

BEFORE THE
FRESNO COUNCIL OF GOVERNMENTS
RESOLUTION NO. 2011-25

In the Matter of:
MPO AND EXECUTIVE DIRECTOR DELEGATION AUTHORITY
FOR THE FRESNO COUNCIL OF GOVERNMENTS

RESOLUTION TO REQUEST
DELEGATION TO APPROVE
FTIP ADMINISTRATIVE
MODIFICATIONS

WHEREAS, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have revised the Federal Statewide Transportation Improvement Program (FSTIP)/Federal Transportation Improvement Program (FTIP) Amendments and Administrative Modifications Procedures so that

WHEREAS, the parameters of an administrative modification have been revised to offer greater accountability and flexibility to the California Department of Transportation (Caltrans) and the Fresno Council of Governments (Fresno COG)

WHEREAS, the revised procedures also allow Caltrans to delegate to Fresno COG the approval of administrative modifications to the FSTIP/FTIP without the need for state or federal approval

WHEREAS, administrative modifications include minor changes to the FSTIP/FTIP that do not require a conformity determination, a demonstration of fiscal constraint, public review or comment, or federal approval

WHEREAS, the following changes to the FSTIP/FTIP can be processed through administrative modifications:

- a) Revise description of a project or a grouped project listing without changing the project scope or without conflicting with the approved environmental document;
- b) Revise the funding amount listed for a project or a project phase. Additional funding is limited to the lesser of 40 percent of the total project cost or \$10 million, as long as there is programming capacity in the FTIP prior to programming the modification;
- c) Program Preliminary Engineering (PE) phase, provided the Right of Way and/or Construction phases(s) are already programmed in the current FSTIP/FTIP and additional funding amounts stay within the limits specified in Section b;
- d) A cost decrease has no cap as long as reduction in cost does not result in deletion of a project or a phase, and the affected project phase is still fully funded;
- e) Change source of funds or change a project's lead agency;
- f) Program Federal funds for Advance Construction conversion, programming capacity must be available in the FSTIP/FTIP prior to programming the conversion;
- g) Change the program year of funds within the current FSTIP/FTIP using Fresno COG's adopted Expedited Project Selection Process (EPSP) in accordance with 23 CFR 450;
- h) Split or combine and individually listed project or projects, provided that the schedule and scope remain unchanged;
- i) Change grouped project listings description as long as it is consistent with Programming Grouped Project Listings in Air Quality Non-Attainment or Maintenance Area guidance;
- j) Add or delete a project or projects from a grouped project listing, provided the funding amount stays within the limits specified in Section b;
- k) Program emergency repair projects on the state highways as a result of natural disaster or catastrophic failure from an external cause, and that are not covered by the Emergency Relief Program, provided that these projects are exempt from Air Quality Conformity Requirements;
- l) Re-program a project for which FHWA funds were transferred to FTA in the prior FSTIP/FTIP and FTA has not approved the grant yet provided there is no change in the original scope or cost;
- m) Program an FTA funded project from the prior FSTIP/FTIP into the current FSTIP/FTIP provided there is no change in the original scope or cost;
- n) Make minor changes to an FTA funded grouped project listing including; changing the number of transit vehicles purchased by 20% or less and changing the fuel type of transit vehicles.

WHEREAS, any amendments that are not administrative modifications to the FSTIP/FTIP will be considered formal amendments and shall be approved in accord with the provisions of 23 CFR 450.326.

WHEREAS, upon receiving the delegation authority, Caltrans may provide cursory review of the administrative modification prior to Fresno COG's approval

WHEREAS, Caltrans will regularly review Fresno COG's approved administrative modifications and will reject changes that do not comply with the approved procedures. In such case, all areas of noncompliance shall be corrected by Fresno COG.

WHEREAS, if any questions or exemptions arise regarding the interpretation of what constitutes an administrative modification or an amendment, Caltrans, Fresno COG, FHWA and/or FTA will consult with each other to resolve the question. The final decision rests with FTA for transit projects, and FHWA, for highway projects.

WHEREAS, Caltrans may withdraw its delegation from Fresno COG if it is found to be consistently noncompliant with the approved procedures.

