

PASSED BY

CTC

CALIFORNIA TRANSPORTATION COMMISSION

Adoption of Amendment to the 2017 Active Transportation Program Guidelines
Amending the ATP for the use of Road Maintenance and Rehabilitation Account Funds
JUN 28 2017
CALIFORNIA TRANSPORTATION COMMISSION
June 28, 2017

RESOLUTION G-17-21, AMENDING RESOLUTION G-16-31

- 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**, Streets and Highways Code section 2382(a) requires the California Transportation Commission (Commission) to develop guidelines for the Active Transportation Program; and
- 1.3 **WHEREAS**, Streets and Highways Code section 2383 allows the Commission to amend those guidelines after holding at least one public hearing; and
- 1.4 **WHEREAS**, the Commission adopted guidelines for the 2017 ATP on March 17, 2016 and adopted the 2017 ATP at its March 2017 meeting; and
- 1.5 **WHEREAS**, on October 20, 2016, the Commission adopted an amendment to the 2017 ATP Guidelines for the use of Greenhouse Gas Reduction Funds and issued a call for projects on June 1, 2017; and
- 1.6 **WHEREAS**, the Road Repair and Accountability Act of 2017, Senate Bill 1, signed by the Governor on April 28, 2017, appropriated \$100 million annually from the Road Maintenance and Rehabilitation Account to the Active Transportation Program necessitating an amendment to the 2017 Active Transportation Guidelines; and
- 1.7 **WHEREAS**, the Commission convened the Active Transportation Program Workgroup on June 9, 2017 and June 23, 2017 to discuss the proposed 2017 Active Transportation Program Guideline Amendment to utilize the Road Maintenance and Rehabilitation Account Funds; and
- 1.8 **WHEREAS**, the Commission held a public hearing on the 2017 Active Transportation Program Guideline Amendment for the Road Maintenance and Rehabilitation Account Funds at its June 28, 2017 meeting.
- 2.1 **NOW THEREFORE BE IT RESOLVED**, that the Commission adopts the 2017 Active Transportation Program Guidelines Amendment entitled the "2017 Active Transportation Program Augmentation Guidelines" for the use of Road Maintenance and

Rehabilitation Account Funds for fiscal years 2017-18 and 2018-19, as presented by staff on June 28, 2017; and

- 2.2 **BE IT FURTHER RESOLVED**, that the purpose of these guidelines is to identify the Commission's policy and expectations for the use of the Road Maintenance and Rehabilitation Account Funds in the Active Transportation Program and thus to provide guidance to applicants, implementing agencies, and Metropolitan Planning Organizations; and
- 2.3 **BE IT FURTHER RESOLVED**, that Commission staff is authorized to make minor technical changes to the guidelines; and
- 2.4 **BE IT FURTHER RESOLVED**, that the Commission directs staff to post these guidelines on the Commission's website.

Final 2017 Active Transportation Program Augmentation Guidelines

Adopted June 28, 2017

Resolution G-17-21

These guidelines are the policies and procedures specific to the use of 2017-18 and 2018-19 fiscal year funding from the Road Maintenance and Rehabilitation Account for the Active Transportation Program (ATP) – hereby known as the 2017 ATP Augmentation. The California Transportation Commission (Commission) is statutorily required to adopt the guidelines and selection criteria for and define the types of projects eligible to be funded through the ATP.

I. Authority and Purpose

Senate Bill (SB) 1, 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. The following policies and procedures address the use of 2017-18 and 2018-19 fiscal year funding from the Road Maintenance and Rehabilitation Account for the ATP. Unless otherwise expressly modified by statute or these guidelines, the Commission will follow the 2017 ATP Guidelines at [http://catc.ca.gov/programs/ATP/2017/Final Adopted 2017 ATP Guidelines.pdf](http://catc.ca.gov/programs/ATP/2017/Final_Adopted_2017_ATP_Guidelines.pdf).

