

**Section 19 (b)**

**ABAG Project Review Policies and Procedures  
as Adopted by the Executive Committee  
January 15, 1970**

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ASSOCIATION OF BAY AREA GOVERNMENTS

PROJECT REVIEW POLICES AND PROCEDURES

AS ADOPTED BY THE EXECUTIVE COMMITTEE

January 15, 1970

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For information concerning specific grant programs or review procedures contact J. Fred Silva, Associate Planner, Project Review (Area Code 415) 841-9730

I  
SCOPE OF REPORT

This report is intended to outline the procedures and policies which govern the Association's review of Federally assisted projects and Federal development programs. Since 1962, the Association has accepted the responsibilities for the review and coordination of various Federal Grant-In-Aid programs. That responsibility was modified in 1966 by Section 204 of the Model Cities and Metropolitan Development Act and by subsequent Bureau of the Budget circulars. This report describes the Association's existing grant review procedure and policies and modifications as contained in the new Bureau of the Budget Circular A-95.

II  
DEFINITIONS

In order to eliminate possible misunderstanding with regard to certain terms used in this report the following definitions are included. The basic source for these definitions is Bureau of the Budget Circular A-95. However, certain modifications have been made to make the report more relevant to the Bay Area.

1. Federal Agency - any department, agency, or instrumentality in the executive branch of the Federal Government and any wholly owned Government corporation.
2. State Clearinghouse - The Office of Intergovernmental Management, State of California, has been designated by the Governor as the focal point of the State review called for under A-95. OPR
3. Metropolitan Clearinghouse - The Association of Bay Area Governments has been designated by the Bureau of the Budget as the agency to perform review functions under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 in the nine county San Francisco Bay Area. ✓ ✓
4. Local Government - a local unit of government, including specifically a city, municipality, town, or county including a school district created by or pursuant to State law.
5. Special District - any special district, public-purpose corporation, or other limited purpose political subdivision of the State, but shall not include a school district.
6. Grant-in-Aid - money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual aggregate authorization.
  - a. To a State; or
  - b. To a political subdivision of a State; or
  - c. To a beneficiary under a plan or program administered by a State or a Federal agency.

If such authorization either--

- a. Requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or
  - b. Specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political sub-divisions, or the amounts to be allotted for use in each of the States by the States, political sub-divisions or other beneficiaries.
7. Federally Assisted Programs - programs that provide assistance through grant or contractual arrangements. They include technical assistance programs or programs providing assistance in the form of loans, loan guarantees, or insurance.
  8. Federal Development Projects - projects which are undertaken by a department or agency of the Federal Government. These include construction of Federal buildings and installations or other Federal public works or for the acquisition, use, and disposal of Federal land and real property.

III

#### POLICY AND CRITERIA FOR REVIEW OF PROJECT APPLICATIONS

The following criteria and policies have been developed and used by the Association as general guidelines for its grant review program.

##### 1. General Purpose

Coordination in the regional interest of the activities and development decisions of the many governments which participate in shaping the development of the Bay Area is essential to the present and future well-being of the region. That is the primary objective of the Association in the conduct of its review function. The Association does not approve or disapprove grant-in-aid applications. Such decisions are made in every case by the granting agency, and the Association's role is limited to the submittal of comments and/or recommendations which are advisory only.

##### 2. Service of Applicant

The review of project applications by the Association is, in part, a service to applicant agencies, including city and county members, special districts, and state agencies. The function is administered to provide the maximum coordination in Federally assisted programs.

##### 3. Eligibility for Grant-In-Aid

The Association neither supports nor opposes the use of federal and state grant-in-aid by applicant agencies to meet the needs of those whom they serve. In order to insure that each agency can make such decisions in its own behalf, the Association will undertake such

programs, projects and activities as are necessary to meet the regional planning requirements of the various grant-in-aid programs and to maintain the regions eligibility for the broadest possible range of grant-in-aid funds. ✓

4. Relationships with Applicant Agencies

✓ Implementation of regional planning policies and objectives is substantially dependent upon the actions and development decisions of agencies who are applicants for grant-in-aid subject to review by the Association. Coordinated and cooperative working relationships between the Association and such agencies are essential to that end.)

