



Western Riverside Council of Governments Public Works Committee

AGENDA

**Thursday, February 11, 2021
2:00 p.m.**

**Western Riverside Council of
Governments 3390 University Avenue,
Suite 200
Riverside, CA 92501**

**WRCOG's OFFICE IS CURRENTLY CLOSED TO THE PUBLIC DUE TO COVID-19
AND STAFF ARE WORKING REMOTELY**

**Members of the public are encouraged to participate in this meeting via Zoom
(see meeting information below)**

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SPECIAL NOTICE – COVID-19 RELATED PROCEDURES IN EFFECT

Due to the state and local State of Emergency resulting from the threat of Novel Coronavirus (COVID-19), Governor Newsom has issued Executive Order N-29-20 (issued March 17, 2020) in which Section 3 supersedes Paragraph 11 of Executive Order N-25-20 (issued on March 12, 2020). This new order states that WRCOG does not need to make a physical location available for members of the public to observe a public meeting and offer public comment. The Order allows WRCOG to hold Committee meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically.

To follow the Order issued by the Governor, the Public Works Committee meeting scheduled for Thursday, February 11, 2021, at 2:00 p.m. will be held via video and teleconference and any members of the public can attend electronically. Members of the public may send public comments by emailing snelson@wrcog.us, or calling (951) 405-6703 before or during the meeting, prior to the close of public comment.

Any member of the public requiring a reasonable accommodation to participate in this meeting in light of this announcement shall contact Suzy Nelson prior to 2:00 p.m. on February 9, 2021, at (951) 405-6703 or snelson@wrcog.us.

The Public Works Committee may take any action on any item listed on the agenda, regardless of the Requested Action.

1. CALL TO ORDER (Sam Nelson, Chair)

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC COMMENTS

At this time members of the public can address the Public Works Committee regarding any items with the subject matter jurisdiction of the Committee that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Whenever possible, lengthy testimony should be presented to the Committee in writing and only pertinent points presented orally.

5. CONSENT CALENDAR

All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Committee, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Committee request specific items be removed from the Consent Calendar.

**A. Summary Minutes from the December 10, 2020, Public Works Committee Meeting P. 1
are Available for Consideration.**

Requested Action: 1. *Approve the Summary Minutes from the December 10, 2020, Public Works Committee meeting.*

6. REPORTS / DISCUSSION

**A. TUMF Administrative Plan and Credit / Cameron Brown, WRCOG P. 5
Reimbursement Manual Update**

Requested Action: 1. Recommend the Executive Committee approve the updated TUMF Administrative Plan and Credit / Reimbursement Manual.

B. TUMF Zone Revenue Balance Update Ivana Medina, WRCOG P. 113

Requested Action: 1. *Receive and file.*

**C. Fiscal Year 2021/2022 Transportation Development Jenny Chan, RCTC P. 117
Act, Article 3, or SB 821 Call for Projects**

Requested Action: 1. *Receive and file.*

**D. Western Riverside County Energy Resiliency Daniel Soltero, WRCOG P. 125
Plan Activities Update**

Requested Action: 1. *Recommend that the Public Works Committee consider the identified criteria and appoint members to an advisory group for the Western Riverside County Energy Resiliency Plan.*

Requested Action: 1. Receive and file.

7. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR

8. ITEMS FOR FUTURE AGENDAS

Members

Members are invited to suggest additional items to be brought forward for discussion at future Public Works Committee meetings.

9. GENERAL ANNOUNCEMENTS

Members

Members are invited to announce items / activities which may be of general interest to the Public Works Committee.

10. NEXT MEETING: The next Public Works Committee meeting will be held on Thursday, March 11, 2021, at 2:00 p.m., on the Zoom platform.

11. ADJOURNMENT

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1. CALL TO ORDER

The meeting of the Public Works Committee was called to order at 2:00 p.m. by Chair Sam Nelson on the Zoom platform.

2. PLEDGE OF ALLEGIANCE

Chair Nelson led members and guests in the Pledge of Allegiance.

3. ROLL CALL

Members present:

Art Vela, City of Banning
Jeff Hart, City of Beaumont
Brad Brophy, Cities of Canyon Lake, Perris, and San Jacinto
Tom Koper, City of Corona (2:04 p.m. arrival)
Paul Toor, City of Jurupa Valley
Yu Tagai, City of Lake Elsinore
Carlos Geronimo, City of Menifee
Michael Wolfe, City of Moreno Valley
Bob Moehling, City of Murrieta
Sam Nelson, City of Norco, Chair
Gil Hernandez, City of Riverside
Patrick Thomas, City of Temecula
Jason Farag, City of Wildomar
Alvin Medina, County of Riverside
Lauren Sotelo, March JPA
Jillian Guizado, Riverside County Transportation Commission (2:09 p.m. arrival)
Mauricio Alvarez, Riverside Transit Agency

4. PUBLIC COMMENTS

None.

5. CONSENT CALENDAR *(Temecula / County) 18 yes; 0 no; 0 abstention. Items 5.A and 5.B were approved. Representatives from the Cities of Calimesa, Eastvale, and Hemet, and RCTC were not present.*

A. Summary Minutes from the October 8, 2020, Public Works Committee Meeting are Available for Consideration.

Action: 1. *Approved Summary Minutes from the October 8, 2020, Public Works Committee meeting.*

B. Approval of the Public Works Committee 2021 Meeting Schedule

Action: 1. *Approved the schedule of Public Works Committee meetings for 2021.*

6. REPORTS / DISCUSSION

A. TUMF Accessory Dwelling Unit Policy and Credit Agreement Process Update

Ivana Medina, WRCOG Staff Analyst, presented on the current TUMF Accessory Dwelling Unit (ADU) Policy and Credit Agreement process. ADUs are defined in the TUMF Administrative Plan as “guest dwellings” and/or “detached second units.” Historically, WRCOG has always deferred to each jurisdiction for the final determination of an ADU exemption, since each agency administers different local codes. Staff is reaching out to member agencies seeking input regarding the current policy of deferring to the jurisdiction on the final ADU determination, or if a uniform max square footage should be established for ADUs to be exempt from the fee.

The TUMF Ordinance has a provision that if a developer constructs a TUMF facility, the developer will receive credit against its TUMF obligation for the project improvements. The draft Credit Agreement template is under review and will be distributed once finalized. Some items in the draft include 1) developers with Credit Agreements draw down on their credit with the fee in effect at building permit issuance; 2) jurisdictions are responsible for tracking credits and WRCOG will start requiring jurisdictions to submit a quarterly tracking sheet once the update has concluded; and 3) developers with Credit Agreements should submit project applications through the WRCOG portal as another way for accountability and tracking.

Staff will review before the agreement template is finalized.

Action: 1. *Received and filed.*

B. Riverside County Habitat Conservation Agency Invasive Species Management

Brian Shomo, RCHCA Director of Natural Resources, reported on the invasive species, stinknet. Stinknet has been identified as an emerging invasive weed, not just on Western Riverside County lands, but also throughout the Southwestern United States. Staff identified techniques for combating the weed, which includes herbicide and hand removal. Where chemicals are impractical, grading and hand pulling during flowering stages are recommended. Staff shared that even pressure washing equipment could help to prevent the spread.

Member agencies were urged to work together to increase awareness and develop informational tools to assist with adaptive management decisions in order to identify potential efficiencies and economies of scale when combating novel weeds.

Action: 1. *Received and filed.*

C. TUMF Administrative Plan Updates

Cameron Brown, WRCOG Program Manager, provided an update on the TUMF Administrative Plan. Current proposed revisions include adding a Credit and Reimbursement Manual to help guide member agencies when questions arise regarding how to claim funds for projects within the TUMF Program, the credit and reimbursement process for developers, and specifics on eligible and ineligible expenses. Staff feel this will help save time and confusion on questions that get asked often. The draft Manual will be brought back for approval.

Action: 1. *Received and filed.*

7. REPORT FROM THE DIRECTOR OF TRANSPORTATION & PLANNING

Chris Gray reminded Committee members that the final TUMF Single-family rate fee increase takes place on January 1, 2021. Mr. Gray shared the retirement of Committee member Patty Romo.

7. ITEMS FOR FUTURE AGENDAS

There were no items for future agendas.

8. GENERAL ANNOUNCEMENTS

There were no general announcements.

9. NEXT MEETING

The next Public Works Committee meeting is scheduled for Thursday, February 11, 2021, 2:00 p.m., on the Zoom platform.

10. ADJOURNMENT

The meeting of the Public Works Committee adjourned at 3:00 p.m.

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Western Riverside Council of Governments Public Works Committee

Staff Report

Subject: TUMF Administrative Plan and Credit / Reimbursement Manual Update

Contact: Cameron Brown, Program Manager, cbrown@wrcog.us, (951) 405-6753

Date: February 11, 2021

The purpose of this item is to provide an update and request approval of the recent revisions to the TUMF Administrative Plan and Credit / Reimbursement Manual.

Requested Action:

1. Recommend the Executive Committee approve the updated TUMF Administrative Plan and Credit / Reimbursement Manual.

TUMF Administrative Plan

The purpose of this Plan is to provide those jurisdictions and agencies that are participants in TUMF Program with guidelines and policies for implementation of the TUMF Program. The Plan also includes the TUMF Credit / Reimbursement Manual which specifies the following:

- Guidelines on how to claim funds for project improvement within the TUMF Program
- Credit and Reimbursement process for developers
- Eligible and In-eligible Expenses

Changes and Clarifications in the Administrative Plan and Credit / Reimbursement Manual

The Administrative Plan and Credit / Reimbursement Manual update includes clarification and further details on the TUMF Program. Specific instructions are given on how TUMF projects are properly invoiced and how credit agreements are created and tracked. There is also improved guidelines on eligible costs for TUMF improvements.

A major clarification came in the issue of eligibility of utility relocations. When utilities exist on areas where the utility has rights on the land through an easement, then the relocation is TUMF eligible and can utilize TUMF funding. When the local agency has rights through an easement, then the relocation is not TUMF eligible. It would be the responsibility of the utility to pay for the relocation. As a general rule, when other agencies bear the responsibility of project improvements, then the TUMF Program should not be a part of the reimbursement for the needed improvement.

Below are some of the other highlights included the update. The draft Credit / Reimbursement Manual in its entirety is attached to this Staff Report for reference.

1. Intro
 - a. Clarification on purpose and use.
2. Eligible and In-eligible Project Expenses
 - a. Maximum median and lane widths with revised road section diagrams.

- b. Expenses that should receive funding from other agencies are ineligible for funding.
 - c. If member agency is responsible for utility relocation, then the relocation is eligible for reimbursement.
- 3. Developer TUMF Credits
 - a. Clarification on Credit Agreement procedures.
 - b. Added requirement for quarterly review of all credit agreements with member agencies by WRCOG, where the member agency should be tracking development and credits applied under each agreement.
 - c. Member agency has option to use WRCOG to perform credit agreement reconciliation.
- 4. Developer TUMF Reimbursements
 - a. General updates to process.
- 5. Checklists and Forms
 - a. Added checklist for Developer Construction Credit Closeout.
- 6. FAQ
 - a. Added additional FAQs including questions specifically regarding credit agreements.

Prior Action:

December 10, 2020: The Public Works Committee received and filed.

Fiscal Impact:

This item is for informational purposes only; therefore, there is no fiscal impact.

Attachment:

- 1. Draft TUMF Administrative Plan and Credit / Reimbursement Manual.

Item 6.A

TUMF Administrative Plan and Credit /
Reimbursement Manual Update

Attachment 1

Draft TUMF Administrative Plan and
Credit / Reimbursement Manual

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Transportation Uniform Mitigation Fee

ADMINISTRATIVE PLAN

March 1, 2021



PREPARED BY THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
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RIVERSIDE, CALIFORNIA, 92501
PHONE (951) 405-6700

Western Riverside Council of Governments (WRCOG)

***Administrative Plan for the Western Riverside County
Transportation Uniform Mitigation Fee (TUMF) Program***

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***Administrative Plan for the
Western Riverside County Transportation Uniform Mitigation Fee
(TUMF) Program***

Preamble

Future development within Western Riverside County will result in traffic volumes exceeding the capacity of the Regional System of Highways and Arterials (RSHA or Regional System) as it presently exists. The Regional System needs to be expanded to accommodate anticipated future growth; current funds are inadequate to construct the Regional System needed to avoid the unacceptable levels of traffic congestion and related adverse impacts.

The TUMF Program provides significant additional funds from new development to make improvements to the Regional System, complementing funds generated by Measure A, local transportation fee programs, and other potential funding sources. By establishing a fee on new development in the sub-region, local agencies have established a mechanism by which developers effectively contribute their “fair share” toward sustaining the regional transportation system. This is a twenty-five year program and is influenced by a variety of market factors that could cause a shortfall or surplus in the revenue projections. WRCOG shall review the TUMF Program no less than every four (4) years after the effective date of the 2016 TUMF Program Ordinance. Additionally, WRCOG will bring forward, on an annual basis, a Construction Cost Index Adjustment to the TUMF in effect at the time for review and action by the WRCOG Executive Committee. The Program is not designed to be the only source of revenue to construct the identified facilities, and it will be necessary for matching funds from a variety of available sources to be provided.

It is the intent that TUMF requirements may be met by paying cash, building eligible facilities or through public financing, such as Community Facility Districts and Assessment Districts, or private financing vehicles consistent with local jurisdiction policies.

General TUMF Program parameters, definitions and procedures are described in the TUMF Program Ordinance adopted by participating Western Riverside County jurisdictions. The Western Riverside Council of Governments (WRCOG) is designated as the TUMF Program Administrator, and as such will work closely with member jurisdictions, the Riverside County Transportation Commission (RCTC), the Riverside Transit Agency (RTA), and Riverside County Regional Conservation Authority (RCA) to coordinate the TUMF expenditures to maximize the effectiveness of future transportation investments. As the Program Administrator, WRCOG, agrees to indemnify, defend and hold harmless any TUMF Program participant, and its respective agents, officers, members, officials, employees, and attorneys, whose TUMF Ordinance is challenged in court, from and against all claims, liabilities, damages, or costs of any kind whatsoever, including attorneys’ fees and court costs; provided, however, that such indemnity and defense shall not extend or apply to challenges alleging procedural defects in the adoption and implementation of the TUMF Ordinance.

“TUMF Administrative Plan” means the Administrative Plan for the Western Riverside County TUMF Program prepared by WRCOG dated March 24, 2003, in substantially the form approved by the WRCOG Executive Committee on April 7, 2003, as may be amended from time to time, provided that, any material amendments to the TUMF Administrative Plan shall be approved by WRCOG Executive Committee.”

This Administrative Plan serves as the guideline to implement the TUMF Program and will be amended as needed to address changing conditions over the life of the Program.

- I. **Purpose** - The Purpose of this Administrative Plan is to provide those jurisdictions and agencies that are participants in TUMF Program with guidelines and policies for implementation of the TUMF Program. This Administrative Plan specifies implementation and responsibilities for the TUMF Program.

TUMF Program funds may only be used for capital expenditures associated with the Regional System of Highways and Arterials and for capital expenditures for transit system improvements consistent with the TUMF Nexus Study. These purposes include expenditures for the planning, environmental review, engineering and design costs, right of way acquisition, and administrative costs.

- II. **Authority** - The TUMF Program applies to those jurisdictions in Western Riverside County (County of Riverside and the Cities of Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, Wildomar and the March Joint Powers Authority (JPA)) that have adopted and are implementing the TUMF Program Ordinance. The TUMF Program has been developed pursuant to and consistent with authority provided in the requirements of California Government Code Chapter 5 Section 66000-66008 Fees for Development Projects also known as California Assembly Bill 1600 (AB 1600 or the Mitigation Fee Act), which governs the assessment of development impact fees in California. The Mitigation Fee Act requires that all local agencies in California, including cities, counties, and special districts follow three basic rules when instituting impact fees as follows:

- A. Establish a nexus or reasonable relationship between the development impact fee's use and the type of project for which the fee is required;
- B. The fee must not exceed the project's proportional "fair share" of the proposed improvement; and
- C. The fee cannot be used to correct current problems or to make improvements for existing development.

- III. **Imposition of and Participation in the TUMF Program** - Participating jurisdictions in Western Riverside County are responsible for adopting and enforcing all provisions of the TUMF Ordinance and calculating and collecting fees on new development within their jurisdictions. However, participating jurisdictions may adopt the amendment to the TUMF Ordinance (Amendment) which shall designate and authorize WRCOG to calculate and collect the TUMF on such participating jurisdiction's behalf.

To be considered a participant in the TUMF Program, WRCOG Member Agencies which existed in 2003 must have an effective date for the TUMF Ordinance of no later than June 1, 2003. Any Member Agency formed after 2003 must enact the TUMF Model Ordinance and any amendments thereto upon incorporation. All Member Agency must adopt any amendment of the TUMF Ordinance within ninety (90) days of approval by the WRCOG Executive Committee unless otherwise directed by the WRCOG Executive Committee. Participating jurisdictions shall not repeal or modify the Model TUMF Ordinance, except that modifications are permitted to meet local municipal codes and references. Further, in order to be considered a participating jurisdiction, local jurisdictions shall collect the full TUMF and transmit the fee to WRCOG as provided

herein, or shall authorize WRCOG to collect TUMF on its behalf pursuant to the Amendment. To be a participating jurisdiction of the TUMF Program, a jurisdiction must be a party to the Joint Powers Agreement establishing WRCOG and a member of, and in good standing with, WRCOG.

Those jurisdictions that have ordinances with an effective date after June 1, 2003, or opt out of the TUMF Program and decide to participate at a later date must remit to WRCOG the amount of TUMF Program revenue for new development that was not collected by the jurisdiction. In order to verify the amount of revenue that would have been collected during the period in which a jurisdiction did not participate, said jurisdiction shall provide WRCOG with an annual report of building permit activity by the land uses identified in the Nexus Study. The remittance of the fee shall be accomplished in a lump sum payment unless other arrangements are agreed to in writing by WRCOG Executive Committee. Those jurisdictions that are not considered participants in the TUMF Program shall not be eligible to participate in the TUMF Program or the decision-making processes as more fully described in this document.

Non-participating jurisdictions will be ineligible to vote on any TUMF Program item and to receive their share of an estimated \$1.02 billion in local streets and roads funds that will be allocated from the Reauthorized Measure A.

- A. Calculation of the TUMF** - Each participating jurisdiction shall calculate and collect the TUMF from new development projects as outlined in the Fee Calculation portion of the Transportation Handbook as well as the most recent TUMF Ordinances and Fee Resolutions. For residential development projects, the fee is based on the number of units and for non-residential, the fee is based on the square footage. For non-residential development projects not included in the TUMF Fee Calculation Handbook, a traffic analysis acceptable to WRCOG is required to determine the fee based on the traffic impact of the proposed project. This method of calculation may be different from how the local development impact fee is determined.

The TUMF will be due only at the time of issuing of the Certificate of Occupancy, and is not required to be paid at the initial permit application. However, the TUMF shall be calculated using the most current fee schedule in effect at the time the fee is due. Participating jurisdictions are prohibited from requiring the TUMF payment at permit issuance, however fees can be paid at any time of permit issuance at the discretion of the developer. Participating jurisdictions are prohibited from freezing TUMF by such means as “locking” a fee rate by paying a deposit or a portion of the fee prior to the date the fee is due or by entering into a Development Agreement or other agreement with a developer that freezes the fee at a certain level.

Partial Payments or Deposits: WRCOG discourages the use of deposits and partial payments as it will create additional reporting requirements for the jurisdictions and may give the developer the impression that the fees are not subject to change. However, if a jurisdiction allows for deposits or partial payments, it will transmit the partial payment/deposit to WRCOG in accordance with the TUMF ordinance along with a remittance report. In the variance column of the Remittance report, the jurisdiction shall indicate that the fee collected is a portion of the total due. When the balance is paid, the jurisdiction shall calculate the total fee for the project based on the TUMF fee schedule in place at the time

the balance is paid and deduct the partial payment against the total. The balance will be transmitted in accordance with the TUMF ordinance and this Administrative Plan. The variance column of the Remittance report shall indicate that the balance is paid. If there is a fee adjustment between the deposit/partial payment and the payment of the balance, the fee that is required to be paid will be based on the most current TUMF fee schedule.

For the purpose of calculating the TUMF obligation for non-residential development the applicable land use category for a non-residential development is determined based on the predominate authorized use of the building or structure permitted by the underlying zoning associated with the new development. Projects could be subject to higher fee if the land use intensifies during the development process from what was originally proposed to the jurisdiction.

As an alternative to the above-described procedures, and at the option of each participating jurisdiction (subject to the written consent of WRCOG and evidenced by adoption of the Amendment), a participating jurisdiction may elect for WRCOG to calculate and collect the TUMF on behalf of the participating jurisdiction. Should a participating jurisdiction make such an election, the participating jurisdiction shall submit all information related to the development project that, in WRCOG's determination, is necessary for making such calculation, which shall generally include (without limitation) TUMF land use, type of development, number of units for residential development, square footage for non-residential development, and any additional pertinent information as requested by WRCOG. WRCOG will typically require 2 business days to review the information and make a determination once all required information has been provided to WRCOG. In cases where an outside consultant review of the information is necessary, the review period may be extended.

In submitting a development project to WRCOG for TUMF calculation, the participating jurisdiction certifies and warrants that all information related to the development project (i.e., square footage, TUMF land use, type of development, etc.) is true, accurate, and complete. WRCOG shall be entitled to rely on such information, and shall not be responsible for any harm resulting from any error, inaccuracy, or otherwise. Any balance in TUMF obligation due to incorrect development project information will be the responsibility of the participating jurisdiction.

In the event a participating jurisdiction makes the election to have WRCOG calculate and collect TUMF, WRCOG shall take full responsibility for calculating the TUMF obligation and any shortfall in the calculation shall not be the responsibility of the participating jurisdiction.

In order to elect for WRCOG to calculate and collect TUMF on its behalf, a participating jurisdiction shall adopt the Amendment to the TUMF Ordinance in the form prepared by WRCOG. WRCOG will consult with each participating jurisdiction on a yearly basis to confirm if WRCOG or the participating jurisdiction is the responsible party for TUMF calculation and collection for the ensuing year. However, in the event WRCOG does not consult with a participating jurisdiction for any reason in a given year, TUMF for such participating jurisdiction shall

continue to be calculated and collected in the ensuing year in the same manner as it was collected in the current year.

Exemptions to the Payment of TUMF - The TUMF Ordinance sets forth exemptions to the payment of TUMF. Those exemptions are summarized in Exhibit "G," attached hereto.

B. Refunds – Under certain circumstances, such as double payment, expiration of a building permit, or fee miscalculation, an applicant may be entitled to a TUMF refund. Refunds will be reimbursed by the end of the fiscal year on a first come, first served basis, depending upon the net revenue stream. Refunds will only be considered reimbursable if requested within 3 years of the original TUMF payment. In all cases, the applicant must promptly submit a refund request with proof of TUMF payment to WRCOG if WRCOG collected the TUMF, or if collected by a local jurisdiction, the refund request shall be submitted to that local jurisdiction, which will subsequently forward the request to WRCOG for verification, review and possible action.

1. **Expiration Of Building Permits** - If a building permit should expire, is revoked, or is voluntarily surrendered and is, therefore voided and no construction or improvement of land has commenced, then the applicant may be entitled to a refund of the TUMF collected was paid as a condition of approval, less administration.
2. **Reissuing of permits** – All permits will pay the full amount of TUMF when reissuing regardless of any increases in fees that may have occurred when the permit was previously issued. It is the developer's responsibility to obtain a refund from WRCOG when the permit has expired.

The applicant shall pay the current TUMF in effect at the time in full if he reapplies for the permit.

