

Date: January 26, 2022  
W.I.: 1512  
Referred by: PAC  
Revised: 02/23/22-C 03/23/22-C 06/22/22-C  
09/28/22-C 10/26/22-C 11/16/22-C  
01/25/23-C 02/22/23-C 03/22/23-C  
04/26/23-C 05/24/23-C 06/28/23-C  
07/26/23-C 09/27/23-C 10/25/23-C  
11/15/23-C 12/20/23-C 02/28/24-C  
03/27/24-C 04/24/24-C

ABSTRACT

Resolution No. 4505, Revised

Adoption of the project selection and programming policies for the third round of the One Bay Area Grant program (OBAG 3). The project selection and programming policies contain the project categories that are to be funded with various fund sources, including federal surface transportation act funding assigned to MTC for programming, to implement the Regional Transportation Plan (*Plan Bay Area 2050*) and to be included in the federal Transportation Improvement Program (TIP) for the OBAG 3 funding delivery period.

The resolution includes the following attachments:

- Attachment A – OBAG 3 Project Selection and Programming Policies
- Attachment B – OBAG 3 Project Lists

With the adoption of the project selection and programming policies, Attachments B-1 and B-2 program \$8,300,000 to Regional Planning Activities, \$37,200,000 for OBAG 3 Program and Project Implementation, and \$4,000,000 for Program and Project Implementation for transit transformation activities within the Planning and Program Implementation Regional Program; and \$35,157,000 for CTA Planning Activities within the Planning and Program Implementation County & Local Program.

On February 23, 2022, Attachment B-1 was revised to program \$30,000,000 in OBAG 3 Regional Multimodal Systems Operations and Performance Program funds to the Clipper C2 Capital project as part of an alternative funding plan for the project's Regional Measure 3 (RM3) funds.

On March 23, 2022, Appendix A-1 was added to incorporate guidelines for the County and Local Program call for projects.

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On June 22, 2022, Attachments A, B-1, B-2, and Appendix A-1 were revised to further define program categories and program \$80,800,000 million to various projects within the Regional Program, including \$31,600,000 for Transit Transformation Action Plan programs and \$7 million for future SamTrans projects as part of a Caltrain right-of-way (ROW) repayment arrangement; program \$11,762,000 for ongoing Safe Routes to School Non-Infrastructure programs within the County & Local Program; add \$7,000,000 in additional anticipated revenues to the Regional Program; and clarify language related to local policy requirements and project eligibilities within the County & Local Program.

On September 28, 2022, Attachments B-1 and B-2 were revised to program \$14,000,000 to 511 Traveler Information Services within the Regional Travel Demand Management (TDM) Program, \$1,280,000 in the Regional Vision Zero/Safety Program for Local Roadway Safety Plan Development, \$2,500,000 for Bay Trail Planning, Delivery, and Technical Assistance projects within the Regional Active Transportation Plan Implementation Program, and \$86,900,000 to various projects within the Multimodal Systems Program; assign \$7,000,000 in Multimodal Systems Program funds previously committed to SamTrans as part of MTC's Caltrain Right-of-Way repayment to SamTrans' Preventative Maintenance project; and add \$620,000 in County & Local Program funds to San Mateo C/CAG's Safe Routes to School Non-Infrastructure Program project.

On October 26, 2022, Attachments B-1 and B-2 were revised to program \$43,800,000 within the Climate Initiatives Program, \$25,000,000 within the Growth Framework Implementation program, \$18,166,000 in County & Local Program for CTA Planning Activities, and \$7,613,000 in County & Local Program funds to Alameda County Transportation Commission's Safe Routes to School Non-Infrastructure Program.

On November 16, 2022, Attachment B-1 was revised to program \$6,000,000 from the Regional Active Transportation Plan Implementation balance to two Bay Skyway projects: \$1,900,000 to MTC's West Oakland Link and \$4,100,000 to SFCTA's Yerba Buena Island Multi-Use Path.

On January 11, 2023, Attachments B-1 and B-2 and Appendix A were revised to program \$301,682,000 in County & Local Program funds to various projects throughout the region, and \$300,000 to MTC's Active Transportation Technical Assistance Program within the Regional Complete Streets and Community Choice Program; and to clarify programming policy requirements for OBAG 3 projects involved in local fund exchanges.

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On February 22, 2023, Attachment B-1 was revised to direct \$20,000,000 within the Climate Initiatives program to MTC for Bay Wheels Bikeshare E-Bike Expansion; and revise the name of MTC's Regional Carpool Program to Regional Carpool/Vanpool Program to reflect the full scope of the program.

On March 22, 2023, Attachments A, B-1, and B-2 were revised to change the fund source of \$15,940,000 programmed to MTC's Bay Wheels Bikeshare E-Bike Expansion from STP/CMAQ to non-federal funds in the MTC exchange program; reprogram \$1,600,000 in Regional Commuter Benefits Program funds from MTC to the Bay Area Air Quality Management District; program \$1,000,000 to Napa Valley Transportation Authority's State Route 29 American Canyon Operational and Multimodal Improvements project; program \$1.2 million within the Regional Forward Programs to MTC's Bay Bridge Forward I-80/Powel Interchange Transit Access project; revise County & Local Program awards for Alameda County's Mission Boulevard Phase III Corridor Improvements and Lafayette's School Street Class I Multiuse Facility from \$9,657,000 to \$4,950,000 and \$3,435,000 to \$750,000, respectively; add \$8,000,000 in additional anticipated revenues to the County & Local Program and \$1 million to the Regional Program; and program \$15,392,000 in available capacity to various projects on the County & Local Program contingency list.

On April 26, 2023, Attachment A was revised to clarify the County & Local Program programming requirements.

On May 24, 2023, Attachments B-1 and B-2 were revised to reprogram \$750,000 in Regional Program funds from MTC's Bay Trail Project Delivery to MTC's Bay Trail Implementation, reprogram \$23,800,000 to various projects and programs within the Climate Initiatives Program, reprogram \$21,540 in County & Local Program funds from BART's Elevator Modernization Phase 1.3 project to MTC's Regional Carpool/Vanpool project, and revise the sponsor for Priority Development Area (PDA) Planning projects in both the County & Local and Regional Programs to MTC.

On June 28, 2023, Attachment B-1 was revised to program \$17,000,000 in Regional Growth Framework Implementation funds to various Priority Development Area (PDA) Planning and Priority Production Area (PPA) Pilot projects; and program \$2,844,000 in Regional Climate Initiatives funds to various Mobility Hub Planning and Parking Program Planning projects.

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On July 26, 2023, Attachments B-1 and B-2 were revised to reflect the fund source change from STP to Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) funding for \$16,727,000 as follows: \$14,677,000 for MTC's CTA Planning Activities Supplemental project within the County & Local Program; and \$1,650,000 for MTC's Community-Based Transportation Plans and \$400,000 for MTC's Local Roadway Safety Plan Development project within the Regional Complete Streets and Community Choice program.

On September 27, 2023, Attachment B-1 was revised to program \$4,700,000 in Regional Active Transportation Plan Implementation balances to MTC's Active Transportation Technical Assistance Program, add MTC as the project sponsor for \$15,000,000 in Transportation Electrification planning projects, and revise the project names for two of MTC's PDA Planning Grants in Fairfield and Suisun City to indicate that the Solano Transportation Authority will be facilitating project delivery.

On October 25, 2023, Attachment B-1 was revised to program \$1,500,000 to MTC for Engagement and Capacity Building for Community-Based Transportation Plans (CBTP's) and the Community Action Resource and Empowerment (CARE) Program, and \$600,000 to MTC for Bay Wheels Bikeshare E-Bike Expansion station siting, marketing, and incentives; and to reflect fund sources and fund source changes (in accordance with MTC Resolution No. 3989) for MTC's Engagement and Capacity Building for CBTP's and CARE program, various projects within the Priority Production Area (PPA) Pilot Program, and MTC's Bay Wheels Bikeshare E-Bike Expansion project.

On November 15, 2023, Attachment B-1 was revised to program \$6,600,000 to MTC for Mapping & Wayfinding; program \$1,500,000 to MTC for PCA Program Implementation and reflect the fund source change from STP/CMAQ to non-federal MTC exchange funds (as programmed in MTC Resolution No. 3989, Revised); reflect the fund source change for \$300,000 of MTC's Active Transportation Technical Assistance project from STP/CMAQ to non-federal Planning, Programming, and Monitoring (PPM) funds; and distribute the funds previously programmed to MTC for Connected Bay Area/Incident Management to MTC's component projects, Connected Bay Area (\$24,400,000) and Incident Management (\$4,000,000).

On December 20, 2023, Attachments A, B-1, and B-2, and Appendix A-1 were revised to update the Housing Element compliance requirements for the County & Local Program; reprogram \$4,850,000 in Regional and County & Local funds from SFCTA's Yerba Buena Island Multi-

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Use Path to SFMTA for Light Rail Vehicles as part of a local fund exchange and revise the project names to reflect related roadway improvement supporting the multi-use path; reprogram \$2,200,000 in County & Local Program funds from BART's Elevator Modernization Phase 1.3 project to MTC's Regional Carpool/Vanpool project; and program \$2,110,000 in Regional Program funds to Active Transportation Technical Assistance Program projects, including changing the fund source of \$560,000 from STP/CMAQ to non-federal MTC exchange funds.

On February 28, 2024, Attachment B-1 was revised to add \$9,300,000 in Regional Climate Initiatives funds to the Mobility Hubs Capital Grants unprogrammed balance, reflect the \$8,500,000 in Regional Priority Conservation Area (PCA) Grant Program funds available for the PCA Call for Projects, Phase I, and program \$1,000,000 in Regional Adaptive Ramp Metering funds to MTC for Adaptive Ramp Metering on State Route 237 in Santa Clara County.

On March 27, 2024, Attachments B-1 and B-2 were revised to reprogram \$2,000,000 in Regional Vision Zero/Safety Program funds from MTC's Bay Area Vision Zero Data System to MTC for Enhancing Support for Safety in the Bay Area, and change the fund source from STP/CMAQ to non-federal MTC exchange funds; reprogram \$80,000 in Regional Vision Zero/Safety Program funds from MTC's Regional Safety Program Coordination and Outreach to MTC for the Bay Area Vision Zero Data System, and change the fund source from STP/CMAQ to non-federal MTC exchange funds; change the funds source of \$2,000,000 in Regional Pavement & Asset Management Program funds for MTC's Pavement Management Program (PMP) from STP/CMAQ to non-federal MTC exchange funds; program \$1,000,000 in County & Local Program funds from the Alameda County Transportation Commission's (ACTC's) San Pablo Avenue Parallel Bike Network to ACTA and the City of Albany for the Jackson Street portion of the same project; and change the fund source for \$400,000 in Active Transportation Technical Assistance Program projects from STP/CMAQ to non-federal MTC exchange funds.

On April 24, 2024, Attachment A and Appendix A-1 were revised to standardize County & Local Program compliance requirement language.

