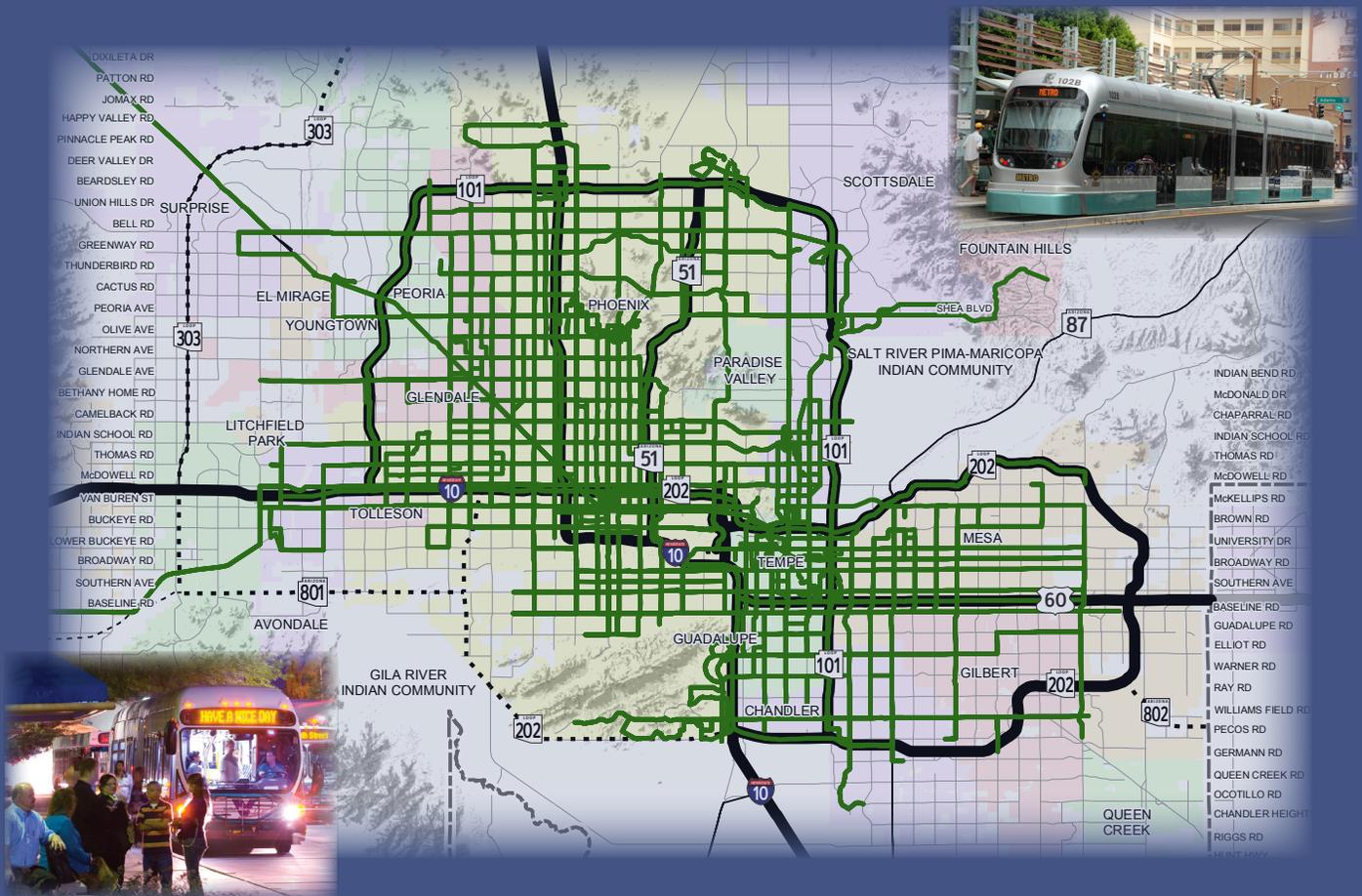


# Regional Programming Guidelines for Federal Transit Formula Funds



Approved by the MAG Regional Council on June 22, 2016

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## 100. GUIDING PRINCIPLES

1. The MAG Regional Programming Guidelines for Federal Transit Administration (FTA) formula funds shall comply with all federal laws. The Guidelines will be reviewed and updated for compliance as new state and federal laws are adopted, or as deemed necessary by Regional Council.

The MAG Regional Programming Guidelines for FTA formula funds will incorporate policy direction, as appropriate, from Regional Council approved MAG Transportation Plans.

