

# Request for Proposals Del Norte Regional Drainage Study and Capital Improvement Plan

Date Released: February 3, 2025

County of Del Norte Community Development Department Engineering and Surveying Division 981 H Street, Suite 110 Crescent City, CA 95531 707-464-7229

# Proposals are due prior to March 13, 2025 at 4:00 p.m.

County Project Number: PRJ2040

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Request for Proposals Planning Services

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#### INTRODUCTION

The County of Del Norte is requesting proposals (RFP) for planning services.

The Del Norte Regional Drainage Study and Capital Improvement Plan project will be funded with local and state dollars requiring the Consultant to follow all pertinent local, state, and federal laws and regulations.

Total amount payable to the Consultant shall not exceed **\$2,600,000.00** and with a performance period of the contract from the date approved by the Del Norte County Board of Supervisors to project completion or the 31<sup>st</sup> day of March 2027, whichever is the lesser.

The proposals submitted in response to this RFP will be used as a basis for selecting the Consultant for this project. The Consultant's proposal will be evaluated and ranked according to the criteria provided in Appendix B, "Evaluation Criteria," of this RFP.

Addenda to this RFP, if issued, will be sent to all prospective Consultants the County of Del Norte has specifically e-mailed a copy of the RFP to and will be posted on the County of Del Norte website at: <u>https://www.co.del-norte.ca.us/departments/EngineeringSurveying/BIDDocuments</u>.

It shall be the Consultant's responsibility to check the County of Del Norte website to obtain any addenda that may be issued.

The Consultant's attention is directed to Appendix A, "Proposal Requirements."

The Consultant's proposal shall be prepared on 8.5" x 11" paper with a font and font size comparable to Tahoma, 11-point. The proposal content shall consist of no more than 15 single-sided sheets, and the resume/project references shall consist of no more than 20 single-sided sheets. Submit five (5) hard copies and one (1) electronic copy in PDF format on a CD/DVD or USB flash drive of the Consultant's proposal. The hard copies and CD/DVD or USB flash drive shall be mailed or submitted to the County of Del Norte prior to **4:00 p.m. on March 13, 2025**. Proposals shall be submitted in a sealed package clearly marked "DO NOT OPEN: Proposal Enclosed for Del Norte Regional Drainage Study and Capital Improvement Plan" and addressed as follows:

County of Del Norte Community Development Department Engineering and Surveying Division Attn: Rosanna Bower, Project Manager 981 H Street, Suite 110 Crescent City, CA 95531

Proposals received after the time and date specified above will be considered nonresponsive and will be returned to the Consultant.

Any proposals received prior to the time and date specified above may be withdrawn or modified by written request of the Consultant. To be considered, however, the modified Proposal must be received prior to **4:00 p.m. on March 13, 2025**.

Unsigned proposals or proposals signed by an individual not authorized to bind the prospective Consultant will be considered nonresponsive and rejected.

This RFP does not commit the County of Del Norte to award a contract, to pay any costs incurred in the preparation of a proposal for this request, or to procure or contract for services. The County of Del Norte reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified Consultant, or to modify or cancel in part or in its entirety the RFP if it is in the best interests of the County of Del Norte to do so. Furthermore, a contract award may not be made based solely on price.

The prospective Consultant is advised that should this RFP result in recommendation for award of a contract, the contract will not be in force until it is approved and fully executed by the County of Del Norte.

All products used or developed in the execution of any contract resulting from this RFP will remain in the public domain at the completion of the contract.

The anticipated consultant selection schedule is as follows:

Proposal review and evaluation: March 14, 2025 to March 21, 2025 Oral interviews: April 1, 2025 Cost Negotiation with first ranked consultant: April 2, 2025 to April 4, 2025 Contract Award and Notice to Proceed: April 22, 2025

Any questions related to this RFP shall be submitted in writing to the attention of Rosanna Bower (with a copy to Jonathan Olson) via email at <u>rbower@co.del-norte.ca.us</u> (with a copy to jonathan.olson@co.del-norte.ca.us). Questions shall be submitted before **5:00 p.m. on March 6**, **2025**.

No oral question or inquiry about this RFP shall be accepted.

#### PROJECT DESCRIPTION AND BACKGROUND

The **Del Norte Regional Drainage Study and Capital Improvement Plan** encompasses the entire County maintained road system, 294 miles. It will result in a never before achieved intensive and comprehensive field data collection effort documenting existing conditions. The data will be stored in a geographic information system for use by this project and maintained to assist with future planning efforts (yet to be identified). The collection of existing conditions coupled with an independent LIDAR data collection effort will be used to undertake a hydrology and hydraulics analysis for the entire County maintained road system. The hydrology and hydraulics analysis coupled with input from public outreach and the advisory committee will inform a capital improvement plan for drainage infrastructure associated with the County maintained road system.

Del Norte County realizes there are many impacts anticipated as a result of climate change. This planning effort is specifically focused on identifying vulnerabilities for drainage infrastructure associated with the County maintained road system and developing a prioritized list of projects that upon implementation will result in the drainage infrastructure associated with the County maintained road system being significantly more resilient to the anticipated impacts associated with climate change. Given that hydrology and hydraulics is a significant component of this project there are anticipated opportunities to identify vulnerabilities associated with sea level rise and incorporate them into resilient infrastructure planning. Coastal erosion hazards are not intended to be comprehensively covered by this planning effort. However, deficiencies may be acknowledged and potentially minimally addressed if there is substantial interest from the public and advisory committee.

Consistent with the Sustainable Transportation Planning Grant Program the project will prioritize public engagement, climate adaptation planning within the planning horizon (2050 and beyond), and the grant program objectives including: sustainability, preservation, accessibility, safety, innovation, economy, health, and social equity.

Through development of the project, public outreach and the advisory committee will be used to assist with defining and prioritizing considerations to meet the grant program objectives from a local perspective. The County anticipates an emphasis on environmental and cultural considerations may be additional criteria utilized to prioritize improvements.

The County maintained road system can be viewed on the Del Norte County Map Viewer managed by the Information Technology Department and found at: <u>https://experience.arcgis.com/experience/aae802f34f9f43eaad52f334145bc798</u>.

# **SCOPE OF WORK**

#### General:

The County of Del Norte is interested in contracting with a Consultant that will conduct and coordinate specified tasks related to advancing the Del Norte Regional Drainage Study and Capital Improvement Plan through the planning phase.

The work shall comply with the requirements of all of the following without limitation, and shall apply to this RFP and any subsequent contract as though incorporated herein by reference:

- 1. Federal laws
- 2. State laws
- 3. Local laws
- 4. Rules and regulations of governing utility districts
- 5. Rules and regulations of other authorities with jurisdiction over the procurement of products
- 6. The *Adaptation Grant (State) Restricted Grant Agreement* that is specific to the Del Norte Regional Drainage Study and Capital Improvement Plan.

The Consultant shall comply with all insurance requirements of the County of Del Norte, included in the sample professional services agreement in Attachment 2.

#### Services to be Provided:

The Consultant selected shall provide all services to complete the planning phase for the Del Norte Regional Drainage Study and Capital Improvement Plan.

Specifically, the Consultant selected will be required to complete the "Attachment II. Scope of Work and Project Timeline" attached to the *Adaptation Grant (State) Restricted Grant Agreement* that is specific to the Del Norte Regional Drainage Study and Capital Improvement Plan. The *Adaptation Grant (State) Restricted Grant Agreement* is attached to this request for proposals as Attachment 1.

**Project Management** – The County of Del Norte will serve as the contract manager and direct liaison between the Consultant and Caltrans District 1. The consultant shall be responsible for project management activities throughout the life of the contract and the scope of activities includes but is not limited to, coordinating and being responsible for scheduling meetings, managing the project schedule, preparing and distributing minutes, field reviews, tracking action items for the County of Del Norte and consultant sub-contractors, and preparing all submissions for the County of Del Norte to submit to Caltrans Local Assistance. Any modifications proposed to this solicitation are welcome provided they are innovative, advanced, and well thought out methodologies and shall be identified as optional and priced out separately in the sealed fee proposal.

**Environmental and Permitting** – Data collection efforts coupled with the drainage study shall identify environmental (e.g., potential impacts resulting in mitigation obligations and the anticipated mitigation ratios), jurisdictional (e.g., improvements on federal lands or on federal

Indian reservations), and permitting (e.g., California Coastal Act vs. Local Coastal Program) considerations that are likely to contribute to the scope of work of each implementation project.

**Design and Estimates** – Design the improvements and prepare the plans, specifications, and estimates in accordance with Caltrans Standards and AASHTO Geometric Design guidelines to achieve project objectives. Consultant shall examine and present project alternatives up to 30% design. Estimates prepared shall be detailed at unit prices (not lump sum), whenever possible, and be based on locally relevant data.

**Contract Term** – Contract amendments are required to modify the terms of the original contract for changes such as extra time, added work, or increased costs and must be done prior to expiration of the original contract. Only work within the original advertised scope of services shall be added by amendment to the contract.

**Method of Payment** – Actual Cost-Plus-Fixed Fee. The consultant performs the services stated in the contract for an agreed amount as compensation, including a net fee or profit.

**Minimum Qualifications of Personnel** – The Consultant shall meet the appropriate minimum qualifications as required by this contract. The County desires the following:

- Consultant project manager to be a licensed civil engineer or similar professional with hydrology, hydraulics, and ArcGIS experience.
- Lead field data collection person to have a civil engineering or similar background with hydrology, hydraulics, and ArcGIS experience.
- Consultant team to have experience with evaluation and implementation of all magnitudes of drainage improvements associated with publicly maintained roadway infrastructure.
- Individual members of the Consultant team to have experience working together on similar projects.

**Equipment Requirements** - The Consultant shall have and provide adequate office equipment and supplies to complete the work required by this Contract. Consultant shall have and provide adequate field tools, instruments, equipment, materials, supplies, and safety equipment to complete the required field work and that meet or exceed Caltrans Specifications per the Caltrans Manuals.

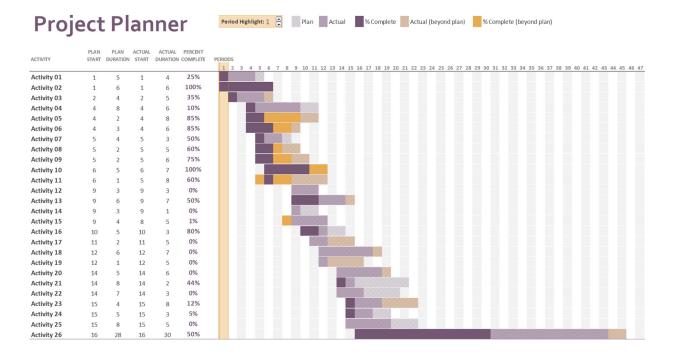
**Materials to be provided by the Agency** - Unless otherwise specified in this Contract, the Consultant shall provide all materials to complete the required work in accordance with the delivery schedule and cost estimate outlined in each Task Order. Materials (if deemed applicable, necessary, and when available from the County of Del Norte) that may be furnished or made available by the County of Del Norte and where listed in the individual Task Orders and this Contract, are for the Consultant's use only, shall be returned at the end of the Contract.

Materials to be made available by Others – The County of Del Norte and specifically thisproject is relying on lidar data and derivates that are being delivered through the North CoastResource Partnership. As of January 15, 2025, data and lidar products are anticipated to bepublicly available by March 1, 2025. The North Coast Resource Partnership is still referencing theLidar Derivates for California by Mark Tukman, for North Coast Resource Partnership, dated July17, 2024 to be the best available information regarding available data and products. The LidarDerivatesforCaliforniaisavailableat:

<u>https://storymaps.arcgis.com/stories/183976156b3940bc93167e7461fdc673</u> and states, "The derivatives will be made public on <u>https://pacificvegmap.org</u> and on ArcGIS Online and will be linked to from the North Coast Resource Partnership's web site." Proposers are encouraged to visit the webpage as the County of Del Norte has been unable to PDF the webpage in such a way as to capture all of the available webpage content.

**Work to be performed by the Agency** – The County of Del Norte will produce the "Task Deliverables" with "(In-house)" behind them found in "Attachment II. Scope of Work and Project Timeline" attached to the *Adaptation Grant (State) Restricted Grant Agreement*.

**Project Schedule** – In order to assess duration and resources, the project planning and scheduling of tasks should be done using a Gantt chart.



# **APPENDIX A – PROPOSAL REQUIREMENTS**

These guidelines are provided for standardizing the preparation and submission of Proposal/Proposals by all Consultants. The intent of these guidelines is to assist Consultants in preparation of their proposals, to simplify the review process, and to help assure consistency in format and content.

Proposals shall contain the following information in the order listed:

# **1. Introductory Letter**

The introductory (or transmittal) letter shall be addressed to:

County of Del Norte Community Development Department Engineering and Surveying Division Attn: Rosanna Bower, Project Manager 981 H Street, Suite 110 Crescent City, CA 95531

The letter shall be on Consultant letterhead and include the Consultant's contact name, mailing address, telephone number, and email address. The letter will address the Consultant's understanding of the services being requested and any other pertinent information the Consultant believes should be included. All addendums received must be acknowledged in the transmittal letter.

The letter shall be wet-signed in blue ink by the individual authorized to bind the Consultant to the proposal.

#### 2. Executive Summary

#### 3. Consultant Information, Qualifications & Experience

The County of Del Norte will only consider submittals from Consultants that demonstrate they have successfully completed comparable projects. These projects must illustrate the quality, type, and past performance of the project team. Submittals shall include a detailed description of a minimum of three (3) projects within the past five (5) years which include the following information:

- 1. Contracting agency
- 2. Contracting agency Project Manager
- 3. Contracting agency contact information
- 4. Contract amount
- 5. Funding source
- 6. Date of contract
- 7. Date of completion
- 8. Consultant Project Manager and contact information
- 9. Project Objective

10. Project Description 11. Project Outcome

# 4. Organization and Approach

- 1. Describe the roles and organization of your proposed team for this project. Indicate the composition of subcontractors and number of project staff, facilities available and experience of your team as it relates to this project.
- 2. Describe your project and management approach. Provide a detailed description of how the team and scope of work will be managed.
- 3. Describe the roles of key individuals on the team. Provide resumes and references for all key team members. Resumes shall show relevant experience, for the Project's Scope of Work, as well as the length of employment with the proposing Consultant. Key members, especially the Project Manager, shall have significant demonstrated experience with this type of project, and should be committed to stay with the project for the duration of the project.

# 5. Scope of Work

- 1. Include a detailed Scope of Work Statement describing all services to be provided.
- 2. Describe project deliverables for each phase of your work.
- 3. Describe your cost control and budgeting methodology for this project.
- 4. Provide responses to the following:
  - a. Describe critical data collection, analysis, and other anticipated challenges associated with the project and how you will address these.
  - b. How cost and schedule could be minimized.
- 5. Include the percentage of project hours assigned to each task.
  - a. Task 1: Project Administration 0%
  - b. Task 2: Consultant Procurement 0%
  - c. Task 3: Existing Conditions
  - d. Task 4: Analysis
  - e. Task 5: Public Outreach
  - f. Task 6: Advisory Committee Meetings
  - g. Task 7: Draft and Final Plan
  - h. Task 8: Board Review/Approval

#### 6. Schedule of Work

Provide a detailed schedule for all phases of the project and the proposing Consultant's services including time for reviews and approvals. The schedule shall meet the Project Schedule shown in Appendix C, however, expedited schedules are preferred with justification for timeline feasibility.

# 7. Conflict of Interest Statement

The proposing Consultant shall disclose any financial, business or other relationship with the County of Del Norte that may have an impact upon the outcome of the contract or the

construction project. The Consultant shall also list current clients who may have a financial interest in the outcome of this contract or the construction project that will follow.

### 8. Litigation

Indicate if the proposing Consultant was involved with any litigation in connection with prior projects for at least the past ten (10) years. If yes, briefly describe the nature of the litigation and the result.

#### 9. Contract Agreement

Indicate if the proposing Consultant has any issues or needed changes to the proposed contract agreement included as Attachment 2.

The Consultant shall provide a brief statement affirming that the proposal terms shall remain in effect for ninety (90) days following the date proposal submittals are due.

A contract will not be awarded to a consultant without an adequate financial management and accounting system as required by 48 CFR Part 31 and 2 CFR Part 200.

#### **10.Cost Proposal**

The consultant performs the services stated in the contract for an agreed amount as compensation, including a net fee or profit.

In order to assure that the County of Del Norte is able to acquire professional services based on the criteria set forth in the Brooks Act and Government Code 4526, the proposal shall include a cost proposal for each service of the proposal. Proposing Consultants will be required to submit certified payroll records, as required. Cost proposal shall be submitted in a *separate sealed* envelope from the proposal. The cost proposal is confidential and will be unsealed after all proposals have been reviewed, and most qualified consultant has been selected. Reference Sample Cost Proposal 1 – For Contracts with Cost-Plus-Fixed Fee or Lump Sum found at: <u>https://dot.ca.gov/programs/local-assistance/guidance-and-oversight/consultant-</u> <u>selection-procurement</u>. Consultant shall prepare an Actual Cost-Plus-Fixed Fee estimate with progress payments at defined milestones/tasks.

Selected Consultant shall comply with Chapter 10 of the Local Assistance Procedures Manual regarding the A&E Consultant Contract Audit and Review process.

# **APPENDIX B – PROPOSAL EVALUATION**

#### **Evaluation Process**

All proposals will be evaluated by a County of Del Norte Selection Committee (Committee). The Committee may be composed of County of Del Norte staff and other parties that may have expertise or experience in the services described herein. The Committee will review the submittals and will rank the proposers. The evaluation of the proposals shall be within the sole judgment and discretion of the Committee. All contacts during the evaluation phase shall be through the County of Del Norte Project Manager only. Proposers shall neither contact nor lobby evaluators during the evaluation process. Attempts by Proposer to contact members of the Committee may jeopardize the integrity of the evaluation and selection process and risk possible disqualification of Proposer.

The Committee will evaluate each proposal meeting the qualification requirements set forth in this RFP. Proposers should bear in mind that any proposal that is unrealistic in terms of the technical or schedule commitments may be deemed reflective of an inherent lack of technical competence or indicative of a failure to comprehend the complexity and risk of the County of Del Norte requirements as set forth in this RFP.

The selection process may include oral interviews. The consultant will be notified of the time and place of oral interviews and if any additional information that may be required to be submitted.

Upon completion of the evaluation and selection process, only the cost proposal from the most qualified consultant will be opened to begin cost negotiations. Upon acceptance of a cost proposal and successful contract negotiations, staff will recommend a contract be awarded.

#### **Evaluation Criteria**

Proposals will be evaluated according to each Evaluation Criteria, and scored on a zero to five point rating. The scores for all the Evaluation Criteria will then be multiplied according to their assigned weight to arrive at a weighted score for each proposal. A proposal with a high weighted total will be deemed of higher quality than a proposal with a lesser-weighted total. The final maximum score for any project is five hundred (500) points.

		Rating Scale
0	Not Acceptable	Non-responsive, fails to meet RFP specifications. The approach has no probability of success. For mandatory requirement this score will result in disqualification of proposal.
1	Poor	Below average, falls short of expectations, is substandard to that which is the average or expected norm, has a low probability of success in achieving project objectives per RFP.
2	Fair	Has a reasonable probability of success, however, some objectives may not be met.
3	Average	Acceptable, achieves all objectives in a reasonable fashion per RFP specification. This will be the baseline score for each item with adjustments based on interpretation of proposal by Evaluation Committee members.

4	Above Average/Good	Very good probability of success, better than that which is average or expected as the norm. Achieves all objectives per RFP requirements and expectations.
5	Excellent/ Exceptional	Exceeds expectations, very innovative, clearly superior to that which is average or expected as the norm. Excellent probability of success and in achieving all objectives and meeting RFP specification.

The Evaluation Criteria Summary and their respective weights are as follows:

No.	Written Evaluation Criteria	Weight
1	Completeness of Response	Pass/Fail
2	Qualifications & Experience	20
3	Organization & Approach	15
4	Scope of Services to be Provided	15
5	Schedule of Work	10
6	Conflict of Interest Statement	Pass/Fail
7	Responsive Engagement	5
8	References	10
	Subtotal:	75

No.	Interview Evaluation Criteria	Weight
9	Presentation by team	10
10	Q&A Response to panel questions	15
	Subtotal:	25
	Total:	100

# 1. Completeness of Response (Pass/Fail)

a. Responses to this RFP must be complete. Responses that do not include the proposal content requirements identified within this RFP and subsequent addenda and do not address each of the items listed below will be considered incomplete, be rated a Fail in the Evaluation Criteria and will receive no further consideration. Responses that are rated a Fail and are not considered may be picked up at the delivery location within 14 calendar days of contract award and/or the completion of the competitive process.

# 2. Qualifications & Experience (20 points)

a. Relevant experience, specific qualifications, and technical expertise of the firm and sub-consultants to complete the scope of work on both federal and nonfederal-aid projects.

# 3. Organization & Approach (15 points)

- a. Describes familiarity of project and demonstrates understanding of work completed to date and project objectives moving forward.
- b. Roles and Organization of Proposed Team
  - i. Proposes adequate and appropriate disciplines of project team.
  - ii. Some or all of team members have previously worked together on similar project(s).
  - iii. Overall organization of the team is relevant to County of Del Norte needs.
- c. Project and Management Approach
  - i. Team is managed by an individual with appropriate experience in similar projects. This person's time is appropriately committed to the project.
  - ii. Team successfully addresses Site Planning and Programming efforts.
  - iii. Project team and management approach responds to project issues. Team structure provides adequate capability to perform both volume and quality of needed work within project schedule milestones.
- d. Roles of Key Individuals on the Team
  - i. Proposed team members, as demonstrated by enclosed resumes, have relevant experience for their role in the project.
  - ii. Key positions required to execute the project team's responsibilities are appropriately staffed.
- e. Working Relationship with Del Norte County
  - i. Team and its leaders have experience working in the public sector and knowledge of public sector procurement process.
  - ii. Team leadership understands the nature of public sector work and its decision-making process.
  - iii. Proposal responds to need to assist Del Norte County during the project.

# 4. Scope of Services to be Provided (15 points)

- a. Detailed Scope of Services to be Provided
  - i. Proposed scope of services is appropriate for all phases of the work.
  - ii. Scope addresses all known project needs and appears achievable in the timeframes set forth in the project schedule.
- b. Project Deliverables
  - i. Deliverables are appropriate to schedule and scope set forth in above requirements.
- c. Cost Control and Budgeting Methodology
  - i. Proposer has a system or process for managing cost and budget.
  - ii. Evidence of successful budget management for a similar project.

# 5. Schedule of Work (10 points)

- a. Schedule shows completion of the work within or preferably prior to the Del Norte County overall time limits as specified in Appendix C.
- b. The schedule serves as a project timeline, stating all major milestones and required submittals for project management and Federal-Aid compliance.
- c. The schedule addresses all knowable phases of the project, in accordance with the general requirements of this RFP.

# 6. Conflict of Interest Statement (Pass/Fail)

- a. Discloses any financial, business or other relationship with Del Norte County that may have an impact upon the outcome of the contract or the construction project.
- b. Lists current clients who may have a financial interest in the outcome of this contract or the construction project that will follow.
- c. Discloses any financial interest or relationship with any construction company that might submit a bid on the construction project.

# 7. Responsive Engagement (5 points)

- a. Discuss what effort above and beyond status quo will occur to achieve responsive engagement from the public, advisory committee, and stakeholders.
- b. Provide quantitative and qualitative examples of successful engagement on other similar projects, and lessons learned.

# 8. References (10 points)

a. Provide as reference the name of at least three (3) agencies you currently or have previously consulted for in the past three (3) years.

# 9. Presentation by Team (10 points)

a. Team presentation conveying project understanding, communication skills, innovative ideas, critical issues and solutions.

#### **10.Q&A** Response to Panel Questions (15 points)

a. Proposer provides responses to various interview panel questions.

Weighted scores for each Proposal will be assigned utilizing the table below:

No.	Evaluation Criteria		Weight	Score (Rating * Weight)
1	Completeness of Response	N/A	Pass/Fail	Pass/Fail
2	Qualifications & Experience		20	
3	Organization & Approach		15	
4 Scope of Services to be Provided			15	
5	Schedule of Work		10	
6	Conflict of Interest Statement	N/A	Pass/Fail	Pass/Fail
7	Responsive Engagement		5	
8	References		10	
9	Presentation by Team		10	
10	Q&A Response to Panel Questions		15	
Total:			100	

# **APPENDIX C – PROJECT SCHEDULE**

**Project Schedule** – The Consultant selected shall provide all services to complete the Del Norte Regional Drainage Study and Capital Improvement Plan prior to March 31, 2027. Assume a notice to proceed date of May 1, 2025 and a project end date of March 31, 2027.

A project schedule that was developed at the time of grant application is included in "Attachment II. Scope of Work and Project Timeline" attached to the *Adaptation Grant (State) Restricted Grant Agreement* that is specific to the Del Norte Regional Drainage Study and Capital Improvement Plan.

# Attachment 1

Adaptation Grants (State) Restricted Grant Agreement for Del Norte Regional Drainage Study and Capital Improvement Plan

# Adaptation Grants (State)

# **Restricted Grant Agreement**

This Restricted Grant Agreement (RGA), between the State of California acting by and through its Department of Transportation, referred to herein as **CALTRANS**, and **COUNTY OF DEL NORTE**, the hereinafter referred to as **AGENCY**, will commence on **NOVEMBER 4**, **2024**, or upon approval by **CALTRANS**, whichever occurs later. This RGA is of no effect unless approved by **CALTRANS**. **AGENCY** shall not receive payment for work performed prior to approval of the RGA and before receipt of Notice to Proceed by the **CALTRANS** Contract Manager. This RGA shall expire on **JUNE 30**, **2027**.

#### Recitals

- 1. Under this RGA, **CALTRANS** intends to convey State restricted grant funds to **AGENCY**, pursuant to Budget Act Line Item 2660-102-0042, who will conduct transportation studies and planning within the regional area under the jurisdiction of **AGENCY** under the terms, covenants, and conditions of this RGA.
- 2. **CALTRANS** and **AGENCY** intend that only funds that are authorized as restricted grants will be subject to this RGA, and that no funds that should be the subject of a Joint Powers Agreement, Interagency Agreement, or other non-grant agreement shall be subject to this RGA.

Now, Therefore, based upon the terms, covenants, and conditions of this RGA, the parties agree as follows:

#### Section I

#### AGENCY Agrees:

To timely and satisfactorily complete all Project work described in **Attachment II** within the project budget and in accordance with the items of this RGA.

#### Section II

#### CALTRANS Agrees:

That when conducting an audit of the costs claimed by **AGENCY** under the provisions of this RGA, to conduct the audit in accordance with applicable laws and regulations.

#### Section III

#### It Is Mutually Agreed:

- Under this RGA, CALTRANS will convey State grant restricted funds to AGENCY, pursuant to Budget Act Line Item 2660-102-0042, and AGENCY will conduct transportation studies and planning within the regional area described in Attachment II. The funds subject to this RGA must be (a) identified as available for a restricted grant in CALTRANS' budget and (b) for the purpose of conducting transportation studies or planning and (c) to a public entity that is responsible for conducting transportation studies or planning.
- Under this restricted grant, funds may be only used for the purpose set forth in RGA, Resolution (Attachment I), Scope of Work and Project timeline (Attachment II), and the applicable Grant Application Guide (Attachment III), and funds may only be used for costs and expenses that are directly related to such purpose.
- 3. AGENCY shall perform all the duties and obligations described in DEL NORTE REGIONAL DRAINAGE STUDY AND CAPITAL IMPROVEMENT PLAN hereinafter "Project", subject to the

terms and conditions of this RGA and Approved Project Grant Application (Scope of Work and Project timeline), which are attached hereto as **Attachment II**.

- 4. The resolution authorizing **AGENCY** to execute this RGA pertaining to the above described Project is attached hereto as **Attachment I**.
- 5. All services performed by AGENCY pursuant to this RGA shall be performed in accordance with California Senate Bill No. 198 (SB-198) (Chapter 71, Statutes of 2022), including, but not limited to, Government Code Section 14460(a)(1), as well as all applicable Federal, State, and Local laws, regulations, and ordinances, all applicable CALTRANS policies and procedures, and all applicable CALTRANS published manuals, including, but not limited to, the applicable Grant Application Guide (Attachment III).

California Government Code Section 14460(a)(1) provides: "The department **[CALTRANS]**, and external entities that receive state and federal transportation funds from the department, are spending those funds efficiently, effectively, economically, and in compliance with applicable state and Federal requirements. Those external entities include, but are not limited to, private for profit and nonprofit organizations, local transportation agencies, and other local agencies that receive transportation funds either through a contract with the department or through an agreement or grant administered by the department."

In case of conflict between Federal, State, and Local laws, regulations, and ordinances, and/or any applicable policies, procedures, or published manuals of either **CALTRANS** or **AGENCY**, the order of precedence of the applicability of same to this RGA shall be established in this order: 1) Federal laws and regulations; 2) California laws and regulations; 3) **CALTRANS** policies, procedures, and published manuals; 4) Local ordinances; and 5) **AGENCY** policies, procedures, and published manuals. This RGA may not include any federal funds.

Fund Title	Fund Source	Dollar Amount
State Highway Account (SHA)	State	\$2,655,900.00
Local Match	Agency Provided	\$344,100.00
	Total Project Costs	\$3,000,000.00

6. Project funding is as follows:

No in-kind contributions may be made unless the amount and type of the contribution is identified above.

- 7. This RGA is exempt from the legal review and approval by the Department of General Services, pursuant to Legal Opinions of the Attorney General: 58 Ops. Cal. Atty. Gen. 586 (1975), 63 Ops. Cal. Atty. Gen. 290 (1980), 74 Ops. Cal. Atty. Gen. 10 (1991), and 88 Ops. Cal. Atty. Gen. 56.
- 8. Notification of Parties
  - a. AGENCY's Project Manager for Project is Rosanna Bower, (707) 464-7229.
  - b. **CALTRANS'** Contract Manager is Clancy De Smet, (707) 572-7933. "Contract Manager" as used herein includes his/her designee.

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c. All notices herein provided to be given, or which may be given, by either party to the other, shall be deemed to have been fully given when made in writing and received by the parties at their respective addresses:

#### **County of Del Norte**

Attention: Rosanna Bower, Project Manager Phone Number: (707) 464-7229 Email: <u>rbower@co.del-norte.ca.us</u> Address: 981 H Street, Suite 110 Crescent City, CA 95531

#### **California Department of Transportation**

District 1/Climate Change Adaptation Attention: Clancy De Smet, Contract Manager Phone Number: (707) 572-7933 Email: <u>clancy.desmet@dot.ca.gov</u> Address: 1656 Union Street, MS01 Eureka, CA 95501

- 9. Period of Performance
  - a. Reimbursable work under this RGA shall begin no earlier than on **NOVEMBER 4, 2024**, following the written approval of **CALTRANS** and **AGENCY's** receipt of the Notice to Proceed letter of this RGA by the **CALTRANS** Contract Manager, and will expire on **JUNE 30, 2027**.
  - b. **AGENCY** will attend a kickoff meeting with **CALTRANS** to be scheduled within one (1) week from receipt of Notice to Proceed letter by the **CALTRANS** Contract Manager.
- 10. Changes in Terms/Amendments

This Agreement may only be amended or modified during the period of performance by mutual written agreement of the parties.

- 11. Cost Limitation
  - a. The maximum total amount granted and reimbursable to **AGENCY** pursuant to this RGA by **CALTRANS** shall not exceed **\$2,655,900.00**.
  - b. It is agreed and understood that this RGA fund limit is an estimate and that CALTRANS will only reimburse the cost of services actually rendered in accordance with the provisions of this RGA and as authorized by the CALTRANS Contract Manager at or below that fund limitation established herein.
- 12. Termination
  - a. CALTRANS reserves the right to terminate this RGA upon written notice to AGENCY at least 30 days in advance of the effective date of such termination in the event CALTRANS determines (at its sole discretion) that AGENCY failed to proceed with PROJECT work in accordance with the terms of this RGA. In the event of termination for convenience, CALTRANS will reimburse AGENCY for all allowable, authorized and non-cancelled costs up to the date of termination
  - b. This RGA may be terminated by either party for any reason by giving written notice to the other party at least 30 days in advance of the effective date of such termination. In the event of termination for convenience, **CALTRANS** will reimburse **AGENCY** for all allowable, authorized, and non-cancelled costs up to the date of termination.

c. **AGENCY** has 60 days after the Termination Date to submit accurate invoices to **CALTRANS** to make final allowable payments for Project costs in accordance to the terms of this RGA. Failure to submit invoices within this period of time shall result in a waiver by **AGENCY** of its right to reimbursement of expended costs.

#### 13. Budget Contingency Clause

- a. It is mutually agreed that if the US Congress or the State Legislature fail to appropriate or allocate funds during the current year and/or any subsequent years covered under this RGA do not appropriate sufficient funds for the program, this RGA shall be of no further force and effect. In this event, CALTRANS shall have no liability to pay any funds whatsoever to AGENCY or to furnish any other considerations under this RGA and AGENCY shall not be obligated to perform any provisions of this RGA.
- b. If funding for any fiscal year is reduced or deleted by US Congress or State Legislature for purposes of this program, **CALTRANS** shall have the option to either terminate this RGA with no liability occurring to **CALTRANS**, or offer an RGA Amendment to **AGENCY** to reflect reduced amount.

#### 14. Payment and Invoicing

- a. The method of payment for this RGA will be based on the actual allowable costs that are incurred in accordance with the provisions of this RGA and in the performance of the Project Work. CALTRANS will reimburse AGENCY for expended actual allowable direct costs, and including, but not limited to, labor costs, travel, and contracted consultant services costs incurred by AGENCY in performance of the Project work. Indirect costs are reimbursable only if the AGENCY has identified the estimated indirect cost rate in Attachment II and an approved Indirect Cost Allocation Plan or an Indirect Cost Rate Proposal as set forth in Section III–Cost Principles, Item 16d. The total cost shall not exceed the cost reimbursement limitation set forth in Section III–Cost Limitations, Item 11a. Actual costs shall not exceed the estimated wage rates, labor costs, travel, and other estimated costs and fees set forth in Attachment II without an amendment to this RGA, as agreed between CALTRANS and AGENCY.
- b. Reimbursement of AGENCY expenditures will be authorized only for those allowable costs actually incurred by AGENCY in accordance with the provisions of this RGA and in the performance of Project work. AGENCY must not only have incurred the expenditures on or after the start date and the issuance of the Notice to Proceed letter for this RGA and before the Expiration Date but must have also paid for those costs to claim any reimbursement.
- c. Travel expenses and per diem rates are not to exceed the rate specified by the State of California Department of Human Resources for similar employees (i.e. non-represented employees) unless written verification is supplied that government hotel rates were not then commercially available to **AGENCY**, its subrecipients, contractors, and/or subcontractors, at the time and location required as specified in the California Department of Transportation's Travel Guide Exception Process at the following link: <u>https://travelpocketguide.dot.ca.gov/</u>.

Also see website for summary of travel reimbursement rules.

d. AGENCY shall submit invoices to CALTRANS at least quarterly, but no more frequently than monthly, in arrears for completion of milestones in accordance with the Project Timeline in Attachment II to the satisfaction of CALTRANS Contract Manager. Invoices shall reference this RGA Number and shall be signed and submitted to CALTRANS Contract Manager at the following address, as stated in Section III–Notification of Parties, Item 8c.

- e. Invoices shall include the following information:
  - 1) Names of the **AGENCY** personnel performing work
  - 2) Dates and times of Project Work
  - 3) Locations of Project Work
  - 4) Itemized costs as set forth in Attachment II, including identification of each employee, contractor or subcontractor staff who provided services during the period of the invoice, the number of hours and hourly rates for each employee, contractor, sub-recipient or subcontractor staff member, authorized travel expenses with receipts, receipts for authorized materials or supplies, and contractor, subrecipient and subcontractor invoices.
  - 5) AGENCY shall submit written progress reports with each set of invoices to allow CALTRANS Contract Manager to determine if AGENCY is performing to expectations, is on schedule, is within funding cost limitations, to communicate interim findings, and to afford occasions for airing difficulties respecting special problems encountered so that remedies can be developed.
- f. Incomplete or inaccurate invoices shall be returned to the **AGENCY** unapproved for correction. Failure to submit invoices on a timely basis may be grounds for termination of this RGA for material breach per **Section III–Termination, Item 12**.
- g. **CALTRANS** will reimburse **AGENCY** for all allowable Project costs at least quarterly, but no more frequently than monthly, in arrears and in compliance with the California 45-day Prompt Payment Act (Cal. Gov. Code section 927), upon receipt of an itemized signed invoice.
- h. The RGA Expiration Date refers to the last date for AGENCY to incur valid Project costs or credits and is the date the RGA expires. AGENCY has 60 days after that Expiration Date to make final allowable payments to Project contractors or vendors and submit the Project's Final Product(s) as defined in Attachment II and a final invoice to CALTRANS for reimbursement for allowable Project costs. Any unexpended Project funds not invoiced by the 60th day will be reverted and will no longer be accessible to reimburse late Project invoices contractor.
- 15. Local Match Funds
  - a. **AGENCY** shall contribute not less than a proportional cash amount toward the services described herein on a monthly or quarterly basis. The frequency of the payments shall be agreed upon by the parties in a document signed by both parties. Notwithstanding the foregoing, to the extent that in-kind contributions are permitted and identified under this RGA, **Section III–Project Funding, Item 6**, the contributions may be counted as cash when they are actually received by **CALTRANS**. Except where expressly allowed in writing herein, reimbursement of credits for local matching funds will be made or allowed only for work performed on and after the date of issuance of the Notice to Proceed and prior to the Expiration Date of this RGA.
  - b. AGENCY agrees to contribute the statutorily required local contribution of matching funds if any is specified within this RGA or in any Attachment hereto, toward the actual cost of the services described in Attachment II. AGENCY shall contribute not less than its required match amount toward the services described herein. Local cash and in-kind match requirements can be found in the applicable Grant Application Guide (Attachment III).

#### 16. Cost Principles

- a. **AGENCY** agrees to comply with Title 2, Code of Federal Regulations (CFR), Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- b. AGENCY agrees, and will assure that its contractors, sub-recipients, and subcontractors will be obligated to agree, that (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual Project cost items and (b) and (b) all parties shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Every sub-recipient receiving Project funds as a sub-recipient, contractor, or subcontractor under this RGA shall comply with Federal administrative Requirements, Cost Principles, Cost Principles and Audit Requires in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles, Cost Principles and Audit Requires in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles, Cost Principles, Cost Principles, Cost Principles, CFR, Part 200, Uniform Administrative Requirements, Cost Principles, Cost Principles, Cost Principles, Cost Principles, Cost Principles, Cost Principles, CFR, Part 200, Uniform Administrative Requirements, Cost Principles, Cost Principles, CFR, Part 200, Uniform Administrative Requirements, Cost Principles, Cost Principles, CFR, Part 200, Uniform Administrative Requirements, Cost Principles, Cost Principles, CFR, Part 200, Uniform Administrative Requirements, Cost Principles, Cost Principles, CFR, Part 200, Uniform Administrative Requirements, Cost Principles, Cost Principles,
- c. Any Project costs for which AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, and/or Part 48, Chapter 1, Part 31, are subject to repayment by AGENCY to CALTRANS. Should AGENCY fail to reimburse moneys due CALTRANS within 30 days of discovery or demand, or within such other period as may be agreed in writing between the parties hereto, CALTRANS is authorized to intercept and withhold future payments due AGENCY from CALTRANS or any third-party source, including, but not limited to, the State Treasurer, the State Controller or any other fund source.
- d. Prior to **AGENCY** seeking reimbursement of indirect costs, **AGENCY** must have identified estimated indirect cost rate in **Attachment II**, prepare and submit annually to **CALTRANS** for review and approval an indirect cost rate proposal and a central service cost allocation plan (if any) in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and Chapter 5 of the Local Assistance Procedures Manual which may be accessed at: <u>https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/ch05.pdf</u>.
- e. **AGENCY** agrees and shall require that all its agreements with consultants and subrecipients contain provisions requiring adherence to this section in its entirety **except for section c**, **above**.
- 17. Americans with Disabilities Act

By signing this Agreement, **LOCAL AGENCY** assures **CALTRANS** that in the course of performing Project Work, it will fully comply with the applicable provisions of the Americans with Disabilities Act (ADA) of 1990, as amended, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA (42 USC Section 12101 et seq.).

18. Iran Contracting Act

Proposed Contractor must complete and submit to Caltrans the Iran Contracting Act Certification certifying that it is not on the most current DGS list of Entities Prohibited from Contracting with Public Entities in California per the Iran Contracting Act, 2010 (<u>https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/List-of-Ineligible-Businesses</u>), before the Agreement has been executed, unless Contractor is exempted from the certification requirement by Public Contract Code Section 2205(c) or (d). If claiming an exemption, the proposed Contractor shall provide written evidence that supports an exemption under Public Contract Code Section 2203(c) or (d) before execution of the Agreement.

#### 19. Indemnification

Neither **CALTRANS** nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by **AGENCY**, its officers, employees, agents, its contractors, its subrecipients, or its subcontractors under or in connection with any work, authority, or jurisdiction conferred upon **AGENCY** under this RGA. It is understood and agreed that **AGENCY** shall fully defend, indemnify, and save harmless **CALTRANS** and all of **CALTRANS**' officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, including, but not limited to, tortuous, contractual, inverse condemnation, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by **AGENCY**, its officers, employees, agents, contractors, subrecipients, or subcontractors under this RGA.

