

**2019**  
**ACTIVE TRANSPORTATION PROGRAM**  
**GUIDELINES**

**Final Draft**

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**CALIFORNIA TRANSPORTATION COMMISSION  
2019 ACTIVE TRANSPORTATION PROGRAM GUIDELINES  
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## **Introduction**

### **1. Background**

The Active Transportation Program (ATP) was created by Senate Bill 99 (Chapter 359, Statutes of 2013) and Assembly Bill 101 (Chapter 354, Statutes of 2013) to encourage increased use of active modes of transportation, such as biking and walking. Senate Bill 1 (Chapter 2031, [statutes of 2017](#)) stipulates that \$100,000,000 of revenues from the Road Maintenance and Rehabilitation Account will be available annually 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 Workgroup. The workgroup includes representatives from Caltrans, other government agencies, and active transportation stakeholder organizations with expertise in pedestrian and bicycle issues, including Safe Routes to School programs.

The 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 in order 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 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 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.

### **3. Program Schedule and Funding Years**

New programming capacity for the 2019 ATP will be for state fiscal years 2019-20, 2020-21, 2021-22 and 2022-23.

Each program must be adopted not later than ~~July~~<sup>April</sup> 1 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 2019 ATP:

Draft ATP Guidelines presented to Commission	March 21, 2018*
Commission hearing and adoption of ATP Guidelines	May 16, 2018*
Commission adopts ATP Fund Estimate	May 16, 2018*
Call for projects	May 16, 2018
Large MPOs submit optional guidelines to Commission	July 16, 2018
Project applications to Caltrans (postmark date)	July 31, 2018
Commission approves or rejects MPO guidelines	August 15, 2018*
Staff recommendation for statewide and small urban and rural portions of the program posted	December 31, 2018
Commission adopts statewide and small urban and rural portions of the program	January, 2019**
Projects not programmed distributed to large MPOs based on location	January, 2019
Deadline for MPO <b>Draft</b> project programming recommendations to the Commission	February 15, 2019
Deadline for MPO <b>Final</b> project programming recommendations to the Commission	April 30, 2019
Commission adopts MPO selected projects	June 2019**

\*Dates coincide with the Commission's adopted 2018 CTC meeting calendar.

\*\*Exact dates will coincide with the Commission's adopted 2019 CTC meeting calendar.

## **Funding**

### **4. Source**

The Active Transportation Program is funded from various federal and state funds appropriated in the annual Budget Act. These are:

- 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

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

## 5. Programming Cycle

Each Active Transportation Program programming cycle will include four years of funding. The 2019 Active Transportation Program will cover fiscal years 2019-20 through 2022-23.

## 6. Distribution

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

- 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.
- Ten percent to small urban and rural areas with populations of 200,000 or less, with projects competitively awarded by the Commission to projects in those 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.

Projects within the boundaries of an MPO with an urban area with a population of greater than 200,000 are not eligible for funding in the Small Urban or Rural programs.

- 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 million per year 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 community conservation corps. Not less than 50 percent 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.

## **7. Matching Requirements**

Although the Commission encourages the leveraging of additional funds for a project, matching funds are not required. Matching funds must be expended concurrently and proportionally to the Active Transportation Program funds. Costs incurred prior to allocation will not be counted towards match.

The applicant must provide a project funding plan through construction that demonstrates the supplemental funding in the plan (local, federal, state, private sources) is reasonably expected to be available and sufficient to complete the project.

Large MPOs, in administering a competitive selection process, may require a funding match for projects selected through their competitive process. Applicants from within a large MPO should be aware that the match requirements may differ between the MPO and statewide competitive programs.

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

Funding from the Active Transportation Program may be used to fund the development of community-wide active transportation plans within or, for area-wide plans, encompassing disadvantaged communities, including bike, 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 the Appendix A.

The Commission intends to set aside up to 2% of the funds in the statewide competitive component and in the small urban and rural component 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.

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.

