

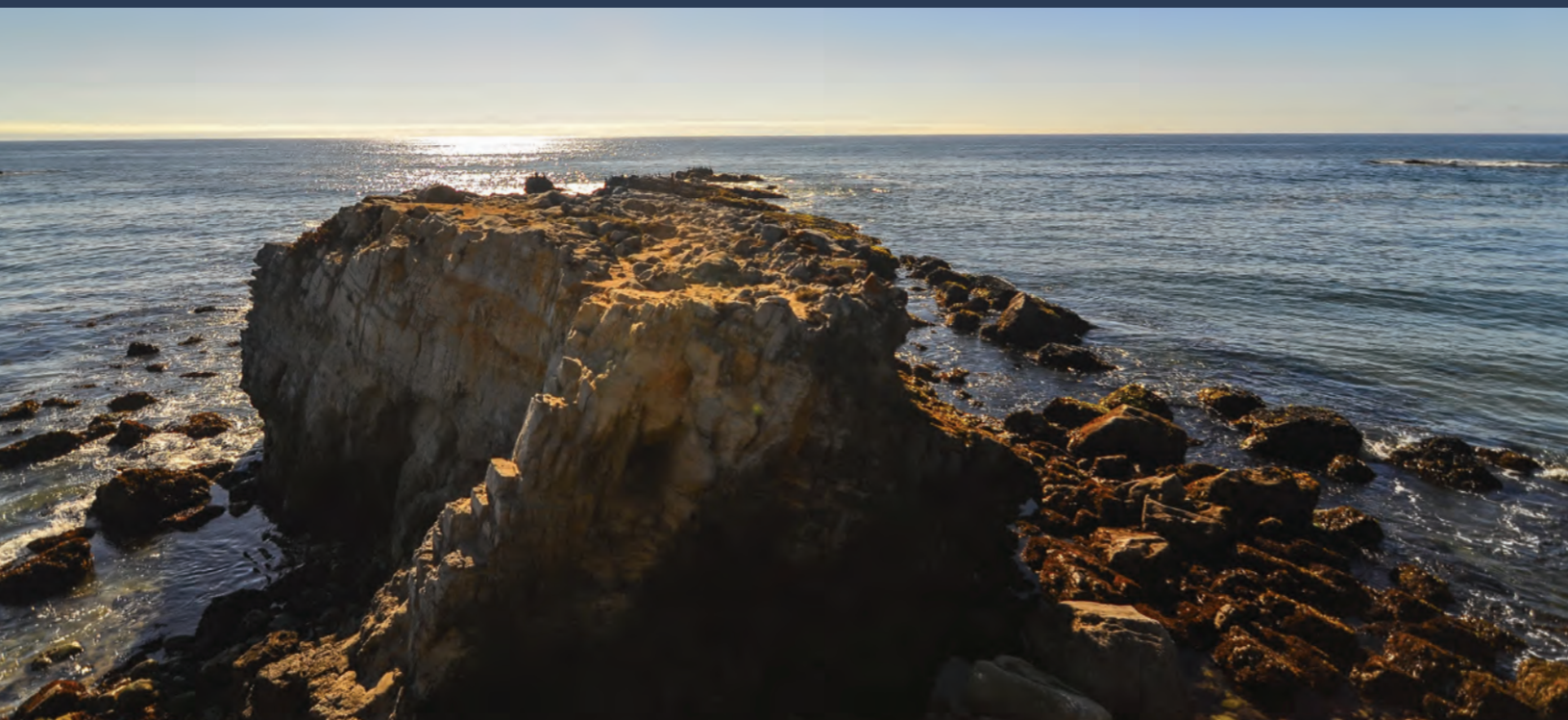


# MEASURE M2 ELIGIBILITY GUIDELINES

FISCAL YEARS 2026/27 THROUGH 2028/29



ORANGE COUNTY TRANSPORTATION AUTHORITY



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# Chapter 1 – Eligibility Overview

## 1.1 Introduction

On November 6, 1990, the voters in Orange County approved a ½-cent sales tax for transportation improvements known as Measure M. On November 7, 2006, voters approved a renewal of the original sales tax measure to continue the ½-cent sales tax for thirty years, beginning in 2011. Major improvement plans target Orange County freeways, streets and roads, transit, and environmental programs.

The M2 Ordinance No. 3 (M2 Ordinance), included as Appendix A, outlines the eligibility requirements that local jurisdictions must satisfy to receive M2 Net Revenues. The M2 Eligibility Guidelines (Eligibility Guidelines) provide the resources local jurisdictions need to remain eligible to participate in M2 funding programs. Guidelines for newly incorporated cities are outlined in Appendix B.

Net Revenues are generated from the transactions and use tax plus any interest or other earnings, after allowable deductions. Net Revenues may be allocated to local jurisdictions for a variety of programs, and the Orange County Transportation Authority (OCTA) shall allocate the Net Revenues to freeways, environmental, transit, and streets and roads projects.

### Freeway Projects

Orange County freeways will receive forty-three percent (43%) of Net Revenues. Relieving congestion on State Route 91 is the centerpiece of the freeway program. Other major projects include improving Interstate 5 (I-5) in south Orange County, Interstate 405 (I-405) in west Orange County, and State Route 57 in North Orange County. Under the plan, major traffic chokepoints on almost every freeway will be improved.

### Environmental Programs

To address any environmental impact of freeway improvements, five percent (5%) of the allocated freeway funds will be used for environmental mitigation programs. A Master Agreement between OCTA and state and federal resource jurisdictions will provide higher-value environmental benefits, such as habitat protection, wildlife corridors, and resource preservation, in exchange for streamlined project approvals for the freeway program as a whole. Funds are also available under the Environmental Cleanup Program (ECP) to implement transportation-related water quality improvement projects.

### Transit Projects

Orange County's rail and bus service will receive twenty-five percent (25%) of Net Revenues. These funds will be used to add transit extensions to the Metrolink corridor, reduce bus fares for senior citizens and persons with disabilities, and establish local bus circulators.

### Streets and Roads Projects

Orange County has more than 7,300 lane miles of streets and roads, many in need of repair and rehabilitation. This sales tax measure will allocate thirty-two percent (32%) of Net Revenues to streets and roads. These funds will help fix potholes, improve intersections, synchronize traffic signals countywide, and make the existing network of streets and roads safer and more efficient.

The allocation of thirty-two percent (32%) of the Net Revenues for Streets and Roads Projects shall be made as follows:

1. Ten percent (10%) of the Net Revenues shall be allocated to Project O, Regional Capacity Program (RCP).
2. Four percent (4%) of the Net Revenues shall be allocated to Project P, Regional Traffic Signal Synchronization Program (RTSSP).
3. Eighteen percent (18%) of the Net Revenues shall be allocated to Project Q, Local Fair Share (LFS) Program.

## 1.2 Competitive Funds

OCTA shall select projects through a competitive process for the RCP, RTSSP, various transit programs (Projects S, T, V, and W), and the ECP (Project X). The criteria for selecting these projects are included in the Comprehensive Transportation Funding Programs (CTFP) Guidelines, which are updated for each call for projects cycle. The process for calculating and distributing LFS funds is described in Section 1.3.

## 1.3 Local Fair Share (LFS) Funds

The LFS Program is a formula-based allocation provided to eligible jurisdictions for use on allowable transportation planning and implementation activities. It is intended to provide flexible funding to help jurisdictions keep up with the rising cost of repairing the aging street system. In addition, cities can use these funds for other local transportation needs such as residential street projects, traffic and pedestrian safety near schools, signal priority for emergency vehicles, etc. The LFS Program is funded through an eighteen percent (18%) allocation from Net Revenues and is distributed to eligible jurisdictions on a formula basis as determined by the following:

- Fifty percent (50%) is divided between eligible jurisdictions based upon the ratio of each eligible jurisdiction's population for the immediately preceding calendar year to the total County population (including incorporated and unincorporated areas) for the immediately preceding calendar year, both as determined by the State Department of Finance.~~to the County's total population, each from the previous calendar year.~~
- Twenty-five percent (25%) is divided between eligible jurisdictions based on the ratio of each eligible jurisdiction's existing MPAH centerline miles to the total MPAH centerline miles within to the total existing MPAH centerline miles within the County, as determined annually by OCTA.
- Twenty-five percent (25%) is divided between eligible jurisdictions based on the ratio of each eligible jurisdiction's total taxable sales to the total taxable sales of the County for the immediate preceding calendar year, as determined by the California Department of Tax and Fee Administration.~~, each from the previous calendar year.~~
- OCTA contracts with three universities (California State University, Fullerton; Chapman University; University of California, Los Angeles) to provide a long-range forecast of taxable sales to forecast M2 revenues for the purposes of planning projects and program expenditures. In the past, OCTA has taken an average of the three university taxable sales projections to develop a long-range forecast of taxable sales. On March 28, 2016, as part of the fiscal year (FY) 2016-17 budget development process, the Board of Directors (Board) approved a new sales tax forecast methodology. The new methodology included a more conservative approach by utilizing a five-year forecast from MuniServices, Inc. The resulting revenue estimates are used for programming of competitive funds and as a guide for local

jurisdiction planning within their respective CIPs.

## 1.4 Eligibility Requirements for Net Revenues

Every year, OCTA determines if a local jurisdiction is eligible to receive M2 Net Revenues. A local jurisdiction must satisfy certain requirements as outlined in the Ordinance. Specifically, a jurisdiction must:

- Comply with the conditions and requirements of the Orange County CMP
- Establish a policy which requires new development to pay its fair share of transportation-related improvements associated with their new development
- Adopt and maintain a General Plan Circulation Element consistent with the MPAH
- Adopt and update a CIP
- Participate in Traffic Forums
- Adopt and maintain a LSSP
- Adopt and update biennially a PMP
- Adopt and provide an annual Expenditure Report to OCTA
- Provide OCTA with a Project Final Report within six months following completion of a project funded with Net Revenues
- Agree to expend Net Revenues received through M2 within three years of receipt
- Satisfy MOE requirements
- Agree that Net Revenues shall not be used to supplant developer funding
- Consider, as part of the eligible jurisdiction's General Plan, land use and planning strategies that accommodate transit and non-motorized transportation

## 1.5 Audits

Local jurisdictions are responsible for meeting eligibility requirements and applicable laws regarding the use of public funds. Many eligibility requirements involve self-certification by local jurisdictions. Eligibility requirements are subject to audit. Audits shall be conducted by the OCTA Internal Audit Department or other authorized agent either through a regular annual process or on a schedule to be determined by the OCTA Board. Failure to submit to an audit in a timely manner may result in loss of future funding. Audit findings may result in an ineligibility determination and/or other sanctions. Please see Chapter 4 for more information regarding ineligibility and non-compliance consequences.

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## Chapter 2 – Eligibility Requirements

The annual eligibility process relies upon a variety of reporting methods to verify local jurisdiction adherence to M2 eligibility requirements. Most methods leverage tools routinely used in the public planning process, while others require certification forms or specialized reports. Templates, forms, and report formats are included as appendices to these guidelines and are available in electronic format. The table below summarizes certification frequency and documentation requirements.

