housing need for the Merced County region. RHNA is a process by which the State Department of Housing and Community Development (HCD) determines short-term housing needs via Department of Finance population and growth projections. Then MCAG prepares and adopts a methodology for distributing the HCD's determination to each jurisdiction in the region. Finally, the County and the Cities use the RHNA numbers to update their housing elements.

Areawide Clearinghouse for Merced County

Several federal financial assistance programs require intergovernmental review involving state and local processes. The purpose of the review is to examine programs and projects for their region wide impact and relationships to comprehensive plans and policies currently in place. Additionally, the review provides a means to identify and prevent duplication of programs already established. In coordination with the State of California, the MCAG Governing Board is the Areawide Clearinghouse for Merced County. In this capacity, MCAG is notified of proposals requiring public review and provides the opportunity for local comments to be submitted to the State Clearinghouse as part of state review process.

State Data Center Affiliate

The State Data Center program is a partnership between the U.S. Census Bureau and the 50 states to make data available locally to the public through a network of agencies, universities, libraries and regional and local governments. As an affiliate to the State Data Center, MCAG maintains and distributes

information from the Census Bureau and the California Department of Finance to local governments and the public.

PROGRAMS & PARTNERSHIPS

In addition to its regional transportation planning functions, MCAG also serves a number of unique roles in Merced County. The agency is the administrator of the Transit Joint Powers Authority for Merced County, the Merced County Regional Waste Management Authority and the Yosemite Area Regional Transportation System (YARTS). MCAG serves as the Abandoned Vehicle Abatement Authority and the Service Authority for Freeway Emergencies, and also organizes a regional legislative advocacy program and maintains a non-profit organization that offers fee-based mapping to the general public. In addition, MCAG partners with several regional efforts and entities such as Dibs and CalVans to develop and implement regional strategies to address Valley challenges and opportunities.

The Bus – Transit Joint Powers Authority for Merced County

The Bus is the single regional public transportation provider for all of Merced County. Administered and governed by the Transit Joint Powers Authority for Merced County, the Bus operates on 17 fixed routes throughout the region, and provides paratransit service for passengers who are disabled and are unable to use the fixed route service. Dial-A-Ride service is available by reservation in Los Banos, Dos Palos and Gustine. Bus service is provided seven days a week and carries approximately 850,000 passengers per year. The MCAG Governing Board also serves as the Transit Joint Powers Authority for Merced County.



Merced County Regional Waste Management Authority

RWA was created through a joint powers authority in 1972 when the six cities and the County decided to pool resources and manage solid waste disposal at the regional level. MCAG has managed RWA since 2010 which includes the operations of both the Merced and Los Banos landfills. Each jurisdiction manages the collection of waste within their boundaries – six jurisdictions contract with private haulers to collect and transport waste to the landfill, while the City of Merced provides this service using their own employees and equipment. As required by the JPA agreement, all member jurisdictions must bring their collected waste to RWA landfills for disposal. RWA provides waste disposal services including recycling and composting. MCAG provides staff services and operational support for RWA and the MCAG Governing Board also serves as the Merced County Regional Waste Management Authority Governing Board.



Yosemite Area Regional Transportation System (YARTS)

YARTS is a regional public transit service that provides a year-round alternative to driving to Yosemite from Merced and Mariposa along Highway 140. In addition, routes from Fresno along Highway 41, Mammoth Lakes along Highways 120 and 395, and Sonora along Highway 120 are offered during the summer. YARTS schedules make connections with all intercity transportation providers in Merced: Amtrak, Greyhound and Boutique Airlines at the Merced Airport. YARTS also connects to transit providers in Fresno, Mono and Tuolumne Counties during summer



operations. The YARTS Joint Powers Authority is comprised of two supervisors from Merced County, Mariposa County and Mono County in partnership with Caltrans, Federal Highway Administration, National Park Service and the United States Forest Service. MCAG provides staff services and operational support for YARTS.

One Voice

One Voice is a federal legislative advocacy program that brings together local elected officials, staff and stakeholders to seek funding for projects of regional significance and request policy changes needed for greater benefit to the Merced County region. Through an annual trip to Washington, D.C., the program builds relationships with federal representatives, their staff and key agency personnel, and is an opportunity to learn more about federal programs and the legislative process. MCAG staff coordinates the program each year in collaboration with a contracted federal lobbyist. The MCAG Governing Board reviews and finalizes the federal legislative platform annually and is encouraged to participate in the trip which is typically scheduled in late spring.



Geographic Information Systems & Merced Data Special Services

GIS is a computer system that helps visualize, analyze and interpret data to understand relationships, patterns and trends. This information has wide application across industries and sectors as a tool to help inform decision makers and the public. MCAG builds, collects, and utilizes various environmental, natural, agricultural, planning and other data and information to perform analyses and make custom maps. MCAG also maintains a GIS website that hosts an interactive GIS Maps Online tool that allows public access to much of the GIS data, as well as, the opportunity to download PDFs of standard maps. In addition to providing GIS mapping services to member jurisdictions, MCAG manages Merced Data Special Services – a non-profit organization that provides fee-based mapping services to the general public.



Abandoned Vehicle Abatement Program

The Abandoned Vehicle Abatement Program is a program of the California Highway Patrol that operates through county-based Abandoned Vehicle Abatement Service Authorities. The MCAG Governing Board serves as the Merced County Abandoned Vehicle Abatement Service Authority (Service Authority). This program is a means to remove abandoned vehicles that create a public nuisance and a health or safety hazard through the use of the Abandoned Vehicle Trust Fund. A \$1 vehicle registration fee is collected by the Department of Motor Vehicles and paid out quarterly to the Service Authority. MCAG administers the fund and distributes formula-based allocations quarterly to participating agencies.

Service Authority for Freeway Emergencies (SAFE)

MCAG serves as the SAFE in Merced County. The program is funded through a \$1 vehicle registration fee collected by the Department of Motor Vehicles to be used for program to enhance freeway safety in Merced County. In 2016, MCAG solicited input from the public regarding the usefulness of call boxes in Merced County. Based on that input, the MCAG Governing Board decided to pursue a reduction plan which directed the removal of 74 call boxes on Highway 99, Interstate 5 and on Highway 152 east of Highway 33. Based on the comments received from the public, the 14 call boxes on Highway 152 west of Highway 33 over Pacheco Pass remain and were upgraded to 3G technology in 2017. The call box program is a joint project of MCAG, Caltrans, and the California Highway Patrol.

Dibs

MCAG is a partner agency to Dibs, an employer-based Travel Demand Management program that serves Merced, Stanislaus and San Joaquin Counties. The program is designed to help commuters make the transition from driving alone to a convenient ridesharing option such as carpooling, vanpooling, bicycling/walking or riding transit. The overall goal of the program is to improve air quality, public health, and roadway operations by promoting the use of sustainable travel options and other employer-based travel demand management strategies.



CalVans

MCAG is a member of the California Vanpool Authority (CalVans) which is a public transit agency that provides public vanpools for agricultural and non-agricultural workers in the counties of Fresno, Kern, Kings, Madera, Merced, Monterey, San Benito, Santa Barbara, Santa Cruz, Tulare, Imperial and Ventura. The service provided by CalVans is recognized by local, state and federal agencies as a safe and cost-effective method of getting to work in a shared ride vehicle.



PUBLIC PARTICIPATION

MCAG's commitment to public participation is demonstrated through the agency's 2016 Public Participation Plan adopted by the MCAG Governing Board on September 22, 2016 and can be found at www.mcagov.org/243/Public-Participation-Plan. The agency developed the Plan as a guide to meeting the goals of early coordination and increased public engagement. The plan provides direction for public participation activities conducted by MCAG and contains the requirements, procedures, strategies and techniques used by MCAG to communicate with the public and appropriate affected agencies. The plan defines a process that outlines roles, responsibilities and key decision points for consulting with affected public agencies and other interested parties and providing reasonable opportunities to be involved in the metropolitan transportation planning process. As outlined in the plan, MCAG's commitment to public participation can be summarized as follows:

Commitment 1: Early Engagement

- Provide adequate public notice of public participation activities and opportunities, and time for public review and comment at key decision points, including but not limited to, a reasonable opportunity to comment on the proposed Regional Transportation Plan (RTP), Sustainable Communities Strategy (SCS) and the Federal Transportation Improvement Program (FTIP);
- Provide timely notice and reasonable access to information about MCAG's issues and processes.

Commitment 2: Access to All

- Employ visualization techniques to describe the RTP and FTIP;
- Make public information (technical information and meeting notices) available in electronically accessible formats and means, such as the internet;
- Hold public meetings at convenient and accessible locations and times;
- Consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

- No individual shall, on the basis or grounds of disability, race, age or sex, be excluded from participation in or be denied the benefits of services, programs, or activities, or be subjected to discrimination by MCAG.

Commitment 3: Response to Public Comment

- Demonstrate explicit consideration and response to public input received during the development of the RTP and FTIP;
- Forward all formal public comments to the MCAG Governing Board or appropriate committee for consideration during decision making.

Commitment 4: Open Communication

- Provide additional opportunity for public comment, if the final RTP or FTIP differs significantly from the version that was made available for public comment by MCAG and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;
- Coordinate with statewide transportation planning public involvement and consultation processes.

Commitment 5: Review

- Periodically review the effectiveness of the procedures and strategies contained in this PPP to ensure a full and open participation process.

CONSULTATION WITH FEDERAL LAND MANAGEMENT AGENCIES (FLMA)

The MCAG Governing Board adopted a Consultation Process with Federal Land Management Agencies on January 18, 2018. As appropriate, the agency communicates and coordinates with federal and state land management agencies including but not limited to the Bureau of Land Management, U.S. Fish and Wildlife Service, San Luis National Wildlife Refuge, Merced National Wildlife Refuge and the Grasslands Wildlife Management Area. The complete FLMA consultation process can be found in Appendix XVI.

CONSULTATION WITH FEDERAL LAND MANAGEMENT AGENCIES (FLMA)

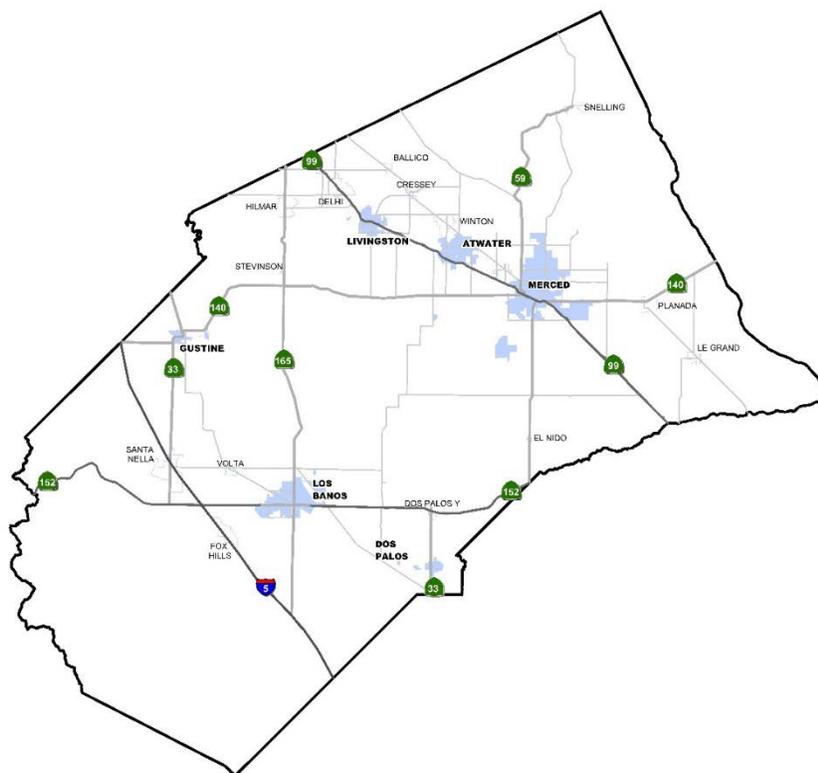
Pursuant to 23 CFR 450.316(e), MCAG is required to develop a process for consulting with Indian Tribal Governments in Merced County. However, there are no federally recognized tribal governments within the boundaries of Merced County.

REGIONAL OVERVIEW

Geography and Demographics

Merced County is one of eight counties that comprise Central California's San Joaquin Valley. With a population of nearly 275,000, Merced County is nestled between the Sierra Nevada and Diablo mountain ranges. Santa Clara and San Benito Counties are to the west, Mariposa County to the east, Stanislaus County to the northwest, and Fresno and Madera counties to the southeast.

Merced County is one of the richest agricultural regions in the United States. The combination of rich flood plains, climate, and irrigation systems creates an ideal environment for agribusiness.



About 40,000 acres of wetlands in the center of the County support one of the most concentrated water fowl habitats in the western United States. The principal waterways in the County are the San Joaquin River and its largest tributaries, the Merced and Chowchilla rivers; the Bear, Owens, and Mariposa creeks in the eastern portion of the County; and the Los Banos and San Luis creeks in the west.

Merced County and the San Joaquin Valley have historically grown at a faster rate than the rest of California, and will likely continue to do so. MCAG prepares and maintains population and employment forecasts for use in regional planning. The population and employment forecasts reflect the growth that is anticipated to occur during the next 25 years within Merced County, its cities and communities. Included in this growth are new employment centers near major highways (including Amazon near Interstate 5), and the University of California (UC) Merced campus expansion.

Between 2010 and 2015, the population of Merced County increased by approximately 6 percent. This growth is higher than the growth for the State of California (3 percent).

Merced County cities are located along or near major highways, included Interstate 5, State Route (SR) 99, SR 152, SR 33, SR 59, and SR 165. The City of Merced is located along SR 99, and accounts for the majority of Merced County's population at 31-percent. Los Banos is located east of Interstate 5 along SR 152 and SR 165, and accounts for 14-percent of the County's population. The City of Atwater is located along SR 99, and accounts for 11-percent of the County's population.

Regional Transportation System

Merced County is served by a multimodal transportation system that incorporates roadways, railways, airports, and multiuse paths to facilitate the movement of people and goods throughout the region. Interstate 5 and State Route 99 provide the primary connection to major cities within Merced County, and link the county to other parts of California and beyond. Transit service by national, regional, and local providers are available as alternatives to vehicular travel for individuals who choose not to, or are unable to, own a personal vehicle.

MCAG has designated a regional roadway network which is the fundamental component of transportation in Merced County. It provides the basic network for the movement of people and goods. Regional roads are used by nearly all travel modes including automobiles, ridesharing (carpools and vanpools), transit buses, paratransit, trucks, bicycles, and pedestrians, and provide important connectivity for aviation.

Bicycle and pedestrian facilities in Merced County include bike paths and lanes, as well as sidewalks and shared-use paths. MCAG adopted a Regional Bikeway Plan in 2008. The intent of the plan is to connect to major destinations throughout the County as well as bikeway systems in the local communities. Additionally, the plan calls for safety in all aspects, development and maintenance, and ongoing bicycle education.

There are a variety of transit options available in Merced County, including bus and rail service. The Transit Joint Powers Authority for Merced County operates urban and rural bus transit services, known as The Bus. The Bus operates on 16 fixed-route lines and provides paratransit service throughout the county. Paratransit is a reservation-based, complimentary curb-to-curb transit service for ADA qualified persons with disabilities who are unable to use the fixed-route system.

In 1999, a Joint Powers Agreement (JPA) for the provision of transit service in the greater Yosemite Region was formed by Mariposa County, Merced County, and Mono County. The Yosemite Area Regional Transportation System (YARTS) JPA is governed by a three-member Board of Commissioners. A county supervisor is appointed to the board of commissioners from each of the member counties. This board determines transit service plans, operating and capital budgets, transit fare structure, and capital improvement programs. In May of 2000 YARTS began providing transit service throughout the Yosemite Region. YARTS contracts with MCAG for staffing to administer and manage the transit service. MCAG performs all accounting and billing functions for the JPA, administers construction contracts for bus stops, and prepares outreach materials including schedules and route maps.

The Greyhound Trailways bus lines are a combined national bus carrier providing service in and through the county. Bus depots are located in Merced and Los Banos. Some of the scheduled buses leaving these two depots will make drop-offs at other cities within the county.

Passenger rail service in the region is centered around the San Joaquin Corridor (Bakersfield to Oakland and Sacramento) and is a major transportation asset between Southern and Northern California. It serves a vital function in providing intercity service within and between cities in California's Central Valley. The 363-miles of the San Joaquin Corridor carry intercity passenger rail and freight service, with connections to commuter rail services in Stockton. The current operating schedule includes seven daily round trip trains: five between Oakland and Bakersfield and two between Sacramento and Bakersfield. All trains run between Stockton and Bakersfield. To provide the existing frequency of service between all points on the route, connecting buses are provided between Stockton and Sacramento for trains serving Oakland - Bakersfield; and for trains serving Sacramento - Bakersfield, connecting buses are provided between Stockton, Oakland and San Francisco.

Amtrak operates the San Joaquin line under provisions of its contracts with the Burlington Northern Santa Fe and Union Pacific Railroad.

The California High-Speed Rail system will cover over 800 miles of rail, with up to 24 stations. The project would construct high-speed rail services connecting the cities of San Francisco, San Jose, Merced, Sacramento, Fresno, Bakersfield, Palmdale, Burbank, Los Angeles, Anaheim, and San Diego. The City of Merced is planned to be a significant juncture point for trains connecting to the Bay Area and the Sacramento region, as shown in the graphic to the right.

With the passage of SB-132, the Altamont Commuter Express (ACE) rail service will extend to Modesto, Ceres and Merced. This will for the first time provide commuter-oriented passenger rail service connecting Merced and Stanislaus County to the Bay Area (new track, rail capital, and rail infrastructure improvements are identified and funded through SB 132). Transit station improvements are being pursued by the cities of Modesto, Ceres, and Turlock to new accommodate ACE passenger rail service.

The Merced region has five publicly owned, public-use airports: Gustine Airport, Castle Airport, Los Banos Municipal Airport, and Merced Regional Airport. Turlock Municipal Airport is located within the county but is owned by the City of Turlock, which is in Stanislaus County. In addition to the public use airports, there are eight privately-owned airfields located within Merced County, some of which allow public use.

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Overall Budget

MCAG FY 2018/2019 BUDGET SUMMARY

| Revenue | FY 2018/19 BUDGET | FY 2017/18 BUDGET |
|--|---------------------|---------------------|
| Federal Highway Admin. - Metropolitan Planning Funds (Current Years Allocation) | \$ 516,369 | \$ 149,648 |
| Planning Funds (PL) Carry-Over | \$ 455,902 | \$ 1,722,558 |
| Federal Transit Administration - Sec. 5303 | \$ 120,000 | \$ 89,142 |
| Caltrans Sustainable Transportation Planning Grant Program | \$ - | \$ 350,000 |
| SB 1 Planning Grant | \$ 197,424 | \$ - |
| Measure V (Sales Tax) | \$ 150,000 | \$ 150,000 |
| Regional Improvement Program (PPM) | \$ 15,000 | \$ 393,000 |
| Transportation Development Act - Admin. and Audits (99233.1 Public Utilities Code) | \$ 52,038 | \$ 94,010 |
| Transportation Development Act - Planning Allocations | \$ 491,785 | \$ 397,298 |
| RTIF | \$ 27,633 | \$ 12,892 |
| Non Transportation Indirect Cost Revenue | \$ 774,849 | \$ 2,521,041 |
| Total Revenue Budget MPO | \$ 2,801,001 | \$ 5,879,589 |

| Expenditures | FY 2018/19 BUDGET | FY 2017/18 BUDGET |
|---|---------------------|---------------------|
| Salaries & Benefits -MPO | | |
| Salaries | \$ 1,156,676 | \$ 2,105,068 |
| Fringe | \$ 530,890 | \$ 1,140,295 |
| Subtotal Salaries & Benefits | \$ 1,687,566 | \$ 3,245,363 |
| Services & Supplies | | |
| Professional & Special Services | \$ 648,916 | \$ 1,792,380 |
| Auditing | \$ 87,000 | \$ 24,000 |
| Internet Service | \$ 15,180 | \$ 138,000 |
| Legal | \$ 78,000 | \$ 55,000 |
| Gasoline Fuel | \$ 1,500 | \$ 1,500 |
| Maintenance-Building | \$ 20,000 | \$ 5,600 |
| Utilities | \$ 14,500 | \$ 6,800 |
| Solar | \$ - | \$ 9,500 |
| Insurance | \$ 48,000 | \$ 47,000 |
| Memberships | \$ - | \$ 6,890 |
| Training and Travel | \$ 36,200 | \$ 61,850 |
| Unallowed Trans & Travel | \$ - | \$ 6,500 |
| Special Department Expense | \$ 31,583 | \$ 159,606 |
| Publication | \$ 800 | \$ 500 |
| Office Expense | \$ 30,400 | \$ 29,000 |
| Communication | \$ 12,900 | \$ 20,300 |
| Janitorial | \$ 6,500 | \$ 17,000 |
| Misc. Expense | \$ 2,000 | \$ 2,500 |
| Interest Expense | \$ - | \$ 1,200 |
| Rent and Lease Equipment | \$ 26,000 | \$ 18,000 |
| Fixed Asset | \$ 53,956 | \$ 231,100 |
| Subtotal Services and Supplies | \$ 1,113,435 | \$ 2,634,226 |
| Total Expenditure Budget | \$ 2,801,001 | \$ 5,879,589 |

**MERCED COUNTY ASSOCIATION OF GOVERNMENTS
FY 2018/2019 OVERALL BUDGET & WORK PROGRAM
FUNDING AND WORK HOUR SUMMARY
TRANSPORTATION PLANNING**

| Elements | Element Description | FHWA | | FTA | | TDA | LTF | RIP/ PPM | RTIF | SB 1 Planning Grant | MCAG OTHER | Toll | | Staff Months |
|----------|---|--------------|------------|---------------------------|------------|-----------|------------|-------------|-----------|------------------------|---------------|------------|-----------|-----------------|
| | | PL | PL | Sec. 5303 (Carry-Over) | Admin | | | | | | | Admin | Match | |
| 100 | Citizen Part. & Coord. | \$ 313,625 | \$ 104,634 | \$ 63,991 | \$ 70,000 | \$ - | \$ 75,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 27,370 | 15.90 |
| 110 | RTP | \$ 279,323 | \$ 105,458 | \$ 88,865 | \$ 10,000 | \$ - | \$ 75,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 23,436 | 10.50 |
| 111 | Sustainable Communities Formula Grant Program | \$ 220,069 | \$ - | \$ - | \$ - | \$ - | \$ 22,645 | \$ - | \$ - | \$ 197,424 | \$ - | \$ - | \$ - | 1.00 |
| 112 | Performance Measurement and Monitoring | \$ 46,261 | \$ 15,883 | \$ 5,378 | \$ 10,000 | \$ - | \$ - | \$ 15,000 | \$ - | \$ - | \$ - | \$ - | \$ 3,586 | 3.00 |
| 121 | Alternative Modes Planning | \$ 66,059 | \$ 17,950 | \$ 38,109 | \$ 10,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 7,577 | 3.50 |
| 122 | Air Quality Planning | \$ 24,121 | \$ 16,117 | \$ 8,005 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 2,767 | 0.50 |
| 130 | SI Valley Trans Coord. | \$ 81,859 | \$ 43,469 | \$ 38,390 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 9,389 | 2.50 |
| 140 | Passenger Rail Planning | \$ 25,885 | \$ 16,827 | \$ 9,058 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 2,969 | 1.50 |
| 150 | FTIP | \$ 131,121 | \$ 11,975 | \$ 9,146 | \$ 10,000 | \$ - | \$ 100,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 3,570 | 7.75 |
| 151 | RTIP | \$ 36,669 | \$ - | \$ 26,669 | \$ 10,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 4,206 | 2.00 |
| 170 | Traffic Modeling | \$ 268,392 | \$ 87,547 | \$ 80,845 | \$ - | \$ - | \$ 100,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 19,315 | 4.00 |
| 180 | Geographic Information System | \$ 109,076 | \$ 50,494 | \$ 58,562 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 12,511 | 6.25 |
| 190 | State Data Center Affiliate | \$ 4,306 | \$ 4,306 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 494 | 0.25 |
| 210 | Regional Trans Impact Fee (RTIF) | \$ 27,633 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 27,633 | \$ - | \$ - | \$ - | \$ - | 1.25 |
| 220 | LTA/TEP | \$ 269,140 | \$ - | \$ - | \$ - | \$ - | \$ 119,140 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 9.60 |
| 240 | TDA Administration | \$ 52,038 | \$ - | \$ - | \$ - | \$ 52,038 | \$ - | \$ - | \$ - | \$ - | \$ 150,000 | \$ - | \$ - | 2.00 |
| 290 | Overall Work Program | \$ 70,574 | \$ 41,709 | \$ 28,865 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 8,095 | 4.25 |
| 900 | Indirect | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 54.75 |
| 900 | Indirect-PTO | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 34.00 |
| | Non Transportation Indirect Cost Revenue | \$ 774,849 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 774,849 | \$ - | \$ - | - |
| | Subtotal Transportation | \$ 2,801,001 | \$ 516,369 | \$ 455,902 | \$ 120,000 | \$ 52,038 | \$ 491,785 | \$ 15,000 | \$ 27,633 | \$ 197,424 | \$ 924,849 | \$ 125,284 | \$ - | 164.50 |

California Planning Emphasis Areas & Federal Planning Factors

CALIFORNIA PLANNING EMPHASIS AREAS

The Federal Highway Administration (FHWA) California Division and Federal Transit Administration (FTA) Region IX determined that the planning emphasis areas (PEAs) for California’s transportation planning and air quality program for the Overall Work Programs for program year 2018 are:

- Core Planning Functions
- Performance Management
- State of Good Repair

| WORK ELEMENT | | 2018 CALIFORNIA PLANNING EMPHASIS AREAS | | |
|--------------|--|---|------------------------|----------------------|
| | | CORE PLANNING FUNCTIONS | PERFORMANCE MANAGEMENT | STATE OF GOOD REPAIR |
| 100 | Citizen Participation, Public Education and Intergovernmental Coordination | X | | |
| 110 | Regional Transportation Planning | X | X | X |
| 111 | Sustainable Communities Formula Grant Program | X | | |
| 112 | Performance Measurement and Monitoring | | X | X |
| 121 | Active Transportation Planning | X | | |
| 122 | Air Quality Planning | X | X | |
| 130 | San Joaquin Valley Transportation Coordination | X | X | |
| 140 | Passenger Rail Planning | X | | |
| 150 | Federal Transportation Improvement Program | X | X | X |
| 151 | Regional Transportation Improvement Program | X | X | |
| 170 | Traffic Modeling | X | X | |
| 180 | Geographic Information System | X | X | X |
| 190 | State Data Center Affiliate | | | |
| 210 | Regional Transportation Impact Fee | | | |
| 220 | Measure V Implementation and Administration | | | |
| 240 | Transportation Development Act Fund Administration | | X | X |
| 290 | Overall Work Program | X | | |

Core Planning Functions

MCAG has prepared the FY 18-19 OWP to ensure the activities and products mandated by the metropolitan transportation planning regulations in 23 CFR 450 are a priority for the region. The work elements and subsequent tasks have been developed to provide detail (including activities, products, schedules and costs) to clearly explain the purpose and results of the work to be accomplished.

