



TECHNICAL ADVISORY COMMITTEE

AGENDA

Monday, April 22, 2024, 1:30 PM

To join the meeting:

The virtual meeting access information will be emailed.

DRAFT COMMISSION AGENDA REVIEW

CONSENT CALENDAR

- 1.** MINUTES FOR THE APRIL 4, 2024, COMMISSION MEETING (KEFFER)
REQUESTED ACTION: The Secretary to the Commission requests correction to, or approval of, the Draft Action Minutes for the April 4, 2024, Commission meeting.
- 2.** MARCH 2024 CHECK REGISTER (THOMPSON)
REQUESTED ACTION: Receive and file the March 2024 Check Register.
- 3.** TRANSPORTATION DEVELOPMENT ACT FISCAL YEAR 2024/25 APPORTIONMENT AND ALLOCATION FOR LOCAL TRANSPORTATION FUNDS, STATE TRANSIT ASSISTANCE FUNDS, AND STATE OF GOOD REPAIR FUNDS (KEFFER)
REQUESTED ACTION: Adopt Resolution 23/24.18 approving the Transportation Development Act Fiscal Year 2024/25 Apportionment and Allocation for Local Transportation Funds, State Transit Assistance Funds, and State of Good Repair Funds.
- 4.** EL DORADO COUNTY TRANSIT AUTHORITY'S FISCAL YEAR 2024/25 TRANSPORTATION DEVELOPMENT ACT CLAIM (KEFFER)
REQUESTED ACTION: Adopt Resolution 23/24.19 approving the El Dorado County Transit Authority's Fiscal Year 2024/25 Transportation Development Act Claim in the amount of \$6,350,631.66
- 5.** TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM AND ZERO EMISSION TRANSIT CAPITAL PROGRAM FUNDS (THOMPSON)
REQUESTED ACTION: Adopt Resolution 23/24.20 approving the Fiscal Year 2023/24 and Fiscal Year 2024/25 allocation for Transit and Intercity Rail Capital Program and the Fiscal Year 2023/24 through FY 2026/27 Zero Emission Transit Capital Program.
- 6.** FINAL SACRAMENTO AREA COUNCIL OF GOVERNMENTS AND EL DORADO COUNTY TRANSPORTATION COMMISSION MEMORANDUM OF UNDERSTANDING (DELORIA)
REQUESTED ACTION: Approve the Final Memorandum of Understanding between the Sacramento Area Council of Governments and El Dorado County Transportation Commission.
- 7.** SECTION 5311 FEDERAL FISCAL YEAR 2024 PROGRAM OF PROJECTS (BOLSTER)
REQUESTED ACTION: Adopt Resolution 23/24.22 authorizing the programming of \$761,477 in Federal Transit Administration 5311 funding for Federal Fiscal Year 2024, for operating assistance for the El Dorado County Transit Authority.
- 8.** SECTION 5311 FEDERAL FISCAL YEAR 2024 GRANT APPLICATION CERTIFICATIONS AND ASSURANCES (BOLSTER)
REQUESTED ACTION: Adopt Resolution 23/24.23 to:

 1. Authorize the El Dorado County Transit Authority to submit a Section 5311 grant application for Federal Fiscal Year 2024, stating that:

The El Dorado County Transportation Commission does hereby authorize the EDCTA to execute all standard agreements or amendments necessary to obtain the aforementioned FTA Section 5311 Operating Assistance grant in the amount of \$761,477 through Caltrans.

2. Authorize the Executive Director to sign the regional agency Certifications and Assurances.

9. SECTION 5311 (F) FEDERAL FISCAL YEAR 2024 PROGRAM OF PROJECTS (BOLSTER)

REQUESTED ACTION: Adopt Resolution 23/24.24 authorizing the programming of \$75,000 in Federal Transit Administration 5311 (f) funding for Federal Fiscal Year 2024, for operating assistance for the El Dorado County Transit Authority.

10. SECTION 5311 (F) FEDERAL FISCAL YEAR 2024 GRANT APPLICATION CERTIFICATIONS AND ASSURANCES (BOLSTER)

REQUESTED ACTION: Adopt Resolution 23/24.25 to:

1. Authorize the El Dorado County Transit Authority to submit a Section 5311 (f) grant application for Federal Fiscal Year 2024, stating that:

The El Dorado County Transportation Commission does hereby authorize the EDCTA to execute all standard agreements or amendments necessary to obtain the aforementioned FTA Section 5311(f) grant in the amount of \$75,000 through Caltrans.

2. Authorize the Executive Director to sign the regional agency Certifications and Assurances.

11. POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF SURFACE TRANSPORTATION BLOCK GRANT EXCHANGE FUNDS (KEFFER)

REQUESTED ACTION: Approve the Policies and Procedures for the Administration of Surface Transportation Block Grant Exchange Funds.

BUSINESS ITEM

12. FISCAL YEAR 2024/25 FINAL OVERALL WORK PROGRAM AND BUDGET (THOMPSON)

REQUESTED ACTION: Adopt Resolution 23/24.26, approving the Fiscal Year 2024/25 Final Overall Work Program and Budget.

INFORMATION ITEM

13. DRAFT GREATER PLACERVILLE WILDFIRE EVACUATION PREPAREDNESS, COMMUNITY SAFETY, AND RESILIENCY STUDY (BOLSTER)

REQUESTED ACTION: None. This item is for information only.

MEMBER SHARING

ADJOURNMENT

The next TAC meeting is scheduled for May 28, 2024.

CONSENT CALENDAR

STAFF REPORT

DATE: MAY 2, 2024
TO: EL DORADO COUNTY TRANSPORTATION COMMISSION
FROM: DANA KEFFER, ADMINISTRATIVE ANALYST/SECRETARY TO THE COMMISSION
SUBJECT: APRIL 4, 2024 COMMISSION MEETING

REQUESTED ACTION: The Secretary to the Commission requests correction to, or approval of, the Draft Action Minutes (Attachment A) for the April 4, 2024 Commission meeting.

Approved for Agenda:



Woodrow Deloria, Executive Director

Attachment A: April 4, 2024 Minutes



2828 Easy Street, Suite 1, Placerville, CA 95667 www.edctc.org 530.642.5260

Councilmembers Representing City of Placerville: John Clerici, Jackie Neau, David Yarbrough
Supervisors Representing El Dorado County: John Hidahl, Lori Parlin, Wendy Thomas, George Turnboo
 Woodrow Deloria, Executive Director

ACTION MINUTES

Regular Meeting, Thursday, April 4, 2024, 2:00 PM

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Thomas called the meeting to order at 2:02 PM and led the Pledge of Allegiance.

ATTENDANCE: Chair Thomas, Vice Chair Neau, Commissioners Clerici, Hidahl, Parlin, Turnboo, Yarbrough, and Caltrans Ex Officio Alex Fong. ABSENT: South Lake Tahoe Ex Officio Cody Bass.

ADOPTION OF AGENDA AND CONSENT CALENDAR

There were no public comments received.

ACTION: Vice Chari Neau made a motion to adopt the agenda and to approve or adopt items 1-7 on the Consent Calendar. The motion was seconded by Commissioner Turnboo which carried as follows:

MOTION/SECOND: Neau/Turnboo
AYES: Clerici, Hidahl, Neau, Parlin, Thomas, Turnboo, Yarbrough
ABSTAIN: None
NOES: None
ABSENT: None

1. MINUTES FOR THE MARCH 7, 2024, COMMISSION MEETING
 REQUESTED ACTION: The Secretary to the Commission requests correction to, or approval of, the Draft Action Minutes for the March 7, 2024, Commission meeting.
2. FEBRUARY 2024 CHECK REGISTER
 REQUESTED ACTION: Receive and file the February 2024 Check Register.
3. TRANSPORTATION DEVELOPMENT ACT LOCAL TRANSPORTATION FUND CONTINGENCY POLICY (
 REQUESTED ACTION: Approve the revised maximum amount in the Transportation Development Act Local Transportation Fund Contingency Policy to \$4,000,000 and a one-time contribution of \$2,000,000 in Fiscal Year 2024/25.
4. REVISED TRANSPORTATION DEVELOPMENT ACT FISCAL YEAR 2023/24 APPORTIONMENT AND ALLOCATION FOR LOCAL TRANSPORTATION FUNDS, STATE TRANSIT ASSISTANCE FUNDS, STATE OF GOOD REPAIR FUNDS, AND REVISED CLAIM FOR EL DORADO TRANSIT
 REQUESTED ACTION: Adopt Resolution 23/24.14 approving the Revised Transportation Development Act Fiscal Year 2023/24 Apportionment and Allocation for Local Transportation Funds, State Transit Assistance Funds, State of Good Repair Funds, and revised claim for El Dorado Transit.

5. CALIFORNIA LOW CARBON TRANSIT OPERATIONS PROGRAM FISCAL YEAR 2023/24 FUNDING ALLOCATION
REQUESTED ACTION: Adopt Resolution 23/24.15 allocating \$491,690 in Fiscal Year 2023/24 California Low Carbon Transit Operations Program Funds to the El Dorado County Transit Authority.
6. EL DORADO COUNTY TRANSPORTATION COMMISSION REVISED STATE SURFACE TRANSPORTATION BLOCK GRANT PROGRAM EXCHANGE FUNDING FORMULA-BASED DISTRIBUTION POLICY
REQUESTED ACTION: Adopt Resolution 23/24.12, approving the El Dorado County Transportation Commission formula-based distribution policy for Surface Transportation Block Grant Program Exchange Funding to El Dorado County Transportation Commission, El Dorado County, and the City of Placerville.
7. ESTABLISH TRANSPORTATION DEVELOPMENT ACT LOCAL TRANSPORTATION FUND DISTRIBUTION
REQUESTED ACTION: Adopt Resolution 23/24.13, approving the El Dorado County Transportation Commission distribution policy for the Transportation Development Act Local Transportation Fund for El Dorado County Transportation Commission and the El Dorado County Transit Authority.

OPEN FORUM

There were no public comments received.

BUSINESS ITEMS

8. TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM FISCAL YEAR 2024/25 AND ZERO EMISSION TRANSIT CAPITAL PROGRAM FISCAL YEARS 2024/25 – 2026/27 FUNDING ALLOCATION
REQUESTED ACTION: Adopt Resolution 23/24.16 allocating \$9,108,041 in Fiscal Year 2024/25 Transit and Intercity Rail Capital Program Funds and \$545,145 in Fiscal Years 2024/25 – 2026/27 Zero Emission Transit Capital Program Funds to the El Dorado County Transit Authority.

There were no public comments received.

ACTION: Commissioner Parlin made a motion to authorize the requested action as stated. The motion was seconded by Commissioner Clerici which carried as follows:

MOTION/SECOND: Parlin/Clerici
AYES: Clerici, Hidahl, Neau, Parlin, Thomas, Turnboo, Yarbrough
ABSTAIN: None
NOES: None
ABSENT: None

9. URBAN SURFACE TRANSPORTATION BLOCK GRANT PROGRAM RE-PROGRAMMING
REQUESTED ACTION: Adopt Resolution 23/24.17 reprogramming \$974,627 in Urban Surface Transportation Block Grant Program funds from the Meder Road Overlay Project to El Dorado County Department of Transportation for the Missouri Flat Road Bicycle and Pedestrian Overcrossing Project.

Public comment was received from M. Smeltzer, El Dorado County Department of Transportation Deputy Director of Engineering.

ACTION: Commissioner Clerici made a motion to authorize the requested action as stated. The motion was seconded by Vice Chair Neau which carried as follows:

MOTION/SECOND: Clerici/Neau

AYES: Clerici, Hidahl, Neau, Parlin, Thomas, Turnboo, Yarbrough
ABSTAIN: None
NOES: None
ABSENT: None

EXECUTIVE DIRECTOR'S REPORT

SOUTH LAKE TAHOE - CALTRANS – COMMISSIONER COMMENTS

ADJOURNMENT

The meeting was adjourned at 2:31pm.

The next regular meeting is scheduled for 2:00pm on May 2, 2024, at 330 Fair Lane Placerville, California.

CONSENT CALENDAR

STAFF REPORT

DATE: MAY 2, 2024
TO: EL DORADO COUNTY TRANSPORTATION COMMISSION
FROM: KAREN THOMPSON, FISCAL OFFICER
SUBJECT: MARCH 2024 CHECK REGISTER

REQUESTED ACTION

Receive and file the March 2024 Check Register (Attachment A).

BACKGROUND AND DISCUSSION

The attached check listing includes payments that merit further explanation:

- Extreme Towing*..... \$12,761.65
February 2024 professional services for the Freeway Service Patrol Program, Work Element 130. The contract with Extreme Towing was approved at the May 6, 2021, EDCTC meeting.
- DKS Associates*..... \$16,426.17
February 2024 professional services for the Wildfire Evacuation Preparedness Plan, Work Element 265. The contract was approved at the March 3, 2022, EDCTC meeting.
- DKS Associates*..... \$8,498.32
February 2024 public outreach services for the Wildfire Evacuation Preparedness Plan, Work Element 265SHA. The contract was approved at the March 2, 2023, EDCTC meeting.

Approved for Agenda:



Woodrow Deloria, Executive Director

Attachment A: March 2024 Check Register

**El Dorado County Transportation Commission
Check Register
March 2024**

Date	Name	Payment	Memo
03/01/2024	Ameritas Life Insurance Corp.	630.40	March 2024 Dental
03/01/2024	Ameritas Life Insurance Corp.	78.88	March 2024 Vision
03/01/2024	Benefit Coordinators Corporation	234.96	March 2024 Life/Disability Premiums
03/01/2024	CalPERS Health	8,970.33	March 2024 Health Premiums
03/01/2024	De Lage Landen Financial Services	203.78	March 2024 Copy Machine Lease Payment
03/01/2024	RTS IT, Inc.	1,070.00	March 2024 ITCare Silver Service Plan
03/01/2024	Airespring	668.95	March 2024 Fiber optic internet
03/05/2024	Century Building Maintenance	500.00	February 2024 Building Maintenance
03/05/2024	Elan Financial Services - Visa DK	271.98	ADA Compliant Website, Misc Office Expense
03/05/2024	Elan Financial Services - Visa JB	418.92	Office Chair
03/05/2024	Elan Financial Services - Visa KT	82.46	Zoom Meetings and February Office Expenses
03/05/2024	Elan Financial Services - Visa WD	89.93	SACOG Funding Group Meeting/SACOG Board Meeting
03/05/2024	Roberts & Company, Inc.	50.00	February 2024 Accounting Oversight
03/05/2024	Sierra Office Supply & Printing	283.28	February 2024 Office Supplies
03/06/2024	CalPERS Retirement System	4,187.27	March 2024 Contribution #1
03/06/2024	CalPERS Retirement System	497.28	March 2024 PEPRA Contribution #1
03/07/2024	Liberty Mutual Insurance	3,032.00	Commerical Liability Ins 3/7/24-3/6/25
03/11/2024	Berkshire Hathaway HomeState Companies	778.40	2024 Workers Comp Ins
03/11/2024	Berkshire Hathaway HomeState Companies	490.00	2023 Workers Comp Ins Final per Audit
03/11/2024	Eco-Counter	1,000.36	Bike and Pedestrian Trail Counter Repair
03/11/2024	JS West Propane Gas	199.10	February 2024 Propane
03/14/2024	Extreme Towing	12,761.65	* February 2024 Freeway Service Patrol
03/20/2024	CalPERS Retirement System	4,187.27	March 2024 Contribution #2
03/20/2024	CalPERS Retirement System	497.28	March 2024 PEPRA Contribution #2
03/20/2024	Umpqua Bank	72.65	February 2024 Analyzed Checking Fee
03/25/2024	DKS Associates	16,426.17	* February 2024 Wildfire Evac Preparedness
03/25/2024	Intuit	649.00	Quickbooks software Mar 2024-Mar 2025
03/25/2024	RTS IT, Inc.	680.00	Quickbooks Cloud Hosting 3/1/24-2/28/25

CONSENT CALENDAR**STAFF REPORT**

DATE: MAY 2, 2024
TO: EL DORADO COUNTY TRANSPORTATION COMMISSION
FROM: DANA KEFFER, ADMINISTRATIVE ANALYST
SUBJECT: TRANSPORTATION DEVELOPMENT ACT FISCAL YEAR 2024/25
APPORTIONMENT AND ALLOCATION FOR LOCAL TRANSPORTATION FUNDS,
STATE TRANSIT ASSISTANCE FUNDS, AND STATE OF GOOD REPAIR FUNDS

REQUESTED ACTION

Adopt Resolution 23/24.18 approving the Transportation Development Act Fiscal Year (FY) 2024/25 Apportionment and Allocation for Local Transportation Funds, State Transit Assistance Funds, and State of Good Repair Funds.

