



Fresno Council
of Governments

2021- 2022

**Congestion Mitigation & Air Quality
Improvement (CMAQ) Program**

CALL-FOR-PROJECTS

DRAFT GUIDELINES

June 2021

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CMAQ PROGRAM OVERVIEW

INTRODUCTION

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 construction costs associated 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.

Due to the uncertainty of the future of the *Buy America* waiver program, Fresno COG will pause submittals of any project requiring a *Buy America* waiver for the 2021-22 CMAQ Cycle. Any project submitted requiring this waiver will not be eligible to receive funding.

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 2021-22 CMAQ Call-For-Projects will cover a four-year program of projects in the FTIP, covering federal fiscal years 2022/23, 2023/24, 2024/25, and 2025/26. The following tentative schedule lists the major milestones for the development and adoption of the 2021-22 CMAQ Call-For-Projects and related FTIP and Air Quality Conformity Determination processes:

Programming subcommittee convenes to review scoring criteria and call information	February-May 2021
Guidelines, criteria, and application packet presented to TTC/PAC/Board for approval and initiation of Call-For-Projects	June 2021
Application workshop for member agencies	July 8, 2021
Regional bid project submittals due	September 17, 2021
CMAQ scoring committee convenes	Week of December 13, 2021
<i>Targeted performance program project submittals and financial plan due</i>	February 25, 2022
COG Policy Board approves recommended projects via resolution	January 27, 2022
Projects programed into 2023 FTIP	March-April 2022
Submittal of FTIP to Caltrans and anticipated FHWA approval of 2023 FTIP/ Conformity Analysis	Fall 2022

PROGRAM FUNDING

DISTRIBUTION

CMAQ funds are distributed into two programs. 70% of our region's CMAQ shares will fund a CMAQ *regional bid* program. The *regional bid* funding is competitive, based on scoring criteria developed by a programming subcommittee group, used by a scoring committee, and approved by the Fresno COG Policy Board. The *regional bid* process and criteria is further outlined in the CMAQ guidelines.

The remaining 30% is available to Fresno COG's Member Agencies as a part of the *targeted performance program*. *Targeted performance program* funding is available to Fresno COG's Member Agencies. This funding can be used in a variety of ways, including to enhance awarded regional bid projects by supplementing regional bid funds or bolstering against cost overruns. Additionally, the program assists in providing member agencies support in accelerating their prioritized projects that help Fresno COG meet its performance targets, San Joaquin Valley regional commitments, and FAST Act requirements. All projects submitted under this program will be evaluated by Fresno COG staff to ensure adherence to the requirements and guidelines of the regional CMAQ program. While not a formula-based program, population percentages shall be used as a fair-share guidance for Fresno COG's *targeted performance program* funding to assemble a diverse program of projects for inclusion into the Federal Transportation Improvement Program (FTIP).

2021-22 AVAILABLE FUNDING

For the 2021-22 Cycle, Fresno COG estimates that a total \$30,293,323 will be available to the program, with \$21,205,326 available in the *regional bid* funding pot. These numbers are subject to change.

FUNDING REQUIREMENTS

Matching Requirements: Most federal projects require a local match of 11.47%. *Targeted performance program* funds may be used as a local match.

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 under the Moving Ahead for Progress in the 21st Century (MAP-21) Act Interim Program Guidance dated November 12, 2013. A copy of the guidance is available in Appendix A.

All projects and programs eligible for CMAQ funds must come from a conforming Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) 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 TIPs or state-wide transportation improvement projects 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.

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.

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

Projects requiring a *Buy America* waiver (needed to meet provisions of this federal law) are not eligible for CMAQ funding during the 2021-22 Cycle.

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. Similar project types are compared and scored within categories.

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 (maximum of 5 years).
- 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)

Please 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.

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 (maximum of 5 years).

ACTIVE TRANSPORTATION

- Construction of active transportation facilities that connect 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.

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 40% of the regional bid pot to fund 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.

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 2020.

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. The scoring committee's project recommendations will be presented to Fresno COG's TTC, PAC, and Policy Board for approval.

GENERAL INTENT

The CMAQ program provides funding for transportation projects or programs that will reduce transportation-related emissions. 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 Fresno and Fresno Area Express will represent the two rotating positions in 2021.

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 40% cost-effectiveness in its regional bid program, which equates to 28% of total CMAQ apportionment. During the scoring process, projects identified as cost-effective are scored and selected first.

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. During the scoring process, projects identified as cost-effective are scored and selected first. Those selected projects will be further identified as PM_{2.5} projects (or not) and tallied to see if the 25% PM_{2.5} commitment has been met. If more projects are needed to fulfill the PM_{2.5} commitment, they will be prioritized in the remaining project type categories until the full commitment is met.

