

DATE _____ ISSUES _____
1996 DART/LAP/CMS PROGRAM
GUIDELINES

**GUIDELINES FOR THE LAP/CMS
PROGRAM
August 27, 1996**

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A. OBJECTIVE:

Provide continued financial assistance for projects consistent with these guidelines and DART's enabling legislation that enhance mobility in DART member cities that do not yet have rail construction in progress.

B. ELIGIBLE MEMBER CITIES:

The following cities are eligible to receive LAP/CMS funds as of October 1, 1996:

Addison, Carrollton, Cockrell Hill, Farmers Branch, Garland, Glenn Heights, Irving, Plano, Richardson, Rowlett.

C. ALLOCATIONS:

The LAP/CMS fund allocations will be made available for use by an eligible member city annually from FY 1997 through FY 2004 when the program allocations end. The annual allocation will be calculated by multiplying by 15% (7.5% for Irving) the DART sales taxes collected in an eligible member city for the previous twelve month period ending June 30. Each new annual allocation will be available for expenditure on October 1 (beginning in 1996).

The FY 1996 Financial Plan includes approximately \$87,000,000 for this program. Table 1 shows the allocations by DART member city, based on the 1996 projections and anticipated program duration. The time schedule in Table 1 is subject to change during DART's annual budget cycle. A city will no longer be eligible to receive program funds in the fiscal year after the Board awards a contract to initiate rail construction within that member city. In no case shall the DART Board award such a contract more than six months prior to construction. The budget for LAP/CMS will be revisited based on agency requirements to meet its obligations.

D. PROJECT ELIGIBILITY:

Eligible types of projects are shown below. In general, eligible projects are divided into two categories: 1) Transit related street improvements and 2) Transit supportive projects and programs.

Typically, funds approved for capital projects may be used for planning, environmental impact studies, engineering, final design, right-of-way acquisition, construction, and testing/inspection/surveying. Maintenance and operations may also be funded if approved by the DART Board in accordance with Section E of the guidelines.

Any project not explicitly listed but considered allowable under DART's enabling legislation may be proposed for DART consideration. Additional eligible projects include:

Transit related street improvements (streets with current or planned/previous bus routes).

1. Roadway improvements that add capacity
 - Road widening
 - Adding storage to turn lanes
 - Adding turn lanes
 - Adding/deleting access points
 - Adding bus priority lanes
 - HOV lanes
2. Grade separations
3. Matching funds for federal/state programs
4. Intersection improvements
 - New signals
 - Computerization of signals
 - Traffic surveillance equipment
 - Telecommunications
5. Cooperative funding of intercity capacity improvements
 - Signal progression
 - Bus only lanes
 - Bus signal preemption
 - Arterial street HOV lanes
 - Roadway and intersection improvements
6. Special design provisions along roadways and intersections with planned bus routes
 - Shelters
 - Sidewalks
 - Bus stops
 - Bus turnouts
 - Bus priority treatments
7. Roadway and intersection safety improvements

Transit supportive projects and programs

8. Additional service including non-productive service (previously eliminated or not meeting warrants)
9. Transportation services for the elderly and/or disabled
 - Emergency medical
 - Shuttle services

10. ADA compliance items related to the provision of transit service
11. Sidewalks related to providing access to transit facilities or services
12. Bus shelters
13. Bus benches
14. Travel demand management
 - Transportation Management Association operating funds
 - User subsidies for transit service
 - Vanpool programs
 - Rideshare promotion and incentives
 - Alternate work schedule subsidies
 - Employer trip reduction support
 - Emergency ride home funding taxi/loaner car
15. Vans for vanpool programs
16. Park and Ride lots
17. Mid-block bus turnouts
18. Incorporating private transit services/facilities into DART
19. Transportation enhancements at existing and planned DART transit centers, transfer centers and rail stations.
20. DART and Railtran related railroad crossing and right of way improvements to include street closings or grade separations.
21. Technical Assistance Program (TAP) funds may include, but are not limited to:
 - Transit planning, feasibility, design and engineering studies
 - Salaries for new or existing city staff time specifically allocated for transportation planning and/or studies, or interface with the DART staff on activities affecting the subject city
 - Technical Assistance seminars
 - Study and implementation of transit-supportive land use planning policies and other policies that benefit public transit
 - Minor capital support for technical staff
22. Other projects not meeting the test of past, present, or future bus service, but which are of significance to mobility as long as benefits to transit can be demonstrated. For example: A project not located on a DART fixed transit route that relieves traffic congestion on a parallel or intersecting DART route could be eligible for LAP/CMS funding.

E. PROJECT MAINTENANCE AND OPERATION:

Project maintenance is the responsibility of the project owner. If shared maintenance responsibility for a project is desired, the cost sharing arrangements must be approved by the DART Board and the eligible city as part of the project approval process. Operating costs of LAP/CMS projects may be eligible for LAP/CMS funding subject to DART Board approval.

F. PROJECT SUBMITTALS AND REPORTING:

Cities will prepare LAP/CMS applications for consideration and approval by DART. DART staff will have 30 days to review and respond to the applications. Once approved, the funding amount in the application becomes "programmed". Left over funding returned to DART after project closing becomes "unprogrammed". A city may simultaneously return and "reprogram" left over funds by submitting a project application for approval along with the left over monies.

DART will prepare, by September 1 of each year, a projected LAP/CMS allocation for each city for budget purposes consistent with the DART Financial Plan in effect at that time. DART will report quarterly (within 30 days after close of the quarter) on the status of the LAP/CMS fund including amounts allocated, amounts programmed, amounts expended, amounts available for reprogramming from completed projects, and a total amount available for programming for each eligible city.

Eligible cities will provide to DART notice of requests for LAP/CMS payment (at least 90 days in advance of a request for LAP/CMS payment) for any amount exceeding \$250,000.

