

BICYCLE & PEDESTRIAN ADVISORY COMMITTEE

Wednesday, April 13, 2011

**BPAC WORKSHOP MEETING WILL IMMEDIATELY FOLLOW THE
ADJOURNMENT OF THE BPAC REGULAR MEETING**

VTA Auditorium
3331 North First Street
San Jose, CA

WORKSHOP AGENDA

CALL TO ORDER

1. ROLL CALL

2. PUBLIC PRESENTATIONS:

This portion of the agenda is reserved for persons desiring to address the Committee on any matter not on the agenda. Speakers are **limited to 2 minutes**. The law does not permit Committee action or extended discussion on any item not on the agenda except under special circumstances. If Committee action is requested, the matter can be placed on a subsequent agenda. All statements that require a response will be referred to staff for reply in writing.

3. INFORMATION ITEM - Receive a report on the existing BEP Policies and Project List Development Procedures.

4. ANNOUNCEMENTS

5. ADJOURN

In compliance with the Americans with Disabilities Act (ADA), those requiring accommodations or accessible media for this meeting should notify the Board Secretary's Office 48 hours prior to the meeting at (408) 321-5680 or e-mail: board.secretary@vta.org, TDD (408) 321-2330. VTA's Homepage is located on the Web at: <http://www.vta.org/>.

All reports for items on the open meeting agenda are available for review in the Board Secretary's Office, 3331 North First Street, San Jose, California, (408) 321-5680, the Monday, Tuesday, and Wednesday prior to the meeting. This information is available on VTA's website at <http://www.vta.org/> and also at the meeting.



Date: March 31, 2011
 Current Meeting: April 13, 2011
 Board Meeting: N/A

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
 Bicycle & Pedestrian Advisory Committee

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: VTP 2040: Background Information on BEP Policies and Project List
 Development Procedures

FOR INFORMATION ONLY

BACKGROUND:

The Bicycle Expenditure Program (BEP) is the funding mechanism for planned bicycle projects in Santa Clara County. It is the bicycle element of the Valley Transportation Plan (VTP), Santa Clara County's Long Range Transportation Plan. The current VTP update, VTP 2040, is scheduled for adoption by the Board in early 2013.

The BEP is governed by a set of policies adopted by the VTA Board of Directors. The first BEP was adopted in 2000 with a 10-year funding horizon. Subsequently it was expanded to have a 30-year planning horizon to coincide with the VTP. In 2004, the policies that guide the BEP program were updated to clarify and document the procedures for a project being accepted into the BEP Program and to incorporate MTC's Regional Bicycle Program funding. These policies are still in effect today and are presented in Attachment A. On January 8, 2009 the Board adopted a revised set of Evaluation Criteria to be used when scoring potential projects to be included the BEP. These are presented in Attachment B. The current BEP list was adopted in June 2009 and currently has 81 projects. The status of these projects was presented to the committee at its February 2011 meeting.

DISCUSSION:

The BPAC is asked to review the current policies and procedures related to the development of the BEP list. Staff will return to the BPAC in a few months to formally ask the BPAC to either accept these existing policies for use in developing the VTP 2040 BEP list, or to ask for revisions to one or more of these policies. The approximate timeline for BPAC agenda items is:

- **April 2011: BPAC** - Information Item: Introduction to existing BEP Policies and Procedures and funding sources.
- **July 2011: BPAC / TAC** - Information Item: Draft unconstrained project list and discussion of revisions to the BEP policies and procedures.
- **September 2011: BPAC/ TAC /CMPP** - Action Item: Revisions to the BEP policies and procedures.
- **Late 2011: BPAC/ TAC** - Information Item: Call for Projects results and Draft BEP Project List.
- **Spring 2012: BPAC / TAC** - Information Item: Status of BEP scoring and other issues.
- **Fall 2012: BPAC /TAC / CMPP / Board** - Action Item: Final BEP Project list.

