

# Memorandum

**To:** CHAIR AND COMMISSIONERS

**CTC Meeting:** March 25, 2020

**From:** MITCH WEISS, Executive Director

**Reference Number:** 4.11, Action

**Prepared By:** Laurie Waters  
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**Published Date:** March 13, 2020

**Subject:** Adoption of the 2021 Active Transportation Program Guidelines,  
Resolution G-20-31

**Issue:**

Should the California Transportation Commission (Commission) adopt the 2021 Active Transportation Program Guidelines?

**Recommendation:**

Staff recommends the Commission adopt the proposed 2021 Active Transportation Program Guidelines and permit staff to make technical, non-substantive changes to the proposed guidelines. The proposed 2021 Active Transportation Program Guidelines are provided as Attachment B. Subsequent modifications to the draft guidelines presented at the January 29, 2020 Commission meeting are in bold.

**Background:**

On September 26, 2013, the Governor signed legislation creating the Active Transportation Program (Senate Bill 99, Chapter 359 and Assembly Bill 101, Chapter 354). Senate Bill 1 (Chapter 2031, statutes of 2017) directed additional funding from the Road Maintenance and Rehabilitation Account to the Active Transportation Program.

Pursuant to statute, the purpose of the program is to encourage increased use of active modes of transportation, such as biking and walking. The goals of the Active Transportation Program are to:

- Increase the proportion of trips accomplished by biking and walking.
- Increase the safety and mobility of non-motorized users.

- Advance the active transportation efforts of regional agencies to achieve greenhouse gas reduction goals as established pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) and Senate Bill 391 (Chapter 585, Statutes of 2009).
- Enhance public health, including reduction of childhood obesity using programs including, but not limited to, projects eligible for Safe Routes to School Program funding.
- Ensure that disadvantaged communities fully share in the benefits of the program.
- Provide a broad spectrum of projects to benefit many types of active transportation users.

The proposed guidelines were prepared in consultation with the Active Transportation Program Workgroup, comprised of representatives from the California Department of Transportation, regional transportation planning agencies, local agencies, and active transportation program stakeholders. The Active Transportation Program Guidelines may be amended by the Commission after conducting at least one public hearing.

Commission staff held nineteen workshops to solicit stakeholder input during the development of the guidelines. Commission staff has also considered comments received via email, telephone, and written correspondence. Overall, the stakeholders are supportive of the proposed 2021 Active Transportation Program Guidelines.

Attachments:

- Attachment A: Resolution G-20-31
- Attachment B: 2021 Active Transportation Program Guidelines
- Attachment C: Comment Letters

**CALIFORNIA TRANSPORTATION COMMISSION  
ADOPTION OF THE 2021 ACTIVE TRANSPORTATION PROGRAM GUIDELINES**

**RESOLUTION G-20-31**

- 1.1 **WHEREAS**, Streets and Highway Code Section 2382(a) requires California Transportation Commission (Commission) to adopt guidelines for the Active Transportation Program; and
- 1.1.1 **WHEREAS**, the Active Transportation Program was created by Senate Bill 99 (Chapter 359, Statutes of 2013) to encourage increased use of active modes of transportation, such as biking and walking, and
- 1.2 **WHEREAS**, the guidelines were developed in consultation with the Active Transportation Program Workgroup comprised of representatives from the California Department of Transportation, regional transportation planning agencies, local agencies, and active transportation program stakeholders; and
- 1.3 **WHEREAS**, the Commission held nineteen workshops in multiple locations throughout the state to solicit stakeholder input during the development of the 2021 Active Transportation Program Guidelines; and
- 1.4 **WHEREAS**, the Commission held one public hearing on March 25, 2020.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED**, that the Commission adopts the 2021 Active Transportation Program Guidelines; and
- 2.2 **BE IT FURTHER RESOLVED**, that the purpose of the guidelines is to identify the Commission's policy, standards, criteria, expectations and procedures for the development, adoption, and management of the Active Transportation Program, and thus provide guidance to applicants, implementing agencies, Metropolitan Planning Organizations, and the California Department of Transportation; and
- 2.3 **BE IT FURTHER RESOLVED**, that Commission staff is authorized to make minor technical changes as needed to the guidelines; and
- 2.4 **BE IT FURTHER RESOLVED**, that the guidelines do not preclude any project nomination or any project selection that is consistent with the implementing legislation; and
- 2.5 **BE IT FURTHER RESOLVED**, that the Commission directs staff to post these guidelines to the Commission's website.

Reference No.: 4.11  
March 25-26, 2020  
Attachment B

**2021**

**ACTIVE TRANSPORTATION PROGRAM**

**GUIDELINES**

**FINAL DRAFT**



**CALIFORNIA TRANSPORTATION COMMISSION**

# 2021 ACTIVE TRANSPORTATION PROGRAM GUIDELINES

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# **I. Introduction**

## **1. Background**

The Active Transportation Program (ATP) is a competitive statewide program created to encourage increased use of active modes of transportation, such as biking and walking. Senate Bill 99 (Chapter 359, Statutes of 2013) and Assembly Bill 101 (Chapter 354, Statutes of 2013) created the ATP, and Senate Bill 1 (SB 1) (Chapter 2031, statutes of 2017) directs additional funding from the Road Maintenance and Rehabilitation Account to the ATP.

These guidelines describe the policy, standards, criteria, and procedures for the development, adoption, and management of the ATP. The guidelines were developed in consultation with the ATP workgroup. The workgroup includes representatives from the California Department of Transportation (Caltrans), other government agencies, and active transportation stakeholder organizations with expertise in pedestrian and bicycle issues, including Safe Routes to School programs.

The California Transportation Commission (Commission) may amend the ATP guidelines after conducting at least one public hearing. The Commission must make a reasonable effort to amend the guidelines prior to a call for projects or may extend the deadline for project submission to comply with the amended guidelines.

## **2. Program Purpose and Goals**

Pursuant to statute, the purpose of the program is to encourage increased use of active modes of transportation, such as biking and walking. The goals of the ATP are to:

- Increase the proportion of trips accomplished by biking and walking.
- Increase the safety and mobility for nonmotorized users.
- Advance the active transportation efforts of regional agencies to achieve greenhouse gas reduction goals as established pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) and Senate Bill 391 (Chapter 585, Statutes of 2009).
- Enhance public health, including reduction of childhood obesity through the use of programs including, but not limited to, projects eligible for Safe Routes to School Program funding.
- Ensure that disadvantaged communities fully share in the benefits of the program.
- Provide a broad spectrum of projects to benefit many types of active transportation users.

In addition to the goals listed in statute, the ATP will also consider state goals and provisions set forth in Executive Order N-19-19 including state housing goals.

### 3. Program Schedule

Each program must be adopted not later than the date designated in statute of each odd-numbered year; however, the Commission may alternatively elect to adopt a program annually. The following schedule lists the major milestones for the development and adoption of the 2021 ATP:

| <b>ATP Milestones</b>   | <b>Date</b>              |
|---|--------------------------|
| Draft ATP Guidelines presented to Commission  | January 29-30, 2020      |
| Draft ATP Fund Estimate presented to Commission   | January 29-30, 2020      |
| Commission hearing and adoption of ATP Guidelines   | March 25-26, 2020        |
| Commission adopts ATP Fund Estimate   | March 25-26, 2020        |
| Call for projects   | March 25-26, 2020        |
| Large MPOs submit optional guidelines to Commission   | April 17, 2020           |
| Commission approves or rejects MPO guidelines   | May 13-14, 2020          |
| Project applications deadline (postmark date)   | June 15, 2020            |
| Staff recommendation for statewide and small urban and rural portions of the program posted | <b>November 16, 2020</b> |
| Commission adopts statewide and small urban and rural portions of the program               | December 2-3, 2020       |
| Projects not programmed distributed to large MPOs based on location                         | December 2020            |
| Deadline for MPO <u>Draft</u> project programming recommendations to the Commission         | January 18, 2021         |
| Deadline for MPO <u>Final</u> project programming recommendations to the Commission         | <b>April 2, 2021</b>     |
| Commission adopts MPO selected projects   | May 2021*                |

\* Exact dates will coincide with the Commission's adopted 2021 meeting calendar.



## II. Funding Overview

### 4. Funding Source

ATP is funded from various federal and state funds appropriated in the annual Budget Act:

- 100% of the federal Transportation Alternative Program funds, except for federal Recreation Trail Program funds appropriated to the Department of Parks and Recreation.
- \$21 million of federal Highway Safety Improvement Program funds or other federal funds.
- State Highway Account funds.
- Road Maintenance and Rehabilitation Account (SB 1).

In addition to furthering the purpose and goals of this program, all ATP projects must meet eligibility requirements specific to at least one ATP funding source.

### 5. Programming Cycle

Each ATP programming cycle will include four years of funding. New programming capacity for the 2021 ATP will be for state fiscal years 2021-22, 2022-23, 2023-24 and 2024-25.

### 6. Distribution

State and federal law segregate the ATP into multiple, overlapping components. The ATP Fund Estimate must indicate the funds available for each of the program components. Consistent with these requirements, the ATP funds must be distributed as follows:

- 1) Forty percent to Metropolitan Planning Organizations (MPO) in urban areas with populations greater than 200,000.
  - These funds must be distributed based on total MPO population. The funds programmed and allocated under this paragraph must be selected through a competitive process by the MPOs in accordance with these guidelines.
  - Projects selected by MPOs may be in large urban, small urban, or rural areas.
  - A minimum of 25% of the funds distributed to each MPO must benefit disadvantaged communities.

- The following statutory requirements apply specifically to the Southern California Association of Governments (SCAG):
  - SCAG must consult with county transportation commissions, the Commission, and Caltrans in the development of competitive project selection criteria.
  - The criteria used by SCAG should include consideration of geographic equity, consistent with program objectives.
  - SCAG must place priority on projects that are consistent with plans adopted by local and regional governments within the county where the project is located.
  - SCAG must obtain concurrence from the county transportation commissions.
- 2) Ten percent to small urban and rural areas with populations of 200,000 or less. Projects are competitively awarded by the Commission in these regions. Federal law segregates the Transportation Alternative Program into separate small urban and rural competitions based upon their relative share of the state population.
  - Small urban areas are those with populations of 5,001 to 200,000. Rural areas are those with populations of 5,000 or less.
  - A minimum of 25% of the funds in the Small Urban and Rural programs must benefit disadvantaged communities.
  - If a project is eligible for the MPO component, it cannot be eligible for funding in the Small Urban and Rural component.
- 3) Fifty percent to projects competitively awarded by the Commission on a statewide basis.
  - A minimum of 25% of the funds in the statewide competitive program must benefit disadvantaged communities.
- 4) \$4 million per year through 2021-22, subject to annual appropriation, from the Road Maintenance and Rehabilitation Account to the California Conservation Corps for active transportation projects to be developed and implemented by the California Conservation Corps and certified local community conservation corps.
  - Not less than 50% of these funds shall be in the form of grants to certified local community conservation corps, as defined in Section 14507.5 of the Public Resources Code.
  - A minimum of 25% of the funds must benefit disadvantaged communities.

## **7. Matching Requirement**

The Commission does not require a funding match for ATP. Large MPOs, in administering a competitive selection process, may require a funding match for projects selected through their competitive process.

## **8. Leveraging Funds**

The Commission encourages the leveraging of additional funds for a project by considering leveraging in the evaluation criteria for the medium and large infrastructure projects, however, applicants are not required to leverage funds.

The Commission will only consider cash funds for leveraging. Pre-construction phases funded by the local agency will be considered for leveraging even if the funds were expended before the application deadline.

Except for State Transportation Improvement Program funding, the Commission will only consider funds that are not allocated by the Commission on a project specific basis as eligible funds for leveraging points. The Commission will not consider in-kind or non-infrastructure funds as eligible for leveraging.

Tribes typically have limited access to other transportation funds that can be used for leveraging. To that end, applications for the 2021 ATP submitted by Tribal Governments (federally recognized Native American Tribes) will be awarded full leveraging points on the corresponding application type.

Applicants must provide a complete (phase-by-phase) project funding plan through construction that demonstrates that the ATP and leveraged funding in the plan (local, federal, state, private sources) is reasonably expected to be available and sufficient to complete the project.

## **9. Funding for Active Transportation Plans**

Funding from the ATP may be used to fund the development of community-wide active transportation plans within or, for area-wide plans, encompassing disadvantaged communities, including bicycle, pedestrian, safe routes to schools, or comprehensive active transportation plans. A list of the components that must be included in an active transportation plan can be found in Appendix A.

The Commission intends to set aside up to 2% of the funds in the statewide and small urban and rural competitive components for funding active transportation plans in predominantly disadvantaged communities. A large MPO, in administering its portion of the program, may make up to 2% of its funding available for active transportation plans in disadvantaged communities within the MPO boundaries.

## **10. Reimbursement**

The ATP is a reimbursement program for eligible costs incurred. For an item to be eligible for ATP reimbursement, that item's primary use or function must meet the ATP purpose and at least one of the ATP goals. Reimbursement is requested through the invoice process detailed in the Local Assistance Procedures Manual, Chapter 5, Invoicing. Costs incurred prior to Commission allocation and, for federally funded

projects, Federal Highway Administration project approval (i.e. Authorization to Proceed), are not eligible for reimbursement.

