

## Attachment 2

### Prop AA Vehicle Registration Fee Strategic Plan Policies (Adopted 10.25.16)

The Strategic Plan policies and procedures provide guidance to both Transportation Authority staff and project sponsors on the various aspects of managing the Prop AA program. The Strategic Plan policies and procedures highlighted here address the allocation and expenditure of funds, in the policy context of the Transportation Authority's overall revenue structure, as well as clarifying the Transportation Authority's expectations of sponsors to deliver their projects. We have written the policies based on the experience of the Prop K program, but tailored to the smaller size of the program and to reflect the guiding principles that were used to develop the Expenditure Plan.

This Expenditure Plan identifies eligible expenditures for three programmatic categories: Street Repair and Reconstruction; Pedestrian Safety; and Transit Reliability and Mobility Improvements.

The Prop AA policies are detailed below.

#### Project Readiness

- Prop AA funds will be allocated to phases of a project based on demonstrated readiness to begin the work and ability to complete the product. Any impediments to completing the project phase will be taken into consideration, including, but not limited to, failure to provide evidence of necessary inter- and/or intra-agency coordination, or any pending or threatened litigation.
- Allocations of Prop AA funds for specific project phases will be contingent on the prerequisite milestones shown in Table 1 (found at the end of this attachment). Exceptions will be considered on a case-by-case basis. Allocation requests will be made prior to advertising for services or initiating procurements which will utilize Prop AA funds.
- Projects with complementary funds from other sources will be given priority for allocation if there are timely use of funds requirements outside of the Transportation Authority's jurisdiction applied to the other fund sources.
- The sponsor will provide certification at the time of an allocation request that all complementary fund sources are committed to the project. Funding is considered committed if it is included specifically in a programming document adopted by the governing board or council responsible for the administration of the funding and recognized by the Transportation Authority as available for the phase at the time the funds are needed.

#### Programming

- The Expenditure Plan assigns the percentage allocation of vehicle registration fee revenues over its 30-year life to each category is as follows: Street Repair and Reconstruction – 50%, Pedestrian Safety– 25%, and Transit Reliability and Mobility Improvements – 25%. The Strategic Plan reserves the flexibility to assign annual Prop AA revenues across the three categories with considerations including project readiness and policy direction (e.g., focus on pedestrian safety). As a part of Strategic Plan updates, the amount programmed and allocated to each category will be reconciled to ensure the program is on-track to allocate funds in the proportions prescribed by the Expenditure Plan.
- Prop AA funds will be programmed and allocated to phases of projects emphasizing the leveraging of other fund sources.

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- In establishing priorities in the Strategic Plan updates, the Transportation Authority will take into consideration the need for Prop AA funds to be available for matching federal, state, or regional fund sources for the project or program requesting the allocation or for other projects in the Expenditure Plan.
- On the occasion of each Strategic Plan update or major amendment, envisioned no less frequently than every four years, the ability of sponsors to deliver their committed projects and programs and comply with timely-use-of-funds requirements will be taken into consideration when updating the programming of funds.

### **Project Delivery and Timely Use of Funds Requirements**

- To support timely and cost-effective project delivery, Prop AA funds will be allocated one project phase at a time, except for smaller, less complex projects, where the Transportation Authority may consider exceptions to approve multi-phase allocations. Phases eligible for an allocation:
  - Design Engineering (PS&E)<sup>1</sup>
  - Construction, including procurement (e.g. accessible pedestrian signals)
- Project phases for which Prop AA funds will be allocated will be expected to result in a complete work product or deliverable. Table 2 located in the following section demonstrates the products expected to accompany allocations.
- Implementation of project phase must occur within 12 months of date of allocation. Implementation includes issuance of a purchase order to secure project components, award of a contract, or encumbrance of staff labor charges by project sponsor. Any project that does not begin implementation within 12 months of the date of allocation may have its sponsor request a new timely-use-of-funds deadline with a new project schedule, subject to the approval of the Transportation Authority. If denied, the sponsor may request that the Transportation Authority Board determine if funds should be deobligated to be included in a competitive call for projects. Sponsors will have the opportunity to reapply for funds through these competitive calls, but will not be guaranteed any priority if other eligible, ready-to-go project applications are received.
- Prop AA final reimbursement requests and project closeout requests must be submitted within 12 months of project completion. Exceptions will be considered on a case-by-case basis.
- It is imperative to the success of the Prop AA program that project sponsors of Prop AA-funded projects work with Transportation Authority representatives in a cooperative process. It is the project sponsor's responsibility to keep the Transportation Authority apprised of significant issues affecting project delivery and costs. Ongoing communication resolves issues, facilitates compliance with Transportation Authority policies and contributes greatly toward ensuring that adequate funds will be available when they are needed.

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<sup>1</sup> As defined in the Code of Federal Regulations (23 CFR §636.103), final design means any design activities following preliminary design and expressly includes the preparation of final construction plans and detailed specifications for the performance of construction work, and other activities constituting final design include final plans, project site plan, final quantities, and final engineer's estimate for construction.

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- Timely-use-of-funds requirements will be applied to all Prop AA allocations to help avoid situations where Prop AA funds sit unused for prolonged periods of time given Prop AA's focus on delivering tangible benefits in the short term.<sup>2</sup> Any project programmed within the Prop AA Strategic Plan that does not request allocation of funds in the year of programming may, at the discretion of the Transportation Authority Board, have its funding deobligated and reprogrammed to other projects through a competitive calls for Prop AA projects. Sponsors will have the opportunity to reapply for funds through these competitive calls, but will not be guaranteed any priority if other eligible, ready-to-go project applications are received.