The BEP is governed by Board-adopted policies for both the VTP and BEP which address four main areas:

1. Project list development
2. Project evaluation and scoring
3. BEP funding sources and amounts
4. BEP programming procedures

1. Project List Development

The project list is developed by first issuing a Call-For-Projects to all Member Agencies. The Call-For-Projects asks project sponsors (cities or County or VTA) for the name of the project, a brief description, the project limits, the proposed timeframe, the plans that include the project and the funding amount requested. Members of the public are also encouraged to submit projects provided several criteria are met. In addition, VTA staff contacts the project sponsor for each project on the existing BEP list to determine which projects are completed, in progress or have not begun, and which projects are fully funded or which need additional funding. This process results in a master list of projects that are in two categories: 1) carry over projects that do not need to be scored and 2) old and new projects submitted by local jurisdictions that are scored as described below. Completed projects are removed from the list.

2. Project Evaluation and Scoring

As mentioned in Background, the scoring criteria have changed since 2000; the last revision was in January 2009 for VTP 2035. The Scoring Committee applies the Board-adopted Scoring/Evaluation Criteria to the list of projects developed under No. 1 above. The Scoring Committee is typically composed of BPAC members, Member Agency staff nominated by the TAC, and VTA staff. The number of projects that can be included in the official BEP list is constrained by the amount of funds available (see No. 3 below).

3. Funding Sources and Amounts

In 2000, when the BEP first was created, there was a set-aside of \$12 million from the Santa Clara County half-cent sales tax Measure B Program. There was also a one-time infusion of federal dollars, as well as annual infusions from the State Transportation Development Act (TDA) Article 3 funding and Bay Area Air Quality Management District's Transportation Fund for Clean Air (TFCA) program. Today, BEP funding comes from the latter two funding sources as well as from MTC's Regional Bicycle Program, which comes from federal transportation funds.

The VTP contains an estimate of the total amount from each of these sources over the next 30 years and this amount is used to constrain the project list. The BEP amount for VTP 2035 was \$165 million for the 30 year time frame. In practice, these funds are allocated to projects in much smaller increments as the money becomes available. The timing and amount by funding source is described below. A more detailed description of each funding source is presented in Attachment C.

State Transportation Development Act (TDA) Article 3

- Program Administrator: VTA - Specific projects are selected based on the project selection policies set by each CMA (see Attachment C for VTA policies)
- Source: State sales tax earmarked for the Local Transportation Fund, which is returned to the county where collected; 2% of this is reserved for bicycle and pedestrian projects and is referred to as *TDA Article 3*.
- Timing and Amount: Annually Santa Clara County receives approximately \$1.5 million in TDA Article 3 funds. For the past ten years, 30 % was set aside for the BEP program and the remainder is allocated directly to cities. Beginning FY 11/12, the BEP amount is to be reduced to 25%. Beginning FY 10/11, \$150,000 in TDA funds was allocated to the County Expressway Pedestrian Fund, and an equivalent amount was transferred into the BEP in CMAQ dollars
- Funding Administrator Requirements: MTC requires that all projects be approved by a local and County BAC and be in "one or more of the following: a detailed bicycle circulation element or plan included in a general plan or an adopted comprehensive bikeway plan".

Transportation Funds for Clean Air (TFCA) County Program Managers Fund (aka 40% Fund)

- Program Administrator: VTA - Specific projects are selected based on the project selection policies set by each CMA
- Source: \$4 surcharge on vehicle registrations collected by the Bay Area Air Quality Management District
- Timing and Amount: Annually Santa Clara County receives about \$2,000,000. For the first 9 years of the BEP, 50 % was set aside for the BEP and the remainder

was competitively distributed to local agencies. Beginning FY 10/11, the BEP amount was reduced to 25%.

- Funding Administrator Requirements: Individual projects must achieve a *TFCA cost-effectiveness* equal to or less than \$90,000 of TFCA funds per ton of total of emissions reduced. Cost-effectiveness is based on the ratio of TFCA funds awarded divided by the sum total tons of reactive organic gases (ROG), oxides of nitrogen (NO_x), and weighted particulate matter 10 microns in diameter and smaller (PM₁₀) reduced (\$/ton).