BACKGROUND and DISCUSSION

The Transportation Development Act (TDA) provides three funding sources:

1. Local Transportation Fund (LTF) from a quarter cent of the general sales tax collected statewide.
2. State Transit Assistance fund (STA) from the statewide sales tax on diesel fuel.
3. State of Good Repair (SGR) from a portion of the Transportation Improvement Fee included in Senate Bill (SB) 1, the Road Repair and Accountability Act of 2017.

The California Department of Tax and Fee Administration (CDTFA), based on sales tax collected in each county, returns the general sales tax revenues to each county's LTF. The State Controller's Office (SCO) allocates the STA tax and the SGR revenue, by formula, to planning agencies and other eligible agencies. Statute requires that 50% of STA and SGR funds be allocated according to population and 50% be allocated according to operator revenues from the prior fiscal year.

The El Dorado County Transportation Commission (EDCTC) is the Regional Transportation Planning Agency (RTPA) responsible for apportioning and administering these funds for this region. The attached Findings of Apportionment summarizes the estimates for FY 2024/25.

The LTF allocation purposes, in order of priorities, as identified by law, are as follows:

1. Transportation Development Act fund administration (by EDCTC and the County Auditor);
2. Planning and programming undertaken by EDCTC (up to 3% of the fund);
3. Pedestrian and bicycle projects (optional, up to 2% of the funds remaining, after administration and planning);
4. Public transportation operations (including new transit services that have been identified by the Commission as "unmet transit needs" that are "reasonable to meet"); and,
5. Other transportation purposes (including additional transit and bicycle facilities, and streets and roads). The Commission may only apportion (and subsequently may only approve claims for) "other transportation purposes" when all other uses of the funds, to the limits described above, have been exhausted.

EDCTC allocates the LTF funds, as determined by population, for the western slope region of El Dorado County and the Tahoe Regional Planning Agency allocates the LTF funds, as determined by population, for the eastern slope of El Dorado County. For FY 2024/25, the County Auditor estimates EDCTC's share of LTF revenues for apportionment available to program is \$7,244,917.

Administration, Planning, Programming

The County Auditor has estimated \$12,000.00 for administration from the estimated FY 2024/25 LTF revenue total. This amount is reimbursed to the County Auditor and is not included in EDCTC's Overall Work Program.

The EDCTC FY 2024/25 Overall Work Program and Budget includes administration, planning, programming, and the annual payment to SACOG for a total of \$730,000. EDCTC LTF funds are used throughout the work program to support planning and as a required local match for state and federal grant funds. Under the Commission's Memorandum of Understanding with Sacramento Area Council of Government (SACOG), EDCTC is obligated to allocate \$100,000 to SACOG, per the 2024 memorandum of understanding, for SACOG federal transportation planning and programming activities.

Additionally, per EDCTC's Transportation Development Act Local Transportation Fund Distribution Policy approved at the April 4, 2024, Board meeting, a one-time allocation in the amount of \$240,000 establishing an operations contingency, to be adjusted annually to maintain a balance which equals 20% of EDCTC annual operating costs. This will provide EDCTC with contingency in the event of unforeseen or unexpected fluctuations in costs, revenue, or other circumstances.

Non-Motorized – Pedestrian and Bicycle Facilities (Article 3)

State law offers EDCTC an option to apportion up to 2% of the LTF (after administration and planning) to the City and County for facilities provided for the exclusive use of pedestrians and bicycles. The Commission primarily uses these non-motorized funds to provide matching funds for federal and state grants, such as Congestion Mitigation and Air Quality and Active Transportation Program (ATP) grants. The 2024/25 allocation totals \$132,058.34.

Public Transportation – Transit (Article 4)

The El Dorado County Transit Authority notified the Commission staff that their claim for FY 2024/25 LTF funds will be \$4,130,858.66 for operating expenses. A contingency of the Article 4 funds up to a maximum of \$4,000,000 is retained in the LTF fund's unreserved fund balance for transit's future needs. The transit contingency balance will be increased with a one-time deposit of \$2,000,000.

Other Transportation (Article 8)

No LTF funds remain available for Article 8 – Other Transportation purposes. If LTF funds were available for the fiscal year, the funds would be apportioned to the City of Placerville and the County of El Dorado by population for all purposes necessary and convenient to the development and operation of the public transportation system, including road rehabilitation, maintenance, and repair.

State Transit Assistance Funds (STA)

The estimated FY 2024/25 STA funds available for the El Dorado County Transit Authority is \$2,219,773.00.

State of Good Repair (SGR)

The estimated FY 2024/25 SGR funds available for the El Dorado County Transit Authority is \$308,398.00. Funds will be reimbursed to EDCTA after Commission approval of a claim for an approved SGR project.

Approved by:



Woodrow Deloria, Executive Director

- Attachments: A) EDCTC Resolution 23/24.18
 B) Allocation and Apportionment for FY 2024/25 – LTF
 C) Allocation and Apportionment for FY 2024/25 – STA
 D) Allocation and Apportionment for FY 2024/25 – SGR



2828 Easy Street, Suite 1, Placerville, CA 95667 www.edctc.org 530.642.5260

Councilmembers Representing City of Placerville: John Clerici, Jackie Neau, David Yarbrough

Supervisors Representing El Dorado County: John Hidahl, Lori Parlin, Wendy Thomas, George Turnboo

RESOLUTION 23/24.18

RESOLUTION OF THE EL DORADO COUNTY TRANSPORTATION COMMISSION APPROVING THE TRANSPORTATION DEVELOPMENT ACT FISCAL YEAR 2024/25 APPORTIONMENT AND ALLOCATION FOR LOCAL TRANSPORTATION FUNDS, STATE TRANSIT ASSISTANCE FUNDS, AND STATE OF GOOD REPAIR FUNDS

WHEREAS, pursuant to California Government Code, Title 7.95, Section 67950, the El Dorado County Transportation Commission (EDCTC) was created as a local planning agency to provide regional transportation planning for the area of El Dorado County, exclusive of the Lake Tahoe Basin; and

WHEREAS, California Government Code Section 29532.1(g) identifies EDCTC as the designated Regional Transportation Planning Agency (RTPA) for El Dorado County, exclusive of the Lake Tahoe Basin; and is responsible for the planning, allocating and/or programming of funds and administration of the Transportation Development Act of 1971 (TDA), as amended thereafter; and

WHEREAS, the County of El Dorado, the City of Placerville, and the El Dorado County Transit Authority are each required to file annual transportation claims for the funds, if any, from the Local Transportation Fund (LTF), the State Transit Assistance Fund (STA) and the State of Good Repair Fund (SGR) of the Western Slope of the County, as apportioned to them by the EDCTC, pursuant to the TDA; and

WHEREAS, it is the responsibility of the EDCTC, under the provisions of the TDA, to review the annual transportation claims and to make allocations of monies from the LTF, STA, and SGR funds based on the estimated revenue upon approving said claim; and

WHEREAS, the Auditor of said County is instructed to pay monies in the fund to the claimants pursuant to allocation instructions received from the El Dorado County Transportation Commission; and

WHEREAS, the County Auditor issued a report of estimated revenues for LTF for Fiscal Year (FY) 2024/25 and the State Controller's Office issued a report of estimated revenues for STA and SGR Funds.

NOW THEREFORE, BE IT RESOLVED, that the El Dorado County Transportation Commission shall review the claims as they are received, approve same for the FY 2024/25 funds estimated to be available in the LTF, STA, and the SGR funds, and make the following allocations:

1. To the El Dorado County Auditor-Controller for administrative costs in the amount of \$12,000.00, per Section 99233.1.
2. To the El Dorado County Transportation Commission for TDA administration and for planning and programming in the amount of \$730,000.00, per Section 99233.1 and 99233.2.

3. To the El Dorado County Transportation Commission to establish an operational contingency in the amount of \$240,000.00
4. To be reserved by the El Dorado County Auditor's Office for future reimbursements to the City and County for pedestrian and bicycle facilities as programmed and claimed in the amount of \$132,058.34, per Sections 99233.3 and 99234.
5. Fund the Local Transportation Fund contingency in the amount of \$2,000,000.00 for future transit needs. The previous contingency balance was \$2,000,000.00 and the maximum amount is \$4,000,000.00.
6. To the El Dorado County Transit Authority for Article 4 purposes, the total amount available of \$4,130,858.66, per Sections 99233.8, 99260(a), and 99262.
7. State Transit Assistance Funds – To the El Dorado County Transit Authority for State Transit Assistance Funds in the estimated amount of \$2,219,773.00 plus interest, for capital improvements, per Section 99314.6. This allocation is to be paid out by the County Auditor as FY 2024/25 revenues are received and available for payment.
8. State of Good Repair Funds – To be reserved by the El Dorado County Auditor's Office for future reimbursements to the El Dorado County Transit Authority for State of Good Repair Funds in the estimated amount of \$308,398.00 plus interest. This allocation is to be paid out after a reimbursement claim for an eligible project is approved by the El Dorado County Transportation Commission.

BE IT FURTHER RESOLVED, the El Dorado County Transportation Commission has requested that approved claims be paid in full, provided the funds are available.

BE IT FURTHER RESOLVED, that allocation instructions shall be prepared for each claimant in accordance with the above, and pursuant to the El Dorado County Transportation Commission rules and regulations. The Executive Director, appointed by the Commission, is authorized to sign the allocation instructions and to issue the instructions to the County Auditor to pay the claimants in accordance with the above allocations and conditions.

BE IT FURTHER RESOLVED, that the claimants are to be notified by the El Dorado County Transportation Commission of action on their claims.

PASSED AND ADOPTED, by the El Dorado County Transportation Commission at their regular meeting on May 2, 2024, by the following vote:

Vote Pending

Attest:

Wendy Thomas, Chairperson

Dana Keffer, Secretary to the Commission

**TRANSPORTATION DEVELOPMENT ACT (TDA)
 LOCAL TRANSPORTATION FUND (LTF)
 FINDINGS OF APPORTIONMENT
 FY 2024/25 APPORTIONMENT AND ALLOCATION**

LTF AVAILABLE FOR ALLOCATION

Estimated 2024/25 LTF Receipts per El Dorado County Auditor	\$	7,154,917.00
Estimated 2024/25 Interest Income	\$	90,000.00
Less: County Auditor Fees (PUC Section 99233.1)	\$	(12,000.00)
 Total EDCTC Area Share	 \$	 7,232,917.00
Total balance for apportionment		<u>\$ 7,232,917.00</u>

CLAIMANT ALLOCATIONS

TDA Administration (PUC Section 99233.1)

EDCTC TDA Administration	\$	413,012.49
EDCTC Contingency (20% of Operations)	\$	<u>240,000.00</u>
TDA Administration subtotal	\$	653,012.49

Planning / Programming (PUC Section 99233.2)

EDCTC Planning and Programming (up to 3% of Revenue)	\$	216,987.51
EDCTC Contribution to SACOG Federal Planning and Programming	\$	<u>100,000.00</u>
<small>(Note: per Draft 3/7/2024 MOU between EDCTC and SACOG)</small>		
Planning / Programming subtotal	\$	316,987.51

Pedestrian and Bicycle Facilities-Discretionary (PUC Sections 99233.3 and 99234)

Bicycle and Pedestrian Facilities	\$	<u>132,058.34</u>
<small>(Note: up to 2% of remaining funds after Administration and Planning/Programming)</small>		
Pedestrian / Bicycle Facilities subtotal	\$	132,058.34

Public Transportation - Transit (Article 4) (PUC Sections 99233.8, 99260(a) and 99262)

EDCTA - Continuation of Existing Service	\$	4,130,858.66
EDCTA - Contingency	\$	2,000,000.00
EDCTA - Excess Carryover	\$	<u>-</u>
Transit subtotal	\$	<u>6,130,858.66</u>

Other Transportation (Article 8) (PUC 99233.9, 99400(a), 99402 and 99407)

City of Placerville: 10,585 = 6.64% of total County population	\$	-
El Dorado County Unincorporated: 148,730 = 93.36% of total County population	\$	<u>-</u>
Other Transportation subtotal	\$	<u>-</u>

Total FY 2023/24 claimant allocations	\$	7,232,917.00
	\$	<u>-</u>
Total Apportionment	\$	<u>7,232,917.00</u>

2014/15 Transit Contingency	\$	111,767.28
2015/16 Transit Contingency	\$	111,709.60
2016/17 Transit Contingency	\$	116,944.34
2017/18 Transit Contingency	\$	128,628.96
2018/19 Transit Contingency	\$	30,949.82
2022/23 Transit Contingency	\$	250,000.00
Total	\$	750,000.00
Proposed 2023/24 Transit Contingency	\$	1,250,000.00
Proposed 2024/25 Transit Contingency	\$	2,000,000.00
Total after 2024/25 Additional Amount to Contingency	\$	4,000,000.00

<p>TRANSPORTATION DEVELOPMENT ACT (TDA) STATE TRANSIT ASSISTANCE (STA) FINDINGS OF APPORTIONMENT</p>

<p>FY 2024/25 APPORTIONMENT AND ALLOCATION</p>

FY 2024/25 ESTIMATED STA AVAILABLE FOR ALLOCATION

Estimated 2024/25 STA Receipts per State Controller's Office 99313 *	\$ 2,078,324.00
Estimated 2024/25 STA Receipts per State Controller's Office 99314 *	\$ 141,449.00

Total FY 2024/25 balance for apportionment	\$ 2,219,773.00
---	------------------------

El Dorado County Transit Authority (PUC 99313 and 99314)

EDCTA - Continuation of Existing Service	<u>\$ 2,219,773.00</u>	
Public Transportation subtotal		\$ 2,219,773.00

Subtotal FY 2024/25 claimant allocations	\$ 2,219,773.00
---	------------------------

Total FY 2024/25 claimant allocations	\$ 2,219,773.00
--	------------------------

* This is an estimate. The actual amount of STA funds collected for the fiscal year will be paid to El Dorado County Transit Authority.

**TRANSPORTATION DEVELOPMENT ACT (TDA)
STATE OF GOOD REPAIR (SGR)
FINDINGS OF APPORTIONMENT**

FY 2024/25 APPORTIONMENT AND ALLOCATION

FY 2024/25 ESTIMATED SGR AVAILABLE FOR ALLOCATION

Estimated 2024/25 SGR Receipts per State Controller's Office 99313	\$ 288,746.00
Estimated 2024/25 SGR Receipts per State Controller's Office 99314	\$ 19,652.00

Total FY 2023/24 balance for apportionment \$ 308,398.00

El Dorado County Transit Authority (PUC 99313 and 99314)

Approval of an eligible project will be on the 6/6/24 EDCTC meeting agenda	<u>\$ 308,398.00</u>
Public Transportation subtotal	\$ 308,398.00

Subtotal FY 2024/25 claimant allocations \$ 308,398.00

Total FY 2024/25 claimant allocations \$ 308,398.00

CONSENT CALENDAR**STAFF REPORT**

DATE: MAY 2, 2024
TO: EL DORADO COUNTY TRANSPORTATION COMMISSION
FROM: DANA KEFFER, ADMINISTRATIVE ANALYST
SUBJECT: EL DORADO COUNTY TRANSIT AUTHORITY'S FISCAL YEAR 2024/25
TRANSPORTATION DEVELOPMENT ACT CLAIM

REQUESTED ACTION

Adopt Resolution 23/24.19 (Attachment A) approving the El Dorado County Transit Authority's (EDCTA) Fiscal Year (FY) 2024/25 Transportation Development Act Claim (Attachment B) in the amount of \$6,350,631.66.

BACKGROUND

The Transportation Development Act (TDA) provides three funding sources:

1. Local Transportation Fund (LTF) from a quarter cent of the general sales tax collected statewide
2. State Transit Assistance fund (STA) from the statewide sales tax on diesel fuel
3. State of Good Repair (SGR) from a portion of the Transportation Improvement Fee included in Senate Bill (SB) 1, the Road Repair and Accountability Act of 2017

The El Dorado County Transportation Commission (EDCTC) is the Regional Transportation Planning Agency responsible for apportioning and administering these funds for this region.

DISCUSSION

EDCTA has submitted a TDA claim for FY 2024/25 requesting \$4,130,858.66 in LTF and \$2,219,773.00 in STA. The TDA claim was approved by the El Dorado County Transit Authority Board of Directors at the April 4, 2024, meeting. The LTF and STA funds will be paid by the El Dorado County Auditor's Office to EDCTA as the funds are received. The estimated FY 2024/25 SGR funds are \$308,398.00 and will be reimbursed to EDCTA after approval by the Commission of a claim for an approved SGR project.