This OWP addresses the Core Planning Functions PEA comprehensively by carefully structuring the content of each work element in a manner that makes its objective, tasks and products, schedule and cost as clear as possible.

Performance Management

As MAP-21 requires the Department of Transportation, in consultation with States, metropolitan planning organizations, and other stakeholders, to establish performance measures, MCAG is currently engaged

with the California Transportation Commission, Caltrans and other MPO/RTPA efforts to develop and adopt an enhanced system of performance goals and measures.

The FY 18-19 OWP includes a Performance Measurement and Monitoring work element to establish performance measures, collect data, prepare reports and develop programs to enhance the agency's performance-based planning. MCAG anticipates that once the statewide discussion concludes and common measures have been identified, the MPOs, in conjunction with the state agencies, will have a recommended (if not required) set of common indicators. MCAG will analyze how to integrate new measure in order to evaluate the progress of transportation decisions toward the overall program goals.

MCAG will assess and/or track the performance of transportation investment decisions in the following areas:

- Safety
- Infrastructure Condition
- Congestion Reduction
- System Reliability
- Freight Movement and Economic Vitality
- Environmental Sustainability
- Reduced Project Delivery Delays

State of Good Repair

MPOs are required to evaluate their transportation system to assess the capital investment needed to maintain a State of Good Repair for the region's transportation facilities and equipment. As part of this process, MCAG will coordinate with the Transit Joint Powers Authority for Merced County (TJPA) to incorporate their Transit Asset Management Plan into the Regional Transportation Plan (RTP).

MCAG provides administrative support, including staffing, to the TJPAMC which is the region's single, countywide transit provider. This arrangement results in close coordination and information sharing between transit and transportation planning staff.

FEDERAL PLANNING FACTORS

In addition to Planning Emphasis Areas, MAP-21 issued Federal Planning Factors that emphasize transportation planning considerations from a national perspective. In MAP-21, the metropolitan and statewide transportation planning processes are continued and enhanced to incorporate performance goals, measures, and targets into the process of identifying needed transportation improvements and project selection. The transition to a performance and outcome-based program looks to focus greater attention on the investment of resources in projects that will achieve targets that collectively make progress toward national goals. The eight planning factors, and how MCAG addresses them, are as follows:

1. **Support the economic vitality of the metropolitan planning area, especially by enabling global competitiveness, productivity, and efficiency.**
In the sense that transportation infrastructure and transit service intrinsically support the Merced County economy with its agricultural base; that I-5, SR 99, and SR 152 serve interstate freight and people movement; and with the construction of the 10th campus for the University of California, Merced, virtually every work element contained in MCAG's Overall Work Program supports economic growth and enables our region and the state to compete globally.
2. **Increase the safety of the transportation system for motorized and non-motorized users.**

Four elements focus on safety for users. These include Performance Measurement and Monitoring (112), Active Transportation Planning (121), Federal Transportation Improvement Program (150), and Regional Transportation Improvement Program (151).

3. **Increase the security of the transportation system for motorized and non- motorized users.**
MCAG's Safety Authority for Freeway Emergencies (call box) program (800) reflects our priority for security for motorized users.
4. **Increase the accessibility and mobility of people and for freight.**
Freight movement is an important element of the Regional Transportation Plan (110) and San Joaquin Valley MPO's history of coordination on goods movement issues in element 130.
5. **Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvement and State and local planned growth and economic development patterns.**
Several planning elements will result in environment, enhancement, energy conservation and quality of life improvement. Active Transportation Planning (121) supports alternative modes of transportation. The Air Quality Planning (122) purpose is to improve air quality, thereby improving the quality of life.
6. **Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.**
The YARTS program, administered by MCAG, is a major effort to enhance connectivity between modes for people. The transit system allows Park visitors and gateway community employees the option of leaving their auto at their lodging/home and taking transit to the Park. The Short Range Transit Plan completed in 2012 identified more efficient means for improving "The Bus" as a viable mode of transportation within Merced County.
7. **Promote efficient system management and operation.**
MCAG's GIS and traffic modeling work elements are key tools in the promotion of system management and operation. The elements GIS Maintenance (180) and Traffic Modeling (170) permit the efficient collection of data and design and use of analytical tools to evaluate and select strategies for management and operation of our transportation system.
8. **Emphasize the preservation of the existing transportation system.**
The Regional Transportation Plan (110) has historically provided financial estimates for the maintenance of local streets and roads. MCAG allocates Regional Surface Transportation Program dollars to the local jurisdictions for maintenance.
9. **Improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation.**
OWP work elements that discuss intergovernmental coordination, planning studies, feasibility studies, environmental planning, and project development will incorporate storm water impacts and issues.
10. **Enhance travel and tourism.**
OWP work elements that examine sustainability, quality of life, goods movement, and smart growth will include elaborations on travel/tourism impacts as part of the planning analysis and study.

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100 Citizen Participation, Public Education & Intergovernmental Coordination

OBJECTIVES

To provide the public with information on projects, meetings, plans and reports related to Merced County Association of Government's (MCAG) transportation planning activities and processes, and to help the public understand issues that affect the regional transportation system in Merced County.

To seek input from the public on MCAG's planning activities and to engage citizens in all aspects of the planning process. This work element is intended to highlight the agency's commitment to diverse public engagement and participation in transportation planning processes, consistent with federal requirements.

To promote coordination, cooperation and communication among local agencies, districts, federal and state agencies, and MCAG on transportation planning processes and issues. To enable various entities to participate in and review products of the regional planning process.

PREVIOUS WORK COMPLETED

- Public Participation Plan - Adopted: September 2016
- Consultation process for Federal Land Management Agencies – Adopted: January 2018
- Year-in-Review – Published: January 2018
- Citizens Advisory Committee (CAC), Technical Review Board (TRB) and Governing Board (GB) agendas, minutes – FY 2017-2018
- GB video recordings – FY 2017-2018
- Monthly electronic newsletters – FY 2017-2018
- MCAG website redesign – Completed: January 2018
- New MCAG logo – Completed: July 2017
- Database of requests for public information – 2016, 2017, 2018
- 2016 Title VI Program – Adopted: August 2017

TASKS & PRODUCTS

| TASK | | PRODUCTS | TARGET DATE / FREQUENCY |
|-------------------------|--|--|---|
| Public Education | | | |
| 1 | Develop and distribute electronic monthly newsletter and annual "Year In Review" to businesses, elected officials, local, state and federal agencies and partners, and organizations and individuals from traditionally underrepresented populations | Electronic newsletter; Year In Review | First of each month; January 2019 |
| 2 | Record Governing Board meetings at locations with the appropriate technology and post on the MCAG YouTube channel for public access | Audio/Visual Recordings | Aug, Oct, Dec 2018; Feb, Mar, April, May, June 2019 |
| 3 | Develop and distribute news releases to communicate key milestones, outreach and engagement opportunities, and decisions related to agency activities | News releases | At least monthly; as needed |
| 4 | Update the agency website and social media accounts (Facebook, Twitter, LinkedIn) to distribute information from the agency and key partners such as Caltrans | Updated website and social media | At least monthly; as needed |

| | | | |
|---------------------------------------|---|--|----------------------------------|
| 5 | Speak to civic organizations and service clubs including those from traditionally underrepresented groups, to share information about MCAG activities and opportunities for engagement | Presentations on website | As requested; target 10 per year |
| 6 | Coordinate with the local and regional media to provide accurate information on events, programs, policies and projects | Radio and TV interviews; news articles | As requested; target 10 per year |
| 7 | Conduct outreach efforts and provide informational materials in other languages as needed | Materials on website | As requested; target 10 per year |
| Citizen Participation | | | |
| 8 | Conduct public hearings and public meetings/workshops to obtain input on agency programs and projects | Public notices, material on website | As needed |
| 9 | Respond to requests for public information per the California Public Records Act | Database of requests | As needed |
| 10 | Perform all tasks related to preparing, holding, and staffing 12 monthly meetings and special sessions of the CAC, TRB and GB | Agendas, minutes | Monthly |
| 11 | Maintain CAC roster including seeking candidates for vacancies and processing reappointments | Roster, appointment staff reports | Monthly |
| 12 | Provide translation services at MCAG sponsored events as requested | Log for services | As needed |
| 13 | Implement the 2017 Title VI program and track data as required | Quarterly reports | Sept, Dec 2018; Mar, June 2019 |
| Intergovernmental Coordination | | | |
| 14 | Prepare and distribute monthly meeting agendas to member agencies via mail, email and website for the TRB and GB | Agendas, updated website | Monthly |
| 15 | Conduct orientation sessions for new CAC, TRB and GB members as needed | Presentations | At least annually |
| 16 | Attend local city/county events and meetings, as well as, forums with Caltrans District 10 to disburse information on transportation issues/projects | Meeting notes | At least quarterly |
| 17 | Attend meetings of local city councils, the Board of Supervisors, Municipal Advisory Committees, and local planning commissions to share information on MCAG activities and other transportation issues | Presentations | As requested; target 6 per year |
| 18 | Participate in California Transportation Commission meetings, workshops and events | Meeting notes | Quarterly |
| 19 | Participate in Councils of Governments Directors Association of California (CDAC) meetings and events related to transportation planning | Meeting notes | Quarterly |
| 20 | Host technical workshops for member agencies and partners on transportation issues as needed | Presentations on website | At least annually |
| 21 | Maintain and implement process to consult with Federal Land Management Agencies pursuant to 23 CFR 450.316(e) | Documented process | End of fiscal year |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|------------------------------|---------------|-------------------------|---------------|-------------------|
| Executive Director | 2.00 | \$136.59 | \$79.22 | \$215.82 |
| Assistant Planner | 1.00 | \$41.20 | \$23.89 | \$65.09 |
| Deputy Executive Director | 3.50 | \$104.93 | \$60.86 | \$165.79 |
| Public Program Specialist II | 3.90 | \$45.01 | \$26.11 | \$71.12 |
| Administrative Assistant II | 3.00 | \$42.50 | \$24.65 | \$67.15 |
| Public Program Specialist I | 2.50 | \$36.74 | \$21.31 | \$58.05 |
| TOTAL PERSON MONTHS | 15.90 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|------------------|-----------------|-----------------|--------------------|-----------------|-----------------|
| STAFF COSTS | | | FHWA-PL Carryover | \$274,404 | \$63,991 |
| Wages/Benefits: | \$238,207 | \$186,598 | FHWA-PL | \$100,000 | \$104,634 |
| Est. Indirect: | \$146,497 | \$108,227 | FTA 5303 Carryover | \$45,000 | \$70,000 |
| SUBTOTAL | \$384,704 | \$294,823 | LTF | | \$75,000 |
| DIRECT COSTS | | | | | |
| Prof Services | \$6,000 | \$15,000 | | | |
| Special Dept Exp | \$15,700 | \$3,800 | | | |
| Travel | \$13,000 | | | | |
| SUBTOTAL | \$34,700 | \$18,800 | | | |
| TOTAL | \$419,404 | \$313,625 | TOTAL | \$419,404 | \$313,625 |

Toll Credits Applied to PL: \$19,341
Toll Credits Applied to 5303: \$8,029

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110 Regional Transportation Planning

OBJECTIVE

To meet federal and state requirements for a coordinated and comprehensive regional transportation planning process; to complete the 2018 Regional Transportation Plan (RTP) including the requirements of Senate Bill 375 (SB 375); to begin preliminary activities to support development of the subsequent Plan; to conduct supporting and related regional plans and planning activities; to conduct and support sustainable transportation planning and climate change planning; to support and promote ridesharing services such as CalVans and dibs.

PREVIOUS WORK COMPLETED

- Regional Transportation Plan Amendment 1, 2016
- Previous RTPs in 2014, 2010, 2007, 2004, 2001

TASKS & PRODUCTS

| TASK | | PRODUCTS | TARGET DATE / FREQUENCY |
|------|--|-------------------------|-------------------------|
| 1 | Prepare Final Regional Transportation Plan (RTP) – Sustainable Communities Strategy (SCS) and Environmental Impact Report (EIR) | Final RTP and EIR | September 2018 |
| 2 | Develop and process RTP amendments as needed | RTP Amendment | As Needed |
| 3 | Monitor RTP/SCS implementation and address policy issues with member jurisdictions, other regional agencies, and state | Staff reports | As Needed |
| 4 | Research and assess new state and federal rules, regulations, policies, and programs | Letters, reports | As Needed |
| 5 | Support member jurisdictions and partner agencies to apply Disadvantaged Community definitions to maximize funding opportunities | Data, memos, reports | As Needed |
| 6 | Coordinate, consult, and collaborate with local, regional, state, federal agencies, and community and non-governmental organizations in the planning process | Letters, memos | As Needed |
| 7 | Monitor delivery and performance measures identified in the RTP/SCS | Reports | Quarterly |
| 8 | Incorporate transit asset management plans into RTP process | Asset Management Plan | September 2018 |
| 9 | Support and promote ridesharing services including CalVans and “dibs” | Quarterly reports | Quarterly |
| 10 | Monitor and work with Air Resources Board (ARB) on SB 375 greenhouse gas emission targets | Meetings; Staff reports | Quarterly |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------------|---------------|-------------------------|---------------|-------------------|
| Executive Director | 2.00 | \$136.59 | \$79.22 | \$215.82 |
| Assistant Planner | 3.00 | \$50.95 | \$29.55 | \$80.50 |
| Assistant Planner | 1.00 | \$41.20 | \$23.89 | \$65.09 |
| Senior Planner | 2.00 | \$68.17 | \$39.54 | \$107.72 |
| Associate Planner | 0.50 | \$59.98 | \$34.79 | \$94.77 |
| GIS Analyst | 1.00 | \$62.87 | \$36.46 | \$99.33 |
| Deputy Executive Director | 0.50 | \$104.93 | \$60.86 | \$165.79 |
| TOTAL PERSON MONTHS | 10.50 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|-----------------------------|-----------------|-----------------|--------------------|-----------------|-----------------|
| STAFF COSTS | | | FHWA-PL Carryover | \$708,693 | \$88,865 |
| Wages/Benefits: | \$90,224 | \$111,597 | FHWA-PL | \$224,019 | \$105,458 |
| Est. Indirect: | \$55,488 | \$64,726 | FTA 5303 Carryover | \$29,142 | \$10,000 |
| SUBTOTAL | \$145,712 | \$176,323 | LTF | | \$75,000 |
| DIRECT COSTS | | | RIP/PPM | \$393,000 | |
| Professional Services | \$609,142 | \$95,000 | | | |
| PPM/RIP Money Merced County | \$393,000 | | | | |
| Pavement Management | \$200,000 | | | | |
| Travel | \$7,000 | \$8,000 | | | |
| SUBTOTAL | \$1,209,142 | \$103,000 | | | |
| TOTAL | \$1,354,854 | \$279,323 | TOTAL | \$1,354,854 | \$279,323 |

Toll Credits Applied to PL: \$22,289
Toll Credits Applied to 5303: \$1,147

111 SB-1 Sustainable Communities Formula Grant Program

OBJECTIVE

To administer the Fiscal Year (FY) 18-19 Senate Bill 1 (SB 1) Sustainable Communities Formula Grant Program with the following overall objectives:

- Implement the Sustainable Communities Strategy (SCS)
- Understand mobility needs in communities of concern, especially transit and transit alternatives
- Conduct an analysis of public health benefits and costs associated with the SCS

PREVIOUS WORK COMPLETED

- Regional Transportation Plan (RTP) Amendment 1, 2016

TASKS & PRODUCTS

| TASK | PRODUCTS | TARGET DATE / FREQUENCY |
|--|----------|-------------------------|
| 1 Rural Alternative Transit Study <ul style="list-style-type: none"> • Convene stakeholder committee • Define scope • Prepare and issue RFP for consultant to prepare Study • Consultant Contract • Committee meetings • Draft and Final Study | Study | June 2019 |
| 2 Transportation and Public Health: Needs and Opportunities Study <ul style="list-style-type: none"> • Convene stakeholder committee • Define scope • Prepare and issue RFP for consultant to prepare Study • Consultant Contract • Committee meetings • Draft and Final Study | Study | June 2019 |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| Assistant Planner | 1.00 | \$50.95 | \$29.55 | \$80.50 |
| TOTAL PERSON MONTHS | 1.00 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|-----------------|-----------------|-----------------|--------------------------------------|-----------------|-----------------|
| STAFF COSTS | | | SB 1 Sustainable Communities (18-19) | | \$197,424 |
| Wages/Benefits: | | \$8,831 | LTF | | \$22,645 |
| Est. Indirect: | | \$5,122 | | | |
| SUBTOTAL | | \$13,953 | | | |

| | | | | | |
|-----------------------|--|-----------|-------|--|-----------|
| DIRECT COSTS | | | | | |
| Professional Services | | \$206,116 | | | |
| Special Dept Expense | | | | | |
| Travel | | | | | |
| SUBTOTAL | | \$205,762 | | | |
| TOTAL | | \$220,069 | TOTAL | | \$220,069 |

112 Performance Measurement and Monitoring

OBJECTIVE

To establish performance measures, collect data, prepare reports, and develop programs to enhance performance-based planning. This includes but is not limited to pavement condition, traffic and congestion, and fatal and serious accidents. Also, to assist with the development, deployment, and operation of Pavement Management Programs (PMP) for member jurisdictions.

PREVIOUS WORK COMPLETED

- Coordination and development of countywide Pavement Management System (PMS), 2017-2018
- Pavement Management System, 2001-2009

TASKS & PRODUCTS

| TASK | PRODUCTS | TARGET DATE / FREQUENCY |
|------|---|--|
| 1 | Participate in training, workshops, meetings and related activities | Meetings As Needed |
| 2 | Establish performance measures as required by federal performance-based planning requirements | Staff reports As Needed |
| 3 | Coordinate with local agencies and Caltrans for annual updates to: Highway Performance Monitoring System local pavement condition, and other data sets | Data files June 2019 |
| 4 | Work with local jurisdictions, transit agencies, Caltrans, FHWA, and others, to identify data sources, prepare targets, and report performance related to those targets | Reports As Needed |
| 5 | Work with the Transit Joint Powers Agency to develop transit asset management measures as required | Report June 2019 |
| 6 | Develop and maintain a performance measuring and monitoring tool and/or website for the region | Report or website June 2019 |
| 7 | Prepare a report compiling regional performance measure data and system performance | Report June 2019 |
| 8 | Quality-check (QC) the consultant's collection of pavement data with the member jurisdictions | QC and Quality assurance pavement data August 2018 |
| 9 | Participate in the discussion of Maintenance & Rehabilitation (M&R) strategies between member jurisdictions and consultant for integration with PMS software | M&R Strategies in PMP August 2018 |
| 10 | Participate in the discussion of Budget Analysis and Funding Scenarios between member jurisdictions and consultant for integration with PMP software | Budget Analysis & Funding Scenarios in PMP September 2018 |
| 11 | Attend with member jurisdictions the consultant-led training for PMP software | PMP training September 2018 |
| 12 | Attend with member jurisdictions the follow-up consultant-led Questions/Answers (Q/A) session | Q/A session November 2018 |
| 13 | Generate countywide pavement assessment using PMP | Countywide pavement assessment February 2019 |
| 14 | Assist member jurisdictions with running their individual PMP | Technical support As needed |

| | | | |
|----|--|---------------------|-----------|
| 15 | Coordinate with the member jurisdictions on the next consultant-led, on-site PMP training (2019) | Annual PMP training | Fall 2019 |
|----|--|---------------------|-----------|

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| Assistant Planner | 0.50 | \$41.20 | \$23.89 | \$65.09 |
| Associate Planner | 1.00 | \$59.98 | \$34.79 | \$94.77 |
| GIS Analyst | 1.00 | \$62.87 | \$36.46 | \$99.33 |
| Assistant Planner | 0.50 | \$50.95 | \$29.55 | \$80.50 |
| TOTAL PERSON MONTHS | 3.00 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|-----------------------|-----------------|-----------------|--------------------|-----------------|-----------------|
| STAFF COSTS | | | FHWA-PL Carryover | \$27,459 | \$5,378 |
| Wages/Benefits: | \$32,872 | \$29,279 | FHWA PL | \$25,629 | \$15,883 |
| Est. Indirect: | \$20,216 | \$16,982 | FTA 5303 Carryover | | \$10,000 |
| SUBTOTAL | \$53,088 | \$46,261 | RIP/PPM | | \$15,000 |
| DIRECT COSTS | | | | | |
| Professional Services | \$200,000 | | | | |
| Special Dept Expense | | | | | |
| Travel | | | | | |
| SUBTOTAL | \$200,000 | | | | |
| TOTAL | \$253,088 | \$46,261 | TOTAL | \$53,088 | \$46,261 |

Toll Credits Applied to PL: \$2,439
 Toll Credits Applied to 5303: \$1,147

121 Active Transportation Planning

OBJECTIVE

To foster the integration of active transportation into the regional transportation planning process by assisting the local jurisdictions within Merced County to identify and secure funding for the development of pedestrian and bicycle infrastructure and non-infrastructure programs.

PREVIOUS WORK COMPLETED

- Multi-Use Path Feasibility Studies for Merced County, Los Banos, Atwater and Merced, January 2018 – January 2019
- Los Banos Bicycle – Pedestrian Plan update, March 2018

TASKS & PRODUCTS

| TASK | | PRODUCTS | TARGET DATE / FREQUENCY |
|------|--|---|-------------------------|
| 1 | Assist jurisdictions with applications for grant funding for active transportation projects and plans | Applications, plans, maps, charts, data, GIS layers | Monthly |
| 2 | Encourage and assist jurisdictions to develop new or updated bicycle or active transportation plans | Plans, maps, charts, data, GIS layers | Monthly |
| 3 | Attend and participate in member jurisdiction's meetings and advisory committees for active transportation planning and projects | Meeting notes | Quarterly; as needed |
| 4 | Facilitate the completion of two Multi-Use Path Feasibility Studies for Merced County and Los Banos, and Merced County, City of Merced and City of Atwater | 2 Multi-Use Path Feasibility Studies | August 2018 |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| Assistant Planner | 1.0 | \$41.20 | \$23.89 | \$65.09 |
| GIS Analyst | 1.5 | \$62.87 | \$36.46 | \$99.33 |
| Assistant Planner | 1.0 | \$50.95 | \$29.55 | \$80.50 |
| TOTAL PERSON MONTHS | 3.50 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|--------------------------|----------------------------|----------------------------|-----------------------|----------------------------|----------------------------|
| STAFF COSTS | | | FHWA-PL Carryover | \$62,525 | \$38,109 |
| Wages/Benefits: | \$38,715 | \$32,316 | FHWA-PL | | \$17,950 |
| Est. Indirect: | 23,810 | \$18,743 | FTA 5303 Carryover | | \$10,000 |
| SUBTOTAL | \$62,525 | \$51,059 | | | |
| DIRECT COSTS | | | | | |
| Professional Services | | \$15,000 | | | |
| Special Dept Expense | | | | | |
| Travel | | | | | |
| SUBTOTAL | | \$15,000 | | | |
| TOTAL | \$62,525 | \$66,059 | TOTAL | \$62,525 | \$66,059 |

Toll Credits Applied to PL: \$6,430
Toll Credits Applied to 5303: \$1,147

122 Air Quality Planning

OBJECTIVE

To ensure that Merced County Association of Governments' (MCAG) transportation plans, programs, and projects conform to federal and state air quality requirements. To inform and advise MCAG and member agencies on air quality issues and policies. To coordinate effectively with other government agencies on these matters.