NOW, THEREFORE, BE IT RESOLVED, that The Fresno Council of Governments Policy Board hereby requests the delegation authority provided by Caltrans to approve administrative modifications. The Fresno Council of Governments has an existing approved Executive Director delegation in place;

THEREFORE, BE IT FURTHER RESOLVED, that The Fresno Council of Governments Policy Board requests that Caltrans provide the Fresno Council of Governments' Executive Director the delegation authority to approve administrative modifications on behalf of the Policy Board.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno Council of Governments this 28th day of July, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Signed: _____
Amarpreet Dhaliwal, Chairman

I hereby certify that the foregoing is a true copy of a resolution of the Fresno Council of Governments duly adopted at a regular meeting thereof held on the 28th day of July, 2011.

Signed: _____
Tony Boren, Executive Director



June 30, 2011

Tony Boren, Executive Director
Fresno Council of Governments
2035 Tulare St. Suite 201
Fresno, California 93726

SUBJECT: Request to Initiate a Measure "C" Plan Amendment to Provide Funding to Purchase Real Estate Options on High Speed Rail Heavy Maintenance Facility

Dear Mr. Boren:

Please consider this a formal request by the "Fresno Works" High Speed Rail Committee to the Fresno Council of Governments to initiate an amendment to the current Measure "C" Expenditure Plan. The purpose of the amendment would be to set aside \$1.5 million for the purchase of real estate options associated with the High Speed Rail Heavy Maintenance facility.

The source of the requested funding would come from a Measure "C" amendment that was approved by the Fresno COG Policy Board in September 2010. That amendment set aside \$25 million in funding from the Measure "C" Rail Consolidation program specifically for High Speed Rail Maintenance Yard development issues "contingent" upon Fresno being awarded the site. As the issue of High Speed Rail continues to evolve in California, there is now strong consensus among the Fresno Works Committee members that in order to be competitive with the other San Joaquin Valley communities seeking the Heavy Maintenance facility, it is critically imperative that we have the proposed Heavy Maintenance facility real estate under our control "prior" to the High Speed Rail Authority making their decision on the location of the Heavy Maintenance facility.

Going further, in terms of process and schedule, it is our understanding that the request to initiate the Plan Amendment would begin with the COG Policy Board at its July 28th, 2011 meeting, and if approved, then move forward to the Fresno County Transportation Authority Board for their concurrence on the initiation of the amendment at their August 17, 2011 meeting. Assuming that both Boards approve the amendment initiation request, the amendment would then move forward through the COG process in September 2011 and on to the COG Policy Board for approval at their September 29th meeting. Once approved, the amendment would then move forward to the Fresno County Transportation Authority Board for its approval at their October 12, 2011 meeting.

In closing, if you should have any questions regarding the above request please feel free to call either one of us at (559) 600-3000 or (559) 600-2000.

Sincerely,

Supervisor Henry Perea
Co-Chair-Fresno Works

Supervisor Susan Anderson
Co-Chair-Fresno Works



Safety Projects that should be ready for PE Authorizations in 10/11 FFY

	A	B	C	D	E	F	G	H	I	J	K	L
	List of Safety Projects that could get PE Authorization in FFY 10/11. This list includes projects that have recently been amended into the FTIP. Updated 7/6/11											
1	Unique Project ID	District	Agency	MPO	RTPA	Project Location	Cycle	Current Total Project Cost Estimate	Current Federal Funds Approved	Date PE should be authorized (6 months after FTIP approval date)		
2												
3	SRTS Projects											
4	None											
5	HRRR Projects											
6	None											
7	HSIP Projects											
8	HSIP4-06-009	06	Clovis	COFCG	Council of Fresno County Governments	Helm Ave./Gettysburg Ave.; Villa Ave./Gettysburg Ave.	4	\$385,800	\$24,500	11/2/11	◆	
9	HSIP4-06-002	06	Fowler	COFCG	Council of Fresno County Governments	Adams Ave./Golden State Blvd.; Merced Ave./Golden State Blvd.; Manning Ave./Golden State Blvd.; Manning Ave./Vineyard Pl.; San Antonio Dr./Golden State Blvd.	4	\$385,800	\$34,200	11/2/11	◆	
10	HSIP4-06-014	06	Fresno	COFCG	Council of Fresno County Governments	Millbrook Ave./Shields Ave.	4	\$385,800	\$356,000	11/2/11	◆	
11	HSIP4-06-015	06	Fresno	COFCG	Council of Fresno County Governments	Palm Ave./Sierra Ave.	4	\$385,800	\$356,000	11/2/11	◆	
12	HSIP4-06-003	06	Fresno County	COFCG	Council of Fresno County Governments	Alta Ave./Manning Ave.	4	\$385,800	\$277,100	11/2/11	◆	PE was advanced to FFY 10/11
13	HSIP4-06-008	06	Fresno County	COFCG	Council of Fresno County Governments	Nesse Ave./Waeche Ave.	4	\$385,800	\$636,500	11/2/11	◆	PE was advanced to FFY 10/12
14	HSIP4-06-011	06	Fresno County	COFCG	Council of Fresno County Governments	Millerton Rd. (Front Rd.)/North Fork Rd. (Mono St.)	4	\$385,800	\$696,100	11/2/11	◆	PE was advanced to FFY 10/13

