

Date: October 28, 1998
W.I.: 61.1.10
Referred By: WPC

ABSTRACT

Resolution No. 3115

This resolution adopts the criteria and procedures to be employed by the MTC in the review and approval of projects and related grant applications pursuant to §§ 66518 and 66520 of the Government Code, and § 21655.6 of the Vehicle Code, and federal Intergovernmental Review requirements, and fulfill MTC's responsibilities under the memoranda of understanding with the Association of Bay Area Governments and the California Department of Transportation as authorized pursuant to MTC Resolution No. 1569.

This resolution supersedes MTC Resolution No. 1570.

Date: October 28, 1998
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Re: Project Review Criteria and Procedures

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3115

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code § 66500 et seq.; and

WHEREAS, Government Code § 66518 provides that the California Transportation Commission, when allocating funds for construction projects on the state highway system within the region, shall determine that the projects conform to the MTC's Regional Transportation Plan and its schedule of priorities; and

WHEREAS, Government Code § 66520 provides that any application to the state or federal government, for any grant of money, whether an outright or matching grant, by any city, city and county, county, or transportation district within the San Francisco Bay Area shall, if it contains a transportation element, first be submitted to MTC for review as to its compatibility with the Regional Transportation Plan (RTP), and the schedule of priorities included therein; and

WHEREAS, Vehicle Code § 21655.6 requires that the Department of Transportation (Caltrans) obtain the approval of the regional transportation planning agency prior to establishing the exclusive or preferential use of highway lanes for high-occupancy vehicles; and

WHEREAS, certain transportation projects and/or programs defined in federal regulations (49 CFR 17) are subject to Intergovernmental Review under procedures implementing Executive Order 12372; and

WHEREAS, a Memorandum of Understanding (MOU) among the Association of Bay Area Governments (ABAG), the California Department of Transportation (Caltrans), and the MTC defines their respective roles and responsibilities in the Intergovernmental Review process (MTC Resolution No. 1569); and

WHEREAS, by Resolution No. 1570 the MTC adopted criteria used to determine the "Regional vs. Local" nature of projects to be reviewed, and instituted a project classification listing to indicate the application of those criteria in selecting projects for review; and

WHEREAS, the MTC desires to establish criteria and procedures for project review and application approval appropriate to the type of transportation projects and/or programs which are the subject of such action; now, therefore, be it

RESOLVED, that the MTC finds that the criteria and procedures for project review and application approval described in Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, permit the efficient and proper discharge of its responsibilities under Sections 66518 and 66520 of the Government Code and § 21655.5 of the Vehicle Code; and, be it further

RESOLVED, that the MTC finds that those criteria and procedures satisfy Intergovernmental Review requirements and fulfill its responsibilities under the MOU; and, be it further

RESOLVED, that the MTC adopts the criteria and procedures for project review and application approval shown in Attachment A as those to be employed for such actions henceforth; and, be it further

RESOLVED, that the MTC directs staff, with the next annual cycle, to revise the project review procedures described in the Regional Transportation Plan to conform to those contained in Attachment A; and, be it further

RESOLVED, that Resolution No. 1570 is hereby superseded.

METROPOLITAN TRANSPORTATION COMMISSION

Jim Spring, Chairman

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California on October 28, 1998.

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Attachment A
Resolution No. 3115
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MTC Project Review and Application Approval Criteria and Procedures

I. PROJECT REVIEW — COMMISSION REVIEW AND APPLICATION APPROVAL

Any projects or program contained in the Annual/biennial Element of the Transportation Improvement Program (TIP) which fall under any of the criteria for major transportation projects listed below shall require Project Review by MTC to determine consistency with the Regional Transportation Plan and as a condition for implementation.

This shall also apply to any project or program amended into the Annual/biennial element of the TIP subsequent to its adoption.

Criteria

1. The authorizing or permitting exclusive or preferential use of highway lanes for high-occupancy vehicles, with the exception of HOV bypass lanes, by the State Department of Transportation;
2. The construction of mixed-flow highway lanes or of auxiliary lanes which do not terminate at the first subsequent interchange on the State highway system.
3. Interchange or local arterial improvements which have the potential to affect main-line operations on the State Highway System;
4. Transit projects that involve the construction of rail extensions, new stations, or parking facilities that exceed 500 parking spaces;
5. Transportation projects that have special circumstances or issues (i.e. design, environmental, financial) that warrant a review by the Commission.

Procedure:

All projects or programs contained in the Annual/Biennial Element of the current Transportation Improvement Program (TIP) falling under any one of the above criteria must be submitted to MTC by the project sponsor for project review and application approval, pursuant to Sections 66518 or 66520 of the California Government Code.