The MAG Regional Programming Guidelines for Federal Transit Formula Funds and changes to the Guidelines will be approved through the MAG Committee Process including the Transit Committee, the Transportation Review Committee, the Management Committee, the Transportation Policy Committee, and the Regional Council. Please see Appendix A: MAG Committee Structure Chart.

The MAG Regional Programming Guidelines for Federal Transit Formula Funds, including 5307, JARC, 5340, 5337-FGM, 5337-HI Bus, 5339(d)(2), CMAQ, STP-AZ, are applicable to federal formula funds received from the Federal Transit Administration, and flexed Federal Highway Administration (FHWA) Surface Transportation Program (STP) funds from the Arizona Department of Transportation (ADOT).

The MAG Regional Programming Guidelines for FTA formula funds will abide by federal guidance regarding federal and local shares depending on funding and project type.

FTA formula funds will be used within the period of apportionment. Funds flexed from FHWA, have an extended period of availability, however due to the deficit at the federal level, it is the region's goal to follow the same guidelines as FTA formula apportionments and program them within the appropriate years.

Transit operators and recipients of federal funds are required to work with MAG and the City of Phoenix, the designated grant recipient, to submit information for the Transit Service Inventory Report/ Transit Asset Management Plan. The information is necessary to make informed programming decisions for a comprehensive, coordinated, transparent, data driven process.

It is recognized that the Regional Public Transportation Authority (RPTA) is the agency designated to manage the Transit Life Cycle Program (TLCP).

## **200. PUBLIC TRANSPORTATION SUPPORTED BY THE REGION TRANSPORTATION PLAN**

### **201. Regional Transportation Plan**

The MAG Regional Transportation Plan (RTP) that was approved in 2003 established the Transit Life Cycle Program (TLCP) that is supported by the regional half-cent sales tax/public transportation fund (PTF), federal funds from transit formula accounts, farebox receipts, transit discretionary awards, and 'flexed' highway funds from Congestion Mitigation Air Quality (CMAQ) and state Surface Transportation Program (STP-AZ). Since the initial approval, the RTP has been updated several times.

### **202. Transit Life Cycle Program**

The TLCP is a 20 year (2006-2026) program that includes:

- Fleet replacement for all transit services – State of Good Repair Program: rural, local, regional, Express, RAPID, Bus Rapid Transit, vanpools, and dial-a-ride/paratransit ). Buses funded under the Transit Life Cycle Program include any buses currently in the system as of January 1, 2016.
- Construction and acquisition of high capacity and light rail transit corridors, including associated park and rides, transit centers, maintenance facility upgrades and vehicles.
- Regional transit expansion program: Expansion of regional public transportation service including capital, procurement, and operations.
- Regional Park and Rides identified from the 2000 Regional Park and Ride Study. Please note, locations and scopes may have been modified since 2000; no additional regional park and rides have been added.
- Regional Transit Centers as identified in the 2003 RTP. Please note, locations and scopes may have been modified since 2003; no additional regional transit centers have been added.
- Regional operations and maintenance facilities to support an expanded regional transit system, including new and upgraded bus facilities, paratransit facilities, rural and vanpool facilities.
- Local routes that are identified to turn into supergrid routes in the TLCP. Refer to the latest version of the TLCP for route detail.
- ADA service, which is the service required by the Americans with Disabilities Act (ADA) for all areas within ¼ mile of a fixed route; and alternative transportation services for ADA certified passengers.
- Bus stop improvements Safety and Security
- Intelligent Transportation System projects including fare collection and communication systems
-

The TLCP does not include:

- Operations for local routes
- Operations for light rail or other high capacity fixed guideway modes
- Operations for vanpool services
- Operations for non-ADA paratransit or alternative transportation services
- Preventive maintenance
- Expansion of local public transportation since 2003, including fleet purchase, replacements, and operations
- Expansion of non-ADA paratransit/dial-a-ride service since 2003, including fleet purchase, replacements, and operations
- Bike/Ped connections

### **300. PROGRAMMING PROJECTS FOR A NEW MAG TRANSPORTATION IMPROVEMENT PROGRAM**

Through the MAG Committee process starting at the MAG Transit Committee, MAG programs transit projects to be funded with federal funds via the MAG Transportation Improvement Program while working cooperatively with MAG member agencies, the designated grant recipient (City of Phoenix), and the transit operators in the region: City of Phoenix, Regional Public Transportation Authority (RPTA), Valley Metro Rail (METRO), City of Glendale, City of Tempe, City of Scottsdale, and the City of Peoria. The MAG TIP and RTP are updated biennially.