MTC Regional Bike Program

- Program Administrator: VTA - Specific projects are selected based on the project selection policies set by each CMA
- Source: Historically from the Congestion Mitigation and Air Quality (CMAQ) program of the Federal transportation bill administered by MTC. (The last legislation was SAFETEA-LU; it is currently awaiting reauthorization.)
- Timing and Amount: Approximately every 2 years; in the last cycle, Santa Clara County received \$4.6 million.
- Funding Administrator Requirements:
 - MTC: Varies from year to year; in the last cycle, projects were to be part of the regional bikeway network.
 - MTC: Minimum allocation amount \$500,000 with special exemption of \$250,000 for our two smallest cities.
 - Federal: Local match of 11.47% required at every phase of the project.

4. BEP Programming Procedures

Programming BEP funding follows the same procedures that VTA uses for all funding. Staff uses a scoring committee to evaluate projects for competitive funds. Staff then makes a recommendation to the Board, which is first taken to the advisory committees and the Congestion Management Programming and Planning (CMPP) Standing Committee. The Board resolution is passed on to the administrator of that funding program. Typically TDA is programmed at the June Board meeting and TFCA is programmed at the April Board meeting. CMAQ varies from cycle to cycle.

Attachment A describes the administrative details of the BEP. The main points of interest are:

- BEP projects are required to have at least a 20 % funding match. This is applied to the total project cost of all phases of project development. For example a project whose total cost for the feasibility study, environmental clearance, right of way, design plus construction is \$500,000 could receive no more than \$400,000 from the BEP over the life of the project. The \$400,000 could be applied to only one phase or spread out

among two or more phases. It also could be programmed over several fiscal years and more than one funding source.

- The BEP policies contain other programming procedures pertaining to cost increases, VTP updates and other administrative issues.

Prepared By: Michelle DeRobertis
Memo No. 2930

Attachment C
BICYCLE EXPENDITURE PROGRAM FUNDING
As of Winter, 2011

Transportation Development Act (TDA) Article 3 (25% BEP set-aside)

Program Description: In 1971, the Transportation Development Act was passed (SB 325), establishing the Local Transportation Fund which is derived from a ¼ cent of the general sales tax collected statewide. This act provides that these revenues be returned to the county in which they were collected to be used for public and local transportation. (See Government Code §29530 and Public Utilities Code (PUC) § 99200-§ 99400) Furthermore, PUC §99233.3, commonly referred to as TDA Article 3, provides that two percent of these funds are to be used on “facilities for the exclusive use of pedestrians and bicycles”.

<http://www.dot.ca.gov/hq/MassTrans/State-TDA.html>

The Metropolitan Transportation Commission (MTC) has the authority to program the Local Transportation Funds to the nine Bay Area counties. Pursuant to MTC Resolution #0875, each year MTC requests that the Congestion Management Agency (CMA) in each of the nine Bay Area counties coordinate and submit their annual TDA Article 3 program funding priorities (i.e. a project list) for all the cities in their respective counties. VTA is the CMA for Santa Clara County and has coordinated and submitted countywide project lists for TDA Article 3 projects since VTA was created in 1995. MTC gives each county the discretion to develop a process for allocating the county funds within their respective County.

Typical Amount: The table below shows the historic amount of TDA funds coming into VTA for the past 5 years.