If a development project is partially under construction at the time of the effective date of the TUMF Ordinance, the TUMF shall be paid only on that portion of the development for which a building permit is next issued.

3. **Double Payments** – On occasion due to a clerical error, a developer has paid all or a portion of the required TUMF for project twice. In such cases, a refund of the double payment may be required. If, however, it is determined that the developer paid the fees to the jurisdiction to expedite the project with the intent of entering into a credit agreement at a later time the refund process is different and is more fully described in section VI of this document.
4. **Balance Due** – When TUMF is incorrectly calculated due to City/County clerical error, it is the City's/County's responsibility to remit the balance due to WRCOG. The error must be discovered within 3 years for the City to be held accountable. The amount due can be remitted through alternate methods agreed to by the WRCOG Committees, including but not limited to deduction from reimbursement requests submitted to

WRCOG for eligible expenses on TUMF projects. If first vetted through WRCOG staff in writing, the calculation is not subject to additional review.

- C. March Joint Powers Authority** - The March JPA shall not have a separate vote at the WRCOG Executive Committee as it has representation by elected officials from the County of Riverside and Cities of Moreno Valley, Perris, and Riverside. The Executive Director of the March JPA shall be a voting member of the WRCOG Technical Advisory Committee (WRCOG TAC) for TUMF Program items only. The March JPA is a unique partner in the TUMF Program in that it has land use authority and therefore will need to adopt and implement the TUMF Program in the same manner as the cities and county.
- IV. Allocation of Funds** – After the administrative costs and MSHCP are allocated (as specified in Section IX herein), TUMF funds shall be distributed in accordance with WRCOG Executive Committee actions, the Nexus Study, this Administrative Plan and any future amendments thereto.
 - A. Allocation to Regional Transit Improvements** - Of the TUMF funds received by WRCOG, 3.13% shall be allocated to the RTA for making regional transit improvements.
 - B. Allocation to Regionally Significant Transportation Improvements** - Of the TUMF funds received by WRCOG, 45.7% shall be allocated to the RCTC for programming improvements to the arterials of regional significance on the Regional System of Highways and Arterials.
 - C. Allocation to Zones** - Of the TUMF funds received by WRCOG, 45.7% shall be allocated to the five Zones for programming improvements to the Regional System of Highways and Arterials as determined by the respective Zone Committees. The amount of TUMF funds allocated to each Zone shall be proportionate to the amount of TUMF revenue generated from the zone.
 - D. Allocation to Mitigate TUMF Construction Projects** – Of the TUMF funds received by WRCOG, 1.47% shall be allocated to the RCA to purchase habitat for the MSHCP, to mitigate the impacts of TUMF construction projects.
- V. Administration of the Program** - WRCOG shall administer the TUMF Program as described in the enabling Ordinance adopted by participating jurisdictions and further defined in this Administrative Plan.
- VI. Administration of Credits** – The TUMF Ordinance has a provision that if a developer constructs a TUMF facility, the developer will receive credit against the TUMF obligation for the project improvements. Please refer to the WRCOG TUMF Credit/Reimbursement Manual attached hereto as Exhibit F and incorporated in full as if set forth herein for the procedures in which credits are administered and issued for developers constructing TUMF improvements.
- VII. Administration of Reimbursements** – Local jurisdictions/agencies and developers are eligible for reimbursement for construction of TUMF facilities in certain instances. The process for local agencies is different than for landowners/developers; the processes are

described in the WRCOG TUMF Credit/Reimbursement Manual, attached hereto as Exhibit F and incorporated in full as if set forth herein.

VIII. Administrative Responsibilities

- A. Program Administration** - As set forth in Section II, WRCOG is designated as the TUMF Program Administrator. As Administrator, WRCOG shall receive all fees generated from the TUMF as collected by WRCOG or local jurisdictions and review permits for correct land-use type assessment and proper remittance of TUMF. This may include review of site plans and building permits to confirm correct land-use type assessment. WRCOG shall invest, account for and expend such fees in accordance with the TUMF Ordinance and applicable state laws.

For jurisdictions that are not participating in the TUMF Program, the representative for that jurisdiction shall not be eligible to vote on any matter related to the TUMF Program that goes before the WRCOG TAC and WRCOG Executive Committee.

- 1. The WRCOG Executive Director** - Reporting to the WRCOG Executive Committee, the Executive Director shall be responsible for the following TUMF Program activities:
- a. Administration of the TUMF Program, including development of model credit and reimbursement agreements, fee collection process and processing Program appeals;
 - b. Conduct an audit to report on the evidence that the collection and expenditure of funds collected is in accordance with the Mitigation Fee Act. The audit shall be presented to the WRCOG Executive Committee and made available to the public;
 - c. Establishment and management of the "TUMF Program Trust Fund" for the purposes of depositing TUMF revenues and income interest earned on Trust Fund deposits;
 - d. Preparation of an Annual Report for consideration by the WRCOG Executive Committee detailing the status of the TUMF Program including but not limited to fees collected and disseminated, capital projects planned for, prioritized, and built;
 - e. Preparation of periodic comprehensive TUMF Program review and required by the California Mitigation Fee Act. The review of the TUMF Program will include a review of the various Nexus Study inputs and assumptions, and preparation of recommendations on potential TUMF Program revisions for consideration by the WRCOG Executive Committee. Such reviews and updates may include, but are not limited to recommended fee adjustments based on changes in the facilities required to be constructed, and revenues received pursuant to the Ordinance;
 - f. Preparation of technical studies/analysis required to select and prioritize Regionally Significant Arterial projects;
 - g. Development of a five-year TIP that identifies projects that are scheduled and funded for construction over a specified period of time and is reviewed on an annual basis;

- h. Development of a 5-year Expenditure Report that documents the expenditure of funds that identifies the purpose to which the fee is to be put, demonstrates a relationship and purpose for which the fee is being collected and identifies all sources and amount of funding anticipated to complete the financing of incomplete infrastructure facilities in accordance with California Government Code Sections 66000 et seq. for consideration by the WRCOG Executive Committee;
- i. Staff support to and coordination with each of the TUMF Zone Committees as necessary;
- j. Other related activities as directed by the WRCOG Executive Committee;
- k. Approve Zone and RTA TIP Administrative Amendments; and
- l. Execute amendments to TUMF reimbursement agreements.

2. The WRCOG Executive Committee - The WRCOG Executive Committee shall be responsible for reviewing and acting on the following:

- a. Recommendations for project selection and prioritization of the Regionally Significant Arterials, and the TIP;
- b. Review and possible approval of recommendations on projects from the Public Works Committee (PWC) and WRCOG TAC;
- c. The approval of the TUMF Program Administrative Plan, Technical Transportation Manual and any subsequent amendments thereto; and
- d. Recommendation of changes to the TUMF model Ordinance for consideration by participating jurisdictions.

In developing recommendations on Regionally Significant Arterials for consideration by the WRCOG Executive Committee, WRCOG staff and the Committee structure shall work with RCTC to coordinate compatibility with Measure A project priorities and schedules of area transportation improvements. WRCOG staff and the WRCOG Executive Committee shall also work with WRCOG jurisdictions and each Zone Committee for the same purposes.

For jurisdictions that are not participating in the TUMF Program, the WRCOG Executive Committee representative for that jurisdiction shall not be eligible to vote on any matter related to the TUMF that goes before the WRCOG Executive Committee.

3. The WRCOG Technical Advisory Committee - The WRCOG TAC shall review and make recommendations to the WRCOG Executive Committee on the following:

- a. Program updates and reviews and all supporting technical documentation;
- b. Revisions to the Administration Plan, Technical Transportation Manual, Fee Calculation Handbook and any other Program document;
- c. Ordinance revisions; and

- d. Annual fee adjustments.

The WRCOG TAC shall also provide additional assistance to the TUMF Program as requested by the WRCOG Executive Committee. For jurisdictions that are not participating in the TUMF Program, the WRCOG TAC representative for that jurisdiction shall not be eligible to vote on any matter related to the TUMF Program that goes before the WRCOG Executive Committee or WRCOG TAC.

- 4. **The Public Works Committee/TUMF PWC** - The PWC shall be comprised of the Public Works Director or designee from each participating jurisdiction of WRCOG, RCTC, RTA and WRCOG and shall be responsible for the following:

- a. Providing technical assistance and guidance for program updates;
- b. Developing objective criteria for project selection and prioritization including but not limited to the following factors: traffic safety issues potentially created by growth, regional significance, availability of matching funds, mitigation of congestion created by new development, system continuity, geographic balance, project readiness, and completed projects with reimbursement agreements;
- c. Providing additional assistance to the TUMF Program as requested by the WRCOG Executive Committee, RCTC and/or the WRCOG TAC and/or the Zone TAC;
- d. Overseeing the reparation of the Technical Transportation Manual;
- e. Preparing the 5-Year TIP, which will be reviewed and amended annually and fully adjusted every two years as members of the Zone TAC;
- f. Providing recommendations on the RCTC Regional Arterial TUMF Program of Projects every four years along with the Nexus Study update to the WRCOG TAC, WRCOG Executive Committee and RCTC;
- g. Selecting a lead agency for each of the projects on the TIP;
- h. Reviewing the Annual Report prepared by WRCOG;
- i. Revising the RSHA as may be necessary (at a minimum every 4 years); and
- j. Review and revise Unit Cost Assumptions to the RSHA as may be necessary (at a minimum every 4 years).

- B. **Regional Arterial Administration** - RCTC through an MOU with WRCOG (effective October 1, 2008) is the responsible agency for programming and delivering the Regionally Significant Arterials designed under Measure A and defined in the Nexus Study. WRCOG and RCTC have established a committee structure that incorporates the Public Works Directors, City Managers the WRCOG Executive Committee, and the RCTC Board for the development, review and approval of the Regional Arterial TUMF Program of projects.

- 1. **The RCTC Executive Director** - The Executive Director shall be responsible for the following TUMF Program activities:

- a. Establishment and management of the “TUMF Program Trust Fund” for the purposes of depositing TUMF revenues and income interest earned on Trust Fund deposits;
- b. Development of the RCTC Regional Arterial TUMF Program that identifies Regional projects for reimbursement that are scheduled and funded for construction by jurisdictions and developers over a specified period of time and is reviewed on an annual basis;
- c. Staff support to and coordination with the TUMF Committees as necessary; and
- d. Other related activities as directed by the RCTC Board.

2. The Riverside County Transportation Commission - RCTC shall be responsible for reviewing and acting on recommendations for project selection and prioritization of the RCTC Regional Arterial TUMF Program. RCTC shall review and consider recommendations on the RCTC Regional Arterial TUMF Program project on TUMF Regional Arterial projects from the TUMF Public Works Committee, WRCOG TAC, and WRCOG Executive Committee.

C. Zone Administration - Each Zone shall establish a committee structure, similar to Exhibit “A”, for the purpose of preparing a Zone Transportation Improvement Program (TIP) with the TUMF revenue that has been returned to the Zone and develop policies that impact the Zone, such as how to close a funding shortfall in the Zone. The Executive Committee has determined that the 5-Year TIP shall be balanced to the most reasonable extent possible and that program shortfalls will need to be closed or projects could be reduced or eliminated from the TIP. The Zone TAC shall be responsible for prioritization of projects, selection of the lead agency for each project, and to review all the projects for consistency within the Zone.

All Zones shall approve their TIP by consensus and forward their recommendations to Executive Committee for review and approval to ensure compatibility with the other Zones and the Technical Transportation Manual.

Zone dollars are to be allocated by the Zone TAC only and cannot be utilized or borrowed for projects located outside the zone unless such projects are: 1) proposed and approved by the Zone Committee and have a direct benefit to the Zone and 2) are consistent with the Nexus Study. In furtherance of this Section VIII.B, each Zone shall abide by the Guidelines set forth in Exhibit “C”.

The Riverside County Transportation Improvement Plan approved by Riverside County voters on November 5, 2002 states “Funding which is not allocated to a city or county because it is not a participant in the TUMF Program in the Coachella Valley area and the TUMF and MSHCP in the Western County area shall be allocated to the Regional Arterial Program in the geographic area in which the city or portion of the county is located”.

Each City and a portion of the unincorporated area of Riverside County are assigned to each of the zones. The five Zones are as follows:

1. Northwest Zone – The Cities of Corona, Eastvale, Jurupa Valley, Norco, Riverside and the County of Riverside, and the March JPA;
2. Southwest Zone – The Cities of Canyon Lake, Lake Elsinore, Murrieta, Temecula, Wildomar, and the County of Riverside;
3. Central Zone – The Cities of Menifee, Moreno Valley and Perris, and the County of Riverside, and the March JPA;
4. Pass Zone – The Cities of Banning, Beaumont and Calimesa, and the County of Riverside;
5. Hemet/San Jacinto Zone – The Cities of Hemet and San Jacinto and the County of Riverside.

D. Local Administration – Participating jurisdictions that have not opted to elect that WRCOG calculate and collect the TUMF on their behalf, are responsible for collecting the TUMF, as provided in the TUMF Ordinance. Fees collected and a corresponding Remittance Report are required to be transmitted to the Executive Director of WRCOG. In accordance with the TUMF Ordinance, the Amendment, and the Mitigation Fee Act, WRCOG shall deposit, invest, and expend the transmitted fees. Participating jurisdictions that have not opted for WRCOG to calculate and collect the TUMF on their behalf, are required to transmit reports as set forth below to WRCOG which will include, but not be limited to the following information regarding the TUMF Program status.

1. **Monthly Remittance Reports** – Participating jurisdictions, who do not use WRCOG's online payment system, are required to submit the standard Remittance Reports to WRCOG by the tenth (10th) day of the month end for the previous month's activity, for example; June's Remittance report is due July 10. The report shall contain information necessary for WRCOG to determine the total amount of fees collected within each fee category as it relates to the number of building permits, certificates of occupancy, or final inspections issued during the same period of time. Remittance reports are required even when no fees have been collected, and will show building permits or certificates of occupancy have been issued. This shall also include building permits for which TUMF payment was exempt per Exhibit "E" of the TUMF Administrative Plan. In addition the participating jurisdiction shall provide WRCOG the following information: the name of the developer or payee, project address, APN, total square feet, credits issued, exemptions, variance in the fee assessed, and such other information as requested by WRCOG, which may include building permits or site plans. As an example, the variance column needs to be filled out for any issue that will lead to a fee other than the standard calculation. This information will assist WRCOG in tracking new development, total revenue received and revenue projections for purposes of Program audits and program updates.
2. **Remittance Delays** - If a participating jurisdiction does not transmit the fees along with a corresponding Remittance Report by the tenth (10th) day of the close of the month for the previous month in which fees were collected, the following fiscal policy shall be applied:

On the eleventh (11th) day after the close of the month WRCOG staff shall notify, in writing, the delinquent jurisdiction of the delinquency and request that said jurisdiction remit by the fifteenth (15th), the fees and the required Remittance Report;

At the discretion of WRCOG, if fees and Remittance Report have not been received, by the fifteenth (15th) day, WRCOG staff will invoice the jurisdiction for the approximate amount owed plus interest and penalties which is calculated at the current interest rate earned by the Riverside County Investment Pool plus thirty-five basis points beginning from the first day of the month following the closing of the month being reported;

WRCOG staff will continue this notification until sixty (60) days after the close of the month. At which time, WRCOG will determine if an audit is necessary of the jurisdiction's TUMF account, general ledger and any other financial data. If an audit is conducted, WRCOG will investigate the amount owed and the cause of delay. Upon completion of the audit, WRCOG staff shall make any recommendations to resolve any outstanding issues; and

If an audit is required due to reporting and remittance irregularities, the jurisdiction shall incur the cost of the audit.

3. **Accruals** - the TUMF Program utilizes the five Zone 5-Year TIPs to allocate projects, which are based on the amount of available revenue to each Zone as determined by carryover and projected funds. At fiscal year-end, any unspent funds remaining on the TIPs that are not identified and accrued do not automatically roll over and may not be available for programming the following fiscal year. It is necessary for jurisdictions to identify those unused programmed funds so that they can be carried over to the next fiscal year. If the funds are not accrued, WRCOG cannot release the funds to the jurisdiction until the following year when the TIPs are officially adopted.
4. **Annual Reviews** – On an annual basis, after the close of the Fiscal Year, WRCOG will conduct reviews of TUMF collections by participating jurisdictions. For participating jurisdictions that have not delegated fee calculation and collection to WRCOG, this review will include, but not be limited to, accounting of TUMF collections, building permit review, exemptions and credits awarded in addition to supplemental banking-related information to document that TUMF fees are correctly being collected and remitted to WRCOG. For exemptions or credits awarded by participating jurisdictions, supplemental support documentation will be required to demonstrate that the development project was correctly awarded an exemption or credit.

E. Information from Participating Jurisdictions Electing For WRCOG To Calculate And Collect TUMF – Participating jurisdictions that have elected for WRCOG to calculate and collect the TUMF are responsible for providing WRCOG all necessary

materials/information to calculate the TUMF prior to TUMF collection. WRCOG will conduct an annual review, which will consist of verification to WRCOG that calculation worksheets were completed for all building permits issued within a given time period. This will require member agency staff to submit a list of building permits issued during the time period requested. Participating jurisdictions that have delegated fee calculation and collection to WRCOG will not be required to submit monthly remittance reports to WRCOG.

- F. Riverside Transit Agency** – In accordance with the Nexus Study 3.13% of funds received will be made available to the RTA to make capital facilities improvements for transit purposes as identified in the Nexus Study. The RTA shall provide a report to the WRCOG Executive Director each year, detailing its expenditures of TUMF Program funds received, as well as future commitments for transit facilities using TUMF Program revenues as determined by the RTA Board of Directors.

- IX. Administrative Costs.** The TUMF Ordinance, as amended from time to time, authorizes WRCOG to expend funds generated from TUMF that are necessary and reasonable to carry out its responsibilities to implement the Program. The WRCOG Executive Committee adopted a series of policies that clarify the expenditure and retention of program funds for the Administration of the Program and they are as follows:

1. WRCOG will retain no more than one percent (1%) of the total TUMF Program revenue for administration salaries and benefits;
2. Administration costs will be budgeted at whatever is reasonable and necessary, but not to exceed four percent (4%) of the TUMF revenues collected (inclusive of the one percent administrative salaries and benefit cap) unless otherwise directed by the Executive Committee.
3. Beginning July 1, 2006, WRCOG will take the administrative component from the revenue collected based on the total fee obligation inclusive of executed credit agreements.
4. Beginning July 1, 2006, all CFD's, SCIP and other financing mechanisms will pay the maximum (4%) administrative component in cash to WRCOG. When the administrative component is less than 4% then the surplus revenue will be allocated in accordance to their adopted percentages to the Multi-species Habitat Conservation Plan, RCTC, RTA and the Zones.
5. For refunds, whether it is because the project is no longer going forward or expiration of building permits (where no construction has commenced), the applicant is entitled to a refund less the administrative component. Refunds will be processed based on available cash and will not take precedence over the projects identified as funded on the approved TIP. Refunds will however take precedence over the addition of new projects to the TIP.

- X. Appeals.** Appeals shall only be made in accordance with the provisions of this Section X.

- A. Persons or Entities Who Have Standing to Appeal.** No person or entity shall have standing to avail themselves of this Section X, except those persons or individuals who are responsible for paying the TUMF and have an unresolved appealable issue or matter.

B. Appealable Issues and Matters. No issue or matter shall be heard or reviewed under this Section X unless the issue or matter is appealable. An issue or matter is appealable, if a qualified person or entity ("Appellant") has a good-faith dispute directly related to Appellant's Property ("TUMF Dispute") regarding (i) the amount of Appellant's TUMF obligation; (ii) the administration of TUMF Credits; (iii) exemption of Appellant's property from the TUMF Program; or (iv) administration of TUMF reimbursements.

C. Appeal Process.

1. If a qualified person or entity has a TUMF Dispute, he or she shall first attempt to resolve the dispute informally with WRCOG staff. The staff of the local jurisdiction may also participate in such discussions. If the TUMF Dispute remains unresolved after a reasonable attempt to address it at the local level, the qualified person or entity may submit a written appeal to the WRCOG Executive Director. The Appellant and the WRCOG Executive Director, or designee, shall attempt to resolve the issue within thirty (30) days of the WRCOG Executive Director's receipt of the appeal. At the conclusion of the thirty (30) day period, the WRCOG Executive Director shall render a written decision on the appeal. If the Appellant desires further review from WRCOG, the Appellant may submit a written request for review to the WRCOG Executive Committee chair.
2. After the written appeal is received by the WRCOG Executive Committee chair, the item shall be presented to the WRCOG Administration & Finance Committee for review. At the request of either WRCOG staff or the Appellant, the decision of the WRCOG Administration & Finance Committee shall be forwarded to the WRCOG Executive Committee for review and action. The decision of the WRCOG Executive Commission shall be final.

XI. Arbitration. When there is a dispute among the Zone members that cannot be resolved and prevents the adoption of a project prioritization schedule, the matter shall be forwarded to the WRCOG TAC and WRCOG Executive Committee for a determination. Once the WRCOG Executive Committee takes action on the issue the decision is final.

If there is a dispute at the WRCOG Executive Committee level regarding project prioritization of a specific project(s) and a consensus cannot be reached, that project shall be tabled until such time as new information is presented, and the matter can be resolved.

XII. TUMF Program Amendments. WRCOG shall undertake a review of all components of the TUMF Program in accordance with Government Code Section 66000 et seq. and other applicable laws, and, if necessary, recommend Program amendments and/or adjustments. Amendments to the Administrative Plan will be subject to the approval of the WRCOG Executive Committee. Amendments required to the TUMF Program Ordinance shall be approved by each participating jurisdiction, acting on recommendations provided by the WRCOG Executive Committee. The review shall consider whether future administration costs to participating jurisdictions are needed.

- 1. TUMF Network Revisions:** The TUMF Network is reviewed and revised at regular Nexus Study updates, with minor adjustments such as name changes, distances, and other errors that may be found from time to time occurring on a more frequent basis. However, there could be instances when certain assumptions were made during a Nexus Update that did not come to fruition that should be addressed. The primary cause is when a new city is incorporated and inherits the TUMF Network, which may not reflect the new jurisdiction's General Plan or priorities; another example is if a jurisdiction needs to "trade" a facility on the Network due to a rapid change in development patterns that should not wait for the normal revision cycle.

For new cities there would be an opportunity to review the TUMF Network with WRCOG staff to ensure that the Network identifies their priorities and allows them to make recommendations and to have the ability to swap out facilities. Any revision request must meet the criteria to be on the Network before the PWC will consider the request.

Jurisdictions that are not part of the above mentioned group that need to swap out facilities, must justify the swap by demonstrating that it provides continued regional circulation, meets the criteria to be on the TUMF Network, and does not provide an advantage to a specific land-use, community, developer/project for the purposes of TUMF credits or reimbursements. These jurisdictions must also demonstrate that the impacts mitigated in the swapped facilities are substantially similar to those impacts that would have been mitigated in the abandoned facilities.

This process is intended to be applied on an annual basis during interim years between revisions to the TUMF Nexus Study that would inherently include a revision to the TUMF Network. The deadline to submit any revision is June 30th. The focus of this process is the ability to shift projects on the TUMF Network with the intent to incur minimal fiscal impacts to the Program fee and Nexus determination, rather than adding new projects that would have a far more significant effect on the Program fee and therefore would be more appropriately addressed during the regular Nexus Study reviews. The exception to this policy is the ability for newly incorporated cities to request new additions during the initial cycle of this adjustment process to ensure appropriate facilities are designated to address their individual city's needs.

