City of Sacramento
City Council

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: **9/27/2012** **Report Type:** Consent

Title: Agreement: FY2012/13 New Measure A Ongoing Annual Programs

Report ID: 2012-00708

Location: Citywide

Recommendation: Pass a Resolution authorizing the City Manager to 1) appropriate $4.2 million in New Measure A Construction funds for the Intermodal Transportation Facility (T15029000); 2) revise the budget for the Cosumnes River Boulevard Extension Project (T15018000); 3) execute the Memorandum of Understanding with the Sacramento Transportation Authority (STA) for Measure A Ongoing Annual Programs; and 4) execute the New Measure A Capital Project Allocation and Expenditure Contract with STA.

Contact: Lucinda Willcox, Program Manager, (916) 808-5052; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Public Works

Presenter: None

Department: Public Works Department
Division: Engineering Services Admin
Dept ID: 15001111

Attachments:

1- Description/Analysis
2 - Background Information
3 - Resolution
4 - Memorandum of Understanding
5 - New Measure A Contract

City Attorney Review
Approved as to Form
Gerald Hicks
9/17/2012 9:16:56 AM

City Treasurer Review
Reviewed for Impact on Cash and Debt
Russell Fehr
9/11/2012 3:58:36 PM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 9/12/2012 11:42:59 AM

Back to Table of Contents

Description/Analysis

Issue: The City is required to enter into an annual agreement with the Sacramento Transportation Authority (STA) to receive Measure A ongoing program funds and enter into contracts as bonds are issued for eligible capital projects funded with Measure A countywide sales tax. The agreements authorize the City to receive and expend funds in accordance with STA's approved anticipated expenditures and ensure the funds are expended exclusively on eligible activities. On August 23, 2012, the STA Board approved the agreement language and authorized the STA Executive Director to sign the agreements.

Policy Considerations: The action requested herein is consistent with the City's Strategic Plan goals to expand economic development throughout the City and achieve sustainability and livability.

Economic Impacts: None.

Environmental Considerations:

California Environmental Quality Act (CEQA): The FY2012/13 Memoranda of Understanding is not subject to the provisions of the CEQA under the general rule (Section 15061 (b) (34)) that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

Sustainability Considerations: None.

Other: None.

Commission/Committee Action: None.

Rationale for Recommendation: Upon approval of the agreements and budgetary adjustments, the City will have authority to spend and to bill for reimbursements of Measure A funds received in FY2012/13.

Financial Considerations: The Memorandum of Understanding (MOU) for ongoing programs authorizes the City to receive and expend funds. There are no specific financial considerations related to this action. Funds have already been programmed in connection with annual budget and Capital Improvement Program (CIP) preparation process.

The Capital Project Allocation and Expenditure Plan contract provides New Measure A Construction funding for the Intermodal Transportation Facility Project (T15029000) and the Cosumnes River Boulevard Extension Project (T15018000).

The total amount for the City of Sacramento under this contract is $29,964,000. Of this total, $19,760,000 is dedicated to the Intermodal Transportation Facility Project (T15029000); $10,000,000 is carried forward from the prior contract, and the remaining $9,760,000 of New Measure A Construction needs to be appropriated to that project.

The Capital Project Allocation and Expenditure Plan contract provides $10.204 million in funding for the Cosumnes River Boulevard Extension project (T15018000). This project is pending award of construction contract and additional funding for construction was included in FY2012/13 CIP adopted by the City Council. Due to some funding changes and refinement of scope, the mix of funding has changed since adoption of the FY2012/13 CIP. The current budget for T15018000 needs to be revised as follows:

Fund #	Fund Description	(a) Budget through 6/30/12	(b) New funding approved in adopted FY2012/13 CIP	(c) Change in FY13 funding and FY2012/13 CIP	Total (a + b + c) amended FY2012/13 CIP Budget
2001	Sacramento Transportation Sales Tax (Old Measure A) CIP	$3,101,573			$3,101,573
2007	Major Street Construction	$753,681			$763,681
2023	New Measure A Construction		$14,374,000	($4,170,000)	$10,204,000
3702	CIP Reimbursable (Developer)		$52,314,960		$52,314,960
3703	Federal Capital Grants	$3,899,376		$12,236,000	$16,135,376
3704	Other Capital Grants (State)	$5,108,000	$17,427,000	($9,736,000)	$12,799,000
Total		**$12,862,630**	**$84,115,960**	**($1,670,000)**	**$95,318,590**

A total of $10,204,000 in New Measure A Construction funds is dedicated to Cosumnes River Boulevard Extension (T15018000) through the contract and this action.