Year <i>/a/</i>	TDA Article 3 Estimate (2% of Local Transportation Fund)	Theoretical BEP amount available <i>/b/</i>	Actual BEP Amount Available <i>/c/</i>	Actual BEP Amount Claimed	Actual City Amount Claimed
2006/07	\$1,600,000	\$480,000	\$600,634	\$440,000	\$1,294,084
2007/08	\$1,640,736	\$492,220	\$547,989	\$587,000	\$1,088,668
2008/09	\$1,604,742	\$481,422	\$492,221	\$285,000	\$1,593,932
2009/10	\$1,233,607	\$370,082	\$988,144	\$988,144	\$2,102,165
2010/11	\$1,448,203	\$434,460	\$450,000/d/	\$450,000/d/	\$ 902,570

/a/ Year funds will be available.
/b/ 30% TDA Article 3 funds
/c/ See explanation below under programming process; adjusted for actual revenues, unused funds from the year before as well as rescinded funds.
/d/ \$150,000 of this \$450,000 is dedicated to the Pedestrian Expressway Fund in exchange for \$150,000 in CMAQ funds.

Attachment C
BICYCLE EXPENDITURE PROGRAM FUNDING
As of Winter, 2011

Programming process: Beginning in 2000, the VTA BOD divided the County's TDA Article 3 funds into two groups. A portion was set aside to help fund the BEP and the remaining was allocated directly to each of the 15 cities and the County. Collectively, these are Santa Clara County's TDA Article 3 priorities and are taken through the VTA committee process. The timeframe is as follows: typically a call for projects is issued in February, projects are selected in March and the project list goes to VTA Committees in May for approval by the BOD in June. The project list is then submitted to MTC.

The BEP set-aside was 30 % for 10 years, beginning with the FY 2001/02 cycle and will decrease to 25 % beginning with the FY 2011/12 cycle. Before the establishment of the BEP, the 30% set-aside for the BEP was a discretionary competitive program for Santa Clara County bicycle and pedestrian projects.

City/County TDA projects receive the remaining 70% (75% as of FY11/12) of the TDA Article 3 funds. It is a "guarantee fund" distributed based on residential population to the cities and the county. Cities and the county may use the funding for any pedestrian and bicycle project based on local priorities. MTC requires that:

1. Each local agency have a Bicycle Advisory Committee (BAC) to review and prioritize TDA Article 3 bicycle projects.
2. The project list developed by the City BACs is recommended to its City or Town Council.
3. The local agencies submit their lists to the Countywide Bicycle Advisory Committee.
4. The Countywide BACs forward all city project lists to the congestion management agency (CMA) for evaluation/prioritization.
5. In addition, the County BAC Committee will, at a minimum, be responsible for evaluating bicycle projects within the unincorporated portions of the county and setting a countywide prioritization list (based on city and county project lists) for annual TDA Article 3 allocations.
6. The CMA adopts the annual countywide list.
7. The CMA forwards the project list to MTC for approval.

TFCA 40% - Program Managers Fund (25% BEP set-aside)

Program Description: The Transportation Fund for Clean Air (TFCA) is generated by a \$4 surcharge on vehicle registrations. The Bay Area Air Quality Management District (BAAQMD) administers these funds in the nine-county Bay Area. Funds are available for allocation to many diverse transportation projects that reduce transportation-related vehicle emissions including bicycle and other trip-reduction projects, signal coordination, alternative fuel vehicles and shuttle buses. The maximum dollar amount available to a single project from this fund is based on the amount of pollution reduced by the project. Individual projects must achieve TFCA cost-

Attachment C
BICYCLE EXPENDITURE PROGRAM FUNDING
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effectiveness criterion of “equal to or less than \$90,000 of TFCA funds per ton of total of emissions reduced”. Cost-effectiveness is based on the ratio of TFCA funds awarded divided by the sum total tons of reactive organic gases (ROG), oxides of nitrogen (NOx), and weighted particulate matter 10 microns in diameter and smaller (PM10) reduced (\$/ton).

The BAAQMD divides the money into two groups: 1) 60 % is used to fund a regionwide competitive program which they administer called “TFCA Regional Fund” or the “TFCA 60% Fund”; and 2) 40% is used to fund “TFCA Program Manager Fund” or the “TFCA 40% Fund” and it is given to the county in which it was collected. VTA is Santa Clara County’s Program Manager. The VTA Board of Directors allocates these funds on a competitive basis to projects in Santa Clara County, subject to approval by BAAQMD.