Upon receipt of an application, staff reviews the project or program documentation and, if appropriate, advises the applicant of any deficiencies or other problems likely to delay application approval. When the project sponsor's documentation and applicable environmental

analysis is found to be satisfactory, staff prepares a Staff Evaluation of the project and a resolution that determines that the project conforms with the RTP, and supports the grant application for the amounts contained in the Annual/Biennial Element. The Staff Evaluation and resolution are presented to the Grant Review & Allocations Committee for review and, if found satisfactory, referral to the Commission for approval. The project sponsor can access TIP funding only after Commission approval of the application.

II. ADMINISTRATIVE APPROVAL

Any project or program contained in the annual/biennial element of the Transportation Improvement Program (TIP) not falling under any of the criteria for major transportation projects listed above shall be considered consistent with the Regional Transportation Plan and the schedule of priorities included therein, and will require no further review or approval action by MTC as a condition for implementation.

Procedure

In adopting the federal Transportation Improvement Program (TIP), the Annual/Biennial projects or programs eligible projects will be identified for administrative approval. Each entry in the TIP tabulation will include the name of the implementing agency, the project description (as shown in the TIP), and the total estimated cost in the Annual/Biennial Element. Unless a project is revised, no further review by MTC will be necessary after the approval of the TIP.

III. REVIEW OF LOCALLY FUNDED ROAD PROJECTS

Generally, locally funded road projects are not normally subject to project review and may be administratively approved. However, if these road projects significantly impact the State highway system, Project Review will be required to determine consistency with the Regional Transportation Plan.

Additionally, locally funded road projects that have regional significance will be listed in the TIP. *Regionally significant* projects must be included in the TIP to ensure adequacy of the federal air quality conformity analysis. *Regionally significant projects* mean capacity increasing projects that normally include principal arterial highways or fixed guideway transit facilities or that offer an alternative to regional highway travel.

Other related actions, such as an amendment of the Transportation Improvement Program, may be necessary in addition to the process described above.



METROPOLITAN
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COMMISSION

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Memorandum

TO: Work Program Committee

DATE: October 9, 1998

FR: Deputy Executive Director

RE: Project Review Criteria and Procedures, MTC Resolution No. 3115

Background

This is a request to approve a revised set of criteria which determine which transportation projects are subject to Project Review by the Commission.

MTC relies on the project review process to make the following determinations for a transportation project:

- a project is consistent with the Regional Transportation Plan (RTP) and with the Transportation Improvement Program (TIP). State legislation mandates that transportation projects receiving state or federal funds be consistent with the RTP. Federal legislation requires that the TIP be consistent with the RTP.
- a project sponsor has conducted a satisfactory carbon-monoxide hot spot analysis for its project

Furthermore, there is a federal requirement referred to as Intergovernmental Review (IGR), which is mandated by federal executive order. This process provides a formal mechanism for local and state agencies to transmit comments on any programs or projects supported or sponsored by federal agencies. The IGR requirement, which is administered by the Association of Bay Area Governments (ABAG), is part of the overall MTC project review process.

Discussion

MTC must approve any transportation project's application for federal or state funding by making a consistency finding with the RTP. This would occur for any project in the TIP before any contract is awarded for the project's construction.

Resolution No. 3115 revises the criteria which is used by MTC staff to determine which transportation projects are subject to Project Review. This resolution consolidates and streamlines these criteria by targeting the major capacity increasing projects for Project Review

by the Commission. This is made possible by MTC's reduced involvement in CO hotspot analysis conducted by the project sponsor. At its June meeting, the Commission adopted *Resolution No. 3075* which approved new CO hot spot guidelines. The ultimate review and approval of the CO analysis will now be the responsibility of the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA). However, as part of project review, MTC staff would affirm that FHWA or FTA has approved the project level CO conformity analysis, demonstrated by FHWA or FTA approval of the project's environmental document.

For any project subject to MTC Project Review, the project sponsor would need to submit an application to MTC. MTC staff would prepare a staff evaluation of the project for MTC's Grant Review & Allocation Committee and the Commission would subsequently approve the project by resolution. Staff would evaluate the consistency of the project with the RTP and TIP, ensure that there were no changes to the original project's scope and design, and review the applicable environmental analysis prepared for the project.

As before, the majority of transportation projects found in the TIP will continue to be approved administratively by the Commission. Projects which do not fall under any of the criteria would be administratively approved by the Commission and be identified as such in the TIP project listing. These projects are considered to be consistent with the RTP and would require no further review action by the Commission after TIP approval.

Detailed MTC Project Review and Application Approval Criteria and Procedures are set forth in Attachment A for your consideration.

Recommendation

We recommend that the Work Program Committee refer *MTC Resolution No. 3115* to the Commission for approval.

William F. Hein