PREVIOUS WORK COMPLETED

- Air Quality Conformity Determination for Regional Transportation Plan and the Federal Transportation Improvement Program, 2016

TASKS & PRODUCTS

| TASK | | PRODUCTS | TARGET DATE / FREQUENCY |
|------|---|-----------------------------|-------------------------|
| 1 | Prepare conformity determination for 2018 Regional Transportation Plan and 2019 Federal Transportation Improvement Program | Conformity Determination | August 2018 |
| 2 | Provide transportation data to Air Resources Board for use in emission budgets | Vehicle Miles Traveled Data | April 2019 |
| 3 | Contract jointly with the seven valley Metropolitan Planning Organizations for air quality conformity consultant services | Air Quality Coordination | Monthly |
| 4 | Cooperate with the San Joaquin Valley Air Pollution Control District in air quality planning and regulations which may affect transportation projects | Meetings | Quarterly |
| 5 | Participate in valley Interagency Consultation (IAC) group with federal and state agencies | Meetings | Quarterly |
| 6 | Prepare conformity determinations for Federal Transportation Improvement Program amendments (type 5) | Conformity Determination | Quarterly |
| 7 | Prepare project-level conformity determinations (hot-spot assessments) | Hot-Spot Analysis | As Needed |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| Senior Planner | 0.50 | \$68.17 | \$39.54 | \$107.72 |
| TOTAL PERSON MONTHS | 0.50 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|--------------------------|----------------------------|----------------------------|----------------------|----------------------------|----------------------------|
| STAFF COSTS | | | FHWA-PL Carryover | \$48,879 | \$8,005 |
| Wages/Benefits: | \$27,479 | \$6,406 | FHWA-PL | | \$16,116 |
| Est. Indirect: | \$16,900 | \$3,715 | FTA 5303 | \$7,500 | |
| SUBTOTAL | \$44,379 | \$10,121 | | | |
| DIRECT COSTS | | | | | |
| Professional Services | \$12,000 | \$14,000 | | | |
| Special Dept Expense | | | | | |
| Travel | | | | | |
| SUBTOTAL | \$12,000 | \$14,000 | | | |
| TOTAL | \$56,379 | \$24,121 | TOTAL | \$56,379 | \$24,121 |

Toll Credits Applied to PL: \$2,767

130 San Joaquin Valley Transportation Coordination

OBJECTIVE

To coordinate the transportation and air quality planning activities within the San Joaquin Valley Nonattainment Area to further the achievement of the goals and objectives of the Federal Transportation Act and the Federal Clean Air Act. These activities will be conducted in coordination and cooperation with regional and state transportation and air quality planning and regulatory agencies.

PREVIOUS WORK COMPLETED

- Formation of the San Joaquin Valley Regional Policy Council, 2007
- Formation of the San Joaquin Valley Regional Transportation Planning Agencies' Directors' Committee
- San Joaquin Valley Regional Transportation Plan (RTP) Overview, 1994
- Transportation Control Measure Plan, 1993
- San Joaquin Valley Transportation/Air Quality Modeling and Conformity, 1994
- Valley-wide Geographic Information System (GIS), 1994-1998

TASKS & PRODUCTS

| TASK | PRODUCTS | TARGET DATE / FREQUENCY |
|------|--|--|
| 1 | Contract jointly with the seven valley Regional Transportation Planning Agencies (RTPA) for consultant services to maintain a transportation liaison with the San Joaquin Valley Air Pollution Control District (SJVAPCD), California Air Resources Board, and United State Environmental Protection Agency- Air Branch on air quality issues, policy and procedures | Consultant services contract Monthly |
| 2 | Contract jointly for consultant services to manage regional transportation planning agencies | Valley wide Coordinator; Monthly meetings, Valley wide websites Monthly |
| 3 | Collaborate in long-range transportation planning processes | Valley wide Overall Work Program (OWP) Annually, or as needed |
| 4 | Coordinate the preparation of population and growth forecasts and transportation systems of valley wide significance | Valley wide RTP Chapter Annually, or as needed |
| 5 | Coordinate the development of the Federal Transportation Improvement Program (FTIP) process and procedures for their adoption | Valley wide FTIP procedures and schedule Monthly |
| 6 | Organize forums for policy board members and local government staff regarding regional transportation and air quality planning issues and proposals | Regional Policy Conference Spring 2019 |
| 7 | Cooperate with SJVAPCD in the preparation of transportation plans and programs and in air quality planning and regulations which may affect transportation projects | Interagency calls Quarterly |

| | | | |
|----|---|-----------------------------|--------------------|
| 8 | Implement the valley modeling strategy, in a coordinated manner | Meeting agendas, minutes | Monthly |
| 9 | Participate in valley wide goods movement planning | Meeting agendas, minutes | Monthly |
| 10 | Participate in valley wide intelligent transportation systems planning and deployment efforts | Meeting agendas, minutes | Monthly |
| 11 | Keep the Merced County Association of Governments' Governing Board and committees updated on valley wide coordination efforts | Staff reports, agenda items | At least quarterly |
| 12 | Participate in San Joaquin Valley Regional Transportation Planning Agencies' Directors Meetings | Agendas, minutes | Monthly |
| 13 | Participate in San Joaquin Valley Regional Policy Council meetings | Agendas, minutes | Quarterly |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| Executive Director | 1.25 | \$136.59 | \$79.22 | \$215.82 |
| Associate Planner | 0.25 | \$59.98 | \$34.79 | \$94.77 |
| Senior Planner | 0.50 | \$68.17 | \$39.54 | \$107.72 |
| Assistant Planner | 0.25 | \$50.95 | \$29.55 | \$80.50 |
| Deputy Director | 0.25 | \$104.93 | \$60.86 | \$165.79 |
| TOTAL PERSON MONTHS | 2.50 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|-----------------------|-----------------|-----------------|-------------------|-----------------|-----------------|
| STAFF COSTS | | | | | |
| Wages/Benefits: | \$66,538 | \$45,354 | FHWA-PL Carryover | \$108,959 | \$38,390 |
| Est. Indirect: | \$40,921 | \$26,305 | FHWA-PL | | \$43,469 |
| SUBTOTAL | \$107,459 | \$71,659 | FTA 5303 | \$7,500 | |
| DIRECT COSTS | | | | | |
| Professional Services | \$6,000 | \$6,000 | | | |
| Special Dept Expense | | | | | |
| Travel | | \$4,200 | | | |
| SUBTOTAL | | \$10,200 | | | |
| TOTAL | \$116,459 | \$81,859 | TOTAL | \$116,459 | \$81,859 |

Toll Credits Applied to PL: \$9,389

140 Passenger Rail Planning

OBJECTIVE

To participate in passenger rail planning in Merced County, including the Amtrak San Joaquins service managed by the San Joaquin Joint Powers Authority (SJJPA), Altamont Corridor Express (ACE), and High Speed Rail (HSR).

PREVIOUS WORK COMPLETED

- San Joaquin Joint Powers Authority (SJJPA) creation, 2012-2013
- Participation in the San Joaquin Valley Rail Working Group, 2012-2017

TASKS & PRODUCTS

| TASK | PRODUCTS | TARGET DATE / FREQUENCY |
|--|--------------------|-------------------------|
| 1 Participation in the Central Valley Rail Working Group | Meetings | Quarterly |
| 2 Participation as a member of the SJJPA | Meetings | Quarterly |
| 3 Coordinate with San Joaquin Regional Rail Commission and others on extending ACE rail service to Merced County | Meetings | Quarterly |
| 4 Provide letters of support for funding applications and requests from SJJPA and ACE | Letters of support | As needed |
| 5 Participate in HSR planning processes including station-area planning | Meetings | Quarterly |
| 6 Facilitate quarterly Passenger Rail Coordination Group meetings | Meetings | Quarterly |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| Assistant Planner | 0.50 | \$41.20 | \$23.89 | \$65.09 |
| Senior Planner | 1.00 | \$68.17 | \$39.54 | \$107.72 |
| TOTAL PERSON MONTHS | 1.50 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|-----------------------|-----------------|-----------------|-------------------|-----------------|-----------------|
| STAFF COSTS | | | FHWA-PL Carryover | | \$9,058 |
| Wages/Benefits: | | \$16,383 | FHWA-PL | | \$16,827 |
| Est. Indirect: | | \$9,502 | | | |
| SUBTOTAL | | \$25,885 | | | |
| DIRECT COSTS | | | | | |
| Professional Services | | | | | |
| Special Dept Expense | | | | | |
| Travel | | | | | |
| SUBTOTAL | | | | | |
| TOTAL | | \$25,885 | TOTAL | | \$25,885 |

Toll Credits Applied to PL: \$2,969

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150 Federal Transportation Improvement Program (FTIP)

OBJECTIVE

To maintain a Federal Transportation Improvement Program (FTIP), which is a federally-mandated, four-year program of all transportation projects and programs that receive federal funding or are subject to federal action.

To manage and monitor the region's Congestion Mitigation Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP).

To meet the requirements of demonstrating financial constraint, giving the public the opportunity to comment, and conforming to the State Implementation Plan with consideration to the Federal Clean Air Act.

To carry out the federal mandates of the Fixing America's Surface Transportation (FAST) Act and implement the priorities of Merced County Association of Governments' (MCAG) Regional Transportation Plan.

PREVIOUS WORK COMPLETED

- Processed 2015 FTIP Amendments 6-18, Completed June 2015 through November 2016;
- Processed 2017 FTIP Amendments 1-11, Completed March 2017 through December 2017;
- Interagency Consultation (IAC) memo re: PM10 and PM2.5 Hot-Spot Assessment for Livingston Roundabout at B and Main Streets, circulated in August 2017, Approved by Environmental Protection Agency and Caltrans in September 2017;
- Addressed Federal Rescission of CMAQ and Assembly Bill 1012 with Board, Completed January 2018;
- Participated in quarterly California Federal Programming Group (CFPG) meetings;
- Participated in San Joaquin Valley Councils of Government "Swap Meet" planning and programming coordination discussions.
- 2017 FTIP/Federal Statewide Transportation Improvement Program (FSTIP), Approved in December 2016.

CMAQ:

- Issued CMAQ "Call for Projects," September through December 2016;
- Facilitated CMAQ Panel scoring of CMAQ applications, Completed February 2017;
- Obtained Board approval of new CMAQ projects/programs, Completed April 2017;
- Programmed new CMAQ projects/programs, Approved May 2017;
- Obligated the public outreach and marketing funding for Transit Joint Powers Authority (TJPA) and for Yosemite Area Regional Transportation System (YARTS), Completed June 2017;
- Obligated the funding for MCAG's Vanpooling Program, Completed July 2017;
- Completed the Annual Report in FHWA's User Profile and Access Control System (UPACS) database, Completed December 2017.

RSTP:

- Processed Caltrans-MCAG RSTP Exchange Agreement, Submitted May 2017;
- Submitted RSTP Invoice to Caltrans for payment, Submitted May 2017;

- Obtained Board approval of RSTP apportionment distribution and claim process, Completed June 2017;
- Processed claims and payments for all seven member jurisdictions, Completed July through September 2017;
- Annual RSTP Summary Report submitted to Caltrans Headquarters Local Assistance, September 2017.

TASKS & PRODUCTS

| TASK | | PRODUCTS | TARGET DATE / FREQUENCY |
|------------------|---|---------------------------|-------------------------|
| 1 | <p>Prepare FTIP Amendment to address changes to federal apportionments (CMAQ, RSTP) and federally-funded projects/programs (CMAQ, State Highway Operation and Protection Program (SHOPP), Highway Bridge Program (HBP), Highway Safety Improvement Program (HSIP), Active Transportation Program (ATP), Federal Transit Administration (FTA), Federal Lands Access Program (FLAP)/Federal Lands Transportation Program (FLTP), etc.)</p> <ul style="list-style-type: none"> • Prepare IAC memos; • Prepare Summary of Changes; • Update the Caltrans California Transportation Improvement Program System (CTIPS) database; • Generate the CTIPS report; • Update the Financial Summary Tables (Revenue, Programming, Revenue vs Programming) to demonstrate fiscal constraint; • Comply with MCAG’s Public Participation Plan (PPP) and FTA Program of Projects (POP) requirements; • Address conformity requirements; • Website updates (i.e. grouped project listings), as needed. | FTIP Amendment | Monthly |
| 2 | Monitor Caltrans website for SHOPP Amendments and coordinate with Caltrans SHOPP Coordinator | FTIP Amendment | Monthly |
| 3 | Review CMAQ/RSTP Monthly Activity Reports posted on Caltrans Local Assistance website | Monthly Reports | Monthly |
| 4 | Monitor Caltrans’ Inactive Projects Listing and address with project lead agencies | Notice emails | Monthly |
| 5 | Participate in quarterly CFPG meetings | Agendas and minutes | Quarterly |
| 6 | Participate in Valley COG planning and programming coordination discussions | Agendas and minutes | Quarterly |
| 7 | Assist member jurisdictions to circulate IAC memo re: PM10 and PM2.5 Hot-Spot Assessment for Projects | IAC memo | As needed |
| 2019 FTIP | | | |
| 8 | Concept Memo | Concept Memo | March 2018 |
| 9 | Website updates of process and schedule (inclusive of comment period notice for 2019 FSTIP) | Website updates | March – October 2018 |
| 10 | CTIPS carryover and management of projects/programs | CTIPS (Draft FTIP Module) | April – July 2018 |
| 11 | Draft 2019 FTIP for public review and comment | Draft 2019 FTIP | July 2018 |
| 12 | Final 2019 FTIP for Board approval | Final 2019 FTIP | August 2018 |
| CMAQ | | | |

| | | | |
|-------------|---|--|-----------------------|
| 13 | Update CMAQ policy and procedures | CMAQ policy and procedures | May 2018 |
| 14 | Prepare CMAQ emissions reduction & cost-effectiveness calculation spreadsheet | Spreadsheet calculator tool | June 2018 |
| 15 | Assess status of projects and funding capacity; Initiate CMAQ "Call for Projects" | Agenda item for Board action | August 2018 |
| 16 | Review CMAQ applications for eligibility and completeness | Checklist | October 2018 |
| 17 | Convene CMAQ committee to evaluate CMAQ applications | Agenda | November 2018 |
| 18 | Program new projects/programs | FTIP Amendment | January 2019 |
| 19 | Monitor status of projects/programs; Assist member jurisdictions with obligation and delivery of projects/programs | Email inquiries and guidance | Quarterly |
| 20 | Monitor status of Buy America Partial Waiver Requests on FHWA's website and Federal Register publication | FHWA website status and Federal Register | Monthly |
| 21 | Process obligations of public outreach and marketing funds for TJPA and YARTS <ul style="list-style-type: none"> • PES NI - Preliminary Environmental Study for non-infrastructure projects • NEPA - National Environmental Protection Act • CE - Categorical Exemption • DBE - Disadvantaged Business Enterprise • RFA NI - Request for Authorization for non-infrastructure projects • PSA - Program Supplemental Agreement | PES NI's for NEPA CE's; DBE's; RFA NI for E-76's; PSA's (see acronym list under item 21) | January – July 2018 |
| 22 | Provide balance of fund balances for TJPA and for YARTS | Fund balances | Quarterly |
| 23 | Submit Obligation Plan to Caltrans Local Assistance | Obligation Plan | April 2018 |
| 24 | Prepare and web-post the Annual Obligation Report | Obligation Report | November 2018 |
| 25 | Submit Annual Report in FHWA's UPACS database | Annual Report | December 2018 |
| RSTP | | | |
| 26 | Process the State exchange of RSTP funds | RSTP Exchange Agreement | May 2018 |
| 27 | Request State payment of exchanged RSTP funds | Funding request | May 2018 |
| 28 | Monitor status of electronic payment transfer by State Controllers Office | Online status | Monthly |
| 29 | Assess and prepare RSTP apportionment distribution, and accompanying Board resolution authorizing the claim process and payments | Agenda item for Board action | June 2018 |
| 30 | Release notice of available RSTP funds and claim process to member jurisdictions | RSTP notices | July 2018 |
| 31 | Review and process RSTP claims for eligibility and completeness | Payment authorization emails to accounting | July – September 2018 |
| 32 | Submit Annual RSTP Summary Report to Caltrans | Annual RSTP Summary Report | September 2018 |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| Senior Planner | 1.00 | \$68.17 | \$39.54 | \$107.72 |
| Associate Planner | 6.75 | \$59.98 | \$34.79 | \$94.77 |
| TOTAL PERSON MONTHS | 7.75 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|-----------------------|-----------------|-----------------|--------------------|-----------------|-----------------|
| STAFF COSTS | | | FHWA-PL Carryover | \$92,388 | \$9,146 |
| Wages/Benefits: | \$57,206 | \$82,988 | FHWA-PL | | \$11,975 |
| Est. Indirect: | \$35,182 | \$48,133 | FTA 5303 Carryover | | \$10,000 |
| SUBTOTAL | \$92,388 | \$131,121 | LTF | | \$100,000 |
| DIRECT COSTS | | | | | |
| Professional Services | | | | | |
| Special Dept Expense | | | | | |
| Travel | | | | | |
| SUBTOTAL | | | | | |
| TOTAL | \$92,388 | \$131,121 | TOTAL | \$92,388 | \$131,121 |

Toll Credits Applied to PL: \$2,423
Toll Credits Applied to 5303: \$1,147

151 Regional Transportation Improvement Program (RTIP)

OBJECTIVE

To coordinate local planning efforts with other regional, State, and Federal agencies, and to monitor and respond to policies that will affect the development and the implementation of the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP).

To monitor the implementation of State Transportation Improvement Program (STIP) projects in Merced County, including project delivery, timely use of funds, and compliance with State law and the California Transportation Commission’s guidelines.

PREVIOUS WORK COMPLETED

- 2018 RTIP, Completed November 2018.

TASKS & PRODUCTS

| TASK | PRODUCTS | TARGET DATE / FREQUENCY |
|------|---|--|
| 1 | Submit Proposition 1B State Route-99 (SR-99) Bond Accountability progress reports and eventually the Supplemental Final Delivery Report (SFDR) | Progress reports; SFDR Quarterly |
| 2 | Monitor and make payments to consultant for right-of-way closeout work for the fully-constructed Atwater-Merced Expressway (AME), Phase 1A | Progress invoices Monthly |
| 3 | Work with Caltrans District 10 on further development for the SR-99 Widening through Merced | Staging; Financial Plan Quarterly |
| 4 | Participate in Caltrans District 10 Project Initiation Document (PID) development for the SR-99 Widening through Atwater | Project Study Report (PSR) - Project Development Support (PDS) Bi-monthly |
| 5 | Participate with Merced County (lead agency) on the consultant development of the PSR-Equivalent for AME Phase 1B | PSR-Equivalent Bi-monthly |
| 6 | Review and approve Planning, Programming and Monitoring (PPM) payments for the AME Phase 1B consultant work | Progress invoices Monthly |
| 7 | Review and approve PPM payments for the Regional Multiuse Paths Feasibility Study | Progress invoices Monthly |
| 8 | Update status and funding needs chart for posting on MCAG’s website | Status and funding needs chart Quarterly |
| 9 | Participate in monthly California Regional Transportation Planning Agency (CalRTPA) meetings | Agenda and minutes Monthly |
| 10 | Participate in SB 45 discussions with Caltrans District 10 management and project management staff | Agenda and minutes; Project status summary Quarterly |
| 11 | Participate in Caltrans development of State Highway Operation and Protection Program (SHOPP) projects in the Merced Region (i.e. SR-59/Olive Ave/Santa Fe Intersection Signalization Improvements; Pavement rehabilitation of SR-99 through Atwater) | Comments Quarterly |

| | | | |
|----|---|----------------------------|------------|
| 12 | Complete FHWA Annual Goods Movement Survey | FHWA Goods Movement Survey | Annually |
| 13 | Monitor status of Caltrans repayment of unused local funds for the Los Banos Bypass Project | Email communication | Bi-monthly |
| 14 | Compile priority listing of regional transportation projects (i.e. for new federal or state funding considerations) | Priority projects list | As needed |
| 15 | Address public inquiries regarding future implementation of remaining phases of the AME | | As needed |
| 16 | Assist member jurisdictions with delivery of projects on the State's Highway System (i.e. Gustine Roundabout; SR-59/16 th Street Improvements) | | As needed |
| 17 | Explore funding options for other possible regional projects (i.e. Pioneer Road Improvements; Livingston SR-99 On-ramp Improvements; Merced SR-99 On- and Off- Ramps) | | As needed |
| 18 | Monitor Senate Bill 1 Trade Corridor Enhancement Program and apply or assist applications for funding for eligible projects | Staff reports, application | As needed |
| 19 | Monitor SB 1 Solutions for Congested Corridors funding program | Staff reports, application | As needed |
| 20 | Administer SB 1 Local Partnership Program (LPP) formula funding | LPP Policy and procedures | March 2019 |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| Senior Planner | 1.00 | \$68.17 | \$39.54 | \$107.72 |
| Associate Planner | 1.00 | \$59.98 | \$34.79 | \$94.77 |
| TOTAL PERSON MONTHS | 2.00 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|-----------------------|-----------------|-----------------|--------------------|-----------------|-----------------|
| STAFF COSTS | | | FHWA-PL Carryover | \$75,441 | \$26,669 |
| Wages/Benefits: | \$46,713 | \$23,208 | FTA 5303 Carryover | | \$10,000 |
| Est. Indirect: | \$28,728 | \$13,461 | | | |
| SUBTOTAL | \$75,441 | \$36,669 | | | |
| DIRECT COSTS | | | | | |
| Professional Services | | | | | |
| Special Dept Expense | | | | | |
| Travel | | | | | |
| SUBTOTAL | | | | | |
| TOTAL | \$75,441 | \$36,669 | TOTAL | \$75,441 | \$36,669 |

Toll Credits Applied to PL: \$3,059
Toll Credits Applied to 5303: \$1,147

170 Traffic Modeling

OBJECTIVE

To meet state and federal requirements regarding transportation modeling; to support other work elements including the Regional Transportation Plan (RTP); to maintain and update the traffic model and the calibration and validation of it; to update traffic model tools.

PREVIOUS WORK COMPLETED

- Three-county traffic model (San Joaquin, Stanislaus, Merced) validation and deployment (Model Improvement Program), 2012-2013
- Three-county Model update (Model Improvement Program 2), 2014-2016
- Three-county Model revalidation, 2017

TASKS & PRODUCTS

| TASK | | PRODUCTS | TARGET DATE / FREQUENCY |
|------|---|------------------------------|-------------------------|
| 1 | Participate in staff meetings of San Joaquin Valley Model Improvement team | Meetings | Quarterly |
| 2 | Participate in Three-county Model team meetings with San Joaquin Council of Governments and Stanislaus Council of Governments | Meetings | Monthly |
| 3 | Maintain and update traffic model networks and demographic data | Traffic model | As needed |
| 4 | Maintain and update calibration and validation of model consistent with state and federal standards | Validation report | December 2018 |
| 5 | Conduct model runs for RTP and other planning studies | Model runs and data | Quarterly |
| 6 | Prepare staff reports, presentations, and documents related to modeling and modeling related programs | Staff reports, presentations | Quarterly |
| 7 | Collect data to improve model calibration and validation performance in Merced County | Data and reports | June 2019 |
| 8 | Conduct comprehensive updates to model performance and usability and/or develop single-county model | Model update | FY 2019-2020 |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| Assistant Planner | 2.00 | \$50.95 | \$29.55 | \$80.50 |
| Senior Planner | 2.00 | \$68.17 | \$39.54 | \$107.72 |
| TOTAL PERSON MONTHS | 4.00 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|--------------------------|----------------------------|----------------------------|----------------------|----------------------------|----------------------------|
| STAFF COSTS | | | FHWA-PL Carryover | \$100,000 | \$80,845 |
| Wages/Benefits: | | \$43,286 | FHWA-PL | | \$87,547 |
| Est. Indirect: | | \$25,106 | LTF | | \$100,000 |
| SUBTOTAL | | \$68,392 | | | |
| DIRECT COSTS | | | | | |
| Professional Services | \$100,000 | \$200,000 | | | |
| Special Dept Expense | | | | | |
| Travel | | | | | |
| SUBTOTAL | \$100,000 | \$200,000 | | | |
| TOTAL | \$100,000 | \$268,392 | TOTAL | \$100,000 | \$268,392 |

Toll Credits Applied to PL: \$19,315

180 Geographic Information System (GIS)

OBJECTIVE

To support the transportation planning efforts of Merced County Association of Governments (MCAG) by maintaining and producing authoritative GIS data to share with policy makers, agency staff and the public. This includes preparing maps, technical reports, digital GIS data layers and GIS web applications.

PREVIOUS WORK COMPLETED

- Updating and maintenance of GIS data layers, Monthly
- Updating and maintenance of MCAG’s GIS websites and web applications, Monthly
- Publish GIS data and web services on MCAG’s ArcGIS online account, Monthly
- Updated maps for Transit Joint Powers Authority (TJPA) transit route brochures, July 2017
- GIS data layers and maps created for the Los Banos Bicycle – Pedestrian Plan, March 2018
- Updated General Plan and Zoning maps for jurisdictions, October 2017
- Presentation at GIS 101 Workshop at California State University, Fresno, May 2017

TASKS & PRODUCTS

| TASK | | PRODUCTS | TARGET DATE / FREQUENCY |
|------|--|--|-------------------------|
| 1 | Software installation and maintenance | Maintained software | Annually |
| 2 | Create, collect and update general GIS base map data layers including road centerline file, address point file, regional land use and boundary layers | GIS data layers | Monthly |
| 3 | Provide staff support to local jurisdictions in GIS and planning related projects and products | GIS data layers, GIS web applications, maps, reports, documents | Monthly |
| 4 | Enhance the partnership with local universities and Merced College to improve MCAG’s planning capabilities | GIS event, maps, presentations | Annually |
| 5 | Provide training and on-site technical support appointments to our local jurisdictions and TJPA staff to use GIS data layers, and GIS applications, such as ArcGIS Collector | GIS data layers, GIS web applications, maps, procedural documentation | Monthly |
| 6 | Ensure a coordinated and comprehensive approach with our local jurisdictions to update and standardize shared GIS data | GIS data layers, meeting agendas and minutes, procedural documentation, GIS web services | Quarterly |
| 7 | Continue to be a resource for authoritative GIS data for the region, including consultants, local jurisdictions and the public | GIS data layers, GIS website, publish data on ArcGIS Online | Monthly |
| 8 | Create and update GIS data layers, perform geoprocessing, mapping and geospatial analysis for Federal Transportation | GIS data layers, maps, | Annually |

| | | | |
|----|---|-------------------------------------|-------------|
| | Improvement Program, Regional Transportation Improvement Program and RTP | presentation materials | |
| 9 | Create and update GIS data layers, perform geoprocessing, mapping and geospatial analysis for Unmet Transit Needs Analysis and report | GIS data layers, maps, report | Annually |
| 10 | Create and update GIS data layers, perform geoprocessing, mapping and geospatial analysis for alternative modes planning and grant applications | GIS data layers, maps, applications | Monthly |
| 11 | Create and update transit related GIS data layers, perform geoprocessing, mapping and geospatial analysis for TJPA | GIS data layers, maps, reports | Annually |
| 12 | Assist local jurisdictions with integration and maintenance of GIS data layers with the pavement management system | GIS data layers | Bi-annually |
| 13 | Attend GIS training and workshops to stay up-to-date with current technology and best practices | Training notes | Bi-annually |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| GIS Analyst | 4.25 | \$62.87 | \$36.46 | \$99.33 |
| Associate Planner | 2.00 | \$50.95 | \$29.55 | \$80.50 |
| TOTAL PERSON MONTHS | 6.25 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|---|-----------------|-----------------|-------------------|-----------------|-----------------|
| STAFF COSTS | | | FHWA-PL Carryover | \$41,095 | \$58,582 |
| Wages/Benefits: | \$20,802 | \$63,972 | FHWA-PL | | \$50,494 |
| Est. Indirect: | \$12,793 | \$37,104 | | | |
| SUBTOTAL | \$33,595 | \$101,076 | | | |
| DIRECT COSTS | | | | | |
| Office Expense | \$1,500 | | | | |
| Special Dept Expense | | | | | |
| -Media and supplies | | \$1,500 | | | |
| -Software, licensing, technical support | \$5,000 | \$6,500 | | | |
| Travel | \$1,000 | | | | |
| SUBTOTAL | \$7,500 | \$8,000 | | | |
| TOTAL | \$41,095 | \$109,076 | TOTAL | \$41,095 | \$109,076 |

Toll Credits Applied to PL: \$12,511

190 State Data Center Affiliate

OBJECTIVE

To perform the duties as a State Data Center (SDC) Affiliate and provide assistance to member agencies and the general public in obtaining, analyzing and utilizing census and other demographic data in support of the area wide transportation planning process.