- 20. Nondiscrimination Clause (2 CCR 11105 Clause b)
  - a. During the performance of this RGA, the **AGENCY**, its contractors, its subrecipients, and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, medical condition, genetic information, marital status, sex, gender expression, age, sexual orientation, or military and veteran status, medical condition, genetic information, marital status, sex, gender expression, age, sexual orientation, or military and veteran status. AGENCY shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination.
  - b. AGENCY shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code Sections 12900 et seq.), the regulations promulgated thereunder (California Code of Regulations, Title 2, Sections 11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code Sections 11135-11139.5), and the regulations or standards adopted by CALTRANS to implement such article.
  - c. **AGENCY** shall permit access by representatives of the Department of Fair Employment and Housing and **CALTRANS** upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or **CALTRANS** shall require to ascertain compliance with this clause.
  - d. **AGENCY** and its contractors, its sub-recipients, and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
  - e. **AGENCY** shall include the nondiscrimination and compliance provisions of this clause in all agreements with its sub-recipients, contractors, and subcontractors, and shall include a requirement in all agreements with all of same that each of them in turn include the nondiscrimination and compliance provisions of this clause in all contracts and subcontracts they enter into to perform work under the RGA.
- 21. Retention of Records/Audits
  - a. **AGENCY**, its contractors, subcontractors and sub-recipients, agree to comply with Title 2, Code of Federal Regulations (CFR), Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

- b. AGENCY, its contractors, subcontractors and sub-recipients shall establish and maintain an accounting system and records that properly accumulate and segregate incurred Project costs and matching funds by line. The accounting system of AGENCY, its contractors, all subcontractors, and sub-recipients shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices. All accounting records and other supporting papers of AGENCY, its contractors, subcontractors and sub-recipients connected with Project performance under this RGA shall be maintained for a minimum of three (3) years from the date of final payment to **AGENCY** and shall be held open to inspection, copying, and audit by representatives of CALTRANS, the California State Auditor, and auditors representing the federal government. Copies thereof will be furnished by AGENCY, its contractors, its subcontractors and sub-recipients upon receipt of any request made by CALTRANS or its agents. In conducting an audit of the costs and match credits claimed under this RGA, CALTRANS will rely to the maximum extent possible on any prior audit of AGENCY pursuant to the provisions of State and AGENCY law. In the absence of such an audit, any acceptable audit work performed by AGENCY's external and internal auditors may be relied upon and used by CALTRANS when planning and conducting additional audits.
- c. For the purpose of determining compliance with applicable State and AGENCY law in connection with the performance of AGENCY's contracts with third parties pursuant to Government Code Section 8546.7, AGENCY, AGENCY's sub-recipients, contractors, subcontractors, and CALTRANS, shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire Project period and for three (3) years from the date of final payment to AGENCY under this RGA. CALTRANS, the California State Auditor, or any duly authorized representative of CALTRANS or the United States Department of Transportation, shall each have access to any books, records, and documents that are pertinent to a Project for audits, examinations, excerpts, and transactions, and AGENCY shall furnish copies thereof if requested.
- d. **AGENCY**, its subrecipients, contractors, and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by **CALTRANS**, for the purpose of any investigation to ascertain compliance with this RGA.
- e. Additionally, all grants may be subject to a pre-award audit prior to execution of the RGA to ensure **AGENCY** has an adequate financial management system in place to accumulate and segregate reasonable, allowable and allocable costs.
- f. Any contract with a contractor, subcontractor, or sub-recipient entered into as a result of this RGA shall contain all the provisions of this article.
- 22. Adjudication of Facts in Disputes
  - a. Any dispute concerning a question of fact arising under this RGA that is not disposed of by agreement shall be decided by the **CALTRANS** Contract Officer, who may consider any written or verbal evidence submitted by **AGENCY**. The **CALTRANS** Contract Officer

shall issue a written decision within 30 days of receipt of the dispute. If **AGENCY** rejects the decision of the **CALTRANS** Contract Officer, **AGENCY** can pursue any and all remedies authorized by law. Neither party waives any rights to pursue remedies authorized by law.

- b. Neither the pendency of a dispute nor its consideration by CALTRANS Contract Officer will excuse AGENCY from full and timely performance in accordance with the terms of the RGA.
- 23. Third-Party Contracts
  - a. **AGENCY** shall perform the work contemplated with resources available within its own organization and no portion of the work shall be contracted to a third party without prior written authorization by the **CALTRANS** Contract Manager unless expressly included (subrecipient identified) in **Attachment II** as part of the identified Project work.
  - b. All State-government-funded procurements must be conducted using a fair and competitive procurement process. AGENCY may use its own procurement procedures as long as the procedures comply with the local AGENCY's laws, rules, and ordinances governing procurement and all applicable provisions of State law, including, without limitation, the requirement that the AGENCY endeavor to obtain at least three (3) competitive bids for solicitation of goods, services, and consulting services (see Part 2, Chapter 2, Articles 3 and 4 of the Public Contract Code); a qualifications-based solicitation process, for which statements of qualifications are obtained from at least three (3) qualified firms for architecture and engineering services (see Title 1, Division 5, Chapter 10 of the Government Code); and, the provisions of the State Contracting Manual (SCM), Chapter 5, which are not inconsistent with this Item 23, Third Party Contracts. The SCM can be found and the following link:<u>https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/State-Contracting.</u>
  - c. Any contract entered into as a result of this RGA shall contain all the provisions stipulated in this RGA to be applicable to **AGENCY's** sub-recipients, contractors, and subcontractors. Copies of all agreements with sub-recipients, contractors, and subcontractors, must be submitted to the **CALTRANS** Contract Manager.
  - d. **CALTRANS** does not have a contractual relationship with the **AGENCY's** subrecipients, contractors, or subcontractors, and the **AGENCY** shall be fully responsible for all work performed by its subrecipients, contractors, or subcontractors.
  - e. Prior authorization in writing by the CALTRANS Contract Manager shall be required before AGENCY enters into any non-budgeted purchase order or sub-agreement for supplies or consultant services. AGENCY shall provide an evaluation of the necessity or desirability of incurring such costs. AGENCY shall retain all receipts for such purchases or services and shall submit them with invoices per Section III–Payment and Invoicing, Item 14(e)(4), above.
  - f. Any contract entered into by AGENCY as a result of this RGA shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subrecipients, contractors, and subcontractors, will be allowable as Project costs only after those costs are incurred and paid for by the subrecipients, contractors, and subcontractors. Travel expenses and per diem rates for subcontractors shall be reimbursed pursuant to Section III–Payment and Invoicing, Item 14c, above.

24. Drug-Free Workplace Certification

By signing this RGA, **AGENCY** hereby certifies under penalty of perjury under the laws of California that **AGENCY** will comply with the requirements of the Drug-Free Workplace Act of 1990 (Gov. Code Sections 8350 et seq.) and will provide a Drug-Free workplace by doing all of the following:

- A. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code Section 8355(a)(1).
- B. Establish a Drug-Free Awareness Program as required by Government Code Section 8355(a)(2) to inform employees about all the following:
  - 1) The dangers of drug abuse in the workplace;
  - 2) The person's or organization's policy of maintaining a Drug-Free workplace;
  - 3) Any available counseling, rehabilitation, and employee assistance programs; and
  - 4) Penalties that may be imposed upon employees for drug abuse violations.
- C. Provide, as required by Government Code Section 8355(a)(3), that every employee who works on the proposed contract or grant:
  - 1) Will receive a copy of the company's Drug-Free Policy Statement.
  - 2) Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.
- D. Failure to comply with these requirements may result in suspension of payments under this RGA or termination of this RGA or both, and AGENCY may be ineligible for the award of any future state contracts if CALTRANS determines that any of the following has occurred: (1) AGENCY has made a false certification or, (2) AGENCY violates the certification by failing to carry out the requirements as noted above.
- 25. Relationship of Parties

It is expressly understood that this agreement is executed by and between two (2) independent governmental entities and is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of an independent party.

- 26. State-Owned Data
  - a. **AGENCY** agrees to comply with the following requirements to ensure the preservation, security, and integrity of State-owned data on portable computing devices and portable electronic storage media:
    - Encrypt all State-owned data stored on portable computing devices and portable electronic storage media using government-certified Advanced Encryption Standard (AES) cipher algorithm with a 256-bit or 128-bit encryption key to protect CALTRANS data stored on every sector of a hard drive, including temp files, cached data, hibernation files, and even unused disk space.
    - Data encryption shall use cryptographic technology that has been tested and approved against exacting standards, such as FIPS 140-2 Security Requirements for Cryptographic Modules.

- 3) Encrypt, as described above, all State-owned data transmitted from one computing device or storage medium to another.
- 4) Maintain confidentiality of all State-owned data by limiting data sharing to those individuals contracted to provide services on behalf of the State, and limit use of State information assets for State purposes only.
- 5) Install and maintain current anti-virus software, security patches, and upgrades on all computing devices used during the course of the Agreement.
- 6) Notify the **CALTRANS** Contract Manager immediately of any actual or attempted violations of security of State-owned data, including lost or stolen computing devices, files, or portable electronic storage media containing State-owned data.
- 7) Advise the owner of the State-owned data, the AGENCY Information Security Officer, and the AGENCY Chief Information Officer of vulnerabilities that may present a threat to the security of State-owned data and of specific means of protecting that State-owned data.
- b. AGENCY agrees to use the State-owned data only for State purposes under this Agreement.
- c. **AGENCY** agrees to not transfer State-owned data to any computing system, mobile device, or desktop computer without first establishing the specifications for information integrity and security as established for the original data file(s) (State Administrative Manual (SAM) Section 5335.1).
- 27. Assumption of Risk and Indemnification Regarding Exposure to Environmental Health Hazards

In addition to, and not a limitation of, Contractor's indemnification obligations contained elsewhere in this Agreement, Contractor hereby assumes all risks of the consequences of exposure of Contractor's employees, agents, Subcontractors, Subcontractors' employees, and any other person, firm, or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, to any and all environmental health hazards. local and otherwise, in connection with the performance of this Agreement. Such hazards include. but are not limited to, bodily injury and/or death resulting in whole or in part from exposure to infectious agents and/or pathogens of any type, kind or origin. Contractor also agrees to take all appropriate safety precautions to prevent any such exposure to Contractor's employees, agents, Subcontractors, Subcontractors' employees, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement. Contractor also agrees to indemnify and hold harmless Caltrans, the State of California, and each and all of their officers, agents and employees, from any and all claims and/or losses accruing or resulting from such exposure. Except as provided by law, Contractor also agrees that the provisions of this paragraph shall apply regardless of the existence or degree of negligence or fault on the part of Caltrans, the State of California, and/or any of their officers, agents and/or employees.

28. Mandatory Organic Waste Recycling

It is understood and agreed that pursuant to Public Resources Code Sections 42649.8 et seq., if Contractor generates two (2) cubic yards or more of organic waste or commercial solid waste per week, Contractor shall arrange for organic waste or commercial waste recycling services that separate/source organic waste for organic waste recycling. Contractor shall provide proof of compliance, i.e. organic waste recycling services or commercial waste recycling services that separate/source organic waste recycling, upon request from Caltrans Contract Manager.

#### 29. Project Close Out/Final Product

- a. **AGENCY** will provide two (2) electronic versions of the Final Product(s) to the **CALTRANS** Contract Manager.
- b. **CALTRANS** reserves the right to withhold final payment to **AGENCY** pending receipt of Final Product(s) to the **CALTRANS** Contract Manager.
- c. **AGENCY** will provide one (1) Integrated Climate Adaptation and Resiliency Program (ICARP) final case study/write-up to the Governor's Office of Planning and Research (OPR). The final case study is due at time of project end date and should highlight outcomes, lessons learned, and upcoming adaptation opportunity of the project.

#### 30. Ownership of Proprietary Property

#### a. Definitions

- 1) Work: The work to be directly or indirectly produced by AGENCY under this RGA.
- 2) Work Product: All deliverables created or produced from Work under this RGA including but not limited to, all Work and Deliverables conceived or made, or made hereafter conceived or made, either solely or jointly with others during the term of this RGA and during a period of six (6) months after the termination thereof, which relates to the Work commissioned or performed under this RGA. "Work Product" includes all deliverables, inventions, innovations, improvements, or other works of authorship AGENCY, its subrecipients, a third-party contractor or subcontractor may conceive of or develop in the course of this RGA, whether or not they are eligible for patent, copyright, trademark, trade secret, or other legal protection.
- 3) Inventions: Any idea, methodologies, design, concept, technique, invention, discovery, improvement or development regardless of patentability made solely by AGENCY or jointly with the AGENCY's contractor, subcontractor and/or subrecipient and/or the AGENCY's contractor, subcontractor and/or subrecipient's employees with one or more employees of CALTRANS, during the term of this RGA and in performance of any Work under this RGA, provided that either the conception or reduction to practice thereof occurs during the term of this RGA and in performance of any Work under the term of this RGA and in performance of Work issued under this RGA.

#### b. Ownership of Work Product and Rights

1) Copyright Ownership of Work Product: Except in regard to Pre-existing Works, all Work Product derived by the Work performed by the AGENCY, its employees, or by any of the AGENCY's contractor's, subcontractor's, and/or subrecipient's employees under this RGA, shall be owned by CALTRANS and AGENCY and shall be considered to be works made for hire by the AGENCY and AGENCY's contractor, subcontractor, and/or subrecipient for CALTRANS and AGENCY. CALTRANS and AGENCY shall own all United States and international copyrights in the Work Product.

As such, all **Work Product** shall contain, in a conspicuous place, a copyright designation consisting of a "c" in a circle followed by the four-digit year in which the Work Product was produced, followed by the words "California Department of Transportation and **AGENCY**. All Rights Reserved." For example, a Work Product created in the year 2012 would contain the copyright designation © 2012 California Department of Transportation, and **AGENCY**. All Rights Reserved.

2) **Vesting of Copyright Ownership**: **AGENCY**, its employees, and all of **AGENCY's** contractor's, subcontractor's, and subrecipient's employees, agrees to perpetually assign, and upon creation of each Work Product automatically assigns, to **CALTRANS** and

**AGENCY**, its successors, and assigns, ownership of all United States and international copyrights in each and every **Work Product**, insofar as any such **Work Product**, by operation of law, may not be considered work made for hire by the **AGENCY's** contractor, subcontractor, and/or subrecipient from **CALTRANS**. From time to time, **CALTRANS** and the **AGENCY shall** require its contractors, subcontractors, and/or subrecipients and their respective employees to confirm such assignments by execution and delivery of such assignments, confirmations, or assignment, or other written instruments as **CALTRANS** and the **AGENCY** may request. **CALTRANS** and the **AGENCY**, its successors, and assigns, shall have the right to obtain and hold in its or their own name(s) all copyright registrations and other evidence of rights that may be available for **Work Product**. **AGENCY** shall require contractors, to waive all moral rights relating to identification of authorship restriction or limitation on use, or subsequent modifications of the **Work**.

#### c. Inventions

- 1) **Vesting of Patent Ownership: AGENCY** agrees to require subrecipients, contractors, subcontractors and their respective employees to assign to CALTRANS and AGENCY, its successors, and assigns, all Inventions, together with the right to seek protection by obtaining patent ownership rights and the right to claim all rights or priority there under, and the same shall become and remain CALTRANS' property regardless of whether such protection is sought. The AGENCY, its employees, and AGENCY's contractor, subcontractor, and subrecipient shall promptly make a complete written disclosure to CALTRANS of each Invention not otherwise clearly disclosed to CALTRANS in the pertinent Work Product, specifically pointing out features or concepts that the AGENCY, its employees, and/or AGENCY's contractor, subcontractor, and/or subrecipient believes to be new or different. The AGENCY, its employees, and AGENCY's contractor, subcontractor, and subrecipient shall, upon CALTRANS and AGENCY's request and at CALTRANS and AGENCY's expense, cause patent applications to be filed thereon, through solicitors designated by CALTRANS and AGENCY, and shall sign all such applications over to CALTRANS and AGENCY, its successors, and assigns. The AGENCY, its employees, and AGENCY's contractor, subcontractor, and subrecipient shall give CALTRANS and AGENCY and its solicitors all reasonable assistance in connection with the preparation and prosecution of any such patent applications and shall cause to be executed all such assignments or other instruments or documents as CALTRANS and AGENCY may consider necessary or appropriate to carry out the intent on this RGA.
- 2) Agency: In the event that CALTRANS and AGENCY are unable for any reason whatsoever to secure the AGENCY's, its employees', and/or AGENCY's contractor's, subcontractor's, and/or sub-recipient's, signature to any lawful or necessary document required or desirable to apply for or prosecute any United States application (including renewals or divisions thereof), AGENCY, its employees, and AGENCY's contractor, subcontractor, and subrecipient hereby irrevocably designates and appoints CALTRANS and AGENCY and its duly authorized officers and agents, as its agent and attorney-in-fact, to act for and on AGENCY, its employees, and AGENCY's contractor's, subcontractor's, and subrecipient behalf and stead, to execute and file such applications and to do all other lawfully permitted acts to further the prosecution and issuance of any copyrights, trademarks, or patents thereon with the same legal force and effect as if executed by AGENCY, its employees, and AGENCY's contractor, and subrecipient. CALTRANS and AGENCY shall have no obligations to file any copyright, trademark, or patent applications.

#### d. Additional Provisions

- Avoidance of infringement: In performing services under this RGA, AGENCY and its employees agree to avoid designing or developing any items that infringe one or more patents or other intellectual property rights of any third party. If AGENCY or its employees becomes aware of any such possible infringement in the course of performing any Work under this RGA, AGENCY or its employees shall immediately notify CALTRANS in writing.
- 2) Pre-existing Works and License: AGENCY agrees to require contractors, subcontractors, and subrecipients to acknowledge that all Work Product shall be the sole and exclusive property of CALTRANS and AGENCY, except that any Pre-existing Works created by AGENCY and third parties outside of the RGA but utilized in connection with the RGA (the "Pre-existing Works") shall continue to be owned by AGENCY or such parties. AGENCY agrees to notify CALTRANS in writing of any Pre-existing Works used in connection with any Work Product produced under this RGA and hereby grants to CALTRANS a non-exclusive, irrevocable, worldwide, perpetual, royalty-free license to utilize the Pre-existing Works in connection with the Work Product.
- 3) Contractors, Subcontractors, and Subrecipients: Through contract with its subrecipients, contractors, and subcontractors, AGENCY shall affirmatively bind by contract all of its contractors, subcontractors, subrecipients, and service vendors (hereinafter "AGENCY's Contractor/Subcontractor/Sub-recipient") providing services under this RGA to conform to the provisions of this Exhibit. In performing services under this RGA, AGENCY's Contractor/Subcontractor/Subrecipient shall agree to avoid designing or developing any items that infringe one or more patents or other intellectual property rights of any third party. If AGENCY's Contractor/Subcontractor/Subcontractor/Subcontractor/Subrecipient becomes aware of any such possible infringement in the course of performing any Work under this RGA, AGENCY's Contractor/Subcontractor/Subrecipient shall immediately notify the AGENCY in writing, and AGENCY shall then immediately notify the CALTRANS in writing.

#### e. Ownership of Data

- Upon completion of all Work under this RGA, all intellectual property rights, ownership, and title to all reports, documents, plans, specifications, and estimates, produced as part of this RGA will automatically be vested in CALTRANS and AGENCY and no further agreement will be necessary to transfer ownership to CALTRANS and AGENCY. The AGENCY, its contractors, subcontractors, and subrecipients, shall furnish CALTRANS all necessary copies of data needed to complete the review and approval process.
- It is understood and agreed that all calculations, drawings, and specifications, whether in hard copy of machine-readable form, are intended for one-time use in the Project for which this RGA has been entered into.
- 3) AGENCY, its contractors, subcontractors, and subrecipients, are not liable for claims, liabilities, or losses arising out of, or connected with, the modification or misuse by CALTRANS of the machine-readable information and data provided by AGENCY, its contractors, subcontractors, and subrecipients, under this RGA; further, AGENCY, its contractors, subcontractors, and subrecipients, are not liable for claims, liabilities or losses arising out of, or connected with, any use by CALTRANS of the Project documentation on other projects, for additions to this Project, or for the completion of this project by others, excepting only such use as may be authorized, in writing, by AGENCY, its contractors, subcontractors, and subrecipients.

4) Any sub-agreement in excess of \$25,000.00 entered into as a result of this RGA shall contain all of the provisions of this clause.

#### 31. ADA Compliance

All entities that provide electronic or information technology or related services that will be posted online by Caltrans must be in compliance with Government Code Sections 7405 and 11135 and the Web Content Accessibility Guidelines (WCAG) 2.0 or subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success. All entities will respond to and resolve any complaints/deficiencies regarding accessibility brought to their attention.

#### 32. Electronic Signatures

Each party agrees that the electronic signatures, whether digital or encrypted, of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures for this Agreement. Documents that are referenced by this Agreement may still require manual signatures.

#### 33. Executive Order N-6-22 - Russia Sanctions

On March 4, 2022, Governor Gavin Newsom issued Executive Order <u>N-6-22</u> (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. "Economic Sanctions" refers to sanctions imposed by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law unless the contract has been Federalized (i.e. there is federal participation in any phase). The EO directs state agencies to terminate contracts with, and to refrain from entering any new contracts with, individuals or entities that are determined to be a target of Economic Sanctions. Accordingly, should the State determine Contractor is a target of Economic Sanctions or is conducting prohibited transactions with sanctioned individuals or entities, that shall be grounds for termination of this agreement. The State shall provide Contractor advance written notice of such termination, allowing Contractor at least 30 calendar days to provide a written response. Termination shall be at the sole discretion of the State.

# Section IV

#### Attachments:

The following attachments are incorporated into and are made a part of this RGA by this reference and attachment.

- I. **AGENCY** Resolution
- II. Scope of Work and Project Timeline
- III. Grant Application Guide

In Witness Whereof, the parties hereto have executed this RGA on the day and year first herein above written:

#### STATE OF CALIFORNIA

# COUNTY OF DEL NORTE

# DEPARTMENT OF TRANSPORTATION

By: Robert Carothers	By: Heidi Kunstal
Printed Name: Robert Carothers	Printed Name: Heidi Kunstal
Title: Contract Officer	Title: Director of Community Development
<sup>Date:</sup> 12/31/2024	<sup>Date:</sup> 12/05/2024
	By:
	Printed Name:
	Title:
	Date:
	By:
	Printed Name:
	Title:
	Date:

#### **RESOLUTION 2024-026**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF DEL NORTE, STATE OF CALIFORNIA, AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE DEL NORTE REGIONAL DRAINAGE STUDY AND CAPITAL IMPROVEMENT PLAN.

**WHEREAS**, the Board of Supervisors of the County of Del Norte is eligible to receive Federal and/or State funding for certain transportation planning related plans, through the California Department of Transportation;

**WHEREAS**, a Restricted Grant Agreement is needed to be executed with the California Department of Transportation before such funds can be reimbursed through the Transportation Planning Grant Program;

**WHEREAS**, the County of Del Norte wishes to delegate authorization to execute these agreements and any amendments thereto;

**NOW, THEREFORE BE IT RESOLVED** by the Board of Supervisors of the County of Del Norte, authorize the Community Development Director, or designee, to execute all Restricted Grant Agreements and any amendments thereto with the California Department of Transportation.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of July, 2024 by the following vote:

#### SUPERVISORS

AYES: Supervisor Short, Starkey, Howard, Borges, Wilson

NOES: None

**ABSTAIN: None** 

**ABSENT: None** 

Dean Wilson, Chair Del Norte County Board of Supervisors

Attest:

Samantha Burtsch, Clerk of the Board Del Norte County Board of Supervisors

County of Del Norte Agreement Number 74A1591 Attachment I Page 2 of 3

#### RESOLUTION NO. 2024 12

# DEL NORTE LOCAL TRANSPORTATION COMMISSION RESOLUTION ALLOCATING \$80,000 IN PLANNING, PROGRAMMING & MONITORING FUNDING AND \$264,100 IN REGIONAL SURFACE TRANSPORTATION PROGRAM FUNDING FOR CLIMATE ADAPTATION PLANNING GRANT MATCH.

WHEREAS, the Del Norte Local Transportation Commission in its official capacity as the designated Regional Transportation Planning Agency (RTPA), is allocating Regional Surface Transportation Program funds for eligible purposes; and

WHEREAS, the Del Norte Local Transportation Commission in its official capacity as the designated Regional Transportation Planning Agency (RTPA), is allocating Planning, Programming, and Monitoring funds for eligible purposes; and

WHEREAS, the County of Del Norte has been conditionally awarded a Sustainable Transportation Planning Program grant for the Del Norte Regional Drainage Study and Capital Improvement Plan and needs local match funding.

WHEREAS, the total project cost is estimated to be \$3,000,000 with 88.53% (or \$2,655,900) funded with grant funds and a local match of 11.47% (or \$344,100) required.

WHEREAS, adequate drainage infrastructure is a long-standing transportation challenge for all of Del Norte County resulting in significant infrastructure damage; and

NOW, THEREFORE, BE IT RESOLVED THAT the Del Norte Local Transportation Commission hereby allocates to the County of Del Norte a sum not to exceed \$344,100 to meet the grant match needs only for the Del Norte Regional Drainage Study and Capital Improvement Plan with the following funding strategy:

Funding Source	FY24/25	FY25/26	FY26/27	Total
PPM	40,000	20,000	20,000	80,000
RSTP	44,870.90	109,614.55	109,614.55	264,100.00
Total	\$84,870.90	\$129,614.55	\$129,614.55	\$344,100.00

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT the County of Del Norte is solely responsible to meet the rigorous requirements of the State of California Climate Adaptation Planning Grant program.

RESOLUTION NO. 2024 12 Page 2 County of Del Norte Agreement Number 74A1591 Attachment I Page 3 of 3

PASSED AND ADOPTED by the Del Norte Local Transportation Commission of Del Norte County, State of California on the 6th day of August 2024 by the following vote:

AYES: Greenough Inscorre, Howard, Short NOES: -ABSTAIN: -ABSENT: Altman, Borges <

Darrin Short, Chair Del Norte Local Transportation Commission

ATTEST:

Tamera Leighton, Executive Director Del Norte Local Transportation Commission

# SCOPE OF WORK

Project Information								
Grant Category	Climate Adaptation Planning							
Grant Fiscal Year	FY 2024-25							
Project Title	Del Norte Regional Drainage Study and Capital Improvement Plan							
Organization (Legal name)	County of Del Norte							

#### Disclaimer

Agency commits to the Scope of Work below. Any changes will need to be approved by Caltrans prior to initiating any Scope of Work change or amendment.

#### Introduction

The **Del Norte Regional Drainage Study and Capital Improvement Plan** project encompasses the entire County maintained road system. It will result in a never before achieved intensive and comprehensive field data collection effort documenting existing conditions. The data will be stored in a geographic information system for use by this project and maintained to assist with future planning efforts (yet to be identified). The collection of existing conditions coupled with an independent LIDAR data collection effort will be used undertake a hydrology and hydraulics analysis for the entire County maintained road system. The hydrology and hydraulics analysis coupled with input from public outreach and the advisory committee will inform a capital improvement plan for drainage infrastructure associated with the County maintained road system.

Del Norte County realizes there are many impacts anticipated as a result of climate change. This planning effort is specifically focused on identifying vulnerabilities for drainage infrastructure associated with the County maintained road system and developing a prioritized list of projects that upon implementation will result in the drainage infrastructure associated with the County maintained road system being significantly more resilient to the anticipated impacts associated with climate change. Given that hydrology and hydraulics is a significant component of this project there are anticipated opportunities to identify vulnerabilities associated with sea level rise and incorporate them into resilient infrastructure planning. Coastal erosion hazards are not intended to be comprehensively covered by this planning effort. However, deficiencies may be acknowledged and potentially minimally addressed if there is substantial interest from the public and advisory committee.

Consistent with the Sustainable Transportation Planning Grant Program the project will prioritize public engagement, climate adaptation planning within the planning horizon (2050 and beyond), and the grant program objectives including: sustainability, preservation, accessibility, safety, innovation, economy, health, and social equity.

Through development of the project, public outreach and the advisory committee will be used to assist with defining and prioritizing considerations to meet the grant program objectives from a local perspective. The County anticipates an emphasis on environmental and cultural considerations may be additional criteria utilized to prioritize improvements. The primary deficiency to the multimodal transportation system that will be addressed by the project and benefit underserved communities disproportionately, including Native American Tribal Governments, is preservation and improvement of active transportation facilities. If this project and future implementations steps are not undertaken, at a minimum, existing active transportation facilities will be compromised. Regionally, active transportation facilities disproportionately serve underserved populations as their primary transportation facility. In a region that averages 78 inches of precipitation per year and 96 rain days, relative to the statewide average of 24 inches of precipitation per year and 42 rain days. Preservation and improvement of active transportation facilities by fostering resilient drainage infrastructure is critical.

The Del Norte Local Transportation with assistance from the Center for Economic Development at California State University, Chico completed a 2023 Del Norte County Economic & Demographic Profile. Multiple indicators included in the document demonstrate that Del Norte County is an underserved disadvantaged community. For instance, from 2013-2022 Del Norte County Average Unemployment Rates were consistently one to more than two percentage points greater than the statewide average. The 2021 Del Norte County Median Household Income was \$48,108 versus the statewide average of \$84,831. This is a difference of \$36,723 or 43% less than the statewide median household income. The 2021 Del Norte County Poverty Rates were 21.4% versus the statewide rate of 12.3%, almost double. 2022 Del Norte County Medi-Cal Beneficiaries were 50.6% versus the statewide 38.6%. The 2021-22 High School Graduates Eligible for the UC or CSU System was 14.0% versus the statewide rate of 51.4%. Ultimately, Del Norte County has several indicators beyond the underserved communities definition included in the FY 2024-25 Grant Application Guide that demonstrate the underserved nature of the region.

#### **Project Stakeholders**

The project promotes climate adaptation planning on the California transportation system by identifying existing and anticipated vulnerabilities to the County maintained road system resulting from hydrology and hydraulics. Addressing vulnerabilities on the County maintained road system is significant relative to the California transportation system as regional connectivity and circulation with other publicly maintained road systems operated by local, state, federal, and tribal governments including: Caltrans, Crescent City Harbor District, Elk Valley Rancheria, Redwood National and State Parks, Resighini Rancheria, Six River National Forest, Tolowa Dee-ni' Nation, and Yurok Tribe, would be negatively affected if infrastructure vulnerabilities associated with precipitation, sea level rise, and anticipated storm characteristics are not identified or addressed. This is one of the reasons why the project stakeholders/advisory committee is relatively large and non-exclusive.

Given this is a countywide project it has the potential to affect all local, state, federal, and tribal entities along with all members of the public that traverse the County maintained roadway system within the Del Norte region.

- The project stakeholders beyond the public at large are represented in the advisory committee, they include:
  - County of Del Norte
  - California Highway Patrol
  - o Caltrans
  - City of Crescent City
  - Crescent City Harbor District

- Del Norte Local Transportation Commission
- Elk Valley Rancheria
- Redwood Coast Transit Authority
- Resighini Rancheria
- Tolowa Dee-ni' Nation
- Yurok Tribe
- Additionally, the following are invited to be project stakeholders:
  - California Coastal Commission
  - California Department of Fish and Wildlife
  - National Marine Fisheries Service
  - o Redwood National and State Parks
  - United States Forest Service, Six Rivers National Forest, Gasquet Ranger District
- The County will hire a consultant to lead the majority of the tasks associated with the project. The County will be actively engaged in all of the tasks from a project management and oversight perspective. During the project the County will be the primary point of contact for members of the public and advisory committee members. The County will actively participate in public outreach. When a local perspective is needed, the County will be there. The County will review all documents prior to public release and will submit all documents to the Board of Supervisors for adoption.

#### **Overall Project Objectives**

The overall project objectives include:

- Collecting the existing field conditions of drainage infrastructure associated with or affecting the County maintained road system and compiling the data and condition assessments in a geographic information system (GIS).
- Developing a hydrology and hydraulics study for drainage infrastructure associated with the County maintained road system that evaluates existing conditions and anticipated conditions resulting from climate change within the planning horizon (2050 and beyond).
- Engaging the public and advisory committee members in the prioritization of regional needs including environmental and cultural considerations in addition to sustainability, preservation, accessibility, safety, innovation, economy, health, and social equity.
- Developing a capital improvement plan for drainage infrastructure associated with the County maintained road system that incorporates climate adaptation strategies and strongly considers prioritized regional needs resulting from public outreach and the advisory committee.

#### Summary of Project Tasks

#### Task 1: Project Administration

This is an Administrative Task that shall only be charged against by the Grantee for the Administration of this grant project. Costs for this task cannot exceed 5% of the grant award amount.

Grantee will manage and administer the grant project according to the Grant Application Guidelines, Regional Planning Handbook, and the executed grant contract between Caltrans and the grantee.

- Kick-off meeting with Caltrans: The County will schedule a project kick-off meeting with Caltrans to review the scope of work for the grant, the consultant selection process, grant reporting, invoicing, and other elements of grant administration.
- Quarterly Invoices: The County will submit complete invoice packages to Caltrans District 1 staff at least quarterly, but no more frequently than monthly.
- Quarterly Progress Reports: The County will submit quarterly progress reports to Caltrans District 1 staff to provide a summary and percent completion on project progress and on expenditures (both grant funds and local match).

Electronic copies of the following:

- Meeting notes from kick-off meeting with Caltrans. (In-house)
- Quarterly invoices. (In-house)
- Quarterly progress reports. (In-house)

#### Task 2: Consultant Procurement

Grantee will procure a consultant, consistent with state and federal requirements, Local Assistance Procedures Manual for procuring non-Architectural and Engineering consultants, the Grant Application Guide, Regional Planning Handbook, and the executed grant contract between Caltrans and the grantee.

- The County will prepare and distribute a request for proposals (RFP) to solicit a consultant • or team of consultants with the necessary technical expertise to undertake the **Del Norte** Regional Drainage Study and Capital Improvement Plan. The RFP will follow the procurement procedures established by Caltrans for Climate Adaptation Planning projects. The County will post the RFP online and send the RFP to a minimum of five bid boards, relevant firms on the County's "RFP for Consulting Services Notification List," and all who subscribe to the countywide, bid, request for proposals (RFP), and request for qualifications (RFQ) notification list. Desired firms will have expertise in geographic information systems (GIS), data collection associated with transportation drainage infrastructure, drainage design, active transportation, traffic engineering, transportation planning, and public outreach. The County will allow consultants at least three weeks to respond to the RFP. Once the County receives proposals, County staff will review the proposals. If necessary, the County may conduct interviews to aid in the selection process. Once the County has selected a consultant, the County will prepare and execute an agreement with the selected consultant. The County will hold a kickoff meeting with the consultant once both parties have executed the agreement for professional services.
- The County will provide project management and oversight for this task. Project management includes verifying project milestones associated with the task are achieved and making sure content associated with this task gets finalized.

#### Task Deliverables

Electronic copies of the following:

- Agency procurement procedures. (In-house)
- Request for proposals. (In-house)
- Proposals received. (In-house)
- Scoring sheets. (In-house)
- Agreement for professional services. (In-house)
- Amendments to agreement for professional services. (In-house)
- Meeting notes from kick-off meeting with consultant. (Consultant)

#### Task 3: Existing Conditions

- The consultant will review existing planning documents to familiarize themselves with prior planning efforts available to inform this planning process for drainage infrastructure associated with the County maintained road system. Prior planning efforts include the following:
  - o Del Norte County 2022-2030 Housing Element, 2023
  - Del Norte Operational Area Evacuation and Transportation Summary Annex, 2023
  - o Caltrans Adaptation Priorities Report, District 1, 2021
  - Regional Transportation Plan, 2020
  - o Caltrans Vulnerability Assessment Summary Report, District 1, 2019
  - Del Norte Active Transportation Plan, 2017
  - Climate Change and Stormwater Management Plan, 2015
  - Del Norte County General Plan, 2003
  - Del Norte County Inventory and Fish Passage Evaluation, 2001
  - Del Norte County General Plan, Coastal Element, 1983
  - Flood Drainage Study for an Area North of Crescent City Del Norte County, 1978
  - Additional relevant documents may be available at: <u>https://www.dnltc.org/planning</u> and <u>https://www.co.del-</u> <u>norte.ca.us/departments/EngineeringSurveying/Documents</u>.
- The consultant will perform an intensive field data collection effort to capture existing conditions of drainage infrastructure associated with the County maintained road system. Existing conditions of drainage infrastructure are needed to develop an accurate "Hydrology and Hydraulics Study of Drainage Infrastructure Associated with the County Maintained Road System." Field data collection efforts are anticipated to collect the following data (no surveying will be performed):
  - Nodes manhole coordinates, drainage inlet coordinates, culvert inlet coordinates, culvert outlet coordinates, invert elevations, rim elevations, flowlines of pipes, pipe diameters, pipe material, overall condition, observations, elevation at the centerline of the road, and other drainage related infrastructure details.
  - Links pipes, ditches, swales, lengths, slopes, vegetation maintenance, roughness, channel lining, general cross sections, overall condition, observations, and other drainage related infrastructure details.
- Collected data will be used to develop a countywide geographic information system (GIS) documenting existing drainage infrastructure features associated with the County maintained road system.
- County staff will assist the consultant with discovery where supplemental information, in the form of improvement plans or other available records, may be available and would provide a significant benefit to project development. The County is unable to develop the majority of the project based on records since records do not exist for the majority of drainage infrastructure.
- Del Norte County is anticipating the release of an intensive countywide LIDAR data set resulting from the California Forest Lidar Analytics Collaborative. The LIDAR data is expected to be released by the United States Geological Survey (USGS) in the summer of

2024. The cost of the LIDAR data collection effort in Del Norte County likely exceeds the value of the funds requested for this grant application; the total LIDAR project cost is \$7.2 million and extends beyond Del Norte County with Del Norte County receiving the greatest coverage area. The cost to collect LIDAR data is one of the most significant reasons the County has never had countywide LIDAR data of this quality available. The quality of the data is 8 LIDAR pulses per square meter with up to 7 data point per pulse and a vertical accuracy of 10 cm (or 4 inches). LIDAR data will be used to inform the hydrology and hydraulics study. Elevations used in the hydrology and hydraulics study and associated with manhole rims, inverts, etc. will be estimated using the LIDAR data.

The County will provide project management and oversight for this task. Project
management includes verifying project milestones associated with the task are
achieved, participating in project development team (PDT) meetings between the
County and Consultant regarding this task, reviewing and providing input on content
prior to public release, being available for inquiries by members of the public, and
making sure content associated with this task gets finalized.

#### **Task Deliverables**

Electronic copies of the following:

• Geographic information system (GIS) files with data representing existing conditions. (Consultant)

#### Task 4: Analysis

Del Norte County has never had the resources to undertake a countywide hydrology and hydraulics study. The most recent regional study with the best available data is from 1978 and is entitled "Flood Drainage Study for an Area North of Crescent City Del Norte County." This document studied about 2% of the drainage associated with land in the County. In March 2001 the Five Counties Salmonid Conservation Program completed the "Del Norte County Inventory and Fish Passage Evaluation" for some of the drainage infrastructure associated with the County maintained road system. This evaluation has resulted in several fish passage improvement projects over the past 20 plus years.

In November 2015 the Del Norte Local Transportation Commission completed the "Climate Change and Stormwater Management Plan." This plan identified several conceptual adaptation strategies pertaining to drainage infrastructure improvements that could protect transportation infrastructure. Adaptation strategies identified include: floodwalls/levees, coastal erosion countermeasures, raise asset elevations, bridge modifications, drainage modifications, relocate assets, mitigated retreat, updated standard details, increase maintenance and inspection intervals, monitor assets, and adopt a storm drain master plan.

Developing a hydrology and hydraulics study focusing on impacts from climate change and identifying vulnerabilities coupled with a capital improvement plan for drainage infrastructure associated with the County maintained road system is the next logical step in planning for and implementing climate adaptation strategies. The hydrology and hydraulics study will result in a thorough understanding of regional needs and demonstrate where intensive systemic approaches to drainage infrastructure improvements associated with the County maintained road system relative to climate change are needed.

The hydrology and hydraulics study outcomes will be a tool to inform and engage the public. The public will be given opportunities to agree and/or disagree with study outcomes, inform the County if something may have been missed or under analyzed, and let the County know if additional locations or features should be studied. Upon adoption of the hydrology and hydraulics study by the Board of Supervisors the project can progress to prioritizing drainage improvements for inclusion in the "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System."

Improvements included in the capital improvement plan will have a planning level project cost associated with them. This will be used to prioritize the project cost relative to the anticipated benefits.

The criteria utilized to prioritize regional drainage improvements needs to consider sustainability, preservation, accessibility, safety, innovation, economy, health, and social equity. As part of the public outreach process and advisory committee meetings, the County will be seeking strategies or concepts on how the community would like sustainability, preservation, accessibility, safety, innovation, economy, health, and social equity priorities defined and prioritized in the development of the capital improvement plan. Coupling the climate adaptation planning grant considerations with the community's considerations should result in a strategy to prioritize where improvements should occur.

There are many regional partners besides the public at large that utilize County maintained roads. Many of the County's roads traverse Redwood National and State Parks lands, United States Forest Service lands, lands held in trust by the Bureau of Indian Affairs, State Lands Commission lands, and lands subject to either the County's Local Coastal Program or the California Coastal Act. This diverse stakeholder group will assist with project development through participation in the Advisory Committee. Additionally, some drainage from the County traverses through the incorporated City of Crescent City before reentering the County.

Conceptual plans (up to 30% design) may be developed to assist with prioritizing potential projects, or creating a product that assists with being competitive in future endeavors to secure funding to implement the "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System."

- "The "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Preliminary Draft for Public Review" will be for review by members of the public and the Advisory Committee prior to submission to the Del Norte County Board of Supervisors.
- A comment matrix of comments received on "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Preliminary Draft for Public Review" will be compiled.
- The "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Draft" will be recommended to the Del Norte County Board of Supervisors for adoption.
- A comment matrix of changes made at the direction of the Del Norte County Board of Supervisors on "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Draft" prior to creating "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Final" will be compiled.
- The "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Final" will be the document adopted by the Del Norte County Board of Supervisors. The document will credit Caltrans' financial participation on the cover or title pages and will be in an Americans with Disabilities Act of 1994 (ADA) compliant accessible electronic format.
- The County will provide project management and oversight for this task. Project management includes verifying project milestones associated with the task are achieved, participating in project development team (PDT) meetings between the County and Consultant regarding this task, reviewing and providing input on content prior to public release, being available for inquiries by members of the public, and making sure content associated with this task gets finalized.

Electronic copies of the following:

- "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Preliminary Draft for Public Review." (Consultant)
- Comment matrix of comments received on "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Preliminary Draft for Public Review." (Consultant)
- "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Draft." (Consultant)
- Comment matrix of changes made at the direction of the Del Norte County Board of Supervisors on "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Draft" prior to creating "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Final." (Consultant)
- "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Final" crediting Caltrans' financial participation on the cover or title pages and in an Americans with Disabilities Act of 1994 (ADA) compliant accessible electronic format. (Consultant)
- Criteria utilized to prioritize projects (if not included in "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System"). (Consultant)
- Conceptual plans (up to 30% design) (if not included in "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System"). (Consultant)

#### Task 5: Public Outreach

- The primary goal of public outreach is documented feedback of the community's concerns regarding existing conditions and potential future improvements. Prior public outreach successes emphasize the importance of meeting the community where they are. The project plans to use the following methods to reach the community.
  - Direct mailings to all mailing addresses in the County and/or all property owners in the County.
  - Social media (i.e., Facebook) advertising of independent and group based public engagement opportunities.
  - Radio advertising of public engagement opportunities.
  - Hardcopy surveys and online electronic surveys. The online electronic survey may be georeferenced.
  - Public comment in any written form will be accepted.
  - Community meetings.
  - Utilization of the current community engagement list (over 100 organizations sprinkled throughout the community). The organizations assist by posting notices and fliers received by them for the benefit of the people they serve. Postings are done on traditional message boards, as well as, through social media and email.
  - Development of a project specific webpage.
  - Maintaining a list with contact information, generally email addresses, where those that wish to stay informed are kept informed as the project reaches various milestones.

