

**2017
CALIFORNIA
FREIGHT INVESTMENT PROGRAM
GUIDELINES**

DISCUSSION DRAFT

February 23, 2017



**CALIFORNIA TRANSPORTATION COMMISSION
2017 CFIP GUIDELINES
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I. Introduction

1. Background

The Fixing America's Surface Transportation (FAST) Act was signed into law on December 4, 2015 and established a new freight fund under the National Highway Freight Program for a five-year period. The National Highway Freight Program provides approximately \$582 million of apportionments to California over the five-year period of the FAST Act.

On June 27, 2016 the Governor signed Senate Bill 826 (Leno, 2016), which directs the California Transportation Commission (Commission) to allocate the federal National Highway Freight Program funds to corridor-based projects selected by local agencies and the state.

In addition to the National Highway Freight Program funding, Assembly Bill 133 (Weber, 2016) provided an \$11 million Traffic Congestion Relief Fund loan repayment to be used for trade corridor improvements.

The Commission is responsible for programming and allocating these state and federal funds which will be administered through the California Freight Investment Program.

These guidelines describe the policy, standards, criteria, and procedures for the development, adoption and management of the California Freight Investment Program. The guidelines were developed in consultation with stakeholders representing state, regional, and local government entities and private industry. As these guidelines were developed, there were a number of bills being considered in the state legislature to fund investments in trade corridors. It is the Commission's intent that these guidelines be structured in such a way that they can guide the programming and allocating of the proposed funding should it be realized.

The Commission may amend these guidelines after first giving notice of the proposed amendments. The Commission will make a reasonable effort to amend the guidelines prior to a call for projects or may extend the deadline for project submission in order to comply with the amended guidelines.

2. Program Objectives

The objective of the California Freight Investment Program is to fund projects which improve the efficient movement of freight on designated corridors throughout the state and to support the goals outlined in the National Highway Freight Program, the California Freight Mobility Plan, and the California Sustainable Freight Action Plan.

National Highway Freight Program Goals	California Freight Mobility Plan Goals
<i>Invest in infrastructure and operational improvements that strengthen economic competitiveness, reduce congestion, reduce cost of freight transportation, improve reliability, and increase productivity.</i>	<i>Improve the contribution of the California freight transportation system to economic efficiency, productivity, and competitiveness.</i>

<i>Improve safety, security, efficiency and resiliency of freight transportation in rural and urban areas.</i>	<i>Improve the safety, security, and resilience of the freight transportation system.</i>
<i>Improve the state of good repair of the National Highway Freight Network.</i>	<i>Improve the state of good repair of the freight transportation system.</i>
<i>Use innovation and advanced technology to improve National Highway Freight Network safety, efficiency and reliability.</i>	<i>Use innovative technology and practices to operate, maintain, and optimize the efficiency of the freight transportation system while reducing its environmental and community impacts.</i>
<i>Improve the efficiency and productivity of the National Highway Freight Network.</i>	<i>Reduce costs to users by minimizing congestion on the freight transportation system.</i>
<i>Reduce environmental impacts of freight movement on the National Highway Freight Network.</i>	<i>Environmental Stewardship – Avoid and reduce adverse environmental and community impacts of the freight transportation system.</i>
<i>Improve State flexibility to support multi-State corridor planning and address highway freight connectivity.</i>	

The California Sustainable Freight Action Plan established three targets: to improve freight efficiency, transition to zero emission technologies, and increase competitiveness. These targets are not mandates, but rather aspirational measures of progress toward sustainability for the State to meet and try to exceed.

3. Program Schedule

The following schedule lists the major milestones for the development and adoption of the 2017 California Freight Investment Program:

Draft guidelines presented to Commission	March 16-17, 2017
Commission adoption of guidelines	May 17-18, 2017
Call for projects	May 17-18, 2017
Project applications due to Commission (postmark date)	June 30, 2017
Release staff recommendations	August 1, 2017
Commission adopts program	August 16-17, 2017

II. Funding

4. Source

The California Freight Investment Program will receive approximately \$556.2 million of federal and state funds as follows:

- \$545.2 million from the federal National Highway Freight Program over a five year period beginning with the 2015-16 federal fiscal year through the 2019-20 federal fiscal year. This amount is governed by the obligation authority set by Congress in its annual Federal Appropriation Act.
- \$11 million of state funds appropriated in the Budget Act of 2015 as amended by Assembly Bill 133 (Chapter 2, Statutes of 2016, item 2660-013-0001, provision 1[b]).