Approved by:



Woodrow Deloria, Executive Director

Attachments: A) EDCTC Resolution 23/24.19
B) El Dorado County Transit Authority Claim for FY 2024/25



2828 Easy Street, Suite 1, Placerville, CA 95667 www.edctc.org 530.642.5260

Councilmembers Representing City of Placerville: John Clerici, Jackie Neau, David Yarbrough

Supervisors Representing El Dorado County: John Hidahl, Lori Parlin, Wendy Thomas, George Turnboo

RESOLUTION 23/24.19

**RESOLUTION OF THE EL DORADO COUNTY TRANSPORTATION COMMISSION
APPROVING THE EL DORADO COUNTY TRANSIT AUTHORITY'S FISCAL YEAR 2024/25
TRANSPORTATION DEVELOPMENT ACT CLAIM**

WHEREAS, pursuant to California Government Code, Title 7.95, Section 67950, the El Dorado County Transportation Commission (EDCTC) was created as a local planning agency to provide regional transportation planning for the area of El Dorado County, exclusive of the Lake Tahoe Basin; and

WHEREAS, California Government Code Section 29532.1(g) identifies EDCTC as the designated Regional Transportation Planning Agency (RTPA) for El Dorado County, exclusive of the Lake Tahoe Basin; and is responsible for the planning, allocating and/or programming of funds and for the administration of the Transportation Development Act of 1971 (TDA), as amended thereafter; and

WHEREAS, the County of El Dorado, the City of Placerville, and the El Dorado County Transit Authority are each required to file annual transportation claims for the funds, if any, from the Local Transportation Fund (LTF), the State Transit Assistance Fund (STA) and the State of Good Repair Fund (SGR) of the Western Slope of the County, as apportioned to them by EDCTC, pursuant to the TDA; and

WHEREAS, it is the responsibility of EDCTC, under the provisions of the TDA, to review the annual transportation claims and to make allocations of monies from the Local Transportation Fund, the State Transit Assistance Fund and the State of Good Repair Fund based on the estimated revenue upon approving said claim; and

WHEREAS, the El Dorado County Transit Authority (EDCTA) submitted a Transportation Development Act claim based on the Fiscal Year 24/25 Apportionment and Allocation for LTF and STA.

NOW THEREFORE, BE IT RESOLVED, EDCTC has reviewed the claim received from EDCTA and the amount to be paid is \$4,130,858.66 in LTF and \$2,219,773.00 in STA for a total claim in the amount of \$6,350,631.66.

BE IT FURTHER RESOLVED, that allocation instructions shall be prepared for each claimant in accordance with the above, and pursuant to EDCTC rules and regulations, the Executive Director, appointed by the Commission, is authorized to sign the allocation instructions and to issue the instructions to the County Auditor to pay the claimants in accordance with the above allocations and conditions.

PASSED AND ADOPTED, by the El Dorado County Transportation Commission at their regular meeting on May 2, 2024, by the following vote:

Vote Pending

Attest:

Wendy Thomas, Chairperson

Dana Keffer, Secretary to the Commission

<p>TDA – 1</p> <p>TRANSPORTATION DEVELOPMENT ACT CLAIM</p>
--

To: El Dorado County Transportation Commission
 2828 Easy Street, Suite 1
 Placerville, California 95667-3907
 Attn: Administrative Services Officer

From: Claimant: El Dorado County Transit Authority

Address: 6565 Commerce Way

Diamond Springs, CA 95619-9454

Contact: Julie Petersen, Finance Manager

Phone: (530) 642-5383 extension 206

The above claimant hereby requests, in accordance with authority granted under the Transportation Development Act and applicable rules and regulations adopted by the El Dorado County Transportation Commission, that its request for funding be approved as follows:

Local Transportation Fund/State Transit Assistance Fund:

LTF or STA	Amount	Fiscal Year
LTF	\$ 4,130,858.66	2024/25
STA	\$ 2,219,773.00	2024/25

Submitted by: Brian James

Title: Executive Director

Date: April 4, 2024

EDCTC Date of Approval: _____

EDCTC Resolution #: _____

CONSENT CALENDAR**STAFF REPORT**

DATE: MAY 2, 2024
TO: EL DORADO COUNTY TRANSPORTATION COMMISSION
FROM: KAREN THOMPSON, FISCAL OFFICER
SUBJECT: TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM AND ZERO EMISSION
TRANSIT CAPITAL PROGRAM FUNDS

REQUESTED ACTION

Adopt Resolution 23/24.20 (Attachment A) approving the fiscal year (FY) 2023/24 and FY 2024/25 allocation for Transit and Intercity Rail Capital Program (TIRCP) and the FY 2023/24 through FY 2026/27 Zero Emission Transit Capital Program (ZETCP).

BACKGROUND

The Transit and Intercity Rail Capital Program (TIRCP) was created by Senate Bill (SB) 862 (Chapter 36, Statutes of 2014) and modified by SB 9 (Chapter 710, Statutes of 2015), to provide grants from the Greenhouse Gas Reduction Fund (GGRF) to fund transformative capital improvements that will modernize California's intercity, commuter, urban rail systems, and bus and ferry transit systems, to significantly reduce emissions of greenhouse gases, vehicle miles traveled, and congestion. AB 102 (Chapter 38, Statutes of 2023) and SB 125 (Chapter 54, Statutes of 2023) amended the Budget Act of 2023 to appropriate \$4,000,000,000 of General Fund to the TIRCP over the next two fiscal years as well as \$910,000,000 of GGRF funding and \$190,000,000 of Public Transportation Account (PTA) funding over the next four fiscal years to establish the Zero-Emission Transit Capital Program (ZETCP).

DISCUSSION

The El Dorado County Transportation Commission (EDCTC) received notification that the California State Transportation Agency (CALSTA) approved the SB 125 TIRCP and ZETCP Final Guidelines on September 29, 2023, confirming the FY 2023/24 - FY 2024/25 TIRCP and FY 2023/24 – FY 2026/27 ZETCP allocation amounts. As the Regional Transportation Planning Agency, it is EDCTC's role to allocate TIRCP and ZETCP funding to each project sponsor under the authority of EDCTC. On November 2, 2023, EDCTC allocated \$9,085,857 in FY 2023/24 TIRCP and \$971,781 of FY 2023/24 ZETCP to El Dorado County Transit Authority (EDCTA), the only transit operator in the EDCTC region. However, EDCTC is responsible for preparing the long-term financial plan, reporting, and administering the TIRCP and ZETCP funds through FY 2026/27 and is eligible to claim a total of \$208,011 from the ZETCP FY 2023/24 funding for those purposes. Per the SB 125 TIRCP and ZETCP Final Guidelines, the \$208,011 comes out of the FY 2023/24 ZETCP allocation, which reduces EDCTA's FY 2023/24 ZETCP allocation from \$971,781 to \$763,770.

On April 4, 2024, EDCTC approved an allocation of \$9,108,041 of FY 2024/25 TIRCP and \$545,145 of FY 2024/25 through FY 2026/27 ZETCP. Since the SB 125 TIRCP and ZETCP Final Guidelines state that EDCTC's administrative share only comes out of FY 2023/24 ZETCP, the April 4, 2024 ZETCP allocation to EDCTA is unchanged.

EDCTA plans to use the \$9,108,041 in FY 2024/25 TIRCP funds and \$545,145 of FY 2024/25 through FY 2026/27 ZETCP funds to deliver the same two capital projects to be delivered with the FY 2023/24 TIRCP and ZETCP funds:

1. Purchase of zero-emission buses, including installation of the equipment and infrastructure necessary to operate and support zero-emission buses.
2. Demonstration project.

The TIRCP and ZETCP allocation purposes are as follows:

1. Fund administration and required reporting of the program funds (by EDCTC);
2. Public transportation capital improvements, purchase of zero emission buses including equipment and infrastructure and a demonstration project (by EDCTA).

Administration, Planning, Programming

To EDCTC \$208,011 of the ZETCP FY 2023/24 funds. The EDCTC FY 2023/24 Overall Work Program and Budget includes Work Element 122 for administration and reporting of the TIRCP and ZETCP funds. EDCTC funds will be used in FY 2023/24 through FY 2026/27 in the work program to support the requirements of the TIRCP and ZETCP programs.

Public Transportation – Transit

The following funds will be reserved for El Dorado County Transit Authority until a claim for the funds has been approved by the El Dorado County Transportation Commission.

FY 2023/24 TIRCP	\$9,085,857
FY 2023/24 ZETCP	\$763,770
FY 2024/25 TIRCP	\$9,108,041
FY 2024/25 through 2026/27 ZETCP	\$545,145

Approved by:



Woodrow Deloria, Executive Director

- Attachments A: EDCTC Resolution 23/24.20
 B: TIRCP and ZETCP Allocation for FY 2023/24
 C: TIRCP and ZETCP Allocation for FY 2024/25 through 2026/27



2828 Easy Street, Suite 1, Placerville, CA 95667 www.edctc.org 530.642.5260

Councilmembers Representing City of Placerville: John Clerici, Jackie Neau, David Yarbrough

Supervisors Representing El Dorado County: John Hidahl, Lori Parlin, Wendy Thomas, George Turnboo

RESOLUTION 23/24.20

RESOLUTION OF THE EL DORADO COUNTY TRANSPORTATION COMMISSION APPROVING THE FISCAL YEAR 2023/24 THROUGH 2024/25 ALLOCATION OF TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM AND FISCAL YEAR 2023/24 THROUGH 2026/27 ALLOCATION OF ZERO-EMISSION TRANSIT CAPITAL PROGRAM FUNDING

WHEREAS, pursuant to California Government Code, Title 7.95, Section 67950, the El Dorado County Transportation Commission (EDCTC) was created as a local planning agency to provide regional transportation planning for the area of El Dorado County, exclusive of the Lake Tahoe Basin; and

WHEREAS, California Government Code Section 29532.1(g) identifies EDCTC as the designated Regional Transportation Planning Agency (RTPA) for El Dorado County, exclusive of the Lake Tahoe Basin; and is responsible for the planning, allocating and/or programming of funds; and

WHEREAS, on September 29, 2023, the California State Transportation Agency approved the Budget Act of 2023 SB 125 Formula-Based Transit and Intercity Rail Capital Program (TIRCP) and Zero Emission Transit Capital Program (ZETCP) Final Guidelines and allocation amounts for fiscal year (FY) 2023/24 through FY 2026/27; and

WHEREAS, it is the responsibility of EDCTC to make allocations from the TIRCP and ZETCP funds based on the estimated revenue and to review the claims; and

WHEREAS, the Auditor of said County is instructed to pay monies in the fund to the claimants pursuant to allocation instructions received from EDCTC; and

WHEREAS, the California State Transportation Agency issued a report of estimated revenues for TIRCP for FY 2023/24 and FY 2024/25 and ZETCP for FY 2023/24 through FY 2026/27; and

NOW THEREFORE, BE IT RESOLVED, that EDCTC shall review the claims as they are received, approve same for the FY 2023/24 through FY 2026/27 funds to be available in the TIRCP and the ZETCP funds, and make the following allocations:

1. To EDCTC for TIRCP and ZETCP administration and the required reporting for FY 2023/24 through FY 2026/27 in the amount of \$208,011 to be paid from the FY 2023/24 ZETCP fund.
2. To be reserved by the El Dorado County Auditor's Office for future reimbursements to the El Dorado County Transit Authority (EDCTA) from the TIRCP fund after approval of claim for the FY 2023/24 amount of \$9,085,857 and the FY 2024/25 amount of \$9,108,041 plus interest earned in the account.

3. To be reserved by the El Dorado County Auditor's Office for future reimbursements to EDCTA from the ZETCP fund after approval of claim for the FY 2023/24 amount of \$763,770 and the FY 2024/25 through FY 2026/27 amount of \$545,145 plus interest earned in the account.

BE IT FURTHER RESOLVED, that allocation instructions shall be prepared for each claimant in accordance with the above, and pursuant to EDCTC rules and regulations. The Executive Director, appointed by the Commission, is authorized to sign the allocation instructions and to issue the instructions to the County Auditor to pay the claimants in accordance with the above allocations and conditions.

PASSED AND ADOPTED, by the El Dorado County Transportation Commission at their regular meeting on May 2, 2024 by the following vote:

Vote Pending

Attest:

Wendy Thomas, Chairperson

Dana Keffer, Secretary to the Commission

**TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM AND
ZERO EMISSION TRANSIT CAPITAL PROGRAM**

FY 2023/24 ALLOCATION

FY 2023/24 TIRCP and ZETCP AVAILABLE FOR ALLOCATION

2023/24 TIRCP Receipts per California State Transportation Agency	\$ 9,085,857.00	
2023/24 ZETCP Receipts per California State Transportation Agency	\$ 971,781.00	
		Total FY 2023/24 balance for allocation \$ 10,057,638.00

CLAIMANT ALLOCATIONS

EI Dorado County Transportation Commission

TIRCP and ZETCP Administration	<u>\$ 208,011.00</u>	
Administration subtotal		\$ 208,011.00

EI Dorado County Transit Authority

TIRCP-Zero Emission Bus Fleet Conversion and Demonstration Project	\$ 9,085,857.00	
ZETCP-Zero Emission Bus Fleet Conversion and Demonstration Project	<u>\$ 763,770.00</u>	
Public Transportation subtotal		\$ 9,849,627.00

		Total FY 2023/24 claimant allocations \$ 10,057,638.00
--	--	---

**TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM AND
ZERO EMISSION TRANSIT CAPITAL PROGRAM**

FY 2024/25 - FY 2026/27 ALLOCATION

FY 2024/25 Through FY 2026/27 TIRCP and ZETCP AVAILABLE FOR ALLOCATION

2024/25 TIRCP Receipts per California State Transportation Agency	\$ 9,108,041.00
2024/25-2026/27 ZETCP Receipts per California State Transportation Agency	\$ 545,145.00

Total FY 2024/25 - FY 2026/27 balance for allocation \$ 9,653,186.00

CLAIMANT ALLOCATIONS

El Dorado County Transportation Commission

TIRCP and ZETCP Administration	\$ -
Administration subtotal	\$ -

El Dorado County Transit Authority

TIRCP-Zero Emission Bus Fleet Conversion and Demonstration Project	\$ 9,108,041.00
ZETCP-Zero Emission Bus Fleet Conversion and Demonstration Project	\$ 545,145.00
Public Transportation subtotal	\$ 9,653,186.00

Total FY 2024/25 - FY 2026/27 claimant allocations \$ 9,653,186.00

CONSENT ITEM

DATE: MAY 2, 2024
TO: EL DORADO COUNTY TRANSPORTATION COMMISSION
FROM: WOODROW DELORIA, EXECUTIVE DIRECTOR
SUBJECT: FINAL SACRAMENTO AREA COUNCIL OF GOVERNMENTS AND EL DORADO COUNTY TRANSPORTATION COMMISSION MEMORANDUM OF UNDERSTANDING

REQUESTED ACTION

Approve the Final Memorandum of Understanding (MOU) between the Sacramento Area Council of Governments (SACOG) and El Dorado County Transportation Commission (EDCTC), as shown in Attachment A.

BACKGROUND

EDCTC and SACOG have worked together under an MOU which was last updated in 2016 (Attachment B). This MOU details the roles and responsibilities of each agency, particularly in the areas of state and federal transportation planning and funding requirements. The recent corrective action imposed onto Caltrans by the Federal Highway Administration (FHWA) presented the need to revisit this MOU with SACOG. The Draft MOU was presented to the EDCTC board on March 7, 2024. The SACOG board approved the MOU at the April 18, 2024 board meeting.

DISCUSSION

The FHWA corrective action imposed in 2021, brought about a significant change in how EDCTC and SACOG treat two of the federal transportation funding sources previously administered by EDCTC, the Congestion Mitigation and Air Quality (CMAQ) and Federal Surface Transportation Block Grant Program (STBG). FHWA determined that SACOG, as the federally recognized Metropolitan Transportation Planning Organization (MPO) for the six-county Sacramento region, must administer the CMAQ and STBG funding programs through a competitive basis and no longer sub-allocate to EDCTC to administer. Given the significance of the changes in how these two federal funding programs must now be handled, EDCTC and SACOG developed a new MOU to reflect this new funding framework. Typically, a redline version of an existing agreement would be developed to present to the EDCTC and SACOG boards for consideration however, given the magnitude of changes, and the desire to bring the MOU to current best practices and reflect the current roles and responsibilities of each agency, an entirely new document was drafted as to not have an overly complicated and distracting document to review.