Further discussion of the project selection criteria and programming policy is contained in memorandums to the Programming and Allocations Committee dated January 12, 2022, February 9, 2022, March 9, 2022, June 8, 2022, September 14, 2022, October 12, 2022, November 9, 2022, January 11, 2023, February 8, 2023, March 8, 2023, April 12, 2023, and May 10, 2023; the Planning Committee dated June 9, 2023; the Programming and Allocations

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Committee dated June 14, 2023, July 12, 2023, September 13, 2023, October 11, 2023, November 8, 2023; the Planning Committee dated December 8, 2023; and the Programming and Allocations Committee dated December 13, 2023, February 14, 2024, March 13, 2024, and April 10, 2024.

Date: January 26, 2022  
W.I.: 1512  
Referred by: PAC

RE: One Bay Area Grant Program (OBAG 3) Project Selection and Programming Policies

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 4505

WHEREAS, the Metropolitan Transportation Commission (MTC) is the Regional Transportation Planning Agency (RTPA) for the San Francisco Bay Area pursuant to Government Code Section 66500 *et seq.*; and

WHEREAS, MTC is the designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area region and is required to prepare and endorse a Transportation Improvement Program (TIP) which includes federal funds; and

WHEREAS, MTC, as the RTPA/MPO for the San Francisco Bay Area, is assigned programming and project selection responsibilities for certain state and federal funds; and

WHEREAS, state and federal funds assigned for RTPA/MPO programming discretion are subject to availability and must be used within prescribed funding deadlines; and

WHEREAS, the California Department of Transportation (Caltrans) Obligation Authority (OA) Management Policy allows RTPAs and MPOs to exchange regional Surface Transportation Block Grant Program (STP), Congestion Mitigation and Air Quality Improvement Program (CMAQ), and other federal funds assigned to the RTPA or MPO with Caltrans and other regions, when a region or Caltrans-managed local program has excess or insufficient apportionment available to deliver its annual federal program; and

WHEREAS, Title 23 CFR § 630, Subpart G, allows the advancement of federal-aid projects and expenditure of eligible costs prior to the obligation of funds (referred to as “Advance Construction” or “AC”) with reimbursement of eligible expenditures permitted following conversion of the AC to a regular obligation; and

WHEREAS, MTC, in cooperation with transit operators, Caltrans, the Bay Area Air Quality Management District (BAAQMD), Bay Area County Transportation Agencies (CTAs), counties, cities, and interested stakeholders, has developed policies and procedures to be used in the selection of projects to be funded with various funding including regional federal funds as set

forth in Attachments A and B of this Resolution, incorporated herein as though set forth at length; and

WHEREAS, using the policies set forth in Attachment A of this Resolution, MTC, in cooperation with the Bay Area Partnership and interested stakeholders, will develop a program of projects to be funded with these funds for inclusion in the federal TIP, as set forth in Attachment B of this Resolution, incorporated herein as though set forth at length; and

WHEREAS the federal TIP and subsequent TIP revisions and updates are subject to public review and comment; now therefore be it

RESOLVED that MTC approves the “Project Selection and Programming Policies” for projects to be funded in the OBAG 3 program as set forth in Attachments A and B of this Resolution; and be it further

RESOLVED that the funds assigned to MTC as the RTPA/MPO for programming and project selection shall be pooled and distributed on a regional basis for implementation of project selection criteria, policies, procedures, and programming, consistent with implementation of the Regional Transportation Plan (RTP); and be it further

RESOLVED that the projects will be included in the federal TIP subject to final federal approval and requirements; and be it further

RESOLVED that the Executive Director or designee may make technical adjustments and other non-substantial revisions, including changes to project sponsor, updates to fund sources and distributions to reflect final funding criteria and availability; and be it further

RESOLVED that the Executive Director or designee is authorized to revise Attachment B as necessary to reflect the programming of projects as the projects are selected, revised, and included in the federal TIP; and be it further

RESOLVED that the Executive Director or designee is authorized to execute Advance Construction (AC) Authorizations with Caltrans and/or the Federal Highway Administration (FHWA) for federal projects sponsored or implemented by the Metropolitan Transportation Commission; and be it further



RESOLVED that the Executive Director or designee is authorized to execute agreements and Letters/Memorandums of Understanding with Caltrans and other MPOs and RTPAs for the exchange of regional Surface Transportation Block Grant Program (STP), Congestion Mitigation and Air Quality Improvement Program (CMAQ) and other federal funds assigned to MTC for programming discretion, consistent with Caltrans' Obligation Authority (OA) Management Policy; and be it further

RESOLVED that the Executive Director or designee shall make available a copy of this resolution, and attachments as may be required and appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

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Alfredo Pedroza, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in San Francisco, California and at other remote locations on January 26, 2022

Date: January 26, 2022  
W.E.: 1512  
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Attachment A  
Resolution No. 4505

# **One Bay Area Grant (OBAG 3) Program**

## Project Selection and Programming Policies

**One Bay Area Grant (OBAG 3) Program**  
Project Selection and Programming Policies

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Appendices

Appendix A-1 County & Local Program Call for Projects Guidelines

The One Bay Area Grant Program (OBAG 3) establishes the policy framework and commitments for investing federal Surface Transportation Block Grant Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds for a four-year period covering federal fiscal year (FY) 2022-23 through FY 2025-26. Attachment A outlines the OBAG 3 program principles and objectives, revenue estimates, program architecture, and programming policies. Attachment B details the projects, funding amounts, and project sponsors, as they are approved by the Commission.

## Background

The Commission adopted the inaugural One Bay Area Grant Program (OBAG 1) in May 2012 (MTC Resolution 4035) to better integrate the region's federal transportation program with its Sustainable Communities Strategy (SCS). Pursuant to SB 375 (Steinberg 2008), the SCS aligns regional transportation planning with land use and housing in order to meet state greenhouse gas reduction targets. Since 2013, MTC and ABAG have jointly adopted a SCS along with MTC's long-range Regional Transportation Plan (RTP) every four years, with the documents collectively known as *Plan Bay Area*.

The OBAG 1 program established a framework for leveraging discretionary federal highway funding to support the implementation of *Plan Bay Area* by focusing transportation investments in Priority Development Areas (PDAs) and in jurisdictions producing and planning for new housing under the Regional Housing Needs Allocation (RHNA) process, among other strategies. The framework also consolidated funding sources and increased local agency flexibility to advance priority projects. OBAG 1 programming covered the five-year period from FY 2012-13 through FY 2016-17. Following the initial success of OBAG 1, the Commission adopted OBAG 2 in November 2015 (MTC Resolution 4202) with a similar framework and supporting policies. OBAG 2 programming covered the five-year period from FY 2017-18 through FY 2021-22.

In keeping with prior cycles, the proposed OBAG 3 framework is designed to advance the implementation of the region's latest RTP and SCS, *Plan Bay Area 2050*, adopted in October 2021.

## Program Principles

The following principles, established through Commission direction and stakeholder input, guided the development of the OBAG 3 program and policies:

- **Preserve effective program features from prior OBAG cycles to support regional objectives.** Key aspects of the prior cycles are preserved under the proposed OBAG 3 County & Local Program, including concentrating transportation investments within PDAs, incorporating housing factors into the project prioritization process, and local jurisdiction policy requirements. Partnership with County Transportation Agencies (CTAs) to identify local community-based projects for funding that are consistent with regional goals is also continued.
- **Strategically advance *Plan Bay Area 2050* implementation through OBAG investments and policies.** As with OBAG 1 and 2, the primary objective of the OBAG 3 program, both the in the Regional and County & Local components, is to support the interconnected strategies of the

RTP and SCS. With the adoption of *Plan Bay Area 2050*, OBAG 3 reflects new and updated implementation strategies as well as new Growth Geographies.

- **Incorporate recent MTC policy initiatives and adapt to the current mobility landscape.** In the years following the adoption of OBAG 2, MTC has undertaken several major policy initiatives which were taken into consideration in the development of OBAG 3. These policy actions include adoption of the MTC Equity Platform, Regional Safety/Vision Zero Policy, and Express Lanes Strategic Plan, and completion of the Transit Transformation Action Plan. In addition, the OBAG 3 program takes into account sustainable staffing levels necessary to implement continued and new initiatives.
- **Advance equity and safety through policies and investments.** Building off the principles of the MTC Equity Platform, the OBAG 3 framework integrates cross-cutting equity considerations into each of its proposed program areas. In addition, while the program requirements stop short of mandating local Vision Zero policies, jurisdictions will be required to adopt Local Road Safety Plans (or equivalent safety plans), and priority will be given to funding projects that align with and support these plans. OBAG 3 also significantly increases funding levels for Healthy, Safe, and Sustainable Streets projects and implementation of projects in Equity Priority Communities that have been prioritized through Community-Based Transportation Plans or Participatory Budgeting processes.
- **Address federal planning and programming requirements.** As the federally-designated Metropolitan Planning Organization (MPO) for the Bay Area, MTC is responsible for regional transportation planning and programming efforts, including performance-based requirements. OBAG 3 documents and clarifies MTC's roles and responsibilities for programming STP and CMAQ funding, including the areas of project selection and funding distribution processes, and the prioritization process for CMAQ funds.
- **Coordinate with complementary fund sources to develop a comprehensive regional investment strategy.** Recognizing that STP and CMAQ funds constitute a relatively limited proportion of the total transportation funding available to the region, the OBAG 3 program is designed in coordination with other complementary existing and anticipated fund sources to implement the ambitious strategies laid out in *Plan Bay Area 2050*.
- **Emphasize a shared, partnership approach to program implementation.** OBAG 3 preserves and continues to build upon the robust partnerships with CTAs, transit agencies, Caltrans, and local jurisdictions established through prior programming cycles. The program architecture and policies recognize and uphold local expertise in project development and prioritization, while providing a framework for all stakeholders to work together to advance shared regional priorities.

## Revenue Estimates

OBAG 3 programming capacity is based on anticipated federal transportation program apportionments from the regional Surface Transportation Block Grant (STP) and Congestion

Mitigation and Air Quality Improvement (CMAQ) programs for a four-year period covering FY 2022-23 through FY 2025-26.

Over the four year OBAG 3 period, \$766 million in STP/CMAQ programming capacity is estimated, including additional STP/CMAQ apportionments from the recently enacted Infrastructure Investment and Jobs Act (IIJA). If additional federal programs are authorized or appropriated during the OBAG 3 period, the Commission may adjust the programming capacity accordingly. Such adjustments include increasing or decreasing funding amounts to one or more programs, postponement of projects, expansion of existing programs, development of new programs, or adjustments to subsequent program cycles.

As federal programs are subject to change with each federal surface transportation authorization, any reference to specific fund sources in the OBAG 3 programming resolution (i.e. STP/CMAQ) serve as a proxy for replacement or new federal fund sources for which MTC project selection and programming authority. However, MTC may elect to program replacement or new federal fund sources outside of the OBAG 3 program resolution.

