

DEPARTMENT OF TRANSPORTATION

DIVISION OF LOCAL ASSISTANCE – M.S. 1

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February 2, 2010

To: All Regional Transportation Planning Agencies

Dear Executive Director:

In 2009, the California Department of Transportation (Caltrans), Division of Local Assistance (DLA) developed and provided Transportation Enhancement (TE) project selection criteria to all Regional Transportation Planning Agencies (RTPA). Enclosed is the July 6, 2009, letter which explains the project selection criteria to implement Senate Bill (SB) 286. Since this is the first State Transportation Improvement Program (STIP) programming cycle to take place since the passage of SB 286, this letter is being sent as a reminder of all requirements set forth by SB 286 and the project selection criteria established by Caltrans. DLA would like to provide you guidance received from the Federal Highway Administration (FHWA) regarding the use of California Conservation Corps (CCC) and Local Conservation Corps (LCC) on federally funded TE projects. Please ensure these requirements are being met as you approach the final stages for preparing your 2010 Regional Transportation Improvement Program (RTIP) for inclusion into the 2010 STIP.

If you are only programming lump sum TE amounts at this time, the SB 286 project selection criteria from the July 6, 2009, letter **must** be applied and all partnering of State or Local Conservation Corps must be identified when funding allocation requests are submitted and specific projects are selected. Keep in mind; the STIP guidelines require that all TE projects receive an eligibility review by Caltrans prior to programming. Our TE Program Coordinator, Mr. John Haynes, is the contact for eligibility reviews and can be reached by email at john.haynes@dot.ca.gov, or by phone at (916) 653-8077.

For all American Recovery and Reinvestment Act of 2009 (Recovery Act) TE projects, FHWA has taken a strict interpretation of the competitive bidding requirements set forth in the Recovery Act. There have been no exceptions granted to the competitive bidding requirements for any Recovery Act TE projects. The competitive bidding and Davis-Bacon wage rate requirements have eliminated the use of CCC or LCC for Recovery Act TE projects.

FHWA has stated that for the STIP TE projects, the Davis-Bacon wage rate requirements apply only to projects within the Federal-aid Highway Right-of-Way. Federal law, as with state law, does not consider governmental entities such as states and their subdivisions to be

contractors and subcontractors subject to prevailing wage rate requirements. Since the CCC is operated by the state, its use is exempt from these requirements.

For the purpose of this guidance, FHWA has defined Federal-aid Highway Right-of-Way as the existing Right-of-Way for all functionally classified routes except those classified as Rural Minor Collector or Local Road. Information on Federal-aid Highways is included in Chapter 3 of the Local Assistance Program Guidelines. FHWA approved functional classification maps are located on the internet at:
http://www.dot.ca.gov/hq/tsip/hseb/crs_maps/.

CCC is a branch of state government within the Natural Resources Agency with offices throughout California. LCCs are independent non-profit organizations. Both organizations provide paid on-the-job training, academic instruction, and life skills development for California's young adults. You can learn more about these organizations and determine their proximity to your proposed TE projects by going to their websites: www.ccc.ca.gov and www.calcc.org. As a reminder, project sponsors must give priority to projects that partner with an LCC or the CCC unless they receive a signed waiver from **both** organizations indicating that neither one is able to participate.

Listed below are opportunities and guidance on how to use the CCC and LCC:

CCC

As mentioned above, since CCC is a state agency, the Davis-Bacon prevailing wage rate requirements do not apply. Therefore, it is possible to use CCC on a non-competitive basis for any STIP TE project, regardless of the project location, provided the sponsoring agency demonstrates cost effectiveness per 23 Code of Federal Regulations 635.204.

LCC

While LCC's are exempt from California's prevailing wage rate requirements they are not exempt from the federal Davis-Bacon prevailing wage rate requirements. Therefore, it is possible to use the LCC only on projects outside the Federal-aid Highway Right-of-Way. Direct contracting with a LCC without bidding is permissible provided the sponsoring agency demonstrates cost effectiveness to Caltrans.