It is the intent of the Commission to adopt a multi-year program of projects covering fiscal years 2017-18 through 2019-20.

5. Distribution

The Commission supports a corridor-based programming approach to the California Freight Investment Program, which recognizes and complements the goods movement planning work already done within the major trade corridors. The Commission also recognizes and supports the key role that the state and regions have in project identification.

After consulting the California Freight Mobility Plan and conducting a number of stakeholder workshops, the Commission has determined that the following corridors are eligible for funding under this program:

- Bay Area (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma counties)
- Central Valley (El Dorado, Fresno, Kern, Kings, Madera, Merced, Placer, Sacramento, San Joaquin, Stanislaus, Sutter, Tulare, and Yolo counties)
- Central Coast (Monterey, San Benito, San Luis Obispo, Santa Barbara, and Santa Cruz counties)
- Los Angeles/Inland Empire (Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties)
- San Diego/Border (Imperial and San Diego counties)

The Commission acknowledges that other regions may have goods movement infrastructure needs along corridors that have a high volume of freight movement that are eligible for funding. The Commission anticipates those regions will nominate their projects for consideration.

To promote a corridor-based approach while also recognizing the key role of the state in prioritizing interregional freight projects, the Commission has developed the following targets for projects nominated by Caltrans and for the geographic programming or projects nominated by other agencies. **The targets are neither minimums, maximums, nor guarantees. They do not constrain what any agency may propose or what the Commission may approve for programming and allocation within any particular corridor.**

The target for Caltrans' nomination of statewide projects is based on the statewide priorities identified by the Administration and accounts for 40% of the identified program funding. While this percentage is less than the 60/40 state/local split typical of federal transportation funds as specified later in these guidelines, priority will be provided for projects jointly nominated by the state and local agencies. The targets for the corridors are based on the identified costs of the Tier 1 projects and of all projects in the California Freight Mobility Plan (excluding those shown as under construction and fully funded).

Programming Targets		
Statewide Target		
Caltrans		222,480,000
Regional Corridor Targets		
	Low	High
Bay Area/Central Valley	63,000,000	90,000,000
Central Coast	-	7,000,000
Los Angeles/Inland Empire	164,000,000	190,000,000
Other	-	10,000,000
San Diego/Border	53,000,000	90,000,000

Savings at contract award and project completion must be returned proportionally to the California Freight Investment Program. California Freight Investment Program funding is not available to fund cost increases.

6. Matching Requirements

Projects funded from the California Freight Investment Program will require at least a one-to-one match of local, state, or private funds except for projects nominated by Caltrans. For projects nominated by Caltrans, no match will be required. However, as noted in Section 12, the Commission will consider the leveraging and coordination of other funds when evaluating projects. For projects jointly nominated by Caltrans and another agency, matching funds must account for 50% of the local agency's share of the project costs.

The matching funds must be expended concurrently and proportionally to the California Freight Investment Program funds. Costs incurred prior to allocation will not be counted towards match.

The applicant must provide a project funding plan through construction that demonstrates the supplemental funding in the plan (local, federal, state, private sources) is reasonably expected to be available and sufficient to complete the project.

The investment of public funding must be tied to public benefits as demonstrated through a public/private benefit cost analysis. California Freight Investment Program funds should not supplant revenues otherwise available through existing private sector revenue streams.

7. Reimbursement

The California Freight Investment Program is a reimbursement program for eligible costs incurred. Costs incurred prior to Commission allocation and, for federally funded projects, Federal Highway Administration project approval (i.e. Authorization to Proceed) are not eligible for reimbursement.

III. Eligibility

8. Eligible Applicants

Eligible applicants include local, regional, and public agencies such as cities, counties, Metropolitan Planning Organizations, Regional Transportation Planning Agencies, port authorities, and Caltrans. Project proposals from private entities should be submitted by a public agency sponsor.