The first of two fundamental changes is proposed to include the necessary new language to reflect the process, roles, and responsibilities for EDCTC and SACOG regarding the Federal CMAQ and STBG funding. SACOG will now have the primary role in programming CMAQ and STBG as outlined in Section 5.2 of the Draft 2024 EDCTC/SACOG MOU. EDCTC will still be responsible for working in partnership with El Dorado County, the City of Placerville, and El Dorado Transit to develop lists of priority projects to be submitted for consideration in a SACOG led competitive CMAQ and STBG call for projects. However, SACOG must now be directly involved in the eligibility screening prior to project selection and ultimately will now be responsible for selecting and programming projects submitted by EDCTC and its partners.

The second substantive change proposed reflects an update to the compensation granted to SACOG from EDCTC. Historically, SACOG has received a contribution equal to 2% of the EDCTC allocation of Local Transportation Fund (LTF). The 2% was calculated after EDCTC took an administrative share of

LTF to support planning and administrative functions. SACOG received this contribution to provide the necessary support as the federally recognized MPO to perform SACOG's federal planning and programming effort. In Fiscal Year 2023/24 the 2% in LTF allocated to SACOG was just under \$175,000. LTF has increased over the past five years, more than was expected given the pandemic. The contribution provided to SACOG, as stipulated in the existing 2016 EDCTC/SACOG MOU, included no funding cap placed on the 2% allocated to SACOG. Given the need to have long-term financial stability for both EDCTC and SACOG, EDCTC staff felt it necessary to revisit this contribution. The proposed change included in section 9.2 of the Draft 2024 EDCTC/SACOG MOU no longer allocates 2% of LTF to SACOG. Instead, approval of this MOU would set a funding level floor of \$100,000 in Fiscal Year 2024/25 beginning July 1, 2024. This amount would be adjusted annually based on the U.S. Bureau of Labor Statistics Consumer Price Index (CPI) for Western States - All Urban Consumers. In the event that the LTF EDCTC relies on to pay SACOG drops below a five-year average of EDCTC's LTF funding, the contribution from EDCTC to SACOG will stay at the contribution level from the year prior until the five-year average returns, at which time the aforementioned CPI adjustments will resume.

Additionally, minor administrative updates have been made to reflect changing conditions in policy and procedures since 2016. These minor changes include updating federal statute citations and references to the current federal transportation act, Infrastructure Investment and Jobs Act (IIJA).

The updated MOU proposes no changes to the strong collaborative relationship that EDCTC and SACOG have enjoyed for decades. The MOU does not impose any new or undue burdens on any one agency and strengthens the region's ability to plan for, secure, and deliver transportation investments across the urban, suburban, and rural interface of El Dorado County and the greater Sacramento region.

Approved for Agenda:



Woodrow Deloria, Executive Director

Attachment A: Final 2024 EDCTC/SACOG Memorandum of Understanding

FINAL MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is entered into between the El Dorado County Transportation Commission (“EDCTC”) and the Sacramento Area Council of Governments (“SACOG”).

This MOU is only intended to apply within the areas under the jurisdiction of EDCTC and SACOG. References herein to the “Region” or the “area,” or to “El Dorado County,” shall be interpreted as excluding the Lake Tahoe Basin that is within the jurisdiction of the Tahoe Regional Planning Agency.

RECITALS

- A. EDCTC is a Regional Transportation Planning Agency (“RTPA”) formed by Government Code Section 67950 to serve El Dorado County. EDCTC’s governing board is comprised of representatives from the El Dorado County Board of Supervisors and the City of Placerville City Council.
- B. SACOG is a joint powers authority whose members are the counties and cities within the six-county greater Sacramento Region. SACOG’s membership includes the County of El Dorado, as well as the City of Placerville.
- C. SACOG is the Metropolitan Planning Organization (“MPO”) for the Region. Among other responsibilities, SACOG prepares transportation plans for federal purposes, prepares the Metropolitan Transportation Improvement Program (“MTIP”) to program federal transportation funds, and prepares the Metropolitan Transportation Plan/ Sustainable Communities Strategy (“MTP/SCS”) as required by state law.
- D. As the RTPA, EDCTC updates and adopts a Regional Transportation Plan (RTP) consistent with the MTP/SCS and develops a Regional Transportation Improvement Program (“RTIP”) to program State Transportation Improvement Program Funding.
- E. Because SACOG and EDCTC have overlapping jurisdictions with differing but connected responsibilities, SACOG and EDCTC have entered into prior MOUs in order to define their relationship and ensure federal and state transportation planning and programming, and related requirements such as Clean Air Act conformance, are consistent with current federal and state law, regulations and guidance, and are performed through a collaborative and inclusive approach.
- F. In spring of 2021, the Federal Highway Administration (“FHWA”) and Federal Transportation Administration (“FTA”) issued a Corrective Action to the California Department of Transportation, which in turn required SACOG as the MPO to update and modify its process for programming federal funds. To respond to the Corrective Action, SACOG’s Board in February, 2023, approved a new process to select projects to fund with federal transportation funds after July 1, 2023.

G. EDCTC and SACOG therefore desire to enter into this MOU in order to:

- a. Coordinate transportation planning and programming for the purposes of the Infrastructure Investment and Jobs Act (IIJA), or any successor act, and the federal Clean Air Act, which is the responsibility of SACOG, with the transportation planning and programming for the purposes of state law, which is the responsibility of EDCTC in El Dorado County.
- b. Achieve governmental efficiency by, where possible, avoiding duplication of efforts and working toward the mutual benefit of each party.
- c. Implement SACOG's adopted procedure that is necessary under the Corrective Action for allocation of federal transportation funds within the Region, including within El Dorado County.
- d. Establish areas where SACOG can provide technical support to EDCTC and develop means for mutual collaboration between the two agencies.
- e. Ensure EDCTC continues to serve as the RTPA representing El Dorado County through development of the SACOG MTP/SCS and other transportation planning activities administered by SACOG.
- f. Identify and implement measures for cooperation and coordination amongst SACOG, EDCTC, and their respective member agencies.
- g. Establish a binding mechanism for EDCTC to compensate SACOG for work that SACOG performs for the benefit of EDCTC.

MUTUAL UNDERSTANDINGS

1. INTRODUCTORY TERMS

1.1 Prior Memoranda of Understanding. This MOU is intended to repeal and replace the prior MOU between the Parties.

1.2 Legal Citations. Legal citations and other references to laws contained within this MOU are intended for clarity and convenience and not for limitation. To the extent referenced laws are re-codified or re-adopted or otherwise modified, the meaning and intent of this MOU shall remain the same. To the extent that new programs are adopted to which procedures set forth in this MOU would be applicable, the Parties understand that the same procedures would apply. (For example, if new federal funding sources are established by law which must follow the same selection procedures as STBG and CMAQ as set forth herein.)

1.3 Definitions. For purposes of this MOU, the capitalized terms and abbreviations used herein shall have the meanings set forth in Addendum #1. The Parties acknowledge that terms used under laws relevant to this MOU, or in common practice in the transportation planning industry, may have overlapping or interchangeable meanings. For clarity, the Parties in

this MOU are using particular terms in order to clarify their respective responsibilities and obligations.

2. FEDERAL AIR QUALITY STANDARDS

2.1 Conformity. Pursuant to Section 176(c) of the Clean Air Act (42 U.S.C. § 7506(c)), federal agencies, including FHWA and FTA cannot provide financial assistance for activities that do not conform to the State Implementation Plan (“SIP”), and SACOG as the Region’s MPO cannot give its approval to any project, program, or plan which does not conform to the SIP. More specifically, SACOG cannot approve activities that will: (i) cause or contribute to any new violation of any air quality standard; (ii) increase the frequency or severity of any existing violation of any air quality standard; or (iii) delay timely attainment of any air quality standard or any required interim emission reductions or other milestones in the Region. As further set forth in this MOU, SACOG prepares its MTP and MTIP to conform to the air quality standards set forth in the SIP.

2.2 Collaborative Efforts. The Parties recognize that a failure to conform to federal Clean Air Act standards could negatively impact the Region’s ability to qualify for, or compete for, federal funding, which could result in less funding within both El Dorado County and the greater SACOG Region. The Parties intend for this MOU to ensure that the Parties will not approve projects that would negatively impact the Region or the ability of SACOG to meet conformity requirements. The Parties will therefore collaborate to submit non-exempt projects to SACOG for the purpose of analyzing air quality impacts and protecting conformity with Clean Air Act standards.

3. DEVELOPMENT OF SACOG’S MTP/SCS

3.1 Responsibility. Preparation of the MTP/SCS is the sole and exclusive responsibility of SACOG. SACOG and EDCTC will coordinate and cooperate in developing the MTP/SCS as set forth in this MOU.

3.2 Collaborative Efforts Related to the MTP/SCS.

3.2.1 At the commencement of each plan revision, SACOG will consult with EDCTC on the schedule SACOG plans to use during the planning cycle. To the extent possible, the schedule shall specify the dates at which the different draft components (policies, financial, etc.) of the draft MTP will be first developed and considered. SACOG and EDCTC shall agree to a schedule which shall specify when EDCTC’s plan and program documents are to be submitted to SACOG in order to be considered pursuant to this Section.

3.2.2 SACOG will also work with EDCTC staff on the development of the Policy Element of the plan.

3.2.3 SACOG will develop a growth forecast for the six-county Region in consultation with EDCTC.

3.2.4 SACOG will coordinate public engagement and outreach activities planned for El Dorado County with EDCTC.

4. DEVELOPMENT OF EDCTC's RTP

4.1 Responsibility. Preparation of the RTP for El Dorado County is the sole and exclusive responsibility of EDCTC. In preparing the RTP, SACOG and EDCTC will coordinate and cooperate in developing the RTP and MTP/SCS as set forth in this MOU. The RTP shall be consistent with the current and subsequently adopted Caltrans RTPA RTP Guidelines as well as consistent with the state and federal planning and performance standards required of the current and any subsequent MTP/SCS.

4.2 Collaborative Efforts Related to the RTP.

4.2.1 EDCTC will involve SACOG in the development of the RTP to ensure that the RTP does not impact SACOG's ability to meet federal and state requirements including but not limited to (i) greenhouse gas targets as set forth in the SIP, and (ii) the ability of SACOG to adopt an SCS and achieve the California Air Resources Board's acceptance of the adopted SCS.

4.2.2 SACOG will develop financial forecasts in consultation with EDCTC to be used for establishing the fiscal constraint of EDCTC's RTP.

4.2.3 EDCTC will include SACOG in county-level discussions for existing local and any new local revenue sources to inform SACOG forecasts.

4.2.4 Whenever feasible, SACOG and EDCTC shall collaborate on the collection and development of demographic and land use data required to support the planning process. Each agency shall make available to the other any such data not constrained by proprietary agreement or other legal device. When paying for data or tools, SACOG and EDCTC shall consider in the scope of any agreement access for the other agency. If not feasible to include at the outset, any expense associated with providing such data shall be borne by the requesting agency.

4.2.5 Transportation project/program investments, costs, and completion years will be consistent between the MTP/SCS and RTP.

4.2.6 In developing and adopting the RTP and RTIP, EDCTC shall use data and methodologies which are consistent and compatible with data and methodologies used by SACOG in the development of the MTP/SCS.

4.2.7 In developing the RTP, EDCTC shall consider the factors specified in Title 23 of the United States Code.

5. FEDERAL FUNDING PROGRAM

5.1 MTIP. SACOG is responsible for preparing and adopting the MTIP every two years, or as otherwise necessary, which will program funds for transportation projects in the Region. The MTIP will list the projects in the MTP that are programmed for funding and intend

to begin work. SACOG will initiate public outreach for the MTIP, perform the financial analysis required by law, and perform the air quality conformity analysis. EDCTC will acknowledge the process set forth in this agreement for federal funding allocations and work collaboratively with SACOG through that process.

5.2 Acknowledgment of Corrective Action. SACOG and EDCTC acknowledge and understand that, as a result of the Corrective Action, (i) SACOG cannot suballocate funds by mode or population to cities or counties, (ii) SACOG must be directly involved in the eligibility screening prior to project selection, and (iii) SACOG must select and approve projects for funding. SACOG shall continue to coordinate and collaborate with EDCTC, as the state designated RTPA for El Dorado County, to the extent allowed by FHWA, FTA and the relevant federal transportation funding programs and implementing regulations. The procedures within this section are as adopted by SACOG in order to comply with the Corrective Action and continue receiving and programming CMAQ and STBG funds within the Region, including within El Dorado County.

5.3 Procedure For Highway Funding Allocations. SACOG's board has adopted the procedure set forth in Addendum #2 to this MOU, which FHWA has confirmed is in compliance with FHWA's requirements. EDCTC acknowledges this procedure and agrees to coordinate with SACOG for programming of federal funds in the Region, including El Dorado County, through utilization of this procedure.

5.4 Federal Transit Funding Under Title 49. As the MPO, SACOG receives federal transit funds by formula for urbanized areas. This includes areas within El Dorado County. SACOG provides grants to eligible recipients consistent with the requirements of each program. These funds are awarded by SACOG on a six-county basis, except that some funds have a specific purpose (i.e., fixed guideway transportation or rural transportation) that may limit the geographic areas eligible to receive these funds.

6. STATE/LOCAL FUNDING PROGRAM

6.1 RTIP. EDCTC is responsible for preparing the RTIP and for programming STIP and rural STBG Exchange funding in El Dorado County. EDCTC will submit all Non-Exempt Projects to SACOG for air quality conformity analysis before being funded through the RTIP.

7. SACOG TECHNICAL SUPPORT

7.1 Technical Support to RTPA. EDCTC's use of SACOG's travel demand model, related analytical software tools and parametric data shall remain subject to existing agreements or such future agreements as may be negotiated between SACOG and EDCTC.

8. COOPERATION

8.1 Additional Efforts. SACOG and EDCTC will:

8.1.1 Meet at least quarterly to coordinate on the issues covered in this MOU and any other work between the Parties;

- 8.1.2 Cooperate on establishment of regional priorities;
- 8.1.3 Coordinate annually on the development of the Parties' respective Overall Work Plans;
- 8.1.4 Participate on committees/technical advisory committees/stakeholder groups/steering committees as necessary or convenient to carry out the Parties' missions; and
- 8.1.5 Engage in such other cooperative efforts to further effective and efficient transportation planning, seek and program transportation funding, achievement of air quality conformity, and other planning and programming tasks.

9. COMPENSATION TO SACOG

9.1 Purpose. The Parties acknowledge that all jurisdictions within the Region should share equitably in the costs of the development of the Metropolitan Transportation Plan and the Metropolitan TIP and air quality conformity; therefore, jurisdictions which are members of SACOG should not be required to pay for the work performed by SACOG for jurisdictions within the Region that are not members of SACOG.

9.2 Method. To compensate SACOG for performing the transportation planning and programming responsibilities required under Title 23 and Title 49 and the Clean Air Act, EDCTC shall make payments to SACOG in accordance with the following:

9.2.1 EDCTC shall annually contribute to SACOG from EDCTC's annual work program, in consideration for SACOG's federal planning and programming effort, in the amount of \$100,000 starting July 1, 2024, and increasing annually based on the U.S. Bureau of Labor Statistics West Region Consumer Price Index (West Region CPI). The West Region CPI is defined as the West Region CPI for all items as measured by the U.S. Bureau of Labor Statistics West Region for the 12-month period ending in the December immediately preceding the fiscal year. For example, West Region CPI for July 1, 2025, will be the West Region CPI for the period from December 2023 – December 2024. This information is typically published mid-January which should provide sufficient time to confirm the amount before either EDCTC or SACOG adopts its final budget. In the event that the Transportation Development Act/Local Transportation Fund (TDA/LTF) funding EDCTC relies on to pay SACOG drops below a five year average of EDCTC's TDA/LTF funding, the contribution from EDCTC to SACOG will stay at the contribution level from the year prior until the five year average returns, at which time the aforementioned CPI adjustments will resume.

9.2.2 SACOG shall be paid once the TDA/LTF funds are available at or near the beginning of each fiscal year contingent upon cash flow considerations.

9.2.3 Funds paid to SACOG shall be unrestricted local funds unless mutually agreed to by SACOG and EDCTC.

9.2.4 The contribution to SACOG may be modified through mutual written agreement, including arrangements for one-time costs for special plans or projects identified by SACOG and EDCTC as part of developing their annual OWPs.

10. MISCELLANEOUS

10.1 Addenda. This MOU is inclusive of Addendum # 1, Definitions, and Addendum #2, Federal Highways Funding Process.

10.2 Amendments. This MOU shall only be amended in writing.

10.3 Term. This MOU shall become effective upon its approval by all Parties. It shall remain in effect until terminated by one of the Parties after 60 days' written notice to the other Party.

