



Western Riverside Council of Governments Public Works Committee

AGENDA

**Thursday, October 13, 2022
2:00 PM**

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

[Join Zoom Meeting](#)

Meeting ID: 849 7317 8634

Passcode: 228064

Dial in: (669) 900 9128 U.S.

SPECIAL NOTICE – COVID-19 RELATED PROCEDURES IN EFFECT

Due to the State or local recommendations for social distancing resulting from the threat of Novel Coronavirus (COVID-19), this meeting is being held via Zoom under Assembly Bill (AB) 361 (Government Code Section 54953). Pursuant to AB 361, WRCOG does not need to make a physical location available for members of the public to observe a public meeting and offer public comment. AB 361 allows WRCOG to hold Committee meetings via teleconferencing or other electronic means and allows for members of the public to observe and address the committee telephonically or electronically.

In addition to commenting at the Committee meeting, members of the public may also submit written comments before or during the meeting, prior to the close of public comment to jleonard@wrcog.us.

Any member of the public requiring a reasonable accommodation to participate in this meeting in light of this announcement shall contact Janis Leonard 72 hours prior to the meeting at (951) 405-6702 or jleonard@wrcog.us. Later requests will be accommodated to the extent feasible.

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

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**

4. PUBLIC COMMENTS

At this time members of the public can address the Committee regarding any items within 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 August 11, 2022, Public Works Committee Meeting

Requested Action(s): 1. Approve the Summary Minutes from the August 11, 2022, Public Works Committee meeting.

B. Energy Department Activities Update

Requested Action(s): 1. Receive and file.

6. REPORTS / DISCUSSION

Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion.

A. Policy for TUMF Reimbursement Prior to Exhaustion of Credit for Developer Credit / Reimbursement Agreements

Requested Action(s): 1. Recommend that the Executive Committee approve an amendment to the TUMF Administrative Plan / Reimbursement Manual to allow for reimbursement prior to credit exhaustion for Developer Credit / Reimbursement Agreements.

B. Overview of the Process for Review and Approval of TUMF Reimbursement Invoices

Requested Action(s): 1. Receive and file.

C. 2022 Fee Comparison Analysis Update

Requested Action(s): 1. Receive and file.

7. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR

Chris Gray

8. ITEMS FOR FUTURE AGENDAS

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

9. GENERAL ANNOUNCEMENTS

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

10. NEXT MEETING

The next Pubic Works Committee meeting is scheduled for Thursday, November 10, 2022, at 2:00 p.m., on the Zoom platform with the option for Committee members to attend in-person.

11. ADJOURNMENT

Public Works Committee

Minutes

1. CALL TO ORDER

The meeting of the WRCOG Public Works Committee was called to order by Chair Mark Lancaster at 2:02 p.m. on August 11, 2022, on the Zoom platform.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

- City of Banning - Nathan Smith
- City of Beaumont - Robert Vestal
- City of Calimesa - Michael Thornton
- City of Canyon Lake - Craig Bradshaw
- City of Corona - Savat Khamphou
- City of Hemet - Noah Rau
- City of Jurupa Valley - Octavio Duran
- City of Lake Elsinore - Yu Tagai
- City of Menifee - Nick Fidler
- City of Moreno Valley - Melissa Walker
- City of Murrieta - Bob Moehling
- City of Perris - Stuart McKibbin
- City of Riverside - Gil Hernandez
- City of San Jacinto - Stuart McKibbin
- City of Temecula - Patrick Thomas
- City of Wildomar - Jason Farag
- County of Riverside - Mark Lancaster (Chair)
- Riverside County Transportation Commission (RCTC) - Jenny Chan
- Riverside Transit Agency (RTA) - Jennifer Nguyen

4. PUBLIC COMMENTS

Arnold San Miguel, SCAG, announced that registration is open for the SCAG / USC Sol Price School of Public Policy 33rd annual Demographic Workshop. This year's theme is "Forecasting the New Normal." The workshop will be held virtually in two parts on Wednesday, September 14, 2022, and Wednesday, September 21, 2022, from 1:30 p.m. to 4:45 p.m.

Experts will weigh in on how we can forecast an uncertain future with the relatively limited information available today. The program will also include a keynote address and a series of expert-led roundtable

discussions.

California Clean Air Day is October 5, 2022. Please sign up and take the pledge for your organization and individually.

5. SELECTION OF THE PUBLIC WORKS COMMITTEE LEADERSHIP FOR FISCAL YEAR 2022/2023

A. Recognition of Outgoing Chair and Leadership Selection for Fiscal Year 2022/2023

Chris Gray, WRCOG Deputy Executive Director, thanked Chairman Mark Lancaster for his service over the last year.

It has been the typical practice, though not always, that Committee leadership follows that of the Executive Committee (Mayor Crystal Ruiz, City of San Jacinto, as Chair, Mayor Chris Barajas, City of Jurupa Valley, as Vice-Chair, and Council member Rita Rogers, City of Perris, as 2nd Vice-Chair).

This Committee would normally have a Chair, Vice-Chair, and 2nd Vice-Chair; however, Stuart McKibbin is the representative for both the Cities of Perris and San Jacinto. Options for 2nd Vice-Chair include selection of an alternative member or leave the position vacant.

Action:

1. Selected Stuart McKibbin, City of San Jacinto, as Chair, and Paul Toor, City of Jurupa Valley, as Vice-Chair, and left the 2nd Vice-Chair position vacant.

(County / Calimesa) 17 yes; 0 no; 1 abstention. The City of Perris abstained. Item 5.A was approved.

6. CONSENT CALENDAR – (Riverside / Temecula) 14 yes; 0 no; 3 abstention. The Cities of Canyon Lake, Corona, and Perris abstained. The City of Temecula did not respond. Item 6.A was approved.

A. Summary Minutes from the June 9, 2022, Public Works Committee Meeting

Action:

1. Approved the Summary Minutes from the June 9, 2022, Public Works Committee meeting.

7. REPORTS / DISCUSSION

A. Safe Streets and Roads for All Grant Opportunity

John Lower, MicroTraffic Road Safety Video Analytics, presented on the Safe Streets and Roads for All (SS4A) grant opportunity, a new \$1 billion annual competitive funding opportunity to create or expand road safety action plans, and/or to implement safety projects in existing action plans.

The U.S. Department of Transportation recently adopted a National Roadway Safety Strategy which details principles to guide safety actions and identifies new priority actions and notable changes to existing practices and approaches.

MicroTraffic measures near-misses and proactively and precisely diagnoses risks to empower effective

road safety improvement planning by considering five variables: speed, impact angle, temporal separation, user type / vulnerability, and order of interaction. MicroTraffic would work with a city to collect three days of video. The video is then run through an automatic risk diagnosis which is used to develop an intersection safety plan and countermeasure recommendations. The city then deploys those countermeasures, and then MicroTraffic returns to prove the risk reduction. Typically, 80% to 100% of risks are reduced.

Action:

1. Received and filed.

B. Effects of SB 9 on TUMF Calculations

Suzanne Peterson, WRCOG Senior Analyst, reported that Senate Bill (SB) 9 does not actually change the way TUMF is calculated for residential projects but instead defines how various developments are treated as single-family units, multi-family units, and accessory dwelling units (ADU's). This difference is important since the TUMF fee is different between the various residential types.

SB 9 allows lot splits and two-unit projects by-right in single-family zones. There are some limited exclusions; details can be found at the California Department of Housing and Community Development's website at <https://www.hcd.ca.gov/>. Additional information with details about SB 9, lot configurations, and more will be provided through a SB 9 Toolkit that is being developed for use by member jurisdictions.

Examples of lot configurations that will affect TUMF includes when a single-family residence is demolished and replaced with a duplex, then the TUMF due would be the difference between the two types.

Action:

1. Received and filed.

C. Request for Early TUMF Reimbursement by a Developer for the Cajalco Road Project in the City of Corona

Chris Gray, WRCOG Deputy Executive Director, reported that in 2021, a developer-funded improvement was completed at the I-15 / Cajalco Interchange Project in the City of Corona. Mr. Gray reviewed the reimbursement process with the Committee. The matter being presented today is about the timing of the reimbursement for the Project, not the reimbursement itself.

Reimbursements are usually provided at the end of the project, because what was built sometimes changes from the original design of the project. Land use types may change, fees may change, and/or the development intensity may change. Therefore, a reimbursement is often made a number of years after the project is completed.

Per the TUMF Administrative Plan, the developer is entitled to TUMF credit and reimbursement. The estimated reimbursement is \$25M; however, a developer is only allowed to request reimbursement once the development portion of the project is complete. While WRCOG has never paid out a reimbursement before its due, in this instance, the City of Corona has requested that WRCOG consider an early reimbursement of a portion of the total reimbursement, \$3.3M. The project is currently estimated to be a

10% to 15% build out.

This Project is the largest project built through a credit agreement with an estimated value of \$47M. The project would not have begun had the developer not provided the initial funding, as the Zone did not have funding available. This Interchange is a regional project and was not included in RCTC's funding priorities at the time. There is funding available for this reimbursement and would be paid from the Northwest Zone funding.

Action:

1. Directed staff to convene a TUMF Northwest Zone Technical Advisory Committee meeting for discussion and to return with updated special circumstance policy language for consideration.

(San Jacinto / Banning) 13 yes; 3 no; 3 abstention. The Cities of Calimesa and Temecula, and the County of Riverside voted no. The Cities of Corona, Jurupa Valley, and Perris abstained. Item 7.C was approved.

8. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR

Chris Gray, WRCOG Deputy Executive Director, indicated that the September meeting will likely be cancelled. The October meeting may include presentations on an update of the regional impact fee study, the household trip generation study, a final report of TUMF collections for Fiscal Year 2021/2022, and an update on completed TUMF projects. Staff are working on a TUMF accrual policy and TUMF Nexus Study update for presentation in November / December.

9. ITEMS FOR FUTURE AGENDAS

There were no requests for future agenda items.

10. GENERAL ANNOUNCEMENTS

Jenny Chan, RCTC, announced that RCTC has released a survey on an arterial call for projects. SCAG has initiated the development of its 2020-2024 RTP/SCS.

11. NEXT MEETING

The next Public Works Committee meeting is scheduled for Thursday, September 8, 2022, at 2:00 p.m., on the Zoom platform with the option for Committee members to attend in-person at the WRCOG office.

12. ADJOURNMENT

The meeting of the Public Works Committee adjourned at 3:27 p.m.



Western Riverside Council of Governments Public Works Committee

Staff Report

Subject: Energy Department Activities Update
Contact: Daniel Soltero, Program Manager, dsoltero@wrcog.us, (951) 405-6738
Date: October 13, 2022

Requested Action(s):

1. Receive and file.

Purpose:

The purpose of this item is to provide updates on smart city and broadband funding opportunities, and the Western Riverside County Energy Resilience Plan.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #5 - Develop projects and programs that improve infrastructure and sustainable development in our subregion.

Background:

The WRCOG Energy Department administers and houses multiple regional programs, including the Regional Streetlight Program, the Smart Streetlight Implementation Plan & Broadband Assessment, and the Western Riverside County Energy Resilience Plan.

At the direction of the Executive Committee, WRCOG developed a Regional Streetlight Program that assisted eleven local agencies with purchasing and retrofitting their streetlights to LED lighting fixtures in order to provide more economic operations (i.e., lower maintenance costs and reduced energy use). Local control of the streetlight system provides agencies with opportunities for future revenue generation such as digital-ready networks and telecommunications and information technology strategies. In order to identify and elaborate on these new opportunities related to smart cities and broadband, WRCOG developed a Smart Streetlights Implementation Plan and Broadband Assessment. On August 1, 2022, the Executive Committee directed staff to implement Phase 1 of the Smart Streetlight Implementation Plan and to provide information to members on broadband and related funding opportunities.

Smart City and Broadband Funding Opportunities

As part of the Smart Streetlight Implementation Plan and Broadband Assessment, staff recognize that broadband is an integral part of developing a smart city and implementing technologies that require an internet connection. Having broadband infrastructure enables local jurisdictions to capture and transmit data that is captured in the field, which can then be analyzed to potentially optimize city operations, traffic flow, and other aspects of a municipality. An example of this can include smart traffic cameras, which

can be placed along a roadway or at a signalized intersection to monitor traffic flow, convey the data back to a traffic operations center via broadband infrastructure, and allow traffic engineers or city planners to optimize the infrastructure or roadway to allow for better traffic flow. Broadband infrastructure can also be used to provide internet connectivity to the public, either via public Wi-Fi, or by enabling wireless carriers to deploy a 5G network off an existing fiber network. Broadband-related projects that provide service to the public are also aligned with the State of California's "Broadband For All" initiative to bridge the digital divide for all California residents. Staff have identified multiple funding opportunities to assist local jurisdictions with conducting broadband planning and pre-construction activities, as well as implementing smart city demonstration projects.

The California Public Utilities Commission (CPUC) is currently receiving applications on a rolling basis for its Local Agency Technical Assistance (LATA) grant program, which provides technical assistance funding for planning work that will facilitate high-speed broadband infrastructure projects, or reasonably expected to lead to such a project. The CPUC established the LATA grant program to fund pre-construction activities related to broadband implementation, including:

- Environmental, feasibility, engineering design studies or reports;
- Needs assessments, market studies, broadband strategic plans, business plans;
- Forming a joint powers authority; and
- Consultant and community-based organization services.

The LATA grant program has identified eligible entities, including a city, a county, a community services district, a joint powers authority, a local education agency, an electrical cooperative, and public and municipal utility districts. However, the CPUC specifically declined to recognize Councils of Governments (COGs) and Metropolitan Planning Organizations (MPOs) as eligible entities for the LATA grant program. Instead, CPUC staff have recommended that the member agency be the main applicant and the COG or MPO function as a subcontractor to the member agency. This grant program provides up to \$500,000 to the awardee, which is approved via ministerial review by CPUC staff, or up to \$1M to the awardee which is approved via CPUC resolution after a 30-day public comment period. The LATA grant program will award grants until December 31, 2024, unless demand for funds is exhausted sooner. Staff are open to recommendations and discussions with the member agencies.

The U.S. Department of Transportation (DOT) has released a Notice of Funding Opportunity (NOFO) for the Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program, which aims to fund demonstration projects focused on advanced smart community technologies and systems in order to improve transportation efficiency and safety. The Bipartisan Infrastructure Law established the Strengthening Mobility and Revolutionizing Transportation (SMART) discretionary grant program with \$100M appropriated annually for Fiscal Years 2022-2026. The SMART grants program includes two stages: Stage 1 Planning and Prototyping Grants and Stage 2 Implementation Grants. The SMART grants program funds demonstration projects in the following categories:

1. Coordinated Automation
2. Connected Vehicles
3. Intelligent, sensor-based infrastructure
4. Systems integration
5. Commerce Delivery & Logistics
6. Leveraging use of innovative aviation technology
7. Smart grid

8. Smart technology traffic signals

The DOT has identified eligible entities, including a state, a political subdivision of a state which includes COGs, a Tribal Government, a MPO, and a group of 2 or more eligible entities. For Stage 1 of the SMART grants program, recipients should be focused on building internal buy-in and partnerships with stakeholders to refine and prototype their concepts and report on the results. At the conclusion of Stage 1, recipients should have the information to either create a fully realized implementation plan with robust performance metrics, or make an informed decision not to proceed with the concept. The DOT expects to award between 30 and 50 Stage 1 grants of up to \$2M per award.

Regarding the WRCOG Smart Streetlight Implementation Plan, staff have been directed to implement Phase 1 - Assessments, including various stakeholder engagement tasks such as a needs assessment, agency assessments, and a technology assessment. The SMART grants program could potentially be utilized by WRCOG, its member agencies, or a group of WRCOG and/or its member agencies to implement a smart city demonstration program by following the general steps outlined in the Smart Streetlight Implementation Plan. Staff are open to recommendations and discussions with the member agencies.

The Federal Communications Commission (FCC) Affordable Connectivity Program (ACP) provides eligible households with a discount of up to \$30 per month towards internet service and up to \$75 per month for households on qualifying Tribal Lands. Eligible households can also receive a one-time discount of up to \$100 to purchase a laptop, desktop computer, or tablet from participating providers if they contribute more than \$10 and less than \$50 toward the purchase price. The FCC has recognized that marketing and outreach for the ACP has been a challenge and is reflected in the percentage of enrolled eligible households. Current estimates from the ACP show that there are 360,381 eligible households in Riverside County, of which only 30% of eligible households have enrolled into the ACP. As such, the FCC has established the ACP Outreach Grant Program to assist eligible entities with marketing and outreach activities to promote enrollment of eligible households in the ACP. The FCC has not announced a NOFO for the ACP Outreach Grant Program, but will be releasing one in the coming months with application guidelines and grant funding details.

Additional information on all of the above referenced funding opportunities are included as Attachments 1 - 5 to this staff report.

Western Riverside County Energy Resilience Plan Update

The purpose of the Western Riverside County Energy Resiliency Plan is to assess subregional critical facilities and identify the feasibility of implementing future microgrids and/or other energy resiliency solutions to maintain power supply during environmental events that cause power outages or power issues. As part of this effort, WRCOG has entered into an agreement with AECOM to develop a resilience strategies' toolkit and to conduct a microgrid feasibility study / concept design on three facilities. Additionally, WRCOG also entered into an agreement with UC Riverside's Center for Environmental Research and Technology to conduct an energy resilience analysis on water facilities within Eastern Municipal Water District's service territory. The Plan will provide a toolkit for public agencies to create an investment strategy to implement energy resilience strategies at their critical facilities and will contain case studies for microgrid feasibility and conceptual design at select facilities that could potentially be duplicated at similar facilities across the subregion.

In November 2021, staff and AECOM developed a facility prioritization matrix that can be used by public agencies to rank facilities and buildings based on existing levels of resilience to create an investment strategy for implementing energy resilience measures. The matrix utilizes various data and information to rank each facility, including social vulnerabilities as defined by the Center for Disease Control, local sensitivities to physical and climate hazards, operational needs for the proposed site, and the condition of existing infrastructure at the proposed site. Staff acquired this data from multiple sources, including from member agencies, the Resilient IE Toolkit, and WRCOG's Climate Action Plan.