**Please see for Appendix B for a typical schedule.**

1. The Transit Life Cycle Program (TLCP) is updated annually and the projects are programmed using federal and Public Transportation Funds (PTF). The program is updated as a coordinated effort between RPTA and METRO, working with the member agencies in the region. It reflects the principles and goals as stated in the Regional Transportation Plan (RTP) and plans for funding of regional routes, capital projects and bus replacements according to its stated guiding principles.
2. When developing a new TIP and an RTP, MAG/City of Phoenix will work with member agencies and collect information that goes into the Transit Service Inventory Report/Transit Asset Management Plan. This information will be made available at the beginning of the fiscal year when programming a new TIP and RTP.
3. When developing a new TIP and an RTP, RPTA will submit a project list from the TLCP to MAG.
4. MAG will take the information from the Transit Service Inventory Report/Transit Asset Management Plan, the project list from the TLCP. A draft listing of projects will be produced and reviewed with the MAG Transit Committee. Based on estimate funding levels of federal funds and the draft listings of projects, a calculation will be made to determine funding available for the Regional Competitive Evaluation Process, Section 700.

5. If funding is available for the Regional Competitive Evaluation Process (Section 700), that process will move forward.
6. Projects that are classified as TIP amendments that modify the work scope of a project, must be first approved by the modal technical committee (e.g. Street, Bicycle-Pedestrian, ITS, Safety, Transit) from which the project was first programmed and then proceed through an approval process that includes the Transportation Review Committee, the Management Committee, the Transportation Policy Committee and the Regional Council. All other TIP amendments and Administrative Modifications will begin the approval process at the Transportation Review Committee and include the policy committees as listed above Project changes that are classified as clerical corrections do not require additional approval actions.

## **400. TRANSIT PROGRAM OF PROJECTS**

The Transit Program of Projects is a list of transit projects for a given fiscal year, that is reconciled with the actual Federal apportionments and allocations that are approved by Congress. The schedule for MAG to move forward with a Transit Program of Projects is dependent on Congressional action. **Please Appendix B.**

## **500. TRANSPORTATION PROGRAMMING PRIORITIES**

1. Provide services and improvements as required by law
2. Provide funding for support services for grant management to the designated recipient, the City of Phoenix.
3. Fund Preventive Maintenance/Operations/Complementary ADA Service.
  - Preventive maintenance funding for the Phoenix-Mesa-Glendale UZA would be distributed based on approved methodology outlined in Section 400. The baseline funding would be 25% of 5307 funds.
  - Avondale/Goodyear UZA would receive operations funding in line with 2012 for the FY TIP years 2014-2018.
4. Fund the Job Access Reverse Commute program using the process outlined in Section 703 Job Access Reverse Commute (JARC).
5. Support the Transit Life Cycle Program (TLCP) capital bus program
6. Support the TLCP capital facility program
7. Support the other TLCP projects as the program is updated.
8. Fund additional projects based through a collaborative process by assessing regional transit needs, implementing elements of adopted regional efforts, and meeting regional performance based criteria. For additional information see 800.

## **600. PREVENTIVE MAINTENANCE DISTRIBUTION METHODOLOGY FOR 5307 FORMULA FUNDS**

On May 25, 2011, the MAG Regional Council approved the current methodology for programming Preventive Maintenance (PM) for the MAG region. This methodology is applied for FY2012 and beyond, and is done so 'phasing out' of the old methodology between FY2012 and FY2014.

1. The preventive maintenance distribution methodology first distributes the amounts between the bus and rail program based on operating expense, then distributes funds for bus operators based on a combination of passenger and vehicle revenue miles. Passenger miles are weighted by 10 percent and vehicle revenue miles are weighted by 90 percent. The distribution methodology is updated annually using the most recent NTD published data.
2. Federal funds for preventive maintenance for fiscal years 2012-2015 will be distributed based on a 'phase out' approach and use the May 25, 2011 approved preventive maintenance distribution methodology. Beginning in FY2012 the allocations, as identified in the adopted July 2010 FY2011-2015 MAG TIP for each operating agency, will be reduced by 25 percent each year, and an additional 25 percent for each subsequent year (50 percent reduction in 2013, 75 percent reduction in 2014), the remaining federal funds will be distributed using the new methodology. Beginning in FY2015, and continuing in the future, PM funds will be completely distributed under the new methodology.
3. Transit Operators Eligible for Operating Assistance in Large Urbanized Areas may choose to utilize Operating Assistance in lieu of Preventive Maintenance.<sup>1</sup> This option does not change the agency's allocation or the regional allocation formula for Preventive Maintenance.
4. Transit Operator will need to exhaust all Preventive Maintenances has exhausted may choose to utilize Operating Assistance for Complementary ADA Service in lieu of Preventive Maintenance. This option does not change the agency's allocation or the regional allocation formula for Preventive Maintenance.