The process requires the jurisdiction to submit a written justification of the requested TUMF Network facility shift. Elements to be addressed in the written justification should include an explanation of the rationale for the proposed facility shift specifically explaining why the facility should be addressed as part of the TUMF Program and cannot be addressed as part of an equivalent local program, and verification that the proposed shift in facility does not unduly favor or disadvantage a specific developer or development interest. Proximity to areas of significant recent development activity (i.e. shifts in development patterns resulting in changes in transportation system impacts to be mitigated) and the net cost differential to the program following the facility adjustment are key elements to be addressed in the written justification. The written justification must also demonstrate that the impacts mitigated in the proposed facility shift are

substantially similar to those impacts that would have been mitigated in the abandoned facilities.

The existing criteria contained in the TUMF Nexus Study for identifying facilities to be included in the TUMF Network was refined for the purposes of evaluating requests for TUMF Network Amendments. All requested Network adjustments will be evaluated and scored using a point system based on key performance indicators consistent with the existing criteria contained in the TUMF Nexus Study. The scoring criteria is “Exhibit C” of this Plan. Only facilities defined in a participating jurisdiction’s General Plan Circulation Element (or equivalent document) as an arterial highway facility with a minimum four (4) lanes at build-out will be evaluated for inclusion in the TUMF Network.

- XIII. CEQA.** The TUMF Program currently is a financing mechanism dependent on future actions of the WRCOG Executive Committee for improvements to the RSHA. WRCOG and its associated committees will be prioritizing and scheduling improvements on the RSHA, as such, the appropriate environmental documentation, shall be completed before a project can commence construction.

The TUMF Program was developed to mitigate the cumulative impacts of future growth on the RSHA. It was not developed to mitigate project-specific traffic impacts. Accordingly, the program does not relieve any development project of the responsibility to mitigate project-specific impacts identified in the environmental analysis prepared for the project. When a development project is required to construct RSHA facilities as project-specific mitigation, it shall be eligible for credit and or reimbursement.

EXHIBIT "A"

TUMF Decision Making Process

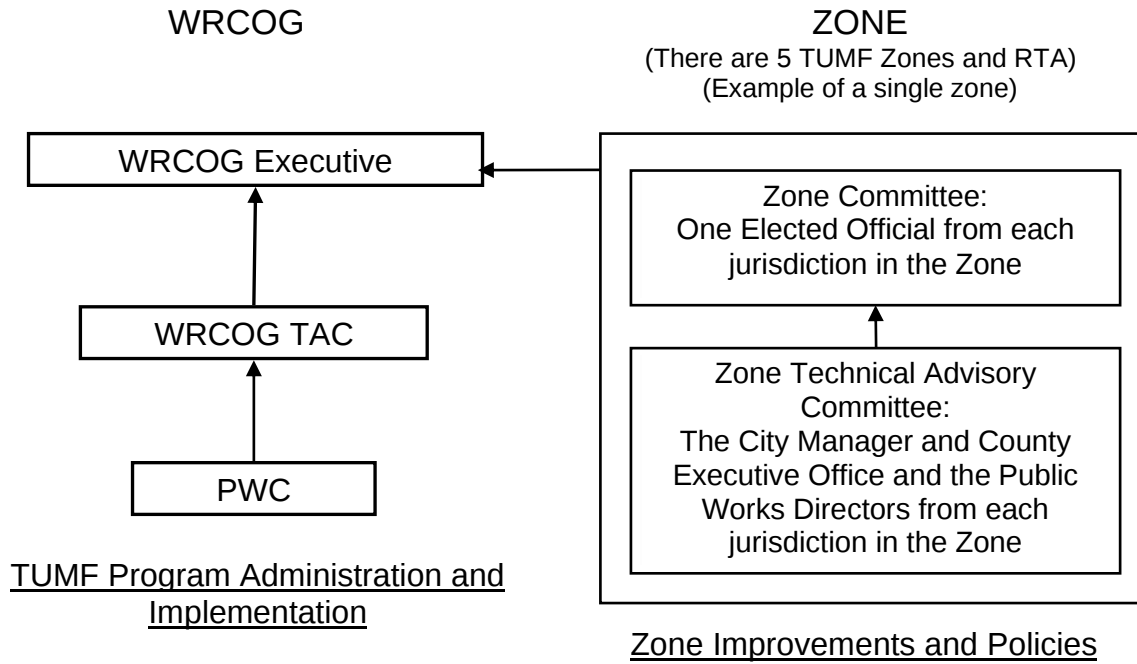


EXHIBIT “B”

Guidelines for the Administration of the Programmed Projects in the Zone’s Adopted 5-Year TIP

Once each Zone’s 5-Year Transportation Improvement Program (TIP) is adopted by the WRCOG Executive Committee, said TIPs shall be incorporated into and governed by these guidelines, the Administrative Plan, and Technical Transportation Manual in accordance with AB 1600. Annually, WRCOG staff meets with the Zone Technical Advisory Committees to review the status of all programmed projects on the 5-Year TIPs and bring the subsequent project adjustment requests to the Zone Committees for approval. The goals of the annual review process are as follows: (i) to update project cost estimates; (ii) to review project status; (iii) to determine the continued viability of projects; (iv) review the backlog of reimbursement projects; (v) to address local jurisdiction issues; and (vi) address compliance with AB 1600.

Adjustments:

In accordance with the Technical Transportation Manual and the original reimbursement agreement entered into with the lead jurisdiction, all approved projects’ funding and schedules are directly tied to critical milestones. As such, requests to change a project’s funding or schedule shall necessitate an amendment to the original agreement and the adopted TIP. Annual 5-Year TIP adjustments could include, but are not limited to:

- Scope of work reductions or additions;
- Project or phase delays;
- Project or phase cancellations;
- New shelf-ready network projects being added as replacement projects;
- Project or phase advances; and
- Request to transfer funding beyond a programmed project’s limits within a Zone.

Levels of Approval:

A. Zone Committee/WRCOG Executive Committee

The following shall be approved by the Zone Committee and adopted by the WRCOG Executive Committee as required in the Administrative Plan:

1. Annual updates to the Zone TIP.
2. Requests to increase total TUMF funding allocations to projects on the Zone TIP. These requests may be made by the local jurisdiction administratively outside of the annual TIP update cycles if deemed necessary by one of the Zone participating jurisdictions and WRCOG management due to unforeseen circumstances that necessitate immediate action. Such unforeseen circumstances shall include, but not be limited to, higher than expected bid prices, TUMF as a Federal or State match, etc. WRCOG staff will obtain action from the Zone Committee in these cases either by calling for a Special Zone Committee meeting or through individual consultation.

3. Administrative requests to advance funds or adjust project schedules on TIP approved projects, upon the recommendation of the Public Works Committee. Such advancements are subject to:
 - Jurisdiction's proof of readiness to move forward with project, and
 - Zone's current cash flow can support the advancement or change.

B. WRCOG Executive Director

The WRCOG Executive Director shall be responsible for the review and approval of the following changes to an approved Zone TIP, including the review and approval of any agreements, for:

1. Change in Lead Jurisdiction, with the written consent of the transferring and accepting Lead Jurisdiction.
2. Cancellation of project upon request of the local jurisdiction. In the event of cancellation, all funds shall revert to the Zone TIP Trust account.
3. Approval of final completion of the project. Upon notification from the Jurisdiction that the Project has been completed, all unused funds programmed for that Project shall revert to the Zone TIP Trust account.
4. All other administrative requests, upon consultation with the Public Works Committee.

C. Public Works Committee

The Public Works Committee shall be responsible for the review and approval of the following:

1. Requests to move funds within project categories (environmental, design, etc.) administratively, contingent upon participating jurisdiction's certification of viability of all phases.
2. Provide recommendations to the WRCOG Executive Director on any other requests that are deemed administrative in nature by the Director.

All administrative adjustments will be submitted to the WRCOG Executive Committee as part of the next Annual Review Report for final adoption.

D. Obligor Programmed Funds

The TUMF Program has established the policy that construction projects take priority, and therefore, WRCOG limits the obligation of TUMF dollars. WRCOG has two options by which to obligate TUMF. In both options, steps 1, 2, and 3 (Option A) or 6 (Option B) must be completed by the local jurisdiction to ensure TUMF funding can be made available for use on an eligible project. Since TUMF project funds are generally obligated on a first come first served basis, failure to follow the prescribed steps for either option may preclude a project sponsor from receiving TUMF payments for completed work until sufficient funds are available to be obligated.

Option A:

Funding for a project programmed on Zone 5-Year TIPs is not considered obligated by WRCOG until certain steps outlined below have been accomplished by the local jurisdiction.

1. Ensure that funding for the project phase is **programmed in the current year** of an adopted 5-Year TIP.
2. If the project falls under the limits of multiple jurisdictions, ensure that there is a signed Memorandum of Understanding (MOU) between agencies. This MOU should address an understanding of shared costs, scope of work, and agency responsibilities pertaining to the project. Project costs will be consistent with the adopted 5-year TIP.
3. Ensure that there is a **signed (executed) reimbursement agreement** that matches the funding amount with the funding amount of the project phase in the adopted TIP.
4. Submit **an invoice for TUMF eligible work** prior to the end of the fiscal year to obligate the project phase funding. At the time of submitting the first invoice, the project sponsor will be required to submit all necessary supporting documentation (not previously submitted) in accordance with the provisions of the reimbursement agreement.
5. WRCOG will obligate the entire phase of the project if there is available revenue at the time the invoice is submitted.

Option B:

Funding for a project programmed on Zone 5-Year TIPs is not considered obligated by WRCOG until the steps outlined below have been accomplished by the local jurisdiction.

1. Ensure that funding for the project phase is **programmed in the current year** of an adopted 5-Year TIP.
2. If the project falls under the limits of multiple jurisdictions, ensure that there is a signed Memorandum of Understanding (MOU) between agencies. This MOU should address an understanding of shared costs, scope of work, and agency responsibilities pertaining to the project. Project costs will be consistent with the adopted 5-year TIP.
3. Ensure that there is a **signed (executed) reimbursement agreement** that matches the funding amount with the funding amount of the project phase in the adopted TIP.
4. Send WRCOG a letter of **notice of intent** to issue RFP, solicit bids, make offer to purchase ROW or other similar action to verify that sufficient funding is available and that funds are obligated and reserved exclusively for the particular project phase.
5. Receive a **notice of obligation** from WRCOG within fourteen working days of receipt of the notice of intent confirming the amount of funding that is obligated and reserved exclusively for the particular project phase. Alternatively, the project sponsor will receive a notice of deferred obligation if WRCOG determines that insufficient funds are currently available for the project phase to be obligated.
6. Award the project and execute a contract within four months of receipt of the notice of obligation from WRCOG and send a letter of **confirmation of award** to WRCOG including evidence of a Board/Council action relating to the project award and contract execution.
7. Commence project work and submit the **first invoice** for payment within nine months of receipt of letter of obligation by WRCOG to preserve fund obligation. At the time of submitting the first invoice, the project sponsor will be required to submit all necessary supporting documentation (not previously submitted) in accordance with the provisions of the reimbursement agreement.

If a contract has not been executed within four months of receipt of the notice of obligation from WRCOG (step 5), there will be a review of the project status. Based on the review of project status, WRCOG will either:

- i. extend the fund obligation for up to a total of nine months from the notice of obligation if the project sponsor can demonstrate a realistic expectation that the project will be awarded, and a confirmation of award can be provided to WRCOG within that time frame; or
- ii. de-obligate the funds.

Similarly, if the first invoice has not been submitted to WRCOG within nine months of receipt of the letter of obligation (step 6), there will be a review of the project status. Based on the review of project status, WRCOG will either:

- i. extend the fund obligation for up to an additional nine months if the project sponsor can demonstrate a realistic expectation that the project work will commence, and a first invoice is submitted within that time frame; or
- ii. de-obligate the funds.

E. Programming the Cost Assumption's 10 Percent Contingency

The TUMF Program has established the policy allowing local jurisdictions the ability to choose how to apply the available 10 percent Contingency costs historically assigned to the construction phase of a project when it is programmed on a TUMF 5-Year Transportation Improvement Program (TIP). The Contingency fund is 10 percent of the sum of the new lane, right-of-way, bridge, interchange, and railroad costs.

Under this new policy, some jurisdictions may opt to continue applying the 10 percent Contingency to the construction costs, while others may choose to apply a portion of the 10 percent Contingency to help defray their administrative costs incurred during the planning and engineering phase delivery.

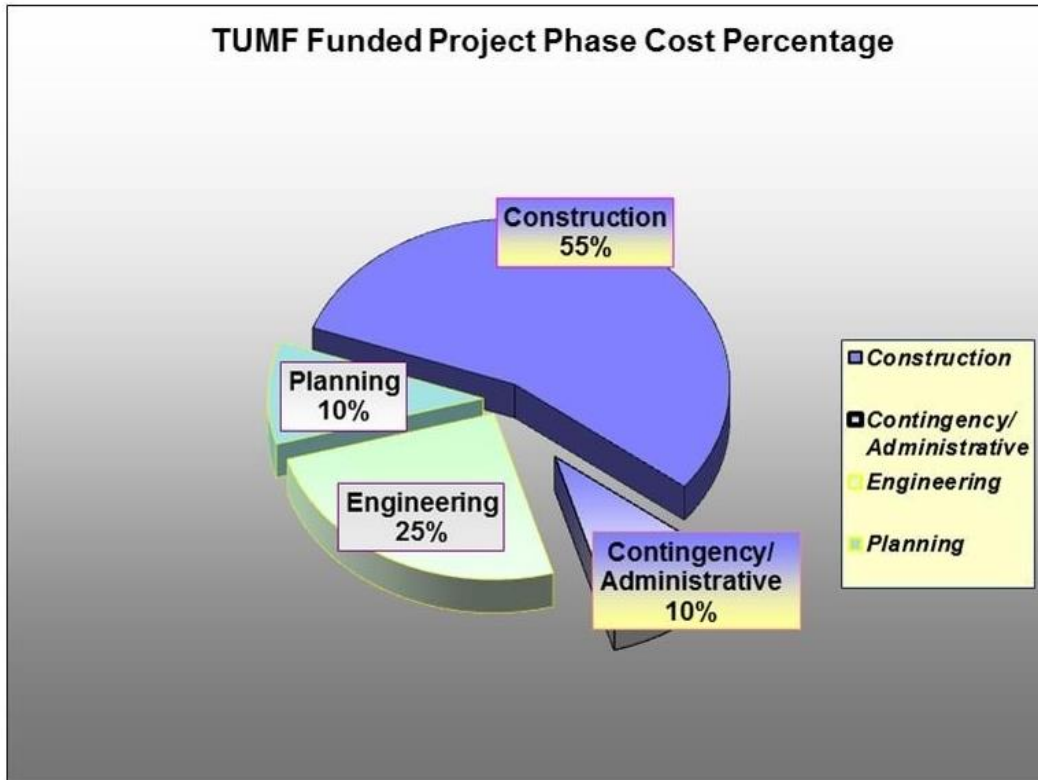
Since currently programmed construction funds already reflect the eligible 10 percent Contingency, the policy only applies to those projects that have not obligated or received payments on their construction phases.

For those jurisdictions who wish to recapture administrative costs of ongoing projects programmed on the TIP that do not involve an obligated construction phase, up to 10 percent of each of the programmed planning and engineering phases would be eligible for administrative costs and would be deducted from the available 10 percent contingency (leaving the remaining balance to be applied to construction costs or construction administration costs.)

Scenario –

Construction costs	= \$1,000,000
Contingency	= \$ 100,000 (or 10%)
Planning costs	= \$ 100,000
Engineering costs	= \$ 250,000
Admin costs (PA&ED)	= \$ 10,000 (or 10% of \$100k)
Admin costs (ENG)	= \$ <u>25,000</u> (or 10% of \$250k)

Balance Contingency = \$ 65,000 (for construction admin or contingency costs)



Jurisdictions may apply a portion or all of the available 10 percent Contingency to reimburse accrued administration costs for all three phases by requesting the amount to be programmed as a separate line item on the TIP during a biennial TIP review or amendment as any other project adjustment.

All existing and future reimbursement agreements, cost estimates, and scopes of work will need to be amended to include specific language covering the jurisdiction's individual contingency use option.

EXHIBIT “C”

The following table summarizes the criteria, evaluation thresholds and point values for evaluating TUMF Network adjustment requests for approval. For each evaluation measure, the maximum point value has been highlighted in **bold** font for easy reference.

Criteria	Evaluation Thresholds	Points
Minimum number of lanes at build-out	Less than 4 lanes	not eligible
	4 or 5 lanes	5
	6 or more lanes	15
Jurisdictions served	1 jurisdiction	0
	2 jurisdictions	5
	3 or more jurisdictions	10
Future forecast traffic volumes	Less than 20,000 vehicles per day	0
	20,000 to 24,999 vehicles per day	5
	25,000 to 29,999 vehicles per day	10
	30,000 to 34,999 vehicles per day	15
	35,000 to 39,999 vehicles per day	20
	40,000 or more vehicles per day	25
Future forecast volume to capacity ratio	< 0.80 (LOS A/B/C)	0
	0.81 – 0.90 (LOS D)	5
	0.91 – 1.00 (LOS E)	10
	> 1.00 (LOS F)	15
Regional fixed route transit services accommodated	No service	0
	1 or more services	10
Net fiscal impact of TUMF Network adjustment	More than \$1,000,000 cost addition	-15
	\$200,000 to \$1,000,000 cost addition	-5
	\$199,999 cost addition to \$199,999 cost savings	5
	\$200,000 to \$1,000,000 cost savings	15
	More than \$1,000,000 cost savings	25
Maximum Possible Score		100

EXHIBIT "D"

TUMF Program Definitions

For the purpose of the TUMF Administrative Plan, the following words, terms and phrases shall have the following meanings:

A. **"Class 'A' Office"** means an office building that is typically characterized by high quality design, use of high end building materials, state of the art technology for voice and data, on-site support services/maintenance, and often includes full service ancillary uses such as, but not limited to a bank, restaurant/office coffee shop, health club, printing shop, and reserved parking. The minimum requirements of an office building classified as Class 'A' Office shall be as follows: (i) minimum of three stories (exception will be made for March JPA, where height requirements exist); (ii) minimum of 10,000 square feet per floor; (iii) steel frame construction; (iv) central, interior lobby; and (v) access to suites shall be from inside the building unless the building is located in a central business district with major foot traffic, in which case the first floor may be accessed from the street to provide entrances/ exits for commercial uses within the building.

B. **"Class 'B' Office"** means an office building that is typically characterized by high quality design, use of high end building materials, state of the art technology for voice and data, on-site support services/maintenance, and often includes full service ancillary uses such as, but not limited to a bank, restaurant/office coffee shop, health club, printing shop, and reserved parking. The minimum requirements of an office building classified as Class 'B' Office shall be as follows: (i) minimum of two stories; (ii) minimum of 15,000 square feet per floor; (iii) steel frame, concrete or masonry shell construction; (iv) central, interior lobby; and (v) access to suites shall be from inside the building unless the building is located in a central business district with major foot traffic, in which case the first floor may be accessed from the street to provide entrances/exits for commercial uses within the building.

C. **"Development Project" or "Project"** means any project undertaken for the purposes of development, including the issuance of a permit for construction.

D. **"Gross Acreage"** means the total property area as shown on a land division of a map of record or described through a recorded legal description of the property. This area shall be bounded by road rights of way and property lines.

E. **"Habitable Structure"** means any structure or part thereof where persons reside, congregate or work and which is legally occupied in whole or part in accordance with applicable building codes, and state and local laws.

F. **"Industrial Project"** means any development project that proposes any industrial or manufacturing use allowed in the following Ordinance No. _____ zoning classifications: I-P, M-S-C, M-M, M-H, M-R, M-R-A, A-1, A-P, A-2, A-D, W-E, or SP with one of the aforementioned zones used as the base zone.

G. **"Low Income Residential Housing"** means "Residential Affordable Units": (A) for rental housing, the units shall be made available, rented and restricted to "lower income households" (as defined in Health and Safety Code Section 50079.5) at an "affordable rent" (as defined in Health and Safety Code Section 50053),). Affordable units that are rental housing shall be made available, rented, and restricted to lower income households at an affordable rent for a period of at least fifty-five (55) years after the issuance of a certificate of occupancy for

new residential development. (B) for for-sale housing, the units shall be sold to “persons or families of low or moderate income” (as defined in Health and Safety Code Section 50093) at a purchase price that will not cause the purchaser’s monthly housing cost to exceed “affordable housing cost (as defined in Health and Safety Code Section 50052.5) Affordable units that are for-sale housing units shall be restricted to ownership by persons and families of low or moderate income for at least forty-five (45) years after the issuance of a certificate of occupancy for the new residential development.

H. **“Multi-Family Residential Unit”** means a development project that has a density of greater than eight (8) residential dwelling units per gross acre.

I. **“Non-Residential Unit”** means retail commercial, service commercial and industrial development, which is designed primarily for non-dwelling use, but shall include hotels and motels.

J. **“Recognized Financing District”** means a Financing District as defined in the TUMF Administrative Plan as may be amended from time to time.

K. **“Residential Dwelling Unit”** means a building or portion thereof used by one (1) family and containing but one (1) kitchen, which is designed primarily for residential occupancy including single-family and multi-family dwellings. “Residential Dwelling Unit” shall not include hotels or motels.

L. **“Retail Commercial Project”** means any development project with the predominant use that proposes any retail commercial activity use not defined as a service commercial project allowed in the following Ordinance No. _____ classifications: R-1, R-R, R-R-O, R-1-A, R-A, R-2, R-2-A, R-3, R-3-A, R-T, R-T-R, R-4, R-5, R-6, C-1/C-P, C-T, C-P-S, C-R, C-O, R-V-C, C-V, W-2, R-D, N-A, W-2-M, W-1, or SP with one of the aforementioned zones used as the base zone, which can include any eating/dinning facility residing on the retail commercial development premises.

M. **“Service Commercial Project”** means any development project that is predominately dedicated to business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal, and medical offices, which can include a stand-alone eating/dining facility residing on the service commercial development premises.

N. **“Single Family Residential Unit”** means each residential dwelling unit in a development that has a density of eight (8) units to the gross acre or less.

O. **“TUMF Participating Jurisdiction”** means a jurisdiction in Western Riverside County which has adopted and implemented an ordinance authorizing participation in the TUMF Program and complies with all regulations established in the TUMF Administrative Plan, as adopted and amended from time to time by the WRCOG.

P. **“Disabled Veteran”** means any veteran who is retired or is in process of medical retirement from military service who is or was severely injured in a theatre of combat operations and has or received a letter of eligibility for the Veterans Administration Specially Adapted Housing (SAH) Grant Program.

Q. Government/public buildings, public schools, and public facilities that are owned and operated by a government entity in accordance with Section G. subsection Iv of the model TUMF Ordinance. A new development that is subject to a long-term lease with a government agency for government/public buildings, public schools, and public facilities shall apply only if all of the following conditions are met:

(a) The new development being constructed is subject to a long-term lease with a government agency.

(b) The project shall have a deed restriction placed on the property that limits the use to government/public facility for the term of the lease, including all extension options, for a period of not less than 20 years. Any change in the use of the facility from government shall trigger the payment of the TUMF in effect at the time of the change is made.

(c) No less than ninety percent of the total square footage of the building is leased to the government agency.

(d) The new development is constructed at prevailing wage rates.

(e) A copy of the lease is provided to the applicable jurisdiction and to WRCOG.

(f) Based on the facts and circumstances, the intent of the lease is to provide for a long-term government use, and not to evade payment of TUMF.

R. **“Non-profit Organization”** means an organization operated exclusively for exempt purposes set forth in section 501(c)(3) of the Internal Revenue Code, and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities, and it may not participate in any campaign activity for or against political candidates. For the purposes of the TUMF Program, the non-profit may be a 501(c) (3) charitable organization as defined by the Internal Revenue Service.