OBAG 3 programming capacity is based upon apportionment rather than obligation authority. As the amount of obligation authority available to the region is less than the region's annual apportionments, there is typically a carryover balance of apportionment each year. MTC's successful project delivery in recent years has allowed the region to capture additional, unused obligation authority from other states, enabling the region to advance the delivery of additional projects each year. MTC staff will continue to monitor apportionment and obligation authority balances throughout the OBAG 3 period to support the accelerated delivery of programmed projects.

## Program Categories

The OBAG 3 program categories carry forward elements from previous OBAG cycles, reorganized for clarity and refined to more closely align with *Plan Bay Area 2050* strategies, advance regional goals for equity and safety, and address federal performance-based programming requirements. These revised categories further integrate the Regional Programs and County & Local Programs by providing a common framework for project types and focus areas. The five OBAG 3 program areas and corresponding objectives are as follows:

- **Planning & Program Implementation:** Carry out coordinated regional and countywide planning and programming activities within MTC's performance-based planning and programming processes, consistent with federal requirements and regional policies. Additionally, commit staffing resources necessary to deliver OBAG 3 projects and programs.
- **Growth Framework Implementation:** Support and assist with local efforts to create a range of housing options in PDAs, select Transit-Rich Areas (TRAs), and select High-Resource Areas (HRAs), and carry out other regional studies, programs, and pilots to advance the *Plan Bay Area 2050* growth framework.
- **Climate, Conservation, and Resilience:** Reduce emissions and solo vehicle trips through accelerated electrification and clean vehicle programs and expanded transportation

demand management programs. Additionally, protect high-priority natural and agricultural lands; modernize and expand access to parks, trails, and recreation facilities; and increase transportation system resiliency to the impacts of climate change.

- **Complete Streets and Community Choice:** Improve and maintain local streets and roads to meet the needs of all users while improving safety, promoting walking, biking and other micro-mobility, and sustainable infrastructure. In addition, support community-led planning efforts and assist with the development and advancement of community-led transportation enhancements in Equity Priority Communities (EPCs).
- **Multimodal Systems Operations and Performance:** Support and coordinate efforts to achieve an integrated, efficient, reliable, and easy to navigate public transit network to increase ridership and improve mobility options consistent with the Transit Transformative Action Plan recommendations. Additionally, continue to optimize existing freeways, highways, key arterials, and communications infrastructure to maximize person throughput and multimodal system performance.

Similar to previous OBAG cycles, the OBAG 3 program structure is divided into Regional and County & Local components, with the latter programs comprising of projects selected by MTC and nominated by CTAs through a unified call for projects process. Both the Regional and County & Local programs are organized around the five categories listed above.

## **REGIONAL PROGRAMS**

OBAG 3 directs 50% of available program funds towards regional investments that are targeted to address critical climate and focused growth goals of *Plan Bay Area 2050*, and coordinate and deploy strategies that are best suited for regional implementation. As specific regional projects and programs are approved by the Commission for funding, they will be added to Attachment B-1.

### ***Planning & Program Implementation***

The Planning & Program Implementation program supports a variety of regional planning, programming, and outreach activities to implement *Plan Bay Area 2050* and comply with performance-based planning and programming requirements. This program category also includes dedicated resources and staffing support to deliver OBAG 3 projects and programs.

### ***Growth Framework Implementation***

The purpose of this program is to support and assist local efforts to create a range of housing options that align with *Plan Bay Area 2050* growth geographies, with a focus on completing approved plans for all existing PDAs by 2025. Funding from this program will provide capacity-enhancing support for local jurisdictions through the PDA Planning and Technical Assistance Grant program and the Regional Housing Technical Assistance program. These funds will also support implementation of MTC's Transit Oriented Development (TOD) Policy, or its successor, to ensure land use supports future transit investments. In addition, this program may fund regional land-use studies, programs, and pilot projects identified in *Plan Bay Area 2050 Implementation Plan*. Such studies could include redevelopment of malls and office parks, reuse of public and community-owned land, or a Priority Production Area (PPA) pilot program.

### ***Climate, Conservation, and Resilience***

Funding from this program supports a suite of interconnected objectives, including reduced vehicle emissions through accelerated electrification and transportation demand management, protection of high-priority natural and agricultural lands, expanded access to parks and open space, and increased resiliency of the transportation system to the impacts of climate change. These goals align with regional transportation and environmental strategies outlined in *Plan Bay Area 2050*.

Within the Regional Program, this category includes expanded investments to accelerate electrification, as well as a variety of emission reduction strategies and transportation demand management programs. Programs may include Mobility Hubs, Targeted Transportation Alternatives, car sharing, bikeshare and e-bike incentives; carpool programs; Commuter Benefits Program and targeted commuter programs; and assistance for the development of local demand management policies and programs.

The regional Priority Conservation Area (PCA) program provides grant funding for critical conservation and open space projects. Grants will be available to support the implementation of the updated PCA framework (currently underway).

This program category also includes a new regional resilience and sea level rise pilot to support the protection of vulnerable transportation assets from sea level rise and other climate impacts.

### ***Complete Streets and Community Choice***

This program is intended to improve and maintain local streets and roads to meet the needs of all users while increasing safety, with an emphasis on supporting the development and advancement of community-led transportation enhancements in EPCs.

Regional Program funding in this program category will implement recommendations of the Regional Active Transportation Plan, or its successor, including compliance with the Regional Complete Streets Policy and the implementation of the Regional Active Transportation Network. The program also continues technical assistance programs, and supports completion of key Bay Trail gaps. The program will also advance the Regional Safety/Vision Zero Policy, including support for the Regional Integrated Safety Data System and other regional safety initiatives, coordination efforts, and technical assistance. Ongoing regional programs that support local streets and roads asset management, including StreetSaver, StreetSaver Plus, and the Pavement Technical Assistance Program, are broadened to include upgrades to local roadway asset inventories to support complete streets and safety strategies, as well as encouraging green infrastructure, where possible.

Funding in this program category will also support increased regional investment in Community-Based Transportation Plans (CBTPs) and Participatory Budgeting (PB) processes, and provide a dedicated source of funding for the acceleration and delivery of projects identified through community plans and participatory budgeting efforts.



### ***Multimodal Systems Operations and Performance***

The purpose of this program is to improve mobility options across the Bay Area's multimodal transportation system and emphasizes achieving an integrated, efficient, reliable, and easy to navigate public transit network to increase ridership and improve mobility options.

Regional Program funding in this program category supports implementation of near-term priorities identified through the Blue Ribbon Transit Transformation Action Plan, as well as planning, design, and implementation of near-term operational improvements, incident management, and deployment of regional fiber communications infrastructure on the region's existing freeways and highways. Regional projects and programs to be funded include Bay Area Forwards, transit priority improvements, and additional freeway and arterial operational improvements.

### **COUNTY & LOCAL PROGRAMS**

OBAG 3 directs the remaining 50% of available funding for local and county projects prioritized through a call for projects process selected by MTC. Local jurisdictions, transit agencies, and CTAs may apply for these funds for a variety of project types and program categories described below. As specific projects and programs are approved by the Commission for funding within the County & Local Program, they will be added to Attachment B-2.

### ***Planning & Program Implementation***

Similar to prior cycles, OBAG 3 provides dedicated funding within the County & Local Program to support planning and programming activities throughout the nine Bay Area counties. Administered by MTC through funding agreements with each CTA, these funds are used to cooperatively implement *Plan Bay Area 2050* and associated regional policies, development of countywide transportation plans, outreach activities, and the advancement of additional plans and projects as determined by MTC. CTAs may request additional funding to augment these base funding levels for countywide planning and programming through the call for projects process.

### ***Growth Framework Implementation***

The OBAG 3 County & Local Program continues to focus investments in PDAs through investment thresholds.

- **PDA Minimum Investments:** In the Bay Area's most populous counties (Alameda, Contra Costa, San Mateo, San Francisco, and Santa Clara), a minimum of 70% of County & Local Program investments must be directed to PDAs. In the remaining counties (Marin, Napa, Solano, and Sonoma), a minimum of 50% in County & Local Program investments must be directed to PDAs. Funds programmed for CTA planning and programming activities are given partial credit towards each county's minimum investment threshold calculations (70% or 50%, in line with each county's minimum threshold).
- **Uniform Definition for PDA Supportive Projects:** To be credited towards each county's PDA minimum investment threshold, a project must be located within or connected to a PDA, or be within one mile of a PDA boundary. Projects that are not physically located

within one mile of a PDA but have a clear and direct connection to PDA implementation, such as transit maintenance facility improvements, may also be credited towards the PDA minimum investment thresholds. Determinations for such projects will be provided by MTC staff on a case by case basis.

- **Housing Element:** Cities and counties must have a general plan housing element adopted and certified by the California Department of Housing and Community Development (HCD) for the 2023-2031 Regional Housing Needs Allocation (RHNA), and maintain certification throughout the OBAG 3 program period to remain eligible for County & Local Program funding. After December 31, 2023, MTC will deprogram County & Local Program funds from the TIP for jurisdictions that do not yet have a certified housing element or have not maintained certification. Exceptions may be granted as detailed in Appendix A-1. Jurisdictions will have until December 31, 2024 to receive certification and have their County & Local Program awards reinstated. MTC staff will provide an update to the Commission on Bay Area jurisdictions' Housing Element certification progress in June 2024.

After the Housing Element certification deadline, MTC, in coordination with CTAs, will reprogram funds awarded to non-compliant jurisdictions to projects located in compliant jurisdictions.

Additionally, jurisdictions must submit Housing Element Annual Reports to HCD by April 1 every year throughout the OBAG 3 program period to maintain funding eligibility.

- **State Housing Laws:** To maintain funding eligibility, all cities and counties must demonstrate compliance with state housing laws related to surplus lands, accessory dwelling units, density bonuses, and the Housing Accountability Act. Jurisdictions are required to self-certify compliance with the first three elements (state housing laws related to surplus lands, accessory dwelling units, and density bonuses) through a local resolution. Self-certification resolutions must be adopted by local jurisdictions and submitted to MTC by December 31, 2023 to maintain eligibility for County & Local Program funding. After December 31, 2023, MTC will deprogram County & Local Program funds from the TIP for jurisdictions that have not yet adopted a resolution affirming compliance. Exceptions may be granted as detailed in Appendix A-1. Jurisdictions will have until December 31, 2024 to adopt a self-certification resolution and have their County & Local Program awards reinstated. After this date, MTC, in coordination with CTAs, will reprogram these funds to projects located in compliant jurisdictions.

Compliance with the Housing Accountability Act is an ongoing program requirement, which may be monitored by MTC staff as appropriate. MTC may deprogram County & Local Program funds awarded to a jurisdiction that it determines to be out of compliance with the Housing Accountability Act.

In addition to focusing investments in PDAs, the County & Local Program supports mobility and access projects that serve additional *Plan Bay Area 2050* growth geographies, such as select TRAs and HRAs. Eligible projects in these growth areas will also be given consideration through the call for projects process.

