



Fresno Council
of Governments

2023- 2024
Congestion Mitigation & Air Quality
Improvement (CMAQ) Program

FINAL INTERIM PROGRAM
GUIDELINES

May 2023

2035 Tulare Street, Suite 201

Fresno, CA, 93721

559-233-4148

Table of Contents

CMAQ PROGRAM OVERVIEW	3
PROGRAM FUNDING	5
PROJECT ELIGIBILITY CRITERIA	6
PROJECT CATEGORIES	8
COST-EFFECTIVENESS	10
REGIONAL BID PROJECT SELECTION PROCESS	11
PROJECT DELIVERY AND OBLIGATION REQUIREMENTS	13
CMAQ SCORING CRITERIA RUBRIC	15
AIR QUALITY SCREENING CRITERIA	18
RESOLUTION SUPPORTING DELIVERY SCHEDULE	20
SAMPLE COUNCIL/BOARD RESOLUTION	21
CONTACT INFORMATION	22
APPENDIX A: PROGRAM GUIDANCE UNDER MAP-21	23
APPENDIX B: FHWA FUNDING GUIDANCE	23
APPENDIX C: REVISED GUIDANCE FOR OPERATING ASSSITANCE	23

This document was funded in part through grant[s] from the Federal Highway Administration [and Federal Transit Administration], U.S. Department of Transportation. The views and opinions of the authors [or agency] expressed herein do not necessarily state or reflect those of the U.S. Department of Transportation.

CMAQ PROGRAM OVERVIEW

INTROUCTION

The Congestion Mitigation and Air Quality Improvement (CMAQ) program funds transportation projects or programs that contribute to attainment or maintenance of the national ambient air quality standards (NAAQS), including those that reduce ozone precursor emissions (including nitrogen oxides (NO_x), volatile organic compounds (VOC), carbon monoxide (CO), and particulate matter (PM) emissions or PM precursor (e.g. NO_x) emissions from transportation.

In 1990, Congress amended the Clean Air Act (CAA) to accelerate NAAQS attainment. The amendments required further reductions in permissible tailpipe emissions, initiated more stringent control measures in nonattainment areas, and provided for a stronger link between transportation and air quality planning. In 1991, Congress adopted the Intermodal Surface Transportation Efficiency Act (ISTEA). This law authorized the CMAQ program to provide funding for surface transportation and related projects that contribute to air quality improvements and congestion mitigation. The CAA amendments, ISTEA, and the CMAQ program were intended to focus transportation planning toward a more inclusive, environmentally sensitive, and multimodal approach to addressing transportation problems. Congress has reaffirmed its commitment to air quality/transportation funding in each Surface Transportation Act reauthorization since 1991, and the program is authorized in Fixing America's Surface Transportation Act (FAST Act).

Fresno COG, acting in its role as a Metropolitan Planning Organization (MPO), is programming the future federal transportation revenues that will come to the Fresno region. CMAQ funds are reimbursable federal aid funds, subject to the requirements of Title 23, United States Code. Eligible costs include preliminary engineering, right-of-way acquisition, capital costs, and constructions costs association with an eligible activity.

PROGRAM PURPOSE

The CMAQ program enables communities to build public awareness about the link between transportation and air quality, fund technological applications to improve transportation systems, or increase transit services, as a few examples. Most of the CMAQ project categories include a wide variety of measures to decrease vehicle emissions. Policy considerations **exclude** highway maintenance and reconstruction projects because these activities preserve existing levels of service and are unlikely to contribute to further improvements in air quality. Projects nominated for CMAQ funding **must** show positive air pollution emission reductions.

FUNDING ELIGIBILITY

Project applicants are either a public agency, i.e., city, county, special district, Caltrans, transit operator, transit authority or a non-profit agency with a public agency sponsorship. Successful project applicants, or their sponsors, must have executed a master agreement with Caltrans or be a Federal Transit Administration (FTA) eligible grant applicant, or have an agreement with such an eligible agency to sponsor the project.

PROGRAM SCHEDULE

Once projects have been approved by the Fresno COG Policy Board, they must be included in the Federal Transportation Improvement Program (FTIP) prior to reimbursement. The 2023-24 CMAQ Call-For-Projects will cover a four-year program of projects in the FTIP, covering federal fiscal years 2024/25, 2025/26, 2026-27 and 2027-28. The following tentative schedule lists the major milestones for the

development and adoption of the 2023-24 CMAQ Call-For-Projects and related FTIP and Air Quality Conformity Determination processes:

Programming subcommittee convenes to review scoring criteria and call information	April-May 2023
Guidelines, criteria, and application packet presented to TTC/PAC/Board for approval and initiation of Call-For-Projects	June 2023
Application workshop for member agencies	July 12, 2023
Regional bid project submittals due	Sept. 15, 2023
CMAQ scoring committee convenes	December 6, 2023
COG Policy Board approves recommended projects via resolution	January 2024
Projects programed into 2023 FTIP	March-April 2024
Submittal of FTIP to Caltrans and anticipated FHWA approval of 2023 FTIP/ Conformity Analysis	Fall 2024

PROGRAM FUNDING

DISTRIBUTION

Fresno COG will use at least 95% of its CMAQ apportionment to fund a CMAQ regional bid competitive program. The remaining apportionment may be used for projects on the current contingency list, post-programming adjustment requests, EPSP requests, or retain the funding for future programming cycles. Fresno COG will manage the remaining apportionment based on project delivery of the current federal fiscal year to ensure funds are obligated in a timely manner and will follow Fresno COG's adopted project delivery policy and procedures outlined in the associated document.