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<sup>1</sup> Eligible operators are public entities that operate fixed route bus service with 100 or fewer buses in maximum peak hour service, and that operate transit service in a large urbanized area.

## **700. JOB ACCESS REVERSE COMMUTE (JARC)**

Under SAFTEA-LU, the MAG region was allocated \$1.8 million in FY 2012 specifically for JARC eligible projects. With the passage of MAP-21, JARC dedicated funding was repealed. However, JARC projects are eligible under 5307 formula funds. Under the FAST-Act, provisions and eligibility for JARC remain unchanged.

JARC eligibility includes private and public agencies, operations and capital projects under MAP-21 do not have to be derived from the Human Service Coordination Plan. FTA encourages MPO's and recipients to continue the coordinated planning process in identifying and developing projects for funding. The plan is updated annually and can be found on the MAG website.

1. MAG will lead the JARC evaluation process coordinating with the MAG Transit Committee and MAG Human Services Division. Applications would be a coordinated effort between MAG Transit Committee and MAG Human Services Division with final approval from MAG Regional Council.
2. The MAG Region will through the Transportation Programming Guidebook, determine a sub-allocation toward JARC eligible activities in the MAG Planning region. Funding will emphasize non-profit organizations and other activities that fulfill the "spirit" of the program. Funding amounts and the future of the program will be reviewed annually/biannually or during TIP development cycles
3. In the event there are unutilized JARC funds, the balance will be distributed as Preventive Maintenance utilizing the existing methodology.

## **800. "PRIORITY 8" PROJECTS (PHOENIX-MESA UZA)**

Any project request that is not part of Priorities 1 - 7 are addressed through Priority 8. Also included as part of Priority 8 are: a) any bus expansion vehicle, b) advancement of replacement vehicles, and/or c) change in vehicle types for replacement vehicles (i.e. 40' standard to 60'), d) cost increases of replacement vehicles due to special requests related to specs and/or technology that is not part of the standard fleet.

## **801. REGIONAL COMPETITIVE EVALUATION PROCESS**

The Phoenix-Mesa-Glendale UZA will conduct a Regional Competitive Evaluation Process to program remaining Federal Transit Funds. The process will be initiated every two year, consistent with the Regional Transportation Improvement Programming (TIP) cycle or as necessary, per the recommendation of the Transit Committee. The application will be made available on the MAG website.

The Transit Committee may request a Competitive Evaluation Process during the non-TIP Programming years, however, it is recommended that the process is not conducted more than

once a year. In the event it is necessary to program a balance of funds subject to FTA obligation and/or utilization deadlines, the Committee may recommend:

1. Funding additional projects submitted during the evaluation process but not initially chosen;
2. Increasing funding of awarded projects;
3. Allocating additional resources to regional Preventive Maintenance;
4. Other options subject to MAG Regional Council Approval.

## 802. REGIONAL TRANSIT SURVEY

In lieu of a Competitive Process, the Transit Committee may elect to request that MAG conduct a Regional Survey to assess the needs of the region and fund projects under Priority 8 and through a collaborative discussion at the Transit Committee. The process will be initiated every two years, consistent with the Regional Transportation Improvement Programming (TIP) cycle or as necessary, per the recommendation of the Transit Committee.

The process will focus funding implementation of on-going and existing regional planning efforts at Valley Metro and MAG.

## 803. NON-TLCP BUS CAPITAL

Bus expansion purchased will be programmed for replacement so long as the route remains in service. Any discontinuation or significant change in service will require the agency work through the TSPM/SRTP and competitive process. These buses remain outside the Transit Life Cycle Program.

## 900. AVONDALE-GOODYEAR UZA

The utilization of Avondale-Goodyear (AVN-GDY) UZA Federal Transit Funds will be discussed during working group meetings comprising members of the AVN-GDY UZA. The interested members will conduct a sub-regional discussion with general guidelines and adhering to Arizona Open Meeting Laws under A.R.S. § 38-431. Recommendations from the working group would be reviewed by the Transit Committee and forwarded to MAG Regional Council for approval. Additional guidelines may be evaluated and established as the UZA's Transit planning and network becomes more established.

## 1000. **Programming OF TRANSIT FEDERALLY FUNDED NON-TLCP PROJECTS:**

Applies to Non-TLCP projects.