A nomination may identify an entity other than the applicant to be the project implementing agency. The implementing agency assumes responsibility and accountability for the use and expenditure of program funds.

Applicants must comply with all relevant federal and state laws, regulations, policies, and procedures.

9. Eligible Projects

Consistent with the California Freight Mobility Plan, a freight project is a project that significantly contributes to the freight system's economic activity or vitality; relieves congestion on the freight system; improves the safety, security, or resilience of the freight system; improves or preserves the freight system infrastructure; implements technology or innovation to improve the freight system or reduce or avoid its negative impacts; or reduces or avoids adverse community and/or environmental impacts of the freight system.

In order to be eligible for funding under this program, a project must meet the aforementioned freight project definition, support the objectives of the program, and meet the set screening and evaluation criteria.

Because the majority of funds in the California Freight Investment Program are federal funds, projects must comply with the provisions of Title 23 of the U.S. Code of Federal Regulation, and be located on the Primary Highway Freight System or a designated Critical Rural Freight Corridor or Critical Urban Freight Corridor. The designation of the Critical Rural Freight Corridor or Critical Urban Freight Corridor is not required at the time of project nomination, however, the designation must be federally approved prior to the project requesting allocation.

California Freight Investment Program funds may be used for any component of a project, however, the project must award construction by December 31, 2020.

Projects eligible for funding under the program include, but are not limited to, the following:

- Additional capacity to address highway freight bottlenecks, highway or bridge projects to improve flow of freight on National Freight Highway Network, physical separation of passenger vehicles from commercial motor freight.
- Port and/or rail projects to facilitate intermodal interchange, transfer, and access into or out of the facility (limited to 10% of yearly apportionment).
- Intelligent Transportation Systems or other technology to improve the flow of freight, real time information systems, weigh-in-motion devices, electronic screening/credentialing systems, traffic signal optimization, work zone management and information systems, ramp metering, electronic cargo and border security technologies.
- Grade Separations.
- Geometric improvements to interchanges and ramps.
- Truck only lanes, including climbing and runaway, and parking facilities.
- Adding or widening shoulders.
- Efforts to reduce environmental impacts of freight movement.
- Environmental/community mitigation for freight movement.

IV. Project Selection Process

10. Screening Criteria

Nominations will receive an initial screening for completeness, eligibility, and deliverability before moving onto the evaluation process. Incomplete or ineligible applications may not be evaluated.

Nominations will be screened for the following:

- Project is included in the California Freight Mobility Plan, in an adopted regional freight plan, and an adopted regional transportation plan.
- Project can demonstrate a one to one funding match as outlined in Section 6 of these guidelines. A project that is already fully funded will not be considered for programming.
- Project will award a construction contract by December 31, 2020.
- Project must be one of the types of projects listed in Section 10 of these guidelines.
- Project will not increase the state's overall capacity to facilitate the transportation of coal in bulk, pursuant to Government Code Section 14525.3.
- Project must meet the objectives of the program.
- Project must be located on the federally approved Primary Highway Freight System or a designated Critical Rural Freight Corridor or Critical Urban Freight Corridor. The designation of the Critical Rural Freight Corridor or Critical Urban Freight Corridor is not required at the time of project nomination, however the designation must be federally approved prior to the project requesting allocation.

- Project contributes to corridor or air basin emission reduction of greenhouse gases, diesel particulates, carbon dioxide, nitrogen oxides, and other pollutants.
- Project will stimulate economic activity, enhance trade value, and preserve/create jobs.

11. Evaluation Criteria

Evaluation criteria are outcome oriented and customizable to each corridor. Evaluation criteria are grouped into three categories.

Where a project is proposed to improve private infrastructure, the Commission's evaluation will examine the public/private benefit assessment of the project.