- The public will be able to comment on drainage infrastructure associated with the County maintained road system at any time during development of the project.
- The public will be given ample time to review and comment on all documents developed (i.e., hydrology and hydraulics study, capital improvement plan) prior to their adoption by the Del Norte County Board of Supervisors.
- At least 3 community meetings will occur. Additional meetings may occur based on community needs.
- The County will provide project management and oversight for this task. Project management includes verifying project milestones associated with the task are achieved, participating in project development team (PDT) meetings between the County and Consultant regarding this task, reviewing and providing input on content prior to public release, being available for inquiries by members of the public, supporting public engagement opportunities, and making sure content associated with this task gets finalized.

Electronic copies of the following:

- Summary of where direct mailings to all mailing addresses in the County and/or all property owners in the County were sent. (Consultant)
- Documentation demonstrating social media advertising. (Consultant)
- Surveys. (Consultant)
- Record compiling all public input received. (Consultant)
- Content presented at public meetings. (Consultant)
- Sign-in sheets. (Consultant)
- Community engagement list utilized. (Consultant)
- Content available online on project specific webpage. (Consultant)
- Public outreach fliers, advertisements, and mailings. (Consultant)
- Contact information for those desiring to stay informed as the project reaches various milestones. (Consultant)

#### Task 6: Advisory Committee Meetings

- A project specific advisory committee will be established. It will include the Del Norte Local Transportation Commission's Technical Advisory Committee members and be supplemented with additional stakeholders including representatives comprising all four local tribal governments. Anticipated members of the advisory committee include the following:
  - Caltrans District 1 Climate Adaptation Planning Branch
  - Technical Advisory Committee to the Del Norte Local Transportation Commission

     County of Del Norte, City of Crescent City, Crescent City Harbor District, Yurok
     Tribe, Redwood Coast Transit Authority, California Highway Patrol, and Caltrans.
  - Del Norte Local Transportation Commission (Executive Director)
  - Elk Valley Rancheria
  - Resighini Rancheria
  - Tolowa Dee-ni' Nation

Additional members may be added to the advisory committee including but not limited to the following:

• California Coastal Commission

- California Department of Fish and Wildlife
- National Marine Fisheries Service
- Redwood National and State Parks
- o United States Forest Service, Six Rivers National Forest, Gasquet Ranger District
- The County will provide project management and oversight for this task. Project management includes verifying project milestones associated with the task are achieved, participating in project development team (PDT) meetings between the County and Consultant regarding this task, participating in the project specific advisory committee, reviewing and providing input on content prior to public release, being available for inquiries by members of the public, and making sure content associated with this task gets finalized.

Electronic copies of the following:

- Meeting agendas. (Consultant)
- List of attendees. (Consultant)
- Meeting notes including action items. (Consultant)

#### Task 7: Draft and Final Plan

The consultant will develop a "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System" and "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System." A draft for public review of each document will be prepared for review by members of the public and the Advisory Committee. Comments received on the drafts for public review will be documented with a comment matrix prior to the draft version being presented to the Del Norte County Board of Supervisors for adoption. Any direction from the Board of Supervisors regarding modifications to the draft document prior to making the draft documents final will be documented in a comment matrix.

The **Del Norte Regional Drainage Study and Capital Improvement Plan** may result in a need to amend Del Norte County Code to incorporate climate adaptation into ordinances associated with improvements to the County maintained road system. If funding allows, this may become a component of the project.

The capital improvement plan will result in a prioritized list of projects addressing identified vulnerabilities to drainage infrastructure associated with the County maintained road system. The capital improvement plan will inform project selection and prioritization in the Del Norte Regional Transportation Plan. Additionally, information will be included either as part of CIP itself or an appendix to demonstrate how the individual projects were prioritized as part of this planning effort. The prioritization methodology will be developed through public outreach and the advisory committee. This is where the needs of underserved communities will be better defined through their own contributions to the process, where environmental resources will gain a voice and nature-based solutions will be considered. Local Native American Tribal Governments will be consulted through the advisory committee and additionally through one-one communications. Concerns for spiritual and physical cultural resources will be factored into the prioritization (depending on how information is disseminated to the County, this may be confidential).

• "The "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Preliminary Draft for Public Review" will be for review by members of the public and the Advisory Committee prior to submission to the Del Norte County Board of Supervisors.

- A comment matrix of comments received on "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Preliminary Draft for Public Review" will be compiled.
- The "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Draft" will be recommended to the Del Norte County Board of Supervisors for adoption.
- A comment matrix of changes made at the direction of the Del Norte County Board of Supervisors on "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Draft" prior to creating "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Final" will be compiled.
- The "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Final" will be the document adopted by the Del Norte County Board of Supervisors. The document will credit Caltrans' financial participation on the cover or title pages and will be in an Americans with Disabilities Act of 1994 (ADA) compliant accessible electronic format.
- The "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Final" will be utilized to inform future updates to the Del Norte Local Transportation Commission's Regional Transportation Plan.
- The County will provide project management and oversight for this task. Project management includes verifying project milestones associated with the task are achieved, participating in project development team (PDT) meetings between the County and Consultant regarding this task, reviewing and providing input on content prior to public release, being available for inquiries by members of the public, and making sure content associated with this task gets finalized.

Electronic copies of the following:

- "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Preliminary Draft for Public Review." (Consultant)
- Comment matrix of comments received on "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Preliminary Draft for Public Review." (Consultant)
- "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Draft." (Consultant)
- Comment matrix of changes made at the direction of the Del Norte County Board of Supervisors on "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Draft" prior to creating "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Final." (Consultant)
- "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Final" crediting Caltrans' financial participation on the cover or title pages and in an Americans with Disabilities Act of 1994 (ADA) compliant accessible electronic format. (Consultant)
- Revisions to Del Norte County Code adopted by the Del Norte County Board of Supervisors and pertaining to climate adaptation for drainage improvements associated with the County maintained road system (if undertaken). (In-house)

#### Task 8: Board Review/Approval

- The "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Draft" will be submitted to the Del Norte County Board of Supervisors for review and adoption. Any direction to modify the Draft prior to making it Final will be included in a comment matrix, refer to Task Deliverables associated with "Task 3: Analysis."
- The "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Draft" will be submitted to the Del Norte County Board of Supervisors for review and adoption. Any direction to modify the Draft prior to making it Final will be included in a comment matrix, refer to Task Deliverables associated with "Task 6: Draft and Final Plan."
- The County will provide project management and oversight for this task. Project management includes verifying project milestones associated with the task are achieved, participating in project development team (PDT) meetings between the County and Consultant regarding this task, reviewing and providing input on content prior to public release, being available for inquiries by members of the public, and making sure content associated with this task gets finalized.

#### Task Deliverables

Electronic copies of the following:

- Board agenda. (In-house)
- Board report. (In-house)
- Board order. (In-house)
- Refer to "Task 3: Analysis" regarding the deliverables associated with the adoption of the "Hydrology and Hydraulics Study for Drainage Infrastructure Associated with the County Maintained Road System, Final" by the Del Norte County Board of Supervisors.
- Refer to "Task 6: Draft and Final Plan" regarding the deliverables associated the with the adoption of the "Capital Improvement Plan for Drainage Infrastructure Associated with the County Maintained Road System, Final" by the Del Norte County Board of Supervisors.

#### California Department of Transportation Sustainable Transportation Planning Grant Program COST AND SCHEDULE

Gran	Category	Climate Adaptation Planning																										
Grant	Fiscal Year	FY 2024-25																										
Proje	ct Title	Del Norte Regional Drainage Study and Capital Improvement Plan																										
Orga (Legal	<b>nization</b> name)	County of Del Norte																										
Disclo	aimers	Agency commits to the Cost and Schedul Use only whole dollars in the financial infor Use the Local Match Calculator to ensure	mation fie <b>l</b> ds. No r	ounding up or c	down and no ce	nts.	to init		0	,						0	e or (	ame	ndm	nent.								
Reim Invoid	bursements/ cing	Does your agency plan to request reimbur Does your agency plan to use the Tapered				If yes, what is the ✓ Yes No	) estir	mat	ed in	direa	ct co	ost ro	ate?	No,	assu	ming	g thi:	s que	estio	n per	tain:	s to	Cou	nty	indire	ect c	costs -	and r
Task #	Task Title		Grant Amount*	Estimated Local Cash Match*	Estimated Local In-Kind Match*	Estimated Total Project Cost*	J A	s	FY O N	2024 D J	/25 F	MA	M	r r	A :	0 6	FY 20	)25/2	26 F M	A M	J	JA	s	FY O N	202 D	5/27 J F	M A	r w
1	Project Administrat (no more than 5% of tot		\$39,839	\$5,162	\$0	\$45,000													Π									Т
2	Consultant Procure	ement	\$19,919	\$2,581	\$0	\$22,500	i T											П			Π		Π			Π		
3	Existing Conditions		\$1,254,913	\$162,587	\$0	\$1,417,500												П					Π		П	Π		Τ
4	Analysis		\$849,888	\$110,112	\$0	\$960,000					Π							П					Π					Т
5	Pub <b>l</b> ic Outreach		\$132,795	\$17,205	\$0	\$150,000	i T											П										
6	Advisory Committee Meetings		\$79,677	\$10,323	\$0	\$90,000																						
7	Draft and Final Pla	\$265,590	\$34,410	\$0	\$300,000					Π															Π			
8	8 Board Review/Approval			\$1,721	\$0	\$15,000																						
		Totals	\$2,655,900	\$344,100	\$0	\$3,000,000																						



California Department of Transportation Division of Transportation Planning

# Sustainable Transportation Planning Grant Program

# Fiscal Year 2024-25

# **GRANT APPLICATION GUIDE**

Sustainable Communities, Climate Adaptation, and Strategic Partnerships

# **Grant Application Deadline**

January 18, 2024 Submit Applications via Smartsheet Form



County of Del Norte Agreement Number 74A1591 Attachment III Page 2 of 115

**ADA Notice:** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Updated September 2023

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# 1. GRANT PROGRAM OVERVIEW

The Sustainable Transportation Planning Grant Program was created to support the California Department of Transportation's (Caltrans) Mission: Provide a safe and reliable transportation network that serves all people and respects the environment.

The California Legislature passed, and Governor Edmund G. Brown Jr. signed into law, Senate Bill 1 (SB 1, Beall, Chapter 5, Statutes of 2017) – The Road Repair and Accountability Act of 2017, a transportation funding bill that provides a reliable fund source to maintain and integrate the State's multi-modal transportation system. In addition to the \$9.5 million in traditional State and federal grants, approximately \$25 million in SB 1 funds for Sustainable Communities Grants is available for each grant cycle.

The State-funded Sustainable Communities grants (\$29.5 million) are intended to support and implement Regional Transportation Plan (RTP) Sustainable Communities Strategies/Alternative Planning Strategies (SCS/APS) (where applicable) and to ultimately achieve the State's greenhouse gas (GHG) reduction target of 40 and 80 percent below 1990 levels by 2030 and 2050, respectively.

The State-funded Climate Adaptation Planning grants (\$31.9 million) enacted with Senate Bill 198 (Committee on Budget and Fiscal Review, Chapter 71, Statutes of 2022), will support local and regional identification of transportation-related climate vulnerabilities through the development of climate adaptation plans, as well as project-level adaptation planning to identify adaptation projects and strategies for transportation infrastructure.

The federal-funded Strategic Partnerships and Strategic Partnership Transit grants (\$4.5 million) support Federal Planning Factors and address State highway/transit issues of regional, interregional, and/or statewide significance, in partnership with Caltrans.

Eligible planning projects must have a transportation nexus per Article XIX Sections 2 and 3 of the California Constitution. Therefore, successful planning projects are expected to directly benefit the multi-modal transportation system. These grants will also improve public health, social equity, environmental justice, the environment, and provide other important community benefits. The period of grant fund availability spans over three FYs and approximately 32 months for grant project activities after the grant agreement is executed and Caltrans issues a Notice to Proceed. Refer to Chapter 9.2 for details regarding the anticipated grant project start and expiration dates.

# 1.1 Sustainable Transportation Planning Grant Summary Chart

Grant	Fund Source	Purpose	Who May Apply	Local Match
Sustainable Communities Competitive	BudgetRMRA and SHAState fundsApprox. \$17 millionApprox. \$3 million set-asidefor technical projectsApprox. \$500,000 set-asidefor Native American TribalGoal: 50% of grants shouldbenefit UnderservedCommunities***Grant Minimum\$50,000 for UnderservedCommunities, includingNative American TribalGovernmentsGrant Minimum\$100,000 for all othersGrant Maximum\$700,000	Funds local and regional multimodal transportation and land use planning projects that further the region's RTP SCS/APS (where applicable), contribute to the State's GHG reduction targets, address the needs of underserved communities, and assist in achieving the Caltrans Mission and Grant Program Objectives (See Chapter 1.2).	<ul> <li>The following are eligible to apply as a primary applicant:</li> <li>MPOs with sub-applicants</li> <li>RTPAs</li> <li>Transit Agencies;</li> <li>Cities and Counties with compliant Housing Elements and completed Annual Progress Reports;</li> <li>Native American Tribal Governments</li> <li>Other Public Transportation Planning Entities</li> <li>The following are eligible to apply as a sub-applicant:</li> <li>MPOs/RTPAS</li> <li>Transit Agencies</li> <li>Universities and Community Colleges</li> <li>Native American Tribal Governments</li> <li>Cities and Counties with compliant Housing Elements and completed Annual Progress Reports;</li> <li>MPOs/RTPAS</li> <li>Transit Agencies</li> <li>Universities and Community Colleges</li> <li>Native American Tribal Governments</li> <li>Cities and Counties with compliant Housing Elements and completed Annual Progress Reports</li> <li>Community-Based Organizations</li> <li>Non-Profit Organizations (501.C.3)</li> <li>Other Public Entities**</li> </ul>	11.47% minimum* (in cash or an in- kind contribution).
Sustainable Communities Formula	Budget RMRA State funds \$12.5 million	Funds local and regional multimodal transportation and land use planning projects that further the region's RTP SCS/APS (where applicable), contribute to the State's GHG reduction targets, and assist in achieving the Caltrans Mission and Grant Program Objectives (See Chapter 1.2).	<ul> <li>The following are eligible to apply as a primary applicant:</li> <li>MPOs</li> </ul>	11.47% minimum* (in cash or an in- kind contribution).

\* For local match requirements, refer to Chapter 6.5 of this Guide.

\*\* Public entities include state agencies, the Regents of the University of California, district, public authority, public agency, and any other political subdivision or public corporation in the State (Government Code Section 811.2).

\*\*\* For purposes of this grant program, underserved communities are the most vulnerable places that are facing disproportionate rates of economic, environmental, and health burdens, and are defined according to the tools in Appendix A.

BudgetFunds local and regional identification of transportation- related climateState fundsregional identification of transportation- related climateUp to \$3.9 million set- aside for Native American Tribalvulnerabilities through the development of climate adaptation	The following are eligible to apply as a primary applicant: <ul> <li>MPOs</li> <li>RTPAs</li> </ul> <li>Transit Agencies; <ul> <li>Cities and Counties</li> </ul> </li>	11.47% minimum* (in cash or an in- kind contribution);
Governments Goal: 50% of grants should benefit Underserved Communities*** Grant minimum \$100,000 Grant maximum \$1.5 million (single organization); above \$1.5-\$3 million to be considered for partnership applications	<ul> <li>Cities and Counties</li> <li>Native American Tribal Governments</li> <li>A joint exercise of powers authority established pursuant to Chapter 5 of Division 7 of Title 1, with the consent of a transportation planning agency or a county transportation commission for the jurisdiction in which the transportation project will be developed.</li> <li>A local transportation authority created or designated pursuant to Division 12.5 or Division 19 of the Public Utilities Code.</li> <li>The following are eligible to apply as a sub-applicant:</li> <li>MPOs/RTPAs</li> <li>Transit Agencies</li> <li>Universities and Community Colleges</li> <li>Native American Tribal Governments</li> <li>Cities and Counties</li> <li>Community-Based Organizations</li> <li>Non-Profit Organizations (501.C.3)</li> <li>Other Public Entities**</li> </ul>	not required for Native American Tribal Governments

Grant	Fund Source	Purpose	Who May Apply	Local Match
Strategic Partnerships	Budget FHWA SPR, Part I Federal funds \$1.5 million Grant Minimum \$100,000 Grant Maximum \$500,000	Funds transportation planning studies in partnership with Caltrans that address the regional, interregional, and statewide needs of the State highway system, and also assist in achieving the Caltrans Mission and Grant Program Objectives (See Chapter 1.2).	<ul> <li>The following are eligible to apply as a primary applicant:</li> <li>MPOs</li> <li>RTPAs</li> <li>The following are eligible to apply as a sub-applicant:</li> <li>MPOs/RTPAs</li> <li>Transit Agencies</li> <li>Universities and Community Colleges</li> <li>Native American Tribal Governments</li> <li>Cities and Counties</li> <li>Community-Based Organizations</li> <li>Non-Profit Organizations (501.C.3)</li> <li>Other Public Entities**</li> </ul>	20% minimum* (in non-federal funds or an in- kind contribution).
Strategic Partnerships – Transit	Budget FTA Section 5304 Federal funds \$3 million Grant Minimum \$75,000 for rural RTPAs; \$100,000 for MPOs Grant Maximum \$500,000	Funds multi-modal planning studies, with a focus on transit, in partnership with Caltrans, of regional, interregional and statewide significance, and also assist in achieving the Caltrans Mission and Grant Program Objectives (See Chapter 1.2)	<ul> <li>The following are eligible to apply as a primary applicant:</li> <li>MPOs</li> <li>RTPAs</li> <li>The following are eligible to apply as a sub-applicant:</li> <li>MPOs/RTPAs</li> <li>Transit Agencies</li> <li>Universities and Community Colleges</li> <li>Native American Tribal Governments</li> <li>Cities and Counties</li> <li>Community-Based Organizations</li> <li>Non-Profit Organizations (501.C.3)</li> <li>Other Public Entities**</li> </ul>	11.47% minimum* (in non-federal funds or an in- kind contribution).

\*\* Public entities include state agencies, the Regents of the University of California, district, public authority, public agency, and any other political subdivision or public corporation in the State (Government Code Section 811.2).

# **1.2 Grant Program Objectives and Considerations**

Successful grant applications address and articulate how the project relates to the Caltrans Mission, Grant Program Objectives, and Grant Program Considerations. The Grant Specific Objectives identified in Chapters 2.1, 3.1, 4.1 and 5.1 indicate the specific purpose of the Sustainable Communities, Climate Adaptation, and Strategic Partnership transportation planning grants, respectively, and must also be considered when preparing an application.

#### **Grant Program Objectives**

The following Grant Program Objectives are focused on achieving the Caltrans Mission and are intended to inform application development, including:

Objective	Description
Sustainability	Promote reliable and efficient mobility for people, goods, and services, while meeting the State's GHG emission reduction goals, preserving the State's natural and working lands, and preserving the unique character and livability of California's communities.
Preservation	Preserve the transportation system through protecting and/or enhancing the environment, promoting energy conservation, improving the quality of life, and/or promoting consistency between transportation improvements and State and local planning growth and economic development patterns.
Accessibility	Increase the accessibility of the system and mobility of people, inclusive of older adults, those with disabilities, and freight.
Safety	Prioritize the elimination of fatal and serious injury crashes and enhance safe use of our roadways through the Safe System approach to realize a vision of zero road fatalities and serious injuries by 2050.
Innovation	Promote the use of technology and innovative designs to improve the performance and social equity of our transportation system and provide sustainable transportation options.
Economy	Support the economic vitality of the area (i.e., enables global competitiveness, enables increased productivity, improves efficiency, increases economic equity by enabling robust economic opportunities for individuals with barriers to employment and for Disadvantaged Business Enterprise (DBE), etc.).
Health	Decrease exposure to local pollution sources, reduce serious injuries and fatalities on the transportation system, and promote physical activity across the lifespan, inclusive of those with disabilities, especially through transportation means.
Social Equity	Promote transportation solutions that focus on and prioritize the needs of underserved communities most affected by poverty, air pollution and climate change, and promote solutions that integrate community values with transportation safety and performance while encouraging meaningful public involvement in the transportation decision making process.

## **Grant Program Considerations**

The Grant Program supports related State and federal mandated initiatives. The Plans and Programs listed below should be considered in grant application development. Definitions and links to these resources can be found in Appendix A.

## Caltrans Strategic Plan

The Strategic Plan is a declaration of the Caltrans vision and mission, core values, strategic imperatives, and six goals to deliver a world-class transportation system for one of the nation's most populous, innovative, and diverse states:

- ➤ Safety first
- Cultivate excellence
- Enhance and connect the multimodal transportation network
- Strengthen stewardship and drive efficiency
- Lead climate action
- > Advance equity and livability in all communities

This plan guides and informs the development of the Sustainable Transportation Planning Grant Program. Competitive applications will articulate how they will assist in achieving the Caltrans vision and mission, the six strategic goals above.

## California Transportation Plan 2050

The California Transportation Plan (CTP) 2050 is a long-range transportation plan, updated every five years pursuant to state and Federal law, and is statutorily required to be fiscally unconstrained:

- Defines a vision for the future transportation system, establishes new statewide priorities, and guides Caltrans and partner agencies in implementing its recommendations
- Identifies strategies and policies that are required to make transparent and transformational transportation decisions
- Recognizes the unique transportation needs and interests of urban, suburban, rural, and Tribal communities
- Guides transportation decision makers at all levels of government, while emphasizing the importance of shared responsibility in meeting our transportation needs



The CTP does not contain projects, but policies and strategies required to close the gap between what the regional transportation plans (RTP) aim to achieve and how much more is required to meet 2050 goals. Competitive applications will discuss how proposed projects will assist in achieving the CTP 2050 vision, goals, recommendations, and the modal plans that support it.

# Modal Plans that Support the California Transportation Plan

The CTP is the umbrella plan that informs and pulls together the State's long-range modal plans listed below, to envision the future system:

- Interregional Transportation Strategic Plan
- California Freight Mobility Plan
- California State Rail Plan
- California State Bicycle and Pedestrian Plan
- Statewide Transit Strategic Plan
- California Aviation System Plan



#### Title VI and Environmental Justice

Title VI of the U.S. Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving federal financial assistance. A similar prohibition applies to recipients of state funds under California Government Code section 11135, which prohibits discrimination on the basis of race, color or national origin, as well as ethnic group identification, religion, age, sex, sexual orientation, genetic information, or disability.

Caltrans integrates Title VI as well as environmental justice in all activities. In the past, low-income and minority communities disproportionately bore many of the negative impacts of transportation projects, which they continue to feel the consequences from today. It is the goal of environmental justice to ensure that when transportation decisions are made, low-income and minority communities have a full opportunity to participate in the decision-making process, and they receive an equitable distribution of benefits and not a disproportionate share of burdens, which contribute to poor health outcomes.

#### Climate Action Plan for Transportation Infrastructure

The Climate Action Plan for Transportation Infrastructure (CAPTI) details how the state recommends shifting and investing billions of discretionary transportation dollars annually to aggressively combat and adapt to climate change while supporting public health, safety and equity. CAPTI builds on executive orders signed by Governor Gavin Newsom in 2019 and 2020 targeted at reducing greenhouse gas (GHG) emissions in transportation, which account for more than 40 percent of all emissions, to reach the state's ambitious climate goals. Competitive grant applications will discuss how proposed projects will assist in implementing the CAPTI Investment Framework, Guiding Principles, and align with the Implementation Strategies and Key Actions.



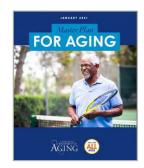
#### California Climate Adaptation Strategy

The California Climate Adaptation Strategy, mandated by Assembly Bill 1482 (Gordon, 2015), links the state's existing and planned climate adaptation efforts, showing how they fit together to achieve California's six climate resilience priorities. The Strategy is organized around outcomebased priorities, enabling a coordinated, integrated approach to building climate resilience. The Strategy shows how the state's efforts fit together to deliver on six priorities for climate resilience action in California: Strengthen Protections for Climate Vulnerable Communities; Bolster Public Health and Safety to Protect Against Increasing Climate Risks; Make Decisions Based on the Best Available Climate Science; Build a Climate Resilient Economy; Accelerate Nature-Based Climate Solutions and Strengthen Climate Resilience of Natural Systems; Partner and Collaborate to Leverage Resources. Competitive grant applications will discuss how proposed projects consider climate resilience and align with the California Climate Adaptation Strategy.

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#### Master Plan for Aging

The Master Plan for Aging is a blueprint for aging across the lifespan, not simply a plan for today's older adults. California's over-60 population is projected to diversify and grown faster than any other age group. In response, the Master Plan calls on all California communities to build a California for All Ages: for older Californians currently living through the many different stages of the second half of life; for younger generations who can expect to live longer lives than their elders; for communities of all ages – family, friends, neighbors, coworkers, and caregivers – surrounding older adults. Competitive grant applications will discuss specific connections and help achieve the Master Plan's five goals and twenty-three strategies to build a California for All Ages by 2030.



# 2. SUSTAINABLE COMMUNITIES COMPETITIVE AND TECHNICAL

Approximately \$12 million in State Road Maintenance and Rehabilitation Account (RMRA) funds and \$5 million in State Highway Account (SHA) funds, or a combined total of \$17 million will be distributed through a competitive program to Metropolitan Planning Organizations (MPOs) with a sub-applicant(s), Regional Transportation Planning Agencies (RTPAs), cities and counties, transit agencies, and Native American Tribal Governments. **MPOs must have a sub-applicant in order to be eligible and apply to the Sustainable Communities Competitive and Technical grants.** 

Approximately \$3 million will be set-aside for a technical project sub-category. In accordance with the recent release of the guidance documents for the implementation of Senate Bill 743 (SB 743, Chapter 386, Statutes of 2013), there is a current need for improved tools to measure VMT and induced travel and to develop and implement VMT mitigation programs.

Approximately \$500,000 will be set-aside for Native American Tribal Governments.

Funding distribution for the competitive program will depend on the quality and number of applications.

# 2.1 Purpose and Specific Objectives

The purpose of the Sustainable Communities grants is to fund local and regional multimodal transportation and land use planning projects that further the region's RTP SCS/APS (where applicable), contribute to the State's GHG reduction targets, and assist in achieving the Caltrans Mission and Grant Program Objectives, which must be considered when preparing the grant application.

A minimum threshold of 50 percent of Sustainable Communities Competitive and Technical Grants has been identified for projects that benefit underserved communities, which includes Native American Tribal Governments and rural communities (for transportation planning purposes, rural is defined as all areas of the State that are not included in urbanized areas of 50,000 in population or greater; refer to Appendix C. Caltrans/Regional Agency Boundaries Map, which indicates rural areas). For purposes of the grant program, acceptable underserved communities definitions are described in Appendix A and include:

- Rural communities of 50,000 or less and outside of urbanized areas
- Native American Tribal Governments
- Regionally/locally defined underserved communities
- At or below 80% Assembly Bill 1550 (Gomez, Statutes of 2016)
- At or above 75% California Department of Education, Free or Reduced Priced Meals Data
- At or above 75% CalEnviroScreen Version 4.0
- At or below 25% California Healthy Places Index (HPI)

Sustainable Communities Competitive and Technical applicants must demonstrate how the project fits every aspect of the following Specific Objectives, as appropriate for the applicant and project type:

• Encourage local and regional multimodal transportation and land use planning that furthers the region's RTP SCS/APS (where applicable). For applicants not in an MPO region,

address how the project encourages local and regional multimodal transportation and land use planning that advances sustainability

- Contribute to the State's GHG reduction targets and other State goals, including but not limited to, the goals and best practices cited in the 2017 RTP Guidelines
- Address the needs of underserved communities through robust public engagement
- Assist in achieving the Caltrans Mission and Grant Program Objectives (See Chapter 1.2).

Sustainable Communities Technical project types do not require extensive public engagement due to their technical nature, but they will explain and demonstrate:

- How the public will be involved at later stages of the planning process
- How they will collaborate with and involve appropriate stakeholders with technical expertise to review and validate quantification assumptions and methods
- How stakeholders will be involved in the application and Scope of Work

Technical project applications are scored under the same criteria as all other project types, but they are grouped with other technical projects, and they compete at the same level. Refer to Chapter 2.2 for Example Technical Project Types. Applicants should contact their Caltrans District listed in Appendix D to help decide which grant category is the best fit for their project.

Below is a list of Appendix A. Guidance, Tools, and Resources to assist applicants in preparing a competitive grant application that is consistent with the Grant Program Objectives, Grant Program Considerations, and Specific Objectives.

- Advance Transportation Related GHG Reduction Project Types/Strategies
- Addressing the Needs of Underserved Communities
- Public Health Resources
- Active Community Engagement
- Integrated Housing, Land Use and Transportation Planning
- Promote the Region's RTP SCS/APS (where applicable) and State Planning Priorities, and Climate Adaptation Goals
- Climate-Ready Transportation

# 2.2 Example Project Types

The examples below are organized in the following grant project types: Active Transportation; Corridor and Freight; Social Equity; Integrated Housing, Land Use, and Transportation; Multimodal; Safety; Technical; and Transit.

#### **Active Transportation**

- Active transportation plans, including bicycle, pedestrian, and trail master plans
- Plans for bike parking facilities
- Rural planning studies or plans that provide rural counties the ability to develop active transportation plans with a rural context-sensitive focus and allow for rural regions to contribute to the State's GHG reduction targets
- Studies or plans that include a temporary built environment demonstration, e.g., tactical urbanism

### Corridor and Freight

- Comprehensive Multimodal Corridor Plans
- Corridor enhancement studies
- Studies or plans related to zero emissions vehicle goods movement
- Freight/goods movement plans and studies
- Local or regional corridor plans
- Studies and plans that can help to quantify and highlight the value and importance of the rural State transportation system which connects large urban centers to rural open space, State and federal lands, and recreation and agriculture hubs.
- Studies and plans to mitigate for impacts to the rural transportation system due to increased interregional tourism and visitor traffic
- Modeling improvements that address SB 743 implementation and induced travel (see Sustainable Communities Technical grant-specific objectives in Chapter 2.1)
- Complete Streets plans that consider last-mile freight
- Curbside freight management plans
- Sustainable freight plans
- Agriculture goods movement plans
- Freight/supply chain resiliency studies

#### **Social Equity**

- Community Needs Assessments
- Health and transportation studies, including health equity transportation studies and other plans that incorporate health into transportation planning
- Studies to improve access to social services and other community destinations for underserved communities
- Studies, plans or planning methods that address environmental justice issues in a transportation related context
- Congestion pricing studies including plans that enhance social equity and avoid inequitable cost burdens
- Planning to remove or reduce barriers created by transportation infrastructure such as highways, overpasses and underpasses, that create disconnected communities
- Studies or plans to ensure that infill and transit-oriented development benefits existing residents and businesses, low-income and underserved communities, and minimizes displacement
- Outreach to educate underserved communities on mode shifts to electric forms of transportation, as part of a plan or study as appropriate
- Student internships for rural agencies and/or underserved communities

#### Integrated Housing, Land Use, and Transportation

• Studies, plans or planning methods that assist transportation agencies in creating sustainable communities and transit-oriented development

- SCS/APS development
- Studies that promote greater access between affordable housing and job centers
- Station area planning
- Integration of transportation and environmental planning
- First Mile/Last Mile project development planning
- An update to a general plan land use element or zoning code that increases development opportunities around key transportation corridors or nodes
- Creation of a Transit-Oriented Development overlay zone or other special zoning district around key transportation corridors or nodes
- Studies, plans, and policies that address land use conflicts with major transportation corridors such as major highways, ports, shipping and freight corridors, etc. that are near sensitive land uses such as homes, schools, parks, etc. or potentially impacted by climate change

#### Multimodal

- Complete Streets plans or multimodal transportation plans
- Long range transportation plans for tribal governments
- Studies, plans or planning methods that advance a community's effort to reduce single occupancy vehicle trips and transportation related GHG through strategies including, but not limited to, advancing mode shift, demand management, travel cost, operational efficiency, accessibility, and coordination with future employment and residential land use
- Context-sensitive streetscapes or town center plans
- Studies that evaluate accessibility and connectivity of the multimodal transportation network
- Shared mobility services planning studies
- Community outreach plans for park-and-ride lots

#### Safety

- Bike and pedestrian plans with a safety enhancement focus, including Vision Zero plans
- Community to school studies or safe routes to school plans
- Traffic calming and safety enhancement plans

#### Technical

- Transportation modeling studies or planning activities that address SB 743 implementation and induced travel, active transportation, emerging technology, public health, VMT and other impacts
- Planning for zero or near zero emission vehicles
- Electric vehicle charging infrastructure network planning
- Transit planning for zero emission bus fleets
- Planning for autonomous vehicles
- Road or parking pricing studies
- Transportation Demand Management studies
- Commute trip reduction studies and plans

- Data collection/data sharing initiatives
- Integration of transit, new emerging technologies, and shared mobility services
- Educational outreach as part of a plan or study as appropriate, e.g., for mode shifts to electric forms of transportation

#### Transit

- Identification of policies, strategies, and programs to preserve transit facilities and optimize transit infrastructure
- Transit planning studies related to accessible transit, paratransit, mobility management, etc.
- Studies, plans, or outreach for school public transit, school pool ridesharing
- Strategies to increase transit ridership
- Studies or plans that evaluate commuter rail or multi-modal connectivity
- Studies or plans that evaluate first and last mile transit connectivity

## 2.3 Eligible and Ineligible Activities and Expenses

#### **Eligible Activities and Expenses**

Eligible activities must have a transportation nexus per the California Constitution, Article XIX Section 2 and 3. Applicants need to consult with Caltrans district staff for more information on whether costs are eligible for funding.

Some examples of eligible costs include:

- Data gathering and analysis
- Report writing and the development of associated graphics
- Planning consultant procurement
- Advertising for consultant procurement
- Advertising for public workshops, e.g., flyers, paid media ads
- Travel expenses (See Chapter 6.5 for details)
- Up to 30 percent design or conceptual drawings
- Equipment (as defined in 2 CFR Part 200.33)<sup>1</sup> purchases must remain under \$5,000 or depreciation will need to be taken in to account when the grant project is completed since equipment could have future uses. 2 CFR Part 200.436<sup>2</sup> provides the criteria for depreciation.
- Community surveys, meetings, public workshop room rental, charrettes, focus groups
- Virtual outreach activities and on-line meetings

<sup>1</sup> Electronic Code of Federal Regulations, 2 Code of Federal Regulations, Part 200.33, 2020, https://www.ecfr.gov/on/2017-01-03/title-2/subtitle-A/chapter-II/part-200/subpart-A/subject-group-ECFR2a6a0087862fd2c/section-200.33

<sup>2</sup> Govinfo, 2 Code of Federal Regulations, Part 200.436, 20, https://www.govinfo.gov/app/details/CFR-2022-title2-vol1/CFR-2022-title2-vol1-sec200-436

- Bilingual services for interpreting and/or translation services for meetings
- Community/stakeholder advisory groups
- Light snacks and refreshments for public workshops (no full meals), subject to Caltrans approval
- Project administration (up to 5 percent of the grant is allowed, i.e., quarterly reports, invoicing, and kick-off meeting with Caltrans)

#### **Ineligible Activities and Expenses**

Some activities, tasks, project components, etc. are not eligible under these grant programs. If an application has any of the following elements, it will be disqualified.

Ineligible activities and expenses include:

- Environmental studies, plans, or documents normally required for project development under the National Environmental Policy Act or the California Environmental Quality Act
- Engineering plans and design specification work
- Project Initiation Documents
- Program or project implementation
- Repurposing unspent grant funds (not applicable to Sustainable Communities Formula)
- Application development to pursue construction funds/project implementation
- RTPs or updates to the RTP, excluding SCS/APS development
- Construction projects, capital costs, such as the building of a facility, or maintenance
- Office furniture purchases, or other capital expenditures
- Decorations, e.g., for public workshop events
- Acquisition of vehicles or shuttle programs
- Organizational membership fees
- Incentives for public participation, e.g., full meals, prizes, freebies, promotional/marketing items, stipends
- Charges passed on to sub-recipient for oversight of awarded grant funds
- Other items unrelated to the project

## 2.4 Tips for Successful Sustainable Communities Grant Applications

#### Criteria for Successful Sustainable Communities Grant Applications

Some guidance is provided below however, it is not intended to be all inclusive.

- Integrate Grant Program Considerations (See Chapter 1.2)
- Advance transportation related GHG emission reduction project types/strategies (i.e., mode shift, demand management, travel cost, operational efficiency, accessibility, and coordination with future employment and residential land use, etc.)
- Identify and address deficiencies in the multimodal transportation system, including the needs of environmental justice and underserved communities, including Native American Tribal Governments and rural communities

- Encourage stakeholder collaboration
- Involve active community engagement
- Coordinate transportation, housing, and land use planning
- Result in funded and programmed multimodal transportation system improvements

#### **General Tips**

- Some sections of the grant application may seem redundant when discussing
  underserved community engagement, overall public engagement, and stakeholder
  involvement. Although the general public and underserved communities are
  stakeholders for any project, for application purposes, the strategy, and methods for
  engaging these groups will be different, as described below.
  - Overall public engagement will describe the general strategy to engage the public at large.
  - Underserved communities engagement will explain how the project will go above and beyond business as usual or what is statutorily required to address the specific needs of underserved communities and use unique methods to involve these groups in the decision-making process. Refer to Appendix A. Active Community Engagement, which includes case studies for examples of equitable community engagement.
  - Stakeholder engagement will explain how partner agencies, businesses, and/or non-profit community-based organizations will be involved throughout the project.
- Consult with your district representative for technical assistance before the application deadline.
- Use the Samples and Checklists provided for the Application, Scope of Work, and Cost and Schedule.
- Include Caltrans as an active partner in the study.
- Provide tailored letters of support and project area photographs to enhance the application. If applicants/supporters do not have the time/resources to provide tailored letters of support, a petition signed by supporters in a simple table format that lists the supporters **and** specifically how supporters will benefit the proposed project will suffice.

#### **Project Description**

Concisely describe the project. Explain "What parties are involved, the proposed major milestones, and why the project is necessary."

#### **Project Justification**

- Clearly define and explain the transportation problem or deficiency that the project will attempt to address and how the project will address the problem. Why is it critical to address the problem now? Make the case for a critical need that the project will address and support it with verifiable data, if available.
- Explain how the project affects underserved communities. The tools in Appendix A are intended to help applicants define an underserved community in the project area. Please cite data sources, the tools used, and include a comparison to the statewide thresholds that are established in each tool.

• If the applicant is a Native American Tribal Government or a rural area (outside of the urbanized areas with 50,000 in population or greater) of the State, describe population characteristics such as demographics, location, and size.

#### **Grant Specific Objectives**

Demonstrate how the project fits every aspect of the Grant Specific Objective, as appropriate for the applicant and project type. Some guidance is provided below; however, it is not intended to be all inclusive. Applications should reference Appendix A for Resources to Advance Sustainable Communities Grant Specific Objectives.

Successful applications should include:

#### Planning for Housing, Housing Element Compliance, and Prohousing Designation

- To avoid a deduction of 5 points, applicants must demonstrate how they integrate housing planning into their policies, programs, and project, or commit to coordinate housing and transportation in future policies and programs throughout the application (e.g., narrative and scope of work). See Chapter 2.2 for a list of example projects that coordinate housing, land use, and transportation.
- To be eligible for a grant award, city and county primary/sub-grant applicants are required to submit:
  - A housing element adopted by the local government to the Department of Housing and Community Development (HCD), and HCD must find the adopted housing element in substantial compliance with state housing element law pursuant to Government Code Section 65585.
  - 2. Annual Progress Reports (APRs) to HCD for at least the previous two years, 2021 and 2022.

## **IMPORTANT TIPS:**

- City and county primary/sub-grant applicants are required to submit:
  - 1. A housing element adopted by the local government to HCD.
  - 2. Annual Progress Reports to HCD for at least the previous two years, 2021 and 2022.

 City or county primary/sub-applicants will receive a high recommendation from HCD if they have a Prohousing Designation, which can be earned by adopting local policies that facilitate the planning, approval, and construction of housing. The HCD Prohousing Designation Program provides incentives to cities and counties in the form of additional points or other preference in the scoring of competitive housing, community development, and infrastructure programs. For HCD Prohousing Designation Program information and how to develop a competitive application, refer to Appendix A, Integrated Housing, Land Use, and Transportation Planning.

**Note:** Charter cities are not exempt from this specific program requirement and must submit an Annual Progress Report for the calendar years mentioned above.

## Community Engagement

- Refer to Appendix A for Community Engagement Best Practices.
- Evidence of additional public outreach measures that promote access to decision-making and program implementation for all segments of the community, including special needs populations, underserved communities, and a variety of socio-economic groups (e.g., households across the income and employment spectrum, ethnically and racially diverse households).
- The application narrative should outline specific outreach strategies that will be utilized, considering the current COVID-19 environment.
- Tailored letters of support with electronic signatures from community-based organizations or public advocacy groups to demonstrate their support or involvement in identifying the issues that the proposed project is attempting to address.
- If applicants/supporters do not have the time/resources to provide tailored letters of support, a petition electronically signed by supporters in a simple table format that indicates specifically how supporters will benefit the proposed project will suffice.

#### Integrated Housing, Land Use, and Transportation Planning

- Application narrative and any relevant supporting or illustrative data should describe how the proposed project integrates and connects land use and transportation, including how transportation and land use agencies or jurisdictions are actively collaborating on the project in all project phases.
- Competitive grant applications should demonstrate how the project furthers this coordinated and integrated approach to planning. For example:

#### **HELPFUL TIPS:**

Tailored letters of support from local agencies that not only provide support for the project, but also confirms that the proposed project:

- Helps to implement the RTP SCS/APS and/or State priorities
- Involves a coordinated approach to integrating land use and transportation in all phases of project planning and implementation.
- Demonstrate how the project will support or align with the region's Regional Early Action Planning (REAP)<sup>3</sup> grant investments or other regional planning or implementation efforts. REAP 2.0 seeks to accelerate infill housing development, reduce Vehicle Miles Traveled (VMT), increase housing supply at all affordability levels, affirmatively further fair housing, and facilitate the implementation of adopted regional and local plans to achieve these goals. Eligible uses include projects that invest in infrastructure to expand active transportation and fund and implement parking and transportation demand management programs or ordinances.