2023-24 AVAILABLE FUNDING

For the 2023-24 Cycle, Fresno COG estimates that a total \$26,768,918 will be available in the *regional bid* funding pot. These numbers are subject to change.

As approved by the Fresno COG Policy Board, the proposed category targets* are as follows:

- Transit Improvements – 18.5%
- Cleaner Fuel Technology – 8%
- Traffic Flow Improvements – 22.5%
- PM_{2.5}/10 Reducing – 25%**
- Active Transportation Projects*** (Formerly Bike/Ped) – 25%
- Miscellaneous – 1%

**Funding across all categories must meet the Fresno COG cost-effectiveness commitment*

***The MAP-21 Act requires PM_{2.5} nonattainment or maintenance areas, such as the San Joaquin Valley, use at least 25% of CMAQ funds for project that have a PM_{2.5} emission reduction*

****Active transportation projects must follow CMAQ eligibility guidance which are detailed under the project category heading*

FUNDING REQUIREMENTS

Matching Requirements: Most federal projects require a local match of 11.47%.

Authorization to Proceed and Reimbursement: Local agencies must follow Caltrans' guidance and procedures for project authorization to proceed (Chapter 3) and invoicing (Chapter 5). All guidance and procedures can be found in the Local Assistance Procedures Manual located at the following link: <https://dot.ca.gov/programs/local-assistance/guidelines-and-procedures/local-assistance-procedures-manual-lapm>

PROJECT ELIGIBILITY CRITERIA

This guidance for project eligibility is based on FHWA's Congestion Mitigation and Air Quality (CMAQ) Improvement Program guidance as described in the Bipartisan Infrastructure Law (BIL) fact sheet at <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/cmaq.cfm>, as well as the Moving Ahead for Progress in the 21st Century (MAP-21) Act Interim Program Guidance dated Nov. 12, 2013. A link to that document is available in Appendix A..

All projects and programs eligible for CMAQ funds must come from a conforming Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP) and be consistent with the transportation conformity provisions contained in section 176(C) of the Clean Air Act (CAA) and the Transportation Conformity Rule. Projects need to be included in FTIPs developed by MPOs or states respectively, under the metropolitan or statewide planning regulations. Projects also need to complete the National Environmental Policy Act (NEPA) requirements and meet basic eligibility requirements for funding under titles 23 and 49 of the United States Code. Projects must comply with Americans with Disabilities Act (ADA) requirements, and provisions for Buy America.

Project applicants are either a public agency, i.e. city, county, special district, Caltrans, transit operator, transit authority or a non-profit agency with a public agency sponsorship. Successful project applicants, or their sponsors, must have executed a master agreement with Caltrans or be a Federal Transit Administration (FTA) eligible grant applicant, or have an agreement with such an eligible agency to sponsor the project.

In cases where specific guidance is not provided, the following should guide CMAQ eligibility decisions.

CAPITAL INVESTMENT

CMAQ funds may be used to establish new or expanded transportation projects or programs that reduce emissions, including capital investments in transportation infrastructure, congestion relief efforts, diesel engine retrofits, or other capital projects. *Please refer to Appendix C for the Revised Interim Guidance on CMAQ Operating Assistance under MAP-21, issued in July 2014.*

MAP-21 PRIORITY SETASIDE FOR PM_{2.5} AREAS

Any state that has a PM_{2.5} nonattainment or maintenance area, including those with approved SIPs that identify on-road mobile sources as insignificant for regional transportation conformity, is required under MAP-21 to invest a portion of its CMAQ funding in projects that reduce PM_{2.5} directly or its precursors. More specifically, 25 percent of the funds attributable to PM_{2.5} nonattainment in each of the affected states must be used for projects targeting PM_{2.5} reductions. In addition, the legislation highlights diesel retrofits as a primary example of such related projects. Fresno COG falls under this guidance and will ensure 25% of the *regional bid* project funding will target PM_{2.5} reductions through its category targets.

EMISSIONS REDUCTION REQUIREMENT

Air quality improvement is defined by several distinct terms in 23 U.S.C. §149. These terms include contribution to attainment, pollution reduction, air quality benefits, and others. For purposes of this guidance, emission reductions represent this group of terms. CMAQ-invested projects or programs must reduce CO, ozone precursor (NO_x and VOCs), PM, or PM precursor (e.g., NO_x) emissions from transportation. These reductions must contribute to the area's overall clean air strategy and can be demonstrated by the assessment that is required under this guidance. States and MPOs also may consider the ancillary benefits of eligible projects, including greenhouse gas reductions, congestion relief,

safety, or other elements, when programming CMAQ funds, though such benefits do not alone establish eligibility.