PREVIOUS WORK COMPLETED

- Response to data requests from governmental agencies, businesses, academic institutions and the public in support of transportation-related work, July 2017 - Ongoing
- Dissemination of U.S. Census, State Department of Finance, and other information to member agencies and the public, July 2017 - Ongoing
- Development of socio-economic data for Merced County Association of Governments (MCAG) prepared reports and plans, July 2017 - Ongoing
- Attended workshops and training for Census Bureau programs such as the Block Boundary Suggestion Program (BBSP) and Local Update of Census Addresses (LUCA), May 2017
- Attend California State Data Center Affiliate meetings, October 2016 - Annually

TASKS & PRODUCTS

| TASK | | PRODUCTS | TARGET DATE / FREQUENCY |
|------|---|---|-------------------------|
| 1 | Develop socioeconomic information for MCAG prepared reports and plans | Charts, reports, plans, maps | Ongoing |
| 2 | Provide links to Census Bureau data on MCAG websites | Website links | Ongoing |
| 3 | Attend workshops and training related to Census Bureau programs | Meeting notes | Quarterly |
| 4 | Attend SDC network affiliate meetings | Meeting notes | Annually, as needed |
| 5 | Participate in Census Bureau Geography programs | Electronic data submission to Census Bureau | As needed |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| GIS Analyst | 0.25 | \$62.87 | \$36.46 | \$99.33 |
| TOTAL PERSON MONTHS | 0.25 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|-----------------------|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| STAFF COSTS | | | FHWA-PL | | \$4,306 |
| Wages/Benefits: | | \$2,725 | | | |
| Est. Indirect: | | \$1,581 | | | |
| SUBTOTAL | | \$4,306 | | | |
| DIRECT COSTS | | | | | |
| Professional Services | | | | | |
| Special Dept Expense | | | | | |
| Travel | | | | | |
| SUBTOTAL | | | | | |
| TOTAL | | \$4,306 | TOTAL | | \$4,306 |

Toll Credits Applied to PL: \$494

210 Regional Transportation Impact Fee

OBJECTIVE

To administer the regional transportation impact fee (RTIF) program consistent with state law Government Code 66000, designed to mitigate the impact of new development on the regional transportation system.

PREVIOUS WORK COMPLETED

- RTIF study updates, 2008 and 2016
- RTIF Implementation Agreement, 2005
- RTIF Ordinance, 2005
- RTIF Study, 2005

TASKS & PRODUCTS

| TASK | PRODUCTS | TARGET DATE / FREQUENCY |
|------|---|-------------------------|
| 1 | Implement the program changes outlined by the Governing Board in FY 17-18 | |
| 2 | Administer the RTIF Trust Fund | Monthly |
| | Receive all fees collected by local jurisdictions | Annual Report |
| | Administer the accounting procedures | Reports to GB and TRB |
| | Establish separate and necessary accounts within the fund | |
| | Disperse funds according to the purpose and intent of the Ordinance | |
| | Closeout accounting books for the year for audit | Annual Report |
| 3 | Develop and distribute RTIF Annual Report | Annual Report |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| Executive Director | 0.25 | \$136.59 | \$79.22 | \$215.82 |
| Assistant Planner | 1.00 | \$41.20 | \$23.89 | \$65.09 |
| TOTAL PERSON MONTHS | 1.25 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|---------------------|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| STAFF COSTS | | | RTIF | \$12,892 | \$27,633 |
| Wages/Benefits: | \$4,577 | \$13,059 | | | |
| Est. Indirect: | \$2,815 | \$7,574 | | | |
| SUBTOTAL | \$7,392 | \$20,633 | | | |
| DIRECT COSTS | | | | | |
| Auditing | \$4,000 | \$4,000 | | | |
| Legal | \$1,500 | \$3,000 | | | |
| Travel | | | | | |
| SUBTOTAL | \$5,500 | \$7,000 | | | |
| TOTAL | \$12,892 | \$27,633 | TOTAL | \$12,892 | \$27,633 |

220 Measure V Implementation and Administration

OBJECTIVE

To provide staff support for the administration and implementation of Measure V as outlined in the 2016 Merced County Transportation Expenditure Plan.

PREVIOUS WORK COMPLETED

- Measure V Workshop with Financial Advisors – November 2017
- Establishment of the Eastside and Westside Regional Projects Committee – Summer 2017
- Master Recipient Funding Agreements with member agencies – Summer 2017
- Establishment of the Citizens Oversight Committee – May 2017
- Merced County’s ½ Cent Transportation Sales Tax Measure - Passed by voters, November 2016
- Development of the Measure V Transportation Expenditure Plan – 2016

TASKS & PRODUCTS

| TASK | PRODUCTS | TARGET DATE / FREQUENCY |
|---|---------------------------------------|------------------------------------|
| 1 Organize and staff the Eastside and Westside Regional Projects Committees | Agendas, Minutes | Quarterly – Aug, Nov, Feb, May |
| 2 Organize and staff the Citizens Oversight Committee | Agendas, Minutes, | Quarterly – Sept, Dec, March, June |
| 3 Collect quarterly expenditure reports from member agencies | Expenditure Reports and documentation | Quarterly – Aug, Oct, Jan, April |
| 4 Develop the 2019 Measure V Implementation Plan | Implementation Plan | October 2018 |
| 5 Coordinate financial advisor consultant services | Cash flow model, Implementation Plan | October 2018 |
| 6 Produce the 2018 Measure V Annual Report | Annual Report | July 2018 |
| 7 Organize a Measure V Community Event | Program, Invitation, Presentations | July 2018 |
| 8 Develop the draft 2019 Measure V Annual Report | Draft Annual Report | June 2019 |
| 9 Maintain the Measure V website | Updated website | Monthly |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|----------------------------|---------------|-------------------------|---------------|-------------------|
| Executive Director | 0.50 | \$136.59 | \$79.22 | \$215.82 |
| Assistant Planner | 2.50 | \$41.20 | \$23.89 | \$65.09 |
| Senior Planner | 2.00 | \$68.17 | \$39.54 | \$107.72 |
| Deputy Executive Director | 3.85 | \$104.93 | \$60.86 | \$165.79 |
| Finance Director | 0.75 | \$68.69 | \$39.84 | \$108.53 |
| TOTAL PERSON MONTHS | 9.6 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|-----------------------|------------------|------------------|--------------|------------------|------------------|
| STAFF COSTS | | | Measure V | \$150,000 | \$150,000 |
| Wages/Benefits: | \$98,175 | \$134,266 | LTF | \$144,553 | \$119,140 |
| Est. Indirect: | \$60,378 | \$77,874 | | | |
| SUBTOTAL | \$158,553 | \$212,140 | | | |
| DIRECT COSTS | | | | | |
| Professional Services | \$133,000 | \$50,000 | | | |
| Special Dept Expense | | \$1,000 | | | |
| Travel | \$3,000 | \$6,000 | | | |
| SUBTOTAL | \$136,000 | \$57,000 | | | |
| TOTAL | \$294,553 | \$269,140 | TOTAL | \$294,553 | \$269,140 |

240 Transportation Development Act (TDA) Fund Administration

OBJECTIVE

To administer the Local Transportation Fund (LTF) and the State Transit Assistance (STA) Fund pursuant to the California Transportation Act (TDA).

PREVIOUS WORK COMPLETED

- Administration of LTF since 1972, and STA since 1980;
- Certification of the Yosemite Area Regional Transportation System (YARTS) as an eligible recipient for STA funding on September 21, 2017.

TASKS & PRODUCTS

| TASK | PRODUCTS | TARGET DATE / FREQUENCY | |
|--|--|--|---------------------------|
| Local Transportation Fund (LTF) | | | |
| 1 | Conduct Social Service Transportation Advisory Council meetings | Agenda, meeting minutes, presentations | Annually, as needed |
| 2 | Organize public hearings throughout the county to identify unmet transit needs | Flyers, agenda, outreach materials, public comment documentation | Annually, November 2018 |
| 3 | Compile all comments received at unmet transit needs hearings and evaluate each one under the adopted regional definitions for “unmet need” and “reasonable to meet” | Unmet Transit Needs Report | Annually, December 2018 |
| 4 | Prepare final Unmet Transit Needs Report and Analysis and submit report and formal recommendation to the Board | Unmet Transit Needs report, MCAG Board Resolution | Annually, January 2019 |
| 5 | Apportion LTF funds and assist in claim preparation with local jurisdictions | Claim forms | Annually, March 2019 |
| 6 | Review claims for conformance with applicable TDA law, the Regional Transportation Plan, and Short-Range Transit Plans | Claim forms | Annually, April 2019 |
| 7 | Submit claim forms and allocation instructions to MCAG Board for approval | MCAG Board Resolution | Annually, May – June 2019 |
| 8 | Submit required unmet transit needs finding documentation to Caltrans | Documentation package | Annually, August 2019 |
| 9 | Review and update “unmet transit need” and “reasonable to meet” definitions and evaluation criteria | MCAG Board resolution, updated definitions | Annually, as needed |
| State Transit Assistance (STA) | | | |
| 10 | Monitor STA PUC 99313 (Regional) & PUC 99314 (Transit Operator) allocations to the Merced County Treasurer | Remittance statement | Quarterly |

| | | | |
|----|---|----------------------------|-----------|
| 11 | Prepare claim forms for the Transit Joint Powers Authority (TJPA) and for the Yosemite Area Regional Transportation System (YARTS) to submit to MCAG for approval | TJPA claim; YARTS claim | Quarterly |
| 12 | Prepare MCAG Board action to approve the TJPA and the YARTS claims | MCAG Board Resolution | Quarterly |
| 13 | Submit MCAG request along Board Resolution to the Merced County Auditor/Controller for the payments of held STA PUC 99313 (Regional) & PUC 99314 (Transit Operators) funds to the transit operators | Payment request package | Quarterly |
| 14 | Contract for MCAG LTF/STA Audit and coordinate with member jurisdictions | Annual | June 2019 |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------|---------------|-------------------------|---------------|-------------------|
| Associate Planner | 0.50 | \$59.98 | \$34.79 | \$94.77 |
| GIS Analyst | 1.50 | \$62.87 | \$36.46 | \$99.33 |
| TOTAL PERSON MONTHS | | 2.00 | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|-----------------------|-----------------|-----------------|---------|-----------------|-----------------|
| STAFF COSTS | | | TDA-LTF | \$94,010 | \$52,038 |
| Wages/Benefits: | \$46,514 | \$21,543 | | | |
| Est. Indirect: | \$28,606 | \$12,495 | | | |
| SUBTOTAL | \$75,120 | \$34,038 | | | |
| DIRECT COSTS | | | | | |
| Professional Services | \$18,890 | \$18,000 | | | |
| Special Dept Expense | | | | | |
| Travel | | | | | |
| SUBTOTAL | \$18,890 | \$18,000 | | | |
| TOTAL | \$94,010 | \$52,038 | TOTAL | \$94,010 | \$52,038 |

290 Overall Work Program

OBJECTIVE

To develop, monitor and administer the Overall Work Program (OWP) and budget consistent with state and federal funding priorities while being responsive to local agency needs. Also, to involve local technical staff and administrative officers in the transportation planning process.

PREVIOUS WORK COMPLETED

- Quarterly Reports to Caltrans-Quarterly
- Draft OWP Budget – 3/2018
- Final OWP and Budget – 6/2018
- Draft OWP Budget – 3/2018

TASKS & PRODUCTS

| TASK | | PRODUCTS | TARGET DATE / FREQUENCY |
|------|--|----------------------|-------------------------|
| 1 | Initiate OWP process through management meeting and discussions, review planning phases area | Paper | Annual |
| 2 | Prepare Draft OWP and Budget | Electronically | 2/2019 |
| 3 | Prepare Final OWP | Electronically/Paper | 5/2019 |
| 4 | Maintain and monitor staff work plan | Electronically | Monthly |
| 5 | Reconcile Indirect Cost Allocation | Electronically/Paper | Monthly |
| 6 | Review the budget versus actual | Electronically/Paper | Monthly |

STAFF TIME

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE 58% | TOTAL HOURLY RATE |
|---------------------------|---------------|-------------------------|---------------|-------------------|
| Finance Director | 1.50 | \$68.69 | \$39.84 | \$108.53 |
| Accountant I | 0.25 | \$34.66 | \$20.10 | \$54.76 |
| Accountant I | 1.00 | \$39.27 | \$22.78 | \$62.05 |
| Senior Accountant | 1.00 | \$54.26 | \$31.47 | \$85.73 |
| Deputy Executive Director | 0.50 | \$104.93 | \$60.86 | \$165.79 |
| TOTAL PERSON MONTHS | 4.25 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|--------------------------|----------------------------|----------------------------|----------------------|----------------------------|----------------------------|
| STAFF COSTS | | | | | |
| Wages/Benefits: | \$108,264 | \$44,667 | FHWA-PL Carryover | \$156,846 | \$41,709 |
| Est. Indirect: | \$66,582 | \$25,907 | FHWA-PL | \$18,000 | \$28,865 |
| SUBTOTAL | \$174,846 | \$70,574 | | | |
| DIRECT COSTS | | | | | |
| Professional Services | | | | | |
| Special Dept Expense | | | | | |
| Travel | | | | | |
| SUBTOTAL | \$0 | \$0 | | | |
| TOTAL | \$174,846 | \$70,574 | TOTAL | \$174,846 | \$70,574 |

Toll Credits Applied to PL: \$8,095

900 Indirect

OBJECTIVE

To support all other work elements and properly maintain all assets of the agency.

PREVIOUS WORK COMPLETED

- Overall Work Program completed FY 2017/2018
- Overall Work Program completed FY 2016/2017
- Overall Work Program completed FY 2015/2016
- Overall Work Program completed FY 2014/2015

TASKS & PRODUCTS

| TASK | PRODUCTS | TARGET DATE / FREQUENCY |
|---|---------------|-------------------------|
| 1 Participate in California Council of Governments (CALCOG) meetings and events | Meeting notes | Quarterly |
| 2 Management <ul style="list-style-type: none"> • Oversight of staff and sub agencies • Keep the Board advised of financial conditions, program process, and present and future needs of the agency • Prepare and submit reports of activities to the Board • Serve as a resource for the Board, Department personnel, staff, other organizations, and the public | Daily | On going |
| 3 Accounting <ul style="list-style-type: none"> • Payroll • Yearend audits. • Daily accounts payable and receivables. • Reconciling all accounting accounts • Process timesheet into the accounting system • Review and implement accounting policies and procedures | Daily | On Going |
| 4 Human Resources <ul style="list-style-type: none"> • Participates in the recruitment and selection process for new employees • Maintain personnel files • Determine work procedures and issues written and verbal instruction. • Maintain personnel files | Daily | On Going |
| 5 Administrative Services. <ul style="list-style-type: none"> • Prepare agenda materials • Maintain offices filling system • Respond to question and concerns from the public. • Update and reformat government directories • Serve as an assistant to various committees, commission. • Maintain office inventory • Prepare mailing for various project | Daily | On Going |

STAFF TIME-INDIRECT

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE | TOTAL HOURLY RATE |
|--------------------------------|----------------------|--------------------------------|------------------|--------------------------|
| Executive Director | 4.00 | \$136.59 | | \$136.59 |
| HR & Risk Manager | 4.00 | \$64.23 | | \$64.23 |
| Finance Director | 2.75 | \$68.69 | | \$68.69 |
| Accountant I | 5.75 | \$34.66 | | \$34.66 |
| Accountant I | 6.00 | \$39.27 | | \$39.27 |
| Senior Accountant | 6.25 | \$54.26 | | \$54.26 |
| Accounting Clerk | 7.00 | \$25.96 | | \$25.96 |
| Purchasing & Contracts Manager | 2.50 | \$58.35 | | \$58.35 |
| Custodian | 5.50 | \$31.44 | | \$31.44 |
| Assistant Planner | 0.50 | \$50.95 | | \$50.95 |
| Deputy Executive Director | 0.50 | \$104.93 | | \$104.93 |
| Public Program Specialist II | 3.00 | \$45.01 | | \$45.01 |
| Administrative Assistant II | 2.00 | \$42.50 | | \$42.50 |
| Public Program Specialist I | 5.00 | \$36.74 | | \$36.74 |
| TOTAL PERSON MONTHS | 54.75 | | | |

PTO

| POSITION | PERSON MONTHS | HOURLY RATE WITH FRINGE | ICAP RATE | TOTAL HOURLY RATE |
|----------------------------------|----------------------|--------------------------------|------------------|--------------------------|
| Executive Director | 2.00 | \$136.59 | | \$136.59 |
| HR & Risk Manager | 2.00 | \$64.23 | | \$64.23 |
| Finance Director | 2.00 | \$68.69 | | \$68.69 |
| Accountant I | 1.75 | \$34.66 | | \$34.66 |
| Accountant I | 1.75 | \$39.27 | | \$39.27 |
| Senior Accountant | 1.50 | \$54.26 | | \$54.26 |
| Accounting Clerk | 1.50 | \$25.96 | | \$25.96 |
| Purchasing & Contracts Manager | 2.00 | \$58.35 | | \$58.35 |
| Custodian | 1.50 | \$31.44 | | \$31.44 |
| Assistant Planner | 2.00 | \$50.95 | | \$50.95 |
| Assistant Planner | 2.00 | \$104.93 | | \$104.93 |
| Senior Planner | 2.00 | \$45.01 | | \$45.01 |
| Associate Transportation Planner | 2.00 | \$42.50 | | \$42.50 |
| GIS Analyst | 2.50 | \$36.74 | | \$36.74 |
| Deputy Executive Director | 2.00 | \$136.59 | | \$136.59 |
| Public Program Specialist II | 2.00 | \$64.23 | | \$64.23 |
| Administrative Assistant II | 2.00 | \$68.69 | | \$68.69 |
| Public Program Specialist I | 2.00 | \$34.66 | | \$34.66 |
| TOTAL PERSON MONTHS | 34.00 | | | |

BUDGET

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|--------------------------|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| STAFF COSTS | | | | | |
| Wages/Benefits: | \$449,381 | \$476,376 | | | |
| PTO | \$345,911 | \$344,713 | | | |
| Est. Indirect: | | | | | |
| SUBTOTAL | \$795,292 | \$821,089 | | | |
| INDIRECT COSTS | | | | | |
| Professional Services | \$110,000 | \$94,300 | | | |
| Auditing | \$24,000 | \$15,000 | | | |
| Bank Fee's | \$2,500 | \$3,500 | | | |
| Data/IS Service | \$48,000 | \$15,180 | | | |
| Legal | \$55,000 | \$75,000 | | | |
| Fuel | \$1,500 | \$1,500 | | | |
| Maintenance | \$5,600 | \$20,000 | | | |
| Utilities | \$16,300 | \$14,500 | | | |
| Insurance | \$29,000 | \$48,000 | | | |
| Training and Travel | \$12,850 | \$18,000 | | | |
| Special Dept Expense | \$106,306 | \$18,783 | | | |
| Publication | \$250 | \$800 | | | |
| Office Expense | \$26,200 | \$30,400 | | | |
| Janitorial | \$17,000 | \$12,900 | | | |
| Misc Expense | \$2,500 | \$2,000 | | | |
| Rent and Lease Equipment | \$18,000 | \$26,000 | | | |
| Fixed Asset | 2,285 | \$53,956 | | | |
| SUBTOTAL | \$484,691 | \$456,319 | | | |
| TOTAL | \$1,279,983 | \$1,277,408 | TOTAL | | |

UNALLOWED EXPENSE

| EXPENDITURES | FY 17-18 BUDGET | FY 18-19 BUDGET | REVENUE | FY 17-18 BUDGET | FY 18-19 BUDGET |
|------------------------|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| Unallowed Membership | \$6,890 | \$8,500 | LTF | \$184,600 | |
| Unallowed Trans-Travel | \$6,500 | \$18,400 | Local Dues | \$57,605 | \$45,501 |
| Unallowed Fixed Asset | \$228,815 | \$18,601 | | | |
| SUBTOTAL | \$242,205 | \$45,501 | | | |
| TOTAL | \$242,205 | \$45,501 | TOTAL | \$242,205 | \$45,501 |

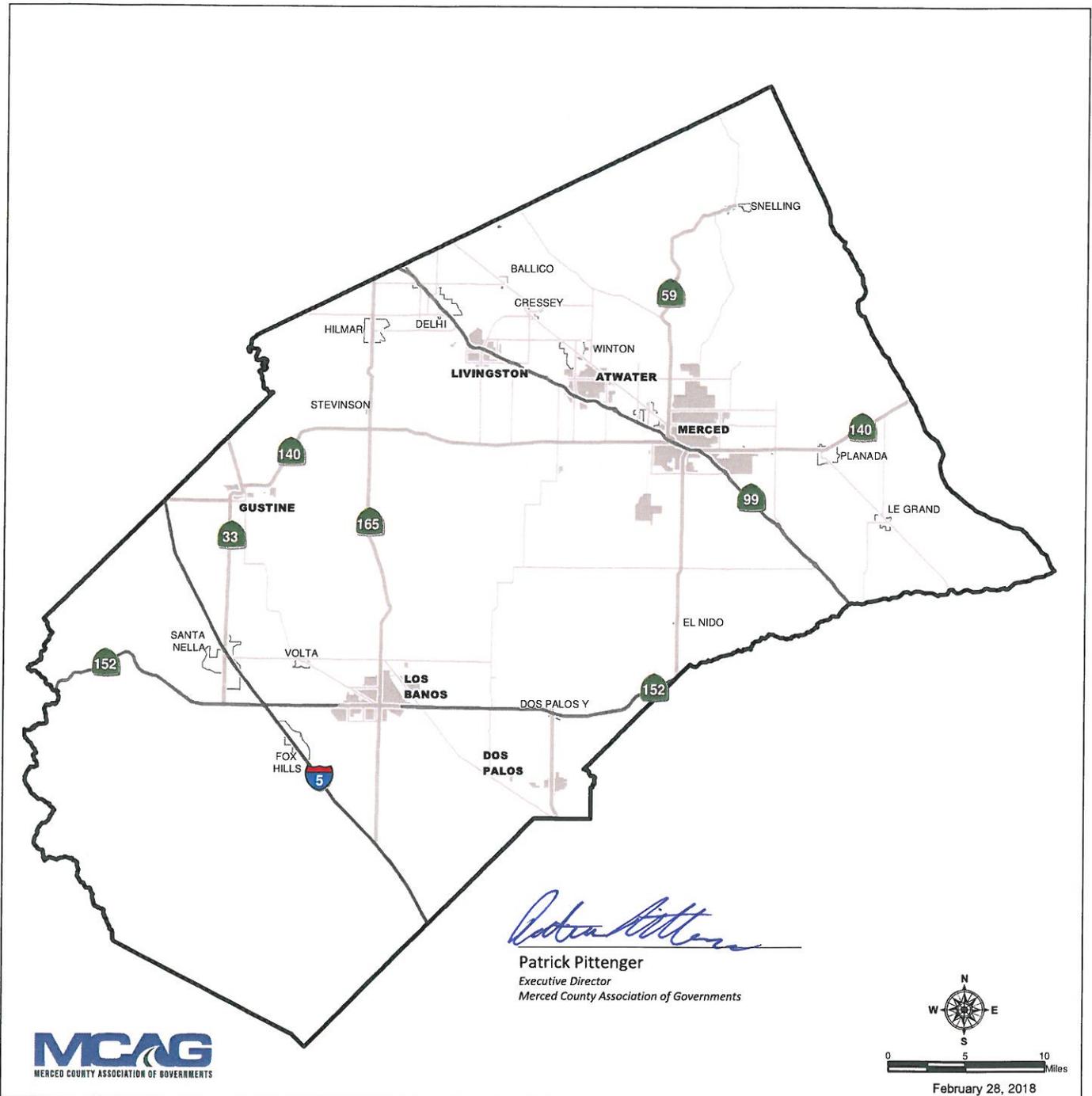
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APPENDIX

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Appendix I

Metropolitan Planning Organization Boundary for Merced County, California



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Appendix II

Merced County Association of Governments 2018/2019 Overall Budget and Work Program Transportation Product Delivery Schedule

| Work Element Title | Contract w/ Fed Funding | | Product to be Delivered | Month | | | | | | | | | | | |
|---|-------------------------|-----|-------------------------|-------|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| | Federal Funding | No | | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun |
| TRANSPORTATION PLANNING | | | | | | | | | | | | | | | |
| 100 Citizen Part. & Coord. | Yes | No | Agendas | * | * | * | * | * | * | * | * | * | * | * | * |
| 110 RTP | Yes | Yes | Documents | * | * | * | * | * | * | * | * | * | * | * | * |
| 121 Alternative Modes Planning | Yes | No | Plans | * | * | * | * | * | * | * | * | * | * | * | * |
| 122 Air Quality Planning | Yes | No | Documents | * | * | * | * | * | * | * | * | * | * | * | * |
| 123 Short Range Transit Planning | Yes | No | Coordination | * | * | * | * | * | * | * | * | * | * | * | * |
| 130 SJ Valley Trans. Coord. | Yes | No | Coordination | * | * | * | * | * | * | * | * | * | * | * | * |
| 150 FTIP | Yes | No | Documents | * | * | * | * | * | * | * | * | * | * | * | * |
| 151 RTIP | Yes | No | Ongoing | * | * | * | * | * | * | * | * | * | * | * | * |
| 170 Traffic Modelling | Yes | No | Model Runs | * | * | * | * | * | * | * | * | * | * | * | * |
| 180 GIS Maintenance & Land Use | Yes | No | GIS Data | * | * | * | * | * | * | * | * | * | * | * | * |
| 210 Regional Trans. Impact Fee | No | No | Reports | * | * | * | * | * | * | * | * | * | * | * | * |
| 220 Measure V Implementation and Administration | No | No | Transportation Measure | * | * | * | * | * | * | * | * | * | * | * | * |
| 230 TDM/Rideshare | Yes | Yes | Carpool Matchlists | * | * | * | * | * | * | * | * | * | * | * | * |
| 240 TDA Admin. | No | No | Unmet Needs/Audit | * | * | * | * | * | * | * | * | * | * | * | * |

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Appendix III

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

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

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



MPO Authorizing Signature

Executive Director

Title

4/23/18

Date



Caltrans District Approval Signature

Senior Transportation Planner

Title

4/26/18

Date

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Appendix IV

RESOLUTION NO. 2013/06-20-03 *

RESOLUTION OF THE MERCED COUNTY ASSOCIATION OF GOVERNMENTS BOARD OF DIRECTORS ADOPT A DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AS REQUIRED FOR US DEPARTMENT OF TRANSPORTATION (DOT) FINANCIAL ASSISTANCE PROJECTS

WHEREAS, Merced County Association of Governments (MCAG), a *designated recipient* of Federal Financial Assistance from the United States Department of Transportation (DOT) and as a condition of receiving this assistance agrees to comply with Title 49, Code of Federal Regulations (CFR) Part 26 - Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs;

WHEREAS, A condition of MCAG's Disadvantaged Business Enterprise (DBE) compliance, it is to adopt a DBE Program to ensure that DBEs (as defined and guided by DOT, 49 CFR Part 26) have an equal opportunity to compete for and participate in the performance of all MCAG DOT-financially assisted contracts and subcontracting opportunities;

WHEREAS, MCAG's DBE Program ensures that federally assisted contracts for highway and planning projects are made available for small businesses owned and controlled by socially and economically disadvantaged individuals;

WHEREAS, With each and every financial assistance agreement MCAG signs with a DOT operating administration (FHWA or FTA) or a primary recipient or sub recipient, the agreement must include the following assurance (per § CFR 49 Part 26.13):

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

WHEREAS, All MCAG contracts or sub recipient contracts signed with a prime contractor or a subcontractor the following assurance must be included:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

*A new DBE Program is currently being worked on.