- Describe how the project aligns with state housing policies and goals by serving a community within ½ mile of a transit station or stop that has received a positive Prohousing Designation Program score, certified by HCD.
- Explain how the project is located in an area that has earned a Prohousing Designation and positive scores for Prohousing Enhancement policies from HCD. Jurisdictions supporting integrated housing, land use, and transportation planning may have policies that include Prohousing Enhancement Factors, which represent a multi-faceted approach to planning objectives, are consistent with state priorities, go beyond state law, etc.
   Competitive applications may also identify a jurisdiction's policies that promote housing development and reduce VMT. For information about the HCD Prohousing Designation Program and how applicants can develop a competitive application with Prohousing Enhancement Factors or VMT reducing policies, refer to Appendix A, Integrated Housing, Land Use, and Transportation Planning. HCD will highly recommend awards for City and county primary/sub-applicants that earn this designation.

#### **Project Management**

- Scope of Work: Refer to the Scope of Work Checklist in Appendix B.
- **Cost and Schedule**: Refer to the Cost and Schedule Checklist in Appendix B.

# 3. SUSTAINABLE COMMUNITIES FORMULA

\$12.5 million will be distributed to the MPOs on a formula basis. The formula funds for the MPOs will reflect the same formula used to distribute Federal Highway Administration (FHWA) Metropolitan Planning PL funds.

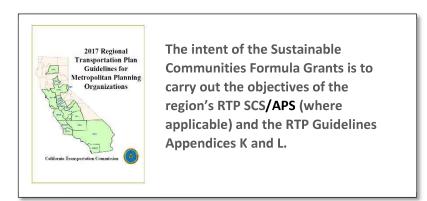
The FHWA PL formula has three components:

- 1. A base allocation
- 2. A two-part population component which distributes funds by the proportion of the total population of each MPO based on California Department of Finance estimates each January
- 3. An Air Quality component based on the proportion of federal Congestion Mitigation Air Quality funds to total programmatic FHWA PL funds

# 3.1 Purpose and Specific Objectives

The purpose of the Sustainable Communities Formula is to fund local and regional multimodal transportation and land use planning projects that further the region's RTP SCS/APS (where applicable), contribute to the State's GHG reduction targets, and assist in achieving the Caltrans Mission and Grant Program Objectives (See Chapter 1.2).

The specific objectives, eligibility requirements, and



performance considerations for the Sustainable Communities Formula Grants awarded to MPOs are consistent with the Sustainable Communities Competitive Grants.

The intent of the Sustainable Communities Formula Grants is to carry out the objectives of the region's RTP SCS/APS (where applicable) and the RTP Guidelines Appendices K and L. In addition, MPOs are strongly encouraged to administer Sustainable Communities Formula funding in a transparent manner and maintain non-profit eligibility, consistent with the legislative intent of SB 1 - The Road Repair and Accountability Act of 2017.

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## 3.2 Guidance and Approval Process

## Minimum Eligibility Criteria

MPOs should meet the following minimum eligibility criteria to apply for Sustainable Communities Formula grants:

- Of the Consolidated Planning Grant, FHWA PL carryover is at or below 100 percent of the annual FHWA PL allocation
- Have an RTP SCS/APS that meets the SB 375 GHG reduction targets
- Meet civil rights and environmental justice obligations, as summarized in Section 4.2 of the RTP Guidelines

If an MPO does not meet the minimum eligibility criteria listed above by **April 30, 2024**, their allocation will be redistributed to the remaining MPOs that are eligible and apply for the Sustainable Communities Formula Grants.

#### **IMPORTANT NOTE:**

 If an MPO does not meet the minimum eligibility criteria, their allocation will be redistributed to the remaining MPOs that are eligible and apply for the Sustainable Communities Formula Grants.

## Annual Draft Overall Work Program (OWP) Development and Approval Process

Sustainable Communities Formula Grants are part of the annual draft Overall Work Program (OWP) development and approval process. The draft OWP process includes meaningful consultation with Caltrans district staff and the Headquarters Office of Regional and Community Planning (ORCP). MPOs are responsible for including a draft Work Element(s) for Sustainable Communities Formula Grant funds in the draft FY 2024-24 OWP and sending a list of activities using the provided template to Caltrans, no later than **March 1, 2024**. Draft OWPs are submitted to the district Regional Planning Liaison who will coordinate with ORCP. The draft Work Element(s) should include an explanation of how the project supports the Sustainable Communities Grant Specific Objectives and provide the same level of detail included in the grant application Scope of Work and Cost and Schedule for the Sustainable Communities Competitive Grants. The Work Elements do not provide enough detail, MPOs will need to submit the competitive grant application Scope of Work and Cost and Schedule for Schedule. More information and detailed requirements are outlined in the *SB 1 Guidance for OWPs and Requests for Reimbursements*, available upon request.

## 3.3 Example Project Types

MPOs have flexibility for how the Formula Grant allocation is administered. For example, MPOs may use these funds for a regional competitive grant program, integrated land use and transportation planning activities related to developing their SCS/APS, carrying out the best practices cited in the RTP Guidelines, or a combination thereof. If an MPO uses Formula Grant funds to administer a regional grant program, the MPO must submit their grant program criteria and list of eligible applicants and sub-applicants to the Caltrans district and ORCP. This step is to ensure the MPO's grant program aligns with the Caltrans Sustainable Communities Competitive Grants, including city and county housing element compliance. MPOs will also submit a list of awarded grants to the Caltrans district and ORCP. MPOs should coordinate the submittal of this information with the Caltrans district and ORCP to avoid delays for releasing the call-for-projects and grant awards. For additional example project types, refer to Chapter 2.2.

## 3.4 Eligible and Ineligible Activities and Expenses

Refer to Chapter 2.3 for eligible and ineligible activities and expenses.

## 3.5 Formula Grant Allocation Estimates

The following funding table estimates how formula funds may be distributed to each MPO, contingent upon meeting the minimum eligibility criteria:

Sustainable Communities Formula Grants	
Metropolitan Planning Organization	Total Formula Grant Allocation
Tahoe Metropolitan Planning Organization	\$160,750
Madera County Transportation Commission	\$164,209
Kings County Association of Governments	\$162,943
Shasta Regional Transportation Agency	\$163,172
Butte County Association of Governments	\$180,569
Merced County Association of Governments	\$197,424
San Luis Obispo Council of Governments	\$195,962
Tulare County Association of Governments	\$246,944
Santa Barbara County Association of Governments	\$224,579
Stanislaus Council of Governments	\$291,053
San Joaquin Council of Governments	\$341,671
Kern Council of Governments	\$374,899
Association of Monterey Bay Area Governments	\$315,267
Fresno Council of Governments	\$407,484
Sacramento Area Council of Governments	\$774,991
San Diego Association of Governments	\$1,021,553
Metropolitan Transportation Commission	\$2,106,140
Southern California Association of Governments	\$5,170,390
Total	\$12,500,000

## 4. CLIMATE ADAPTATION PLANNING

Climate change adaptation aims to anticipate and prepare for climate change impacts to reduce the damage from climate change and extreme weather events. Adaptation is distinct from, but complements, climate change mitigation, which aims to reduce GHG emissions. This funding is intended to advance adaptation planning on California's transportation infrastructure, including but not limited to roads, railways, bikeways, trails, bridges, ports, and airports.

The State-funded Climate Adaptation Planning grants (\$31.9 million) will support tribal, local, and regional identification of transportation-related climate vulnerabilities through the development of climate adaptation plans, as well as project-level adaptation planning to identify adaptation projects and strategies for transportation infrastructure. Applicants at all stages of adaptation planning efforts including those who have not yet started adaptation work are encouraged to apply.

Climate adaptation planning projects are defined by:

- Identification of transportation system vulnerabilities and climate-related risks to existing transportation infrastructure, including resilience improvement plans.
- Identification of adaptation planning projects that address climate risk impacts to existing transportation infrastructure including sea level rise, storm surge, changes in temperature and precipitation.
- Planning for specific climate projects that can be programmed in existing local or regional transportation plans.

## 4.1 Purpose and Specific Objectives

California's climate leadership has made the ambitious commitment to reduce greenhouse gas emissions and facilitate a transition to a carbon neutral economy. However, as made clear by the impacts already affecting California and the recent IPCC report, impacts of climate change are occurring sooner than expected and they disproportionately affect the most vulnerable among us (See Appendix A. for IPCC report). Many impacts, such as increased wildfires, droughts, landslides, rising sea levels, floods, severe storms, heat waves, and impacts to wildlife, are already occurring already and are expected to become more frequent and severe.

Climate change is increasingly impacting the State's transportation system. Adaptation efforts will enhance the resiliency of the transportation system to better withstand climate impacts. The overarching goal of this grant program is to support planning actions at local and regional levels that advance climate change adaptation efforts on the transportation system, especially efforts that serve the communities most vulnerable to climate change impacts. Taking steps now to adapt to climate change will protect public health and safety, infrastructure, and the California economy into the future.

Caltrans awarded three cycles of local adaptation planning grants allocated through the passage of SB 1. This program operated from FY 2017-18 through FY 2019-20 and was able to fund innovative tribal, local, and regional adaptation planning grants across California. Examples of the completed projects supported by the SB 1 Climate Adaptation Planning Grant Program can be found on the California Adaptation Clearinghouse's case study<sup>4</sup> page. The current funding in this program aims to build upon the successful SB 1 program to further advance transportation adaptation planning.

<sup>4</sup> Adaptation Clearinghouse's case study website: https://resilientca.org/challenges/

Equity, including regional representation, will be considered when awarding projects. A minimum threshold of 50 percent of the funds has been identified for projects that benefit underserved communities, which includes Tribal, local, regional, and rural communities (for transportation planning purposes, rural is defined as all areas of the State that are not included in urbanized areas of 50,000 in population or greater; refer to Appendix C. Caltrans/Regional Agency Boundaries Map, which indicates rural areas). For purposes of the grant program, acceptable underserved communities definitions are described in Appendix A and include:

- Rural communities of 50,000 or less and outside of urbanized areas
- Native American Tribal Governments
- Regionally/locally defined underserved communities
- At or below 80% Assembly Bill 1550 (Gomez, Statutes of 2016)
- At or above 75% California Department of Education, Free or Reduced Priced Meals Data
- At or above 75% CalEnviroScreen Version 4.0
- At or below 25% California Healthy Places Index (HPI)

Furthermore, up to 10% of the funds (\$3.9 remaining) will be set-aside for Native American Tribal Governments.

Climate Adaptation Planning grant applicants must demonstrate how the project fits the Grant Specific Objectives listed below, as appropriate for the applicant and project type. Additional resources (guidance, data sources, etc.) to assist in achieving these objectives can be found in Appendix A:

Applicants are required to demonstrate how the proposed effort will accomplish one or more of the following:

- Identify specific transportation infrastructure vulnerabilities<sup>5</sup> to climate change impacts.
- Identify adaptation strategies and specific actions to remedy identified climate-related vulnerabilities, including short-, medium-, and long-term strategies that will address the overall risk for the entire service life of the asset or capital project using the best available science and guidance.
- Include economic analysis and/or cost-benefit analysis of identified adaptation strategy or strategies when applicable.

Applicants must also demonstrate how the proposed effort will accomplish one or more the following:

- Identify benefit(s) to underserved communities, including transit-dependent populations.
- On-going collaboration and partnerships between sectors and jurisdictions, across levels of government at a regional scale.
- Identify co-benefits of the adaptation work, such as benefits to public health, natural ecosystems, air quality, social equity, the economy, or reductions in greenhouse gas emissions. Projects prioritizing nature-based solutions through natural and green infrastructure planning and adaptation strategies will be prioritized.

<sup>&</sup>lt;sup>5</sup> Transportation infrastructure includes, but is not limited to, roads, railways, bikeways, trails, bridges, ports, and airports. Vulnerable transportation infrastructure is transportation infrastructure that is susceptible to the impacts of climate change (e.g., a pedestrian-use trail that cuts through a forested area that is expected to see increased fire risk due to climate change).

- Consistency with priorities and goals of the 2021 California State Adaptation Strategy, as well as any applicable local/regional resilience planning, and that the effort will identify ways to incorporate transportation-related climate adaptation needs into existing transportation plans.
- Projects must include a multistakeholder process that provides an opportunity for meaningful community engagement from communities potentially impacted by any projects identified or developed as part of the planning grant.

Competitive applicants will demonstrate one or more of the following:

- Alignment with or augmentation of existing plans, including climate action plans/adaptation plans, hazard mitigation plans, safety elements of general plans, resilience improvement plans, and/or Certified Local Coastal Programs<sup>6</sup>, that will lead to the identification and development of capital projects that can be programmed as part of local or regional transportation plans. Projects should follow State Guidance on Adaptation Planning (see Appendix A) or be aligned with local plans.
- Collaboration and partnerships with diverse external stakeholders such as businesses, nongovernmental agencies, community-based organizations, Federal, state, or local agencies, and community residents.
- Consideration of the adaptation needs of environmental resources in proximity to the transportation system such as coastal resources including but not limited to tidal marsh or beaches, wildlife connectivity, wetlands, or fish passage needs.
- Consideration of public access and Complete Streets' needs.

## 4.2 Example Project Types

Caltrans aims to fund a variety of project types from a diverse pool of applicants to respond to these climate impacts. Applicants who have adaptation planning efforts underway, as well as those who have not yet started adaptation planning, are encouraged to apply.

The examples below are provided to illustrate the range of projects that may be appropriate for the grant program, as well as to provide ideas to potential applicants. The project types range from initial vulnerability assessment and broad planning efforts to project-level planning needs, for instance through local studies on natural hazards to inform a future project. Proposed projects are not constrained by the examples below.

- Climate Vulnerability and Risk Assessments (identification of climate vulnerabilities and risks to transportation infrastructure)
- Planning for extreme weather events, which could include:
  - Evacuation planning.
  - Identifying communities and individuals with inadequate access to transportation options (e.g., survey to determine number and location of transit dependent residents).
  - Planning for increased transportation options (e.g., multimodal) in evacuation corridors.
  - Planning for roadway warning systems for extreme weather events.

<sup>6</sup> More information about Certified Local Coastal Programs and whether a project is located in this area can be found on the Coastal Commission's website and further verified by reaching out to Coastal Commission staff at the applicable Coastal Commission District office. https://coastal.ca.gov/lcps.html

- Planning and evaluating for decentralized energy storage needs for electric vehicle charging infrastructure to safeguard against loss of power and impacts to electric vehicles due to climate-related grid disruptions.
- Transportation Infrastructure Adaptation and Resilience Improvement Plans, and/or integration of transportation adaptation planning into existing plans such as a climate mitigation or adaptation plan, Certified Local Coastal Program, Hazard Mitigation Plan, General Plan (including compliance with Senate Bill 379 requirements (Jackson, Chapter 608, Statutes of 2015)), or other related planning efforts, including project-level planning for capital projects. For instance, this can include:
  - Prioritization of adaptation needs and strategies in a given region/location.
  - Project-level planning that can be programmed through an existing local or regional transportation plan, such as evaluating infrastructure resilience to climate impacts, especially projects that integrate natural infrastructure or provide multiple benefits. Specific examples could include: adaptation strategies related to realigning/relocating transportation infrastructure impacted by sea level rise; providing transit shelters with shade, water, or other means of cooling in locations expected to see temperature increases; preparing for increased landslide risk; etc.
- **Natural and green infrastructure planning** (e.g., wetlands restoration along transportation corridors to protect transportation infrastructure from flooding and storm impacts, identifying and removing barriers to habitat and wildlife connectivity.)
- **Technical feasibility studies required to advance project-level adaptation planning**, for instance coastal hazards analysis at a potential adaptation project location, or a precipitation study that incorporates future climate risk.
- Technical assistance projects for under-resourced and climate vulnerable communities to perform climate adaptation planning.
- Development of educational resources, trainings and workshops for local jurisdictions and transportation service providers on any of the above listed adaptation planning activities.

## 4.3 Eligible and Ineligible Activities and Expenses.

Eligible activities must have a transportation nexus per the California Constitution, Article XIX Section 2 and 3. Applicants need to consult with Caltrans district staff for more information on whether costs are eligible for funding.

## **Eligible Activities and Expenses**

Please consult with Caltrans district staff for clarification regarding specific eligible activities or expenses. Example eligible costs include:

- Staff time
- Consultant time
- Up to 30 percent design or conceptual drawings
- Data and geospatial analysis
- Report writing and the development of associated graphics
- Community surveys, meetings, charrettes, and focus groups
- Bilingual services for interpreting and/or translation services for meetings
- Community/stakeholder advisory groups

- Project-specific staffing
- Web application development and dashboard
- Light snacks and refreshments for public workshops (no full meals), subject to Caltrans approval

## Ineligible Activities and Expenses

Some activities, tasks, project components, etc. are not eligible under this grant program. If an application has any of the following elements, it will be disqualified. Ineligible activities and expenses include:

- Projects without a transportation nexus
- Project Initiation Documents
- Environmental studies, plans, or documents normally required for project development under the National Environmental Policy Act or the California Environmental Quality Act
- Engineering plans and design specification work
- Regional Transportation Plans (RTP) or updates to the RTP
- Construction projects or capital costs, such as the building of a facility, or maintenance
- Purchasing of office furniture or other capital expenditures
- Decorations (e.g., for public workshop events)
- Acquisition of vehicles or shuttle programs
- Organizational membership fees
- Incentives for public participation, e.g., "Stuff We All Get" (SWAG), full meals, prizes, freebies, promotional/marketing items, stipends
- Charges passed on to sub-recipient for oversight of awarded grant funds
- Other items unrelated to the project

# 4.4 Tips for a Successful Climate Adaptation Planning Grant Application

Strong applications will integrate all aspects of the grant program's purpose and specific objectives listed above. Additionally, strong applications will support statewide goals and objectives currently being implemented by the State of California, including the Grant Program Considerations (see Chapter 1.2).

Some guidance is provided below; however, it is not intended to be all inclusive.

## Criteria for Successful Climate Adaptation Planning Grant Applications

- Clearly demonstrate how the project promotes climate change adaptation planning on the California transportation system and how the project aligns with the grant specific objectives.
- Partner with Caltrans to identify and address statewide, interregional, or regional transportation adaptation needs in the State highway system (or multimodal transportation system for transit-focused and/or active transportation projects.
- Strengthen government-to-government relationships.

- Demonstrate that the proposed planning effort will lead to adaptation project funding proposals and/or programmed system improvements. This can include advancing planning to lead to project development through development of a cost estimate, pursuing a technical feasibility study for adaptation options, and/or developing a conceptual design.
- Identify and address deficiencies in the multimodal transportation system, including the needs of environmental justice and underserved communities, including Native American Tribal Governments and rural communities.
- Encourage stakeholder collaboration and include active community engagement.
- Promote the region's RTP SCS (where applicable), State planning priorities (Government Code Section 65041.1), and climate adaptation goals (State Adaptation Strategy).
- Demonstrate that the proposed planning effort will use the best available science for climate change projections.
- For proposed planning efforts in the California Coastal Zone, demonstrate that all analyses and final deliverables will be consistent with the applicable Certified Local Coastal Program, California Coastal Act (for projects in the Coastal Commission's retained jurisdiction), and Coastal Commission guidance documents on sea level rise, environmental justice, and Tribal community engagement.

## **General Tips**

- Refer to existing State guidance on climate adaptation planning to ensure alignment with State direction, State data, and guidance, including the California Adaptation Planning Guide, and resources that can be found on the State Adaptation Clearinghouse.
- Consult with your district representative for technical assistance before the application deadline.
- Use the Samples and Checklists provided for the Application, Scope of Work, and Cost and Schedule.
- Provide tailored letters of support and photos of project area as relevant to enhance the application. Project supporters should describe why they support the project and how they would benefit from the project. If applicants/supporters do not have the time/resources to provide tailored letters of support, a petition signed by supporters in a simple table format that lists the supporters and specifically how supporters will benefit the proposed project will suffice.
- Include Caltrans as an active partner in the study, as applicable.
- Some sections of the grant application may seem redundant when discussing
  underserved community engagement, overall public engagement, and stakeholder
  involvement. Although the general public and underserved communities are
  stakeholders for any project, for application purposes, the strategy and methods for
  engaging these groups will be different, as described below.
  - Overall public engagement will describe the general strategy to engage the public at large;
  - Underserved communities' engagement will explain how the project will go above and beyond business as usual to address the specific needs of underserved communities and use unique methods to involve these groups in the decisionmaking process; and
  - $_{\odot}$  Stakeholder engagement will explain how partner agencies, businesses, and/or

non-profit community-based organizations will be involved throughout the project.

#### **Project Management**

- **Scope of Work**: Refer to the Scope of Work Checklist in Appendix B.
- Cost and Schedule: Refer to the Cost and Schedule Checklist in Appendix B.

## 5. STRATEGIC PARTNERSHIPS

\$1.5 million in FHWA State Planning and Research (SPR) Part 1 funds and \$3 million in Federal Transit Administration (FTA) Section 5304 funds, or a combined total of \$4.5 million, will be distributed through a competitive program to MPOs and RTPAs. Funding distribution for the competitive program will depend on the quality and number of applications.

## 5.1 Purpose and Specific Objectives

Strategic Partnerships are intended to fund planning projects that partner with Caltrans to address needs on or connecting to the State Highway System (SHS), while the transit sub-category will address multimodal planning projects that focus on transit.

The objectives of the Strategic Partnerships and Strategic Partnerships - Transit grants are to:

- Strengthen government-to-government partnerships
- Accomplish the Federal Planning Factors
- Achieve the Caltrans Mission and the Grant Program Objectives

## 5.2 Federal Planning Factors

- 1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency
- 2. Increase the safety of the transportation system for motorized and non-motorized users
- 3. Increase the security of the transportation system for motorized and non-motorized users
- 4. Increase accessibility and mobility of people and freight
- 5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns
- 6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight
- 7. Promote efficient system management and operation
- 8. Emphasize the preservation of the existing transportation system
- 9. Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation
- 10. Enhance travel and tourism

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## 5.3 Example Project Types

## **Example Project Types - Strategic Partnerships**

- Studies that identify interregional, inter-county, and/or statewide mobility and access needs
- Comprehensive Multimodal Corridor Plans
- Corridor performance/preservation studies
- Studies that evaluate transportation issues involving ground access to international borders, seaports, airports, intermodal facilities, freight hubs, and recreational sites
- Development of planning activities intended to result in investment in sustainable transportation projects
- Enhanced tools to capture GHG benefits of Operations and System Management projects
- Integration of transportation and economic development
- Planning for sustainable freight
- Planning for transportation safety
- Studies for relinquishment of state routes
- Statewide or interregional research or modeling tools
- Transportation demand management plans
- System investment prioritization plans
- Assessment and integration of new technology
- Complete street plans that consider last-mile freight
- Curbside freight management plans
- Agriculture goods movement plans
- Freight/supply chain resiliency studies

## **Example Project Types - Strategic Partnerships Transit**

- Identification of policies and procedures to integrate transit into the transportation system and planning process
- Statewide transit planning surveys and research
- Identification of policies, strategies, and programs to preserve transit facilities and optimize transit infrastructure
- Projects that evaluate accessibility and connectivity of the multi-modal transportation
   network
- Transit technical planning studies to optimize system performance
- Studies or plans that evaluate commuter rail or multi-modal connectivity
- Studies or plans that evaluate first and last mile transit connectivity

## 5.4 Eligible and Ineligible Activities and Expenses

## **Eligible Activities and Expenses**

Eligible activities must have a transportation nexus per the California Constitution, Article XIX Section 2 and 3. Please consult with Caltrans district staff for more information on whether costs are eligible for funding.

Some examples of eligible costs include:

- Data gathering and analysis
- Planning consultant procurement
- Advertising for consultant procurement
- Advertising for public workshops, e.g., flyers, paid media ads
- Virtual outreach activities and on-line meetings
- Travel expenses (See Chapter 6.5 for details)
- Up to 30 percent conceptual drawings and design
- Equipment (as defined in 2 CFR Part 200.33)<sup>7</sup> purchases must remain under \$5,000 or depreciation will need to be taken in to account when the grant project is completed since equipment could have future uses. 2 CFR Part 200.436<sup>8</sup> provides the criteria for depreciation, at the Govinfo website.
- Community surveys, meetings, public workshop room rental, charrettes, focus groups
- Bilingual services for interpreting and/or translation services for meetings
- Community/stakeholder advisory groups
- Light snacks and refreshments for public workshops (no full meals), subject to Caltrans and federal approval
- Project administration (up to 5 percent of the grant is allowed, i.e., quarterly reports, invoicing, and kick-off meeting with Caltrans)

## **Ineligible Activities and Expenses**

Some activities, tasks, project components, etc. are not eligible under these grant programs. If an application has any of the following elements, it will be disqualified. Ineligible activities and expenses include:

- Environmental studies, plans, or documents normally required for project development under the National Environmental Policy Act or the California Environmental Quality Act
- Engineering plans and design specification work
- Project Initiation Documents

<sup>7</sup> Electronic Code of Federal Regulations, 2 Code of Federal Regulations, Part 200.33, 2020, https://www.ecfr.gov/on/2017-01-03/title-2/subtitle-A/chapter-II/part-200/subpart-A/subject-group-ECFR2a6a0087862fd2c/section-200.33

<sup>8</sup> Govinfo, 2 Code of Federal Regulations, Part 200.436, 2022, https://www.govinfo.gov/app/details/CFR-2022-title2-vol1/CFR-2022-title2-vol1-sec200-436

- Program or project implementation
- Repurposing unspent grant funds
- Consultant mark-ups
- Application development to pursue construction funds/project implementation
- RTPs or updates to the RTP
- Economic development plans or studies
- Land use plans or studies
- General Plans or updates to elements
- Construction projects, capital costs, such as the building of a facility, or maintenance
- Office furniture purchases, or other capital expenditures
- Decorations, e.g., for public workshop events
- Acquisition of vehicles or shuttle programs
- Organizational membership fees
- Incentives for public participation, e.g., full meals, prizes, freebies, promotional/marketing items, stipends
- Charges passed on to sub-recipient for oversight of awarded grant funds
- Other items unrelated to the project

## 5.5 Tips for Successful Strategic Partnerships Grant Applications

## **Criteria for Successful Strategic Partnerships Grant Applications**

- Partner with Caltrans to identify and address statewide, interregional, or regional transportation deficiencies in the State highway system (or multimodal transportation system for transit-focused projects)
- Strengthen government-to-government relationships, and
- Result in programmed system improvements

## **General Tips**

- Refer to Appendix A. Multimodal System Planning guidance documents in the development of proposed corridor plans/studies, freight plans/studies, and other multimodal system planning documents.
- Consult with your district representative for technical assistance before the application deadline.
- Use the Samples and Checklists provided for the Application, Scope of Work, and Cost and Schedule.
- Include Caltrans as an active partner in the study.
- Provide tailored letters of support and project area photographs to enhance the application. Project supporters should describe why they support the project and how they would benefit from the project.
- If applicants/supporters do not have the time/resources to provide tailored letters of

support, a petition signed by supporters in a simple table format that lists the supporters and specifically how supporters will benefit the proposed project will suffice.

#### **Project Summary**

• Concisely describe the project in less than 150 words. Explain "What parties are involved, the proposed major milestones, and why the project is necessary."

## **Project Justification**

• Clearly define and explain the transportation problem or deficiency that the project will attempt to address. Why is it critical to address the problem now? Make the case for a critical need that the project will address and support it with verifiable data, if available.

## **Grant Specific Objective**

Demonstrate how the project fits every aspect of the Grant Specific Objective, as appropriate for the applicant and project type.

#### Project Management

- **Scope of Work:** Refer to the Scope of Work Checklist in Appendix B.
- **Cost and Schedule :** Refer to the Cost and Schedule Checklist in Appendix B.

# 6. GRANT PROJECT ADMINISTRATIVE REQUIREMENTS

The content of this chapter should be notably considered in the development of grant applications as it lays the foundation for what to expect when applying for these grant funds. Upon award, grantees will receive more specific guidelines including administrative and reporting requirements.

## 6.1 Coordination with Caltrans

Caltrans is committed to be an active partner. If awarded a grant, the applicant should include Caltrans district staff when planning both technical advisory and community meetings. In addition, Caltrans district staff will help to ensure that the approved Scope of Work, Cost and Schedule, and project funding will be maintained throughout the life of the contract. Applicants are also recommended to engage Caltrans district staff throughout the entire grant life, when applicable.

Caltrans may contact grantees to participate in peer exchange forums to promote information sharing and best practices.

If an agency does not demonstrate adequate performance and timely use of funds, Caltrans may take appropriate actions, which can include termination of the grant.

## 6.2 Third Party Contracts

The agreements between a grantee and a sub-applicant/recipient, consultant, or sub-consultant are often referred to as "third party contracts." An eligible sub-applicant should be identified by an eligible applicant at the onset of the application. Eligible sub-applicants/recipients may be added to an application after award with prior Caltrans approval. If a grantee or a sub-recipient is going to hire a consultant to perform work during the project, then proper procurement procedures must always be used.

Grantees may use their agency's procurement procedures as long as they comply with the State Contracting Manual, Chapter 5, the Local Assistance Procedures Manual, Chapter 10, and the terms of the agreement with Caltrans. In addition, work can only be contracted if it has been stated in the applicant's Scope of Work and Cost and Schedule. A grantee is fully responsible for all work performed by its sub-recipient, consultant, or sub-consultant. Caltrans solely enters into a contract directly with the grantee; therefore, the grantee is responsible to ensure that all third parties adhere to the same provisions included in the contractual agreement between Caltrans and the grantee.

All government funded consultant procurement transactions must be conducted using a fair and competitive procurement process that is consistent with the State Contracting Manual, Chapter 5,<sup>9</sup> the Local Assistance Procedures Manual, Chapter 10,<sup>10</sup> and the terms of the agreement with Caltrans. All documentation of third-party contract procurements must be retained, and copies of

<sup>9</sup> California State Contracting Manual Volume 1, Chapter 5, 2018, https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/State-Contracting

<sup>10</sup> Caltrans Local Assistance Procedures Manual, Chapter 10, 2020, https://dot.ca.gov/programs/local-assistance/guidelines-and-procedures/local-assistanceprocedures-manual-lapm all agreements must be submitted to Caltrans. For more information on third party contracting, visit the State Contracting Manual and the Local Assistance Procedures Manual Websites.

## 6.3 Quarterly Reporting

Quarterly Progress Reports (QPR) are required to be submitted for each State FY quarter after the grant recipient has received a Notice to Proceed letter. The table below illustrates the State FY timeframes for submitting the QPR to Caltrans district staff.

Quarterly Progress Report Timeframes			
Quarter 1	Quarter 2	Quarter 3	Quarter 4
July – September	October – December	January – March	April – June

For MPOs and RTPAs, the progress and expenditure of each awarded grant project must be included as part of the OWP Quarterly Progress and Expenditure Report. If this method of reporting is not adequately satisfied, Caltrans staff will require separate quarterly reports for each awarded grant project.

All other primary grant recipients shall submit progress reports every quarter for each awarded grant project. Caltrans district staff will provide the brief report form and due dates.

## 6.4 Integrated Climate Adaptation and Resiliency Program (ICARP) Case Studies

Caltrans and the Governor's Office of Planning and Research are sharing the lessons learned from this grant opportunity to inform other existing or new state grant programs. To this end, Climate Adaptation Planning primary grant recipients will prepare a final case study/write-up upon grant completion to be included in the ICARP Clearinghouse (described in Appendix A., Pages 70-71), which was developed to share information, resources, and case studies with local and regional jurisdictions. Previous case studies can be found on the ICARP Case Study website<sup>11</sup>. These case studies will be used to develop guidance for adaptation work in the future. Caltrans will share progress reports with the ICARP Technical Advisory Council at regular intervals.

Climate Adaptation Planning grant recipients are also invited and encouraged to request technical assistance support from the ICARP program, including bringing key challenges or lessons learned to the Technical Advisory Council for their input. Caltrans staff will provide ICARP contact information upon request.

Final Case Study Requirements:

- Include images and GIS files of maps, when applicable
- Emphasize processes or results that can be adapted or replicated for use in multiple jurisdictions or in various parts of the state
- Document the underserved community's involvement throughout the entire process of the proposed project and tools used to capture this information

## 6.5 Invoicing and Financial Requirements

## **Pre-Award Audit**

The Sustainable Communities grants are available in amounts up to \$700,000, Strategic Partnerships grants are up to \$500,000 and Climate Adaptation Planning grants are up to \$3,000,000. However, any awarded grant in excess of \$250,000 may require a pre-award audit. The pre-award audit is to ensure that recipients of State or federal funds maintain adequate financial management systems prior to receiving the funds. Pre-award audits may be required of new grantees, agencies that have not recently been audited, agencies that have undergone prior audits with significant weaknesses or deficiencies in their financial management systems, or those determined to be a higher risk to Caltrans. If a pre-award audit is needed, the local Caltrans district office will contact the grantee to facilitate the appropriate action.

## **Accounting Requirements**

Grantees and sub-applicants/recipients are required to maintain an accounting system that properly records, and segregates incurred project costs and matching funds by line item. The accounting system of the grantee, including its sub-applicants and subcontractors, must conform to Generally Accepted Accounting Principles that enable the determination of incurred costs at interim points of completion and provides support for reimbursement payment vouchers or invoices sent to or paid by Caltrans. Allowable project costs must comply with 2 Code of Federal Regulations (CFR), Part 200. It is the grantee's responsibility, in conjunction with Caltrans district staff, to monitor work and expenses to ensure the project is completed according to the contracted Scope of Work and Cost and Schedule. Grantees must monitor work and costs to ensure invoices are submitted on a regular and timely basis (monthly or quarterly as milestones are completed). Grantees must communicate with their local Caltrans district office to ensure any issues are addressed early during the project period.

## Local Match

All grant project tasks/activities require a grant amount and a local match, except a grant amount for administrative Tasks 01, 02 is optional. The local match is a financial requirement that demonstrates the grantee/local agency is vested in the project.

Because the local match is part of the total project cost, the local match can only fund eligible grant activities. Therefore, grant recipients must fund ineligible activities with funds other than the local match.

The local match can be all cash, all third-party in-kind contributions, or a combination of the two. The minimum local match is a percentage of the total project cost (i.e., minimum local match amount plus the grant amount) and is identified in the Cost and Schedule at the Task level.

Beginning with FY 2021-22, grantees can provide a tapered local match, which allows grantees to vary the required local match ratio for each task and with every Request for Reimbursement. Applicants must identify if they will utilize the tapered match on the Cost and Schedule. Grantees agree to satisfy the total local match amount by the grant expiration date.

## Local Match Sources

#### • Sustainable Communities Competitive and Technical

Federal toll credits, FHWA PL, and FTA Section 5303, and Sustainable Communities Formula are <u>ineligible</u> match sources; otherwise, any source of funds may be used if the proposed grant work is an eligible activity for the local match fund source.

#### • Sustainable Communities Formula

Federal toll credits are an ineligible match source; otherwise, any source of funds may be used if the proposed grant work is an eligible activity for the local match fund source. If MPOs are matching with federal Consolidated Planning Grant (CPG) funds (i.e., FHWA PL or FTA Section 5303), the work must all be eligible. However, federal approval is required as CPG objectives may differ and must be aligned with Sustainable Communities Formula specific objectives and 23 CFR Part 450 requirements.<sup>12</sup>

#### • Climate Adaptation Planning

Federal toll credits, FHWA PL, and FTA Section 5303, and Sustainable Communities Formula are <u>ineligible</u> match sources; otherwise, any source of funds may be used if the proposed grant work is an eligible activity for the local match fund source.

Local match is not required for Native American Tribal Governments.

#### • Strategic Partnerships and Strategic Partnerships – Transit

Any non-federal source of funds may be used if the proposed grant work is an eligible activity for the local match fund source. If MPOs are matching with Sustainable Communities Formula funds, the objectives for each grant must be in alignment. Caltrans approval is required.

## Cash Match

- Staff time from the primary applicant counts as cash match. Staff time charged to a specific project that has been funded and or reimbursed, cannot be used to meet the match requirement for another project.
- Sub-applicant staff time, if reimbursed, is considered cash match. If donating their time, it is considered in-kind.
- Revenue sources for local cash match can include local sales tax, special bond measures, private donations, private foundations, etc.

## Third-Party In-Kind Match

Third party in-kind contributions are typically goods and services donated from outside the primary grantee's agency and can be counted towards the minimum local match requirement. Examples of third-party in-kind contributions is the value of donated:

- Public outreach materials
- Interpreter Services
- Facilities
- Equipment
- Advertising
- Student volunteers and other stakeholder staff time
- Other goods and services

<sup>12</sup> Title 23, Code of Federal Regulations, Part 450,

https://www.govinfo.gov/content/pkg/CFR-2004-title23-vol1/pdf/CFR-2004-title23-vol1-part450.pdf

The Third-Party In-Kind Valuation Plan is required to itemize and place value on donated goods and services. It must be submitted to Caltrans for approval only if the grant application is awarded. The Third-Party In-Kind Valuation Plan Checklist and Template can be found in Appendix B.

In addition:

- The value of third-party in-kind contributions must be directly benefiting and specifically identifiable to the project.
- Minimum wage standards for student workers or Caltrans pay rates for equal-level volunteers are acceptable base values of volunteer time.
- Third-party in-kind contribution information must be identified on the Grant Application Cover Sheet, the Cost and Schedule, and the project specific Work Element in the OWP (if applicable).

#### Minimum Local Match Requirements

Applicants/grantees will be held responsible for any local commitments above the minimum requirement included in the grant application and will be made part of the grant agreement with Caltrans. Once the agreement is executed, any decrease to local match commitments above the minimum required amount will require Caltrans approval through an amendment. The example shown in the following table illustrates the minimum local match requirement based on a grant request of \$300,000. Applicants must use the Local Match Calculator<sup>13</sup> to ensure the correct amounts are reflected on the Grant Application Cover Sheet and the Cost and Schedule.

Minimum Local Match Requirements (Percentage of Total Project Cost)			
Grant Program	Grant Request	Local Match	Total Project Cost
Sustainable Communities, Climate Adaptation Planning, and Strategic Partnerships –Transit	<b>88.53%</b> Example: \$300,000	<b>11.47%*</b> Example: \$38,868	<b>100%</b> Example: \$338,868
Strategic Partnerships	<b>80%</b> Example: \$300,000	<b>20%</b> Example: \$75,000	100% Example: \$375,000

\*Climate Adaptation Planning local match is not required for Native American Tribal Governments.

#### Indirect and Direct Costs

Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a state award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy. Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs, also known as facilities and administrative costs or overhead costs.

Indirect Costs are costs that are incurred for a common or joint purpose. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective.

<sup>13</sup> Local Match Calculator posted on-line at (will download as MS Excel spreadsheet): https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/regionaland-community-planning/sustainable-transportation-planning-grants Reproduction costs, computer purchase, and office supplies are considered indirect costs, unless they are tied to a specific task or activity then they are considered direct costs.

## Indirect Cost Allocation Plan/Indirect Cost Rate Proposal

If a grantee, including sub-recipients and third-party contractors/consultants, are seeking reimbursement of indirect costs, they must submit an Indirect Cost Allocation Plan (ICAP) or an Indirect Cost Rate Proposal (ICRP) to Caltrans. Submissions should be sent to Caltrans Internal Audits Office (CIAO) or Independent Office of Audits and Investigations (IOAI).

CIAO is responsible for the review and approval of government entities and non-profits ICAP submissions.

IOAI is responsible for the review and approval of for profit (Consultant) ICAP submissions. Consultants submit their ICAPs only when they are initially included in the contract and not on an annual basis.

An ICAP or ICRP must be prepared and submitted

#### **IMPORTANT NOTE**

 Applications must include the estimated indirect cost rate on the Cost and Schedule.

yearly in accordance with 2 CFR, Part 200. Indirect costs may be sought for reimbursement only after the grantee has received ICAP/ICRP approval from CIAO. For guidance on the ICAP/ICRP submission process, visit Caltrans Internal Audit Office<sup>14</sup> and the Caltrans LAPM Chapter 5 Accounting/ Invoicing.<sup>15</sup>

#### Most Common Types of Indirect Cost Rates

The following are the most common types of Indirect Cost Rates:

- Fixed Rate
- Final Rate
- De Minimis Rate
- Safe Harbor Rate

Changes to the De Minimis Rate are outlined in the revised 2 CFR Part 200.414(f)<sup>16</sup> that became effective November 12, 2020.

Applications must include the estimated indirect cost rate on the Cost and Schedule.

#### Travel Expenses

Grantees may be eligible to claim travel expenses if they have been approved in the Scope of Work and Cost and Schedule. Travel expenses and per diem rates are not to exceed the rate specified by the State of California Department of Personnel Administration for similar employees (i.e., non-represented employees). Any request for reimbursement that exceeds the State rates will

<sup>14</sup> Caltrans Internal Audits Office, ICAP/ICRP Submission Process, 2022, https://dot.ca.gov/programs/audits/submission-review-main

<sup>15</sup> Caltrans Local Assistance Procedures Manual Chapter 5, 2020,

https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/ch05.pdf

<sup>16</sup> Electronic Code of Federal Regulations, 2 Code of Federal Regulations, Part 200.414(f), 2020, https://www.ecfr.gov/cgi-bin/text-idx?node=se2.1.200\_1414&rgn=div8 be denied. The grantee is responsible for paying beyond the State rates and cannot use the local match because it is an ineligible activity.

For more information on eligible travel expenses, visit the Caltrans Travel Guide Website. <sup>17</sup>

#### **Requests for Reimbursements**

- Grant payments are made only as reimbursements.
- Grant reimbursements will be based on actual allowable incurred costs.
- Grant costs will be reimbursed if incurred on or after the start date and the issuance of the Notice to Proceed and before the expiration date.
- Request for Reimbursements (RFRs) must be submitted at least quarterly, but no more frequently than monthly.
- A one-time, lump sum invoice or RFR for the entire grant is not allowed.
- Grantees must pay sub-recipients and subcontractors prior to submitting an RFR to Caltrans.
- Incomplete or inaccurate RFRs will be returned for correction.
- An accounting management system generated report must accompany all RFRs.
- Refer to Chapter 9.2 to determine final RFR dates
- When requesting reimbursement of indirect costs, the following items are required as part of the submitted RFR package:
  - An approved ICAP/ICRP rate must be on file for the FY in which the costs occurred.
  - A financial management system report that segregates direct/indirect costs by fund source.
  - ICAP support document spreadsheet that identifies direct charges and rate applied to those charges.

