

# Cache County Council of Governments

**Approved September 19, 2016**

**Amended January 23, 2017**

**Amended June 24, 2019**



## LOCAL TRANSPORTATION FUND -PROGRAM MANUAL-

## Cache County Council of Governments

### 2019 Membership

- Mayor Jeff Young, Chair
- Mayor John Drew, Vice Chair
- Mayor Sharidean Flint
- Mayor David Wood
- Mayor Craig Hidalgo
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- Mayor Lynn Payne
- Mayor Thomas Bailey
- County Executive Craig W Buttars

Staff: James P. Gass, CMPO Executive Director & Jeff Gilbert, CMPO Transportation Planner

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## SECTION 1 - OVERVIEW & INTRODUCTION

In 2007 Cache County voters considered a ballot measure establishing a county-wide .25% sales tax to fund transportation improvements.

In accordance with Utah State Code 59-12-2217 (see Appendix A), Cache County residents voted on the following ballot measure to consider the establishment a county-wide .25% sales tax: **"Shall Cache County, Utah, be authorized to impose a .25% sales and use tax for transportation projects, corridor preservation, congestion mitigation, or to expand capacity for regionally significant transportation facilities?"**

Overall Cache County voters approved the ballot question November 2007 54.7% to 45.3%.

### REQUIREMENTS OF STATE CODE 59-12-2217

#### ROLE OF THE CACHE COUNTY COUNCIL OF GOVERNMENTS (COG)

Utah State Code specifies how sales tax funds collected under this code section are to be allocated and administered. State code calls for a Council of Governments (COG). The COG is defined by code to include all Mayors and the Cache County Executive. The COG is tasked with general oversight in addition to creation and administration of a written project prioritization process. After administering the written project prioritization process the COG can approve a prioritized project list to recommend to the Cache County Council. The COG can only submit one recommended priority project list for consideration by the County Council each calendar year.

Cache County organized a COG in 2007 as a result on enactment of this tax. Unlike many counties in Utah, prior to 2007 Cache County did not have an operating COG. To this day the COG's only function is to administer the project prioritization process as described herein and make a prioritized recommendation to the County Council. The COG meets on an "as-needed" basis (See COG By-laws found in Appendix 2).

#### PROJECT PRIORITIZATION PROCESS

State code requires the COG develop a written project prioritization process. The written project prioritization process must address the following:

- Definition of the type of project to which the written prioritization process applies.
- Specification of a weighted criteria project prioritization system.
- Specification of the data that is necessary to apply the weighted criteria system.
- Other provision the Council of Governments considers appropriate.

#### WEIGHTED SELECTION CRITERIA FOR PROJECT PRIORITIZATION SYSTEM

State code requires the COG to include certain factors as part of its weighted selection criteria. How these factors are used or the weight they are given is left to the COG. These factors include:

- The cost effectiveness of a project
- The degree to which a project will mitigate regional congestion.
- Compliance with applicable federal laws or regulation.
- The economic impact of a project.
- The degree to which a project will require tax revenues to fund maintenance and operation expenses.
- Any other provision the council consider appropriate.

#### COG EXECUTIVE COMMITTEE

The COG Executive Committee is composed of the COG Chair, Vice Chair and Cache County Executive. This committee will provide general oversight to the annual prioritization process. Specifically, this committee (with staff support) will:

1. Establish the project application schedule and deadlines.
2. Determine the amount of funding to make available to applicants for each funding cycle.
3. Assist staff in the interpretation of COG policies and procedures (as questions arise).
4. Determine project eligibility of applications and make betterment review decisions.

5. Provide application & plan set completeness reviews

### CACHE TECHNICAL ADVISORY COMMITTEE (CTAC)

The CTAC is made up of a representative of each voting COG jurisdiction. Generally, those that participate are city/county professional staff (City Managers, Department Directors, Engineers or Planners). Each jurisdiction is afforded a single vote. Jurisdictions that do not have paid staff can send another representative (e.g. Councilperson assigned to roads). The jurisdiction's representative on the CTAC cannot also be the voting member on the COG board.

## SECTION 2- PROJECT ELIGIBILITY

### GENERAL PROJECT ELIGIBILITY (ALL PROJECTS)

According to state code, COG funds can be used for a "project or service" related to a "regionally significant transportation facility".

A regionally significant transportation facility is defined by state code as;

- principal arterial highway;
- minor arterial highway;
- major collector highway;
- minor collector road; or
- Logan-Cache Airport (qualifies due to its inclusion in FAA's National Plan of Integrated Airport Systems).

UDOT maintains the "official" database of functional classification for highways and roads (see UDOT website for their functional classification map). UDOT also oversees the process for changes or additions to this classification scheme.

New roads (or new road segments) or existing local roads can be eligible (even if they are not shown in the UDOT system) for COG funds if they are included in the local jurisdiction's transportation master plan **and** are shown as an arterial or collector road. The roadway design submitted as part of the COG application must also demonstrate that it will be constructed consistent with a collector or arterial roadway configuration.

These roads must be shown on the master plan with "logical termini" to other similar classified roads.

### ADDITIONAL URBAN AREA PROJECT ELIGIBILITY REQUIREMENTS

#### REGIONAL TRANSPORTATION PLAN INCLUSION

According to state code, projects located in the planning area of the Cache Metropolitan Planning Organization (CMPO) have the added requirement that the project is for **new roadway capacity or congestion mitigation**.

In addition to the requirements found in state code, the COG has opted to require that any project located in the CMPO planning area (see figure 1) must also be included in phase 1, 2 or 3 of the CMPO's most current adopted Regional Transportation Plan (fiscally constrained project list).