10.4 Counterparts. This MOU may be executed in counterparts, any of which may be used as the original.

10.5 Member Jurisdictions. Nothing herein is intended to limit either Party from working directly with its respective member jurisdictions.

The governing board of each Party has approved this MOU and authorized its execution by the undersigned officers.

EL DORADO COUNTY
TRANSPORTATION COMMISSION

SACRAMENTO AREA
COUNCIL OF GOVERNMENTS

Woodrow Deloria
Executive Director

James Corless
Executive Director

Date

Date

ADDENDUM #1**DEFINITIONS**

ALUC. Airport Land Use Commission, which is another function of SACOG and EDCTC separate from their responsibilities addressed in this MOU.

COG. Council of Governments, which is another function of SACOG separate from its responsibilities addressed in this MOU.

Clean Air Act. Chapter 85 of Title 42 of the United States Code.

Corrective Action. The corrective action issued by the FHWA and FTA to the California Department of Transportation as part of the certification of the 2021 Federal Statewide Transportation Improvement Program regarding suballocation and administration of STBG and CMAQ funds, which is applicable to SACOG as the MPO for programming these funds.

CMAQ or Congestion Mitigation and Air Quality Improvement Program. The federal transportation funding program set forth at 23 U.S.C. Section 149.

El Dorado County. For purposes of this MOU, references to El Dorado County exclude the geographical area in the County that are within the Tahoe Basin and under the jurisdiction of TRPA.

MPA or Metropolitan Planning Area. The geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under 23 U.S.C Section 134.

MPO or Metropolitan Planning Organization. The policy board of an organization established as a result of the designation process as defined in 23 U.S.C Section 134. SACOG is the MPO for the Region, including for El Dorado County.

MTP/SCS. SACOG's plan that contains both the MTP and SCS, which SACOG also refers to as the "Blueprint".

MTIP or Metropolitan Transportation Improvement Program. A transportation improvement program developed by a metropolitan planning organization under 23 U.S.C Section 134; specifically, the MTIP that SACOG prepares for the purpose of programming federal funds.

MTP or Metropolitan Transportation Plan. The long-range transportation plan that is required under federal law pursuant to 23 U.S.C Section 134.

Non-Exempt Project. A capacity-increasing project that is not identified in SACOG's MTP/SCS.

Region. The six-county greater Sacramento region that includes El Dorado, Sacramento, Yolo, Yuba, Sutter and Placer Counties, except for the portions of El Dorado County and Placer County that are in the Tahoe Basin and within the jurisdiction of TRPA.

RTIP or Regional Transportation Improvement Program. EDCTC's programming of county shares of state STIP funds.

RTP or Regional Transportation Plan. The regional transportation plan that is required under state law pursuant to Government Code section 65080, which together with Government Code section 29532.1 designates EDCTC as the agency to prepare the RTP for El Dorado County.

RTPA or Regional Transportation Planning Agency. The agency designated under Government Code section 29532 or 29532.1 for regional transportation planning. EDCTC is the RTPA for El Dorado County; SACOG is the RTPA for Sacramento, Yolo, Yuba and Sutter Counties.

SCS or Sustainable Communities Strategy. The growth strategy that each MPO in California is required to develop as part of an RTP pursuant to California Government Code Section 65080. As the MPO for the Region, SACOG is required to prepare the SCS, including the SCS as it relates to El Dorado County.

SIP or State Implementation Plan. The plan (or plans, inclusive) that CARB develops pursuant to the federal Clean Air Act to attain national ambient air quality standards by specified dates.

STBG or Surface Transportation Block Grant Program. The federal transportation funding program set forth at 23 U.S.C. Section 133.

STIP or State Transportation Improvement Program. The biennial five-year plan adopted by the CTC for future allocations of certain state transportation funds for state highway improvements, intercity rail, and regional highway and transit improvements.

Title 23. Refers to Title 23, "Highways," of the United States Code.

Title 49. Refers to Title 49, "Transportation," of the United State Code.

TRPA or Tahoe Regional Planning Agency. The agency designated by Title 23 as the MPO for the Tahoe region and designated by California Government Code Section 67000 et seq. as the RTPA for the Tahoe region. The boundaries of the TRPA area are defined by Government Code Section 67021.

ADDENDUM #2**FEDERAL HIGHWAYS FUNDING PROCESS****A. Target Setting Process**

1. *Federal Funds Available to California by Federal Formula:* States receive a set amount of STBG and CMAQ funds based on formulas established in federal transportation law. The Bipartisan Infrastructure Law, enacted in 2021, set funding levels for five years.
2. *Federal Funds Available to MPOs by State Formula:* Caltrans then sub-allocates a portion to regions and retains a portion for statewide programs or other distributions. Each year, the Caltrans Division of Financial Programming publishes estimated and final amounts for these funds for each federal fiscal year (October 1-September 30).
3. *SACOG Funding Round Federal Funding Estimate:* SACOG will utilize the Caltrans Division of Financial Programming information and its own analysis to estimate the available funding in advance of any given funding round.
4. *SACOG Board Sets Regional Performance Target Criteria and Weighting, Defines Priority Programs:* After the available funds are estimated, SACOG staff will coordinate with EDCTC staff to review available data on performance measurement and make recommendations to the SACOG board on strategic investments to make progress toward these policy goals. Additionally, SACOG staff will recommend priority programs that may be separate from the competitive funding round.
5. *Performance-Based Funding Targets:* With SACOG board direction, staff will calculate targets for all six counties and, if applicable, for the priority programs.
6. *Individual Targets for Six Counties:* SACOG will publish a target for each county. The target will be a range of the potential amount of federal transportation funding available for each county for that funding round and will not be tied to a set amount of STBG or CMAQ funds for each county.
7. *Priority Programs (Without County-Level Targets):* SACOG's board may establish a set-aside of funds or unique competitive funding programs that would not have county-level targets. SACOG has funded several programs over the last several decades to help achieve regional goals. Key examples are Transportation Demand Management, Sacramento Emergency Clean Air & Transportation Grant Program, and Spare the Air. In recent years, new programs such as Engage, Empower Implement have been funded through a set-aside, or a separate competitive funding program, such as Green Region, that has had different criteria from the primary funding round programs.

B. Project Selection Process

1. *Regional call for projects with approved regional performance criteria:* SACOG will issue a single regional call for projects with unified criteria for all applications for STBG and CMAQ funds.
2. *Project sponsor coordination:* For El Dorado County, project sponsors will coordinate with EDCTC regarding the potential project scopes and benefits, and EDCTC together with project sponsors will ensure that projects are consistent with the RTP. Because EDCTC is the RTPA for El Dorado County, EDCTC will assist project sponsors to prepare and submit projects for consideration throughout the process.
3. *Project performance assessment tool:* SACOG will utilize its Project Performance Assessment Tool to generate data about project benefits that can be compared to other projects in the Region. At the outset of the process, SACOG, in cooperation with EDCTC, may also identify other technical tools and data to be used to evaluate projects.
4. *Prioritized lists submitted to SACOG:* Projects sponsors from all six counties will submit applications to SACOG. In El Dorado County, EDCTC will submit a prioritized list to SACOG on behalf of all applicants in the County.
5. *SACOG reviews eligibility, consistency with MTP goals:* SACOG will work with EDCTC to review all projects for eligibility and consistency with MTP goals before sending them to the review panel. Projects will be reviewed by a six-county committee consisting of technical experts from SACOG, EDCTC, PCTPA, local transportation departments, and other transportation professionals.
6. *Projects prioritized across all six counties by review committee:* Using the criteria established by the SACOG Board of Directors at the beginning of the funding round cycle, the technical experts will score and prioritize projects throughout the Region.
7. *SACOG staff reviews recommendations and ensures all projects are scored using regional performance criteria:* SACOG staff sets final regional list of priorities recommended to the SACOG board.
8. *SACOG Transportation Committee reviews and recommends:* As the policy committee charged with reviewing funding, SACOG's Transportation Committee will review the staff recommendation and make a recommendation to the full SACOG board.
9. *SACOG Board selects projects:* Through its final action on the funding round recommendations, the SACOG board may modify the recommendations and therefore retain the ultimate authority to select all projects that are consistent with board policy and applicable state and federal requirements.

10. *SACOG staff recommends programming projects with STBG and CMAQ.* After projects are selected through the funding round, projects must be assigned either STBG or CMAQ funds based on their eligibility, the anticipated year of construction, and other factors. SACOG works with project sponsors after they are selected in each funding round to recommend the best fit of projects based on board priorities and project timing.

11. *SACOG Board adopts MTIP:* As the final action in this process, the SACOG board will formally adopt or amend the MTIP, formally assigning federal funding to specific projects or programs.

CONSENT CALENDAR**STAFF REPORT**

DATE: MAY 2, 2024
TO: EL DORADO COUNTY TRANSPORTATION COMMISSION
FROM: DAN BOLSTER, SENIOR TRANSPORTATION PLANNER
SUBJECT: SECTION 5311 FEDERAL FISCAL YEAR 2024 PROGRAM OF PROJECTS

REQUESTED ACTION

Adopt Resolution 23/24.22 (Attachment A) authorizing the programming of \$761,477 in Federal Transit Administration 5311 funding for Federal Fiscal Year 2024, for operating assistance for the El Dorado County Transit Authority (EDCTA).

BACKGROUND

The EDCTA, as the sole eligible recipient for these funds, has requested that El Dorado County Transportation Commission (EDCTC) prepare and approve the Program of Projects for a Federal Fiscal Year 2024 Section 5311 grant in the amount of \$761,477 (Attachment B). The grant application is an effort to obtain additional operating funds for existing transit operations. Local match funds for the grant were included in the EDCTA budget for fiscal year 2023/24, and it is anticipated the grant funding will be received in fiscal year 2024/25.

DISCUSSION

Under California law, the Regional Transportation Planning Agencies are responsible for transportation planning and for the allocation or programming of transportation funds from various federal, state, and local sources. The EDCTC's responsibility is to assure Caltrans that the project has the programming approval of the regional agency and to provide supporting documentation that the project has been programmed in the Federal Transportation Improvement Program (FTIP). EDCTC will work with EDCTA to ensure the Program of Projects and applicable FTIP documentation are submitted.

Approved for Agenda:



Woodrow Deloria, Executive Director

Attachments: A) EDCTC Resolution 23/24.22
B) Section 5311, Federal Fiscal Year 2024 Program of Projects



2828 Easy Street, Suite 1, Placerville, CA 95667 www.edctc.org 530.642.5260

Councilmembers Representing City of Placerville: John Clerici, Jackie Neau, David Yarbrough

Supervisors Representing El Dorado County: John Hidahl, Lori Parlin, Wendy Thomas, George Turnbo

RESOLUTION 23/24.22

RESOLUTION OF THE EL DORADO COUNTY TRANSPORTATION COMMISSION APPROVING THE EL DORADO COUNTY TRANSIT AUTHORITY SECTION 5311 (49 U.S.C. SECTION 5311) FEDERAL FISCAL YEAR 2024 GRANT APPLICATION PROGRAM OF PROJECTS

WHEREAS, pursuant to California Government Code, Title 7.95, Section 67950, the El Dorado County Transportation Commission (EDCTC) was created as a local planning agency to provide regional transportation planning for the area of El Dorado County, exclusive of the Lake Tahoe Basin; and

WHEREAS, California Government Code Section 29532.1(g) identifies EDCTC as the designated regional transportation planning agency for El Dorado County, exclusive of the Lake Tahoe Basin and is responsible for the planning, allocating and/or programming of funds; and

WHEREAS, the U.S. Department of Transportation, Federal Transit Administration provides grants through 49 U.S.C. Section 5311; and

WHEREAS, the regional agency must approve the programming and submit the Program of Projects for Section 5311 grant funding for transit operations from Regional/County Apportionment; and

WHEREAS, El Dorado County Transit Authority has included local match funds in their fiscal year 2023/24 budget; and

WHEREAS, the proposed project is consistent with the El Dorado County Regional Transportation Plan and will be included in the Federal Transportation Improvement Program.

NOW THEREFORE, BE IT RESOLVED, that the El Dorado County Transportation Commission does hereby authorize the programming of \$761,477 in 5311 Operating Assistance funding for Federal Fiscal Year 2024 of the FTA 5311 grant program administered by Caltrans.

PASSED AND ADOPTED, by the El Dorado County Transportation Commission at their regular meeting on May 2, 2024, by the following vote:

Vote pending

Attest:

Wendy Thomas, Chairperson

Dana Keffer, Secretary to the Commission



Program of Projects (POP)

FFY 2024

Due: May 30, 2024 at 2 p.m. PST

Instructions:

PART 1 – Operating Assistance

- Do not list previously approved projects (i.e. projects listed in a prior grant).
- Funding split: 44.67% Local Share and 55.33% Federal Share.
- Third Party Contract Requirement – all third-party contracts must contain federal clauses required under [FTA Circular 4220.1F](#) and approved by the State prior to bid release.
- Net project cost does not include ineligible cost (i.e. farebox, other revenues, etc.).

PART 2 – 5311 Capital (Vehicles and Preventive Maintenance)

- **PRE-AWARD AUTHORITY IS STRICTLY FORBIDDEN FOR ALL CAPITAL PURCHASES** Receiving an executed Standard Agreement (DOT-213A) is NOT procurement authorization.
- All vehicles procured with Section 5311 program funds must be ADA accessible regardless of service type (fixed route or demand-response service).
- Funding split: 11.47% Local Share and 88.53% Federal Share.
- Procurement Contract Requirement – all documents used for procuring capital projects must contain federal clauses required under [FTA Circular 4220.1F](#) and approved by DLA prior to bid release.

PART 3 – Congestion Mitigation & Air Quality (CMAQ):

- Request for transfer will be applied for directly through the District - Local Assistance District Engineer, and Headquarters' Division of Local Assistance. The 5311 Program will receive a confirmation once the transfer is completed.
- Funding split: 11.47% Local Share and 88.53% Federal Share. CMAQ may be funded up to 100% at the discretion of the Regional Planning Agency/MPO.

PART 4 – 5311(f) Operating Assistance:

- Reference Part 1



Program of Projects (POP)

FFY 2024 - **Due: May 30, 2024 at 2 p.m. PST**

Agency Name:		
5311	5311(f)	CMAQ

Regional Contact Info:

Regional Contact Name:		Phone Number:	
Contact Title:		Date:	

General Information:

County or Region:		Caltrans District:	
--------------------------	--	---------------------------	--

Section A: Available Funding

Apportionment for this Cycle (Federal Share):	
--	--

Section B: Programming

Operating Assistance Total:	
Capital Total:	
Total Programmed (Operating + Capital):	

CMAQ:

CMAQ Total:	
--------------------	--

Request for transfer will be applied for directly through the District - Local Assistance, District Engineer, and Headquarters' Division of Local Assistance. The 5311 Program will receive a confirmation once the transfer is completed.



Programming Instructions:

Statewide Transportation Improvement Program (STIP)

All federal funds to be used for transit projects must be included in a federally approved STIP. A Transportation Planning Agency (TPA) must ensure that Section 5311 projects are included in the Department of Transportation's (Department) Statewide Transportation Federal Improvement Program (FSTIP), which is jointly approved by the Federal Highway Administration (FHWA) and FTA.

A copy of the federally approved STIP Page must be attached for all projects to be programmed through the Section 5311 program. The project description and associated dollar amounts must be consistent with the federally approved STIP information.

- **Metropolitan Planning Organizations (MPOs)** are responsible for programming projects within their jurisdiction.
- Rural Transit & Intercity Bus staff will submit **Non-MPO / Rural Transportation** organizations projects directly to the Department's Division of Financial Programming for inclusion into the FSTIP.

For further guidance see the Department's [Division of Financial Programming website](#).