Emerging Small Business Development (ESBD): No goods or services are being purchased.

Back to Table of Contents

Background

In 2004, voters of Sacramento County approved an extension of a ½ cent sales tax dedicated for transportation improvements countywide, known as Measure A. The New Measure A took effect April 2009 and is in effect for 30 years. The New Measure included funding for ongoing programs, including Road Maintenance, Traffic Control and Safety, Streetscaping, Pedestrian and Bicycle Facilities. In addition, the Measure listed specific capital projects to be funded through the sales tax.

The City is required to enter into an annual agreement with the Sacramento Transportation Authority (STA) in order to receive both New Measure A - Construction (Fund 2025) funds in the Traffic Control and Safety Program and Safety, Streetscaping, Pedestrian, and Bicycle Facilities programs, and New Measure A – Road Maintenance (Fund 2026) funds. FY2012/13 is the fourth year the City is receiving the New Measure A funds. The agreement authorizes the City to receive and expend funds in accordance with the STA's approved anticipated expenditures. On August 23, 2012, the STA Board approved the agreement language and authorized the STA Executive Director to sign the agreement.

The Memorandum of Understanding governs ongoing annual programs for which New Measure A revenues are allocated throughout the year as STA receives them from the State Board of Equalization. The Memorandum of Understanding is to ensure that New Measure A funds are expended exclusively on eligible program activities.

Since the capital projects identified in the Measure are large projects that require funding up front, prior to receipt of sales taxes, the Sacramento Transportation Authority (STA) Board of Directors agreed to issue bonds to advance the construction of these larger facilities. The latest bond issuance included continued funding for the Intermodal Transportation Facility and for the Cosumnes River Boulevard Extension.

The $19.76 million in Measure A funds included for the Intermodal Transportation Facility Project (T15029000) will provide funding toward the Sacramento Valley Station, and is a large part of the required match for the $15 million federal TIGER IV grant.

The $10.204 million for the Cosumnes River Boulevard Extension Project (T15018000) is a critical piece of funding toward the project, which is scheduled to advertise for construction in the next few months. Due to some funding changes and refinement of scope, the mix of funding has changed since adoption of the FY2012/13 CIP. The current budget for T15018000 needs to be revised as follows:

Fund #	Fund Description	(a) Budget through 6/30/12	(b) New funding approved in adopted FY2012/13 CIP	(c) Change in FY13 funding and FY2012/13 CIP	Total (a + b + c) amended FY2012/13 CIP Budget
2001	Sacramento Transportation Sales Tax (Old Measure A) CIP	$3,101,573			$3,101,573
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Total		**$12,862,630**	**$84,115,960**	**($1,670,000)**	**$95,318,590**

Back to Table of Contents

RESOLUTION NO.

Adopted by the Sacramento City Council

AMENDING THE FY2012/13 CAPITAL IMPROVEMENT PROGRAM FOR THE SACRAMENTO INTERMODAL TRANSPORTATION FACILITY PROJECT AND COSUMNES RIVER BOULEVARD EXTENSION PROJECT AND AUTHORIZING EXECUTION OF THE FY2012/13 MEMORANDUM OF UNDERSTANDING FOR MEASURE A ONGOING ANNUAL PROGRAMS AND NEW MEASURE A CAPITAL PROJECT ALLOCATION AND EXPENDITURE CONTRACT

BACKGROUND

A. The City is required to enter into an annual memorandum of understanding (MOU) with Sacramento Transportation Authority (STA) in order to receive and expend New Measure A - Construction (Fund 2025) and New Measure A - Maintenance (Fund 2026) funds.

B. The City is required to enter into an agreement with STA in order to receive New Measure A Construction funds (Fund 2023). This contract provides funding for the Intermodal Transportation Facility Project (T15029000) and the Cosumnes River Boulevard Extension Project (T15018000).