WHEREAS, The MCAG DBE Program document is not required to be updated on a regular schedule;

WHEREAS, MCAG is required to formally update the DBE Program document if there is a change in Executive Director;

WHEREAS, The MCAG DBE Program Goal (another piece of DBE compliance) must be adopted every three years and the next DBE Goal update is due August 1, 2014;

NOW, THEREFORE, BE IT RESOLVED Merced County Association of Governments Governing Board of Directors adopts the MCAG DBE Program as a condition of compliance with US DOT, 49 CFR Part 26- Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

BE IT FURTHER RESOLVED, MCAG's DBE program and policy allows equal opportunity to compete for and participate in the performance of all MCAG DOT-financially assisted contracts and subcontracting opportunities with any DOT Transportation funds used for contract services, it will assure that minority and women owned businesses, otherwise known as DBEs, shall have the opportunity to participate to the maximum extent feasible in all required aspects of procurement and contracting in accordance with 49 CFR Part 26 and other applicable statutes, regulations and executive orders.

The foregoing resolution was approved at the regular meeting of the Merced County Association of Governments Governing Board of Directors on June 20, 2013, by Director O'Banion, who moved its adoption, which motion was duly seconded by Director Pedrozo and which was adopted by the following vote:

AYES: Directors Pedrozo, O'Banion, Oliveira, Espinoza, Villalta, Thurston, Mays

NOES: None

ABSENT: Directors Davis, Walsh, Kelsey, Faul

ATTEST:



Marjie Kim, Executive Director
Merced County Association of
Governments



Johnny Mays, Chairman
Merced County Association of Governments

Appendix V

Merced County Association
of Governments
Contract No. 74A0813
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**STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION PLANNING**

MASTER FUND TRANSFER AGREEMENT

Recipient: Merced County Association of Governments

a Metropolitan Planning Organization (MPO)

Effective Date of this Agreement: January 1, 2015

Termination Date of this Agreement: December 31, 2024

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

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

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

RECITALS

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

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

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

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

ARTICLE 1 - PROGRAM ADMINISTRATION

Section 1. Overall Work Program and Overall Work Program Agreement

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

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

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

Section 2. Quarterly Progress Reports

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

ARTICLE II - ALLOWABLE COSTS AND REIMBURSEMENT

Section 1. Requests for Reimbursement

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

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

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

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

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

Section 2. Travel and Per Diem Reimbursement

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

Section 3. Final Request for Reimbursement and OWP Closeout Documentation

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

Section 4. Funding Contingencies

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

ARTICLE III - AUDITS AND REPORTS

Section 1. Cost Principles

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

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

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

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

Section 3. Record Retention/Audits

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

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

ARTICLE IV - MISCELLANEOUS PROVISIONS

Section 1. Federal Certifications and Assurances

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

- VIII. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
 - IX. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
 - X. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.
- B. MPO shall comply with the annual FTA "Certifications and Assurances for FTA Assistance," including "Certifications and Assurances Required of Each Applicant" and the "Lobbying Certification" in compliance with 49 U.S.C. Chapter 53; published annually in the *Federal Register*, and found online at http://www.fta.dot.gov/grants/12825_93.html.

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

- 1. Authority of Applicant and its Representatives
 - 2. Standard Assurances
 - 3. Intergovernmental Review Assurance
 - 4. Suspension and Debarment Certification
 - 5. U.S. OMB Assurances in SF-424B and SF-424D
- C. Copies of these annual Certifications and Assurances shall be included by MPO in each final OWP.
- D. MPO shall comply, and shall require its contractors, subcontractors, and subrecipients to comply, with these Certifications.
- E. MPO agrees to furnish documentation to STATE to support this requirement that all of its agreements with contractors, subrecipients and subcontractors, do contain provisions requiring adherence to this section in its entirety.

Section 2. Disadvantaged Business Enterprise (DBE) Requirements

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

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

Section 3. Non-Discrimination Clause

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

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

Section 4. Federal Lobbying Activities Certification

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

ARTICLE V – GENERAL PROVISIONS

Section 1. Contract Award

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

Section 2. Contract Amendment

- A. No amendments to the terms of this MFTA, any OWP or any annual OWPA shall be valid unless made in writing and signed by the individuals legally authorized to contractually bind the parties hereto. Each party agrees that it has had or will have the opportunity to seek review by and approval from its legal counsel of the original documents and any proposed alteration or variation. No oral

understanding or agreement not incorporated herein shall be binding on any of the parties thereto. For the purposes of this MFTA, the Chief of the Office of Regional Planning, Division of Transportation Planning, shall be the Contract Administrator for STATE.

Section 3. Adjudication of Disputes by Way of Administrative Proceedings

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

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

Section 4. Intercept Clause

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

Section 5. Parties of Agreement

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

Section 6. Hold Harmless and Indemnification Clause

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

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

Section 7. Default

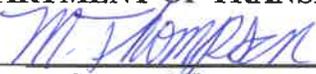
- A. In the event that MPO (a) fails to comply with applicable Federal and State laws and regulations; (b) fails to timely proceed with OWP in accordance with the MFTA or OWPA; or (c) otherwise materially violates the terms and conditions of this MFTA and/or OWPA, STATE reserves the right to terminate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

- B. If STATE terminates funding for OWP pursuant to the above paragraph A, STATE shall pay MPO the sum due MPO under the OWPA for eligible work performed prior to termination.

Section 8. Termination

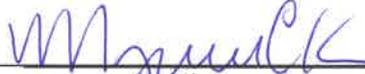
- A. This MFTA shall remain in full force and effect until the termination date stated on Page 1 of this MFTA, unless superseded or terminated in conformance with Section 7 of this Article. All indemnification, document retention, audit, claims, and legal challenge articles will remain in effect until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

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: 
Contract Officer

Date: 11-19-14

Merced County Association of Governments

By: 
Executive Director

Date: 8/22/14

By: 
Attorney

Date: 8/26/14

APPENDICES

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

APPENDIX A

MFTA CONTRACT NUMBER _____
AGENCY DUNS NUMBER _____

OVERALL WORK PROGRAM AGREEMENT (OWPA) FOR
AGENCY NAME _____

1. The undersigned signatory Metropolitan Planning Organization (MPO) hereby commits to complete, this fiscal year (FY) (beginning July 1, 2014 and ending June 30, 2015), the annual Overall Work Program (OWP), a copy of which was approved on date and is attached as part of this OWPA.
2. All of the obligations, duties, terms and conditions set forth in the Master Fund Transfer Agreements (MFTA), numbered numbers and executed with effective dates of date to date between agency name (MPO) and the Department of Transportation (STATE), are incorporated herein by this reference as part of this OWPA for this FY.
3. The federal letters of approval from the Federal Transit Administration (FTA) and from the Federal Highway Administration (FHWA), dated date , and attachments, if applicable, which approved the attached OWP, are by this reference made an express part of this OWPA.
4. MPO agrees to comply with FTA and FHWA matching requirements for "Consolidated Planning Grant" funds obligated and encumbered against this OWPA. This OWPA obligates and encumbers only these following federal funds: FHWA – Metropolitan Planning (PL), federal/local – 88.53/11.47; FHWA State
5. Subject to the availability of funds this FY OWPA funds encumbered by STATE include, but may not exceed, the following:

| Funding Source | Match % | Federal Portion | Toll Credit (In lieu of local match) | Local Match | Total Expenditures |
|--|---------|-----------------|---|-------------|-----------------------|
| FHWA PL (Toll Credit Match) (Current FY Allocation Only) | 11.47% | \$0.00 | \$0.00 | | \$0.00 |
| FHWA PL (Cash/In-kind Match) (Current FY Allocation Only) | 11.47% | \$0.00 | | \$0.00 | \$0.00 |
| FTA Sect. 5303 (Cash/In-kind Match) | 11.47% | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| FTA Sect. 5304 | 11.47% | \$0.00 | | \$0.00 | \$0.00 |
| FHWA SP&R Partnership Planning | 20% | \$0.00 | | \$0.00 | \$0.00 |
| FHWA SP&R Regional Blueprint | 20% | \$0.00 | | \$0.00 | \$0.00 |
| Prop 84 Modeling Incentive | 0% | \$0.00 | | | \$0.00 |
| Total Programmed Amount | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |

6. Should MPO expend funds in excess of those available and programmed in this FY OWPA, those costs shall be borne solely by MPO.

| | |
|---|---|
| _____ Department of Transportation (STATE) | _____ Name of Agency (MPO) |
| _____ Authorized Signature | _____ Authorized Signature |
| _____ Printed Name of Person Signing | _____ Printed Name of Person Signing |
| _____ Title | _____ Title |
| _____ Date | _____ Date |

(For Use by Caltrans Accounting Only)

The total amount of all Federal funds encumbered
Fund Title: _____

The total amount of all State funds encumbered
Fund Title: _____

Item _____ Chapter Statute Fiscal Year _____

Item _____ Chapter Statute Fiscal Year _____

Project ID# _____ Encumbrance Document Number _____

Project ID# _____ Encumbrance Document Number _____

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and expenditure purpose stated above.

Signature of Department of Transportation Accounting Officer

Date

APPENDIX B

NAME OF MPO
ADDRESS OF MPO
CONSOLIDATED PLANNING GRANT (CPG)
Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)

REQUEST FOR REIMBURSEMENT
NUMBER _____, Fiscal Year 2014-15

The **FILL IN AGENCY NAME**, a Metropolitan Planning Organization, requests reimbursement in the amount of \$ _____ for the period beginning _____ through and inclusive of _____. I certify that I am a duly authorized representative of **FILL IN AGENCY NAME** and the request for reimbursement is consistent with the terms of the Master Fund Transfer Agreement, numbered _____ and expiring _____, entered into between **FILL IN AGENCY NAME** and the State of California, Department of Transportation. The reimbursement request is for work completed in accordance with the 2014-15 approved Overall Work Program. **By signing this Request for Reimbursement Form, FILL IN AGENCY NAME certifies that all state and federal matching requirements have been met and that no federal funds were used for local match and/or In-Kind Service.**

2014-15 OWPA Authorized: _____
Total Invoices Year-to-Date _____
(Including this Invoice): _____
Current Invoice Amount: \$ _____
Remaining Balance: \$ _____

Current Reimbursement Breakdown. This portion must be completed by local agency to receive reimbursement.

| Funding Source | Required Match % | Federal Portion | Toll Credit (In lieu of local match) | Local Match | or | In-Kind Service | Total Expenditures |
|---|------------------|-----------------|--------------------------------------|-------------|-------|-----------------|--------------------|
| FHWA PL Funds (Toll Credit Match of Current FY Allocation) | 11.47% | _____ | \$ _____ | _____ | _____ | _____ | \$ _____ |
| FHWA PL (Cash/In-kind Match) | 11.47% | _____ | _____ | _____ | _____ | _____ | \$ _____ |
| FTA Sec. 5303 Funds (Toll Credit Match of Current FY Allocation) | 11.47% | _____ | \$ _____ | _____ | _____ | _____ | \$ _____ |
| FTA Sec. 5303 (Cash/In-kind Match) | 11.47% | _____ | _____ | _____ | _____ | _____ | \$ _____ |
| FTA Sec. 5304 Funds | 11.47% | _____ | _____ | _____ | _____ | _____ | \$ _____ |
| FHWA SPR PP Funds | 20% | _____ | _____ | _____ | _____ | _____ | \$ _____ |
| Regional Blueprint Planning | 20% | _____ | _____ | _____ | _____ | _____ | \$ _____ |

Name & Title (please print) Signature Date
Department of Transportation Use Only

I certify that I am duly authorized by the Department of Transportation to approve payment to **FILL IN AGENCY NAME** in the amount of \$ _____. **FILL IN AGENCY NAME** has an approved Overall Work Program and the request for reimbursement is consistent with the Master Fund Transfer Agreement between the State of California, Department of Transportation and **FILL IN AGENCY NAME**. This authorization to pay acknowledges receipt of services billed.

Vendor# Accounting Use Only _____
Name (please print) Signature Date

TC _____ Source Dist 74 Source Unit 3789 Project ID # FA 6 ObjCode 049
Amount \$ FY RPI _____ N Contract # RC#
TC _____ Source Dist 74 Source Unit 3789 Project ID # FA 6 ObjCode 049
Amount \$ FY RPI _____ N Contract # RC#

**Certification of Expenditure by Fund Source
Fiscal Year 2013-14**

I certify that I am a duly authorized representative of the Metropolitan Planning Organization (MPO) and the following statement of fund expenditures is consistent with the terms of the Master Fund Transfer Agreement, numbered 74A0XXX, expiring 12/31/2024, and entered into between the MPO and the State.

I have attached a copy of the Statement of Expenditures by fund source and work element. Matching funds are identified. The expenditures shown are for work completed in accordance with the Fiscal Year (FY) 2013-14 approved Overall Work Program. I certify that all state and federal matching requirements have been met.

| Funding Source | Reconciled Carryover Balance | FY13/14 Allocations and Awards | Federal Fund Expenditures | Toll Credits Used | Year End Balance |
|---|------------------------------|--------------------------------|---------------------------|-------------------|------------------|
| FHWA Metropolitan Planning Funds | \$0.00 | \$0.00 | | | |
| FHWA PL Funds (Matched with Toll Credits) * | | | \$0.00 | \$0.00 | |
| FHWA PL (Cash/In-kind Match) | | | \$0.00 | | |
| Total | | | \$0.00 | | \$0.00 |
| FTA - 5303 (Metropolitan Planning) Funds | \$0.00 | \$0.00 | | | |
| FTA Sec. 5303 Funds (Matched with Toll Credits) * | | | \$0.00 | \$0.00 | |
| FTA Sec. 5303 (Cash/In-kind Match) | | | \$0.00 | | |
| Total | | | \$0.00 | | \$0.00 |
| FTA - 5304 Funds | | | | | |
| FTA Sec. 5304 Funds WE # and Title | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| FTA Sec. 5304 Funds WE # and Title | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| FTA Sec. 5304 Funds WE # and Title | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| FTA Sec. 5304 Funds WE # and Title | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| FTA Sec. 5304 Funds WE # and Title | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| FTA Sec. 5304 Funds WE # and Title | | \$0.00 | \$0.00 | | \$0.00 |
| Total | | | \$0.00 | | \$0.00 |
| FHWA SPR Partnership Planning Funds | | | | | |
| FHWA SPR PP Funds WE # and Title | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| FHWA SPR PP Funds WE # and Title | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| FHWA SPR PP Funds WE # and Title | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| FHWA SPR PP Funds WE # and Title | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| Total | | | \$0.00 | | \$0.00 |
| FHWA SPR Special Study Funds | | | | | |
| FHWA SPR SS Funds WE # and Title | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| Total | | | \$0.00 | | \$0.00 |
| Regional Blueprint Planning | | | | | |
| FY10/11 Grant WE # | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| FY11/12 Grant WE # | \$0.00 | | \$0.00 | | \$0.00 |
| Total | | | \$0.00 | | \$0.00 |
| Total FY13-14 Consolidated Planning Grant Expenditures | | | \$0.00 | | |

* - This line is for Current FY Allocation Expenditures Matched by Toll Credits Only.

I understand that this represents a final statement of expenditure for FY2013-14 and no future requests for reimbursement will be processed by the State for payment.

Name (Please Print)

Signature

Title (Please Print)

Date

APPENDIX D

CPG Subrecipient Responsibilities for DBE include:

- Participation in the race neutral DBE Program when contracting/awarding to subrecipients or planning consultants involving any fraction of federal CPG funds.
- Participation in the race neutral DBE Program even if subrecipients have not contracted out work to sub-recipients or consultants. They must also complete, sign and turn in the FTA DBE Uniform Report form, showing zero dollars. This information will provide necessary data for the federally mandated Caltrans DBE disparity study.
- Completion of the FTA DBE Uniform Report form (*See Appendix X*) twice a year: April 1st and October 1st. The DBE Uniform Report shows the federal dollar amount provided through contract/s as well as DBE participation in these contracts. This information will provide necessary data for the federally mandated Caltrans DBE disparity study and reporting to the FTA. The completed forms are sent to the appropriate HQ ORIP Liaison.
- Development and implementation of a DBE Program following the Caltrans DBE Program Plan, pursuant to the Master Fund Transfer Agreement, Article IV, Section 2. This Plan formally acknowledges the statutory and/or regulatory requirements with its race-neutral measures, and their commitment to comply with all the prescribed responsibilities explained herein.
- Development and maintenance of a Bidder's List, consisting of information about all DBE and non-DBE firms that bid or quote on CPG-assisted contracts. The Bidder's List includes the name, address, DBE/non-DBE status, age and annual gross receipts of firms.
- Inclusion of the following clause is required, verbatim, in each CPG-assisted contract:
 - The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of United States Department of Transportation-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.
- Inclusion of contractual language specifying prompt payment clauses are required in the foregoing provisions. These prompt payment clauses benefit all subcontractors equally.
 - **Prompt Progress Payment to Subcontractors**—A prime contractor or subcontractor shall pay to any subcontractor not later than 10-days of receipt of each progress payment, in accordance with the provision in Section 7108.5 of the

APPENDIX D

California Business and Professions Code concerning prompt payment to subcontractors. The 10-day rule is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30-days may take place only for good cause and with the agency's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

- **Prompt Payment of Withheld Funds to Subcontractors**—The MPO, RTPA or local government entity shall include either (1), (2), or (3) of the following provisions in their CPG-assisted contracts to ensure prompt and full payment of retainage (withheld funds) to subcontractors in compliance with 49 CFR 26.29.

- 1) No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- 2) No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30-days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

APPENDIX D

- 3) The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30-days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

APPENDIX D2

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS

Please refer to the Instructions sheet for directions on filling out this form

| | | | | | | | |
|--|--|---|--|---|--|---|--|
| 1. Submitted to (check only one): | | <input type="checkbox"/> FHWA | | <input type="checkbox"/> FAA | | <input checked="" type="checkbox"/> FTA | |
| 2. AIP Numbers (FAA Recipients Only): | | | | | | | |
| 3. Federal fiscal year in which reporting period falls: FY 2012 | | 4. Date This Report Submitted: | | | | | |
| 5. Reporting Period | | <input checked="" type="checkbox"/> Report due June 1 (for period Oct. 1-Mar. 31) | | <input type="checkbox"/> Report due Dec. 1 (for period Oct. 1-Sept. 30) | | <input type="checkbox"/> FAA annual report due Dec. 1 | |
| 6. Name and address of Recipient: | | | | | | | |
| 7. Annual DBE Goal(s): | | Race Conscious Goal % | | Race Neutral Goal % | | OVERALL Goal % | |
| 7.5 Percentage of Total Dollars Committed/Awarded to DBEs: | | % (divide total dollars to DBEs in 9.5(C) by the total dollars in 8(A)) | | | | | |
| COMMITMENTS/AWARDS MADE DURING THIS REPORTING PERIOD (total contracts and subcontracts committed during this reporting period) | | | | | | | |
| 8. Prime contracts awarded this period | | | | | | | |
| 9. Subcontracts committed/awarded this period | | | | | | | |
| 9.5 Totals | | | | | | | |
| DBE COMMITMENTS/AWARDS THIS REPORTING PERIOD-BREAKDOWN BY ETHNICITY & GENDER | | | | | | | |
| 10. Total Number of Contracts (Prime and Sub) | | | | | | | |
| 11. Total Dollar Value | | | | | | | |
| 11.5 Name(s) of Participating DBE Firms and Coinciding Dollar Amounts | | | | | | | |
| ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD | | | | | | | |
| 12. Race Conscious | | 0 | | 0 | | 0 | |
| 13. Race Neutral | | | | | | | |
| 14. Totals | | | | | | | |
| 15. Submitted by (Print Name of Authorized Representative) | | 16. Signature of Authorized Representative | | | | | |
| 17. Phone Number: | | 18. Fax Number: | | | | | |

Notes: All dollars represent Federal dollars.

Appendix E

FY 2014/2015 FHWA Metropolitan Transportation Planning Process Certification

In accordance with 23 CFR 450.334 and 450.220, Caltrans and _____, Metropolitan Planning Organization for the _____ urbanized area(s) hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- I. 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;
- II. In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
- III. Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by California under 23 U.S.C. 324 and 29 U.S.C. 794;
- IV. Section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded planning projects (sec. 105(f), Pub. L. 97-424, 96 Stat. 2100; 49 CFR part 23);
- V. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- VI. The provision of the Americans With Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat 327, as amended) and the U.S. DOT implementing regulations (49 CFR 27, 37 and 38);
- VII. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
- VIII. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- IX. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- X. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- XI. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- XII. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

MPO Authorizing Signature

Caltrans District Approval Signature

Title

Title

Date

Date

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

**FEDERAL FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**
(Signature page alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: _____

The Applicant agrees to comply with applicable provisions of Groups 01 – 24. _____
OR

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

| <u>Group</u> | <u>Description</u> | |
|--------------|--|-------|
| 01. | Required Certifications and Assurances for Each Applicant. | _____ |
| 02. | Lobbying. | _____ |
| 03. | Procurement and Procurement Systems. | _____ |
| 04. | Private Section Protections. | _____ |
| 05. | Rolling Stock Reviews and Bus Testing. | _____ |
| 06. | Demand Responsive Service. | _____ |
| 07. | Intelligent Transportation Systems. | _____ |
| 08. | Interest and Financing Costs and Acquisition of Capital Assets by Lease. | _____ |
| 09. | Transit Asset Management Plan and Public Transportation Agency Safety Plan. | _____ |
| 10. | Alcohol and Controlled Substances Testing. | _____ |
| 11. | Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP-21. | _____ |
| 12. | State of Good Repair Program. | _____ |
| 13. | Fixed Guideway Modernization Grant Program. | _____ |
| 14. | Bus and Bus Facilities Formula Grants Program and Bus and Bus Related Equipment and Facilities Grant Program (Discretionary). | _____ |
| 15. | Urbanized Area Formula Grants Programs, Passenger Ferry Grants Program, and Job Access and Reverse Commute (JARC) Program. | _____ |
| 16. | Seniors/Elderly/Individuals with Disabilities Programs and New Freedom Program. | _____ |
| 17. | Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs. | _____ |
| 18. | Public Transportation on Indian Reservations Programs (also known as the Tribal Transit Programs). | _____ |
| 19. | Low or No Emission/Clean Fuels Grant Programs. | _____ |
| 20. | Paul S. Sarbanes Transit in Parks Program. | _____ |
| 21. | State Safety Oversight Program. | _____ |
| 22. | Public Transportation Emergency Relief Program. | _____ |
| 23. | Expedited Project Delivery Pilot Program. | _____ |
| 24. | Infrastructure Finance Programs. | _____ |

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2014 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

(Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)

AFFIRMATION OF APPLICANT

Name of the Applicant: _____

Name and Relationship of the Authorized Representative: _____

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2014, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Project for which it seeks now, or may later seek FTA funding during Federal Fiscal Year 2014.