S. **“Long-Term Lease”** as used in the TUMF Program, a “long-term lease” shall mean a lease with a term of no less than twenty years.

T. **“Mixed-Use Development”** as used in the TUMF Program, means Developments with the following criteria: (1) three or more significant revenue-producing uses, and (2) significant physical and functional integration of project components.

U. **“Guest Dwellings”** and **“Detached Second Units”** according to the State of California legal definition as following: 1) The second unit is not intended for sale and may be rented; 2) The lot is zoned for single-family dwellings; 3) The lot contains an existing single-family dwelling; 4) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling; and 5) Are ministerially amended by each jurisdiction’s local codes.

EXHIBIT “E”

TUMF Program Exemptions

The following types of new development shall be exempt from the provisions of the TUMF Administration Plan:

1. Low income residential housing as defined in Exhibit D, Section G of the Administrative Plan.
2. Government/public buildings, public schools, and public facilities that are owned and operated by a government entity in accordance with Section Q of Exhibit D of the Administrative Plan and Section G. subsection Iv of the model TUMF Ordinance. Airports that are public use airports and are appropriately permitted by Caltrans or other state agency.
3. Development Projects which are the subject of a Public Facilities Development Agreement entered into pursuant to Government Code section 65864 *et seq*, prior to June 30, 2003, wherein the imposition of new fees are expressly prohibited, provided that if the term of such a Development Agreement is extended by amendment or by any other manner after June 30, 2003, the TUMF shall be imposed.
4. The rehabilitation and/or reconstruction of any habitable structure in use on or after January 1, 2000, provided that the same or fewer traffic trips are generated as a result thereof.
5. “Guest Dwellings” and “Detached Second Units” As defined in Exhibit D of the Administrative Plan and the TUMF Ordinance.
6. Additional single-family residential units located on the same parcel pursuant to the provisions of any agricultural zoning classifications set forth in the Municipal Code.
7. Kennels and Catteries established in connection with an existing single-family residential unit.
8. Any sanctuary, or other activity under the same roof of a church or other house of worship that is not revenue generating and is eligible for a property tax exemption (excluding concert venue, coffee/snack shop, bookstore, for-profit pre-school day-care, etc.)
9. Any nonprofit corporation or nonprofit organization offering and conducting full-time day school at the elementary, middle school or high school level for students between the ages of five and eighteen years.
10. “New single-family homes, constructed by non-profit organizations, specially adapted and designed for maximum freedom of movement and independent living for qualified Disabled Veterans.”



WRCOG TUMF

Credit/Reimbursement Manual

JANUARY 27, 2021⁰



WRCOG TUMF Credit/Reimbursement Manual

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WRCOG TUMF Credit/Reimbursement Manual

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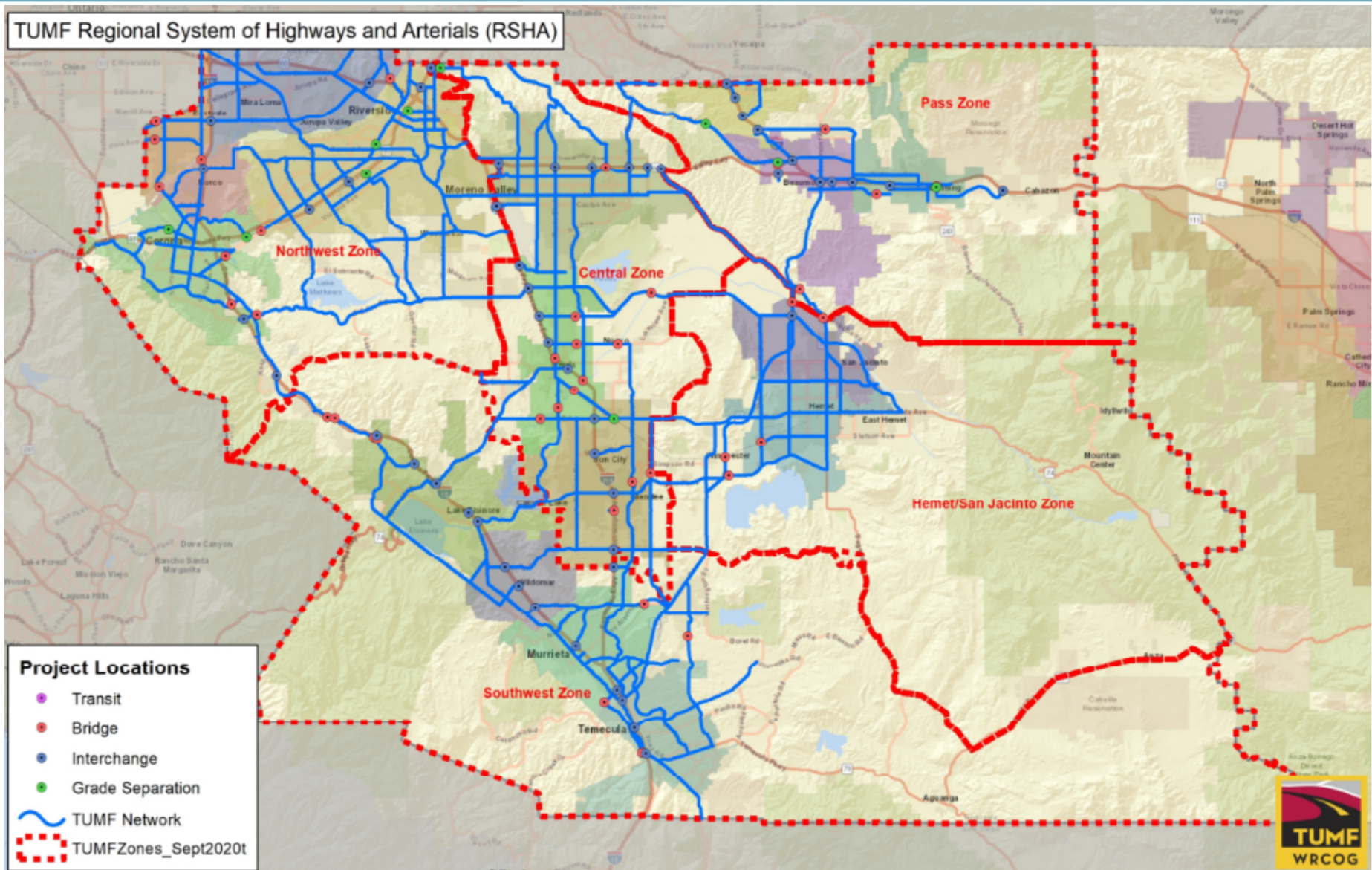


Figure 1.1: WRCOG TUMF Zones



WRCOG TUMF

1. Introduction



WRCOG TUMF Credit/Reimbursement Manual

1. Introduction

1.1 What is the WRCOG Transportation Uniform Mitigation Fee (TUMF) Program?

The Western Riverside Council of Governments (WRCOG) recognizes future development within western Riverside County will result in traffic volumes exceeding the capacity of the region's highways and roadways. To address future capacity needs and supplement other available transportation funds, the TUMF Program was established.

The TUMF Program is a regional fee program designed to provide transportation and transit infrastructure that mitigates the impact of new growth in the Western Riverside County. Each of WRCOG's member jurisdictions and the March Joint Powers Authority (JPA) participates in the TUMF Program through an adopted ordinance, collects fees from new development, and remits the fees to WRCOG. WRCOG is the administrator of the TUMF Program. It develops the "TUMF Nexus Study," the Document that serves as the technical and legal anchor for eligible improvements and the Program fee. WRCOG receives TUMF fees collected from member agencies and then distributes them back to a variety of agencies in the region, including:

- Riverside Transportation Commission (RCTC);
- Riverside Transit Agency (RTA);
- Western Riverside Regional Conservation Authority (RCA); and
- Western Riverside cities and Riverside County areas, through the applicable TUMF Zones.

Figure 1.1, WRCOG TUMF Zones, illustrates the location of each zone.

The TUMF Program provides significant additional funds from new development to make improvements to the Regional System, complementing funds generated by other funding sources and transportation fee programs. By levying a fee on new developments in the sub-region, local agencies have established a mechanism by which developers and in turn new county residents and employees effectively contribute their "fair share" toward sustaining the regional transportation system.

Fees are used to fund planning, engineering, right-of-way acquisition, and construction of eligible TUMF facilities. Eligible transportation improvement projects are identified in the TUMF Nexus Study, which establishes a nexus or reasonable relationship between the development impact fee's use and the type of project for which the fee is required.

WRCOG TUMF Zones

There are five TUMF Zones designated in the TUMF Program:

- Central
- Hemet/San Jacinto
- Northwest
- Pass
- Southwest

Each of the agencies in the Zones have common transportation issues. Zone level meetings occur among the public works directors, executive management, and elected officials who work together to select which projects are to be prioritized. Of the TUMF funds received by WRCOG, 45.7% shall be allocated to the five Zones for programming improvements to the Regional System of Highways and Arterials.

TUMF Nexus Study

Identifies the future improvements needed for the TUMF Network. The TUMF Nexus Study also summarizes the TUMF network cost calculations for each of the individual roadway segment and the maximum eligible TUMF share for each segment.



WRCOG TUMF Credit/Reimbursement Manual

1.2 Purpose and Use of WRCOG TUMF Credit/Reimbursement Manual

The purpose of the WRCOG TUMF Credit/Reimbursement Manual is to provide TUMF participating jurisdictions and agencies with guidelines on how to claim funds allocated for improvements to the TUMF Network as identified in the most recently adopted TUMF Nexus Study.

This manual provides details on the TUMF eligible and ineligible reimbursable expenses, reimbursement process for public agencies, credit and reimbursement process for developers, required documentation for TUMF invoicing to WRCOG and other TUMF funding elements.

Public agencies and developers seeking TUMF credits and/or reimbursements as described below are encouraged to follow the guidelines set forth in this manual:

Public Agencies

Public agencies who construct TUMF facilities may be eligible for reimbursement of eligible project costs. The reimbursement process is described in **Section 3 Public Agency TUMF Reimbursements**.

Developers

Developers proposing certain types of development within WRCOG member agencies are required to pay TUMF fees as outlined in the TUMF Nexus Study. These fees represent the developer's "TUMF obligation." Developers may choose to earn credits against their TUMF obligation through options presented below and in **Section 4 Developer TUMF Credits**.

- Credit for Construction of TUMF Improvements
- Credit for Right-of-Way Dedication
- Credit for Monetary Contributions

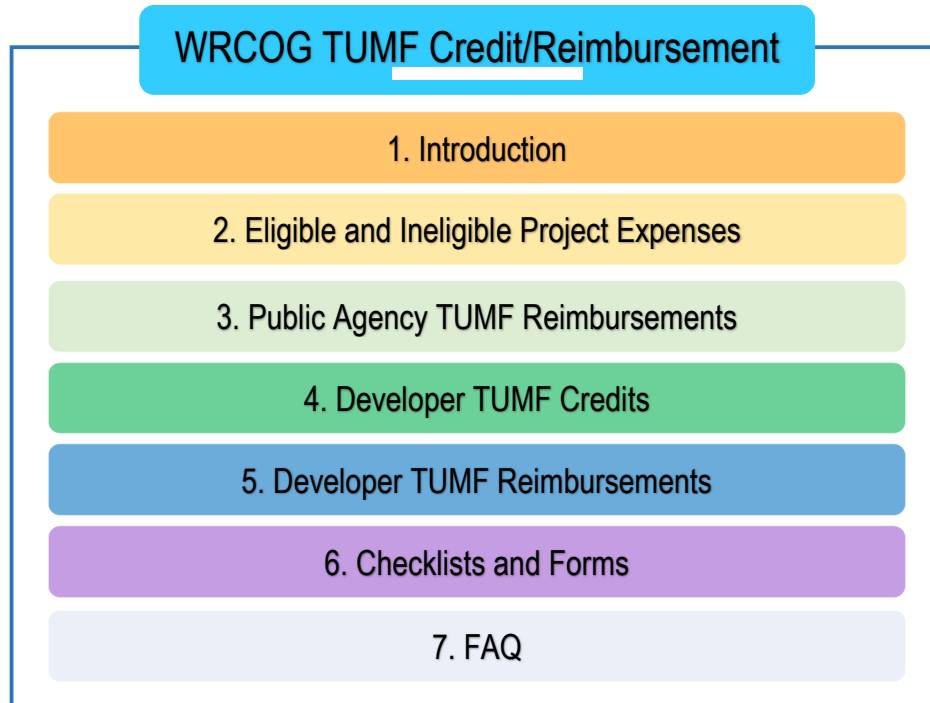
The TUMF ordinance has a provision that if a developer constructs a TUMF facility, the developer will receive credit against the TUMF obligation for the project improvements. If the credit exceeds the TUMF obligation, the developer may be eligible for reimbursement. The reimbursement process is described in **Section 5 Developer TUMF Reimbursements**.

WRCOG recognizes that changes and deviations from this manual may be necessary to accommodate and address specific project factors and public agency needs. WRCOG will coordinate with public agencies when deviations to credit or reimbursement process steps are required. All TUMF reimbursements require an agreement with WRCOG and/or the applicable TUMF participating agency. This manual is intended to be a guide for TUMF participants and shall not be construed to establish any new rules or requirements. Binding TUMF Program rules are set forth in the TUMF Administrative Plan and the applicable city/county TUMF ordinances and resolutions.



WRCOG TUMF Credit/Reimbursement Manual

The WRCOG TUMF Credit/Reimbursement Manual is organized into the following sections:





WRCOG TUMF

2. Eligible and Ineligible Project Expenses



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2. Eligible and Ineligible Project Expenses

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2. Eligible and Ineligible Project Expenses

2.1 TUMF Reimbursement Manual Vision and Reimbursement Principles

The WRCOG TUMF Reimbursement Manual assists local agencies and jurisdictions with the reimbursement process for eligible project costs of transportation improvements and facilities.

WRCOG coordinates with each local jurisdiction to encourage an efficient reimbursement process and recognizes that there are questions regarding the reimbursement eligibility of project types, improvements and facilities. To assist in determining the eligibility of projects improvements/costs, WRCOG utilizes the TUMF Reimbursement Principles. A project improvement/cost must meet all the principles listed below to be considered eligible for reimbursement.

PRINCIPLE 1: Proposed improvements/costs contribute to the reduction of congestion in the region's transportation network.

PRINCIPLE 2: Proposed improvements/costs contribute to capacity enhancement in the region's transportation network.

PRINCIPLE 3: Proposed improvements/costs do not exceed the maximum TUMF share identified in the most recent TUMF Nexus Study.

PRINCIPLE 4: Proposed improvements/costs are integral to the implementation of the TUMF facility.

TUMF eligible project expense reimbursements are only for roadway segments identified on the TUMF Network or Regional System of Highways and Arterials (RSHA) as indicated in the TUMF Administrative Plan and Nexus Study.

WRCOG developed a [TUMF Network interactive map](#) to provide member agencies and developers the opportunity to more easily determine whether its facilities are eligible for TUMF funding. This web map contains various filters to sort and display the TUMF Network by project type (interchanges, bridges, railroad grade separations), maximum TUMF share, and whether funding has been allocated for specific projects.

It is the responsibility of member jurisdictions to demonstrate the TUMF Program eligibility of all expenses submitted to WRCOG for review and potential reimbursement. The TUMF Program can only contribute funding for particular expenses as they relate to capacity enhancing projects included in the TUMF Nexus Study. Funding amounts explicitly stated in Reimbursement Agreements between WRCOG and member jurisdictions are reimbursed only if all invoices submitted to WRCOG contain TUMF eligible expenses.

The following subsections list eligible and ineligible project types and expenses for reimbursement.



WRCOG TUMF Credit/Reimbursement Manual

2.2 Eligible Project Types

Project reimbursement items eligible for funding reimbursement shall follow the Federal Guidelines as defined in MAP 21 and in the Caltrans Local Assistance Procedure Manual (LAPM). The following lists project types eligible for TUMF reimbursement:

Table 2-1 Eligible Project Types for TUMF Reimbursement	
	Construction of additional TUMF Network roadway lanes
	Construction of new TUMF Network roadway segments
	Expansion of existing TUMF Network bridge structures
	Construction of new TUMF Network bridge structures
	Expansion of existing TUMF Network interchanges with freeways
	Construction of new TUMF Network interchanges with freeways
	Grade separation of existing RSHA Network at-grade rail crossings

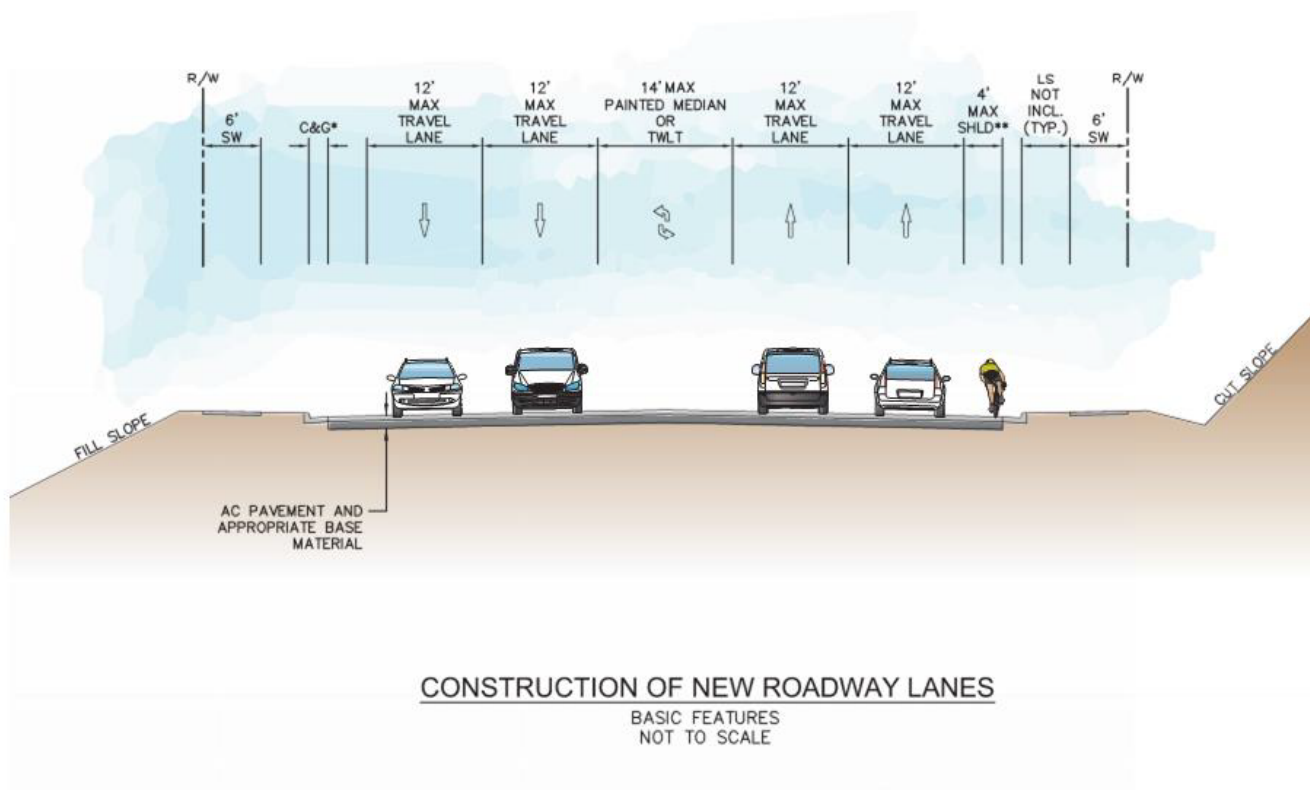
For eligible project types, the required Typical Roadway Standard assumes the following standard design characteristics that are consistent with the minimum requirements of the Caltrans Highway Design Manual:

- Asphalt concrete pavement and appropriate base material to accomplish 12 feet per travel lane plus up to four feet for ancillary treatments (e.g. shoulders or Class II Bike Lane);
- Concrete curb and gutter and associated drainage (e.g. paved roadway shoulders and/or open swale);
- Storm drains located within curb to curb, and associated transverse portions perpendicular to the roadway and adjoining portions longitudinal to the roadway (the longitudinal storm drain line shall be sized and reimbursed only for the roadway within right-of-way limits);
- 14-foot paved and painted median (or dual center left turn lane);
- Traffic signals at intersections with state highways and other major arterials that are also on the TUMF Network if identified in the application project description and warranted;
- Pavement striping and roadway signing, as required;
- 6-foot wide concrete sidewalks and associated curb cuts for ADA access at street crossings.

2.3 Model Typical Sections for Eligible Project Costs

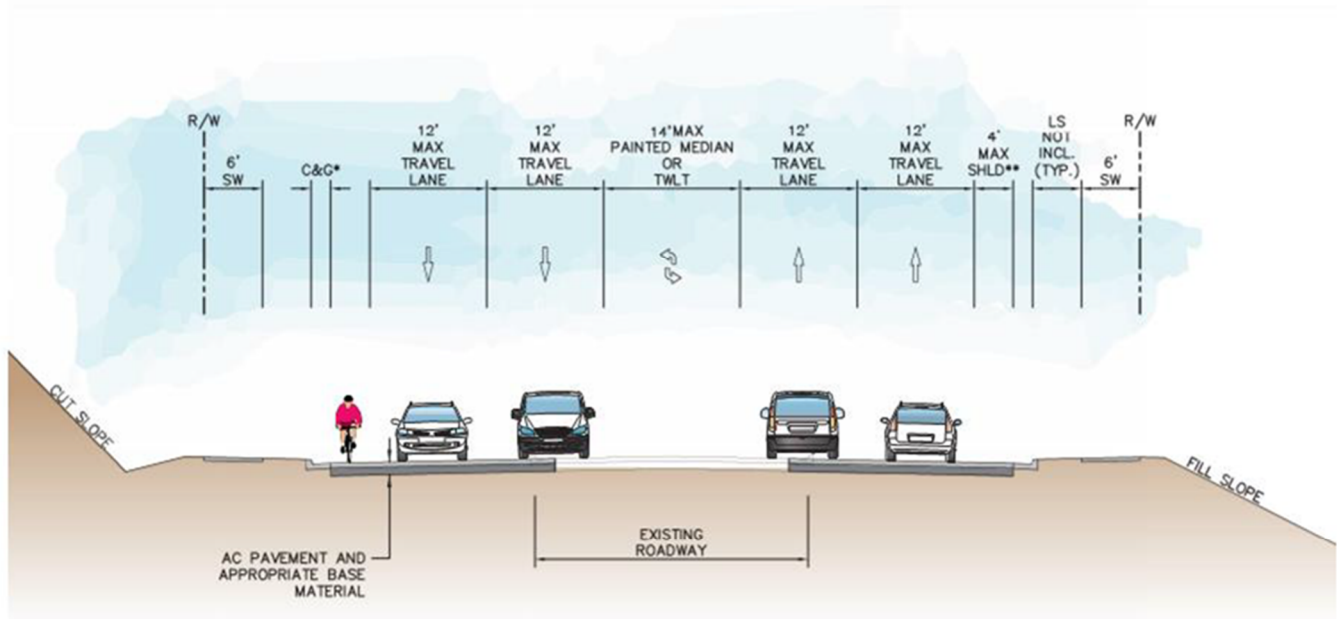
Figures 2.1 – 2.6 illustrate general configurations typically eligible for reimbursement under the WRCOG TUMF Program. For more complex projects, additional project features are reviewed for reimbursement eligibility using the TUMF Reimbursement Principles.