Furthermore, staff convened a meeting with the Plan's Advisory Group, which consists of representatives from the Cities of Banning, Jurupa Valley, Moreno Valley, Riverside, and Temecula, to seek feedback on which of the highest ranked facilities would be selected to move on to the technical study. Staff and the Advisory Group agreed that selecting three different facilities that are commonly found across the subregion, such as community centers and fire stations, are desired in order for the Plan to result in replicable examples of how energy resilience can be implemented across similar building types by different public agencies. The goals and objectives were also revisited to assist with the selection, such as the need to focus resilience recommendations in areas of existing inequities and disadvantaged communities, as well as to consider community vulnerabilities, accessibility, and land-use issues when identifying the location and distribution of recommended energy resilience investments. At the conclusion of the Advisory Group meeting, the parties had selected the Beaumont Wastewater Treatment Plant, Fire Station 16 in Jurupa Valley, and the City of Menifee's Kay Cenicerros Senior Center, as well as backup facilities in case the primary facility was not able to meet the requirements for the technical study.

In December 2021, staff initiated data requests to the three facilities located in the Cities of Beaumont, Jurupa Valley, and Menifee. Shortly thereafter, staff received a notice from the City of Beaumont that it was opting-out of the Energy Resilience Plan since it had already completed a similar resilience study at its wastewater treatment plant. As such, staff shifted its focus to the City of Banning's Wastewater Treatment Plant. By May 2022, staff had received sufficient data to start the technical analysis and held calls with facility representatives to confirm the initial findings of the data. During the meeting with the CalFIRE Facility Manager, staff were informed that the selected facility in Jurupa Valley, Fire Station 16, was not a viable building for the intentions of the Energy Resilience Plan. The station is one of the oldest in the County, is small, and was not worth the investment to upgrade solely the power system. Instead, the CalFIRE Facility Manager directed staff and consultant to focus the efforts on Fire Station 17, which is located in the Glen Avon neighborhood in the City of Jurupa Valley. Staff agreed that continuing with Fire Station 16 would not meet the intent and goals of the Plan, and that pivoting to Fire Station 17 would be appropriate. The Executive Committee approved a First Amendment to the Professional Services Agreement on October 3, 2022 to authorize the extra work and compensation to complete the energy resilience study / microgrid conceptual design at the new fire station and is anticipated to be completed in October 2022.

The case study at the City of Menifee's Kay Cenicerros Senior Center was recently completed and has produced results for energy resilience. The facility serves as an emergency shelter for residents, is utilized as a cooling and warming center during extreme weather events, and also provides food distribution for seniors. The hazard sensitivity assessment completed in the earlier phases of the Plan identified that flooding, human health, and extreme temperatures are the highest threats to the area. The microgrid simulator used identifies four potential scenarios with different system architecture, or combination or energy resources to sustain the critical electrical loads summarized as 70% of existing

load. The baseline scenario proposes installing a 62 kilowatt (kW) photovoltaic (PV) system, a 36 kW diesel generator, and a 85 kilowatt-hour (kWh) / 185 kW battery energy storage system (BESS). This combination of onsite power generation and storage will sustain critical loads through the typical outage at this facility which occurs 1.2 times per year and lasts 2.5 hours. The net present costs at this time, which are raw equipment upgrades, are summarized at approximately \$146,000 and capital expenditures at \$190,00 with a 9.7-year payback period.

The case study at the City of Banning's Wastewater Reclamation Plant was also completed and has produced results for energy resilience. The facility is responsible for the collection of wastewater from homes and businesses for approximately 12,800 buildings and serves nearly 30,000 customers. The plant has experienced seven outages since 2021 with the longest outage lasting approximately five hours. Fortunately, the facility already has two diesel generators with a total of 900 gallons of diesel storage, which can maintain power supply for the entire facility during an outage. The hazard assessment identified flooding, wildfire, earthquakes and landslides, and human health hazards from vulnerable populations as the highest threats in the area. The baseline scenario proposes keeping the diesel generators and installing a 123 kW PV system and a 85 kWh / 185 kW BESS. This combination of onsite power generation and storage will sustain 100% of the facility's electrical load through the typical outage at this facility which occurs three times per year and lasts 4.5 hours. The net present costs at this time, which are raw equipment upgrades, are summarized at approximately \$1M and capital expenditures at \$243,000 with a 17.3-year payback period.

Staff recognize that the cost figures in the case studies do not include construction costs, and thus appear to be deceptively low costs for a full-scale microgrid solution. Staff are currently working with AECOM to refine the findings and identify more accurate cost figures for each case study and various scenarios. The updated cost information will greatly assist staff and member agencies as potential funding mechanisms are sought. Staff have been tracking grant funding that could provide additional planning dollars to conduct more microgrid feasibility and conceptual designs, as well as project implementation funds from sources such as the Integrated Climate Adaptation and Resilience Program, California Resilience Challenge, the Strategic Growth Council's Community Resilience Centers Program, and the Resilience Cities Catalyst' Projects Preparation Program.

Recently, WRCOG was approached by the Resilient Cities Catalyst to express its interest in the Energy Resilience Plan and to inform staff of the California Resilience Partnership's (CRP) Project Preparation Program. Resilient Cities Catalyst is a nonprofit organization that works with cities to build the local capacities and partnerships needed to understand, prioritize, and address each city's risks and chronic stresses as it pursues strategic goals for climate adaptation or recovers from a crisis. The Project Preparation Program will support communities in advancing infrastructure projects that build equity and resilience and show great promise for community impact by preparing these projects to capitalize upon unprecedented levels of federal and state funding. The passage of the Federal Bipartisan Infrastructure Law and Inflation Reduction Act, and of California's historic 2021 and 2022 State Budget, have unlocked a once in a generation amount of federal and state resources to support critical infrastructure investments. The CRP Project Preparation Program aims to ensure that communities most in need of these investments can overcome barriers and achieve broad impacts.

Staff will be coordinating with representatives from the cities involved in the case studies to discuss the potential funding for planning and implementation projects from the Resilient Cities Catalyst, as well as additional funding sources. Furthermore, staff and the consultant team are preparing final documentation and plan to conduct a final presentation of the overall findings and next steps to the

WRCOG committees by the end of 2022.

Prior Action(s):

Energy Resilience Plan:

October 3, 2022: The Executive Committee approved Amendment No. 1 to the Professional Services Agreement with AECOM authorizing an increase to the contract amount and extra work related to the Western Riverside County Energy Resilience Plan.

September 14, 2022: The Administration & Finance Committee recommended that the Executive Committee approve Amendment No. 1 to the Professional Services Agreement with AECOM authorizing an increase to the contract amount and extra work related to the Western Riverside County Energy Resilience Plan.

Smart Streetlights Implementation Plan & Broadband Assessment:

August 1, 2022: The Executive Committee 1) accepted the Smart Streetlight Implementation Plan and Broadband Assessment; 2) directed staff to implement Phase 1 of the Smart Streetlight Implementation Plan; and 3) directed staff to provide bi-monthly updates on broadband funding opportunities and convene meetings as needed to disseminate information on broadband-related funding opportunities.

Fiscal Impact:

This item is for informational purposes only, therefore there are no fiscal impacts. All activities as part of the Western Riverside County Energy Resilience Plan are budgeted under the CA Resilience Challenge budget (110-67-2225), which is funded by the California Resilience Challenge grant. All activities as part of the Regional Streetlight Program are budgeted in the Streetlight Program budget (110-67-2026).

Attachment(s):

[Attachment 1 - CPUC LATA One Page Fact Sheet](#)

[Attachment 2 - CPUC LATA Grantee Manual](#)

[Attachment 3 - USDOT SMART Grants Fact Sheet](#)

[Attachment 4 - USDOT SMART Grants Notice of Funding Opportunity](#)

[Attachment 5 - FCC Affordable Connectivity Program Fact Sheet](#)

Attachment

CPUC LATA One Page Fact Sheet



Broadband Technical Assistance

What

Technical assistance grants to local agencies and Tribal governments reimburse pre-construction expenses in advance of broadband deployment.

Eligibility and Timing

Eligible local agencies include any local government agency authorized to provide broadband service in California.

Eligible Tribes include any California Tribe (with and without federal recognition).

These entities may apply for technical assistance grants after the program begins accepting applications in the summer of 2022 (date to be announced).



Reimbursable Expense Examples

Funds will reimburse pre-construction expenses to provide broadband connections to unserved and underserved areas. Examples of expenses that may be reimbursed:

- Consultant or staff time for environmental studies, network design, engineering studies, needs assessments, and broadband strategic plans.
- Costs incurred in forming a joint powers authority for bringing broadband to communities in need.

Learn More

Further information on the CPUC website:

<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-implementation-for-california/local-agency-technical-assistance>

Information on the separate CPUC Tribal Technical Assistance Program:

<https://www.cpuc.ca.gov/about-cpuc/divisions/news-and-public-information-office/business-and-community-outreach/tribal-office/tribal-grants>

Questions to Broadband.TechAssist@cpuc.ca.gov

Attachment

CPUC LATA Grantee Manual



LOCAL AGENCY TECHNICAL ASSISTANCE GRANT PROGRAM

Grantee Administrative Manual

Communications Division

June 28, 2022

To all Local Agency Technical Assistance Applicants and Grant Recipients:

The California Public Utilities Commission (CPUC or the Commission) thanks you for your interest in broadband technical assistance grants. We welcome your applications for funding of pre-construction work that facilitates last-mile broadband projects led by local agencies and tribes in California. We look forward to working with you.

Respectfully,

CPUC Communications Division

Local Agency Technical Assistance Grantee Administrative Manual

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Local Agency Technical Assistance Grantee Administrative Manual

I. Introduction

The Local Agency Technical Assistance (LATA) grant program provides funding to assist California's local agencies and tribes in their efforts to provide high-speed broadband to unserved Californians. On February 24, 2022, the Commission approved [Decision \(D.\) 22-02-026](#)¹ which established the LATA grant program and implemented current requirements and guidelines for the program.²

The purpose of the *Local Agency Technical Assistance Grantee Administrative Manual* is to provide guidance on the application process and administrative lifecycle for broadband technical assistance grants.³ This manual is intended to help potential applicants and grant recipients (grantees) become familiar with the LATA program, including funding eligibility, the application process, and administrative and performance requirements.⁴

II. Funding Overview

Local Agency Technical Assistance grants provide reimbursement for Tribes and local agencies for pre-construction expenses that facilitate development of broadband network deployment projects to areas in need. Grants may be used to reimburse eligible costs such as environmental, feasibility, and engineering design studies or reports; needs assessments, market studies, broadband strategic plans, and business plans; forming a joint powers authority; and consultant and community-based organization services.

Grantees may receive up to 100 percent of technical assistance project costs of up to \$500,000 per local agency or tribe per fiscal year. The program has a budget of \$50 million, including a \$5

¹ D. 22-02-026 is part of the Commission's California Advanced Services Fund (CASF) Rulemaking proceeding (R.) 20-08-021. Learn more about the various CASF funding programs on the program website here: <https://www.cpuc.ca.gov/casf/>

² Senate Bill 156 (SB) text: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB156

³ This Administrative Manual was prepared by CPUC CD staff. It does not change, replace, or waive any of the rules or guidelines adopted in D.22-02-026 nor has the CPUC passed upon the accuracy or adequacy of the information in it. The contents of the manual are for informational proposed only.

⁴ [D.22-02-026 Attachment 1 Guidelines](#).

million set-aside for tribes, for reimbursement of eligible costs incurred by December 31, 2024. Grants will be awarded on a first come first served basis until funding is exhausted.

In addition to eligibility for funding from the LATA program, tribes will continue to be eligible for broadband grants from the CPUC's existing Tribal Technical Assistance grant program, which has a separate set of rules.⁵

Because funding stems from federal Coronavirus State and Local Fiscal Recovery Funds, projects authorized through this program will be subject to federal rules in addition to the Guidelines adopted by the Commission in D.22-02-026. Under the federal rules, the LATA program may fund eligible pre-construction costs if they are tied to an eligible broadband infrastructure project designed to provide service to unserved or underserved households and businesses⁶ and that are designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download speed and upload speeds, or should be reasonably expected to lead to such a project.⁷ The term "unserved" in this manual is intended to include underserved California communities, households, and businesses.⁸

III. Eligibility

The following eligibility criteria determine who may apply for Local Agency Technical Assistance broadband funding.⁹

A. Who is Eligible to Apply

For the purpose of this program, local agency has the same meaning as that provided in Government Code section 53167 (e), as amended by SB 156, wherein "local agency" means any

⁵ D.22-02-026, Attachment 1 at 2.

⁶ For example, the Treasury Overview of the Final Rule (January 2022) specifies investments "provide service to locations with an identified need for additional broadband investment."
<https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>. Areas with an identified need include areas unserved and underserved locations under the Interim Final rule: "Unserved and underserved households or businesses" means one or more households or businesses that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed." Coronavirus State and Local Fiscal Recovery Funds, 86 Fed. Reg. 26,786, 26,823 (May 17, 2021) (to be codified at 31 C.F.R. pt. 35). The unserved or underserved locations need not be the only locations served by the proposed project. Dept. of the Treasury, Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions at 30 (as of July 19, 2021), available at <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>.

⁷ [D.22-02-026 Attachment 1 Guidelines](#) at 1.

⁸ See footnote 6 above.

⁹ D.22-02-026, Attachment 1 at 4.

agency of local government authorized by law to provide broadband internet access service, including the following:

- A city
- A county, including a county service area
- A community services district
- A public utility district
- A municipal utility district
- A joint powers authority
- A local educational agency, as defined in section 47640 of the Education Code
- A sovereign tribal government
- An electrical cooperative, as defined in section 2776 of the Public Utilities Code

B. What is Eligible for Funding

Technical assistance grants must support developing broadband service to unserved communities. Technical assistance projects may include but are not limited to:

- Environmental, feasibility, engineering design studies or reports
- Needs assessments, market studies, broadband strategic plans, business plans
- Forming a joint powers authority¹⁰
- Consultant and community-based organization services

Per D.22-02-026, grant applications must meet the following criteria:

Pre-Construction Costs Related to Broadband Deployment – LATA grants reimburse pre-construction costs related to the development of broadband network deployment projects through activities such as studies and planning. Technical assistance work should be tied to a broadband deployment project or be reasonably expected to lead to such a project.

Achieve 100 Mbps or Better Upload and Download Speeds – The resulting broadband infrastructure projects will be designed to reliably meet or exceed 100 Mbps download and upload speeds.

¹⁰ A “joint powers agency” or “joint powers authority” means an agency or entity formed pursuant to the Joint Exercise of Powers Act (Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1) that is formed for the local performance of governmental functions that includes the provision of municipal services. Cal. Gov. Code § 56047.7.

Provide Service to Unserved Households and Businesses – Technical assistance is defined as work products resulting from activities such as studies and planning that support local agencies in developing broadband network projects that benefit unserved Californians.

C. Areas Eligible for Funding

Applicants must provide a description of the areas for which they are considering funding. Cities that are applying should include as much geographic information as possible about the area of their proposed project and should identify city and county names as well as the census blocks in their application. Multiple jurisdictions, census designated places, joint powers authorities, utility district or county areas should describe the area and include census blocks in the application.¹¹

If multiple agencies are applying for technical assistance funding in the same area, they should coordinate. Applicants are required to submit a letter of support demonstrating this coordination. Separate local agencies operating in the same geographic area may be considered for grants through a Commission resolution process and need to demonstrate collaboration with any overlapping jurisdictions for the efficient use of resources. For the purposes of this program, cities do not have overlapping jurisdictions with the county or counties in which the city is located, nor are tribal governments considered to have overlapping jurisdictions with other eligible local agencies.

IV. Required Application Materials

Applicants must complete and submit an application along with additional requested documentation, which is available on the LATA webpage as an Excel document. Each part of the application is a different tab in the spreadsheet. The application and additional required materials should be submitted via email to Broadband.TechAssist@cpuc.ca.gov. See **Appendix A** for samples of the application and affidavit form.¹² A summary of required materials follows.

Part 1. Application Checklist.

Item 1 – Applicant Name and Organization (local agency or tribe)

Item 2 – Key Project Contact Information

¹¹ Local agencies that are seeking a list of census blocks and do not have a pre-existing GIS method can use the California Interactive Broadband Map tool. <https://www.broadbandmap.ca.gov/>

¹² D.22-02-026, Attachment 1 at 5-7.

- Item 3 – Grant Project Description
- Item 4 – Letter of Support (upload with submission)
- Item 5 – Project Proposal or Proposed Contract (upload with submission)
- Item 6 – Proposed Total Budget
- Item 7 – Name of Organization to Receive Payment
- Item 8 – Certification and Affidavit of Statements and Representations
- Item 9 – Affirmation of Incremental Staff Hours
- Item 10 – Affirmation of 24-Month Project Completion
- Item 11 – Notarized Affidavit (upload required form with submission)
- Item 12 – Electronic Signature

Part 2. Project Summary. These fields must be completed:

- Project Name
- Type of Project and Scope
- Total Budget
- Timeline Start through Completion Dates (estimate completion within 24-months from Commission approval)
- How Project Supports Last-Mile Broadband Deployment of at least 100 Mbps Upload and Download Speeds to Unserved and/or Underserved Households and Businesses
- Summary of Consultant/Staff/Team Professional Experience (upload resumes)
- Short project description of scope of work for publication on the CPUC Webpage
- Other Information

Part 3. Budget Summary. These fields must be completed:

- Year 1 and 2 Consultant, Sub-Consultant, Staff and Administrative Costs¹³
- Year 1 and 2 Work Product Costs

Part 4. Geographic Information. Applicant must provide information about the location and boundaries of the proposed project including:

- Detailed description of the area where the technical assistance will be applied (e.g., city, town, county).
- Identify all the area's census blocks.
- Upload shapefiles if possible

¹³ Up to 15 percent of the total requested for reimbursement may be used to reimburse the grantee for administrative costs associated with the securing or completion of reimbursable work products, other than the cost of local agency staff hours. D.22-02-026, Attachment 1 at 2.

- Use the *California Interactive Broadband Map* if needed to map proposed technical assistance project areas: <https://www.broadbandmap.ca.gov/>

If needed, the 'Data Query Tool' on CPUC's California Interactive Broadband Map (see link above) may be used to export census blocks or other types of political boundaries (e.g., tribal areas, counties, census designated places) into a CSV file by manually selecting regions on the map. See **Appendix B** and the link below to learn more about using this mapping tool.

V. Required Supplemental Materials

Applicants must also upload a project proposal or proposed contract, letter of support, and a notarized affidavit form. See **Appendix A** for a sample notarized affidavit form.