Applications for plans may not be combined with applications for infrastructure or other non-infrastructure projects.

## 9. Funding Restrictions

Active Transportation Program funds shall not supplant other committed funds and are not available to fund cost increases.

A project that is already fully funded or is a capital improvement to that is required as a condition for private development approval or permits is not eligible for funding from the Active Transportation Program.

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 next cycle.

## 10. Reimbursement

The Active Transportation Program is a reimbursement program for eligible costs incurred. In order 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 Chapter 5, Accounting/Invoices, Local Assistance Procedures Manual. 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.

## Eligibility

### 11. Eligible Applicants

The applicant and/or implementing agency for Active Transportation Program funds assumes responsibility and accountability for the use and expenditure of program funds. 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 Chapter 4, Agreements, of the Local Assistance Procedures Manual for guidance and procedures on Master Agreements. The following entities, within the State of California, are eligible to apply for Active Transportation Program funds:

- Local, Regional or State Agencies- Examples include city, county, MPO\*, and Regional Transportation Planning Agency.
- Caltrans\*
- Transit Agencies - Any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration.
- 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
- Public schools or School districts.
- Tribal Governments - Federally-recognized Native American Tribes.
- Private nonprofit tax-exempt organizations may apply for projects eligible for Recreational Trail Program funds 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. [Recreational Trail funding is also available through the Recreational Trail Program administered by the California Parks and Recreation Department. More information can be found at:](#)  
[https://www.parks.ca.gov/?page\\_id=24324](https://www.parks.ca.gov/?page_id=24324)
- Any other entity with responsibility for oversight of transportation or recreational trails that the Commission determines to be eligible.

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.

*\* 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 the Active Transportation Program. Therefore, funding awarded to projects submitted directly by Caltrans and MPOs are limited to other Active Transportation Program funds. Caltrans and MPOs may partner with an eligible entity to expand funding opportunities.*

## 12. Partnering With Implementing Agencies

Eligible applicants that are unable to apply for Active Transportation Program 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 must be selected through a competitive process and must meet one or more of the program goals. Because [some of the majority of](#) funds in the Active Transportation Program are federal funds, projects must be federal-aid eligible [unless the project is designated as "State Only Funded" at time of programming. Refer to the Update to the Project Federal Aid Project Funding Guidelines for more information on what projects may be eligible for state only funds. The Commission may designate projects as SB 1 funded projects at time of programming.](#)



The Commission encourages applicants to apply for projects that provide a transformative benefit to a community or a region. In future cycles, the Commission may elect to fund one or more large transformative projects that significantly expands the active transportation opportunities in a community or a region.

- **Infrastructure Projects:** Capital improvements that will further the goals of this program. 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 components proposed for programming, it must provide at least a preliminary estimate of costs for all components. PSR guidelines are posted on the Commission's website: <http://www.catc.ca.gov/programs/ATP.htm>.
- **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 ~~in~~ a disadvantaged community.
- **Non-infrastructure (NI) Projects:** Education, encouragement, and enforcement activities that further the goals of the ATP. Non-infrastructure projects are not limited to those benefiting school students. NI projects can be start-up programs or new and/or expanded components of existing programs. The Commission intends to focus 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. All NI projects must demonstrate how the program is sustainable and will be continued after ATP funding is exhausted.
- Infrastructure projects with non-infrastructure components.

## Example Projects

Below is a list of projects considered generally eligible for Active Transportation Program funding. This list 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. For information on ineligible components, see the Department's Local Assistance/ATP website.

- 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 the Active Transportation Program.

#### **14. Minimum Request for Funds**

In order to maximize the effectiveness of program funds and to encourage the aggregation of small projects into one larger comprehensive project, the minimum request for Active Transportation Program funds that will be considered is \$250,000. This minimum does not apply to non-infrastructure projects, Safe Routes to Schools projects, Recreational Trail projects, and plans.

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 an MPO's call for projects.