## 6.6 Non-Discrimination Requirements

## Title VI Non-Discrimination Requirement

The FHWA and the FTA each have requirements that recipients of Metropolitan Planning federal funds must demonstrate continued compliance with Title VI. Compliance with Title VI includes conducting meetings in a fair and reasonable manner that are open to all members of a community. Compliance reflects not only the law but is also a good policy that builds the kind of trust and information sharing upon which successful planning is done. Even where a city or county may not be receiving federal funding for transportation, the Civil Rights Restoration Act of 1987 also obligates that a city or county comply with Title VI, if it receives any other federal funding for any program. Refer to the Caltrans Title VI website<sup>18</sup> for more information.

#### **Disadvantaged Business Enterprises**

Successful grant applicants are expected to market contracting opportunities to all small businesses, including DBEs and Disabled Veteran Business Enterprises.

<sup>17</sup> Caltrans Travel Guide, 2020, https://dot.ca.gov/programs/accounting/travel-guide

<sup>18</sup> Caltrans, Title IV of the Civil Rights Act of 1964, 2020, https://dot.ca.gov/programs/civil-rights/title-vi Grant recipients of federal funds are required to report any contracting opportunities that may involve DBE participation. DBE reporting is required twice a year: April 1 and October 1. For details about DBE requirements, visit the Office of Regional Planning website.<sup>19</sup>

## 6.7 Final Product

All final reports funded through the Sustainable Transportation Planning Grant Program shall credit the FHWA, FTA, or Caltrans' financial participation on the cover or title page. An Americans with Disabilities Act of 1994 (ADA)-accessible electronic copy of all final reports shall be forwarded to the Caltrans district office responsible for the administration and oversight of the grant. There are resources to assist with development of ADA compliant documents.<sup>20</sup>

Any technologies or inventions that may result from the use of these grants are in the public domain and may not be copyrighted, sold, or used exclusively by any business, organization, or agency. Caltrans reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use for public purposes.

Applicants should thoughtfully develop the project title. Once a Caltrans grant agreement is executed, changes to the original grant project title are not allowed. Grantees may use an "Also Known As" (AKA), but both the AKA and the original title must be included in the final product.

Grantees must submit their final product with the final RFR to Caltrans for approval and reimbursement. Grantees will not be reimbursed for activities that are not completed, and the activity budget must be left unexpended.

## 6.8 Project Close-Out Survey

Once awarded grant projects are completed, grantees will complete a close-out survey to describe the successes and challenges of their project. The survey will give the opportunity to (1) highlight successes and obstacles in project implementation of the concepts identified by the planning process, (2) identify best practices in transportation planning, with an emphasis in public engagement, and (3) identify studies/plans that have been or will be funded for continued project development. Information from the survey will be compiled into a report to illustrate the value of the grant program and inform planning practitioners in their planning efforts. Caltrans' goal is to provide transparency and accountability for the program, as well as to use the survey feedback to better serve future grant applicants.

<sup>19</sup> Office of Regional Planning, Disadvantaged Business Enterprise, https://dot.ca.gov/programs/civil-rights/dbe

<sup>20</sup> State of California Accessibility Website: https://www.ca.gov/accessibility/

California Department of Rehabilitation Accessibility Website: https://www.dor.ca.gov/Home/Accessibility

MS Office Support Video: https://support.office.com/en-us/article/video-check-the-accessibility-ofyour-document-9d660cba-1fcd-45ad-a9d1-c4f4b5eb5b7d

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## 6.9 California Public Records Act

All applications are subject to the California Public Records Act of 1968<sup>21</sup>. As such, applicants may be contacted by anyone who requests their grant application. While Caltrans is obligated to share applications at any time, awarded applicants should avoid a potential conflict of interest when contacted by consultants who may inquire about the grant-funded project and not give the consultant an unfair advantage for the consultant procurement process.

# 7. APPLICATION SUBMITTAL PROCESS

The Sustainable Transportation Planning Grant Program is highly competitive. This section provides applicants with supplemental information as well as details on required documents that must accompany an application at the time of submittal. All applicants are strongly encouraged to adhere to these requirements in order to score competitively during the application evaluation process.

## 7.1 Applicant Eligibility

Primary applicants must have statutory authority to conduct transportation/transit planning for their jurisdiction. Generally, the local and regional agencies have this specific authority. Native American Tribal Governments must be Federally recognized to be eligible. Refer to the public entity's bylaws to find this information.

# 7.2 Early Coordination and Technical Assistance for Primary Applicants

Sub-applicants are encouraged to work far in advance of the application deadline with the appropriate primary applicant to coordinate application development. It is also beneficial for sub-applicants to be informed of the appropriate primary applicant process and schedule, as they may differ slightly from those of Caltrans. RTPAs residing within MPO boundaries should also coordinate application development with the MPO, as it is critical to ensure that proposed studies align with the RTP SCS/APS for the entire MPO region and do not duplicate efforts being applied for or already awarded to the MPO.

Caltrans district staff (See Appendix D) are available during the application period to answer questions and help interested groups complete their applications.

For questions specific to the Grant Application Guide, applicants are also welcomed to contact:

Application Guide Technical Assistance	Contacts
Sustainable Communities and Strategic Partnerships	<b>Grant Management Branch</b> Caltrans Division of Transportation Planning Office of Regional and Community Planning Email: Regional.Planning.Grants@dot.ca.gov
Climate Adaptation Planning	Julia Biggar, Climate Change Branch Chief Caltrans Division of Transportation Planning Office of Air Quality and Climate Change Email: Julia.Biggar@dot.ca.gov
Questions about Housing Element Compliance for Sustainable Communities Competitive and Technical	<b>Paul McDougall</b> Department of Housing and Community Development Email: Paul.McDougall@hcd.ca.gov

## 7.3 Application Submittal Instructions

The Grant Application Guide, Application forms, and required templates are available on the Caltrans Sustainable Transportation Planning Grant Program website, at:

https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/regionaland-community-planning/sustainable-transportation-planning-grants

- All grant application packages are required to be submitted via Smartsheet
- Smartsheet features work better with Google Chrome browser
- Smartsheet progress cannot be saved. To avoid issues, follow these instructions:
  - 1. Complete the Application Cover Sheet in MS Word
  - 2. Copy and paste the Application Cover Sheet fields into the Smartsheet form
  - 3. Have the PDF attachment ready to upload into the Smartsheet form
- An agency may only submit one application package per Smartsheet submittal.
- An application cannot be submitted to more than one grant category.
- The required items outlined on the Grant Application Checklist in Appendix B must be submitted as a single PDF document (not to exceed 25MB); if awarded, original formats will be requested.
- All application documents must list the applicant's legal name.
- A confirmation of receipt can be sent via Smartsheet if the applicant checks the box to receive a copy of the submittal.

# Submit applications via Smartsheet Form no later than THURSDAY, JANUARY 18, 2024 BY 5:00 P.M.

Hard copies will not be accepted and late applications will not be reviewed.

## Caltrans anticipated award announcements: Summer 2024

Caltrans district staff are available during the application period to answer questions and help interested groups complete their applications. Refer to Appendix D. Caltrans District Contact List for contact information.

Download the latest version of Adobe Reader DC ® to complete the application form. This version of Adobe is available free of charge.

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## 7.4 Application Supplemental Documentation

The following documents **are not required**, **but enhance the overall application and typically result** in a more competitive application during the evaluation process:

## Letters of Support

If submitted, letters of support must be included with the application package. Letters received separate from the application package may not be considered. The letters should be addressed to the applicant. Such letters can come from community-based organizations, local governments, regional governments, Native American Tribal governments, service agencies, and elected officials.

## Graphics

Clearly labeled photographs, maps, planning diagrams, land use or design illustrations, or other relevant graphic representations of the proposed project area convey existing conditions and help to further explain the need for the grant and the priority of the proposed planning project with respect to community need. Please ensure that graphics include a text description to provide context. The following documents are not required, but enhance the overall application and typically result in a more competitive application during the evaluation process:

- Letters of Support
- Graphics
- Safety Data
- Travel Mode Data
- Other Data

## Safety Data

Statistical data such as pedestrian-vehicle injuries/crashes or fatalities resulting from lack of safe infrastructure, or other road conditions that contribute to possible injuries. This information may be obtained from police reports, transit agencies, National Highway Traffic Administration, or the Governor's Highway Safety Association.

## **Travel Mode Data**

Data on mode share, commute patterns, accessibility for low-income and underserved populations, access to job centers, or other data to show the need and potential for mode shift to non-auto transportation modes.

## Other Data

As applicable, to indicate the need and potential for reducing VMT and GHG, where available.

## 8. APPLICATION REVIEW PROCESS

## 8.1 Two-Tiered Application Review Process

This chapter provides a brief overview of the grant application review process. Grant application evaluation is a two-tiered process that consists of:

- Caltrans District Review and Evaluation
- Caltrans Headquarters (HQ) Interagency Review Committees Evaluation

Caltrans district staff conducts the first-level review of all applications for content, submission of proper documentation, overall relationship to regional and local planning efforts, and documents their evaluations. Caltrans district staff scores, prioritizes, and recommends the most highly ranked Sustainable Communities and all Strategic Partnerships applications for the next level of review with the Interagency Review Committees. Grant applications from Native American Tribal Governments, Transit Agencies, and proposed projects spanning multiple Caltrans districts or projects having a statewide significance, may also move on directly from Caltrans districts to HQ for review.

The HQ Interagency Review Committees conduct the second-level review and comprise staff from Caltrans HQ, the Federal Highway Administration, the Federal Transit Administration, the California Department of Housing and Community Development, the California Department of Public Health, the Governor's Office of Planning and Research, the Strategic Growth Council, and the California Air Resources. Caltrans HQ also coordinates with internal specialists, depending on the grant application subject matter, to provide high-level reviews of the proposed project to avoid funding duplicative efforts or efforts that are not supportive of State planning efforts. The committees for each grant category convene to develop funding recommendations that are approved by every level of Caltrans management and the California State Transportation Agency.

## 8.2 Application Evaluation/Scoring Process

Grant applications that address every aspect of the grant specific objectives will score higher overall. Caltrans has diverse applicants and project types, which makes it difficult to use a one-size fits all scoring rubric that would not unintentionally put some applicant/project types at a disadvantage. Therefore, applications will be scored based on how well they are able to describe the project, justify need, incorporate the grant specific objectives, and develop a Scope of Work and Cost and Schedule, all in accordance with this grant guide, samples and checklists provided, as applicable and appropriate for the applicant and project type. Once the grant review committees evaluate, rank, and select the best applications for grant funding, final recommendations are presented to Caltrans management and California State Transportation Agency for approval.

## 8.3 Past Performance Award Considerations

Previous Caltrans transportation planning grantee performance will be considered during the evaluation process. Applicants with a history of inadequate performance and/or unresolved past grant performance issues may be at a competitive disadvantage in the application review process. Past performance issues could include the following:

- Poor grant project management
- Lack of communication/coordination with Caltrans
- Failure to achieve grant project milestones
- Untimely invoice submittals

- Excessive balances and consistently relinquish transportation funds administered by Caltrans Planning
- Unresolved audit issues or findings
- Overall poor quality of the final grant product
- Failure to satisfy the required state and federal planning requirements including submittal and administration of OWPs, RTPs, and Transportation Improvement Programs

If an agency does not demonstrate adequate performance and timely use of funds, Caltrans may take appropriate actions, which can include denial of extenuating circumstance time extension requests and termination of the grant.

## 9. APPLICATION AWARD PROCESS

## 9.1 Award and Non-Award

Successful grant applicants will receive an award letter via email. A list of award and nonawarded grants will be posted to the Caltrans Sustainable Transportation Planning Grant Program website.

#### Caltrans Sustainable Transportation Planning Grant Program Website:

https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/regionaland-community-planning/sustainable-transportation-planning-grants

## **Conditional Award Teleconferences**

Each grantee will receive a Conditional Award Letter that outlines the grant project cost, important expiration and final invoice dates.

Caltrans district staff will schedule individual teleconferences to provide the specific and general conditions of grant acceptance that are necessary to accept grant funding, including any revisions to the grant application, Scope of Work and Cost and Schedule. Conditions may include revisions to the project Scope of Work to bolster public participation, consider land use and housing, and to coordinate with local housing and community development departments and health departments. Awardees are required to submit all supporting materials and a signed agreement or risk forfeiting the grant award.

## **Non-Award Teleconferences**

Unsuccessful grant applicants are encouraged to request a debriefing from Caltrans. Applicants typically receive specific comments from the District/Interagency Review Committee on how to improve applications to re-apply in a future grant cycle. If the application advanced to the second-level review, HQ provides the Interagency Review Committee score, as well as how close the application was relative to the cut-off score for available grant funding. Applicants sometimes apply two or three times before they are successful due to the competitiveness of the grant program.

## 9.2 Contracting with Caltrans

All awarded grant funds must be under an executed agreement with Caltrans during the State FY 2024-25. The project start date depends on the method of contracting with Caltrans.

## **MPOs and Rural RTPAs**

All MPOs/RTPAs with a current Master Fund Transfer Agreement (MFTA) must have the entire grant award and local match programmed in the FY 2024-25 OWP within 90-days of receiving the signed FY 2023-24 reconciliation letter. Due to the competitiveness of this grant program, failure to program funds may result in forfeiture of grant funds. MPOs/RTPAs should include a place-holder Work Element in the Draft FY 2024-25 OWP and satisfy specific grant conditions before the first FY 2024-25 OWP amendment. MPO/RTPAs can anticipate starting their projects in November 2024, after the OWP amendment is processed and Caltrans issues a formal Notice to Proceed.

## Non-MPOs/RTPAs

Grantees that do not have a current MFTA with the Caltrans Office of Regional and Community Planning (i.e., cities, counties, transit agencies, Tribal Governments), Caltrans will contract directly with the primary grantees through the Restricted Grant Agreement (RGA) process. For grantees that undergo the RGA contracting process, work may begin as early as November 2024, assuming the grantee has received a fully executed contract and Caltrans district staff send a formal Notice to Proceed which allows grantees to begin work.

## **Estimated Project Start/Expiration Dates**

It is important for applicants to reflect the estimated project start date in the Scope of Work and Cost and Schedule. Project Timeline constraints for both methods of contracting with Caltrans are provided below. Grantees must consider these dates when developing the Scope of Work and Cost and Schedule:

Master Fund Transfer Agreement Project Timeline (MPOs/RTPAs Only)		
November 2024	Anticipated start date	
June 30, 2027	<ul> <li>Grant project end/expiration date</li> <li>Reimbursable work must be completed</li> <li>Grant extensions are only allowed for extenuating circumstances and may require a formal Overall Work Program (OWP) amendment</li> </ul>	
August 30, 2027	<ul> <li>All Final Request for Reimbursements for must be submitted no later than 60 days after the end of the fiscal year to coincide with the submission of the OWP Final Expenditure Report.</li> </ul>	
Restricted Grant Agreement Project Timeline (Non-MPO/RTPAs)		
November 2024	Anticipated start date	
June 30, 2027	<ul> <li>Grant project end/expiration date</li> <li>Reimbursable work must be completed</li> <li>Grant extensions are only allowed for extenuating circumstances and require a formal amendment.</li> </ul>	
August 30, 2027	<ul> <li>Final Request for Reimbursements and final products must be submitted to Caltrans for approval and reimbursement. This allows Caltrans sufficient time to comply with the State Controller's Office payment requirements.</li> </ul>	

## Native American Tribal Governments

Native American Tribal Governments have the following options for contracting with Caltrans:

- (1) Contracting with Tribes Directly The authority Caltrans uses to contract with tribes directly comes from California Streets and Highways Code section 94. Caltrans requires tribes to provide a limited waiver of sovereign immunity that is very specifically limited in scope and in time to only apply to the grant contract itself (and to any possible audits). The RGA boilerplate template for Native American Tribal Governments is available upon request to help weigh the options for contracting with Caltrans.
- (2) Partnering with a Regional Agency Another mechanism for contracting with Caltrans is to collaborate with an MPO or RTPA. Caltrans can pass through grant funding to tribes for

planning projects where options or time are limited. This option uses the three-part contract, MFTA/OWP/OWPA, and is usually the quickest option to allow planning projects to get started.

(3) Transferring Funds Pursuant to 23 U.S.C. 202(a)(9) – Section 202(a)(9) of title 23, United States Code encourages cooperation between States and Tribes by allowing any funds received from a State, county, or local government to be credited to appropriations available for the Tribal Transportation Program (TTP). One potential source of such funding is funds apportioned or allocated to a State under title 23. Section 104(f)(3) allows the Secretary of Transportation to, at the request of a State, transfer among States, or to the FHWA, funds that have been so apportioned or allocated. This provision, used in conjunction with the authority under 23 U.S.C. 209(a)(9), allows State funds to be transferred to FHWA, which in turn would provide the funds to the specified Tribe.

For more information visit the FHWA website.<sup>22</sup>

Caltrans has successfully used the federal Section 202(a)(9) process to transfer Sustainable Communities grant funds to a Native American Tribal Government. In order to use this transfer process, an agreement would need to be in place with the FHWA or the Bureau of Indian Affairs, the Tribe, and the State that clearly identifies the project and the roles and responsibilities of all parties. Each interagency fund transfer includes 1) a fund transfer template and 2) an addendum lining out the specifics of the terms. This option requires involvement and approval by Caltrans Legal and the funds must be used for the intended purpose of the awarded Sustainable Communities grant.

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## **APPENDICES**

# APPENDIX A. GUIDANCE, TOOLS, AND RESOURCES FOR PREPARING A GRANT APPLICATION

## **Grant Program Considerations**

The Grant Application Guide incorporates guidance from many sources. The following links are provided to assist applicants in preparing a competitive grant application consistent with the grant program, specific objectives, and the Grant Program Considerations:

- Caltrans Strategic Plan
- California Transportation Plan (CTP) 2050
- Modal Plans that Support the CTP
  - Interregional Transportation Strategic Plan
  - California Freight Mobility Plan
  - California State Rail Plan
  - California State Bicycle and Pedestrian Plan
  - Statewide Transit Strategic Plan
  - California Aviation System Plan
- Title VI and Environmental Justice
- Climate Action Plan for Transportation Infrastructure
- California Climate Adaptation Strategy
- Master Plan for Aging

## Caltrans Strategic Plan

The purpose of the Strategic Plan is to be a roadmap of Caltrans' role, expectations, and operations as we meet the challenges of modernizing Caltrans into a world-class Department of Transportation. The tools we use to implement this Plan are performance management, transparency, accountability, sustainability, and innovation. The Plan serves a number of functions:

- Provides clear direction for meeting statewide objectives;
- Creates and deepens strategic partnerships; and
- Provides performance measures that monitor success

https://dot.ca.gov/-/media/dot-media/programs/risk-strategic-management/documents/sp-2020-16p-web-a11y.pdf

## California Transportation Plan 2050

The CTP 2050 is the State's statutorily fiscally unconstrained long-range transportation roadmap for positive change that:

- Provides a unifying and foundational policy framework for making effective, transparent, and transformational transportation decisions in California
- Addresses the varied transportation needs of urban, suburban, rural, and Tribal communities
- Emphasizes implementation and identifies a timeline, roles, and responsibilities for each plan recommendation.

The CTP does not contain projects, but policies and strategies required to close the gap between what the regional transportation plans (RTP) aim to achieve and how much more is required to meet 2050 goals. Competitive applications will discuss how proposed projects will assist in achieving the CTP 2050.

https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/ctp-2050v3-a11y.pdf

## Modal Plans that Support the California Transportation Plan

The CTP is the umbrella plan that informs and pulls together the State's long-range modal plans, described below, to envision the future system:

## Interregional Transportation Strategic Plan (ITSP)

A Caltrans document that provides guidance for the identification and prioritization of interregional transportation improvements to be funded in the Interregional Transportation Improvement Program (ITIP). The ITSP analyzes the entire interregional transportation system including highways and rail. While the ITSP informs the ITIP, the purpose of the plan is to be a guiding document for all investment in the interregional transportation system regardless of funding source.

https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/multimodal-system-planning

## California Freight Mobility Plan

A statewide, long-range plan for California's freight transportation system. Developed in collaboration with our partners, the California Freight Mobility Plan (CFMP) was developed by the California State Transportation Agency (CalSTA) and Caltrans in consultation with the California Freight Advisory Committee.

https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/strategicfreight-planning

## California State Rail Plan

A statewide plan that provides a framework for planning and implementing California's rail network for the next 20 years and beyond. The Rail Plan is a strategic plan with operating and capital investment strategies that will lead to a coordinated, statewide travel system.

https://dot.ca.gov/programs/rail-and-mass-transportation/california-state-rail-plan

## California State Bicycle and Pedestrian Plan

"Toward an Active California," California's first statewide plan that lays out the policies and actions that Caltrans and its partner agencies will take to achieve the Department's ambitious statewide goals to double walking and triple bicycling trips by 2020.

https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/f0020350-activeca-final-plan-2017-05-18-a11y.pdf

## Statewide Transit Strategic Plan

The plan allows the State to prepare for the expanding landscape of personal mobility choices and the integration of urban and regional transit systems with the California High Speed Rail project. The Statewide Transit Strategic Plan highlights a sustainable transportation system that supports the outcomes of the CTP, the California State Rail Plan, and the California State Bicycle and Pedestrian Plan.

https://dot.ca.gov/programs/rail-and-mass-transportation/statewide-transit-strategic-plan

## California Aviation System Plan

A multi-element plan prepared by Caltrans with the goal of developing and preserving the system of publicly owned, public-use airports and to promote the development of a safe, efficient, and sustainable air transportation system that meets the integrated mobility needs of the state of California.

https://dot.ca.gov/programs/aeronautics/california-aviation-system-plan

#### Title VI and Environmental Justice

Title VI of the U.S. Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving federal financial assistance. A similar prohibition applies to recipients of state funds under California Government Code section 11135, which prohibits discrimination on the basis of race, color or national origin, as well as ethnic group identification, religion, age, sex, sexual orientation, genetic information, or disability. Title VI specifically provides the following:

No person in the United States shall, on the ground of race, color, national origin, religion, sex, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from the Federal government.

#### https://dot.ca.gov/programs/civil-rights/title-vi

The following tools are provided to assist grant applicants with integrating environmental justice in their proposed activities:

#### EJSCREEN: Environmental Justice Screening and Mapping Tool

EJSCREEN, developed by the United States Environmental Protection Agency, geospatially displays public health and environmental data and allows users to compare local data against state and national averages.

#### https://www.epa.gov/ejscreen

## Environmental Justice Agency Assessment 2020

The California Environmental Justice Alliance completed the fifth Environmental Justice Agency Assessment, the only one in the nation to formally examine how state agencies develop, implement, and monitor environmentally related policies that particularly impact low-income communities and communities of color. The assessments in this report are made in the spirit of holding state agencies and elected officials accountable to the public, and to provide guidance on how they can make their work more equitable.

https://caleja.org/wp-content/uploads/2021/07/CEJA-Agency-Assessment-062021-FINAL-WEB.pdf

## **Climate Action Plan for Transportation Infrastructure**

The Climate Action Plan for Transportation Infrastructure (CAPTI) details how the state recommends investing billions of discretionary transportation dollars annually to aggressively combat and adapt to climate change while supporting public health, safety and equity. CAPTI builds on executive orders signed by Governor Gavin Newsom in 2019 and 2020 targeted at reducing greenhouse gas (GHG) emissions in transportation, which account for more than 40 percent of all emissions, to reach the state's ambitious climate goals.

https://calsta.ca.gov/-/media/calsta-media/documents/capti-july-2021-a11y.pdf

## California Climate Adaptation Strategy

The California Climate Adaptation Strategy, mandated by Assembly Bill 1482 (Gordon, 2015), links the state's existing and planned climate adaptation efforts, showing how they fit together to achieve California's six climate resilience priorities. The Strategy is organized around outcomebased priorities, enabling a coordinated, integrated approach to building climate resilience. The Strategy shows how the state's efforts fit together to deliver on six priorities for climate resilience action in California: Strengthen Protections for Climate Vulnerable Communities; Bolster Public Health and Safety to Protect Against Increasing Climate Risks; Make Decisions Based on the Best Available Climate Science; Build a Climate Resilient Economy; Accelerate Nature-Based Climate Solutions and Strengthen Climate Resilience of Natural Systems; Partner and Collaborate to Leverage Resources.

https://www.climateresilience.ca.gov/

## Master Plan for Aging

The Master Plan for Aging is a blueprint for aging across the lifespan and outlines five goals and twenty-three strategies to build a California for All Ages by 2030. It also includes a Data Dashboard for Aging to measure progress and a Local Playbook to drive partnerships that will assist in meeting the goals of the Master Plan.

#### https://mpa.aging.ca.gov/

## **Resources to Advance Grant Specific Objectives**

Applicants must demonstrate how the project fits every aspect of the Grant Specific Objective, as appropriate for the applicant and project type. The following resources are provided in this section:

- Multimodal System Planning
- Advance Transportation Related GHG Reduction Project Types/Strategies
- Addressing the Needs of Underserved Communities
- Public Health Resources
- Active Community Engagement
- Integrated Housing, Land Use, and Transportation Planning
- Promote the Region's RTP SCS/APS, State Planning Priorities, and Climate Adaptation Goals
- Climate Ready Transportation and Climate Adaptation Planning

# **Multimodal System Planning**

The following guidance documents can be used in the development of proposed corridor plans/studies, freight plans/studies, and other multimodal system planning documents.

# Comprehensive Multimodal Corridor Plan Guidelines

The California Transportation Commission developed the Comprehensive Multimodal Corridor Plan Guidelines (plan guidelines) to provide guidance to eligible Solutions for Congested Corridors Program applicants regarding the statutory requirements for comprehensive corridor plans utilized by agencies to apply for funding through the Congested Corridors Program. Applicants proposing to develop a comprehensive corridor plan are encouraged to review the plan guidelines to ensure their application and final product would align with and compete well for the Solutions for Congested Corridors Program.

https://catc.ca.gov/programs/sb1/solutions-for-congested-corridors-program/comprehensivemultimodal-corridor-plan-guidelines

# Caltrans Corridor Planning Process Guide

The Caltrans Division of Transportation Planning prepared the Corridor Planning Process Guide (Guide) for use in preparing corridor planning documents. This Guide establishes a comprehensive planning approach through desired protocols and procedures to identify and implement multimodal transportation needs. It is neither intended as nor does it establish, a legal standard for these functions.

https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/systemplanning/systemplanning/corridor-planning-process-guide-april-2022-a11y.pdf

# Planning for Operations Strategic Work Plan

The Planning for Operations Strategic Work Plan is a statewide framework for multimodal system management planning, aims to identify the specific steps needed to implement multimodal system management planning at Caltrans and prioritize implementation actions.

https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/systemplanning/systemplanning/caltrans-p4ops-strategic-work-plan-2018-a11y.pdf

# Caltrans Climate Change Emphasis Area Guide for Corridor Planning

Consideration of climate change adaptation and mitigation must be included in the corridor planning process. This guidance was developed to describe how to address climate risk in the context of the Caltrans Corridor Planning Process Guide's 8 steps process.

https://dot.ca.gov/-/media/dot-media/programs/transportationplanning/documents/cc\_ea\_guide\_for\_corridor\_planning\_march2020\_a11y.pdf

# Active Transportation Emphasis Area Guidance

Active Transportation is one of several distinct emphasis areas to be considered in corridor plan analysis. Caltrans Active Transportation guidance has one goal – to provide corridor planners with a framework to assess and analyze the variety of Active Transportation issues that can be addressed in Corridor Plans. As the "Eight Step" process will be required to develop Corridor Plans, this Active Transportation Emphasis Area (EA) Guidance is based upon those eight steps.

https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/activetransportation-complete-streets/20220131active-transportation-emphasis-area-guidance-finalversion-v7a11y.pdf

# Advance Transportation Related GHG Reduction Project Types/Strategies

# CARB 2017 Climate Change Scoping Plan, Appendix C

The California Air Resources Board (CARB) adopted the 2017 Climate Change Scoping Plan Update which includes Appendix C, Vibrant Communities and Landscapes – A Vision for California in 2050, to guide how the State develops communities, preserves and protects its landscapes, and ensures that all Californians have equitable access to housing, health care, jobs, and opportunity. Competitive Sustainable Communities grant applications will demonstrate a linkage to this land use vision.

The CARB 2017 Climate Change Scoping Plan (Appendix C) also includes Potential State-Level Strategies to Advance Sustainable, Equitable Communities and Reduce Vehicle Miles of Travel (VMT) which outlines a list of potential additional strategies that the State could pursue to help achieve further VMT reduction, support local and regional actions already underway, and advance multiple additional goals.

While this document is intended to guide State-level actions, many of the strategies can also be implemented at a regional and local level. Sustainable Communities grant applicants are encouraged to explore these strategies and apply them, as appropriate, to proposed planning projects.

### CARB 2017 Climate Change Scoping Plan, Appendix C:

https://ww2.arb.ca.gov/sites/default/files/classic//cc/scopingplan/2030sp\_appc\_vmt\_final.pdf

For current CARB activities and future updates on Scoping Plan efforts, visit: https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan

# Senate Bill 375

The Sustainable Communities and Climate Protection Act (SB 375) was signed in 2008. It supports the State's climate goals by helping reduce greenhouse gas emissions through coordinated transportation, housing, and land use planning.

Under the Sustainable Communities Act, the California Air Resources Board (CARB) sets regional targets for greenhouse gas emissions reductions from passenger vehicle use. CARB set targets for 2020 and 2035 for each of the 18 MPO regions.

Each of the MPO regions must prepare a Sustainable Communities Strategy/Alternative Planning Strategy (SCS/APS), as an integral part of its regional transportation plan, that contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet CARB's targets. Once the SCS/APS is adopted by the MPO, CARB must review the adopted SCS/APS to accept or reject the MPO's determination that the SCS/APS, if implemented, would meet the targets.

Sustainable Communities grant applicants, where applicable, should explore their regions Sustainable Communities Strategy/Alternative Planning Strategy, and apply them, as appropriate, to proposed planning projects.

**CARB SCS/APS Evaluations:** https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-program/regional-plans-evaluations

SB 375: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=200720080SB375

# Senate Bill 743

Senate Bill (SB) 743 was signed in 2013, with the intent to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions." When implemented, "traffic congestion shall not be considered a significant impact on the environment" within California Environmental Quality Act (CEQA) transportation analysis. The CEQA guidelines have since established Vehicle Miles Traveled (VMT) as one of the measures of transportation-related environmental impact, beginning December of 2018. A key element of transportation analysis under the new guidance is forecasting induced vehicular travel.

Applicants who wish to pursue model improvements or develop VMT Mitigation Programs using Sustainable Communities Competitive Technical or Formula grants are encouraged to review available materials relating to forecasting induced travel, including those found on the Caltrans SB 743 implementation website, and refer to the example below. Refer to the Caltrans Traffic Analysis Framework for a detailed list of recommended standards for improved forecasting of induced vehicular travel.

Examples include:

- Integration of land use modeling into travel demand models, improving long-term induced travel modeling capability
- Incorporation of impacts to trip-making behaviors as a result of network improvements
- Improved congestion feed-back into existing models, or pre- and post-processing procedures
- Induced travel case studies

#### SB 743: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=201320140SB743

#### Caltrans SB 743 Implementation: https://dot.ca.gov/programs/sustainability/sb-743

# Addressing the Needs of Underserved Communities

Caltrans encourages eligible applicants to apply for Sustainable Communities Competitive Grants to address transportation needs and deficiencies in underserved communities. Supporting planning projects that benefit a underserved community is a priority; therefore, a minimum threshold of 50 percent of Sustainable Communities Competitive Grants has been identified for projects that benefit underserved communities, which includes Native American Tribal Governments and rural communities (for transportation planning purposes, rural is defined as all areas of the State that are not included in urbanized areas of 50,000 in population or greater; see map in Appendix C which indicates rural areas). In sum, acceptable underserved communities definitions include:

- Rural communities of 50,000 or less and outside of urbanized areas
- Native American Tribal Governments
- Regionally/locally defined underserved communities
- At or below 80% Assembly Bill 1550 (Gomez, Chapter 369, Statutes of 2016)
- At or above 75% California Department of Education, Free or Reduced Priced Meals Data
- At or above 75% CalEnviroScreen Version 4.0
- At or below 25% California Healthy Places Index (HPI)

Grant applicants are required to provide a justification in their grant application for how the project area meets the definition of an underserved community and a description of how the project will benefit these communities, as well as how these communities will be engaged throughout the project.

The following tools, related to income level, environmental burden, and health inequities, are intended to help applicants identify the most vulnerable places that are facing disproportionate rates of economic, environmental, and health burdens. These tools must be cited in the grant application, as well as how the project area is compared to the statewide thresholds that are established in each tool.

# Regionally and/or Locally Defined Underserved Communities

Regionally and/or locally defined underserved

communities may be acceptable as long as statewide

# IMPORTANT INFORMATION:

Grant applicants are required to provide a justification in their grant application for how the project area meets the definition of underserved communities and a description of how the project will benefit these communities, as well as how these communities will be engaged throughout the project.

thresholds for the tools below are not circumvented. Applicants that use a regional or local definition should also provide data for their project, using the statewide tools below. Caltrans may not accept the regional/local definition if it is inadequately supported in the justification section of the grant application.

# Assembly Bill (AB) 1550 (Gomez, Chapter 369, Statutes of 2016)

AB 1550 further enhanced the Greenhouse Gas Reduction Fund statutory requirements to invest a minimum of twenty-five percent in underserved communities and another ten percent in lowincome households or communities. AB 1550 provides definitions for low-income households and low-income communities that may be considered in application development:

- (1) "Low-income households" are those with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093.
- (2) "Low-income communities" are census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093.

# AB 1550: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=201520160AB1550

# California Department of Education, Free or Reduced Priced Meals (FRMP) Data

The California Department of Education maintains the complete data files pertaining to students who are eligible for FRMP. FRPM data are collected annually and can also be used to assist Sustainable Communities applicants to define their underserved community. Per SB 99 (Chapter 359, Statutes of 2013), the State's Active Transportation Program disadvantaged community's definition includes low-income schools, where at least 75 percent of students are eligible to receive free or reduced meals under the National School Lunch Program.

# FRMP data files: https://www.cde.ca.gov/ds/sd/sd/filessp.asp

**SB 99:** https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=201320140SB99

# CalEnviroScreen Version 4.0

CalEnviroScreen is a screening methodology that can be used to help identify California communities that are disproportionately burdened by multiple sources of pollution. CalEnviroScreen uses environmental, health, and socioeconomic information to produce a numerical score for each census tract in the state. For purposes of SB 535 (De León, Statutes of 2012), disadvantaged communities are defined as the top 25 percent scoring areas from CalEnviroScreen along with other areas with high amounts of pollution and vulnerable populations.

### https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40

# California Healthy Places Index (HPI)

The California Healthy Places Index (HPI) is an interactive data and mapping tool that provides a detailed snapshot of the social determinants of health across California, mapped down to the Census tract level. HPI provides comparison rankings of Census tracts statewide and an accompanying policy action guide. Therefore, the HPI can be a useful tool in prioritizing areas with high levels of social and economic disadvantage for funding, policy, and planning interventions.HPI was developed by the Public Health Alliance of Southern California in collaboration with health departments and data experts across the state. Because the HPI focuses on the social and environmental conditions that contribute to health, policy makers and local agencies can use it to identify actionable policies that would improve health in their community, such as improving



transportation access, housing affordability and quality, or access to parks and open space, HPI also incorporates "decision support layers" that can be overlaid to show additional indicators such as the California Department of Public Health's (CDPH) climate change and health vulnerability indicators (see Appendix A. under Public Health Resources, **CDPH Climate Change and Health Vulnerability Indicators** for more information.).

#### https://healthyplacesindex.org/

# Understanding the HPI Score

The HPI includes a composite score for each Census tract in the State. The higher the score, the healthier the community conditions. Each Census tract's score is converted to a percentile, which allows it to be compared to other California Census tracts. For example, an HPI percentile of 79 indicates that a Census tract has healthier community conditions than 79 percent of the Census tracts in California. HPI percentile rankings are further broken into quartiles, with percentiles below 25 typically used to indicate disadvantaged communities. Thus, lower scores can be used to demonstrate a community, or project/service area, is underserved for purposes of qualifying for the minimum threshold of 50 percent for underserved communities in this program.

In addition to the composite score and percentile ranking, applicants can review the individual domain scores or indicators themselves and explain how their project will improve one or more of these public health challenges. The numeric value and percentile ranking for these component indicators can be found either by using the live map or by accessing the data directly. See the following table for HPI examples.

These HPI tools can be accessed at:

Live Map: https://map.healthyplacesindex.org/

HPI Learning Center: https://www.healthyplacesindex.org/learning-center

HPI Examples						
Indicator	HDI Percentile	How will the project improve this health challenge?				
Policy Action Area (Compo	Policy Action Area (Composite) Scores					
Neighborhood	Percentile ranking of all neighborhood- related indicators	Demonstrate how this plan will address health and transportation challenges related to neighborhood indicators (park access, supermarket access, retail density, alcohol availability and tree canopy)				
Transportation	Percentile ranking of all transportation indicators	Demonstrate how this plan will address health and transportation challenges related automobile access and active commuting				
Individual Indicators						
Automobile Access	XX percent	Describe how plan will increase and improve transportation access to vital destinations, goods and services for those without auto access.				
Active Commuting	XX percent	Describe how the plan will improve transportation options for those without a car, specifically regarding active commuting by foot, bike, and transit in the project area.				
Park Access	XX percent	Demonstrate how project will improve transportation access to parks/ open space.				

For more information on the HPI, including how to calculate a score for your project area and suggested project types for improving public health, visit https://healthyplacesindex.org/.

# Senate Bill 1000 (Leyva, Chapter 587, Statutes of 2016)

SB 1000 requires local jurisdictions to develop environmental justice elements in their next General Plan updates. Specifically, the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, must be adopted or reviewed upon the adoption or next revision of 2 or more elements concurrently on or after January 1, 2018. Grant applicants are encouraged to describe efforts to comply with this new general plan requirement.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=201520160SB1000

# California Environmental Justice Alliance SB 1000 Toolkit

The California Environmental Justice Alliance SB 1000 Toolkit may help applicants describe their efforts to include the Environmental Justice element in their general plan updates.

https://caleja.org/2017/09/sb-1000-toolkit-release/

# Governor's Office of Planning and Research (OPR) General Plan Guidelines Senate Bill 1000 Technical Advisory

The OPR General Plan Guidelines for Senate Bill 1000 provides guidance for determining whether an Environmental Justice element or equivalent is required in a local jurisdiction, including

identifying the location of disadvantaged communities (as defined in Gov. Code, § 65302, subdivision (h)(4)(A))<sup>23</sup> as well as the nature of their environmental burdens, health risks, and needs. It also provides guidance for community engagement when addressing Environmental Justice disadvantaged communities; and goals, policies, and programs that address the unique and compounded health risks in disadvantaged communities and prioritize improvements and programs that meet the needs of disadvantaged communities.

### https://opr.ca.gov/docs/20200706-GPG\_Chapter\_4\_EJ.pdf

# Displacement/Gentrification

Transportation improvements, especially new rail lines and stations to low-income communities, can increase access to opportunities. But they can also result in much higher property values and an increase in the cost of owning and renting property, inadvertently displacing existing residents and businesses. Being forced to leave a home is a stressful, costly and traumatic life event, especially when affordable housing is so limited. There is a growing recognition of tools and strategies that can be implemented alongside community investments to reduce displacement.

Grant applicants are encouraged to reference the 2017 RTP Guidelines, Appendices K and L, for best practices in addressing displacement of low income and underserved communities.

# Transformative Climate Communities Program

The State's Transformative Climate Communities Program provides a framework for applicants to avoid displacement and may assist Sustainable Communities grant applicants in addressing displacement.

#### https://sgc.ca.gov/meetings/council/2022/docs/20220428-Item5a\_TCC\_Guidelines\_Round%204\_Technical%20Amendment\_Clean.pdf

# Implementing Senate Bill 350 (De Leon, Chapter 547, Statues of 2015) and Community Needs Assessments

Caltrans supports implementation of SB 350, the Clean Energy and Pollution Reduction Act of 2015, which establishes the State priority to reduce GHG emissions through the promotion of various clean energy policies, including widespread transportation electrification, for the benefit of all Californians. Transforming the State's transportation sector to support widespread electrification requires increasing access for all Californians, including low-income residents and those living in underserved communities, across a broad spectrum of clean transportation and mobility options to address community specific transportation needs. Caltrans is leading efforts to identify low-income residents and underserved communities' transportation and mobility needs through ongoing and potential future statewide planning processes.

In support of this State goal, Sustainable Communities applicants are encouraged to conduct local Community Needs Assessments of low-income resident and underserved communities' transportation and mobility needs to ensure feedback is incorporated in transportation planning. Community Needs Assessments include an evaluation of the following categories of transportation barriers and opportunities at the community level: (1) Access and Reliability; (2) Convenience; (3) Safety; (4) Demographic Characteristics and Community Setting; and, (5) Planning, Infrastructure and Investments.

**SB 350:** https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=201520160SB350

https://leginfo.legislature.ca.gov/faces/codes\_displayText.xhtml?lawCode=GOV&division=1.&title= 7.&part=&chapter=3.&article=5.

# Final Guidance Document, Low-Income Barriers Study, Part B: Overcoming Barriers to Clean Transportation Access for Low-Income Residents

In February 2018, the California Air Resources Board released the Final Guidance Document, Low-Income Barriers Study, Part B: Overcoming Barriers to Clean Transportation Access for Low-Income Residents. This Guidance Document provides background for SB 350 and may assist Sustainable Communities applicants with developing Community Needs Assessments as a standalone project or as part of a proposed project.

https://ww2.arb.ca.gov/resources/documents/carb-barriers-report-final-guidance-document

# **Public Health Resources**

The following tools can be used to further describe the community's climate change and health vulnerability, and other needs, including helping to create qualitative descriptions of existing community health risks and vulnerabilities and how the proposal will address them.