PLANNING AND PROJECT DEVELOPMENT

Activities in support of eligible projects also *may* be appropriate for CMAQ investments. Studies that are part of the project development pipeline (e.g., preliminary engineering) under the National Environmental Policy Act (NEPA) are eligible for CMAQ support, as are FTA's Alternatives Analyses. General studies that fall outside specific project development do not qualify for CMAQ funding. Examples of such efforts include major investment studies, commuter preference studies, modal market polls or surveys, transit master plans, and others. These activities are eligible for federal *planning* funds, not CMAQ funds.

PROJECTS NOT ELIGIBLE FOR CMAQ FUNDING

The following projects are ineligible for CMAQ funding:

- Light-duty vehicle scrappage programs.¹
- Projects that add new capacity for single occupancy vehicles (SOVs) are ineligible for CMAQ funding unless construction is limited to high-occupancy vehicle (HOV) lanes.
- Routine maintenance and rehabilitation projects (e.g., replacement-in-kind of track or other equipment, reconstruction of bridges, stations, and other facilities, and repaving or repairing roads) Other funding sources, such as STP and FTA's Section 5307 program, are available for such activities.
- Administrative costs may not be defrayed with program funds, e.g., support for a State's "CMAQ Project Management Office" is not eligible.
- Projects that do not meet the specific eligibility requirements of titles 23 and 49 U.S.C. are ineligible.
- Stand-alone projects to purchase fuel.

More information is available in the Bipartisan Infrastructure Law (BIL) fact sheet at <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/cmaq.cfm>. For complete information on project eligibility please see: *The Congestion Mitigation and Air Quality (CMAQ) Improvement Program under the Moving Ahead for Progress in the 21st Century Act Interim Program Guidance November 12, 2013.*

A copy of the guidance is available in Appendix A

BUY AMERICA

Buy America provisions ensure that transportation infrastructure projects are built with American-made products. That means that the Department of Transportation investments are able to support an entire supply chain of American companies and their employees. If your project is selected for CMAQ funding, and requires compliance with Buy America, you will need to work with Caltrans Local Assistance to ensure all provisions of Buy America are met.

¹ 23 U.S.C. §149(b)

PROJECT CATEGORIES

The CMAQ program funds transportation projects or programs that will contribute to improved air quality standards. Fresno COG continues to pursue funding a balanced program of transportation projects that will improve air quality in our region. Projects are compared, scored, and funded within the same category.

TRANSIT IMPROVEMENTS

- New transit facilities if they are associated with new or enhanced transit service.
- New transit vehicles (bus, rail, van) to expand the fleet.
- Existing fleet vehicles' replacement or retrofits.
- Operating assistance to support new transit services
- Subsidies for regular transit fares, but only if the reduced or free fare is part of an overall program for preventing exceedances of an air quality standard during periods of high pollutant levels.

CLEANER FUEL TECHNOLOGY

- Alternative fuel vehicles (school buses, refuse vehicles, trucks, etc.).
- On-site fueling facilities and other infrastructure needed to fuel alternative-fuel vehicles.
- Diesel retrofits (non-transit)

Note: CMAQ funding for vehicles that serve general government operations (e.g., police and firefighting) is limited to the incremental cost difference between standard and alternative fuel vehicles. For public fleet alternative fuel vehicles that provide a dominant transportation function, the full vehicle is eligible for participation. Please see Appendix B for the April 6, 2011 FHWA memo and the May 1, 2012 FHWA clarification.

Note: Most projects funded under this category must comply with Buy America requirements.

TRAFFIC FLOW IMPROVEMENTS

- Projects to develop, establish, and implement the congestion management system for both highway and transit facilities.
- Traffic signal and/or intersection modernization, coordination, or synchronization projects designed to improve traffic flow within a corridor or throughout an area.
- New traffic signal or roundabout projects designed to improve traffic flow at a congested intersection within a corridor or throughout an area.
- Operating expenses that can be shown to: (1) have air quality benefits, (2) result from new or additional services, and (3) not displace previous funding mechanisms, such as fares or fees for services.

ACTIVE TRANSPORTATION

- Construction of active transportation infrastructure that connects key travel demand destinations.
- Complete streets projects that incorporate active transportation components.
- Non-construction projects related to safe bicycle use.

PARTICULATE MATTER (PM-2.5/10) REDUCING

- PM-2.5/10 efficient street sweepers.
- Paving/stabilizing unpaved roads and/or shoulders and other particulate matter reduction projects

MISCELLANEOUS

Projects that do not fit under the other category descriptions include, but are not limited to, the following:

- Travel demand management, including activities ranging from carpool and vanpool programs to parking management and road pricing measures.
- Outreach activities, such as public education on transportation and air quality, advertising transportation alternatives to SOV travel, and technical assistance to employers or other outreach activities relating to promoting non-SOV travel.
- Marketing programs to broaden transportation alternatives' appeal to SOV travel and public education campaigns involving the link between transportation and air quality.
- Carpool and vanpool programs include computer matching of individuals seeking to carpool and employer outreach to establish rideshare programs and meet CAA requirements.
- New or expanded rideshare programs, such as new locations for matching services, upgrades for computer matching software, etc.
- Purchasing or leasing vehicles for vanpool activities (five-year maximum for operating costs).
- Planning, technical and feasibility studies, training, coordination, marketing and promotion of telecommuting are eligible activities under CMAQ.
- Intermodal freight facilities.
- Project development activities that lead to construction of facilities or new services and programs with air quality benefits, such as preliminary engineering or project planning studies.