Compliance Category	Schedule	Documentation
Capital Improvement Program (CIP)	<b>Annual</b> <del>Next submittal is due</del> June 30 <sup>th</sup>	<ul style="list-style-type: none"> <li>Submit CIP projects online in OCFundtracker</li> <li>OCFundtracker CIP Project Listing Report</li> <li>City Council/Board of Supervisors approval by July 31</li> </ul>
Circulation Element/MPAH Consistency	<b>Odd numbered years</b> <del>Next submittal is due</del> June 30 <sup>th</sup>	<ul style="list-style-type: none"> <li>Resolution (Appendix E)</li> <li>Circulation Element Exhibit</li> <li>Arterial Highway Mileage Change Report (Appendix H)</li> <li>Certify that the Circulation Element is consistent with MPAH in the Eligibility Checklist (Appendix D)</li> </ul>
Congestion Management Program (CMP)	<b>Odd numbered years</b> <del>Next submittal is due</del> June 30 <sup>th</sup>	<ul style="list-style-type: none"> <li>Eligibility Checklist item in Appendix D</li> <li>Include projects to address deficient intersections in CIP (if applicable)</li> <li>CMP Checklist (Appendix C)</li> </ul>
Expenditure Report	<b>Annually</b> <del>Six months after end of the fiscal year, Next submittal is due</del> December 31 <sup>st</sup>	<ul style="list-style-type: none"> <li>Expenditure Report and resolution (Appendix G)</li> </ul>
Local Signal Synchronization Plan (LSSP)	<b>Every three years</b> <del>Next submittal is due</del> June 30 <sup>th</sup> , 2026.	<ul style="list-style-type: none"> <li>Copy of Plan</li> <li>Resolution (Appendix E)</li> </ul>
Maintenance of Effort (MOE)	<b>Annually</b> <del>Next submittal is due</del> June 30 <sup>th</sup>	<ul style="list-style-type: none"> <li>MOE Certification form (Appendix I) signed by Finance Director or equivalent designee that meets/exceeds MOE Benchmark in Exhibit 2</li> <li>Budget excerpts and fund key</li> </ul>
Mitigation Fee Program (MFP)	<b>Odd numbered years</b> <del>Next submittal is due</del> June 30 <sup>th</sup>	<ul style="list-style-type: none"> <li>Eligibility Checklist item in Appendix D</li> <li>Supporting documentation</li> <li>Resolution (Appendix E)</li> </ul>
No Supplanting Existing Commitments	<b>Annual</b> <del>Next submittal is due</del> June 30 <sup>th</sup>	<ul style="list-style-type: none"> <li>Eligibility Checklist item in Appendix D</li> </ul>
Pavement Management Plan (PMP)	<b>Every two years</b> <del>Next submittal for even year jurisdictions is due</del> June 30 <sup>th</sup> , 2025. Refer to Exhibit 3 to determine the required PMP submittal schedule.	<ul style="list-style-type: none"> <li>PMP Submittal Template (Appendix F) with PMP Certification form signed by Public Works Director or City Engineer</li> <li>Pavement management data files</li> <li>Adoption - Resolution (Appendix E) or City Council/Board of Supervisors approved adoption recommendation</li> </ul>
Project Final Report	<b>Within 6 months of project completion</b>	<ul style="list-style-type: none"> <li>Final Report</li> </ul>
Timely Expenditure of Funds	<b>Annual</b> <del>Next submittal is due</del> June 30 <sup>th</sup>	<ul style="list-style-type: none"> <li>Eligibility Checklist item in Appendix D</li> </ul>
Traffic Forums	<b>Annual</b> <del>Next submittal is due</del> June 30 <sup>th</sup>	<ul style="list-style-type: none"> <li>Eligibility Checklist item in Appendix D</li> </ul>
Transit/Non-motorized Transportation in General Plan	<b>Annual</b> <del>Next submittal is due</del> June 30 <sup>th</sup>	<ul style="list-style-type: none"> <li>Eligibility Checklist item in Appendix D</li> <li>Letter outlining land use planning strategies that accommodate transit and active transportation</li> <li>Excerpts of policies from the land use section of the General Plan</li> </ul>

<sup>1</sup> Jurisdictions must submit their updated program and revised fee schedule or process methodology when the jurisdiction updates their mitigation program and/or nexus study, regardless of eligibility submittal schedule.

### Measure M2 Eligibility Guidelines **for FY 2026-27 through FY 2028-29**

Effective **April 13, 2026**

## 2.1 Capital Improvement Program (CIP)

A CIP is a multi-year funding plan to implement capital transportation projects and/or programs, including, but not limited to, capacity, safety, operations, maintenance, and rehabilitation projects. For purposes of eligibility, the Ordinance specifies that each jurisdiction must prepare a CIP. The annual seven-year CIP updates are required to enable timely review of eligible use of funds. The CIP shall include all capital transportation projects, such as projects funded by Net Revenues (i.e., ECP, RTSSP, RCP, other M2 Competitive Programs, and LFS projects) and transportation projects required to demonstrate compliance with signal synchronization, pavement management, and CMP requirements (See section 2.3 for the CIP’s relevance to the CMP).

Projects funded by M2 Net Revenues include:

Project Description	Project
Freeway Projects	A-M
Regional Capacity Program (RCP)	O
Regional Traffic Signal Synchronization Program (RTSSP)	P
Local Fair Share (LFS)	Q
High Frequency Metrolink Service	R
Transit Extensions to Metrolink	S
Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	T
Community Based Transit/Circulators	V
Safe Transit Stops	W
Environmental Cleanup Program (ECP) – Water Quality	X

Each eligible jurisdiction must include projects in their CIP that are needed to meet and maintain the adopted Traffic Level of Service and Performance Standards. The CIP shall also include all projects proposed to receive M2 funding. Local jurisdictions are encouraged, but not required, to include all transportation-related projects regardless of M2 funding participation.

If M2 funding needed for a project is not reflected on the current CIP, an amended CIP should be adopted with contract award prior to expending funds. The revised CIP should be submitted to OCTA with evidence of council approval.

**Submittal Frequency:** Minimum annually by June 30 or as needed to add M2 projects that are not reflected on the current CIP. ~~Next submittal is due by June 30, 2025.~~ Final CIP adoption due by July 31, 2025.

**City Council/Board of Supervisors approval:** Required

**Documentation Method:** OCTA provides a web-based database on OCFundtracker (<https://ocfundtracker.octa.net/>) that is used countywide for reporting approved CIP information. Each jurisdiction must generate a CIP Project Listing Report from OCFundtracker **and take this report to Council/Board of Supervisors for approval.** Please note, the M2 CIP is a planning document and does not commit local jurisdictions to fund the listed projects. However, projects must be listed on the M2 CIP in order for the proposed project to be eligible to receive M2 funding.

A CIP User’s Manual to assist local jurisdictions with the preparation of the seven-year CIP is available for download at <https://www.octa.net/OCGoEligibility> <https://www.octa.net/M2Eligibility>.

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## 2.2 Circulation Element/MPAH Consistency

M2 funding eligibility requires that each jurisdiction must adopt and maintain a Circulation Element within the jurisdiction's General Plan that is consistent with the OCTA MPAH. The MPAH is the OCTA plan which identifies the minimum number of through lanes for arterial streets and designating traffic signal synchronization street routes in Orange County.

Every two years, each local jurisdiction must submit a resolution adopted by their governing body confirming that: the circulation element of their General Plan is in conformance with the MPAH; no unilateral reductions in MPAH through lanes have been made during the reporting period; and affirming that it will follow the MPAH amendment process, when necessary, to ensure that the General Plan circulation element remains consistent with the MPAH.

Local jurisdictions shall be determined ineligible to participate in M2 programs if they do not submit the required materials below or if through an audit, it is determined that the jurisdiction intentionally did not administer the Circulation Element of its General Plan, consistent with the MPAH disclosures identified in the resolution. Exceptions may be considered subject to appropriate documentation.

Submittal Frequency: Odd numbered fiscal years by June 30. ~~Next submittal is due by June 30, 2025.~~

City Council/Board of Supervisors approval: Required (Appendix E)

Documentation Method: Each jurisdiction must provide the following every odd numbered year:

- Eligibility Checklist (Appendix D) confirms that the local jurisdiction's Circulation Element is in conformance with the MPAH.
- A copy of the ~~most~~ current Circulation Element Exhibit (network map) ~~biennially~~ showing all arterial highways and their individual arterial designations. Any proposed changes and/or requests for changes to the MPAH should also be included.
- Resolution adopted by the governing body of the local jurisdiction.
- The Arterial Highway Mileage Change Report (Appendix H). Changes are in actual (newly built or annexed existing facilities) MPAH centerline miles since the previous MPAH review and are to be reported to the nearest 0.01 mile, excluding State ~~highways-owned facilities~~. Data should be current as of April 30 of the reporting year. Exhibit 1 lists the current MPAH centerline miles by jurisdiction that is used to calculate Local Fair Share.

OCTA shall review the materials submitted and determine whether the local jurisdictions' submittals satisfy M2 Eligibility requirements. However, it is ultimately each local jurisdiction's responsibility to ensure that their Circulation Element is consistent with the MPAH.

**Exhibit 1: MPAH Centerline Miles**

The MPAH centerline miles by local jurisdiction can be found on the Eligibility Website:  
<https://www.octa.net/M2Eligibility>.

As of       ,

Local Jurisdiction	Centerline Mileage
Aliso Viejo	14.85
Anaheim	148.13
Brea	21.22
Buena Park	34.44
Costa Mesa	49.33
County of Orange	60.81
Cypress	24.93
Dana Point	20.16
Fountain Valley	35.50
Fullerton	62.18
Garden Grove	63.78
Huntington Beach	92.32
Irvine	138.05
La Habra	17.45
La Palma	7.23
Laguna Beach <sup>2</sup>	14.01
Laguna Hills	20.73
Laguna Niguel	35.94
Laguna Woods	5.77
Lake Forest	38.03
Los Alamitos	6.44
Mission Viejo	43.77
Newport Beach	48.92
Orange	84.06
Placentia	25.24
Rancho Santa Margarita	18.20
San Clemente	25.57

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San Juan Capistrano	18.88
Santa Ana	99.15
Seal Beach	12.24
Stanton	9.48
Tustin	41.72
Villa Park	3.49
Westminster	35.74
Yorba Linda	33.23
	<b>1,410.99</b>

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<sup>1</sup> Based on city boundaries published by the County of Orange in conjunction with mileage reported in the OCTA ArcSDE database as of ,

<sup>2</sup> Laguna Beach credited with State Highway mileage by agreement of the OCTA Technical Advisory Committee (TAC).

## 2.3 Congestion Management Program (CMP)

With the passage of Proposition 111, Gas Tax increase in June 1990, urbanized areas of California were required to adopt a CMP. OCTA was designated as the County's Congestion Management Agency (CMA), and as such, is responsible for the development, monitoring, and biennial reporting on Orange County's CMP. Orange County's CMP is a countywide program established in 1992 to support regional mobility and air quality objectives by reducing traffic congestion, providing a mechanism for coordinating transportation and land use decisions that support the regional economy, and determining gas tax eligibility for local jurisdictions. Required elements of the County's CMP include traffic level of service (LOS) standards, transportation performance measures, travel demand management strategies, a land use analysis program, and Capital Improvement Programs. Each jurisdiction must comply with the following conditions and requirements of the Orange County CMP pursuant to the provisions of Government Code Section 65089 to be considered eligible for both gas tax revenues and M2 funding:

- Level of Service – Highways and roadways designated by OCTA must operate at an established LOS of no less than LOS "E" (unless the LOS from the baseline CMP dataset was lower).
- Deficiency Plans – Any CMP intersections that do not comply with the LOS standards must have a deficiency plan prepared by the responsible local jurisdiction that identifies the cause and necessary improvements for meeting LOS standards (certain exceptions apply).
- Land Use Analysis – Jurisdictions must analyze the impacts of land use decisions on the transportation system, using a designated methodology, consistent with the CMP Traffic Impact Analysis guidelines. The analysis must also include the estimated cost to mitigate associated impacts.
- Modeling and Data Consistency – A jurisdiction utilizing a local area model for traffic impact analysis must conform to the Orange County Sub-Area Modeling guidelines, prepared by OCTA.
- CIP – Jurisdictions must submit an adopted seven-year CIP that includes projects to maintain or improve the LOS on CMP facilities or adjacent facilities.

Submittal Frequency: Odd numbered fiscal years by June 30. ~~Next submittal is due by June 30.~~

City Council/Board of Supervisors approval: Not Required

Documentation Method: The CMP checklist, as shown in Appendix C, must be submitted to demonstrate compliance with CMP requirements. If a deficient intersection is identified, the jurisdiction must include a project in their CIP to address the issue or develop a deficiency plan. OCTA will use the M2 CIP prepared by each local jurisdiction as the default CMP CIP rather than require a separate submittal. Projects intended to address CMP deficiencies should be clearly identified in the project description within the CIP. Appendix C is available for download at <https://www.octa.net/OCGoEligibility> <https://www.octa.net/M2Eligibility>.

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## 2.4 Expenditure Report

The Expenditure Report is a detailed financial report that tracks financial activity for M2 and other improvement revenue sources. Each jurisdiction must adopt an annual Expenditure Report to account for M2 funds, developer/traffic impact fees, and funds expended by the jurisdiction that satisfy the MOE requirements. This report is used to validate eligible uses of funds and to report actual MOE expenditures.

- Report required within six months of the jurisdiction's end of fiscal year.
- Report to include all Net Revenue, fund balances, and interest earned. If interest earnings are negative, an explanation should be included to explain why.
- Reported expenditures shall be identified by activity type (i.e., construction, maintenance/operations, indirect, and/or overhead) and funding source for each M2 program and/or project.