C. These agreements authorize the City to receive and expend funds on eligible activities.

D. On August 23, 2012, the STA Board approved the agreements and authorized the STA Executive Director to sign the agreements.

E. Funding for ongoing programs was incorporated into the FY2012/13 Capital Improvement Program (CIP). Additional budgetary actions are needed for the construction projects.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The FY2012/13 CIP is amended by adding $9,760,000 (Fund 2023) in New Measure A Construction funds to the Sacramento Intermodal Transportation Facility Project (T15029000).

Section 2. The FY2012/13 Capital Improvement Program budget for the Cosumnes Blvd. Ext. Interchange (T15018000) is corrected to reflect by the following:

Fund #	Fund Description	(a) Budget through 6/30/12	(b) New funding approved in adopted FY2012/13 CIP	(c) Change in FY13 funding and FY2012/13 CIP	Total (a + b + c) amended FY2012/13 CIP Budget
2001	Sacramento Transportation Sales Tax (Old Measure A) CIP	$3,101,573			$3,101,573
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Total		**$12,862,630**	**$84,115,960**	**($1,670,000)**	**$95,318,590**

Section 3. The City Manager is authorized to execute the FY2012/13 Memorandum of Understanding for Measure A Ongoing Annual Programs.

Section 4. The City Manager is authorized to execute the Agreement for the New Measure A Capital Project and Expenditure Plan.

Back to Table of Contents

SACRAMENTO TRANSPORTATION AUTHORITY
MEMORANDUM OF UNDERSTANDING

MEASURE A
ON-GOING ANNUAL PROGRAMS

This Memorandum of Understanding is made as of August 23, 2012 by and between the ***Sacramento Transportation Authority***, a local transportation authority formed pursuant to the provisions of Public Utilities Code 180000 et seq., hereinafter called "Authority", and the ***City of Sacramento***, hereinafter called "Entity."

THE PARTIES AGREE AS FOLLOWS:

1. Purpose. The purpose of this Memorandum of Understanding (MOU) is to provide for the allocation by the Authority of sales tax revenue for On-going Annual Programs and the expenditure thereof by Entity.

2. Definitions. Unless the context otherwise requires, as used in this MOU, the following terms shall have the following meanings:

   a. "Act" means the Local Transportation Authority and Improvement Act set forth in the provisions of the Public Utilities Code commencing with Section 180000.

   b. "Board" means the Governing Board of the Sacramento Transportation Authority.

   c. "On-going Annual Programs" means the following programs established by New Measure A as defined in Attachment A to this MOU:
      - City Street and County Road Maintenance
      - Traffic Control and Safety Program
      - Safety, Streetscaping, Pedestrian and Bicycle Facilities

   d. "Distribution Factor" means the percentage of Formula-Based program revenue to be allocated to Entity, set by the Board on an annual basis based on the Ordinance requirement that funding to the County and cities for On-going Annual Programs be distributed based 75% on relative population and 25% on total maintained street/road mileage.

   e. "Measure A" or "New Measure A" or "Ordinance" means Sacramento Transportation Authority Ordinance No. STA 04-01.

3. Revenue Allocations. The amount of revenue allocated to Entity for each of the On-going Annual Programs shall be determined annually by the Board based on gross Measure A revenue projections, requirements of the Ordinance, and, where applicable, the Distribution Factor. Gross Measure A revenues for FY 2012-13 are estimated to be **$98,087,447**.

   In the event that STA subsequently concludes that total revenues for On-going Annual Programs in any fiscal year are likely to be less than originally estimated, STA shall give notice to Entity of the expected change. Entity will be required to adjust its annual expenditures for On-going Annual Programs accordingly.

4. Disbursements. Allocations for On-going Annual Programs shall be disbursed as funds are received from the State (currently monthly).

5. Entity Obligations.

   a. Allocations for each On-going Annual Program shall be expended by Entity only for purposes that are consistent with the Definitions of Eligible Expenditures set forth in Attachment B.

   b. Entity shall keep a separate account for each On-going Annual Program. Interest earned on unexpended funds in each account shall be retained in the account and expended only on qualified expenditures for that Program.

   c. The use and expenditure of Measure A sales tax revenue by Entity shall be in full compliance with the provisions of the Act, the Ordinance, applicable resolutions of the Board, this MOU, and all other applicable contractual and legal requirements.

   d. Entity shall file a pavement and bridge maintenance system report on a biennial basis with the Authority regarding progress in maintaining local streets and roads.

   e. Entity shall file with the Authority an annually updated five-year program for use of the funds.