A. Project Proposal or Proposed Contract

Applicants must provide a proposed contract(s) if planning to work with a consultant or community-based organization. A written project proposal will suffice if technical assistance is to be provided in-house. The proposed contract or project proposal must include the following:

- Scope of work with a description of the reimbursable work product (e.g., a report summarizing X, a written engineering study including network diagrams, a broadband strategic plan with last mile project specifications)
- Description of each reimbursable work product expected to result from the contract or project proposal. While more than one reimbursable work product may result from a contractor or project proposal, each reimbursable work product proposed in the application must be supported by a contract or project proposal.¹⁴
- Detailed cost estimate including hourly rates and total cost per team member
- Proposed timeline for completion within 24 months
- Professional qualifications/resumes of team members

B. Letters of Support

Applicants are required to submit a letter of support demonstrating collaboration between overlapping local agency jurisdictions. This letter must include information relating to coordination performed with other eligible local agencies with geographic jurisdictions that overlap with the local agency applicant's geographic jurisdiction, if the applicant is not a sovereign tribal government.

¹⁴ D.22-02-026, Attachment 1 at 6.

Tribal applicants are required to submit a letter of support from the tribal chair, administrator, or council, though these letters need not detail coordination efforts with local agencies.

VI. Application Submission and Timeline

Applicants are required to submit the Commission-provided application form and supporting documents. Completed applications should be submitted electronically to the following address. This email should also be used for all program inquiries and administrative needs, including payment requests and reporting:

LATA Program Email:

Broadband.TechAssist@cpuc.ca.gov

LATA Program Address:

California Public Utilities Commission, Communications Division
Attn: Local Agency Technical Assistance Grant Program
505 Van Ness Avenue, San Francisco, CA 94102

If needed, larger files may be submitted via secure file transfer to <https://cpucftp.cpuc.ca.gov/>. Applications may be submitted at any time until funding is exhausted. The Communications Division staff will notify an applicant by letter or email specifying reasons for denial should an application fail to meet program eligibility criteria or other factors. Local agencies that are not selected are welcome to re-apply with revised proposals.

VII. Required Forms and Obligations

Consent Form and Payee Data Record. Upon a funding application's approval, the grantee will receive an email from the Commission requesting them to submit required documents, which include a Consent Form and a [Payee Data Record](#).¹⁵ The Payee Data Record (STD 204) is a State of California standardized form that is needed for tax purposes. The Consent Form binds the grant recipient to the terms, conditions, and requirements of both the authorizing Decision and the approval document (whether a Commission Resolution awarding the grant or an award letter, if approved by CD staff). Grantees must sign and submit a Consent Form within 30

¹⁵ The Payee Data Record is required in order to receive payment from the State of California, and information provided in this form will be used by the Commission to prepare Information Returns (e.g., Internal Revenue Service, Form 1099).

calendar day from the date of the award. Failure to submit the Consent Form within 30 calendar days from the date of award letter will deem the grant null and void.

Federal Compliance Form. As recipients of Federal financial assistance, grantees are also required to submit a form entitled [Assurances of Compliance with Title VI of the Civil Rights Act](#) and meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds.¹⁶ (This form does not apply to tribal grantees.) The Commission will not initiate payment for LATA grants until CD staff receive these forms.

Prevailing Wages. Prevailing Wage rules and requirements apply to LATA grants.

VIII. Payments and Compliance

Grantees must submit payment requests using the Completion Report to Communications Division template. See **Attachment C** for a sample. All requested reimbursements must be allocated to activities/g approved in the work plan and be supported by attaching relevant invoices. Please note the following additional requirements.

A. Direct Payment to Grantee

Payment will be made directly to the local agency or tribe as the grant recipient.

B. Partial Payment

Local agency grantees may request partial reimbursement if they complete one or more of the approved reimbursement work products prior to completion of other reimbursable work products approved in the same grant authorization. Payment will be based upon receipt and approval of an invoice(s) submitted by the local agency showing the expenditures incurred for the reimbursable work product, along with work product for which partial payment is requested. Invoices must be supported by documentation including but not limited to the actual cost of labor and any other expense that will be recovered by the grant. If any portion of

¹⁶ These requirements include ensuring that entities do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23

the partial reimbursement request is found to be out of compliance, grantees will refund any disallowed amount along with appropriate interest.¹⁷

C. Itemized Accounting for Administrative Costs

To the extent that any portion of an award was used to reimburse a local agency for administrative costs associated with securing or completing a reimbursable work product, the local agency must submit an itemized accounting of such costs, demonstrating the total requested for reimbursement does not exceed 15 percent (15%) of the total authorized award.¹⁸

D. Timing and Modifications

Grantees must complete projects within 24 months or the Commission may withhold or reduce payment.¹⁹ If the grantee cannot complete the project within the 24-month timeline, they must notify the Commission or CD's Director (CD_Director@cpuc.ca.gov) as soon as they become aware that they may not meet the project deadline. Grantees must request timeline changes and receive approval at least 30 days before the anticipated change. They must provide details in writing regarding the reason for timeline change and a revised schedule, including impacts on any work deliverables (see next section). In the event the grantee fails to notify the Commission or CD's Director and secure approval at least 30 days before the anticipated change, the Commission may withhold or reduce payment. If any portion of reimbursement is found to be out of compliance, grantees will refund any disallowed amount along with appropriate interest.²⁰

In addition, grantees must communicate in writing to Communications Division Director regarding any changes to the substantive terms and conditions underlying Commission approval of the grant (such as changes to a reimbursable work product contract, work plan, or budget) at least 30 days before the anticipated change. Substantive changes may require approval by either the Communications Division Director or by Commission resolution before becoming effective.

All tasks and performance specified under the terms of any award shall be completed on or before the completion of the project. The Commission may withhold or terminate grant payments if the grantee does not comply with any of the requirements set forth in its application and D.22-02-026.²¹

¹⁷ D.22-02-026, Attachment 1 at 10.

¹⁸ D.22-02-026, Attachment 1 at 2 and 10.

¹⁹ D.22-02-026, Attachment 1 at 9.

²⁰ D.22-02-026, Attachment 1 at 10.

²¹ D.22-02-026, Attachment 1 at 10.

E. Project Completion and Final Payment

Project Completion. Upon completion of the technical assistance and before final payment, grantee must provide a signed *Completion Report and Final Payment Form* and they must submit a copy of the final report/study/joint powers agreement etc. to the program email address. See **Appendix C** for a sample of this form template. These materials should state that the agreed upon work has been completed and include a request for final payment as well as documentation of the overall project outcome and deliverables in accordance with the approved grant agreement. Among the information requested in the form, grantees should provide the following:

- Short summary of the reimbursable work product(s) created under the contract.
- A short description of the technical assistance work completed that is suitable for posting on the Commission's web page.
- Identification of areas where the local agency intends to deploy broadband infrastructure stemming from their technical assistance work, suitable for posting on the Commission's website.

Work products that should be considered for confidential treatment should be accompanied by an attestation by the grantee describing the reasoning for confidential treatment according to General Order 66-D.

Failure to Comply. If the grantee fails to complete the project, in accordance with the terms of approval granted by the Commission, and as described in the contract, the grantee will be required to reimburse some or all of the funds that it has received.²²

F. American Rescue Plan Act Reporting Requirements

The American Rescue Plan Act (ARPA), State and Local Fiscal Recovery Fund Reporting Requirements directs grantees and CPUC staff to ensure all required reporting information set forth in the Compliance and Reporting Guideline and Project and Expenditure Report for broadband infrastructure projects is available for each technical assistance grant.²³ Reporting guidelines are anticipated from the US Treasury and California Department of Finance by 2023.

G. Contractor Monthly Reporting Requirements

SB 156 requires grantees to fulfill the monthly reporting requirements set forth in Public Utilities Code section 281(l)(1) if they are using a licensed contractor or subcontractor to

²² D.22-02-026, Attachment 1 at 10.

²³ <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>

undertake a contract or subcontract in excess of twenty-five thousand dollars (\$25,000). The Commission is required to post that information on its website. Specifically, SB 156 requires the following to be reported to the Commission on a monthly basis:

- The name and contractor's license number of each licensed contractor and subcontractor undertaking a contract or subcontract in excess of twenty-five thousand dollars (\$25,000) to perform work on a project funded or financed pursuant to this section.
- The location where a contractor or subcontractor described in subparagraph (A) will be performing that work.
- The anticipated dates when that work will be performed.

Licensed contractor or subcontractor means any contractor that holds a California state license through the contractor's state license board (<https://www.cslb.ca.gov/>).

H. Record Retention

Grantees are required to maintain records such as files, invoices, and other related documents for five years after final payment. Grantees shall make these records and invoices available to the Commission upon request and agree that these records are subject to financial audit by the Commission at any time within the five years after the final payment made to a grantee.²⁴

IX. Acknowledgment and Publicity

Any publications, studies, or reports made possible or derived in whole or in part from the project, and any news articles, brochures, seminars, or other promotional materials or media through which the grantee publicizes the Project will acknowledge the program in the following manner:

"Funding for this project has been provided in part through a grant for Local Agency Technical Assistance from a program administered by the California Public Utilities Commission."

²⁴ D.22-02-026, Attachment 1 at 10.

X. More Information and Links

In addition to this manual, the program webpage provides background and updates. The URL is: <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-implementation-for-california/local-agency-technical-assistance>

The following are CPUC links for more information about Local Agency Technical Assistance as well as other broadband funding programs:

- [Decision 22-02-026 with Guidelines for Local Agency Technical Assistance](#)
- [CPUC Broadband Implementation Webpage for SB 156 Programs](#)
- [Local Agency Technical Assistance](#)
- [Last-Mile Federal Funding Account](#)
- [Open-Access Middle Mile](#)
- [California Advanced Services Fund \(CASF\)](#)
- [Tribal Technical Assistance Broadband Grants](#)
- [US Treasury Coronavirus State and Local Fiscal Recovery Funds](#)

Appendix A: Technical Assistance Application & Forms

Local Agency Technical Assistance
PART 1. GRANT APPLICATION CHECKLIST

Instructions: To assist the CPUC Communications Division in verifying the completeness of your application, mark the box to the left of each item to indicate you provided the requested information and uploaded required additional materials with your application spreadsheet. For more details about these requirements, please review CPUC Decision D.22-02-026, Appendix 1.

[link to D.20-02-026 Technical Assistance Decision and Guidelines](#)

#	Item Included?	Item	To Be Completed By Applicant (submit separately if indicated below)
1		Applicant Name and Organization	
		Authorized Local Agency or Tribal Leader Name and Title	Provide information below:
		<i>Address Line 1</i>	
		<i>Address Line 2</i>	
		<i>City</i>	
		<i>State</i>	
		<i>ZIP Code</i>	
		<i>Website Address</i>	
		<i>Phone Number</i>	
		<i>California Tribe?</i>	
		<i>Federal Tribal Recognition?</i>	
2		Key Project Contact (i.e., staff contract manager)	Provide information below:
		<i>First Name</i>	
		<i>Last Name</i>	
		<i>Organization Position</i>	
		<i>Address Line 1</i>	
		<i>Address Line 2</i>	
		<i>City</i>	
		<i>State</i>	
		<i>ZIP Code</i>	
		<i>Email Address</i>	
		<i>Phone Number</i>	
3		Grant Project Description	Provide information below:

		<i>Project Title</i>	
		<i>Brief Description</i>	
		<i>Project Location</i>	
4		Letter of Support	Submit as separate attachment(s) and check box to indicate included.
5		Project Proposal (if planning to use in-house staff) or Proposed Contract (if planning to outsource work)	Submit as a separate attachment(s) and check box to indicate included. Must include: (1) the project scope of work for a consultant and/or staff to carry out the Local Agency Technical Assistance; (2) detailed cost estimate including hourly rates and estimated total hours for each person; and (3) proposed timeline for completion; (4) geographic basis for the proposed project area (such as by Census Block) sufficient to demonstrate broadband need. If the applicant intends, as part of the project, to (a) complete multiple work products (i.e. joint powers agreement(s), feasibility studies, etc.) and (b) request partial payment for work product(s) completed before the project's completion, all potential work products must be outlined and supported in the contract or proposal, and listed separately in the Budget Summary.
6		Proposed Total Budget (\$)	\$
7		Project Summary	Provide information in Tab 2 (Project Summary) of this spreadsheet and check box to indicate included.
8		Budget Summary	Provide information in Tab 3 (Budget Summary) of this spreadsheet and check box to indicate included.
9		Name of Organization to Receive Payment (Local Agency or Tribal Entity)	
		<i>Address Line 1</i>	

		<i>Address Line 2</i>	
		<i>City</i>	
		<i>State</i>	
		<i>Zip Code</i>	
		<i>Website Address</i>	
		<i>Phone Number</i>	
10		Affirmation of Incremental Staff Hours	I, the undersigned, affirm that any staff hours expended on reimbursable activities, and for which reimbursement will be requested, are incremental to the pre-grant award scope of work and would not be performed by the staff person absent the grant award.
11		Agreement for 24-Month Completion	I, the undersigned, acknowledge that the project must be completed within 24-months from the date of Commission approval of the grant.
12		Notarized Affidavit (separate form, upload with submission)	Submit separate required form and check box to indicate included. The form can be found on the LATA website: https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-implementation-for-california/local-agency-technical-assistance
13		Electronic Signature	X

Local Agency Technical Assistance APPLICATION PART 2: PROJECT SUMMARY	
<i>Instructions:</i> Please provide the following information about a broadband technical assistance project that supports a local agency or Tribe. Project types may include but are not limited to: needs assessments, market studies, broadband strategic plans, business plans; environmental, feasibility, engineering design studies or reports; forming a joint powers authority; consultant and community-based organization services.	
Name and Location of Proposed Grant Project	
Type of Project and Scope	
Total Budget (\$)	
Project Timeline (include start and end dates, must be completed within 24 months)	
Explain how the proposed technical assistance grant project will support your Local Agency or Tribe in pursuit of last-mile broadband infrastructure deployment to unserved or underserved households and businesses.	
How will the proposed technical assistance grant support broadband infrastructure deployment to unserved and/or underserved households and businesses at speeds of at least 100 Mbps upload and download speeds?	
Summary of consultant or staff experience. Upload resumes separately.	
Short description of the project suitable for posting on the Commission's web page.	Example: The proposed project will fund a Broadband Strategic Plan for City X. This plan will outline a strategy expected to result in broadband infrastructure projects designed to provide service to unserved or underserved households and businesses and that are designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds. This project will be completed within the 24-month timeline.
Other Information	

Local Agency Technical Assistance APPLICATION PART 3: BUDGET SUMMARY						
<i>Instructions:</i> Please provide the following descriptive and quantitative budget summary information for your proposed grant project. Add additional space if needed.						
Applicant (Local Agency or Tribe):						
Project Name:						
	Year 1			Year 2		
BUDGET LINE ITEM	Work Product	Work Product	Work Product	Work Product	Work Product	Work Product
Work Product Title (e.g., Request for Proposal Development, Needs Assessment, Strategic Broadband Plan)						
Timeline (weeks from project start)						
Work Product Costs (consultants, subconsultants, organizations, and/or staff)	Cost	Cost	Cost	Cost	Cost	Cost
Total Work Product Costs (consultants, subconsultants, organizations, and/or staff)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Administrative Costs (see <i>Note</i>)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL COSTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Note:

Administrative costs are defined as indirect overhead costs attributable to a project, per generally accepted accounting principles (GAAP), and the direct cost of complying with Commission administrative and regulatory requirements related to the grant itself. Up to 15% of administrative costs may be associated with the securing or completion of reimbursable work products, other than the cost of local agency staff hours. (D.22-02-026, Attachment 1 at 2)

Local Agency Technical Assistance APPLICATION PART 4: GEOGRAPHIC INFORMATION		
<i>Instructions:</i> Please provide a description of the geographic location(s) that the applicant intends for service to be provided as a result of the technical assistance project(s). The CPUC requests this information since local agencies with geographically overlapping jurisdictions are encouraged to collaborate. We encourage the applicant(s) to provide as much detail on the intended geographic location(s) as possible.		
ITEM	INSTRUCTIONS	RESPONSE
Type of Local Agency	Choose from drop down in spreadsheet.	
	Describe type of Local Agency if not in dropdown.	
Describe Project Location	Provide a short description of the intended geographic location(s) (e.g., city limits, county limits, utility service area) to assist in the review of this application.	
Census Block(s)	Submit as separate document and note the file name in this field (if submitting via email).	
	The 'Data Query Tool' on CPUC's California Interactive Broadband Map can be used to export census blocks into a CSV file by manually selecting regions on the map. (https://www.broadbandmap.ca.gov/) If Census Blocks are not currently known, the Data Query Tool can also be used to create CSV files of other types of political boundaries (counties, Tribal Areas, etc.) and can be provided in a separate file. Additional information on the intended geographic location(s) can be listed in the relevant fields below.	
	If Census Block(s) are not known, provide the following information on intended geographic location(s):	
	County/Counties	
	City/Cities	
	Zip Codes	
	Other Unique Geographic Data (describe and provide list)	

Shapefile and/or Map	A shapefile and/or map of the intended geographic location(s) may be submitted as separate document(s) instead of census blocks. Indicate via the drop down whether a shapefile or map is included in relevant fields below:	
	<i>Shapefile included?</i>	
	<i>Name of Shapefile (if included "N/A" if not):</i>	
	<i>Map Included?</i>	
	<i>Name of Map file (if included, "N/A" if not):</i>	

Notarized Affidavit

My name is _____. I am _____ [Title] of _____ [Name of Organization to receive grant].

My personal knowledge of the facts stated herein has been derived from my employment with _____ [Name of Organization to receive grant].

I swear or affirm that I have personal knowledge of the facts stated in this Application for a Local Agency Technical Assistance Grant under the provisions of Decision (D.) 22-02-026, as authorized by the Legislature and the California Public Utilities Commission, I am competent to testify to them, and I have the authority to make this Application on behalf of and to bind the Organization.

I further swear or affirm that _____ [Name of Organization to receive grant] agrees to comply with all federal and state statutes, rules, and regulations, including the California Advanced Services Funds program rules the Commission establishes, covering broadband services and state contractual rules and regulations, if granted a Local Agency Technical Assistance grant.

I further swear or affirm that _____ [Name of Organization to receive grant] agrees to comply with the terms, conditions and requirements of the grant and thus submits to the jurisdiction of the Commission with regard to the disbursement and administration of the grant if granted a Local Agency Technical Assistance grant.

I swear or affirm that I agree to comply with Rules 1.11 and 2.2 of the California Public Utilities Commission's Rules of Practice and Procedure.