Figure 2.1 Typical Section – Construction of New Roadway Lanes



- * - CONCRETE CURB AND GUTTER AND ASSOCIATED DRAINAGE (E.G. PAVED ROADWAY SHOULDERS AND/OR OPEN SWALE)
- ** - UP TO FOUR FEET FOR ANCILLARY TREATMENTS (E.G. SHOULDERS OR CLASS II BIKE LANE)
- LS - LANDSCAPE
- R/W - RIGHT-OF-WAY
- SW - SIDEWALK
- SHLD - SHOULDER
- TWLT - TWO WAY LEFT TURN
- TYP. - TYPICAL

Figure 2.2 Typical Section – Construction of Additional Roadway Lanes



CONSTRUCTION OF ADDITIONAL ROADWAY LANES

BASIC FEATURES
NOT TO SCALE

- * - CONCRETE CURB AND GUTTER AND ASSOCIATED DRAINAGE (E.G. PAVED ROADWAY SHOULDERS AND/OR OPEN SWALE)
- ** - UP TO FOUR FEET FOR ANCILLARY TREATMENTS (E.G. SHOULDERS OR CLASS II BIKE LANE)
- LS - LANDSCAPE
- R/W - RIGHT-OF-WAY
- SW - SIDEWALK
- SHLD - SHOULDER
- TWLT - TWO WAY LEFT TURN
- TYP. - TYPICAL

Figure 2.3 Typical Configuration – Construction of New Interchange

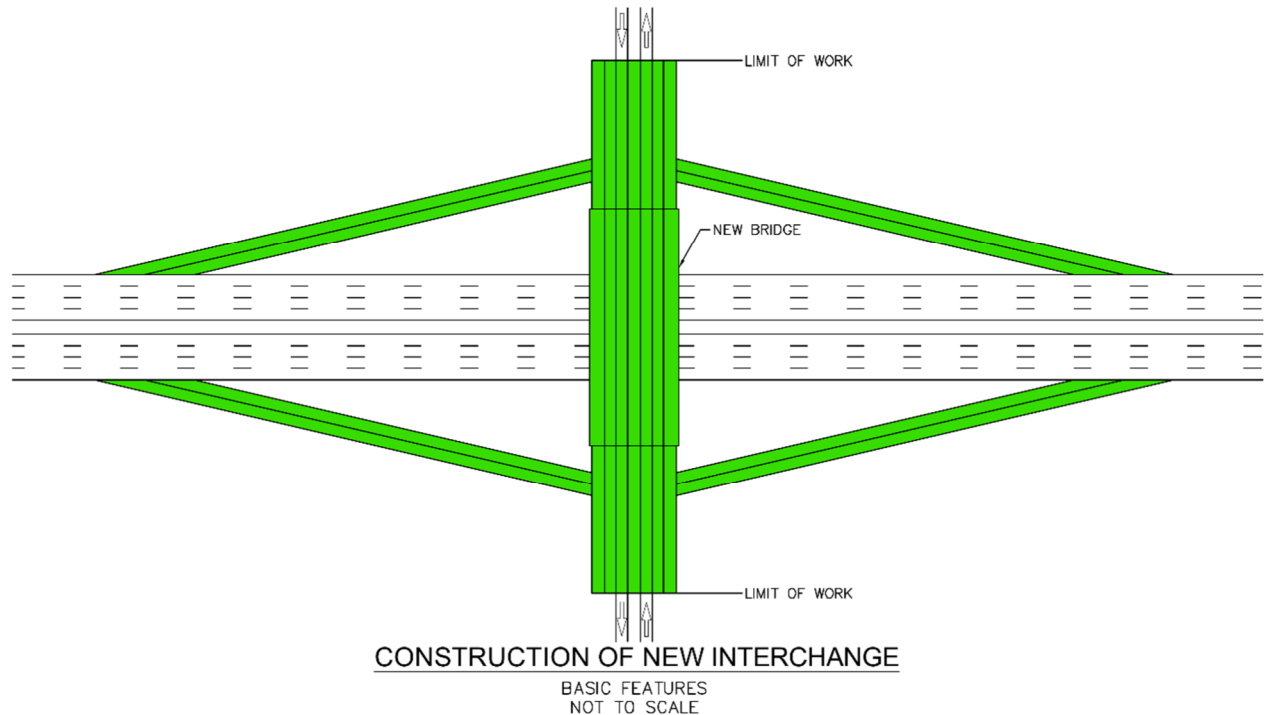


Figure 2.4 Typical Configuration – Construction of Interchange Improvements

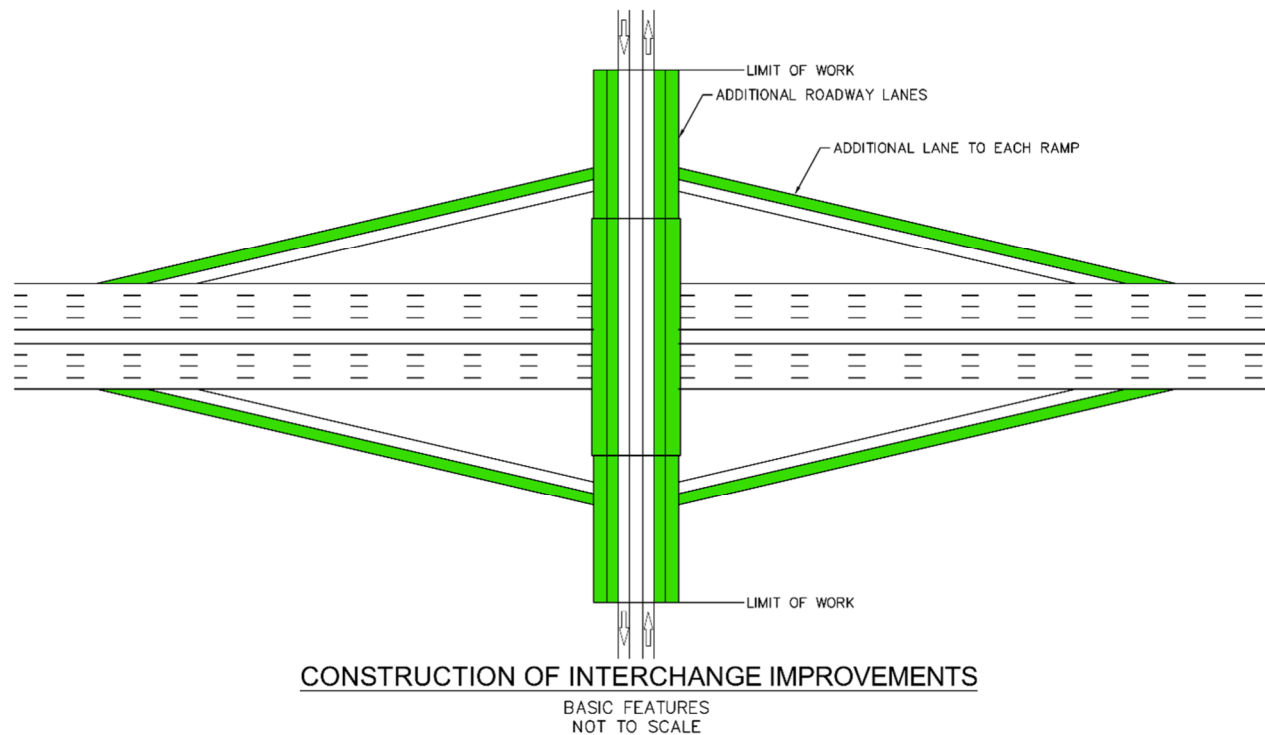


Figure 2.5 Typical Configuration – Construction of New Grade Separation

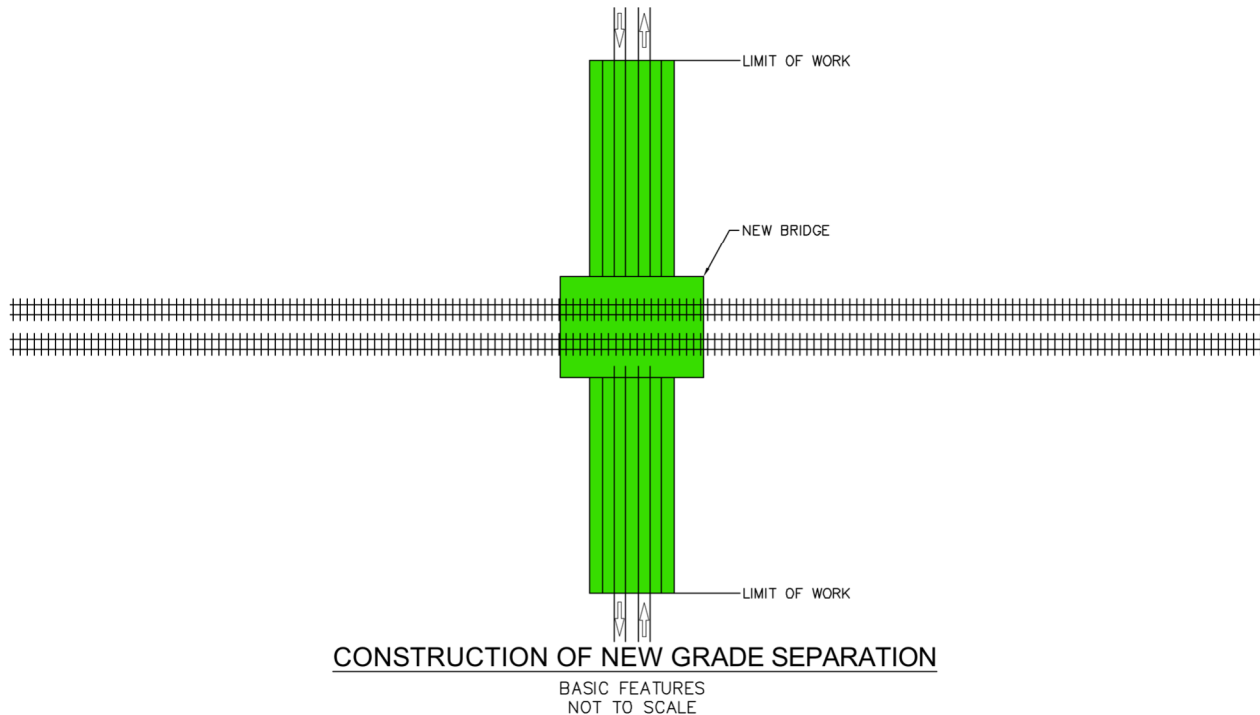
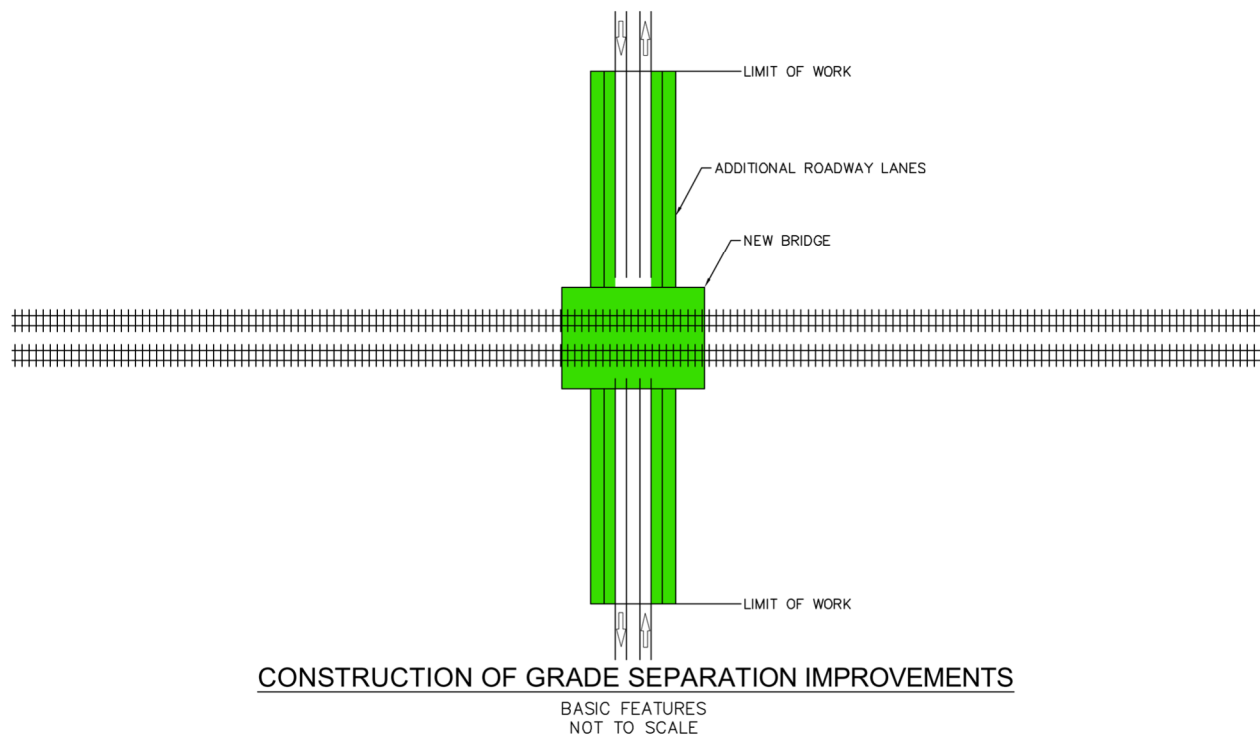


Figure 2.6 Typical Configuration – Construction of Grade Separation Improvements





WRCOG TUMF Credit/Reimbursement Manual

2.4 Eligible Project Expenses

Eligible project expenses include the following items, provided that such items are included in the scope of work approved under the reimbursement agreement between the public agency and WRCOG:

Table 2-2 Eligible Project Expenses for TUMF Reimbursement	
	Public agency and/or consultant costs associated with direct project coordination and support
	Funds expended in preparation of preliminary engineering studies
	Funds expended in preparation of environmental review documentation for the project
	All costs associated with right-of-way acquisition, legal costs for condemnation procedures if authorized by the public agency, and costs of reviewing appraisals and offers for property acquisition
	Costs reasonable incurred if condemnation proceeds
	Costs incurred in the preparation of plans, specifications, and estimates by the public agency or consultants
	Public agency costs associated with bidding, advertising, and awarding of project contracts
	Construction costs, including change orders to construction contract approved by the public agency
	Construction management, field inspection and material testing costs
	Any public agency administrative cost to deliver the project
	Maximum reimbursed for Project Approval and Environmental Document (PA&ED) Phase work = 10% of Construction Costs
	Maximum reimbursed for Plan, Specification and Estimate (PS&E) Phase work = 15% of Construction Costs
	Maximum reimbursed for Construction Management (CM) Phase work = 15% of Construction Costs
	Relocation of Utilities: Where the local agency is responsible for the relocation of utilities, these relocations are eligible for reimbursement through TUMF. Where the utility company is responsible for the relocation of these utilities, this is NOT eligible for reimbursement through TUMF. As a general rule, when other agencies bear the responsibility of project improvements, than the TUMF program should not be a part of the reimbursement for the needed improvement.



WRCOG TUMF Credit/Reimbursement Manual

2.5 Ineligible Project Types and Expenses

Ineligible project costs include the items listed below. Ineligible project costs follow the Federal Guidelines as defined in MAP 21 and in the Caltrans Local Assistance Procedure Manual (LAPM). These improvements are not eligible for TUMF funding and will be the responsibility of the local funding agency.

Table 2-3
Ineligible Project Types and Expenses for TUMF Reimbursement

Roadway improvements more than the Typical Roadway Standard. These improvements may include, but are not limited to:
• Portland concrete cement pavement or other aesthetic pavement types (except at interchanges and overpasses) • Major rehabilitation or overlay of existing pavement in adjacent roadway lanes • Raised barriers and/ raised medians • Parking lanes • Roadway tapers outside the extent of the approved project • Sanitary sewage infrastructure • Water systems • Dry Utilities • Undergrounding infrastructure • Relocation of non-prior rights utilities • Storm drain systems in excess of draining the roadway • Landscaping • Street lighting • Class I Bike Lanes (e.g. separate bicycle paths) • Detection/retention basins outside of street right-of-way • Excess Right-of-Way • Crosswalk Enhancements (e.g. in-pavement lights and HAWK Pedestrian Crosswalk Systems)
Environmental permitting
Agency staff time in excess of 15% of programmed engineering
Agency staff time in excess of 15% of programmed construction
Temporary (interim) improvements
Project features/improvements that have obtained funding from other funding sources



WRCOG TUMF

3. Public Agency TUMF Reimbursements



WRCOG TUMF Credit/Reimbursement Manual

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3. Public Agency TUMF Reimbursements

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3. Public Agency TUMF Reimbursements

Public agencies who construct TUMF facilities are eligible for reimbursement of eligible project costs equivalent to the maximum share identified in the Nexus Study or actual project cost, whichever is less. **Figure 3.1, Public Agency TUMF Reimbursement Process**, illustrates the TUMF reimbursement process for public agencies.



WRCOG TUMF Credit/Reimbursement Manual

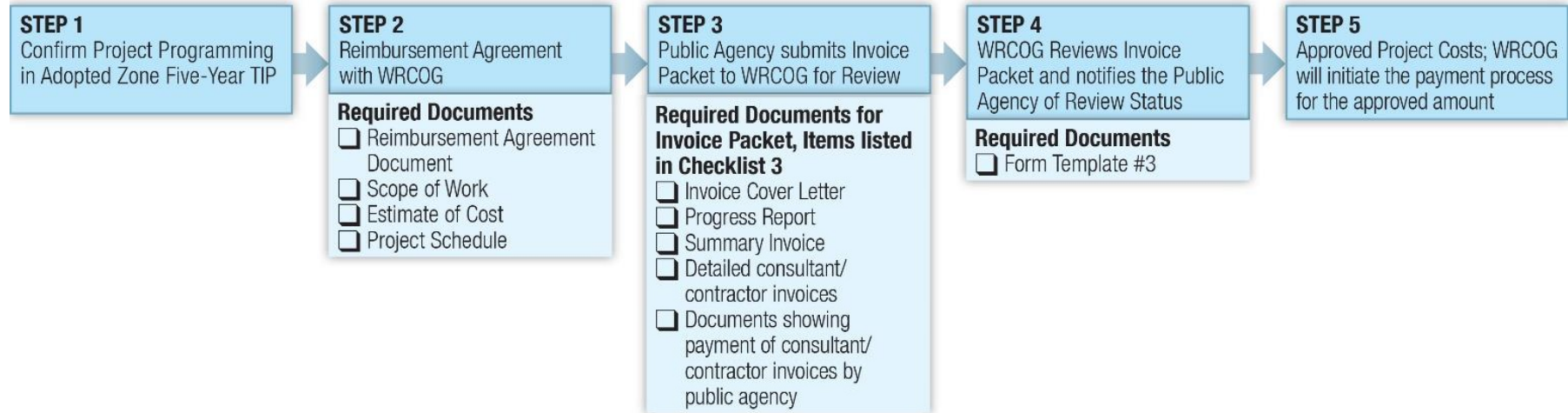


Figure 3.1: Public Agency TUMF Reimbursement Process



3.1 Obtaining a Reimbursement

The following illustrates the steps for public agency reimbursements:

Step 1. Confirm Project Programming

The public agency shall confirm that the project phase is programmed in the current year of the adopted [Zone Five-Year Transportation Improvement Program \(TIP\)](#).

Step 2. Reimbursement Agreement with WRCOG

Public agencies are required to enter a reimbursement agreement with WRCOG to be eligible to receive TUMF revenue. The amount eligible for reimbursement will be based on the awarded contract but will not exceed the maximum TUMF share identified in the current TUMF Nexus Study.

A public agency is required to enter a reimbursement agreement with WRCOG at the start of a project and does not have to renew the reimbursement agreement every fiscal year unless the amount programmed for the project or project phase increases or decreases in the most recent Zone Five-Year Transportation Improvement Program.

A public agency entering a reimbursement agreement with WRCOG will need to complete and submit the following documents to WRCOG:

- Reimbursement Agreement Document – *Document template provided as **Attachment A** in **Section 6, Checklists and Forms**.*
- Scope of Work – *Provide descriptions of major tasks to complete the project. This document should indicate any project phasing and key project milestones.*
- Estimate of Cost – *Provide an estimate of total project costs. This document should include an estimate of Local Match Contribution per requirements of the TUMF program.*
- Project Schedule – *Provide an estimated timeline to complete key tasks identified in the Scope of Work. This document should include dates for project milestones.*

STEP 1

Confirm Project Programming
in Adopted Zone Five-Year TIP

STEP 2

Reimbursement Agreement
with WRCOG

Required Documents

- ☐ Reimbursement Agreement Document
- ☐ Scope of Work
- ☐ Estimate of Cost
- ☐ Project Schedule



WRCOG TUMF Credit/Reimbursement Manual

Step 3. Reimbursement Invoicing and Reporting by Public Agency

Invoices and Progress Reports

- Invoices should be submitted to WRCOG during the fiscal year at a:
 - Minimum of one (1) invoice every 9 months; and
 - Maximum of one (1) invoice per month
- Each invoice packet sent to WRCOG shall include the following (Refer to **Section 6, Checklist and Forms**, for **Checklist 3** and model form templates):
 - Quarterly Invoice Cover Letter (**Attachment F: Form Template 1**)
 - Quarterly Progress Report (**Attachment G: Form Template 2**)
 - Quarterly Invoice (**Attachment H: Form Template 3**)
 - Detailed consultant/contractor invoices
 - Documents showing payment of consultant/contractor invoices by public agency

Invoice Submittal

- Credit reimbursement agreements shall be submitted electronically to WRCOG.
- Credit reimbursement agreements shall be submitted to the following WRCOG TUMF program email address: tumf@wrcog.us
- A notice will be sent from WRCOG confirming receipt.

Step 4. Review by WRCOG

Upon receipt of an invoice packet, WRCOG will review and provide a written notification following **Attachment H: Form Template 3** in **Section 6, Checklists and Forms**, to the public agency stating:

- a. Approved Project Costs;
- b. Rejected Project Costs: Project costs that do not comply with the TUMF Program. WRCOG will provide reasons why specific project costs were not approved.

STEP 3

Public Agency submits Invoice Packet to WRCOG for Review

Send invoice packets to WRCOG electronically

- ☐ Minimum of One Invoice Every 9 Months
- ☐ Maximum of One Invoice Per Month

Required Documents for Invoice Packet, Items listed in Checklist 3

- ☐ Invoice Cover Letter
- ☐ Progress Report
- ☐ Summary Invoice
- ☐ Detailed consultant/contractor invoices
- ☐ Documents showing payment of consultant/contractor invoices by public agency

STEP 4

WRCOG Reviews Invoice Packet and notifies the Public Agency of Review Status

Required Documents

- ☐ Form Template #3



WRCOG TUMF Credit/Reimbursement Manual

Step 5. Approved/Rejected Project Costs

Upon approval of the invoice, WRCOG will initiate the payment process for the approved amount to the public agency.

STEP 5

Approved Project Costs; WRCOG will initiate the payment process for the approved amount



WRCOG TUMF Credit/Reimbursement Manual

3.2 Obligation of TUMF Funds

Funding for a project programmed on a [Zone Five-Year TIP](#) is not considered obligated by WRCOG until certain steps outlined below have been completed by the public agency:

- a. Ensure that funding for the project phase is programmed in the current year of an adopted Five-Year TIP.
- b. Ensure that there is a signed (executed) reimbursement agreement that matches the funding amount with the funding amount of the project phase in the adopted Five-Year TIP.
- c. Submit the first invoice for TUMF eligible work starting in September of the fiscal year. At the time of submitting the first invoice, the public agency will be required to submit all necessary supporting documentation (not previously submitted) in accordance with the provisions of the reimbursement agreement.

If the first invoice has not been submitted to WRCOG by December, there will be a review of the project status. Based on the review of the project status, WRCOG will either:

- a. Extend the fund obligation for up to an additional nine (9) months so the project sponsor can demonstrate a realistic expectation that the project work will commence and a first invoice is submitted within that time frame; or
- b. De-obligate the funds.