Nominations will be evaluated on the following:

- Freight System Factors
 - Throughput – Project provides for increased volume of freight traffic through capacity expansion or operational efficiency.
 - Velocity – Project increases the speed of freight traffic moving through the distribution system.
 - Reliability - Project reduces the variability and unpredictability of travel time.
- Transportation System (Priorities) Factors
 - Safety - Project increases the safety of the public, industry workers, and traffic.
 - Congestion Reduction/Mitigation - Project reduces daily hours of delay on the system and improves access to freight facilities.
 - Key Transportation Bottleneck Relief - Project relieves key freight system bottlenecks where forecasts of freight traffic growth rates indicate infrastructure or system needs are inadequate to meet demand.
 - Multi-modal Strategy - Project employs or supports multi-modal strategies to increase port and transportation system throughput while reducing truck vehicle miles/hour traveled (VMT/VHT).
 - Interregional Benefits - Project links regions/corridors to serve statewide or national trade corridor needs.
- Community Impact Factors
 - Air Quality Impact - Project reduces local and regional emissions of diesel particulate, carbon dioxide, nitrogen oxides, greenhouse gases, and other pollutants.
 - Community Impact Mitigation - Project reduces negative impacts on communities (noise, localized congestions, safety, public health, etc.).
 - Economic/Jobs Growth – Project stimulates local economic activity, enhances trade value, and preserves/creates jobs.

The Commission will also consider the following factors when evaluating projects:

- The overall need, benefits and cost, of the project in the context of its contribution to advancing the California Freight Mobility Plan and an adopted regional freight plan.
- Project readiness and reasonableness of the schedule for project implementation, including the following:
 - Progress towards achieving environmental protection requirements.
 - The comprehensiveness and sufficiency of agreements with key partners (particularly infrastructure owning railroads) that will be involved in implementing the project.
- The leveraging and coordination of funding from other private, federal, state, local or regional sources, with consideration of those sources that are discretionary compared to those that are nondiscretionary.
- The commitment of multiple partners in the delivery of the project, as evidenced by joint nomination and/or joint funding of a project.
- The project's support or use of innovated technology or practices.

12. Project Nominations

Project applications and their supporting documentation should be submitted to the Commission by June 30, 2017, in hard copy. Nominations will be treated in accordance with Public Records Act requirements and certain information, subject to those requirements, may be publicly disclosed.

The Commission will post basic project application information on its website prior to adopting the final program of projects. After projects are selected for programming, Commission will post the status of all project applications to its website.

Each project application submittal must include three copies of the application package and one electronic copy. All application materials should be address or delivered to:

Susan Bransen, Executive Director
California Transportation Commission
1120 N Street, MS-52
Sacramento, CA 95814

Each project application must include:

- A cover letter, with signature authorizing and approving the application. Where the project is to be implemented by an agency other than the nominator, documentation of the agreement between the project nominator and implementing agency must be submitted with the application.
- A confirmation that any new non-bulk terminal project will not increase the state's overall capacity to facilitate the transportation of coal in bulk pursuant to Government Code Section 14525.3.
- A confirmation that any capacity-increasing project or a major street or highway lane realignment project was considered for reversible lanes pursuant to Streets and Highways Code Section 100.15.

- An explanation of the project and its proposed benefits, including the following:
 - Project title, which should be a brief non-technical description of the project type, scope, and location.
 - Project priority (if agency is submitting multiple applications)
 - Project background and a purpose and need statement.
 - A concise description of the project scope and anticipated benefits (outcomes and outputs) proposed for funding.
 - A description on how the project furthers the objectives of the program.
 - A map (or maps) of the project location denoting the project site and identifying impacted communities that meet either of the following criteria:
 - An area identified as among the most disadvantaged 25% in the state according to the California Environmental Protection Agency and based on the California Communities Environmental Health Screening Tool 2.0 (CalEnviroScreen 2.0) scores (score must be greater than or equal to 36.62). This list can be found at the following link under SB 535 List of Disadvantaged Communities: <http://www.calepa.ca.gov/EnvJustice/GHGInvest/>.
 - An area with a median household income (Table ID B19013) that is less than 80% of the statewide median based on the most current Census Tract (ID 140) level data from the 2010-2014 American Community Survey (<\$49,191). Communities with a population less than 15,000 may use data at the Census Block Group (ID 150) level. Unincorporated communities may use data at the Census Place (ID 160) level. Data is available at: <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>
 - A project cost estimate which includes the amount and source of all funds committed to the project and the basis for concluding that the funding is expected to be available. Cost estimates should be escalated to the year of proposed implementation and be approved by the Chief Executive Officer or other authorized office of the implementing agency.
 - A description of the project delivery plan, including a description of the known risks that could impact the successful implementation of the project a description of the response plan of the known risks. The risks considered should include, but not be limited to, risks associated with deliverability and engineering issues, community involvement, and funding commitments.
 - A description of the transportation corridor and the function of the proposed project within the corridor.
 - A description and quantification of improvements in trade corridor mobility, including measures of velocity, throughput, reliability and congestion reduction for freight movement in the corridor.
 - A description and quantification of the local and corridor effects of the project on diesel particulate, greenhouse gases and other pollutant emissions. The Air Resource Board is working to develop standardized methods for applicants to quantify air quality impacts. If these methodologies are available prior to adoption of these guidelines, they will be incorporated into the guidelines. Additionally, the Commission intends to