### III. Eligibility

#### 11. Eligible Applicants

The following entities, within the State of California, are eligible to apply for ATP funds:

- 1) Local, Regional or State Agencies. Examples include city, county, MPO\*, and Regional Transportation Planning Agency.
- 2) Caltrans.\*
  - Caltrans nominated projects must be coordinated and aligned with local and regional priorities. Caltrans is required to submit documentation that local communities are supportive of and have provided feedback on the proposed Caltrans ATP project.
  - Caltrans must submit documentation to support the need to address the project with ATP funds, rather than other available funding sources such as the State Highway Operations and Protection Program (SHOPP).
- 3) Transit Agencies. Any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration.
- 4) Natural Resources or Public Land Agencies. Federal, Tribal, State, or local agency responsible for natural resources or public land administration. Examples include:
  - State or local park or forest agencies.
  - State or local fish and game or wildlife agencies.
  - Department of the Interior Land Management agencies.
  - U.S. Forest Service.
- 5) Public schools or school districts.
- 6) Tribal Governments – federally recognized Native American Tribes.
  - For funding awarded to a tribal government, a fund transfer to the Bureau of Indian Affairs (BIA) may be necessary.
  - A tribal government may also partner with another eligible entity to apply if desired.
- 7) Private nonprofit tax-exempt organizations may only apply for projects eligible for [Recreational Trail Program](#) funds. Eligible project types include recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails. Projects must benefit the general public, not only a private entity.

- 8) Any other entity with responsibility for oversight of transportation or recreational trails that the Commission determines to be eligible. Eligibility should be established with Commission staff before the application deadline.

*\* Caltrans and MPOs, except for MPOs that are also regional transportation planning agencies, are not eligible project applicants for the federal Transportation Alternative Program funds appropriated to ATP. Therefore, funding awarded to projects submitted directly by Caltrans and MPOs are limited to other ATP funds. Caltrans and MPOs may partner with an eligible entity to expand funding opportunities.*

## **12. Partnering with Implementing Agencies**

Applicants and/or implementing agencies must be able to comply with all the federal and state laws, regulations, policies and procedures required to enter into a Local Administering Agency-State Master Agreement (Master Agreement). Refer to the Local Assistance Procedures Manual, Chapter 4, Agreements, for guidance and procedures on Master Agreements. The Commission requires project Baseline Agreements (see Section 27) for ATP projects with a total project cost (all funds) of \$25 million or greater or a total programmed amount of \$10 million or greater of ATP funds.

Eligible applicants that are unable to apply for ATP funds or that are unable to enter into a Master Agreement with the State must partner with an eligible applicant that can implement the project. In addition, eligible applicants that are unfamiliar with the requirements to administer a Federal-Aid Highway Program project are encouraged to partner with an eligible applicant that can implement the project.

If another entity agrees to be the implementing agency and assume responsibility for the ongoing operations and maintenance of the facility, documentation of the agreement (e.g., letter of intent) must be submitted with the project application, and a copy of the Memorandum of Understanding or Interagency Agreement between the parties must be submitted with the first request for allocation. The implementing agency will be responsible and accountable for the use and expenditure of program funds.

## **13. Eligible Projects**

All projects eligible for programming must be selected through a competitive process and must meet one or more of the ATP goals. See Appendix B for example projects.

The Commission encourages applicants to apply for projects that provide a transformative benefit to a community or a region. The Commission hopes to fund one or more large transformative projects that significantly expand the active transportation opportunities in a community or a region.

- 1) Infrastructure Projects: Capital improvements that will further the goals of the ATP. This typically includes the environmental, design, right-of-way, and construction phases of a capital (facilities) project. A new infrastructure project will not be programmed without a complete Project Study Report (PSR) or PSR equivalent.
  - The application will be considered a PSR equivalent if it defines and justifies the project scope, cost and schedule. Though the PSR or equivalent may focus on the project phases proposed for programming, it must provide at least a preliminary estimate of costs for all phases. PSR guidelines are posted on the [Commission's website](#) under "Background Information".
  - Further guidance can be found in the Caltrans [Project Development Procedures Manual](#).
- 2) Plans: The development of a community wide bicycle, pedestrian, safe routes to school, or active transportation plan that encompasses or is predominately located in a disadvantaged community.
  - The first priority for the funding of plans will be for cities, counties, county transportation commissions, regional transportation planning agencies, MPOs, school districts, or transit districts that have neither a bicycle plan, a pedestrian plan, a safe routes to schools plan, nor a comprehensive active transportation plan.
  - The second priority for the funding of plans will be for cities, counties, county transportation commissions, regional transportation planning agencies, or MPOs that have a bicycle plan or a pedestrian plan but not both.
  - The lowest priority for funding of plans will be for updates of active transportation plans older than 5 years.
- 3) Non-infrastructure (NI) Projects: Education, encouragement, and enforcement activities that further the goals of the ATP. NI projects can be start-up programs or new and/or expanded components of existing programs. All NI projects must demonstrate how the program is sustainable and will be continued after ATP funding is exhausted.
  - NI projects are not limited to those benefiting school students.
  - The Commission intends to focus NI funding on start-up projects. A project is considered to be a start-up when no program currently exists.
  - A project with new and/or expanded components to an existing program must demonstrate how the original program is continuing without ATP funding.
  - ATP cannot fund existing or ongoing program operations.
- 4) Infrastructure projects with non-infrastructure components: This is a capital improvement project that includes an education, encouragement, or enforcement component. The non-infrastructure component should be mentioned throughout the application and enhance the infrastructure project.

- 5) Quick-Build Project Pilot Program: The Commission will consider a small number of quick-build projects for the 2021 ATP as a pilot. Quick-build projects are interim capital improvement projects that further the goals of the ATP. These projects require construction, and are built with durable, low to moderate cost materials but last from one year to five years. See Appendix D for additional details.

## 14. Eligibility Screening Criteria

Applications will receive an initial screening by the Commission for completeness and eligibility, before moving to the evaluation process. Incomplete or ineligible applications may not be evaluated. Before evaluation, project applications will be screened for the following:

- Consistency with an adopted regional transportation plan.
- Use of appropriate application.
- Supplanting Funds: a project that is already fully funded will not be considered for funding in the ATP. ATP funds cannot be used to supplant other committed funds.
- Eligibility of project: the project must be one of the five types of projects listed in Section 13 of these guidelines.
- With the exceptions outlined in Section 25 and applicants using the large infrastructure application, an applicant applying for pre-construction phases must also apply for funding in the construction phase.
- Request of at least the minimum request amount as outlined in Section 15 of these guidelines.
- Projects that are already fully funded or projects that are a capital improvement required as a condition for private development approval or permits are not eligible for ATP funding.
- A project applicant found to have purposefully misrepresented information that could affect a project's score may result in the applicant being excluded from the program for the current cycle and the following cycle.

Projects that are screened out because of the above listed criteria will not be considered eligible for the ATP and will not be evaluated or given a score. Applicants with projects that are screened out will be notified as soon as non-eligibility has been determined.

## 15. Minimum Request for Funds

To maximize the effectiveness of program funds and to encourage the aggregation of small projects into one larger comprehensive project, the minimum request for ATP funds that will be considered is \$250,000. This minimum does not apply to non-infrastructure projects, safe routes to school projects, recreational trail projects, plans, **and quick-build pilot projects.**

MPOs, in administering a competitive selection process, may use a different minimum funding size. Use of a minimum project size greater than \$500,000 must be approved by the Commission prior to the MPOs call for projects.

## 16. Project Type Requirements

SB 99 specifies that at least 25% of funds must benefit disadvantaged communities within each of the program components. However, the ATP also includes other project types that must meet certain requirements. Below is an explanation of the requirements specific to the project types listed in SB 99.

### A. Disadvantaged Communities

For a project to contribute toward the disadvantaged communities funding requirement, the project must clearly demonstrate, with verifiable information, a direct, meaningful, and assured benefit to a disadvantaged community. A project is considered beneficial if it fulfills an important need of low-income people in a way that provides a significant value. The project's benefits must primarily target low-income people while avoiding substantial burdens on a disadvantaged community.

MPOs, in administering a competitive selection process, may use different criteria for determining which projects benefit disadvantaged communities if the criteria are approved by the Commission prior to an MPOs call for projects.

It is incumbent upon the applicant to clearly articulate how the project benefits the disadvantaged community; there is no presumption of benefit, even for projects located within a disadvantaged community. For a project to qualify as directly benefiting a disadvantaged community, the project must:

- Be located within or be within reasonable proximity to, the disadvantaged community served by the project,
- Have a direct connection to the disadvantaged community, or
- Be an extension or a segment of a larger project that connects to or is directly adjacent to the disadvantaged community.

To qualify as a disadvantaged community the community served by the project must meet at least one of the following criteria:

- Median Household Income: (Table ID B19013) is less than 80% of the statewide median based on the most current Census Tract (ID 140) level data from the **2014-2018 American Community Survey (<\$56,982)**. Communities with a population less than 15,000 may use data at the Census Block Group (ID 150) level. Unincorporated communities may use data at the Census Place (ID 160) level. Data is available at the [United States Census Bureau Website](https://www.census.gov).
- CalEnviroScreen: An area identified as among the most disadvantaged 25% in the state according to the CalEPA and based on the California Communities Environmental Health Screening Tool 3.0 (CalEnviroScreen 3.0) scores (score



must be greater than or equal to 39.34). The mapping tool can be found [here](#) and the list can be found under “[SB 535 List of Disadvantaged Communities](#)”.

- National School Lunch Program: At least 75% of public-school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program. Data is available at the [California Department of Education website](#). Applicants using this measure must indicate how the project benefits the school students in the project area. Project must be located within two miles of the school(s) represented by this criteria.
- Healthy Places Index: The Healthy Places Index includes a composite score for each census tract in the State. The higher the score, the healthier the community conditions based on 25 community characteristics. The scores are then converted to a percentile to compare it to other tracts in the State. A census tract must be in the 25th percentile or less to qualify as a disadvantaged community. The live map and the direct data can both be found on the California Healthy Places Index website.
- Native American Tribal Lands: Projects located within Federally Recognized Tribal Lands (typically within the boundaries of a Reservation or Rancheria).
- Other: If an applicant believes that the project benefits a disadvantaged community, but the project does not meet the aforementioned criteria due to a lack of accurate information, the applicant may submit another means of qualifying for consideration. Commission staff will assess and score this question for applicants using the “Other” category to qualify as a disadvantaged community. Suggested alternatives that can be submitted under this category include:
  - Census data that represents a small neighborhood or unincorporated area. The applicant must submit for consideration a quantitative assessment, such as a survey, to demonstrate that the community’s median household income is at or below 80% of the state median household income.
  - CalEnviroScreen data that represents a small neighborhood or unincorporated area. The applicant must submit for consideration an assessment to demonstrate that the community’s CalEnviroScreen score is at or above 39.34.
  - A Regional Definition such as “environmental justice communities” or “communities of concern,” must document a robust public outreach process that includes the input of community stakeholders and be stratified based on severity. A regional definition of disadvantaged communities must be adopted as part of a regular 4-year cycle adoption of a Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS) by an MPO or RTPA per obligations with Title VI of the Federal Civil Rights Act of 1964. A regional definition of disadvantaged communities should be used for the region’s broader planning purposes rather than only for ATP grant funding.

## **B. Safe Routes to School Projects**

For a project to qualify for a Safe Routes to School designation, the project must directly increase safety and convenience for public school students to walk and/or bike to school. Safe Routes to Schools infrastructure projects must be located within two miles of a public school or within the vicinity of a public-school bus stop and the students must be the intended beneficiaries of the project. Other than traffic education and enforcement activities, non-infrastructure projects do not have a location restriction.

## **C. Recreational Trails Projects**

Trail projects that are *primarily* recreational should meet the federal requirements of the [Recreational Trails Program](#) as such projects may not be eligible for funding from other sources. However, trails that serve active transportation purposes (such as multi-use paths, Class I bikeways, etc.) are fully eligible in the ATP and need not meet the Recreational Trails Program requirements.

## **D. Active Transportation Resource Center**

The ATP funds a state technical assistance center by programming funds to the Department to administer contracts to support all current and potential ATP applicants. Typical Active Transportation Resource Center roles include:

- Providing technical assistance and training resources to help agencies deliver existing and future projects and to strengthen community involvement in future projects including those in disadvantaged communities.
- Assisting with program evaluation.

## **E. Active Transportation Plan Encompassing a Disadvantaged Community**

See Appendix A.

# **IV. Project Application**

ATP project applications will be available at the Caltrans [Local Assistance website](#).

There are five different applications available for applicants to complete depending on the project type and size. It is incumbent on the applicant to complete the application appropriate for their project. Applicants applying for infrastructure projects must utilize the application type based on the entire project cost, not the ATP request amount. All eligible projects must apply with one of the following application types. Applications for plans may not be combined with applications for infrastructure or non-infrastructure projects. **Applications for the 2021 ATP Quick-Build Project Pilot Program must be submitted in the manner outlined in Appendix D.**

The five application types are:

A. Large Project, Infrastructure only or Infrastructure/Non-infrastructure:

- Projects with a total project cost of greater than \$7 million will be considered a large project and must use the Large Project application. Caltrans and Commission staff may conduct onsite field reviews on a selection of projects that qualify as large projects. Field reviews are not indicative of the project's likelihood of receiving funding.
- Projects that qualify for the large application may apply for only pre-construction phases.

B. Medium Project, Infrastructure only or Infrastructure/Non-infrastructure:

- Projects with a total project cost of more than \$2 million and up to \$7 million will be considered a medium project and must use the Medium Project application.