Typical Amount: The table below shows the historic amount of TFCA funds coming into VTA for the past 7 years.

FY Year*	SCC Program Managers Fund	TFCA -BEP available*	TFCA-BEP programmed
2005/06	\$2,067,520	\$1,033,760	\$0***
2006/07	\$2,551,050	\$1,275,525	\$0***
2007/08	\$2,591,431	\$1,295,716	\$0***
2008/09	\$2,442,508	\$1,221,254	155,000
2009/10	\$2,205,472	\$1,102,736	\$687,500
2010/11	\$2,042,180	\$510,545	\$313,275
2011/12	\$2,195,176	\$548,794	\$214,450
*Year funds are available to Project Sponsor **See explanation below under programming process *** VTA and MTC swapped 3 years of TFCA funds for \$3.3 million of CMAQ funds.			

Programming Process: Beginning in 2000, the VTA BOD set aside a portion of the County’s TFCA Program Manager Fund for the BEP. The BEP set-aside was for up to 50% of each annual allocation for the first ten years, and was to be reduced to 25% in FY 10/11. The remainder was to continue to be used for a countywide competitive program which funds the full range of eligible projects including bike projects. Unlike TDA funds, TFCA 40% funds cannot be “banked” from year to year; therefore if less than the BEP amount is programmed to BEP bicycle projects in a given year, the remainder is programmed by VTA to other project types in the normal discretionary competitive process. In turn, if VTA does not use all its TFCA funds, the funds do not carry over to the following years. BAAQMD can award these fund to “eligible projects” of their determination (although they do make “reasonable effort to award these funds to eligible projects within the same county from which the funds originated”).

Attachment C
BICYCLE EXPENDITURE PROGRAM FUNDING
As of Winter, 2011

Regional Bicycle/Pedestrian Program (RBPP) and Regional Bicycle Program(RBP)

Program Description: In 2004, the Regional Bicycle and Pedestrian Program was created via MTC Resolution #3644 to fund the construction of the Regional Bicycle Network and regionally significant pedestrian projects. MTC committed a total of \$32 million for FY 2005/06 through FY 2008/09. from the Federal Congestion Mitigation and Air Quality (CMAQ) program. MTC sent 75% of this amount to the counties, and administered the remaining 25% as a regional competitive program.

Typical Amount: VTA's share for the four-year period from FY2005-2008 was \$5,952,752, an average of about \$3 million for each two-year cycle. In the most recent cycle, described below, the BEP received \$4,638,000.

Current Process: In 2009, MTC revised the program to be the Regional Bicycle Program to fund the Regional Bicycle Network identified in *Transportation 2035* (April 2009). MTC provided \$19.5 in CMAQ funds (from the New Act STP/CMAQ Cycle 1 Program) for the regional (9-county Bay Area) bicycle program of which VTA received \$4,638,000. VTA dedicates this entire amount to the BEP. VTA issued a Call for Projects in March 2010, of which only BEP projects were eligible. The projects were approved at the August 2010 BOD meeting for FY 11/12. Project Sponsors work with MTC to get funding agreements with Caltrans Local Assistance.

The next funding cycle is anticipated to be in either FY 12/13 or FY 13/14, assuming Congress reauthorizes or extends the federal transportation bill, anticipated by September 2011.