#### SPOT IMPROVEMENT RTP EXCEPTION (URBAN AREA ONLY)

The CMPO's Regional Transportation Plan (RTP) does not typically identify smaller operational or safety road projects. Generally, the RTP only identifies larger road widening or major capacity improvements (in the 20-year planning horizon). The COG has indicated a commitment to invest primarily in projects that implement the adopted RTP (in the CMPO planning area). Nonetheless, the COG recognizes that limited investments in smaller projects (not included in the RTP) could have value and should be considered.

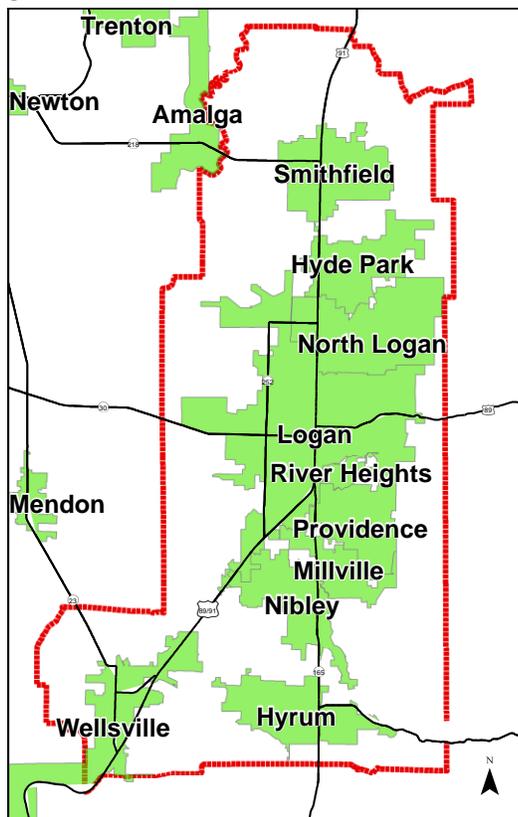
Therefore, the COG has developed a "spot improvement" policy that allows smaller projects not included in the RTP to still be considered for COG funds if they meet the following criteria:

1. Projects are capped at \$200,000 COG sales tax funds.
2. Projects are limited to Intersection or operational roadway improvement and/or a project that is primarily intended to correct a roadway safety issue.
3. A larger project cannot be artificially separated in multiple spot improvement projects.

## NON-URBAN (RURAL) AREA PROJECT ELIGIBILITY

Since the rural portions of Cache County are not part of the CMPO's planning area (see figure 1), elected officials from those communities do not directly participate on the CMPO Executive Council (who approves the RTP). Therefore, projects from rural areas are not required to be part of the CMPO's RTP. Any project that meets the general project eligibility requirements of state code can be considered for COG funding. The spot improvement policy does not apply to the rural portions of the county.

**Figure 1: Census Urban Areas of Cache County**



## MULTI-JURISDICTIONAL PROJECTS

Projects that span multiple jurisdictions must select a lead sponsor for the application. Multi-Jurisdictional projects must have a letter from all non-sponsoring jurisdictions indicating support and acknowledgement of project delivery cooperation.

## ELIGIBLE PROJECT ACTIVITIES

The COG has established the following policy for eligible project activities using COG funds.

### ELIGIBLE COG ROADWAY COSTS

The following elements of roadway construction are eligible for COG fund reimbursement:

1. All roadway construction activities that are associated with constructing the roadway pavement section (including bike lanes).
2. Any required utility system relocations (does not include utility upgrades or improvements).
3. Utility stubs to reduce future road cuts.
4. Sidewalks or shared use paths (within same project limits and contribute to transportation function).
5. Road right-of-way purchase (limited to width needed for road pavement and sidewalks or pathways).
6. Drainage system improvements (required because of the project but does not include curb and gutter).
7. Residential or business relocation costs required by roadway improvement (requires approval of the COG Executive Committee on a case-by-case basis at time of application).
8. Roadway safety elements (e.g. guardrail, signals, cross-walks, signage and pavement marking etc.).
9. Site environmental cleanup or remediation costs will be considered on a case-by-case basis by the COG Executive Committee for eligibility.
10. Native revegetation needed for soil stabilization.
11. Standard roadway traffic safety lighting (basic "cobra" head lights and wooden poles).

### INELIGIBLE COG ROADWAY COSTS

The following elements of roadway construction are NOT eligible (some items may be used for local match) for COG fund reimbursement (these elements can be done as part of a COG funded project but will need to

be handled as separate bid items and paid with non-COG funds):

1. Curb, gutter or decorative landscaping
2. Right of way cost beyond that needed to accommodate the actual road cross-section (the local jurisdiction must pay the cost difference of remnant property or full property “takes”).
3. Engineering Costs or COG application development costs.
4. Utility system upgrades including cost to increase capacity, bury overhead utilities, or line extensions.
5. Non-traffic safety roadway lighting

### ROAD CONSTRUCTION STANDARDS

Sponsoring jurisdictions should use their own roadway standards when completing engineering design. The following are the only exceptions or other considerations:

- A location specific roadway pavement design is required for construction of new roads or projects that include full depth road replacement.
- Any project that includes a bridge or other roadway structure that costs more than \$1 Million are required to obtain a plan review by the UDOT structures division.

### LOCAL MATCH REQUIREMENTS

All COG funded project are required to provide a minimum 7% local match. However, projects are encouraged to provide a higher match percentage. COG members will consider this higher match percentage for project scoring. The percentage of match identified in a project’s application must be documented with any COG funding disbursement request (see section 4). If the COG approves a lesser amount of COG funds then requested (or if less of the COG funds are used then identified in the application), the jurisdiction is only expected to match at the same percentage as identified in the application (this holds true even if the application identifies an actual match dollar amount as opposed to percentage).