5. Relationships with other Agencies

Coordination of the regional planning policies and objectives of the Association with geographically larger state activities, geographically smaller local activities and the activities of specialized planning and regulatory agencies in the Bay Area is a positive goal. The specialized technical resources of such agencies will be utilized to the maximum extent possible by the Association to avoid duplication of effort and overlap, and their policy proposals will be given appropriate consideration.

6. Coordination of Decisions

When so many agencies are involved in reviewing, commenting upon, and approving or disapproving project applications, some difference of opinion and conflict is inevitable. As the Metropolitan Clearinghouse for the Bay Area and the only Bay Area-wide, multiple purpose agency, the Association recognizes and accepts a special responsibility for resolution of such conflicts.

7. Preliminary Regional Plan

The Association has published a Preliminary Regional Plan for the San Francisco Bay Area. The Plan is not at this time a policy document. However, its proposals and recommendations are under consideration by the Association and its member cities and counties and by many other interested agencies, organizations and persons with adoption of a Recommended Regional Plan as the objective. It is important during the interim that any major conflicts between the plan proposals and program and project proposals submitted for review be identified and resolved by the policy officials of the agencies involved. X

8. Title IV of the Intergovernmental Cooperation Act of 1968

The following items are contained in sections 401 and 402 of the Intergovernmental Cooperation Act of 1968, and will be considered in the review of project applications. ✓

- a. Appropriate land uses for housing commercial, industrial, governmental, institutional and others;
- b. Wise development of conservation of natural resources, including land water, minerals, wildlife, and others;
- c. Balanced transportation system, highway, air, water, mass transit, pedestrian;

- d. Adequate outdoor recreation and open space;
- e. Protection of areas of unique natural beauty, historical and scientific interest;
- f. Properly planned community facilities, including utilities for the supply of water, power, and communication, and for the safe disposal of wastes, and for other purposes.
- g. Concern for high standards of design.
- h. All viewpoints of National, State, Metropolitan and local governments to be taken into account.
- i. Relationship of proposed projects to city and county planning programs.
- j. Preference will be given to cities and counties when special districts and units of local government are applying for similar programs in a given area.

#### IV

#### PROCEDURES FOR FEDERAL GRANT REVIEW

#### "PROJECT NOTIFICATION AND REVIEW SYSTEM"

Applicants for Federal grant-in-aid programs and Federal Agencies who have development programs which are to be reviewed by the Metropolitan Clearinghouse shall follow the procedures as outlined below:

##### I. Purpose

The purpose of the new project review procedures is to:

- a. Further cooperation with State and local governments in the evaluation, review and coordination of federally assisted programs and federal development programs.
- b. Emphasize the intergovernmental relations aspects of federally assisted programs and federal development programs.
- c. Encourage, by means of early contact between applicants for federal assistance and the clearinghouses, an expeditious process of coordination and review of proposed projects.

Through the "Project Notification and Review System" applicant agencies will have an opportunity to receive comments from interested local and State agencies well in advance of the filing of a formal application to the Federal Government. This procedure will enable State and local agencies to comment under given time limits early in the planning stage of a program. This will also apply to Federal development projects planned within the nine County Bay Area.

## 2. Notification of Intent to Apply

The applicant notifies the grant agency of its intent to apply for Federal assistance. The applicant is directed to send the notice of Intent to the Metropolitan Clearinghouse and the State Clearinghouse. The programs which are included in this process are noted on Exhibit A. The applicant should include the following information on the notice of intent.

- a. Name of applicant agency
- b. Geographic location of the proposed project
- c. Brief description of the project
  - 1) Program applied under
  - 2) Purpose of the proposed project
  - 3) General size and scale; estimated cost if available.
  - 4) Basic community benefits to be realized
  - 5) Estimated date of filing of the applicant's formal application with the Federal agency
- d. Resolution of the governing body of the agency applying for assistance. e  
X

## 3. Distribution by ABAG of Notice of Intent

Once ABAG has been notified of an intent to apply, the notice will be sent to agencies which may be affected by the proposed project. ABAG shall have 30 days to dispose of the notification of Intent. An agency's interest in the proposed project must be stated by that time. The following is a general criteria for notification.\*