Eligible project types for the County & Local Program that directly support the Growth Framework Implementation program category include:

- Local PDA Planning grants (in addition to those funded through the Regional Program)
- Local planning grants for other new *PBA 2050* Growth Geographies

### ***Climate, Conservation, and Resilience***

The County & Local Program supports regional coordination in the Climate, Conservation, and Resilience program category by identifying and funding additional local projects to achieve the interconnected goals to reduce emissions, protect and improve access to priority open spaces, and increase transportation system resiliency through the call for projects process.

Eligible project types for the County & Local Program that fall within the Climate, Conservation, and Resilience program category include:

- Transportation demand management programs
- Mobility Hub planning and implementation
- Parking reduction and curb management programs
- Car share and bike share capital projects
- Plans and projects to assist in the preservation and enhancement of open space, natural resource and agricultural lands, and critical habitats (may require non-federal funds)
- Bicycle and pedestrian access to open space and parklands
- Regional Advance Mitigation Planning (RAMP) planning activities and implementation (may require non-federal funds)
- Transportation system resilience or sea level rise plans and projects

### ***Complete Streets and Community Choice***

The County & Local Program plays a critical role in meeting the objectives of Complete Streets and Community Choice by funding local improvements to local streets and roads to improve safety and meet the mobility needs of all users, as well as advancing transportation enhancements that have been vetted and prioritized by residents of Equity Priority Communities.

- **Active Transportation Investment Target:** OBAG 3 establishes a regionwide target of \$200 million for active transportation projects, including bicycle, pedestrian, and Safe Routes to School (SRTS) programs and projects. Bicycle and pedestrian elements included on projects that are not solely focused on active transportation (such as sidewalk or bike lane improvements included in a local road preservation project) also contribute to this regionwide investment target.

- **SRTS Investment Target:** OBAG 3 carries forward ongoing commitments to SRTS programming, by establishing a \$25 million regionwide target for SRTS programs and projects.
- **Complete Streets Policy:** Jurisdictions must comply with MTC's Complete Streets Policy, and its successor, including the requirement to complete a Complete Streets Checklist for each project applying for OBAG 3 funding. As part of the County & Local Program call for projects, CTAs are required to make completed project checklists available to their Bicycle and Pedestrian Advisory Committee (BPAC) for review prior to the CTA's nomination of prioritized projects to MTC.
- **Regional Safety/Vision Zero Policy:** Starting with California Highway Safety Improvement Program (HSIP) Cycle 11, jurisdictions are required to have a Local Roadway Safety Plan (LRSP) or equivalent safety plan in order to be eligible for HSIP funding. Consistent with this state requirement, local jurisdictions must have a LRSP or equivalent safety plan completed **by December 31, 2023** in order to maintain eligibility for County & Local Program funding. **After December 31, 2023, MTC will deprogram County & Local Program funds awarded to jurisdictions that do not yet have a completed LRSP or equivalent safety plan. After this date, MTC, in coordination with CTAs, will reprogram these funds to projects located in compliant jurisdictions.** **Jurisdictions'** OBAG 3 funds may be used to complete an LRSP or equivalent safety plan.
- **Pavement Management Program:** To maintain **eligibility for** County & Local Program funding, jurisdictions with local public streets and roads must:
  - Maintain a certified Pavement Management Program (StreetSaver® or equivalent) updated as prescribed by MTC staff
  - Fully participate in statewide local streets and road needs assessment surveys (including any assigned funding contribution)
  - Provide traffic count data to MTC to support FHWA's Highway Performance Monitoring System (HPMS) on an annual basis, or as directed by MTC staff

Eligible project types for the County & Local Program that align with the Complete Streets and Community Choice program category include:

- Bicycle and pedestrian improvements and programs
- SRTS projects and programs
- Safety projects, local road safety plans (LRSP), and Vision Zero planning activities
- Complete streets and sustainable streets improvements
- Streetscape projects to encourage biking, walking, and transit use
- Example project elements include bulb outs, sidewalk widening, crosswalk enhancements, audible signal modification, mid-block crossing and signals, new striping for bicycle lanes and road diets, pedestrian street lighting, medians, pedestrian refuges, wayfinding signage, tree grates, bollards, permanent bicycle racks, signal modification for bicycle detection, street trees, raised planters, planters, costs associated with on-site storm water management, permeable paving, and pedestrian-scaled street furniture including bus shelters, benches, magazine racks, and garbage and recycling bins.
- Local streets and roads preservation projects on the federal-aid system. Projects should be based on a needs analysis from the jurisdiction's Pavement Management Program:
  - Pavement rehabilitation projects must be consistent with segments recommended for treatment within the programming cycle by the jurisdiction's PMP. Preventive maintenance projects with a PCI rating of 70 or above are eligible only if the jurisdiction's PMP demonstrates that the preventive maintenance strategy is a cost-effective method of extending the service life of the pavement.
  - Eligible non-pavement activities include rehabilitation or replacement of existing features on the roadway facility, such as bridge structures, storm drains, National Pollutant Discharge Elimination System (NPDES), curbs, gutters, culverts, medians, guardrails, safety features, signals, signage, sidewalks, ramps, complete streets elements, and features that bring the facility to current standards.
- Federal Aid Secondary (FAS) funding distributions described in California statute (California Code § 2200-2214) will no longer be suballocated to counties through the OBAG 3 program. Counties remain eligible for OBAG 3 funding for rural road projects on the federal-aid system.
- Projects and programs prioritized in CBTPs and PB processes, which may include any of the above project types and project elements, as well as a variety of transit capital improvements.
- Community-based transportation plans or participatory budgeting processes in Equity Priority Communities (in addition to CBTP and PB processes administered through the Regional Programs)

### ***Multimodal Systems Operations and Performance***

The County & Local Program can support regional coordination and implementation the Multimodal Systems Operations and Performance program category by funding additional local projects to improve mobility options and performance of the Bay Area's existing multimodal transportation system, particularly on arterials and along fixed-route transit; or by nominating County & Local Program funds to match or augment Regional Program funds for these types of projects.

Eligible project types for the County & Local Program within the Multimodal Systems Operations and Performance program category include:

- Transit capital improvements, including vehicles for new or expanded service
- Transit station improvements such as plazas, station access improvements, bicycle parking, and replacement parking or parking management for Transit Oriented Development (TOD)
- Local actions to advance implementation of the Transit Transformation Action Plan
- Cost-effective, technology-driven active operational management strategies for local arterials and highways (for highways, when used to augment state or federal funds and developed/implemented in coordination with MTC)
- Mobility management and coordination projects that meet the specific needs of seniors and individuals with disabilities and enhance transportation access for populations beyond those served by one agency or organization within a community. Examples include the integration and coordination of services for individuals with disabilities, seniors, and low-income individuals; individualized travel training and trip planning activities; development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs; and the operation of transportation brokerages to coordinate providers, funding agencies, and passengers.

Activities *not eligible* for funding include: air quality non-exempt projects, new roadways, roadway extensions, right of way acquisition for future expansion, operations, and routine maintenance.

### **Project Lists**

Attachment B of Resolution 4505 contains the list of projects to be programmed under the OBAG 3 program. Attachments B-1 and B-2 list the projects receiving OBAG 3 funding through the Regional Programs and County & Local Programs, respectively. The project lists are subject to MTC project selection actions. MTC will update Attachments B-1 and B-2 as projects are selected or revised by the Commission.

### **Programming Policies**

#### **GENERAL POLICIES**

The following programming policies apply to all projects funded in OBAG 3:

- 1. RTP Consistency:** Projects funded through OBAG 3 must be consistent with the adopted Regional Transportation Plan (RTP), currently *Plan Bay Area 2050*. As part of the project selection and TIP programming processes, project sponsors must identify each project's relationship with meeting the goals and objectives of the RTP, including the specific RTP ID number or reference. RTP consistency will be verified by MTC staff for all OBAG 3 projects as part of the project selection and TIP programming processes.
- 2. Federal Fund Eligibility:** Projects must be eligible for STP or CMAQ funds in order to be selected for OBAG 3 programming of those fund sources. However, eligibility for STP or CMAQ alone does not guarantee eligibility for funding through the OBAG 3 program. Projects must meet all program requirements and project selection criteria to be eligible for OBAG 3 funds.
  - STP is a flexible source of federal funding, with a wide range of projects that may be considered eligible. Eligible projects include roadway and bridge improvements (construction, reconstruction, rehabilitation, resurfacing, restoration), public transit capital improvements, pedestrian and bicycle facilities and programs, highway and transit safety projects, transportation demand management, and transportation planning activities. More detailed eligibility requirements can be found in 23 U.S.C. § 133 and at: <https://www.fhwa.dot.gov/fastact/factsheets/stbgfs.cfm>.
  - CMAQ is a more targeted federal funding source for transportation projects that generate emissions reductions that benefit a nonattainment or maintenance for ozone, carbon monoxide, or particulate matter. Eligible project categories that meet this basic criteria include: Transportation Control Measures (TCMS) in an approved State Implementation Plan (SIP), transit expansion projects, transit vehicles and equipment, bicycle and pedestrian facilities and programs, travel demand management, public education and outreach activities, congestion reduction and traffic flow improvements, carpool, vanpool, and carshare programs, travel demand management, outreach and rideshare activities, telecommuting programs, and intermodal freight projects. For more detailed eligibility information, refer to 23 U.S.C. § 149 and at: [http://www.fhwa.dot.gov/environment/air\\_quality/cmaq/policy\\_and\\_guidance/](http://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/).
- 3. Air Quality Conformity:** In the Bay Area, it is the responsibility of MTC to make a regional air quality conformity determination for the TIP in accordance with federal Clean Air Act requirements and Environmental Protection Agency (EPA) conformity regulations. MTC evaluates the impact of the TIP on regional air quality during the update of the TIP. Non-exempt projects that are not incorporated in the current finding for the TIP will not be considered for funding in the OBAG 3 program until the development of a subsequent air quality finding for the TIP. Additionally, the EPA has designated the Bay Area as a non-attainment area for fine particulate matter (PM<sub>2.5</sub>). Therefore, based on consultation with the MTC Air Quality Conformity Task Force, projects deemed Projects of Air Quality Concern (POAQC) for PM<sub>2.5</sub> must complete hot-spot analyses as required by the Transportation Conformity Rule. Generally, POAQC are those projects that result in significant increases in, or concentrations of, emissions from diesel vehicles.

- 4. Public Involvement.** MTC is committed to a public involvement process that is proactive and provides opportunities for continuing involvement, comprehensive information, timely public notice, and public access to key decisions. MTC provides many methods to fulfill this commitment, as outlined in the *MTC Public Participation Plan*. The Commission's adoption of the OBAG 3 project selection and programming policy meets the provisions of the *MTC Public Participation Plan*. MTC's Policy Advisory Committee and the Bay Area Partnership working groups are consulted in the development of funding commitments and policies for OBAG 3. Additional opportunities for public and stakeholder involvement will be provided throughout the OBAG 3 program period as specific programs are developed.