### COST ITEMS INCLUDED FOR 7% LOCAL MATCH MINIMUM

The following items can be used to document the required 7% local match minimum:

1. Cash contributions to the project (only from local Municipal or County Sources).
2. Project specific engineering & environmental study costs.
3. Appraised value of project right-of-way acquired by the local jurisdiction (must not have been acquired with federal, state or COG funds) in the last 10 years (does not include right-of-way acquired through development dedication and property acquisition must be completed prior to COG application due date).
4. Replacement of existing curb & gutter

### PHASED PROJECTS

Often larger road projects must be completed in phases (e.g. right-of-way purchase, staged construction and segmentation). While staged construction phases will be allowed, each phase should have substantial independent utility. Entire project must be described, and eligibility will be determined by overall project.

## SECTION 3 - PROJECT PRIORITIZATION

This section describes how the COG will prioritize road projects and develop its annual funding recommendation to the Cache County Council. According to state code, the COG can make one funding recommendation per calendar year to the Cache County Council.

### AIRPORT PROJECTS

Any requests for project improvements at the Cache-Logan Airport will be dealt with by the COG on a case-by-case basis and will not use the road project prioritization. An airport project must result in a regionally significant benefit to the public.

## PRE-APPLICATION ELIGIBILITY SCREENING

With the assistance of COG staff, the COG Executive Committee will conduct project eligibility reviews and provide project application eligibility determinations. Applicants should request this review early in the application development process to avoid any unnecessary expenditure of time or resources toward an ineligible project. Applicants may appeal eligibility determinations to the full COG.

## STEP 1--CALL FOR APPLICATIONS

The COG Executive Committee will determine the timing and schedule for each project application cycle. The COG will make available a funding application that clearly specifies the information needed to be considered for funding and project prioritization. The COG maintains a strict policy that late or incomplete applications will not be accepted.

## ELIGIBLE APPLICANTS

Only Cache County Corporation, incorporated cities and towns or the Logan-Cache Airport are eligible applicants for COG funds.

## DETERMINING AVAILABLE FUNDS

This COG Executive Committee will authorize the amount of total COG funds that will be made available to applicants each funding cycle (based on review of the latest fund balance). Generally, the amount of funds made available for any given year will be the amount of any residual funds and the estimated dedicated sales tax revenue for the year (until the next funding cycle). The COG Executive Committee will determine the acceptability of the estimation assumptions for future fund revenue. This information will be provided to potential applicants along with the notice requesting applications. Funding made eligible at the time of opening a COG cycle will not be adjusted.

## RURAL AREA “SET-ASIDE”

Given that the needs in rural portions of Cache County are often distinctly different than in the more urbanized areas, the COG has established a rural area

“set-aside”. These funds will only be available to the rural jurisdictions of the county (see figure 1).

The annual amount of the rural “set-aside” will be based on the latest Class B & C road mileage report available from UDOT (this is the formula used to distribute state gas tax revenue). The total weighted road mileage will be tallied, and the urban/rural split will be calculated. As of June 2016, this weighted mileage split is 87% urban, 13% rural.

Unincorporated Cache County mileage is included in the urban split because Cache County participates as a voting member of the CMPO Executive Council and would still be able to submit a COG application for the Urban portion of COG funds for a project located anywhere in the county.

The U.S. Census Bureau designates the “urbanized” area boundary. The boundary of this designation is revisited after each decennial census. The COG’s urban/rural designation will adjust to these new boundaries as necessary

## APPLICATION SCHEDULE AND DEADLINES

The annual project prioritization schedule and deadlines will be approved by the COG Executive Committee.

## STEP 2--APPLICATION

Application project managers (or designee) must attend a mandatory “How to Apply” meeting held at the beginning of each application cycle.

At a minimum, the following information/items are needed to constitute a complete application:

1. Fully completed COG Road Project Application.
2. 90% level engineering/design (if project does not require engineering, then include bid documentation).
3. 30% level engineering/design for projects that are for purchase of Right-of-way only.
4. Detailed cost estimates (or bid documentation). Cost estimates must clearly breakout non-COG participating betterment items.
5. Engineering plans are required to submit a signed statement by a engineer licensed in the state of Utah that verify the plans and

specifications meet professional standard of practice for 90% (or 30% for projects requesting funding only for right-of-way purchase) complete engineering.

An electronic application and electronic PDF files are required for the application and cost estimates. Engineering/design material may be submitted as electronic PDF files only. All information must be submitted to the Development Services Office by the deadline.

### STEP 3--PROJECT PRIORITIZATION

As required by Utah state code, the COG will administer a written weighted project prioritization process that will result in the approval of a prioritized COG funding recommendation to the Cache County Council.

### APPLICATION INFORMATION AVAILABILITY

As soon as possible after the application deadline, staff will make publicly available (on the internet) all submitted COG application information (except for the detailed engineering documents). An email will be sent to COG members notifying them of the availability of application information.

### SITE VISITS/PROJECT PRESENTATIONS MEETING

At the discretion of the COG, project applicants may be requested to accommodate a project site visit or make a short project presentation. These meetings will be scheduled in advance and made know to applicants and will be open to the public.

### PROJECT SCORING SYSTEM

COG road project scoring is divided into two stages. The first stage consists of the Cache Technical Advisory Committee (CTAC) scoring.

#### CACHE TECHNICAL ADVISORY COMMITTEE (CTAC) PROJECT SCORING.

Figure 2 shows the CTAC scoring system. With assistance from COG staff, the CTAC committee will apply this scoring criteria to projects and develop a scoring recommendation for the following categories: 1) congestion mitigation, 2) advanced corridor preservation and, 3) safety.