- a. City application - Notice will be sent to the adjacent city if the proposed project will have any observable impact on the adjacent city; the county where the city is located; any special district which has a generally coterminous boundary with the city.
- b. County application - Notice will be sent to the city where the proposed project is to be located, whether it falls within the incorporated limits or in the unincorporated planning area of the city; any special district which might be affected by the proposed project.
- c. Special District application - Notice will be sent to the city where the proposed project is to be located whether it falls within the incorporated limits or in the unincorporated planning area of the city; the county in which the district is located; and any other Special District which may be adjacent to the applicant district and therefore, may be affected by the proposed project.



- d. Regional Agencies - Notice will be sent to all affected counties where the regional agency is proposing a project. For example, three affected counties would be notified of a grant application from the Bay Area Rapid Transit District, nine in the case of Bay Conservation and Development Commission, and nine in the case of the Bay Area Comprehensive Health Planning Council.
- e. Proposed Project in a contiguous region - If a proposed project will affect a contiguous region, the regional or metropolitan clearinghouse which has jurisdiction in the area will be notified.
- f. Private Organization (primarily Hospitals)- Notice of intent will be sent to the city and county where the proposed project is to be located.
- g. Health Facilities - Notice of intent will be sent to the Bay Area Comprehensive Health Planning Council and to the city and county where the proposed project is to be located.
- h. Federal Development Programs - Once ABAG is notified of a Federal Development project the clearinghouse shall notify those cities, counties, and special districts which may be affected.

The Association has the responsibility for coordination of direct Federal development projects with regional and local development. The U.S. Bureau of the Budget Circular A-95 states that Federal agencies having responsibility for the construction of Federal buildings and installations or other Federal public works projects or for the acquisition, use and disposal of Federal land and real property will:

1. Consult with Governors, regional and metropolitan comprehensive planning agencies, and local elected agencies at the earliest practicable stage in project planning on the relationship of any project to the development plans and programs of the State, region or localities in which the project is to be located.
2. Assure that any such Federal project is consistent or compatible with State, regional and local development plans and programs.

The Association's responsibility for review extends to notifying affected local agencies, meeting and conferring with interested local agencies, the interested state agency and the Federal agency that is contemplating a development project. This must be done prior to completion of the Association's formal review. Such agencies will include, but are not limited to, the Department of Transportation, FAA; Department of Defense, Army, Navy and Air Force installations; General Services Administration, Property Management and Disposal Service; and Department of Interior, Bureau of Reclamation.

\* Where a county is notified of an application affecting its jurisdiction, the County Administrator's Office will be notified.

#### 4. Consultation and Comment

The Metropolitan Clearinghouse (ABAG) will have 30 days after the receipt of the notice of intent to inform appropriate local governments and arrange to confer and consult with all interested parties. If ABAG or any local agency desires to make a comment on the proposed application ABAG will notify the applicant that comments will be made. This must be accomplished within the 30 day period.

If agencies express an interest and wish to meet to discuss a project the following agencies would be involved:

- a. ABAG staff;
- b. Local agencies that have expressed an interest;
- c. State agency that expressed an interest;
- d. Federal agency involved in the project (the project agency or the grant-in-aid agency);

#### 5. Action by the Association

Within the 30 day period after the receipt of the notice of intent the Association's Executive Committee shall meet and consider whether formal comment is desired. Agencies with proposed projects where no comment will be made shall be notified in writing that they may proceed with the filing of the application to the Federal agency. If the Executive Committee expresses an interest and desires to make a formal comment the Association shall have 60 days prior to the filing of the application to the Federal agency to state its comment. X

#### 6. Subject Matter of Comments

Comments of local agencies shall become part of the formal Metropolitan Clearinghouse (ABAG) comments. The Metropolitan Clearinghouse (ABAG) shall address itself to the following items in forming its comments.

- a. The extent to which the project is consistent with fulfillment of comprehensive planning for the region.
- b. The extent to which the project contributes to the achievement of regional and local objectives as specified in section 401 (a) of the Intergovernmental Cooperation Act of 1968. }
- c. More detailed criteria is noted in part III of this report,

#### 7. Amendment or Withdrawal of Project Applications X

Any project application may be withdrawn without prejudice to resubmittal or may be amended at any time after submittal by written request from the applicant.