WRCOG TUMF

4. Developer TUMF Credits



WRCOG TUMF Credit/Reimbursement Manual

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4. Developer TUMF Credits

Per the TUMF Program, developers proposing certain types of development within WRCOG member agencies are required to pay TUMF fees as outlined in the TUMF Nexus Study. These fees represent the developer's "TUMF obligation." Through the TUMF Program, developers may qualify for credits against their TUMF obligation.

Developers may be eligible to earn TUMF credit for the following:

- Construction of TUMF improvements identified on the Regional System of Highways and Arterials (RSHA) Network;
- Right-of-Way (ROW) dedication for RSHA improvements; and
- Monetary contributions to construct TUMF improvements.

Figure 4.1 – 4.3 and Sections 4.1 – 4.3 illustrate and summarize the separate processes for obtaining TUMF credits.



WRCOG TUMF Credit/Reimbursement Manual

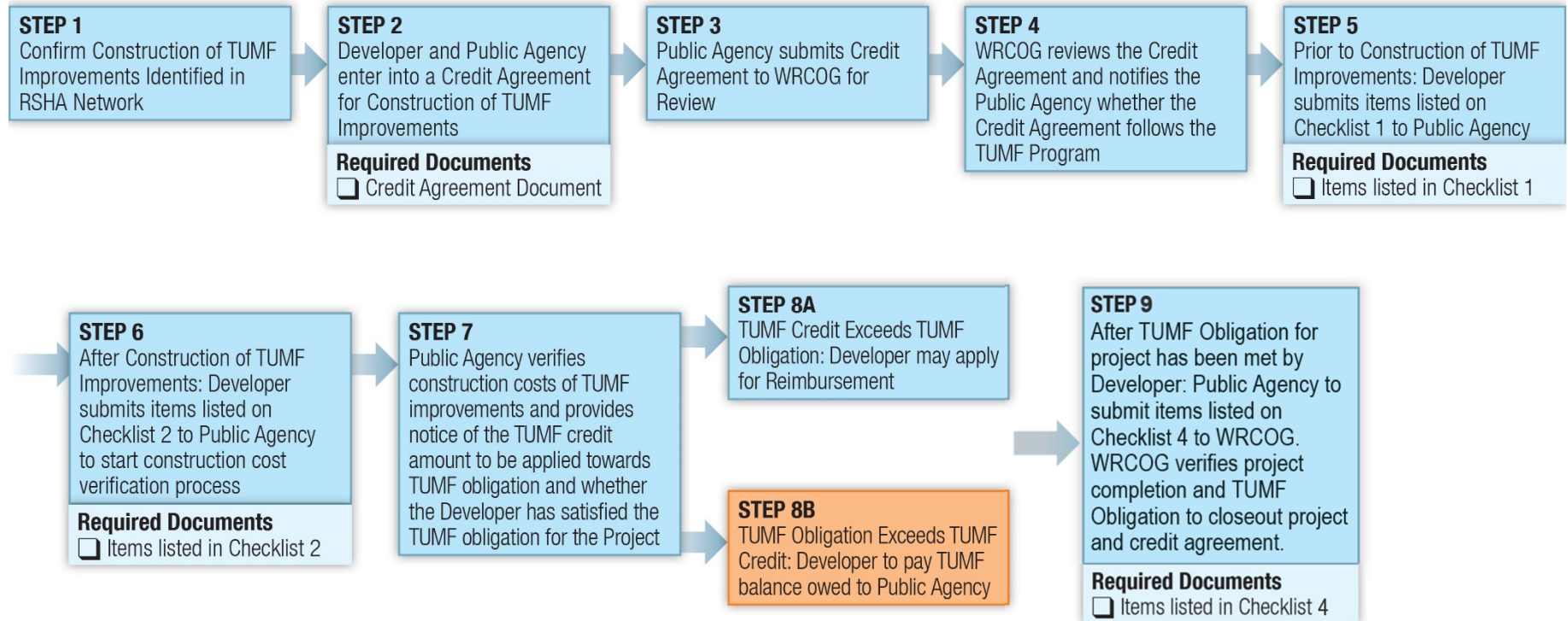


Figure 4.1: Credit for Construction of TUMF Improvements Process



WRCOG TUMF Credit/Reimbursement Manual

4.1 Credit for Construction of TUMF Improvements

For construction of TUMF improvements as identified on the RSHA Network, developers are entitled to a TUMF credit of up to 100% of the TUMF obligation fee, not to exceed the maximum TUMF share. TUMF credit shall be determined based on approved improvement plans and after conditions of approval have been determined.

The following are the typical steps to obtain TUMF Credits for the construction of TUMF improvements:

Step 1. Determine if Improvements Qualify for TUMF Credits

The public agency shall confirm that construction of TUMF improvements are identified in the RSHA Network.

Step 2. Credit Agreement with Public Agency

Developers are required to enter into a Credit Agreement for Construction of TUMF Improvements with the public agency to be eligible to receive TUMF credits. A model Credit/Reimbursement Master Agreement document template is provided in **Section 6, Checklists and Forms**.

Step 3. Credit Agreement Submittal to WRCOG

The public agency shall submit the Credit Agreement for Construction of TUMF Improvements to WRCOG for approval in accordance to the following:

- Credit reimbursement agreements shall be submitted electronically to WRCOG.
- Credit reimbursement agreements shall be submitted to the following WRCOG TUMF program email address: tumf@wrcog.us
- A notice will be sent from WRCOG confirming receipt.

STEP 1

Confirm Construction of TUMF Improvements Identified in RSHA Network

STEP 2

Developer and Public Agency enter into a Credit Agreement for Construction of TUMF Improvements

Required Documents

☐ Credit Agreement Document

STEP 3

Public Agency submits Credit Agreement to WRCOG for Review



WRCOG TUMF Credit/Reimbursement Manual

Step 4. Review by WRCOG

Upon receipt of a Credit Reimbursement Agreement, WRCOG will review and provide a written notification to the public agency stating:

- a. Approved: The agreement complies with the TUMF Program; or
- b. Denied: The agreement does not comply with the TUMF Program.
WRCOG will provide reasons agreement does not comply.

Denied Credit Agreement

In the event WRCOG denies the credit agreement, the public agency may revise and resubmit the credit agreement for approval.

Step 5. Prior to Construction of TUMF Improvements: Submit Items on Checklist 1

The developer will initiate project delivery of TUMF improvements by preparing a bid package per the public agency's requirements. Prior to construction of TUMF improvements, the developer is required to submit the items listed on **Checklist 1** found in **Section 6, Checklists and Forms**, to the public agency prior to start of construction. The public agency will make Checklist items available to WRCOG upon request.

Step 6. Post Construction of TUMF Improvements: Submit Items on Checklist 2

After TUMF improvements have been constructed, the developer is required to submit the items listed on **Checklist 2** found in **Section 6, Checklists and Forms**, to initiate the construction cost verification process to the public agency after project construction is complete.

STEP 4

WRCOG reviews the Credit Agreement and notifies the Public Agency whether the Credit Agreement follows the TUMF Program



STEP 5

Prior to Construction of TUMF Improvements: Developer submits items listed on Checklist 1 to Public Agency

Required Documents

- ☐ Items listed in Checklist 1



STEP 6

After Construction of TUMF Improvements: Developer submits items listed on Checklist 2 to Public Agency to start construction cost verification process

Required Documents

- ☐ Items listed in Checklist 2





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Step 7. Review by Public Agency

Upon receipt of items listed on **Checklist 2**, the public agency will

- Verify eligible construction costs
- Determine the TUMF Credit amount to be applied towards the project:
 - Credit amount as agreed upon in the projects original Master Credit/Reimbursement Agreement approved by WRCOG or actual eligible construction cost: whichever is less.
- Provide a written notice determining:
 - TUMF Credit amount to be applied towards the project to offset the TUMF Obligation and
 - If the TUMF Credit Exceeds the TUMF Obligation.

Step 8. TUMF Credit and TUMF Obligation

TUMF Credit Exceeds TUMF Obligation

If the TUMF credit amount exceeds the TUMF Obligation for the project, the project will be deemed to have completely satisfied its TUMF Obligation and the developer may apply for reimbursement as discussed in **Section 5, Developer TUMF Reimbursement**.

TUMF Obligation Exceeds TUMF Credit

If the TUMF Obligation exceeds the TUMF credit amount for the project, the amount of the difference is the TUMF balance owed by the developer. The developer shall pay the TUMF balance to the public agency to fully satisfy the TUMF Obligation for the project.

Step 9. Project Closeout

After the TUMF Obligation for the project has been met, the public agency is required to submit the items listed on **Checklist 4** found in **Section 6, Checklists and Forms**, to WRCOG to verify project completion and TUMF Obligation.

STEP 7

Public Agency verifies construction costs of TUMF improvements and provides notice of the TUMF credit amount to be applied towards TUMF obligation and whether the Developer has satisfied the TUMF obligation for the Project



STEP 8A

TUMF Credit Exceeds TUMF Obligation: Developer may apply for Reimbursement

STEP 8B

TUMF Obligation Exceeds TUMF Credit: Developer to pay TUMF balance owed to Public Agency



STEP 9

After TUMF Obligation for project has been met by Developer: Public Agency to submit items listed on Checklist 4 to WRCOG. WRCOG verifies project completion and TUMF Obligation to closeout project and credit agreement.

Required Documents

- ☐ Items listed in Checklist 4



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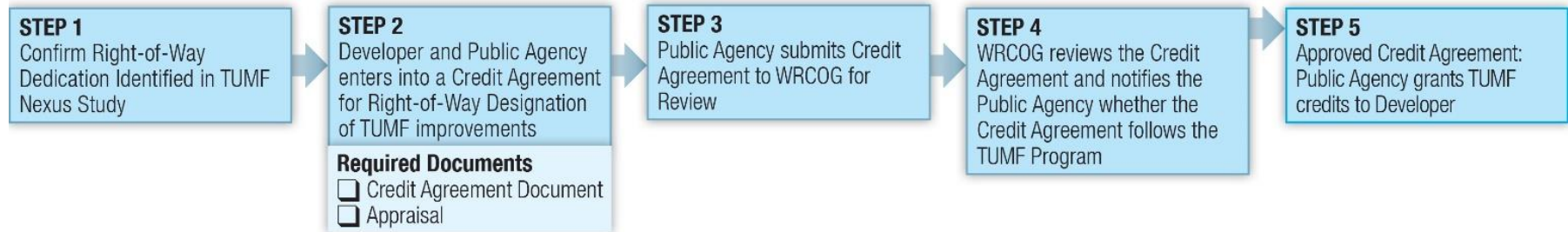


Figure 4.2: Credit for Right-of-Way Dedication Process



4.2 Credit for Right-of-Way Dedication

A developer may receive TUMF credits for Right-of-Way (ROW) dedications. The ROW dedications that may be eligible for TUMF credits are required to be:

- ROW dedications for RSHA improvements; and
- ROW dedications not part of construction projects.

The following are the typical steps to obtain TUMF Credits for Right-of-Way Dedication:

Step 1. Determine if ROW Dedication Qualifies for TUMF Credits

The public agency shall confirm that the ROW dedication is identified in the TUMF Nexus Study.

STEP 1

Confirm Right-of-Way Dedication Identified in TUMF Nexus Study

Step 2. Credit Agreement with Public Agency

The developer is required to enter into an WRCOG - approved Credit Agreement for ROW Dedication with the public agency to be eligible to receive TUMF credits. A model Credit/Reimbursement Master Agreement document template is provided in **Section 6, Checklists and Forms**. Each Credit Agreement for ROW Dedication shall include the following:

- Credit Agreement for ROW Dedication between developer and public agency; and
- Appraisal

Appraisals

An appraisal is required as part of the Credit Agreement and will be determined using one of the following methods:

- The developer provides to the public agency a current appraisal (no more than two years old), of the ROW to be dedicated. The public agency reviews it and determines if the appraisal is valid and acceptable; or
- The developer accepts the appraisal of the public agency.

The appraisal will determine the value of the ROW being dedicated and the amount eligible for credit, but will not exceed the maximum share of credits available for ROW dedication as identified in the current WRCOG TUMF Nexus Study.

STEP 2

Developer and Public Agency enters into a Credit Agreement for Right-of-Way Designation of TUMF improvements

Required Documents

- ☐ Credit Agreement Document
- ☐ Appraisal



WRCOG TUMF Credit/Reimbursement Manual

Step 3. Credit Agreement Submittal to WRCOG

The public agency shall submit the Credit Agreement to WRCOG for approval in accordance to the following:

- Credit agreements shall be submitted electronically to WRCOG.
- Credit agreements shall be submitted to the following WRCOG TUMF program email address: tumf@wrcog.us
- A notice will be sent from WRCOG confirming receipt.

Step 4. Review by WRCOG

Upon receipt of the Credit Agreement, WRCOG will review and provide a written notification to the public agency within 20 days stating:

- a. Approved: The agreement complies with the TUMF Program; or
- b. Denied: The agreement does not comply with the TUMF Program.
WRCOG will provide reasons agreement does not comply.

Denied Credit Agreement

In the event WRCOG denies the credit agreement, the public agency may revise and resubmit the credit agreement for approval.

Step 5. Public Agency Grants TUMF Credits

Upon approval of the Credit Agreement, the public agency will initiate the process to issue to the developer TUMF credits against the TUMF obligation paid by the developer.

STEP 3

Public Agency submits Credit Agreement to WRCOG for Review



STEP 4

WRCOG reviews the Credit Agreement and notifies the Public Agency whether the Credit Agreement follows the TUMF Program



STEP 5

Approved Credit Agreement: Public Agency grants TUMF credits to Developer



WRCOG TUMF Credit/Reimbursement Manual

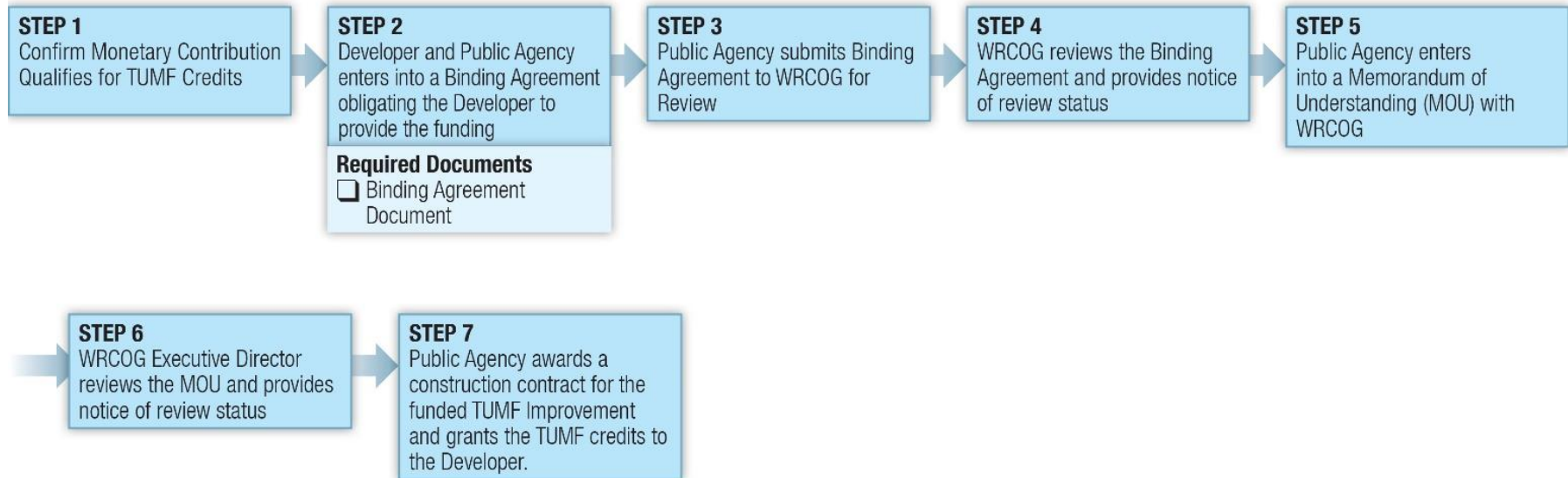


Figure 4.3: Credit for Monetary Contributions Process



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4.3 Credit for Monetary Contributions

For monetary contributions from developers to fund improvements, developers are entitled to a TUMF credit up to 100% of the TUMF obligation, not to exceed the maximum TUMF share as identified in the TUMF Nexus Study.

Provisions for Monetary Contributions

The following provisions apply to the public agency responsible for the monetary contribution:

- The public agency shall be responsible for construction of the improvement for which funding is provided by the developer;
- Improvements for which funding is provided shall not be eligible for TUMF Program prioritization or funding;
- In the event that not all funds contributed by a developer are spent within 3-years of contribution, the public agency shall remit any unspent funds received from the developer to WRCOG. The 3-year term may be extended by action of the WRCOG Executive Committee upon request of the public agency.

The following are the steps to obtain TUMF Credits for Monetary Contributions:

Step 1. Determine if Monetary Contribution Qualifies for TUMF Credits

The public agency shall confirm that the improvement is identified in the TUMF Nexus Study. A developer may receive TUMF credit for monetary contributions funding one of the following types of improvements:

- A Regionally Significant Transportation Improvement, defined as those facilities that typically propose to have six lanes at build-out and extend between multiple jurisdictions, or a discrete useable segment thereof, as determined by WRCOG;
- Any Type 1, 2, or 3 interchange on an interstate or state highway;
- Any railroad crossing with an estimated construction cost of more than \$10,000,000; and
- Any bridge located on a regionally significant arterial, defined as those facilities that typically propose to have six lanes at build out and extend multiple jurisdictions, or a discrete useable segment thereof, as determined by WRCOG.

STEP 1

Confirm Monetary Contribution Qualifies for TUMF Credits





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Step 2. Binding Agreement with Public Agency

The developer is required to enter into a Binding Agreement for Monetary Contributions with the public agency obligating the developer to provide the funding and to be eligible to receive TUMF Credits.

STEP 2

Developer and Public Agency enters into a Binding Agreement obligating the Developer to provide the funding

Required Documents

- ☐ Binding Agreement Document

Step 3. Binding Agreement Submittal to WRCOG

The public agency shall submit the executed Binding Agreement to WRCOG for approval in accordance to the following:

- Binding agreements shall be submitted electronically to WRCOG.
- Binding agreements shall be submitted to the following WRCOG TUMF program email address: tumf@wrcog.us
- A notice will be sent from WRCOG confirming receipt.

STEP 3

Public Agency submits Binding Agreement to WRCOG for Review

Step 4. Review by WRCOG

Upon receipt of a Binding Agreement, WRCOG will review and provide a written notification to the public agency within stating:

- a. Approved: The agreement complies with the TUMF Program; or
- b. Denied: The agreement does not comply with the TUMF Program.
WRCOG will provide reasons agreement does not comply.

Denied Credit Agreement

In the event WRCOG denies the binding agreement, the public agency may revise and resubmit the binding agreement for approval.

STEP 4

WRCOG reviews the Binding Agreement and provides notice of review status

Step 5. Memorandum of Understanding (MOU) with WRCOG

The public agency shall enter a MOU with WRCOG and provide information, as requested by WRCOG, to account for the credit and provide an explanation of why the improvement to be funded with the monetary contribution cannot be constructed by the developer.

STEP 5

Public Agency enters into a Memorandum of Understanding (MOU) with WRCOG



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Step 6. Approval from WRCOG Executive Director

Upon receipt of the MOU, the WRCOG Executive Director will review and provide a written approval of the MOU. The Executive Director is encouraged to consult with the WRCOG Public Works Committee before approving the award of credit.

In the event the WRCOG Executive Director rejects the MOU, the public agency may revise and resubmit for approval.

Step 7. Public Agency to Grant Credits

Upon approval of the MOU, the public agency will award the construction contract for the TUMF improvement for which the funding is contributed. Credit will only be granted to a developer after the public agency has awarded a construct contract for the improvement for which the funding is contributed has been awarded. Credits will be granted to the developer after the construction contract has been awarded.

STEP 6

WRCOG Executive Director reviews the MOU and provides notice of review status



STEP 7

Public Agency awards a construction contract for the funded TUMF Improvement and grants the TUMF credits to the Developer.



4.4 Provisions for Developers Use of Credit

The following additional provisions apply to developers use of credits granted through the TUMF Program:

- All TUMF credits shall be used first by the developer to offset the TUMF obligation for the project.
- Credits may not be transferred or sold to other development projects, unless:
 - The property to which the credits are being transferred or sold is contiguous to the same TUMF facility and owned and conditioned for improvement by the same developer; and
 - The transfer is approved by WRCOG in writing.
- WRCOG may place conditions on the use, transfer, or sale of credits in order to maintain the integrity of the TUMF program. In some cases, a public agency may be required to acknowledge that the property is one contiguous project.
- Developers must exhaust all credits before they are eligible for reimbursements. Any reimbursement shall be made only in accordance with a reimbursement agreement as discussed in **Section 5, Developer TUMF Reimbursements**.

4.5 Provisions for Public Agencies Use of Credits

The following additional provisions apply to public agencies use of credits granted through the TUMF Program:

- Each public agency shall be responsible for the administration of TUMF credit agreements.
- Each public agency shall transmit all TUMF credit agreements to WRCOG within 60 days of execution by that public agency.
- A public agency may not allow a developer to pay the TUMF obligation fees before entering into a credit agreement with the expectation of receiving a refund.
- Any improvement made to the RSHA that is obligated through an existing fee district (prior to June 1, 2003) shall not be eligible for TUMF credit.
- Should it be determined that a public agency granted credits exceeding the maximum TUMF credit, that public agency shall provide WRCOG payment in the amount equal to the excess credit amount.
- Any project that is exempt from the fee is not entitled to fee credits or reimbursement.
- Annual review of all credit agreements with member agencies every three (3) months.



4.6 New Financing Districts and Bond Issues

The local jurisdiction shall compare facilities in local fee programs against the RSHA and eliminate any overlap in its local fee program.

A financing district is defined as a community facilities district, a local road and bridge district, or an assessment district. For a financing district created or bonds or other evidence of indebtedness issued on or after June 1, 2003, the local jurisdiction may allow a property owner, in lieu of the payment of TUMF to participate in such a financing district and receive credit against the TUMF obligation if the district is funding the following facilities:

- A Regionally Significant Transportation Improvement – facilities that typically are proposed to have six lanes at build out and extend between multiple jurisdictions, or discrete useable segment thereof, as determined by WRCOG;
- Any Type 1, 2, or 3 Interchange or an Interstate or State Highway;
- Any Railroad Crossing with an estimated construction cost of more than ten million dollars (\$10,000,000); and
- Any Bridge located on a regionally significant arterial as defined above.

4.6.1. Credit in Lieu of TUMF Payment

- A. Prior to and in lieu of payment of TUMF under other funding programs, the local jurisdiction must do all of the following:
 1. Sell bonds within 3 years in an amount sufficient to construct the improvement for which the financing district is created;
 2. Receive written approval from the WRCOG Executive Director, or designee; and
 3. In the event that a local jurisdiction is unable to satisfy the requirements described in note 1, above, the local jurisdiction may still excuse the payment of bonds if the local jurisdiction enters into an agreement with WRCOG in which it commits to pay the full amount of any excused Fee, plus interest at the average rate earned by WRCOG over the past twelve months, in the event that the bonds may be extended up to an additional 5 years with the approval of the WRCOG Executive Committee.
- B. If a local jurisdiction proposed to issue a credit in lieu of requiring the payment of TUMF as provided in this section, then the jurisdiction shall enter into an MOU with WRCOG, and provide reasonable information to account for the credit.
- C. If credit is issued in lieu of requiring the payment of TUMF as provided in this section, then the jurisdiction shall be responsible for construction of the improvements and those improvements shall not be eligible for TUMF Program prioritization or funding.