### CONGESTION MITIGATION

- If available for a project, the level of existing or future congestion (level of service) will be determined using the latest CMPO model. Each project that is applying for congestion mitigation will be modeled through this process.
- Projects requesting Congestion Mitigation funds should also provide improvements that improve capacity, traffic flow, etc.
- Projects can apply for intersection improvements and intersection LOS will be modeled.
- For new roadways, where current LOS does not exist, analysis will be based on the best comparable roadway in terms of expected traffic capacity, alignment with other traffic facilities, and expected benefits. For example: The expansion of 100 East north of 800 North in Logan would model based on 200 East, not Main Street. Connection of an east/west connector would look at other existing east/west corridors in a similar condition, but likely not 400 North in Logan.

### ADVANCED CORRIDOR PRESERVATION

- Only projects listed within Phase 2 & 3 of the most recent adopted CMPO RTP plan are eligible
- As these projects are at least 10 years out and no construction is yet contemplated, no points may be awarded for Congestion mitigation or Safety.
- A 30% design is required to ensure that ROW acquisition is in line with the full extent of the future projected roadway.

### SAFETY

- This category reviews current and historical (past 5 years) accident and safety data for roadways. Calculation for the financial impact of accidents is based on the severity of the accident and UDOT cost estimation.
- The cost associated with accidents is compared to the cost of the proposed improvements to generate a cost/benefit analysis.
- Safety improvement funds must be used to make improvements that solve the majority or most typical accident types. No safety points will be awarded for projects that do not functionally address safety issues.

The scoring worksheet uses a three-number scoring system that will be multiplied by the category weight to calculate a final weighted project score. Each category can be scored with a 0, 1, 2 or 3 as follows:

- Project score 0=project is anticipated to have negative impacts or is not compliant (or not applicable in the case of corridor preservation).
- Project score 1= project is anticipated to perform less than adequate for any given category
- Project score 2= project is anticipated to perform adequately for any given category.
- Project score 3=project is anticipated to perform exceptional for any given category.

The results of the CTAC scoring will be made available to COG members before they are requested to complete their project ranking. The CTAC Chair will present the scoring results and provide a project briefing at the project presentation meeting of the full COG.

### COG MEMBER PROJECT RANKING

Each voting COG member will use the criteria described in this section to rank projects (ranked 1 to N, where “N” is the total number of projects and 1 represents the highest priority). COG staff will use the COG Members scoring key shown in Figure 3 to convert the COG member’s project ranking to a weighted score.

When ranking a project COG member should make their own best judgments about a project’s benefit by applying local knowledge and experience.

### URBAN/RURAL PROJECT RANKINGS

All COG members will rank every project regardless if the project is in an urban or rural area (see Figure 1). As part of the recommendation approval process, the urban/rural set aside split will be applied.

### CATEGORIES AND INFORMATION COG MEMBERS SHOULD CONSIDER WHEN RANKING PROJECTS

Below is a summary of the categories and factors that should be considered by individual COG members when assigning project ranks:

#### COST EFFECTIVENESS

As part of assigning project ranking, COG members should consider:

- Overall cost of a project relative to anticipated benefits.
- What is the local match contribution to the project?
- Does the project include donated right-of-way?

- All cost/contribution items listed above for 7% local match minimum.
- In-kind contributions.
- Utility system upgrades.
- Cost of city betterments (curb & gutters, landscaping etc.).

#### ECONOMIC IMPACT

As part of assigning project ranking, COG members should consider:

- Will the project support the expansion of commercial development in close proximity?
- Will the project include improvements to better support the movement of freight?
- Is the project located in an area with a high concentration of employment?
- Does the project support industrial and manufacturing development that bring wealth into Cache Valley (non-retail)?

#### FEDERAL LAW COMPLIANCE

As part of assigning project ranking, COG members should consider:

- Does the project include significant environmental impacts?  
Does the project negatively impact low income, disabled or minority populations?

#### MAINTENANCE/OPERATION COSTS

As part of assigning project ranking, COG members should consider:

- Does the project include any elements to reduce the cost of future operation and maintenance costs?
- Does the project include a follow up seal coat treatment?
- Will the project require long term city/county maintenance for adjacent remnant right-of-way?

Figure 2-CTAC Project Scoring

Score	Scoring Criteria (Base Score)	Application of Solutions (modifier scores)	Modifier*	Weight	Total Possible
Congestion Relief**	3 Existing or future (2040) roadway V/C > .75 (LOS D or worst)	Project improves capacity (Add. lanes, new road)	Rating +1	5	15
	2 Existing or future(2040) roadway V/C > .58 (LOS C)	Project improves capacity (Center turn, realignment, Intersection)	Maintain Rating		
	1 Existing or future (2040) roadway V/C <= .57 (LOS A & B)	No Capacity (Maintenance, shouldering, etc.)	Rating -1		
	3 Existing Intersection LOS D to F	Intersection Improves LOS by 2 or more	Rating +1		
	2 Existing Intersection LOS C	Intersection Improves LOS by 1	Maintain Rating		
1 Existing Intersection LOS B					
0 Existing Intersection LOS A					
Advanced Corridor Preservation	3 Project includes ROW acquisition for full road alignment	Project construction > 10 years out	Maintain Rating	3	9
	2	Project construction <= 10 years out	Rating -3		
	1				
	0				
Safety***	3 Safety analysis cost/benefit ratio 1 or greater			5	15
	2 Safety analysis cost/benefit ratio .6 or greater				
	1 Safety analysis cost/benefit ratio .25 or greater				
	0 No analysis or cost/benefit ratio less than .25				