To obtain a cost effectiveness analysis approval from Caltrans, the project sponsors must submit their analysis and a copy of the agreement between the sponsoring agency and the proposed conservation corps to the District Local Assistance Engineer (DLAE). **Prior to using a conservation corps on any federally funded TE project, an authorization to proceed by Caltrans, as well as Caltrans' approval of the cost effectiveness analysis must be received by the project sponsors. Copies of these approvals must be retained in the project files by the sponsoring agencies.**

To maximize utilizing CCC and LCC, if the entire project cannot be performed by the conservation corps, the project sponsor could consider splitting the project in two parts. Components of the project that could be performed by the conservation corps could be

performed using a force account method, and the remainder could be used under the regular contracting methods. Caltrans will continue to work with FHWA to maximize the use of CCC and LCC on federally funded TE projects both on and off the State Highway System.

If you have any questions regarding this information, please contact your DLAE. A statewide telephone listing is located on the internet at:
<http://www.dot.ca.gov/hq/LocalPrograms/dlae.htm>

Sincerely,



DENIX ANBIAH, Chief
Division of Local Assistance

Enclosure

c: SB 286 Committee Members

Martin Tuttle, Deputy Director, Caltrans, Planning and Modal Programs
Richard Harmon, Assistant Deputy Director, Caltrans, Division of Legislative Affairs
Rachel Falsetti, Chief, Caltrans, Division of Transportation Programming
Fardad Falakfarsa, Chief, Caltrans, Division of Budgets, Office of Federal Resources
William Fackenthal, Chief, Caltrans, Division of Procurement & Contracts
Walter Waidelich, Division Administrator, FHWA, California Division
Karen Bobo, Local Programs Director, FHWA, California Division
Office Chiefs, Caltrans, DLA
DLAEs
Local Assistance Area Engineers, Caltrans, DLA
John Haynes, TE Program Coordinator, Caltrans, DLA
Mark Rathwohl, Chief of Field Operations, California Conservation Corps
Scott Dosick, Association Manager, California Association of Local Conservation Corps

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*Flex your power!
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July 6, 2009

All Regional Transportation Planning Agencies:

Dear Executive Director:

Senate Bill (SB) 286 requires that the California Department of Transportation (Department), in consultation with Community Conservation Corps and the California Conservation Corps (collectively referred to as corps), the California Transportation Commission (CTC), Regional Transportation Planning Agencies (RTPA), county transportation commissions or authorities, and congestion management agencies, shall develop criteria that give priority in the selection of projects to the sponsors of eligible projects that partner with, or commit to employ, the services of a corps to construct or undertake the project.

Furthermore, Section 1108(g) of the Transportation Equity Act for the 21st Century (TEA-21) states that "the Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform appropriate transportation enhancement activities under Chapter 1 of Title 23, United States Code."

The Department, in consultation with the other entities as required by SB 286, has developed Transportation Enhancement (TE) project selection criteria to implement SB 286.

RTPAs are required to use the following criteria in prioritizing and selecting TE projects for programming in the Regional Transportation Improvement Programs (RTIP):

- (1) TE eligible projects whose sponsor is partnering with or has agreed to employ the services of a corps, shall be selected first for funding (the scope of the work performed by the corps will be identified in page 6 of the enclosed revised TE application);
- (2) After all TE eligible projects described in paragraph (1) have been selected for funding, the remaining eligible TE projects may be selected.

TE project candidates that meet the following specific categories are exempt from the above selection criteria and may compete on an equal basis with all project candidates in category (1) above:

- (a) Projects that have been selected and programmed in an RTIP prior to June 25, 2009.
- (b) Projects for which no corps will partner with the sponsor or agree to provide services. A project sponsor can request this exemption only by certifying on the TE application with the concurrence of the California Conservation Corps and the California Association of Local Conservation Corps. The application must indicate that the sponsor notified both organizations about the available project, but that no corps in the state was prepared to serve as a partner or provide services.

Projects that have been selected and programmed in an RTIP prior to June 25, 2009 shall be evaluated by the RTPA to determine if the project sponsor can partner with or agree to obtain the services of a corps.

The Department will work with the CTC to update the State Transportation Improvement Program guidelines to be consistent with the requirements of SB 286 and its criteria.