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

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

Signature _____ Date: _____

Name _____
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

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

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

Signature _____ Date: _____

Name _____
Attorney for Applicant

Each Applicant for FTA funding and each FTA Grantee with an active Capital or Formula Project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

**Fiscal Year 2014/2015 California Department of Transportation
Debarment and Suspension Certification**

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

(Nonprocurement), 49 CFR 29.100:

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

**DEPARTMENT OF TRANSPORTATION
DEBARMENT AND SUSPENSION CERTIFICATION
FISCAL YEAR 2014/2015
SIGNATURE PAGE**

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

Signature _____ Date _____

Printed Name _____

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

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

AFFIRMATION OF APPLICANT'S ATTORNEY

For _____ (Name of Applicant)

Signature _____ Date _____

Printed Name _____

of Applicant's Attorney

APPENDIX F
RESOLUTION NO. 2014/08-21-02

**MASTER FUND TRANSFER AGREEMENT BETWEEN STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION DIVISION OF TRANSPORTATION
PLANNING AND MERCED COUNTY ASSOCIATION OF GOVERNMENTS, A
METROPOLITAN PLANNING ORGANIZATION (MPO)**

WHEREAS, the Merced County Association of Governments (MCAG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

WHEREAS, the State of California Department of Transportation requires a Master Fund Transfer Agreement (MFTA) in order to fund Federal Highway Administration (FHWA) – Metropolitan Planning (PL), FHWA State Planning and Research-Partnership Planning, Federal Transit Administration (FTA)-Metropolitan Planning Section 5303, FTA State Planning and Research - Section 5313(b), and any other Federal or State Funds administered by and through the California Department of Transportation, Office of Regional and Interagency Planning; and

WHEREAS, it is the Merced County Association of Governments Board of Directors plans to continue projects that are qualified expenditures for those funds; and

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

NOW, THEREFORE, BE IT RESOLVED, that MCAG approves the Master Fund Transfer Agreement with the State of California Department of Transportation.

BE IT FURTHER RESOLVED, that MCAG authorizes the Executive Director to sign said MFTA agreement.

The foregoing resolution was passed and adopted by MCAG this 21st day of August, 2014.

AYES: Directors Davis, Walsh, Pedrozo, Kelsey, O'Banion, Oliveira, Villalta, Thurston, Antonetti

NOES: None

ABSENT: Directors Espinoza, Faul

ATTEST:



Marjorie Kim, Executive Director
Merced County Association of Governments



Stanley P. Thurston, Chairperson
Merced County Association of Governments

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Appendix VI

MEMORANDUM OF UNDERSTANDING OF THE REGIONAL PLANNING AGENCIES IN THE SAN JOAQUIN VALLEY

THIS MEMORANDUM OF THE UNDERSTANDING, which shall be effective upon the 21st day of September 2006, between and among the Council of Fresno County Governments, the Kern Council of Governments, the Kings County Association of Governments, the Madera County Transportation Commission, the Merced County Association of Governments, the San Joaquin Council of Governments, the Stanislaus Council of Governments, and the Tulare County Association of Governments, herein referred to as regional planning agencies, hereby enter into this Memorandum of Understanding;

WITNESSETH:

WHEREAS, the above listed regional planning agencies first entered into a Memorandum of Understanding on September 21, 1992, agreeing to coordinate regional planning activities; and

WHEREAS, this memorandum of understanding shall supercede and replace the existing memorandum of understanding; and

WHEREAS, since 1992 the above listed regional planning agencies have cooperatively addressed issues pertaining to transportation planning and related air quality responsibilities, transportation modeling, geographic information mapping; and

WHEREAS, the regional planning agencies of the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare are federally designated metropolitan planning organizations (MPOs) responsible for implementing the federal comprehensive transportation process and have specified air quality/transportation planning responsibilities for their respective areas; and

WHEREAS, the eight regional planning agencies of the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare (hereinafter referred to as the "Eight Valley RPAs" are state designated regional transportation planning agencies (RTPA) or local transportation commissions (LTC) responsible for the state comprehensive transportation planning process; and

WHEREAS, the Eight Valley RPAs shall cause to be developed and adopted a Valley Chapter of the Regional Transportation Plan, which shall be included within each regional planning agency's own plan. This chapter shall address issues that cross jurisdictional boundaries and specifically affect several counties, such as a transportation corridor, and may include air quality, highways, streets and roads, aviation, rail, goods movement, and transportation demand management efforts; and

WHEREAS, the regional planning agencies of the counties of Fresno, Kern, Kings, Madera; Merced, San Joaquin, Stanislaus and Tulare are responsible for the allocation of projected housing needs to their respective cities and county; and

WHEREAS, the San Joaquin Valley is designated as:

- a nonattainment area for the 8-hour ozone standard,
- a nonattainment area for both PM-10 and PM-2.5 standards, and
- the urban areas of Bakersfield, Fresno, Modesto and Stockton are designated as maintenance areas for carbon monoxide, and

WHEREAS, the Federal Clean Air Act requires nonattainment area plans to include transportation control measures; and

WHEREAS, the California Clean Air Act requires nonattainment area plans to include reasonably available transportation control measures; and

WHEREAS, the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users of 2005, and any successor federal act, requires that when multiple Metropolitan Planning Organizations exist within designated air quality nonattainment areas they shall consult with each other and with the state in the coordination of plans and programs; and

WHEREAS, the Eight Valley RPAs shall develop and maintain a unified and coordinated approach to air quality management planning process issues; and

WHEREAS, the cities and counties within the San Joaquin Valley are projected to have significant increases in population, housing and employment during the next thirty years requiring a cooperative, comprehensive, and coordinated planning process.

WHEREAS, the Eight Valley RPAs shall serve as a forum to encourage and facilitate regional data sharing, GIS development and mapping; and

WHEREAS, the Eight Valley RPAs shall rely, as much as practicable, on existing regional planning agencies for its financing, data and expertise, but may jointly contract for services if provided for in each of their individual Overall Work Programs and Budgets.

NOW, THEREFORE, BE IT UNDERSTOOD AND AGREED that the regional planning agencies of the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare shall coordinate as the San Joaquin Valley Regional Planning Agencies with respect to the performance of the following tasks when interregional issues are involved:

1. Preparation of multi-modal transportation plans that will include coordinated forecast methodologies for future population, housing, employment, land use, and air quality, and identify other common elements in relationship to the San Joaquin Valley and major interregional transportation corridors.
2. Preparation of regional transportation plans and policies addressing identified common transportation issues occurring within the Valley.
3. Preparation and development of regional transportation improvement programs and other short-range programs to provide for timely implementation of transportation control measures consistent with schedules included in applicable Air Quality Attainment plans.
4. Coordination with the San Joaquin Valley Unified Air Pollution Control District on emission reduction projects necessary for the implementation of the California Clean Air Act.
5. Coordination with Caltrans District Offices on transportation system planning efforts.
6. Coordinate planning efforts with the appropriate state and federal agencies to insure good communication is maintained on issues important to the San Joaquin Valley.
7. Development and use of coordinated transportation and traffic database information for transportation modeling and related emission modeling.
8. Preparation of interregional technical and transportation systems studies in developing transportation corridor or plan alternatives.

9. Coordination on rail issues (both passenger rail and goods movement) within the Valley, including the development of plans and policies that affect rail service.
10. Provide a leadership role for all Valley Blueprint activities by planning for future growth and quality of life through the integration of transportation, housing, land use, economic development and environmental protection elements. Such integration to result in a more efficient and effective transportation system and land use pattern to achieve the three outcomes (3Es) that define quality of life – prosperous economy, quality environment, and social equity.
11. Provide a leadership role and act as a forum for Valley issues and concerns, where such issues and concerns transcend boundaries, allowing the development and consensus of policy questions of mutual interest in order to pursue a coordinated course of action without infringing on the jurisdictional powers of the individual governments.

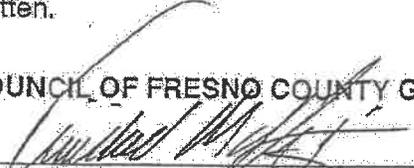
BE IT FURTHER UNDERSTOOD AND AGREED that to oversee the coordination efforts the following organizational structures shall be established:

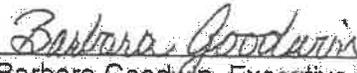
12. The San Joaquin Valley Regional Planning Agencies Policy Council is hereby created consisting of two elected officials (and one alternate) appointed from each of the regional planning agencies policy boards listed herein. The Policy Council shall meet at least twice each fiscal year to provide guidance on common interregional policy issues. The Policy Council shall also represent the San Joaquin Valley at public forums, including before the California Transportation Commission, the Governor and his/her administration, and before State and Federal legislative bodies that require a common voice. The Policy Council shall also provide direction and guidance to the Regional Planning Agencies Executive Directors Committee.
 - a. The Policy Council shall cause to be created a set of By-Laws which shall further describe its operational structure and the operational structure of any subcommittees it may create.
 - b. The Policy Council shall provide direction to the Regional Planning Agencies Executive Committee on the development of an Annual Work Program and Budget for activities to be carried out jointly, including identifying revenue for the implementation of these activities. The Annual Work Program and Budget is to be reflected in each respective regional planning agency's budget documents as appropriate.
 - c. Nothing herein shall be construed as limiting in any manner the authority and responsibilities of the respective regional planning agencies, and all plans, programs and activities shall at all times be carried out in such manner as to maintain and recognize the separateness and autonomy of the individual regional planning agencies.
13. The San Joaquin Valley Regional Planning Agencies Executive Directors Committee consisting of the regional planning agencies' Executive Directors (or their designees) shall hereby continue to provide coordination and direction on all administrative work required to carry out the development of plans that address interregional issues. The Executive Directors Committee may establish technical committees to assist in research and plan development that address interregional issues as defined herein and on other interregional issues as directed by the Policy Council. One of the primary roles of the Executive Directors Committee shall be as the primary advisory body to the Policy Council on all items appearing on its agenda, and one of its functions shall be to recommend agenda items for the Policy Council's regular agenda. The Executive

Directors Committee shall implement the Annual Work Program and Budget as approved by the Policy Council.

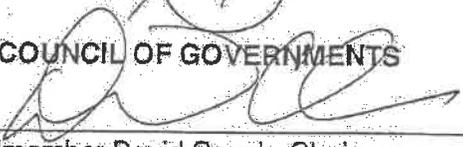
IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed by their respective officers to be effective on the date first above written.

COUNCIL OF FRESNO COUNTY GOVERNMENTS


Mayor Pro Tem Trinidad M. Rodriguez, Chairman

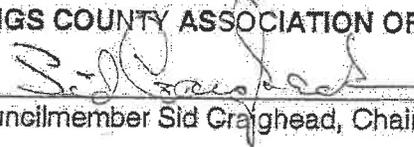

Barbara Goodwin, Executive Director

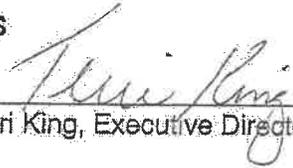
KERN COUNCIL OF GOVERNMENTS


Councilmember David Couch, Chairman

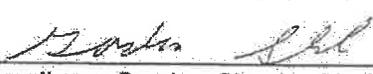

Ronald E. Brummett, Executive Director

KINGS COUNTY ASSOCIATION OF GOVERNMENTS


Councilmember Sid Graighhead, Chairman

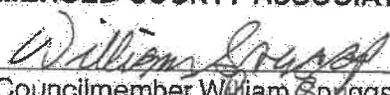

Terri King, Executive Director

MADERA COUNTY TRANSPORTATION COMMISSION


Councilman Gordon Skeels, Chairman


Patricia Taylor, Executive Director

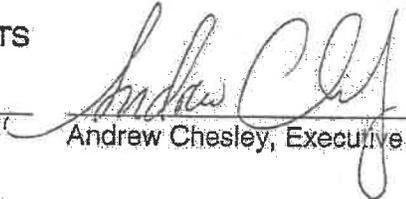
MERCED COUNTY ASSOCIATION OF GOVERNMENTS


Councilmember William Spriggs, Chairman

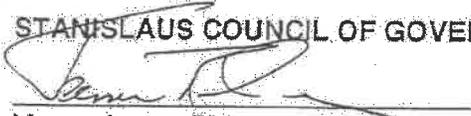

Jesse Brown, Executive Director

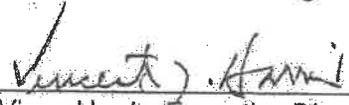
SAN JOAQUIN COUNCIL OF GOVERNMENTS


Councilman John W. Harris, Chairman


Andrew Chesley, Executive Director

STANISLAUS COUNCIL OF GOVERNMENTS


Mayor James Ridenour, Chairman


Vince Harris, Executive Director

TULARE COUNTY ASSOCIATION OF GOVERNMENTS


Supervisor Allen Ishida, Chairman


George Finney, Executive Director

Appendix VII

**MEMORANDUM OF UNDERSTANDING
BETWEEN AND AMONG THE
REGIONAL PLANNING AGENCIES IN THE SAN JOAQUIN VALLEY
AND THE
SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

THIS MEMORANDUM OF UNDERSTANDING (hereinafter "MOU"), which shall be effective the 9th day of September 2009, between and among the Council of Fresno County Governments, Kern Council of Governments, Kings County Association of Governments, Madera County Transportation Commission, Merced County Association of Governments, San Joaquin Council of Governments, Stanislaus Council of Governments, and Tulare County Association of Governments, herein referred to as regional planning agencies (hereinafter "RPA"s), and the San Joaquin Valley Unified Air Pollution Control District (hereinafter "SJVUAPCD"), hereby enter into this Memorandum of Understanding;

WITNESSETH

WHEREAS, the above listed regional planning agencies are the Metropolitan Planning Organizations from the eight San Joaquin Valley counties, and are responsible for implementing the federal comprehensive transportation planning process, including associated air quality responsibilities; and

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District has the authority to adopt rules and regulations to protect the public health and prevent violations of ambient air quality standards in the San Joaquin Valley Air Basin, which is designated a nonattainment area for the National Ambient Air Quality Standards. The San Joaquin Valley Air Basin includes eight counties: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the valley portion of Kern; and

WHEREAS, on September 21, 1992 the eight Valley RPAs entered into a Memorandum of Understanding with one another to ensure a coordinated regional approach to transportation and air quality planning efforts; and

WHEREAS, on October 29, 1992 the eight Valley RPAs and the SJVUAPCD entered into a Memorandum of Understanding to ensure a coordinated transportation and air quality planning approach. The parties involved concur that this agreement is in need of revision; and

WHEREAS, on September 21, 2006 the eight Valley RPAs entered into a Memorandum of Understanding to update and solidify the partnership agreed upon in the September 21, 1992 MOU, and to create the San Joaquin Valley Regional Planning Agencies' Policy Council. The parties involved concur that this agreement is in need of amending.

NOW, THEREFORE, BE IT UNDERSTOOD AND AGREED that the formal cooperative relationship between the Valley RPAs and the SJVUAPCD is established and continued to ensure the effectiveness of regional transportation plans, to comply with the requirements of state and federal law, and to contribute toward the attainment of federal and state ambient air quality standards. This Memorandum of Understanding constitutes a statement of the intentions, obligations and policies of the parties involved. Therefore it is agreed that:

1. This Memorandum of Understanding amends that certain agreement entered into the 21st day of September, 2006 between and among the RPAs, to increase the membership of the San Joaquin Valley Regional Planning Agencies' Policy Council by one, in order to accommodate a representative of the SJVUAPCD. No member of the Policy Council shall simultaneously represent both the SJVUAPCD and a RPA.
2. This Memorandum of Understanding supersedes that certain agreement entered into the 29th day of October, 1992 between and among the above listed eight Valley RPAs and the SJVUAPCD.
3. The SJVUAPCD has the lead for air quality planning, but effective air quality strategies require the cooperation and joint actions of the Valley RPAs, other local, regional, state and federal government agencies, and the people of the San Joaquin Valley Air Basin. Toward that end, the Valley RPAs and the SJVUAPCD agree to participate in regularly-scheduled conference calls with local, state and federal agencies including the California Air Resources Board (ARB), the California Department of Transportation (Caltrans), the U.S. Environmental Protection Agency (EPA), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA) to insure good communication is maintained on issues important to the San Joaquin Valley.
4. The parties involved will comply with the Federal Clean Air Act and related regulations and guidance requiring that transportation-related State Implementation Plan (SIP) development decisions be made through interagency consultation. The parties agree to use the latest planning assumptions and emissions factors, conduct regional emissions analyses, and coordinate on the development of motor vehicle emissions budgets. The Valley RPAs will work with the SJVUAPCD in keeping the Transportation Conformity Rule current with federal requirements and guidance, as appropriate. The SJVUAPCD will also assist the Valley RPAs in obtaining appropriate and timely technical assistance from the ARB.
5. The Valley RPAs and the SJVUAPCD agree that it is in their interest to work closely together and develop joint or consistent policy positions whenever possible when dealing with state and federal air quality and transportation agencies. Each party has the responsibility to notify the other in a timely manner of anticipated or known policy issues with state and federal agencies, and to coordinate their response in an effort to present a unified position.

6. The Valley RPAs will take the lead in compliance with Section 108(f)(1) of the Federal Clean Air Act in developing the transportation control measure (hereinafter "TCM") component of air quality plans (State Implementation Plans or SIPs). The Valley RPAs will consult with their member jurisdictions to facilitate consensus on implementing measures to address transportation related sources of air pollution. The Valley RPAs have limited legal authority to implement emission reduction measures directly, but will seek commitments from member jurisdictions, as appropriate, for inclusion in air quality plans. The Valley RPAs will submit an analysis and recommendation concerning which TCMs are reasonably available control measures for formal consideration by the SJVUAPCD.
7. The Valley RPAs will take the lead in establishing and maintaining transportation conformity in the Valley as required by Section 176 (c) of the federal Clean Air Act, [42 U.S.C. 7506(c)] and U.S Environmental Protection Agency (40 CFR parts 51 and 93). The Valley RPAs will work to ensure that regulatory requirements are met and federal funding and approval are given to highway and transit projects that are consistent with and conform to the air quality goals established by the SIP. Conforming transportation plans, programs, and projects will not cause new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards.
8. The Valley RPAs will coordinate with the SJVUAPCD in updating the status of implementing local agency transportation control measures described in adopted air quality plans (State Implementation Plans or SIPs).
9. The Valley RPAs and SJVUAPCD will work together in addressing state and federal initiatives such as greenhouse gas emission reductions as well as future air quality regulations. The parties recognize the importance and the expertise necessary to develop comprehensive local and regional approaches. The parties involved agree to dedicate staff resources as needed to cooperatively address state and federal requirements, while still meeting individual core mission elements such as protecting public health and delivering safe and efficient transportation projects.
10. The Valley RPAs will determine the allocation of Congestion Mitigation and Air Quality (CMAQ) funds to projects in a manner consistent with federal law and through locally developed project selection criteria. The Valley RPAs will consult with the SJVUAPCD on project selection.
11. The Valley RPAs and the SJVUAPCD will continue the coordination to develop a Valley-wide initiative (San Joaquin Valley Regional Blueprint Process) to provide more efficient and effective transportation systems and land use patterns through the integration of transportation, housing, land use, economic development and environmental protection elements; and to ensure continuity of air quality planning approaches throughout the Valley.
12. The parties involved agree to discuss key issues related to air quality and delivery of transportation projects. If staff level coordination is not adequate to achieve a unified position, either party has the option of bringing issues to senior management attention.

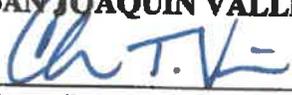
13. In order to reduce and resolve conflicts that may arise between the SJVUAPCD and the Valley RPAs in a timely manner, each party agrees to establish an issues resolution coordination procedure within its own organization. Each party will designate a policy-level staff person as the point of contact or "issues coordinator". When either party believes a conflict exists or is emerging, it is their responsibility to alert the other party through their issues coordinators. Each party will choose its own manner of communicating internally, but communications between the parties will be coordinated through the issues coordinators. If staff level coordination is not adequate to achieve a common position, either party has the option of bringing issues to senior management attention.

INDEMNIFICATION

The parties shall mutually indemnify, defend, and save harmless each other, their officers, agents, and employees from and against any and all claims and losses whatsoever occurring or resulting from their respective performance of this MOU.

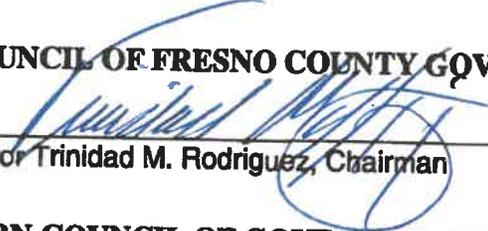
IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed by their respective officers to be effective on the date first above written.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT


Councilmember Chris Vierra, Chairman


Seyed Sadredin, Executive Director
Air Pollution Control Officer

COUNCIL OF FRESNO COUNTY GOVERNMENTS


Mayor Trinidad M. Rodriguez, Chairman


Tony Boren, Executive Director

KERN COUNCIL OF GOVERNMENTS


Mayor Steven P. Morgan, Chair

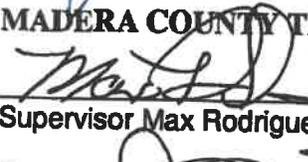

Ronald E. Brummett, Executive Director

KINGS COUNTY ASSOCIATION OF GOVERNMENTS


Supervisor Joe Neves, Chairman

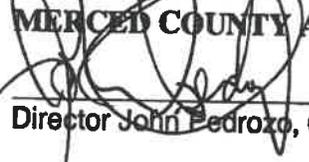

Terri King, Executive Director

MADERA COUNTY TRANSPORTATION COMMISSION


Supervisor Max Rodriguez, Chairman

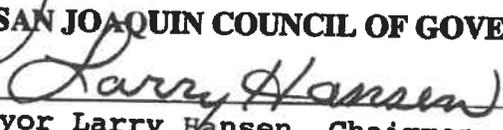

Patricia Taylor, Executive Director

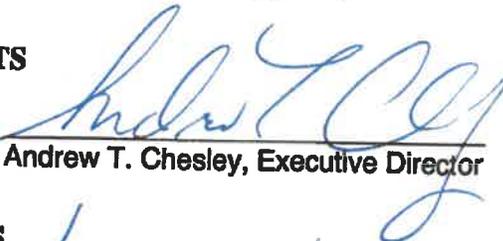
MERCED COUNTY ASSOCIATION OF GOVERNMENTS


Director John Pedrozo, Chairman


Jesse Brown, Executive Director

SAN JOAQUIN COUNCIL OF GOVERNMENTS


Mayor Larry Hansen, Chairman


Andrew T. Chesley, Executive Director

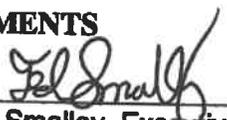
STANISLAUS COUNCIL OF GOVERNMENTS


Mayor Jim Ridenour, Vice Chair


Vince Harris, Executive Director

TULARE COUNTY ASSOCIATION OF GOVERNMENTS

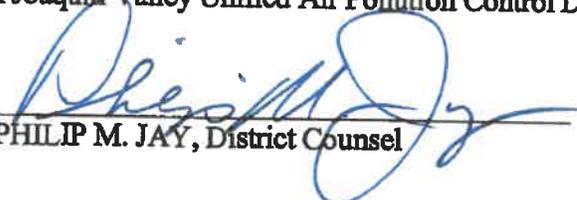

Supervisor Mike Ennis, Chairman


Ted Smalley, Executive Director

APPROVED AS TO LEGAL FORM:
KEVIN BRIGGS, Interim County Counsel

By 
JANELLE E. KELLEY, Assistant County Counsel

San Joaquin Valley Unified Air Pollution Control District

By 
PHILIP M. JAY, District Counsel

Appendix VIII

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

PREFACE

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

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

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

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

In the alternative:

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

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

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

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

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

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

CATEGORY 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.

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

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

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

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

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

01.B. Standard Assurances.

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

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

01.C. Intergovernmental Review Assurance.

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

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

01.D. Nondiscrimination Assurance.

On behalf of your Applicant, you assure that:

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

01.E Procurement Certification.

The Applicant agrees to comply with:

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

01.F.1 Suspension and Debarment.

On behalf of your Applicant, you certify that:

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

01.F.2. Tax Liability.

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

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

01.F.3. Felony Convictions.

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

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

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

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

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

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

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

CATEGORY 02. LOBBYING.

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

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

On behalf of your Applicant, you certify that:

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

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

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CATEGORY 03. PRIVATE SECTOR PROTECTIONS.

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

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

03.A. Private Property Protections.

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

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

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

03.B. Charter Service Agreement.

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

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

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

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

03.C. School Bus Agreement.

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

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

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

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

CATEGORY 04. ROLLING STOCK REVIEWS AND BUS TESTING.

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

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

04.A. Rolling Stock Reviews.

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

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

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

04.B. Bus Testing.

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

On behalf of your Applicant, you certify that:

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

CATEGORY 05. DEMAND RESPONSIVE SERVICE.

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

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

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

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

CATEGORY 06. INTELLIGENT TRANSPORTATION SYSTEMS.

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

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

On behalf of your Applicant, you and your Applicant:

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

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

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

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

07.A. Interest and Financing Costs.

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

On behalf of your Applicant, you certify that:

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

07.B. Acquisition of Capital Assets by Lease.

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

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

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

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

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

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

08.A. Transit Asset Management Plan.

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

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

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

08.B. Public Transportation Safety Program.

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

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

08.C. State Safety Oversight Requirements.

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

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

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

CATEGORY 09. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

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

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

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

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

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

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

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

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

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

CATEGORY 11. STATE OF GOOD REPAIR PROGRAM.