The Association reserves the right to consider an amended application as a new application for purposes of this policy in cases where the amendment makes substantive changes in content or cost.

## 8. Time for Association Review

Association review of project applications shall be completed as quickly as possible in accordance with these policies and subject to staff and budget limitations. In any event, the comments and/or recommendations of the Association shall be transmitted to the applicant within the time limitations established by the responsible Federal and State agencies.

## 9. Coordination of Association Review

In its review of project applications the Association shall consider and take account of all pertinent findings and decisions of all Bay Area specialized planning or regulatory agencies and Bay Area general purpose units of local government whose comment upon or approval of the project is required by law. The Association may request comments from such organizations when it believes them to be pertinent in the event they are not required by law.

The Executive Director shall cause project applications to be referred for consideration and recommendation to appropriate advisory and/or technical committees of the Association when he believes that to be desirable and practical within the applicable time limits and the intent of this policy.

## 10. Association Comments and Recommendations

Upon completion of its review of each project application, the Association shall transmit its comments and recommendations to the applicant by letter. They shall include but not be limited to findings regarding the following aspects of each project application.

- a. The existence of a cooperative and coordinated working relationship between the applicant and the Association. ✕
- b. The extent to which the project is consistent with the regional planning policies and criteria of the Association. ✕
- c. The extent to which the project contributes to fulfillment of the regional planning policies and criteria of the Association. ✕
- d. The relationship between the comments and recommendations of the Association and the comments or decisions of any Bay Area specialized planning or regulatory agency or Bay Area general purpose unit of local government provided for in Section nine hereof. ✕

## 11. Incomplete Application

In the event of submittal of an incomplete project application, the Association shall advise the applicant as quickly as possible (with written confirmation) of the material needed to make it complete. If the incomplete application is not completed or withdrawn within 30 days of the original submittal, the Association shall transmit a letter of comment to the applicant which includes but is not limited to a negative recommendation on the basis of insufficient data.

## 12. Decision by Executive Committee

Project applications shall be referred to the Executive Committee for final decision as to Association comments and recommendations in the following cases:

- a. Any project application the Executive Committee wishes to review.

- b. Any appeal from an applicant as specified in Section 14 hereof.
- c. Any case of disagreement between the staff of the Association and a Bay Area special planning or regulatory agency or Bay Area general purpose unit of local government provided for in Section nine hereof.
- d. Any case of disagreement between the staff of the Association and an advisory committee of the Association consulted under Section nine hereof.
- e. Any project application which is fundamentally inconsistent with an element or elements of the Preliminary Regional Plan Report of the Association.
- f. Any project application which, in the judgement of the Executive Director, presents policy questions requiring decision by the Executive Committee. X

13. Responsibilities of Association Staff

Subject to the policies and procedures established hereby, the staff of the Association shall be responsible for preparation of Association comments and recommendations regarding project applications. To that end, the Executive Director shall provide for efficient utilization of staff within established budgetary limitations and shall initiate appropriate measures for coordination and cooperation with other agencies concerned in the review process. He shall keep the Executive Committee informed by means of regular and special reports. X

No Association comment or recommendation concerning a project application shall be made until after the first meeting of the Executive Committee following the notice described in Section eight.

14. Appeal by Applicant

Any action relative to a project application by Association staff may be appealed to the Executive Committee of the Association by written request of the applicant submitted within 20 days after notification of the applicant of said action and will be considered at the next Executive Committee meeting provided the request is received at least 10 days in advance of the meeting.

15. Records

All project applications and supporting documents shall become property of the Association. Exception: special documentation such as maps, etc. may be returned to the applicant at his request if, in the judgement of the Association staff, they are no longer needed by the Association.