- consult with the Air Resources Board in assessing the air quality impact of proposed projects.
- A description of how the project furthers the goals, performance measures, and targets of the regions Regional Transportation Plan, and if applicable, it's associated freight plan. For each performance measure and as applicable, the applicant should indicate how the project scored relative to other projects in the Regional Transportation Plan. Projects submitted by Caltrans should include a description of how the project provides interregional benefits and furthers the goals of the California Freight Mobility Plan.
- A description of the corridor plan or other coordinated management strategy being implemented by the nominator and other jurisdictions within the corridor to preserve corridor mobility.
- Documentation supporting the benefits and cost estimates cited in the application should be no more than 10 pages in length, citing or excerpting, as appropriate, the project study report, environmental document, regional transportation plan, and other studies that provide quantitative measures of the project's costs and benefits, including both trade corridor mobility benefits and emission reduction benefits.
 - Each applicant should provide documentation that the expected benefits of the proposed project justify its costs, recognizing that some costs and benefits can be difficult to quantify. This analysis should be Caltrans' Life-Cycle Benefit-Cost Analysis Model for FASTLANE grants. This model can be found at: http://www.dot.ca.gov/hq/tpp/offices/eab/LCBC_Analysis_Model.html.
 - Where investment of California Freight Investment Program funding is proposed to improve private infrastructure, this documentation should include an assessment of public and private benefits to show that the share of public benefit is commensurate with the share of public funding.
- Documentation for rail investments should acknowledge and describe how the private railroads, regional agencies and appropriate state agencies will come to agreement on public and private investment levels and resulting benefits.
- Each application must include a Project Programming Request Form. A template of this form in excel may be found at <http://www.dot.ca.gov/hq/transprog/ocip.htm>. Each Project Programming Request must list federal, state, local, and private funding categories by fiscal year. All applicants must demonstrate the ability to absorb any cost overruns and deliver the proposed project with no additional funding from this program. If the project is a scope addition to a project with a prior Project Programming Request Form, the prior Project Programming Request should be included. California Freight Investment Program funds cannot be used to supplant other committed funds.

V. Programming

The Commission intends to adopt a program of projects for the California Freight Investment Program at the August 16-17, 2017 meeting. The California Freight Investment Program must be developed consistent with the federal apportionment levels approved under the FAST Act and the amount programmed in each fiscal year may not exceed the yearly obligation authority amount.

Pursuant to federal statute, the Commission may not program more than 10 percent of the total yearly obligation authority amount for freight intermodal or freight rail projects, which include the following projects:

- Within the boundaries of public or private freight rail or water facilities (including ports).
- That provide surface transportation infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into or out of the facility.

The program of projects for each fiscal year will include, for each project, the amount to be funded from the California Freight Investment Program, and the estimated total cost of the project. Project costs in the California Freight Investment Program will include costs for each of the following components: (1) permits and environmental studies; (2) plans, specifications, and estimates; (3) right-of-way; and (4) construction. The cost of each project component will be listed in the program no earlier than in the fiscal year in which the particular project component can be implemented. For Caltrans implemented projects, the cost of right-of-way support and construction support will be separated out and programmed separately from the right-of-way capital and construction capital cost.