More information is available in the Bipartisan Infrastructure Law (BIL) fact sheet at <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/cmaq.cfm>. For complete information on project eligibility please see Appendix A: *The Congestion Mitigation and Air Quality (CMAQ) Improvement Program under the Moving Ahead for Progress in the 21st Century Act Interim Program Guidance November 12, 2013*

COST-EFFECTIVE

Cost-effective projects are those that meet the **\$63 per pound** (\$126,000 per ton) cost- effectiveness threshold. Project cost-effectiveness is determined by the California Air Resource Board's (CARB) Air Quality Cost-Effectiveness Calculations Methodology or other method, dependent on project type.

Additional information and links are available in the next section.

COST-EFFECTIVENESS

POLICY

All eight of the San Joaquin Valley Metropolitan Planning Organizations (MPOs) adopted policies for distributing at least 20% of CMAQ funds to projects that meet a cost-effectiveness threshold for emission reductions beginning in FY 2011. To meet and exceed this commitment, Fresno COG will aim to use a minimum of 25% available funds for cost-effective projects.

Prior to allocating CMAQ funds with RTP/ FTIP updates, the SJV MPOs will develop the cost-effectiveness threshold. The threshold is \$63 per pound (\$126,000 per ton). This threshold was updated in April of 2021 to account for the reduction in emission factors since 2016 and for inflation and Consumer Price Index changes since 2016. The threshold is routinely evaluated by Fresno COG's air quality consultant, Trinity Consultants, during each FTIP and/or RTP development.

METHODOLOGY

The methodology for calculating cost-effectiveness is the California Air Resources Board's (CARB) 2005 *Methods to Find the Cost-Effectiveness of Funding Air Quality Projects*. The CARB website has an automated Microsoft Access calculator tool and a written text of the methodology.

Cost-effectiveness for CMAQ projects should be expressed as dollars spent per pound of pollutant reduced (VOC + NO_x + PM). CO emissions are not included in the formula due to CO being several orders of magnitude larger than ozone precursors which overwhelms cost-effectiveness ratios unless CO emission reductions are scaled back significantly, typically by a factor of seven. Furthermore, Fresno County is not currently under non-attainment or maintenance for CO.

As indicated in the policy, **cost-effectiveness is based on CMAQ dollars only** (vs. total project costs which include capital investments and operating costs).

The funding dollars are amortized over the expected project life using a discount rate. The amortization formula yields a capital recovery factor, which, when multiplied by the funding, gives the annual funding for the project over its expected lifetime. Cost-effectiveness is determined by dividing annualized funds by annual emission reductions (VOC+ NO_x + PM).

The Capital Recovery Factor is found on the chart on page 2 of the 2005 ARB "Methods to Find the Cost-Effectiveness of Funding Air Quality Projects".

Additionally, some projects use emission factors, which are published by CARB and most recently updated in November of 2021.

All information related to cost-effectiveness is available on the following Fresno COG webpage: <https://www.fresnocog.org/emission-calculation-guidelines/>

EXAMPLE FORMULA

Cost-Effectiveness = (Capital Recovery Factor x CMAQ Funding) / (VOC + NO_x + PM) dollars/pound

REGIONAL BID PROJECT SELECTION PROCESS

In administering a competitive selection process, Fresno COG will use a scoring committee to assist in evaluating project applications. The scoring committee will prioritize and rank all eligible, submitted applications based on the approved scoring criteria and category targets. The scoring committee's project recommendations will be presented to Fresno COG's TTC, PAC, and Policy Board for approval.

GENERAL PROGRAM INTENT

The CMAQ program provides funding for transportation projects or programs that will reduce transportation-related emissions and assist Fresno COG in meeting its local, state, and federal performance goals. The Fresno COG CMAQ program provides for a balanced program of transportation projects that will improve our air quality. Projects that reduce single occupancy vehicle trips, provide congestion relief measures, provide low-polluting transit vehicles and equipment, and promote improvements geared toward providing a more efficient and safer transportation system are emphasized. In choosing to fund CMAQ projects, Fresno COG can improve air quality and progress toward attainment status and ensuring compliance with the Clean Air Act's transportation conformity provisions. The overall CMAQ program is aimed to meet the performance of our long-term planning goals.

CMAQ SCORING COMMITTEE REPRESENTATION

1. Westside Cities
2. Eastside Cities
3. Fresno Council of Governments
4. Fresno-Clovis Metropolitan Area (rotates between Fresno and Clovis representatives)
5. Fresno County
6. Caltrans
7. San Joaquin Valley Air Pollution Control District
8. Fresno County Transit Providers (rotates between Fresno Area Express, Clovis Transit, and Fresno County Rural Transit Agency)

Note: City of Clovis and Clovis Transit will represent the two rotating positions in 2023.