C. Small Project, Infrastructure only or Infrastructure/Non-infrastructure:

- Projects with a total project cost of \$2 million or less will be considered a small project and must use the Small Project application.

D. Non-infrastructure only.

E. Plan.

- Applicants can only apply for a plan with the Plan application. This application cannot be combined with any other type of project.

## **17. Application Submittal Requirements**

Information on how to submit project applications will be posted prior to the call for projects at the Commission's [website](#) and Caltrans Local Assistance [website](#).

The Commission requires:

- All project applications must include the signature of the Chief Executive Officer or other officer authorized by the applicant's governing board.
- Projects that will be implemented by an agency other than the applicant, must submit documentation of the agreement between the project applicant and the implementing agency with the project application.
- A project application must also include documentation of all other funds committed to the projects.

In addition to submitting a project application to the Commission, a copy must also be sent to the following agencies in hard copy or electronic – check with the agency for their preference:

- Regional Transportation Planning Agency or County Transportation Commission within which the project is located.
- The MPO (a contact list can be found at the [Transportation Planning Website](#).)

## **V. Project Selection Process**

The ATP has a sequential selection process. Commission staff will first select projects to be recommended for funding in the statewide component based on score, eligibility and deliverability, and program capacity. Then each of the remaining projects will be eligible for funding in either the small urban and rural component or the MPO component based on project location. Commission staff will next select projects to be recommended for funding in the small urban and rural component based on score, eligibility and deliverability, and program capacity. Projects located within the boundaries of one of the ten largest MPOs must be considered for funding in the MPO component if the project was not selected for funding in the statewide component. Each of the ten largest MPOs will select projects to be recommended for funding as described in Section 21.

### **18. Project Evaluation Committee**

Commission staff will form a multidisciplinary project evaluation committee to assist in evaluating project applications. In forming the project evaluation committee, staff will seek participants with expertise in bicycling and pedestrian transportation, expertise in Safe Routes to Schools projects, and expertise in projects benefiting disadvantaged communities. Additionally, staff will seek a geographically balanced representation from state agencies, large MPOs, regional transportation planning agencies, local jurisdictions in small urban and rural areas, and non-governmental organizations. Priority for participation in the evaluation committee will be given to those who do not represent a project applicant or will not benefit from any submitted projects. No more than two evaluators from one agency will be chosen to ensure a broader representation of evaluators. Consultants will not be considered for participation in the evaluation committee.

The Commission and/or Caltrans staff will collaborate with the Department of Parks and Recreation to review and select projects to be funded with federal Recreational Trail program funds.

#### **A. Project Evaluation Process**

All eligible project applications received will be evaluated by an evaluator team comprised of two volunteers, one from northern California and one from southern California if possible. All evaluators are required to participate in an ATP evaluator training and sign a conflict of interest form before receiving applications

to review. The conflict of interest form certifies that the potential evaluator can review project applications objectively and requires the potential evaluator to list any projects that could present a potential conflict. In addition to their named conflicts, evaluators will not be assigned applications from the city and county where they live and work. Evaluator team members agree on consensus scores by question for each application based on the Scoring Rubric developed by Commission staff, Caltrans and the ATP workgroup. Evaluators submit consensus score forms to Commission staff. Evaluators must include meaningful comments on each consensus score form that explain the given consensus scores. Any consensus score forms without meaningful comments will be returned to the evaluator team for completion.

Simultaneously with evaluator team scoring, Commission staff will read and score every application to provide a check score for evaluators. Every consensus score is compared to the check score. This process allows for Commission staff to identify errors or discrepancies with scoring. Commission staff will meet with every team to discuss their scores, even if there are no issues.

## **B. Scoring Rubrics**

Each application type has a complimentary scoring rubric that outlines the scoring criteria for each question. Evaluator teams must use the correct scoring rubric when reviewing an application. The scoring rubrics set up the consistent process that the evaluator teams will use to ensure that all projects are evaluated on the same standards. The Commission anticipates publishing a scoring rubric for each project application type by April 13, 2020 to allow applicants to utilize the rubric when writing grant applications.

## **19. Project Selection Between Applications with the Same Score**

If two or more project applications receive the same score and it is the funding cut-off score, the following criteria will be used to determine which project(s) will be funded in the following priority order:

- 1) Infrastructure projects.
- 2) Project readiness including, but not limited to, completed environmental documents.
- 3) Highest score on the highest point value question (questions with the highest point value may vary by application type).
- 4) Highest score on the second highest point value question.

## **20. Scoring Criteria**

Proposed projects will be scored and ranked based on applicant responses to the scoring topics below. The chart below references the scoring topics and points allotted to the different types of applications, as well as the maximum number of points allowed

for each scoring topic by application type. If a scoring topic is left blank, it is not applicable to that application type.

**Beginning with the 2023 Active Transportation Program, nominated projects that are included in an adopted active transportation plan or similar plan will be awarded points. Commission staff intend to develop the criteria for these points in consultation with the ATP workgroup during the guideline development process for the 2023 Active Transportation Program.**

Infrastructure Only (Inf.), Infrastructure & Non-Infrastructure (I + NI), Non-Infrastructure Only, and Plan Application Scoring Criteria:

| Scoring Topic   | Large<br>Inf. / I + NI | Medium<br>Inf. / I + NI | Small<br>Inf. / I + NI | Plan     | Non-Infrastructure<br>Only |
|---|------------------------|-------------------------|------------------------|----------|----------------------------|
| Benefits to Disadvantaged Communities (DAC)                     | 10                     | 10                      | 10                     | 30       | 10                         |
| Need  | 38                     | <b>40</b>               | <b>52</b>              | 20       | 40                         |
| Safety  | 20                     | 25                      | 25                     |          | 10                         |
| Public Participation & Planning                                 | 10                     | 10                      | 10                     | 25       | 15                         |
| <b>Scope and Plan Layout Consistency and Cost Effectiveness</b> | <b>7</b>               |                         |                        |          |                            |
| <b>Scope and Plan Layout Consistency</b>                        |                        | <b>5</b>                | <b>3</b>               |          | 10                         |
| Context Sensitive & Innovation                                  | 5                      | 5                       |                        |          | 5                          |
| Transformative Projects   | 5                      |                         |                        |          |                            |
| Evaluation and Sustainability                                   |                        |                         |                        |          | 10                         |
| Leveraging  | 5                      | 5                       |                        |          |                            |
| Implementation & Plan Development                               |                        |                         |                        | 25       |                            |
| Corps   | (0 or -5)              | (0 or -5)               | (0 or -5)              |          | (0 or -5)                  |
| Past Performance  | 0 to -10               | 0 to -10                | 0 to -10               | 0 to -10 | 0 to -10                   |
| Total   | 100                    | 100                     | 100                    | 100      | 100                        |

- A. **Benefit to Disadvantaged Communities.** The benefit provided to the disadvantaged community affected by the project. The score will be impacted by the project location in relation to the disadvantaged community, the severity, and the direct benefit the project will provide. Applicants will also, if applicable, explain how anti-displacement policies and actions are being implemented to discourage gentrification of the community being impacted by the project.
- B. **Need.** Potential for increased walking and bicycling, especially among students, including the identification of walking and bicycling routes to and from schools, transit facilities, community centers, employment centers, and other destinations; and including increasing and improving connectivity and mobility of non-motorized users.
- C. **Safety.** Potential for reducing the number and/or rate or the risk of pedestrian and bicyclist fatalities and injuries, including the identification of safety hazards for pedestrians and bicyclists.
- D. **Public Participation and Planning.** Identification of the community-based public participation process that culminated in the project proposal, which may include noticed meetings and consultation with local stakeholders. Project applicants must clearly articulate how the local participation process (including the participation of disadvantaged community stakeholders) resulted in the identification and prioritization of the proposed project. If there is significant opposition to the project, applicants should summarize any major points of concern raised by the opposition and provide a response.
- E. **Scope and Plan Layout Consistency and Cost Effectiveness. Evidence that the application, scope and plan layout are consistent with one another and depict what is being proposed. A project's cost effectiveness is the relative costs of the project in comparison to the project's benefits.**
- F. **Scope and Plan Layout Consistency.** Evidence that the application, scope and plan layout are consistent with one another and depict what is being proposed.
- G. **Implementation and Plan Development.** Specific to applicants using the "plan" application form. Evidence that the plan will lead to implementation of the identified projects.
- H. **Context Sensitive Bikeways/Walkways and Innovative Project Elements.** The "recognized best" solutions appropriate for the local community context will be considered, and a description of the innovative features of the project. OR explain why the context of the project best lends itself to standard treatments/features.
- I. **Transformative Projects.** Evidence of the transformative nature of the project will help to inform the score. In addition, applicants should address the potential for the project to support existing and planned housing, especially affordable housing.

- J. Evaluation and Sustainability. How will the effectiveness of the program be measured and sustained after completion?
- K. Leveraging. Leveraging of non-ATP funds (excluding in-kind contributions) on the ATP project scope proposed.
- L. Corps. Use of the California Conservation Corps or a certified local community conservation corps, as defined in Section 14507.5 of the Public Resources Code, as partners to undertake or construct applicable projects in accordance with Section 1524 of Public Law 112-141. Points will be deducted if an applicant does not seek corps participation or if an applicant intends not to utilize a corps in a project in which the corps can participate. An exception applies for applicants using the Plan application type.
- a. General information and instructions for consulting with the Corps on ATP projects can be found at the [California Conservation Corps website](#) or at the [California Association of Local Conservation Corps website](#).
  - b. The California Conservation Corps can be contacted at [atp@ccc.ca.gov](mailto:atp@ccc.ca.gov).
  - c. Certified local community conservation corps can be contacted at [inquiry@atpcommunitycorps.org](mailto:inquiry@atpcommunitycorps.org).
  - d. Direct contracting with the California Conservation Corps or a certified local community conservation corps without bidding is permissible provided that the implementing agency demonstrates cost effectiveness per 23 CFR 635.204 and obtains approval from Caltrans. A copy of the agreement between the implementing agency and the proposed conservation corps must be provided to Caltrans.
  - e. Funded projects will be required to report on the use of the California Conservation Corps or a certified local community conservation corps as noticed in the application.
- M. Past Performance. Applicant's performance on past ATP projects. Point reduction for non-use of the Corps as committed to in a past ATP award or project failure on any past ATP project.

## **21. MPO Competitive Project Selection**

Projects not selected for programming in the statewide competition must be considered by the MPOs in administering a competitive selection process.

An MPO may delegate its project selection to the Commission if it uses the Commission's statewide competition project selection criteria, weighting, minimum project size, match requirement, and definition of disadvantaged communities.



An MPO, with Commission approval, may use a different project selection criteria or weighting, minimum project size, match requirement, and/or definition of disadvantaged communities for its competitive selection process. Use of a minimum project size of \$500,000 or less, or different match requirement than in the statewide competitive program does not require prior Commission approval.

An MPO may also elect to have a supplemental MPO specific call for projects. The projects received in this call must be considered along with those not selected for funding in the statewide competitive program. **An MPO may recommend a quick-build project for programming, however, all quick-build project applications must be submitted in the manner outlined in Appendix D.**

MPOs that choose to administer a competitive selection process must use a multidisciplinary advisory group, similar to the Project Evaluation Committee described in Section 18, to assist in evaluating project applications. The Commission will provide a checklist to the MPOs that includes what the MPO must submit with its programming recommendations to the Commission including:

- List of the members of its multidisciplinary advisory group.
- Description of unbiased project selection methodology.
- Program spreadsheet with the following elements:
  - List of all projects evaluated.
  - Projects recommended with total project cost, request amount, fiscal years, phases, state only funding requests, amount benefiting disadvantaged communities.
  - Project type designations such as Non-infrastructure, Safe Routes to School, etc.
- Board resolution approving program of projects.
- Project Programming Requests (PPR's).
- Copies of all applications received by the MPO if the MPO conducted a supplemental call for projects. Projects recommended for programming by an MPO will not be considered for funding unless the application is received by January 18, 2021.

The Commission also may require each MPO to participate in a teleconference between Commission staff, Caltrans staff and MPO staff to review submittal completeness and accuracy.

If Commission staff determines that an MPO submittal is not complete or accurate enough for Commission staff approval, then Commission staff may elect to postpone consideration of that MPO's program until the submittal is deemed complete and accurate.

## **VI. Programming**

### **22. Program of Projects**

Following at least one public hearing, the Commission will adopt a program of projects for the ATP in each odd numbered year by the deadline established in statute. The ATP must be developed consistent with the fund estimate. Projects programmed by the Commission in ATP will not be given priority in other programs under the Commission's purview.

If the program of projects adopted by the Commission does not program the full capacity identified in the fund estimate for a given fiscal year, the balance will remain available to advance programmed projects. Subject to the availability of funds, a balance not programmed in one fiscal year will carry over and be available for projects in the following fiscal year.

The program of projects for each fiscal year will include, for each project, the amount to be funded from the ATP and the estimated total cost of the project. In the case of a large project delivered in segments, the program of projects will include the total cost of the segment for which ATP funds are requested.

Project costs in the ATP will include costs for each of the following phases:

- project approval and environmental document,
- plans, specifications, and estimates,
- right-of-way, and
- construction.

For projects anticipated to be delivered using the design-build or design-sequencing contracting method, the construction phase may include costs for design and right-of way. The cost of each project phase will be listed in the ATP no earlier than in the fiscal year in which the particular project phase can be implemented.