- a. Before federal funds may be programmed within the next two fiscal years of the TIP, the lead agency must develop a project work schedule that demonstrates a reasonable expectation of project implementation. The timeline should be consistent with the standard development timeline of federally funded projects of similar complexity.
- b. Submit a commitment letter signed by the Lead Agency (City/County/Town/Community/RPTA) manager or designee and copies of the current draft of the agency's CIP that demonstrate local funding for the project.

## 1001. PROJECT DEFERRALS

- a. **Type of action.** Project deferrals are TIP amendments.
- b. **First time deferrals.** Agencies may defer a project one time without justification. The year to be deferred to will be determined in coordination with MAG staff and will be based on the availability of federal funding in the year to be programmed, the status of the project and the minimum time needed to complete the project. Typically this will not exceed two years.
- c. If the project has already submitted a commitment letter and project schedule, an updated commitment letter and project schedule will be required in order to defer a project.
- d. **Approval actions for first time deferrals.** The Approval of a first time deferral will begin at the Transportation Review Committee and will include the Management Committee, the Transportation Policy Committee and the Regional Council.
- e. **Additional deferrals.** Additional deferrals require the successful completion of the approval process identified in appeals process.

## 1002. PROJECT APPEALS PROCESS

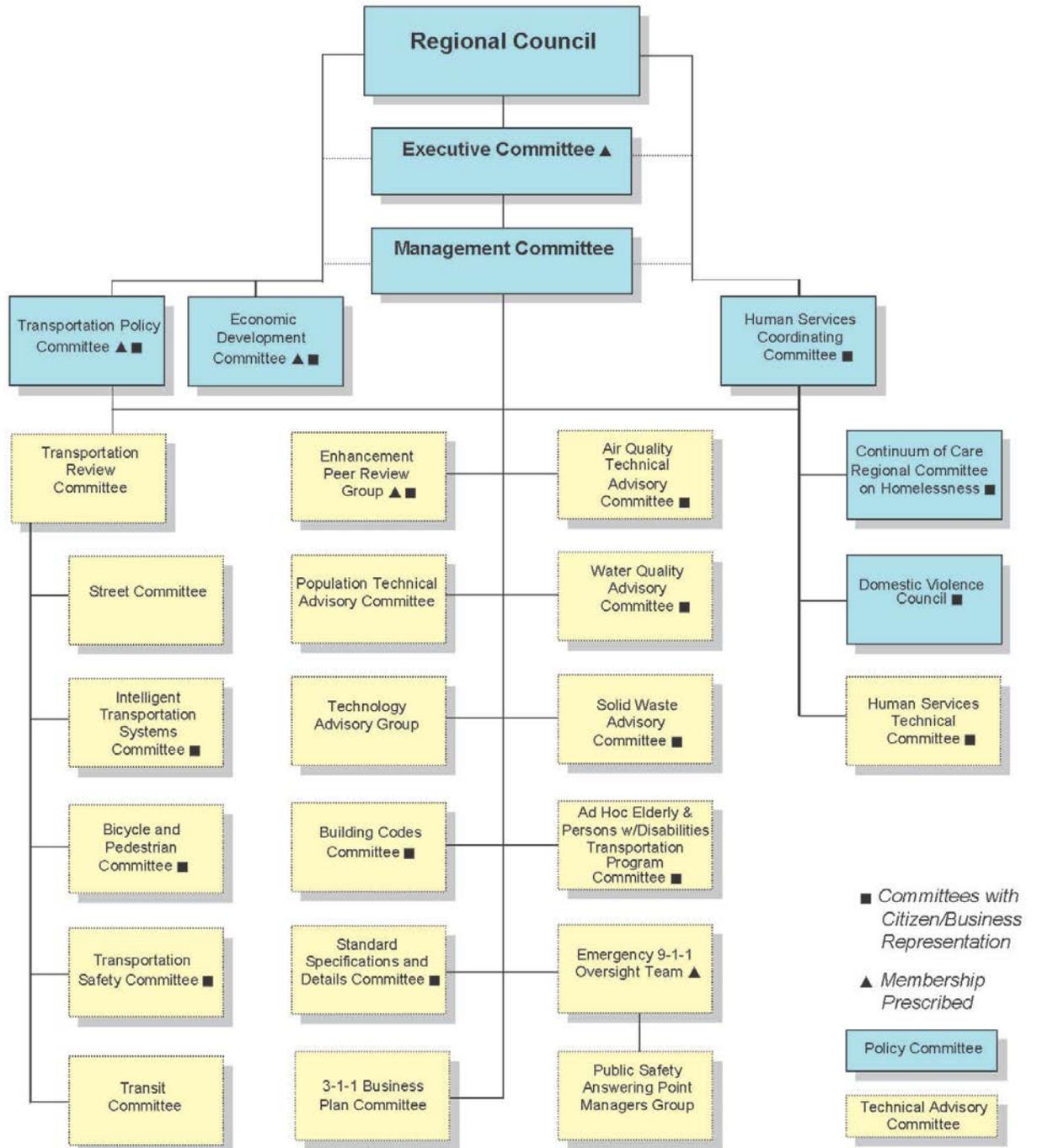
- a. **Purpose.** The purpose of the appeals process is to provide project sponsors with the opportunity to halt the deletion of projects or in cases where the project has previously been deferred, to request a second deferral for the project.
- b. **Appeals request.** To request an appeal, the project sponsor must send an e-mail or provide other written notice to MAG staff.
- c. **Appeals Schedule.** Beginning at the modal technical committee from which the project originated and proceeding through the Transportation Review Committee, the Management Committee and the Regional Council, the project sponsor will provide a presentation and written documentation supporting their appeals request. The hearing committees will then engage in a question and answer session with the project sponsor and take action on whether to approve or disapprove the request. A written record on the question and answer session,