**Submittal Frequency:** Annually ~~—w~~Within 6 months of the end of the fiscal year. The deadline is December 31.

**City Council/Board of Supervisors approval:** Required (Appendix G)

**Documentation Method:** The Expenditure Report signed by the jurisdiction's Finance Director (or equivalent) and City Council/Board of Supervisors resolution attesting to the adoption is required. The Expenditure Report is self-certified by the jurisdiction, and OCTA's review is to check for consistency with M2 disbursements only. Further, OCTA's receipt of the Expenditure Report does not constitute or confirm OCTA's acceptance or approval of reporting in the Expenditure Report itself, which is ultimately subject to audit review. The Expenditure Report template, instructions, and resolution are provided in Appendix G. Appendix G is available for download at <https://www.octa.net/OCCoEligibility> <https://www.octa.net/M2Eligibility>.

## 2.5 Local Signal Synchronization Plan (LSSP)

The LSSP<sup>4</sup> is a three-year plan identifying traffic signal synchronization, street routes, and traffic signals to be improved in eligible jurisdictions. The LSSP shall be consistent with the Regional Traffic Signal Synchronization Master Plan (RTSSMP). The LSSP will outline the costs associated with the identified improvements, funding, and phasing of capital, and the operations and maintenance of the street routes and traffic signals. Inter-jurisdictional planning of traffic signal synchronization is also a component of the LSSP. Local jurisdictions must update LSSPs every three years and include a performance assessment which compares the information in the current report to prior cycle activities.

**Submittal Frequency:** Every 3 years —~~Next LSSP update submittal is due by June 30, 2026.~~

**City Council/Board of Supervisors approval:** Required (Appendix E)

**Documentation Method:** Local jurisdictions must ensure that their LSSP is in conformance with the RTSSMP. LSSPs must be updated and adopted every three years starting June 30, 2014. At a minimum, a Public Works Director must sign the LSSP Consistency Review Checklist. A separate document prepared by OCTA, "Guidelines for the Preparation of Local Signal Synchronization Plans," provides additional detail for jurisdiction submittal and is available for download at <https://www.octa.net/OCCoEligibility> <https://www.octa.net/M2Eligibility>.

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<sup>4</sup> A local match reduction of ten percent (10%) is provided for competitive grant applications submitted through the Regional Capacity Program (Project O) if the local jurisdiction has adopted an LSSP consistent with the RTSSMP.

## 2.6 Maintenance of Effort (MOE)

The MOE Certification is a financial reporting document which provides annual certification of planned/budgeted maintenance, construction, and indirect/other transportation-related expenditures, and the comparison to the annual MOE Benchmark Requirements for the fiscal year. Each jurisdiction must provide an annual certification to OCTA that it will meet the MOE requirements of Section 6 of the Ordinance. MOE applies to street and road transportation-related discretionary expenditures using GFRs or other non-transportation discretionary funds by local jurisdictions. Eligible expenditures are outlined in the State Controller's "Guidelines Relating to Gas Tax Expenditures for Cities and Counties," consistent with Article XIX of the State Constitution, and are subject to audit.

### MOE Certification Process

M2 funds may be used to supplement, not replace, existing local revenues being used for transportation improvements and programs. A local jurisdiction cannot redirect discretionary funding, such as general fund revenues, currently being used for transportation purposes, to other uses and replace the redirected funds with M2 revenues.

Each jurisdiction is required to maintain a minimum level of local streets and roads expenditures to conform to the MOE requirement. The original minimum level of expenditures was based upon an average of General Fund expenditures for local street maintenance and construction over the period from Fiscal Year 1985-86 through Fiscal Year 1989-90. The expenditure information was obtained from the Orange County Transportation Commission's Annual Report data collection sheets. The established benchmark was reported in constant dollars and was not adjusted for inflation. Note: Annexation of land into an existing jurisdiction does not affect the MOE.

Per the Ordinance, the MOE benchmark must be adjusted in 2014 and every three years thereafter based upon Caltrans' Construction Cost Index (CCI) for the preceding three calendar years, provided that the CCI-based adjustment cannot exceed the growth rate in General Fund revenues during the update period. The current MOE benchmark is reflected in Exhibit 2. The next MOE benchmark adjustment will be effective July 1, ~~2026~~2029.

Submittal Frequency: ~~Annually~~—~~Next MOE submittal is due by June 30,~~.

City Council/Board of Supervisors approval: Not Required

Documentation Method: The MOE Certification form must be completed, signed by the jurisdiction's Finance Director (or equivalent), and submitted on an annual basis. The current form is included in the Eligibility Guidelines as Appendix I and is available for download at <https://www.octa.net/OCGoEligibility> <https://www.octa.net/M2Eligibility>.

In addition, excerpts from the jurisdiction's annual budget showing referenced MOE expenditures and dedication of funds shall be included in the annual submittal to substantiate planned relevant discretionary fund expenditures, such as General Funds. MOE expenditures should be budgeted carefully, with a clear focus on benefits to local streets and roads, which can withstand periodic expenditure audit processes. **Jurisdictions are encouraged to submit MOE eligible expenditures higher than their MOE benchmark, so that should certain expenses be ruled ineligible during an MOE audit, the local jurisdiction still has sufficient MOE expenditures to demonstrate continued achievement of the MOE benchmark.**

Any California State Constitution Article XIX street and road eligible expenditure may be "counted" in a local jurisdiction's annual calculation of MOE if the activity is supported (funded) by a local

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jurisdiction's discretionary funds (e.g., General Fund). This is similar to how MOE is defined in the Gas Tax Guidelines related to the use of Road Maintenance and Rehabilitation Program funds. The California State Controller also provides useful information on Article XIX and Streets and Highways Code eligible expenditures. These guidelines do not replace statutory or legal authority, but explain the general information found in California Constitution Article XIX and the Streets and Highways Code. Additional expenditures spent in support of streets and roads may also be eligible for MOE, subject to providing acceptable justification.

It is the local jurisdiction's responsibility to ensure that both the certified budgeted and the actual expenditures reported through the expenditure report are MOE eligible street and road expenditures. **OCTA's review and receipt of the MOE Certification form does not constitute or confirm OCTA's acceptance or approval of the MOE expenditures provided in the MOE Certification form.**

## Exhibit 2: MOE Benchmark by Local Jurisdiction

Local Jurisdiction	<del>MOE Benchmark</del>	<u>MOE Benchmark</u>
Aliso Viejo	<del>\$ 556,162</del>	<u>\$ 815,389</u>
Anaheim	<del>\$ 13,196,392</del>	<u>\$ 17,144,752</u>
Brea	<del>\$ 838,243</del>	<u>\$ 1,162,643</u>
Buena Park	<del>\$ 4,778,989</del>	<u>\$ 6,240,882</u>
Costa Mesa	<del>\$ 9,827,861</del>	<u>\$ 11,323,661</u>
County of Orange	N/A	<u>N/A</u>
Cypress	<del>\$ 3,607,878</del>	<u>\$ 4,500,828</u>
Dana Point	<del>\$ 1,698,403</del>	<u>\$ 1,965,562</u>
Fountain Valley	<del>\$ 1,720,476</del>	<u>\$ 2,216,833</u>
Fullerton	<del>\$ 4,921,569</del>	<u>\$ 5,898,993</u>
Garden Grove	<del>\$ 4,497,736</del>	<u>\$ 5,300,132</u>
Huntington Beach	<del>\$ 6,494,379</del>	<u>\$ 7,748,444</u>
Irvine	<del>\$ 8,681,278</del>	<u>\$ 12,317,865</u>
La Habra	<del>\$ 1,983,997</del>	<u>\$ 2,321,872</u>
La Palma	<del>\$ 205,036</del>	<u>\$ 255,885</u>
Laguna Beach	<del>\$ 1,983,557</del>	<u>\$ 2,049,609</u>
Laguna Hills	<del>\$ 353,496</del>	<u>\$ 392,310</u>
Laguna Niguel	<del>\$ 990,064</del>	<u>\$ 1,182,730</u>
Laguna Woods	<del>\$ 104,578</del>	<u>\$ 156,417</u>
Lake Forest	<del>\$ 245,220</del>	<u>\$ 302,552</u>
Los Alamitos	<del>\$ 208,130</del>	<u>\$ 253,044</u>
Mission Viejo	<del>\$ 3,150,525</del>	<u>\$ 3,740,933</u>
Newport Beach	<del>\$ 14,292,404</del>	<u>\$ 17,103,720</u>
Orange	<del>\$ 3,507,565</del>	<u>\$ 4,324,828</u>
Placentia	<del>\$ 879,347</del>	<u>\$ 1,026,022</u>
Rancho Santa Margarita	<del>\$ 470,957</del>	<u>\$ 546,922</u>
San Clemente	<del>\$ 1,473,941</del>	<u>\$ 1,691,789</u>
San Juan Capistrano	<del>\$ 546,941</del>	<u>\$ 631,334</u>
Santa Ana	<del>\$ 10,324,712</del>	<u>\$ 11,234,319</u>
Seal Beach	<del>\$ 733,847</del>	<u>\$ 785,290</u>
Stanton	<del>\$ 326,462</del>	<u>\$ 418,916</u>
Tustin	<del>\$ 1,938,025</del>	<u>\$ 2,273,110</u>
Villa Park	<del>\$ 406,086</del>	<u>\$ 519,668</u>
Westminster	<del>\$ 1,896,546</del>	<u>\$ 2,564,889</u>
Yorba Linda	<del>\$ 2,836,929</del>	<u>\$ 3,359,491</u>
<b>Totals</b>	<del><b>\$ 109,677,731</b></del>	<u><b>\$ 133,771,636</b></u>

MOE - Maintenance of effort

N/A - Not Applicable

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## 2.7 Mitigation Fee Program (MFP)

The MFP is a locally established fee program which assesses fees used to mitigate effects of new development on transportation infrastructure. Appropriate mitigation measures, including payment of fees, construction of improvements, or any combination thereof, will be determined through an established and documented process by each jurisdiction.

Each eligible jurisdiction must assess traffic impacts of new development and require new development to pay a fair share of necessary transportation improvements attributable to the new development. To ensure eligibility, each jurisdiction must have a clearly defined mitigation fee program.

Submittal Frequency: Odd numbered fiscal years ~~—Next MFP submittal is due~~ by

June 30~~,~~<sup>5</sup>.

City Council/Board of Supervisors approval: Required (Appendix E)

Documentation Method: In addition to the City Council/Board of Supervisors approved resolution (Appendix E), the eligibility submittal should include one or more of the following supporting documents: a copy of the nexus study improvement list, a current fee schedule, a 5-Year Expenditure Report, or the process methodology. Where mitigation measures—including fair share contributions and construction of direct impact improvements—are used in lieu of an AB1600 compliant Nexus Study fee program, each jurisdiction shall provide a council resolution adopting the mitigation policy.

At such time that a jurisdiction updates their mitigation fee program and/or nexus study, they must submit their updated program and revised fee schedule or process methodology for the following review cycle. In addition, an MFP resolution must be submitted biennially to reaffirm that council concurs with the existing MFP. It is the local jurisdiction's responsibility to ensure fee programs and mitigation measures are updated periodically and meet the infrastructure needs of their community.

## 2.8 No Supplanting of Developer Commitments

Eligible jurisdictions must ensure that M2 funding will not be used to supplant existing or future development funding commitments for transportation projects. Development must be required to continue paying their fair share for new transportation improvements that are necessary because of the new traffic their project(s) create.

- Development must continue to pay their fair share for needed infrastructure improvements and transportation projects
- Net revenues must not supplant development funding or contributions which have been or will be committed to transportation projects through payment of fees in a defined program, fair share contribution, Community Facilities District financing, or other dedicated contribution to a specific transportation improvement

Submittal Frequency: Annually ~~—Next submittal is due~~ by June 30~~,~~.

City Council/Board of Supervisors approval: Not Required

Documentation Method: Each jurisdiction must document within the Eligibility Checklist (Appendix D) that there has been no supplanting of developer commitments for transportation

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<sup>5</sup> Jurisdictions must submit their updated program and revised fee schedule or process methodology when the jurisdiction updates their mitigation program and/or nexus study in an even year. Annual cost adjustments should be reported, but do not constitute an "update" on the Eligibility Checklist (Appendix D).

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projects as outlined in the Ordinance. Appendix D is available for download at <https://www.octa.net/OCGoEligibility> <https://www.octa.net/M2Eligibility>.

## 2.9 Pavement Management Plan (PMP)

A PMP<sup>6</sup> is a plan to manage the preservation, rehabilitation, and maintenance of paved roads by analyzing pavement life cycles, assessing overall system performance costs, and determining alternative strategies and costs necessary to improve paved roads. Paver (previously MicroPaver) or StreetSaver will be used for countywide consistency. The software must be consistent with the latest version of ASTM Standard D6433.