Attachment B

BEP Evaluation Criteria Adopted January 8, 2009		
Proposed New Criteria	Ranking and Description	Points
Eligibility Criteria: Regional or Countywide significance?	Is project in the 2008 Countywide Bicycle Plan? If not, explain its regional or countywide significance.	na
Eligibility Criteria: State and Federal Standards?	Will the project <u>meet or exceed</u> state and federal standards for bikeways, e.g. HDM Chapter 1000?	na
1. Gap Closure	Compare distance using nearest alternate route of similar type with distance with project. Score 1 point for each 0.25 additional distance up to a maximum of 20 pts.	0-20
2. Access to schools, regional transit**, lifeline transit** or to/within regional activity center***	High: Project is specifically designed to significantly improve access to a regional destination. Project will be within 1/2 mile in actual walking/biking distance from destination. <u>13-20 pts</u>	0-20
	Medium: Project will generally enhance access to a destination. Project will be within 1 mile in actual walking/biking distance from destination. <u>7-12 pts</u>	
	Low: Project improves upon limited existing access. Project will be beyond 1 mile in actual walking/biking distance from a regional destination. <u>0-6 pts</u>	
3. Safety	High: Project will address a demonstrated safety issue (e.g. collision statistics are high). Project will address safety concern with a proven or demonstrated countermeasure. Project will help bicyclists (i) cross a road with high ADT/high traffic speeds, and/or (ii) provide bicyclists a parallel route to a road with high ADT/high traffic speeds. <u>13-20 pts</u>	0-20pts
	Med: Project will improve a situation with some safety issues (e.g. some reported collisions, conflicts, near-misses, or evidence of high vehicle traffic volume or speed). Project will help bicyclists (i) cross a road with medium ADT/high traffic speeds, and/or (ii) provide bicyclists a parallel route to a road with medium ADT/medium traffic speeds. <u>7-12 pts</u>	
	Low: Project will generally improve safety, even though there are no known problems. Project will reduce exposure/risk of conflicts between motor-vehicles and bike/pedestrians. <u>0-6 pts</u>	
4A. Community / Grassroots Support	Is the project supported or sponsored by a grassroots or a Non-Government Organization (NGO) as expressed by letters of support or other signs, and/or is it in a Community of Concern? (<u>COC receives full 10 pts</u>).	0-10
4B. Local Agency Support and Planning	Is the project in a local, county or community-based plan, such as adopted Bicycle Plans, General Plans, Capital Improvement programs, Specific Plans, Park/Trail Master Plans, and/ or does it have the Local BAC endorsement?	0-10
5. Local Match / Project Readiness	High: Project can commit over 60% of the total project cost from non-BEP sources; <u>6 pts.</u>	0-6
	Med: Project can commit between 41-60% of total project cost from non-BEP sources. <u>4 pts.</u>	
	Low: Project can commit betw. 21% -40% of total project cost from non-BEP sources <u>2 pts.</u>	
6. Cooperation, Innovation	Demonstrates multi-jurisdictional cooperation****; project is innovative; has potential to be replicated elsewhere;	0-4
BONUS		
7. BTG	For Bike lane, bike path, bike bridge and /or shoulder projects, will the width meet the optimal widths of the BTG	0-5
8. BTG	Will the project be open for transportation purposes 24 hours a day?	0-5
TOTAL		100
<p>* Barriers include major arterials, freeways, major transit facilities, railroad tracks, creek/streams, etc. .</p> <p>** Regional transit is transit serving a regional activity center. Lifeline transit serves low-income, transit-dependent communities.</p> <p>*** Regional activity centers include universities, hospitals, major commercial districts, major employment centers, central business districts and major public venues..</p> <p>**** Jurisdictions/agencies include public agencies, special districts, non-government organizations, non-profit organizations, transit, etc.</p>		

Bicycle Expenditure Program Policies

VTA Board Adopted: 12/09/04

Principles:

- A. There is one single BEP project list
- B. BEP funding is allocated for projects on the BEP project list.
- C. The BEP includes funds originating from:
 - 100% of the 1996 Measure B Sales Tax for the Bicycle program (1996-2006);
 - 50% of the Transportation Funds for Clean Air (Program Manager) (2001-2010);
 - 25% of the Transportation Funds for Clean Air (Program Manager) (2011-2030);
 - 30% of the Transportation Development Act Article 3 (2001-2010);
 - 25% of the Transportation Development Act Article 3 (2011-2030);
 - \$2.2 million of Transportation Enhancements funds (TEA-21); and
 - MTC Regional Bicycle/Pedestrian Program (Santa Clara County portion for bicycle and bicycle/pedestrian projects) (2005-2030)