SB 286 specifies that "Community Conservation Corps" shall have the same meaning as defined in Section 14507.5 of the Public Resources Code. Information regarding these organizations is available on the internet at:

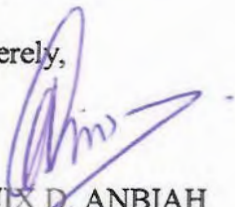
<http://www.consrv.ca.gov/dor/grants/Pages/lccc.aspx>
<http://www.ccc.ca.gov/partner/partners.htm>
www.calcc.org

The Department is committed to revisit the requirements set forth in this letter at a later date and will consider future suggested improvements to the implementation of SB 286.

Please note that the Federal Highway Administration (FHWA) has indicated that for projects within the roadway right of way, a project specific cost effectiveness analysis has to be submitted by project sponsors and approved by FHWA prior to utilizing the corps on TE projects. Projects sponsors are directed to use the enclosed Request for Approval of Cost-Effectiveness/Public Interest Finding to submit this analysis.

If you have any questions please contact our TE Program Coordinator John Haynes at: (916) 653-8027 or his email at: john_haynes@dot.ca.gov.

Sincerely,



DENIZ D. ANBIAH

Chief

Division of Local Assistance

Enclosures:

Revised TE Project Application
Request for Approval of Cost Effectiveness Analysis/Public Interest Finding

c: SB 286 Committee Members

John Haynes TE Program Coordinator

Martin Tuttle, Deputy Director, Planning and Model Programs

Richard Harmon, Assistant Deputy Director, Division of Legislative Affairs

Rachel Falsetti, Chief, Division of Transportation Programming

Denix Anbiah, Chief, Division of Local Assistance

Fardad Falakfarsa Chief, Office of Federal Resources, Division of Budgets

Division of Local Assistance Office Chiefs

District Local Assistance Engineers

Kevin Pokrajac, Chief, Office of Special and Discretionary Programs

HQ Local Assistance Area Engineers

Transportation Enhancement (TE) Application (PSR Equivalent)

TE funds are federal funds and must follow federal funding guidelines and environmental (NEPA) processes.
All projects must have an approved eligible application prior to programming in the RTIP.

PART ONE: GENERAL PROJECT INFORMATION

_____ RTIP TE _____ ITIP TE Is the project within Caltrans Right of Way Yes No .

Does this project partner with or commit to employ the services of a Community Conservation Corps or the California Conservation Corps? Yes No .

If you answered yes to the above question please list the contact information for the corps.

Corps Name: _____ Contact Name: _____ Phone number: _____

PROJECT TITLE:

IMPLEMENTING AGENCY Administrator/person with day-to-day responsibility for implementing project (Name, title, agency, address, phone, fax, email)

(Round dollars to nearest thousands)

TE FUNDS REQUESTED \$ _____

State Match (11.47%) \$ _____

Local Match (if Required) \$ _____

TOTAL TE PROJECT COST \$ _____

TE is a stand-alone project.

TE is part of a larger project.

Person who can answer questions about this application (Name, title, phone, fax, email)

PARTNER(S) (Name, title, agency, address, phone, fax)

IF TE IS AN ENHANCEMENT TO A LARGER PROJECT, DESCRIBE LARGER PROJECT (if larger project is programmed, provide PPN, EA, Project Title; if not currently programmed, describe the project)

Total Project Cost \$ _____

PROJECT SCOPE OF PROPOSED TRANSPORTATION ENHANCEMENT ACTIVITIES
(Describe the project's location, limits of work, size, etc. *Not* the justification or benefits).

NEED AND PURPOSE (Describe how is project above and beyond a standard transportation project)

RELATIONSHIP (TE projects must have a relationship to surface transportation; describe relation to surface transportation)

CONFORMANCE (Describe conformance with Route Concept Report or Transportation Corridor Report and District System Management Plan - ITIP projects only)

CONTEXT SENSITIVE SOLUTIONS (Describe how project reflects Director's policy - ITIP projects only)

ALTERNATIVES CONSIDERED

WHICH OF THE 12 TE CATEGORIES DOES THE PROJECT ENCOMPASS? (May be more than one.)

<http://www.dot.ca.gov/hq/TransEnhAct/TransEnact.htm>

1. Provision of facilities for pedestrians and bicycles
2. Provision of safety and educational activities for pedestrians and bicyclists.
3. Acquisition of scenic easements and scenic or historic sites (including historic battlefields).
4. Scenic or historic highway programs (including the provision of tourist and welcome center facilities).
5. Landscaping and other scenic beautification.
6. Historic preservation.
7. Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals).
8. Preservation of abandoned railway corridors (including the conversion and use of the corridors for pedestrian or bicycle trails).
9. Inventory, control, and removal of outdoor advertising.
10. Archaeological planning and research.
11. Environmental mitigation
 - (i) To address water pollution due to highway runoff; or
 - (ii) Reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.
12. Establishment of transportation museums.