Each jurisdiction must biennially update and adopt a PMP consistent with the specific requirements outlined in the Ordinance, and issue, using a common format (Appendix F) approved by OCTA, a report regarding the status of road pavement conditions and implementation of the PMP, including, but not limited to, the following elements:

- The current status of pavement roads
- A seven-year plan for road maintenance and rehabilitation, including projects, funding, and unfunded backlog of pavement needs
- Projected pavement conditions resulting from improvements
- Alternative strategies and estimated costs to improve road pavement conditions

The Countywide PMP Guidelines have been prepared by OCTA to assist local jurisdictions with the PMP submittal. Local jurisdictions should refer to the guidelines for additional PMP submittal criteria. The Countywide PMP Guidelines can be downloaded from OCTA's Eligibility webpage: <https://www.octa.net/OCGoEligibility> <https://www.octa.net/M2Eligibility>.

**Submittal Frequency:** Every two years - 21 local jurisdictions submit PMP updates in even numbered fiscal Years ~~(i.e. June 30, 2026)~~ and 14 local jurisdictions submit PMP updates in odd numbered fiscal Years ~~(i.e. June 30, -)~~. Refer to Exhibit 3 to determine the local jurisdiction's required PMP submittal schedule.

**City Council/Board of Supervisors approval:** Required (Appendix E)

**Documentation Method:** To establish eligibility, each jurisdiction must complete and submit the adopted PMP Submittal Template (Appendix F). The adoption must be approved by the City Council/Board of Supervisors as a staff report recommendation or through a resolution. The template resolution is provided in Appendix E. The PMP certification form included in the template must be signed by the Public Works Director or City Engineer. These appendices are available for download at <https://www.octa.net/OCGoEligibility> <https://www.octa.net/M2Eligibility>.

The Executive Summary should include a brief overview of the PMP, highlighting issues that have developed between review cycles, and provide additional information regarding projects funded through the program. At a minimum, the Executive Summary should include Pavement Condition Index (PCI) reports, Projected PCI, and Alternative Funding Levels.

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<sup>6</sup> The Regional Capacity Program (RCP) Project O includes an incentive for successful PMP implementation. A local match reduction of ten percent (10%) is provided for competitive grant applications submitted through the RCP, if the jurisdiction either has measurable improvement of paved road conditions during the previous reporting period as determined through the countywide pavement management rating standards, or has road pavement conditions during the previous reporting period which are within the highest twenty percent (20%) of the scale for road pavement conditions in conformance with the Ordinance, defined as a PCI of 75 or higher, otherwise defined as in "good condition".

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### Exhibit 3: Submittal Schedule for Periodic Components

Local Jurisdiction	Updated PMP	CMP	MPAH Consistency	MFP <sup>7</sup>	Project Final Reports	LSSP
Aliso Viejo	Even Year	<del>June 30th of Odd Numbered Fiscal Years (Next submittal is due by June 30, →)</del>	<del>Odd Numbered Fiscal Years (Next submittal is due by June 30, →)</del>	<del>Odd Numbered Fiscal Years (Next submittal is due by June 30, →)</del>	Within 6 months of project completion	<del>Every 3 years (Next submittal is due June 30, 2026)</del>
Anaheim	Odd Year					
Brea	Odd Year					
Buena Park	Even Year					
Costa Mesa	Even Year					
County of Orange	Odd Year					
Cypress	Odd Year					
Dana Point	Odd Year					
Fountain Valley	Even Year					
Fullerton	Even Year					
Garden Grove	Even Year					
Huntington Beach	Even Year					
Irvine	Odd Year					
La Habra	Odd Year					
La Palma	Even Year					
Laguna Beach	Even Year					
Laguna Hills	Even Year					
Laguna Niguel	Even Year					
Laguna Woods	Even Year					
Lake Forest	Odd Year					
Los Alamitos	Odd Year					
Mission Viejo	Even Year					
Newport Beach	Odd Year					
Orange	Even Year					
Placentia	Even Year					
Rancho Santa Margarita	Even Year					
San Clemente	Odd Year					
San Juan Capistrano	Odd Year					
Santa Ana	Even Year					
Seal Beach	Even Year					
Stanton	Odd Year					
Tustin	Odd Year					
Villa Park	Even Year					
Westminster	Even Year					
Yorba Linda	Even Year					

<sup>7</sup> Jurisdictions must submit their updated program and revised fee schedule or process methodology when the jurisdiction updates their mitigation program and/or nexus study regardless of allocated submittal schedule.

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## 2.10 Project Final Report

Each jurisdiction must provide OCTA a project final report within six months following completion of a project funded with Net Revenues. Final report formats follow the template used by the CTFP. The CTFP Guidelines define the term "project phase completion" as the date that the local jurisdiction has paid the final contractor/consultant invoice (including retention) for work performed and any pending litigation has been adjudicated for the engineering phase or for the right-of-way phase, and all liens/claims have been settled for the construction phase. The date of project phase completion will begin the 180-day requirement for the submission of a project final report as required by the Ordinance. Projects that have been cancelled are not required to submit a project final report, but may be asked to submit a certification of cancellation form.

[City Council/Board of Supervisors approval:](#) Not Required

[Documentation Method:](#) To establish eligibility, a jurisdiction must submit a copy of the CTFP Project Final Report for each project utilizing Net Revenues. Each Final Report must be individually submitted to OCTA within six months of the completion of a project funded by Net Revenues, regardless of the eligibility review cycle. For the purposes of reporting non-project work (indirect and/or overhead, maintenance, repair, and other non-project related costs) funded by LFS funds, the annual Expenditure Report shall satisfy reporting requirements. If LFS funds are used for capital projects, the local jurisdiction shall also include a list of those funds and/or other M2 funds in the Project Final Report.

## 2.11 Time Limit for Use of Net Revenues

The timely expenditure of funds is a policy which must be adopted by each local jurisdiction to ensure Net Revenues are expended and accounted for within 3 years. The local jurisdiction must certify that the receipt and use of all M2 funds received will adhere to the time limits for use as outlined in the Ordinance.

### Competitive Programs

- Jurisdictions must agree that Net Revenues for RCP projects and/or RTSSP projects shall be encumbered by the end of the fiscal year for which Net Revenues are programmed. Jurisdictions can request a delay through the Semi-Annual Review process. Refer to the CTFP Guidelines for additional information regarding encumbrance deadlines and delay requests.
- Local jurisdictions are generally required to expend funds within 36 months from the date of encumbrance for CTFP projects. Jurisdictions can request timely use of funds extensions through the Semi-Annual Review process. Refer to the CTFP Guidelines for additional information regarding expenditure deadlines and extension requests.

### Local Fair Share (LFS)

- Per [Attachment B, Section III\(A\)\(10\)\(b\)](#) of the Ordinance, Net Revenues received by local jurisdictions through the LFS program shall be expended within three years of receipt. An extension may be granted but is limited to a total of five years from the date of receipt of funds. For review purposes, OCTA will track expenditures based on the fiscal year of receipt plus two additional fiscal years. Fiscal year means July 1 through June 30. For example, funds received in March [2024](#), if tracked by fiscal year, should be spent by June 30, [2026](#). The OCTA Board may authorize an extension of up to 24 months beyond the deadline. Since OCTA is tracking this based on fiscal year, the local jurisdiction would have to provide documentation of the original disbursement date in order for that date to be used for the

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deadline and would only be required if the funding is not spent before the end of the applicable fiscal year. Requests for extensions shall be submitted prior to expiration and may be considered by the OCTA Board through the [CTFP](#) Semi-Annual Review process. Requests for extension must include a plan of expenditure.

- Expired funds including interest earned and related revenues must be returned to OCTA. [The local jurisdiction will contact OCTA Local Programs and provide the LFS amount for return, per disbursement. For interest earned, documentation supporting the interest amount must also be included.](#) These funds shall be returned for redistribution within the same source program.
- [Use of LFS revenues for bonding \(including debt service\) shall be limited to 25% of the jurisdiction's annual LFS revenues. Bonding or loan must clearly support work that is otherwise eligible for LFS funds. The Board may consider an exception to the percentage limitation policy on a case-by-case basis.](#)
- [A separate document prepared by OCTA, "Local Fair Share Guidelines," provides additional detail for eligible uses of LFS revenues and is available for download at <https://www.octa.net/M2Eligibility>.](#)

#### Interest Derived from Net Revenues

- Interest from any M2 competitive funding program and LFS must be held in separate accounts.
- Local M2 interest proceeds must be spent by the local jurisdiction on transportation activities consistent with LFS eligible transportation activities.
- All interest accumulated at the conclusion of M2 is to be expended within three years of the program sunset date (March 31, 2041).

[Submittal Frequency:](#) Annually — ~~Next submittal is due~~ by June 30.

[City Council/Board of Supervisors approval:](#) Required if a delay is requested.

[Documentation Method:](#) Each jurisdiction must document within the Eligibility Checklist (Appendix D) confirmation that the jurisdiction complies with the timely use of Net Revenues throughout the year as outlined in the Ordinance. Net Revenue and Interest balances are reported on the annual Expenditure Report.

## 2.12 Traffic Forums

Traffic Forums are working group sessions for local jurisdictions. Traffic forums provide a venue for local jurisdictions to discuss general traffic and transportation issues, traffic circulation between participating jurisdictions, the coordination of specific projects, and the overall RTSSP. Each jurisdiction must participate in Traffic Forums on an annual basis to ensure eligibility.

Submittal Frequency: ~~Annually~~ — ~~Next submittal is due~~ by June 30,.

City Council/Board of Supervisors approval: Not Required

Documentation Method: Each jurisdiction must document within the Eligibility Checklist (Appendix D) confirmation of its annual participation in a Traffic Forum.

## 2.13 Transit/Non-motorized Transportation in General Plan

As part of the eligible jurisdiction's land use section of the General Plan, the jurisdiction must consider land use planning strategies that accommodate transit and non-motorized transportation. Multi-modal options are vital to a comprehensive transportation network. General Plans should include policies and language that demonstrate a thoughtful approach toward land use planning that encourages and facilitates mobility options.

Submittal Frequency: ~~Annual~~Annually — ~~Next submittal is due~~ by June 30.

City Council/Board of Supervisors approval: Not Required

Documentation Method: Each jurisdiction must document within the Eligibility Checklist (Appendix D) that it considers, as part of the land use section of the General Plan, land use planning strategies that accommodate transit and non-motorized transportation. A letter outlining the approach to land use planning strategies or policies that accommodate transit and non-motorized transportation should be provided with supporting General Plan excerpts. Policy summaries that directly tie land use planning to alternative modes are required.

These may include:

- Pedestrian friendly neighborhoods
- Transit Oriented Development
- Transportation Demand Management programs
- Mixed-use development

## Chapter 3 - Eligibility Determination

### 3.1 Submittal Review Process

The Eligibility submittal process has two distinct phases.

#### First Phase

In the first phase, local jurisdictions submit the Eligibility Checklist, CIP, MOE Certification and land use planning strategies considered in the General Plan on an annual basis. In addition, the PMP, CMP, MFP, and adoption of the Circulation Element for MPAH consistency are due on a biennial basis. The LSSP is due every three years. The periodic submittal schedule of the eligibility requirements is included in Exhibit 3. The applicable eligibility components for a given year must be submitted to OCTA by June 30 (except the Expenditure Report)<sup>8</sup>.

To assist in the initiation of the eligibility process, OCTA hosts eligibility workshops attended by local jurisdictions to prepare for the June 30 submittal date. The workshops outline any changes and provide instructions as to the requirements of the current fiscal year's eligibility cycle. Eligibility package development begins for most local jurisdictions in April and concludes with submittal to OCTA by the June 30 deadline each year.

#### Second Phase

The second phase includes the submittal of the Expenditure Report, which is due six months following the end of the local jurisdiction's fiscal year per the Ordinance. All local jurisdictions must submit their Expenditure Report annually by December 31<sup>9</sup>. OCTA staff typically holds a workshop in July/August to go over the eligibility requirements for submitting an Expenditure Report that is compliant with the Ordinance. The OCTA Finance department reviews Expenditure Reports. However, OCTA's receipt and review of Expenditure Reports does not constitute or confirm OCTA's acceptance or approval of the reporting provided in the Expenditure Report itself, which is ultimately subject to audit review.