Project applications found to not meet Project Study Report (PSR) equivalency will be required to take corrective action prior to allocation of funds.

### **23. Performance Metrics**

Successful projects must submit the required performance metric data within six months of programming. The Commission may delete a project for which no performance metric data is received. The Commission will not consider approval of a project allocation for projects that have not submitted the required performance metric data.

#### **A. Interim Count Methodology Guidance**

The Interim Count Methodology Guidance (Interim Guidance) was developed by Caltrans in collaboration with the ATP Technical Advisory Committee. The

Interim Guidance is intended to guide ATP applicants and project awardees in meeting the minimum expectations for conducting user counts, surveys, and evaluation requirements for active transportation projects funded through the ATP. The Interim Guidance covers various topics that represent central steps to ensure that ATP applicants and awardees can provide consistent and uniform project-user data. Topics include determining the type of count data collection needed, as well as how to determine count locations and estimating the total volume within the project limits.

The Count Guidance must be used for all ATP-funded projects that receive a construction phase allocation from the Commission. The [Interim Count Methodology Guidance](#) is available on the Caltrans website.

#### **B. Affordable Housing and Sustainable Communities Benefits Calculator**

To further show the benefits of the ATP funding, Commission staff will utilize the analysis provided by the Affordable Housing and Sustainable Communities Benefits Calculator. [Link.] This tool estimates outputs such as vehicle miles traveled and greenhouse gas reductions for new facilities and bike shares.

### **24. State Only Funding Designation**

Some of the funds in the ATP are federal funds. Projects must be federal-aid eligible unless the project is designated as “State Only Funded” at the time of programming. **ATP projects awarded as part of the statewide and small urban and rural competitions with capital construction values of \$1,000,000 or more in ATP funding must maintain federal eligibility.** Refer to the update to the Federal-Aid Project Funding Guidelines for more information. Agencies may request State only funding at the time of application. Such a request does not guarantee a State only funding designation.

In the MPO component, it is the responsibility of each MPO to designate projects for State only funding when submitting their programming recommendation. The recommendations are not to exceed the allotted State only funds specified in the adopted 2021 ATP Fund Estimate. If a project is not designated for State only funds in the adopted MPO component, and later requires State only funding, it is up to the MPO to rearrange the State only fund designations among all its programmed projects so that the State only fund designations do not exceed the allotment in the adopted 2021 ATP Fund Estimate. In addition, the MPO must inform Caltrans of any changed State only funding designations before submitting an allocation request for any affected project and inform the Commission which State only funded project(s) will be converted to federal funds.

All programmed quick-build projects will be designated for State only funding.

## **25. Committed / Uncommitted Funds**

The Commission will program and allocate funding to projects in whole thousands of dollars and will include a project only if it is fully funded from a combination of ATP funds and other committed funds. The Commission will only propose to fund projects with uncommitted funds in the following two situations:

- The project is at the funding cut-off for an MPO in their MPO component and there are not enough available funds in that MPO's program to fund the full project. The applicant must demonstrate how it intends to fund the construction of a useable segment, consistent with the regional transportation plan.
- Projects that fall into the large infrastructure category as defined in the Project Application, Section IV of these Guidelines. The applicant must demonstrate the means by which it intends to fund the construction of a useable segment, consistent with the regional transportation plan.

Uncommitted funds may only be from the ATP or the Local Partnership Program (formulaic or competitive). The applicant must indicate its plan for securing a funding commitment; explain the risk of not securing that commitment, and its plan for securing an alternate source of funding should the commitment not be obtained. If a project with uncommitted funds is programmed, all funding commitments for that phase must be secured prior to July 1 of the fiscal year in which the project is programmed, or the project will be removed from the program.

The Commission will regard funds as committed when they are programmed by the Commission or when the agency with discretionary authority over the funds has made its commitment to the project by ordinance or resolution. For federal formula funds, including Surface Transportation Program, Congestion Mitigation and Air Quality Improvement Program, and federal formula transit funds, the commitment may be by Federal approval of the Federal Statewide Transportation Improvement Program. For federal discretionary funds, the commitment may be by federal approval of a full funding grant agreement or by grant approval.

## **26. Contingency List**

The Commission may identify a contingency list of projects to be amended into the program in the event a programmed project has returned award savings or is deleted from the program. This contingency list will be in effect only until the adoption of the next programming cycle.

## **27. Baseline Agreements**

In accordance with the SB 1 Accountability and Transparency Guidelines the Commission requires Baseline Agreements for ATP projects with a total project cost of \$25 million or greater (all funds) or a total programmed amount of \$10 million or greater in ATP funds. Baseline agreements establish the agreed upon benefits, project scope, schedule and cost of a project for which the Commission has approved funding. These

agreements provide a foundation for project monitoring and reporting and identify the agency responsible for reporting on the progress made towards the implementation of the project.

The Commission will approve baseline agreements at a regular Commission meeting within four months after a project has been adopted into the ATP. An exception applies for projects that have not received environmental clearance; these projects will be expected to have a baseline agreement approved within six months after the Lead Agency files a notice of exemption or files a notice of determination pursuant to the California Environmental Quality Act.

The Commission may delete a project for which no baseline agreement is executed. The Commission will not consider approval of a project allocation, except for the environmental project phase and the non-infrastructure project phase for infrastructure/non-infrastructure combination projects, without an approved baseline agreement. The SB 1 Accountability and Transparency Guidelines are available on the Commission's website.

## VII. Program / Project Amendments

### 28. Amendment Requests

Project amendments requested by implementing agencies shall receive the approval of all partner and funding entities before submittal to the Commission. Amendment requests should be submitted in a timely manner and include documentation that supports the requested change and its impact on the scope, cost, schedule, public support and benefits.

Caltrans shall coordinate all amendment requests and utilize the Project Programming Request (PPR) form to help document the change. Implementing agencies must notify Caltrans in writing of proposed project amendments.

Project amendments will be considered for ATP as follows:

- Scope Changes – the Commission may consider changes to the scope of the project only as described below.
- Funding Distribution Changes – the Commission may consider a request to move funds between phases after a project has been programmed only as described below.

Schedule changes to a project will not be considered, however, time extensions are allowed as specified in Section 31. The ATP will not fund any cost increases to a project, **except for Caltrans implemented projects as outlined in Section VIII**. If there is a change in the cost estimate, the implementing agency must notify Caltrans as soon as possible. The written notification should explain the change and the plan to cover the increase.

## A. Scope Changes

The Commission will consider changes to the approved scope submitted in the project application to assist agencies in implementing their ATP projects and maximize the overall benefits of the ATP. An agency requesting a scope change must submit a request to Caltrans that includes the following:

- An explanation of the proposed scope change.
- The reason for the proposed scope change.
- The impact the proposed scope change would have on the overall cost of the project.
- An estimate of the impact the proposed scope change would have on the potential of the project to increase walking and bicycling as compared to the benefits identified in the project application (increase or decrease in benefit).
- An estimate of the impact the proposed scope change would have on the potential of the project to increase the safety of pedestrians and bicyclists as compared to the benefits identified in the project application (increase or decrease in benefit).
- An explanation of the methodology used to develop the estimates.
- Evidence of public support for the new scope.
- Revalidation of the environmental document(s), if needed.
- How the scope change impacts the project schedule.
- An explanation of how the scope change affects the project budget, and how increases will be funded, or savings will be utilized.
- For projects programmed in the Metropolitan Planning Organization (MPO) component, evidence of MPO approval and the MPO rationale for their approval.

Caltrans will review the proposed scope change and forward the proposal along with Caltrans' written analysis and recommendation to the Commission for the Commission's approval.

Commission staff accepts or denies minor scope changes and will present those that are accepted to the Commission as a part of the project allocation request. Minor scope changes are those that stay true to the project proposed in the application, with little or no impact to project benefits, strong public support, or increase the benefits of the project. If Commission staff determines the minor scope change should be denied, Caltrans will resubmit the scope change request as a major scope change.

Caltrans will present recommendations to approve or disapprove major scope changes to the Commission as a project amendment agenda item at a regularly scheduled Commission meeting. Commission staff may recommend denying a scope change if the request dramatically changes the project scope and intent from what was approved in

the application, or if there is a loss in benefits. The Commission may approve or deny the scope change request, regardless of staff and Caltrans' recommendations.

## **B. Funding Distribution Changes**

Agencies may request to move fund amounts between programmed phases Project Approval and Environmental Document (PA&ED), Plans, Specs and Estimates (PS&E), Right of Way (RW) and Construction (CON). Moving funds between phases will not increase the total programmed amount. The agency must show that the project remains fully funded and that the benefit of the project will remain the same or increase. All Funding Distribution Change requests must be considered by the Commission for approval.

When preparing a request for a Funding Distribution Change, agencies should consider the following:

- The request cannot be made in the same state fiscal year in which the funds have been programmed.
- The funds that are part of the request cannot have been allocated.
- Funds programmed in construction cannot be moved out of construction.
- An agency may only request a Funding Distribution Change once during the life of the project. Agencies should consider waiting until after the environmental review has been completed to submit a Funding Distribution Change.

The notification to Caltrans must include:

- A revised Project Programming Request that outlines the proposed Funding Distribution Change.
- The reason for the proposed Funding Distribution Change.
- The impact the proposed change would have on the overall cost of the project. The project must remain fully funded.
- A discussion of whether the Funding Distribution Change will affect the benefit of the project as described in the project application.

## **VIII. Allocations**

When an agency is ready to implement a project or project phase, the agency will submit an allocation request to Caltrans. The typical time required, after receipt of the request, to complete Caltrans review and recommendation and Commission allocation is 60 days.

Caltrans will review the request and determine whether or not to recommend the request to the Commission for action. The recommendation will include a determination of project readiness, the availability of appropriated funding, the availability of all identified and committed supplementary funding, and the consistency with the project's

Baseline Agreement, if applicable. When Caltrans develops its construction allocation recommendation, the Commission expects Caltrans to verify that a project's plans specifications and estimate are complete, and match the application scope or approved scope amendment, environmental and right-of-way clearances are secured, and all necessary permits and agreements are executed. The Commission will only consider an allocation of construction funds to projects that are ready to advertise. Projects using the design-build or design-sequencing contracting methods shall be considered ready for allocation upon completion of environmental clearance. Readiness for projects to be transferred to FTA shall be consistent with FTA's definition of readiness for transfer.

In compliance with Section 21150 of the Public Resources Code, the Commission will not allocate funds for a non-infrastructure project or plan, or for design, right-of-way, or construction of an infrastructure project, prior to documentation of environmental clearance under the California Environmental Quality Act (CEQA). As a matter of policy, the Commission will not allocate funds, other than for the environmental phase, for a federally funded project prior to documentation of environmental clearance under the National Environmental Policy Act (NEPA). Exceptions to this policy may be made in instances where federal law allows for the acquisition of right-of-way prior to completion of NEPA review.

The Commission will approve the allocation in whole thousands of dollars if the funds are available. An allocation is necessary to implement the project as included in the adopted ATP. The ATP does not fund cost increases. If there is a cost increase to the project, the implementing agency must submit an updated PPR form that identifies the cost increase and the fund source that will cover the cost increase. If the fund source(s) is (are) not identified to cover the cost increase, the project component will be lapsed.

**Caltrans implemented projects are the only exception to this provision. The Commission will consider funding a cost increase for Caltrans implemented projects if all other cost saving measures, such as scope modifications, have been exhausted and the project cannot proceed without additional funds. The additional funds will be apportioned from the subsequent ATP cycle. Caltrans cost increase requests must be approved by the Commission in the same manner as project cost increases for other Commission programs.**

Applicants that have partnered with an implementing agency must include a copy of the Memorandum of Understanding or Interagency Agreement between the project applicant and implementing agency with the allocation request.

The Commission will approve the allocation if the funds are available and the allocation is necessary to implement the project as included in the adopted ATP. If there are insufficient program funds to approve an allocation, the Commission may delay the allocation of funds to a project until the next fiscal year without requiring an extension.

To ensure the timely use of all program funds, the Commission will, contingent upon availability, advance allocate funds to projects programmed in a future fiscal year on a first-come, first served basis. Should requests for advance allocations exceed available capacity, the Commission will give priority to projects programmed in the current-year.



Allocation requests for a project in the MPO selected portion of the program must include a recommendation by the MPO.

Any scope change requests must be presented to Caltrans for consideration prior to allocation in the manner described in Section 28.

## **29. FTA Transfers**

An implementing agency shall notify Caltrans as early as possible following programming, so that funding eligible for transfer from FHWA to FTA can be assigned in a timely manner to the project. Caltrans shall make a recommendation to the Commission regarding the readiness of the project for allocation using the same criteria used by the FTA. The implementing agency should submit the FTA transfer form to Caltrans along with their allocation request. Caltrans shall add an “FTA Transfer” notation to the vote box for projects that will require an FTA Transfer.

# **IX. Project Delivery**

## **30. Letter of No Prejudice**

The Commission will consider approval of a Letter of No Prejudice (LONP) to advance a project programmed in the ATP. Approval of the LONP will allow the agency to begin work and incur eligible expenses prior to allocation. The LONP Guidelines are available on the Commission’s website.