2011 TIGER Grants

Frequently Asked Questions

Question 1. What are the objectives of the TIGER Discretionary Grant Program?

Answer 1. The FY 2011 Appropriations Act appropriated \$526.944 million, available through September 30, 2013, for National Infrastructure Investments. This appropriation is similar, but not identical to the appropriation for the “TIGER” program authorized and implemented pursuant to the American Recovery and Reinvestment Act of 2009, and the National Infrastructure Investments or “TIGER II” program under the FY 2010 Appropriations Act. Given that funds have now been appropriated for these similar programs in three separate statutes, DOT is referring to the grants for National Infrastructure Investments under the FY 2011 Continuing Appropriations Act simply as “TIGER Discretionary Grants.” As with the TIGER and TIGER II programs, funds for the FY2011 TIGER program are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area or a region.

Question 2. When were the criteria for the TIGER Discretionary Grant program announced, and when are applications due?

Answer 2. The criteria for the TIGER Discretionary Grant program are announced in the interim notice of funding availability in the Federal Register. The notice requires that pre-applications must be submitted by **October 3, 2011, at 5:00 p.m. EDT**. Final applications must be submitted through Grants.gov by October 31, 2011, at 5:00 p.m. EDT. The DOT pre-application system will open on or before August 22, 2011 to allow prospective applicants to submit pre-applications. Access to the pre-application system will be made available through the TIGER website (www.dot.gov/tiger).

Subsequently, the Grants.gov “Apply” function will open on October 4, 2011, allowing applicants to submit final applications.

Question 3. Is there an opportunity for interested stakeholders to submit comments on the interim notice of funding availability?

Answer 3. Yes. There is a two-week period provided for the submission of comments. Comments must be submitted by July 18, 2011, at 5:00 p.m. EDT. All comments submitted must include the agency name (Office of the Secretary of Transportation) and the docket number DOT-OST-2011-0107. To ensure that your comments are not entered into the docket more than once, please submit comments, identified by the docket number DOT-OST-2011-0107, by only one of the following methods:

- **Website:** The U.S. Government electronic docket site is www.regulations.gov. Go to this Website and follow the instructions for submitting comments into docket number DOT-OST-2011-0107;
- **Fax:** Telefax comments to 202-493-2251;
- **Mail:** Mail your comments to U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, Room W12-140, Washington, DC 20590; or
- **Hand Delivery:** Bring your comments to the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building Ground Floor, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions for submitting comments: You must include the agency name (Office of the Secretary of Transportation) and Docket number DOT-OST-2011-0107 for this notice at the beginning of your comments. You should submit two copies of your comments if you submit them by mail or

courier. For confirmation that the Office of the Secretary of Transportation has received your comments, you must include a self-addressed stamped postcard. Note that all comments received will be posted without change to www.regulations.gov, including any personal information provided, and will be available to Internet users. You may review DOT's complete Privacy Act Statement in the Federal Register published April 11, 2000, (65 FR 19477), or you may visit www.regulations.gov.

For Pre-Applications and Applications: Pre-applications must be submitted electronically to DOT and applications must be submitted electronically through Grants.gov. Only pre-applications received by DOT and applications received through Grants.gov will be deemed properly filed. Instructions for submitting pre-applications to DOT and applications through Grants.gov are included in Section VII of the interim notice of funding availability.

Question 4. Who can receive funds under the National Infrastructure Investments Discretionary Grant?

Answer 4. "Eligible Applicants" for TIGER Discretionary Grants are State, local, and tribal governments, including U.S. territories, transit agencies, port authorities, metropolitan planning organizations (MPOs), other political subdivisions of State or local governments, and multi-State or multi-jurisdictional groups applying through a single lead applicant (for multi-jurisdictional groups, each member of the group, including the lead applicant, must be an otherwise eligible applicant as described in this paragraph).