### 3.2 Approval Process

Annual eligibility determinations are based upon satisfactory submittal of the required documentation of eligibility outlined in the Ordinance and further described in Chapter 2 of these guidelines. OCTA and/or its representatives perform an administrative review of the data to determine eligibility compliance for M2 funds. Once all eligibility submittals have been received and reviewed, the applicable submittals must be prepared for affirmation of receipt and review by the Taxpayer Oversight Committee (TOC).

#### TOC

M2 established the TOC to provide an enhanced level of accountability for expenditure of Net Revenues under the Ordinance. The TOC is an independent citizens' committee established for overseeing compliance with the Ordinance and ensuring that safeguards are in place to protect the integrity of the overall program. TOC responsibilities include:

- Approval of any amendment to the Ordinance proposed by OCTA which changes the funding categories, programs or discrete projects identified for improvements in the Renewed Measure M Transportation Investment Plan.

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<sup>8</sup> If June 30 falls on a weekend, submittals must be provided to OCTA by the Friday prior.

<sup>9</sup> If December 31 falls on a weekend, submittals must be provided to OCTA by the Friday prior.

- Receive and review select documentation establishing annual eligibility by jurisdictions including the CMP, MFP, Expenditure Report, LSSP, and PMP.
- Verification that OCTA is proceeding in accordance with the M2 Ordinance and is meeting the performance standards outlined in the Ordinance.

The TOC designates the Annual Eligibility Review (AER) subcommittee to first receive and review the required eligibility components for each local jurisdiction on an annual basis. The AER subcommittee affirms that it has completed its receipt and review process annually to the TOC.

In addition, OCTA staff will review items that do not directly require TOC receipt and review and confirm acceptance. After TOC and OCTA's review of all eligibility requirements, OCTA staff will prepare eligibility recommendations for the OCTA Board. The OCTA Regional Transportation Planning Committee reviews the item prior to being considered by the full Board. The Board will make a final determination as to whether or not a local jurisdiction remains eligible for M2 funding on an annual basis.

## **Chapter 4 – Failure to Meet Eligibility Requirements**

### **4.1 Non-Compliance Consequences**

M2 extends a legacy of successful public funding investment in transportation throughout Orange County. The eligibility process includes a review of required compliance components to ensure that programs and funding guidelines are met as defined by the Ordinance. The State Controller’s “Guidelines Relating to Gas Tax Expenditures for Cities and Counties” provides useful information regarding the use of revenues for streets and roads purposes, consistent with Article XIX of the State Constitution. These guidelines are used by OCTA to determine eligibility for MOE expenditures. In addition, other non-Article XIX transportation expenditures may be eligible for certain M2 programs. Local jurisdictions should contact OCTA’s M2 Program Management Office for specific questions on eligible and ineligible expenditures.

OCTA routinely conducts an audit of local jurisdictions’ annual eligibility materials and financial records. Full cooperation is expected to complete the process in a timely manner. Failure to adhere to eligibility compliance components may result in Board action to suspend M2 funds until satisfactory compliance is achieved. For example, failure to meet MOE or other M2 requirements could result in suspension of all M2 formula and competitive grant payments and may prevent approval of awards until specific deficiencies are corrected.

The M2 Ordinance also includes provisions related to misspent M2 funds. For the purposes of this section, “misspent” means misappropriation of public funds, pursuant to state law. If the Board determines that a local jurisdiction has misspent M2 funds, then those funds must be fully repaid, and the Board may deem that jurisdiction ineligible to receive M2 funds for a period of five (5) years.

### **4.2 Board Process Related to Ineligibility**

Eligibility review and determination is a multi-step process, which relies upon an objective review of information by OCTA staff. Actions related to ineligibility are made by the Board.

### **4.3 For Additional Information**

The Eligibility Guidelines have been developed to assist local jurisdictions located throughout Orange County to understand and continue to implement all eligibility requirements to receive M2 funding. The Guidelines provide general summary information regarding all eligibility requirements as well as a comprehensive summary of all responsibilities and actions for which a local jurisdiction must follow to continue their eligibility.

Please contact the following OCTA staff when seeking additional information or clarification regarding any of the Eligibility Guidelines:

**Stephanie Mooney**

Senior Transportation Funding Analyst

(714) 560-5312

[smooney@octa.net](mailto:smooney@octa.net)

**Or**

**Charvalen Alacar**

Section Manager

(714) 560-5401

[calacar@octa.net](mailto:calacar@octa.net)

Appendices:

**Appendix A: M2 Ordinance**

The M2 Ordinance can be found on the Eligibility Website: <https://www.octa.net/OCGoEligibility>  
<https://www.octa.net/M2Eligibility>

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## **Appendix B: Eligibility for New Cities**

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## **Eligibility for New Cities**

### **Eligibility for Fair Share Funds – New Cities**

At the time of incorporation, a new city may adopt current practices previously established by the County of Orange, which have already established eligibility under current M2. As new cities mature, they will adopt their own general plan and growth strategies.

To provide for this transition period, the OCTA Board has previously adopted the following new city eligibility process for Fair Share funds:

- A new city may, at its discretion, adopt the approved PMP of the predecessor governing body as its own, providing these policies are fully enforced.
- Prior to incorporation, the proposed new city must work with OCTA and the Local Agency Formation Commission to identify the variables used in the LFS funds calculation (population, taxable sales, and MPAH mileage). Preliminary data must be identified prior to the date of incorporation.
- The new city will begin accruing LFS funds as of the date of incorporation.
- OCTA will reserve the accrued funds for the new city, pending the determination of eligibility by the Board within one year of the date of incorporation.
- For the new city to receive the reserved accrued funds, OCTA must receive all necessary elements of the eligibility package, complete the necessary review and approval of the package, and the Board must determine the new city eligible to receive M2 funds within one year of the date of incorporation. OCTA recommends the city submit its eligibility package within six months of incorporation to allow sufficient time for OCTA review and approval processes.
- Upon determination of eligibility by the Board, the new city will receive its first LFS payment, including the reserved accrued funds, on the first regular payment cycle following the eligibility determination.
- The first LFS payment will be adjusted to reflect the final calculation (population, taxable sales, and MPAH miles) as determined through the new city eligibility process.
- In the event a new city is determined to be ineligible to receive LFS funds by the Board, the reserved accrued funds and interest on the funds, shall be distributed to the eligible local jurisdictions on a pro-rata basis, until such time that the new city attains eligibility.
- Such new city will begin to accrue funds as of the first day of the first regular accrual period following its determination of eligibility by the Board and receive its first LFS payment on the corresponding regular payment cycle.

### **Eligibility for Competitive Funds – New Cities**

In addition to the new city eligibility process for LFS funds, the Board has adopted the following process for eligibility for competitive funds:

- A new city may apply for competitive funding upon the date of incorporation, however, may not be awarded competitive funding until the new city has been determined eligible to receive LFS funds by the Board, as described above.
- A new city must include an adopted PMP that is consistent with countywide pavement condition assessment standards (Arterial Highway Rehabilitation Program), a General Plan Circulation Element consistent with the MPAH, and a City Council resolution attesting that no unilateral reduction in lanes has been made on any MPAH arterials in its eligibility package for review and approval by the Board.

- Applications for competitive funding by new cities will be considered until such time in the process of the competitive funding program that projects are ranked for award. If the new city has not been determined eligible by the Board by the time projects are ranked for award, any application by the new city for competitive funding will be withdrawn from further consideration. OCTA staff will work with the new city to revise the schedule specific to its time of incorporation in relation to the current competitive funding program process.

## **New Cities – MOE**

M2 requires the development of a method to apply the MOE to new cities without five years of streets and roads data, including cities incorporated during the thirty years the tax is in effect. New cities unable to meet this requirement may use the appeals process to establish a benchmark number that more accurately reflects network needs. A phase-in period of two years has been established for new cities to achieve the approved MOE expenditure requirement.

The approved method uses the following formula to calculate the MOE for new cities:

$$\frac{\textit{Total Countywide MOE Benchmark}}{\textit{Total Countywide Population}} = \textit{Per Capita Expenditure}$$

$$\textit{Per Capita Expenditure} \times \textit{City Population} = \textit{MOE Benchmark for the City}$$

## **Appeals Process**

New cities may appeal the formula benchmark determination above where there is a dispute regarding the city population. OCTA shall use the most recent Census or figures from the State of California Department of Finance. Appeals will be submitted first to the TAC and then to the Board for final determination.

## **Appendix C: Congestion Management Program Checklist**

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# APPENDIX C

## Congestion Management Program (CMP)

Jurisdiction: \_\_\_\_\_

<b>CMP Monitoring Checklist: Level of Service (LOS)</b>					
CMP Checklist		YES	NO	N/A	
1.	Check "Yes" if either of the following apply: <ul style="list-style-type: none"> <li>• There are no CMP intersections in your jurisdiction.</li> <li>• Factoring out statutorily-exempt activities<sup>1</sup>, all CMP intersections within your jurisdiction are operating at LOS E (or the baseline level, if worse than E) or better.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>NOTE: ONLY THOSE AGENCIES THAT CHECKED "NO" FOR QUESTION 1 NEED TO ANSWER THE REMAINING QUESTIONS.</b>					
2.	If any, please list those intersections that are not operating at the CMP LOS standards. <ul style="list-style-type: none"> <li>• _____</li> <li>• _____</li> <li>• _____</li> </ul>			<input type="checkbox"/>	
3.	Will deficient intersections, if any, be improved by mitigation measures to be implemented in the next 18 months or improvements programmed in the first year of any recent funding program (i.e. local jurisdiction CIP, Measure M CIP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	a. If not, has a deficiency plan been developed for each intersection that will be operating below the CMP LOS standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Additional Comments:					

<sup>1</sup> The following activities are statutorily-exempt from deficiency determinations: interregional travel, traffic generated by the provision of low and very low income housing, construction rehabilitation or maintenance of facilities that impact the system, freeway ramp metering, traffic signal coordination by the state or multi-jurisdictional agencies, traffic generated by high-density residential development within 1/4 mile of a fixed-rail passenger station, traffic generated by mixed-use residential development within 1/4 mile of a fixed-rail passenger station.

# APPENDIX C

## Congestion Management Program (CMP)

CMP Monitoring Checklist: Deficiency Plans					
CMP Checklist		YES	NO	N/A	
1.	Check "Yes" if either of the following apply: <ul style="list-style-type: none"> <li>There are no CMP intersections in your jurisdiction.</li> <li>Factoring out statutorily-exempt activities<sup>2</sup>, all CMP Highway System (CMPHS) intersections within your jurisdiction are operating at LOS E (or the baseline level, if worse than E) or better.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>NOTE: ONLY THOSE AGENCIES THAT CHECKED "NO" FOR QUESTION 1 NEED TO ANSWER THE REMAINING QUESTIONS.</b>					
2.	If any, please list those intersections that are not operating at the CMP LOS standards. <ul style="list-style-type: none"> <li>_____</li> <li>_____</li> <li>_____</li> </ul>			<input type="checkbox"/>	
3.	Are there improvements to bring these intersections to the CMP LOS standard scheduled for completion during the next 18 months or programmed in the first year of the CIP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>NOTE: ONLY THOSE AGENCIES THAT CHECKED "NO" FOR QUESTION 3 NEED TO ANSWER THE REMAINING QUESTIONS.</b>					
4.	Has a deficiency plan or a schedule for preparing a deficiency plan been submitted to OCTA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.	Does the deficiency plan fulfill the following statutory requirements:				
	a. Include an analysis of the causes of the deficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	b. Include a list of improvements necessary to maintain minimum LOS standards on the CMPHS and the estimated costs of the improvements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	c. Include a list of improvements, programs, or actions and estimates of their costs, which will improve LOS on the CMPHS and improve air quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	i. Do the improvements, programs, or actions meet the criteria established by South Coast Air Quality Management District (SCAQMD) (see the CMP Preparation Manual)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<sup>2</sup> The following activities are statutorily-exempt from deficiency determinations: interregional travel, traffic generated by the provision of low and very low income housing, construction rehabilitation or maintenance of facilities that impact the system, freeway ramp metering, traffic signal coordination by the state or multi-jurisdictional agencies, traffic generated by high-density residential development within 1/4 mile of a fixed-rail passenger station, traffic generated by mixed-use residential development within 1/4 mile of a fixed-rail passenger station.