OBAG 3 investments must be consistent with federal Title VI requirements. Title VI prohibits discrimination on the basis of race, color, income, and national origin in programs and activities receiving federal financial assistance. Public outreach to and involvement of individuals in low income and minority communities covered under Title VI of the Civil Rights Act and the Executive Order pertaining to Environmental Justice is critical to both local and regional decisions.

Additional details on the public involvement requirements for the County & Local Program, including Title VI considerations, are provided in Appendix A-1. The current *MTC Public Participation Plan* is available online at: <https://mtc.ca.gov/about-mtc/public-participation/public-participation-plan>.

- 5. Project Selection Processes:** The OBAG 3 program categories are designed to reflect the investment priorities established in *Plan Bay Area 2050*. Within these program categories, MTC selects projects for STP and CMAQ funding that are consistent with *Plan Bay Area 2050*, and with consideration of their achievement toward regional targets of federal performance goals, and project delivery.
- 6. CMAQ Project Selection:** Additional project selection processes guide MTC's programming of CMAQ funds. MTC referred to FHWA's CMAQ Cost Effectiveness Tables (2020), emissions reductions benefits of OBAG 2 CMAQ projects, regional strategies in the Bay Area Air Quality Management District's (BAAQMD's) *Clean Air Plan*, and *Plan Bay Area 2050* air quality improvement strategies to develop CMAQ programmatic priorities for the OBAG 3 program. The CMAQ programmatic priorities to reduce emissions through vehicle miles traveled reduction include: bicycle and pedestrian facilities and programs, transit capital improvements, carpool, vanpool, rideshare, and travel demand management. CMAQ programmatic priorities to otherwise reduce transportation emissions reductions include: alternative fuel infrastructure and programs, traffic flow improvements, and incident management. Programmatic priorities are intended to guide initial program development, and do not preclude other project types from being selected for CMAQ funds.
- **Regional Programs.** CMAQ programmatic priorities are used to develop a proposed focus for CMAQ funds within various components of the Regional Programs. All regional projects that are eligible for CMAQ funding will be assessed for emissions reductions benefits and cost effectiveness prior to CMAQ project selection.



- **County & Local Program.** As part of the call for projects process, project sponsors will provide project data necessary to assess the emissions benefits and cost effectiveness for projects eligible for CMAQ funding. These assessments will be incorporated into the prioritization and CMAQ project selection as described in Appendix A-1.

**7. TIP Programming:** Projects approved as part of the OBAG 3 program must be amended into the federal Transportation Improvement Program (TIP). The federally-required TIP is a comprehensive listing of transportation projects that receive federal funds, are subject to a federally required action, or are regionally significant for air quality conformity or modeling purposes. OBAG 3 project funding must first be approved by the Commission through revision to the Attachment B before it can be amended into the TIP.

Once a project has been selected for funding and is programmed in Attachment B, project sponsors must submit the project information into MTC's Fund Management System (FMS) in order for the project to be amended into the TIP. Proper submittal of project information into FMS is required for inclusion into the TIP in a timely manner. Additional information on FMS is available here: <https://mtc.ca.gov/funding/fund-management-system-fms>.

**8. Resolution of Local Support:** a Resolution of Local Support approved by the project sponsor's governing board or council and submitted in FMS. A template for the Resolution of Local Support can be downloaded from the MTC website using the following link: <https://mtc.ca.gov/funding/federal-funding/federal-highway-administration-grants/one-bay-area-grant-obag-3>.

**9. Local Match:** Although local match requirements are subject to change, the current local match requirement for STP and CMAQ funded projects in California is 11.47% of the total project cost, with FHWA providing up to 88.53% of the total project cost through reimbursements. For capital projects, sponsors that fully fund the project development or Preliminary Engineering (PE) phase with non-federal funds may use toll credits in lieu of a match for the construction phase. For these projects, sponsors must still meet all federal requirements for the PE phase.

Per the Regional Toll Credit Policy (MTC Resolution No. 4008), MTC may use toll credits to waive the local match requirements for programs and projects of regional significance, such as ongoing regional programs and planning efforts.

**10. Environmental Clearance:** Project sponsors are responsible for compliance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000 et seq.), the State Environmental Impact Report Guidelines (14 California Code of Regulations Section § 15000 et seq.), and the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) standards and procedures for all projects with federal funds.

**11. Fund Exchanges:** Federal STP and CMAQ funding may be exchanged with non-federal funds for projects that are consistent with the OBAG 3 programming policy but are ineligible or poorly suited to federal funding. Development and implementation of a funding exchange is the responsibility of the project sponsors and CTAs. Exchanges must be consistent with MTC's fund exchange policy for regional discretionary funds (MTC Resolution No. 3331), which also requires the locally-funded project to be included in the TIP for tracking purposes. Projects

involved in a local fund exchange must comply with applicable federal, state, and regional project delivery requirements. Projects programmed with federal STP and/or CMAQ funds (Recipient Projects) must comply with applicable federal and state requirements and OBAG 3 General Programming Policies. Projects that receive non-federal funds as part of a fund exchange (Target Projects) must adhere to all other OBAG 3 program requirements, including local policy compliance.

**12. Regional STP/CMAQ Exchanges:** State and federal timely use funds provisions, such as Sections 182.6 and 182.7 of the State Streets and Highways Code, require federal apportionment to be obligated within three years of federal eligibility. If a region of the state is unable to fully obligate their lapsing STP or CMAQ balances in a given year, another region in the state can enter into temporary exchange agreements to obligate the older, unused STP or CMAQ balances in exchange for an equal amount of future year STP or CMAQ funds. Such exchanges benefit both regions by avoiding the loss of funds in one region, while another region can advance projects that may be stalled due to a lack of eligible funding.

To facilitate such exchanges, the MTC Executive Director or designee is authorized to sign letters of understanding with Caltrans and other regions for the exchange of STP or CMAQ funds with the following conditions and limitations:

- The exchange does not negatively impact the delivery of Bay Area STP/CMAQ projects.
- The exchange is a dollar for dollar exchange.
- The exchange is allowed under Caltrans' obligation authority management policy.
- Exchanges over \$2 million are reported to a standing Committee of the Commission for information.
- The Letter of Understanding can be executed in time for the MTC to secure the funds prior to any lapse or rescission.
- If any timely use of funds deadlines or Caltrans processes are not met in time and therefore result in the loss of apportionment balance, MTC's apportionment shall not be negatively affected and the Letter of Understanding is null and void.

Exchanges beyond these conditions and limitations may be approved by a standing Committee of the Commission.

**13. Advanced Construction:** When certain federal funds are not available for obligation due to an insufficient balance of apportionment or obligation authority project sponsors may request authorization from FHWA and Caltrans to proceed with the project under advance construction (AC) procedures. AC procedures allow FHWA to authorize work to begin on a project without obligating federal funds. Project sponsors given the federal authorization to proceed with a project under AC procedures use local funds to perform work eligible for future federal reimbursement. Once federal apportionment or obligation authority becomes available, the sponsor may then seek to covert the amount authorized through AC into a real obligation of federal funds.

AC procedures streamline the delivery of federal projects and programs by allowing projects to proceed when current year apportionments or obligation authority has run out, and enables the region and the state to better manage the use of obligation authority for large projects.

To facilitate AC procedures on regional projects, the MTC Executive Director or designee, in consultation with the Chief Financial Officer, is authorized to execute AC authorizations with Caltrans and/or FHWA for federal projects sponsored or implemented by MTC, with the following conditions and limitations:

- The agency must have sufficient local funds to pay for all project costs until the federal funds become available.
- The project must comply with all federal requirements including programming in the TIP.
- The federal authorization date establishes the start date for performance federally-reimbursable work.

**14. Regional Fund Management:** OBAG 3 funding is available in federal fiscal years (FY) 2022-23 through FY 2025-26. Funds may be programmed in any of these years, conditioned upon the availability of federal apportionment and obligation authority (OA), and subject to TIP financial constraint requirements. In addition, in order to provide uninterrupted funding to ongoing efforts and to provide more time to prepare for the effective delivery of capital projects, priority of funding for the first year of programming apportionment (FY 2022-23) will be provided to ongoing programs, such as regional and CTA planning activities, non-infrastructure projects and programs, and the preliminary engineering phase of capital projects.

Specific programming timelines will be determined through the development of the Annual Obligation Plan, which is developed by MTC staff in collaboration with the Bay Area Partnership technical working groups and project sponsors.

OBAG 3 projects are selected for funding based on program and fund source eligibility, project merit to achieve program objectives, and deliverability within established deadlines.

The OBAG 3 program funding is composed of approximately 60% STP and 40% CMAQ funding. MTC will select projects throughout the nine-county Bay Area based on the established project selection criteria and programming policies. STP and CMAQ funds will be assigned to specific projects as part of the project selection process. The amount of STP or CMAQ in any one program, or in the case of the County & Local Program in any one county, will be determined as part of the project selection process. Following the initial project selection and fund assignment process, MTC may re-assign fund sources to reflect available apportionment or obligation authority, or to otherwise effectively manage regional STP and CMAQ funds.

All OBAG 3 programming amounts must be rounded to the nearest thousand.

All project savings are returned to MTC for future programming, and are not retained by the project sponsor or county.

**15. Project Delivery Policy:** Once programmed in the TIP, the funds must be obligated by FHWA or transferred to the Federal Transit Administration (FTA) within the federal fiscal year the funds are programmed in the TIP. Additionally, all OBAG 3 funds must be obligated no later than January 31, 2027.

Project sponsors are responsible for securing necessary matching funds and for cost increases or additional funding needed to complete the project.

Obligation deadlines, project substitutions and redirection of project savings will continue to be governed by the MTC Regional Project Funding Delivery Policy (MTC Resolution No. 3606 and any subsequent revisions). All funds are subject to obligation, award, invoicing, reimbursement and project close-out requirements. The failure to meet these deadlines may result in the de-programming and redirection of funds to other projects.

To further facilitate project delivery and ensure all federal funds in the region are meeting federal and state regulations and deadlines, every recipient of OBAG 3 funding is required to identify and maintain a staff position that serves as the single point of contact (SPOC) for the implementation of all FHWA-administered funds within that agency. The person in this position must have sufficient knowledge and expertise in the federal-aid delivery process to coordinate issues and questions that may arise from project inception to project close-out. The agency is required to identify the contact information for this position at the time of programming of funds in the TIP, and to notify MTC immediately when the position contact has changed. This person will be expected to work closely with FHWA, Caltrans, MTC, and the respective CTA on all issues related to federal funding for all FHWA-funded projects implemented by the recipient.

Project sponsors that continue to miss delivery milestones and funding deadlines for any federal funds are required to prepare and update a delivery status report on all projects with FHWA-administered funds they manage, and participate, if requested, in a consultation meeting with the CTA, MTC, and Caltrans prior to MTC approving future programming or including any funding revisions for the agency in the TIP. The purpose of the status report and consultation is to ensure the local public agency has the resources and technical capacity to deliver FHWA federal-aid projects, is fully aware of the required delivery deadlines, and has developed a delivery timeline that takes into consideration the requirements and lead-time of the federal-aid process within available resources.