ADDITIONAL RESTRICTIONS

Per approved Fresno COG policy, non-member agencies are limited to no more than a combined 25% 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 12:00 pm on Friday, September 17, 2021, and targeted performance program applications by 4:00 pm on Friday, February 25, 2022. If you are applying for Regional Bid funds, please send 10 hardcopies and one electronic copy of each application. For the targeted performance program, please send one electronic copy of each application. All correspondence should be mailed to:

Fresno Council of Governments
Attention: Braden Duran; Associate Regional Planner, 2021-22 CMAQ Call-For-Projects
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 Braden Duran at 559-233-4148 ext. 217 or bduran@fresnocog.org

PROJECT DELIVERY AND OBLIGATION REQUIREMENTS

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 additional funding available. This contingency list will be in effect only until the adoption of the next programming cycle.

PROJECT DELIVERY

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.

Targeted performance program and regional bid projects must be delivered in the programmed year specified and within the programming years of the FTIP (covering federal fiscal years 2022/23, 2023/24, 2024/25, and 2025/26). If a regional bid project is delayed due to unforeseen circumstances, projects, at any phase, may be pushed out. If the project is delayed more than two FTIP cycles, the project will be programmed based on financial capacity and at Fresno COG's discretion.

If a project is awarded in the regional bid program and received points in the Construction-Ready Projects and/or Expedited Project Delivery categories, the following project delivery rules will apply:

- **Project must be obligated prior to May 1st** in the requested programming year and must be within the first 2 years of the programming cycle (FY 2022/23 or FY 2023/24).
- 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 the Agency's targeted performance program funding (if available) or local funds.
- De-obligated funding will be awarded to the next available project on the contingency list.

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.

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	<p>Transit:</p> <p><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.</p> <p><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.</p> <p><i>LOW Impact:</i> Increases passenger comfort or convenience, bike racks.</p>
	Range Factors	<p>Roads:</p> <p><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.</p> <p><i>MEDIUM Impact:</i> HOV lanes signal coordination, park-and-ride lots.</p> <p><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).</p>
	Range Factors	<p>Bicycle/Pedestrian:</p> <p><i>HIGH Impact:</i> Transportation Control Measures, a facility that will primarily serve commuters and/or school sites, and sidewalks where none exist.</p> <p><i>MEDIUM Impact:</i> Public educational, promotional, and safety programs that promote non-motorized modes of transportation.</p> <p><i>LOW Impact:</i> Mixed use bicycle/pedestrian facility (recreation & commuter), usable sidewalk segments.</p>
30-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	Trip Reduction 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	Subjective Evaluation 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	Construction-Ready Projects 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-point	Expedited Project Delivery 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 Additions

5-point range	<i>Targeted Performance Program Leveraging</i> Project is exceeding the minimum local match requirement with the use of targeted performance program funds.	
	5 Points	Project is leveraging additional TPP funding on top of the 11.47% local match to make the project 70% regional bid, 30% match.
	3 Points	Project is leveraging additional TPP funding on top of the 11.47% local match to make the project 80% regional bid, 20% match.

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: FAST Act

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 Braden Duran at 559-233-4148 x 217 or bduran@fresnocog.org

Please submit ten hard copies and an electronic copy for regional bid or one electronic copy for targeted performance funding. 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: Braden Duran, Associate Regional Planner, 2021-22 CMAQ Call-For-Projects

Please submit all CMAQ Regional Bid applications by 12:00 PM, on Friday, September 14, 2021.

Targeted Performance Funding Applications are due by close of business (COB) on Friday, February 25, 2022.

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

Both documents are attached on the following page.

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



U.S. Department
of Transportation
**Federal Highway
Administration**

California Division

May 1, 2012

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001

In Reply Refer To:
HDA-CA

Ms. Rachel Falsetti, Chief
Division of Transportation Programming
California Department of Transportation
1120 N Street, MS 82
Sacramento, CA 95814

Attention: Muhaned Aljabiry, Chief, Office of Federal Transportation Management Program

Dear: Ms. Falsetti

SUBJECT: Clarification of the Eligible uses of Congestion Mitigation and Air Quality Improvement (CMAQ) Program Funds to Purchase Alternative Fueled Vehicles

Since the establishment of the Congestion Mitigation and Air Quality Improvement (CMAQ) program under the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the Federal Highway Administration (FHWA) California Division Office (CADO) in direct coordination with the California Department of Transportation (Caltrans) and the CA Metropolitan Planning Organizations (MPOs) have successfully implemented the delivery of many CMAQ projects across the State. These projects have been a success and served to enhance air quality and the quality of life here in CA.

