

Appendix C – Implementing Guidelines: Local Transportation Program

Local Allocation Program

The Local Allocation Program consists of three (3) subprograms including the:

- Street Maintenance / Rehabilitation
- ADA Compliance
- Flexible Funding

Overarching Implementation Guidelines affecting the Local Allocation Program include:

- A minimum base of \$100,000 per year shall be allocated to each agency, and then the annual 75% population / 25% road mile formula would be applied to determine the total funding allocation by local agency under this Program
- The County of Fresno is annually required to spend a portion of its local allocation in the unincorporated urban area using the 75% population / 25% road mile formula in appropriate proportion to its total allocation

Street Maintenance / Rehabilitation

The following Implementing Guidelines apply to the Street Maintenance Program:

- A mandated 50% of the local transportation fund allocation will be earmarked for street maintenance / rehabilitation
- Every 5 years (4 times in 20 years) there will be a compliance test where jurisdictions must show they have spent their mandate, but the time frame allows funds to accumulate up to a 5 year segment if needed for match purposes or a large project; then they must meet the spending goals
- If an agency is not in compliance with the 5 year mandate, funds may be withheld until the jurisdiction is compliant and further may be subject to an Expenditure Plan amendment reallocating the funds upon consideration and approval of the Fresno COG Board and Transportation Authority and when consistent with the enabling legislation process for amendment

The following paragraph is the recommended definition of "street and highway maintenance, rehabilitation, reconstruction, and storm damage repair."

Definition: As per AB 2928 (Proposition 42) language for local agency allocations (Revenue & taxation code, Section 7104 (e))

Funds allocated to a city, county..... shall be used only for street and highway maintenance, rehabilitation, reconstruction, and storm damage repair. For purposes of this section, the following terms have the following meanings:

- "maintenance" means either or both of the following:
 - patching
 - overlay and sealing
- "reconstruction" includes any overlay, sealing, or widening of the roadway, if the widening is necessary to bring the roadway width to the desirable minimum width consistent with the geometric design criteria of the department for 3-R (reconstruction, resurfacing, and rehabilitation) projects that are not on a freeway but does not include widening for the purpose of increasing the traffic capacity of a street or highway
- "storm damage repair" is repair or reconstruction of local streets and highways and related drainage improvements that have been damaged due to winter storms and flooding, and reconstruction of drainage improvements to mitigate future roadway flooding and damage problems, in those jurisdictions that have been declared disaster areas by the President of the United States

ADA Compliance

- After the mandated 50% street maintenance / rehabilitation is subtracted, there is an additional 1.75% mandate from the local allocation for jurisdictions to meet the current requirements of the Americans with Disabilities Act (ADA). Communities already in compliance would not have to meet this mandate
- Jurisdictions that receive less than \$200,000 annually from the total local transportation program (total funds available) would also be exempt from this provision
- Every 5 years (4 times in 20 years) there will be a compliance test where jurisdictions must show they have spent their mandate, but the time frame allows funds to accumulate up to a 5 year segment if needed for match purposes or a large project; then they must meet the spending goals
- Details regarding the funding process and implementing guidelines will be further defined by Fresno COG and considered for approval by the Authority

Flexible Program

Details regarding the funding process and implementing guidelines will be defined by Fresno COG and considered for approval by the Authority.

Pedestrian / Trails / Bicycle Facilities Program

The following implementing guidelines were prepared after lengthy discussion and deliberation. As a result, the implementing guidelines have been inserted as approved by the Measure "C" Steering Committee.

Master Plan for Trail, Bicycle and Pedestrian Facilities

- By January 1, 2012, all jurisdictions within Fresno County will have updated and/or adopted a Master Plan for Trail, Bicycle and Pedestrian Facilities that promotes connectivity within all of Fresno County and its urban areas
- Measure "C" funds may be used to pay for development of a Master Plan
- The Master Plan will be the guiding document for upgrade and/or installation of such facilities
- If any jurisdiction fails to meet this goal the earmarked funds for Trail, Bicycle and Pedestrian facilities shall be withheld by the Authority until such time as a jurisdiction is in compliance

Pedestrian / Bicycle Trails and Bike Lane Earmark Thresholds

- Less than 25,000 population – jurisdictions are exempt from the earmarked funds for pedestrian / bicycle trails and earmarked funds for bicycle facilities
- 25,000 – 74,999 population – jurisdictions may combine the earmarked funds for pedestrian / bicycle trails and the earmarked funds for bicycle facilities in order to provide flexibility in implementing projects conforming to any of the provided definitions
- Greater than 75,000 population – jurisdictions must meet each of the earmark targets for 1) Pedestrian / Bicycle Trails and 2) Bicycle Facilities

Allowed Accumulation of Earmark Funds Over Five (5) Years

- Every 5 years (4 times in 20 years) there will be a compliance test where jurisdictions must certify to the Authority that they have spent their earmark funds, but the time frame allows funds to accumulate up to a 5 year segment if needed for match purposes or a large project--then the spending goals must be met thereafter

Earmarks for Pedestrian / Bicycle Trails

- These funds may be used for new construction of pedestrian / bicycle trails and for the development of the Master Plan as well as retrofitting pedestrian / bicycle trails within the circulation system that existed as of January 2007 or the date of adoption of the Master Plan
- Trails built with earmarked or other Measure "C" funds shall, at a minimum, be designed in accordance with the design criteria for bicycle paths and multi-purpose trails set forth in the California Highway Design Manual, Chapter 1000, Bikeway Planning and Design, with the following caveats:
 - Within the Fresno Clovis Metropolitan Area, trails built with Measure "C" funds shall be 12 feet minimum where physically feasible