as well as the action of the committee, will be provided to all subsequent committees hearing the appeal.

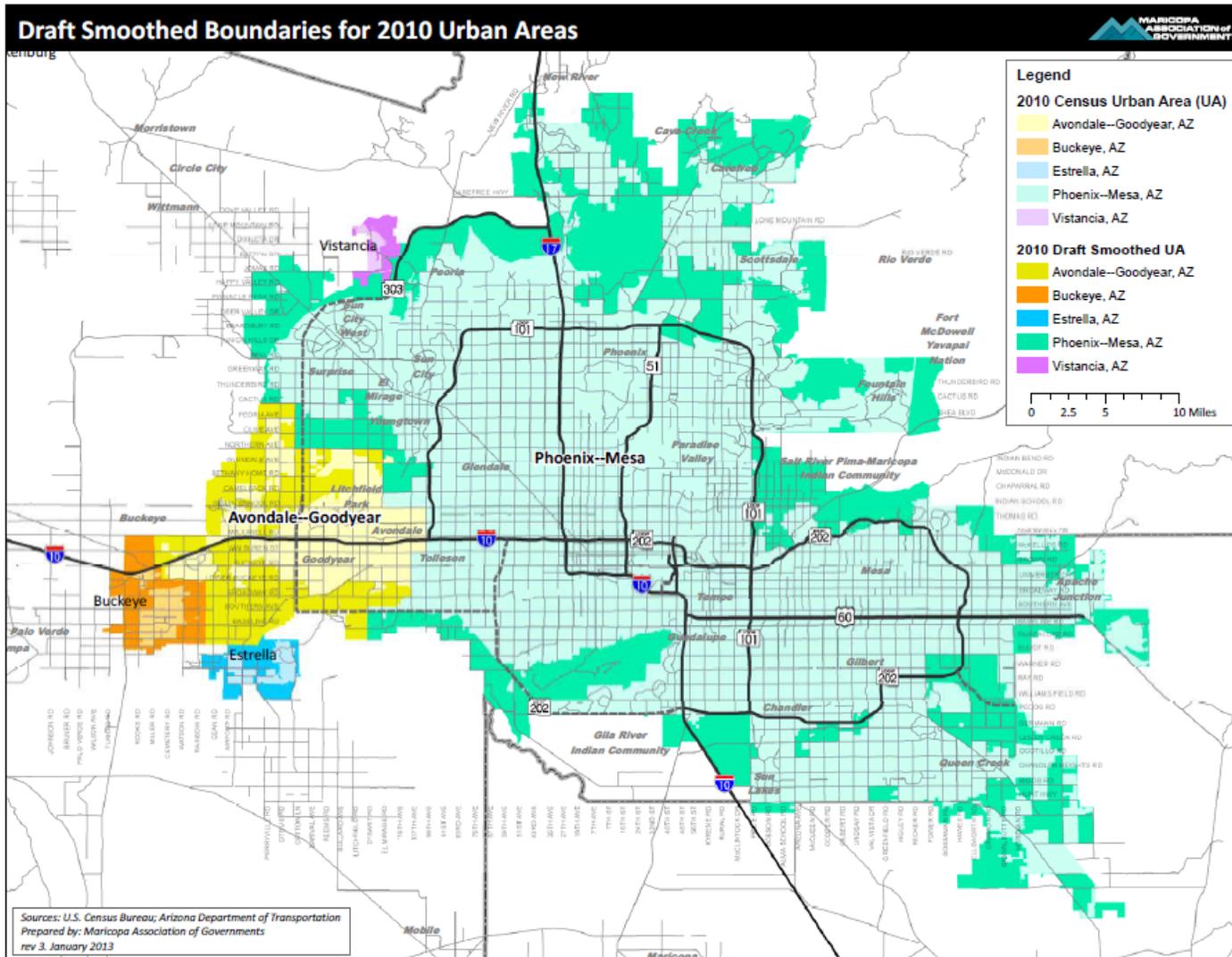
- d. **Presentation Requirements.** The presentation will be provided by the member agency staff and will accomplish the following:
  - i. Identification and explanation of specific problems or issues beyond the control of the agency other than financial issues that have caused the delay (e.g. the actions of outside actors), failure to achieve a required milestone or need to defer the project.
  - ii. Demonstration of financial commitment (e.g. staff time, funds) by the agency to develop the project prior to the rescheduling or deletion decision.
  - iii. A revised schedule and plan that addresses the specific issues identified.
  - iv. If a project has been previously deferred, demonstration that the previous cause of delay has been addressed and/or explanation of why the revised approach will address the problem causing the delay.
- e. **“Beyond the control of the agency”.** For the purpose of the hearing the phrase “beyond the control of the agency” refers to actions for which a project sponsor does not have decision making authority – e.g. the actions of third parties such as utility companies, railroads, property owners, the courts, other governmental agencies; and reviewing agencies who may fail to provide timely reviews and approvals. Actions also not under the control of a sponsor also include issues that could not have been reasonably anticipated when the project was initiated such as the discovery archaeological artifacts, hazardous materials, or impacts to endangered or threatened species in areas where none of these issues had been encountered or known to exist previously.