I swear or affirm, under penalty of perjury, and under Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

If _____ [Grantee Name] violates the terms and conditions of this award or other program and project compliance requirements, it shall be subject to Public Utilities Code Sections 2108 and 2111. The Commission may impose the maximum penalties allowed under Public Utilities Code sections 2108 and 2111 for failure to meet the program and project compliance requirements, as determined by the Commission.

Signature and title

Type or print name and title

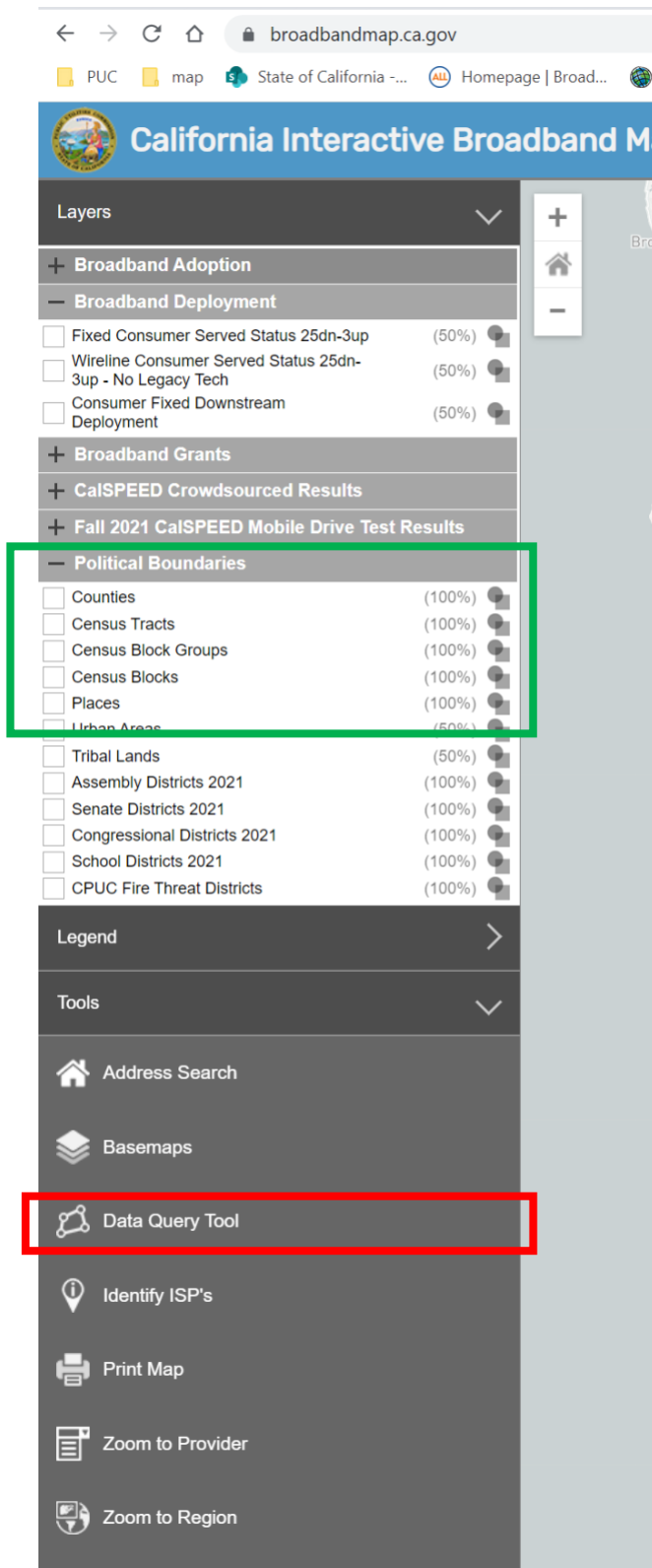
SUBSCRIBED AND SWORN before me on the ____ day of _____, 20____.

Notary Public In and For the State of _____

My Commission expires _____

Appendix B: California Interactive Map Reference

California Broadband Mapping Tool



Link to the mapping tool:

<https://www.broadbandmap.ca.gov/>

Includes census political boundaries (green box)

Data Query Tool (red box) allows selection of individual census blocks (so long as the layer is already visible).

Screenshot of the Data Query Tool in Use

- ⇒ Note the census blocks layer is on and shows the boundaries.
- ⇒ One of the “Select Draw Tool” options is used to select the census blocks.
- ⇒ Select “Get Features” to display a block and populate the data on the right, which can be exported as a CSV (the red box).
- ⇒ Brief primer on the census hierarchy (from largest area to smallest): census tract, census block group, census block

The screenshot shows the 'California Interactive Broadband Map' interface. On the left, a 'Layers' panel lists various data layers, with 'Census Blocks' selected. The central map displays a street grid in San Francisco with several census blocks highlighted in grey. On the right, the 'DATA QUERY TOOL' panel is active. It includes a 'Select Draw Tool' section with four icons: a point, a line, a polygon, and a circle. Below these are 'Clear' and 'Get Features' buttons. The 'Get Features' button is highlighted with a red box. Below the buttons, the tool displays the following counts: 'Blocks Found: 4', 'Block Groups Found: 1', 'Census Tracts Found: 1', and 'Anchors Found: 0'. A red box highlights an export icon (a green 'X' with a right-pointing arrow) next to these counts. Below the counts, there are tabs for 'Blocks', 'Block Groups', 'Census Tracts', and 'Anchors'. The 'Blocks' tab is selected, showing a table of data for the selected blocks.

Full Census Block Code:	060750177002025
Block Name:	Block 2025
County Name:	San Francisco
Place Name:	San Francisco
Land Area (Square Meters):	35,142

Appendix C: Completion Report and Payment Form (Sample)

Local Agency Technical Assistance Completion Report & Final Payment Form

Sample Template (Subject to Revisions)

1. GRANTEE AND PROJECT OVERVIEW

Grantee Name:	
Consultants Name:	
Project Name:	
Project ID:	
Award Grant Amount: (\$)	
Payment(s) received to date: (\$)	
Project completion date: (MM/DD/YY)	
Report submission date: (MM/DD/YY)	
Amount of Request: (\$)	
Attested by: I certify to the best of my knowledge that all statements and representations made in this report are true and correct under penalty of perjury.	<u>Name:</u> <u>Signature:</u>

2. PROJECT SUMMARY

Please provide a summary of the contract including work completed by the consultant, contractor and/or local agency staff. Provide details of the work that was completed, including scope of the work, detailed costs, and the timeline from start to completion. (Add additional pages if necessary).
Describe the area(s) where grantee intends to deploy broadband based on the reimbursable work product(s) and expects the technical assistance work will lead to broadband infrastructure deployment project(s) that will achieve the CASF deployment goal. Provide a summary suitable for posting on the Commission's website. (Add additional pages if necessary).

3. PROJECT DOCUMENTATION DESCRIPTION

Please provide the following necessary documents and check the boxes “Yes” or “No” in Section 4 below. If you checked the box “No” then please provide the brief reasoning in the Comments section or on a separate sheet.

- a. Copy of the original Contract (for outsourced work) and/or Project Proposal (for in-house staff work). Include scope of work with details and any approved changes.
- b. Invoices supporting consultant/contractor and administrative expenses.
- c. Completed Reimbursable Technical Assistance Final Work Product(s) (e.g., market analysis, environmental review, engineering and design documents, other).
- d. Itemized Accounting for local agency administrative costs.

4. PROJECT DOCUMENTATION CHECK LIST

Please check off documents submitted that pertain to the Contract or Project Proposal. Also, upload work products to Broadband.TechAssist@cpuc.ca.gov or via FTP if larger at <https://cpucftp.cpuc.ca.gov/>.

Contract/Agreement/Proposal			
No.	Document Required	Document Submitted	Comments
a.	Copy of the Contract and/or Project Proposal, with scope of work details and any approved changes.	Yes _____ No _____	
b.	Invoices supporting services from consultants, contractors, administrative expenses, etc.	Yes _____ No _____	
c.	Final Technical assistance work products such as consultant and engineering products (e.g., blueprints, drawings, plans, design documents, etc.), staff and community-based organization work products.	Yes _____ No _____	

d.	Staff timesheets, receipts, billable hours for legal counsel	Yes _____ No _____	
----	--	-----------------------	--

5. COST DETAILS NEEDED FOR REIMBURSEMENT – DESCRIPTION

Provide a summary of project cost breakdown for each project that is outsourced (e.g., to a consultant, other contracting work, community-based organizations) or conducted in-house by staff. Examples of cost categories: Hardware, Software, License, Accessories, etc. Services and finished products such as Engineering, Design, Drawings, Blueprints, Plans, etc. Shipping, Handling, and Taxes, administrative costs, or any other costs incurred. Itemize costs in Section 6 below.

6. REIMBURSEMENT REQUEST COST DETAILS

Please provide project expenses summary as per budget line item in the below table.

- Itemized details for all the expenses claimed on the project for the payment reimbursement should be provided through contract and/or agreement for services and supporting invoices and/or receipts.
- The project expenses summary should agree with the total amount in the approved budget or less but not more.
- Add more lines if needed.

Project Expenses Summary	Grant Funds (\$)
Consultation Cost:	
Engineering and Design Costs as mentioned above:	
Plans, Blueprints, Drawings cost:	
Shipping, Handling, Mailing, Insurance cost:	
Hardware, Computer Program cost:	
Administrative Costs:	
Other expenses (if any):	
Total Requested Reimbursement (\$):	

Attachment

USDOT SMART Grants Fact Sheet

Fact Sheet: The Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program

Overview

Sec. 25005 of the Bipartisan Infrastructure Law (BIL) establishes the Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program to “conduct demonstration projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety.” The program is appropriated at \$100M annually for fiscal years 2022–2026.

To accomplish the objectives identified in BIL, the SMART Grants Program will fund projects that focus on using technology interventions to solve real-world challenges facing communities today. This will require creativity and local experimentation. The SMART Program will support a range of approaches: new transportation applications of existing and emerging technologies; expanded and systematized use of proven technologies; and deep integration of solutions with existing transportation systems.

SMART funds purpose-driven innovation and discourages investment in technologies that do not provide a clear improvement over the status quo. The program puts [DOT’s Innovation Principles](#) into practice. The Department has outlined these six key, purpose-driven principles established to guide DOT in fostering innovation that serves the Biden-Harris Administration’s policy priorities. Successful projects will seek to build sustainable partnerships across sectors and levels of government and collaborate with industry, academia, and nonprofits.

SMART is a demonstration program. It is not designed to support fundamental research. In general, the systems and technologies demonstrated should be sufficiently developed such that there is good reason to anticipate public benefits from their deployment, but their application in public sector settings is not yet widespread. Proposals seeking funding for systems and technologies which are already well-established and broadly adopted will be less competitive.

SMART focuses on building data and technology capacity and experience for State, local, and Tribal governments. Technology investment is most beneficial when tailored to the needs of the community. SMART recognizes that many public sector agencies are challenged to find the resources and personnel to engage with new technologies. The program bridges this gap by providing a required planning phase, to help communities gain experience with innovative technologies. SMART supports a strong, diverse, and local workforce.

SMART is divided into two stages. The program structure is based on a belief that planning, prototyping, and teambuilding are critical to advancing the state of the practice for data and technology projects in the public sector. DOT anticipates that only recipients of Stage 1 Planning and Prototyping Grants will be eligible for Stage 2 Implementation Grants.

During Stage 1, public sector project leaders should build internal buy-in and partnerships with public, private, academic, nonprofit, and community organizations and community networks to refine and prototype their concepts, and report on results. At the conclusion of Stage 1, awardees should have the information to either create a fully realized implementation plan with robust performance metrics or to make an informed decision not to proceed with the concept. Stage 1 results may uncover previously unknown institutional barriers, technical limitations, or poor performance relative to conventional solutions. The SMART Program hopes to document lessons learned from Stage 1 projects, knowing that these findings will be broadly beneficial to the transportation sector.

Stage 2 implementation projects should result in a scaled-up demonstration of the concept, integrating it with the existing transportation system, and refining the concept such that it could be replicated by others. If demonstration at-scale identifies critical challenges, gaps, or negative impacts, they should be clearly stated and documented so that other communities that take on similar projects can learn from them and adapt.

Program Information

Important Dates (Subject to Change)

- **The SMART Notice of Funding Opportunity** will be issued in September 2022.
- **Applications will be due in November 2022.**

Summary Statutory Parameters

Program Objective: To conduct demonstration projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety.

Type of Program: Discretionary grant program.

Eligible Entities:

- State
- Political subdivision of a State
- Tribal government
- Public Transit Agency or Authority
- Public Toll Authority
- Metropolitan Planning Organization
- A group comprised of the above 2 or more eligible entities

Geographic Funding Allocation:

Grantee type	Maximum funding (by Fiscal Year)
Large communities	Not more than 40%
Midsized communities	Not more than 30%
Rural communities or regional partnerships	Not more than 30%

Eligible Projects:

The statute outlines eight technology domains for SMART Grants. Each is complex and includes a wide range of technology inputs, data systems, and integrations with the transportation system. Recipients of SMART Grants are not expected to seek solutions in all eight technology domains through a single project. Teams will be required to identify at least one technology domain for their project, though some projects may naturally address two, three, or even four of the technology domains.

- **Coordinated Automation**—Use of automated transportation and autonomous vehicles while working to minimize the impact on the accessibility of any other user group or mode of travel.
- **Connected Vehicles**—Vehicles that send and receive information regarding vehicle movements in the network and use vehicle-to-vehicle and vehicle-to-everything communications to provide advanced and reliable connectivity.
- **Intelligent, Sensor-based Infrastructure**—Deployment and use of a collective intelligent infrastructure that allows sensors to collect and report real-time data to inform everyday transportation-related operations and performance.
- **Systems Integration**—Integration of intelligent transportation systems with other existing systems and other advanced transportation technologies.
- **Commerce Delivery and Logistics**—Innovative data and technological solutions supporting efficient goods movement, such as connected vehicle probe data, road weather data, or global positioning data to improve on-time pickup and delivery, improved travel time reliability, reduced fuel consumption and emissions, and reduced labor and vehicle maintenance costs.
- **Leveraging Use of Innovative Aviation Technology**—Leveraging the use of innovative aviation technologies, such as unmanned aircraft systems, to support transportation safety and efficiencies, including traffic monitoring and infrastructure inspection.
- **Smart Grid**—Developing a programmable and efficient energy transmission and distribution system to support the adoption or expansion of energy capture, electric vehicle deployment, or freight or commercial fleet fuel efficiency.
- **Smart Technology Traffic Signals**—Improving the active management and functioning of traffic signals, including through:
 - Use of automated traffic signal performance measures;
 - Implementing strategies, activities, and projects that support active management of traffic signal operations, including through optimization of corridor timing; improved vehicle, pedestrian, and bicycle detection at traffic signals; or the use of connected vehicle technologies;
 - Replacement of outdated traffic signals; or
 - For an eligible entity serving a population of less than 500,000, paying the costs of temporary staffing hours dedicated to updating traffic signal technology.

Attachment

USDOT SMART Grants Notice of Funding Opportunity

SMART Grants Notice of Funding Opportunity

AGENCY: Office of the Assistant Secretary for Research and Technology (OST-R), U.S. Department of Transportation (DOT or the Department)

ACTION: Notice of Funding Opportunity (NOFO), Assistance Listing #20.941

SUMMARY: The purpose of this notice is to solicit applications for Strengthening Mobility and Revolutionizing Transportation (SMART) grants. Funds for the fiscal year (FY) 2022 SMART Grants Program are to be awarded on a competitive basis to conduct demonstration projects focused on advanced smart city or community technologies and systems to improve transportation efficiency and safety.

DATES: Applications must be submitted by 5:00 PM EST on Friday, November 18, 2022. Late applications will not be accepted.

ADDRESSES: Applications must be submitted via Valid Eval, an online submission proposal system used by USDOT, at https://usg.valideval.com/teams/USDOT_SMART_2022/signup.

FOR FURTHER INFORMATION: Please contact SMART Grant Program staff via email at smart@dot.gov, or call Roxanne Ledesma at 202-774-8003. A telecommunications device for the deaf (TDD) is available at 202-366-3993. In addition, USDOT will regularly post answers to questions and requests for clarifications, as well as schedule information regarding webinars providing additional guidance, on USDOT's website at <https://www.transportation.gov/smart>. The deadline to submit technical questions is Friday, November 4, 2022.

SUPPLEMENTARY INFORMATION: Each section of this notice contains information and instructions relevant to the application process for SMART grants. All applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

Section	Content	Page #
A	Program Description	2
B	Federal Award Information	4
C	Eligibility Information	5
D	Application and Submission Information	10
E	Application Review Information	15
F	Federal Award Administration Information	19
G	Federal Awarding Agency Contacts	24
H	Other Information	24

Office of the Assistant Secretary for Research and Technology (OST-R), USDOT. Notice of Funding Opportunity for the Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program

A. Program Description

1. Overview

Section 25005 of the Infrastructure Investment and Jobs Act (Pub. L. 117–58, November 15, 2021; also referred to as the “Bipartisan Infrastructure Law” or “BIL”) authorized and appropriated \$100 million to be awarded by the Department of Transportation (DOT) for FY 2022 for the SMART Grants Program. This NOFO solicits applications for activities to be funded under the SMART Grants Program. The FY22 funding will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64355).¹

The purpose of the SMART Grants Program is to conduct demonstration projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety. The program funds projects that are focused on using technology interventions to solve real-world challenges and build data and technology capacity and expertise in the public sector.²

2. Program Structure

The SMART Grants Program includes two stages: *Stage 1 Planning and Prototyping Grants (Stage 1 grants)* and *Stage 2 Implementation Grants (Stage 2 grants)*. The program structure is based on a belief that planning, prototyping, and partnership are critical to advancing the state of the practice for data and technology projects in the public sector. USDOT anticipates that only recipients of Stage 1 Planning and Prototyping Grants will be eligible for Stage 2 Implementation Grants and anticipates funding projects of up to \$2,000,000 per project for Stage 1 and up to \$15,000,000 per project for Stage 2.

Stage 1 recipients should build internal buy-in and partnerships with stakeholders to refine and prototype their concepts, and report on results. Stakeholders can include public, private, academic, and nonprofit organizations; organized labor and workforce organizations; and community organizations and networks. At the conclusion of Stage 1, recipients should have the information to either create a fully realized implementation plan with robust performance metrics; or to make an informed decision not to proceed with the concept. Stage 1 results may uncover previously unknown institutional barriers, technical limitations, or poor performance relative to conventional solutions. The SMART Grants Program expects to document lessons learned from Stage 1 projects, knowing that these findings will be broadly beneficial to the transportation sector.