6. Entity Certifications

   a. Maintenance of Effort. Entity certifies that it is currently in compliance, and will remain in compliance throughout the term of this Contract, with the maintenance of effort requirements set forth in the Ordinance:

      i. Entity shall continue to make local (non-federal, non-state, non-Measure A) transportation expenditures consistent with baseline performance standards adopted by the STA Governing Board.

ii. Entity shall continue to impose its local (non-SCTMFP) transportation mitigation fees at rates that are not less than the local transportation mitigation fees imposed by Entity during Fiscal Year 2008-2009 unless supported by a Fee Study adopted by the City Council.

b. Sacramento Countywide Transportation Mitigation Fee Program (SCTMFP). Entity certifies that it is implementing the SCTMFP in accordance with STA Resolution STA-06-0006 and the SCTMFP Agreement on Operating Protocols.

7. Reporting. Within 30 days after each calendar quarter, Entity shall submit quarterly status reports in approved STA format for each On-going Annual Program for which Entity receives funding. Reports shall include:

- Amount of funds received
- Amount of funds expended
- Specific listing of expenditures made, including type of expenditure, quantity of work accomplished, and location of work accomplished, if applicable

8. Audits. Annual audits of the Measure A program will be performed by an independent auditor and reviewed by the Independent Taxpayer Oversight Committee (ITOC). As part of that audit, Entity expenditures will also be audited. Expenditures found to be in noncompliance with this MOU shall be disqualified and may be withheld from future payments.

9. Designation of Measure A Manager. Entity shall designate a Measure A program manager who shall be the responsible representative of Entity to Authority staff in connection with administration of this MOU.

10. Signs. At each specific *capital* project site, Entity shall post reflective signage stating that the project is funded with Measure A funds. The signs shall be substantially similar to that depicted in Attachment A.

11. Indemnity and Hold Harmless. Entity shall indemnify and save harmless the Sacramento Transportation Authority, its officers, employees, and agents, and each and every one of them, from and against all actions, damages, costs, liability, claims, losses, and expenses of every type and description to which any or all of them may be subjected, by reason of or resulting from, directly or indirectly, the performance of this MOU by Entity whether or not caused in part by passive negligence of a party indemnified hereunder. The foregoing shall include, but not be limited to, any attorney fees reasonably incurred by Authority.

The parties promise and agree to abide by the terms of this Memorandum of Understanding as set forth above.

SACRAMENTO TRANSPORTATION AUTHORITY

By _____

Dated: AUG 2 8 2012

CITY OF SACRAMENTO

By: _____
(Authorized Officer)

_____
(Officer's Printed Name)

Jerry Way
Director of Public Works

_____
(Officer's Title)

Attachment A: Public informational sign template
Attachment B: Definitions of Eligible Expenditures

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Attachment A — Sample Measure A Project Sign

ATTACHMENT B

Measure A Expenditure Categories
DEFINITIONS OF ELIGIBLE EXPENDITURES

Adopted March 8, 2007

City Street and County Road Maintenance Program

The preservation and keeping of public street and road rights-of-way and each type of structure, safety device, planting, illumination equipment and associated facilities in the safe and useable condition to which it has been constructed or improved. Upgrades to appurtenances such as bicycle lanes, curbs, gutters, and sidewalks to currently accepted community standards may be performed in association with the repair of public streets and roads.

Includes roadway reconstruction, patching, repairing, surface treating, joint filling, scarifying, reshaping, and restoring material losses; cleaning, painting, and repairing bridges and structures (including those reserved for the exclusive use of non-motorized transportation); pavement sweeping; repainting of pavements, striping, and markings to equivalent standards; patching operations including base restoration; applying dust palliatives; jacking concrete pavements; resealing street or road shoulders and side street and road approaches; reshaping of drainage channels and side slopes; restoration of erosion controls; cleaning culverts and drains; removing slides and restoring facilities damaged by slides; routine landscape maintenance; replacing top soil, sod, plantings, and irrigation facilities on street and roadside; repairing curb, gutter, sidewalk, rip-rap, culverts, and drains; repainting, repairing, and servicing of signs, guardrails, traffic signals, lighting standards, and associated traffic control and safety devices; furnishing power for street and road lighting and traffic control devices.