Base score plus modifier score cannot exceed the maximum score nor can scoring result in a overall negative score  
 \*\* Project that include roadway improvements and intersection improvements cannot exceed maximum score of three.  
 \*\*\* Cost benefit analysis must use UDOT methodology and include a clearly identifiable safety counter-measure included by UDOT or otherwise

Figure 3—Overall Final COG Score Sheet

Scored By	Congestion Relief (Data Scored)				Advanced Corridor Preservation				Safety (Data Scored)				CTAC Scoring Totals				COG Member Project Ranking		COG Member Score	
Category Weight	5	3	5		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Total Possible Points	15	9	15	39	NA	60	99													
Project A																				
Project B																				
Project C																				
Project D																				
Project E																				
Project F																				
Project G																				

Rank	Points
1	60
2	55
3	50
4	45
5	40
6	35
7	30
8	25
9	20
10+	15

## STEP 4--APPROVING THE FUNDING RECOMMENDATION

### TALLYING OF COG MEMBER/CTAC SCORING

Staff will tally the completed scoresheets (see figure 2) for each voting COG member. Each COG member's resulting score from their ranking for each project will be averaged and then added to the CTAC score to calculate a final overall project score. However, each COG member's lowest ranking project (and resulting points) will not be used to calculate a final average score (each COG member lowest ranked project score will be "thrown out" for purposes of calculating the COG member ranking average project score). As stated, this will be added to the CTAC assigned points to calculate an overall project score.

### APPROVING THE PRIORITIZED PROJECT RECOMMENDATION LIST

In a public meeting, the COG will consider approving a project funding recommendation to the Cache County Council.

Prior to this public meeting, COG staff will provide a draft funding recommendation list. This draft list will be developed by applying the urban split funds to the top overall ranked urban projects until funding runs out.

Likewise, COG staff will apply the rural split (set-aside funds) to the top overall ranked rural projects until funding runs out.

If the COG intends to approve a recommendation that would result in prioritizing a project over another project (with a higher rank, unless it is because of applying the rural set-aside policy) the COG must clearly identify the reasons and make them available to the public (state code requirement).

Both the urban and rural project prioritization funding lists will require approval by the entire COG. One combined funding recommendation list will be approved.

## SECTION 4--PROJECT ADMINISTRATION (POST AWARD FOR FUNDED PROJECTS)

### NOTICE OF AWARD

After the Cache County Council has approved a project as part of the COG funding recommendation, award letters will be sent which identify the amount of COG funds approved and the required local match (consistent with the project's application). The letter will also identify a project number that will be required for all future communication and disbursement requests.

### PROJECT CONSTRUCTION OVERSIGHT AND ADMINISTRATION

The local sponsoring jurisdiction is responsible for all aspects of COG project construction oversight and administration. This includes project bidding, consultant contracting, property acquisition and construction engineering/inspection and contractor payment.

### COG PROJECT CONTRACT

Any jurisdiction receiving COG funds will be required to enter into a funding cooperative agreement (see Appendix 3).

### DISBURSEMENT OF COG FUNDS

COG funds will be disbursed only after expenses have been incurred. The preferred payment method is for a jurisdiction to cash flow all project payments and submit one final project disbursement request. However, if a jurisdiction is not able to cash flow these contractor payments, partial disbursement requests can be accommodated.

Disbursement request should be submitted to Cache County Development Services. All disbursement requests must use the form found in Appendix 4.

Any COG funds that remain after a project is completed will be reallocated to be made available to the next round of COG project applications.

### **PROJECT INSPECTIONS/BETTERMENT REVIEW**

The County will conduct periodic project inspections/site visits. These inspections are to verify a projects consistency with the applicants COG application and to have some level of quality control for the COG's investment.

Each year the COG will include in its recommendation to the Cache County Council a minimum of 1.5% of the available COG funds to be held by Cache County and used for plan set/betterment review and disbursement request project inspections.

### **TIMELINE FOR USE OF COG FUNDS**

Projects must be initiated with some project fund expenditures within 2 years of the final approval from the Cache County Council. All COG funds must be disbursed within 6 years of the final approval from the Cache County Council. Exceptions to this timeline will require a written request for time extension from the sponsoring jurisdiction and will be considered on a case-by-case basis by the COG Executive Committee.

### **PROPERTY ACQUISITION**

All right-of-way purchases must follow the property acquisition procedures found in the Utah Relocation Assistance Act (57-12-12).

### **ACCESS MANAGEMENT PLAN**

Any roadway capacity increasing project funded more than \$200,000 is required to submit an access management plan for the roadway (before a COG funded project can be bid). As an alternative, the city can submit a jurisdiction wide access management ordinance (if one exists).

### **INTERPRETATION OF COG FUND POLICIES**

Project grantees are encouraged to contact COG staff with any questions of cost item eligibility or other concerns as early as possible. Staff will utilize the COG Executive Committee when further clarification is needed on interpretation of how COG policies and procedures are applied.

## APPENDIX 1-STATE ENABLING CODE 59-12-2217

**Effective 7/1/2019**

**59-12-2217 County option sales and use tax for transportation -- Base -- Rate --  
Written prioritization process -- Approval by county legislative body.**

(1) Subject to the other provisions of this part, and subject to Subsection (8), a county legislative body may impose a sales and use tax of up to .25% on the transactions described in Subsection 59-12-103(1) within the county, including the cities and towns within the county.

(2)

(a) Except as provided in Subsection (2)(b), and subject to Subsections (3) through (6) and Section 59-12-2207, the revenue collected from a sales and use tax under this section may only be expended as described in Section 59-12-2212.2.