Actions within the control of a sponsoring agency may not be used to justify an appeal. These include the allocation of funding and staff time, project management, scheduling decisions, and the coordination of the project with other projects in the agency’s boundaries such as developer or other agency projects.

## Appendix A MAG COMMITTEE STRUCTURE CHART



## Appendix B: MAG DRAFT SMOOTHED URBANIZED AREA



## Appendix C: TRANSIT PROGRAMMING CYCLE

Transit Programming Process	
Typical Schedule	
2012	
June	Send Transit Service Inventory/Transit Asset Management Plan workbook to agencies and transit operators.
August	DUE DATE for Transit Service Inventory Workbook/Transit Asset Management Plan submittal
September	MAG Transit Committee
October	Transit Service Inventory Report Available
	TLCP project listing and funding are submitted to MAG.
November	MAG conducts analysis of TLCP funding requirements, baseline Preventive Maintenance funding and available funds for regionally competitive projects.
December	MAG Committees as need
2013	
January	MAG Committees as need
February	MAG Transit Committee – Regional competitive process initiated
March	Potential projects qualifying information and applications due
	MAG Transit Committee reviews initial submittals
	Applications sent to evaluation committee
April	Committee provides initial ranking to MAG
	Committee meets to evaluation project during interview process
May	Transit Committee to review and recommend projects
	MAG TRC, TPC, Management, RC for approval
June	MAG Committees as need, public input
July	MAG Committees as need, public input
August	MAG TIP and RTP Approved

## Appendix D: APPLICANT RESOURCES

**Census 2010** – For data related to Census 2010: <http://2010.census.gov/2010census/#>

**Human Services Coordination Plan** – Federal legislation requires applicants who receive federal funding to comply with a locally derived plan. A prioritized list of strategies is developed to improve efficiencies in service delivery. It is the goal of every plan to coordinate and collaborate on resources to help the most vulnerable in our region move throughout the community. The plan may be found here: [http://www.azmag.gov/Documents/EaPWD\\_2012-05-01\\_Final-FY2013-Human-Services-Coordination-Transportation-Plan.pdf](http://www.azmag.gov/Documents/EaPWD_2012-05-01_Final-FY2013-Human-Services-Coordination-Transportation-Plan.pdf)

**Job Access Reverse Commute (JARC)** – The Job Access and Reverse Commute (JARC) program was established to address the unique transportation challenges faced by welfare recipients and low-income persons seeking to obtain and maintain employment. Many new entry-level jobs are located in suburban areas, and low-income individuals have difficulty accessing these jobs from their inner city, urban, or rural neighborhoods. In addition, many entry level-jobs require working late at night or on weekends when conventional transit services are either reduced or non-existent. Finally, many employment related-trips are complex and involve multiple destinations including reaching childcare facilities or other services. JARC circular may be found here: [http://www.fta.dot.gov/13093\\_7172.html](http://www.fta.dot.gov/13093_7172.html)

**MAG- 21** – Updates to MAP-21 as provided by the Federal Administration can be found here: <http://www.fta.dot.gov/map21/>