II. Funding and Programming Years

The 2017 ATP Augmentation is funded from the approximately \$200 million allocated from the Road Maintenance and Rehabilitation Account to the ATP in fiscal years 2017-18 and 2018-19. **The Road Maintenance and Rehabilitation Account funds are state funds. Therefore, projects funded in the 2017 ATP Augmentation do not need to be federal-aid eligible.** The initial programming capacity for the 2017 ATP Augmentation program is in fiscal years 2017-18 and 2018-19. Some fiscal year 2019-20 and 2020-21 programming capacity may become available as previously programmed projects request advancement into fiscal years 2017-18 and 2018-19.

III. Distribution

The funding available for the 2017 ATP Augmentation will be distributed into the Statewide Component, the Small Urban & Rural Component, and the Metropolitan Planning Organization (MPO) Component, in the same manner as specified in Section II (5) of the 2017 ATP Guidelines. The 2017 ATP Augmentation Fund Estimate must indicate the funds available for each of the program components.

The Budget Act of 2017 appropriates no less than \$4 million a year to the Commission for allocation to the California Conservation Corps for active transportation projects to be developed and implemented by the California Conservation Corps and certified community conservation corps. Commission staff is consulting with the California Conservation Corps to develop specific provisions for the use of these funds. Once these provisions have been developed, they will be incorporated into these guidelines by addendum and adopted by the Commission.

IV. Schedule

The following schedule lists the major milestones for the development and adoption of the 2017 ATP Augmentation:

Guidelines Development Workshop	June 9, 2017
2017 ATP Augmentation Guidelines presented to Commission	June 28, 2017
Commission hearing and adoption of 2017 ATP Augmentation Guidelines	June 28, 2017
Call for Projects	June 30, 2017
Project submittals to Commission (postmark date)	August 1, 2017

Staff recommendation for Statewide and Small Urban & Rural Components posted	August 31, 2017
MPO project programming recommendations to Commission	October 19, 2017
Commission adopts 2017 ATP Augmentation - Statewide and Small Urban & Rural Components	October 18-19, 2017
Commission adopts 2017 ATP Augmentation - MPO Component	December 6-7, 2017

V. Project Eligibility

Funding for the 2017 ATP Augmentation will only be available to:

- Projects programmed in the adopted 2017 ATP that can be delivered earlier than currently programmed
- Projects that applied for funding in the 2017 ATP but were not selected for funding

Projects that were awarded funds in 2017 ATP will remain in the component from which they were originally funded. In other words, a 2017 ATP project awarded funding from the Small Urban & Rural Component will remain in that component and a 2017 ATP project awarded funding from the MPO Component will remain in that component. The only exceptions to this policy will apply to projects that received funding for only one of the phases that were originally requested due to insufficient funds in the MPO Component of the program, an applicant may request funding for the other phases in the Statewide Component.

Applicants may not request more ATP funding than was requested in the original application, however, applicants may shift requested funding amounts between components as long as there is no net increase in requested funds. Applicants may request less than their original funding request if the full scope of the project will still be delivered. In other words, some project elements may have been funded from other sources. Applicants may add scope to their original project if no increase in ATP funds is requested for the scope increase. Projects must deliver the same or greater benefits than what was proposed in the original application.

A. Statewide and Small Urban & Rural Components

- 1) Projects that were awarded funds in the 2017 ATP Statewide and Small Urban & Rural Components may apply to advance one or more of their project components into the 2017-18 and/or 2018-19 programming years.
- 2) Projects that applied for funding in the 2017 ATP but were not selected for funding.

Scores can be found at the following link:

http://www.catc.ca.gov/programs/ATP/2017/Final_Scores_2017/2017_ATP_All_Score_Score_Order_rev.pdf.

In the Statewide and Small Urban & Rural Components, the 2017 ATP Augmentation funds will not be used to supplant already committed project funding.

In the event Commission staff determines that there are not enough viable projects submitted in the 2017 ATP to fully utilize the funds available in the Statewide and/or Small Urban & Rural Components of the 2017 ATP Augmentation, the Commission may elect to hold a 2017 ATP Augmentation supplemental call for projects.

MPO Component

- 1) Projects that were awarded funds in the 2017 ATP MPO Component may apply to advance one or more of their project components into the 2017-18 and/or 2018-19 programming years.
- 2) Projects on the MPO 2017 ATP contingency list.