Associated Measure A revenues are distributed annually to the County and to the Cities of Citrus Heights, Elk Grove, Folsom, Rancho Cordova, and Sacramento: 75% according to relative population and 25% according to relative street and road mileage within each jurisdiction. The data source for relative population is the annual population estimates for cities and counties published by the California Dept. of Finance. Relative street and road mileage is determined by the cumulative number of lanes miles on the city or County street/road system as reported annually by each affected local entity.

Local Arterial Program

The construction, improvement and/or upgrading of specified arterial streets and roads into multi-modal transportation corridors consistent with contemporary urban design standards to facilitate the safe and efficient movement of high volumes of local and sub-regional motor vehicle, bicycle, and pedestrian traffic.

Includes environmental review and mitigation, engineering, design, inspection, and construction; acquisition of rights-of-way or other property interests; installation, improvement, or upgrades to associated traffic signs and traffic signals, medians, landscaping, incidental drainage, bicycle lanes or pathways, curbs, gutters, and sidewalks; labor, paving, materials and supplies for the construction of specified arterials (including new structures) and for the addition of lanes to or other expansion, upgrading, reconstruction, and implementation of operational improvements of specified arterial streets and roads.

Traffic Control & Safety Program
The installation or implementation of physical features and operational programs to improve the operation and safety of the local street and road network for motor vehicles, bicycles, pedestrians, and persons with disabilities. Such improvements may involve an expansion of vehicle capacity at intersections.

Includes assessment and evaluation of operational deficiencies, needs, and opportunities; environmental review and mitigation, engineering, design, and inspection; acquisition of rights-of-way or other property interests; improved traffic signage, traffic signals, pavement markings, and incidental drainage; implementation, upgrade, expansion, and operation of an integrated traffic signal and control system; traffic channelization; Transportation Systems Management (TSM) including planning, design, implementation, outreach, and evaluation measures to promote efficient and effective use of the transportation system by all users regardless of travel mode.

Associated Measure A revenues are distributed annually to the County and to the Cities of Citrus Heights, Elk Grove, Folsom, Rancho Cordova, and Sacramento: 75% according to relative population and 25% according to relative street and road mileage within each jurisdiction.

Transit Operations, Maintenance, & Safety
The operation and maintenance of the existing Sacramento Regional Transit District (District) bus, shuttle, and light rail system and new transit capital specified in the Expenditure Plan as authorized to be conducted by Chapter 5 (commencing with Section 102200) of Part 14, Division 10 of the California Public Utilities Code.

Includes routine maintenance of bus, shuttle, and rail vehicles; purchase of associated parts, equipment, materials, and fuel; labor to maintain and operate the transit fleet and to administer the District; reconstruction or replacement of transit vehicles consistent with lifecycle use; repair and maintenance of fixed assets including light rail tracks and rail bed, overhead catenary, structures, buildings, and transit stations and stops; furnishing power for light rail system and transit stops.

Rail Transit Improvements
The construction, extension, improvement, and/or upgrading of specified Sacramento Regional Transit District (District) light rail transit corridors, and the improvement and/or upgrading of the Capitol Corridor regional rail segment within Sacramento County to facilitate improved commuter rail service, as consistent with Chapter 5 (commencing with Section 102200) of Part 14, Division 10 of the California Public Utilities Code.

Includes planning, environmental review and mitigation, engineering, design, and inspection; acquisition of rights-of-way or other property interests; construction, installation, improvement, or upgrades to trackage, overhead catenary, associated signs and signals, buildings, structures, and stations; purchase of rail vehicles and associated equipment; labor, materials, and supplies for the construction of specified rail transit corridors and associated stations (including new structures) and for the addition of track or other expansion, upgrading, reconstruction, and implementation of operational improvements in specified rail transit corridors.