**MAG Population Data** – Data for project application must be from documented sources. Population data not available from Census 2010 may be requested from MAG Information services. Assistance may be provided to applicants without GIS capabilities. [http://azmag.gov/Information\\_Services/default.asp](http://azmag.gov/Information_Services/default.asp)

**MAG Transit Committee** – For upcoming agenda items and additional resources, view the MAG transit committee web site: <http://www.azmag.gov/Committees/Committee.asp?CMSID=1162>

**MAG Transportation Improvement Program** – <http://www.azmag.gov/Projects/Project.asp?CMSID2=1140&MID=Transportation>

**MAG Urbanized Areas** – To view the draft maps of the smoothed Urbanized Areas: [http://www.azmag.gov/Documents/TIP\\_2012-12-04\\_Smoothed-Boundaries-for-Urban-Areas-2000-and-Draft-2010.pdf](http://www.azmag.gov/Documents/TIP_2012-12-04_Smoothed-Boundaries-for-Urban-Areas-2000-and-Draft-2010.pdf)

**Transit Operators Eligible for Operating Assistance** – Eligible operators are public entities that operate fixed route bus service with 100 or fewer buses in maximum peak hour service, and that operate transit service in a large urbanized area. This provision does not affect the continued availability of operating assistance for public transportation operators in urbanized areas with populations between 50,000 and 199,999. The list may be found here: [http://www.fta.dot.gov/documents/Table\\_3-A\\_Revised\\_12-7-12.xlsx](http://www.fta.dot.gov/documents/Table_3-A_Revised_12-7-12.xlsx)

## Appendix E: GLOSSARY OF TERMS

**A.R.S. § 38-431** – Arizona Revised Statute pertaining to Public Meetings and Proceedings.

**Applicant/Designated Recipient (for this application only)** – The organization or entity submitting a grant application to the FTA on behalf of the subrecipient. The City of Phoenix is the “Applicant” to the FTA and the designated recipient of the awarded funds.

**Asset Management** – A system that includes functionality for:

1. Storing a complete asset inventory;
2. Recording condition and performance data for the inventory;
3. Identifying deficiencies in existing assets;
4. Providing decision support capability for predicting future conditions and needs;
5. Tracking data on work accomplishments, including maintenance actions and capital projects; and
6. Supporting monitoring and reporting.

**Competitive Selection Process** – A process to choose which projects will be funded. The process is conducted by the Maricopa Association of Governments, in coordination with member agencies in the Transit Committee and working with City of the Phoenix, the designate grant recipient.

**Designated Recipient** – Any local or state agency applying for and receiving grant funds directly from and authorized by FTA. City of Phoenix is the designated recipient for Section 5307, 5337, 5339, 5309, STP-AZ and CMAQ funds.

**FAST Act** - On December 4, 2015, President Obama signed the Fixing America’s Surface Transportation (FAST) Act (Pub. L. No. 114-94) into law—the first federal law in over a decade to provide long-term funding certainty for surface transportation infrastructure planning and investment. The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs.

**Federal Share** – amount of funds being requested as part of the grant application.

**FTA** – Federal Transit Administration, the implementing agency of the US Department of Transportation for all federal transit programs.

**Local Share** – the amount of funds the sponsoring local agencies will invest in the project.

**MPO** – Metropolitan Planning Organization – a regional planning agency representing a predominately urban area, encompassing all or part of a county. MAG is the regional MPO.

**MAP-21** - Moving Ahead for Progress in the 21st Century Act (MAP-21). On July 6, 2012 President Obama signed into law a new two-year transportation authorization, entitled Moving Ahead for Progress in the 21st Century (MAP-21). The new law authorizes \$10.6 billion in FY 2013 and \$10.7 billion in FY 2014 for public transportation. MAP-21 will take effect on October 1, 2012. Until then, FTA will continue to manage agency programs under existing law (SAFETEA-LU), which expires on September 30, 2012.

**Subrecipient** (For this application) – Any recipient of grants or grant funding from the designated recipient which originated with a federal agency (e.g., FTA). Generally, a subrecipient is the applicant selected by the designated recipient to receive funding for their project.

**State of Good Repair** – Projects that emphasizes one or more of the following concepts:

1. Maintaining rolling stock and infrastructure as needed;
2. Performing maintenance, repair, rehabilitation and renewal; and/or
3. Reducing or eliminating an agency's backlog of unmet capital needs.

**Transit Accessibility** – Projects that aim to improve accessibility to transit for bicyclists, pedestrians and other non-motorized users. Examples may include bus stop improvements, sidewalk, safety, lighting, shading, and information.