16. Criteria for Association Review

Each project application shall be reviewed in accordance with this policy and in terms of such other relevant policies and criteria as may be adopted from time to time by the Executive Committee and/or General Assembly of the Association. X

ABAG-STATE OF CALIFORNIA CLEARINGHOUSE RELATIONSHIP

1. Notification of Intent to Apply

The applicant notifies the State Clearinghouse in the same manner as the Metropolitan Clearinghouse (ABAG). The State Clearinghouse will have 30 days after the receipt of the notification to inform appropriate state agencies. During the 30 day period the affected state agency will determine whether or not it wishes to make a comment on a proposed project.

2. Meeting and Conferring - Metropolitan Clearinghouse and State Clearinghouse

In an effort to make the review procedures as efficient as possible, the following procedure has been developed by the Association and the State of California, Office of Intergovernmental Management. Since ABAG and the State receive the notice of intent at the same time and notify their respective agencies, formal contacts with all agencies in "meeting and conferring" shall be done jointly. A meeting would be scheduled by the Association which would include: The applicant, the interested state agency, the federal agency administering the grant or development project, the interested local agency (ies) and the Association staff. The purpose of this meeting, called by the Clearinghouses, is to explore the project in greater detail.

3. Formal Comment

If the state wishes to make a formal comment, it shall send such comments to the Association at least 30 days prior to the filing by the applicant of the formal application. The Association shall be responsible for attaching the State Clearinghouse comments to the application which the applicant then submits to the federal department.

In all cases, applicants for assistance under any of the programs covered on Exhibit A must be accompanied by a statement from the two Clearinghouses. If no comments are made by state or local agencies, the Association shall state that such procedures have been followed and that no comments were made.

All Federal agencies administering federal development programs shall be reviewed in the same manner.

EXHIBIT A

ASSOCIATION OF BAY AREA GOVERNMENTS

Planning Grant Review Programs  
Per Bureau of the Budget Circular No. A-95

Note: New program added by Circular No. A-95 are marked by an asterisk.

A. Department of Housing and Urban Development

- (1) Open Space program
- (2) Basic water & sewer facilities
- (3) Public facility loans
- (4) Public works planning advances
- (5) Comprehensive planning assistance
- (6) Advance acquisition of land
- \* (7) New communities
- (8) Hospital housing & other Hospital facility loans
- \* (9) Community renewal programs (CRP)

B. Department of the Interior

- (1) Outdoor recreation
- (2) Waste treatment facilities
- (3) Irrigation & reclamation
- (4) River basin pollution control and abatement planning

C. Department of Transportation

- (1) Highway Planning, development & construction
- (2) Highway landscaping and scenic enhancement
- (3) Urban mass transportation facilities
- \* (4) Urban mass transportation systems planning
- (5) Airport planning and construction

D. Department of Health, Education & Welfare

- (1) Hill-Burton hospital & health facilities
- (2) Health research facilities
- (3) Community mental health facilities & centers
- \* (4) Teaching facilities for medical, dental, & other health personnel
- \* (5) Expansion & improvement of nurse training
- (6) Vocational rehabilitation facilities
- (7) Regional medical libraries construction
- \* (8) Library construction
- (9) Solid waste disposal facilities
- \* (10) Solid waste disposal planning
- \* (11) Air pollution control planning
- (12) Narcotic treatment centers
- \* (13) Comprehensive areawide health planning
- \* (14) Juvenile delinquency prevention & control planning

E. Department of Agriculture

- (1) "Greenspan" program

- (2) Rural water & waste disposal facilities
- (3) Comprehensive water & sewer planning
- (4) Watershed protection & flood control
- (5) Soil & water conservation loans, recreation & shifts in land use
- (6) Rural renewal
- (7) Resource conservation & development

F. Department of Commerce

- (1) Public works & economic development facilities
- \* (2) Economic development planning and technical assistance

G. Department of Justice

- (1) Law enforcement facilities
- (2) Law enforcement and crime control planning

H. Department of Defense

- (1) Beach erosion control & flood prevention

I. Office of Economic Opportunity

- \* (1) Community action planning



EXHIBIT B  
 ASSOCIATION OF BAY AREA GOVERNMENTS  
 PROJECT NOTIFICATION AND REVIEW SYSTEM

LEGEND (A) - APPLICANT  
 ABAG - ASSOCIATION OF BAY AREA GOVERNMENTS