# Community Health Needs Assessments

Community Health Needs Assessments (CHNA) and implementation strategies are regularly conducted by county public health departments and are newly required of tax-exempt hospitals as a result of the Patient Protection and Affordable Care Act. These assessments and strategies create an important opportunity to improve the health of communities. They ensure that hospitals have the information they need to provide community benefits that meet the needs of their communities. They also provide an opportunity to improve coordination of hospital community benefits with other efforts to improve community health. By federal statute, the CHNAs must take into account input from "persons who represent the broad interests of the community served by the hospital facility, including those with special knowledge of or expertise in public health." To avoid duplicative efforts, grant applicants are encouraged to contact and coordinate with local health departments/non-profit hospitals to take advantage of information that may have been collected as part of CHNA efforts, such as low-income resident and underserved communities' transportation and mobility needs. It is important for grant applicants to connect with these public health entities for both partnership building on transportation needs for under-resourced communities, but also to not over-burden those communities with multiple assessments or efforts asking similar questions.

# CDPH Climate Change and Health Vulnerability Indicators (CCHVIs)

CDPH developed the Climate Change and Health Vulnerability indicators, narratives, and data to provide local health departments and partners the tools to better understand the people and places in their jurisdictions that are more susceptible to adverse health impacts associated with climate change, specifically extreme heat, wildfire, sea level rise, drought, and poor air quality. The assessment data can be used to screen and prioritize where to focus deeper analysis and plan for public health actions to increase resilience.

The CCHVIs can be viewed on "CCHVIz", CDPH's interactive data visualization platform: https://discovery.cdph.ca.gov/ohe/CCHVIz/. The CCHVIs have also been incorporated into the HPI as decision support layers, to better integrate addressing health outcomes associated with climate change and various social determinants of health. See above for more information on the HPI.

https://www.cdph.ca.gov/Programs/OHE/Pages/CC-Health-Vulnerability-Indicators.aspx

# CDPH Climate Change and Health Profile Reports (CHPRs)

The CDPH Climate Change and Health Profile Reports are designed to help counties in California prepare for the health impacts related to climate change through adaptation planning. The reports present projections for county and regional climate impacts, the climate-related health

risks, and local populations that could be vulnerable to climate effects. The information is based on available science compiled from previously published, state-sponsored research and plans.

#### https://www.cdph.ca.gov/Programs/OHE/Pages/ClimateHealthProfileReports.aspx

# CDPH Healthy Communities Data and Indicators Project (HCI)

The goal of the HCl is to enhance public health by providing a standardized set of statistical measures, data, and tools that a broad array of sectors can use for planning healthy communities and evaluating the impact of plans, projects, policy, and environmental changes on community health. The Healthy Community Framework identifies 20 key attributes (i.e., "aspirational goals", such as "Safe, sustainable, and affordable transportation options" or "Access to affordable and safe opportunities for physical activity") of a healthy community through all stages of life, clustered in five broad categories (i.e., "domains", such as "Meets the Basic Needs of All" or "Quality and Sustainability of Environment"). HCl data indicators, narratives, and visualizations are found here.

#### https://www.cdph.ca.gov/Programs/OHE/Pages/HCI-Search.aspx

# Integrated Transport and Health Impact Model (ITHIM)

The California version of the Integrated Transport and Health Impact Model (ITHIM) is a planning tool that answers the question of "How much benefit or harm to human health can we expect by changing the mix of active and motorized travel across a county, region, or the entire State of California?" ITHIM contrasts one travel pattern that serves as a reference with an alternative that has a different profile of fine particulate air pollution from vehicle exhaust, physical activity from walking and cycling, and injuries from traffic collisions. ITHIM calculates the change in deaths, years of life shortening and disability, and costs due to these changes in air pollution, physical activity, and traffic injuries. Grant applicants are encouraged to reference and utilize ITHIM to assess the health impacts their projects and programs.

#### https://skylab.cdph.ca.gov/HealthyMobilityOptionTool-ITHIM/

# Health In All Policies (HiAP) Approach

The California Health in All Policies (HiAP) initiative is a collaborative approach designed to improve the health of Californians by incorporating health, equity, and sustainability considerations into policymaking across sectors. The approach recognizes that chronic illness, climate change, health inequities, and increasing health care costs are interrelated and influenced by policies, programs, and investments across sectors. The initiative provides access to tools, resources and journal articles highlighting Health in All Policies approaches, techniques, and concepts from California and beyond.

https://sgc.ca.gov/programs/healthandequity/hiap/approach.html

# **Active Community Engagement**

Sustainable Communities Competitive Grant applications must include an explanation of how local residents and community-based organizations will be meaningfully engaged in developing the final product, especially those from underserved and low-income communities, and how the final product will address community-identified needs. Applicants are encouraged to implement, as applicable and appropriate the tips, best practices, and tools listed below:

# **Community Engagement Best Practices**

- Refer to the following case studies that meaningfully demonstrate the expectations of equitable community engagement:
  - The community driven Carsharing and Mobility Hubs in Affordable Housing Pilots<sup>24</sup> offer a strong example of equitable community engagement. The equity-based project incorporated community input from start to finish through community partnership building.
  - The Mobility Equity Framework<sup>25</sup> should be used to assess and compare multimodal transportation options and centers community needs and shifts decision making power to the public. For successful implementation examples, refer to: (1) California Air Resources Board (CARB) Clean Mobility Options Program<sup>26</sup>, (2) City of Portland, Oregon, Pricing Options for Equitable Mobility Project<sup>27</sup>, and North Carolina's Transit Equity Campaign<sup>28</sup>.
- Refer to Greenlining Institute's Six Standards for Equitable Investment<sup>29</sup> to implement qualitative measures of equity. These standards feature a list of approaches, ranging from the minimum to transformative approach, depending on how much time, resources, and effort are generally required because equity approaches differ in each community context and conditions.
- Refer to Greenlining Institute's Making Equity Real in Mobility<sup>30</sup>, a toolkit of clear strategies and best practices to put equity in action
- Clarify the type of engagement will be utilized, as seen in the Public Participation Spectrum<sup>31</sup>. Agencies and communities need to understand where engagement level falls from the "inform" to "empower" model.
- Utilize a Participatory Budgeting (PB) planning process, as appropriate. PB is a democratic approach to public spending that meaningfully and deeply engages people in government

<sup>24</sup> Carsharing and Mobility Hubs in Affordable Housing Pilots: https://greenlining.org/publications/reports/2021/clean-mobility-transportation-equity-report/

<sup>25</sup> Mobility Equity Framework: https://greenlining.org/publications/2018/mobility-equity-framework/

<sup>26</sup> CARB Clean Mobility Options Program: https://cleanmobilityoptions.org/about/

<sup>27</sup> Portland, Oregon, Pricing Options for Equitable Mobility Project: https://www.portland.gov/transportation/planning/pricing-options-equitable-mobility-poem

<sup>28</sup> North Carolina Transit Equity Campaign: https://bikedurham.org/transit

<sup>29</sup> Greenlining Institute's Six Standards for Equitable Investment: https://greenlining.org/wpcontent/uploads/2021/03/Clean-Mobility-Equity-A-Playbook-Greenlining-Report-2021.pdf

<sup>30</sup> Greenlining Institute's Making Equity Real in Mobility: https://greenlining.org/wpcontent/uploads/2019/08/Toolkit\_Making-Equity-Real-in-Mobility-Pilot-Projects\_Final-1.pdf

<sup>31</sup> Public Participation Spectrum:

https://sustainingcommunity.wordpress.com/2017/02/14/spectrum-of-public-participation/

and the community. During PB, community members democratically decide how to spend part of a public budget, enabling them to make the fiscal decisions that affect their lives and the health of their communities.

- Seek existing community-based organizations or agencies that organize vulnerable populations, to be able to reach out and form collaborative relationships.
- Involve local health departments which can assist in reaching community-based organizations and underserved and vulnerable community members.
- Collaborate with underserved and vulnerable communities to design and implement programs, plans and policies. Robust engagement of underserved and vulnerable communities in significant agency decisions brings about better decisions through increased input from different perspectives, increases buy-in and acceptance of decisions and support for their implementation.
- Make opportunities for input accessible in terms of formats (pop-up workshops, temporary built-environment demonstrations, online, in public meetings, one on one, by mail, etc.), venues (at school and community events, community centers, libraries, transit hubs, etc.), hours (evening or weekend), and language (accessible to lay people and translated into the principal languages of the relevant communities, including accessible media such as caption videos).
- Develop a written collaboration agreement or memorandum of understanding that defines respective roles, expectations, desired outcomes, and agreements for how to work together.
- Establish an advisory group of representatives of vulnerable communities, including community leaders and give them worthwhile roles to design the public engagement process, so that community capacity is built during the collaboration process.
- Conduct targeted outreach to community groups representing special needs populations, underserved communities and a variety of socio-economic groups through various methods.
- Use a variety of outreach methods to optimize participation, such as creating and marketing
  user-friendly survey websites for public feedback, conducting surveys in multiple languages to
  collect input on local citizens' priorities, and carrying out meetings at accessible times and
  meeting locations (e.g., using community group buildings, hosting pop-up workshops at public
  venues, etc.).

**Note:** The applicant should increase efforts beyond basic public noticing and public hearings. Options for demonstrating additional public outreach could include, but not limited to all the above.

# Additional Public Engagement Best Practices and Strategies

Public engagement has adapted to the COVID-19 pandemic with surprising results . Applicants will need to consider how to conduct public outreach and engagement during these times. Below are some resources to help applicants evaluate and develop the best strategy for public engagement.

• Caltrans Planning Horizons, "Digital Public Engagement and Transportation: Getting It Right – Theory, Techniques and Best Practices.": Digital engagement can greatly increase the reach of public education and involvement; many public agencies have been surprised by the positive results and substantial increase in participants.

# https://youtu.be/85t9ibR2U7Q

• The Great Pivot - Public Engagement in the Wake of COVID-19: Celia McAdam and Natalie Porter of AIM Consulting hosted a WTS seminar where they provided examples and strategies for public outreach, including diverse and underserved communities, during the COVID-19 pandemic.

#### https://youtu.be/k2dPVqhlwvc

• Digital Environmental Engagement Resource Catalogue: The California Natural Resources Agency and the California Environmental Protection Agency developed a resource catalogue of online sessions on community engagement and equity. This resource catalogue comes from the "Online Environmental Engagement: Building Our Skills Together" conference. From June 2<sup>nd</sup> to 4<sup>th</sup> 2020, forty-nine panelists and approximately 1,500 registrants from California and across the nation gathered together online to discuss their successes, challenges and practical tips for online environmental engagement.

https://resources.ca.gov/Outreach/Digital-Environmental-Engagement-Resource-Catalogue

- **Tips ad Tools to Engage Your Community in a Digital Environment:** Ensuring inclusive public participation is more challenging than ever because of physical distancing requirements, the digital divide, language access challenges and technology learning curves. With those challenges in mind, ILG offered a helpful webinar in July 2020, that featured innovative strategies for using high-tech and low-tech virtual platforms to engage residents on a variety of topics without meeting face-to face. https://www.ca-ilg.org/digitalengagement
- Broadening Participation Using Online Engagement Tools: This document provides examples and guidance to local governments interested in enhancing public participation outcomes with online engagement tools. https://www.ca-ilg.org/sites/main/files/fileattachments/broadening\_participation\_via\_online\_tools\_final\_draft\_1.pdf
- The Guide to Remote Community Engagement: A collection of resources designed to support cities that wish to create and maintain strong, institutionalized practices of community engagement during periods of remote working and in an increasingly digital world. Refer to the article, 5 Methods for Non-Internet Based Remote Community Engagement, for ideas on how to supplement traditional online public engagement efforts to be inclusive of residents lacking high-speed broadband internet access.

https://medium.com/the-guide-to-remote-community-engagement

• Virtual Public Involvement: The U.S. Department of Transportation, Federal Highway Administration, developed this innovation spotlight to provide an overview of virtual public involvement tools that enhance and broaden the reach of public engagement efforts by making participation more convenient, affordable, and enjoyable for greater numbers of people.

https://www.fhwa.dot.gov/planning/public\_involvement/vpi/

• Designing Parks Using Community-Based Planning: This document inspires meaningful community engagement for future public projects. It shares methods learned through California's Statewide Park Development and Community Revitalization Program. These methods have been proven effective in urban, rural, and suburban settings. https://www.parksforcalifornia.org/planning\_guide

# Integrated Housing, Land Use, and Transportation Planning

Development patterns directly impact GHG emissions, including those from transportation between jobs, services, and housing. Improved coordination between housing and transportation can reduce commute times, increase transit ridership, lower vehicle miles traveled, lower pollution and GHG, provide greater economic opportunity, and other positive outcomes.

# Housing Element Compliance

To support planning for housing California's growing population, the State Department of Housing and Community Development (HCD) reviews each local government's housing element of its general plan.

- The housing element must plan to meet the local government's existing and regional housing needs allocation and quantify and analyze the specific needs and resources available to address the housing needs.
- A housing element can also provide a mechanism to adopt efficient land-use strategies, including those that address climate change and reduce vehicle miles traveled. For example, strategies could include the promotion of affordable higher density, infill development, mixeduse development, or transit-oriented development near transit stations or transit corridors.
- Local governments are required to annually submit progress reports on the implementation of the housing element and provide a detail of production toward their projected housing needs.

For more information on:

- Housing element requirements, see the HCD Building Blocks website at https://www.hcd.ca.gov/planning-and-community-development/housingelements/building-blocks
- Adopted housing element requirements, see the "Housing Element Process" section at https://www.hcd.ca.gov/planning-and-community-development/housing-elements
- A local government's housing element compliance, see https://www.hcd.ca.gov/planning-and-community-development/housing-open-datatools/housing-element-review-and-compliance-report
- Annual Progress Reports, see https://www.hcd.ca.gov/planning-and-communitydevelopment/annual-progress-reports

# Prohousing Designation Program

The State 2019-20 Budget Act, Assembly Bill 101 enacted the Prohousing Designation Program (Program), which enables HCD to designate local jurisdictions as Prohousing when they demonstrate policies and planning that accelerate the production of housing. To receive the Prohousing Designation, local jurisdictions must meet basic threshold requirements related to compliance with the Housing Element Law and other state housing laws and demonstrate actions worth at least 30 points spread across each of four categories of Prohousing policies: favorable zoning and land use, acceleration of housing production timeframes, reduction of construction and development costs, and providing financial subsidies. The benefit to local jurisdictions receiving the Prohousing Designation includes being given an advantage such as priority processing or additional points when applying for several competitive funding programs, including:

- Affordable Housing and Sustainable Communities
- Infill Infrastructure Grant
- Transformative Climate Communities
- Transit and Intercity Rail Capital Program

Vehicle Miles Traveled (VMT) reducing policies and the Prohousing Enhancement Factors below help indicate that a project is within a jurisdiction supporting integrated housing, land use, and transportation planning. These policies show that a jurisdictions further supports state housing priorities in promoting affordable housing, reducing development barriers, and reducing vehicle miles travelled.

## Prohousing Enhancement Factors include policies that:

- Represent one element of a unified, multi-faceted strategy to promote multiple planning objectives, such as efficient land use, access to public transportation, affordable housing, climate change solutions, and/or hazard mitigation.
- Promote development consistent with the state planning priorities pursuant to Government Code section 65041.1.
- Go beyond state law requirements in reducing displacement of lower income households and conserving existing housing stock that is affordable to lower income households.
- Rezoning and other policies that support high-density development in Location Efficient Communities.

### VMT reducing policies may include projects located in jurisdictions that are/have:

- Permitting missing middle housing uses (e.g., triplexes and fourplexes) by right in existing lowdensity, single-family residential zones.
- With density bonus programs which exceed statutory requirements by 10 percent or more.
- Increasing allowable density in low-density, single-family residential areas beyond the requirements of state Accessory Dwelling Unit law (e.g., permitting more than one ADU or JADU per single-family lot). These policies shall be separate from any qualifying policies under category (ii) above.
- Reducing or eliminating parking requirements for residential development as authorized by Government Code sections 65852.2; adopting vehicular parking ratios that are less than the relevant ratio thresholds at subparagraphs (A), (B), and (C) of Government Code section 65915, subdivision (p)(1); or adopting maximum parking requirements at or less than ratios pursuant to Government Code section 65915, subdivision (p).
- Zoning to allow for residential or mixed uses in one or more non-residential zones (e.g., commercial, light industrial). Qualifying non-residential zones do not include open space or substantially similar zones.
- Modifying development standards and other applicable zoning provisions to promote greater development intensity. Potential areas of focus include floor area ratio; height limits; minimum lot or unit sizes; setbacks; and allowable dwelling units per acre. These policies must be separate from any qualifying policies under Category (ii) above.
- Adopted a Nondiscretionary Local Approval Process for residential and mixed-use development in all zones permitting multifamily housing, established a Workforce Housing Opportunity Zone, as defined in Government Code section 65620, or a housing sustainability district, as defined in Government Code section 66200.
- Zoning more sites for residential development or zoning sites at higher densities than is required to accommodate 150 percent of the minimum regional housing need allocation for the Lower-Income allocation in the current housing element cycle.
- Priority permit processing or reduced plan check times for Accessory Dwelling Units (ADUs)/Junior Accessory Dwelling Units (JADUs), multifamily housing, or homes affordable to Lower- or Moderate-Income households.
- Adopted ordinances or implemented other mechanisms that result in less restrictive requirements than Government Code sections 65852.2 and 65852.22 to reduce barriers for property owners to create ADUs/JADUs. Examples of qualifying policies include, but are not

limited to, development standards improvements, permit processing improvements, dedicated ADU/JADU staff, technical assistance programs, and pre-approved ADU/JADU design packages.

- Measures that reduce costs for transportation-related infrastructure or programs that encourage active modes of transportation or other alternatives to automobiles. Qualifying policies include, but are not limited to, publicly funded programs to expand sidewalks or protect bike/micro-mobility lanes; creation of on-street parking for bikes; transit-related improvements; or establishment of carshare programs.
- Established pre-approved or prototype plans for missing middle housing types (e.g., triplexes and fourplexes) in low-density, single-family residential areas.
- Documented practice of streamlining housing development at the project level, such as by enabling a by-right approval process or by utilizing statutory and categorical exemptions as authorized by applicable law (Pub. Resources Code, sections 21155.1, 21155.4, 21159.24, 21159.25; Gov. Code, section 65457; Cal Code Regs., tit. 14, sections 15303, 15332; Pub. Resources Code, sections 21094.5, 21099, 21155.2, 21159.28).
- Policies that represent one element of a unified, multi-faceted strategy to promote multiple planning objectives, such as efficient land use, access to public transportation, affordable housing, climate change solutions, and/or hazard mitigation.
- Policies that promote development consistent with the state planning priorities pursuant to Government Code section 65041.1.
- Rezoning and other policies that support high-density development in Location Efficient Communities.

For more information on the Prohousing Designation Program, email HCD at ProhousingPolicies@hcd.ca.gov or visit the following HCD websites:

## Program Website

https://www.hcd.ca.gov/planning-and-community-development/prohousing-designationprogram

#### **Prohousing Designation Application Status List**

https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/Prohousing-Public-Application-Tracker.xlsx

#### Prohousing Designation Program FAQs

hcd.ca.gov/community-development/prohousing/docs/ProhousingFAQ.pdf

# Promote the Region's RTP SCS/APS, State Planning Priorities, and Climate Adaptation Goals

# SB 1 - The Road Repair and Accountability Act of 2017 (Beall, Chapter 5, Statutes of 2017)

The intent of additional Sustainable Communities grant funding, pursuant to SB 1 - The Road Repair and Accountability Act of 2017, is to encourage local and regional planning that furthers state goals, including but not limited to, the goals and best practices cited in the RTP Guidelines. Competitive applications will incorporate these cutting-edge planning practices into their proposed planning projects.

SB 1: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=201720180SB1

# 2017 RTP Guidelines (Appendix K, Page 273; Appendix L, Page 309)

The California Transportation Commission adopted the 2017 RTP Guidelines for RTPAs and 2017 RTP Guidelines for MPOs which includes Appendix K – Promoting Health and Health Equity in MPO RTPs and Appendix L – Planning Practice Examples. These appendices highlight planning practices that are undertaken by large, medium, and small MPOs in both rural and urban areas throughout the State.

https://catc.ca.gov/-/media/ctc-media/documents/rtp-2017-guidelines-mpos-011817-a11y.pdf

# SB 375 (Steinberg, Chapter 728, Statutes of 2008)

Caltrans supports SB 375 RTP SCS/APS efforts. Successful applications must be compatible with an existing adopted SCS/APS, where applicable, that meets the region's GHG targets, and must strongly support and aim to implement regional SCS/APS efforts. The SCS/APS planning process is intended to help communities reduce transportation related GHG emissions, coordinate land use and transportation planning, and assist local and regional governments in creating sustainable communities for residents throughout the State.

Although most rural areas of the State are not subject to SB 375 SCS/APS requirements, Caltrans still promotes the development of sustainable communities in these areas of the State and efforts to match GHG reduction targets and other goals embodied in SCS/APSs under SB 375. Eligible rural agencies are strongly encouraged to apply for Sustainable Communities Competitive Grants.

#### Information on SB 375-related planning efforts:

https://ww2.arb.ca.gov/our-work/topics/sustainable-communities

SB 375: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=200720080SB375

# Complete Streets and Smart Mobility Framework

In recognition that walking, biking, transit, and passenger rail are integral to our vision of delivering a brighter future for all through a world-class transportation network, Caltrans also supports Complete Streets and the Smart Mobility Framework (SMF). In locations with current and/or future pedestrian, bicycle, or transit needs, Caltrans encourages applicants to consider the tools and techniques contained in the SMF as well as typical components of Complete Streets. Specifically, this might include how the project addresses components of community design, regional accessibility, place types, and priority activities to achieve smart mobility outcomes, community transition, and associated multimodal performance measures for the appropriate context of the problem. Information on these efforts can be found at:

# **Complete Streets**

https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/active-transportation-and-complete-streets

#### **Smart Mobility Framework**

https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/active-transportation-and-complete-streets/smart-mobility-framework

# **Climate Ready Transportation and Climate Adaptation Planning**

Through the Grant Program, Caltrans supports the State's broader efforts to help ensure our transportation infrastructure is climate-ready. In order to prioritize these investments, Governor Gavin Newsom signed Executive Order (EO) N-19-19 on September 20, 2019 to redouble the state's "efforts to reduce greenhouse gas emissions and mitigate the impacts of climate change while building a sustainable, inclusive economy." The EO lists California's ambitious and essential climate goals to transition to a healthier, more sustainable and more inclusive economy, including:

- Reducing greenhouse gas emissions 40 percent below 1990 levels by 2030
- Providing 100 percent of the State's electricity from clean energy sources by 2045
- Reducing methane emissions and hydrofluorocarbon gases by 40 percent
- Adding five million zero-emission vehicles to the State's roads by 2030

To help achieve these goals, the EO directs the California State Transportation Agency to leverage over \$5 billion in annual state transportation spending toward transportation construction, operations, and maintenance to lower fuel consumption and greenhouse gas emissions from transportation. This includes strategies for lowering vehicle miles traveled, such as supporting housing development near available jobs, and supporting active modes of transportation such as biking and walking that also benefit public health. The EO specifically requires that the State Transportation Agency also work to mitigate increased transportation costs for low-income communities.

#### https://www.gov.ca.gov/wp-content/uploads/2019/09/9.20.19-Climate-EO-N-19-19.pdf

# Integrated Climate Adaptation and Resiliency Program

Senate Bill 246 (Wieckowski, Chapter 606, Statutes of 2015) established the Integrated Climate Adaptation and Resiliency Program (ICARP) within the Governor's Office of Planning and Research to coordinate regional and local efforts with State climate adaptation strategies (Public Resources Code Section 71354). Grant applicants may refer to the ICARP website to explore the State Adaptation Clearinghouse, a centralized source of information and resources to assist decision makers at the state, regional, and local levels when planning for and implementing climate adaptation projects to promote resiliency across California. Caltrans is coordinating with ICARP staff on the OPR Climate Adaptation Planning Grant Program.

ICARP Website: https://opr.ca.gov/climate/icarp/

**SB 246:** https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=201520160SB246

Adaptation Planning Grants: https://www.opr.ca.gov/climate/icarp/grants/adaptation-planning-grant.html

# California Adaptation Clearinghouse

The Adaptation Clearinghouse serves as a centralized source of information that provides the resources necessary to guide decision makers at the state, regional, and local levels when planning for and implementing climate adaptation projects to promote resiliency to climate change in California.

### https://resilientca.org/

# ResilientCA Adaptation Planning Map (RAP-Map)

The Integrated Climate Adaptation and Resiliency Program (ICARP)—supported through the Governor's Office of Planning & Research—contains a statewide inventory of local government adaptation and resiliency planning efforts. It is an open data tool, to inventory local government climate risk, adaptation, and resiliency planning efforts across the state and track progress towards statewide adaptation planning goals.

### https://resilientca.org/rap-map/

# Community Climate Resiliency

Grant applicants are encouraged to consider if the surrounding community is experiencing any specific climate vulnerabilities and how the proposed planning project aims to address specific concerns. Grant applicants should also describe how potential climate impacts are taken into consideration in the proposed planning project, such as the incorporation of natural infrastructure, and, if applicable, how the project conforms with the local implementation of SB 379 (Jackson, Statutes of 2015), Government Code Section 65302(g)(4), where cities and counties are required to address climate adaptation and resiliency strategies in the safety element of their general plan.

# Defining Vulnerable Communities in an Adaptation Context, OPR Resource Guide

The Governor's Office of Planning and Research, with input from the Integrated Climate Action and Resiliency Program (ICARP) Technical Advisory Council, developed a resource guide for practitioners to use when first considering how to define vulnerable communities in an adaptation context. The document includes: (1) The ICARP Technical Advisory Council's definition of climatevulnerable communities, (2) A summary of existing statewide assessment tools that can be used to identify vulnerable communities in a climate adaptation context, including a crosswalk with the indicators that are required elements of an SB 1000 (Leyva, Statutes of 2016) analysis; (3) Additional indicators that could be used to assess underlying vulnerability on a case-by-case basis; (4) A list of process guides that can serve to aid agencies undertaking efforts to define vulnerable communities.

https://opr.ca.gov/climate/icarp/vulnerable-communities.html

# State Guidance for Adaptation Planning

# 2017 General Plan Guidelines, Safety Element (Ch. 4)

The General Plan Guidelines set out each statutory requirement in detail, provides OPR recommended policy language, and includes online links to city and county general plans that have adopted similar policies. The guidelines include information on how to consider climate change during general plan development/updates. In accordance with Senate Bill 379, general plans must address climate adaptation and resilience within the Safety element. Local governments are required to include a climate change vulnerability assessment, measures to address vulnerabilities, and a comprehensive hazard mitigation and emergency response strategy.

# https://opr.ca.gov/docs/OPR\_COMPLETE\_7.31.17.pdf

# California Climate Adaptation Planning Guide – local/regional agency guidance

The Adaptation Planning Guide provides guidance to support regional and local communities in proactively addressing the unavoidable consequences of climate change. It provides a step-by-step process for local and regional climate vulnerability assessment and adaptation strategy development.

### https://resilientca.org/apg/

# Planning and Investing for a Resilient California – State Agency guidance

Introduces a four-step process for building resilience and a set of resilient decision-making principles for state agencies when considering climate-informed infrastructure investments. These steps include identifying how climate change could affect a project or plan, conducting an analysis of climate risks, making a climate-informed decision, and tracking and monitoring progress.

### https://www.opr.ca.gov/docs/20180313-Building\_a\_Resilient\_CA.pdf

# Ocean Protection Council Sea-Level Rise Guidance

The State of California Sea-Level Rise Guidance reflects advances in sea-level rise science and addresses the needs of state agencies and local governments as they incorporate sea-level rise into their planning, permitting, and investment decisions.

http://www.opc.ca.gov/webmaster/ftp/pdf/agenda\_items/20180314/Item3\_Exhibit-A\_OPC\_SLR\_Guidance-rd3.pdf

# California Coastal Commission Sea Level Rise Policy Guidance

This guide provides an overview of the best available science on sea level rise for California and recommended methodology for addressing sea level rise in Coastal Commission planning and regulatory actions.

https://documents.coastal.ca.gov/assets/slr/guidance/2018/0\_Full\_2018AdoptedSLRGuidanceUpd ate.pdf

# Coastal Adaptation Planning Guidance for Critical Infrastructure

This guidance from the California Coastal Commission addresses two main types of infrastructure – transportation and water – and presents six key considerations for successful adaptation planning. These considerations are accompanied by recommendations for stakeholders on how to plan effectively for the impacts of sea level rise on coastal infrastructure, a description of the regulatory framework that applies to adaptation planning for infrastructure.

https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance\_Critical%20Infrastructure\_12.6.2021.p df

# Coastal Adaptation Planning Guidance and Environmental Justice Considerations

The Environmental Justice Policy is the Coastal Commission's framework for identifying and analyzing project impacts on underserved and disadvantaged communities. The policy is designed to achieve more meaningful engagement, equitable process, effective communication and stronger coastal protection benefits for all Californians.

#### https://documents.coastal.ca.gov/assets/env-justice/CCC\_EJ\_Policy\_FINAL.pdf

### Coastal Adaptation Planning Guidance and Tribal Consultation

The Coastal Commission adopted a Tribal Consultation Policy, which is intended to guide outreach and collaboration. It also helps to inform permit applicants how the Commission will review coastal development permit applications to ensure adequate Tribal consultation occurs.

https://documents.coastal.ca.gov/assets/env-justice/tribalconsultation/CCC%20Tribal%20Consultation%20Policy%20Adopted%208.8.2018.pdf

### Climate Data Sources and Adaptation Plans Cal-Adapt

Cal-Adapt is the repository for State-endorsed climate change projections, developed through the State's Climate Change Assessment efforts. Cal-Adapt offers free public access to peer-reviewed data that show climate change impacts on state infrastructure, communities, and natural resources. Find tools, data, and resources to conduct research, develop adaptation plans and build applications.

#### https://cal-adapt.org/

### **Climate Action Plans**

Many California cities and counties are developing Climate Action Plans to reduce their GHG emissions. Agencies may have existing plans that include strategies or insight on potential approaches to implementing climate change considerations on the transportation network. CARB has created a webmap that can be used to identify plans created, GHG inventory information, GHG reduction targets, local strategies planned to meet these targets, and more. The second website provides a host of resources, including example Climate Action Plans and templates. This information can also be found on the Adaptation Clearinghouse.

https://webmaps.arb.ca.gov/capmap/ http://www.ca-ilg.org/climate-action-plans

# **Caltrans Vulnerability Assessments**

To ensure the resiliency of the State Highway System, Caltrans conducted vulnerability assessments statewide. These Summary Reports and associated Technical Reports describe climate change effects in each of Caltrans' 12 districts.

https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/airquality-and-climate-change/2019-climate-change-vulnerability-assessments.

#### Local Vulnerability Assessments

If local vulnerability assessments have been developed along a corridor, their data may be interwoven with Cal-Adapt data, Caltrans Climate Change Vulnerability Assessments, and/or other vulnerability information for more granular analysis of specific local areas, particularly those in more densely populated areas or with a high density of affected transportation assets. Many of these assessments and case studies can be found on the Integrated Climate Action and Resiliency Program (ICARP) Case Studies and Examples search page (https://resilientca.org). Some transit

and rail providers in California have also developed vulnerability assessments for their 21 networks as well, which may contain detailed analysis that could be useful.

# Caltrans Climate Change Adaptation Strategy Report

Through this report, Caltrans is aiming to adopt a leadership role in the process of climate change adaptation through developing a "how to" guide for integrating climate change adaptation into agency activities and decision-making. This Adaptation Strategy Report initially outlines an overall "pathway" for adopting recommendations on how Caltrans should mainstream adaptation strategies throughout functional areas and develop an approach to coordinate with partner agencies. Recognizing the important role of transit and active transportation facilities and routes, this report will develop solutions for all modes of transportation. This report also has a section focused on the incorporation of climate change considerations into System Planning documents.

https://transplanning.onramp.dot.ca.gov/downloads/transplanning/files/suscommplan/Climate%2 0Adaptation%20Report\_May\_2020.pdf

# Other Relevant Datasets for Climate Planning

# Protecting Californians from Extreme Heat: A State Action Plan to Build Community Resilience

A plan that outlines a strategic and comprehensive set of state actions to address extreme heat.

https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Climate-Resilience/2022-Final-Extreme-Heat-Action-Plan.pdf

# California Water Action Plan

A roadmap for the first five years of the state's journey toward sustainable water management.

http://resources.ca.gov/docs/california\_water\_action\_plan/Final\_California\_Water\_Action\_Plan.pd f

# **CALFIRE Fire Hazard Severity Zones**

CALFIRE has mapped areas of significant fire hazards based on fuels, terrain, weather, and other factors, forming wildfire severity zones. There are three levels of hazard in the State Responsibility Areas: moderate, high, and very high. This analysis can provide further understanding of wildfire risk at the potential project location.

https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildlandhazards-building-codes/fire-hazard-severity-zones-maps/

# California Department of Conservation – Landslide Hazards

The California Landslide Inventory is an ongoing project to make the California Geological Survey landslide information publicly accessible.

http://www.conservation.ca.gov/cgs/geologic\_hazards/landslides

# State Wildlife Action Plan

The State Wildlife Action Plan includes conservation actions that respond to current and future challenges with objectives and goals that are specific, measurable, and time bound.

# https://www.wildlife.ca.gov/SWAP/Final

# **CDFW Regional Conservation Investment Strategies**

This program encourages a voluntary, non-regulatory regional planning process intended to result in higher-quality conservation outcomes and includes an advance mitigation tool. The Program uses a science-based approach to identify conservation and enhancement opportunities that, if implemented, will help California's declining and vulnerable species by protecting, creating, restoring, and reconnecting habitat and may contribute to species recovery and adaptation to climate change and resiliency.

#### https://www.wildlife.ca.gov/conservation/planning/regional-conservation

#### **CDFW Natural Communities Conservation Plans**

A Natural Communities Conservation Plan identifies and provides for the regional protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity.

https://www.wildlife.ca.gov/conservation/planning/nccp

# California Sustainable Freight Action Plan

In July 2015, Governor Edmund G. Brown Jr. issued Executive Order B-32-15, which provides a vision for California's transition to a more efficient transport system. This transition of California's freight transport system is essential to supporting the State's economic development in coming decades while reducing harmful pollution affecting many California communities. As a key first step, the Governor's Executive Order directs the California State Transportation Agency, California Environmental Protection Agency, Natural Resources Agency, California Air Resources Board, California Department of Transportation, California Energy Commission, and Governor's Office of Business and Economic Development to develop a California Sustainable Freight Action Plan (Action Plan), by July 2016. This Action Plan is an unprecedented effort, intended to integrate investments, policies, and programs across several State agencies to help realize a singular vision for California's freight transport system. The Action Plan provides a recommendation on a high-level vision and broad direction to the Governor to consider for State agencies to utilize when developing specific investments, policies, and programs related to the freight transport system that serves our state transportation, environmental, and economic interests. Competitive grant applications will highlight how their planning effort will support this Action Plan.

https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/strategicfreight-planning

# APPENDIX B. SAMPLE APPLICATION PACKAGE

The Grant Application Guide and all fillable application documents can be found on the Sustainable Transportation Planning Grant website.

- Application Checklist, Cover Sheet, and Signature Page
- Application Narratives for Sustainable Communities, Climate Adaptation Planning, and Strategic Partnerships
- Scope of Work and Checklist
- Cost and Schedule and Checklist
- Third-Party In-Kind Valuation Plan and Checklist
- Local Resolution and Checklist

# **Application Checklist**

The following documents are required and must be submitted via Smartsheet in one single PDF document, not to exceed 25 MB. The Signature Page may be submitted separately if there are issues combining with the single PDF document. Keep the file name brief, as files are corrupted when file names are too long. Refer to the Grant Application Guide for additional information and/or samples. Failure to include any of the required documents will result in a reduced application score.

# PDF documents should be submitted in their fillable PDF formats. The original file formats will be required upon grant award.

Requ	vired Application Documents			
(🗸)	Ensure these items are completed prior to submitting to Caltrans via Smartsheet			
	Application Cover Sheet (complete in Smartsheet and submit with single PDF document)			
	Signature Page (Electronic signatures accepted; may submit as a separate file if there are issues with combining with single PDF document)			
	Application Narrative			
	Scope of Work			
	Cost and Schedule			
	Third Party In-Kind Valuation Plan (if applicable, required upon award)			
	Map of Project Area			
Supp	emental Documentation (not required)			
	Graphics of Project Area (when applicable)			
	Letter(s) of support			
	Data			



PAR	T A. APPLIC		N INFORMATION		FY 2024-25
Gran	<b>t Category</b> (se	lecton	y one)		
Climo	ate Adaptatio	<b>n</b> (MPOs,	RTPAs, Transit Agencies, Cities, Counties	, Tribes, «	other Public Transportation Planning Entities)
	11.47% Loca	l Match	requirement (Not Applicable to N	lative A	American Tribal Governments)
Transit			MPOs with sub-applicant, RTPAs, Tribes, other Public Transportation	Strate	gic Partnerships (MPOs and RTPAs only)
	Sustainable ( (11.47% Local		nities Competitive equirement)		Strategic Partnerships (FHWA SPR Part I) (20% Local Match requirement)
	Sustainable (11.47% Local		nities Competitive Technical equirement)		Strategic Partnerships Transit (FTA 5304) (11.47% Local Match requirement)
Appli	ication Submit	tal Type	(more than one may be select	ed)	
New		Prior P	hases	Re-Su	ıbmittal
	New		Continuation of a prior project. If so, list the Grant FY and project title below.		Re-submittal from a prior grant cycle.
	Application				How many times has an application been submitted for this project, including this one?

Project Title and L	ocation				
Project Title		7.83			
Project Location (City)			ject Location		
Funding Informati	on				
2. What is the sou (MPOs – Federa Adaptation Plan Local Tran Other, spe	I Toll Credits, PL, and nning grants) sportation Funds cify:	h funds being usec FTA 5303 <u>cannot</u> be D Local Sales Tax	used to match Susta	nd Measures	
2. What is the so (MPOs – Federc Adaptation Plan	urce of Local Matc I Toll Credits, PL, and aning grants) sportation Funds	<b>h funds being usec</b> FTA 5303 <u>cannot</u> be	used to match Susta		Competitive or Total Project Cost



PART B. PROJECT IN	IFORMATION (CONTINUED)
Project Description (3-5 S	Gentences Max.)
Insert Application Narrative: 1. Project Description	
Project Type	
tor examples. Iwo max. r Active Transpor Climate Chang Complete Stree Corridor (Local Freight/Goods General Plan-R Multimodal (Ma Safety (Vision Z	rtation (Bicycle and Pedestrian) ge (Infrastructure Adaptation, Vulnerability and Resiliency) ets (Multimodal specific type) I Streets or Highways) Movement Related (Circulation Element, Land Use Element, Specific Plan) otorized and Active Transportation) fero, Safe Routes to Schools) deling, VMT Mitigation, ZEV Infrastructure, ZEB Transition, etc.) ht Rail, and Commuter Rail Service)
Underserved Community	
If applicable to the proje area? Choose all that a Rural Commun Native America Regionally/Loc At/Below 80% A	ect, what tools were used to identify the underserved communities in the project
De 1996 Restart Branching Restored	CalEnviroScreen Version 4.0 California Healthy Places Index



# PART C. CONTACT INFORMATON\*

	Primary Applicant	Sub-Applicant	Sub-Applicant
Organization (Legal name)			
Dept./Division			
Street Address			
City			
Zip Code			
Phone Number			
Executive Director Name			
Title			
Executive Director E-mail			
Financial Manager Name			
Title			
Financial Manager E-mail			
Contact Person Name			
Title			
Contact Phone Number			
Contact E-mail			

\*Use additional pages if necessary.

1



# PART D. COMPLIANT HOUSING ELEMENT

City/County Primary/Sub-Applicants for Sustainable Communities Grants	Yes	No
Does the City/County have a compliant Housing Element? If No, explain the current status:		
Has the City/County submitted Annual Progress Report to the California Department of Housing and Community Development for calendar years 2021 and 2022?		

# PART E. OTHER FUNDING PROGRAMS

	Yes	No	N/A
Is the applicant applying for the Governor's Office of Planning and Research (OPR) Climate Adaptation Planning Grant Program? Applicants should not submit the same project application to both funding programs. However, applicants may propose to leverage funds from one funding program to another. For instance, an applicant with a large project may propose to fund one component with Caltrans funds, and another with OPR funds. Applicants may also propose two entirely different projects to each funding program. If yes, identify the differences between each proposal, and briefly summarize the leverage opportunity if awarded both Caltrans and OPR funding:			
ls the applicant applying for any other funding programs to complete this project? If yes, list them here:			



# PART F. LEGISLATIVE INFORMATION

Use the following link to determine the appropriate legislative members in the Project area. Search by address: http://findyourrep.legislature.ca.gov/

	State Senator(s)		Assembly Member(s)	
District	Name	District	Name	

# PART G. LETTERS OF SUPPORT

List all letters of support received for the proposed project. Letters should be addressed to the applicant.

Name/Agency	Name/Agency



If selected for funding, the information contained in this application will become the foundation of the contract with Caltrans.

To the best of my knowledge, all information contained in this application is true and correct. If awarded a grant with Caltrans, I agree that I will adhere to the program guidelines.

Applicant				
Authorized C	Official (Applicant)			
Print Full Name				
Title				
Signature		Date		
Sub-Applica	nt(s)*			
Authorized C	Official (Sub-Applicant)			
Print Full Name				
Title				
Signature		Date		
Authorized C	) fficial (Sub-Applicant)			
Print Full Name				
Title				
Signature		Date		
Authorized C	) fficial (Sub-Applicant)			
Print Full Name				
Title				
Signature		Date		

\*Use additional pages if necessary.



SUSTAINABLE COMMUNITIES - GRANT APPLICATION NARRATIVE

PART H. APPLICATION NARRATIVE	FY 2024-25		
Project Information			
Organization (Legal name)			
Project Title			
Project Area Boundaries			
Project Timeframe (Start and End Dates)			

#### Do not alter application format and font size 10

#### **Application Narrative**

#### 1. Project Description (10 points)

Briefly summarize project in a clear and concise manner, including why the project is necessary, major deliverables, parties involved, and any connections to relevant local, regional, and/or State planning efforts. **3-5 sentences maximum; Do not exceed the space provided**.

#### 2A. Project Justification (15 points)

- Describe the problems or deficiencies the project is attempting to address, as well as how the project will address the identified problems or deficiencies
- Describe the ramifications and impact of not funding this project
- Clearly define the existing issues surrounding the project (e.g., transportation issues, inadequate transit services, impacts of heavy trucking on local streets, air pollution, etc.)
- Competitive applications support the need for the project with empirical data
- Describe how this project addresses issues raised
- Define the public benefit
- Explain how the public was involved with identifying issues
- Do not exceed the space provided



SUSTAINABLE COMMUNITIES - GRANT APPLICATION NARRATIVE

#### 2B. Underserved Communities Justification (5 points)

The tools in Grant Application Guide, Appendix A, are intended to help applicants define an underserved community.