GENERAL SCORING PROCESS

During the meeting of the Scoring Committee, scorers will discuss, score, and rank all projects within a category and against only projects from that category. Projects would then be funded to the target within the category. This process will repeat for all categories. The Scoring Committee reserves the right for flexibility around the targets, to account for circumstances including, but not limited to, project costs or submitted project variability or quality.

The scoring committee has discretion to recommend partial funding, scaled options, pre-construction funding, or over subscribing the program if apportionment funds are available.

STATE AND FEDERAL COMMITMENTS DURING THE SCORING PROCESS

The eight San Joaquin Valley MPOs have a federal commitment to a minimum 20% cost-effectiveness to their CMAQ programs. Therefore, Fresno COG aims to achieve a minimum of 25% cost-effectiveness in its regional bid program, which equates to roughly 23.75% of total CMAQ apportionment. After the prioritization and recommendation of projects for each category by the Scoring Committee, staff will

ensure that cost-effectiveness commitments have been met. There will not be set targets for cost-effectiveness within the individual categories.

The MAP-21 Act requires PM_{2.5} nonattainment or maintenance areas use at least 25% of CMAQ funds for project that have a PM_{2.5} emission reduction. Fresno COG, as a result, has adopted a 25% funding target for the PM_{2.5} reducing category. After the prioritization and recommendation of projects for each category by the Scoring Committee, staff will ensure that PM_{2.5} commitments have been met. Projects funded in other categories will be considered towards this goal if they reduce substantially reduce PM_{2.5}.

ADDITIONAL RESTRICTIONS

Per approved Fresno COG policy, non-member agencies are limited to no more than a combined 15% of the regional bid amount.

PROJECT APPLICATION

The CMAQ project application will be available at: <https://www.fresnocog.org/project/congestion-mitigation-air-quality-cmaq-program/>.

Agencies may submit a maximum of 10 projects for consideration in the CMAQ Regional Bid process.

CONTACT AND SUBMITTAL APPLICATION

Regional bid applications must be submitted by noon on Friday, September 15, 2023. If you are applying for Regional Bid funds, please send 10 hardcopies and one electronic copy of each application. All correspondence should be mailed to:

Fresno Council of Governments
Attention: Robert Phipps, Deputy Director
2035 Tulare Street, Suite 201
Fresno, CA 93721

For further information on eligible projects, submittals of applications, or other questions related to the CMAQ program, please contact Fresno COG at 559-233-4148

PROJECT DELIVERY AND OBLIGATION REQUIREMENTS

PROJECT DELIVERY

All CMAQ projects must follow Fresno COG's project delivery policy and procedure document. <https://fresnocog.wpenginepowered.com/wp-content/uploads/2023/03/Final-Draft-FCOG-Project-Delivery-Policy-and-Procedures.pdf>

Regional bid projects must be delivered in the programmed year specified and within the programming years of the FTIP (covering federal fiscal years 2024/25, 2025/26, 2026/27, and 2027/28). Approval of AB 1012 requires that both State and Federal funds be used in a "timely" manner. In order to avoid losing any Federal or State funds to our Region, the "use it or lose it" requirements of AB 1012 place local governmental agencies in a position that they must be able to deliver their projects on time. That is, they must be able to meet their project delivery schedules as proposed and as programmed within the Federal Transportation Improvement Program (FTIP).

Because the issue of "project delivery is so important, the CMAQ Scoring Committee may take into consideration as a part of a project's "subjective" evaluation score (10 points), the local agency's ability to deliver projects in a timely manner (i.e., past performance/current ability to deliver projects rapidly).

Each agency must be able to assure that their project(s) can be delivered timely. Therefore, each application must be accompanied by a formal Council/Board/District Resolution stating that each project will meet project delivery schedules and that staff be directed to ensure that projects are delivered timely. Also included with each project application should be a Financial Plan and Project Submittal Checklist. A "Sample" Resolution has been prepared as a guide for helping prepare the required resolution(s) and the financial plan and project submittal checklist are included in the CMAQ application packet.

For awarded projects that received points in the Construction-Ready Projects and/or Expedited Project Delivery categories, the following project delivery rules will apply:

- Project must be obligated within the first two years of the programming cycle and must follow Fresno COG's adopted project delivery policy and procedures guidelines.
- No extension requests will be awarded.
- If construction for this project cannot be obligated by the awarded programming year, regional bid funding will be de-obligated and replaced with local funds.
De-obligated funding will be added to the regional apportionment balance

CONTINGENCY PROJECT LIST

Fresno COG will adopt a list of projects for programming the regional bid program that is financially constrained with the amount of CMAQ funding available. In addition, Fresno COG will include a list of contingency projects, ranked in priority order based on the project's evaluation score. Fresno COG intends to fund projects on the contingency list should there be cost savings or if a project is deleted from the program. Projects on the contingency list may also be funded using available apportionment to ensure project delivery and regional needs of the current FFY are met. This contingency list will be in effect only until the adoption of the next programming cycle.

OBLIGATION REQUIREMENTS

Federal requirements (FAST ACT) - STP, CMAQ, and Federal Transit Administration (FTA) funds (among other programs) must be obligated within 4 years of apportionment. Funds not obligated are lost to the state.

State requirements (AB-1012) - CMAQ and STBG (formerly RSTP) funds must be obligated within 3 years of apportionment. Funds not obligated are lost to the region.