¹ The priorities of Executive Order 14052, “Implementation of the Infrastructure Investments and Jobs Act” are as follows: to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards and equal employment opportunity, strengthen infrastructure resilience to hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners. <https://www.federalregister.gov/documents/2021/11/18/2021-25286/implementation-of-the-infrastructure-investment-and-jobs-act>

² For more information and illustrative use cases, please see www.transportation.gov/SMART.

Stage 2 implementation projects should result in a scaled-up demonstration of the concept, integrating it with the existing transportation system and refining the concept such that it could be replicated by others. If demonstration at scale identifies critical challenges, gaps, or negative impacts, they should be clearly stated and documented so that other communities that take on similar projects can learn from them and adapt.

This NOFO solicits applications only for Stage 1 grants. USDOT anticipates that an FY23 SMART Grants Program NOFO will solicit applications for both Stage 1 and Stage 2 grants.

3. Departmental Priorities

The *FY 2022-2026 U.S. Department of Transportation Strategic Plan* establishes USDOT's strategic goals: safety, economic strength and global competitiveness, equity, climate and sustainability, transformation, and organizational excellence.³ The USDOT Innovation Principles guide Departmental actions related to innovation generally as well as the transformation strategic goal.⁴ Applicants are encouraged to review the Innovation Principles, along with other resources accessible on the SMART Grants website⁵ and to incorporate them into the design of applications for the SMART Grants Program.

4. SMART Grants Program Priorities

As established in BIL, projects funded by the SMART Grants Program use advanced data, technology, and applications to provide significant benefits to a local area, a State, a region, or the United States. These benefits are identified in BIL and align to the following categories:

- **Safety and reliability:** Improve the safety of systems for pedestrians, bicyclists, and the broader traveling public. Improve emergency response.
- **Resiliency:** Increase the reliability and resiliency of the transportation system, including cybersecurity and resiliency to climate change effects.
- **Equity and access:** Connect or expand access for underserved or disadvantaged populations. Improve access to jobs, education, and essential services.
- **Climate:** Reduce congestion and/or air pollution, including greenhouse gases. Improve energy efficiency.
- **Partnerships:** Contribute to economic competitiveness and incentivize private sector investments or partnerships, including technical and financial commitments on the proposed solution. Demonstrate committed leadership and capacity from the applicant, partners, and community.
- **Integration:** Improve integration of systems and promote connectivity of infrastructure, connected vehicles, pedestrians, bicyclists, and the broader traveling public.

The Department will prioritize SMART grants funding applications that demonstrate the following characteristics, identified in BIL:

³ See: FY 2022-26 USDOT Strategic Plan (<https://www.transportation.gov/dot-strategic-plan>), page 6. Last updated April 7, 2022.

⁴ See: USDOT Innovation Principles (<https://www.transportation.gov/priorities/innovation/us-dot-innovation-principles>). Released January 6, 2022; last updated July 14, 2022.

⁵ Other resources can be found at www.transportation.gov/SMART, and include the USDOT Strategic Plan, the USDOT Equity Action Plan, and the National Roadway Safety Strategy.

- **Fit, scale, and adoption:** Right-size the proposed solution to population density and demographics, the physical attributes of the community and transportation system, and the transportation needs of the community. Confirm technologies are capable of being integrated with existing transportation systems, including transit. Leverage technologies in repeatable ways that can be scaled and adopted by communities.
- **Data sharing, cybersecurity, and privacy:** Promote public and private sharing of data and best practices and the use of open platforms, open data formats, technology-neutral requirements, and interoperability. Promote industry best practices regarding cybersecurity and technology standards. Safeguard individual privacy.
- **Workforce development:** Promote a skilled and inclusive workforce.
- **Measurement and validation:** Allow for the measurement and validation of the cost savings and performance improvements associated with the installation and use of smart city or community technologies and practices.

To accomplish these objectives, the SMART Grants Program will fund projects that focus on using technology interventions to solve real-world challenges facing communities.

SMART will focus on building data and technology capacity and expertise for State, local, and Tribal governments. Technology investment is most beneficial when tailored to the needs of the community. SMART recognizes that many public sector agencies are challenged to find the resources and personnel to engage with new technologies; this is reflected in the program design, which builds in the time and support needed for projects to succeed. SMART will support and grow a strong, diverse, and local workforce.

Successful projects will seek to build sustainable partnerships across sectors and levels of government as well as collaborate with industry, academia, nonprofits, and other traditional and non-traditional partners.

See Section E.1.i for more detail on merit criteria that implement priorities outlined above.

B. Federal Award Information

1. Total Funding Available

The BIL established the SMART Grants Program with \$500,000,000 in advanced appropriations, including \$100,000,000 for FY 2022. Therefore, this Notice makes available up to \$100,000,000 for FY 2022 grants under the SMART Grants Program. USDOT anticipates using up to 2% of this funding for administrative costs. Refer to Section D for greater detail on additional funding considerations and Section D.7 for funding restrictions.

2. Availability of Funds

Grant funding obligation occurs when a selected applicant and USDOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements. Any costs incurred prior to USDOT's obligation of funds for activities ("pre-award costs") are ineligible for reimbursement. SMART Program Grant funds are available until expended. USDOT retains the right to prioritize projects for selection that are most likely to achieve an efficient timeline and be completed within the expected period of performance (18 months).

3. Award Size and Anticipated Quantity

USDOT expects to award between 30 and 50 Stage 1 grants of up to \$2,000,000 per award. The Department reserves the right to make more, or fewer, awards. USDOT reserves the discretion to alter maximum award sizes upon receiving the full pool of applications and assessing the needs of the program in relation to the priorities in Section A.3 and A.4. USDOT also reserves the right not to award the full funding amount requested by an applicant.

4. Start Dates and Period of Performance

USDOT expects to obligate SMART award funding via a signed grant agreement between the Department and the recipient, as flexibly and expeditiously as possible, within 12 months after project selections have been announced. The expected period of performance for Stage 1 SMART grant agreements is up to 18 months.

5. Data Collection Requirements

i. Data Management

To fulfill the reporting requirements and in accordance with the [USDOT Public Access Plan](#), award recipients must consider, budget for, and implement appropriate data management for data and information outputs acquired or generated during the grant. Applicants are expected to account for data and performance reporting in their budget submission. Requirements include a project:

- Defaulting to open access when appropriate (exceptions include protecting personally identifiable information [PII], Indigenous data sovereignty, or confidential business information [CBI]);
- Protecting PII, intellectual property rights, and CBI;
- Utilizing, when possible, open licenses and protecting USDOT's non-exclusive copyright to data and corresponding outputs;
- Making the source code or tools necessary to analyze the data available to the public, if relevant;
- Providing relevant metadata (in a DCAT-US file, and, optionally, a discipline-appropriate metadata standard file), and data documentation (README.txt files, data dictionaries, code books, supporting files, imputation tables, etc.); and
- Where applicable, considering contributing data to voluntary resources such as [NHTSA's AV TEST Initiative](#).

Projects should implement data management best practices including, but not limited to, implementation of published data specifications and standards (formal and informal); increasing data discoverability and data sharing; and enabling interaction of systems, interoperability, and integration of data systems.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants for the SMART Grants Program include:

- A. a State⁶;
- B. a political subdivision of a State⁷;
- C. a federally recognized Tribal government;
- D. a public transit agency or authority;
- E. a public toll authority;
- F. a metropolitan planning organization; or
- G. a group of two or more eligible entities listed above in Section C.1 applying through a single lead applicant (Group Application).

Collaborative Applications

Eligible entities may choose to collaborate across different regions or geographies on projects with similar characteristics, addressing similar problems and with similar technologies, potentially sharing common resources such as partnerships with industry, nonprofits, academic institutions, or community foundations. If these entities choose not to apply as a group with a single lead applicant, they should identify their application as a collaborative application.

- Each organization in a collaborative application must submit an individual application.
- Collaborative applications can include any type of eligible entity.
- Each individual application in a collaborative application will be evaluated on its own merits and USDOT reserves the right to fund all, some, or none of the associated applications, with the same anticipated funding (i.e., up to \$2,000,000 per individual award).

2. Cost Sharing or Matching

Cost sharing or matching is not required for Stage I: Planning and Prototyping.

3. Eligible Activities

The SMART Grants Program funds multiple technology areas, as listed below. Projects *must* demonstrate at least one technology area and *may* demonstrate more than one technology area. USDOT will evaluate each application on its merits, and there is no expectation that applications demonstrate more than one technology area.

As stated in BIL Section 25005 (e)(1), the following technology areas are eligible projects under SMART.

Technology Area	Definition
Coordinated Automation	Use of automated transportation and autonomous vehicles while working to minimize the impact on the accessibility of any other user group or mode of travel.

⁶ U.S. territories are eligible applicants.

⁷ For the purposes of the SMART Grants Program Notice of Funding Opportunity, a political subdivision of a State is defined as a unit of government created under the authority of State law. This includes cities, towns, counties, special districts, and similar units of local government, such as public port or airport authorities, if created under State law.

Connected Vehicles	Vehicles that send and receive information regarding vehicle movements in the network and use vehicle-to-vehicle and vehicle-to-everything communications to provide advanced and reliable connectivity.
Intelligent, Sensor-Based Infrastructure	Deployment and use of a collective intelligent infrastructure that allows sensors to collect and report real-time data to inform everyday transportation-related operations and performance.
Systems Integration	Integration of intelligent transportation systems with other existing systems and other advanced transportation technologies.
Commerce Delivery and Logistics	Innovative data and technological solutions supporting efficient goods movement, such as connected vehicle probe data, road weather data, or global positioning data to improve on-time pickup and delivery, improved travel time reliability, reduced fuel consumption and emissions, and reduced labor and vehicle maintenance costs.
Leveraging Use of Innovative Aviation Technology	Leveraging the use of innovative aviation technologies, such as unmanned aircraft systems, to support transportation safety and efficiencies, including traffic monitoring and infrastructure inspection.
Smart Grid	Developing a programmable and efficient energy transmission and distribution system to support the adoption or expansion of energy capture, electric vehicle deployment, or freight or commercial fleet fuel efficiency.
Smart Technology Traffic Signals	Improving the active management and functioning of traffic signals, including through: • Use of automated traffic signal performance measures; • Implementing strategies, activities, and projects that support active management of traffic signal operations, including through optimization of corridor timing; improved vehicle, pedestrian, and bicycle detection at traffic signals; or the use of connected vehicle technologies; • Replacement of outdated traffic signals; or • For an eligible entity serving a population of less than 500,000, paying the costs of temporary staffing hours dedicated to updating traffic signal technology.

Projects must comply with relevant federal, state, and local laws and regulations to be eligible. These vary by technology area, and it is the responsibility of the applicant to understand the requirements for their application. This section briefly discusses a few notable examples and is not comprehensive.

Innovative aviation projects must show understanding and awareness of, and comply with, all FAA and other federal, state, and local regulations relevant to the technologies and usages thereof. For instance,

in the case of innovative aviation projects involving small, unmanned aircraft systems (UAS), applicants are responsible for complying with regulations which may include, and are not limited to the following, as necessary to achieve desired outcomes:⁸

- 14 CFR Part 91 General Operating and Flight Rules⁹
- 14 CFR Part 107 small UAS rule; Small UAS¹⁰
- UAS Operations over People rule; Operations Over People General Overview¹¹
- UAS Remote identification rule; UAS Remote Identification Overview¹²

Proponents of innovative aviation projects are also responsible for using U.S. government tools and resources which may include, and are not limited to the following, as necessary to fulfill requirements to operate technologies and achieve desired outcomes:

- FAA DroneZone, used to register UAS¹³
- FAA Low Altitude Authorization and Notification Capability (LAANC), used to obtain airspace authorization to fly in controlled airspace¹⁴
- Part 107 Waiver Resources,¹⁵ used to enable more complex UAS operations¹⁶

Projects that use communications technologies must either 1) use Vehicle-to-Everything (V2X) services that utilize Cellular Vehicle-to-Everything (C-V2X) based technology designed to operate within the 30 MHz of spectrum (5.895 - 5.925 GHz) that are consistent with the final rules established in relation to Federal Communications Commission (FCC) ET Docket No. 19-138 and future Report and Orders effective at the time when the Department selects projects for funding under the FY22 SMART Grants Program, or 2) leverage other communications technologies that can support V2X services and operate in spectrum outside of the 5.895 -5.925 GHz range.

Projects that involve equipping or retrofitting motor vehicles with additional technologies are only eligible if the vehicles are publicly owned, leased or used in a contracted service; equipping privately owned and operated vehicles outside of a leased or contracted service is not an eligible activity. Projects involving motor vehicles must involve only vehicles that comply with all applicable Federal Motor Vehicle Safety Standards (FMVSSs) and Federal Motor Carrier Safety Regulations (FMCSRs), or vehicles that are exempt from the requirements in a manner that allows for the legal acquisition and operation of the vehicles in the proposed project.

⁸ Other terminologies exist, using the FAA terminology “unmanned aircraft systems” for simplicity;

⁹14 CFR Part 91 <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-F/part-91>.

¹⁰ 14 CFR Part 107 <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-F/part-107>

¹¹FAA Operations Over People General Overview

https://www.faa.gov/uas/commercial_operators/operations_over_people. Last updated November 17, 2021.

¹²FAA Final Rule on Remote ID

https://www.faa.gov/uas/getting_started/remote_id#:~:text=Remote%20ID%20will%20provide%20information,drone's%20owner%20from%20the%20FAA. Last updated July 13, 2022.

¹³ FAA DroneZone; <https://faadronezone.faa.gov/>.

¹⁴ FAA UAS Data Exchange (LAANC); https://www.faa.gov/uas/programs_partnerships/data_exchange.

¹⁵ Part 107 Waiver resources; https://www.faa.gov/uas/commercial_operators/part_107_waivers.

¹⁶ For additional questions or information, please contact the FAA UAS Support Center at https://www.faa.gov/uas/contact_us.

For all technology areas, if an exemption, waiver, permit, or other special permission is required in order to conduct the proposed project, it will strengthen a Stage 1 application if the applicant can affirm that it has already received such permission. If the project is selected for award, the lack of a required exemption, waiver, permit, or special permission may impact the Department's funding timeline or result in special conditions in the grant agreement. For future rounds of SMART that include Stage 2 applications, Stage 2 applicants will be required to obtain all necessary exemptions, waivers, permits, or special permissions before submitting an application and provide such affirmation. The selection of a project to receive a SMART grant is not a determination of the merit of any waiver or exemption.

4. Eligible Costs

Broadly, eligible activity costs must comply with the cost principles set forth in 2 CFR Part 200, Subpart E (i.e., 2 CFR § 200.403 and § 200.405). USDOT reserves the right to make cost eligibility determinations on a case-by-case basis. Eligible development and construction activities for grant funding are the following:

- planning;
- feasibility analyses;
- revenue forecasting;
- environmental review;
- permitting;
- preliminary engineering and design work;
- systems development or information technology work;
- acquisition of real property (including land and improvements to land relating to an eligible project);
- construction;
- reconstruction;
- rehabilitation;
- replacement;
- environmental mitigation;
- construction contingencies; and
- acquisition of equipment, including vehicles.

The following are not eligible costs for SMART Grants Program funding:

- reimbursement of any pre-award costs or application preparation costs of the SMART grant application;
- traffic or parking enforcement activity; or
- purchase or lease of a license plate reader.

Federal funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

For grant recipients receiving an award, project evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation. (2 CFR Part 200). For more information on required reporting, see Section F.3. An eligible entity may not

use more than 3 percent of the amount of a SMART grant for each fiscal year to achieve compliance with applicable planning and reporting requirements.

D. Application and Submission Information

1. Address to Request Application Package

All grant application materials can be accessed at grants.gov under the Notice of Funding Opportunity Number DOT-SMART-FY22-01. Applicants must submit their applications via Valid Eval at https://usg.valideval.com/teams/USDOT_SMART_2022/signup. Potential applicants may also request paper copies of materials at:

Telephone: 202-366-4114

Mail: U.S. Department of Transportation
1200 New Jersey Avenue SE
W84-322
Washington, DC 20590

2. Content and Form of Application Submission

The application must include the following: Standard Forms (SF); Key Information Questions; Project Narrative and Summary Budget Narrative. This information must be submitted via Valid Eval at https://usg.valideval.com/teams/USDOT_SMART_2022/signup. More detailed information about each application material is provided below.

- i. **Standard Forms:** All applicants must submit the following Standard Forms: Application for Federal Assistance (SF-424), Budget Information for Non-Construction Programs (SF-424A), Assurances for Non-Construction Programs (SF-424B). If applicable, also include Assurances for Construction Programs (SF-424D), Budget Information for Construction Programs (SF-424C) and/or Disclosure of Lobbying Activities (SF-LLL).
- ii. **Key Information Questions:** This is a preview list of the questions that are asked on USDOT's automated proposal website at https://usg.valideval.com/teams/USDOT_SMART_2022/signup. After registering in the system, the applicant will be prompted to answer these questions on the website.

Title	Instructions
1. Project Name	Enter a concise, descriptive title for the project. This should be the same title used in the Grants.gov SF-424 submission and the application narrative.
2. Lead Applicant Name	This should be consistent with Q. 8.a. of the SF-424.
3. Lead Applicant Unique Entity Identifier (UEI)	See Section D.3 below for more information about obtaining a UEI from SAM.gov.

4. Eligible Entity Type	Indicate the eligible entity type for your application: A. a State; B. a political subdivision of a State; C. a federally recognized Tribal government; D. a public transit agency or authority; E. a public toll authority; F. a metropolitan planning organization; or G. A group application of 2 or more eligible entities described in (A) through (F).
5. Was a similar application submitted in the past two years, or do you anticipate a similar application will be submitted for funding in the coming year for this project under any other USDOT discretionary grant programs?	(If yes, please include the name of the discretionary grant program, the project title of similar grant application, and the name of the lead applicant, if different than the lead applicant on this application.)
6. Was federal funding previously received for this project?	(If yes, indicate the amount of federal funding received and the relevant grant number
7. Is this a group application, through a single, lead-applicant?	(If yes, please provide organizational name(s) of sub-recipient(s) that will receive funds and other key partners.)
8. Is this a collaborative application, with each applicant applying separately?	(If yes, please indicate the organizational name(s) of the other eligible applicant(s) with which you are collaborating.)
9. What additional organizations will be considered partners on this project?	(List all critical project partners, including partners that are not eligible applicants. This could include industry, academia, nonprofits, and other traditional and non-traditional partners.) ¹⁷
10. Brief Project Description	Describe the project in plain language, using no more than 100 words. Please do not describe the project's benefits, background, or alignment with the selection criteria in this description field. A longer, narrative description will be provided in the Project Narrative. The Brief Project Description of successful applicant may be published by USDOT and, therefore, must not contain classified, proprietary or confidential information.
11. Primary Project Location	Indicate the primary location at which the project will take place. If more than one location, please list additional locations in the next question.