Question 5. What types of projects are eligible for TIGER Discretionary Grant funding?

Answer 5. Projects that are eligible for TIGER Discretionary Grants under the FY 2010 Appropriations Act include, but are not limited to:

- highway or bridge projects eligible under title 23, United States Code;
- public transportation projects eligible under chapter 53 of title 49, United States Code;
- passenger and freight rail projects; and
- port infrastructure investments.

Federal wage rate requirements included in subchapter IV of chapter 31 of title 40, United States Code, apply to all projects receiving funds.

TIGER TIFIA Payments

Up to \$150 million of the \$526.944 million available for TIGER Discretionary Grants may be used to pay the subsidy and administrative costs of the Transportation Infrastructure Finance and Innovation Act (TIFIA) credit assistance program if it would further the purposes of the TIGER Discretionary Grant program. DOT is referring to these payments as "TIGER TIFIA Payments." Based on the subsidy amounts required for projects in the TIFIA program's existing portfolio, DOT estimates that \$150 million of TIGER TIFIA Payments could support approximately \$1.5 billion in TIFIA credit assistance. The amount of budget authority required to support TIFIA credit assistance is calculated on a project-by-project basis. Applicants for TIGER TIFIA Payments should submit an application pursuant to the notice of funding availability and a separate TIFIA letter of interest, as described in Section VI of the notice.

TIGER Planning Grants

Unlike the FY 2010 Appropriations Act, the FY 2011 Appropriations Act does not provide any funding for projects solely for the planning, preparation, or design of capital projects ("TIGER Planning Grants"); however, these activities may be eligible to the extent that they are part of an overall construction project that receives TIGER Discretionary Grants funding.

Projects in Rural Areas

The FY 2011 Appropriations Act directs that not less than \$140 million of the funds provided for TIGER Discretionary Grants are to be used for projects in rural areas. DOT is generally defining “rural area” as any area not in an Urbanized Area, as such term is defined by the Census Bureau, and will consider a project to be in a rural area if all or a material portion of a project is located in a rural area. For projects located in rural areas the FY 2011 Appropriation Act does not require matching funds (although the statute does direct DOT to give priority to projects, including projects located in rural areas, for which Federal funding is required to complete an overall financing package that includes non-Federal sources of funds) and the minimum grant size is \$1 million.

Question 6. What criteria will be used to evaluate applications for TIGER Discretionary Grants?

Answer 6. TIGER Discretionary Grants will be awarded based on two categories of selection criteria, “Primary Selection Criteria” and “Secondary Selection Criteria.”

The Primary Selection Criteria include:

Long-Term Outcomes: The Department will give priority to projects that have a significant impact on desirable long-term outcomes for the Nation, a metropolitan area, or a region.

The following long-term outcomes will be given priority:

- *State of Good Repair:* Improving the condition of existing transportation facilities and systems, with particular emphasis on projects that minimize life-cycle costs.
- *Economic Competitiveness:* Contributing to the economic competitiveness of the United States over the medium- to long-term.
- *Livability:* Fostering livable communities through place-based policies and investments that increase transportation choices and access to transportation services for people in communities across the United States.
- *Environmental Sustainability:* Improving energy efficiency, reducing dependence on oil, reducing greenhouse gas emissions and benefitting the environment.
- *Safety:* Improving the safety of U.S. transportation facilities and systems.

Job Creation & Economic Stimulus: While the TIGER Discretionary Grant program is not a Recovery Act program, job creation and economic stimulus remain a top priority of this Administration; therefore, DOT will give priority to projects that are expected to quickly create and preserve jobs and stimulate rapid increases in economic activity, particularly jobs and activity that benefit economically distressed areas.

The **Secondary Selection Criteria** include:

Innovation: DOT will give priority to projects that use innovative strategies to pursue the long-term outcomes outlined above.

Partnership: DOT will give priority to projects that demonstrate strong collaboration among a broad range of participants and/or integration of transportation with other public service efforts.

The Department will give more weight to the Long-Term Outcomes and Jobs Creation & Economic Stimulus criteria than to the Innovation and Partnership criteria. Projects that are unable to demonstrate a likelihood of significant long-term benefits in any of the five long-term outcomes will not proceed in the evaluation process. For the Jobs Creation & Economic Stimulus criterion, a project that is not ready to proceed quickly is less likely to be successful.