Regional Requirements – Fresno COG requires regional deadline requirements, including obligation, award, and invoicing deadlines, to expedite project delivery and ensure funds are not lost to the region.

FTIP AMENDMENTS

Federal regulations require adherence to the projects and schedules contained within the adopted FTIP. Amendments are used to make necessary changes to projects within the FTIP. Amendment procedures are available in Fresno COG's FTIP document at <https://www.fresnocog.org/project/federal-transportation-improvement-program-ftip/>

SCOPE CHANGES

All projects selected under the regional bid process are selected based on the scope at time of submittal and the project sponsor will be held to fulfill the project with that scope. Fresno COG has limited options for accommodating minor scope changes, and larger scope changes of regional bid projects may face project cancellation and CMAQ fund revocation. Fresno COG staff strongly encourages all agencies to submit projects with the utmost confidence that the identified scope can be delivered.

PROJECT COST SAVINGS

Project savings will be returned to the overall program and will be made available in the unprogrammed apportionment balance.

A local agency may transfer any cost savings between phases within the same project but cannot exceed the awarded amount of the total project. Cost increases must follow the post-programming adjustment guidelines and requirements. Any savings at project completion must be returned to the program proportionally. An agency is still responsible to meet federal local match requirements for all phases of the project.

POST PROGRAMMING ADJUSTMENTS

Project sponsors are responsible for all cost increases and must maintain the project delivery schedule. Some cost increases may be considered through a post programming adjustment request. Post-programming adjustments may be requested for up to 15% of the programmed federal cost per phase but may not exceed \$500,000. Cost increases will be considered based on the region's apportionment availability and project delivery each FFY, and may be subject to scoring committee approval if the request exceeds the 15%/\$500,000 threshold. Only projects that were funded through a competitive process will be eligible for a post-programming adjustment.

CMAQ SCORING CRITERIA RUBRIC

30-point range	Cost-Effectiveness Project cost-effectiveness is determined through various methods: https://www.fresnocog.org/emission-calculation-guidelines/	
	Range Factors	Projects will be evaluated on a relative basis (i.e., how they compare to each other). <i>Note: Cost-effective projects are those that meet the \$63 per pound (\$126,000 per ton) cost-effectiveness threshold. During the scoring committee process, projects identified as cost-effective are scored and selected first.</i>
20-point range	Congestion Relief Project has impact on congestion and increases service capacity and/or reliability	
	Range Factors	Transit: <i>HIGH Impact:</i> Significantly reduces transit vehicle crowding; increases service capacity significantly; Transportation Control Measures; increases service reliability significantly; a major interconnect or fare coordination project; bus turnouts at major intersections; intermodal facility accommodating major transfers; travel time reduction. <i>MEDIUM Impact:</i> Increases service reliability in a minor capacity; a minor interconnect or fare coordination project; general bus turnouts; intermodal facility accommodating major transfers. <i>LOW Impact:</i> Increases passenger comfort or convenience, bike racks.
	Range Factors	Roads: <i>HIGH Impact:</i> Transportation Control Measures, signal coordination of multiple (>3) signals, gap closure projects, traffic operations system, left turn pockets, other intersection improvements and traffic flow improvements. <i>MEDIUM Impact:</i> HOV lanes signal coordination, park-and-ride lots. <i>LOW Impact:</i> New signals where none currently exist and are warranted by volume or delay, ramp metering with HOV bypasses (when shown not to adversely affect surface streets).
	Range Factors	Bicycle/Pedestrian: <i>HIGH Impact:</i> Transportation Control Measures, a facility that will primarily serve commuters and/or school sites, and sidewalks where none exist. <i>MEDIUM Impact:</i> Public educational, promotional, and safety programs that promote non-motorized modes of transportation. <i>LOW Impact:</i> Mixed use bicycle/pedestrian facility (recreation & commuter), usable sidewalk segments.
20-point range	Air Pollutant Emissions Reduction Project incorporates transportation control measures, reduces volatile organic compounds, nitrogen oxides, and/or particulate matter emissions.	
	Range Factors	Projects will be evaluated on a relative basis; (i.e., how they compare to each other) based on the submitted air pollutant reductions of volatile organic compounds, oxides of nitrogen, and/or particulate matter.