¹⁷ Letters of Commitment should be written for critical partners only. For a Letter of Commitment template, see www.transportation.gov/SMART.

12. Other Project Locations	Identify additional project locations, if applicable.
13. Community Size	Indicate the size of the community to be supported (large community; mid-sized community; regional partnership; or rural community). See definitions in Section F.1 that your project primarily benefits.
14. Project Location Primary Census Tract	Identify the primary anticipated census tract number(s) of the planned project.
15. Other Project Census Tracts	Identify Census tract information for other anticipated areas of the planned project location, if applicable.
16. Is the project located (entirely or partially) in an Historically Disadvantaged Community?	Indicate yes or no, and which one of the following two designation methods you are using: 1) Federally designated community development zones (for example: Opportunity Zones, Empowerment Zones, Promise Zones, Choice Neighborhoods, or Rural Partners Network-designated Community Networks). 2) The Climate and Economic Justice Screening Tool (CEJST) via screeningtool.geoplatform.gov .
17. Project Cost: Amount Requested	Total dollar amount requested
18. Project Cost: Total Project Cost	Total project cost, including dollar amount requested and other funding contributions
19. Proposed Duration of Stage 1 Project (in months)	May be up to 18 months
20. Technology area(s)	Select the primary technology area with which your project aligns and, if applicable, any secondary technology areas: A. coordinated automation; B. connected vehicles; C. intelligent, sensor-based infrastructure; D. systems integration; E. commerce delivery and logistics; F. leveraging use of innovative aviation technology; G. smart grid; or H. smart technology traffic signals <i>Note that applications are not scored on the number of technology areas indicated, so it is important to only select the area(s) with which your project aligns.</i>
21. Does this project relate to traffic or parking enforcement; or license plate reader activities?	Indicate "Yes" or "No." Note that SMART grants shall <u>not</u> be used for any traffic or parking enforcement activity, or to purchase or lease a license plate reader .

22. Is an exemption, waiver, permit, or special permission required to conduct the proposed project?	(If yes, indicate the exemption, waiver, permit, or special permission obtained. If waiver has not been obtained, please indicate the plan or process for obtaining it in your Project Narrative.)
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- iii. **Project Narrative:** The primary purpose of the Narrative is for the applicant to state their case for meeting the merit criteria laid out in Section E. The Narrative should not exceed seven pages; this does not include the Appendices. The Narrative should be in PDF format, with font size of no less than 12-point Times New Roman, single spaced, minimum 1-inch margins on all sides, and with page numbers. Suggested approximate lengths for each subsection are noted in parentheses.

a. Overview/Project Description (1-2 pages)

This section should provide a clear, concise description of the project, the real-world issues and challenges to be addressed, and the proposed technology(ies) to be used. Include a brief discussion of desired outcomes for a potential Stage 2 grant. Applicants should also briefly discuss how the proposed project addresses the goals of the SMART program and how the project plans to improve upon the status quo of the transportation system.

b. Project Location (1 paragraph)

This section should provide a description of the geographic area or jurisdiction the project will service, including whether or not the area in question is considered a large, midsized or rural community; whether or not the applicant is a regional partnership; and to what extent the project is located (entirely or partially) in an Historically Disadvantaged Community.¹⁸ Note that while applicants are asked to provide exact locations for each project in the key information table above, if selected for an award, the exact location may be adjusted during the Stage 1 planning process; therefore this section should explain and identify which geographic locations are under consideration for projects to be implemented and what analysis will be used in a final determination. Refer to Section D.2.ii of the Notice to provide specific location data.

c. Community Impact (1 paragraph)

This section should provide a description of how the project anticipates it will provide and measure benefits to the Historically Disadvantaged Communities detailed in the Project Location Section (If applicable). This section may also outline benefits that would accrue to Historically Disadvantaged Communities outside of the specific project location. Applicants should also briefly discuss potential negative externalities of the proposed projects, who would experience them, and how they might be measured over time.

¹⁸ In support of Executive Order 14008, USDOT has been developing a geographic definition of Disadvantaged Communities as part of its implementation of the Justice40 Initiative. Consistent with OMB's Interim Guidance for the Justice40 Initiative, Disadvantaged Communities include (a) certain qualifying Census tracts, (b) any Tribal land, or (c) any territory or possession of the United States.

d. Technical Merit Overview (2 pages)

This section should provide an overview of the technical merit of the proposed project, responding to the criteria for evaluation and selection in Section E.1.i of this Notice and including a compelling narrative to highlight how the application addresses the following Technical Merit criteria:

- Identification and Understanding of the Problem to Be Solved
- Appropriateness of Proposed Solution
- Expected Benefits

e. Project Readiness Overview (2 pages)

This section should provide an overview of the project readiness, responding to the criteria for evaluation and selection in Section E.1.ii of this Notice and including a compelling narrative to highlight how the application addresses the following Project Readiness criteria:

- Feasibility of Workplan
- Community Engagement and Partnerships
- Leadership and Qualifications.

iv. Appendices

a. Appendix I – Resumes

Applicants should submit the abbreviated resumes of the key individuals involved in the project. This appendix should be no more than three pages.

b. Appendix II – Summary Budget Narrative

Applicants shall provide a summary budget narrative that corresponds to and describes information contained in the applicant's SF-424A. The narrative should describe all planned project costs for Stage 1 (i.e., direct labor, travel, equipment, supplies, contractual, construction, and other) and how these planned costs relate to the project scope. The summary budget narrative must be sufficiently clear, concise, and detailed to describe how funds will be spent on the project. Applicants are expected to account for data and performance reporting in their budget submission, consistent with section B.5.i of this NOFO.

c. Appendix III- Letters of Commitment

Applicants should submit letters of commitment for critical partners involved in the project. This appendix should be no more than 10 pages, and each letter should be no more than 2 pages.

3. Unique Entity identifier and System for Award Management (SAM)

Each applicant is required to: (i) be registered in SAM (<https://sam.gov/content/home>) before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. USDOT may not make a Federal award to an applicant until the applicant has complied with all applicable unique

entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time USDOT is ready to make an award, USDOT may determine that the applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant.

4. Submission Date and Time

Applications must be submitted by 5:00 PM EST on Friday, November 18, 2022.

5. Funding Restrictions

Per BIL requirements, of the funds awarded each fiscal year for the SMART Grants Program, not more than 40 percent shall be used to provide SMART grants for eligible projects that primarily benefit large communities; not more than 30 percent shall be provided for eligible projects that primarily benefit midsized communities; and not more than 30 percent shall be used to provide SMART grants for eligible projects that primarily benefit rural communities or regional partnerships.

In addition, an eligible entity may not use more than three percent of the amount of a SMART grant for each fiscal year to achieve compliance with applicable planning and reporting requirements.

6. Other Submission Requirements

The complete application must be submitted via Valid Eval, an online submission proposal system used by USDOT at https://usg.valideval.com/teams/USDOT_SMART_2022/signup.

E. Application Review Information

1. Criteria

This section specifies the criteria USDOT will use to evaluate and select applications for Stage 1 SMART grant awards. These include Technical Merit Criteria, Project Readiness and Other Considerations.

i. Technical Merit Selection Criteria

Stage 1 Grants will be evaluated against three technical merit criteria:

- Technical Merit Criterion #1: Identification and Understanding of the Problem to Be Solved
 - The applicant demonstrates a thorough understanding of existing conditions
 - The proposed solution addresses a documented and critical problem or need
- Technical Merit Criterion #2: Appropriateness of Proposed Solution
 - Technologies proposed are sufficiently developed such that there is good reason to anticipate public benefits from their use
 - The proposed solution is repeatable and could rapidly be scaled
 - The proposed solution represents a demonstrable improvement over the status quo
 - The proposed solution is appropriate for the location's population density and existing transportation system, including public transportation
- Technical Merit Criterion #3: Expected Benefits
 - The application clearly explains the rationale for expecting that the proposed project will use advanced data, technology, and applications to provide significant benefits in alignment with Departmental and Program Priorities in Section A.3 and A.4.

- Departmental Priorities include the FY22-26 Strategic Goals and Innovation Principles and Program Priorities include safety, reliability, and resiliency; equity and access; climate; partnerships; and integration
- ii. Project Readiness Selection Criteria

Project Readiness focuses on the extent to which the applicant will be able to substantially execute and complete the full scope of work in the Stage 1 Grant application within 18 months of when the grant is executed.

- Project Readiness Criterion #1: Feasibility of Workplan
 - The application clearly describes a thorough and realistic workplan and timeline. The application should also demonstrate the ability to complete the project in the proposed period of performance.
 - The application identifies and understands the legal, policy, and regulatory requirements and identifies and accounts for any relevant exemptions, waivers, permits, or special permissions required to conduct the proposed project.
 - The application identifies ways to measure and validate the project's expected benefits and community impacts, as well as performance improvements and cost savings.
 - The application identifies a practical approach to developing internal workforce capacity regarding data and technology projects, including a plan for an appropriately skilled and trained workforce to carry out the project.
- Project Readiness Criterion #2: Community Engagement and Partnerships
 - The proposed solution demonstrates a community-centered approach that includes meaningful, continuous, accessible engagement with a diverse group of public and private stakeholders. The proposed solution articulates strategies to provide access to persons with disabilities and limited English proficient individuals.
 - The application shows plans to build sustainable partnerships across sectors and governmental jurisdictions and collaborate with industry, academia, and nonprofits, such as community, workforce development, and labor organizations.
 - The applicant engages relevant private sector stakeholders and technical experts and elicits their perspective on implementation of the proposed solution.
 - The application establishes commitment of one or more key partner(s), if relevant, as identified in the project narrative. This should be demonstrated by a Letter of Commitment submitted as an attachment to the proposal, as well as a Memorandum-of-Understanding signed prior to any Grant Agreement. A key partner may be a public agency, utility company, private sector company, or some other entity that is central, and critical, to the project.
- Project Readiness Criterion #3: Leadership and Qualifications
 - The application demonstrates relevant and necessary technical expertise of the project team.
 - The application details relevant experience of leadership in managing multi-stakeholder projects.
 - The application shows continuity of committed leadership and the applicant's functional capacity to carry out the proposed project and, where applicable, to maintain and operate the project after the conclusion of Stage 2.

iii. Additional Consideration: Benefit to Historically Disadvantaged Communities

The Department seeks to award projects under the SMART Grants Program that address environmental justice, particularly for communities that disproportionately experience climate change-related consequences. Environmental justice, as defined by the Environmental Protection Agency, is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.¹⁹ As part of the Department's implementation of Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619), the Department seeks to fund projects that, to the extent possible, target at least 40 percent of resources and benefits towards low-income communities, disadvantaged communities, communities underserved by affordable transportation, or overburdened communities. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds.

2. Review and Selection Process

This section addresses the BIL requirement to include a full description in the NOFO of the method by which applicants will be evaluated. The SMART Grant Program review and selection process consists of eligibility reviews, Technical Merit and Project Readiness criteria review, and Senior Review Team review. The Secretary will make the final selections for award.

i. Eligibility Review

For each application, an initial review will assess whether the applicant is eligible (based on eligibility information in Section C) and contains all of the information requested in Section D for a complete application. Eligible and complete applications received by the deadline will be reviewed for their merit based on the selection criteria in Section E.1.i and E.1.ii.

ii. Technical Merit and Project Readiness Criteria Ratings

Teams comprising USDOT staff, Federal inter-agency partner staff, and contractor staff review all eligible and complete applications received by the deadline for a Technical Merit and Project Readiness Review and assign ratings as described in the table below. For each criterion, USDOT will consider whether the application narrative is responsive to the selection criterion focus areas which will result in a rating of 'High,' 'Medium,' 'Low,' or 'Non-Responsive:'

Rating Scale	High	Medium	Low	Non-Responsive
Description	The application is substantively and comprehensively responsive to the criterion. It makes a strong case about advancing the program goals as described in the	The application is moderately responsive to the criterion. It makes a moderate case about advancing the program goals as described in the	The application is minimally responsive to the criterion. It makes a weak case about advancing the program goals as described in the	The application is counter to the criterion or does not contain sufficient information. It does not advance or may negatively impact criterion goals.

¹⁹ Environmental Justice at the EPA, <http://www.epa.gov/environmentaljustice/>

	criterion descriptions.	criterion descriptions.	criterion descriptions.	

Based on the criteria ratings, an overall application merit rating of ‘Highly Recommended,’ ‘Recommended,’ ‘Not Recommended,’ or ‘Ineligible’ will be assigned as a result of evaluation team consensus discussion. Only applications rated as ‘Highly Recommended’ or ‘Recommended’ will be reviewed by a Senior Review Team (SRT). Applications rated ‘Not Recommended’ or ‘Ineligible’ will not be evaluated further and will not be considered for award.

iii. Senior Review Team (SRT) Phase

Once every eligible and complete application has been assigned an overall rating based on the methodology above, all “Highly Recommended” applications will be included in a list of Applications for Consideration. The SRT will review whether the list of “Highly Recommended” applications is sufficient to ensure that of the funds awarded each fiscal year for the SMART Grants Program, not more than 40 percent will be used to provide SMART grants for eligible projects that primarily benefit large communities; not more than 30 percent will be used to provide SMART grants for eligible projects that primarily benefit midsized communities; and not more than 30 percent will be used to provide SMART grants for eligible projects that primarily benefit rural communities or regional partnerships. “Recommended” applications may be added to the proposed list of Applications for Consideration until a sufficient number of applications are on the list to ensure that all the legislative requirements can be met. The Department will consider the diversity of technology areas across all applications when reviewing recommendations.

iv. Highly Rated Applications for USDOT Secretary’s Review

The SRT will present the list of Applications for Consideration to the Secretary, either collectively or through a representative of the SRT. The SRT may advise the Secretary on any application on the list of Applications for Consideration, including options for reduced or increased awards, and the Secretary will make final selections. The Secretary’s selections identify the applications that best address program requirements and are most worthy of funding. The Secretary will consider contributions to geographic diversity among grant recipients, including the need for balancing the needs of rural communities, midsized communities, and large communities. The Secretary also may consider benefits to economically disadvantaged communities, Federally Recognized Tribes, and geographic and organizational diversity when selecting SMART Grants Program awards.

3. Additional Information

Prior to entering into a grant agreement, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System [FAPIIS]). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency

previously entered. The Department will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants. Because award recipients under this program may be first-time recipients of Federal funding, USDOT is committed to implementing the program as flexibly as permitted by statute and to providing assistance to help award recipients through the process of securing a grant agreement and delivering SMART Grant projects. Award recipients are encouraged to identify any needs for assistance in delivering the projects and strategies so that USDOT can provide directly, or through a third party, sufficient support and technical assistance to mitigate potential execution risks.

F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in Section E, the Secretary will announce awarded applications by posting a list of selected recipients at www.transportation.gov/smart. The posting of the list of selected award recipients will not constitute an authorization to begin performance. Following the announcement, the Department will contact the point of contact listed in the applicant SF-424 to initiate negotiation of a grant agreement.

2. Administrative and National Policy Requirements

i. Critical Infrastructure Security, Cybersecurity, and Resilience

It is U.S. policy to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for Federal funding under this notice must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cybersecurity risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cybersecurity and resilience in their planning, design, and project oversight, as determined by USDOT and the Department of Homeland Security, will be required to do so before receiving funds for deployment, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems.

ii. Prohibited Telecommunications Equipment and Services

Federal award recipients and sub-recipients are prohibited from obligating or expending grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use "covered telecommunications equipment or services" as a substantial or essential component of any system, or as critical technology as part of any system. "Covered telecommunications equipment or services" means telecommunications and video surveillance equipment or services produced by Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities). "Covered telecommunications equipment or services" also includes telecommunications or video surveillance equipment or services provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity that is owned or controlled by the government of the People's Republic of

China. Entities added to this list will be incorporated into the excluded parties list in the System for Award Management (SAM) (www.sam.gov). When a user conducts a search of the excluded parties list, a record will appear describing the nature of the exclusion for any entity identified as covered by this prohibition. See Section 889 of [Public Law 115-232](#) (National Defense Authorization Act for Fiscal Year 2019) and [2 CFR 200.216](#) & [200.471](#).

iii. Domestic Preference Requirements

As expressed in Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers (86 FR 7475)²⁰, it is the policy of the Executive Branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Projects under this notice will be subject to the domestic preference requirements at § 70914 of the Build America, Buy America Act, as implemented by OMB and USDOT, and any awards will contain the award terms specified in OMB Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure²¹.

Applicants should note that the Department has proposed a Build America, Buy America Act waiver for Stage 1 grants awarded in FY 2022 of the SMART Grants Program for the limited cases where the Buy America would apply for planning and prototyping activities. Data will be collected for Stage 1 FY 2022 awards that will help inform the application of Buy America requirements to the funding of implementation activities under the program and identify any current gaps in the domestic availability of products that could potentially be filled by American suppliers. The Department anticipates finalizing the waiver during the open period. Please consult www.transportation.gov/smart for the most up-to-date information.

iv. Civil Rights and Title VI

SMART award recipients should demonstrate compliance with civil rights obligations and nondiscrimination laws, including Titles VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. Recipients of Federal transportation funding will also be required to comply fully with regulations and guidance for the ADA, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements. The Department's and the applicable Operating Administrations' Offices of Civil Rights may work with awarded grant recipients as appropriate to ensure full compliance with Federal civil rights requirements.

Recipients of Federal transportation funding will be required to comply fully with regulations and guidance for the ADA, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements. The Department's and the applicable Operating Administration's Offices of Civil Rights will be providing resources and technical assistance to ensure full and sustainable compliance with Federal civil rights requirements.

²⁰ <https://www.federalregister.gov/documents/2021/01/28/2021-02038/ensuring-the-future-is-made-in-all-of-america-by-all-of-americas-workers>

²¹ ²¹ <https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>

v. National Environmental Policy Act of 1969 (NEPA)

Funding recipients must comply with NEPA under 42 U.S.C. §§ 4321 et seq. and the Council on Environmental Quality's NEPA implementing regulations at 40 CFR §§ 1500-1508, where applicable.