- Within the Fresno Clovis Metropolitan Area, trails built with Measure “C” funds shall be built so that at-grade crossings are limited to one every half-mile at signalized intersections for new developments provided that this does not violate property owner rights
- Trails built within existing neighborhoods shall be built so that mid-street crossings on collectors, arterials, super-arterials or expressways should be either (a) controlled by an at-grade pedestrian waiting mechanism, signalized or otherwise flashing crossing or alternative warning devices, or (b) built with a grade separated crossing when these are warranted due to pedestrian / bicycle safety risk areas

Where a Class 1 trail crosses a street or expressway at grade, or for connectivity purposes, is established on a street, expressway or freeway as a Class II or Class III facility, signing and striping shall be in accordance with the nationwide standards established within the current edition of the MUTCD (Part 9) and/or current edition of the California Supplement to the MUTCD (Part 9).

Jurisdictions shall certify to the Authority that these guidelines have been met in the utilization of Measure “C” funds.

Earmarks for Bicycle Facilities

These funds may be used only for retrofitting bicycle lanes within the circulation system that existed as of January 2007 or the date of adoption of the Master Plan. Bicycle lanes must be consistent with the adopted Master Plan for each jurisdiction.

Requirements Applying to All Facilities Utilizing Either Regional or Local Allocation Funds

- ***New Pedestrian Facilities:*** Every highway, expressway, super-arterial, arterial or collector (exempting freeway) within the urbanized areas throughout the County that is constructed or reconstructed in whole or in part with Measure “C” funds shall include sidewalks, paths, walkways, or equivalent facilities on both sides of the street, road, or highway for use by pedestrians. Facilities built and maintained by the State of California and projects, which are either for routine maintenance or traffic safety purposes, are exempt from this requirement. Expressways constructed in an urban area can meet this requirement by including a sidewalk, paths, walkways or equivalent facility on one side of the roadway
- ***New Bicycle Facilities:*** Every highway, expressway, super-arterial, arterial or collector within the County constructed or reconstructed in whole or in part with Measure “C” funds shall include accommodations for bicycle travel either by a shared roadway or by bike lane. A shared roadway includes a paved shoulder or a wide outside lane. On a city or county street, road or highway, or upon a State highway that is classified as freeway or urban area expressway and not already expressly closed by order, ordinance or resolution to bicycle or pedestrian use under Section 21960 of the California Vehicle Code, the accommodation shall be by paved shoulder or Class 1 separated bicycle path and appropriate MUTCD signing and striping. Similarly, in the future, and consistent with the provisions of Section 888 of the Streets and Highway Code, Caltrans shall not sever or destroy an existing or proposed major bicycle route included in an adopted bicycle plan unless it provides a reasonable, safe, and convenient alternate route or such a route exists. Identical provisions also apply to all local agencies within the County. While not mandatory, but where circumstances require the closure of an existing bike facility, the intent is to provide an alternate bicycle route within ¼ mile or less of the severed route
- ***Maintained Pedestrian or Bicycle Facilities:*** Any maintenance to a street, road, or highway funded in whole or in part by Measure “C” funds shall, at a minimum, maintain the existing level of pedestrian and bicycle access, facilities and safety features along and across the street, road, or highway
- ***Exceptions to the Requirements:*** The above requirements shall not apply if the constructing agency, after a properly noticed public hearing, determines that one or more of the exceptions listed below exists. The public hearing notice shall include a statement clearly declaring that the purpose of the hearing is to review bicycle and pedestrian facility exception(s) for the proposed project using Measure “C” funds and identifying the specific exceptions. The exceptions are,
 - The provision of pedestrian and/or bicycle access is contrary to public safety;
 - An alternative route already exists or will be built as part of the project that is equally or more safe and convenient in terms of distance and travel time;
 - The cost of the facilities would be disproportionate (exceeding 20% of the cost of the overall project);
 - Sparse population or other measurable factors indicate an absence of need;
 - Significant adverse environmental effects would result from the inclusion of the facilities in the project;

- Opposition by 2/3 or more of the property owners whose property lies directly adjacent to the facilities.

"Constructed" is defined as the construction of a new roadway or portion of a roadway that did not previously exist including projects to increase the capacity of an existing street or road. For the purposes of this section, "Reconstructed" is defined as the existing full improvement of a roadway, but which does not include additional lane capacity. It does not include the repair, rehabilitation or overlay of existing paved surfaces, landscaping, signing, signalization or routine maintenance that does not include the widening of the road surface. For the purposes of this section "Urban Areas" is defined as the Fresno Clovis Metropolitan Area and the incorporated cities of Fresno County.

- ***Flexibility if Needs Are Met:*** In 2012, 2017, and 2021 the Fresno County Transportation Authority will review the status of all jurisdictions' Master Plans for Trail, Bicycle and Pedestrian Facilities

If the Authority determines at a public hearing that a jurisdiction's Master Plan for Trail, Bicycle and Pedestrian Facilities is less than five years old when last adopted, and the Master Plan has been completed at each of these five year marks, the earmark requirements are suspended until the next evaluation and revert to the overall local allocation category for flexible use by the local jurisdiction.