10-point range	<i>Trip Reduction</i> Project reduces vehicle trips and/or vehicle miles traveled (VMT).	
	Range Factors	<p><i>HIGH Impact:</i> Significantly reduces vehicle trips and VMT. <i>MEDIUM Impact:</i> Moderately reduces vehicle trips and VMT. <i>No Impact:</i> Does not reduce vehicle trips or VMT.</p> <p>Projects will be evaluated on a relative basis, (i.e. how they compare to each other). The CMAQ Scoring Committee may take factors such as city population, project size/scale, project cost, and/or local impact into consideration when evaluating project impact.</p> <p><i>Note: projects that increases vehicle trips and/or VMT will receive zero points.</i></p>
10-point range	<i>Subjective Evaluation</i> The subjective evaluation category allows the scorer the flexibility to decide that some aspect of the project that was not already considered in prior criteria should, in fact, be given consideration. The items listed under the subjective category are examples only and the list is not meant to all-inclusive of what might be considered under subjective evaluation	
	Range Factors	<p>The scorer may consider other important factors including, but not limited to:</p> <ul style="list-style-type: none"> ▪ The prioritization importance placed on the project by the project’s sponsor, support for multimodal access, and enhancing connectivity of transportation systems. ▪ Projects which minimize the loss of prime farmland, unique farmland, farmland of statewide importance, and farmland of local importance. ▪ Projects that increase safety, promote energy conservation, improves quality of life, leverages other funds, promotes system management such as supporting other modes of transportation; reduces greenhouse gas emissions, and supports Sustainable Communities Strategies. ▪ Since the issue of “timely project delivery” is so important, the CMAQ Scoring Committee may take into consideration, as a part of a project’s “subjective” evaluation score, the local agency’s ability to deliver projects on timely basis (i.e. past performance/current ability to deliver projects on schedule).
4-point range	<i>Construction-Ready Projects</i> Project is requesting construction funding only and is committed to the delivery requirements as described in the guidelines. Projects requesting points in this category will go through a Caltrans screening process. <i>Note: Projects requiring waivers or other independent agency approval are excluded from this category unless applicant can demonstrate absolute certainty in delivering project on an expedited schedule.</i>	
	4 Points	Project is requesting funds for construction only in the first year (2022/23) of the FTIP. PE and ROW documentation should be included in the application packet.
	2 Points	Project is requesting funds for construction only in the first year (2023/24) of the FTIP. PE and ROW documentation should be included in the application packet.
6 points	<i>Expedited Project Delivery</i> Project applicant is committed to the expedited project delivery requirements as described in the guidelines. <i>Note: Projects requiring waivers or other independent agency approval are excluded from this category unless applicant can demonstrate absolute certainty in delivering project on an expedited schedule.</i>	
	6 Points	Project is committed to the expedited project delivery schedule, programmed within the first two years of the FTIP, and its subsequent delivery requirements. No documentation is required. All phases of project may be programmed.
100 Total Points Available		

Potential Point Reductions

-10 points	<i>Regional Transportation Plan (RTP)</i>	
	-10 Points	<p>If the project is not on the constrained project list in the Fresno COG 2018 RTP, or submitted for the upcoming 2022 RTP, it will receive a ten-point deduction in this category.</p> <p><i>Note: Exceptions will be made for projects submitted by applicant agencies who <u>do not</u> formally submit projects to the RTP.</i></p>

AIR QUALITY SCREENING CRITERIA

1.00 SAFETY PROGRAMS

- 1.01 Railroad/Highway Crossing
- 1.02 Hazard Elimination Program
- 1.03 Safer non-Federal-aid system roads
- 1.04 Shoulder improvements
- 1.05 Increasing sight distance
- 1.06 Safety Improvement Program
- 1.07 Traffic control devices and operating assistance other than signalization projects.
- 1.08 Railroad/highway crossing warning devices
- 1.09 Guardrail, median barriers, crash cushions
- 1.10 Pavement resurfacing and/or rehabilitation
- 1.11 Pavement marking demonstration
- 1.12 Emergency Relief (23 U.S.C. 125)
- 1.13 Fencing
- 1.14 Skid treatments
- 1.15 Safety roadside rest areas
- 1.16 Adding medians
- 1.17 Truck climbing lanes outside the urbanized area
- 1.18 Lighting improvements
- 1.19 Widening narrow pavements or reconstructing bridges (no additional travel lanes)
- 1.20 Emergency truck pullovers

2.00 MASS TRANSIT

- 2.01 Operating assistance to transit agencies
- 2.02 Purchase of support vehicles
- 2.03 Rehabilitation of transit vehicles
- 2.04 Purchase of office, shop, and operating equipment for existing facilities
- 2.05 Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.)
- 2.06 Construction or renovation of power, signal, and communications systems
- 2.07 Construction of small passenger shelters and information kiosks
- 2.08 Reconstructions or renovation of transit buildings and structures
- 2.09 Rehabilitation or reconstruction of track structures, track, and trackbed in existing right-of-way
- 2.10 Purchase of new buses and rail cars to replace existing vehicles or for minor expansion of fleet
- 2.11 Construction of new bus, rail storage/maintenance facilities categorically excluded (23 CFR 771)

3.00 SAFETY PROGRAMS

- 3.01 Continuation of ridesharing and van-pooling promotion activities at current levels
- 3.02 Bicycle and pedestrian facilities

4.00 LANDSCAPING/SIGNS

- 4.01 Specific activities which do not involve or lead directly to construction
- 4.05 Engineering to assess social, economical, and environmental effects of the proposed action or alternatives to that action
- 4.06 Noise attenuation
- 4.07 Emergency or hardship advance land acquisitions [23 CFR 712.204(d)]
- 4.08 Acquisition of scenic easements
- 4.09 Plantings, landscape, etc.
- 4.10 Sign Removal

- 4.11** Directional and informational signs
- 4.12** Transportation enhancement activities (except rehabilitation and operation of historic buildings, structures, or facilities)
- 4.13** Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational, or capacity increase

- 5.00** ***OTHER***
- 5.01** Intersection channelization projects
- 5.02** Intersection signalization projects at individual intersections
- 5.03** Changes in vertical and horizontal alignment
- 5.04** Interchange reconfiguration projects
- 5.05** Truck size and weight inspection stations
- 5.06** Bus terminals and transfer points
- 5.07** Traffic signal synchronization

RESOLUTION SUPPORTING DELIVERY SCHEDULE

Approval of AB 1012 requires that both State and Federal funds be used in a “timely” manner. In order to avoid losing any Federal or State funds to our Region, the “use it or lose it” requirements of AB 1012 place local governmental agencies in a position that they must be able to deliver their projects on time as proposed and as programmed within the Federal Transportation Improvement Program (FTIP).