(b) Subject to Subsections (3) through (6), in a county of the first or second class, or if a county is part of an area metropolitan planning organization, that portion of the county within the metropolitan planning organization, the revenue collected from a sales and use tax under this section may only be expended as described in Section 59-12-2212.2, and only if the expenditure is for:

(i) a project or service:

(A) relating to a regionally significant transportation facility for the portion of the project or service that is performed within the county;

(B) for new capacity or congestion mitigation, and not for operation or maintenance, if the project or service is performed within the county; and

(C) on a priority list created by the county's council of governments in accordance with Subsection (5) and approved by the county legislative body in accordance with Subsection (5);

(ii) corridor preservation for a project or service described in Subsection (2)(b)(i)(A) or (B); or

(iii) debt service or bond issuance costs related to a project or service described in Subsection (2)(b)(i)(A) or (B).

(c) The restriction in Subsection (2)(b)(i)(B) from using revenue for operation or maintenance does not apply to any revenue subject to rights or obligations under a contract entered into before January 1, 2019, between a county and a public transit district.

(3) For revenue expended under this section for a project or service described in Subsection (2) that is on or part of a regionally significant transportation facility and that constructs or adds a new through lane or interchange, or provides new fixed guideway public transit service, the project shall be part of:

(a) the statewide long-range plan; or

(b) a regional transportation plan of the area metropolitan planning organization if a metropolitan planning organization area exists for the area.

(4)

(a) As provided in this Subsection (4), a council of governments shall:

- (i) develop a written prioritization process for the prioritization of projects to be funded by revenues collected from a sales and use tax under this section;
  - (ii) create a priority list of transportation projects or services described in Section 59-12-2212.2 in accordance with Subsection (5); and
  - (iii) present the priority list to the county legislative body for approval in accordance with Subsection (5).
- (b) The written prioritization process described in Subsection (4)(a)(i) shall include:
- (i) a definition of the type of projects to which the written prioritization process applies;
  - (ii) subject to Subsection (4)(c), the specification of a weighted criteria system that the council of governments will use to rank proposed projects and how that weighted criteria system will be used to determine which proposed projects will be prioritized;
  - (iii) the specification of data that is necessary to apply the weighted criteria system;
  - (iv) application procedures for a project to be considered for prioritization by the council of governments; and
  - (v) any other provision the council of governments considers appropriate.
- (c) The weighted criteria system described in Subsection (4)(b)(ii) shall include the following:
- (i) the cost effectiveness of a project;
  - (ii) the degree to which a project will mitigate regional congestion;
  - (iii) the compliance requirements of applicable federal laws or regulations;
  - (iv) the economic impact of a project;
  - (v) the degree to which a project will require tax revenues to fund maintenance and operation expenses; and
  - (vi) any other provision the council of governments considers appropriate.
- (d) A council of governments of a county of the first or second class shall submit the written prioritization process described in Subsection (4)(a)(i) to the Executive Appropriations Committee for approval prior to taking final action on:
- (i) the written prioritization process; or
  - (ii) any proposed amendment to the written prioritization process.
- (5)
- (a) A council of governments shall use the weighted criteria system adopted in the written prioritization process developed in accordance with Subsection (4) to create a priority list of transportation projects or services for which revenues collected from a sales and use tax under this section may be expended.
- (b) Before a council of governments may finalize a priority list or the funding level of a project, the council of governments shall conduct a public meeting on:
- (i) the written prioritization process; and
  - (ii) the merits of the projects that are prioritized as part of the written prioritization process.
- (c) A council of governments shall make the weighted criteria system ranking for each project prioritized as part of the written prioritization process publicly available before the public meeting required by Subsection (5)(b) is held.

- (d) If a council of governments prioritizes a project over another project with a higher rank under the weighted criteria system, the council of governments shall:
- (i) identify the reasons for prioritizing the project over another project with a higher rank under the weighted criteria system at the public meeting required by Subsection (5)(b); and
  - (ii) make the reasons described in Subsection (5)(d)(i) publicly available.
- (e) Subject to Subsections (5)(f) and (g), after a council of governments finalizes a priority list in accordance with this Subsection (5), the council of governments shall:
- (i) submit the priority list to the county legislative body for approval; and
  - (ii) obtain approval of the priority list from a majority of the members of the county legislative body.
- (f) A council of governments may only submit one priority list per calendar year to the county legislative body.
- (g) A county legislative body may only consider and approve one priority list submitted under Subsection (5)(e) per calendar year.
- (6) In a county of the first class, revenues collected from a sales and use tax under this section that a county allocates for a purpose described in Subsection 59-12-2212.2(5) shall be:
- (a) deposited in or transferred to the County of the First Class Highway Projects Fund created by Section 72-2-121; and
  - (b) expended as provided in Section 72-2-121.
- (7) Notwithstanding Section 59-12-2208, a county legislative body may, but is not required to, submit an opinion question to the county's registered voters in accordance with Section 59-12-2208 to impose a sales and use tax under this section.
- (8)
- (a)
    - (i) Notwithstanding any other provision in this section, if the entire boundary of a county is annexed into a large public transit district, if the county legislative body wishes to impose a sales and use tax under this section, the county legislative body shall pass the ordinance to impose a sales and use tax under this section on or before June 30, 2022.
    - (ii) If the entire boundary of a county is annexed into a large public transit district, the county legislative body may not pass an ordinance to impose a sales and use tax under this section on or after July 1, 2022.
  - (b) Notwithstanding the deadline described in Subsection (8)(a), any sales and use tax imposed under this section on or before June 30, 2022, may remain in effect.