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- D. Any dispute regarding the implementation of this section may be appealed by the local jurisdiction to the WRCOG Executive Committee for a final determination.
- E. Where there is an existing financing district or an existing fee program established prior to June 1, 2003, with bonded indebtedness, then the local jurisdiction may credit payment of the TUMF for that portion of the facility identified in both programs. Notwithstanding the previous sentence, a local jurisdiction shall not issue a TUMF credit for any facilities for which bonds have been issued after February 4, 2008, regardless of when the financing district was first created.

This section is not intended to impact the administration of credits as included in this manual.



WRCOG TUMF

5. Developer TUMF Reimbursements



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5. Developer TUMF Reimbursements

Developers may be eligible for reimbursement for the construction of TUMF facilities in certain instances. If a developer constructs TUMF improvements that cost more than the TUMF obligation, the developer may be reimbursed for the actual project costs that exceed the TUMF obligation. Reimbursements shall be made through an agreement between the developer and the public agency, and contingent upon funds being available.

In all cases, reimbursements under such agreements be programmed in the Zone Five-Year Transportation Improvement Program adopted annually by WRCOG for all approved TUMF improvements. **Figure 5.1, Developer TUMF Reimbursement Process**, illustrates the typical TUMF reimbursement process for developers.



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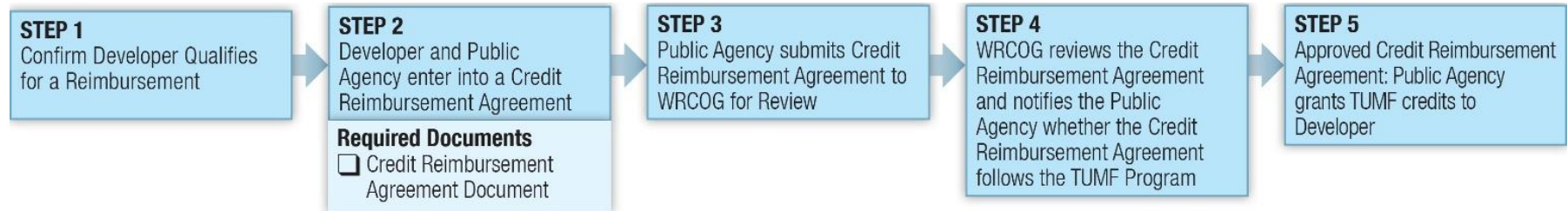


Figure 5.1: Developer TUMF Reimbursement Process



5.1 Obtaining a Reimbursement

The following illustrates the steps for developer reimbursements:

Step 1. Determine if Developer Qualifies for a Reimbursement

The developer may enter into a reimbursement agreement with the jurisdiction to reimburse the developer/owner for the direct and verifiable costs of constructing improvements to the Regional System of Highways and Arterials (RSHA) when all of the following conditions have been met:

- All available credits have been exhausted;
- The improvements received prior approval from the jurisdiction and WRCOG based on review of the TUMF project priority list; and
- The jurisdiction and WRCOG have reviewed and approved the scope of the project to be constructed.

In no event, shall the developer be reimbursed for improvements to the RSHA in excess of the most current approved Maximum TUMF Share for the facility on the TUMF network at the time that the Credit Reimbursement Agreement is executed.

Step 2. Credit Reimbursement Agreement with Public Agency

The developer is required to enter into a Credit Reimbursement Agreement with the Public Agency to be eligible to receive a reimbursement. A model Credit/Reimbursement Master Agreement document template is provided in **Section 6, Checklists and Forms**.

Step 3. Credit Reimbursement Agreement Submittal to WRCOG

The public agency shall submit the Credit Reimbursement Agreement to WRCOG for review in accordance to the following:

- Credit reimbursement agreements shall be submitted electronically to WRCOG.
- Credit reimbursement agreements shall be submitted to the following WRCOG TUMF program email address: tumf@wrcog.us
- A notice will be sent from WRCOG confirming receipt.

STEP 1

Confirm Developer Qualifies for a Reimbursement

STEP 2

Developer and Public Agency enter into a Credit Reimbursement Agreement

Required Documents

- ☐ Credit Reimbursement Agreement Document

STEP 3

Public Agency submits Credit Reimbursement Agreement to WRCOG for Review



WRCOG TUMF Credit/Reimbursement Manual

Step 4. Review by WRCOG

Upon receipt of a Credit Reimbursement Agreement, WRCOG will review and provide a written notification to the public agency stating:

- a. Approved: The agreement complies with the TUMF Program; or
- b. Denied: The agreement does not comply with the TUMF Program. WRCOG will provide reasons agreement does not comply.

Denied Credit Reimbursement Agreement

In the event WRCOG denies the credit reimbursement agreement, the public agency may revise and resubmit the credit reimbursement agreement for approval.

Step 5. Approved Credit Reimbursement Agreement

Upon approval of the Credit Reimbursement Agreement, the public agency will initiate the payment process for the approved amount to the developer.

STEP 4

WRCOG reviews the Credit Reimbursement Agreement and notifies the Public Agency whether the Credit Reimbursement Agreement follows the TUMF Program



STEP 5

Approved Credit Reimbursement Agreement: Public Agency grants TUMF credits to Developer

5.2 Provisions

The following additional provisions apply to reimbursements granted through the TUMF Program. TUMF Reimbursements shall be in accordance with the following:

- A development that is exempt from paying the TUMF is not eligible for reimbursement.



WRCOG TUMF

6. Checklists and Forms



6. Checklists and Forms

The following Checklists and Forms are provided as model form templates:

- WRCOG TUMF Public Agency Reimbursement Agreement (**Attachment A**)*
- WRCOG TUMF Developer Credit and Reimbursement Master Agreement (**Attachment B**)*
- Checklist 1: Developer Credit Agreement to Construct TUMF Improvements- List of Documents and Requirements Prior to Construction of TUMF Improvements (**Attachment C**)
- Checklist 2: Developer Credit Agreement to Construct TUMF Improvements- List of Documents and Requirements to Initiate Construction Cost Verification Process (**Attachment D**)
- Checklist 3: Public Agency Reimbursement – Invoice Packet Forms List (**Attachment E**)
- Form Template 1: Invoice Cover Letter (MS Word) (**Attachment F**)
- Form Template 2: Progress Report (MS Word) (**Attachment G**)
- Form Template 3: Reimbursement Invoice (MS Excel) (**Attachment H**)
- Checklist 4: Developer Construction Credit Closeout – List of Documents and Requirements for Project Closeout (**Attachment I**)

* Latest versions found at <http://www.wrcog.cog.ca.us/199/Administration-Fees>



WRCOG TUMF Credit/Reimbursement Manual

ATTACHMENT A

WRCOG TUMF Public Agency Reimbursement Agreement

Latest versions found at <http://www.wrcog.cog.ca.us/199/Administration-Fees>



WRCOG TUMF Credit/Reimbursement Manual

ATTACHMENT B

WRCOG TUMF Developer Credit and Reimbursement Master Agreement

Latest versions found at <http://www.wrcog.cog.ca.us/199/Administration-Fees>



WRCOG TUMF Credit/Reimbursement Manual

ATTACHMENT C

Checklist 1: Developer Credit Agreement to Construct TUMF Improvements

List of Documents and Requirements Prior to Construction of TUMF Improvements



WRCOG TUMF Credit/Reimbursement Manual

CHECKLIST 1

Developer Credit Agreement to Construct TUMF Improvements
List of Documents and Requirements Prior to Construction of TUMF Improvements

DEVELOPER must provide the following:

- ☐ Bid package prepared per bidding processes and requirements of Public Agency public works department
- ☐ Copies of plans, cost estimate, specifications, and contract documents showing that contractor will pay prevailing wages and comply with applicable provisions of the Labor Code, Governments Code, and Public Contract Code relating to Public Works Projects
- ☐ Copies of the contract(s) for the construction of TUMF improvements awarded to the lower responsible bidder(s) for the construction of such facilities in accordance with the public agency's requirements and guidelines
- ☐ Copies of contractor(s) proof of insurance coverage throughout the duration of construction
- ☐ Copy of Surety Bond, Letter of Credit, or other form of security permitted under the Credit Agreement and acceptable to the Public Agency and WRCOG



ATTACHMENT D

Checklist 2: Developer Credit Agreement to Construct TUMF Improvements List of Documents and Requirements to Initiate Construction Cost Verification Process



WRCOG TUMF Credit/Reimbursement Manual

CHECKLIST 2

Developer Credit Agreement to Construct TUMF Improvements
List of Documents and Requirements to Initiate Construction Cost Verification Process

- ☐ Complete construction by DEVELOPER of all TUMF Improvements in accordance with the approved Plans and Specifications
- ☐ Satisfaction by DEVELOPER of the PUBLIC AGENCY's inspection punch list for constructed TUMF improvements
- ☐ Final inspection release letter from PUBLIC AGENCY to DEVELOPER after final inspection and approval of completed TUMF improvements
- ☐ Notice of Completion with respect to the TUMF Improvements pursuant to Section 3093 of the Civil Code filed by PUBLIC AGENCY at the County Recorder's Office; PUBLIC AGENCY should submit a copy of the Notice of Completion to WRCOG
- ☐ DEVELOPER should submit copies of the As-Built plans for the TUMF improvements to the PUBLIC AGENCY
- ☐ DEVELOPER should submit copies of all permits or agreements that may have been required by various resource/regulatory agencies for construction, operation, and maintenance of any TUMF Improvements to the PUBLIC AGENCY
- ☐ DEVELOPER should submit a documentation package to the PUBLIC AGENCY to determine the final cost of the TUMF Improvements, which shall include, at a minimum, the following documents related to the TUMF Improvements:
 - Plans, specifications, and DEVELOPER's Civil Engineer's cost estimates; or Engineer's Report showing the cost estimates
 - Contracts/agreements, insurance certificates and change orders with each vendor or contractor
 - Invoices from all vendors and service providers
 - Copies of cancelled checks, front and back, for payments made to contractors, vendors, and service providers
 - Final lien releases from each contractor and vendor (unconditional waiver and release)
 - Certified contract workers' payroll for PUBLIC AGENCY verification of compliance with prevailing wages
 - A total cost summary, in spreadsheet (MS Excel), showing a breakdown of the total costs incurred; the summary should include for each item claimed, the check number, cost, invoice numbers, and name of payee



WRCOG TUMF Credit/Reimbursement Manual

ATTACHMENT E

Checklist 3: Public Agency Reimbursement Invoice Packet Forms List



WRCOG TUMF Credit/Reimbursement Manual

CHECKLIST 3

Public Agency Reimbursement Invoice Packet Forms List

- ☐ Invoice Cover Letter (FORM TEMPLATE 1)
- ☐ Progress Report (FORM TEMPLATE 2)
- ☐ Summary Invoice (FORM TEMPLATE 3)
- ☐ Detailed Consultant/Contractor Invoices
- ☐ Documents Showing Payment of Consultant/Contractor Invoices by Public Agency



WRCOG TUMF Credit/Reimbursement Manual

ATTACHMENT F

Form Template 1: Invoice Cover Letter

**FORM TEMPLATE 1
INVOICE COVER LETTER**

Date
Attention: Director of Transportation
Western Riverside Council of Governments
Riverside County Administrative Center
4080 Lemon Street, Third Floor
Riverside, California 92501-3679
ATTN: Accounts Payable

Re: Project Title - Invoice #__

Enclosed for your review and payment approval is the AGENCY's invoice for professional and technical services that was rendered by our contractors in connection with TUMF Agreement No. _____ effective (Month/Day/Year).

The required support documentation received from each contractor is included as backup to the invoice.

Invoice period covered is from Month/Date/Year to Month/Date/Year.

	TUMF Phase (PA&ED, PS&E, etc.)	TUMF TOTAL
Total Authorized Agreement Amount		
Total Invoiced to Date		
Total Previously Invoiced		
Balance Remaining		

Amount due this Invoice:

\$0,000,000.00
=====

I certify that the hours and salary rates charged in this invoice are the actual hours and rates worked and paid to the contractors listed.

By: _____
Name
Title

cc:



WRCOG TUMF Credit/Reimbursement Manual

ATTACHMENT G

Form Template 2: Progress Report

FORM TEMPLATE 2
PROGRESS REPORT

PROJECT TITLE: _____

TUMF AGREEMENT # _____

QUARTERLY PROGRESS REPORT # _____

DATE: _____ REPORTING PERIOD: From: _____ To: _____

PUBLIC AGENCY: _____

Quarterly Progress Report

A. Activities and Work Complete During Current Work Periods

A.1

A.2

A.3

Etc.

B. Current/Potential Problems Encountered and Corrective Action

B.1

B.2

B.3

Etc.

C. Work Planned Next Period

C.1

C.2

C.3

Etc.



WRCOG TUMF Credit/Reimbursement Manual

ATTACHMENT H

Form Template 3: Reimbursement Invoice

FORM TEMPLATE 3
Reimbursement Invoice

Project Title: _____

Agency: _____ Invoice Date: _____

To: Western Riverside Council of Governments
3390 University Avenue
Riverside, CA 92501
Attn: Accounts Payable

Invoice Number _____
TUMF Agreement Number _____

Total Reimbursement Requested \$ -

FOR PUBLIC AGENCY USE	
Invoice Description	Summary Description of Invoice Project Tasks
Consultant/Contractor	Name of Consultant/Contractor Completing Project Tasks on Invoice
TUMF Phase	PA&ED (Project Approvals & Environmental Documentation; PS&E (Plans, Specifications, and Estimates); R/W (Right-of-Way Acquisition); CON (Construction)
Total Invoice Amount	Total Amount Indicated on Invoice
Local Share Amount	Portion of Total Amount on Invoice Reimbursed through Local Share (if applicable)
Total Reimbursement Requested	Total Reimbursement Amount Requested minus Local Share
FOR WRCOG USE	
Invoice Approved	YES= Approved; NO= Denied; PARTIAL= Portion of invoice amount approved
Amount Approved	Amount of Submitted Invoice Approved by WRCOG
Reason for Denial of Invoice Amount	Reason(s) for Denial of Submitted Invoice Amounts

FOR PUBLIC AGENCY USE					
Invoice Description	Consultant/Contractor	TUMF Phase	Total Invoice Amount	Local Share Amount	Total Reimbursement Requested
			\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -
Total Reimbursement Requested			\$ -		

FOR WRCOG USE		
Invoice Approved? (YES, NO, PARTIAL)	Amount Approved	Reason(s) for Denial of Invoice Amounts
	\$ -	
	\$ -	
	\$ -	
	\$ -	
Total Reimbursement Approved	\$ -	

The invoice is a true, complete and correct statement of work performed, reimbursable costs and progress. The backup information included with the invoice is true, complete and correct in all material respects.

Signed

Date



ATTACHMENT I

Checklist 4: Developer Construction Credit Closeout – List of Documents and Requirements for Project Closeout



WRCOG TUMF Credit/Reimbursement Manual

CHECKLIST 4

Developer Credit Agreement to Construct TUMF Improvements List of Documents and Requirements for Project Closeout

- ☐ All Items provided in both **Checklist 1** and **Checklist 2** including:
 - Final inspection release letter from PUBLIC AGENCY to DEVELOPER after final inspection and approval of completed TUMF improvements
 - Notice of Completion with respect to the TUMF Improvements pursuant to Section 3093 of the Civil Code filed by PUBLIC AGENCY at the County Recorder's Office
 - As-Built plans for the TUMF improvements
- ☐ Public Agency to provide documents originally provided by DEVELOPER to determine the final cost of the TUMF Improvements, which shall include, at a minimum, the following documents related to the TUMF Improvements:
 - Plans, specifications, and DEVELOPER's Civil Engineer's cost estimates; or Engineer's Report showing the cost estimates
 - Contracts/agreements, insurance certificates and change orders with each vendor or contractor
 - Invoices from all vendors and service providers
 - Copies of cancelled checks, front and back, for payments made to contractors, vendors, and service providers
 - Final lien releases from each contractor and vendor (unconditional waiver and release)
 - Certified contract workers' payroll for PUBLIC AGENCY verification of compliance with prevailing wages
 - A total cost summary, in spreadsheet (MS Excel), showing a breakdown of the total costs incurred; the summary should include for each item claimed, the check number, cost, invoice numbers, and name of payee
- ☐ Original Executed Master Credit Agreement Approved by WRCOG
- ☐ Project Invoices
- ☐ Final Project Construction Cost



WRCOG TUMF

7. Frequently Asked Questions (FAQ)



7. Frequently Asked Questions (FAQ)

1. What is WRCOG's TUMF Program?

WRCOG's Transportation Uniform Mitigation Fee (TUMF) Program is a regional fee program designed to provide transportation and transit infrastructure that mitigates the impact of new growth in Western Riverside County. Each of WRCOG's member jurisdictions and the March JPA participates in the TUMF Program through an adopted ordinance, collects fees from new development, and remits the fees to WRCOG. As administrator of the TUMF Program, WRCOG allocates TUMF funds to the Riverside County Transportation Commission, the Riverside Transit Agency (RTA), the Western Riverside Regional Conservation Authority (RCA), and groupings of jurisdictions—referred to as TUMF zones. Collected fees are used for planning, engineering, right-of-way acquisition, and construction of eligible TUMF facilities and acquisition of open space.

2. How are TUMF fees determined?

In order for a fee program like TUMF to be established, State law requires that a "Nexus Study" be prepared to establish the relationship between new growth and transportation improvements needed to mitigate traffic impacts. The most recent Nexus Study for the TUMF Program was adopted by the Executive Committee of the Western Riverside Council of Governments (WRCOG) in July 2017. Fees are set based on the impacts that different land use vehicle trips generate.

3. How can I estimate TUMF fees for a development project?

The [WRCOG TUMF fee calculator](#) tool allows stakeholders to input project-specific information and receive fee obligation estimates for development projects.

The [Fee Calculation Handbook](#) can also assist in the calculation.

4. Are there exemptions to the TUMF fees?

Yes, several development types are exempt from the TUMF, such as: low income residential housing, government and public buildings, public and private schools (K-12 not for profit), rehabilitation or reuse of an existing building, development agreements prior to July 2003, and the sanctuary building of church or house of worship, to name a few.

5. Where can I find the current TUMF fees?

The current TUMF fee schedule can be found on WRCOG's website (<http://www.wrcog.cog.ca.us/199/Administration-Fees>), and in the TUMF Nexus Study.

6. What is the TUMF Network?

The TUMF Network is the system of roadways that serve inter-community trips within Western Riverside County. The TUMF Network (also known as the Western Riverside County Regional System of Highways



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and Arterials) represents the extents of the network of highways and roadways that are eligible for TUMF funded improvements.

7. What is the Maximum TUMF Share?

The Maximum TUMF Share is the maximum amount of a project's total cost that is eligible for funding through the TUMF Program. The TUMF Nexus Study provides cost calculations for each segment on the TUMF Network along with the maximum TUMF share.

8. Are all project costs eligible for TUMF reimbursement?

The TUMF Administrative Plan provides a list of specific project costs eligible for TUMF reimbursement. These costs are also summarized in Section 2 of this TUMF Credit/Reimbursement Manual.

9. Are Developers eligible for a TUMF reimbursement?

Developers are eligible for TUMF reimbursement for the construction of TUMF facilities in certain instances. If a developer constructs TUMF improvements that cost more than the TUMF obligation, the developer may be reimbursed for eligible expenses based on actual project costs. This process is summarized in Section 5 of this TUMF Credit/Reimbursement Manual.

10. How are TUMF obligations met?

Developers may choose, with member agency approval, to meet their TUMF obligation through one of the following options:

- Pay TUMF directly to member agency
- Construct TUMF improvements to receive credit against TUMF obligation
- Provide 100% of the funding for the construction of a regionally significant TUMF improvement such as an interchange.
- Participation in a financing district that will construct a regionally significant TUMF improvement to receive credit.

The process to obtain TUMF credit for constructing a TUMF improvement is outlined in the flowchart titled "Improvements in Lieu of TUMF Payment"

11. What is a credit agreement?

If a developer, as a requirement of the Conditions of Approval, constructs improvements identified on the Regional System of Highways and Arterials, the developer is entitled to a TUMF credit up to 100% of the TUMF obligation, not to exceed the Maximum TUMF Share, if the developer follows the requirements outlined in this TUMF Credit/Reimbursement Manual and the WRCOG Administrative Plan. The developer shall enter into a credit agreement with the member jurisdiction that will identify the maximum TUMF credit to be granted upon completion of the project. A jurisdiction shall not grant TUMF credits unless the credit agreement has been approved in writing by WRCOG.

The unit costs shall be based on the fee in effect at the time the agreement is approved and the maximum TUMF value for the facility(ies) on the Regional System of Highways and Arterials and shall remain fixed through the completion of the project/improvement(s) identified in the agreement.



WRCOG TUMF Credit/Reimbursement Manual

12. What benefits are there to entering into a credit agreement?

Developers choosing to meet TUMF obligations by constructing TUMF improvements must have an executed credit agreement between the jurisdiction and the developer. A jurisdiction may not allow a developer to pay the TUMF obligation and at a later date enter into a credit agreement with the expectation of receiving a refund.

13. Who is responsible for tracking development done under a credit agreement?

Each member jurisdiction shall be responsible for the administration of TUMF credit agreements and for tracking development done under a credit agreement.

14. When should a Public Agency submit invoices for TUMF reimbursement?

Public agencies should submit reimbursement invoices to WRCOG quarterly beginning in September of each fiscal year.

15. How does an agency access funding from the TUMF Program?

Unlike other funding programs, TUMF funding is tied to specific projects based on the adopted Nexus Study. The Nexus Study identifies specific amounts of funding that the Program provides for each transportation project included in the Nexus Study. The general process is therefore as follows:

- The agency requests that a project be included in the Nexus Study
- The agency requests funding through the TUMF Zone
- The agency executes a formal Reimbursement Agreement for the project
- The agency implements the project and submits invoices for reimbursement
- WRCOG reimburses the agency for actual costs incurred

16. How do TUMF projects get prioritized?

Member agencies can request that TUMF funding be programmed on the WRCOG Transportation Improvement Program (TIP). This request is then forwarded to other agencies in the Zone for their review and approval. Decisions on the level of funding and timing of that funding occurs at the Zone level.

17. How does the reimbursement process work?

The TUMF Program operates on a reimbursement basis. What that means is that the agency must first perform the action, such as laying pavement, prior to requesting reimbursement. The agency is required to consolidate invoices from contractors and then submit these invoices to WRCOG. WRCOG staff and consultants review these invoices and recommend whether they are compliant with the Program requirements and eligible for repayment. Once invoices are verified, WRCOG will remit payment to the jurisdiction.



WRCOG TUMF Credit/Reimbursement Manual

18. What if I don't agree with WRCOG's review of submitted invoices?

WRCOG staff makes every effort to work with member agencies to process payment on invoices as soon as possible. In many cases, items in question often only require clarification or documentation. As an example, if an agency was required to install a particular feature to obtain a permit from Caltrans, then the expense associated with that feature would be eligible for reimbursement. Therefore, agencies should make sure that they document their expenses and submit their requests for reimbursement in a timely fashion, which should facilitate their review.

19. What if I don't agree with the amount of reimbursement?

The TUMF Nexus Study sets the maximum amount of reimbursement for every project in the TUMF Program. Reimbursement values are set by reviewing recent construction costs throughout the region for similar projects. This approach ensures that all agencies are treated in a fair and equitable manner. The downside to this approach is that it does not have the flexibility to accommodate an instance in which an agency may incur additional expenses for a specific project. In some instances, the Program provides for a 15% contingency factor which can be used for these unforeseen expenses. If member agencies require additional funding, agencies like WRCOG and RCTC are available to assist with securing additional funds.