Neighborhood Shuttle System
A competitive grant program among local public transit providers to promote the development or expansion of shuttle routes in residential and commercial areas that have no—or infrequent—transit service. The objective is to connect neighborhoods to the light rail system and to bus routes on major arterials.

Eligibilities, schedules, and grant application procedures are set forth in a separate guidelines document (pending).

Senior & Disabled Transportation Services
The provision by the Consolidated Transportation Services Agency (CTSA) of Sacramento County—per Chapter 5, Section 15975(a) of Part 13, Division 3 of the California Government Code—of specialized public transportation operations for seniors and persons with disabilities.

Includes acquisition, reconstruction, and replacement of specialized transit vehicles and associated equipment; construction of buildings and structures or other improvements; purchase of associated parts, equipment, materials, and fuel; routine maintenance of specialized transit vehicles and associated assets; labor to maintain and operate the vehicle fleet, real property or other property interests, and to administer the CTSA.

Regional Bus/Carpool Connectors/Extensions
The provision by Caltrans of enhanced vehicle capacity on specified segments of the State highway system and the improvement of specified freeway connection ramps for exclusive use by buses, carpools, and other eligible vehicles.

Includes environmental review and mitigation, engineering, design, inspection, project management, and construction; acquisition of rights-of-way or other property interests; installation, improvement, or upgrades to associated access/egress ramps, traffic signage, medians, and landscaping; labor, paving, materials and supplies for the construction of specified projects (including new structures) and/or for the addition of lanes to or other expansion, upgrading, reconstruction, and implementation of operational improvements on specified freeway segments and interchanges.

Local Freeway Interchange Congestion Relief Upgrades
The construction, improvement, or upgrading of specified interchanges to mitigate traffic congestion on the effected local arterial and associated State highway. Arterial-freeway interchange improvements will be implemented by the local jurisdiction in which the project is located. Freeway-freeway interchange improvements will be implemented by Caltrans.

Includes environmental review and mitigation, engineering, design, inspection, and construction; acquisition of rights-of-way or other property interests; installation, improvement, or upgrades to associated traffic signs, traffic signals, pavement markings, medians, landscaping, bicycle lanes or pathways, curbs, gutters, sidewalks, and drainage; labor, paving, materials and supplies for the construction of specified interchanges (including new structures) and for the addition of lanes to or other expansion, upgrading, reconstruction, and implementation of operational improvements of specified arterial streets and roads. Improvements to arterial/freeway interchanges should permit bicyclists and pedestrians to safely and efficiently traverse the effected freeway segment.

Safety, Streetscaping, Pedestrian and Bicycle Facilities

The construction, improvement, and/or upgrading of transportation facilities and corridors to provide bicyclists, pedestrians, and persons with disabilities safe and efficient travel routes and to improve the aesthetics of local streets and roads. One million dollars per year will be expended exclusively for maintenance, operations, and improvements to the paved bikeway network within the portion of the American River Parkway managed by the Sacramento County Department of Regional Parks.

Includes environmental review and mitigation, engineering, design, inspection, and construction; acquisition of rights-of-way or other property interests; installation, improvement, or upgrades to traffic signs and traffic signals, landscaping, bicycle lanes or pathways, curbs, gutters, and sidewalks; barrier and hazard removal; labor, materials and supplies for the construction or reconstruction of bikeways and sidewalks (including new structures) and for other expansion, upgrading, reconstruction, and implementation of operational improvements to facilitate bicycle and pedestrian travel and improved streetscapes.

Associated Measure A revenues (with the exception of the $1 million allocated annually to the Sacramento County Department of Regional Parks for maintenance, operations, and improvements to the bikeway network in the American River Parkway) are distributed annually to the County and to the Cities of Citrus Heights, Elk Grove, Folsom, Rancho Cordova, and Sacramento: 75% according to relative population and 25% according to relative street and road mileage within each jurisdiction.

Transportation-Related Air Quality Program

The development, implementation and evaluation by the Sacramento Metropolitan Air Quality Management District of projects and programs to mitigate the regional impacts of motor vehicle emissions.

Includes air quality monitoring; public relations and information; programs to accelerate the retirement or replacement of older, high-polluting motor vehicle engines; programs to accelerate the dissemination of new, cleaner engine technologies; other programs demonstrated to effectively contribute to reduced vehicle emissions.