Amended by Chapter 479, 2019 General Session

## APPENDIX 2-COG BYLAWS

### CACHE COUNTY COUNCIL OF GOVERNMENTS

#### BY-LAWS

#### Amended 3-10-14

1. ORGANIZATION
  - a. These by-laws are established for the Cache County Council of Governments.
  - b. In accordance with Utah Code 72-2-117.5 (1) (a), the Cache County Council of Governments shall be a decision-making body composed of the County Executive and the Mayors of each municipality in the county.
  - c. The authorized acronym for the Cache County Council of Governments shall be CCCOG.
2. PURPOSE
  - a. In accordance with Utah Code Annotated, Section 59-12-2217 (5)(a), the CCCOG shall create a priority list of regionally significant transportation facility projects described in Subsection (4)(a) using the process described in Subsection (5)(b) and present the priority list to the Cache County Council for approval as described in Subsection (6). Subject to Sections 59-12-2217, the CCCOG shall establish a council of governments' endorsement process which includes prioritization and application procedures for use of the revenues Cache County receives under the County Option Sales and Use Tax Transportation Act.
  - b. The CCCOG shall submit the priority list described in II.A. above to the Cache County Council and obtain approval of the list from a majority of the members of the Cache County Council.
  - c. The CCCOG may only submit one priority list per calendar year.
3. MEETINGS
  - a. The CCCOG shall meet as needed, providing that reasonable notice is given to all members of the time and place of each meeting.
  - b. The CCCOG shall comply with the provision of Utah Code Annotated, Section 52-4-201 for open and public meetings. All meetings of the CCCOG shall be open to the public unless closed pursuant to Utah Code.
  - c. Public notice shall be given of all meetings as required by Section 52 Chapter 4 Part 2, and minutes and recordings kept of all meetings as required by Section 52-4-203.
  - d. Electronic meetings are allowed pursuant to Sections 52-4-210 of the Utah Code Annotated for the CCCOG meetings provided they meet the following procedures:
    1. The meeting is properly noticed as per the CCCOG By-laws and Utah Code.
    2. A written notice is posted and the anchor location of the meeting identified (agenda with Electronic Meeting notation).
    3. Notice of the electronic meeting is given to the members at least 24 hours prior to the meeting.
    4. Non-present members are to be connected via electronic means (i.e. telephonic or telecommunications conference)
    5. Space must be provided at the anchor location for members of the public.

6. If comments from the public will be accepted during the electronic meeting, space and facilities at the anchor location must be provided so the public can attend, monitor and participate in the open portions of the meeting.

7. If voting is required, the Chair shall require a roll call vote so that the non-present members' vote may be counted.

#### 4. QUORUM AND VOTING

- a. A quorum shall be required for the transaction of all business of the CCCOG.
- b. A quorum shall consist of a majority (11) of all CCCOG members.
- c. A simple majority vote of the voting members present, provided those present constitute a quorum, is necessary to carry any question.
- d. Each member of the CCCOG shall have one vote.

#### 5. OFFICERS

- a. The CCCOG shall elect by majority vote a Chair and Vice-Chair, to serve for one-year terms with no term limitations, at the first meeting held each year.
- b. The Chair shall be the chief executive officer for CCCOG and shall sign all documents on behalf of CCCOG. The Chair shall also set the agenda for meetings; preside at all meetings; assign responsibilities to members; and such other duties as may be prescribed by the CCCOG.
- c. The Vice-Chair shall assume the Chair's duties and powers in the absence of the Chair.
- d. The CCCOG may appoint a Secretary who shall provide public notice and keep minutes of all meetings and such other duties as may be assigned by the CCCOG.
- e. The CCCOG may from time to time appoint committees, standing or temporary, as may be necessary to carry out the purpose, activities and responsibilities of the CCCOG.
- f. The CCCOG shall use a modified Roberts Rules of Order in conducting meetings, public hearings, etc.

#### 6. EXECUTIVE COMMITTEE

- a. The COG Executive Committee is composed of the COG Chair, Vice Chair and Cache County Executive. This committee will provide general oversight to the annual prioritization process. Specifically, this committee (with staff support) will:
  - i. Establish the project application schedule and deadlines.
  - ii. Determine the amount of funding to make available to applicants for each funding cycle.
  - iii. Assist staff in the interpretation of COG policies and procedures (as questions arise).

#### 7. ADOPTION AND AMENDMENT

- a. These by-laws shall be adopted by a two-thirds (14) vote of the members of CCCOG.
- b. These by-laws may be amended or altered or repealed and new by laws may be adopted by a two-thirds vote of the CCCOG members represented at any regular meeting provided written notice has been given two weeks in advance of intention to alter, amend or repeal or adopt a new set of by-laws.

July 2016

## APPENDIX 3-COUNTY COOPERATIVE AGREEMENT

### LOCAL TRANSPORTATION FUNDING AGREEMENT BY AND BETWEEN CACHE COUNTY AND «Sponsor»

This Agreement is made effective this \_\_\_\_\_ day of \_\_\_\_\_ 2018, by and between Cache County and «Sponsor» (collectively the "Parties" or individually the "Party") witnesses that:

WHEREAS, Utah Code Section 59-12-2217, the County Option Sales and Use Tax for Transportation provides the opportunity for a Council of Governments and the local legislative body to prioritize and approve funding for transportation projects; and

WHEREAS, the Cache County Council of Governments (COG) is the council of governments with the authority to work with Cache County, the local legislative body, to prioritize and approve funding for such transportation projects; and

WHEREAS «Sponsor» is among the qualified projects prioritized for funding by COG and the Cache County Council; and

WHEREAS, «Sponsor» intends to complete the «Project\_Name»; and

WHEREAS, «Sponsor» submitted a timely and complete application/request to the Cache County Council of Governments (COG), and accordingly such request was approved by the Cache County Council on October 9, 2018; and

WHEREAS, Cache County has committed to assist with the estimated total project cost (COG eligible items) of \$«Total\_Project\_Cost» an amount of \$«COG\_Funded» . Based on the match amount stated in «Sponsor»'s 2018 COG application for this project, COG funds cannot exceed «F11» of the total cost of COG eligible items;  
and

WHEREAS, Cache County and «Sponsor» propose to enter into this Funding Agreement to establish the terms and conditions Cache County and «Sponsor» will be bound to in regard to this agreement;

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

## SECTION ONE INTRODUCTION AND BACKGROUND

A. Project Description: «Project\_Name»

## SECTION TWO OBLIGATIONS

A. County Obligations.

Cache County agrees to contribute up to «COG\_Funded» for the construction related costs from the County Option Sales and Use Tax for Transportation Fund as provided for in Utah Code Section 59-12-2217.