## **31. Timely Use of Funds**

ATP allocations are requested by project phase, Environmental Phase (PA&ED), Design Phase (PS&E), Right-of-Way Phase (ROW), and Construction Phase (CON). Each allocation must be requested in the fiscal year that the phase is programmed. Construction allocations are valid for award for six months from the date of allocation unless the Commission approves an extension. When programmed funds are not allocated within the fiscal year programmed or within the time allowed by an approved extension, the project will be deleted from the Active Transportation Program.

The Commission may extend the deadline only once for each allocation phase and only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and cannot exceed twelve months. If extraordinary issues exist that require a longer extension, the implementer may request up to 20 months for allocation only. Extension requests for a project in the MPO selected portion of the program must include a recommendation by the MPO, consistent with the preceding requirements.

Funds allocated for project development or right-of-way costs must be expended by the end of the second fiscal year following the fiscal year in which the funds were allocated.

The implementing agency must invoice Caltrans for these costs no later than 180 days after the fiscal year in which the final expenditure occurred.

The Commission may extend the deadline only once for contract award and only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and cannot exceed twelve months.

After award of the contract, the implementing agency has up to 36 months to complete (accept) the contract. At the time of construction fund allocation, the implementing agency may request, and the Commission may approve extending the deadline for completion of work and the liquidation of funds if necessary to accommodate the proposed expenditure plan for the project.

The Commission may extend the deadlines for expenditures for project development or right-of-way, or for contract completion no more than one time, only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and cannot exceed more than 12 months for project completion and 12 months for expenditure.

Except for the allocation of funds, the request to extend the deadline for any of the above must be received by Caltrans prior to the expiration date. For allocation of funds, the time extension must be approved by the Commission by June 30th of the year the funds are programmed; otherwise the funds will lapse.

Projects must commence the right-of-way phase or actual construction within 10 years of receiving pre-construction funding through ATP, or the implementing agency must repay the ATP funds. Repaid funds will be made available for redistribution in the subsequent programming cycle.

If there are insufficient funds, the Commission may delay the allocation of funds to a project until the next fiscal year without requiring an extension. It is incumbent upon the implementing agency to develop accurate project cost estimates. If the amount of a contract award is less than the amount allocated, or if the final cost of a phase is less than the amount allocated, the savings generated will not be available for future programming.

Caltrans will track the delivery of ATP projects and submit to the Commission the required reports showing the delivery of each project phase.

## **32. Delivery Deadline Extensions**

The Commission may extend a delivery deadline, as described in Section 31, upon the request of the implementing agency. No deadline may be extended more than once. However, there are separate deadlines for allocations, contract award, expenditures,

and project completion. Each project phase has its own deadline. The Commission may consider the extension for each deadline separately.

All requests for project delivery deadline extensions shall be submitted directly to Caltrans for processing prior to the expiration date. The extension request should describe the specific circumstance that justifies the extension and identify the delay directly attributable to the circumstance. Caltrans will review and prepare a written analysis of the proposed extension requests and forward the written analysis and recommendation to the Commission for action.

### **33. Federal Requirements**

Unless fully programmed for state-only funding, project applicants must comply with the provisions of Title 23 of the U.S. Code of Federal Regulations and with the processes and procedures for federally funded projects contained in the Caltrans Local Assistance Procedures Manual and the Master Agreement with Caltrans. Below are examples of federal requirements that must be met when administering ATP projects.

- National Environmental Policy Act (NEPA) compliance and documentation is required on all projects. Refer to the Local Assistance Procedures Manual, Chapter 6: Environmental Procedures, for guidance and procedures on complying with NEPA and other federal environmentally related laws.
- Project applicants may not proceed with the final design of a project or request "Authorization to proceed with Right-of-Way" or "Authorization to proceed with Construction" until Caltrans has signed a Categorical Exclusion, a Finding of No Significant Impact, or a Record of Decision. Failure to follow this requirement will make the project ineligible for federal reimbursement.
- If the project requires the purchase of right of way (the acquisition of real property), the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 apply. For more information, refer to the Local Assistance Procedures Manual, Chapter 13, Right of Way.
- If the project applicant requires the consultation services of including, but not limited to, architects, landscape architects, land surveyors, or engineers, the procedures in the Chapter 10, Consultant Selection, of the Local Assistance Procedures Manual must be followed. The naming of a partner in the application does not negate this requirement.
- Contract documents are required to incorporate applicable federal requirements such as Davis Bacon wage rates, competitive bidding, Disadvantaged Business Enterprises/Equal Employment Opportunity provisions, etc. For more information, refer to the Local Assistance Procedures Manual, Chapter 9, Civil Rights and Disadvantaged Business Enterprises, and Chapter 12, Plans, Specifications & Estimate.
- Failure to comply with federal requirements may result in the repayment of ATP funds to the State.

### 34. Design Standards

Streets and Highways Code Section 891 requires that all city, county, regional, and other local agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted utilize all minimum safety design criteria established by Caltrans, except that an agency may utilize other minimum safety design criteria if specific conditions are met, as described in Streets and Highways Code Section 891(b). The Caltrans Local Assistance Procedures Manual, Chapter 11, Design Guidance, describes statewide design standards, specifications, procedures, guides, and references that are acceptable in the geometric, drainage, and structural design of Local Assistance projects.

For capital projects off the state highway system, the project applicant will be responsible for the ongoing operations and maintenance of the facility. If another entity agrees to assume responsibility for the ongoing operations and maintenance of the facility, documentation of the agreement must be submitted with the project application, and a copy of the Memorandum of Understanding or Interagency Agreement between the parties must be submitted with the request for allocation.

All facilities constructed using ATP funds cannot revert to non-ATP use for a minimum of 20 years or its actual useful life as documented in the project application, whichever is less, without approval of the Commission. **The exception to this is ATP funded quick-build projects.**

### 35. Project Inactivity

Once funds for a project are encumbered, project applicants are expected to invoice on a regular basis (for federal funds, see 23 CFR 630.106 and the Caltrans' Inactive Obligation Policy). Failure to do so will result in the project being deemed "inactive" and subject to de-obligation if proper justification is not provided.

### 36. Project Cost Savings

Savings at contract award may be used to expand the scope of the project only if the expanded scope provides additional quantifiable active transportation benefits. The expanded scope must be approved by Commission staff prior to contract award. All other contract award savings will be returned proportionally.

Savings at project completion must be returned proportionally except when an agency has, subsequent to project programming, committed additional funds to the project to fund a cost increase. In such instances, savings at project completion may be returned to other fund types first, until the proportions match those at programming. Any additional savings at project completion must be returned proportionally.

Any amount allocated for environmental may also be expended for design. In addition, a local agency may expend an amount allocated for environmental, design, right of way, construction (infrastructure) or construction (non-infrastructure) for another allocated

project phase, provided that the total expenditure shifted to a phase in this way is not more than 20 percent of the amount actually allocated for either phase. This means that the amount transferred by a local agency from one phase to another may be no more than 20 percent of whichever of the phases has received the smaller allocation from the Commission.

If an implementing agency requests an allocation of funds in an amount that is less than the amount programmed, the balance of the programmed amount may be allocated to a programmed project advanced from a future fiscal year. Project savings, including savings from projects programmed in the MPO component, will return to the overall ATP and be available to a programmed project advanced from a future fiscal year.

### **37. Project Reporting**

The purpose of all required reports is to ensure that the project is executed on time and is within the scope and budget identified when the decision was made to fund the project. The ATP adheres to the program accountability requirements set forth in the SB1 Accountability and Transparency Guidelines. **The reporting provisions specified in the SB 1 Accountability and Transparency Guidelines apply to all projects programmed in the ATP.**

All implementing agencies must submit regular progress reports, a completion report, and a final delivery report to Caltrans. Implementing agencies should refer to the [Local Assistance website](#) for details.

An agency implementing a project in the MPO selected portion of the program is required to also submit copies of all of its reports to the MPO. However, all agencies are encouraged to submit copies of their reports to their MPO or RTPA.

### **38. Audits**

**The audit requirements outlined in the SB 1 Accountability and Transparency Guidelines apply to all projects programmed in the ATP.**

## **X. Roles and Responsibilities**

### **39. California Transportation Commission (Commission)**

The Commission responsibilities include:

- Adopt guidelines and policies for ATP.
- Adopt the ATP fund estimate.
- Evaluate, score, and rank projects, including forming and facilitating the Project Evaluation Committee.

- In consultation with regional agencies and Caltrans, recommend and adopt a program of projects, including:
  - The statewide component of ATP,
  - The small urban & rural component of ATP, and
  - The MPO selected component of the program based on the recommendations of the MPOs.
  - Ensuring that at least 25% of the funds benefit disadvantaged communities.
- Maintain a contingency list of projects to be amended into the program in the event a programmed project is delivered under the programmed amount or if a project fails, approve and recommend such amendments for Commission approval. This contingency list will be in effect only until the adoption of the next statewide program.
- Post recommendations and final adopted list of approved projects on the Commission's website.
- Allocate funds to projects.
- Publish a Status Report of the ATP annually to increase the transparency of the program and show the progress of the programmed projects.
- Review project amendment requests and recommend approval or denial to the Commission.
- Evaluate program and report to the legislature.

#### **40. California Department of Transportation (Caltrans)**

Caltrans has the primary responsibility for the administration of the adopted ATP. Responsibilities include:

- Prepare and provide statewide program and procedural guidance. Conduct outreach through various networks such as, but not limited to, the ATP website, and at conferences, meetings, or workgroups.
- Develop and provide program training.
- Solicit project applications for the program.
- Perform eligibility and deliverability reviews of ATP projects at the Commission's request and inform the Commission of any identified issues in writing and before consensus scores are submitted by the evaluators.
- Assist as needed in functions such as facilitating project evaluation teams and evaluating applications.
- Notify successful applicants of their next steps after each call for projects.
- Recommend project allocations (including funding type) to the Commission.

- Make project amendment recommendations to the Commission.
- Track and report on project implementation, including project completion.
- Create reports required by the Commission and solicit implementing agencies to submit required reports in a timely manner.
- Perform audits of selected projects in accordance with generally accepted government auditing standards.
- Serve as the main point of contact in project implementation, including administering the contract(s) for the Active Transportation Resource Center.

#### **41. Metropolitan Planning Organizations (MPOs) With Large Urbanized Areas**

MPOs with large urbanized areas are responsible for overseeing a competitive project selection process in accordance with these guidelines. The responsibilities include:

- Ensure that at least 25% of the funds in each MPO benefit disadvantaged communities.
- If using different project selection criteria or weighting, minimum project size greater than \$500,000, match requirement, or definition of disadvantaged communities for its competitive selection process, the MPO must obtain Commission approval prior to the MPO's call for projects.
- If electing to have a supplemental MPO specific call for projects, the projects within the MPO boundaries that were not selected through the statewide competition must be considered along with those received in the supplemental call for projects. An MPO must notify the Commission of their intent to have a supplemental call no later than the application deadline.
- An MPO electing to have a supplemental MPO specific call for projects must submit copies of all applications received by the MPO. Projects recommended for programming by an MPO will not be considered for funding unless the application is received by the designated deadline.
- In administering a competitive selection process, an MPO must use a multidisciplinary advisory group to assist in evaluating project applications.
- In administering a competitive selection process, an MPO must explain how the projects recommended for programming by the MPO include a broad spectrum of projects to benefit pedestrians and bicyclists. The explanation must include a discussion of how the recommended projects benefit students walking and cycling to school.
- An MPO choosing to use the same project selection criteria and weighting, minimum project size, match requirement, and definition of disadvantaged communities as used by the Commission for the statewide competition may delegate its project selection to the Commission. An MPO delegating its project selection to the Commission must notify the Commission by the application deadline and may not conduct a supplemental call for projects.

- If electing to have a contingency list of projects to be amended into the program in the event a programmed project is delivered for less or fails, approve and recommend such amendments for Commission approval. This contingency list will be provided to the Commission and will be in effect only until the adoption of the next statewide program.
- Recommend allocation requests for a project in the MPO selected portion of the program.
- Determine which projects to advance and make that recommendation to the Commission in consultation with Commission staff and Caltrans.
- Submit an annual assessment of its portion of the program in terms of its effectiveness in achieving the goals of ATP.

In addition, the Southern California Association of Governments (SCAG) must follow the statutory requirements applying specifically to them as outlined in Section 6 of these guidelines.

#### **42. Regional Transportation Planning Agencies (RTPAs) Outside an MPO with Large Urbanized Areas and MPOs without Large Urbanized Areas**

The Regional Transportation Planning Agencies and MPOs (outside the ten large MPOs) may make recommendations or provide input to the Commission regarding the projects within their boundaries that are applying for ATP funding.

#### **43. Project Applicant**

Project applicants nominate ATP projects for funding consideration by submitting an application by the deadline. If awarded ATP funding for a submitted project, the project applicant (or partnering implementing agency if applicable) has contractual responsibility for carrying out the project to completion and complying with reporting requirements in accordance with federal, state and local laws and regulations, and these guidelines.

For infrastructure projects off the state highway system, the project applicant will be responsible for the ongoing operations and maintenance of the facility. If another entity agrees to assume responsibility for the ongoing operations and maintenance of the facility, documentation of the agreement must be submitted with the project application, and a copy of the Memorandum of Understanding or Interagency Agreement between the parties must be submitted with the request for allocation.

For all projects receiving SB 1 funds, the implementing agency must include signage stating that the project was made possible by SB 1 – The Road Repair and Accountability Act of 2017. The signage should be in compliance with applicable federal or state law, and Caltrans' manual and guidelines, including but not limited to the provisions of the California Manual on Uniform Traffic Control Devices.