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

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

On behalf of your Applicant, you certify that:

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

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

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

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

12.A. Grants for Buses and Bus Facilities Program

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

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

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

12.B. Low or No Emission Vehicle Deployment.

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

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

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

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

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

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

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

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

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

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

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

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

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

13.B. Passenger Ferry Grant Program.

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

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

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

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

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

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

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

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

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

CATEGORY 15. RURAL AREAS AND APPALACHIAN DEVELOPMENT PROGRAMS.

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

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

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

15.A. Formula Grants for Rural Areas Program.

If your Applicant seeks federal assistance from FTA for an Award financed under the Formula Grants for the

Rural Areas Program authorized under 49 U.S.C. § 5311, the Certifications in Category 15.A apply to your Applicant, except as FTA determines otherwise in writing.

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

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

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

15.B. Appalachian Development Public Transportation Assistance Program.

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

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

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

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

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

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

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

CATEGORY 17. STATE SAFETY OVERSIGHT GRANT PROGRAM.

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

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

On behalf of your Applicant, you certify that:

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

CATEGORY 18. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.

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

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

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

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

CATEGORY 19. EXPEDITED PROJECT DELIVERY PILOT PROGRAM.

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

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

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

CATEGORY 20. INFRASTRUCTURE FINANCE PROGRAMS.

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

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

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

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

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

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

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

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

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

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

CATEGORY 21. CONSTRUCTION HIRING PREFERENCES.

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

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

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

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

Selection and Signature Page(s) follow.

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

Name of Applicant: Merced County Association of Governments

The Applicant agrees to comply with applicable provisions of Categories 01 – 21. X
OR

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

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

FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2018 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

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

AFFIRMATION OF APPLICANT

Name of the Applicant: Merced County Association of Governments

Name and Relationship of the Authorized Representative: Patrick Pittenger, Executive Director

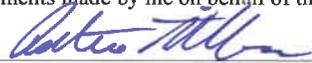
BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications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

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

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

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

Signature



Date:

6/1/18

Name Patrick Pittenger, Executive Director

Authorized Representative of Applicant

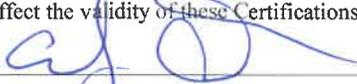
AFFIRMATION OF APPLICANT'S ATTORNEY

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

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

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

Signature



Date:

6/4/18

Name Haden Law Office

Attorney for Applicant

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

Appendix IX

RESOLUTION NO. 2018/05-17-02

RESOLUTION OF THE MERCED COUNTY ASSOCIATION OF GOVERNMENTS APPROVING THE FY 2018/19 OVERALL WORK PROGRAM

WHEREAS, the Merced County Association of Governments (MCAG) is the Metropolitan Planning Organization (MPO) for Merced County, the Area wide clearinghouse for the cities and county that are signatories of the MCAG Joint Powers Agreement for Merced County and a Joint Powers Agency with purposes and functions defined in the Joint Powers Agreement; and

WHEREAS, the Merced County Association of Governments has prepared an Overall Work Program (OWP) for FY 2018/19 which has been reviewed by member agencies and Council committees; and

WHEREAS, such OWP becomes the basis for Merced County Association of Governments activities and budget for FY 2018/19; and

WHEREAS, in accordance with 23 CFR 450.334 and 450.220, Caltrans and the Merced County Association of Governments, Metropolitan Planning Organization for the County of Merced urbanized area(s) hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- I. 23 U.S.C. 134 and 135, 49 U.S.C. 5303 through 5306 and 5323(l); as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users;
- II. Sections 174 and 176 (c) and (d) of the Clean Air Act as amended (42 U.S.C. 7504, 7506 (c) and (d)) (**Note – only for Metropolitan Planning Organizations with non-attainment and/or maintenance areas within the metropolitan planning area boundary**);
- III. Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by California under 23 U.S.C. 324 and 29 U.S.C. 794;
- IV. Section 1101(b) of the Transportation Equity Act for the 21st Century (Pub. L. 105-178 112 Stat. 107) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded projects (FR Vol. 64 No. 21, 49 CFR part 26); and,
- V. The provision of the Americans With Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat 327, as amended) and the U.S. DOT implementing regulations (49 CFR 27, 37 and 38).

NOW, THEREFORE, BE IT RESOLVED that the Merced County Association of Governments does hereby adopt the FY 2018/19 OWP and Budget and certifies that it's planning process will be implemented through this document.

BE IT FURTHER RESOLVED:

1. That the Merced County Association of Governments hereby authorizes submittal of the OWP for FY 2018/19 to the various participating State and Federal agencies;
2. That the Merced County Association of Governments pledges a commitment of 11.47% local match for FTA Metropolitan Planning Grant Funds;
3. That the Merced County Association of Governments Executive Director and/or Deputy Executive Director are hereby designated and authorized to submit the OWP for FY 2018/19 and to execute all necessary agreements and contracts on behalf of the Merced County Association of Governments to implement the purposes of this resolution; and
4. That the Executive Director and/or Deputy Executive Director are hereby authorized to make and submit to the appropriate funding agencies necessary work program and budget modifications to the OWP based upon actual available funds, and to draw funds as necessary.

The foregoing Resolution was introduced at the regular meeting of the Board of the Merced County Association of Governments, held on the 17th day of May, 2018 by Director Oliveira, who moved its adoption, which motion was duly seconded by Director Price, and which was adopted by the following vote:

AYES: Directors Hogue, McDaniel, Murphy, O'Banion, Oliveira, Pareira, Price, Villalta

NOES: None

ABSENT: Directors Espinoza, Lor, McCabe

ATTEST:

APPROVED:



Patrick Pittenger, Executive Director
Merced County Association
of Governments



Rodrigo Espinoza, Chairperson
Merced County Association
of Governments

DATE: May 17, 2018

Appendix X

TABLE 2
PROJECTS EXEMPT FROM REGIONAL EMISSIONS ANALYSES

Intersection channelization projects
Intersection signalization projects at individual intersections
Interchange reconfiguration projects
Changes in vertical and horizontal alignment
Truck size and weight inspection stations
Bus terminals and transfer points

5.0 Consultation

5.1 General

This rule provides procedures for interagency consultation (local, state, and federal) pursuant to section 51.396 and 51.402 of the final transportation conformity rule promulgated November 24, 1993 by the U.S. Environmental Protection Agency (USEPA). These procedures apply to the San Joaquin Valley Air Basin (hereafter SJV Air Basin) of California and apply to interagency consultation related to regional transportation plan and transportation improvement program development, transportation conformity determinations and control strategy implementation plan development. Such consultation procedures shall be undertaken by TPAs, Caltrans, and the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) with ARB and SJVUAPCD and USEPA before making conformity determinations, and by ARB and SJVUAPCD and USEPA with TPAs, Caltrans, FHWA, and FTA in developing control strategy implementation plans.

5.2 Interagency Consultation Procedures: General Factors for RTPs and TIPs

5.2.1 Representatives of the TPAs, local and State air quality planning agencies, and State and local transportation agencies, shall undertake an interagency consultation process with each other and with local or regional offices of USEPA, FHWA, and FTA in accordance with this section on the development of the implementation plan; the list of TCMs in the control strategy implementation plan, the unified planning work program under 23 CFR Section 450.314, the Regional Transportation Plan (RTP), the Transportation Improvement Program (TIP), any revisions to the preceding documents, and all conformity determinations required by this rule.

- 5.2.1.1 Regular consultation on major activities shall be conducted primarily at the technical level. At the beginning of each annual planning cycle the TPA Directors Association will designate technical representatives and/or technical committees to be the primary forum for interagency consultation on transportation plan development and conformity findings. These representatives or committees will be responsible for conducting interagency consultation. In general, each TPA will have a designated representative to conduct conformity consultation with the SJVUAPCD, Caltrans, ARB, FHWA, FTA, and USEPA. Consultation on issues affecting more than one TPA will be conducted by the TPA Directors Association or assigned by the Directors to a technical committee. The TPA Directors Association will provide a forum for policy-level consultation with the SJVUAPCD to ensure consistent air quality and transportation planning, including joint preparation of TCMs to be used by the air district in meeting both federal and state clean air mandates. Representatives of the regional, state, and federal agencies listed in paragraph 5.1 of this rule will be notified of TPA Directors Association meetings and may choose to attend.
- 5.2.1.2 It shall be the affirmative responsibility of the TPA lead agency for preparation of a document or decision subject to the interagency consultation process, to initiate the consultation process by notifying other agencies, convene meetings, assure that all relevant documents and information are supplied to all participants in the consultation process in a timely manner, prepare minutes of consultation meetings, maintain a written record of the consultation process, and to assure the adequacy of the interagency consultation process with respect to the subject document or decision. The TPAs will be responsible for the timely circulation of draft documents among the agencies for comment (and responding to any comments) before adoption or publication. Draft documents will be circulated among agencies with a 30-day comment period. Copies of draft documents will be made available for the public to view at TPA offices. This availability will be announced in local news media in advance of when the documents are available.
- 5.2.1.3 Each lead agency in the consultation process required under this section shall confer with other agencies identified under paragraph 5.1 of this section with an interest in the document

to be developed, provide all information to those agencies needed for meaningful input, solicit early and continuing input from those agencies, and prior to taking any action, consider the views of each agency and respond to them prior to any final decision on such documents.

5.2.1.4 It shall be the responsibility of each agency specified in paragraph 5.1 of this section, when not acting as lead agency, to confer with the lead agency and other participants in the consultation process, review and comment as appropriate (including comments in writing) on all proposed and final documents and decisions in a timely manner, attend consultation and decision meetings, provide input on any area of substantive expertise or responsibility, and provide technical assistance to the lead agency or to the consultation process in accordance with this paragraph when requested.

5.2.2 Specific roles and responsibilities of various participants in the interagency consultation process shall be as follows:

5.2.2.1 TPAs will:

5.2.2.1.1 Develop RTPs and TIPs and make transportation conformity assessments (on a county level) on these plans, including transportation and emission modeling and TCM documentation. Findings on transportation conformity assessments will be made pursuant to interagency consultation procedures, and public participation consistent with 23 CFR 450.

5.2.2.1.2 Designate a transportation conformity representative to coordinate with other agencies and attend meetings with other agencies. The transportation conformity representative will solicit input from other agencies during the consultation process.

5.2.2.1.3 Distribute meeting notices and agendas to each agency listed in paragraph 5.1 and be responsible for reviewing draft transportation conformity documents and assumptions. Distribute minutes of meetings to invitees.

- 5.2.2.1.4 Solicit early and continuing input from the other agencies identified in paragraph 5.1 of this section in the development of RTPs, TIPs, amendments to these documents, and other transportation-related projects.
- 5.2.2.1.5 Provide a period of at least 30 days for review and comment by other agencies prior to taking final action to adopt an RTP, TIP, amendments to these documents, and other projects that require conformity determinations.
- 5.2.2.1.6 Review and consider all comments received during interagency consultation process. Address significant comments in writing when requested by commenting agency.
- 5.2.2.1.7 Participate in conflict resolution processes as appropriate.
- 5.2.2.1.8 Identify regionally significant and exempt projects in accordance with Sections 3.0 and 4.1, respectively, of the final transportation conformity rule and determine when these definitions should be enhanced to include previously excluded projects because of potential emission impacts.
- 5.2.2.1.9 Determine which regionally-significant non-federal projects will be subject to transportation conformity, revise of TIPs and RTPs when conformity is not shown, implement (when appropriate) and monitor progress of TCMs, ensure and coordinate public participation, and coordinate with other TPAs and agencies as appropriate, including coordination of development and distribution of agendas for interagency consultation meetings.
- 5.2.2.1.10 Consult with the SJVUAPCD and other relevant agencies as defined in paragraph 5.1 of this section when TPAs are determining whether any new projects are regionally

significant. This consultation provides an opportunity to discuss the classification of projects as regionally significant although they may not meet the definition provided in Section 51.392 of 40 CFR Part 51.

5.2.2.2 Caltrans will:

5.2.2.2.1 Review and comment on RTPs, TIPs, and transportation conformity findings and procedures

5.2.2.2.2 Designate a conformity representative to coordinate with other agencies and attend meetings with other agencies. The conformity representative will solicit input from other agencies during the consultation process.

5.2.2.2.3 Submit TIPs for inclusion into the STIP, following appropriate consultation with and notification of other agencies as required by 23 CFR Section 450.216 (u).

5.2.2.3 The SJVUAPCD will:

5.2.2.3.1 Review and provide comments on the transportation conformity determinations and how emissions from a TIP or RTP compare to the motor vehicle emission budget in the control strategy implementation plan.

5.2.2.3.2 Provide input on issues such as changes to TPA-level emission budgets which do not change emission levels in the non-attainment area.

5.2.2.3.3 Designate a conformity representative to coordinate with other agencies and attend meetings with other agencies. The conformity representative will solicit input from other agencies during the consultation process.

- 5.2.2.3.4 Provide opportunity for consultation when TPAs are determining whether any new projects are regionally significant.
- 5.2.2.4 ARB will:
 - 5.2.2.4.1 Designate a conformity representative to coordinate with other agencies and attend meetings with other agencies at ARB's discretion.
 - 5.2.2.4.2 Review and provide written comment on proposed TIPs, RTPs, RTP alternatives, control strategy implementation plan development and transportation conformity findings
 - 5.2.2.4.3 Provide the most recent USEPA-approved emission factors (EMFAC) to the TPAs and Caltrans for use in emissions analyses, following appropriate consultation with appropriate agencies.
- 5.2.2.5 USEPA will:
 - 5.2.2.5.1 Review and provide written comment on draft transportation conformity documents as well as RTPs and TIPs.
 - 5.2.2.5.2 Provide guidance on the transportation conformity rule criteria and statute.
 - 5.2.2.5.3 Review and approve updates of motor vehicle emission factors (EMFAC) for use in transportation conformity analyses.
 - 5.2.2.5.4 Designate a conformity representative to coordinate with other agencies and attend meetings with other agencies at USEPA's discretion. The conformity representative will provide input from other agencies during the consultation process.
- 5.2.2.6 FHWA and FTA will:

- 5.2.2.6.1 Comment on and provide joint transportation conformity determinations for RTPs and TIPs, and plan and program amendments.
- 5.2.2.6.2 Provide notification of final joint transportation conformity determinations to each agency listed in paragraph 5.1.
- 5.2.2.6.3 Take additional actions as necessary and appropriate to facilitate approval of conformity of RTPs and TIPs.
- 5.2.2.6.4 Provide guidance on transportation conformity and transportation planning.
- 5.2.2.6.5 Designate a conformity representative to coordinate with other agencies and attend meetings with other agencies at FHWA/FTA's discretion. The conformity representative will solicit input from other agencies during the consultation process.

5.3 Interagency Consultation Procedures: General Factors for Development of Control Strategy Implementation Plans

5.3.1 The SJVUAPCD, ARB and USEPA will consult regularly with the TPAs prior to and throughout development of all control strategy implementation plan submittals which affect transportation conformity, including those which contain emissions budgets, control strategies, and/or proposed TCMs. The SJVUAPCD, ARB and USEPA will transmit to the TPAs and the other agencies its draft and final air quality plans, TCM proposals, and available work programs for air quality planning activities and products, and will solicit the TPAs input on the region's transportation conformity determinations. Each agency will participate early and continuously in control strategy implementation plan development to the extent its resources and priorities allow.

5.3.1.1 The organizational level of regular consultation will be at the technical level. Technical consultation on control strategy implementation plan revisions and on-road mobile emission budgets will be undertaken by appropriate technical committees established by the TPA Directors Association.

5.3.1.2 The SJVUAPCD will be responsible for the timely circulation of draft documents among the agencies for

comment (and responding to comments) before adoption or publication. Draft documents will be circulated among the agencies with a 30-day comment period. Copies of draft documents will be made available for the public to view at the three regional offices of the SJVUAPCD.

5.3.1.3 Interagency consultation will be accomplished through regular meetings of the technical committee(s) established by the TPA Directors Association. The committee(s) shall meet at least on a quarterly basis for the purpose of consultation. The responsibility for establishing meeting agendas lies with the lead agency designated in the San Joaquin Valley TPA Cooperative Work Program. The SJVUAPCD will be consulted regarding control strategy implementation plan revision issues to be placed on the agenda. The lead agency will distribute meeting notices and agendas to each agency listed in paragraph 5.1 and the SJVUAPCD representative will communicate with agencies unable to attend and solicit their input.

5.3.2 All control strategy implementation plans and/or revisions, including those initiated by TPAs and other local agencies, must be submitted through the SJVUAPCD.

5.3.3 ARB and USEPA will consult with the SJVUAPCD on the development of any control strategy implementation plans that they promulgate or adopt.

5.3.4 Each agency's role and responsibilities are as follows:

5.3.4.1 The SJVUAPCD will:

5.3.4.1.1 Develop attainment demonstrations, control strategy implementation plans, and regulatory TCMs within the statutory limits of the SJVUAPCD.

5.3.4.1.2 Solicit early and continuing input from the other agencies identified in paragraph 5.1 of this section in the development of control strategy implementation plan submittals.

5.3.4.1.3 Distribute contents of draft control strategy implementation plans and copies of final control strategy implementation plan submittals and supporting materials to the

agencies identified in paragraph 5.1 of this section.

- 5.3.4.1.4 Adopt on-road mobile source emissions budgets developed by the TPAs in consultation with the SJVUAPCD. The budgets may be revised by the SJVUAPCD after joint consultation between the TPAs, the SJVUAPCD, and the ARB prior to their adoption.
- 5.3.4.1.5 Provide a period of at least thirty days for review and comment by other agencies prior to taking final action to adopt or amend a control strategy implementation plan; review and consider the comments of other agencies; provide written responses to comments as appropriate.
- 5.3.4.1.6 Consult directly and regularly with TPAs at both policy and technical staff levels.
- 5.3.4.1.7 Consult with ARB, Caltrans, and USEPA on use of emission factors.
- 5.3.4.1.8 Hold regular meetings at District headquarters in Fresno to provide status reports and solicit input from the TPAs on control strategy implementation plan development or revisions.

5.3.4.2 The TPAs will:

- 5.3.4.2.1 Review and comment as appropriate on the contents of proposed control strategy implementation plan submittals for conformity determinations.
- 5.3.4.2.2 Develop and provide system-based (facilities) and non-regulatory (programmatic) TCMs for inclusion in the SIP.
- 5.3.4.2.3 Develop proposed on-road mobile source emissions budgets in consultation with the SJVUAPCD.

- 5.3.4.2.4 Program TCMs and work with appropriate jurisdictions to implement TCMs on schedule where responsible.
- 5.3.4.2.5 Recommend to the SJVUAPCD when SIP revisions are necessary to replace TCMs.
- 5.3.4.2.6 Provide the information necessary to develop on-road motor vehicle activity level and associated emission levels for use in the control strategy implementation plan.
- 5.3.4.2.7 Hold regular meetings with the SJVUAPCD regarding the development of the RTP, TIP, amendments to these documents, and other transportation projects.

5.3.4.3 Caltrans will:

- 5.3.4.3.1 Assist with overall control strategy implementation plan development.
- 5.3.4.3.2 Consult with the TPAs and the SJVUAPCD on development of TCMs for inclusion in control strategy implementation plan.
- 5.3.4.3.3 Consult with the other agencies on interregional projects.
- 5.3.4.3.4 Consult with the other agencies on transportation projects that are entirely under Caltrans discretionary control.
- 5.3.4.3.5 Provide transportation data to the TPAs for their consideration in the development of emissions budgets.

5.3.4.4 USEPA will:

- 5.3.4.4.1 Participate in consultation meetings during development of control strategy implementation plan submittals.

- 5.3.4.4.2 Provide timely guidance to the SJVUAPCD during development of control strategy implementation plan revisions.
- 5.3.4.4.3 Review all control strategy implementation plan revisions for completeness and approvability.
- 5.3.4.4.4 Review and approve updates of motor vehicle emission factors (EMFAC) for use in control strategy implementation plan emissions analysis.
- 5.3.4.4.5 Adopt on-road mobile source emission budgets for Federal Implementation Plans (FIP) for the San Joaquin Valley only after consultation with the TPAs and SJVUAPCD.
- 5.3.4.5 ARB will:
 - 5.3.4.5.1 Participate in consultation meetings during development of control strategy implementation plan revisions.
 - 5.3.4.5.2 Provide timely guidance to the SJVUAPCD during development of control strategy implementation plan submittals.
 - 5.3.4.5.3 Review all draft and final control strategy implementation plan submittals for compliance with applicable requirements.
 - 5.3.4.5.4 Submit control strategy implementation plan revisions to the USEPA for approval.
 - 5.3.4.5.5 Provide the most recent USEPA-approved emission factors (EMFAC) to the SJVUAPCD for use in control strategy implementation plan emissions analysis.
- 5.3.4.6 FHWA and FTA will:
 - 5.3.4.6.1 Review and comment as appropriate on the relevant contents of proposed control strategy implementation plan revisions.

5.3.4.6.2 Provide guidance on the transportation conformity implications of proposed control strategy implementation plan revisions.

5.3.4.7 Other Recipients of Funds Under Title 23 U.S.C. or the Federal Transit Act will:

5.3.4.7.1 Review and comment as appropriate on the relevant conformity determination issues.

5.4 Interagency Consultation Procedures: Specific Processes for Transportation Conformity

5.4.1 The consultation process shall include the specific issues listed in the following items 5.4.1.1 - 5.4.1.6. Recommendations and decisions on these issues will be developed by the TPA technical representatives and presented at regularly scheduled meetings of the TPA Directors Association. In developing these recommendations, the designated TPA technical representatives will solicit and consider input from SJVUAPCD, USEPA, ARB, FHWA, FTA, Caltrans, and agencies receiving Federal transportation funds. The TPA Directors Association will take action on these recommendations. Meeting agendas will note when such issues are to be discussed.

5.4.1.1 Evaluating and choosing a model (or models) and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses;

5.4.1.2 Determining which minor arterials and other transportation projects (if any) should be considered "regionally significant" for the purposes of regional emissions analysis (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel), and which projects should be considered to have a significant change in design concept and scope from the RTP or TIP;

5.4.1.3 Evaluating whether projects otherwise exempted from meeting the requirements of paragraphs 4.1. and 4.2 of the transportation conformity rule should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason;

- 5.4.1.4 Making a determination, as required by Section 6.8.3.1 of the transportation conformity rule, whether past obstacles to implementation of TCMs which are behind the schedule established in the control strategy implementation plan have been identified and are being overcome, and whether TCMs are being given maximum priority for approval and/or funding. This process shall also consider whether delays in TCM implementation necessitate revisions to the State Implementation Plan to remove TCMs or substitute TCMs or other emission reduction measures;
 - 5.4.1.5 Identifying, as required by paragraph 7.2.4, projects located at sites in PM₁₀ nonattainment areas which have vehicle and roadway emission and dispersion characteristics which are essentially identical to those at sites which have violations verified by monitoring, and therefore require quantitative PM₁₀ hot-spot analysis; and
 - 5.4.1.6 Notification of RTP or TIP revisions or amendments which merely add or delete exempt projects listed in paragraph 4.1 of the transportation conformity rule.
- 5.4.2 The TPAs shall consult, in accordance with paragraph 5.4.1, with the SJVUAPCD, ARB, USEPA, Caltrans, FHWA, FTA, and other local agencies which receive Federal transportation funds on the following transportation conformity issues:
- 5.4.2.1 Evaluating events which will trigger new transportation conformity determinations in addition to those triggering events established in paragraph 8.0; and
 - 5.4.2.2 Consulting on emissions analysis for transportation activities which cross the borders of TPAs or nonattainment areas or air basins.
- 5.4.3 Where the metropolitan planning area does not cover the entire nonattainment or maintenance area, the TPA and Caltrans shall undertake cooperative planning and analysis for purposes of determining transportation conformity of all projects outside the metropolitan area and within the nonattainment or maintenance area. This will be accomplished through the consultation procedures outlined in paragraph 5.2.1 of this section.
- 5.4.4 The TPAs shall ensure that member jurisdictions regularly disclose plans for construction of regionally significant projects which are not FHWA/FTA projects (including projects for which alternative locations, design concept

and scope, or the no-build option are still being considered), including those by recipients of funds designated under title 23 U.S.C. or the Federal Transit Act, and ensure that any changes to those plans are regularly disclosed.

5.4.5 The TPAs and other recipients of funds designated under title 23 U.S.C. or the Federal Transit Act shall assign a location and design concept and scope of projects which are disclosed to the TPA by its member jurisdictions as required by paragraph 5.4.4 of this section but whose sponsors have not yet decided these features, in sufficient detail to perform the regional emissions analysis according to the requirements of paragraph 7.1. These assignments will be based on the judgement of the TPA and will be discussed at the TPA technical level; issues of regional importance requiring policy-level decisions will be addressed by the TPA Directors Association.

5.4.6 The TPAs shall consult with each agency listed in paragraph 5.1 on the design, schedule and funding of research and data collection efforts and regional transportation model development (e.g., household/travel transportation surveys) initially at the technical level through the appropriate technical committee established by the TPA Directors Association. Issues of regional and/or policy significance will be presented to the TPA Directors Association.

5.4.7 The TPAs, SJVUAPCD and Caltrans shall distribute final documents (including control strategy implementation plan revisions) and supporting information to each agency within two weeks after approval or adoption.

5.5 Resolving Conflicts Relating to Transportation Conformity Determinations

5.5.1 Conflicts relating to transportation conformity determinations among State agencies, or between State agencies and the TPA(s), or among TPA member jurisdictions, shall be identified by a TPA or agency in writing to the other TPA or agency and (as appropriate) the SJVUAPCD, ARB, Caltrans, FHWA, FTA, and USEPA. The TPA or member jurisdiction initially identifying the conflict has responsibility for determining which agencies should be notified. The TPA's or agency's written notice shall:

5.5.1.1 Explain the nature of the conflict.

5.5.1.2 Review options for resolving the conflict.

5.5.1.3 Describe the TPA's or agency's proposal to resolve the conflict.

5.5.1.4 Explain the consequences of not reaching resolution.

5.5.1.5 Request that comments on the matter be received within two weeks.

5.5.2 If the above action does not result in a resolution to the conflict, a meeting shall be held within four weeks after the initial letter documenting the conflict among the involved agencies and TPA(s). Agencies not able to attend the meeting must provide any input in writing prior to the meeting.