## **COUNTY & LOCAL PROGRAM POLICIES**

In addition to the general programming policies, the following policies also apply to all projects selected for funding in the County & Local Program.

- 1. Minimum Grant Size:** Projects must be a minimum of \$500,000 for counties with a population over 1 million (Alameda, Contra Costa, and Santa Clara counties) and \$250,000 for counties with a population under one million (Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma counties). The purpose of grant minimum requirements is to maximize the efficient use of federal funds and minimize the number of federal-aid projects which place administrative burdens on project sponsors, CTAs, MTC, Caltrans, and Federal Highway Administration (FHWA) staff.

On a case by case basis, MTC may program a grant award that is below the county minimum, but no less than \$150,000. These exceptions are subject to MTC staff discretion, but may be limited to non-infrastructure projects, safety projects, or projects that are already federalized.

**2. Project Selection Process:** MTC selects project in the County & Local Program through a competitive call for projects process, administered by MTC in coordination with the CTAs. In early 2022, MTC will develop and approve the call for projects guidelines (Appendix A-1) prior to releasing a regionwide call for local and county project nominations. In coordination with MTC, CTAs will assist with local agency outreach, public engagement, and initial project screening and evaluation. Following this initial process, CTAs will submit a locally prioritized list of project nominations for MTC's regional evaluation and final project selection in early 2023.

**3. County Nomination Targets:** With the release of the regionwide call for projects, MTC will provide CTAs with their nomination targets for the OBAG 3 County & Local Program. Nomination targets are established to guide the maximum funding request from each county. Similar to prior cycles, these targets will be based on population, recent housing production and planned growth, and housing affordability. However, these investment targets do not commit or imply a guaranteed share of funding to any individual county or jurisdiction. Each county's nomination target will also be adjusted to ensure that it is greater than the amount of base planning funding for that county (affects Napa County).

In order to ensure a sufficient pool of projects for MTC's final project selection, the nomination targets will be 120% of the total amount available for the County & Local Program minus the amounts for CTA Base Planning. Nomination targets will be detailed in Appendix A-1.

**4. Project Selection Criteria & Outreach:** ~~MTC will develop detailed project selection criteria and outreach requirements prior to the release of the call for projects, and provided in Appendix A-1. The project selection guidelines will include, but may not be limited to, the following criteria: Detailed project selection criteria and outreach requirements are provided in Appendix A-1. Project selection guidelines include, but are not limited to, the following criteria:~~

- Screening of all projects for consistency with *Plan Bay Area 2050*, federal fund eligibility, and OBAG 3 programming policy requirements.
- Alignment with *Plan Bay Area 2050* strategies and federal performance management targets.
- Consistency with adopted regional plans and policies, such as Regional Safety/Vision Zero policy, Equity Platform, Regional Active Transportation Plan (AT Plan), Complete Streets Policy (update pending), Transit Oriented Communities (TOC) Policy (update pending), and priority actions from the Blue Ribbon Transit Transformation Action Plan.
- Projects located within PDAs, or select new growth geographies, and EPCs
- Projects identified in completed CBTPs or PBs
- Project deliverability within program deadlines.
- Emissions reductions benefit and cost effectiveness calculation (for projects eligible for CMAQ).

In addition to these criteria, final project selection will also reflect the relative PDA investment targets per county and the regionwide investment target of \$200 million in active transportation (as described in Program Categories section, above). Consideration will also be given to overall project mix, equity, geographic spread, and to available fund sources and amounts.

**POLICY CONSISTENCY**

OBAG 3 Program Categories are designed to support and advance regional and federal priorities, including *Plan Bay Area 2050* strategies and FHWA Federal Performance Goal Areas, as illustrated in the matrix below.

OBAG 3 Program Category	PBA 2050 Strategies	Federal Performance Goal Areas
Planning & Program Implementation	H3, H4, H5, H6, H8 T1, T2, T3, T6, T7, T8, T9, T10, T11, T12 EC4, EC5, EC6 EN1, EN2, EN3, EN4, EN5, EN6, EN7, EN8, EN9	Safety Infrastructure Condition System Reliability Freight Movement and Economic Vitality Congestion Reduction Environmental Sustainability
Growth Framework Implementation	H3, H4, H5, H6, H8 T1, T2, T3, T11 EC4, EC5, EC6 EN4	Congestion Reduction Environmental Sustainability
Climate, Conservation and Resilience	T2, T7, T8 EN1, EN4, EN5, EN6, EN7, EN8, EN9	System Reliability Congestion Reduction Environmental Sustainability
Complete Streets and Community Choice	T1, T2, T3, T6, T7, T10	System Reliability Freight Movement and Economic Vitality Congestion Reduction Environmental Sustainability
Multimodal Systems Operations and Performance	T1, T2, T3, T8, T9, T10	Safety Infrastructure Condition Congestion Reduction Environmental Sustainability

For a complete list of Plan Bay Area 2050 strategies, see pages vii-x of the adopted plan, available at <https://www.planbayarea.org/>.

## Appendix A-1: County & Local Program Call for Projects Guidelines

The One Bay Area Grant (OBAG 3) County & Local Program funding is available to projects through a competitive call for projects process, administered and selected by MTC in coordination with the nine Bay Area County Transportation Agencies (CTAs). MTC is responsible for call for projects oversight and final project selection.

To receive County & Local Program funding, CTAs and project sponsors must adhere to all OBAG 3 programming policies, including the call for projects guidelines. In the case of any conflict or inconsistency between these guidelines (MTC Resolution No. 4505, Appendix A-1) and the OBAG 3 Project Selection and Programming Policies (MTC Resolution No. 4505, Attachment A), the Project Selection and Programming Policies will be given precedence.

### Program Requirements

#### *Sponsor Requirements*

Bay Area cities, counties, transit agencies, federally-recognized Tribal governments, and CTAs are eligible to apply for OBAG 3 County & Local Program funds. Cities and counties must meet the following requirements to **receive-maintain eligibility for** program funding:

- Have a general plan housing element adopted and certified by the California Department of Housing and Community Development (HCD) for the 2023-31 Regional Housing Needs Allocation (RHNA) cycle by December 31, 2023, and maintain certification throughout the OBAG 3 program period, except as noted below;
- Submit Housing Element Annual Reports to HCD each year by the April 1 deadline throughout the OBAG 3 program period;
- Adopt a resolution self-certifying compliance with state housing laws related to surplus lands, accessory dwelling units, and density bonuses by December 31, 2023, except as noted below;
- Maintain ongoing compliance with the Housing Accountability Act (as determined by MTC staff) throughout the OBAG 3 program period;
- Complete a Local Roadway Safety Plan (LRSP) or equivalent safety plan, as defined by the California Highway Safety Improvement Program (HSIP) guidelines, by December 31, 2023;
- Maintain a certified Pavement Management Program (StreetSaver® or equivalent), updated as prescribed by MTC staff;
- Fully participate in statewide local streets and road needs assessment surveys (including any assigned funding contribution); and
- Provide traffic count data to MTC to support FHWA's Highway Performance Monitoring System (HPMS) on an annual basis, or as directed by MTC staff.

Jurisdictions that do not receive or maintain HCD housing element certification and/or have not adopted a state housing law self-certification resolution by December 31, 2023 will have any County & Local Program awards removed from the TIP. Jurisdictions will be given a one-year grace period to come into compliance with these housing-related requirements, during which time MTC will reinstate County & Local Program awards in the TIP for newly compliant sponsors at the earliest opportunity. MTC staff will

provide an update to the Commission on Bay Area jurisdictions' Housing Element certification progress in June 2024.

MTC will rescind any County & Local funds not programmed in the TIP from jurisdictions that remain or become noncompliant with these requirements after the Housing Element certification deadline.

MTC may retain County & Local Program funds in the TIP for sponsors that are noncompliant with the housing-related requirements referenced above, for projects that meet one of the following conditions:

- Projects awarded state or federal competitive grants that may be jeopardized by the deprogramming of County & Local Program funds.
- For capital projects that have not received final National Environmental Policy Act (NEPA) approval, sponsors may request to maintain a nominal amount of County & Local Program funds in the construction phase to continue the environmental approval process without interruption.

The above requirements do not apply to sponsors with no general plan or land use authority, such as CTAs or transit agencies under a Joint Powers Agreement (JPA) or special district.

In addition, all recipients of OBAG 3 funding, including public agencies without land use authority as well as federally-recognized Tribal governments, are required to:

- Comply with MTC's Complete Streets Policy, and its successor, including the requirement to complete a Complete Streets Checklist for each project applying for OBAG 3 funding; and
- Comply with MTC's Regional Project Delivery Policy (MTC Resolution No. 3606), including identification of a staff position to serve as the single point of contact (SPOC) for the implementation of all FHWA-administered funds within that agency. The person in this position must have sufficient knowledge and expertise in the federal-aid delivery process to coordinate issues and questions that may arise from project inception to project close-out.

### ***Project Requirements***

Sponsors may apply to receive funding through the call for projects process for eligible project types, as detailed by program category in the County & Local Programs section of Attachment A. Projects must comply with OBAG 3 General Programming Policies, in addition to the programming policies specific to the County & Local Program.

For each project, sponsors must provide the following:

- A Complete Streets Checklist for each distinct project location using the form provided by MTC (available at <https://mtc.ca.gov/planning/transportation/complete-streets>). Complete Streets web application (located at <https://completestreets.mtc.ca.gov/>). This checklist will be updated as part of MTC's Active Transportation Plan and Complete Streets Policy update, and sponsors will be required to complete the revised version, available by May 1, 2022. CTAs must make checklists available to their Bicycle and Pedestrian Advisory Committee (BPAC) for review prior to project nomination. For projects that have already submitted a Complete Streets checklist for prior cycles of regional discretionary funding, sponsors may be required to complete an updated checklist or



complete a second checklist review with their BPAC, as determined on a case-by-case basis by MTC staff.

- For projects eligible for Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds, the inputs necessary to assess the emissions benefits and cost-effectiveness of air quality improvements resulting from project implementation. Air quality calculation input forms are provided by project type on the OBAG 3 webpage (available at [www.mtc.ca.gov/obag3](http://www.mtc.ca.gov/obag3)). under "Partner Agency Resources."
- All projects selected by MTC for funding must provide a Resolution of Local Support, approved by the sponsor's governing body (template resolutions are available at <https://mtc.ca.gov/funding/federal-funding/federal-highway-administration-grants/one-bayarea-grant-obag-3> [www.mtc.ca.gov/obag3](http://www.mtc.ca.gov/obag3)).
- All projects selected by MTC for funding must submit a project application, through MTC's Fund Management System (FMS), including a copy of the approved Resolution of Local Support.