## **XI. Program Evaluation**

The Active Transportation Program will be evaluated for its effectiveness in increasing the use of active modes of transportation in California. Applicants that receive funding for a project must collect and submit data to Caltrans as described in the "Project Reporting" section.

The Commission will include in its annual report to the Legislature a discussion on the effectiveness of the program in terms of planned and achieved improvement in mobility and safety and timely use of funds, and will include a summary of its activities relative to the administration of ATP including projects programmed, projects allocated, projects completed to date by project type, projects completed to date by geographic distribution, projects completed to date by benefit to disadvantaged communities, and projects completed to date with the California Conservation Corps or certified local community conservation corps.

## **XII. Appendix A**

### **Active Transportation Plan for Disadvantaged Communities Guidance for Plans**

A city, county, county transportation commission, regional transportation planning agency, MPO, school district, or transit district may prepare an active transportation plan (bicycle, pedestrian, safe-routes-to-school, or comprehensive). An active transportation plan prepared by a city or county may be integrated into the circulation element of its general plan or a separate plan which is compliant or will be brought into compliance with the Complete Streets Act, Assembly Bill 1358 (Chapter 657, Statutes of 2008). An active transportation plan must include, but not be limited to, the following components or explain why the component is not applicable:

- A. **Mode Share:** The estimated number of existing bicycle trips and pedestrian trips in the plan area, both in absolute numbers and as a percentage of all trips, and the estimated increase in the number of bicycle trips and pedestrian trips resulting from implementation of the plan.
- B. **Description of Land Use/Destinations:** A map and description of existing and proposed land use and settlement patterns which must include, but not be limited to, locations of residential neighborhoods, schools, shopping centers, public buildings, major employment centers, major transit hubs, and other destinations. Major transit hubs must include, but are not limited to, rail and transit terminals, and ferry docks and landings.
- C. **Pedestrian Facilities:** A map and description of existing and proposed pedestrian facilities, including those at major transit hubs and those that serve public and private schools.
- D. **Bicycle Facilities:** A map and description of existing and proposed bicycle transportation facilities including those at major transit hubs and those that serve public and private schools.
- E. **Bicycle Parking:** A map and description of existing and proposed end-of-trip bicycle parking facilities. Include a description of existing and proposed policies related to bicycle parking in public locations, private parking garages and parking lots and in new commercial and residential developments. Also include a map and description of existing and proposed bicycle transport and parking facilities for connections with and use of other transportation modes. These must include, but not be limited to, bicycle parking facilities at transit stops, rail and transit terminals, ferry docks and landings, park and ride lots, and provisions for transporting bicyclists and bicycles on transit or rail vehicles or ferry vessels.
- F. **Wayfinding:** A description of existing and proposed signage providing wayfinding along bicycle and pedestrian networks to designated destinations.

- G. Non-Infrastructure: A description of existing and proposed bicycle and pedestrian education, encouragement, enforcement, and evaluation programs conducted in the area included within the plan. Include efforts by the law enforcement agency having primary traffic law enforcement responsibility in the area to enforce provisions of the law impacting bicycle and pedestrian safety, and the resulting effect on collisions involving bicyclists and pedestrians.
- H. Collision Analysis: The number and location of collisions, serious injuries, and fatalities suffered by bicyclists and pedestrians in the plan area, both in absolute numbers and as a percentage of all collisions and injuries, and a goal for collision, serious injury, and fatality reduction after implementation of the plan.
- I. Equity Analysis: Identify census tracts that are considered disadvantaged or low-income and identify bicycle and pedestrian needs of those disadvantaged or low-income residents.
- J. Community Engagement: A description of the extent of community involvement in development of the plan, including disadvantaged and underserved communities.
- K. Coordination: A description of how the active transportation plan has been coordinated with neighboring jurisdictions, including school districts within the plan area, and is consistent with other local or regional transportation, air quality, housing or energy conservation plans, including, but not limited to, general plans and a Sustainable Community Strategy in a Regional Transportation Plan, and local or regional housing plans or process improvements that are adopted or in development.<sup>1</sup>
- L. Prioritization: A description of the projects and programs proposed in the plan and a listing of their priorities for implementation, including the methodology for project prioritization and a proposed timeline for implementation.
- M. Funding: A description of future financial needs for projects and programs that improve safety and convenience for bicyclists and pedestrians in the plan area. Include anticipated cost, revenue sources and potential grant funding for bicycle and pedestrian uses.
- N. Implementation: A description of steps necessary to implement the plan and the reporting process that will be used to keep the adopting agency and community informed of the progress being made in implementing the plan.
- O. Maintenance: A description of the policies and procedures for maintaining existing and proposed bicycle and pedestrian facilities, including, but not limited to, the maintenance of smooth pavement, ADA level surfaces, freedom from encroaching vegetation, maintenance of traffic control devices including striping and other pavement markings, and lighting.

- P. Resolution: A resolution showing adoption of the plan by the city, county or district. If the active transportation plan was prepared by a county transportation commission, regional transportation planning agency, MPO, school district or transit district, the plan should indicate the support via resolution of the city(s) or county(s) in which the proposed facilities would be located.

A city, county, school district, or transit district that has prepared an active transportation plan may submit the plan to the county transportation commission or transportation planning agency for approval. The city, county, school district, or transit district may submit an approved plan to Caltrans in connection with an application for funds for active transportation facilities which will implement the plan.

<sup>1</sup> Such as plans or process improvements funded by [SB 2 Planning Grant Program Funding or Local Early Action Planning Grant](#) funding administered by the California Department of Housing and Community Development.

## **XIII. Appendix B**

### **Example Projects**

This is a list of projects considered generally eligible for ATP funding. It is not intended to be comprehensive; other types of projects that are not on this list may also be eligible if they further the goals of the program. Components of an otherwise eligible project may not be eligible.

- Development of new bikeways and walkways that improve mobility, access, or safety for non-motorized users.
- Improvements to existing bikeways and walkways, which improve mobility, access, or safety for non-motorized users.
  - Elimination of hazardous conditions on existing bikeways and walkways.
  - Preventative maintenance of bikeways and walkways with the primary goal of improving the active transportation operations/usability extending the service life of the facility.
- Installation of traffic control devices to improve the safety of pedestrians and bicyclists.
- Safe Routes to School projects that improve the safety of children walking and bicycling to school, in accordance with Section 1404 of Public Law 109-59.
- Safe routes to transit projects, which will encourage transit by improving biking and walking routes to mass transportation facilities and school bus stops.
- Secure bicycle parking at employment centers, park and ride lots, rail and transit stations, and ferry docks and landings for the benefit of the public.
- Bicycle-carrying facilities on public transit, including rail and ferries.
- Establishment or expansion of a bike share program.
- Recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails.
- Development of a community wide bike, pedestrian, safe routes to schools, or active transportation plan in a disadvantaged community.
- Education programs to increase bicycling and walking, and other non-infrastructure investments that demonstrate effectiveness in increasing active transportation. Components may include but are not limited to:
  - Development and implementation of bike-to-work or walk-to-work school day/month programs.
  - Conducting bicycle and/or pedestrian counts, walkability and/or bikeability assessments or audits, or pedestrian and/or bicycle safety analysis.

- Conducting pedestrian and bicycle safety education programs.
  - Development and publishing of community walking and biking maps, including school route/travel plans.
  - Development and implementation of walking school bus or bike train programs.
  - Components of open streets events directly linked to the promotion of a new infrastructure project or designed to promote walking and biking on a daily basis.
  - Targeted enforcement activities around high pedestrian and/or bicycle injury and/or fatality locations (intersections or corridors). These activities cannot be general traffic enforcement but must be tied to improving pedestrian and bicyclist safety.
  - School crossing guard training.
  - School bicycle clinics.
  - Development and implementation of programs and tools that maximize use of available and emerging technologies to implement the goals of ATP.
- **For quick-build projects, please refer to Appendix D.**

## **XIV. Appendix C**

### **Active Transportation Program Guidelines California Conservation Corps and Certified Local Community Conservation Corps**

These guidelines are the policies and procedures specific to the most recently adopted Active Transportation Program (ATP) that is directed to the California Conservation Corps and certified Local Community Conservation Corps.

#### **Authority and Purpose**

Senate Bill 1 (Beall, Chapter 5, Statutes of 2017), signed by the Governor on April 28, 2017, directs \$100 million annually from the Road Maintenance and Rehabilitation Account to the ATP beginning in the 2017-18 fiscal year. In addition, Assembly Bill 97 (Ting, Chapter 14, Statutes of 2017) directs \$4 million of the \$100 million annually, beginning in the 2017-18 fiscal year for the next five years, to the California Conservation Corps for active transportation projects to be developed and implemented by the California Conservation Corps and certified Local Community Conservation Corps. The availability of these funds is subject to annual appropriation by the Legislature. Not less than 50% of these funds shall be in the form of grants to certified Local Community Conservation Corps, as defined in Section 14507.5 of the Public Resources Code. Unless otherwise specified in these guidelines, the Commission will follow the most recently adopted [ATP Guidelines](#).

The 2021 Active Transportation Program California Conservation Corps and Certified Local Community Conservation Corps will include one year of funding. New programming capacity will be for state fiscal year 2021-22.

#### **Active Transportation Program Goals**

The purpose of ATP is to encourage increased use of active modes of transportation by achieving the following goals:

- Increase the proportion of trips accomplished by biking and walking,
- Increase safety and mobility for non-motorized users,
- Advance the active transportation efforts of regional agencies to achieve greenhouse gas reduction goals, pursuant to Senate Bill 375 (of 2008) and Senate Bill 341 (of 2009),
- Enhance public health,
- Ensure that disadvantaged communities fully share in the benefits of the program and provide a broad spectrum of projects to benefit many types of active transportation users.

## **Schedule**

Applications due to California Conservation Corps December 31, 2020

California Conservation Corps submits applications to Caltrans February 15, 2021

Caltrans Recommendations of Corps projects to Commission April 30, 2021

Commission Adopts List of Recommended Projects June 2021

Commission Allocates funds to Caltrans at the scheduled June Commission meeting

## **Eligible Project Types**

Eligible projects include projects that meet the goals of ATP as listed above and may be part of an existing bicycle or pedestrian transportation plan, safe routes to school plan, active transportation plan for disadvantaged communities, or multi-use or recreational trail plan. Examples of typical project work can be found in the Commission's [ATP Guidelines](#).

The California Conservation Corps and certified Local Community Conservation Corps will consider, but not be limited to, projects with the following elements:

- Repair, remove and replace sidewalks
- Sign installation
- Irrigation
- Landscaping
- Demolition and deconstruction
- Tree planting
- Trail construction
- Bike locker and bike rack installation
- Fencing
- Outreach and education

When the California Conservation Corps or a certified Local Community Conservation Corps elect to partner with an ATP eligible applicant to implement the project, the California Conservation Corps and/or certified Local Community Conservation Corps will only consider those projects where at least 75% of the project cost includes items where the California Conservation Corps and/or certified Local Community Conservation Corps can participate.

## **Minimum and Maximum Request for Funds**

The minimum request for ATP funds by the California Conservation Corps and certified Local Community Conservation Corps that will be considered is \$50,000. The maximum requests for funds will not exceed the available levels of funding for each fiscal year.



## **Co-Applicants**

The California Conservation Corps or a certified Local Community Conservation Corps can serve as the lead applicant or may partner with an entity that will serve as the lead applicant and implementing agency, and therefore the partnering agency assumes responsibility for the ongoing operations and maintenance of the facility/project.

Documentation of the agreement between the California Conservation Corps or a certified Local Community Conservation Corps and the partnering agency (e.g. letter of intent) must be submitted with the project application(s).

Eligible co-applicants include:

- Local, Regional or State Agencies (e.g. city, county, Metropolitan Planning Organization, and Regional Transportation Planning Agency)
- Caltrans
- Transit Agencies (any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration)
- State or Local Park or Forest Agencies
- State or Local Fish and Wildlife Agencies
- Department of Interior Land Management Agencies
- U.S. Forest Service
- Tribal Governments
- Private nonprofit tax-exempt organizations eligible for Recreational Trail Program funds. These program funds can only be used for projects such as recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails. Projects must benefit the general public, and not only a private entity
- Any other entity with responsibility for oversight of transportation or recreational trails that the Commission determines to be eligible

## **Project Selection Criteria**

The project selection process carried out by the Corps will adhere to and conform to the Commission schedule for each ATP funding cycle. Projects will be selected by the Corps on a competitive basis and will be scored and ranked on the basis of applicant response to the following criteria:

- Projects can commence construction within six months of an award and shall be completed within two years from the project start date.
- Benefit to disadvantaged communities - a minimum of 25% of all California Conservation Corps and certified Local Community Conservation Corps proposals that are approved must benefit a Disadvantaged Community as defined by median household income, CalEnviroScreen, or Free or Reduced Priced School Meals as defined in the ATP Guidelines.

- Ability to further the goals of ATP.
- Ability to leverage other funds.

### **Project Selection Process**

Applicants must submit an electronic version of the complete grant application package to the California Conservation Corps by the annual deadline reflected in these guidelines. Application packages will be reviewed for completeness and eligibility and evaluated by a review committee using established criteria. The review committee will consist of separate and designated teams of California Conservation Corps and certified Local Community Conservation Corps representatives.