To further enhance the success of the CMAQ program and continue to provide the highest level of technical assistance to Caltrans and the CA MPOs, FHWA would like to address and clarify several ongoing CMAQ program issues. These issues include the following:

General Use Vehicles Purchased with CMAQ Program Funds and 2 CFR 225, Cost Principles for State and Local Governments

On April 6, 2011, FHWA issued a policy memo entitled "Federal Cost Principles and CMAQ Alternative Fuel Vehicles (AFV) Projects". This memo was forwarded to Caltrans, via email, on April 6, 2011. In general, this policy memo clarifies that 2 CFR 225 applies to all CMAQ projects and provides additional information related to the purchase of public fleet AFVs. Moreover it clarifies that Federal participation in the purchase of these vehicles is eligible for CMAQ funding only to the degree that the purchased vehicle's use will contribute to air quality improvements. The portion of the purchase price associated with general government benefits not related to air quality improvement or congestion relief is outside the statutory purpose of CMAQ funding and is not eligible for Federal funding.

Therefore, pursuant to 2 CFR 225, the total vehicle cost is not eligible for CMAQ funding, but only the portion of the vehicle cost prorated based on the emission-reducing element of the project. The emissions reducing element of the project could be either on: 1) the incremental cost difference between the AFV and a conventional vehicle; or 2) the computed emission reduction projected from the AFV use. For example, if the AFV is anticipated to reduce emissions 20%

from a conventionally-fueled vehicle of the same year, make and model, then 20% of the purchase cost would be eligible for CMAQ funding.

The methodology and/or calculation used by the project sponsor to determine the attributed air quality benefit must be part of the project documentation. The Department of Energy has an extensive website comparing conventionally-fueled vehicles with its alternative fuel counterpart, demonstrating the incremental difference in both air quality benefit and/or cost is typically no more than 15-20%. In addition, the project agreement for acquisitions should include a commitment to use alternative fuels as a primary fuel for the vehicles for the vast majority of their time in operation.

The 2 CFR 225 does not affect the eligibility of 100% Federal share toward the total project cost related to the purchase of transit revenue vehicles (*i.e. transit buses and para-transit*), freeway courtesy vans/tow trucks, incident management patrol vehicles, refuse vehicles (*i.e. garbage/waste haulers*), and street sweepers (*i.e. street sweepers are only eligible for 100% Federal share of total project cost in PM nonattainment or maintenance areas*). The FHWA's decision to limit CMAQ funding to the share of costs attributed to generating air quality benefits, marks a clarification in how the agency approaches the acquisition of vehicles with CMAQ funding. This decision, which is not retroactive, is consistent with government-wide cost principles that are applicable to all Federal grants. FHWA will be administering the CMAQ program using these provisions on all projects moving forward that have not been authorized.

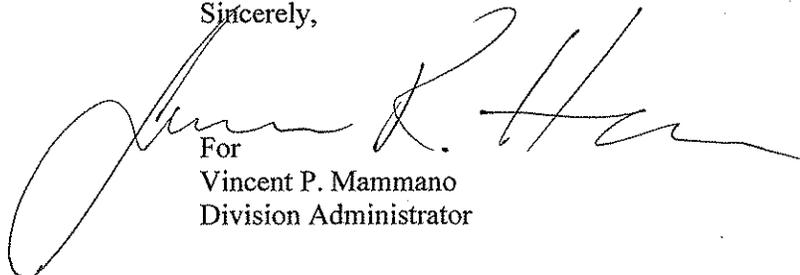
Buy America Provisions and the purchase of Alternative Fuel Vehicles

All iron or steel products that are permanently incorporated in all Title 23-funded projects must be in compliance with the Buy America requirements. As established through an FHWA Local Programs Team, October 13, 2011 communication to Caltrans, Buy America applies to the acquisition of vehicles purchased with CMAQ funding. If the provisions cannot be met, the project sponsor must request a Buy America waiver for the project. All waiver requests must be coordinated through the FHWA Division Office.

For your reference, the April 6, 2011 FHWA policy memo entitled "Federal Cost Principles and CMAQ Alternative Fuel Vehicles (AFV) Projects" can be found on the FHWA website at the following address: http://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/cmaqaltfuel.cfm. The FHWA encourages Caltrans and all project sponsors to consult this policy guidance and continue to coordinate with FHWA on CMAQ related questions and/or issues. The FHWA is more than willing to provide technical assistance in order to ensure that these CMAQ Program issues are being addressed.