### ***PDA Minimum Investments***

CTA nomination lists must meet or exceed the minimum threshold established for PDA supportive investments. For the North Bay counties of Marin, Napa, Solano, and Sonoma, the overall PDA supportive nominations must total 50% or more of the CTA's total funding request for that county. For the remaining counties of Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara, 70% or more of each CTA's funding request must consist of PDA supportive projects.

To be credited towards each county's PDA minimum investment threshold, a project must be located within or connected to a PDA, or be within one mile of a PDA boundary. Projects that are not physically located within one mile of a PDA but have a clear and direct connection to PDA implementation, such as transit maintenance facility improvements, may also be credited towards the PDA minimum investment thresholds. Determinations for such projects will be provided by MTC staff on a case-by-case basis.

Projects which consist of countywide programs or activities, including funds dedicated to CTA planning and programming, are given partial credit towards each county's minimum investment threshold calculations (70% or 50%, in line with each county's minimum threshold).

### **Nomination Targets**

County nomination targets establish the maximum funding request that each CTA may make through County & Local Program project nominations. Similar to prior OBAG cycles, these targets are based on population, recent housing production and planned growth, and housing affordability. However, the OBAG 3 nomination targets do not commit or imply a guaranteed share of funding to any individual county or jurisdiction.

To ensure a sufficient pool of projects for regional selection, MTC is soliciting nominations for 120% of the available funding capacity for the County & Local Program. Each CTA's nomination target is calculated as a percent share of this overall nomination total, using the following factors:

- **Population:** 50% of the nomination target is based on a county's share of the regional population, using 2021 population estimates from the California Department of Finance.

- **Housing Production:** 30% of the nomination target is based on a county’s share of regional housing production during the current and previous Regional Housing Needs Allocation (RHNA) cycles (2007 to 2019), using building permit data compiled by the Association of Bay Area Governments (ABAG).
- **Planned Growth:** 20% of the nomination target is based on a county’s share of regional housing allocations through the 2023-31 RHNA cycle.
- **Housing Affordability:** For housing production and RHNA factors, 60% of each factor is calculated based on the production or planned growth in affordable housing alone, while the remaining 40% considers all housing types. Affordable housing is defined as housing for very low-, low-, or moderate-income households, categories established by the California Department of Housing and Community Development (HCD) based on housing cost as a proportion of local area median income (AMI). For the purposes of calculating nomination targets, county-specific AMI values are used.
- **Planning and Implementation Balance:** Nomination targets may be further adjusted to ensure that no county receives a nomination target below the base planning amount programmed for that county. No such adjustments were necessary in developing the proposed nomination targets for OBAG 3.

The resulting nomination targets are detailed in the table below by county. CTAs may only nominate County & Local Program projects up to the target amounts listed below.

County	CTA	Nomination Share	Nomination Target
Alameda	Alameda County Transportation Commission	20.3%	\$82,827,000
Contra Costa	Contra Costa Transportation Authority	13.9%	\$56,775,000
Marin	Transportation Authority of Marin	2.8%	\$11,544,000
Napa	Napa Valley Transportation Authority	1.5%	\$6,143,000
San Francisco	San Francisco County Transportation Authority	15.2%	\$62,138,000
San Mateo	City/County Association of Governments of San Mateo County	9.1%	\$37,054,000
Santa Clara	Santa Clara Valley Transportation Authority	26.8%	\$109,385,000
Solano	Solano Transportation Authority	4.7%	\$19,159,000
Sonoma	Sonoma County Transportation Authority	5.6%	\$22,975,000
<b>CTA Nomination Totals (120% available funds)</b>			<b>\$408,000,000</b>
<b>Funds Available (County &amp; Local Program)</b>			<b>\$340,000,000</b>

In addition, CTAs are encouraged (but not required) to submit project nomination lists that align with the following regionwide County & Local Program funding targets and constraints:

- **Active Transportation Investment Target:** OBAG 3 establishes a regionwide target of \$200 million for active transportation projects, including bicycle, pedestrian, and Safe Routes to School (SRTS) programs and projects. Bicycle and pedestrian elements included on projects that are not

solely focused on active transportation (such as sidewalk or bike lane improvements included in a local road preservation project) also contribute to this regionwide investment target.

- **SRTS Investment Target:** OBAG 3 carries forward ongoing commitments to SRTS programming, by establishing a \$25 million regionwide target for SRTS programs and projects. Qualifying projects also contribute to the broader active transportation investment target described above.
- **Fund Source Eligibility:** Fund source targets for the County & Local Program are proportional to the overall composition of OBAG 3 funding, estimated to be 60% Surface Transportation Block Grant Program (STP) funds and 40% CMAQ funds. As CMAQ is the more restrictive fund source, in effect this constraint requires that at least 40%, or \$150 million, of County & Local Program funds be allocated to CMAQ-eligible projects.

## Outreach Requirements

MTC partners with CTAs to conduct public engagement and local agency outreach for the County & Local Program call for projects, consistent with Title VI of the Civil Rights Act and associated federal requirements. The existing relationships CTAs have with local jurisdictions, elected officials, transit agencies, federally-recognized Tribal governments, community organizations and stakeholders, and members of the public within their respective counties make them well suited to assist MTC in this role.

CTAs should develop outreach plans consistent with this section, and each CTA must have their plan approved by MTC staff prior to initiating the call for projects activities in their respective county. In addition, CTAs are required to submit documentation to MTC demonstrating compliance with this section during the project nomination process. A list of acceptable outreach compliance documentation can be found below (page 7).

### **Public Engagement**

As part of their call for projects process, CTAs are required to conduct countywide outreach and engagement with stakeholders and the public to solicit project ideas. CTAs are expected to implement their public outreach and engagement efforts in a manner consistent with MTC's Public Participation Plan (MTC Resolution No. 4174), which can be found at <http://mtc.ca.gov/about-mtc/public-participation/public-participation-plan>. CTAs should make every effort to follow current best practices related to virtual and in-person public participation, outreach, and engagement. CTAs should also make meaningful efforts to lower participation barriers for hard-to-reach populations, Limited English Proficient (LEP) speakers, people with disabilities, and those who are historically challenged from weighing in on public decision making processes.

At a minimum, MTC and CTAs are required to:

- Execute effective and meaningful local outreach and engagement efforts during the call for projects by working closely with local jurisdictions, elected officials, transit agencies, community-based organizations, other relevant stakeholders, and the public through the project solicitation process;
- Explain the local call for projects process, informing stakeholders and the public about methods for public engagement; relevant key milestones; the timing and opportunities for

public comments on project ideas, including all standing public meetings and any County & Local Program call for projects-specific events and/or meetings; and when decisions are to be made on the list of projects to be submitted to MTC;

- Hold public meetings and/or workshops at times that are conducive to public participation to solicit public input on project ideas to submit;
- When possible, schedule meetings/events at times and locations that prioritize participation from Equity Priority Communities and other communities that have historically been systematically left out of the decision-making process;
- Post notices of public meetings and hearing(s) on their agency website; include information on how to request language assistance for individuals with limited English proficiency, as well as reasonable accommodations for persons with disabilities. If agency protocol has not been established, please refer to MTC's Plan for Assisting Limited English Proficient Populations at [mtc.ca.gov/about-mtc/public-participation/get-language-assistance](https://mtc.ca.gov/about-mtc/public-participation/get-language-assistance) or the Americans with Disabilities Act;
- Offer language assistance<sup>1</sup> and accommodations for people with disabilities on all collateral materials and meeting notices. Establish a reasonable amount of time to request assistance in advance and include this information in materials and meeting notices;
- Hold in-person public meetings, when health protocols allow for in-person meetings to be safely held, in central locations that are accessible via multiple transportation modes, especially public transit, and ensure all locations are accessible to persons with disabilities; and
- Respond to written public comments, and whenever possible, post all written comments to the agency's website and summarize how public feedback impacted the decision-making process.

CTAs with recent public engagement efforts relevant to the County & Local Program call for projects are encouraged to incorporate the results of these efforts into their project prioritization process, provided that such efforts are:

- Completed recently or concurrently (up to 12 month prior to the County & Local Program call for projects, with older but relevant outreach considered by MTC staff on a case-by-case basis);
- Sufficiently comprehensive to determine public support and priorities for transportation project types eligible for funding under OBAG 3 (for example, development of a Countywide Transportation Plan or Countywide Capital Improvement Program);
- Conducted in an accessible, equitable manner consistent with federal Title VI nondiscrimination requirements; and

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<sup>1</sup> The Regional Housing Technical Assistance program has developed a useful reference document that outlines best practices for offering language translation services:

[https://abag.ca.gov/sites/default/files/documents/2021-11/Best Practices Multilingual Engagement 10-2021.pdf](https://abag.ca.gov/sites/default/files/documents/2021-11/Best_Practices_Multilingual_Engagement_10-2021.pdf).

- Supplemental to other, dedicated opportunities for public input on OBAG 3 County & Local Program funding specifically that meet the minimum outreach requirements detailed in the paragraph above.

### ***Agency Coordination***

CTAs are expected to work closely with regional stakeholders during the call for project process, including MTC, Caltrans, and potential project sponsors. At a minimum, MTC and CTAs are required to communicate the call for projects and solicit applications from all local jurisdictions, transit agencies, and federally recognized Tribal governments within their county boundaries. For counties with federally recognized Tribal governments within their jurisdictions, MTC and CTAs are required to offer opportunities for government-to-government consultation to the Tribes.

### ***Title VI Responsibilities***

Call for projects processes must be consistent with Title VI of the Civil Rights Act, and the associated Executive Order on Environmental Justice (EO 12898), which together prohibit discrimination in federally-assisted programs on the basis of race, ethnicity, or income. Public outreach to, and involvement of, individuals in low income and communities of color covered under Title VI is critical to both local and regional decisions. MTC and CTAs are required to ensure that underserved communities are provided opportunities for access and input to the project submittal process. This may include, but is not limited to, the following:

- Assisting community-based organizations, Equity Priority Communities, and any other underserved community interested in having projects submitted for funding; and
- Removing barriers for persons with limited-English proficiency and other communities that have historically been systematically left out of the decision-making process to have access to the project submittal process.

### ***Resources and Documentation***

CTAs may refer to MTC's Public Participation Plan for further guidance on Title VI outreach strategies, found at <http://mtc.ca.gov/about-mtc/public-participation/public-participation-plan>. Additional resources related to Title VI, civil rights compliance, and virtual participation are available from these agencies:

- FHWA at <http://www.fhwa.dot.gov/civilrights/programs/tvi.htm>;
- Caltrans at [http://www.dot.ca.gov/hq/LocalPrograms/DBE\\_CRLC.html#TitleVI](http://www.dot.ca.gov/hq/LocalPrograms/DBE_CRLC.html#TitleVI);
- MTC at [http://www.mtc.ca.gov/get\\_involved/rights/index.htm](http://www.mtc.ca.gov/get_involved/rights/index.htm); and
- ABAG webinar: "Engage How To! Introduction to Remote Meeting Tools" at <https://abag.ca.gov/our-work/housing/regional-housing-technical-assistance/training>

Additionally, CTAs are encouraged to use the following resources to source MTC pre-approved consultant services for their outreach efforts:

- **Equity Consultant Bench:** for general support with outreach activities, available at [https://mtc.ca.gov/sites/default/files/documents/2021-07/Equity\\_Bench\\_Consultant\\_Catalog\\_2021.pdf](https://mtc.ca.gov/sites/default/files/documents/2021-07/Equity_Bench_Consultant_Catalog_2021.pdf); and
- **Translation and Interpreter Services Consultant Bench:** for translation, interpretation, and American Sign Language (ASL) services to ensure meaningful access by Limited English Proficiency (LEP) populations (as required under Title VI) and provide accessibility

accommodations (as required by the Americans with Disabilities Act), available at <http://mtc.legistar.com/gateway.aspx?M=F&ID=5b527bad-4840-4614-8ce8-72d94770e4e6.pdf>.