# APPENDIX C

## Congestion Management Program (CMP)

<b>CMP Monitoring Checklist: Deficiency Plans (cont.)</b>				
CMP Checklist		YES	NO	N/A
6.	Are the capital improvements identified in the deficiency plan programmed in your seven-year CIP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Does the deficiency plan include a monitoring program that will ensure its implementation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Does the deficiency plan include a process to allow some level of development to proceed pending correction of the deficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Has necessary inter-jurisdictional coordination occurred?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	Please describe any innovative programs, if any, included in the deficiency plan:			<input type="checkbox"/>
Additional Comments:				

# APPENDIX C

## Congestion Management Program (CMP)

<b>CMP Monitoring Checklist: Land Use Coordination</b>					
CMP Checklist		YES	NO	N/A	
1.	Have you maintained the CMP traffic impact analysis (TIA) process you selected for the previous CMP?	<input type="checkbox"/>	<input type="checkbox"/>		
	a. If not, have you submitted the revised TIA approach and methodology to OCTA for review and approval?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Did any development projects require a CMP TIA during this CMP cycle? <sup>3</sup>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>NOTE: ONLY THOSE AGENCIES THAT CHECKED "YES" FOR QUESTION 2 NEED TO ANSWER THE REMAINING QUESTIONS.</b>					
3.	If so, how many?	_____			
4.	Please list any CMPHS links & intersections that were projected to not meet the CMP LOS standards (indicate whether any are outside of your jurisdiction).  <ul style="list-style-type: none"> <li>• _____</li> <li>• _____</li> <li>• _____</li> </ul>				<input type="checkbox"/>
	a. Were mitigation measures and costs identified for each and included in your seven-year CIP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	b. If any impacted links & intersections were outside your jurisdiction, did your jurisdiction coordinate with other jurisdictions to develop a mitigation strategy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.	If a local traffic model was/will be used, did you follow the data and modeling consistency requirements as described in the CMP Preparation Manual (available online at <a href="http://www.octa.net/pdf/cmpprepmanual.pdf">http://www.octa.net/pdf/cmpprepmanual.pdf</a> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Additional Comments:					

<sup>3</sup> Exemptions include: any development generating less than 2,400 daily trips, any development generating less than 1,600 daily trips (if it directly accesses a CMP highway), final tract and parcel maps, issuance of building permits, issuance of certificate of use and occupancy, and minor modifications to approved developments where the location and intensity of project uses have been approved through previous and separate local government actions prior to January 1, 1992.



# APPENDIX C

## Congestion Management Program (CMP)

<b>OPTIONAL - CMP Monitoring Checklist: Federal Congestion Management</b>				
CMP Checklist		YES	NO	N/A
1.	Does any federally funded project in the CIP result in a significant increase in single occupant vehicle (SOV) capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>NOTE: ONLY THOSE AGENCIES THAT CHECKED "YES" FOR QUESTION 1 NEED TO ANSWER THE REMAINING QUESTION.</b>				
2.	If so, was the project developed as part of the federal Congestion Management Process, in other words, was there an appropriate analysis of reasonable travel demand reduction and operational strategies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Additional Comments:				
I certify that the information contained in this checklist is true.				
_____		_____		_____
Name (Print)		Title		Signature
				_____
				Date

## **Appendix D: Eligibility Checklist**

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# APPENDIX D

## Eligibility Checklist

<b>Jurisdiction:</b>	
----------------------	--

<b>Capital Improvement Program (CIP)</b>		<b>YES</b>	<b>NO</b>
1.	Did you submit your draft or adopted M2 seven-year CIP to OCTA by June 30?	<input type="checkbox"/>	<input type="checkbox"/>
	a. Did you utilize the required OCTA OCFundtracker CIP database?	<input type="checkbox"/>	<input type="checkbox"/>
	b. Have you included projects required to demonstrate compliance with signal synchronization, pavement maintenance, the Congestion Management Program, and environmental clean-up commitments?	<input type="checkbox"/>	<input type="checkbox"/>
	c. Are there any non-transportation related projects included in your M2 CIP? (Note: Projects funded through ECP are considered transportation-related)	<input type="checkbox"/>	<input type="checkbox"/>
	d. Did you include all projects that are partially, fully, or potentially funded by M2 Net Revenues?	<input type="checkbox"/>	<input type="checkbox"/>
	e. The City Council/Board of Supervisors approval date* to adopt the final 7-Year CIP is: _____ *Must be prior to July 31		
<b>Maintenance of Effort (MOE)</b>		<b>YES</b>	<b>NO</b>
2.	Did you submit the MOE certification form (Appendix I) to OCTA by June 30?	<input type="checkbox"/>	<input type="checkbox"/>
	a. Did you provide supporting budget documentation?	<input type="checkbox"/>	<input type="checkbox"/>
	b. Has the MOE Reporting form been signed by the Finance Director or appropriate designee?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Pavement Management Plan (PMP)</b>		<b>YES</b>	<b>NO</b>
3.	Are you required to submit a PMP update to OCTA for this eligibility cycle? Refer to Exhibit 3 for PMP submittal schedule.	<input type="checkbox"/>	<input type="checkbox"/>
	a. If yes, did you use the current PMP Submittal Template (Appendix F)?	<input type="checkbox"/>	<input type="checkbox"/>
	b. If yes, is the adopted PMP consistent with the OCTA Countywide Pavement Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
4.	If you answered "no" to question 3, did you submit a PMP update to OCTA through the previous eligibility cycle by the required deadline?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Resolution of MPAH Consistency</b>		<b>YES</b>	<b>NO</b>
5.	Did you submit a resolution indicating conformance with the MPAH?	<input type="checkbox"/>	<input type="checkbox"/>
	a. Have you enclosed an exhibit showing roadway designations that represent your most current circulation element?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Local Signal Synchronization Plan (LSSP)</b>		<b>YES</b>	<b>NO</b>
6.	Did you adopt and submit an update to the LSSP as part of the current cycle?	<input type="checkbox"/>	<input type="checkbox"/>
	a. Is your LSSP consistent with the Regional Traffic Signal Synchronization Master Plan?	<input type="checkbox"/>	<input type="checkbox"/>

# APPENDIX D

## Eligibility Checklist

<b>Time Limits for Use of Net Revenues</b>		<b>YES</b>	<b>NO</b>
7.	Has your jurisdiction complied with the three-year time limit for the use of Net Revenues over the last year per the requirements outlined in the Ordinance?	<input type="checkbox"/>	<input type="checkbox"/>
	a. If no, has a time extension been requested through the CTFP semi-annual review process for funds subject to expiration?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Supplanting of Developer Commitments</b>		<b>YES</b>	<b>NO</b>
8.	Has your jurisdiction ensured they have not supplanted developer commitments for transportation projects and funding with M2 funds?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Mitigation Fee Program (MFP)</b>		<b>YES</b>	<b>NO</b>
9.	Does your jurisdiction currently have a defined development impact MFP in place?	<input type="checkbox"/>	<input type="checkbox"/>
10.	Has an update to the MFP occurred since the last reporting period?	<input type="checkbox"/>	<input type="checkbox"/>
11.	If yes to 10, has your jurisdiction submitted one or more of the supporting documents outlined in chapter 2.7 of the Eligibility Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Planning Strategies</b>		<b>YES</b>	<b>NO</b>
12.	Does your jurisdiction consider as part of its General Plan, land use planning strategies that accommodate transit and non-motorized transportation?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Have you provided a letter identifying <b>land use planning strategies</b> that accommodate transit and non-motorized transportation consideration in the General Plan?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Traffic Forums</b>		<b>YES</b>	<b>NO</b>
14.	Did representatives of your jurisdiction participate in the regional traffic forum(s)?	<input type="checkbox"/>	<input type="checkbox"/>
	a. If you answered yes, provide date(s) of attendance: _____		
<b>Congestion Management Program (CMP)</b>		<b>YES</b>	<b>NO</b>
15.	Has your jurisdiction completed the required CMP checklist? (Appendix C)	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **Appendix E: Resolutions**

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**[RESOLUTION FOR MPAH CIRCULATION ELEMENT CONSISTENCY AND MITIGATION FEE PROGRAMS]**

A RESOLUTION OF THE CITY COUNCIL/BOARD OF SUPERVISORS OF THE CITY/COUNTY OF \_\_\_\_\_ CONCERNING THE STATUS AND UPDATE OF THE CIRCULATION ELEMENT, AND MITIGATION FEE PROGRAM FOR THE MEASURE M (M2) PROGRAM

WHEREAS, the City/County of \_\_\_\_\_ desires to maintain and improve the streets within its jurisdiction, including those arterials contained in the Master Plan of Arterial Highways (MPAH); and

WHEREAS, the City/County of \_\_\_\_\_ has endorsed a definition of and process for, determining consistency of the City's/County's Traffic Circulation Plan with the MPAH; and

WHEREAS, the City/County has adopted a General Plan Circulation Element which does not preclude implementation of the MPAH within its jurisdiction; and

WHEREAS, the City/County is required to adopt a resolution biennially informing the Orange County Transportation Authority (OCTA) that the City/County's Circulation Element is in conformance with the MPAH and whether any changes to any arterial highways of said Circulation Element have been adopted by the City/County during fiscal years (FY) \_\_\_\_ - \_\_\_\_ and FY \_\_\_\_ - \_\_\_\_; and

WHEREAS, the City/County is required to send biennially to the OCTA all recommended changes to the City/County Circulation Element and the MPAH for the purposes of re-qualifying for participation in the Comprehensive Transportation Funding Programs; and

WHEREAS, the City/County is required to adopt a resolution biennially certifying that the City/County has an existing Mitigation Fee Program that assesses traffic impacts of new development and requires new development to pay a fair share of necessary transportation improvements attributable to the new development; and

NOW, THEREFORE, BE IT RESOLVED that the City Council/Board of Supervisors for the City/County of \_\_\_\_\_, does hereby inform OCTA that:

- a) The arterial highway portion of the Circulation Element of the \_\_\_\_\_ City/County is in conformance with the MPAH.
- b) The City/County attests that no unilateral reduction in through lanes has been made on any MPAH arterials during FY \_\_\_\_ - \_\_\_\_ and FY \_\_\_\_ - \_\_\_\_.
- c) The City/County affirms that it will bring forward requests to amend the MPAH, when necessary, in order to ensure that the MPAH and the General Plan Circulation Element remain consistent.
- d) The City/County reaffirms that the existing Mitigation Fee Program is in effect.

PASSED, APPROVED AND ADOPTED THIS [Insert Day] day of [Insert Month], [Insert Year].

**[RESOLUTION FOR LOCAL SIGNAL SYNCHRONIZATION PLAN UPDATE]**

A RESOLUTION OF THE CITY COUNCIL/BOARD OF SUPERVISORS OF THE CITY/COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ CONCERNING THE UPDATE OF THE LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE  
MEASURE M (M2) PROGRAM.

WHEREAS, the Orange County Transportation Authority has developed the Regional Traffic Signal Synchronization Master Plan to identify traffic signal synchronization street routes and traffic signals within and across jurisdictional boundaries, and defines the means of implementing the Regional Traffic Signal Synchronization Program; and

WHEREAS, the Regional Traffic Signal Synchronization Program requires that local jurisdictions adopt a Local Signal Synchronization Plan consistent with the Regional Traffic Signal Synchronization Master Plan as a key component of local jurisdictions' efforts to synchronizing traffic signals across local jurisdictions' boundaries; and

WHEREAS, the Local Signal Synchronization Plan must be updated by June 30, ~~2026~~ \_\_\_\_\_ to continue to be eligible to receive Net Revenues as part of Measure M2;

NOW, THEREFORE, BE IT RESOLVED that the City Council/Board of Supervisors for the City/County of \_\_\_\_\_, does hereby inform OCTA that:

- a) The City/County adopts and maintains a Local Signal Synchronization Plan which includes goals that are consistent with those outlined as part of the Regional Signal Synchronization Master Plan, including signal synchronization across jurisdictions.
- b) The Local Signal Synchronization Plan identifies traffic signal synchronization street routes, including all elements of the Regional Signal Synchronization Network located within the City/County.
- c) The Local Signal Synchronization Plan includes the traffic signal inventory for all traffic signal synchronization street routes.
- d) The Local Signal Synchronization Plan includes a three-year plan showing capital, operations, and maintenance of signal synchronization along the traffic signal synchronization street routes and traffic signals.
- e) The Local Signal Synchronization Plan includes an update on the status and performance of traffic signal synchronization activities.
- f) The Local Signal Synchronization Plan includes a discussion on the review and revision, as may be necessary, on the timing of traffic signals on the traffic signal synchronization street routes.

PASSED, APPROVED AND ADOPTED THIS [Insert Day] day of [Insert Month], [Insert Year].