Apportioned Funds – FY2024

PART 1: Operating Assistance

Metropolitan Planning Organizations (MPOs) are responsible for sub-allocating projects within their jurisdiction:

Subrecipient	Project Description	Federal Share	Local Share (Excluding Toll Credit)	Toll Credit Amount	Net Project Cost
Operating Assistance Funds Total:					



Non-Apporioned Funds – FY2024

PART 3: Congestion Mitigation & Air Quality (CMAQ):

Subrecipient	Project Description	Federal Share	Local Share (Excluding Toll Credit)	Toll Credit Amount	Net Project Cost
CMAQ Funds Total:					

Part 4: Section 5311(f) Operating Assistance:

Subrecipient	Project Description	Federal Share	Local Share (Excluding Toll Credit)	Toll Credit Amount	Net Project Cost
Operating Assistance Funds Total:					

CONSENT CALENDAR**STAFF REPORT**

DATE: MAY 2, 2024
TO: EL DORADO COUNTY TRANSPORTATION COMMISSION
FROM: DAN BOLSTER, SENIOR TRANSPORTATION PLANNER
SUBJECT: SECTION 5311 FISCAL YEAR 2024 GRANT APPLICATION CERTIFICATIONS AND ASSURANCES

REQUESTED ACTION

Adopt Resolution 23/24.23 (Attachment A) to:

1. Authorize the El Dorado County Transit Authority (EDCTA) to submit a Section 5311 grant application for Federal Fiscal Year 2024, stating that:

The El Dorado County Transportation Commission does hereby authorize the EDCTA to execute all standard agreements or amendments necessary to obtain the aforementioned FTA Section 5311 Operating Assistance grant in the amount of \$761,477 through Caltrans.

2. Authorize the Executive Director to sign the regional agency Certifications and Assurances.

BACKGROUND

The EDCTA, as the sole eligible recipient for these funds, has prepared an application for a Section 5311 grant application in the amount of \$761,477. The grant application is an effort to obtain additional funds for existing transit operations. Local match funds for the grant were included in the EDCTA budget for fiscal year 2023/24, and it is anticipated the grant funding will be received in fiscal year 2024/25.

DISCUSSION

Under California law, the Regional Transportation Planning Agencies are responsible for transportation planning and for the allocation or programming of transportation funds from various Federal, State, and local sources. The El Dorado County Transportation Commission responsibility is to provide documentation to assure Caltrans that the project has the programming approval of the regional agency and to provide supporting documentation for the assurances that Caltrans is required to give the Federal Transit Administration when approving a project. The regional agency certifications and assurances (Attachment B) are to be signed by an authorized representative of the El Dorado County Transportation Commission.

Approved for Agenda:



Woodrow Deloria, Executive Director

- Attachments: A) EDCTC Resolution 23/24.23
B) Section 5311 Project Application Certifications and Assurances



2828 Easy Street, Suite 1, Placerville, CA 95667 www.edctc.org 530.642.5260

Councilmembers Representing City of Placerville: John Clerici, Jackie Neau, David Yarbrough
Supervisors Representing El Dorado County: John Hidahl, Lori Parlin, Wendy Thomas, George Turnbo

RESOLUTION 23/24.23

**RESOLUTION OF THE EL DORADO COUNTY TRANSPORTATION COMMISSION
 APPROVING THE EL DORADO COUNTY TRANSIT AUTHORITY
 SECTION 5311 (49 U.S.C. SECTION 5311) FEDERAL FISCAL YEAR 2024
 GRANT APPLICATION CERTIFICATION AND ASSURANCES**

WHEREAS, pursuant to California Government Code, Title 7.95, Section 67950, the El Dorado County Transportation Commission (EDCTC) was created as a local planning agency to provide regional transportation planning for the area of El Dorado County, exclusive of the Lake Tahoe Basin; and

WHEREAS, California Government Code Section 29532.1(g) identifies EDCTC as the designated regional transportation planning agency for El Dorado County, exclusive of the Lake Tahoe Basin; and is responsible for the planning, allocating and/or programming of funds; and

WHEREAS, the U.S. Department of Transportation, Federal Transit Administration (FTA) provides grants through 49 U.S.C. Section 5311; and

WHEREAS, the regional agency approves the programming of Section 5311 for transit operating costs in the amount of \$761,477 from Regional/County Apportionment; and

WHEREAS, El Dorado County Transit Authority has included local match funds in their fiscal year 2023/24 budget; and

WHEREAS, the proposed project is consistent with the El Dorado County Regional Transportation Plan and included in the Federal Transportation Improvement Program; and

WHEREAS, the applicant has conducted public outreach as necessary, and to the maximum extent feasible, coordinated with other transportation providers and users in the region, including social service agencies capable of purchasing service.

NOW THEREFORE, BE IT RESOLVED, that the EDCTC does hereby authorize the El Dorado County Transit Authority to execute all standard agreements or amendments necessary to obtain the aforementioned FTA Section 5311 Operating Assistance grant in the amount of \$761,477 through Caltrans.

PASSED AND ADOPTED, by the El Dorado County Transportation Commission at their regular meeting on May 2, 2024, by the following vote:

Vote Pending

Attest:

 Wendy Thomas, Chairperson

 Dana Keffer, Secretary to the Commission

Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision.

Text in italic is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

The certifications in this subcategory appear as part of the applicant’s registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget’s standard form 424B “Assurances—Non-Construction Programs”. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM’s Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
 - (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 CFR Part 21;
 - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 CFR Part 25;
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 CFR Part 27;
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 CFR Part 24.

- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
 - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (2) Notification of violating facilities pursuant to EO 11738;
 - (3) Protection of wetlands pursuant to EO 11990;
 - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded

- animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
 - (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 CFR Part 1201.
 - (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
 - (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from:
 - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

This certification appears on the Office of Management and Budget’s standard form 424D “Assurances—Construction Programs” and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 CFR § 200.325, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies 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 §§ 200.317–200.327 “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.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 CFR Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 CFR § 180.300. Additionally, each applicant must disclose any information required by 2 CFR § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

1.5. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.

The applicant certifies:

- (a) To the maximum extent possible, funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

1.6. American Rescue Plan Act Funding.

The applicant certifies:

- (a) Funds made available by Section 3401(a)(2)(A) of the American Rescue Plan Act of 2021 (Public Law 117-2) shall be directed to payroll and operations of public transportation (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a Public Transportation Agency Safety Plan on behalf of a Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) pursuant to 49 CFR § 673.11(d).

This certification is required by 49 U.S.C. § 5307(c)(1)(L), 49 U.S.C. § 5329(d)(1), and 49 CFR § 673.13. This certification is a condition of receipt of Urbanized Area Formula Grants Program (49 U.S.C. § 5307) funding.

This certification does not apply to any applicant that only receives financial assistance from FTA under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C.

§ 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs, unless it operates a rail fixed guideway public transportation system.

If the applicant is an operator, the applicant certifies that it has established a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673; including, specifically, that the board of directors (or equivalent entity) of the applicant has approved, or, in the case of an applicant that will apply for assistance under 49 U.S.C. § 5307 that is serving an urbanized area with a population of 200,000 or more, the safety committee of the entity established under 49 U.S.C. § 5329(d)(5), followed by the board of directors (or equivalent entity) of the applicant has approved, the Public Transportation Agency Safety Plan or any updates thereto; and, for each recipient serving an urbanized area with a population of fewer than 200,000, that the Public Transportation Agency Safety Plan has been developed in cooperation with frontline employee representatives.

If the applicant is a State that drafts and certifies a Public Transportation Agency Safety Plan on behalf of a public transportation operator, the applicant certifies that:

- (a) It has drafted and certified a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673 for each Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) in the State, unless the Small Public Transportation Provider provided notification to the State that it was opting out of the State-drafted plan and drafting its own Public Transportation Agency Safety Plan; and
- (b) Each Small Public Transportation Provider within the State that opts to use a State-drafted Public Transportation Agency Safety Plan has a plan that has been approved by the provider's Accountable Executive (as that term is defined at 49 CFR § 673.5), Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5), and, if the Small Public Transportation Provider serves an urbanized area with a population of 200,000 or more, the safety committee of the Small Public Transportation Provider established under 49 U.S.C. § 5329(d)(5).

CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2023, Pub. L. 117-328, div. E, tit. VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT

Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has 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; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

CATEGORY 4. LOBBYING.

If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 CFR § 20.110 and app. A to that part.

This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 CFR Part 20.

4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any 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, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and

contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or 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.

4.2. Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement 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 statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.

5.1. Charter Service Agreement.

To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 CFR § 604.4.

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR Part 604, the terms and conditions of which are incorporated herein by reference.

5.2. School Bus Agreement.

To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 CFR § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 605.11, the applicant agrees as follows:
 - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
 - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).

The applicant certifies that it is in compliance with 49 CFR Part 625.

CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

7.1. Rolling Stock Buy America Reviews.

If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 CFR § 663.7.

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 CFR Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 CFR Part 663.

7.2. Bus Testing.

If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 CFR § 665.7.

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 CFR Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); "flex funds" from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act ("TIFIA") (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;

- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) 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), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
 - (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
 - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
 - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
 - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
 - (2) It has determined that otherwise eligible local transit needs are being addressed.

CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.

If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).

The applicant certifies that it:

- (a) 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) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants), subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants), subsection (b) (bus and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.

If the applicant will receive a competitive award under subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) related to zero emissions vehicles or related infrastructure, it must make the following certification. This certification is required by 49 U.S.C. § 5339(d).

The applicant will use 5 percent of grants related to zero emissions vehicles (as defined in subsection (c)(1)) or related infrastructure under subsection (b) or (c) to fund workforce development training as described in section 49 U.S.C. § 5314(b)(2) (including registered apprenticeships and other labor-management training programs) under the recipient's plan to address the impact of the transition to zero emission vehicles on the applicant's current workforce; or the applicant certifies a smaller percentage is necessary to carry out that plan.

CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, the asset management certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4). The certification with regard to acquiring restricted rail rolling stock is required by 49 U.S.C. § 5323(u)(4). Note that this certification is not limited to the use of Federal funds.

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625.

If the applicant operates a rail fixed guideway service, the applicant certifies that, in the fiscal year for which an award is available to the applicant under the State of Good Repair Grants Program, 49 U.S.C. § 5337, the applicant will not award any contract or subcontract for the procurement of rail rolling stock for use in public transportation with a rail rolling stock manufacturer described in 49 U.S.C. § 5323(u)(1).

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks ("SIB") Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).

Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If the applicant will apply for an award under FTA's Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 CFR § 655.83.

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA's regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR Part 655.

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 CFR §§ 672.31 and 674.39.

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 CFR Part 672, "Public Transportation Safety Certification Training Program"; and
- (b) Compliant with the requirements of 49 CFR Part 674, "State Safety Oversight".

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 CFR Part 37, it must make the following certification. This certification is required by 49 CFR § 37.77.

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

CATEGORY 18. INTEREST AND FINANCING COSTS.

If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), "flex funds" from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

CATEGORY 19. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

CATEGORY 20. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT 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), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing. Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.

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). The applicant certifies 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. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
 - (1) 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,
- (2) 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
 - (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
- (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
 - (2) Category 06 (Transit Asset Management Plan),
 - (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
 - (4) Category 09 (Formula Grants for Rural Areas),
 - (5) Category 15 (Alcohol and Controlled Substances Testing), and
 - (6) Category 17 (Demand Responsive Service).

CATEGORY 21. EMERGENCY RELIEF PROGRAM.

An applicant to the Public Transportation Emergency Relief Program, 49 U.S.C. § 5324, must make the following certification. The certification is required by 49 U.S.C. § 5324(f) and must be made before the applicant can receive a grant under the Emergency Relief program.

The applicant certifies that the applicant has insurance required under State law for all structures related to the emergency relief program grant application.

FEDERAL FISCAL YEAR 2024 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: El Dorado County Transit Authority

The Applicant certifies to the applicable provisions of all categories: *(check here)* _____.

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	✓
02 Public Transportation Agency Safety Plans	✓
03 Tax Liability and Felony Convictions	✓
04 Lobbying	✓
05 Private Sector Protections	✓
06 Transit Asset Management Plan	✓
07 Rolling Stock Buy America Reviews and Bus Testing	✓
08 Urbanized Area Formula Grants Program	✓
09 Formula Grants for Rural Areas	✓
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	N/A
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	✓

12	Enhanced Mobility of Seniors and Individuals with Disabilities Programs	✓
13	State of Good Repair Grants	N/A
14	Infrastructure Finance Programs	N/A
15	Alcohol and Controlled Substances Testing	✓
16	Rail Safety Training and Oversight	N/A
17	Demand Responsive Service	✓
18	Interest and Financing Costs	✓
19	Cybersecurity Certification for Rail Rolling Stock and Operations	N/A
20	Tribal Transit Programs	N/A
21	Emergency Relief Program	✓

CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

AFFIRMATION OF APPLICANT


Name of the Applicant: El Dorado County Transit Authority

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 the federal fiscal year, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

The Certifications and Assurances the Applicant selects apply to each Award for which it now seeks, or may later seek federal assistance to be awarded by FTA during the federal fiscal year.

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: 4/1/24

Name Brian James Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): El Dorado County Transit Authority

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: April 5, 2024

Name Michael Tucker 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.

CONSENT CALENDAR**STAFF REPORT**

DATE: MAY 2, 2024

TO: EL DORADO COUNTY TRANSPORTATION COMMISSION

FROM: DAN BOLSTER, SENIOR TRANSPORTATION PLANNER

SUBJECT: SECTION 5311 (f) FEDERAL FISCAL YEAR 2024 PROGRAM OF PROJECTS

REQUESTED ACTION

Adopt Resolution 23/24.24 (Attachment A) authorizing the programming of \$75,000 in Federal Transit Administration 5311 (f) funding for Federal Fiscal Year 2024, for operating assistance for the El Dorado County Transit Authority (EDCTA).

BACKGROUND

The EDCTA, as the sole eligible recipient for these funds, has requested that El Dorado County Transportation Commission (EDCTC) prepare and approve the Program of Projects for a Federal Fiscal Year 2024 Section 5311 (f) grant in the amount of \$75,000 (Attachment B). The grant application is an effort to obtain additional operating funds for existing transit operations (coordinating the rural transit connection between Sacramento and South Lake Tahoe). Local match funds for the grant were included in the EDCTA budget for fiscal year 2023/24, and it is anticipated the grant funding will be received in fiscal year 2024/25.

DISCUSSION

Under California law, the Regional Transportation Planning Agencies are responsible for transportation planning and for the allocation or programming of transportation funds from various federal, state, and local sources. The EDCTC responsibility is to assure Caltrans that the project has the programming approval of the regional agency and to provide supporting documentation that the project has been programmed in the Federal Transportation Improvement Program (FTIP). EDCTC will work with EDCTA to ensure the Program of Projects and applicable FTIP documentation are submitted.

Approved for Agenda:



Woodrow Deloria, Executive Director

Attachments: A) EDCTC Resolution 23/24.24
B) Section 5311 (f), Federal Fiscal Year 2024 Program of Projects



2828 Easy Street, Suite 1, Placerville, CA 95667 www.edctc.org 530.642.5260

Councilmembers Representing City of Placerville: John Clerici, Jackie Neau, David Yarbrough

Supervisors Representing El Dorado County: John Hidahl, Lori Parlin, Wendy Thomas, George Turnbo

RESOLUTION 23/24.24

**RESOLUTION OF THE EL DORADO COUNTY TRANSPORTATION COMMISSION
 APPROVING THE EL DORADO COUNTY TRANSIT AUTHORITY SECTION 5311 (f)
 (49 U.S.C. SECTION 5311) FEDERAL FISCAL YEAR 2024 GRANT APPLICATION
 PROGRAM OF PROJECTS**

WHEREAS, pursuant to California Government Code, Title 7.95, Section 67950, the El Dorado County Transportation Commission (EDCTC) was created as a local planning agency to provide regional transportation planning for the area of El Dorado County, exclusive of the Lake Tahoe Basin; and

WHEREAS, California Government Code Section 29532.1(g) identifies EDCTC as the designated regional transportation planning agency for El Dorado County, exclusive of the Lake Tahoe Basin and is responsible for the planning, allocating and/or programming of funds; and

WHEREAS, the U.S. Department of Transportation, Federal Transit Administration provides grants through 49 U.S.C. Section 5311(f); and

WHEREAS, the regional agency approves programming of Section 5311(f) grant funding for operating costs in the amount of \$75,000 for coordinating the rural transit connection between Sacramento and South Lake Tahoe; and

WHEREAS, El Dorado County Transit Authority has included local match funds in their fiscal year 2023/24 budget; and

WHEREAS, the proposed project is consistent with the El Dorado County Regional Transportation Plan and will be included in the Federal Transportation Improvement Program.

NOW THEREFORE, BE IT RESOLVED, that the EDCTC does hereby authorize the programming of \$75,000 in 5311 (f) for operating costs for coordinating the rural transit connection between Sacramento and South Lake Tahoe for Federal Fiscal Year 2024 of the FTA 5311 (f) grant program administered by Caltrans.