B. «Sponsor» Obligations.

- «Sponsor» shall ensure that all applicable State and Federal requirements are followed.
- «Sponsor» will be responsible for all aspects of COG project oversight, administration and construction. This includes project bidding, consultant contracting, property acquisition and construction engineering/inspection and contractor payment.
- «Sponsor» will spend COG funds only on eligible project elements/activities as defined in the approved Local Transportation Fund-Program Manual for the funding year the project was approved.
- «Sponsor» will accommodate periodic project inspections/site visits by Cache County or its representative.
- For projects that receive more than \$200,000 in COG funding, «Sponsor» will submit and access management plan (or jurisdiction wide access management ordinance) for the COG funded roadway.
- «Sponsor» will commence the project with some project fund expenditures within two years of the final approval of funding by the Cache County Council. The project must be completed, and all COG funds disbursed within 6 years. If the project is not able to be completed after an award is made, the city may request an extension. Otherwise all COG funds must be returned

C. Joint Obligations.

Cache County and «Sponsor» agree to jointly develop accounting and reporting procedures for the use and distribution of transportation funds. «Sponsor» must submit final costs with supporting documentation.

## SECTION THREE MISCELLANEOUS

A. Indemnification.

«Sponsor» agrees to hold harmless, defend and indemnify Cache County, its officers, employees and agents from and against all claims, suits and costs, including attorney's fees for injury or damage of

any kind, arising out of negligence, wrongful acts, errors or omissions in the performance of this project.

B. Modification.

This Agreement may be modified only upon the written agreement of both parties.

C. Applicable Law.

This Agreement shall be administered and interpreted in accordance with the laws of the State of Utah. Jurisdiction and venue shall be in the First District Court, Cache County, Utah.

D. Term and Termination.

With the exception of the indemnification provision which shall continue until any applicable statute of limitations has run, this agreement shall terminate upon completion of the project referenced herein or within 6 years of the project’s approval by the Cache County Council whichever occurs first.

IN WITNESS THEREOF, the Parties hereto have caused these presents to be executed by their duly authorized officers as of the day, month, and year first above written.

**CACHE COUNTY**

By \_\_\_\_\_  
CACHE COUNTY EXECUTIVE

ATTEST:

By \_\_\_\_\_  
Title \_\_\_\_\_

**«Sponsor»**

By \_\_\_\_\_  
MAYOR

ATTEST:

By \_\_\_\_\_  
Title \_\_\_\_\_

## APPENDIX 4-DISBURSEMENT REQUEST FORM

### COG Disbursement Request Form

**General Project Information**

<b>Date:</b>	
<b>Sponsoring Jurisdiction:</b>	
<b>COG Year Funded:</b>	
<b>COG Project Number:</b>	
<b>COG Awarded Amount:</b>	
<b>Total Project Cost:</b>	
<b>Local Match Percentage*:</b>	

\*must be consistent with your COG project application that was used for project prioritization

**Disbursement Request Information**

You may submit multiple disbursement requests if needed for cash flow purposes for the same project (please limit to as few as possible).

Disbursement Request Number:	
COG Funds Requested:	This Request: \$
	Total to Date: \$
Local Match Amount (for COG eligible project costs):	This Request: \$
	Total to Date: \$
Non-COG fund Eligible Betterments:	This Request: \$
	Total to Date: \$
Notes:	

**Required Disbursement Request Documentation**

Please attach documentation (invoices, property closing documents, bills etc) that substantiates the amount of COG funds requested and local match that has been paid (or will be paid) by your jurisdiction to the project. Please clearly distinguish documentation that applies to betterment or upgrade items that are not eligible for COG fund reimbursement (or counted toward 7% minimum local match stated in your project’s COG application).

## APPENDIX 5-CTAC SCORING TECHNICAL GUIDANCE

This section provides technical guidance related how the CTAC will apply the CTAC Scoring Criteria found in Figure 2.

### CONGESTION MITIGATION CRITERIA

#### ACCEPTABLE DATA SOURCES

Applicants can use road congestion data from the most current version of the CMPO travel demand model or actual traffic counts. Any other source of congestion data must be approved by the CTAC.

Intersection level-of-service (LOS) information must be documented from a recent intersection engineering LOS or warrant study.

The CTAC committee will make the final determination of the acceptability of any data source (or method) to complete this scoring (CTAC's decision can be appeal to the COG Executive Committee).

### SAFETY CRITERIA

#### ACCEPTABLE DATA SOURCES

All applicants must use the latest UDOT/CMPO safety analysis cost/benefit ratio calculation spreadsheet tool. COG staff will complete (or validate) the safety analysis cost/benefit calculations for all projects using the CMPO/UDOT spreadsheet tool. As part of the CTAC scoring approval process, the data and safety countermeasure assumptions used to complete the cost/benefit calculation will be presented by COG staff to the CTAC committee for review and approval.

The CTAC committee will make the final determination of the acceptability of any data source (or method) to complete this scoring (CTAC's decision can be appeal to the COG Executive Committee).