**[RESOLUTION FOR PAVEMENT MANAGEMENT PLAN ADOPTION]**

A RESOLUTION OF THE CITY COUNCIL/BOARD OF SUPERVISORS OF THE CITY/COUNTY OF \_\_\_\_\_ CONCERNING THE STATUS AND UPDATE OF THE PAVEMENT MANAGEMENT PLAN FOR THE MEASURE M2 (M2) PROGRAM

WHEREAS, the local jurisdiction is required to meet eligibility requirements and submit eligibility verification packages to the Orange County Transportation Authority (OCTA) in order to remain eligible to receive M2 funds; and

WHEREAS, the local jurisdiction is required to adopt and update a Pavement Management Plan (PMP), using the required format, regarding the status of road pavement conditions and implementation of the PMP on a biennial basis; and

WHEREAS, the local jurisdiction is required to provide a plan that manages the preservation, rehabilitation, and maintenance of paved roads by analyzing pavement life cycles, assessing overall system performance costs, and determining alternative strategies and costs necessary to improve paved roads.

NOW, THEREFORE, BE IT RESOLVED that the City Council/Board of Supervisors for the City/County of \_\_\_\_\_ does hereby inform OCTA that:

- a) The PMP is in conformance with the PMP Submittal Template provided in the Countywide Pavement Management Plan Guidelines.
- b) The City/County hereby adopts a PMP and has provided an updated PMP report, using the required format, to OCTA.
- c) The Public Works Director, ~~or~~ or City Engineer ~~or designee~~ is authorized to sign the PMP certification form.

PASSED, APPROVED, AND ADOPTED THIS [Insert Day] day of [Insert Month], [Insert Year].

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## **Appendix F: PMP Submittal Template**

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## **Appendix G: M2 Expenditure Report Template, Instructions & Resolution**

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# Measure M2 Expenditure Report Template

## Schedule 1: Summary Statement of Beginning and Ending Balances

### **Lines 1 – 12: Balances at Beginning of Fiscal Year**

Report all fund balances and interest intended for transportation purposes at the beginning of the fiscal year. These balances should be classified by funding source as illustrated in the table below. To provide for continuity of reporting, the beginning balances of any restricted funds must agree with the ending balances of such funds as shown in the prior year's report.

<b>Project</b>	<b>Description</b>
<b>A-M</b>	Freeway Projects
<b>O</b>	Regional Capacity Program (RCP)
<b>P</b>	Regional Traffic Signal Synchronization Program (RTSSP)
<b>Q</b>	Local Fair Share
<b>R</b>	High Frequency Metrolink Service
<b>S</b>	Transit Extensions to Metrolink
<b>T</b>	Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems
<b>U</b>	Senior Mobility Program or Senior Non-Emergency Medical Program
<b>V</b>	Community Based Transit/Circulators
<b>W</b>	Safe Transit Stops
<b>X</b>	Environmental Cleanup Program (Water Quality)
<b>Other</b>	Please provide description for other categories

### **Line 13: Balances at Beginning of Fiscal Year - TOTAL** Sum

of Lines 1 – 12 in the "Amount" and "Interest" columns **Line 14:**

### **Monies Made Available During Fiscal Year**

Report total available monies (revenues) from Schedule 2, Line 13 in the "Amount" and "Interest" columns

### **Line 15: Total Monies Available**

Sum of Lines 13 - 14 in the "Amount" and "Interest" columns

### **Line 16: Expenditures During Fiscal Year**

Report total available monies (revenues) from Schedule 2, Line 26 in the "Amount" and "Interest" columns

### **Lines 17 - 28: Balances at End of Fiscal Year**

Report by funding source all fund balances and interest for transportation purposes at the end of the fiscal year. To provide for continuity of reporting, the beginning balances of the fund sources in next year's report must agree with the ending balances of such funds as shown in this year's report (or otherwise reconciled).

**M2 Expenditure Report Fiscal  
Year Ended June 30, 20\_\_\_\_\_  
Beginning and Ending Balances**

Description		Line No.	Amount	Interest
<b>Balances at Beginning of Fiscal Year</b>				
<b>A-M</b>	Freeway Projects	1		
<b>O</b>	Regional Capacity Program (RCP)	2		
<b>P</b>	Regional Traffic Signal Synchronization Program (RTSSP)	3		
<b>Q</b>	Local Fair Share	4		
<b>R</b>	High Frequency Metrolink Service	5		
<b>S</b>	Transit Extensions to Metrolink	6		
<b>T</b>	Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	7		
<b>U</b>	Senior Mobility Program or Senior Non-Emergency Medical Program	8		
<b>V</b>	Community Based Transit/Circulators	9		
<b>W</b>	Safe Transit Stops	10		
<b>X</b>	Environmental Cleanup Program (Water Quality)	11		
	Other*	12		
<b>Balances at Beginning of the Fiscal Year (Sum Lines 1 to 12)</b>		13		
Monies Made Available During Fiscal Year		14		
<b>Total Monies Available (Sum Lines 13 &amp; 14)</b>		15		
Expenditures During Fiscal Year		16		
<b>Balances at End of Fiscal Year</b>				
<b>A-M</b>	Freeway Projects	17		
<b>O</b>	Regional Capacity Program (RCP)	18		
<b>P</b>	Regional Traffic Signal Synchronization Program (RTSSP)	19		
<b>Q</b>	Local Fair Share	20		
<b>R</b>	High Frequency Metrolink Service	21		
<b>S</b>	Transit Extensions to Metrolink	22		
<b>T</b>	Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	23		
<b>U</b>	Senior Mobility Program or Senior Non-Emergency Medical Program	24		
<b>V</b>	Community Based Transit/Circulators	25		
<b>W</b>	Safe Transit Stops	26		
<b>X</b>	Environmental Cleanup Program (Water Quality)	27		
	Other*	28		

\* Please provide a specific description

# Measure M2 Expenditure Report

## Schedule 2: Summary Statement of Sources and Uses

### **Lines 1 - 12: Report the Following Revenue Sources and Interest on the Appropriate Line**

<b>Project</b>	<b>Description</b>
<b>A-M</b>	Freeway Projects
<b>O</b>	Regional Capacity Program (RCP)
<b>P</b>	Regional Traffic Signal Synchronization Program (RTSSP)
<b>Q</b>	Local Fair Share
<b>R</b>	High Frequency Metrolink Service
<b>S</b>	Transit Extensions to Metrolink
<b>T</b>	Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems
<b>U</b>	Senior Mobility Program or Senior Non-Emergency Medical Program
<b>V</b>	Community Based Transit/Circulators
<b>W</b>	Safe Transit Stops
<b>X</b>	Environmental Cleanup Program (Water Quality)
<b>Other</b>	Please provide description for other categories

### **Line 13: Total Revenues**

Sum of Lines 1 - 12 (should match Total in Schedule 1, Line 14 in the "Amount" and "Interest" columns)

### **Lines 14 - 25: Report the Following Expenditures on the Appropriate Line**

<b>Project</b>	<b>Description</b>
<b>A-M</b>	Freeway Projects
<b>O</b>	Regional Capacity Program (RCP)
<b>P</b>	Regional Traffic Signal Synchronization Program (RTSSP)
<b>Q</b>	Local Fair Share
<b>R</b>	High Frequency Metrolink Service
<b>S</b>	Transit Extensions to Metrolink
<b>T</b>	Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems
<b>U</b>	Senior Mobility Program or Senior Non-Emergency Medical Program
<b>V</b>	Community Based Transit/Circulators
<b>W</b>	Safe Transit Stops
<b>X</b>	Environmental Cleanup Program (Water Quality)
<b>Other</b>	Please provide description for other categories

### **Line 26: Total Expenditures**

Sum of Lines 14 - 25 (should match Total in Schedule 1, Line 16 in the "Amount" and "Interest" columns)

### **Line 27: Total Balance**

Subtract Line 26 from Line 13 in the "Amount" and "Interest" columns

**M2 Expenditure Report Fiscal  
Year Ended June 30, 20\_\_\_\_\_  
Sources and Uses**

	<b>Description</b>	<b>Line No.</b>	<b>Amount</b>	<b>Interest</b>
	<b>Revenues:</b>			
<b>A-M</b>	Freeway Projects	1		
<b>O</b>	Regional Capacity Program (RCP)	2		
<b>P</b>	Regional Traffic Signal Synchronization Program (RTSSP)	3		
<b>Q</b>	Local Fair Share	4		
<b>R</b>	High Frequency Metrolink Service	5		
<b>S</b>	Transit Extensions to Metrolink	6		
<b>T</b>	Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	7		
<b>U</b>	Senior Mobility Program or Senior Non-Emergency Medical Program	8		
<b>V</b>	Community Based Transit/Circulators	9		
<b>W</b>	Safe Transit Stops	10		
<b>X</b>	Environmental Cleanup Program (Water Quality)	11		
	Other*	12		
	<b>TOTAL REVENUES: (Sum Lines 1 to 12)</b>	13	\$	\$
	<b>Expenditures:</b>			
<b>A-M</b>	Freeway Projects	14		
<b>O</b>	Regional Capacity Program	15		
<b>P</b>	Regional Traffic Signal Synchronization Program	16		
<b>Q</b>	Local Fair Share	17		
<b>R</b>	High Frequency Metrolink Service	18		
<b>S</b>	Transit Extensions to Metrolink	19		
<b>T</b>	Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	20		
<b>U</b>	Senior Mobility Program or Senior Non-Emergency Medical Program	21		
<b>V</b>	Community Based Transit/Circulators	22		
<b>W</b>	Safe Transit Stops	23		
<b>X</b>	Environmental Cleanup Program (Water Quality)	24		
	Other*	25		
	<b>TOTAL EXPENDITURES: (Sum Lines 14 to 25)</b>	26	\$	\$
	<b>TOTAL BALANCE (Subtract line 26 from 13)</b>	27	\$	\$

\* Please provide a specific description

# Measure M2 Expenditure Report Template Instructions

## Schedule 3: Summary Statement of Detailed Use of Funds

### **Line 1: Indirect and/or Overhead**

This line covers local jurisdiction costs that cannot be readily identified to a specific project. The costs listed in this line item represent an equitable share of expenditures for activities not directly allocated to right-of-way, construction, or other categories. Allocations must be based on a reasonable, documented methodology.

This includes, but is not limited to:

Payroll	General accounting/finance
Personnel	Departmental accounts/finance
Purchasing/Procurement	Facilities
Advertising	Data processing
Legal costs	Top management
General government	Bids

### **Lines 2 - 7: Construction**

Construction expenditures include the following:

- Planning, environmental, or design related to construction.
- Salaries and expenses of employees in connection with construction (direct costs).

#### **Line 2: New Street Construction**

- Projects developing new streets, bridges, lighting facilities, storm drains, etc. in locations that formerly had no such facilities, or projects departing to such an extent from existing alignment and grade that no material salvage value is realized from the old facilities.
- Additions and betterments to the street system and its rights-of-way, including grade separations and urban extensions.
- Streetscape including original landscaping, tree planting, and similar work.

#### **Line 3a: Street Reconstruction**

- Any non-pavement related work that materially increases the service life of the original project.

#### **Line 3b: Street Reconstruction - Pavement**

- Improvement of pavement surfaces through heavy, non-routine maintenance designed to achieve a ten-year service life, which typically includes:
  - Resurfacing to a thickness greater than one inch.
  - Resurfacing to a thickness less than one inch if the project has been determined by the city engineer that such work is properly classified as construction.
  - Placing sufficient new material on the street or road to substantially improve the quality of the original surface

#### **Line 4: Signals, Safety Devices, & Street Lights**

- Construction of traffic islands and other traffic safety devices.
- Transit facilities including, but not limited to, bus stops, shelters, and maintenance facilities.
- Acquisition and installation of street lighting facilities, traffic signals, and/or street signs (only when such signs are installed in connection with developing new streets).

#### **Line 5: Pedestrian Ways & Bike paths**

- Construction of bikeways when they are an integral part of the roads and highways system.
- Construction of bicycle or pedestrian underpasses or overhead crossings for general public use.
- Installation or extension of curbs or sidewalks.

**Line 6: Storm Drains**

- A complete reconstruction or an addition to a culvert.
- Extending old culverts and drains and replacing headwalls.
- Installation or extension of gutters, or underdrains.

**Line 7a: Storm Damage**

- Extensive repair or replacement due to damage resulting from storm or flood.

**Line 7b: Storm Damage - Pavement**

- Extensive pavement repair due to damage resulting from storm or flood.