5.5.3 If staff of the involved agencies cannot resolve the conflict, the heads of the involved agencies, or their designees, shall meet to resolve differences in a manner acceptable to all involved parties.

5.5.4 Conflicts shall be escalated to the Governor if they cannot be resolved by the heads of the involved agencies. The ARB has 14 calendar days to appeal to the Governor after Caltrans or the TPAs or other involved agency have notified the Director of the ARB that either party plans to proceed with their conformity determination that is the source of the unresolved conflict. If the ARB appeals to the Governor, the final transportation conformity determination must have the concurrence of the Governor. If the ARB does not appeal to the Governor within 14 days, the TPA or other project sponsor may proceed with the final transportation conformity determination. The Governor may delegate his or her role in the process, but not to the Director or staff of the SJVUAPCD, ARB, Caltrans, or a TPA.

5.6 Public Consultation Procedures.

5.6.1 Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process and will allow opportunity for public review and comment prior to taking formal action on a transportation conformity determination for all RTPs and TIPs, consistent with the requirements of 23 CFR part 450. In addition, any such agency must specifically address in writing all public comments about known plans for a regionally significant project which is not receiving FHWA or FTA funding or approval and that has not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies will also provide an opportunity for public involvement in transportation conformity determinations for projects where otherwise required by law. Local entities specified in Section 450.316(b)(4) of FHWA/FTA's Statewide Planning: Metropolitan Planning are to be included in the public consultation process.

6.0 Requirements

6.1 Content of Transportation Plans

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Appendix XI

MEMORANDUM OF UNDERSTANDING
between the
MERCED COUNTY ASSOCIATION OF GOVERNMENTS
and the
STANISLAUS COUNCIL OF GOVERNMENTS

"Regarding the Coordination of Ongoing Transit Planning and Programming of
Federal Transportation Administration Section 5307 Federal Funds from the
Turlock Urbanized Area"

This Memorandum of Understanding (Agreement) is entered between the Merced County Association of Governments (MCAG) and the Stanislaus Council Governments (StanCOG) on this 1 day of March, 2018.

This Agreement is made with reference to the following recitals:

WHEREAS, the Stanislaus Council of Governments (StanCOG) is the designated recipient for Federal Transit Administration (FTA) Section 5307 funds, which are made available to the Turlock Urbanized Area (Turlock UZA); and

WHEREAS, a majority of the designated area within the Turlock UZA, a map of which is attached as Exhibit A, is within the Stanislaus region in the City of Turlock and Community of Denair, while also containing designated areas within the Merced region in the City of Livingston and Community of Delhi; and

WHEREAS, both the City of Turlock and the Transit Joint Powers Authority of Merced County (TJPAMC) are direct recipients of FTA Section 5307 transit funding and both provide eligible transit programs and services to citizens within their designated areas of the Stanislaus region and Merced region, respectively; and

WHEREAS, MCAG serves as the Metropolitan Planning Organization (MPO) for the Merced region; and

WHEREAS, StanCOG serves as the Metropolitan Planning Organization (MPO) for the Stanislaus region; and

WHEREAS, both MCAG and StanCOG have shared interests and responsibilities to ensure that the public transit interests of the residents of the Turlock UZA in the Stanislaus and Merced regions are met through FTA Section 5307 funding for capital, operating and planning assistance, and;

WHEREAS, MCAG and StanCOG must enter into an Agreement to define the roles and responsibilities related to the transit planning and programming of FTA Section 5307 funding for the Turlock UZA.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the parties hereto mutually agree as follows:

1. **PURPOSE:** The purpose of this Agreement is to set forth the basic structure for cooperative transit planning and decision making for the distribution and utilization of FTA Section 5307 transit funds in the Turlock UZA during the term of this Agreement, which is March ~~xx~~ 2018 thru September 30, 2022.
2. **COOPERATIVE RELATIONSHIP:** MCAG and StanCOG rely upon a cooperative relationship to foster comprehensive regional transit planning which feeds directly into State and national planning. A critical component of this relationship involves open and productive communication, which leads to setting transit project and federal funding priorities.

MCAG and StanCOG are required to update the Federal Transportation Improvement Program (FTIP) every even numbered year. The need to ensure responsive communication between the two parties is imperative in order to meet this federal programming mandate.

The Executive Director of MCAG and the Executive Director of StanCOG are the primary individuals responsible for ensuring that the provisions specified in this MOU are followed and implemented.

3. **TRANSIT PLANNING:** MCAG and StanCOG agree to work cooperatively with each other and with the transit operators in the Turlock UZA and participating local government agencies to ensure the provision of coordinated, region-wide transit services. Such coordination shall include transfer and pass policies, transit information and marketing, schedule and service coordination, data needs to meet periodic reporting and collection requirements, and other activities as required.

MCAG and StanCOG agree to coordinate short and long-range transit planning in the Turlock UZA, working in concert with the two transit providers, the TJPAMC and City of Turlock, respectively. This coordination will include providing input into the development of projects and services proposed by both transit operators for inclusion in their respective short or long-range planning documents, as well as

those projects and services submitted for inclusion in their respective FTIP documents.

MCAG and StanCOG agree to coordinate the transit planning activities of the TJPAMC and the City of Turlock and recognize their connectivity throughout the transit planning process.

3.1 Designated Recipient Responsibilities: As the federally designated recipient for the Turlock UZA, StanCOG is responsible for apportioning certain federal funds to the City of Turlock, TJPAMC and to any other qualified recipients. StanCOG shall apportion all such funds based on a cooperative process developed with MCAG, the City of Turlock, and TJPAMC.

- 4. TRANSIT FUNDING:** FTA Section 5307 apportionments provided to the Turlock UZA shall be apportioned between the City of Turlock and the TJPAMC as a fixed percentage split based on a defined methodology that considers population levels within the cities of Turlock and Livingston and the communities of Denair and Delhi, as determined by the most recently completed decennial Census, as well as fixed route transit service within the UZA areas referenced above. The methodology is attached hereto as Exhibit B. The methodology used in calculating the fixed percentage split shall remain the same during the term of this Agreement, unless modified in writing by mutual consent through an amendment to this MOU.

The TJPAMC and the City of Turlock, as direct recipients of FTA funding, are legally eligible under federal law to apply for and receive grants directly from FTA and shall be responsible for preparing grant applications to claim and obligate any allocated funds apportioned to them.

- 5. TRANSIT PROGRAMMING:** MCAG and StanCOG are responsible for the development, adoption, and amendment of their respective FTIP documents. Both parties shall coordinate, to the extent feasible and in conjunction with the TJPAMC and City of Turlock, respectively, to program the FTA Section 5307 funds. This coordination shall prioritize programming for projects based on criteria which include but are not limited to:

5.1. Programming Criteria

- a) Maintenance of existing service levels
- b) Project purpose and need
- c) Anticipated benefits (including congestion reduction)
- d) Degree of improvement to transit viability and availability

- e) Degree of improvements in transit system performance
- f) Air quality benefits
- g) Cost effectiveness of transit improvements
- h) Leveraging of other funding sources

MCAG and StanCOG will initiate and coordinate meetings with the TJPAMC and the City of Turlock annually for the purpose of reviewing and prioritizing the transit projects in the Turlock UZA using the programming criteria listed above.

- 6. **MOU AMENDMENT:** This MOU may be amended by the written consent of both parties.
- 7. **MOU TERMINATION:** This MOU may be terminated by either party after providing written notification no less than thirty days prior to the early termination date.
- 8. **AUTHORIZATION OF MOU:** By signature, we agree that the responsibilities outlined in this MOU foster healthy collaboration for the purpose of transit planning and programming federal funds within the Turlock Urbanized Area.

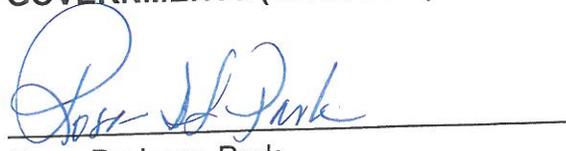
MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG)



Patrick Pittenger
Executive Director

Date: 3/23/18

STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)



Rosa De Leon Park
Executive Director

Date: 4-5-2018

Exhibit A: U.S. Census Map – Turlock Urbanized Area

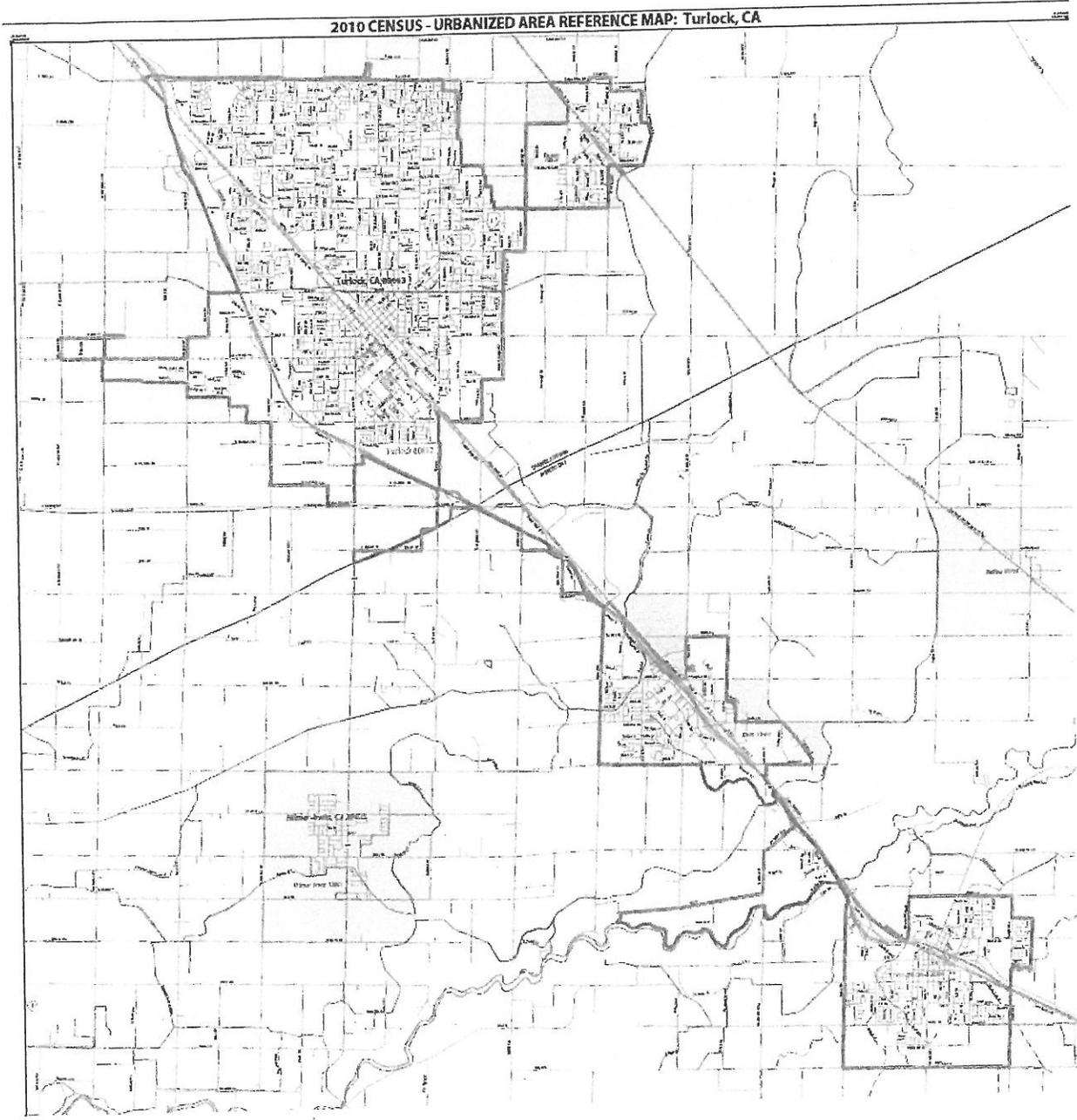


Exhibit B:

Methodology for Apportionment of Section 5307 Funds in the Turlock Urbanized Area

Funding shall be apportioned on the basis of **population** of the designated areas within the Turlock UZA, using population values provided from the most recent U.S. Census, as well as **levels of fixed route service**, using total number of stops, and frequency of service at those stops, within the designated areas on an average week of regular service.

The following example calculates the fixed percentage split for FFY 2017-18 based on an estimated apportionment of \$2,000,000:

Table 1: Population of designated areas based on 2010 U.S. Census (actual)

| Designated UZA Area | Population | Combined Population | Percentage Split (%) | Weighted Split (at 50%) |
|---------------------|------------|---------------------|----------------------|-------------------------|
| Merced: Livingston | 13,058 | 23,813 | 24.60% | 12.30% |
| Merced: Delhi | 10,755 | | | |
| Stanislaus: Turlock | 68,549 | 72,953 | 75.40% | 37.70% |
| Stanislaus: Denair | 4,404 | | | |
| Totals: | | 96,766 | 100.00% | 50.00% |

Table 2: Fixed route service levels in designated areas (actual)

| Transit Service | # of Stops (day) | # of Runs (week) | Total Service Stops (week) | Percentage Split (%) | Weighted Split (at 50%) |
|--------------------------------|------------------|------------------|----------------------------|----------------------|-------------------------|
| TJPAMC Turlock ¹ | 6 | 77.7 | 466.2 | 3.95% | 1.97% |
| TJPAMC Livingston ² | 5 | 54.15 | 270.75 | | |
| City of Turlock ³ | 118 | 152 | 17,936.00 | 96.05% | 48.03% |
| Totals: | | | 18,672.95 | 100.00% | 50.00% |

¹TJPAMC's Turlock Commuter Route stops at 6 stops in the Turlock UZA: (weekdays) 13 full runs and 2 partial runs (14.1 daily); (weekends) 3 full runs and 1 partial run (3.6 daily).

²TJPAMC's Livingston Commuter Route stops at 5 stops in the Turlock UZA: (weekdays) equiv. of 9.33 full runs of stops daily, (weekends) equiv. of 3.75 full runs of stops daily

³Turlock Transit's Routes 1-6 stop at a combined 118 stops, with 27 runs per route, per weekday, and 17 runs per route each Saturday; no service on Sunday.

Table 3: Weighted split of available funding (estimated)

| Transit Agency | Population Split (%) | | Service Split (%) | | Total Split (%) | Allocation (\$) |
|-----------------|----------------------|---|-------------------|---|-----------------|-----------------|
| TJPAMC | 12.30% | + | 1.97% | = | 14.27% | \$285,466 |
| City of Turlock | 37.70% | | 48.03% | | 85.73% | \$1,714,534 |
| Total | 50.00% | | 50.00% | | 100.00% | \$2,000,000 |

Appendix XII

**MEMORANDUM OF UNDERSTANDING
AMONG THE
CITY OF TURLOCK,
COUNTY OF STANISLAUS,
STANISLAUS COUNCIL OF GOVERNMENTS,
COUNTY OF MERCED, AND
MERCED COUNTY ASSOCIATION OF GOVERNMENTS**

This Memorandum of Understanding (MOU) is entered into on this 15th day of December, 2005, by and among these parties: City of Turlock, County of Stanislaus, Stanislaus Council of Governments, County of Merced, and Merced County Association of Governments for the purpose of cooperatively preparing a Project Study Report for transportation improvements involving State Route 165 and State Route 99 in and/or proximate to the City of Turlock, the County of Stanislaus and the County of Merced.

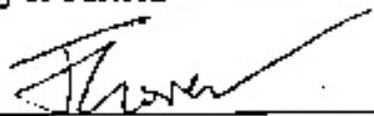
The purpose of this MOU is to set forth the project, respective party roles and responsibilities, schedule, funding, and decision-making process for the preparation of the Project Study Report.

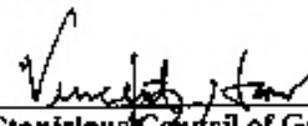
1. **PROJECT.** A project study report consistent with Caltrans guidelines for a new interchange at SR 99 between the existing SR 165 and Bradbury Road interchanges, and a new alignment of SR 165, or equal local major collector route, around the community of Hilmar and serving the southern portion of the City of Turlock, connecting to the new interchange.
2. **ROLES AND RESPONSIBILITIES OF EACH PARTY**
 - a. **PROJECT DEVELOPMENT TEAM.** All parties shall be members of the project development team and participate as equals.
 - b. **PROJECT MANAGER AND ADMINISTRATIVE LEAD AGENCY.** The Merced County Association of Governments will serve as the Administrative Lead Agency and Project Manager.
 - c. **QUALITY ASSURANCE.** Caltrans will provide the quality assurance and approval of the PSR.
3. **SCHEDULE.** With all deliberate speed.
4. **FUNDING**
 - a. **PROJECT COST ESTIMATE**
 - b. **PUBLIC FUND CONTRIBUTIONS**
 - i. **Federal.** \$400,000
 - ii. **Local.** To be determined.
 - c. **PRIVATE FUND CONTRIBUTIONS**
 - i. Match of the Federal funds not less than \$100,000, non reimbursable.
5. **DECISION-MAKING PROCESS.** Major project milestones and final product require the unanimous approval of MOU signatory agencies.
6. **AMENDMENT.** Amendment of this MOU may be proposed by any party. Amendments must be approved by all signatory parties to this MOU.

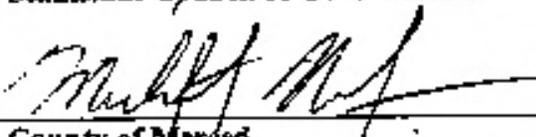
7. **TERMINATION.** This MOU may be terminated by any party given a 60-day written notice. Any and all financial commitments, should there be any, would be honored by all parties until the date of termination.
8. **EXECUTION.** This MOU becomes effective upon the approval by the city council, board of supervisors, or governing board of all five parties.

Signatures of Parties this Memorandum of Understanding


 _____ 1-20-06
 City of Turlock Date

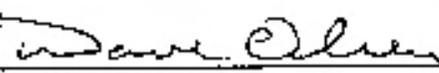

 _____ 24 JAN 06
 County of Stanislaus Date


 _____ Jan 24 2006
 Stanislaus Council of Governments Date


 _____ JAN 10 2006
 County of Merced Date


 _____ 01/03/05
 Merced County Association of Governments Date

APPROVED AS TO LEGAL FORM: _____ Date
 RUBEN E. CASTILLO,
 MERCED COUNTY COUNSEL

By: 

 Dave Olsen, Deputy Counsel

Appendix XIII

Caltrans Information Element

| Merced County Association of Governments 2018-2019 Overall Work Program (OWP) Information Element | | | | | |
|--|-------------------------------------|------------------------------|---|--------------------------|------------------------------------|
| State Route | Product | Activity Description | Performed By | Status of Product | Expected Date of Completion |
| 5 | Transportation Concept Report (TCR) | TCR Finalized September 2012 | Caltrans, District 10 Systems Planning & Goods Movement | Complete | -- |
| 33 | Transportation Concept Report (TCR) | TCR Finalized January 2016 | Caltrans, District 10 Systems Planning & Goods Movement | Complete | -- |
| 59 | Transportation Concept Report (TCR) | TCR Finalized April 2013 | Caltrans, District 10 Systems Planning & Goods Movement | Complete | -- |
| 99 | Transportation Concept Report (TCR) | TCR Finalized May 2017 | Caltrans, District 10 Systems Planning & Goods Movement | Complete | -- |
| 140 | Transportation Concept Report (TCR) | TCR Finalized June 2016 | Caltrans, District 10 Systems Planning & Goods Movement | Complete | -- |
| 152 | Transportation Concept Report (TCR) | TCR Finalized October 2015 | Caltrans, District 10 Systems Planning & Goods Movement | Complete | -- |
| 165 | Transportation Concept Report (TCR) | TRC Finalized November 2015 | Caltrans, District 10 Systems Planning & Goods Movement | Complete | -- |

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Appendix XIV

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

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

(Nonprocurement), 49 CFR 29.100:

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

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

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

Signature  Date 4/23/18

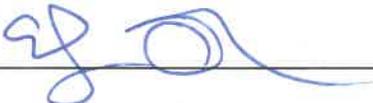
Printed Name Patrick Pittenger

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

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

AFFIRMATION OF APPLICANT'S ATTORNEY

For Merced County Association of Governments (Name of Applicant)

Signature  Date 4/23/18

Printed Name of Applicant's Attorney Emily Haden

Appendix XV

Glossary of Commonly Used Acronyms

| | | | |
|----------|---|---------|---|
| ACE | Altamont Corridor Express | MPO | Metropolitan Planning Organization |
| AME | Atwater-Merced Expressway | OWP | Overall Work Program |
| ATP | Active Transportation Program | PID | Project Initiation Document |
| CARB | California Air Resources Board | PL | Planning Funds |
| CAC | Citizens Advisory Committee | PMP | Pavement Management Plans |
| CDAC | Councils of Governments Directors Association of California | PPM | Planning, Programming and Monitoring |
| CFPG | California Federal Programming Group | POP | Program of Projects |
| CMAQ | Congestion Mitigation Air Quality | PPP | Public Participation Plan |
| COG | Council of Governments | PSR | Project Study Report |
| CTIPS | California Transportation Improvement Program System | RIP | Regional Improvement Program |
| EIR | Environmental Impact Report | RSTP | Regional Surface Transportation Program |
| FAST Act | Fixing America's Surface Transportation Act | RTIF | Regional Transportation Impact Fee |
| FHWA | Federal Highway Administration | RTIP | Regional Transportation Improvement Program |
| FLAP | Federal Lands Access Program | RTP | Regional Transportation Plan |
| FLMA | Federal Land Management Agencies | RTPA | Regional Transportation Planning Agencies |
| FLTP | Federal Lands Transportation Program | SB | Senate Bill (i.e. SB 375, SB 1) |
| FTA | Federal Transit Administration | SDC | State Data Center |
| FSTIP | Federal Statewide Transportation Improvement Program | SCS | Sustainable Communities Strategy |
| FTIP | Federal Transportation Improvement Program | SHOPP | State Highway Operation and Protection Program |
| FY | Fiscal Year | SJIPA | San Joaquin Joint Powers Authority |
| GB | Governing Board | SJVAPCD | San Joaquin Valley Air Pollution Control District |
| GIS | Geographic Information System | SR 99 | State Route 99 |
| HBP | Highway Bridge Program | STA | State Transit Assistance |
| HSIP | Highway Safety Improvement Program | STIP | State Transportation Improvement Program |
| HSR | High Speed Rail | TDA | Transportation Development Act |
| IAC | Interagency Consultation | TJPA | Transit Joint Powers Authority |
| LPP | Local Partnership Program | TRB | Technical Review Board |
| LTF | Local Transportation Funds | VMT | Vehicle Miles Traveled |
| MCAG | Merced County Association of Governments | YARTS | Yosemite Area Regional Transportation System |

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Appendix XVI



Consultation Process with Federal Land Management Agencies

Adopted January 18, 2018

Introduction

The Merced County Association of Governments (MCAG) is the federally-designated Metropolitan Planning Organization (MPO) for the Merced County region. As the MPO, MCAG is responsible for federal transportation planning and programming for the region.

The U.S. Department of Transportation defines consultation as when: “one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken.”

Requirement to Consult with Federal Land Management Agencies

U.S. Title 23 Code of Federal Regulations Part 450.316(d) requires that when the Metropolitan Planning Area includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the Transportation Improvement Program (TIP). The Merced County Metropolitan Planning Area includes Federal public lands.

Consultation

This consultation process will serve as the documented process that outlines roles, responsibilities, and key decision points for consultation.

Consultation is a process, not a single event, and communication should continue until the plan or program is complete. Absence of timely, reciprocal communication will be regarded as assent.

The types of activities for which this consultation process applies include:

- transportation studies;
- the Regional Transportation Plan (RTP), referred to in Federal statute as the metropolitan transportation plan; and
- the Federal Transportation Improvement Program (FTIP).

Typically, these projects are not “projects” in relation to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). They are planning studies, generally exempt from

CEQA and NEPA consideration, with the exception of the RTP, for which an environmental documentation is prepared, pursuant to CEQA.

Roles

MCAG – MCAG is the federally-designated MPO and the state-designated Regional Transportation Planning Agency. It is responsible for federal and state transportation planning and programming for the Merced region.

FLMAs – The Federal Land Management Agencies are responsible for federal lands and/or resources within the Merced region. They include the Bureau of Land Management, US Army Corps of Engineers, US Fish & Wildlife Service, , San Luis National Wildlife Refuge, Merced National Wildlife Refuge, and the Grasslands Wildlife Management Area

Responsibilities

MCAG – MCAG’s executive director is the designated MPO official with principal responsibility for the agency’s implementation of consultation requirements. At the appropriate time in the planning phase, contact shall be initiated by the executive director, or his / her designee, to begin the mutually agreed-upon actions established by this consultation process.

FLMA’s – The Federal land management agencies, upon receiving notice from MCAG, will be responsible for bringing applicable information to bear, or, in the absence of the consultation initiation requiring action, will be responsible to notify MCAG of such.

Key Decision Points

Project Initiation – MCAG will initiate the consultation process by email or letter from MCAG’s executive director, or designee, upon applicable project initiation. In the notification, MCAG will offer to meet to discuss the FLMA’s needs and / or concerns regarding potential impacts of project on areas within their purview. If FLMA elects to meet, MCAG to arrange meeting (in-person preferred, although teleconference acceptable if agreeable to MCAG).

Project Timeline and Scope – MCAG will notify FLMAs of major revisions in project timeline or scope of work.

Public and Interagency Review Periods – MCAG will notify FLMAs of the commencement of public / interagency review periods.

Public Hearings – MCAG will notify FLMAs of any scheduled public hearings.