- Explain how the project area or portions of the project area are defined as an underserved community, including Native American Tribal Governments and rural communities
- Explain how the proposed project addresses the needs of the underserved community
- Describe how underserved communities will benefit from the proposed planning project
- Cite data sources, the tools used, and include a comparison to the statewide thresholds that are established in each tool
- Do not exceed the space provided

#### 2C. Underserved Communities Engagement (5 points)

See Grant Application Guide, Appendix A, for best practices in community engagement

- Describe how the proposed effort would engage underserved communities, including Native American Tribal Governments and rural communities. Include specific outreach methods for involving underserved communities
- Describe how underserved communities will continue to be engaged during the next phases after the proposed planning project is complete, including project implementation.
- Do not exceed the space provided

#### 3. Grant Specific Objectives (Total 35 points)

Integrate the following Grant Program Considerations (Grant Application Guide, Chapter 1.2) in the responses for 3A-G below, as applicable:

- Caltrans Strategic Plan
- California Transportation Plan (CTP)
- Modal Plans that Support the CTP
- Title VI and Environmental Justice
- Climate Action Plan for Transportation Infrastructure
- California Adaptation Strategy
- Master Plan for Aging



SUSTAINABLE COMMUNITIES - GRANT APPLICATION NARRATIVE

#### 3A. Grant Specific Objectives (5 points)

- Explain how the proposal encourages local and regional multimodal transportation, housing and land use planning that furthers the region's RTP SCS (where applicable)
- Demonstrate how the proposed effort would coordinate transportation, housing, and land use planning components of the project to inform one another (i.e., regular coordination meetings between responsible entities, joint community meetings, letters of commitment from all relevant implementing agencies, etc.
- Explain how the proposed effort would contribute to shifts in land use towards more sustainable and equitable communities, such as more affordable housing near transit or more compact regional development patterns (Reference Grant Application Guide, Chapter 2.2, for example project types)
- Do not exceed the space provided

#### 3B. Grant Specific Objectives (5 points)

- Explain how the proposal contributes to the State's GHG reduction targets and advances transportation related GHG emission reduction project types/strategies (i.e., mode shift, demand management, travel cost, operational efficiency, accessibility, and coordination with future employment and residential land use, etc.)
- Do not exceed the space provided

#### 3C. Grant Specific Objectives (5 points)

- Explain how the proposal supports other State goals, including but not limited to:
  - o State Planning Priorities (Government Code Section 65041.1)
  - Climate Adaptation Goals (State Adaptation Strategy)
  - Goals and Best Practices cited in the 2017 RTP Guidelines, Appendices K and L.
- Do not exceed the space provided

#### 3D. Grant Specific Objectives (5 points)

- Explain how the proposal encourages stakeholder involvement
  - List the stakeholders involved in the planning effort (e.g., first responders, community-based organizations, local housing and public health departments, transit agencies, and partners including State, federal, local agencies)
  - Explain how stakeholders will be involved throughout the project
- Do not exceed the space provided



SUSTAINABLE COMMUNITIES - GRANT APPLICATION NARRATIVE

#### 3E. Grant Specific Objectives (5 points)

- Explain how the proposal involves active community engagement
- Describe the specific public outreach methods/events that will be employed throughout the project
- Explain how public input will inform the project
- Describe how the effort will survey the public at the end of each outreach event to gauge effectiveness of these activities for the planning effort
- Do not exceed the space provided

#### 3F. Grant Specific Objectives (5 points)

- Explain how the proposal assists in achieving the Caltrans Mission and Grant Program Objectives (Grant Application Guide, Chapter 1.2)
  - Sustainability, Preservation, Accessibility, Safety, Innovation, Economy, Health, and Social Equity, as applicable
- Do not exceed the space provided

#### 3G. Grant Specific Objectives (5 points)

- Explain how the proposal ultimately results in funded and programmed multimodal transportation system improvements. Applicants should discuss next steps for project implementation, including timing for programming improvements that would result from the planning effort
- Do not exceed the space provided

#### 4. Project Management (Total 30 points)

See Scope of Work and Cost and Schedule samples and checklists for requirements (Grant Application Guide, Appendix B), also available on the Caltrans grants website: https://dot.ca.gov/programs/transportation-planning/regional-planning/sustainabletransportation-planning-grants

#### 4A. Scope of Work (15 points)

4B. Cost and Schedule (15 points)



CLIMATE ADAPTATION PLANNING - GRANT APPLICATION NARRATIVE

PART G. APPLICATION NARRATIVE	FY 2024-25
Project Information	
Organization (legal name)	
Project Title	
Project Area Boundaries	
Project Timeframe (Start and End Dates):	
Application Narrative	

#### 2A. Project Justification (10 points)

 Describe the problem or deficiencies the project is attempting to address, including the climate adaptation need and any other priority needs, as well as how the project will address the identified problems or deficiencies

deliverables, desired outcomes, parties involved, and alignment with relevant local, regional, and/or

State planning efforts. 3-5 sentences maximum; Do not exceed the space provided.

- Describe the impact of not funding the project
- Describe the public benefits
- Do not exceed the space provided

#### 2B. Underserved Communities Justification (5 points)

The tools in the Grant Application Guide, Appendix A, are intended to help applicants define an underserved community.

- Explain how the project area or portions of the project area benefit underserved communities, including Tribal, local, regional, and rural communities as applicable
- Explain how the proposed project addresses the needs of the communities and how they will benefit from the proposed project, including if the communities informed the scope of the project
- Cite data sources, the tools used, and include a comparison to the statewide thresholds that are established in each tool
- Do not exceed the space provided

Page 1 of 4



# Sustainable Transportation Planning Grant Program CLIMATE ADAPTATION PLANNING - GRANT APPLICATION NARRATIVE

2C. Underserved Communities Engagement (5 points) See Grant Application Guide, Appendix A. for best practices in community engagement

- Describe how the proposed project will engage underserved communities and how the
  effort was informed by engagement with underserved communities, including Tribal, local,
  regional, and rural communities as applicable
  - Include specific outreach methods for involving underserved communities
- Describe how underserved communities will continue to be engages during the next phases after the proposed planning project is complete, including implementation
- Do not exceed the space provided

#### 3. Grant Specific Objectives (Total 40 points)

Integrate the following Grant Program Considerations (Grant Application Guide, Chapter 1.2) in the responses for 3A-D below, as applicable:

- Caltrans Strategic Plan
- California Transportation Plan (CTP)
- Modal Plans that Support the CTP
- Title VI and Environmental Justice
- Climate Action Plan for Transportation Infrastructure
- California Adaptation Strategy
- Master Plan for Aging

3A. Grant Specific Objectives; climate risk and adaptation (15 points)

- Explain how the project identifies and assesses climate change impact risks to multimodal transportation infrastructure vulnerabilities to climate change impacts in the project area
- Explain how the project will identify adaptation strategies and specific actions to remedy
  identified climate related vulnerabilities. Projects and plans should describe short-, medium-,
  and long-term strategies that will address the overall risk for the entire service life of the asset or
  capital project using the best available science and guidance.
- Articulate how the project will advance the planning of specific climate adaptation projects, such as developing a cost estimate, pursuing a technical feasibility study for adaptation options, or developing a conceptual design (up to 30%)
- When applicable, explain how the project includes economic analysis and/or cost-benefit analysis of identified adaptation strategy or strategies
- Do not exceed the space provided



## Sustainable Transportation Planning Grant Program CLIMATE ADAPTATION PLANNING - GRANT APPLICATION NARRATIVE

38. Grant Specific Objectives: co-benefits (10 points)

•	Identify co-benefits of the adaptation work, such as benefits to public health, natural
	ecosystems, air quality, social equity, the economy, or reductions in greenhouse gas (GHG)
	emissions.

 If reductions in GHG emissions are identified as a co-benefit, explain how the project advances transportation related GHG emission reductions specifically through different project types/strategies (e.g., mode shift, demand management, accessibility, etc.)

- · Describe if and how nature-based solutions will be integrated into the proposed project
- Describe how adaptation needs of environmental resources in proximity to the transportation system such as coastal resources like tidal marsh or beaches, wildlife connectivity, wetlands, or fish passage needs are considered in the proposed project (if applicable)
- Do not exceed the space provided

3C. Grant Specific Objectives; partnerships and stakeholder process (10 points)

- Explain how the project demonstrates on-going collaboration and partnerships between sectors and jurisdictions, and across levels of government at a regional scale
- Explain if the project also includes collaboration and partnerships with diverse external stakeholders such as businesses, non-governmental agencies, federal, state, or local agencies, community-based organizations, and community residents
- Explain how the project includes a multistakeholder process that provides an opportunity for meaningful community engagement from communities potentially impacted by any project identified or developed as part of the planning grant

Do not exceed the space provided

3D. Grant Specific Objectives; alignment with other plans and State Goals (10 points)

- Explain how the project is consistent with priorities, goals, and actions of the California State Adaptation Strategy, follows State guidance on adaptation planning, and is consistent with any applicable local/regional resilience planning.
- Articulate if the project will identify ways to incorporate transportation-related climate adaptation needs into existing transportation plans, specifically how the project will lead to the identification and development of capital projects that can be programmed as part of local or regional plans
- Explain how the project is in alignment with or augments existing plans, including climate action/adaptation plans, hazard mitigation plans, safety elements of general plans, resilience improvement plans, and/or Coastal Act/Certified Local Coastal Program plans
- Explain how the proposed project addresses public access and Complete Streets needs
- Do not exceed the space provided
- 4. Project Management (Total 30 points)

See Scope of Work and Cost and Schedule samples and checklists for requirements (Grant Application Guide, Appendix B), also available on the Caltrans grants website: <u>https://dot.ca.gov/programs/transportation-planning/regional-planning/sustainable-transportation-planning-grants</u>

Page 3 of 4



4A. Scope of Work (15 points)

4B. Cost and Schedule (15 points)

Page 4 of 4



PART H. APPLICATION NARRATIVE	FY 2024-25
Project Information	
Organization (Legal name)	
Project Title	
Project Area Boundaries	
Project Timeframe (Start and End Dates)	

Do not alter application format and font size 10

#### **Application Narrative**

#### 1. Project Description (10 points)

Briefly summarize the project in a clear and concise manner, including why the project is necessary, major deliverables, parties involved, and any connections to relevant local, regional, and/or State planning efforts. **3-5 sentences maximum; Do not exceed the space provided**.

#### 2. Project Justification (30 points)

- Describe the problems or deficiencies the project is attempting to address, as well as how the project will address the identified problems or deficiencies
- Describe the ramifications and impact of not funding this project
- Clearly define the existing issues surrounding the project (e.g., transportation issues, in-adequate transit services, impacts of heavy trucking on local streets, air pollution, etc.)
- Competitive applications support the need for the project with empirical data
- Describe how this project addresses issues raised
- Do not exceed the space provided



#### 3. Grant Specific Objectives (Total 20 points)

Integrate the following Grant Program Considerations (Grant Application Guide, Chapter 1.2) in the responses for 3A-3D below, as applicable:

- Caltrans Strategic Plan
- California Transportation Plan (CTP) 2050
- Modal Plans that Support the CTP 2050
- Title VI and Environmental Justice
- Climate Action Plan for Transportation Infrastructure
- California Adaptation Strategy
- Master Plan for Aging

#### 3A. Grant Specific Objectives (5 points)

- List and explain how the proposal would accomplish the Federal Planning Factors (Grant Application Guide, Chapter 5.2), achieve the Caltrans Mission and the Grant Program Objectives (Grant Application Guide, Chapter 1.2.)
- Do not exceed the space provided

#### 3B. Grant Specific Objectives (5 points)

- Explain how the proposal partners with Caltrans to identify and address statewide, interregional, or regional transportation deficiencies in the State Highway System (or multimodal transportation system for transit-focused projects)
- Clearly define how Caltrans will be a partner in the proposed project, as appropriate for the project
- Do not exceed the space provided

#### 3C. Grant Specific Objectives (5 points)

- Explain how the proposal strengthens government-to-government relationships
- Outline the entities involved with the proposed project and how partnerships will be strengthened as a result
- Do not exceed the space provided

#### 3D. Grant Specific Objectives (5 points)

- Explain how the proposal results in programmed system improvements
- Discuss next steps for project implementation, including timing for programming improvements that would result from the planning effort
- Do not exceed the space provided



#### 4. Project Management (Total 40 points)

See Scope of Work and Cost and Schedule samples and checklists for requirements (Grant Application Guide, Appendix B), also available on the Caltrans grants website, <a href="https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/transportation-planning/transportation-planning/transportation-planning-grants">https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/transportation-planning/transportation-planning/transportation-planning-grants</a>

#### 4A. Scope of Work (20 points)

#### 4B. Cost and Schedule (20 points)

## Scope of Work Checklist

The Scope of Work (SOW) is the official description of the work that is to be completed during the contract. Tasks 1-6 outlined in the SOW are for illustrative purposes only. **Applications with missing components will be at a competitive disadvantage.** Please use this checklist to make sure your Scope of Work is complete.

:op	e of Work Checklist
	Ensure these items are completed prior to submitting to Caltrans
	Use the Fiscal Year 2024-25 template provided
	Include the activities discussed in the grant application
	List all tasks using the same title as stated in the Project Cost and Schedule
	Include task numbers in accurate and proper sequencing, consistent with the Cost and Schedule
	Exclude sub-task numbers; only include sub-headings
	Exclude tasks for project management and/or staff/consultant coordination; these activities should be spread among relevant tasks
	Include a thorough Introduction to describe relevant background, related planning efforts, the project and project area demographics, including a description of the underserved community involved with the project, if applicable
	Include a thorough and accurate narrative description of each task
	<ul> <li>Task 01 is a required task. It must be titled "Project Administration", it cannot exceed 5% of the grant award amount, and only the grantee and sub-recipient(s) can charge against this Task. This Task must only include the followin activities and deliverables:</li> <li>Caltrans and grantee Project kick-off meeting at the start of the grant</li> <li>Invoicing and quarterly reporting to Caltrans</li> <li>DBE Reporting (federal grants only)</li> </ul>
	Include Task 02 for the procurement of a consultant (if needed). This task is for the grantee and sub-recipient(s) only.
	Include detailed public participation and services to diverse communities in the Public Outreach Task (excluding technical projects)
	Identify public outreach strategies in a manner that provides flexibility and allow for a diverse range of outreach methods (both in-person and on-line), excluding technical projects
	Include a Task(s) for a Draft and Final product. The draft plan must include an opportunity for the public to provide feedback (excluding technical projects).
	Include a summary of next steps your agency will take towards implementing the project in the Final Product
	List achievable project deliverables for each Task
	EXCLUDE environmental, complex design, engineering work, and other ineligible activities outlined in the Grant Application Guide

# **SCOPE OF WORK**

Project Information	
Grant Category	
Grant Fiscal Year	
Project Title	
Organization (Legal name)	

## Disclaimer

Agency commits to the Scope of Work below. Any changes will need to be approved by Caltrans prior to initiating any Scope of Work change or amendment.

## Introduction

[Provide a detailed summary of the grant project. Include a thorough Introduction to describe relevant background, related planning efforts, the project and project area demographics, including a description of the underserved community involved with the project, if applicable]

## **Project Stakeholders**

[Provide a detailed summary of who the Project Stakeholders are. Will a consultant be working on the project? If so, what activities/tasks will they be involved with?]

## **Overall Project Objectives**

[Provide a detailed summary of the Overall Project Objectives]

## Summary of Project Tasks

[Project Management activities must be identified within the task they are occur and not as standalone tasks.]

#### Task 01: Project Administration

This is an Administrative Task that shall only be charged against by the Grantee for the Administration of this grant project. Costs for this task cannot exceed 5% of the grant award amount.

Grantee will manage and administer the grant project according to the Grant Application Guidelines, Regional Planning Handbook, and the executed grant contract between Caltrans and the grantee.

[Provide a detailed narrative of activities to be completed in this Task]

#### Task Deliverables

[The following are the only allowable deliverables for this Task. This Task is not for the management of the consultant or meetings between the grantee and the consultant]

Kick-off meeting with Caltrans - Meeting Notes, quarterly invoices and progress reports, DBE reporting (federal Grants only).

### Task 02: Consultant Procurement

[Provide a detailed narrative of activities to be completed in this Task]

Grantee will procure a consultant, consistent with state and federal requirements, Local Assistance Procedures Manual for procuring non-Architectural and Engineering consultants, the Grant Application Guide, Regional Planning Handbook, and the executed grant contract between Caltrans and the grantee.

#### **Task Deliverables**

[List achievable deliverables for this Task]

Examples: Grantees current procurement procedures, copy of the Request for Proposal/Qualifications, copy of the contract between consultant and grantee, copies of all amendments to the consultant contract, meeting notes from project kick-off with consultant

#### Task 1: Existing Conditions

[Provide a detailed narrative of activities to be completed in this Task]

Task	Deliverables

[List achievable deliverables for this Task]

Examples: Summary of Existing Conditions

#### Task 3: Analysis

[Provide a detailed narrative of activities to be completed in this Task]

T	lask Deliverables
[	[List achievable deliverables for this Task]
E	Examples: Summary of Analysis

#### Task 4: Public Outreach

[Provide a detailed narrative of activities to be completed in this Task]

#### **Task Deliverables**

[List achievable deliverables for this Task]

Examples: PowerPoint Presentations, flyers, website announcements, sign-in sheets, community surveys, conceptual drawings, bilingual services, receipts for light snacks (Caltrans approval required prior to purchase. No full meals)

#### Task 5: Advisory Committee Meetings

[Provide a detailed narrative of activities to be completed in this Task]

#### **Task Deliverables**

[List achievable deliverables for this Task]

Examples: Agendas, meeting notes, list of attendees, list of action items

#### Task 6: Draft and Final Plan

[Provide a detailed narrative of activities to be completed in this Task]

#### **Task Deliverables**

[List achievable deliverables for this Task]

Examples: Draft Plan, Public Review – list of comments, Final Plan that includes a summary of next steps towards implementation, credits FHWA, FTA, and/or Caltrans on the cover or title page, submitted to Caltrans in an ADA accessible electronic copy.

#### Task 7: Board Review/Approval

[Provide a detailed narrative of activities to be completed in this Task]

#### Task Deliverables

[List achievable deliverables for this Task]

Examples: Board Agenda, presentation materials, meeting minutes with board acceptance/approval.

## **Cost and Schedule Checklist**

The Cost and Schedule is the official budget and timeline for the project. Tasks 1-6 outlined in the Cost and Schedule are for illustrative purposes only. The Cost and Schedule must be consistent with the Grant Application Cover Sheet. Applications with missing components will be at a competitive disadvantage.

Cost and Schedule Checklist					
( $\checkmark$ ) Ensure these items are completed prior to submitting to Caltrans					
Use the Fiscal Year 2024-25 template provided (do not alter the template)					
List all tasks with the same title as stated in the Scope of Work					
Include task numbers in proper sequencing, consistent with the Scope of Work					
Exclude sub-task numbers and sub-headings					
Exclude tasks for project management and/or staff/consultant coordination; these activities should be spread among relevant tasks					
<ul> <li>Task 01 is a required task. It must be titled "Project Administration", it cannot exceed 5% of the grant amount requested, and only the grantee and recipient(s) can charge against this Tase.</li> <li>This Task must only include the following activities and deliverables:</li> <li>Project kick-off meeting between the grantee and Caltrans at the start of the grant</li> <li>Invoicing and quarterly reporting to Caltrans</li> <li>DBE Reporting (federal grants only)</li> </ul>					
Include Task 02 for procurement of consultants, if consultants are needed. This task is for the grantee and sub-recipient(s) only.	r				
Complete all budget columns as appropriate: Total Cost, Grant Amount, Local Cash Match and if applicable, Local In-Kind Match	l,				
Ensure the correct minimum local match amount, calculated as a percentage of the total project cost (grant plus local match), is provided					
Use the Local Match Calculator to ensure the total Local Match amount meets the minimur required Local Match for the specified Grant Category	n				
Include a grant amount for each Task (excluding Tasks 01 and 02)					
Identify if a Tapered Local Match approach will be used, which allows grantees to vary the required local match ratio over the life of the grant contract. Grantee agrees to satisfy the total local match amount by the contract expiration date.					
Identify the estimated indirect cost rate if indirect costs will be reimbursed. If FY 2023-24 indir cost rates are not available, the rate will be an estimate based on the currently approved r					
Include a best estimate of the amount of time needed to complete each task					
State a realistic total cost for each task based on the work that will be completed					
Use only whole dollars in the financial information fields. No rounding up or down and no ce	ents.				
Start the timeframe at the beginning of the grant period (November 2024)					
Extend the timeframe to the end of the grant period (June 2027)					

le below. Any changes will need to be approver mation fields. No rounding up or down and no. I that grant and local match amounts are correst resement for indirect costs? Twe Two ad Match approach for invoicing purposes? (Cart Amount+ Cart Amount+ (Cart		
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Does your agency plan to use the Tapered Match approach for throicing purposes?       Title     Estimated     Estimated       Title     Grant Amount*     Estimated       Tech Administration     \$0     \$2.500     \$0       Amount*     \$0     \$2.500     \$0       Amount*     \$4,427     \$574     \$0       Noticit*     \$11,509     \$1,491     \$0       Noticit*     \$30,986     \$4,015     \$0       Noticit*     \$30,986     \$1,211     \$0       Noticit*     \$30,986     \$1,211     \$0       Noticit*     \$13,280     \$1,721     \$0       Ison Committee Meetings     \$13,280     \$1,721     \$0       If and Final Plan     \$7,424     \$00     \$0	nent for indirect costs?	<ul> <li>If yes what is the estimated indirect cost rate?</li> </ul>
Task Title         Estimated         Estimated         Local Cash         Local Local Local Cash         Local Cash <thlocal cash<="" th=""> <thlocal cash<="" th=""> <th< th=""><td>tch approach for invoicing purposes?</td><td>C Yes D No</td></th<></thlocal></thlocal>	tch approach for invoicing purposes?	C Yes D No
Project Administration         \$0         \$2,500           ive more thren \$\$x\$ o' total grant trunds)         \$4,427         \$574           Consultant Procursment         \$4,127         \$574           Existing Conditions         \$11,509         \$1,491           Analysis         \$30,986         \$4,015           Public Outleach         \$39,839         \$5,162           Advisory Committee Meetings         \$13,280         \$1,721           Draft and Final Plcn         \$72,555         \$6,577           Board Review/Approvcl         \$4,424         \$900	Estimated Local Cash Match*	Estimated total         FY 2024/25         FY 2025/26         FY 2025/26         FY 2026/27           Project Cost*         J A S O N D J F M A M J J A S O N D J F M A M J J A S O N D J F M A M J J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D J F M A M J         J A S O N D D J F M A M J         J A S O N D D J F M A M J         J A S O N D D J F M A M J         J A S O N D D J F M A M J         J A S O N D D J F M A M J         J A S O N D D J F M A M J         J A S O N D D J F M A M A M J         J A S O N D D J F M A M A M A M A M A M A M A M A M A M
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Existing Conditions         \$1,509         \$1,491           Analysis         \$30,986         \$4015           Aualysis         \$39,839         \$5,162           Public Outreach         \$39,839         \$5,162           Advisory Committee Meetings         \$13,280         \$1,721           Draft and Final Plan         \$72,595         \$6,577           Draft and Final Plan         \$4,424         \$900		\$0 \$5,000
Analysis         \$30,986         \$4,015           Public Outreach         \$39,839         \$5,162           Advisory Committee Meelings         \$13,280         \$1,721           Draft and Final Plan         \$72,595         \$6,577           Board Review/Approval         \$4,424         \$900		\$0 \$13,000
Public Outreach         \$39,839         \$5,162           Advisory Committee Meetings         \$13,280         \$1,721           Draft and Final Plan         \$72,595         \$6,577           Board Review/Approval         \$4,424         \$900		\$0 \$32,500
Advisory Committee Meetings         \$13,280         \$1,721           Draft and Final Plan         \$72,595         \$6,577           Board Review/Approval         \$4,424         \$900		\$0 \$45,000
Draft and Final Plcn         \$72,595         \$6,577           Board Review/Approval         \$4,424         \$900		\$0 \$15,000
Board Review/Approvcl \$4,424 \$500		\$0 \$52,000 522,000
		\$0 \$5,000 \$6,000 \$
\$22,940	\$177,060 \$22,940	so \$200,000

## Third Party In-Kind Valuation Plan Checklist

The Third Party In-Kind Valuation Plan is an itemized breakdown by task and serves as documentation for the goods and/or services to be donated. The Third Party In-Kind Valuation Plan must be consistent with the information provided on the Cost and Schedule and Grant Application Cover Sheet. This document is required upon grant award as a condition of grant acceptance. Refer to Grant Application Guide, Chapter 6.5 for a Third-Party In-Kind description and examples.

Third	Party In-Kind Valuation Plan Checklist				
(🗸)	Ensure these items are completed prior to submitting to Caltrans				
Use the Fiscal Year 2024-25 template provided (do not alter the template).           Name the third party in-kind local match provider; this cannot be the Grantee					
	Describe the fair market value of third party in-kind contributions and how the values were determined.				
	Include an itemized breakdown by task, consistent with the Cost and Schedule.				
2	Ensure the in-kind local match amount is consistent with the Grant Application Cover Sheet and Cost and Schedule.				

California Department of Transportation Sustainable Transportation Planning Grant Program THIRD-PARTY IN-KIND VALUATION PLAN

Grant Category Grant Fiscal Year Project Titte Organization (Legol name)

	 	r	 	 	
Estimated Cost				ŞO	
Number or Hours				Total In-kind Match:	
Fair Market Value or Hourly Rate				Total In-ki	
Fair Market Value Determination					
Name of Third-Party In-Kind Match Provider					
Third-Party In-Kind Contribution					
Task Title					Explain how the third party in-kind match will be documented for accounting purposes:
Task#					Explain in ac

# Local Resolution Checklist

A Local Resolution is NOT required at the grant application stage; however, it is required upon award as a condition of grant acceptance.

Local Resolution Checklist				
(*)	Ensure these items are completed prior to submitting to Caltrans			
	State the title of the project (1)			
	State the job title of the person authorized to enter into a contract with Caltrans on behalf of the applicant (2)			
	NOT be more than a year old, or it will not be accepted (3)			
	Signed by the grant applicant's governing board (4)			

## **Sample Local Resolution**

#### CITY OF CAN DO RESOLUTION NO. 009-2012

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF CAN DO AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AGREEMENTS WITH THE

## CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE CITY OF CAN DO COMPLETE STREET PLAN

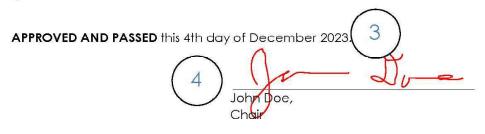
**WHEREAS**, The Board of Directors of The City of Can Do is eligible to receive Federal and/or State funding for certain transportation planning related plans, through the California Department of Transportation;

**WHEREAS**, a Restricted Grant Agreement is needed to be executed with the California Department of Transportation before such funds can be reimbursed through the Transportation Planning Grant Program;

**WHEREAS**, the City of Can Do wishes to delegate authorization to execute these agreements and any amendments thereto;



**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the City of Can Do, authorize the Executive Director, or designee, to execute all Restricted Grant Agreements and any amendments thereto with the California Department of Transportation.



ATTEST:

Eileen Wright, Executive Director

## APPENDIX C. CALTRANS/REGIONAL AGENCY BOUNDARIES MAP



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# APPENDIX D. CALTRANS DISTRICT CONTACT LIST

## Caltrans Sustainable Transportation Planning Grants District Lead Contact and Native American Liaison Contact List

DISTRICT	LEAD CONTACT(S)	NATIVE AMERCAN LIAISON CONTACT(S)	MPO/RTPA
DISTRICT 1 1656 Union Street P.O. Box 3700 Eureka, CA 95502	Tatiana Ahlstrand (707) 684-6884 Email: Tatiana.Ahlstrand@dot.ca.gov	Kathleen Sartorius (707) 601-7978 Email: Kathleen.Sartorius@dot.ca.gov	Del Norte LTC Humboldt CAOG Lake CCAPC Mendocino COG
<b>DISTRICT 2</b> 1657 Riverside Drive Redding, CA 96001	Kathy Grah Office:(530) 229-0517 Cell: (530) 782-3152 Email: Kathy.Grah@dot.ca.gov	Kendee Vance (530) 225-3574 Email: Kendee.Vance@dot.ca.gov	<ul> <li>Lassen CTC</li> <li>Tehama CTC</li> <li>Modoc LTC</li> <li>Trinity CTC</li> <li>Plumas CTC</li> <li>Siskiyou CLTC</li> <li>Shasta RTA</li> </ul>
<b>DISTRICT 3</b> 703 B Street Marysville, CA 95901	El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba Counties Sukhi Johal (530) 565-3885 Email: Sukhi.Johal@dot.ca.gov Butte, Colusa, Lake Tahoe Basin, Glenn, Nevada, and Sierra Counties Kevin Yount (530) 513-0584 Email: Kevin.Yount@dot.ca.gov	Angelina Healy (530) 720-9449 Email: Angelina.Healy@dot.ca.gov	<ul> <li>Butte CAG</li> <li>Sierra LTC</li> <li>Colusa CTC</li> <li>Glenn CTC</li> <li>El Dorado CTC</li> <li>Nevada CTC</li> <li>Placer CTPA</li> <li>Sacramento Area COG</li> <li>Tahoe MPO</li> </ul>
<b>DISTRICT 4</b> 111 Grand Avenue P.O. Box 23660 Oakland, CA 94623- 0660	Becky Frank (510) 960-0883 Email: Becky.Frank@dot.ca.gov Stephen Conteh (510) 960-0887 Email: Stephen.Conteh@dot.ca.gov	Stephen Conteh (510) 960-0887 Email: Stephen.Conteh@dot.ca.gov	<ul> <li>Metropolitan Transportation Commission</li> </ul>
<b>DISTRICT 5</b> 50 Higuera Street San Luis Obispo, CA 93401-5415	Jenna Schudson (805) 835-6432 Email: Jenna.Schudson@dot.ca.gov	John Olejnik (805) 748-1787 Email: John.Olejnik@dot.ca.gov	<ul> <li>Monterey TAMC</li> <li>Santa Cruz CCRTC</li> <li>San Benito COG</li> <li>Assoc. of Monterey Co. Bay Area Govts</li> <li>Santa Barbara CAG</li> <li>San Luis Obispo COG</li> </ul>
DISTRICT 6 1352 W. Olive Avenue P.O. Box 12616 Fresno, CA 93778- 2616	Lorena Mendibles (559) 840-6066 Email:Lorena.Mendibles@dot.ca.gov Edgar Hernandez (559) 981-7436 Email:Edgar.Hernandez@dot.ca.gov	Lorena Mendibles (559) 840-6066 Email: Lorena.Mendibles@dot.ca.gov	<ul> <li>Fresno COG</li> <li>Tulare CAG</li> <li>Kern COG</li> <li>Kings CAG</li> <li>Madera CTC</li> </ul>

## Caltrans Sustainable Transportation Planning Grants District Lead Contact and Native American Liaison Contact List

DISTRICT	LEAD CONTACT(S)	NATIVE AMERCAN LIAISON CONTACT(S)	MPO/RTPA
<b>DISTRICT 7</b> 100 S. Main Street Los Angeles, CA 90012	James Santiago (213) 310-2804 Email: James.Santiago@dot.ca.gov	Not applicable	<ul> <li>Southern California Association of Governments</li> </ul>
<b>DISTRICT 8</b> 464 W. 4 <sup>th</sup> Street Mail Station 722 San Bernardino, CA 92401	Ricky Rivers (909) 806-3298 Email: Ricky.Rivers@dot.ca.gov Stephanie Gallegos (909) 383-4057 Email: Stephanie.Gallegos@dot.ca.gov	Lorna Foster (909) 501-5759 Email: Lorna.Foster@dot.ca.gov	<ul> <li>Southern California Association of Governments</li> </ul>
<b>DISTRICT 9</b> 500 S. Main Street Bishop, CA 93514	Catherine Carr (707) 874-8318 Email: Catherine.Carr@dot.ca.gov	Emilee Mullen (707) 784-4260 Email: Emilee.Mullen@dot.ca.gov	<ul> <li>Inyo LTC</li> <li>Mono LTC</li> <li>Eastern Kern (COG)</li> </ul>
<b>DISTRICT 10</b> 1976 E. Dr. Martin Luther King Boulevard P.O. Box 2048 Stockton, CA 95201	Mountain Counties Gregoria Ponce (209) 483-7234 Email: Gregoria.Ponce@dot.ca.gov Merced, San Joaquin, Stanislaus Counties Tom Dumas (209) 941-1921 Email: Tom.Dumas@dot.ca.gov	Paul Bauldry (209) 948-7647 Email: Paul.Bauldry@dot.ca.gov Gregoria Ponce (209) 483-7234 Email: Gregoria.Ponce@dot.ca.gov	<ul> <li>Alpine County LTC</li> <li>Amador CTC</li> <li>Calaveras COG</li> <li>Mariposa LTC</li> <li>Merced CAG</li> <li>Tuolumne CTC</li> <li>San Joaquin COG</li> <li>Stanislaus COG</li> </ul>
<b>DISTRICT 11</b> 4050 Taylor Street Mail Station 240 San Diego, CA 92110	Omar Flores (619) 985-2124 Email: Omar.Flores@dot.ca.gov	Rafael Reyes (619) 208-1104 Email: Rafael.Reyes@dot.ca.gov	<ul> <li>San Diego Association of Governments</li> <li>Southern California Association of Governments</li> </ul>
<b>DISTRICT 12</b> 1750 E. 4 <sup>th</sup> Street Santa Ana, CA 92705	Eric Chau (657) 328-6268 Email: Eric.E.Chau@dot.ca.gov	Not applicable	• Southern California Association of Governments

County of Del Norte Agreement Number 74A1591 Attachment III Page 115 of 115

California Department of Transportation Division of Transportation Planning 1120 N Street Sacramento, CA 95814 https://dot.ca.gov/programs/transportation-planning

# Attachment 2

Sample Professional Services Agreement

#### Professional Services Agreement for the Del Norte Regional Drainage Study and Capital Improvement Plan

## **ARTICLE I INTRODUCTION**

A. This AGREEMENT is between the following named, hereinafter referred to as, CONSULTANT and the following named, hereinafter referred to as, LOCAL AGENCY:

The name of the "CONSULTANT" is as follows: (NAME OF CONSULTANT) Incorporated in the State of (NAME OF STATE) The Project Manager for the "CONSULTANT" will be (NAME)

The name of the "LOCAL AGENCY" is as follows: <u>County of Del Norte</u> The Contract Administrator for LOCAL AGENCY will be Rosanna Bower

- B. The work to be performed under this AGREEMENT is described in Article III Statement of Work and the approved CONSULTANT's Cost Proposal dated (<u>DATE</u>). The approved CONSULTANT's Cost Proposal is attached hereto (Attachment #) and incorporated by reference. If there is any conflict between the approved Cost Proposal and this AGREEMENT, this AGREEMENT shall take precedence.
- C. CONSULTANT agrees to the fullest extent permitted by law, to indemnify, protect, defend, and hold harmless LOCAL AGENCY, its officers, officials, agents, employees and volunteers from and against any and all claims, damages, demands, liability, costs, losses and expenses, including without limitation, court costs and reasonable attorneys' and expert witness fees, arising out of any failure to comply with applicable law, any injury to or death of any person(s), damage to property, loss of use of property, economic loss or otherwise arising out of the performance of the work described herein, to the extent caused by a negligent act or negligent failure to act, errors, omissions, recklessness or willful misconduct incident to the performance of this AGREEMENT on the part of CONSULTANT, except such loss or damage which was caused by the sole negligence, or willful misconduct of LOCAL AGENCY, as determined by a Court of competent jurisdiction. The provisions of this section shall survive termination or suspension of this AGREEMENT.
- D. CONSULTANT in the performance of this AGREEMENT, shall act in an independent capacity. It is understood and agreed that CONSULTANT (including CONSULTANT's employees) is an independent contractor and that no relationship of employer-employee exists between the Parties hereto. CONSULTANT's assigned personnel shall not be entitled to any benefits payable to employees of County.
- E. LOCAL AGENCY is not required to make any deductions or withholdings from the compensation payable to CONSULTANT under the provisions of the AGREEMENT, and is not required to issue W-2 Forms for income and employment tax purposes for any of CONSULTANT's assigned personnel. CONSULTANT, in the performance of its obligation hereunder, is only subject to the control or direction of the LOCAL AGENCY as to the designation of tasks to be performed and the results to be accomplished.
- F. Any third party person(s) employed by CONSULTANT shall be entirely and exclusively under the direction, supervision, and control of CONSULTANT. CONSULTANT hereby indemnifies and holds LOCAL AGENCY harmless from any and all claims that may be made against County based upon any contention by any third party that an employer-employee relationship exists by reason of this AGREEMENT.

- G. Except as expressly authorized herein, CONSULTANT's obligations under this AGREEMENT are not assignable or transferable, and CONSULTANT shall not subcontract any work, without the prior written approval of the LOCAL AGENCY. However, claims for money due or which become due to CONSULTANT from County under this AGREEMENT may be assigned to a financial institution or to a trustee in bankruptcy, without such approval. Notice of any assignment or transfer whether voluntary or involuntary shall be furnished promptly to the LOCAL AGENCY.
- H. CONSULTANT shall be as fully responsible to the LOCAL AGENCY for the negligent acts and omissions of its contractors and subcontractors or subconsultants, and of persons either directly or indirectly employed by them, in the same manner as persons directly employed by CONSULTANT.
- I. No alteration or variation of the terms of this AGREEMENT shall be valid, unless made in writing and signed by the parties authorized to bind the parties; and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.
- J. The consideration to be paid to CONSULTANT as provided herein, shall be in compensation for all of CONSULTANT's expenses incurred in the performance hereof, including travel and per diem, unless otherwise expressly so provided.

## ARTICLE II CONSULTANT'S REPORTS OR MEETINGS

- A. CONSULTANT shall submit progress reports at least once a month. The report should be sufficiently detailed for the LOCAL AGENCY's Contract Administrator to determine, if CONSULTANT is performing to expectations, or is on schedule; to provide communication of interim findings, and to sufficiently address any difficulties or special problems encountered, so remedies can be developed.
- B. CONSULTANT's Project Manager shall meet with LOCAL AGENCY's Contract Administrator, as needed, to discuss progress on the AGREEMENT. Generally, at least bi-weekly or bi-monthly on Wednesdays.

## ARTICLE III STATEMENT OF WORK

- A. CONSULTANT Services (Scope of Work)
- B. Right of Way Not Applicable to this AGREEMENT.
- C. Surveys Not Applicable to this AGREEMENT.
- D. Subsurface Investigations Not Applicable to this AGREEMENT.
- E. Local Agency Obligations

All data applicable to the project and in possession of LOCAL AGENCY, another agency, or government agency that are to be made available to CONSULTANT are referred to in the AGREEMENT.

F. Conferences, Site Visits, Inspection of Work This AGREEMENT provides for conferences as needed, visits to the site, and inspection of the work by representatives of the LOCAL AGENCY, State, and/or FHWA. Costs incurred by CONSULTANT for meetings, subsequent to the initial meeting shall be included in the fee.

- G. Checking Shop Drawings Not Applicable to this AGREEMENT.
- H. CONSULTANT Services During Construction *Not Applicable to this AGREEMENT*.
- I. Documentation and Schedules

The CONSULTANT shall routinely submit progress and final reports to the Local Agency to document progress on Task Deliverables included in the *Adaptation Grants (State) Restricted Grant Agreement* for the Project and demonstrate that the project will be completed consistent with the project schedule provided by the CONSULTANT and included as an attachment to this Agreement.

J. Deliverables and Number of Copies

Provide 5 hard copies of all deliverables. All Task Deliverables with "(Consultant)" behind them that are included in the *Adaptation Grants (State) Restricted Grant Agreement* for the Project shall also be delivered in the format stated in the grant agreement.

## **ARTICLE IV PERFORMANCE PERIOD**

- A. This AGREEMENT shall go into effect on (<u>DATE</u>), contingent upon approval by LOCAL AGENCY, and CONSULTANT shall commence work after notification to proceed by LOCAL AGENCY'S Contract Administrator. The AGREEMENT shall end on <u>March 31, 2027</u>, unless extended by AGREEMENT amendment.
- B. CONSULTANT is advised that any recommendation for AGREEMENT award is not binding on LOCAL AGENCY until the AGREEMENT is fully executed and approved by LOCAL AGENCY.

## **ARTICLE V ALLOWABLE COSTS AND PAYMENTS**

- A. The method of payment for this AGREEMENT will be based on actual cost plus a fixed fee. LOCAL AGENCY will reimburse CONSULTANT for actual costs (including labor costs, employee benefits, travel, equipment rental costs, overhead and other direct costs) incurred by CONSULTANT in performance of the work. CONSULTANT will not be reimbursed for actual costs that exceed the estimated wage rates, employee benefits, travel, equipment rental, overhead, and other estimated costs set forth in the approved CONSULTANT'S Cost Proposal, unless additional reimbursement is provided for by AGREEMENT amendment. In no event, will CONSULTANT be reimbursed for overhead costs at a rate that exceeds LOCAL AGENCY's approved overhead rate set forth in the cost Proposal. In the event, that LOCAL AGENCY determines that a change to the work from that specified in the Cost Proposal and AGREEMENT is required, the AGREEMENT time or actual costs reimbursable by LOCAL AGENCY shall be adjusted by AGREEMENT amendment to accommodate the changed work. The maximum total cost as specified in Paragraph "I" of this Article shall not be exceeded, unless authorized by AGREEMENT amendment.
- B. The indirect cost rate established for this AGREEMENT is extended through the duration of this specific AGREEMENT. CONSULTANT's agreement to the extension of the 1-year applicable period shall not be a condition or qualification to be considered for the work or AGREEMENT award.
- C. In addition to the allowable incurred costs, LOCAL AGENCY will pay CONSULTANT a fixed fee of \$(<u>AMOUNT</u>). The fixed fee is nonadjustable for the term of the AGREEMENT, except in the event of a significant change in the scope of work and such adjustment is made by AGREEMENT amendment.
- D. Reimbursement for transportation and subsistence costs shall not exceed the rates specified in the approved Cost Proposal and Adaptation Grants (State) Restricted Grant Agreement for the Project.