If you have any questions or concerns please contact Jermaine R. Hannon, Planning and Air Quality Director, at Jermaine.Hannon@dot.gov or (916) 498-5066; or Rebecca Bennett, Local Programs Director, at Rebecca.Bennett@dot.gov or (916) 498-5041.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent P. Mammano". The signature is fluid and cursive, with a large loop at the beginning and a long tail extending to the right.

For
Vincent P. Mammano
Division Administrator

cc:

Muhaned Aljabiry, Caltrans Programming (muhaned_aljabiry@dot.ca.gov)
Lima Huy, Caltrans Programming (lima_huy@dot.ca.gov)
Denix Anbiah, Caltrans Local Assistance (denix.anbiah@dot.ca.gov)

Dianne Eidame, AMBAG (deidam@ambag.org)
Jon Clark, BCAG (jonclark@bcag.org)
Tony Boren, Fresno COG, (tboren@fresnocog.org)
Ron Brummett, Kern COG (rbrummett@kerncog.org)
Terri King, KCAG (tking@co.kings.ca.us)
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Joseph Vaughn, FHWA
Wade Hobbs, FHWA
Scott Carson, FHWA
Michael Morris, FHWA
Cecilia Crenshaw, FHWA
Rebecca Bennett, FHWA
Gary Sweeten, FHWA
David Tedrick, FHWA
Jean Mazur, FHWA
Arianna Valle, FHWA
Peter Pangilinan, FHWA
Zylkia Martin-Yambo, FHWA
Jacob Waclaw, FHWA

jrh/km



Air Quality

Congestion Mitigation and Air Quality Improvement
(CMAQ) Program

Memorandum

U.S. Department of Transportation
Federal Highway Administration

Subject: INFORMATION: Federal Cost Principles and CMAQ Alternative Fuel Vehicles Projects

From:
April Marchese, Director
Office of Natural and Human Environment

Date: April 06, 2011

Reply to: Michael Koontz

To:
FHWA Division Administrators
Attention of Division Planning, Air Quality, and
Financial Management Staff

The purpose of this message is to clarify an issue that Congressional Staffs raised related to the application of Federal, government-wide cost principles and the obligation and expenditure of Congestion Mitigation and Air Quality Improvement (CMAQ) funds for alternative fuel vehicles (AFVs). The applicable principles (2 CFR 225) require that costs be equitably allocated to benefiting cost objectives. The question at hand relates to eligibility for police cruisers designed and powered for flexible fuel. It is important that we are consistent in our interpretation on this issue.

Title 23 funds cannot be used to fund general government operations, including the acquisition of vehicles that perform such general functions, e.g. police and firefighting. Cost allocation is required between the environmental elements in which we can participate and costs of state and local governments that are not eligible for FAHP funding. In the matter first brought to our attention, the project sponsor was proposing to use full Federal share for CMAQ costs, as provided by the Energy Independence and Security Act of 2007, to purchase police cruisers designed and powered for flexible fuel use. While FHWA supports the use of alternative fuels and vehicles, we can only participate in the pro-rata share that benefits air quality. See 2 CFR 225 App. B. Selected Item of Cost, 19a(5), relating to General Government Expenses. Police and fire equipment are called out as explicit examples in this provision.

To accommodate States and other sponsors intending to avail themselves of CMAQ funds for alternative fuel efforts consistent with the Federal cost principles, FHWA may participate in the eligible portion of such vehicle purchases, limited to the marginal emissions-reducing elements of the project, e.g. the incremental cost difference between standard and AFV, the expected emissions reduction projected from AFV use, or other methodology for allocating costs to CMAQ eligible portions of the purchase. Staff is available to assist project sponsors in developing an appropriate level of eligible cost share that can be tied to an air quality benefit, and thus, allocated to the CMAQ award.

For public fleet AFVs that provide a dominant transportation function, the full vehicle is eligible for participation. These types include transit buses, paratransit, freeway courtesy vans/tow trucks, incident management patrol vehicles, and others. While these types of acquisitions could be eligible for full participation, the 100 percent CMAQ cost sharing under the Energy Act is optional at the discretion of the State DOT.

Should your State DOT or other local project sponsor develop a cost sharing approach, we are available for review and discussion. Please consult with Michael Koontz, CMAQ program manager on my staff, or David Bruce in the Office of the Chief Financial Officer. Mr. Koontz can be reached via email at michael.koontz@dot.gov or phone at (202) 366-2076 and Mr. Bruce at david.bruce@dot.gov or (802) 828-4567.