Both consultant benches include consultant firms pre-qualified by MTC through Request for Qualifications (RFQ) processes which included “Cooperative Use” language, allowing other agencies to use MTC’s processes to satisfy their own contracting and procurement guidelines.

To demonstrate compliance with outreach requirements, CTAs are required to submit the following documentation to MTC staff by September 30, 2022:

- A copy of the CTA’s public outreach and engagement plan, developed in coordination with MTC;
- Copies or text of public notice(s) of opportunities for members of the public to provide input on County & Local Program criteria and/or project nominations, which must include information on how to request language assistance and accessibility accommodations;
- A list of CBOs or other organizations representing potentially impacted groups that the CTA contacted for input on the County & Local Program;
- Dates, times, and locations of public meetings, hearings, and/or workshops where opportunity for public input on the County & Local Program was afforded;
- A summary of public input received during the call for projects process, and how such feedback, and the results of any relevant prior outreach, was used in the CTA evaluation and decision-making process;
- A description of correspondence and/or meetings with all applicable local jurisdictions, transit agencies, and federally-recognized tribal governments informing each of the call for projects opportunity; and
- If information from prior or concurrent outreach efforts was incorporated into the CTA’s call for projects process, a narrative description of these efforts, how the results informed project prioritization, and how the CTA met the minimum public involvement requirements for the OBAG 3 call for projects described above.

## County Screening and Evaluation

CTAs, in coordination with MTC, will solicit and collect project applications, screening applicants and projects for program eligibility, and initial scoring and/or ranking of projects. CTAs will develop individual application materials, deadlines, and processes for their county’s call for projects, consistent with these overall program guidelines and subject to approval by MTC staff. At minimum, CTAs must incorporate the following regional criteria into their project evaluations.

- **Eligibility:** CTAs should screen potential sponsors and applications for eligibility with federal and regional requirements. Projects must be:
  - Eligible for STP or CMAQ funds, as detailed in 23 USC Sec. 133 and at <https://www.fhwa.dot.gov/fastact/factsheets/stbgfs.cfm> (STP), and in 23 USC Sec. 149 and at [http://www.fhwa.dot.gov/environment/air\\_quality/cmaq/policy\\_and\\_guidance/](http://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/) (CMAQ);
  - Consistent with *Plan Bay Area 2050*, available at <https://www.planbayarea.org/>; and

- Meet all OBAG 3 programming policy requirements described in these guidelines and in MTC Resolution 4505.
- **Alignment:** CTAs should evaluate projects for alignment with relevant federal and regional plans and policies. Additional weight should be given to projects that:
  - Are located in PDAs or Transit-Rich Areas (TRAs), identified in locally-adopted plans (e.g. Specific Plans) for PDAs, or support preservation of Priority Production Areas (PPAs), as defined in Chapter 1 of *Plan Bay Area 2050* and available for viewing or download at <https://opendata.mtc.ca.gov/datasets/MTC::plan-bay-area-2050-growth-geographies/about>;
  - Invest in historically underserved communities, which may include projects prioritized in a Community-Based Transportation Planning (CBTP) or Participatory Budgeting process, or projects located within Equity Priority Communities with demonstrated community support. Equity Priority Communities are defined in Chapter 1 *Plan Bay Area 2050* and described at <https://mtc.ca.gov/planning/transportation/access-equity-mobility/equity-priority-communities>;
  - Are located in jurisdictions with affordable housing protection, preservation, and production strategies, including an emphasis on community stabilization and anti-displacement policies with demonstrated effectiveness;
  - Implement multiple *Plan Bay Area 2050* strategies, described throughout the Plan (in particular, Chapters 2-5), or implementation actions (Chapter 7);
  - Advance Federal Performance Management Goals for safety, asset management, environmental sustainability and system performance, as detailed in 23 USC Sec. 105(b) and at <https://www.fhwa.dot.gov/tpm/about/goals.cfm>;
  - Demonstrate consistency with one or more of the following regional plans and policies:
    - Regional Safety/Vision Zero Policy (MTC Resolution No. 4400): <https://mtc.ca.gov/tools-resources/digital-library/10a-20-0788-resono-4400-regional-safety-vz-policy.pdf>
    - Equity Platform: <https://mtc.ca.gov/about-mtc/what-mtc/equity-platform>
    - Regional Active Transportation Plan (in development): <https://mtc.ca.gov/funding/investment-strategies-commitments/climate-protection/regional-active-transportation-plan>
    - Transit Oriented Communities Policy (update pending): <https://mtc.ca.gov/planning/land-use/transit-oriented-development-tod-policy>
    - Blue Ribbon Transit Transformation Action Plan: [https://mtc.ca.gov/sites/default/files/documents/2021-09/Transit Action Plan 1.pdf](https://mtc.ca.gov/sites/default/files/documents/2021-09/Transit%20Action%20Plan%201.pdf)
- **Community Support:** CTAs must prioritize project applications with demonstrated public support from communities disproportionately impacted by past discriminatory practices, including redlining, racial covenants, urban renewal, and highway construction that divided low-income and communities of color. Community support may be determined through a variety of means, including (but not limited to):
  - Responses to public outreach, including comments received at public meetings or hearings, feedback from community workshops, survey responses, etc.; and

- Endorsement by a Community-Based Organization (CBO) representing historically and potentially impacted populations.
- **Deliverability:** CTAs must evaluate applicants and projects for potential deliverability issues, deprioritizing or excluding projects as needed based on risk. CTAs should ensure that project sponsors have sufficient agency capacity and technical expertise to complete projects in accordance with MTC's Regional Project Delivery Policy (available at <https://mtc.ca.gov/funding/federal-funding/project-delivery>) and meet OBAG 3 deadlines. Project sponsors must be able to obligate OBAG 3 funds no later than January 31, 2027.

CTA project evaluation criteria must be approved by both MTC staff and the CTA's governing board prior to initiating the call for projects activities in their respective county. CTAs may develop separate evaluation frameworks by project type, but each such framework must meet the requirements of this section.

## Project Nominations

After completing initial project screening and evaluations, CTAs will submit project nominations and associated documentation to MTC for regional evaluation and project selection. Nomination lists must be approved by the CTA's governing board prior to submission to MTC. CTA project nomination packets are due to MTC by September 30, 2022, and must include the following elements:

- **Nomination List:** list(s) of eligible candidate projects for the OBAG 3 County & Local Program, ranked or scored according to the evaluation criteria developed by the CTA and approved by MTC staff. Nomination lists must comply with all OBAG 3 programming policies, including sponsor and project requirements, PDA minimum investments, and CTA nomination targets.
- **Board Approval:** signed resolution documenting CTA governing board action approving the County & Local Program project nomination list.
- **Outreach Documentation:** materials verifying CTA compliance with outreach requirements as described above.
- **Compliance Checklists:** completed checklists and supporting documentation affirming compliance with County & Local Program programming policies for both the CTA and each sponsor with a project on the nomination list. Checklists should be completed by the CTA, and must be signed by a signatory authority for the concerned agency. CTA and sponsor checklists are provided through the OBAG 3 webpage (available at [www.mtc.ca.gov/obag3](http://www.mtc.ca.gov/obag3)) under "Partner Agency Resources."

## Regional Project Evaluation

Using the nomination packets provided by the CTAs, MTC staff will form a review committee composed of multidisciplinary group of staff members to complete a regional project evaluation process and develop a recommended subset of projects for adoption by the Commission. This process will consist of the following steps:

- **Eligibility Review:** MTC staff will review submitted documentation and ensure CTA, sponsor, and project compliance with applicable federal and regional policies. Any issues identified will be



communicated to CTA staff, and projects with unresolved issues will be excluded from further consideration.

- **Regional Criteria:** members of the review committee will score projects using the following rubric:
  - CTA Prioritization (75 points): relative CTA project rank or score, scaled to a range of 0-75 and normalized across CTAs.
  - Regional Impact (15 points): project alignment with *Plan Bay Area 2050* strategies, anticipated effectiveness in advancing regional objectives, and contribution to regionally significant networks or facilities.
  - Deliverability (10 points): sponsor capacity to deliver the specified project, including consideration of prior performance on MTC-funded projects, and any anticipated risk to the project development schedule or funding plan.
  - Air Quality Improvement (10 points): for CMAQ-eligible projects relative cost-effectiveness of projects in reducing emissions for criteria air pollutants for the San Francisco Bay Area Air Basin and additional consideration for PM2.5 reducing projects.
- **Project Ranking Process:** candidate projects will be ranked according to their average review committee score. To ensure that high performing air quality improvement projects are prioritized for CMAQ funding, MTC staff will first develop a recommended list of eligible projects for CMAQ funding using the comprehensive rubric rankings (all eligible projects scored with a maximum possible score of 110 points and ranked from highest to lowest score). All remaining projects, including CMAQ-eligible projects not recommended for funding using this first method, will then be ranked with the air quality improvement portion of the rubric score excluded (all remaining projects scored with a maximum possible score of 100 points and ranked from highest to lowest score). The latter rankings will be used by MTC staff to develop a recommended list of projects for STP funding.
- **Program Balancing:** candidate projects will be initially prioritized according to their ranking as described above. However, to achieve programmatic investment thresholds, and ensure a balanced program of projects, MTC staff may adjust project prioritization based on the following factors:
  - County PDA investment targets;
  - Regionwide investment targets, including Active Transportation and SRTS investments;
  - Relative STP and CMAQ availability; and
  - Overall program balancing for a variety of project types, equitable investments, and geographic spread.

Using this process, MTC staff will develop a draft program of recommended projects for Commission adoption. MTC staff will coordinate with CTA staff to provide comments and feedback on the draft program of projects, and may refine the recommended program of projects accordingly.

## Program Approval

The Commission will consider the recommended OBAG 3 County & Local Program projects in January 2023. Projects approved by the Commission for funding will be eligible for programming into the TIP

starting in February 2023. Approved County & Local Program projects and any subsequent revisions by the Commission will be detailed in Attachment B-2.

Projects nominated by CTAs but not selected for funding by the Commission will automatically be considered for future eligible funding opportunities through the OBAG 3 Regional Program, or as additional programming capacity becomes available for the County & Local Program.