The notice published in the Federal Register provides additional guidance on how the Department will apply the selection criteria.

Question 7. Is there a maximum and/or minimum grant size for TIGER Discretionary Grants?

Answer 7. The FY 2011 Appropriations Act specifies that TIGER Discretionary Grants may be not less than \$10 million and not greater than \$200 million. Pursuant to the FY 2011 Appropriations Act, no more than 25 percent of the funds made available for TIGER Discretionary Grants (or \$131 million) may be awarded to projects in a single State.

Question 8. Are there any other statutory requirements for the distribution of TIGER Discretionary Grants?

Answer 8. FY 2011 Appropriations Act specifies the following additional requirements for the distribution of TIGER Discretionary Grants:

- The FY 2011 Appropriations Act directs that not less than \$140 million of the funds provided for TIGER Discretionary Grants is to be used for projects located in rural areas.
- TIGER Discretionary Grants may be used for up to 80 percent of the costs of a project, but priority must be given to projects for which Federal funding is required to complete an overall financing package and projects can increase their competitiveness by demonstrating significant non-Federal contributions. DOT may increase the Federal share above 80 percent only for projects located in rural areas, in which case DOT may fund up to 100 percent of the costs of a project. However, the statutory requirement to give priority to projects that use Federal funds to complete an overall financing package applies to project located in rural areas as well, and projects located in rural areas can increase their competitiveness for purposes of the TIGER program by demonstrating significant non-Federal financial contributions.

FOR FURTHER INFORMATION: For further information concerning the TIGER Discretionary Grant Program please contact the TIGER Discretionary Grant program manager via e-mail at TIGERGrants@dot.gov, or call Robert Mariner at 202-366-8914. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will regularly post answers to questions and requests for clarifications on the TIGER Discretionary Grant Program website at www.dot.gov/TIGER.

Lessons on How to Compete for a USDOT TIGER Grant

Hosted by the Office of the Assistant Secretary for Transportation Policy, U.S. Department of Transportation

Advance registration is required.

To attend, please provide the following information via e-mail to TigerGrants@dot.gov (subject line: July 18 Seminar Registration):

First and Last Name:

Title:

Company / Organization:

Mailing Address:

City:

State:

Zip Code:

Telephone Number:

E-mail Address:

Registration will be available through July 13.

USDOT Contact: **John T. Kennedy**

Phone: 202-493-0282

Fax: 202-366-0263

E-mail: TigerGrants@dot.gov

TIGER GRANTS



Transportation
Investment
Generating
Economic
Recovery



U.S. Department
of Transportation

Lessons on How to Compete for a USDOT TIGER Grant

Hosted by the Office of the Assistant Secretary for Transportation Policy, U.S. Department of Transportation



WHEN: Monday, July 18, 2011 - 1:00 PM to 4:00 PM EDT

WHERE: West Building Atrium at DOT Headquarters
1200 New Jersey Ave SE (Navy Yard Metro Stop)

IN PERSON: RSVP to TigerGrants@dot.gov to attend (see next page for details).

ONLINE: If planning to attend via the web, a courtesy registration in advance of the event is requested. A webcast link will be provided prior to the event.

HEAR FROM KEY USDOT PROGRAM OFFICIALS

The TIGER Discretionary Grant Program is a multimodal, merit-based, discretionary grant program that is designed to provide support for innovative transportation projects of National, regional, and local significance, including projects that may be left out of traditional transportation programs. The TIGER grant program has awarded \$2.1 billion to 126 transportation projects in all 50 states and the District of Columbia. During the previous two rounds, the Department of Transportation received more than 2,500 applications requesting more than \$79 billion for transportation projects across the country.

QUESTIONS ARE ENCOURAGED AND WILL BE SOLICITED VIA E-MAIL AND IN PERSON

The purpose of this seminar is to identify the key elements of competitive applications and provide information on developing benefit cost analysis. Additionally, information outlining the process for this fall's round of application evaluation will be presented.

This free seminar will be held in the Atrium of the West Building of the USDOT Headquarters and simulcast via the web. Access to this webcast will be available through the Department's website at www.dot.gov/tiger.

There is no registration fee for this seminar, but advance registration is required to attend in person. To attend, please register via e-mail to the following address: TigerGrants@dot.gov. Registration will be available through Wednesday, July 13, 2011. If you require special accommodations, please contact us. Open captioning will be provided in the atrium and on the web.

(see next page)



U.S. Department
of Transportation