20. What do I do if I think my agency has not received sufficient TUMF funding?

The first step is to make sure your agency has projects included in the TUMF Nexus Study. The next step is to review the Zone 5-Year TIP. The Zone 5-Year TIP allocates near-term TUMF funds which agencies can draw from. The third step is to ensure that your agency has active Reimbursement Agreements in place for projects on the Zone 5-Year TIP. The fourth step is to verify that your agency has completed the work and submitted invoices for reimbursement to WRCOG. In many instances, specific projects may not be progressing because of various delays, including those under control of the agency and those associated with external agencies. Regardless, TUMF is a reimbursement program and funds will only be provided to an agency when work is completed. Lastly, an agency should make sure that they are involved and engaged in their respective TUMF Zone.

21. How can I find out more about WRCOG's TUMF Program?

To learn more about WRCOG's TUMF Program, please refer to the [TUMF Annual Report \(2019 Edition\)](#) and on the [WRCOG TUMF website](#).

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Western Riverside Council of Governments

Public Works Committee

Staff Report

Subject: TUMF Zone Revenue Balance Update

Contact: Ivana Medina, Senior Analyst, imedina@wrcog.us, (951) 405-6753

Date: February 11, 2021

The purpose of this item is to provide an update on TUMF Zone revenue, Zone balances, and Transportation Improvement Plan (TIP) forecasts for Fiscal Year (FY) 2021/2022.

Requested Action:

1. Receive and file.
-

WRCOG's TUMF Program is a regional fee program designed to provide transportation and transit infrastructure that mitigates the impact of new growth in Western Riverside County. WRCOG annually updates revenue forecasts to determine the amount of available funding for each TUMF Zone to allocate over the next five years.

TUMF Zone Revenue

TUMF collections for the first half of FY 2020/2021 (July 1, 2020 – December 31, 2020) reached \$24.5 million. Single-family residential continues to be the largest sector of revenue collections, followed by multi-family, industrial, service, and retail. Revenue for the remainder of the fiscal year is projected to stay at an average of \$4 million a month. This brings the projection for FY 2020/2021 total revenue to \$49 million. In FY 2019/2020, total revenue collected reached \$49.6 million. The below graph shows the revenue collected in each Zone from the first half of FY 2020/2021.

FY 2020/2021 Revenues by Zone	
Pass	\$468,202
Southwest	\$5,854,402
Central	\$8,081,825
Northwest	\$7,251,484
Hemet/SJ	\$2,918,395
Total	\$24,574,308

TUMF Zone Expenditures

In FY 2020/2021, there have been reimbursements paid out by WRCOG to various TIP-funded projects from the Zone balance. The following is a list of total reimbursements made per Zone.

TUMF Zone Expenditures	
Pass	\$360,000
Southwest*	\$4,300,000
Central	\$2,600,000
Northwest*	\$3,800,000
Hemet/SJ	\$61,000
Total	\$11,121,000
*Includes payment for reconciliation of completed credit agreements	

Zone balances currently stand as follows:

TUMF Zone Balance	
Pass	\$2,468,719
Southwest*	\$21,462,736
Central	\$11,834,952
Northwest*	\$29,028,244
Hemet/SJ	\$10,707,942
Total	\$75,502,593

TIP Forecast

WRCOG allocates TUMF funding to its member agencies using the Zone TIP process. Each Zone TIP is updated annually and reflects both revenues and expenditures for each of the five TUMF Zones. Forecasted revenues are determined by WRCOG and reflect historical collections within each of the Zones. Forecasts are usually based on the average of previous years and general trends in building development. TUMF expenditures reflect member agency requests. The last TIP updates occurred in spring 2020. The next set of Zone meetings will occur in spring 2021 at which time the TIPs for each zone will be set, which will outline the next round of funding starting from FY 2021/2022 until FY 2025/2026.

The following chart illustrates the revenue in each Zone projected through the end of FY 2020/2021, the five- and three-year historical average of revenue, and the last approved forecasted amount for each TIP. It should be noted that the Zone balance is approximately half of the revenue collected in each Zone. The other half is distributed to the Riverside County Transportation Commission (RCTC) for regional projects.

TUMF Revenue Trends & Forecasts				
	Fiscal Year 2020/2021 Zone Collected Projected	5-Year Historical Average	3-Year Historical Average	2021/2022 TIPS Forecast
Pass Zone	\$ 500,000	\$ 700,000	\$ 1,100,000	\$ 1,000,000
Southwest Zone	\$ 5,300,000	\$ 5,850,000	\$ 6,300,000	\$ 5,500,000
Central Zone	\$ 8,000,000	\$ 6,200,000	\$ 7,000,000	\$ 7,500,000
Northwest Zone	\$ 7,200,000	\$ 10,700,000	\$ 11,000,000	\$ 8,000,000
Hemet / San Jacinto Zone	\$ 3,500,000	\$ 1,750,000	\$ 2,000,000	\$ 2,500,000
Total	\$ 24,500,000	\$ 25,200,000	\$ 27,400,000	\$ 24,500,000

Next Steps

TIP forecasts for FY 2021/2022 show the available funding that can be distributed in future years for each Zone. This forecast will be used as the basis for additional funding requests to allocate in the FY 2021/2022 TIP. Updates will commence with each Zone in April 2021 to allocate these funds. An updated TIP reflecting any changes will be finalized and approved by July 2021.

Prior Action:

October 8, 2020: The Public Works Committee received and filed.

Fiscal Impact:

This item is for informational purposes only; therefore, there is no fiscal impact.

Attachment:

None.

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Western Riverside Council of Governments Public Works Committee

Staff Report

Subject: Fiscal Year 2021/2022 Transportation Development Act, Article 3, or SB 821 Call for Projects

Contact: Jenny Chan, Planning and Programming Manager, Riverside County Transportation Commission, jchan@rctc.org, (951) 787-7924

Date: February 11, 2021

The purpose of this item is to provide an update on the Fiscal Year (FY) 2021/2022 SB 821 Bicycle and Pedestrian Facilities Program Call for Projects administered by the Riverside County Transportation Commission (RCTC).

Requested Action:

1. Receive and file.

This item is reserved for a presentation from Jenny Chan, Planning and Programming Manager at RCTC, regarding the FY 2021/2022 SB 821 Bicycle and Pedestrian Facilities Program Call for Projects.

Background

Transportation Development Act (TDA) Article 3, or SB 821, is a discretionary Program administered by RCTC to fund local bicycle and pedestrian projects. The Program is funded through the Local Transportation Fund (LTF), a ¼ percent of the state sales tax. Each year, 2% of LTF revenues is set aside for the SB 821 Program, and on every odd-numbered year RCTC conducts a competitive Call for Projects in which all local agencies within the county can submit applications. Eligible projects include construction of bicycle lanes, sidewalks, and Americans with Disabilities Act curb ramps, and the development of bicycle and pedestrian master plans. At its January 2021 meeting, RCTC's Board of Commissioners adopted a series of policies changes for the Program. The summary of changes is provided below in Table 1. This year's Call for Projects opens on February 1, 2021, and it is the first year the new Program Policy is implemented. See Table 2 for the Call for Project's schedule. Unlike previous years, applications will be submitted online. No hardcopies are required.

Table 1 – SB 821 Summary of Changes

CURRENT	PROPOSED
Policy & Guidelines Revisions	
24 months to complete project	36 months to complete project.
	New - Limit 3 applications per city. For Riverside County, limit 2 applications per Supervisorial District.
	New - Maximum request for each application is 10% of current Call for Projects programming capacity.
	New - Total award to one jurisdiction is limited to 20 % of current Call for Projects programming capacity.

Project can start upon MOU execution	Project can start on July 1 of the Call for Projects Fiscal Year Cycle. E.g.: for FY 2021/2022 Call for Projects, awarded projects can start on July 1, 2021.
	New - MOU executed by October 1 of the Call for Project Fiscal Year Cycle. E.g.: for FY 2021/2022 Call for Projects, MOUs must be executed by October 1, 2021.
	New - Use Safety Question to settle tiebreakers.
Evaluation Criteria	
Safety Question – 10 points max	Safety Question – 15 points max, added question regarding Project Feature Safety Enhancements.
Destinations Served – 15 points max, 3 points for each destination	Destinations Served – 14 points max, 2 points for each destination.
Multi-Modal Access – 4 points max	Multi-Modal Access – 6 points max, added “bicycle lanes, sidewalks, and crosswalks” as eligible multi-modal elements for consideration.

Table 2 – FY 2021/2022 SB 821 Call for Project Schedule

February 1, 2021	Call for Projects released. Guidelines and application available at http://rctc.org/sb821call
February 2 – April 22, 2021	One-on-One Sessions on program eligibility and guidance with RCTC Staff are available on requests. Submit requests to Jenny Chan at jchan@rctc.org
April 29, 2021 @ 5:00 p.m.	Proposals due to RCTC
May 12, 2021	Evaluation Committee scores proposals
June 9, 2021	Present recommended funding allocation to Commission for project award.
July 1, 2021	Project Start
October 1, 2021	Deadline to Execute MOU with Commission
July 1, 2024	Project Completion

Prior Action:

None.

Fiscal Impact:

This item is for informational purposes only; therefore, there is no fiscal impact.

Attachment:

1. TDA Article 3 Program Policy.

Item 6.C

Fiscal Year 2021/2022

Transportation Development Act,
Article 3, or SB 821 Call for Projects

Attachment 1

TDA Article 3 Program Policy

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RIVERSIDE COUNTY TRANSPORTATION COMMISSION ARTICLE 3 BICYCLE AND PEDESTRIAN FACILITIES PROGRAM ADOPTED POLICIES

Transportation Development Act Policies

1. Up to 5% of Article 3 apportionment can be used to supplement other funding sources used for bicycle and safety education programs; the allocation cannot be used to fully fund the salary of a person working on these programs.
2. Article 3 money shall be allocated for the construction, including related engineering expenses, of the facilities, or for bicycle safety education programs.
3. Money may be allocated for the maintenance of bicycling trails, which are closed to motorized traffic.
4. Facilities provided for the use of bicycles may include projects that serve the needs of commuting bicyclists, including, but not limited to, new trails serving major transportation corridors, secure bicycle parking at employment centers, park and ride lots, and transit terminals where other funds are available.
5. Within 30 days after receiving a request for a review from any city or county, the transportation-planning agency shall review its allocations.
6. Up to 20 percent of the amount available each year to a city or county may be allocated to restripe Class II bicycle lanes.
7. A portion of each city's allocation may also be used to develop comprehensive bicycle and pedestrian plans. Plans must emphasize bike/pedestrian facilities that support utilitarian bike/pedestrian travel rather than solely recreational activities; a maximum of one entire allocation per five years may be used for plan development.
8. Allowable maintenance activities for the local funds are limited to maintenance and repairs of Class I off-street bicycle facilities only.

RCTC Policies

1. The SB 821 Call for Projects will occur on a biennial basis, with a release date of the first Monday of every other February and a close date of the last Thursday of every other April, beginning in 2015.
2. If a project cannot be fully funded, RCTC may recommend partial funding for award. To handle tiebreakers, RCTC will use, in terms of priority, the safety question first then construction readiness.
3. Agencies awarded funds will not be reimbursed for any project cost overruns.
4. Agencies being awarded an allocation will be reimbursed in arrears only upon submitting adequate proof of satisfactory project completion. Claims need to include: the claim form, copies of paid invoices, a copy of the Notice of Completion (NOC), and photographs of the completed project.
5. The allocated amount represents the maximum amount eligible for reimbursement. For projects completed under the allocated amount, the agency will be reimbursed at the matching ratio as presented in the application.

RIVERSIDE COUNTY TRANSPORTATION COMMISSION ARTICLE 3 BICYCLE AND PEDESTRIAN FACILITIES PROGRAM ADOPTED POLICIES

6. An agency will have thirty-six (36) months from the time of the allocation to complete the project. There will be no time extensions granted unless the reason for the delay can be demonstrated. Where substantial progress or a compelling reason for delay can be shown, the agency may be granted administrative extensions in twelve-month increments at the discretion of the Executive Director.
7. Any programmed and unused Article 3 Program funds will be forfeited unless that agency can a) utilize the unused funds to complete projects that are the same or similar in scope and/or are contiguous to the approved project or b) apply the funds to a project previously submitted under an Article 3 call for projects and approved by the Commission, subject to Executive Director approval.
8. Design and construction of facilities must conform to the general design criteria for non-motorized facilities as outlined in the Caltrans Highway Design Manual.
9. Temporary facilities, projects in the bid process, or projects that are under construction will not be funded.
10. The SB 821 evaluation committee will be comprised of a minimum of five evaluators representing a wide range of interests; such as: accessibility, bicycling, Coachella Valley, public transit, and the region. Staff, consultants, and other representatives from agencies submitting project proposals will not be eligible to participate on the evaluation committee that year.
11. Following each call, staff will monitor the equity of allocations to Coachella Valley versus Western Riverside County; the allocation should be relative to what the Coachella Valley's share would have been if distributed on a per capita basis (the percentage of funds applied for should also be taken into consideration). If the allocation is often found to be inequitable to the Coachella Valley, staff will recommend adoption of a new policy to correct the imbalance.
12. Certain costs at times associated with bicycle/pedestrian projects are not eligible when the benefit provided is not the exclusive use of bicyclists/pedestrians, such as: curb and gutter as part of roadway drainage system, driveway ramps installed across sidewalks, and where roadway design standards require a roadway shoulder width that is at least as wide as a standard bike lane.
13. For each Call for Projects, a city is eligible to submit up to three (3) applications, and the County of Riverside is eligible to submit up to two (2) applications per Supervisorial District.
14. Each application is limited to a maximum request of 10% of the current Call

RIVERSIDE COUNTY TRANSPORTATION COMMISSION ARTICLE 3 BICYCLE AND
PEDESTRIAN FACILITIES PROGRAM ADOPTED POLICIES

- for Projects programming capacity.
15. Total award to one jurisdiction is limited to 20% of current Call for Project's programming capacity.
 16. Awarded agencies can commence reimbursable project activities on July 1 of the Call for Project fiscal year cycle. E.g.: for FY 21/22 Call for Projects, reimbursable work starts on July 1, 2021.
 17. Awarded agencies have until October 1 of the Call for Project fiscal year cycle to execute the Memorandum of Understanding (MOU) with RCTC. E.g.: for FY 21/22 Call for Projects, MOUs must be executed by October 1, 2021.

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Western Riverside Council of Governments

Public Works Committee

Staff Report

Subject: Western Riverside County Energy Resiliency Plan Activities Update

Contact: Daniel Soltero, Senior Analyst, dsoltero@wrcog.us, 951-405-6738

Date: February 11, 2021

The purpose of this item is to provide an overview of the Western Riverside County Energy Resiliency Plan and request action regarding the establishment of an Advisory Group consisting of member agencies to assist with Plan development.

Requested Action:

1. Recommend that the Public Works Committee consider the identified criteria and appoint members to an advisory group for the Western Riverside County Energy Resiliency Plan.

Background

In November 2019, the Bay Area Council announced the California Resilience Challenge (CRC), a statewide effort led by businesses and a diverse range of partners to build local climate resiliency and to support a shared vision for a resilient California in the face of increasing climate threats. As part of this grant process, the CRC released a Request for Proposal (RFP) in December 2019, soliciting diverse and replicable climate change resiliency projects that stemmed across California that would be funded by grants. For more information on the CRC, please visit the website at <https://resilientcal.org/>.

On February 3, 2020, the Executive Committee adopted a resolution authorizing WRCOG's submittal of a proposal to the CRC 2020 Grant Program. WRCOG's bid proposed the development of a Western Riverside County Energy Resiliency Plan to analyze how to protect key community infrastructure or critical facilities from interruption of power due to events such as fires, extreme heat, floods, and other power outages such as rolling blackouts and Public Safety Power Shutoffs (PSPS). In April 2020, the Bay Area Council, through the CRC, awarded WRCOG a \$200,000 grant to develop the Plan.

On September 1, 2020, staff released an RFP to solicit qualified consultants to assist WRCOG with the development of the Plan in an amount not to exceed \$140,000. On December 7, 2020, the Administration & Finance Committee authorized the Executive Director to award the contract to AECOM for the development of the Western Riverside County Energy Resiliency Plan and to execute the Professional Services Agreement between WRCOG and AECOM. Additionally, a project team has been formed consisting of staff from WRCOG, Western Community Energy (WCE), and UC Riverside's Center for Environmental Research and Technology (CE-CERT).

Western Riverside County Energy Resiliency Plan Overview

The Plan will be developed through a collaborative approach to identify regional critical facilities and/or assets, develop an energy resiliency strategy list and framework, and develop a funding and implementation plan. AECOM and its partner, Raimi + Associates (R+A), will coordinate with the project team, WRCOG's member agencies, and stakeholders to identify goals and objectives, and to identify critical facilities in each member

agency that has assets and/or services to be considered for improved resilience to power outages. A literature review of WRCOG's *Resilient IE* Toolkit amongst other existing climate adaptation initiatives will be reviewed and utilized as a vulnerability assessment. This will help determine areas in the subregion that are at-risk to power outages or environmental events that may impact power supply such as wildfire and extreme heat.

Next, the energy resiliency strategies list will be developed from an in-depth microgrid analysis at three selected facilities in the WRCOG subregion. Recognizing that there are multiple sites and facilities across member agencies that will have similar resiliency strategies or solutions, the three selected facilities will act as a proxy for other critical facilities in the subregion. The result is a central reference framework for scaling and replicating a list of energy resiliency strategies and solutions to other critical facilities in each of WRCOG member agencies. AECOM will also identify a long-term, aspirational energy resiliency vision for the subregion which will discuss the types and potential phasing and prioritization of strategy implementation.

Furthermore, the Plan will include the development of a business plan which will include grant funding opportunities, financing options, and other funding measures to support implementation of the identified projects and strategies. Staff will conduct outreach to member agencies throughout the Plan development process to provide updates. Additionally, member agencies and its staff are encouraged to engage in developing the Plan to help ensure continued success. In developing the Plan, WRCOG will collaborate with its members, WCE, UCR CE-CERT, and community stakeholders, including local utility providers. The Plan can also be included as a component within WRCOG's existing efforts to develop a Regional Climate Adaption and/or Resiliency Template General Plan Element which will incorporate adaptation and resiliency strategies for battling the climate challenges.

Establishment of an Advisory Group

Recognizing that the Plan may identify future energy resilience projects in the subregion, staff believe it is pertinent to establish an advisory group consisting of member agencies to help guide development of the Plan. It is important to note that this advisory group will opine on which three critical facilities or sites across the subregion will receive an in-depth microgrid analysis as part of the Plan. Staff have considered a few criteria to identify jurisdictions that are encouraged to participate in the advisory group. Such criteria include a two-part equity factor focused on disadvantaged communities and communities with facilities most at-risk for power outages or power issues, jurisdictions that participate in WCE, and member agencies with a publicly-owned utility.

First, staff identified an equity-based criterion which will select a site based on the surrounding community's CalEnviroScreen score and the likelihood of the site to experience a power outage or power issues. A communities' CalEnviroScreen score is based on environmental, health, and socio-economic information to produce scores for every census tract in the state. Moreover, the evaluation process to determine the likelihood of an agency's critical facility or site experiencing a power outage or power issues will be developed through the Plan. This may include the number of power outages in a year at a specific site, time elapsed during an outage, and circuit reliability data. A member agency that identifies a critical facility or site that is in a disadvantaged community according to CalEnviroScreen and/or identifies a critical facility that experiences frequent power outages or has a high likelihood to experience power outages should be considered for a seat on the Advisory Group.

Second, it is important to note that Community Choice Aggregators (CCAs) are uniquely positioned to rapidly advance local energy resilience initiatives such as microgrids to keep critical facilities online, and locally sited distributed energy resources like solar and energy storage to help prevent future wildfires and grid outages. CCAs are in fact already supporting local governments with resiliency projects and are actively advocating for policies that accelerate the development of mitigating resources, such as utilization of the Self-Generation Incentive Program to promote installation of solar and energy storage systems. Staff believe jurisdictions participating in WCE have an advantage in being able to implement energy resilience or energy generation projects that are identified through the Plan and should be considered for a position in the Advisory Group.

Moreover, staff determined that member agencies with a publicly-owned utility should be considered for a seat on the Advisory Group. Local governments with publicly-owned utilities have an advantage in being able to implement resilience upgrades or projects at the local level due to the distribution system being under local

control. Additionally, jurisdictions with publicly-owned utilities can allocate revenues to implement projects identified by the Plan as part of the utilities' resilience efforts. Staff believe agencies with publicly-owned utilities should be considered for a seat on the Advisory Group.

Agencies with high scoring Disadvantaged Communities¹	Member agencies in WCE	Member Agencies with publicly-owned utilities
City of Riverside	City of Eastvale	City of Banning
City of Moreno Valley	City of Hemet	City of Moreno Valley
City of Corona	City of Jurupa Valley	City of Riverside
City of Perris	City of Norco	
City of Jurupa Valley	City of Perris	
City of Hemet	City of Wildomar	
City of Lake Elsinore		

¹Jurisdictions which encompass census tracts that scored in the 75% – 100% percentiles in CalEnviroScreen 3.0 for pollution burden and population characteristics.

Prior Actions:

December 7, 2020: The Administration & Finance Committee authorized the Executive Director to award the contract to AECOM for the development of the Western Riverside County Energy Resiliency Plan and to execute the Professional Services Agreement between WRCOG and AECOM.

February 3, 2020: The Executive Committee adopted Resolution Number 01-20; A Resolution of the Executive Committee of the Western Riverside Council of Governments authorizing submittal of a proposal to the California Resilience Challenge 2020 Grant Program.

Fiscal Impact:

All costs associated with this item will be paid from proceeds received through the California Resilience Challenge grant.

Attachment:

None.

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Western Riverside Council of Governments Public Works Committee

Staff Report

Subject: RCA Transition to RCTC

Contact: Anne Mayer, Executive Director, RCTC / RCA, amayer@rctc.org, (951) 787-7141

Date: February 11, 2021

The purpose of this item is to provide an update on the transition of the management of the Western Riverside County Regional Conservation Agency (RCA) to the Riverside County Transportation Commission (RCTC).

Requested Action:

1. Receive and file.
-

On January 1, 2021, RCTC became the managing agency of RCA. Both RCTC and RCA retain its separate legal authorities and governing boards. The RCA Board of Directors requested RCTC to manage the Agency based on RCTC's expertise and track record in land acquisition, partnerships with state and federal wildlife agencies, project delivery, fiscal management, public engagement, and legislative advocacy. This management change also provides for contract consolidation and resource efficiencies. While much progress has been made to acquire the lands needed to fulfill the Multiple Species Habitat Conservation Plan (MSHCP) since its inception in 2004, significant effort is needed to complete the MSHCP's objectives while also maintaining buy-in from critical stakeholders.

Amongst the immediate priorities of the RCA Board Chair Natasha Johnson is to enhance the RCA's communication, education, and partnership with its member agencies. WRCOG's committee structure provides an ideal venue to kick-off this effort. Therefore, RCTC / RCA staff will make a brief presentation to the Committee regarding the RCA transition to RCTC, near term priorities, and seek input from Committee members.

Topics to discuss include:

- The 2020 Nexus Study Update for the MSHCP Locally
- Development Mitigation Fee (LDMF) which will become effective July 1, 2021
- Potential process and communication improvements
- Clarifying RCA and member agency roles and responsibilities under the MSHCP

Prior Action:

None.

Fiscal Impact:

This item is for informational purposes only; therefore, there is no fiscal impact.

Attachment:

None.