Smart Growth Incentive Program

A competitive grant program among local public agencies to facilitate land use planning and development/redevelopment projects that promote pedestrian, bicycle, and transit travel and a reduced reliance on personal automobiles. This program will be funded exclusively via the Countywide development fee component of Measure A. At least $5 million will be expended exclusively for environmental mitigation associated with construction of the I-5/SR99/SR50 connector road.

Eligibilities, schedules, and grant application procedures are set forth in a separate guidelines document (pending).

Transportation Project Environmental Mitigation Program
The development and implementation of projects and programs to mitigate some of the anticipated environmental consequences of constructing and operating the capital projects set forth in the Measure A expenditure plan. This program will be funded exclusively via the Countywide development fee component of Measure A.

Includes purchase of open space, significant natural habitat, and property easements; construction of replacement or alternative natural habitat; stormwater runoff abatement and erosion controls; other programs demonstrated to effectively mitigate the environmental impacts of constructing and operating the capital projects set forth in the Measure A expenditure plan. At least $5 million will be expended exclusively for environmental mitigation associated with construction of the I-5/SR99/SR50 connector road.

Eligibilities, schedules, and grant application procedures are set forth in a separate guidelines document (pending).

Program Administration
Overall management and oversight of the Measure A sales tax program.

Includes employment of administrative and clerical staff; contracting for specialized services of a limited-term; acquisition and/or lease, maintenance, and operations of office space, office equipment, materials, and supplies; operation of an Independent Taxpayer Oversight Committee (ITOC); other such administrative and planning activities as deemed necessary and appropriate by the Governing Board.

Back to Table of Contents

SACRAMENTO TRANSPORTATION AUTHORITY
NEW MEASURE A
CAPITAL PROJECT ALLOCATION AND EXPENDITURE CONTRACT

DOWNTOWN INTERMODAL STATION
COSUMNES RIVER BLVD EXTENSION W/ I-5 INTERCHANGE

This Contract is made as of August 23, 2012 by and between the ***Sacramento Transportation Authority***, a local transportation authority formed pursuant to the provisions of Public Utilities Code 180000 et seq., hereinafter called "Authority," and the ***City of Sacramento***, hereinafter called "Entity."

THE PARTIES AGREE AS FOLLOWS:

1. Purpose. The purpose of this Contract is to provide for the transfer by the Authority to Entity of sales tax revenue and/or transportation mitigation fee revenue (including both current revenues and proceeds of Authority financings) for the Capital Projects described in Section 2, and to set forth Entity's obligations with respect to the expenditure thereof.

2. Description of Capital Project. The Capital Projects funded by this Contract is:

   Right-of-way acquisition, project design, environmental clearance, and construction to ***relocate the inter-city rail tracks, construct new passenger platforms, and restore the historic train station at 5th & I Streets in downtown Sacramento into an intermodal passenger transfer facility***, and to integrate the facility with planned adjacent development.

   Right-of-way acquisition and construction of an ***extension of Cosumnes River Boulevard*** from its current terminus at Franklin Boulevard west over Morrison Creek, the UPRR mainline, and Interstate 5 to Freeport Boulevard. The project includes a ***new interchange at Interstate 5.***

3. Definitions. Unless the context otherwise requires, as used in this Contract, the following terms shall have the following meanings:

   a. "Act" means the Local Transportation Authority and Improvement Act set forth in the provisions of the Public Utilities Code commencing with Section 180000.

   b. "Board" means the Governing Board of the Sacramento Transportation Authority"

   c. "Measure A" or "New Measure A" or "Ordinance" means Sacramento Transportation Authority Ordinance No. STA 04-01.

4. Amount of Allocation and Period of Expenditure. The 2012 Measure A capital allocation worksheet provides the maximum sum of $29,964,000 for expenditure on the Capital Projects during FYs 2013 and 2014. Said sum shall be expended by Entity prior to June 30, 2015. No additional funds will be provided under this contract.

5. Compliance. The use and expenditure of sales tax revenue and transportation mitigation fee revenue by Entity shall be in full compliance with the provisions of the Act, the Ordinance, applicable resolutions of the Board, this Contract, and all other applicable contractual and legal requirements.