Policies

1. **Start of Programming:** Project sponsors may request programming of BEP funds for imminent project phase(s) of any BEP project, at any time, on a first-come, first-served basis, subject to BEP funds available and programming schedule of the originating fund sources.
2. **Minimum match:** All BEP projects would be required to provide a minimum 20% local non-BEP match. The 11.5% local match requirement for BEP federal funds will be credited towards the 20% minimum match.
3. **Annual reporting:** All BEP projects must submit an annual project status report, in addition to any reports required by the originating fund source programs (i.e. TFCA, TDA 3, CMAQ, etc.)
4. **Financially constrained list:** The BEP project list is financially constrained based on projections of available funding for the BEP. Projections will be updated for each Triennial Review.
5. **Triennial Review:** The BEP project list would be reviewed and readopted by the VTA BPAC and the VTA Board of Directors every three years, to synchronize with the triennial update of the countywide transportation plan. During the Triennial Review, Member Agencies would be able to drop projects, propose new projects, request increases or decreases in funding allocations for existing BEP projects, or propose major project scope changes.
6. **New projects:** New projects may be proposed for the BEP list only during the Triennial Review. They would be evaluated based on the adopted Evaluation Criteria, and geographic equity, subject to the financial constraints of the BEP.
7. **Timely implementation of Programmed BEP projects:** Programmed projects are defined as BEP projects which have at least \$1.00 of funding programmed to the project through VTA, (either BEP or non-BEP funding).

Programmed projects are:

Bicycle Expenditure Program Policies

VTA Board Adopted: 12/09/04

- (a) required to start environmental work within two years of initial programming of funds through VTA and/or
- (b) are required to start construction within five years of initial programming of funds through VTA.

Justified exceptions to this requirement may be requested during the initial programming of funds through VTA. Any Programmed project which fails to meet these deadlines without pre-approved exemption will be subject to delisting and/or deprogramming from the BEP. Programmed projects are also subject to the deadline requirements of the original fund sources (i.e. Measure B, TFCA, TDA 3, CMAQ, etc).

8. **Status of Unprogrammed BEP projects:** Unprogrammed projects are defined as BEP projects which do not yet have any funds programmed to it through VTA. The status of Unprogrammed projects will be monitored through the annual reporting.

During the Triennial Review, Unprogrammed projects' claims to their BEP allocations and/or claims for staying on the BEP project list will be evaluated by VTA (staff and BPAC) based on:

- (a) progress made,
- (b) regional/strategic significance of the project,
- (c) BEP funding capacity, which may impacted by
 - (i) allocation changes requested by Programmed BEP projects, and
 - (ii) allocations for new BEP projects which rank the same or higher than the existing Unprogrammed project(s) based on the Evaluation Criteria.

9. **Requests for additional allocation:** Programmed BEP projects may request allocation increases from the BEP, subject to the following conditions:
- (a) Supporting documentation, such as engineering cost estimates, are provided for justification
 - (b) Allocation increases are limited to 25% of the original total project cost
 - (c) Sufficient BEP funding is available, subject to the restrictions of the original fund sources. (For example, current MTC policy for the Regional Bicycle/Pedestrian Program will not increase any allocations beyond the programmed amount.)

Unprogrammed BEP projects may update their project cost estimates to account for inflation (not to exceed 3% per year) during the Triennial Review. Unprogrammed BEP projects requesting additional allocation BEP beyond inflation adjustments will be reviewed based on the Evaluation Criteria.

10. **Off-year Amendments:** Special circumstances may warrant projects to be amended in the BEP in off years. Off-year amendments to the BEP list will be subject to:
- (a) the same technical and financial analysis required during full Triennial Review updates,
 - (b) the financial constraints of the BEP,
 - (c) the review and approval by the VTA BPAC and the VTA Board of Directors.

Project amendments that are not accepted during off-years may be reconsidered during the subsequent Triennial Review.