The Commission will program and allocate funding to projects in whole thousands of dollars and will include a project only if it is fully funded from a combination of California Freight Investment Program and other committed funding. The Commission will regard funds as committed when they are programmed by the Commission or when the agency with discretionary authority over the funds has made its commitment to the project by ordinance or resolution. For federal formula funds, including Surface Transportation Program, Congestion Mitigation and Air Quality Improvement Program, and federal formula transit funds, the commitment may be by Federal approval of the Federal Statewide Transportation Improvement Program.

The Commission, with assistance from Caltrans, will monitor appropriations to, encumbrances from, and balances in the California Freight Investment Program to ensure the program contains an adequate balance to cover allocations and reimbursements.

Additionally, with assistance from Caltrans, the Commission will keep track of any available capacity from resulting project savings, rescinded allocations or project deletions. The Commission will determine the appropriate use of these funds on a program-wide basis.

VI. Program/Project Amendments

13. Project Review Committee

Commission staff will form a Project Review Committee to assist Commission staff in evaluating amendments on an as needed basis. The Project Review Committee will include representatives from Caltrans and various other transportation stakeholders.

14. Amendment Requests

Project amendments requested by implementing agencies shall receive the approval of all partner and funding entities before presentation to the Commission. Amendment requests should be submitted in a timely manner and include documentation that supports the requested change and its impact on the scope, cost, schedule and benefits.

Caltrans shall coordinate all amendment requests and utilize the Project Programming Request to help document the change. Implementing agencies must notify Caltrans in writing of proposed project scope changes. This notification must include the following:

- An explanation of the proposed scope change.
- The reason for the proposed scope change.
- The impact the proposed scope change would have on the overall cost of the project.
- An estimate of the impact the proposed scope change would have on the potential of the project to deliver the project benefits as compared to the benefits identified in the project application (increase or decrease in benefit) and an explanation of the methodology used to develop the aforementioned estimates.

Caltrans will review the proposed scope change and forward the proposed scope change with Caltrans' written analysis and recommendation to the Commission for the Commission's approval.

Commission staff may also request that the Project Review Committee review and make a recommendation on amendment requests.

Commission staff will present recommended scope changes deemed by staff to be minor changes, such as those with little or no impact to project benefits or which increase the benefits of the project, to the Commission as a part of the project allocation request. Staff will present recommendations to disapprove minor scope changes and recommendations to approve or disapprove more significant scope changes to the Commission as project amendments.

VII. Allocations

When an agency is ready to implement a project or project component, the agency will submit an allocation request to Caltrans. The typical time required, after receipt of the request, to complete Caltrans review, and recommendation and Commission allocation is 60 days.

Caltrans will review the request and determine whether or not to recommend the request to the Commission for action. The Commission will consider the allocation of funds for a project when it receives an allocation with a recommendation from Caltrans. The recommendation will include a determination of project readiness, the availability of appropriated funding, and the availability of all identified and committed supplementary funding. When Caltrans develops its construction allocation recommendation, the Commission expects Caltrans to certify that a project's plans specifications and estimate are complete, environmental and right-of-way clearances are secured, and all necessary permits and agreements (including railroad construction and maintenance) are executed.

In compliance with Section 21150 of the Public Resources Code, the Commission will not allocate funds for design, right-of-way, or construction prior to documentation of environmental clearance under the California Environmental Quality Act. As a matter of policy, the Commission will not allocate funds for design, right-of-way, or construction of a federally funded project prior to documentation of environmental clearance under the National Environmental Policy Act (NEPA). Exceptions to this policy may be made in instances where federal law allows for the acquisition of right-of-way prior to completion of NEPA review.

The Commission will approve the allocation if the funds are available and the allocation is necessary to implement the project as included in the adopted California Freight Investment Program. If there are insufficient program funds to approve an allocation, the Commission may delay the allocation of funds to a project.