**Line 8: Total Construction**

Sum of Lines 2 - 7

**Line 9: Right-of-Way Acquisition**

Right-of-way expenditures include the following:

- The acquisition of land or interest for use as a right-of-way in connection with the city's street system; the amount reported should include the cost of acquisition of any improvements situated on the real property at the date of its acquisition by the city.
- The cost of removing, demolishing, moving, resetting, and altering buildings or other structures that obstruct the right-of-way.
- The court costs of condemnation proceedings.
- Title searches and reports.
- Salaries and expenses of employees and right-of-way agents in connection with the acquisition of rights-of-way (direct costs).
- Severance damage to property sustained due to the city's street projects.
- All other costs of acquiring rights-of-way free and clear of all physical obstructions and legal encumbrances.

**Line 10: Total Construction and Right-of-Way**

Sum of Lines 8-9

**Line 11 - 15: Maintenance / Operations**

Maintenance is defined as the preservation and upkeep of a street or road constructed condition, and the operation of a street or road facility and its integral services to provide safe, convenient, and economical highway transportation.

Maintenance expenditures include the following:

- Salaries and expenses of employees in connection with maintenance and/or operations (direct costs).

**Line 11: Patching**

- Patching, repairing, surface treating, and joint filling on traveled ways and shoulders.
- Jacking concrete pavements and patching operations including base restoration.

**Line 12: Overlay & Sealing**

- Resealing street or road shoulders and side street and road approaches.
- Street and road resurfacing projects.

**Line 13: Street Lights & Traffic Signals**

- Maintenance of traffic signal equipment, coordination and timing on the city streets, as well as the city's share of such expenditures covering traffic signals situated at intersections of city streets and state highways within the incorporated area of the city.

**Line 14: Storm Damage**

- Repairs or other work necessitated by damage to street structures or facilities resulting from storms, slides, settlements, or other causes unless it has been determined by the city engineer that such work is properly classified as construction.

**Line 15a: Other Street Purpose Maintenance**

- Please provide description of other types of street maintenance that do not fall into the categories listed above.
- This includes the preservation and keeping of rights-of-way, street structures, and facilities in the safe and usable condition, to which they have been improved or constructed, but not reconstruction or other improvements.
- For example: general utility services such as roadside planting, tree trimming, street cleaning, snow removal, and general weed control.

**Line 15b: Other Street Purpose Maintenance - Pavement**

- Pavement management program administration (direct costs)

**Line 16: Total Maintenance**

Sum of Lines 11 - 15

**Line 17: Other**

Please provide description for other categories. For example: transit, Senior Mobility Program, water quality, transit operations such as vehicle leases and other related operating expenses, etc. This category is not applicable to the MOE column as MOE expenditures would fall into the categories listed above.

**Line 18: Grand Totals**

Sum of Lines 1, 10, 16, and 17

**Line 19: Finance Director Confirmation**

Finance Director initials to confirm understanding of MOE.

**M2 Expenditure Report**  
**Fiscal Year Ended June 30, 20\_\_**  
**Streets and Roads Detailed Use of Funds**

Type of Expenditure	Line Item	MOE	Developer / Impact Fee <sup>+</sup>	O	O Interest	P	P Interest	Q	Q Interest	X	X Interest	Other M2 <sup>2</sup>	Other M2 Interest	Other*	TOTAL
<b>Indirect and/or Overhead</b>	1														\$
<b>Construction &amp; Right-of- Way</b>															
New Street Construction	2														\$
Street Reconstruction	3a														\$
Street Reconstruction - Pavement	3b														\$
Signals, Safety Devices, & Street Lights	4														\$
Pedestrian Ways & Bike paths	5														\$
Storm Drains	6														\$
Storm Damage	7a														\$
Storm Damage - Pavement	7b														\$
<b>Total Construction<sup>1</sup></b>	8														\$
Right of Way Acquisition	9														\$
<b>Total Construction &amp; Right-of-Way</b>	10														\$
<b>Maintenance</b>															
Patching	11														\$
Overlay & Sealing	12														\$
Street Lights & Traffic Signals	13														\$
Storm Damage	14														\$
Other Street Purpose Maintenance*	15a														\$
Other Street Purpose Maintenance - Pavement	15b														\$
<b>Total Maintenance<sup>1</sup></b>	16														\$
<b>Other</b>	17														\$
<b>GRAND TOTALS (Sum Lines 1, 10, 16, 17)</b>	18	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Finance Director Confirmation</b>	19	Any California State Constitution Article XIX streets and road eligible expenditure may be "counted" in local jurisdictions' calculation of MOE if the activity is supported (funded) by a local jurisdiction's discretionary funds (e.g. general fund). The California State Controller also provides useful information on Article XIX and the Streets and Highways Code eligible expenditures in its "Guidelines Relating to Gas Tax Expenditures for Cities and Counties". I have reviewed and am aware of these guidelines and their applicability in calculating and reporting on Maintenance of Effort expenditures. <b>Finance Director initials:</b> _____													

<sup>1</sup> Includes direct charges for staff time

+ Transportation related only

<sup>2</sup> Other M2 includes A-M, R, S, T, U, V, and W

\* Please provide a specific description

## Measure M2 Expenditure Report Template Instructions

### Schedule 4: Summary Statement of Local Fair Share Project List

List the project titles and brief description (maximum of one sentence) for all projects that utilized any portion of Measure M2 (M2) Local Fair Share funding. Select the type of expenditure category from the drop-down list that best applies to the project. Please include the total amount of **M2 Local Fair Share** funds **only** that were expended, as well as any Local Fair Share interest expended. A map of the listed project/improvement locations may be requested by staff.



City/County of: \_\_\_\_\_

**Signature Page**

**M2 Expenditure Report Fiscal  
Year Ended June 30, 20\_\_\_\_\_**

I hereby certify that:

- All the information attached herein and included in schedules 1 through 4 is true and accurate to the best of my knowledge;
- The interest earned on Net Revenues allocated pursuant to the Ordinance shall be expended only for those purposes for which the Net Revenues were allocated;
- The City/County of \_\_\_\_\_ is aware of the State Controller’s “Guidelines Relating to Gas Tax Expenditures for Cities and Counties”, which is a guide for determining MOE Expenditures for M2 Eligibility purposes;
- The City/County’s Expenditure Report is in compliance with direction provided in the State Controller’s “Guidelines Relating to Gas Tax Expenditures for Cities and Counties;” and
- The City/County of \_\_\_\_\_ has expended in this fiscal year an amount of local discretionary funds for streets and roads purposes at least equal to or exceeding the FY 20 - \_\_\_ MOE benchmark dollar amount<sup>10</sup>.

\_\_\_\_\_  
Director of Finance (Print Name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

<sup>10</sup> Jurisdictions are encouraged to submit MOE eligible expenditures higher than their MOE benchmark, so that should certain expenses be ruled ineligible during an MOE audit, the local jurisdiction still has sufficient MOE expenditures to demonstrate continued achievement of the MOE benchmark.

**[EXPENDITURE REPORT RESOLUTION]**

A RESOLUTION OF THE CITY COUNCIL/BOARD OF SUPERVISORS OF THE CITY/COUNTY OF \_\_\_\_\_ CONCERNING THE MEASURE M2 (M2) EXPENDITURE REPORT FOR THE CITY/COUNTY OF \_\_\_\_\_.

WHEREAS, local jurisdictions are required to meet eligibility requirements and submit eligibility verification packages to the Orange County Transportation Authority (OCTA) in order to remain eligible to receive M2 funds; and

WHEREAS, local jurisdictions are required to adopt an annual M2 Expenditure Report as part of one of the eligibility requirements; and

WHEREAS, local jurisdictions are required to account for Net Revenues, developer/traffic impact fees, and funds expended by the local jurisdiction in the M2 Expenditure Report that satisfy the Maintenance of Effort requirements; and

WHEREAS, the M2 Expenditure Report shall include all Net Revenue fund balances, interest earned and expenditures identified by type and program or project; and

WHEREAS, the M2 Expenditure Report must be adopted and submitted to the OCTA each year within six months of the end of the local jurisdiction's fiscal year to be eligible to receive Net Revenues as part of M2.

NOW, THEREFORE, BE IT RESOLVED that the City Council/Board of Supervisors for the City/County of \_\_\_\_\_ does hereby inform OCTA that:

- a) The M2 Expenditure Report is in conformance with the template provided in the Measure M2 Eligibility Guidelines and accounts for Net Revenues including interest earned, expenditures during the fiscal year, and balances at the end of fiscal year.
- b) The M2 Expenditure Report is hereby adopted by the City/County of \_\_\_\_\_.
- c) The City/County of \_\_\_\_\_ Finance Director is hereby authorized to sign and submit the M2 Expenditure Report to OCTA for the fiscal year ending June 30, \_\_\_\_.

PASSED, APPROVED, AND ADOPTED THIS [Insert Day] day of [Insert Month], [Insert Year].

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## **Appendix H: Arterial Highway Mileage Change Report**

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## **Appendix I: Maintenance of Effort Certification Form**

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# APPENDIX I

## Maintenance of Effort (MOE) Certification Form

**Jurisdiction:** \_\_\_\_\_

**Type of GENERAL FUND Transportation Expenditures:**

Please complete and attach supporting budget documentation for each line item listed below.

MAINTENANCE	Total Expenditure
<b>Subtotal Maintenance</b>	<b>\$</b>

CONSTRUCTION	Total Expenditure
<b>Subtotal Construction</b>	<b>\$</b>

INDIRECT /OTHER	Total Expenditure
<b>Subtotal Indirect /Other</b>	<b>\$</b>

Total General Fund Transportation Expenditures	\$
(Less Total MOE Exclusions <sup>1</sup> )	\$
<b>MOE Expenditures</b>	\$
<b>MOE Benchmark Requirement<sup>2</sup></b>	\$
<b>(Shortfall)/Surplus</b>	\$

**Certification:**

I hereby certify that:

- The City/County of \_\_\_\_\_ is aware of the State Controller’s “Guidelines Relating to Gas Tax Expenditures for Cities and Counties”, which is a guide for determining MOE Expenditures for Measure M2 Eligibility purposes and;
- The City/County of \_\_\_\_\_’s MOE Certification Form is in compliance with direction provided in the State Controller’s “Guidelines Relating to Gas Tax Expenditures for Cities and Counties” and;
- The City/County of \_\_\_\_\_ certifies that the budgeted MOE expenditures meet or exceed the fiscal year (FY) 20\_\_ - \_\_ MOE benchmark requirement<sup>3</sup>.

\_\_\_\_\_  
Finance Director Signature

\_\_\_\_\_  
Finance Director (Print Name)

\_\_\_\_\_  
Date

<sup>1</sup> Funding sources include Measure M, federal, state, redevelopment, and bond financing.

<sup>2</sup> Please refer to Exhibit 2 in the M2 Eligibility Guidelines for the City’s MOE benchmark requirement.

<sup>3</sup> Jurisdictions are encouraged to submit MOE eligible expenditures higher than their MOE benchmark, so that should certain expenses be ruled ineligible during an MOE audit, the local jurisdiction still has sufficient MOE expenditures to demonstrate continued achievement of the MOE benchmark.

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## **Appendix J: Local Fair Share Guidelines**

The M2 Local Fair Share Guidelines can be found on the Eligibility Website:  
<https://www.octa.net/M2Eligibility>

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## Appendix **K**: Acronyms

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Acronym	Description
AHRP	Arterial Highway Rehabilitation Program
AER	Annual Eligibility Review (Subcommittee)
ASTM	American Society for Testing and Materials
CCI	Construction Cost Index
CFD	Community Facilities District
CIP	Capital Improvement Program
CMP	Congestion Management Program
CMPHS	Congestion Management Program Highway System
CTFP	Comprehensive Transportation Funding Programs
ECP	Environmental Cleanup Program (Project X)
FY	Fiscal Year
GIS	Geographic Information System
LAFCO	Local Agency Formation Commission
LFS	Local Fair Share (Project Q)
LOS	Level of Service
LSSP	Local Signal Synchronization Plan
M2	Measure M2
MFP	Mitigation Fee Program
MOE	Maintenance of Effort
MPAH	Master Plan of Arterial Highways
OCTA	Orange County Transportation Authority
OCTC	Orange County Transportation Commission
PCI	Pavement Condition Index
PMP	Pavement Management Plan
RCP	Regional Capacity Program (Project O)
RTSSMP	Regional Traffic Signal Synchronization Master Plan
RTSSP	Regional Traffic Signal Synchronization Program (Project P)
SCAQMD	South Coast Air Quality Management District
SF	Square Foot
TAC	Technical Advisory Committee
TDM	Traffic Demand Management
TIA	Traffic Impact Analysis
TOC	Taxpayer Oversight Committee
TOD	Transit Oriented Development
TSC	Technical Steering Committee

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