PASSED AND ADOPTED, by the El Dorado County Transportation Commission at their regular meeting on May 2, 2024, by the following vote:

Vote pending

Attest:

 Wendy Thomas, Chairperson

 Dana Keffer, Secretary to the Commission



Program of Projects (POP)

FFY 2024

Due: May 30, 2024 at 2 p.m. PST

Instructions:

PART 1 – Operating Assistance

- Do not list previously approved projects (i.e. projects listed in a prior grant).
- Funding split: 44.67% Local Share and 55.33% Federal Share.
- Third Party Contract Requirement – all third-party contracts must contain federal clauses required under [FTA Circular 4220.1F](#) and approved by the State prior to bid release.
- Net project cost does not include ineligible cost (i.e. farebox, other revenues, etc.).

PART 2 – 5311 Capital (Vehicles and Preventive Maintenance)

- **PRE-AWARD AUTHORITY IS STRICTLY FORBIDDEN FOR ALL CAPITAL PURCHASES** Receiving an executed Standard Agreement (DOT-213A) is NOT procurement authorization.
- All vehicles procured with Section 5311 program funds must be ADA accessible regardless of service type (fixed route or demand-response service).
- Funding split: 11.47% Local Share and 88.53% Federal Share.
- Procurement Contract Requirement – all documents used for procuring capital projects must contain federal clauses required under [FTA Circular 4220.1F](#) and approved by DLA prior to bid release.

PART 3 – Congestion Mitigation & Air Quality (CMAQ):

- Request for transfer will be applied for directly through the District - Local Assistance District Engineer, and Headquarters' Division of Local Assistance. The 5311 Program will receive a confirmation once the transfer is completed.
- Funding split: 11.47% Local Share and 88.53% Federal Share. CMAQ may be funded up to 100% at the discretion of the Regional Planning Agency/MPO.

PART 4 – 5311(f) Operating Assistance:

- Reference Part 1



Program of Projects (POP)

FFY 2024 - **Due: May 30, 2024 at 2 p.m. PST**

Agency Name:		
5311	5311(f)	CMAQ

Regional Contact Info:

Regional Contact Name:		Phone Number:	
Contact Title:		Date:	

General Information:

County or Region:		Caltrans District:	
--------------------------	--	---------------------------	--

Section A: Available Funding

Apportionment for this Cycle (Federal Share):	
--	--

Section B: Programming

Operating Assistance Total:	
Capital Total:	
Total Programmed (Operating + Capital):	

CMAQ:

CMAQ Total:	
--------------------	--

Request for transfer will be applied for directly through the District - Local Assistance, District Engineer, and Headquarters' Division of Local Assistance. The 5311 Program will receive a confirmation once the transfer is completed.



Programming Instructions:

Statewide Transportation Improvement Program (STIP)

All federal funds to be used for transit projects must be included in a federally approved STIP. A Transportation Planning Agency (TPA) must ensure that Section 5311 projects are included in the Department of Transportation's (Department) Statewide Transportation Federal Improvement Program (FSTIP), which is jointly approved by the Federal Highway Administration (FHWA) and FTA.

A copy of the federally approved STIP Page must be attached for all projects to be programmed through the Section 5311 program. The project description and associated dollar amounts must be consistent with the federally approved STIP information.

- **Metropolitan Planning Organizations (MPOs)** are responsible for programming projects within their jurisdiction.
- Rural Transit & Intercity Bus staff will submit **Non-MPO / Rural Transportation** organizations projects directly to the Department's Division of Financial Programming for inclusion into the FSTIP.

For further guidance see the Department's [Division of Financial Programming website](#).



Apportioned Funds – FY2024

PART 1: Operating Assistance

Metropolitan Planning Organizations (MPOs) are responsible for sub-allocating projects within their jurisdiction:

Subrecipient	Project Description	Federal Share	Local Share (Excluding Toll Credit)	Toll Credit Amount	Net Project Cost
Operating Assistance Funds Total:					



PART 2: Capital (Vehicles and Preventive Maintenance)

Metropolitan Planning Organizations (MPOs) are responsible for sub-allocating projects within their jurisdiction:

Subrecipient	Project Description	Federal Share	Local Share <small>(Excluding Toll Credit)</small>	Toll Credit Amount	Net Project Cost
Capital Assistance Funds Total:					



Non-Apporioned Funds – FY2024

PART 3: Congestion Mitigation & Air Quality (CMAQ):

Subrecipient	Project Description	Federal Share	Local Share (Excluding Toll Credit)	Toll Credit Amount	Net Project Cost
CMAQ Funds Total:					

Part 4: Section 5311(f) Operating Assistance:

Subrecipient	Project Description	Federal Share	Local Share (Excluding Toll Credit)	Toll Credit Amount	Net Project Cost
Operating Assistance Funds Total:					

CONSENT CALENDAR**STAFF REPORT**

DATE: MAY 2, 2024

TO: EL DORADO COUNTY TRANSPORTATION COMMISSION

FROM: DAN BOLSTER, SENIOR TRANSPORTATION PLANNER

SUBJECT: SECTION 5311 (f) FISCAL YEAR 2024 GRANT APPLICATION CERTIFICATIONS AND ASSURANCES

REQUESTED ACTION

Adopt Resolution 23/24.25 (Attachment A) to:

1. Authorize the El Dorado County Transit Authority (EDCTA) to submit a Section 5311 (f) grant application for Federal Fiscal Year (FY) 2024, stating that:
The El Dorado County Transportation Commission does hereby authorize the EDCTA to execute all standard agreements or amendments necessary to obtain the aforementioned FTA Section 5311(f) grant in the amount of \$75,000 through Caltrans.
2. Authorize the Executive Director to sign the regional agency Certifications and Assurances.

BACKGROUND

The EDCTA, as the sole eligible recipient for these funds, has prepared an application for a Section 5311 (f) grant application in the amount of \$75,000. The grant application is an effort to obtain additional funds for bus service between Sacramento and South Lake Tahoe. Local match funds for the grant were included in the EDCTA budget for FY 2023/24, and it is anticipated the grant funding will be received in FY 2024/25.

DISCUSSION

Under California law, the Regional Transportation Planning Agencies are responsible for transportation planning and for the allocation or programming of transportation funds from various federal, state, and local sources. The El Dorado County Transportation Commission's responsibility is to provide documentation to assure Caltrans that the project has the programming approval of the regional agency and to provide supporting documentation for the assurances that Caltrans is required to give the Federal Transit Administration when approving a project. The regional agency certifications and assurances (Attachment B) are to be signed by an authorized representative of the El Dorado County Transportation Commission.

Approved for Agenda:



Woodrow Deloria, Executive Director

Attachments A: EDCTC Resolution 23/24.25
B: Section 5311 (f) Project Application Certifications and Assurances



2828 Easy Street, Suite 1, Placerville, CA 95667 www.edctc.org 530.642.5260

Councilmembers Representing City of Placerville: John Clerici, Jackie Neau, David Yarbrough
Supervisors Representing El Dorado County: John Hidahl, Lori Parlin, Wendy Thomas, George Turnboo

RESOLUTION 23/24.25

**RESOLUTION OF THE EL DORADO COUNTY TRANSPORTATION COMMISSION
 APPROVING THE EL DORADO COUNTY TRANSIT AUTHORITY
 SECTION 5311 (f) (49 U.S.C. SECTION 5311) FEDERAL FISCAL YEAR 2024
 GRANT APPLICATION CERTIFICATION AND ASSURANCES**

WHEREAS, pursuant to California Government Code, Title 7.95, Section 67950, the El Dorado County Transportation Commission (EDCTC) was created as a local planning agency to provide regional transportation planning for the area of El Dorado County, exclusive of the Lake Tahoe Basin; and

WHEREAS, California Government Code Section 29532.1(g) identifies EDCTC as the designated regional transportation planning agency for El Dorado County, exclusive of the Lake Tahoe Basin; and is responsible for the planning, allocating and/or programming of funds; and

WHEREAS, the U.S. Department of Transportation, Federal Transit Administration (FTA) provides grants through 49 U.S.C. Section 5311(f); and

WHEREAS, the regional agency approves the programming of Section 5311 (f) for operating costs in the amount of \$75,000 for coordinating the rural transit connection between Sacramento and South Lake Tahoe; and

WHEREAS, El Dorado County Transit Authority has included local match funds in their fiscal year 2023/24 budget; and

WHEREAS, the proposed project is consistent with the El Dorado County Regional Transportation Plan and included in the Federal Transportation Improvement Program; and

WHEREAS, the applicant has conducted public outreach as necessary, and to the maximum extent feasible, coordinated with other transportation providers and users in the region, including social service agencies capable of purchasing service.

NOW THEREFORE, BE IT RESOLVED, that the EDCTC does hereby authorize the El Dorado County Transit Authority to execute all standard agreements or amendments necessary to obtain the aforementioned FTA Section 5311 (f) grant in the amount of \$75,000 through Caltrans.

PASSED AND ADOPTED, by the El Dorado County Transportation Commission at their regular meeting on May 2, 2024, by the following vote:

Vote Pending

Attest:

 Wendy Thomas, Chairperson

 Dana Keffer, Secretary to the Commission

Certifications and Assurances

Fiscal Year 2024

Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision.

Text in italic is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
 - (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 CFR Part 21;
 - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 CFR Part 25;
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 CFR Part 27;
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 CFR Part 24.

- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
 - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (2) Notification of violating facilities pursuant to EO 11738;
 - (3) Protection of wetlands pursuant to EO 11990;
 - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded

- animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
 - (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 CFR Part 1201.
 - (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
 - (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from:
 - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

This certification appears on the Office of Management and Budget’s standard form 424D “Assurances—Construction Programs” and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 CFR § 200.325, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies 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 §§ 200.317–200.327 “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.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 CFR Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 CFR § 180.300. Additionally, each applicant must disclose any information required by 2 CFR § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

1.5. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.

The applicant certifies:

- (a) To the maximum extent possible, funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

1.6. American Rescue Plan Act Funding.

The applicant certifies:

- (a) Funds made available by Section 3401(a)(2)(A) of the American Rescue Plan Act of 2021 (Public Law 117-2) shall be directed to payroll and operations of public transportation (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a Public Transportation Agency Safety Plan on behalf of a Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) pursuant to 49 CFR § 673.11(d).

This certification is required by 49 U.S.C. § 5307(c)(1)(L), 49 U.S.C. § 5329(d)(1), and 49 CFR § 673.13. This certification is a condition of receipt of Urbanized Area Formula Grants Program (49 U.S.C. § 5307) funding.

This certification does not apply to any applicant that only receives financial assistance from FTA under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C.

§ 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs, unless it operates a rail fixed guideway public transportation system.

If the applicant is an operator, the applicant certifies that it has established a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673; including, specifically, that the board of directors (or equivalent entity) of the applicant has approved, or, in the case of an applicant that will apply for assistance under 49 U.S.C. § 5307 that is serving an urbanized area with a population of 200,000 or more, the safety committee of the entity established under 49 U.S.C. § 5329(d)(5), followed by the board of directors (or equivalent entity) of the applicant has approved, the Public Transportation Agency Safety Plan or any updates thereto; and, for each recipient serving an urbanized area with a population of fewer than 200,000, that the Public Transportation Agency Safety Plan has been developed in cooperation with frontline employee representatives.

If the applicant is a State that drafts and certifies a Public Transportation Agency Safety Plan on behalf of a public transportation operator, the applicant certifies that:

- (a) It has drafted and certified a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673 for each Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) in the State, unless the Small Public Transportation Provider provided notification to the State that it was opting out of the State-drafted plan and drafting its own Public Transportation Agency Safety Plan; and
- (b) Each Small Public Transportation Provider within the State that opts to use a State-drafted Public Transportation Agency Safety Plan has a plan that has been approved by the provider's Accountable Executive (as that term is defined at 49 CFR § 673.5), Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5), and, if the Small Public Transportation Provider serves an urbanized area with a population of 200,000 or more, the safety committee of the Small Public Transportation Provider established under 49 U.S.C. § 5329(d)(5).

CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2023, Pub. L. 117-328, div. E, tit. VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT

Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has 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; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

CATEGORY 4. LOBBYING.

If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 CFR § 20.110 and app. A to that part.

This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 CFR Part 20.

4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any 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, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and

contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or 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.

4.2. Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement 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 statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.

5.1. Charter Service Agreement.

To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 CFR § 604.4.

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR Part 604, the terms and conditions of which are incorporated herein by reference.

5.2. School Bus Agreement.

To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 CFR § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 605.11, the applicant agrees as follows:
 - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
 - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).

The applicant certifies that it is in compliance with 49 CFR Part 625.

CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

7.1. Rolling Stock Buy America Reviews.

If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 CFR § 663.7.

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 CFR Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 CFR Part 663.

7.2. Bus Testing.

If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 CFR § 665.7.

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 CFR Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); "flex funds" from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act ("TIFIA") (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;

- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) 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), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
 - (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
 - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
 - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
 - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
 - (2) It has determined that otherwise eligible local transit needs are being addressed.

CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.

If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).

The applicant certifies that it:

- (a) 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) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants), subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants), subsection (b) (bus and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.

If the applicant will receive a competitive award under subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) related to zero emissions vehicles or related infrastructure, it must make the following certification. This certification is required by 49 U.S.C. § 5339(d).

The applicant will use 5 percent of grants related to zero emissions vehicles (as defined in subsection (c)(1)) or related infrastructure under subsection (b) or (c) to fund workforce development training as described in section 49 U.S.C. § 5314(b)(2) (including registered apprenticeships and other labor-management training programs) under the recipient's plan to address the impact of the transition to zero emission vehicles on the applicant's current workforce; or the applicant certifies a smaller percentage is necessary to carry out that plan.

CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, the asset management certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4). The certification with regard to acquiring restricted rail rolling stock is required by 49 U.S.C. § 5323(u)(4). Note that this certification is not limited to the use of Federal funds.

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625.

If the applicant operates a rail fixed guideway service, the applicant certifies that, in the fiscal year for which an award is available to the applicant under the State of Good Repair Grants Program, 49 U.S.C. § 5337, the applicant will not award any contract or subcontract for the procurement of rail rolling stock for use in public transportation with a rail rolling stock manufacturer described in 49 U.S.C. § 5323(u)(1).

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks ("SIB") Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).

Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If the applicant will apply for an award under FTA's Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 CFR § 655.83.

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA's regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR Part 655.

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 CFR §§ 672.31 and 674.39.

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 CFR Part 672, "Public Transportation Safety Certification Training Program"; and
- (b) Compliant with the requirements of 49 CFR Part 674, "State Safety Oversight".

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 CFR Part 37, it must make the following certification. This certification is required by 49 CFR § 37.77.

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

CATEGORY 18. INTEREST AND FINANCING COSTS.

If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), "flex funds" from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

CATEGORY 19. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

CATEGORY 20. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT 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), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing. Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.

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). The applicant certifies 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. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
 - (1) 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,
- (2) 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
 - (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
- (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
 - (2) Category 06 (Transit Asset Management Plan),
 - (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
 - (4) Category 09 (Formula Grants for Rural Areas),
 - (5) Category 15 (Alcohol and Controlled Substances Testing), and
 - (6) Category 17 (Demand Responsive Service).

CATEGORY 21. EMERGENCY RELIEF PROGRAM.

An applicant to the Public Transportation Emergency Relief Program, 49 U.S.C. § 5324, must make the following certification. The certification is required by 49 U.S.C. § 5324(f) and must be made before the applicant can receive a grant under the Emergency Relief program.

The applicant certifies that the applicant has insurance required under State law for all structures related to the emergency relief program grant application.

FEDERAL FISCAL YEAR 2024 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: El Dorado County Transit Authority

The Applicant certifies to the applicable provisions of all categories: *(check here)* _____.

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	✓
02 Public Transportation Agency Safety Plans	✓
03 Tax Liability and Felony Convictions	✓
04 Lobbying	✓
05 Private Sector Protections	✓
06 Transit Asset Management Plan	✓
07 Rolling Stock Buy America Reviews and Bus Testing	✓
08 Urbanized Area Formula Grants Program	✓
09 Formula Grants for Rural Areas	✓
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	N/A
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	✓

12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs

✓

13 State of Good Repair Grants

N/A

14 Infrastructure Finance Programs

N/A

15 Alcohol and Controlled Substances Testing

✓

16 Rail Safety Training and Oversight

N/A

17 Demand Responsive Service

✓

18 Interest and Financing Costs

✓

19 Cybersecurity Certification for Rail Rolling Stock and Operations

N/A

20 Tribal Transit Programs

N/A

21 Emergency Relief Program

✓

CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

AFFIRMATION OF APPLICANT


Name of the Applicant: El Dorado County Transit Authority

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 the federal fiscal year, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

The Certifications and Assurances the Applicant selects apply to each Award for which it now seeks, or may later seek federal assistance to be awarded by FTA during the federal fiscal year.