- E. When milestone cost estimates are included in the approved Cost Proposal, CONSULTANT shall obtain prior written approval for a revised milestone cost estimate from the Contract Administrator before exceeding such cost estimate.
- F. Progress payments will be made monthly in arrears based on services provided and allowable incurred costs. A pro rata portion of CONSULTANT's fixed fee will be included in the monthly progress payments. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in Article III Statement of Work, LOCAL AGENCY shall have the right to delay payment or terminate this AGREEMENT.
- G. No payment will be made prior to approval of any work, nor for any work performed prior to approval of this AGREEMENT.
- H. CONSULTANT will be reimbursed promptly according to California Regulations upon receipt by LOCAL AGENCY's Contract Administrator of itemized invoices in duplicate. Invoices shall be submitted no later than thirty (30) calendar days after the performance of work for which CONSULTANT is billing. Invoices shall detail the work performed on each milestone and each project as applicable. Invoices shall follow the format stipulated for the approved Cost Proposal and shall reference this AGREEMENT number and project title. Final invoice must contain the final cost and all credits due LOCAL AGENCY including any equipment purchased under the provisions of Article XI Equipment Purchase. The final invoice should be submitted within sixty (60) calendar days after completion of CONSULTANT's work. Invoices shall be mailed to LOCAL AGENCY's Contract Administrator at the following address:

County of Del Norte Community Development Department Engineering and Surveying Division Rosanna Bower, Contract Administrator 981 H Street, Suite 110 Crescent City, CA 95531

- I. The total amount payable by LOCAL AGENCY including the fixed fee shall not exceed \$(Amount).
- J. For personnel subject to prevailing wage rates as described in the California Labor Code, all salary increases, which are the direct result of changes in the prevailing wage rates are reimbursable.

## **ARTICLE VI TERMINATION**

- A. This AGREEMENT may be terminated by LOCAL AGENCY, provided that LOCAL AGENCY gives not less than thirty (30) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate. Upon termination, LOCAL AGENCY shall be entitled to all work, including but not limited to, reports, investigations, appraisals, inventories, studies, analyses, drawings and data estimates performed to that date, whether completed or not.
- B. LOCAL AGENCY may temporarily suspend this AGREEMENT, at no additional cost to LOCAL AGENCY, provided that CONSULTANT is given written notice (delivered by certified mail, return receipt requested) of temporary suspension. If LOCAL AGENCY gives such notice of temporary suspension, CONSULTANT shall immediately suspend its activities under this AGREEMENT. A temporary suspension may be issued concurrent with the notice of termination.
- C. Notwithstanding any provisions of this AGREEMENT, CONSULTANT shall not be relieved of liability to LOCAL AGENCY for damages sustained by County by virtue of any breach of this AGREEMENT by CONSULTANT, and County may withhold any payments due to CONSULTANT until such time as the exact amount of damages, if any, due County from CONSULTANT is determined.

D. In the event of termination, CONSULTANT shall be compensated as provided for in this AGREEMENT. Upon termination, LOCAL AGENCY shall be entitled to all work, including but not limited to, reports, investigations, appraisals, inventories, studies, analyses, drawings and data estimates performed to that date, whether completed or not.

## ARTICLE VII COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS

- A. The CONSULTANT agrees that 48 CFR 31, Contract Cost Principles and Procedures, shall be used to determine the allowability of individual terms of cost.
- B. The CONSULTANT also agrees to comply with Federal procedures in accordance with 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- C. Any costs for which payment has been made to the CONSULTANT that are determined by subsequent audit to be unallowable under 48 CFR 31 or 2 CFR 200 are subject to repayment by the CONSULTANT to LOCAL AGENCY.
- D. When a CONSULTANT or Subconsultant is a Non-Profit Organization or an Institution of Higher Education, the Cost Principles for Title 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards shall apply.

## **ARTICLE VIII RETENTION OF RECORD/AUDITS**

For the purpose of determining compliance with Gov. Code § 8546.7, the CONSULTANT, Subconsultants, and LOCAL AGENCY shall maintain all books, documents, papers, accounting records, Independent CPA Audited Indirect Cost Rate workpapers, and other evidence pertaining to the performance of the AGREEMENT including, but not limited to, the costs of administering the AGREEMENT. All parties, including the CONSULTANT's Independent CPA, shall make such workpapers and materials available at their respective offices at all reasonable times during the AGREEMENT period and for three (3) years from the date of final payment under the AGREEMENT and records for real property and equipment acquired with federal funds must be retained for three (3) years after final disposition. LOCAL AGENCY, Caltrans Auditor, FHWA, or any duly authorized representative of the Federal government having jurisdiction under Federal laws or regulations (including the basis of Federal funding in whole or in part) shall have access to any books, records, and documents of the CONSULTANT, Subconsultants, and the CONSULTANT's Independent CPA, that are pertinent to the AGREEMENT for audits, examinations, workpaper review, excerpts, and transactions, and copies thereof shall be furnished if requested without limitation.

## ARTICLE IX AUDIT REVIEW PROCEDURES

- A. Any dispute concerning a question of fact arising under an interim or post audit of this AGREEMENT that is not disposed of by AGREEMENT, shall be reviewed by LOCAL AGENCY'S Chief Financial Officer, the Del Norte County Auditor-Controller.
- B. Not later than thirty (30) calendar days after issuance of the final audit report, CONSULTANT may request a review by LOCAL AGENCY'S Chief Financial Officer, the Del Norte County Auditor-Controller, of unresolved audit issues. The request for review will be submitted in writing.
- C. Neither the pendency of a dispute nor its consideration by LOCAL AGENCY will excuse CONSULTANT from full and timely performance, in accordance with the terms of this AGREEMENT.
- D. CONSULTANT and subconsultant AGREEMENTs, including cost proposals and Indirect Cost Rates (ICR), may be subject to audits or reviews such as, but not limited to, an AGREEMENT audit, an incurred cost audit, an ICR Audit, or a CPA ICR audit work paper review. If selected for audit or

review, the AGREEMENT, cost proposal and ICR and related work papers, if applicable, will be reviewed to verify compliance with 48 CFR 31 and other related laws and regulations. In the instances of a CPA ICR audit work paper review it is CONSULTANT's responsibility to ensure federal, LOCAL AGENCY, or local government officials are allowed full access to the CPA's work papers including making copies as necessary. The AGREEMENT, cost proposal, and ICR shall be adjusted by CONSULTANT and approved by LOCAL AGENCY Contract Administrator to conform to the audit or review recommendations. CONSULTANT agrees that individual terms of costs identified in the audit report shall be incorporated into the AGREEMENT by this reference if directed by LOCAL AGENCY at its sole discretion. Refusal by CONSULTANT to incorporate audit or review recommendations, or to ensure that the federal, LOCAL AGENCY or local governments have access to CPA work papers, will be considered a breach of AGREEMENT terms and cause for termination of the AGREEMENT and disallowance of prior reimbursed costs.

- E. CONSULTANT's Cost Proposal may be subject to a CPA ICR Audit Work Paper Review and/or audit by the Independent Office of Audits and Investigations (IOAI). IOAI, at its sole discretion, may review and/or audit and approve the CPA ICR documentation. The Cost Proposal shall be adjusted by the CONSULTANT and approved by the LOCAL AGENCY Contract Administrator to conform to the Work Paper Review recommendations included in the management letter or audit recommendations included in the audit report. Refusal by the CONSULTANT to incorporate the Work Paper Review recommendations included in the management letter or audit recommendations included in the audit report will be considered a breach of the AGREEMENT terms and cause for termination of the AGREEMENT and disallowance of prior reimbursed costs.
  - 1. During IOAI's review of the ICR audit work papers created by the CONSULTANT's independent CPA, IOAI will work with the CPA and/or CONSULTANT toward a resolution of issues that arise during the review. Each party agrees to use its best efforts to resolve any audit disputes in a timely manner. If IOAI identifies significant issues during the review and is unable to issue a cognizant approval letter, LOCAL AGENCY will reimburse the CONSULTANT at an accepted ICR until a FAR (Federal Acquisition Regulation) compliant ICR (e.g. 48 CFR Part 31; GAGAS (Generally Accepted Auditing Standards); CAS (Cost Accounting Standards), if applicable; in accordance with procedures and guidelines of the American Association of State Highways and Transportation Officials (AASHTO) Audit Guide; and other applicable procedures and guidelines) is received and approved by IOAI.

Accepted rates will be as follows:

- a. If the proposed rate is less than one hundred fifty percent (150%) the accepted rate reimbursed will be ninety percent (90%) of the proposed rate.
- b. If the proposed rate is between one hundred fifty percent (150%) and two hundred percent (200%) the accepted rate will be eighty-five percent (85%) of the proposed rate.
- c. If the proposed rate is greater than two hundred percent (200%) the accepted rate will be seventy-five percent (75%) of the proposed rate.
- If IOAI is unable to issue a cognizant letter per paragraph E.1. above, IOAI may require CONSULTANT to submit a revised independent CPA-audited ICR and audit report within three (3) months of the effective date of the management letter. IOAI will then have up to six (6) months to review the CONSULTANT's and/or the independent CPA's revisions.
- 3. If the CONSULTANT fails to comply with the provisions of this paragraph E, or if IOAI is still unable to issue a cognizant approval letter after the revised independent CPA audited ICR is submitted, overhead cost reimbursement will be limited to the accepted ICR that was established upon initial rejection of the ICR and set forth in paragraph E.1. above for all

rendered services. In this event, this accepted ICR will become the actual and final ICR for reimbursement purposes under this AGREEMENT.

4. CONSULTANT may submit to LOCAL AGENCY final invoice only when all of the following items have occurred: (1) IOAI accepts or adjusts the original or revised independent CPA audited ICR; (2) all work under this AGREEMENT has been completed to the satisfaction of LOCAL AGENCY; and, (3) IOAI has issued its final ICR review letter. The CONSULTANT MUST SUBMIT ITS FINAL INVOICE TO LOCAL AGENCY no later than sixty (60) calendar days after occurrence of the last of these items. The accepted ICR will apply to this AGREEMENT and all other agreements executed between LOCAL AGENCY and the CONSULTANT, either as a prime or subconsultant, with the same fiscal period ICR.

## ARTICLE X SUBCONTRACTING

- A. Nothing contained in this AGREEMENT or otherwise, shall create any contractual relation between the LOCAL AGENCY and any Subconsultants, and no subagreement shall relieve the CONSULTANT of its responsibilities and obligations hereunder. The CONSULTANT agrees to be as fully responsible to the LOCAL AGENCY for the acts and omissions of its Subconsultants and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the CONSULTANT. The CONSULTANT's obligation to pay its Subconsultants is an independent obligation from the LOCAL AGENCY's obligation to make payments to the CONSULTANT.
- B. The CONSULTANT shall perform the work contemplated with resources available within its own organization and no portion of the work shall be subcontracted without written authorization by the LOCAL AGENCY Contract Administrator, except that which is expressly identified in the CONSULTANT's approved Cost Proposal.
- C. Any subagreement entered into as a result of this AGREEMENT, shall contain all the provisions stipulated in this entire AGREEMENT to be applicable to Subconsultants unless otherwise noted.
- D. CONSULTANT shall pay its Subconsultants within Fifteen (15) calendar days from receipt of each payment made to the CONSULTANT by the LOCAL AGENCY.
- E. Any substitution of Subconsultants must be approved in writing by the LOCAL AGENCY Contract Administrator in advance of assigning work to a substitute Subconsultant.
- F. Prompt Progress Payment

CONSULTANT or subconsultant shall pay to any subconsultant, not later than fifteen (15) days after receipt of each progress payment, unless otherwise agreed to in writing, the respective amounts allowed CONSULTANT on account of the work performed by the subconsultants, to the extent of each subconsultant's interest therein. In the event that there is a good faith dispute over all or any portion of the amount due on a progress payment from CONSULTANT or subconsultant to a subconsultant, CONSULTANT or subconsultant may withhold no more than 150 percent of the disputed amount. Any violation of this requirement shall constitute a cause for disciplinary action and shall subject the licensee to a penalty, payable to the subconsultant, of 2 percent of the amount due per month for every month that payment is not made.

In any action for the collection of funds wrongfully withheld, the prevailing party shall be entitled to his or her attorney's fees and costs. The sanctions authorized under this requirement shall be separate from, and in addition to, all other remedies, either civil, administrative, or criminal. This clause applies to both DBE and non-DBE subconsultants.

G. Prompt Payment of Withheld Funds to Subconsultants

incremental acceptances of portions, as determined by the LOCAL AGENCY, of the contract work, and pay retainage to CONSULTANT based on these acceptances. The LOCAL AGENCY shall designate one of the methods below in the contract to ensure prompt and full payment of any retainage kept by CONSULTANT or subconsultant to a subconsultant.

**Method 2**: No retainage will be held by the LOCAL AGENCY from progress payments due to CONSULTANT. Any retainage kept by CONSULTANT or by a subconsultant must be paid in full to the earning subconsultant within 15 days after the subconsultant's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the LOCAL AGENCY's prior written approval. Any violation of these provisions shall subject the violating CONSULTANT or subconsultant to the penalties, sanctions, and remedies specified in Section 3321 of the California Civil Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to CONSULTANT or subconsultant in the event of a dispute involving late payment or nonpayment by CONSULTANT, deficient subconsultant performance and/or noncompliance by a subconsultant. This clause applies to both DBE and non-DBE subconsultants.

Any violation of these provisions shall subject the violating CONSULTANT or subconsultant to the penalties, sanctions and other remedies specified therein. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to CONSULTANT or subconsultant in the event of a dispute involving late payment or nonpayment by CONSULTANT, deficient subcontract performance, or noncompliance by a subconsultant.

## ARTICLE XI EQUIPMENT PURCHASE AND OTHER CAPITAL EXPENDITURES

- A. Prior authorization in writing by LOCAL AGENCY's Contract Administrator shall be required before CONSULTANT enters into any unbudgeted purchase order, or subcontract exceeding five thousand dollars (\$5,000) for supplies, equipment, or CONSULTANT services. CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs.
- B. For purchase of any item, service, or consulting work not covered in CONSULTANT's approved Cost Proposal and exceeding five thousand dollars (\$5,000), with prior authorization by LOCAL AGENCY's Contract Administrator, three competitive quotations must be submitted with the request, or the absence of proposal must be adequately justified.
- C. Any equipment purchased with funds provided under the terms of this AGREEMENT is subject to the following:
  - 1. CONSULTANT shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of five thousand dollars (\$5,000) or more. If the purchased equipment needs replacement and is sold or traded in, LOCAL AGENCY shall receive a proper refund or credit at the conclusion of the AGREEMENT, or if the AGREEMENT is terminated, CONSULTANT may either keep the equipment and credit LOCAL AGENCY in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with established LOCAL AGENCY procedures; and credit LOCAL AGENCY in an amount equal to the sales price. If CONSULTANT elects to keep the equipment, fair market value shall be determined at CONSULTANT's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to by LOCAL AGENCY and CONSULTANT, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by LOCAL AGENCY.
  - 2. Regulation 2 CFR 200 requires a credit to Federal funds when participating equipment with a fair market value greater than five thousand dollars (\$5,000) is credited to the project.

## **ARTICLE XII STATE PREVAILING WAGE RATES**

- A. No CONSULTANT or Subconsultant may be awarded an AGREEMENT containing public work elements unless registered with the Department of Industrial Relations (DIR) pursuant to Labor Code §1725.5. Registration with DIR must be maintained throughout the entire term of this AGREEMENT, including any subsequent amendments.
- B. The CONSULTANT shall comply with all of the applicable provisions of the California Labor Code requiring the payment of prevailing wages. The General Prevailing Wage Rate Determinations applicable to work under this AGREEMENT are available and on file with the Department of Transportation's Regional/District Labor Compliance Officer (https://dot.ca.gov/programs/construction/labor-compliance). These wage rates are made a specific part of this AGREEMENT by reference pursuant to Labor Code §1773.2 and will be applicable to work performed at a construction project site. Prevailing wages will be applicable to all inspection work performed at LOCAL AGENCY construction sites, at LOCAL AGENCY facilities and at off-site locations that are set up by the construction contractor or one of its subcontractors solely and specifically to serve LOCAL AGENCY projects. Prevailing wage requirements do not apply to inspection work performed at the facilities of vendors and commercial materials suppliers that provide goods and services to the general public.
- C. General Prevailing Wage Rate Determinations applicable to this project may also be obtained from the Department of Industrial Relations website at http://www.dir.ca.gov.
- D. Payroll Records
  - 1. Each CONSULTANT and Subconsultant shall keep accurate certified payroll records and supporting documents as mandated by Labor Code §1776 and as defined in 8 CCR §16000 showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the CONSULTANT or Subconsultant in connection with the public work. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of periury, stating both of the following:
    - a. The information contained in the payroll record is true and correct.
    - b. The employer has complied with the requirements of Labor Code §1771, §1811, and \$1815 for any work performed by his or her employees on the public works project.
  - 2. The payroll records enumerated under paragraph (1) above shall be certified as correct by the CONSULTANT under penalty of perjury. The payroll records and all supporting documents shall be made available for inspection and copying by LOCAL AGENCY representatives at all reasonable hours at the principal office of the CONSULTANT. The CONSULTANT shall provide copies of certified payrolls or permit inspection of its records as follows:
    - a. A certified copy of an employee's payroll record shall be made available for inspection or furnished to the employee or the employee's authorized representative on request.
    - b. A certified copy of all payroll records enumerated in paragraph (1) above, shall be made available for inspection or furnished upon request to a representative of LOCAL AGENCY, the Division of Labor Standards Enforcement and the Division of Apprenticeship Standards of the Department of Industrial Relations. Certified payrolls submitted to LOCAL AGENCY, the Division of Labor Standards Enforcement and the Division of Apprenticeship Standards shall not be altered or obliterated by the CONSULTANT.
- c. The public shall not be given access to certified payroll records by the CONSULTANT. The CONSULTANT is required to forward any requests for certified payrolls to the Professional Services Agreement Del Norte County Community Development Department Page 9 of 19 (LAPM 10-R, 2023-05-XX) Print Date: 1/31/2025

LOCAL AGENCY Contract Administrator by both email and regular mail on the business day following receipt of the request.

- 3. Each CONSULTANT shall submit a certified copy of the records enumerated in paragraph (1) above, to the entity that requested the records within ten (10) calendar days after receipt of a written request.
- 4. Any copy of records made available for inspection as copies and furnished upon request to the public or any public agency by LOCAL AGENCY shall be marked or obliterated in such a manner as to prevent disclosure of each individual's name, address, and social security number. The name and address of the CONSULTANT or Subconsultant performing the work shall not be marked or obliterated.
- The CONSULTANT shall inform LOCAL AGENCY of the location of the records enumerated under paragraph (1) above, including the street address, city and county, and shall, within five (5) working days, provide a notice of a change of location and address.
- 6. The CONSULTANT or Subconsultant shall have ten (10) calendar days in which to comply subsequent to receipt of written notice requesting the records enumerated in paragraph (1) above. In the event the CONSULTANT or Subconsultant fails to comply within the ten (10) day period, he or she shall, as a penalty to LOCAL AGENCY, forfeit one hundred dollars (\$100) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated. Such penalties shall be withheld by LOCAL AGENCY from payments then due. CONSULTANT is not subject to a penalty assessment pursuant to this section due to the failure of a Subconsultant to comply with this section.
- E. When prevailing wage rates apply, the CONSULTANT is responsible for verifying compliance with certified payroll requirements. Invoice payment will not be made until the invoice is approved by the LOCAL AGENCY Contract Administrator.
- F. Penalty
  - The CONSULTANT and any of its Subconsultants shall comply with Labor Code §1774 and §1775. Pursuant to Labor Code §1775, the CONSULTANT and any Subconsultant shall forfeit to the LOCAL AGENCY a penalty of not more than two hundred dollars (\$200) for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined by the Director of DIR for the work or craft in which the worker is employed for any public work done under the AGREEMENT by the CONSULTANT or by its Subconsultant in violation of the requirements of the Labor Code and in particular, Labor Code §§1770 to 1780, inclusive.
  - 2. The amount of this forfeiture shall be determined by the Labor Commissioner and shall be based on consideration of mistake, inadvertence, or neglect of the CONSULTANT or Subconsultant in failing to pay the correct rate of prevailing wages, or the previous record of the CONSULTANT or Subconsultant in meeting their respective prevailing wage obligations, or the willful failure by the CONSULTANT or Subconsultant to pay the correct rates of prevailing wages. A mistake, inadvertence, or neglect in failing to pay the correct rates of prevailing wages is not excusable if the CONSULTANT or Subconsultant had knowledge of the obligations under the Labor Code. The CONSULTANT is responsible for paying the appropriate rate, including any escalations that take place during the term of the AGREEMENT.
  - 3. In addition to the penalty and pursuant to Labor Code §1775, the difference between the prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate shall be paid to each worker by the CONSULTANT or Subconsultant.
  - 4. If a worker employed by a Subconsultant on a public works project is not paid the general

prevailing per diem wages by the Subconsultant, the CONSULTANT of the project is not liable for the penalties described above unless the CONSULTANT had knowledge of that failure of the Subconsultant to pay the specified prevailing rate of wages to those workers or unless the CONSULTANT fails to comply with all of the following requirements:

- a. The AGREEMENT executed between the CONSULTANT and the Subconsultant for the performance of work on public works projects shall include a copy of the requirements in Labor Code §§ 1771, 1775, 1776, 1777.5, 1813, and 1815.
- b. The CONSULTANT shall monitor the payment of the specified general prevailing rate of per diem wages by the Subconsultant to the employees by periodic review of the certified payroll records of the Subconsultant.
- c. Upon becoming aware of the Subconsultant's failure to pay the specified prevailing rate of wages to the Subconsultant's workers, the CONSULTANT shall diligently take corrective action to halt or rectify the failure, including but not limited to, retaining sufficient funds due the Subconsultant for work performed on the public works project.
- d. Prior to making final payment to the Subconsultant for work performed on the public works project, the CONSULTANT shall obtain an affidavit signed under penalty of perjury from the Subconsultant that the Subconsultant had paid the specified general prevailing rate of per diem wages to the Subconsultant's employees on the public works project and any amounts due pursuant to Labor Code §1813.
- 5. Pursuant to Labor Code §1775, LOCAL AGENCY shall notify the CONSULTANT on a public works project within fifteen (15) calendar days of receipt of a complaint that a Subconsultant has failed to pay workers the general prevailing rate of per diem wages.
- 6. If LOCAL AGENCY determines that employees of a Subconsultant were not paid the general prevailing rate of per diem wages and if LOCAL AGENCY did not retain sufficient money under the AGREEMENT to pay those employees the balance of wages owed under the general prevailing rate of per diem wages, the CONSULTANT shall withhold an amount of moneys due the Subconsultant sufficient to pay those employees the general prevailing rate of per diem wages if requested by LOCAL AGENCY.
- G. Hours of Labor

Eight (8) hours labor constitutes a legal day's work. The CONSULTANT shall forfeit, as a penalty to the LOCAL AGENCY, twenty-five dollars (\$25) for each worker employed in the execution of the AGREEMENT by the CONSULTANT or any of its Subconsultants for each calendar day during which such worker is required or permitted to work more than eight (8) hours in any one calendar day and forty (40) hours in any one calendar week in violation of the provisions of the Labor Code, and in particular §§1810 to 1815 thereof, inclusive, except that work performed by employees in excess of eight (8) hours per day, and forty (40) hours during any one week, shall be permitted upon compensation for all hours worked in excess of eight (8) hours per day and forty (40) hours in any week, at not less than one and one-half (1.5) times the basic rate of pay, as provided in §1815.

- H. Employment of Apprentices
  - 1. Where either the prime AGREEMENT or the subagreement exceeds thirty thousand dollars (\$30,000), the CONSULTANT and any subconsultants under him or her shall comply with all applicable requirements of Labor Code §§ 1777.5, 1777.6 and 1777.7 in the employment of apprentices.
  - 2. CONSULTANTs and subconsultants are required to comply with all Labor Code requirements regarding the employment of apprentices, including mandatory ratios of journey level to apprentice workers. Prior to commencement of work, CONSULTANT and subconsultants are advised to contact the DIR Division of Apprenticeship Standards website at

<u>https://www.dir.ca.gov/das/</u>, for additional information regarding the employment of apprentices and for the specific journey-to- apprentice ratios for the AGREEMENT work. The CONSULTANT is responsible for all subconsultants' compliance with these requirements. Penalties are specified in Labor Code §1777.7.

## ARTICLE XIII CONFLICT OF INTEREST

- A. During the term of this AGREEMENT, the CONSULTANT shall disclose any financial, business, or other relationship with LOCAL AGENCY that may have an impact upon the outcome of this AGREEMENT or any ensuing LOCAL AGENCY construction project. The CONSULTANT shall also list current clients who may have a financial interest in the outcome of this AGREEMENT or any ensuing LOCAL AGENCY construction project which will follow.
- B. CONSULTANT certifies that it has disclosed to LOCAL AGENCY any actual, apparent, or potential conflicts of interest that may exist relative to the services to be provided pursuant to this AGREEMENT. CONSULTANT agrees to advise LOCAL AGENCY of any actual, apparent or potential conflicts of interest that may develop subsequent to the date of execution of this AGREEMENT. CONSULTANT further agrees to complete any statements of economic interest if required by either LOCAL AGENCY ordinance or State law.
- C. The CONSULTANT hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this AGREEMENT.
- D. The CONSULTANT hereby certifies that the CONSULTANT or subconsultant and any firm affiliated with the CONSULTANT or subconsultant that bids on any construction contract or on any Agreement to provide construction inspection for any construction project resulting from this AGREEMENT, has established necessary controls to ensure a conflict of interest does not exist. An affiliated firm is one, which is subject to the control of the same persons, through joint ownership or otherwise.

## ARTICLE XIV REBATES, KICKBACKS OR OTHER UNLAWFUL CONSIDERATION

The CONSULTANT warrants that this AGREEMENT was not obtained or secured through rebates, kickbacks or other unlawful consideration either promised or paid to any LOCAL AGENCY employee. For breach or violation of this warranty, LOCAL AGENCY shall have the right, in its discretion, to terminate this AGREEMENT without liability, to pay only for the value of the work actually performed, or to deduct from this AGREEMENT price or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

# ARTICLE XV PROHIBITION OF EXPENDING LOCAL AGENCY, STATE, OR FEDERAL FUNDS FOR LOBBYING

Not Applicable to this AGREEMENT.

## ARTICLE XVI NON-DISCRIMINATION CLAUSE AND STATEMENT OF COMPLIANCE

- A. The CONSULTANT's signature affixed herein and dated shall constitute a certification under penalty of perjury under the laws of the State of California that the CONSULTANT has, unless exempt, complied with the nondiscrimination program requirements of Gov. Code §12990 and 2 CCR § 8103.
- B. During the performance of this AGREEMENT, CONSULTANT and its subconsultants shall not deny the AGREEMENT's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they unlawfully discriminate, harass, or allow harassment against any

employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. CONSULTANT and subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.

- C. CONSULTANT and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 et seq.), the applicable regulations promulgated there under (2 CCR §11000 et seq.), the provisions of Gov. Code §§11135-11139.5, and the regulations or standards adopted by LOCAL AGENCY to implement such article. The applicable regulations of the Fair Employment and Housing Commission implementing Gov. Code §12990 (a-f), set forth 2 CCR §88100-8504, are incorporated into this AGREEMENT by reference and made a part hereof as if set forth in full.
- D. CONSULTANT shall permit access by representatives of the Department of Fair Employment and Housing and the LOCAL AGENCY upon reasonable notice at any time during the normal business hours, but in no case less than twenty-four (24) hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or LOCAL AGENCY shall require to ascertain compliance with this clause.
- E. CONSULTANT and its subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.
- F. CONSULTANT shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this AGREEMENT.
- G. The CONSULTANT, with regard to the work performed under this AGREEMENT, shall act in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.). Title VI provides that the recipients of federal assistance will implement and maintain a policy of nondiscrimination in which no person in the United States shall, on the basis of race, color, national origin, religion, sex, age, disability, be excluded from participation in, denied the benefits of or subject to discrimination under any program or activity by the recipients of federal assistance or their assignees and successors in interest.
- H. The CONSULTANT shall comply with regulations relative to non-discrimination in federally-assisted programs of the U.S. Department of Transportation (49 CFR 21 - Effectuation of Title VI of the Civil Rights Act of 1964). Specifically, the CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR §21.5, including employment practices and the selection and retention of Subconsultants.
- I. CONSULTANT, subrecipient or subconsultant will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR 26 on the basis of race, color, sex, or national origin. In administering the LOCAL AGENCY components of the DBE Program Plan, CONSULTANT, subrecipient or subconsultant will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

## ARTICLE XVII DEBARMENT AND SUSPENSION CERTIFICATION

A. The CONSULTANT's signature affixed herein shall constitute a certification under penalty of perjury under the laws of the State of California, that the CONSULTANT or any person associated therewith in the capacity of owner, partner, director, officer or manager:

- 1. Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
- 2. Has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years;
- 3. Does not have a proposed debarment pending; and
- 4. Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three
- 5. (3) years.
- B. Any exceptions to this certification must be disclosed to LOCAL AGENCY. Exceptions will not necessarily result in denial of recommendation for award, but will be considered in determining responsibility. Disclosures must indicate the party to whom the exceptions apply, the initiating agency, and the dates of agency action.
- C. Exceptions to the Federal Government excluded parties (<u>https://sam.gov/content/home</u>) maintained by the U.S. General Services Administration are to be determined by FHWA.

## ARTICLE XVIII DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION

Not Applicable to this AGREEMENT.

## **ARTICLE XIX INSURANCE**

- A. Prior to commencement of the work described herein, CONSULTANT shall furnish LOCAL AGENCY a Certificate of Insurance stating that there is general comprehensive liability insurance presently in effect for CONSULTANT with a combined single limit (CSL) of not less than one million dollars (\$1,000,000) per occurrence.
- B. The Certificate of Insurance will provide:
  - 1. That the insurer will not cancel the insured's coverage without thirty (30) calendar days prior written notice to LOCAL AGENCY.
  - 2. That LOCAL AGENCY, its officers, agents, employees, and servants are included as additional insureds, but only insofar as the operations under this AGREEMENT are concerned.
  - 3. That LOCAL AGENCY will not be responsible for any premiums or assessments on the policy.
- C. CONSULTANT agrees that the bodily injury liability insurance herein provided for, shall be in effect at all times during the term of this AGREEMENT. In the event said insurance coverage expires at any time or times during the term of this AGREEMENT, CONSULTANT agrees to provide at least thirty (30) calendar days prior notice to said expiration date; and a new Certificate of Insurance evidencing insurance coverage as provided for herein, for not less than either the remainder of the term of the AGREEMENT, or for a period of not less than one (1) year. New Certificates of Insurance are subject to the approval of LOCAL AGENCY. In the event CONSULTANT fails to keep in effect at all times insurance coverage as herein provided, LOCAL AGENCY may, in addition to any other remedies it may have, terminate this AGREEMENT upon occurrence of such event.

## ARTICLE XX FUNDING REQUIREMENTS

A. It is mutually understood between the parties that this AGREEMENT may have been written before ascertaining the availability of funds or appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays that would occur if the AGREEMENT were executed after that determination was made.

- B. This AGREEMENT is valid and enforceable only if sufficient funds are made available to LOCAL AGENCY for the purpose of this AGREEMENT. In addition, this AGREEMENT is subject to any additional restrictions, limitations, conditions, or any statute enacted by the Congress, State Legislature, or LOCAL AGENCY governing board that may affect the provisions, terms, or funding of this AGREEMENT in any manner.
- C. It is mutually agreed that if sufficient funds are not appropriated, this AGREEMENT may be amended to reflect any reduction in funds.
- D. LOCAL AGENCY has the option to terminate the AGREEMENT pursuant to Article VI Termination, or by mutual agreement to amend the AGREEMENT to reflect any reduction of funds.

## **ARTICLE XXI CHANGE IN TERMS**

- A. This AGREEMENT may be amended or modified only by mutual written agreement of the parties.
- B. CONSULTANT shall only commence work covered by an amendment after the amendment is executed and notification to proceed has been provided by LOCAL AGENCY's Contract Administrator.
- C. There shall be no change in CONSULTANT's Project Manager or members of the project team, as listed in the approved Cost Proposal, which is a part of this AGREEMENT without prior written approval by LOCAL AGENCY's Contract Administrator.

## ARTICLE XXII CONTINGENT FEE

CONSULTANT warrants, by execution of this AGREEMENT that no person or selling agency has been employed, or retained, to solicit or secure this AGREEMENT upon an agreement or understanding, for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees, or bona fide established commercial or selling agencies maintained by CONSULTANT for the purpose of securing business. For breach or violation of this warranty, LOCAL AGENCY has the right to annul this AGREEMENT without liability; pay only for the value of the work actually performed, or in its discretion to deduct from the AGREEMENT price or consideration, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

## ARTICLE XXIII DISPUTES

Prior to either party commencing any legal action under this AGREEMENT, the parties agree to try in good faith, to settle any dispute amicably between them. If a dispute has not been settled after forty-five (45) days of good-faith negotiations and as may be otherwise provided herein, then either party may commence legal action against the other.

- A. Any dispute, other than audit, concerning a question of fact arising under this AGREEMENT that is not disposed of by agreement shall be decided by a committee consisting of LOCAL AGENCY's Contract Administrator and Community Development Department Director, who may consider written or verbal information submitted by CONSULTANT.
- B. Not later than thirty (30) calendar days after completion of all work under the AGREEMENT, CONSULTANT may request review by LOCAL AGENCY Governing Board of unresolved claims or disputes, other than audit. The request for review will be submitted in writing.
- C. Neither the pendency of a dispute, nor its consideration by the committee will excuse CONSULTANT from full and timely performance in accordance with the terms of this AGREEMENT.

## ARTICLE XXIV INSPECTION OF WORK

CONSULTANT and any subconsultant shall permit LOCAL AGENCY, the State, and the FHWA if federal participating funds are used in this AGREEMENT; to review and inspect the project activities and files at all reasonable times during the performance period of this AGREEMENT.

## ARTICLE XXV SAFETY

- A. CONSULTANT shall comply with OSHA regulations applicable to CONSULTANT regarding necessary safety equipment or procedures. CONSULTANT shall comply with safety instructions issued by LOCAL AGENCY Safety Officer and other LOCAL AGENCY representatives. CONSULTANT personnel shall wear hard hats and safety vests at all times while working on the construction project site.
- B. Pursuant to the authority contained in Vehicle Code §591, LOCAL AGENCY has determined that such areas are within the limits of the project and are open to public traffic. CONSULTANT shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14, and 15 of the Vehicle Code. CONSULTANT shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles.
- C. Any subcontract entered into as a result of this contract, shall contain all of the provisions of this Article.

## ARTICLE XXVI OWNERSHIP OF DATA

- A. It is mutually agreed that all materials prepared by CONSULTANT under this AGREEMENT shall become the property of County, and CONSULTANT shall have no property right therein whatsoever. Immediately upon termination, County shall be entitled to, and CONSULTANT shall deliver to County, reports, investigations, appraisals, inventories, studies, analyses, drawings and data estimates performed to that date, whether completed or not, and other such materials as may have been prepared or accumulated to date by CONSULTANT in performing this AGREEMENT which is not CONSULTANT's privileged information, as defined by law, or CONSULTANT's personnel information, along with all other property belonging exclusively to County which is in CONSULTANT's possession. Publication of the information derived from work performed or data obtained in connection with services rendered under this AGREEMENT must be approved in writing by County.
- B. Additionally, it is agreed that the Parties intend this to be an AGREEMENT for services and each considers the products and results of the services to be rendered by CONSULTANT hereunder to be work made for hire. CONSULTANT acknowledges and agrees that the work (and all rights therein, including, without limitation, copyright) belongs to and shall be the sole and exclusive property of County without restriction or limitation upon its use or dissemination by County.
- C. Nothing herein shall constitute or be construed to be any representation by CONSULTANT that the work product is suitable in any way for any other project except the one detailed in this Contract. Any reuse by County for another project or project location shall be at County's sole risk.
- D. Applicable patent rights provisions regarding rights to inventions shall be included in the contracts as appropriate (48 CFR 27 Subpart 27.3 - Patent Rights under Government Contracts for federalaid contracts).
- E. LOCAL AGENCY may permit copyrighting reports or other agreement products. If copyrights are permitted; the AGREEMENT shall provide that the FHWA shall have the royalty-free nonexclusive and irrevocable right to reproduce, publish, or otherwise use; and to authorize others to use, the work for government purposes.

## ARTICLE XXVII CLAIMS FILED BY LOCAL AGENCY'S CONSTRUCTION CONTRACTOR

A. If claims are filed by LOCAL AGENCY's construction contractor relating to work performed by CONSULTANT's personnel, and additional information or assistance from CONSULTANT's

personnel is required in order to evaluate or defend against such claims; CONSULTANT agrees to make its personnel available for consultation with LOCAL AGENCY'S construction contract administration and legal staff and for testimony, if necessary, at depositions and at trial or arbitration proceedings.

- B. CONSULTANT's personnel that LOCAL AGENCY considers essential to assist in defending against construction contractor claims will be made available on reasonable notice from LOCAL AGENCY. Consultation or testimony will be reimbursed at the same rates, including travel costs that are being paid for CONSULTANT's personnel services under this AGREEMENT.
- C. Services of CONSULTANT's personnel in connection with LOCAL AGENCY's construction contractor claims will be performed pursuant to a written contract amendment, if necessary, extending the termination date of this AGREEMENT in order to resolve the construction claims.

## ARTICLE XXVIII CONFIDENTIALITY OF DATA

- A. All financial, statistical, personal, technical, or other data and information relative to LOCAL AGENCY's operations, which are designated confidential by LOCAL AGENCY and made available to CONSULTANT in order to carry out this AGREEMENT, shall be protected by CONSULTANT from unauthorized use and disclosure.
- B. Permission to disclose information on one occasion, or public hearing held by LOCAL AGENCY relating to the AGREEMENT, shall not authorize CONSULTANT to further disclose such information, or disseminate the same on any other occasion.
- C. CONSULTANT shall not comment publicly to the press or any other media regarding the AGREEMENT or LOCAL AGENCY's actions on the same, except to LOCAL AGENCY's staff, CONSULTANT's own personnel involved in the performance of this AGREEMENT, at public hearings, or in response to questions from a Legislative committee.
- D. CONSULTANT shall not issue any news release or public relations item of any nature, whatsoever, regarding work performed or to be performed under this AGREEMENT without prior review of the contents thereof by LOCAL AGENCY, and receipt of LOCAL AGENCY'S written permission.
- E. Any subcontract entered into as a result of this contract shall contain all of the provisions of this Article.

## ARTICLE XXIX NATIONAL LABOR RELATIONS BOARD CERTIFICATION

In accordance with Public Contract Code §10296, CONSULTANT hereby states under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against CONSULTANT within the immediately preceding two-year period, because of CONSULTANT's failure to comply with an order of a federal court that orders CONSULTANT to comply with an order of the National Labor Relations Board.

## ARTICLE XXX EVALUATION OF CONSULTANT

CONSULTANT's performance will be evaluated by LOCAL AGENCY. A copy of the evaluation will be sent to CONSULTANT for comments. The evaluation together with the comments shall be retained as part of the AGREEMENT record.

## ARTICLE XXXI PROMPT PAYMENT

A. PROMPT PAYMENT FROM LOCAL AGENCY TO CONSULTANT

The LOCAL AGENCY shall make all project progress payment within 30 days after receipt of an undisputed and properly submitted payment request from CONSULTANT on a professional service

contract. If the LOCAL AGENCY fails to pay promptly, the LOCAL AGENCY shall pay interest to the CONSULTANT, which accrues at the rate of 10 percent per annum on the principal amount of a money judgment remaining unsatisfied and pro-rated as necessary. Upon receipt of the payment request, the LOCAL AGENCY shall act in accordance with both of the following:

- (1) The LOCAL AGENCY shall review each payment request as soon as feasible after receipt to verify it is a proper payment request.
- (2) The LOCAL AGENCY must return any payment request deemed improper by the LOCAL AGENCY to the CONSULTANT as soon as feasible, but not later than seven (7) days, after receipt. A request returned pursuant to this paragraph shall include documentation setting forth in writing the reasons why it is an improper payment request.

## **B. PROMPT PAYMENT CERTIFICATION**

For projects awarded on or after September 1, 2023: the CONSULTANT must now submit Exhibit 9-P to the LOCAL AGENCY administering the contract by the 15th of the month following the month of any payment(s). If the CONSULTANT does not make any payments to subconsultants, supplier(s), and/or manufacturers they must report "no payments were made to subs this month" and write this visibly and legibly on Exhibit 9-P.

The LOCAL AGENCY must verify all Exhibit 9-P information, monitor compliance with prompt payment requirements for DBE and non-DBE firms, and address any shortfalls to the DBE commitment and prompt payment issues until the end of the project. The LOCAL AGENCY must email a copy of Exhibit 9-P to <u>DBE.Forms@dot.ca.gov</u> before the end of the month after receiving the Exhibit 9-P from the CONSULTANT.

## **ARTICLE XXXII TITLE VI ASSURANCES**

Not Applicable to this AGREEMENT.

## ARTICLE XXXIII NOTIFICATION

All notices hereunder and communications regarding interpretation of the terms of this AGREEMENT and changes thereto, shall be effected by the mailing thereof by registered or certified mail, return receipt requested, postage prepaid, and addressed as follows:

CONSULTANT:	(CONSULTANT)	
-	(NAME)	,Project Manager
	(ADDRESS)	
LOCAL AGENCY	: County o f Del Norte	
	Rosanna Bower	, Contract Administrator
	981 H Street, Suite 110	
-	Crescent City, CA 95531	
-		

#### ARTICLE XXXIV CONTRACT

The two parties to this AGREEMENT, who are the before named CONSULTANT and the before named LOCAL AGENCY, hereby agree that this AGREEMENT constitutes the entire AGREEMENT which is made and concluded in duplicate between the two parties. Both of these parties for and in consideration of the payments to be made, conditions mentioned, and work to be performed; each agree to diligently perform in accordance with the terms and conditions of this AGREEMENT as evidenced by the signatures below.

#### **ARTICLE XXXV SIGNATURES**

County of Del Norte

(Name of CONSULTANT)

Joey Borges, Chair Board of Supervisors (Signature) (Name of Signer)

Date: \_\_\_\_\_

Date:\_\_\_\_\_