### Project Performance

- The Transportation Authority and project sponsors shall identify appropriate performance measures, milestone targets, and a timeline for achieving them, to ensure that progress is made in meeting the goals and objectives of the project or program. These performance measures shall be consistent with the Transportation Authority's Congestion Management Program requirements and shall be used to inform future Strategic Plan amendments and updates.
- Performance and project delivery reports of Prop AA-funded projects will be brought to the Transportation Authority Board on a regular basis to highlight the delivery of open projects.

### Administration

- Prior to allocation of any Prop AA funds to projects, projects must be programmed in the 5-Year Prioritization Program (5YPP)/Strategic Plan. To become programmed, projects may either be submitted by project sponsors for Transportation Authority review at the time of Strategic Plan adoption, periodic update, or through periodic competitive calls for projects that will be amended into the 5YPP/Strategic Plan.
- Within the Strategic Plan, 5YPPs shall establish a clear set of criteria for prioritizing or ranking projects, and include clearly defined budgets, scopes and schedules for individual projects within the program, consistent with the Strategic Plan, for review and adoption by the Transportation Authority Board as provided for in the Expenditure Plan. Allocations may be made simultaneous to approval of the 5YPPs/Strategic Plan.
- Allocations of Prop AA funds will be based on an application package prepared and submitted by the lead agency for the project. The package will be in accordance with application guidelines and formats as outlined in the Transportation Authority's allocation request procedures, with the final application submittal to include sufficient detail and supporting documentation to facilitate a determination that the applicable conditions of these policies have been satisfied.
- Under the approved Transportation Authority Fiscal Policy, Cash Flow Distribution Schedules are adopted simultaneous to the allocation action. The allocation resolution will spell out the maximum reimbursement level per year, and only the reimbursement amount

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<sup>2</sup> One of the six guiding principles in the Prop AA Expenditure Plan calls for the Prop AA program to focus on smaller, high-impact projects that provide tangible benefits in the short-term.

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authorized in the year of allocation will count against the Capital Expenditures line item for that budget year. The Capital Expenditures line item for subsequent year annual budgets will reflect the maximum reimbursement schedule amounts committed through the original and any subsequent allocation actions. The Transportation Authority will not guarantee reimbursement levels higher than those adopted in the original and any subsequent allocation actions.

- Prop AA funds will be spent down at a rate proportional to the Prop AA share of the total funds programmed to that project phase or program. The Transportation Authority will consider exceptions on a case-by-case basis (e.g. another fund source is not immediately available or cannot be used to cover certain expenses). Project sponsors should notify the Transportation Authority of the desire for an exception to this policy when requesting allocation of funds.
- Unexpended portions of allocated amounts remaining after final reimbursement for that phase will be returned to the project's programmed balance if the project is not yet completed and has future funds programmed in the Strategic Plan.
- Upon completion of the project, including any expected work product shown in Table 2, the Transportation Authority will deem that any remaining programmed balance for the project is available for programming with first priority to another project within the same category as listed in the Expenditure Plan or second priority, to any other ready-to-go Prop AA projects. Final project selection will be determined through a competitive call for projects.
- Retroactive expenses are ineligible. No expenses will be reimbursed that are incurred prior to Board approval of the allocation for a particular project or program. The Transportation Authority will not reimburse expenses incurred prior to fully executing a Standard Grant Agreement (SGA).
- Indirect expenses are ineligible. Reimbursable expenses will include only those expenses directly attributable to the delivery of the products for that phase of the project or program receiving a Prop AA allocation.
- Projects shall be consistent with the Regional Transportation Plan (RTP).

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### Table 1

#### Prerequisite Milestones for Allocation

Allocations of Prop AA funds for specific project phases will be contingent on the prerequisite milestones shown in the table below. Exceptions will be considered on a case-by-case basis. Allocation requests will be made prior to advertising for services which will utilize Prop AA funds.

Phase	Prerequisite Milestone(s) for Allocation
Design Engineering (PS&E)	<ul style="list-style-type: none"> <li>• Inclusion in 5YPP/Strategic Plan</li> <li>• Conceptual Engineering Report, if applicable</li> <li>• Approved environmental document</li> <li>• Capital construction funding in adopted plan, including RTP</li> </ul>
Construction, including procurement (e.g. accessible pedestrian signals)	<ul style="list-style-type: none"> <li>• Inclusion in 5YPP /Strategic Plan</li> <li>• Approved environmental document</li> <li>• Right of way certification (if appropriate)</li> <li>• 100% PS&amp;E</li> </ul>

### Table 2

#### Expected Work Products/Deliverables by Phase

The phase for which Prop AA funds are allocated is expected to result in a complete work product or deliverable. The expected work product for each phase is described in the table below. Upon approval of a request for allocation, the Transportation Authority on a case-by-case basis may approve a work product/deliverable other than that shown in the table below (e.g. for Transportation Demand Management projects).

Phase	Expected Work Product/Deliverable <sup>1</sup>
Design Engineering (PS&E)	Final design package including contract documents
Construction, including procurement	Constructed improvement or minimum operating segment, or equipment in service

<sup>1</sup>The Transportation Authority will specify required deliverables for an allocation in the Allocation Request Form, typically requiring evidence of completion of the above work products/deliverables such as a copy of the signed certifications page as evidence of completion of PS&E or digital photos of a completed construction project.