Since the issue of “timely project delivery” is so important, the CMAQ Scoring Committee may take into consideration, as a part of a project’s “subjective” evaluation score (10 points), the local agency’s ability to deliver projects timely (i.e., past performance/current ability to deliver projects rapidly).

Each agency must be able to assure that their project(s) can be delivered timely. Therefore, **each application must be accompanied by a formal Council/Board/District Resolution stating that each project will meet project delivery schedules and that staff be directed to ensure that projects are delivered timely.** The attached “Sample” Resolution has been prepared as a guide for helping prepare the required resolution(s).

*Please Note: Each Council/Board/District Resolution needs to contain a list of the projects being submitted for potential CMAQ funding.

SAMPLE COUNCIL/BOARD RESOLUTION

BEFORE THE
(NAME OF CITY/COUNTY/DISTRICT COUNCIL/BOARD)
RESOLUTION NO. XXXX-_____

In the Matter of:

Project Delivery Schedules
For Federal Transportation Project Selection
Federal Transportation Act: IJJA/BIL

RESOLUTION SUPPORTING
AND IMPLEMENTING TIMELY
USE OF FUNDING

WHEREAS, AB 1012 has been enacted into State Law in part to provide for the “timely use” of State and Federal funding; and

WHEREAS, the (City/County/District) is able to apply for and receive Federal and State funding under the Federal Transportation Act;

WHEREAS, the (City/County/District) desires to ensure that its projects (as listed or attached) are delivered in a timely manner to preclude the Fresno Region from losing those funds for non-delivery; and

WHEREAS, it is understood by the (City/County/District) that failure for not meeting project delivery dates for any phase of a project may jeopardize federal or state funding to the Region; and

WHEREAS, the (City/County/District) must demonstrate dedicated and available local matching funds;
and

NOW THEREFORE BE IT RESOLVED, that the (Council/Board) hereby agrees to ensure that all project delivery deadlines for all project phases will be met or exceeded.

BE IT FURTHER RESOLVED, that failure to meet project delivery deadlines may be deemed as sufficient cause for the Fresno Council of Governments Policy Board to terminate an agency’s project and reprogram Federal/State funds as deemed necessary.

BE IT FURTHER RESOLVED, that the (City/County/District) (Council/Board) does direct its management and engineering staffs to ensure all projects are carried out in a timely manner as per the requirements of AB 1012 and the directive of the (City/County/District) (Council/Board).

THE FOREGOING RESOLUTION was passed and adopted by the (Council/Board) on Month, Day, and Year.

AYES:
NOES:
ABSTAIN:
ABSENT:
ATTEST:

Signed: _____
Mayor, City of (-----)
Chair, Board of (-----)
Chair, (-----) Board

I hereby certify that the foregoing is a true copy of a resolution of the (Council/Board) duly adopted at a regular meeting thereof held on the _____ day of _____ (Month), _____ (Year).

CONTACT INFORMATION

For further information on eligible projects, submittal of applications or other questions related to the CMAQ program, please contact Fresno COG at 559-233-4148 x 217

Please submit ten hard copies and an electronic copy for regional bid. Please print on two sides. One copy should be loose bound- no staples. Do not use ring binders. Covers are accepted.

Fresno Council of Governments
2035 Tulare Street, Suite 201
Fresno, CA 93721
Attention: [staff]

Please submit all CMAQ applications by noon Friday, Sept. 15, 2023.

APPENDIX A: PROGRAM GUIDANCE UNDER MAP-21

FHWA Program Guidance: The Congestion Mitigation and Air Quality (CMAQ) Improvement Program under the Moving Ahead for Progress in the 21st Century Act “*Interim Program Guidance*” November 12, 2013

Document can be accessed at the following link:

https://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/2013_guidance/

FHWA CMAQ Program Homepage:

https://www.fhwa.dot.gov/environment/air_quality/cmaq/

APPENDIX B: FHWA FUNDING GUIDANCE

FHWA Memo: April 6, 2011: Federal Cost Principles and CMAQ Alternative Fuel Vehicles Projects

FHWA Letter: May 1, 2012: Clarification of the Eligible uses of Congestion Mitigation and Air Quality Improvement (CMAQ) Program Funds to Purchase Alternative Fueled Vehicles

APPENDIX C: REVISED GUIDANCE FOR OPERATING ASSISTANCE

Revised Interim Guidance on CMAQ Operating Assistance under MAP-21. July 2014.

Revised language can be accessed at the following link:

https://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/cmaq13ig.cfm