The California Conservation Corps must submit funding recommendations to the Caltrans ATP Managers for review. The recommendations must include a substitution list of projects that will be considered for funding in the event projects from the recommended funding list are unable to proceed. The projects recommended for funding must also provide a Project Programming Request (PPR) form and the following information must be provided: project name, lead agency, partnering agency, project location, project description/scope, cost estimate, delivery schedule, project score from competitive review process.

Caltrans ATP Managers will review the project list and make a recommendation to Commission staff for approval. Commission approval of the list of projects recommended for funding is required prior to the lump-sum allocation of funding to Caltrans.

In the event a project is removed, or savings are generated from the funding list, a project from the substitution list may be awarded as long as there is sufficient capacity to allow this substitution. Project substitution must be reported to the Commission. The California Conservation Corps administers the program of projects approved by the Commission and is responsible for reporting on the program pursuant to Section XI of the 2021 Active Transportation Program Guidelines.

### **Environmental Review**

Pursuant to Public Resources Code Sections 21102 and 21150, the Commission must consider the environmental impacts of a project prior to making an allocation of funds. California Environmental Quality Act (CEQA) compliance documentation for the proposed California Conservation Corps and certified Local Community Conservation Corps projects must be provided as follows:

For projects that are exempt from CEQA, documentation of the exemption must be provided with the project application and included with funding recommendations submitted to Caltrans ATP Managers for review. Project lists being submitted to the Commission for consideration of a lump sum allocation must cite the date the CEQA exemption was cleared.

For projects that are not exempt from CEQA, and for which an environmental document has been prepared and approved, documentation of the CEQA clearance must be provided with the project application. The Commission must consider the environmental

document and approve the project for future funding via the issuance of an e-resolution. E-resolutions must be obtained at a Commission meeting that is either prior to, or concurrent with, the lump sum allocation request.

For more information on the process by which to obtain an e-resolution see the Commission [website](#). Allocation requests will be brought forward for Commission consideration by Caltrans Local Assistance.

If the project is subject to the National Environmental Policy Act (NEPA) it is the Commission's policy that documentation of NEPA clearance is provided with the project application and prior to allocation of funds.

### **Allocation**

The California Conservation Corps' list of projects recommended for funding will be submitted for approval and lump sum allocation by the Commission pursuant to the schedule identified in these guidelines and in accordance with this section.

The Commission will allocate the funds to Caltrans as a lump-sum and Caltrans will sub-allocate funding to the California Conservation Corps.

For projects exempt from CEQA, at the time of allocation, the date of the CEQA exemption determination by the lead agency must be noted in the list of projects being approved for allocation.

For projects not exempt from CEQA, and for which an environmental document has been prepared and approved, an e-resolution must be issued by the Commission prior to the list of projects being approved for allocation pursuant to Section IX of the 2021 Active Transportation Program Guidelines.

The Commission's expectation is that consistent with the requirements of the overall Active Transportation Program, the Corps will administer these funds to their grantees on a reimbursement basis. The availability of these funds is subject to annual appropriation by the Legislature. The California Conservation Corps will submit an allocation request to Caltrans. The California Conservation Corps is responsible for the expenditures of all allocated funds. Costs incurred prior to Commission allocation are not eligible for reimbursement.

### **Reporting**

The California Conservation Corps is required to submit semi-annual project status reports for the program as well as project completion reports within six months of construction contract acceptance or the project becoming operable (open to the public) and a final delivery report within 180 days of the conclusion of all remaining project activities to Caltrans. Refer to the most recent Commission [ATP Guidelines](#) for reporting requirements.

## XV. Appendix D

### Guidance for the 2021 ATP Quick-Build Project Pilot Program

The 2021 ATP will include a pilot program for the potential inclusion of quick-build projects in the program. The Commission anticipates dedicating a maximum of \$7,000,000 in the first programming year of the 2021 ATP to quick-build projects. The Commission may select several quick-build projects, or none.

Quick-build projects are interim capital improvement projects that further the goals of the ATP. These projects require minor construction activities and are typically built with durable, low to moderate cost materials, and last from one year to five years. These projects have moderate design flexibility to anticipate adjustments that may occur. The purpose of a quick-build project is to immediately implement safety needs, allowing a community to benefit quickly from improvements made, and/or allow the people of a community affected by the project to provide input and test the project improvements before they are permanently constructed.

Quick-build projects are distinguished from temporary demonstration projects by the types of materials used and the intended duration of the project. In addition, quick-build projects have a data collection and study period that lasts from the beginning of the project through completion. Unlike traditional capital projects, quick-build projects can be adjusted; they can be changed based on community input and further technical analysis over time. If the quick-build project is successful, it will later be made permanent. If it is not successful, it can be easily deconstructed. Quick-build projects are intended to remain in place until capital upgrades are possible. All quick-build projects considered for funding in the ATP are expected to collect data to inform the approach for the project. **Objective metrics are an important part of the process, both for making necessary adjustments and demonstrating success. Examples of data that can be collected are: surveys to show how many customers get to key destinations within the project area without cars; analyzed sales tax data to show faster-than-average retail growth on redesigned streets; number of collisions and injuries before and after the quick-build project; and vehicle speeds, volumes and travel times.**

Quick-build projects considered for funding in the ATP must be supported by the jurisdiction in which they are located. Government leadership and involvement is required. Quick-build projects must be CEQA compliant. A project that is in a plan that cleared CEQA qualifies.

#### Reporting Requirements

Quick-build projects must adhere to reporting requirements set forth in the ATP guidelines. Funded quick-build projects will be required to attach a new layout plan with each report that is submitted. Quick-build projects are not required to submit reports in CalSMART, **however, more frequent reports and updates must be submitted.**

Instructions on **what to report on, where and when** to submit reports will be provided to successful quick-build project applicants.

### **Scope Change Policy**

The Commission will consider changes to the approved quick-build project scope if the proposed changes are being made to meet community needs and accommodate public input. Quick-build projects that propose to make substantial changes to the scope of the project must follow the Project Amendment process outlined in Section 28 of these guidelines.

### **Application Requirements**

**To be considered for the pilot program, applicants must submit a project nomination to Commission staff. The nomination form and attachments can be found on the [Commission website](#). Project nominations must be postmarked by the deadline specified in the ATP guidelines. Applicants must submit two (2) hard copies of the nomination package and one (1) electronic copy. Electronic copies should be sent via e-mail to [ATP@catc.ca.gov](mailto:ATP@catc.ca.gov).**

**All nomination materials should be addressed and delivered to:**

**California Transportation Commission  
Executive Director  
1120 N Street, MS-52  
P.O. Box 942873  
Sacramento, CA 95814**

The project nomination should include the following information and be organized in the following order:

#### **1) Cover Letter**

#### **2) Applicant Information**

- a) Implementing agency's name
- b) Implementing agency's address
- c) Implementing agency's contact person and title
- d) Implementing agency's phone number and email address
- e) Does the Implementing agency have a master agreement with Caltrans?

#### **3) Project Information.**

- a) Project Name
- b) Project Description (summary of project scope)
- c) Project location (Attach a map)
- d) Total project cost

- e) Initial Project Layout Plan
  - i) Project Map/Plans showing existing and proposed conditions.
- f) Anticipated project duration (Start and end dates of the quick-build project)
- g) List of project partners (Attach support letters, if applicable)
- h) Project schedule
- i) **Contracting Plan:**
  - i) **Quick-build projects may not be compatible with traditional contracting processes. What is the plan for contracts or other solutions?**
- j) **Maintenance Plan for the project:**
  - i) **What is the plan for the time, funding, and equipment needed for replacing damaged materials or other required maintenance?**
- k) What are the right of way impacts, if any?
- l) Is the project in an approved plan reviewed for CEQA compliance?
  - i) If no, has the project received CEQA approval?

4) ATP Project Programming Request (PPR) (Attachment)

5) Project Cost Estimate (Attachment)

6) Provide a narrative addressing the following items in no more than 4 pages:

- a) Statement of project need: Describe the issue(s) that this project will address. How will the proposed project benefit the non-motorized users? What is the project's desired outcome?
- b) Describe the project location's history of pedestrian and bicycle collisions and any other safety concerns which this project will mitigate. (Attach a collision heat map if applicable.) **If the applicant is trying to direct bike/walk traffic away from dangerous areas, data from nearby locations/corridors may be used.**
- c) Describe the community based public participation process that culminated in the project. Include discussions of:
  - i) Who was engaged in the identification and development of this project? How were they engaged? Describe the type, extent, and duration of outreach and engagement conducted to relevant stakeholders.
  - ii) **How will the project serve as an engagement strategy? Address how the engagement will entice potential users to experience the project.** How will stakeholders continue to be engaged throughout the duration of the project?
- d) How will the effectiveness of the project be measured?
  - i) Discuss the data collection methods that will be used to refine the approach for the currently planned project or future projects.

- ii) Discuss the effectiveness measures that will be evaluated (public support, mode shift, safety, etc.) and the tools that will be used (such as surveys, counts, observations, etc.) to quantify the success.
- e) Describe how your project will transform the non-motorized environment.
- f) Describe your agency's long-term plan for the quick-build project. How will it inform future capital infrastructure projects?**

## **Evaluation Process**

Commission staff will evaluate the quick-build project submittals. Commission staff will use the following criteria to evaluate the quick-build project submittals:

- **Need: is there an immediate need that requires a response? Is there an immediate safety concern that requires a response?**
- **Evidence of community engagement.**
- **Evidence of planned continuous community engagement for the duration of the project.**
- **Evidence of how this quick-build project will provide the foundation for a potential permanent infrastructure project.**
- **Interagency Support:**
  - **Evidence of support from critical partners such as public works departments, transportation departments, transit agencies, emergency services, community groups and business associations.**
- **Schedule and Project Readiness: i.e. shovel ready and environmentally cleared.**
- **Evidence of how the quick-build project's progress and performance will be measured.**
- **Evidence of a long-term funding strategy in place.**
- **Evidence of a maintenance strategy in place.**

## **Resources**

- Tactical Urbanist's Guides: [Tactical Urbanism Materials and Design Guide](#)
- People for Bikes: [A Nine Step Recipe for Fast Flexible Changes to City Streets](#)
- People for Bikes: [Quick Build for Better Streets](#)

## XVI. Appendix E

### Links throughout Guidelines

#### Eligibility

- Project Study Report (PSR) Guidelines: <https://catc.ca.gov/programs/state-transportation-improvement-program>
- Caltrans Project Development Procedures Manual: <http://www.dot.ca.gov/design/manuals/pdpm.html>
- United States Census Bureau: [https://data.census.gov/cedsci/?intcmp=aff\\_cedsci\\_banner](https://data.census.gov/cedsci/?intcmp=aff_cedsci_banner)
- SB 535 List of Disadvantaged Communities: <http://www.calepa.ca.gov/EnvJustice/GHGInvest/>
- California Department of Education: <http://www.cde.ca.gov/ds/sd/sd/files/sp.asp>
- Health Places Index Live Map: <https://map.healthyplacesindex.org/>
- Healthy Places Index Report and Data: <https://healthyplacesindex.org/data-reports/>
- Recreational Trails Program: [http://www.fhwa.dot.gov/environment/recreational\\_trails/](http://www.fhwa.dot.gov/environment/recreational_trails/)

#### Project Application

- Caltrans Local Assistance Website: <https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/active-transportation-program/general-and-technical-information>
- Interim Count Methodology Guidance: <https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/active-transportation-program/general-and-technical-information>
- Commission Website: <http://catc.ca.gov/programs/atp/>

#### Appendix A

- SB 2 Planning Grant Program Summary: <https://catc.ca.gov/-/media/ctc-media/documents/programs/atp/2020227-planning-grant-funding-for-cities-counties-a11y.pdf>

#### Appendix D

- Tactical Urbanist's Guides: <http://tacticalurbanismguide.com/guides/>
- People for Bikes: A Nine Step Recipe for Fast Flexible Changes to City Streets: <https://peopleforbikes.org/blog/new-report-a-nine-step-recipe-for-fast-flexible-changes-to-city-streets/>
- People for Bikes: Quick-Build for Better Streets: <https://bit.ly/QuickBuildsReport>





Chuck McMinn  
Board President

Philip Sales  
Executive Director

Nancy Tennyson  
Operations Manager

Marion Johnson  
Operations Assistant

**NAPA VALLEY VINE TRAIL COALITION  
BOARD MEMBER ORGANIZATIONS**

**LAND INTEREST GROUPS**

Napa Valley Vintners (co-founder)  
Napa Valley Grapegrowers (co-founder)  
Land Trust of Napa County (co-founder)  
Napa County Farm Bureau  
Winegrowers of Napa County

**PUBLIC AGENCIES**

Napa Valley Transportation  
Authority (NVTa)  
City of Vallejo/Solano County  
NVTa/TAC Public Works Planners  
Active Transportation Advisory  
Committees of Napa County (ATAC)  
Napa County Regional Park &  
Open Space District  
California Department of Fish & Wildlife  
Napa County Law Enforcement  
Napa County Sheriff's Department  
City of Napa Police Department  
California Highway Patrol  
Napa Valley College  
Caltrans District 4

**ECONOMIC INTEREST GROUPS**

Visit Napa Valley  
Napa Valley Chambers of Commerce  
Calistoga Vitality Group  
Cycling Businesses of Napa Valley  
North Bay Realtors/Napa Group

**ENVIRONMENTAL INTEREST GROUPS**

Sierra Club Napa Group  
Sustainable Napa County  
Friends of the Napa River

**CULTURAL & COMMUNITY  
INTEREST GROUPS**

Napa County Bicycle Coalition  
Health, Wellness & Medical Coalition  
Youth Development/Safety Education  
Runners of Napa Valley  
Rotary Clubs of Napa Valley  
Arts Council Napa Valley

January 29, 2020

Members of the California Transportation Commission

Dear Members of the Commission:

Ref: Agenda Item 4.28 Draft 2021 Active Transportation Program Guidelines

I am writing to you today to ask that you reconsider Staff's Proposed scoring criteria for Cycle 5 for "Large Infrastructure" projects.