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: 4/1/24

Name Brian James Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): El Dorado County Transit Authority

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: April 5, 2024

Name Michael Tucker 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.

CONSENT CALENDAR**STAFF REPORT**

DATE: MAY 2, 2024

TO: EL DORADO COUNTY TRANSPORTATION COMMISSION

FROM: DANA KEFFER, ADMINISTRATIVE ANALYST

SUBJECT: POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF SURFACE TRANSPORTATION BLOCK GRANT EXCHANGE FUNDS

REQUESTED ACTION

Approve the Policies and Procedures for the Administration of Surface Transportation Block Grant (STBG) Exchange Funds (Attachment A).

BACKGROUND

The Regional Surface Transportation Program (RSTP) was established by California State Statute utilizing Federal Surface Transportation Program Funds identified in Section 133 of Title 23 of the United States Code in 1991. Subsequently, with the authorization of the Fixing America's Surface Transportation Act Transportation Bill in December 2015, RSTP was renamed the Surface Transportation Block Grant Program (STBG).

Beginning in 2021, the Sacramento Area Council of Governments became the sole administrator of the Federal formulaically distributed STBGP funds. This was due to a corrective action imposed by the Federal Highway Administration onto Caltrans. However, EDCTC retains administrative programming and oversight of the STBG funds that are exchanged dollar for dollar from the non-federal State Highway Account per subdivision 182.6(g) of the Streets and Highways Code (S&HC) which allows for a non-designated, non-MPO represented RTPA to exchange its annual apportionment of STBG funds.

DISCUSSION

The El Dorado County Transportation Commission (EDCTC) distributes the STBG Exchange funds to El Dorado County and the City of Placerville. STBG Exchange funds are allocated annually to the City and County based on the formula distribution policy approved at the March 7, 2024, EDCTC meeting. EDCTC is also responsible for oversight of these STBG Exchange Funds. In early 2024, EDCTC developed policies and procedures to codify management and oversight of the STBG Exchange funds. The funding agreement between EDCTC and recipients includes an Exhibit A, an annual project list to be funded with the current year's allocation of STBG Exchange funding. STBG Recipients are required to submit a status report to EDCTC by February 1, and August 1, of each year. Once EDCTC receives the fully executed agreement, Exhibit A, and a current status report, STBG Exchange funds are allocated to the recipients.

Approved for Agenda:



Woodrow Deloria, Executive Director

Attachments: A) Policies and Procedures for the Administration of Surface Transportation Block Grant Exchange Funds



2828 Easy Street Suite 1, Placerville, CA 95667 | 530.642.5260 | www.edctc.org

**Policies & Procedures for the Administration Of Surface Transportation
Block Grant Exchange Funds
Approved February 5, 2015
Revised May 2, 2024**

Surface Transportation Block Grant Program (STBG)

The Surface Transportation Block Grant Program (STBG) was established by California State Statute utilizing Federal Surface Transportation Program Funds that are identified in Section 133 of Title 23 of the United States Code, enacted under the Fixing America's Surface Transportation (FAST) Act Transportation Bill in December 2015. Subdivision 182.6(g) of the California Streets and Highways Code permits a Regional Transportation Planning Agency (RTPA) not designated as, nor represented by, a Metropolitan Planning Organization (MPO) with an urbanized area of greater than 200,000 population, to exchange its annual apportionment of STBG funds on a dollar-for-dollar basis for nonfederal State Highway Account funds.

Policies for STBG Exchange Funding

The El Dorado County Transportation Commission (EDCTC) distributes the STBG Exchange funds to local agencies as part of its responsibilities as a Regional Transportation Planning Agency. On March 7, 2024, EDCTC adopted a formula distribution policy for the annual apportionment of STBG Exchange funds. Once EDCTC receives the STBG Exchange Funding Agreement from Caltrans near the end of the fiscal year, the funding is allocated based on the formula distribution policy. Annual agreements between EDCTC and the STBG Exchange Recipients will be executed before payment of the annual allocation.

Procedures for STBG Exchange Funding

The following administrative requirements are hereby implemented to ensure: 1) EDCTC's adequate contact management and oversight of the program funds and 2) agencies receiving the STBG Exchange funds comply with the STBG Exchange fund requirements, conditions, and specifications.

1. Exchange Agreement EDCTC is required to sign an annual Exchange Agreement with the State which requires EDCTC and project sponsors to comply with the requirements, conditions, and specifications included in the agreement. Each year, EDCTC will enter into an agreement with the STBG Exchange Recipients prior to the allocation of funds.
2. Project List-Exhibit A The agreement will include a project list (Exhibit A) with the project name and cost estimate for the projects that will be using the current year's STBG Exchange funds.
3. Status Report STBG Exchange Recipients are required to submit a status report of STBG Exchange balances to EDCTC by February 1 and August 1 of each year. The STBG Exchange balances will be included in EDCTC's semi-annual Project Monitoring Report. Each year the payment will be made to each agency once the fully executed agreement, Exhibit A, and the current status report has been submitted to EDCTC.

For additional STBG Exchange information and eligible uses see website below:

<https://www.fhwa.dot.gov/bipartisan-infrastructure-law/stbg.cfm>

BUSINESS ITEM**STAFF REPORT**

DATE: MAY 2, 2024
TO: EL DORADO COUNTY TRANSPORTATION COMMISSION
FROM: KAREN THOMPSON, FISCAL OFFICER
SUBJECT: FISCAL YEAR 2024/25 FINAL OVERALL WORK PROGRAM AND BUDGET

REQUESTED ACTION

Adopt Resolution 23/24.26 (Attachment A), approving the Fiscal Year (FY) 2024/25 Final Overall Work Program and Budget (Attachment B).

BACKGROUND

The Overall Work Program (OWP) and Budget is the annual work plan for El Dorado County Transportation Commission (EDCTC), and it identifies the work activities and budget by Work Element for the upcoming fiscal year.

DISCUSSION

The 2024/25 Draft OWP was presented at the February 1, 2024, Commission Meeting. The Final 2024/25 OWP document was revised for the following reasons:

1. Caltrans suggested the following changes to Work Element 200 for the Regional Transportation Plan:
 - a. Add the completion date of November 2025
 - b. Include the National Ambient Air Quality Standards
 - c. Include EDCTC's interagency consultation process
2. A pending Rural Planning Assistance grant for \$77,250 was added to Work Element 200 to hire a consultant to prepare the Regional Transportation Plan Environmental Impact Report.

The budget detail was reviewed with Chair Thomas and Vice Chair Neau on April 24, 2024. The total amount of the FY 2024/25 Final OWP and Budget is \$1,819,436.

Approved for Agenda:



Woodrow Deloria, Executive Director

Attachments: A) EDCTC Resolution 23/24.26
B) FY 2024/25 Final Overall Work Program and Budget (*provided under separate cover*)



2828 Easy Street, Suite 1, Placerville, CA 95667 www.edctc.org 530.642.5260

Councilmembers Representing City of Placerville: John Clerici, Jackie Neau, David Yarbrough

Supervisors Representing El Dorado County: John Hidahl, Lori Parlin, Wendy Thomas, George Turnboo

RESOLUTION 23/24.26

**RESOLUTION OF THE EL DORADO COUNTY TRANSPORTATION COMMISSION
APPROVING FISCAL YEAR 2024/25 FINAL OVERALL WORK PROGRAM AND BUDGET**

WHEREAS, pursuant to California Government Code, Title 7.95, Section 67950, the El Dorado County Transportation Commission (EDCTC) was created as a local planning agency to provide regional transportation planning for the area of El Dorado County, exclusive of the Lake Tahoe Basin; and

WHEREAS, California Government Code Section 29532.1(g) identifies EDCTC as the designated regional transportation planning agency for El Dorado County, exclusive of the Lake Tahoe Basin; and is responsible for the planning, allocating and/or programming of funds; and

WHEREAS, the Fiscal Year (FY) 2024/25 Overall Work Program and Budget (OWP) is the primary management tool for the El Dorado County Transportation Commission, identifies the activities and a schedule of work for regional transportation planning in El Dorado County, and is a requirement of the Memorandum of Understanding between the El Dorado County Transportation Commission and Caltrans; and

WHEREAS, the Draft OWP was presented at the February 1, 2024, Commission meeting, submitted to Caltrans for review and comments, and the recommended changes are included in the Final OWP; and

WHEREAS, the EDCTC cafeteria plan budget of \$1,391 per pay period for FY 2024/25 is established in the Final OWP; and

NOW, THEREFORE, BE IT RESOLVED, that the El Dorado County Transportation Commission hereby approves the FY 2024/25 Final Overall Work Program and Budget, with a total budget of \$1,819,436.

BE IT FURTHER RESOLVED, that the Executive Director of EDCTC, or his designee, is hereby authorized to apply for grants, sign certifications and assurances, issue Requests for Proposals for projects included in the Overall Work Program, and execute agreements to facilitate receipt of revenues and expenditure of funds as set forth in the Overall Work Program, in accordance with EDCTC's Administrative Operating Procedures.

PASSED AND APPROVED by the El Dorado County Transportation Commission governing body at the regular meeting held on May 2, 2024, by the following vote:

Vote Pending

Attest:

Wendy Thomas, Chairperson

Dana Keffer, Secretary to the Commission

PRESENTATION ITEM**STAFF REPORT**

DATE: MAY 2, 2024

TO: EL DORADO COUNTY TRANSPORTATION COMMISSION

FROM: DAN BOLSTER, SENIOR TRANSPORTATION PLANNER

SUBJECT: DRAFT GREATER PLACERVILLE WILDFIRE EVACUATION PREPAREDNESS, COMMUNITY SAFETY, AND RESILIENCY STUDY

REQUESTED ACTION

None. This item is for information only.

BACKGROUND

On February 11, 2021, El Dorado County Transportation Commission (EDCTC) applied for a Caltrans Fiscal Year 2021/22 Sustainable Communities Grant Application for the Greater Placerville Area Wildfire Evacuation Preparedness, Community Safety, and Resiliency Study (Study). On June 22, 2021, Caltrans notified EDCTC that the Study was selected for funding in Fiscal Year 2021/22 with an award of \$250,000. EDCTC committed \$32,390 in Local Transportation Funds as matching funds and awarded the consulting contract to DKS Associates on March 3, 2022, for a not-to-exceed amount of \$247,887.66.

Subsequently, EDCTC was awarded \$75,000 of State Highway Account funding on January 27, 2023, to augment the existing public outreach task to provide the additional public and stakeholder outreach EDCTC believed was necessary to provide the public with the greatest benefit of the planning efforts being led by EDCTC, the El Dorado County Office of Wildfire Preparedness and Resilience, El Dorado and Georgetown Resource Conservation Districts, Cal Fire, Sheriff's Office of Emergency Services, and El Dorado County Fire. The contract with DKS was amended on March 2, 2023, to include the \$75,000 in State Highway Account funds.

DISCUSSION

As the Regional Transportation Planning Agency for the western slope of El Dorado County, EDCTC plans for all modes of transportation, including transportation infrastructure in the context of wildfire evacuation preparedness. On May 27, 2022, the project kickoff meeting was held virtually and included an extensive group of subject matter experts and agency stakeholders including El Dorado County Fire, the City of Placerville, the City of Placerville Police Department, CAL FIRE, El Dorado County Department of Transportation (DOT), El Dorado and Georgetown Divide Resource Conservation Districts (RCD), El Dorado County Sheriff's Office of Emergency Services (OES), El Dorado County Office of Wildfire Preparedness and Resilience (OWPR), El Dorado National Forest, Caltrans District 3, EDCTC, and the DKS consulting team. On September 1, 2022, OWPR, the RCD, and EDCTC convened the Greater Placerville Multi-Project Coordination Meeting to serve as a forum to discuss the three agencies' wildfire preparedness projects, identify gaps and overlaps between the projects, and consider how to provide the public with the greatest benefit from the projects. Monthly meetings of the group were held through the remainder of 2022 with a focus on developing a cohesive public outreach strategy to leverage the agencies' public outreach efforts to ensure that the public and stakeholders were presented with a consistent message when OWPR, the RCD, and EDCTC conducted future outreach efforts. To further coordinate its public outreach efforts with other agencies tasked with wildfire preparedness, EDCTC was subsequently invited to attend the monthly OWPR Public Outreach Committee Meetings that include OWPR, RCD, Sheriff's OES, CAL FIRE, US Forest Service, City of Placerville, El Dorado County, El Dorado County Fire, Georgetown Fire, El Dorado

County Fire Safe Council, El Dorado Hills Fire District, South Lake Tahoe Fire Rescue, Lake Valley Fire Protection District, and Tahoe Resource Conservation District.

EDCTC aligned the aforementioned stakeholders with other agency personnel into a Project Development Team (PDT) to facilitate agency coordination and partnership. In addition to EDCTC's typical regional transportation planning partners such as the City of Placerville, El Dorado County DOT, Caltrans, and SACOG, the PDT was also comprised of agencies responsible to serve and safeguard the people, property, and resources of El Dorado County from wildfire. EDCTC has the professional transportation planning expertise it needs to fulfill its responsibilities as the Regional Transportation Planning Agency for the west slope of El Dorado County but recognizes that it does not have similar expertise related to wildfire. Recognizing this, EDCTC depended on the first responders and wildfire experts on the PDT to provide the project with the wildfire expertise EDCTC lacked. The project would not have been possible without the collaboration, commitment, and professional dedication the first responders and wildfire experts brought to the project.

The first PDT meeting was held on April 11, 2023, at the City of Placerville Town Hall and provided the PDT with an overview of the project, schedule, and the draft elements of the Existing Conditions Report. The second PDT was held via Zoom on December 18, 2023, to review the draft wildfire scenario modeling results and the draft list of transportation infrastructure improvements and recommendations. Extensive engagement with PDT members was done frequently throughout the development of the Study and at key benchmarks in the planning process.

The project also used a "Virtual Incident Command Team" comprised of representatives from CAL Fire, Sheriff's OES, El Dorado County Fire, City of Placerville, El Dorado County DOT, and EDCTC to identify four wildfire scenarios to be used to model wildfire evacuation in the project area. The Virtual Incident Command Team met at Sheriff's OES on September 7, 2023, to get concurrence on the four wildfire scenarios and to identify the extent of the evacuation "go now" zones and evacuation "warning" zones needed to inform the scope of the evacuation traffic modeling.

To facilitate public participation in the project, two community workshops were held. The first was held on May 17, 2023, in the Planning Commission Hearing Room and provided the public with an overview of the project purpose, review of the elements of the Draft Existing Conditions Report, and project schedule. The second workshop was held virtually on March 19, 2024, and presented the elements of the draft study, overview of the project schedule, provided an opportunity for public comment, and that the draft study would be available on the EDCTC project website on May 2, 2024.

As part of a more focused community outreach effort, the project held two community meetings. The first was on September 11, 2023, with the Apple Hill Growers Association and Camino and the second was on September 12, 2023, with the Diamond Springs community. A project overview, project schedule, and question and answer session were provided at each meeting.

A Stakeholder Advisory Committee (SAC) meeting was held to work directly with interested stakeholders on development of the plan and to review the elements of the draft study. The SAC meeting was held on March 19, 2024.

Public outreach also included meetings with eleven fire safe councils located in the project area during February and March 2024. EDCTC and the DKS consultant team, along with staff from Sheriff's OES, provided an overview of the project, shared elements of the draft study and project schedule, took comments, and shared where to find project information on the EDCTC website. It also included "non-traditional" outreach like holding a pop-up outreach event at the Placerville Farmers Market during June 2023, and having a booth during the El Dorado County Fair from June 15-18, 2023.

EDCTC staff also participated in the March 18, 2023, and March 23, 2024, Placerville Wildfire Safety Day events where presentations were made about the project as well as sharing an information table with the RCD.

Based on comments received from the PDT, during two community workshops and a SAC meeting, at meetings with eleven fire safe councils, during two Placerville Wildfire Safety Day Events, at the Apple Hill and Diamond Springs community meetings, and the El Dorado County Fair and Placerville Farmers Market, the Draft Greater Placerville Wildfire Evacuation Preparedness, Community Safety, and Resiliency Study was prepared and released for agency and public comment on May 2, 2024. **Comments will be accepted until 5:00 pm on Thursday, May 9, 2024.**

DKS Project Manager Randy Johnson will provide an overview of the Draft Greater Placerville Area Wildfire Evacuation Preparedness, Community Safety, and Resiliency Study.

Approved for Agenda:



Woodrow Deloria, Executive Director

(The Draft Study is available on the EDCTC website at <https://www.edctc.org/greater-placerville-wildfire-evacuation-preparedness-community-safety-and-resiliency-study> and in the EDCTC office on CDs by request.)