PROJECT LOCATION MAPS (Provide Location Map of project in State/Region and Area Specific Map)

PART TWO: FUNDING

Prepared by _____ Title _____

Agency _____ Phone _____ FAX _____

PROJECT COMPONENT COSTS (round to nearest \$1,000s)

	RTIP	ITIP	OTHER
• E&P (PA&ED)	\$ _____	\$ _____	\$ _____
• PS&E	\$ _____	\$ _____	\$ _____
• Right of Way Capital	\$ _____	\$ _____	\$ _____
• Right of Way Support*	\$ _____	\$ _____	\$ _____
• Construction Support*	\$ _____	\$ _____	\$ _____
• Construction Capital	\$ _____	\$ _____	\$ _____

TOTAL PROJECT COSTS \$ _____

*Right of way and construction support are for Caltrans implemented projects only

PRELIMINARY ITEM ESTIMATE - CONSTRUCTION CONTRACT ITEMS

Item	Description	Unit	Quantity	Unit Price	Amount
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CONTINGENCY (%)

TOTAL CONSTRUCTION CONTRACT ITEMS

MAINTENANCE (The enhancement must be maintained in a functional and operational manner as its intended purpose for the expected life cycle for the type of project. If it is not maintained in such a manner, reimbursement of all or a portion of the enhancement funds may be required).

Who will maintain?

What is the source of maintenance funds?

If project is within Caltrans right of way, must be signed by Deputy District Director, Maintenance

DDD Maintenance: _____ Date: _____

PART THREE: INFORMATION AND ASSURANCES

Please note the application must be signed by the TE project sponsor below for the project to be considered for funding. The information below is provided to notify all project sponsors of the criteria that shall be used in the selection of eligible TE projects.

For TE projects proposed for funding from American Recovery and Reinvestment Act of 2009

Assembly Bill X3-20 added Sections 2420-2423 to the Streets and Highways Code which requires that transportation projects proposed for transportation enhancement activities using federal funds provided specifically by the American Recovery and Reinvestment Act of 2009 be programmed and allocated based on the following priorities:

- (1) In programming and allocating these funds, the department and the metropolitan planning organizations, county transportation commissions, and regional transportation agencies shall give priority to the sponsors of eligible projects that partner with, or commit to employ the services of, a Community Conservation Corps or the California Conservation Corps to construct or undertake the project, provided those projects meet the requirements of the American Recovery and Reinvestment Act of 2009.
- (2) After all eligible projects have been selected pursuant to paragraph (1), the department and the metropolitan planning organizations, county transportation commissions, and regional transportation agencies shall next give priority to projects that provide facilities for pedestrians and bicyclists, provided those projects meet the requirements of the American Recovery and Reinvestment Act of 2009.
- (3) After all eligible projects have been selected pursuant to paragraph (2), the department and the metropolitan planning organizations, county transportation commissions, and regional transportation agencies may fund any project eligible in accordance with paragraph (35) of subdivision (a) of Section 101 of Title 23 of the United States Code.

For projects proposed for funding with all federal TE funds

Senate Bill 286 (Chapter 373, Statutes of 2008) added Sections 2370-2374 to the Streets and Highways Code which requires the selection of all TE projects to be based on projects which partner with, or commit to employ the services of a Community Conservation Corps or the California Conservation Corps. The department, in consultation with Community Conservation Corps, the California Conservation Corps, the commission, regional transportation planning agencies, county transportation commissions or authorities, and congestion management agencies, developed the following criteria that give priority in the selection of TE projects. The information below is provided to project sponsors to assist them in understanding how projects will be selected. Regional transportation planning agencies, county transportation commissions or authorities, and congestion management agencies, when selecting candidates for transportation enhancement projects, shall utilize the selection criteria below.