Eligible cities will maintain accurate books and records of all approved projects. Cities will maintain separate records on each project including project budgets, budget amendments, revised budget balances, expenditures to date, estimated cost to complete, and DART payments to date. DART maintains the right to audit a city's books to ensure that funds are spent in accordance with the approved workplan and DART's enabling legislation. Cities maintain the right to audit DART's books to ensure that the fund allocations and disbursements are in accordance with these guidelines and other applicable laws.

Eligible cities will provide an Annual Cash Flow Projection report (See Table 2) for all approved projects by June 30 of each year beginning in 1997. DART may request updated cash flow projections from time to time to monitor its projected cash outflows.

G. CASH PAYMENTS:

DART will prefund Technical Assistance Program (TAP) costs on an annual basis after submittal of an annual work plan by the eligible member city and approval by DART. Technical Assistance funding will be 3% of an eligible city's annual program allocation.

DART will distribute LAP/CMS funds to the city for a City Council approved project according to the following schedule:

Project cost of \$250,000 or less

100% of the cost upon approval by the City Council

DART will pay within thirty (30) days of receipt of a request for payment with supporting documentation.

Project cost of over \$250,000

20% of the cost upon approval by the City Council.

80% of the cost upon Notice of Award by the city.

Provided that written notice is received from the city at least 90 days in advance, DART will pay within thirty (30) days of receipt of a request for payment over \$250,000 with supporting documentation.

Eligible cities will provide to DART a completion report for each project documenting final acceptance of the project and final project cost. Project documentation will consist of a statement of project expenditures attested by an authorized financial staff member, copies of paid invoices, or other similar documents.

DART staff is authorized without further Board approval to pay at project closeout an amount up to 10% higher than the approved project amount for properly documented eligible project costs. At project completion, cities will return any LAP/CMS funds distributed but unspent. These funds will be available for reprogramming.

Any unused funds allocated to an eligible city in any year will continue to be available to that city in succeeding years unless the city withdraws from DART. Interest will not be paid on allocated, but unpaid LAP/CMS balances.

H. OTHER FINANCIAL CONSIDERATIONS:

Since the LAP/CMS program allows for funding of operating and capital transit projects, member cities will be eligible to apply for and receive FTA funds with prior approval by the DART Board. Plano will continue to be eligible to receive funds for projects begun prior to FY 1989.

Member cities may pool their LAP/CMS allocations for approval and implementation of eligible projects.

Advanced (beyond 1 year) programming of funds is allowed subject to Board approval; however, cities may not program, in any future year, more than the current year's LAP/CMS allocation.

Board approval will be required for projects over \$100,000. DART staff will approve projects requiring LAP/CMS funding in amounts of \$100,000 or less. A city may appeal to the Board any DART staff decision regarding project approval.

Starting October 1, 1997, all unused existing LAP funds will be administered as part of the new LAP/CMS program. Interest will accrue on the unpaid LAP balance through September 30, 1997, at a fixed rate of 4%.

All DART payments for LAP or LAP/CMS projects will be drawn from the eligible city's existing LAP fund balance until it is exhausted. After all LAP funds allocated are disbursed, further payments will be drawn from that city's LAP/CMS allocation.

I. EXPANDED REVENUE SHARING

In accordance with Section 5 of DART Board Resolution No. 950260 of November 14, 1995, it is DART's intent to continue to explore options for expanded revenue sharing with member cities to meet the region's transportation needs. These guidelines do not reflect the process to be used to provide expanded revenue sharing.

J. WITHDRAWAL OF MEMBER CITIES

If a city withdraws from DART, no additional LAP/CMS funding will be allocated to that city. In the event of a withdrawal, only individual projects for which construction contracts have been executed or for which formal funding agreements have been executed will be funded by DART and allowed to proceed to completion, and the funds for completing these projects will be included as that city's specific obligation if that city withdraws from DART. All other funds revert to DART. Once a city calls a withdrawal election, no new LAP/CMS projects will be considered for approval until after the election is canvassed.

K. PROJECT IDENTIFICATION

Each construction project will display at least one sign on each approach to the construction site indicating funding for that project is provided through the DART LAP/CMS program. In addition, after implementation, if a project shall have a visible permanent marker, it shall indicate that funding for the project was provided through the DART LAP/CMS program.

Table 1

**LAP/CMS PROJECTIONS
COMPARISON BY MEMBER CITY (1)**

(In Thousands of Dollars)

15% LAP TO CONSTRUCTION

CITY	FY 1997 Allocation	Projected	
		Total Program Cost	Fiscal Year for Cities
Addison	\$ 1,136	\$11,599	2004
Carrollton	1,908	17,313	2003
Cockrell Hill	6	83	2004
Dallas	0	0	na
Farmers Branch	1,518	12,522	2003
Garland	1,975	4,127	1998
Glenn Heights	8	89	2004
Highland Park	0	0	na
Irving (2)	2,149	21,878	2004
Plano	4,167	12,908	1999
Richardson	2,768	4,971	1998
Rowlett	188	1,835	2004
University Park	0	0	na
Total	\$15,823	\$87,324	2004

1 Assumes program allocations end in FY 2004 for all cities. Allocations based on sales tax collections from July 1, 1995 through June 30, 1996.

2 Irving projected to receive 50% of the allocation of other cities for LAP/CMS.

Table 2

EXAMPLE OF ANNUAL CASH FLOW PROJECTION WORKSHEET

City of _____
Date _____

(a) Approved Project Description	(b) Project Number	(c) Approved Budget	(d) Budget Transfer	(c) + (d) Current Budget	(f) Payments Rec'd to Date	(g) Projected Payments from DART		(i) Total Payments
						FY	FY	
Total								