Allocations must be requested in the fiscal year of project programming, and are valid for award for six months from the date of allocation unless the Commission approves an extension. Agencies should not request Commission allocations unless prepared to award contracts related to the allocation within six months. Whenever programmed funds are not allocated within the fiscal year programmed or within the time allowed by an approved extension, the project will be deleted from the California Freight Investment Program. Funds available following the deletion of a project may be programmed to a project amended into the program.

Where the project is to be implemented by an agency other than the applicant, the allocation request must include a copy of the Memorandum of Understanding or Interagency Agreement between the project applicant and implementing agency.

When Caltrans is the implementing agency, right-of-way support and construction support costs must be allocated separately from right-of-way capital and construction capital costs.

VIII. Project Delivery

15. Timely Use of Funds

California Freight Investment Program allocations must be requested in the fiscal year of project programming, and construction allocations are valid for award for six months from the date of allocation unless the Commission approves an extension. No award extensions will be granted beyond the December 31, 2020 award deadline.

Funds allocated for project development or right-of-way costs must be expended by the end of the second fiscal year following the fiscal year in which the funds were allocated. The implementing agency must invoice Caltrans for these costs no later than 180 days after the fiscal year in which the final expenditure occurred.

After award of the contract, the implementing agency has up to 36 months to complete (accept) the contract. At the time of fund allocation, the Commission may extend the deadline for completion of work and the liquidation of funds if necessary to accommodate the proposed expenditure plan for the project.

The Commission may extend the deadlines for allocation of funds, for award of a contract, for expenditures for project development or right-of-way, or for contract completion no more than one time and only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and will in no event be for more than 20 months.

Where a project component will not be ready for allocation as programmed in the current fiscal year, the implementing agency should request an extension of the allocation deadline rather than a project amendment.

16. Delivery Deadline Extensions

The Commission may extend a delivery deadline upon the request of the implementing agency. No deadline may be extended more than once. However, there are separate deadlines for allocations, for award of contract, for expenditures, and for project completion, and each project component has its own deadlines. The Commission may consider the extension for each of the deadlines separately.

All requests for project delivery deadline extensions shall be submitted directly to Caltrans for processing. The extension request should describe the specific circumstance that justifies the extension and identify the delay directly attributable to the circumstance. Caltrans will review the proposed extension requests and forward them with Caltrans' written analysis and recommendation to the Commission for action.

17. Project Inactivity

Once funds for a project are encumbered, project applicants are expected to invoice on a regular basis (for federal funds, see 23 CFR 630.106 and the Caltrans' Inactive Obligation Policy). Failure to do so will result in the project being deemed "inactive" and subject to de-obligation if proper justification is not provided.

18. Project Reporting

Caltrans, in cooperation with the implementing agencies, will report to the Commission on a semi-annual basis. The reports will include information on the activities and progress made toward implementation of the project, including those project activities taking place prior to an allocation and the commitment status of supplemental funding identified at the time of programming. A final delivery report will also be required. The purpose of the reports is to ensure that the project achieves the objectives of the program, is executed in a timely fashion, and is within the scope and budget identified when the decision was made to fund the project.

Within one year of the project becoming operable, the implementing agency must provide the following information to Caltrans to be included in a final delivery report to the Commission which includes:

- The scope of the completed project as compared to the programmed project.
- Before and after photos documenting the project.
- The final costs, by component and fund type, as compared to the approved project budget at allocation.
- Its duration as compared to the project schedule in the project application.
- Performance outcomes and benefits derived from the project as compared to those described in the project application. This should include an explanation of the methodology used to quantify the benefits.
- For the purpose of this section, a project becomes operable when the construction contract is accepted or acquired equipment is received.

19. Project Auditing

Caltrans must audit a selection of California Freight Investment Program projects to evaluate the performance of the project, determine whether project costs incurred and reimbursed are in compliance with the executed project agreement or approved amendments thereof; state and federal laws and regulations; contract provisions; and Commission guidelines, and whether project deliverables (outputs) and outcomes are consistent with the project scope, schedule and benefits described in the executed project agreement or approved amendments thereof. A report on the projects audited, their findings and status of any corrective action must be submitted to the Commission by October 1 of each year.

DISCUSSION DRAFT