3. Reporting

This section discusses reporting requirements for SMART.²² USDOT will provide additional information and detail regarding reporting requirements and formats to recipients. All final reports under this agreement will be made publicly available. All publications resulting from this program shall follow USDOT publication guidelines and comply with the current USDOT Public Access Plan. In addition, data from these efforts are expected to be made widely available where appropriate, also in accordance with the USDOT Public Access Plan²³.

i. Progress Reporting on Grant Activities

Each applicant selected for a Stage 1 Grant must submit quarterly progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in the SMART grant program. A standard reporting form for the quarterly progress reports will be provided for grantees to summarize status updates including activities accomplished during the quarter, financial and schedule reporting, anticipated activities for the next quarter, and a description of project challenges and lessons learned.

ii. Evaluation and Data Management Plan

Recipients and subrecipients are required to incorporate program evaluation including associated data collection activities, from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting agency priority goals.²⁴

Each applicant selected for a Stage 1 Grant must submit an evaluation and data management plan no later than three months after receiving the grant that provides an overview of how the project will be evaluated and how the data being collected will be managed and stored.²⁵ The plan must describe the anticipated impact areas (i.e., goals) of the project if implemented at scale and the methods that will be used to estimate the anticipated benefits and costs associated with implementation. Based on these project goals, the plan must include robust performance metrics and measurable targets to inform whether the proof-of-concept or prototype meets expectations and whether full implementation would meet program goals. The applicants selected for a Stage 2 Grant must update this evaluation and data management plan to include robust performance metrics and targets for the at-scale implementation, a

²² Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115-435 (2019) urges federal awarding agencies and federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle.

²³ <https://www.transportation.gov/sites/dot.gov/files/docs/Official%20DOT%20Public%20Access%20Plan.pdf>

²⁴ Evaluation means "an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency." 5 U.S.C. § 311.

²⁵ Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

detailed description of the evaluation methods that will be used to measure the anticipated impacts, and an overview of data sharing opportunities.²⁶ The updated plan must also provide more detailed information on the types of data being collected and how that data will be managed and stored (e.g., cybersecurity practices, how privacy is protected, the entities that have access to the data).

iii. Implementation Report

Each applicant selected for a Stage 1 Grant must submit an implementation report that assesses the anticipated costs and benefits of the project and demonstrates the feasibility of at-scale implementation. A draft report shall be submitted no later than one year after receiving the grant, and the final report shall be submitted by the end of the period of performance. This timeline may be adjusted for projects with a period of performance that differs from 18 months.

Per BIL requirements, grant recipients must submit implementation reports that describe the deployment and operational costs of each project as compared to the benefits and savings from the project. The reports must also describe:

1. the means by which the project has met the original expectation, as projected in the grant application, including data describing the means by which the project met the specific goals. Examples include:
 - a. reducing traffic-related fatalities and injuries;
 - b. reducing traffic congestion or improving travel-time reliability;
 - c. the effectiveness of providing to the public real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions; and
 - d. reducing barriers or improving access to jobs, education, or various essential services;
2. lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

For the implementation reports during Stage 1, grant recipients will provide an analysis of the anticipated costs and benefits and address project expectations by providing:

1. data on the performance metrics for the proof-of-concept or prototype;
2. preliminary baseline data for an evaluation of an at-scale implementation;²⁷
3. a detailed description of the communities that would be impacted by at scale implementation and the anticipated distribution of benefits;
4. additional quantitative data to substantiate key assumptions;
5. anticipated and/or estimated impact and effectiveness of the project based on the performance metrics; and
6. anticipated and/or estimated distribution of benefits within the community being served.

During Stage 1, grant recipients may uncover previously unknown institutional barriers or technical limitations. In the implementation report, grantees will describe the requirements for successful deployment and assess the feasibility of an at-scale implementation. The assessment will include

²⁶ Data sharing opportunities may include either interagency data sharing or open data sharing with the public.

²⁷ For applicants selected for a Stage 2 Grant, refined or updated baseline data may be required for the project evaluation.

identified strategies or demonstrated progress in addressing the following implementation feasibility and readiness factors by the end of the Stage 2 Grant.

- a. Legal, Policy, and Regulatory Requirements (e.g., environmental permits and reviews; public outreach; State and local approvals; equity and accessibility requirements)
- b. Procurement and Budget (e.g., availability of suppliers and equipment; an analysis of the cost differential to comply with Build America Buy America; reliability of cost estimates; critical property acquisition)
- c. Partnerships (e.g., MOUs for stakeholder coordination; private sector and user adoption and acceptance)
- d. Technology Suitability (e.g., systems engineering including Concept of Operations [ConOps] and Detailed Design; reliability and maturity of technology; compatibility with existing infrastructure, procurement processes)
- e. Data Governance (e.g., storage capability; database analytic capability; integration requirements; sharing agreements; cybersecurity and privacy protocols)
- f. Workforce Capacity (e.g., availability of workforce from development and installation to operations and maintenance; availability of workforce training; agency capacity for deployment, operation, and evaluation)
- g. Sustainability (e.g., agency/institutional capacity for continued operations following the grant funded period; revenue needs for continued operations)
- h. Community Impact (e.g., distribution of benefits and negative impacts across the community, including Historically Disadvantaged Communities; meaningful community engagement efforts, including strategies to provide access to persons with disabilities and limited English proficient individuals)
- i. Other Relevant Factors.

The final implementation report must also describe initial project goals, challenges and lessons learned related to implementation. It should include an analysis of the success, challenges and validity of the initial approach; any changes or improvements they would make in Stage 2, if recommended for award; and any anticipated challenges to continued maintenance and operations (i.e., after the Stage 2 grant funds have been expended).

iv. Program Evaluation

As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by USDOT or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. USDOT may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor or USDOT staff; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or USDOT staff.

v. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system (currently FAPIIS) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

vi. Knowledge Transfer Activities

In order to disseminate lessons learned to the public and to encourage collaboration between recipients, USDOT will coordinate various knowledge transfer activities which may include webinars, peer exchanges or attendance at conferences and meetings. The activities will be tailored to address the needs and interests of the grantees and serve as a resource for connecting grantees facing similar technical and institutional challenges. Recipients will share status updates and technical knowledge, and exchange information about their progress, challenges, and lessons learned. The SF-424A should include travel costs, assuming two in-person meetings in Washington, D.C.

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the Office of the Assistant Secretary for Research and Technology via email at smart@dot.gov no later than ten business days prior to the NOFO closing. In addition, up to the application deadline, the Department will post answers to common questions and requests for clarifications on the Department's website at www.transportation.gov/smart. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact the Department directly with questions, rather than through intermediaries or third parties. Department staff may also conduct briefings on the SMART grant selection and award process upon request. On request of an eligible entity that submitted an application per Section D with respect to a project that is not selected for a SMART grant, Department staff will provide to the eligible entity technical assistance and briefings relating to the project.

H. Other Information

User-friendly information and resources regarding USDOT's discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES) website at transportation.gov/rural.

1. Definitions

Term	Definition
Large community	A community with a population of not less than 400,000 individuals, as determined under the most recent annual estimate of the Bureau of the Census.
Midsized community	Any community that is not a large community or a rural community.

Political subdivision of a state	A unit of government created under the authority of State law. This includes cities, towns, counties, special districts, and similar units of local government, such as public port or airport authorities, if created under State law.
Regional partnership	A partnership composed of two or more eligible entities located in jurisdictions with a combined population that is equal to or greater than the population of any midsize community.
Rural community	The term "rural community" means a community that is located in an area that is outside of an urbanized area (as defined in section 5302 of title 49, United States Code, which defines "rural" as a community with a population of less than 50,000 individuals).
Resiliency	The ability to prepare for and adapt to changing conditions and withstand, recover, and reorganize rapidly from disruptions to a community (e.g., population, economy, etc.). Resilience includes the ability to withstand and recover from manmade and naturally occurring threats or incidents, including widespread and long-term threats or incidents.
Historically Disadvantaged Community	For the purposes of the SMART NOFO, applicants may demonstrate the "historical disadvantage" of the project area according to ONE of the following tools: 1) Federally designated community development zones (for example: Opportunity Zones, Empowerment Zones, Promise Zones, Choice Neighborhoods, or Rural Partners Network-designated Community Networks). 2) The Climate and Economic Justice Screening Tool (CEJST) via screeningtool.geoplatform.gov .

Attachment

FCC Affordable Connectivity Program Fact Sheet



Affordable Connectivity Program

Helping Households Connect

The Affordable Connectivity Program is an FCC program that helps connect families and households struggling to afford internet service.

The Affordable Connectivity Program provides:

- Up to \$30/month discount for broadband service;
- Up to \$75/month discount for households on qualifying Tribal lands; and
- A one-time discount of up to \$100 for a laptop, desktop computer, or tablet purchased through a participating provider if the household contributes more than \$10 but less than \$50 toward the purchase price.

The Affordable Connectivity Program is limited to one monthly service discount and one device discount per household.

Who is Eligible?

A household is eligible if a member of the household meets at least one of the criteria below:

- Has an income that is at or below 200% of the Federal Poverty Guidelines;
- Participates in certain assistance programs, such as SNAP, Medicaid, Federal Public Housing Assistance, SSI, WIC, or [Lifeline](#);
- Participates in one of several Tribal specific programs, such as Bureau of Indian Affairs General Assistance, Tribal Head Start (only households meeting the relevant income qualifying standard), Tribal TANF, or Food Distribution Program on Indian Reservations;
- Is approved to receive benefits under the free and reduced-price school lunch program or the school breakfast program, including through the USDA Community Eligibility Provision;
- Received a Federal Pell Grant during the current award year; or
- Meets the eligibility criteria for a participating broadband provider's existing low-income program.

Check out www.fcc.gov/ACP for a **Consumer FAQ** and other program resources.

Two-Steps to Enroll

1. Go to ACPBenefit.org to submit an application or print out a mail-in application; and
2. Contact your preferred participating provider to select a plan and have the discount applied to your bill.

Some providers may have an alternative application that they will ask you to complete.

Eligible households must **both apply for the program and contact a participating provider to select a service plan.**

Call 877-384-2575

or find more information about the Affordable Connectivity Program at fcc.gov/ACP



Western Riverside Council of Governments Public Works Committee

Staff Report

Subject: Policy for TUMF Reimbursement Prior to Exhaustion of Credit for Developer Credit / Reimbursement Agreements

Contact: Chris Gray, Deputy Executive Director, cgray@wrcog.us, (951) 405-6710

Date: October 13, 2022

Requested Action(s):

1. Recommend that the Executive Committee approve an amendment to the TUMF Administrative Plan / Reimbursement Manual to allow for reimbursement prior to credit exhaustion for Developer Credit / Reimbursement Agreements.

Purpose:

The purpose of this item is to develop language in the TUMF Administrative Plan related to Developer Credit / Reimbursement Agreements.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #5 - Develop projects and programs that improve infrastructure and sustainable development in our subregion.

Background:

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. Funds from TUMF are distributed based on an allocation codified in various MOUs between WRCOG, the Riverside County Transportation Commission (RCTC), the Riverside Conservation Agency (RCA), and the Riverside Transportation Agency (RTA). 46% of TUMF collections are retained by WRCOG and allocated to the five TUMF Zones based on the collections within that Zone. Another 46% of TUMF funds are provided to RCTC on a monthly basis for their use in funding regional TUMF projects per the TUMF Administrative Plan. 1.47% of all TUMF funds are allocated to RCA for the purchase of land in support of the Multi-Species Habitat Conservation Plan (MSHCP). 3% of TUMF funds are allocated to RTA for regional transit projects. The remaining 4% of TUMF funds collected go towards WRCOG for Program Administrative Expenses.

The TUMF Administrative Plan allows for three options for new development projects in the WRCOG subregion in order to meet TUMF obligations. The first option is the payment of TUMF fees. The second option is participation in a funding or financing district which directly constructs TUMF improvements. The final option is the construction by the developer of a TUMF improvement for which the developer is entitled to receive credit against its TUMF obligation. In some instances, a developer constructs an

improvement which provides credit in excess of its TUMF obligation, which then entitles the developer to receive a reimbursement from the TUMF Program.

This process is governed by the Developer Credit / Reimbursement Agreement, which sets forth the amount of potential credit, the TUMF obligation, and the process by which developers receive credit and potentially reimbursement from the TUMF Program.

In 2018, the City of Corona, a developer (Arrantine Hills, LLP), and WRCOG entered into an agreement to implement the I-15 / Cajalco Interchange Project, which also included improvements to Cajalco Road adjacent to the Interchange. At the time of the agreement, the Bedford Communities Project was approved for approximately 1,600 dwelling units and 80,000 square feet of commercial / retail uses. As part of this agreement, the Developer worked with the City to complete both the Interchange (I-15 / Cajalco Road) and improvements to Cajalco Road on either side of the Interchange. The total value of the improvements are \$47.6M with the Interchange accounting for \$44.3M and the roadway improvements accounting for the remaining \$3.3M. The Interchange and roadway improvements were completed in 2021. The buildout of the project has an estimated TUMF obligation of approximately \$15M - \$20M, which means that the Developer is due a reimbursement of approximately \$25M - \$30M. The amount of reimbursement can not be definitively determined at this time as the actual TUMF obligation is based on the actual number of units and the fee due at the time of permit issuance.

What complicates this reimbursement is that a portion of the reimbursement will be made by WRCOG through TUMF Zone funds and the remainder through TUMF funds controlled by RCTC, which receives 46% of all TUMF funds collected and uses those funds to implement Regional TUMF Projects. The I-15 / Cajalco Interchange is a Regional TUMF Project, which means that RCTC is responsible for funding this Project through Regional TUMF funds. The local street improvements on Cajalco Road are considered part of the WRCOG-administered Zone Program.

Concurrent with the transportation improvements, the Developer has proceeded constructing initial phases of the Project. To date, the City has issued approximately \$3M in TUMF credits against a total obligation of \$47.6M, which means that over \$44M of TUMF credit remains.

Earlier in 2022, the Developer requested that the City provide an early reimbursement of a portion of the total amount it is due. City staff brought this item to City Council at its March 2, 2022, meeting. The Corona City Council provided direction to its staff to request that WRCOG provide a reimbursement of \$3,355,000 to the Developer. This amount corresponds to the reimbursement amount associated with the Cajalco Street improvements. It is staff's understanding that the Developer has requested this reimbursement to assist with the financing of the project and for other related reasons.

Normally, WRCOG staff processes Developer credit and reimbursement requests in accordance with the TUMF Administrative Plan. What is unique about this reimbursement request is that it has been WRCOG's policy to only provide Developer reimbursement only after the completion of both the Development Project (TUMF obligation) and the Transportation Project (TUMF credit). This policy is memorialized in the TUMF Administrative Plan (Chapter 4 - Developer TUMF Credits).

The primary reason for this policy is that it ensures the overall fiscal stability of the TUMF Program by limiting instances in which WRCOG would reimburse a developer for its TUMF credit and then have to assess additional TUMF on a project, which then requires the payment of additional fees. Paying the reimbursement only after the completion of all project elements also simplifies the accounting of each

project's TUMF obligation and ensures that there is only one reconciliation of a project's TUMF obligation.

An example of a previous denial is the case of the Sycamore Creek Development. This project is a community of approximately 2,000 homes and a neighborhood commercial center in unincorporated Riverside County between the Cities of Corona and Lake Elsinore along I-15. In 2013, the Developer completed improvements to the I-15 / Indian Truck Trail interchange at a cost of \$6.4M. In 2017, the Developer estimated that it was due a reimbursement of \$1.9M based on its anticipated project buildout.

Consistent with WRCOG's policy, WRCOG denied this reimbursement request for a variety of reasons. The primary reason was that staff was unsure about the number of additional units the project would build out. There were 200 entitled units which had not been built at that time and the exact amount of reimbursement could not be determined at that time of the request. In this case, the Developer was asking for an early payout of all funds due to them based on their anticipated development and the projected fee levels. Also in this particular instance, the Developer's credit was finalized but their TUMF obligation was not.

In 2020, WRCOG did process a reimbursement for this developer in the amount of \$1.7M, which was the final reimbursement calculation based on the build-out of the project. It should be noted that the actual reimbursement amount is less than the amount of the initial request based on a final reconciliation of the project TUMF credits and TUMF obligation. If WRCOG had paid out the initial reimbursement request, it would have overpaid the reimbursement amount.

There are several factors which could cause this current request to be viewed from a different perspective. First, the reimbursement request is for a portion of the total reimbursement. Staff estimates that the reimbursement request corresponds to less than 20% of the total future reimbursement, so this reimbursement is a partial reimbursement request instead of a full reimbursement. Given the magnitude of the projected reimbursement, a partial reimbursement at this time is not likely to create a situation whereby the Developer must return some or all of the reimbursement to WRCOG. Staff estimates that if this early reimbursement request is provided, then the remaining reimbursement will be in excess of \$20M. Second, any reimbursement would be paid out of the Zone balances currently held by WRCOG. As of July 2022, the Northwest Zone Balance is \$25M and there are sufficient available funds within the Northwest Zone to provide this reimbursement. For reference, the Northwest Zone includes the Cities of Corona, Eastvale, Jurupa Valley, Norco, and Riverside, and the County of Riverside. Third, the reimbursement request is tied to one of the largest TUMF projects completed in the 20-year history of the TUMF Program. The I-15 / Cajalco Road interchange was a needed regional infrastructure project and it is likely that the Interchange would not have been built when it was but for the contribution provided by the Developer. The Project is an example of an effective public / private partnership between the City of Corona, the Developer, WRCOG, RCTC, and other parties. Finally, this reimbursement request is solely for TUMF Zone funds, which are administered by WRCOG. The remaining reimbursement amount will be the responsibility of RCTC and any reimbursement will be paid through the RCTC Regional Program.

The WRCOG Public Works Committee heard this item on August 11, 2022. The WRCOG Technical Advisory (TAC) Committee heard this item on August 18, 2022. The Public Works Committee directed staff to convene a TUMF Northwest Zone Technical Advisory Committee meeting (Public Works Directors from Corona, Eastvale, Jurupa Valley, Norco, City of Riverside, and Riverside County) to

discuss this matter in further detail and took no further action. The WRCOG TAC recommended denial of this reimbursement request rather than have further discussions on this item.