The RTPAs are required to use the following criteria in prioritizing and selecting TE projects for programming in the Regional Transportation Improvement Programs (RTIP):

- (1) TE eligible projects whose sponsor is partnering with, or has agreed to employ the services of a Community Conservation Corps or the California Conservation Corps (collectively referred to as corps), shall be selected first for funding (the scope of the work performed by the corps will be identified in page 6 of the TE application);
- (2) After all TE eligible projects described in paragraph (1) have been selected for funding, the remaining eligible TE projects may be selected.

TE Project candidates that meet the following specific categories are exempt from the above selection criteria and may compete on an equal basis with all project candidates in category (1) above:

- (a) Projects that have been selected and programmed in a RTIP prior to June 25, 2009.
- (b) Projects for which no corps will partner with the sponsor or agree to provide services. A project sponsor can request this exemption only by certifying on the TE Application, with the concurrence of the California Conservation Corps and the California Association of Local Conservation Corps, which the sponsor notified both organizations about the available project, but that no corps in the state was prepared to serve as a partner or provide services.

The department, regional transportation planning agencies, county transportation commissions or authorities, or congestion management agencies shall be authorized to enter into cooperative agreements, grant agreements, or procurement contracts with Community Conservation Corps pursuant to the simplified contract requirements authorized by Section 18.36(j) of Title 49 of the Code of Federal Regulations in order to enable community conservation corps to utilize transportation enhancement project funds.

Section 2370(a) of the Streets and Highways Code is specific as to which organizations can be considered as a Community Conservation Corps or the California Conservation Corps. "Community Conservation Corps" shall have the same meaning as defined in Section 14507.5 of the Public Resources Code. Information regarding these organizations is available on the internet at:

- <http://www.consrv.ca.gov/dor/grants/Pages/lccc.aspx>
- <http://www.ccc.ca.gov/PARTNER/PARTNERS.HTM>
- www.calcc.org

For the RTPA: Conservation Corps Partner Contact use only:

A corps can participate on the following items of work: _____

Name of corps: _____ and the contact for the corps is: _____
 _____ (Name)
 _____ (Phone number)

This project is exempt under category (b) above. This exemption allows the project to compete on an equal basis with all other project candidates in the region. Concurred in by:

California Conservation Corps contact (Print Name)	(Signature)	Date
California Association of Local Conservation Corps contact (Print Name)	(Signature)	Date

**RTPA Conservation Corps Partner Contacts
For Transportation Enhancement Projects**

AGENCY	CCC Contact Title and Name	Phone Number	Email Address
California Conservation Corps	Chief of Field Operations Mark Rathswohl	916-341-3139	Mark_Rathswohl@ccc.ca.gov
California Association of Local Conservation Corps (representing the Community Conservation Corps)	Association Manager Scott Dosick	916-285-8743	manager@calcc.org

Project Implementing Agency possesses legal authority to nominate this transportation enhancement and to finance, acquire, and construct the proposed project; and by formal action (e.g., a resolution) the Implementing Agency's governing body authorizes the nomination of the transportation enhancement, including all understanding and assurances contained therein, and authorizes the person identified as the official representative of the Implementing Agency to act in connection with the nomination and to provide such additional information as may be required.

Project Implementing Agency will maintain and operate the property acquired, developed, rehabilitated, or restored for the life of the resultant facility (ies) or activity. With the approval of the California Department of Transportation, the Implementing Agency or its successors in interest in the property may transfer the responsibility to maintain and operate the property.

Project Implementing Agency will give the California Department of Transportation's representative access to and the right to examine all records, books, papers, or documents related to the transportation enhancement activity.

Project Implementing Agency will comply where applicable with provisions of the California Environmental Quality Act, the National Environmental Policy Act, the Americans with Disabilities Act, the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, CTC Guidelines, FHWA Transportation Enhancement Guidance and any other federal, state, and/or local laws, rules and/or regulations.

If TE funds or projects are used for other than the intended enhancement purposes as defined by federal or state regulations or guidelines, the implementing agency may be required to remit all state and federal enhancement funds back to the state. I certify that the information contained in this transportation enhancement activity application, including required attachments, is accurate and that I have read and understand the important information and agree to the assurances on this form.

Signed _____ Date _____
(TEA Administering Agency Representative)

Printed (Name and Title) _____

Administering Agency _____

For State Projects:

Upon receiving an eligibility determination, a Project Nomination Sheet must be submitted to the District for programming.