The following policies will apply only for the MPO Component:

- For the 2017 ATP Augmentation MPO Component, the Commission will allow the supplanting of funds at the MPO's discretion. The supplanting of funds only applies to projects that received less ATP funding than requested in the 2017 ATP.
- Projects that applied for funding through construction in the Statewide Component but which received only preconstruction funding through the MPO Component may apply for funding through construction (the unfunded phases) in the Statewide Component.

The funds distributed to the Lake Tahoe MPO in the MPO Component can only be used to fund projects located entirely within California.

In the event an MPO determines that there are not enough viable projects from their 2017 ATP MPO contingency list to fully utilize the funds available in their 2017 ATP Augmentation component, the MPO may hold a 2017 ATP Augmentation supplemental call for projects. An MPO making such a determination must, by August 31, 2017 submit a letter signed by the Chief Executive Officer explaining the basis for the determination. A supplemental MPO call for projects must utilize the MPO's 2017 ATP guidelines. Recommendations for funding, along with copies of all applications received, must be submitted to the Commission by October 19, 2017.

VI. Project Selection Process

All projects applying for funding in the 2017 ATP Augmentation, including projects with no change to the schedule or funding plan, must submit the following supplemental application material.

A. Supplemental Application Material

1) Updated Schedule and Funding Plan

Each applicant must submit a Project Programming Request Form. A template of this form in Excel may be found at www.dot.ca.gov/hq/transprog/ocip/2016stip.htm. The Project Programming Request Form must list Federal, State, and local funding categories by fiscal year, and must include an updated schedule (project milestones) and updated cost information if necessary. The applicant must also include documentation that the availability of all other funds committed to the project are consistent with the updated schedule, i.e. the project must still be fully funded.

2) Authorization Letter

Each applicant must submit a letter, signed by the Chief Executive Officer or other officer authorized by the applicant's governing board, confirming that the project can be delivered in the time frame proposed in the updated Project Programming Request and that the project is still fully funded.

In addition to the two required documents above, applicants may submit a one-page application update that explains any significant changes to the project since the original application submittal. This updated information will be used for project scope clarifications only and not

result in a revised score. Project must deliver the same or greater benefits than proposed in the original application.

B. Criteria and Evaluation

- 1) Projects will be selected for the 2017 ATP Augmentation based on the project's 2017 ATP score and project deliverability according to the following priority order.
 - a. Projects that can deliver all components in 2017-18 and 2018-19.
 - b. Projects that can deliver one or more but not all of their components in 2017-18 and 2018-19. The capacity to program all components of these projects will depend on fiscal year 2019-20 and 2020-21 programming capacity becoming available as previously programmed projects are advanced.
 - c. Some fiscal year 2019-20 and 2020-21 programming capacity may become available as previously programmed projects request advancement into fiscal years 2017-18 and 2018-19. Therefore, other projects that applied for funding in the 2017 ATP (those that cannot deliver one or more of their project components in the 2017-18 or 2018-19 programming years) may compete for funding in the 2017 Augmentation.
- 2) As potential applicants review their projects schedules when they consider applying for the 2017 ATP Augmentation they should keep in mind that most of the available funding will be in fiscal years 2017-18 and 2018-19. Therefore, projects that can be delivered using these earlier year funds are more likely to be successful in the 2017 ATP Augmentation.

C. Submittal of Supplemental Application Material

Supplemental application material must include the signature of the Chief Executive Officer or other officer authorized by the applicant's governing board. Project applications should be addressed or delivered to:

Susan Bransen, Executive Director
California Transportation Commission
1120 N Street, Mail Station 52
Sacramento, CA 95814

The Commission will consider only projects for which five hard copies and one electronic copy of the aforementioned supplemental material are submitted postmarked by the appropriate deadline. Applicants are encouraged to submit a hard copy of their original application. By the same date, an additional copy must also be sent to the Regional Transportation Planning Agency or County Transportation Commission within which the project is located and to the Metropolitan Planning Organization (a contact list can be found at www.dot.ca.gov/hq/tpp/offices/orip/).

VII. SB 1 Accountability

Implementing agencies receiving ATP funds through the RMRA must follow the project reporting requirements detailed in Section 24 of the 2017 ATP Guidelines. In addition, implementing agencies must include project information signage stating that the project was made possible by SB 1 – The Road Repair and Accountability Act of 2017.