On September 14, 2022, the Administration & Finance Committee heard this item and directed staff to work concurrently on two items. The first action was to convene a meeting of the TUMF Northwest Zone TAC and Executive Committee to provide a recommendation regarding this request for early reimbursement. The second action was to direct staff to develop a comprehensive policy regarding early reimbursement for Developer Credit / Reimbursement Agreements. The Administration & Finance Committee also directed that staff return this item for further discussion once these items were complete so that the Committee could make a final recommendation to the WRCOG Executive Committee.

Based on that direction, staff has prepared the following policy for consideration. Staff is requesting review by the Public Works Committee of this proposed policy change, which would be implemented through an update to the TUMF Administrative Plan / Reimbursement Manual.

The suggested policy change has three elements. The first element sets a series of criteria which would limit the application of this policy to certain TUMF facilities as listed below:

- 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 usable segment thereof, as determined by WRCOG,
- Any Type 1, 2, or 3 interchange on an interstate highway system,
- Any railroad crossing with an estimated construction cost of more than \$10,000,000, or
- 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 usable segment thereof, as determined by WRCOG

The second set of criteria would further limit the application to a specific set of circumstances, which are intended to limit the instances in which a request for early reimbursement can be made. Limits on an application would include:

- Reimbursement requests prior to the exhaustion of credits can only be made when the anticipated reimbursement is \$15M or greater. The reimbursement is calculated as the difference between the anticipated TUMF obligation and the TUMF credit generated by the transportation project for which the developer is seeking reimbursement.
- The transportation project subject to the early reimbursement request has been completed satisfactorily and formally accepted by the member agency who submits the reimbursement request within five years of acceptance.
- The developer must have completed a portion of the development project which constitutes at least 25% of the anticipated TUMF obligation,
- The developer has applied for building permits with the previous six months
- The developer is currently meeting all obligations to the member agency
- A developer may only apply for no more than 10% of the total anticipated reimbursement.
- Early reimbursement can only be requested when completion of the development project is anticipated to be five years or greater at the time of the request.
- Only one application for early reimbursement may be made during the term of a Credit / Reimbursement Agreement.

The final criteria relates to the approval process which will rely on the applicable TUMF Zone to provide a recommendation. Based on established procedures in place for decision making at the Zone level, the following process would be used in regards to any early reimbursement request:

- Step #1 - WRCOG member agency submits a formal request in writing WRCOG to the WRCOG Executive Director or his designee. This formal request should include a certification from the member agency that the requested reimbursement complies with all of the requirements noted above.
- Step #2 - WRCOG reviews the reimbursement request and determines eligibility based on the criteria above.
- Step #3 - WRCOG Executive Director or his/her designee approves or denies the request for consideration by the TUMF Zone associated with the reimbursement request.
- Step #4 - WRCOG would then convene a meeting of the applicable Zone Technical Advisory Committee (TAC). The Zone TAC would provide a recommendation regarding the early reimbursement request. This recommendation will note both the approval or denial of the request and their recommendation on how to allocate this reimbursement to various years within the 5-Year TIP.
- Step #5 - WRCOG would then convene a meeting of the Zone Executive Committee, which is composed of an elected representative from each WRCOG member agency in the applicable Zone. The Zone Executive Committee will review and make a recommendation to the Executive Committee.
- Step #6 - Once the Zone Executive Committee makes a recommendation, the item would be brought to the WRCOG Executive Committee for their review and approval.

The process above mirrors that of decision making by the TUMF Zones since the inception of the TUMF Program. The use of the Zone staff and elected officials ensures that the persons most affected by the reimbursement request would be the ones making the recommendation regarding the request. Additionally, the Zone TAC and Zone Executive Committee would be best positioned to determine available revenues and anticipated reimbursements to determine if this request would negatively impact delivery of other Zone projects.

Prior Action(s):

September 14, 2022: The Administration & Finance Committee directed staff to convene a meeting of the TUMF Northwest Zone to discuss this reimbursement request and to also develop a comprehensive policy to address this reimbursement request. Staff was also directed to bring this item back to the Administration & Finance Committee after completing these tasks.

August 18, 2022: The Technical Advisory Committee recommended denial of the reimbursement request.

August 11, 2022: The Public Works Committee requested that no action be taken at this time and directed staff to convene a meeting of the TUMF Northwest Zone to discuss the reimbursement request and to develop a comprehensive policy relating to early reimbursements for consideration by the PWC.

Fiscal Impact:

This policy does not authorize any specific reimbursement of TUMF funds. Any reimbursements that

would occur under this policy change would be paid out of TUMF Fund 220 and would be allocated to the TUMF Zone which approves the reimbursement request.

Attachment(s):

[WRCOG - Reimbursement Prior to Exhaustion of Credits Policy-c1.pdf](#)

5.3 Reimbursement Prior to Exhaustion of Credits

As outlined in Section 5.1, the TUMF Program does not provide reimbursement for developer contributions until all TUMF credits are exhausted. In limited circumstances, a WRCOG member agency may request that an early reimbursement be provided if certain criteria are met.

First, only the following projects are eligible for consideration related to an early reimbursement:

- 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 usable segment thereof, as determined by WRCOG;
- Any Type 1, 2, or 3 interchange on an interstate highway system;
- Any railroad crossing with an estimated construction cost of more than \$10 Million, or
- 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 usable segment thereof, as determined by WRCOG

A project which does not fall into one of the above categories is not eligible for early reimbursement. If the project falls into one of the above categories, it is only eligible for early reimbursement if it can meet the following criteria:

- Reimbursement requests prior to the exhaustion of credits can only be made when the anticipated reimbursement is \$15 Million or greater. The reimbursement is calculated as the difference between the anticipated TUMF obligation and the TUMF credit generated by the project for which the developer is seeking reimbursement.
- The project subject to the early reimbursement request has been completed satisfactorily and formally accepted by the member agency who submits the reimbursement request within five years of acceptance;
- The developer must completed a portion of the development project which constitutes at least 25% of the anticipated TUMF obligation;
- The development has applied for building permits with the previous six months;
- The development is currently meeting all of its obligations to the member agency;
- A developer may only apply for no more than 10% of the total anticipated reimbursement;
- Early reimbursement can only be requested when completion of the development project is anticipated to be 5 years or greater at the time of the request;
- Only one application for early reimbursement may be made during the term of a Credit/Reimbursement agreement.

The process for considering an early reimbursement is described below.

Step #1- WRCOG member agency submits a formal reimbursement request in writing to the WRCOG Executive Director or his designee. This formal request should include a certification from the member agency that the project is eligible for requested reimbursement and complies with all of the requirements noted above.

Step #2- WRCOG reviews the reimbursement request and determines eligibility based on the criteria outlined in this Section 5.3.

Step #3- WRCOG Executive Director or his/her designee approves or denies the request for consideration by the TUMF Zone associated with the reimbursement request.

Step #4- WRCOG would then convene a meeting of the applicable Zone Technical Advisory Committee (TAC). The Zone TAC would review and make a recommendation regarding the early reimbursement request. This recommendation will note both the approval or denial of the request and their recommendation on how to allocate this reimbursement to various years within the 5-Year Transportation Improvement Program.

Step #5- WRCOG would then convene a meeting of the Zone Executive Committee, which is composed of an elected representative from each WRCOG member agency in the applicable Zone. The Zone Executive Committee will review and make a recommendation to the Executive Committee.

Step #6- Once the Zone Executive Committee makes a recommendation, the reimbursement request would be brought to the WRCOG Executive Committee for their review and approval.



Western Riverside Council of Governments Public Works Committee

Staff Report

Subject: Overview of the Process for Review and Approval of TUMF Reimbursement Invoices

Contact: Chris Gray, Deputy Executive Director, cgray@wrcog.us, (951) 405-6710

Date: October 13, 2022

Requested Action(s):

1. Receive and file.

Purpose:

The purpose of this item is to provide an overview of the TUMF invoice review and approval process.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #5 - Develop projects and programs that improve infrastructure and sustainable development in our subregion.

Background:

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. Funds from TUMF are distributed based on an allocation codified in various MOUs between WRCOG, the Riverside County Transportation Commission (RCTC), the Riverside Conservation Agency (RCA), and the Riverside Transportation Agency (RTA). 46% of TUMF collections are retained by WRCOG and allocated to the five TUMF Zones based on the collections within that Zone. Another 46% of TUMF funds are provided to RCTC on a monthly basis for their use in funding regional TUMF projects per the TUMF Administrative Plan. 1.47% of all TUMF funds are allocated to RCA for the purchase of land in support of the Multi-Species Habitat Conservation Plan (MSHCP). 3% of TUMF funds are allocated to RTA for regional transit projects. The remaining 4% of TUMF funds collected go towards WRCOG for Program Administrative Expenses.

One key role for WRCOG in the management of the TUMF Program is the review and approval of jurisdictional invoices related to TUMF projects. As part of this review and approval process, WRCOG staff and consultants review each invoice. An overview of the process is provided below.

For a reimbursement request to be approved, the following conditions must be met:

1. There has to be an executed Reimbursement Agreement between WRCOG and the participating jurisdiction.

2. The reimbursement request has to be consistent with the 5-Year adopted Zone Transportation Improvement Plan (TIP) both in terms of overall project funding and project phase funding (planning, engineering, right-of-way, and construction).
3. The reimbursement request must be for TUMF-eligible expenses.

WRCOG maintains the TUMF Administrative Plan & Credit / Reimbursement Manual (Administrative Plan) which can be accessed at <https://www.wrcog.us/DocumentCenter/View/9158/TUMF-AdminPlan-CreditManual-Mar1-2021>.

The purpose of this Plan is to formally document the rules and regulations of the TUMF Program, which provide for consistency and transparency.

Based on staff and consultant experience in reviewing invoices, we have noticed several common questions that arise which include:

Question #1 - Can I be reimbursed for a particular expense (insert name of expense)?

The Administrative Plan has a list of eligible and ineligible expenses. Generally speaking, TUMF is focused on capacity enhancing improvements. Some examples of eligible improvements include:

- Planning and design of new facilities or widening of existing facilities
- Right-of-way purchases
- Constructing new travel lanes
- Drainage to support new roadways
- Painted medians and other pavement markings

The Administrative Plan contains a number of tables, graphics, and other exhibits which document eligible expenses. A full description of eligible expenses is included on page 2 - 7 of the Administrative Plan.

Conversely, the Administrative Plan documents ineligible expenses which include:

- Raised medians
- Parking lanes
- Dry utilities
- Landscaping
- Lighting

A full list of ineligible expenses are included on page 2 - 8 of the Administrative Plan.

Question #2 - What if I believe an ineligible expense should be eligible?

This question does come up periodically and WRCOG staff is happy to review projects during pre-construction stages if you are unsure if an item is eligible for reimbursement or not. One question that commonly arises is the question of utility relocation. Here is what the Administrative Plan notes as the condition for a utility relocation to be reimbursed:

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. (Page 2-7)

We understand that there are a number of special circumstances and issues that arise. Because of that, questions are always welcome and WRCOG staff is always available to provide clarification as needed. However, there is limited discretion when the Administrative Plan provides clear direction so flexibility is limited sometimes.

Question #3 - What if my expenses exceed my reimbursement agreement, either by phase or in total?

Payments can only be made if the expenses are within the limits set forth in an executed Reimbursement Agreement. If you anticipate that you will exceed these thresholds within the foreseeable future, we recommend development of a Reimbursement Agreement Amendment. Templates for Reimbursement Agreements and Reimbursement Agreement Amendments can be found here on WRCOG's website at <https://www.wrcog.us/199/Administration-Fees>.

Depending on the amount of funding requested, it may also require an amendment to the Zone 5-Year TIP, depending on the phase where funding is requested, the amount of additional funding, and other considerations. A TIP Amendment can also be a routine item, though it requires some level of coordination to have a meeting amongst all the Zone members. There are no limits on how frequent Zone meetings can be held, though it is WRCOG's practice to hold them on at least an annual basis.

Question #4 - What if my project is going to exceed its Maximum TUMF Share?

While processing a Reimbursement Agreement and a Reimbursement Agreement Amendment is a straight forward process, increasing overall project funding can be problematic because of the Maximum TUMF Share. The Maximum TUMF Share for each TUMF project is determined through the adopted Nexus Study. The Maximum TUMF Share sets the maximum amount of funding which be reimbursed to a project by phase.

The Maximum TUMF Share is adjusted each time a new Nexus Study is adopted and when Construction Cost Indices (CCI's) are adopted. Outside of that process, there is no flexibility regarding a project's Maximum TUMF Share. The Maximum TUMF Share for each TUMF project is documented in a variety of sources including the TUMF Nexus Study and the WRCOG interactive TUMF mapping tool which can be found at

<https://fehrandpeers.maps.arcgis.com/apps/webappviewer/index.html?id=e6b38f5d8d6d47e2b6f7c1c4860cdfbf>.

Question #5 - What can I do to ensure my invoice can be promptly processed?

WRCOG staff and consultants work to process invoices as expeditiously as possible. However, there are a number of common issues which often delay invoice processing. Some recommendations to expedite the process include:

1. Please ensure that there is a fully executed Reimbursement Agreement for the project and it

reflects funding allocations.

2. Please verify that the invoice(s) breaks down expenses by the appropriate phase, consistent with the Reimbursement Agreement and its Amendments.
3. Please provide a Cover Letter, which details expenses by contractor, by phase (if appropriate).

Bill Zimmerman from WGZE Engineering will be providing additional information regarding the invoice review process and suggestions to expedite the matter.

Prior Action(s):

None.

Fiscal Impact:

This item is informational and provides additional information to jurisdictions participating in the TUMF Program. Any reimbursements that occur would be paid out of TUMF Fund 220 and would be allocated to the TUMF Zone which approves the reimbursement request. Any activities associated with the review of specific project invoices are included in the TUMF Program in the Transportation and Planning Department (Fund 110).

Attachment(s):

None.



Western Riverside Council of Governments Public Works Committee

Staff Report

Subject: 2022 Fee Comparison Analysis Update
Contact: Christopher Tzeng, Program Manager, ctzeng@wrcog.us, (951) 405-6711
Date: October 13, 2022

Requested Action(s):

1. Receive and file.

Purpose:

The purpose of this item is to provide an introduction to the 2022 Fee Comparison Analysis Update.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #5 - Develop projects and programs that improve infrastructure and sustainable development in our subregion.

Background:

In 2016 WRCOG conducted a study to analyze fees / exactions required and collected by jurisdictions / agencies in and immediately adjacent to the WRCOG subregion. The study was received by various the WRCOG committees and subsequent presentations were completed to various City Councils in the subregion. Based on the feedback provided and the requests made for data and presentations, WRCOG indicated the study would be updated on a consistent basis to enable jurisdictions the value of understanding the impact of fees on development and the regional economy. An updated analysis utilizing 2018 data was completed at the beginning of 2019. An update to the analysis utilizing data available in 2022 commenced in May 2022.

Overview

The update to the Fee Comparison Analysis is following the same methodology as in 2016 and 2018, and is updating the fee structures of the various fees. The Analysis provides WRCOG jurisdictions with comprehensive fee comparisons. The study also discusses the effect of other development costs, such as the cost of land and interest rates, within the overall development framework. Another key element of this study is an analysis documenting the economic benefits of transportation investment. The draft Fee Comparison Analysis is being brought to this Committee for review and input and to verify the data utilized is the latest and greatest. The update is expected to be finalized in January 2023.

Fee Comparison Methodology

Jurisdictions for Fee Comparison: In addition to the jurisdictions within the WRCOG subregion, the study

analyzed sample jurisdictions within the Coachella Valley, San Bernardino County, and the northern portion of San Diego County. The inclusion of additional neighboring / peer communities allows for consideration of relative fee levels between the WRCOG subregion and jurisdictions in surrounding areas that may compete for new development.

Land Uses and Development Prototypes

Fee comparisons have been conducted for five key land use categories: “development prototypes,” including single family residential, multi-family residential, office, retail, and industrial developments.

Since every development project is different, and because fee structures are often complex and derived based on different development characteristics, it is helpful to have “development prototypes” for each of the land uses studied. The use of consistent development prototypes increases the extent to which the fee comparison is an “apples-to-apples” comparison.

Development prototypical projects that will be analyzed are as follows:

- Single-family residential development: 50-unit residential subdivision; 2,700 square foot homes, and 7,200 square foot lots
- Multi-family residential development: 200-unit market-rate, 260,000 gross square foot apartment building
- Retail development: 10,000-gross square foot retail building
- Office development: 20,000-gross square foot, Class A or Class B office building
- Industrial development: 530,000 gross square foot industrial building

Fee Categories

The primary focus of the analysis is on the array of fees charged on new development to pay for a range of infrastructure / capital facilities. The major categories of fees include 1) school development impact fees; 2) water / sewer connection / capacity fees; 3) city capital facilities fees; 4) regional transportation fees (TUMF in Western Riverside County); and 5) other capital facilities / infrastructure / mitigation fees charged by other regional / subregional agencies. These fees typically represent 80 to 90 percent of the overall development fees on new development. Additional processing, permitting, and entitlement fees are not included in this analysis. The analysis focuses on development impact fees, as these fees are much larger than planning / processing fees for comparison purposes.

Service Providers and Development Prototypes

The system of infrastructure and capital facilities fees in most California jurisdictions is complicated by multiple service providers and, often, differential fees in different parts of individual jurisdictions. Multiple entities charge infrastructure / capital facilities fees – e.g., city, water districts, school districts, and regional agencies. In addition, individual jurisdictions are often served by different service providers (e.g., more than one water district or school district) with different subareas within a jurisdiction, sometimes paying different fees for water facilities and school facilities. In addition, some city fees, such as storm drain fees, are sometimes differentiated by jurisdictional subareas. To maintain consistency, the service providers utilized in the previous analyses will be utilized. Individual service providers were selected where multiple service providers were present, and an individual subarea was selected where different fees were charged by subarea.

Next Steps

The goal at this time is to provide WRCOG member agencies the opportunity to verify their fee collection structure. WRCOG will make any necessary revisions to the fee collection structure and then a draft report will be completed by the beginning of November 2022. The draft report will be disseminated to the member agencies for review and input. WRCOG will bring the draft report to the Committee at the appropriate time. It is anticipated that a final version of this analysis will be completed in early 2023.

Prior Action(s):

None.

Fiscal Impact:

Transportation and Planning Department activities are included in the Agency's adopted Fiscal Year 2022/2023 Budget under the Transportation Department. This analysis is covered under TUMF (Fund 110) to provide additional information on development fees charged to support the TUMF Nexus Study.

Attachment(s):

None.