The Napa Valley Vine Trail Coalition is a nonprofit spearheading the construction of a 47 mile shared use path from Vallejo to Calistoga paralleling SR29. We have worked collaboratively with the Napa Valley Transportation Authority and Solano Transportation Authority on prior ATP funded projects.

As the Commission is aware, when the ATP program was established under SB 99, it specified that at least 25% of funds must benefit disadvantaged communities (DACs) within each of the program components. How this was to be accomplished was left to CTC and its staff.

This issue has come before the Commission before and staff have recommended ways in which projects can satisfy the requirement other than solely using Census tract information. Although other methodologies have been accepted, the real issue is the heavy 10% score weighting for benefitting DACs. This 10% score is consistent across all three infrastructure project categories.

There are many worthy projects that have scored in the high 80% but are unable to score points for benefitting DACs. I do not believe that the Legislature intended that a methodology for scores for DACs would be a litmus test for all projects. Grant awards in ATP Cycle 4 disproportionately benefitted DACs in large urban areas.

It should be noted that in the Scoring Criteria table on page 16 of the Staff's Draft Guidelines for ATP 2020, adjustments in weighting are made to distinguish Large, Medium and Small projects, but all these adjustments are within the 90% of possible points.

Many large infrastructure projects such as gap closures in Alternative Transportation networks may not directly affect a DAC but are critical for strategic investments often in less densely populated areas. These projects eventually benefit everyone. I propose that a reduction of the DAC criteria to 5% may be appropriate and an increase of an additional 5% points for Leveraging or Transformative Projects.

Thank you for your consideration.

Philip Sales, Executive Director

Cc: Laurie Waters, CTC ATP Program Manager

Senator Bill Dodd

Assemblywoman Cecilia Aguiar-Curry

Laura Cohen Rails to Trails



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

One Gateway Plaza,  
Los Angeles, CA 90012-2952

Phillip A. Washington  
Chief Executive Officer  
213.922.7555 Tel  
213.922.7447 Fax  
washingtonp@metro.net

January 28, 2020

Ms. Susan Bransen  
Executive Director  
California Transportation Commission  
1120 N Street, MS 52  
Sacramento, CA 95814

RE: Comments on Senate Bill 1 (SB 1) CTC Programs 2020 Draft Guidelines

Dear Ms. Bransen:

Thank you for the opportunity to provide feedback on the 2020 Final Draft Guidelines for the Solutions for Congested Corridors Program (SCCP), the 2020 Draft Guidelines for the Local Partnership Program (LPP) and Trade Corridor Enhancement Program (TCEP), and the Draft Guidelines for the 2021 Active Transportation Program (ATP) that will be presented to the California Transportation Commission (CTC) on January 29, 2020. Metro greatly appreciates the work that your staff has undertaken to make the guidelines development process transparent and participatory. We have voiced our support and concerns at various workshops, and are pleased to see many addressed in the respective draft guidelines for each program.

This letter provides general comments applicable to all of these programs administered by the CTC, as well as specific comments for each of the individual programs.

Across all four programs we support the following recommendations:

Cycle Timing

We support the proposed program schedules. These schedules afford applicants and CTC staff the necessary time to thoughtfully prepare, review and assess applications. Additionally, the alignment of the program schedules gives CTC the ability to adjust or possibly combine awards to meet larger statewide objectives.

Environmental Clearance

The CTC's program guidelines allow for projects to complete their environmental clearance within six months of program adoption. This will allow all projects to get through the environmental process successfully, while still completing this project milestone well in advance of funding allocations. We appreciate this flexibility as it avoids penalizing and disqualifying large, transformative projects which inherently are more complex and thus require greater study.

Performance Metrics

CTC staff has dedicated a great deal of time honing and refining the performance metrics required to measure project benefits. This process resulted in identifying more appropriate and more inclusive measures that are better suited to the diverse project types eligible under these SB 1 programs. We

believe this effort will allow Metro, as well as the CTC, to better tout the benefits of our projects and the worthiness of these investments.

We offer the following program-specific comments, organized by program and guidelines section or general topics:

#### Comments on 2021 Active Transportation Program Draft Guidelines

##### Regional Definition for Disadvantaged Communities

Metro continues to maintain a position opposed to the permitted use of regional definitions of disadvantaged communities in lieu of statewide definitions because regional definitions inherently do not support a statewide competitive comparison. Unlike statewide, standard criteria such as Median Household Income, CalEnviroScreen, the National School Lunch Program, and Native American Tribal Lands, regional definitions use non-standard local and regional criteria and are not supported by legislation such as SB 99 or SB 535.

For these reasons, Metro's greatest concern with the use of regional definitions is that ATP funds may be directed to areas of the state that are not truly disadvantaged, or not the most disadvantaged and most in need of ATP investment. We support moving towards an improved statewide definition for disadvantaged communities that uses consistent, statewide data to capture the relevant contributors to disadvantage and are ready to work with CTC staff and our regional partners on developing such a definition.

##### Program of Projects

Metro urges the CTC to include state-only funding designations in the adopted program of projects. Experience in ATP Cycles 1 through 3 shows that project sponsors have come to rely on knowing the status of a project's state-only funding designation up front because it allows them to adequately plan for the correct resources needed to meet relevant project delivery requirements. Without state-only funding designations, there is delay to project implementation due to confusion about whether state and/or federal project delivery requirements are applicable.

#### Comments on 2020 Local Partnership Program Draft Guidelines

##### 2020 Local Partnership Program Formulaic Guidelines

###### 1A. Distribution

We commend CTC staff for their leadership on the longstanding issue surrounding how LPP formulaic shares are calculated. Since program inception, we have proposed that formulaic shares be based upon sales tax revenue generated to best meet program intent to reward local and regional agencies for the significant partnership and leveraging funds they are able to provide for projects with regional and state significance as a result of the effort and risk they take on to pursue local sales tax measures or other taxes and fees. To date, LPP formulaic shares have been based on

population which devalues the risk and partnership of self-help agencies – especially those like Los Angeles County – that have repeatedly sought and received voter approval to increase their total sales tax rates.

We are pleased that the Draft Guidelines acknowledge the significance of sales tax revenue generation by establishing a Southern distribution based 75% on total county population and 25% on total sales tax revenue generation. While this distribution is certainly a compromise that continues to undervalue revenue, it reflects the intent of the program better than a distribution based 100% on population. We appreciate CTC staff's receptiveness to our concerns and support the proposed distribution.

#### 2A. Matching Requirements

We support recognition of local funds on Plans, Specifications, and Estimates as match for the construction component of soundwall projects. This ensures that these projects do not have to effectively provide greater than one-to-one match for the whole project.

#### Incentive for New and Renewed Sales Tax Measures

We suggest setting aside the \$20 million each year in the LPP from the competitive category, rather than off-the-top. This would help to provide a steady, predictable amount of formulaic funds which will assist self-help agencies in better planning.

We support redistribution of unused incentive funding in the following fiscal year. This approach will allow funds to be put to good use sooner.

#### 18A. Delivery Deadline Extensions

We ask that CTC staff consider increasing the maximum delivery-deadline extension to 20 months, similar to the State Transportation Improvement Program. Local agencies are delivering increasingly complex projects in an increasingly uncertain industry. Environmental and community due diligence, construction trends, and state and federal policymaking such as executive orders related to climate and housing and the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule require more flexibility in project delivery. Longer delivery deadline extensions will be supportive rather than punitive of project sponsors as they respond to all of the new demands placed on today's projects.

#### Comments on 2020 Solutions For Congested Corridors Final Draft Guidelines

On December 19, 2019, the CTC released revised final guidelines that addressed a number of our concerns including the schedule and the requirements for completing environmental clearance. As mentioned above, we are grateful for the revision to Section 7 of the guidelines that states that, "Environmental clearance must be completed within 6 months of program adoption". Additionally, we are very supportive of the proposed program schedule for SCCP.

In addition to these comments, we have an additional specific comment regarding the December 19, 2019 Final SCCP Guidelines:

#### 7. Funding Restrictions

The draft guidelines presented to the CTC on December 5, 2019 stated that, "it is the Commission's intent to fund multiple projects throughout the state, with at least one project in a county with a population of 500,000 or less". Metro requested, and the CTC has since amended, this language to include that any consideration of geographic equity be consistent with the Guidelines' Section 15, Project Rating Process, and Section 16, Evaluation Criteria. We appreciate this language which we believe signifies that while geographic equity is an important consideration, it does not supersede project competitiveness and merit.

#### Comments On 2020 Trade Corridor Enhancement Program Draft Guidelines

#### 6. Matching Requirements

Senate Bill 1 clearly articulates that "it is the intent of the Legislature that the Department of Transportation leverage funding provided by this act for trade corridors and other highly congested travel corridors in order to obtain matching funds from federal and other sources to maximize improvements in the state's high-priority freight corridors and in the most congested commute corridors" (Senate Bill 1, Section 1-o). The CTC has always understood and supported the leveraging of regional and state funding with federal funding for freight projects, as cargo has national origins and destinations in addition to those at the regional and statewide level.

Unfortunately, the proposed language that "priority will be given to projects that have committed discretionary federal funds at time of project nomination" will have the unwanted effect of undermining the leveraging of regional and state funding with federal dollars through the United States Department of Transportation (USDOT) Infrastructure for Rebuilding America (INFRA) program -- the most prominent (and highly competitive) discretionary federal funding source available to leverage state (TCEP) and regional funding for priority freight projects.

According to the INFRA Notice of Funding Opportunity, applications for INFRA are due on February 25, 2020. In conversation with USDOT staff, we were informed that INFRA awards are expected to be made public sometime in June or July of 2020, before the expected announcement of CTC staff recommendations for TCEP in November 2020.

USDOT staff has informed agencies applying for INFRA funding that local and state funding assumptions included in the application must be deemed certain or "highly certain" to occur in order for USDOT to evaluate the application. Without such certainty that state TCEP funding will be approved by the CTC should a project receive an INFRA grant, USDOT will either downgrade the application's competitiveness or eliminate it from consideration before awards are announced in mid-2020.

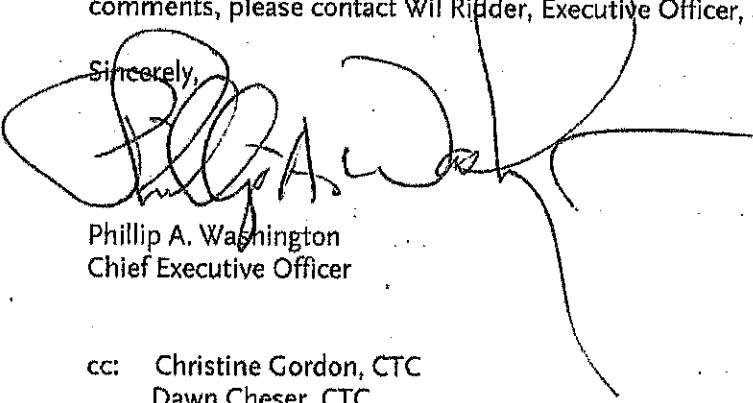
CTC staff's proposed language contradicts (and falls short of) USDOT guidance for leveraging state dollars with high certainty by seeking a commitment of federal funding as a condition for "priority" in determining TCEP awards, effectively placing "the cart before the horse" by requiring a commitment of federal funds as a condition for state funding. USDOT would likely disqualify the use of TCEP for the INFRA application, and would then turn to the local agency to backfill this TCEP funding commitment. The loss of the state funding assumption will place an unmanageable financial burden on local agencies and ultimately will cause these projects to fall out of consideration, thus eliminating high priority state freight projects and the use of TCEP dollars from consideration to leverage federal investment.

USDOT supported the "INFRA Trigger Language" included in the 2018 TCEP Final Guidelines (Section 7: Leveraging of Nationally Significant Freight and Highway Project Funds) because this language provided certainty to the federal government that state (TCEP) funding assumed in applications for competitive INFRA projects would be committed and thus carry no risk.

We request that the CTC reinstate the language found in the 2018 TCEP guidelines (or similar language) that allows for USDOT to have certainty that TCEP funding assumed for high priority, competitive freight project INFRA applications will be secured should an INFRA grant be awarded. Without such language the CTC will unwittingly counter the intent of the SB 1 legislation to leverage state funding with federal participation for projects of state and national importance.

We respectfully request consideration of these comments and look forward to working with CTC staff on another successful cycle of SB 1 programs. Should you have any questions regarding these comments, please contact Wil Ridder, Executive Officer, at (213) 922-2887 or [ridderw@metro.net](mailto:ridderw@metro.net).

Sincerely,



Phillip A. Washington  
Chief Executive Officer

cc: Christine Gordon, CTC  
Dawn Cheser, CTC  
Laurie Waters, CTC  
Teresa Favila, CTC