6. Entity Certifications

   a. Maintenance of Effort. Entity certifies that it is currently in compliance with, and will remain in compliance throughout the term of this Contract with, the maintenance of effort requirements set forth in the Ordinance:

      i. Entity shall not reduce the amount of its non-federal, non-state, non-Measure A transportation expenditure while receiving sales tax revenue.

      ii. Entity shall continue to impose its non-SCTMFP transportation mitigation fees at rates that are not less than the non-SCTMFP transportation mitigation fees imposed by Entity during Fiscal Year 2008-09 unless supported by an engineering-based fee study approved by the City Council.

   b. Sacramento Countywide Transportation Mitigation Fee Program (SCTMFP). Entity certifies that it is implementing the SCTMFP in accordance with STA Resolution STA-06-0006 and related guidelines adopted by the Board.

   c. Routine Accommodations of Bicycles and Pedestrians. Entity certifies that the Capital Projects' design provides for routine accommodation of bicycles and pedestrians.

   d. Additional Certifications. Additional certifications applicable to this Contract are:

      NONE

7. Disbursement of Revenues.

   a. Disbursements of revenue pursuant to this Contract shall be made on a reimbursement basis. If Entity demonstrates a need for advance payments, the STA Executive Director may advance up to 10% of the total allocation after Entity commences work and begins incurring project expenses.

   b. Claims for payment shall be submitted no more often than monthly.

   c. All claims shall be approved by Entity's Project Manager prior to submission to Authority.

8. Reporting.

   a. Entity shall submit quarterly status reports in approved STA format. Information in the status report shall include:
      - Total anticipated project cost
      - Amount funded to date
      - Expenditures by quarter
      - Project status

   b. Quarterly status reports will be due to the Senior Accountant 30 days after the end of each calendar quarter.

9. Audits.

   a. STA staff will review progress payment claims on a selected basis.

   b. Annual audits of the STA, as a whole, will be performed by an independent auditor and reviewed by the Independent Taxpayer Oversight Committee (ITOC). As part of that audit, Entity expenditures will also be audited.

   c. Claims found to have inadequate supporting documentation may be denied by the STA Executive Director. Funds spent for any expenditures found to be in noncompliance with this Contract may be withheld from future payments. The Board shall reallocate any funds so withheld for other Measure A capital projects.

10. Cost Variations. In the event the actual Measure A cost of the Capital Project is less than the allocation, the excess funds shall be returned to the Authority for reallocation in accordance with the Ordinance. First preference for reallocation shall be other Measure A capital projects being managed by Entity.

11. Designation of Project Manager. Entity shall designate a Project Manager who shall be the responsible representative of Entity to Authority staff in connection with administration of this Contract.

12. Signs. Entity shall post reflective signs at the Capital Project site stating the project is funded with Measure A funds. The signs shall be substantially similar to the sample depicted in Attachment A.

13. Indemnity and Hold Harmless. Entity shall indemnify and save harmless the Sacramento Transportation Authority, its officers, employees, and agents, and each and every one of them, from and against all actions, damages, costs, liability, claims, losses, and expenses of every type and description to which any or all of them may be subjected, by reason of or resulting from, directly or indirectly, the performance of this Contract by Entity whether or not caused in part by passive negligence of a party indemnified hereunder. The foregoing shall include, but not be limited to, any attorney fees reasonably incurred by Authority.

The parties promise and agree to abide by the terms of this Contract as set forth above.

SACRAMENTO TRANSPORTATION AUTHORITY

By _____
AUG 29 2012
Dated: _____

CITY OF SACRAMENTO

By: _____
(Authorized Officer's Signature)

_____
(Officer's Printed Name)

_____ Jerry Way
(Officer's Title) Director of Public Works

APPROVED AS TO FORM:
CITY ATTORNEY

Attachment A — Sample Measure A Project Sign

Smaller blue sign is optional and may be used by the local jurisdiction to provide additional information (i.e., website address)

Signs are approximately 10'x3.5' on highways and 5'x1.75' minimum for local projects (mounted on 4"x4" or 4"x6" wood posts as appropriate to accommodate total sign area)

Other categories may include:
- Intermodal Station