## 15. Project Type Requirements

The Active Transportation Program, as conceived in SB 99, only specifies one funding distribution requirement beyond the funding split between the three program components. SB 99 specifies that at least 25% of funds must benefit disadvantaged communities in each of the program components. However the Active Transportation Program includes many other project categories that must meet certain requirements. Below is an explanation of the requirements specific to those project categories.

### 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. To count as providing a benefit, a project must fulfill an important need of low-income people in a way that provides a significant benefit and targets its benefits primarily to low-income people while avoiding substantial burdens on a disadvantaged community.

For a project to qualify as directly benefiting a disadvantaged community, the project must be located within or in reasonable proximity and have a direct connection, to the disadvantaged community served by the project; or the project must be an extension or a segment of a larger project that connects to or directly adjacent to that disadvantaged community. 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. To qualify as a disadvantaged community the community served by the project must meet at least one of the following criteria:

- **The 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 2012-2016 American Community Survey (<\$51,026). 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:  
<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>
- **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 36.62). This list can be found at the following link under SB 535 List of Disadvantaged Communities:  
<http://www.calepa.ca.gov/EnvJustice/GHGInvest/>
- **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 <http://www.cde.ca.gov/ds/sd/sd/files/sp.asp>. 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.
- **Regional Definition** For the statewide and small urban & rural competitive portions of the Active Transportation Program 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. Any 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. Justification for a regional definition, including RTP/SCS adopting actions, public outreach documentation, and severity stratification, must be submitted to the California Transportation Commission (CTC) no later than June 1, 2018~~the adoption date of the statewide ATP guidelines in order to be considered for use.~~ CTC staff will make the final determination of the eligibility of regional definitions by June 29, 2018~~at least one month prior to the statewide application due date.~~

It is the intent of the Commission that if a region elects to adopt a regional definition of disadvantaged communities that this definition will be used for the region’s broader planning purposes rather than only for Active Transportation Program grant funding.

- **Native American Tribal Lands:** Projects located within Federally Recognized Tribal Lands (typically within the boundaries of a Reservation or Rancheria).
- Other:
  - If a project applicant believes a project benefits a disadvantaged community but the project does not meet the aforementioned criteria due to a lack of accurate Census data or CalEnviroScreen data that represents a small neighborhood or unincorporated area, the applicant must submit for consideration a quantitative assessment, to demonstrate that the community’s median household income is at or below 80% of that state median household income.

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 MPO’s call for projects.

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

For a project to qualify for 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.

### **CH. 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 ([http://www.fhwa.dot.gov/environment/recreational\\_trails/](http://www.fhwa.dot.gov/environment/recreational_trails/)).

### **DI. Active Transportation Resource Center**

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.

The Commission intends to fund a state technical assistance center by programming funds to the Department, who will administer contracts to support all current and potential Active Transportation Program applicants.

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

See Appendix A

## **Project Selection Process**

### **16. Project Application**

ATP project applications will be available at: [www.dot.ca.gov/hq/LocalPrograms/atp/index.html](http://www.dot.ca.gov/hq/LocalPrograms/atp/index.html).

There will be 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. 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. Any project requesting over \$10M in ATP funding will required an onsite field review with Caltrans and CTC staff.
- B. Medium Project, Infrastructure only or Infrastructure/Non-infrastructure: Projects with a total project cost between \$1.5 million 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 less than \$1.5 million will be considered a Small Project and must use the Small Project application.
- D. Non-infrastructure Only
- E. Plan

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

**Information on how to submit project application will be posted at: [www.dot.ca.gov/hq/LocalPrograms/atp/index.html](http://www.dot.ca.gov/hq/LocalPrograms/atp/index.html) and [www.catc.ca.gov/programs/ATP.htm](http://www.catc.ca.gov/programs/ATP.htm) prior to the call for projects.**

A copy of the project application must also be sent to the Regional Transportation Planning Agency or County Transportation Commission within which the project is located and to the MPO (a contact list can be found at [www.dot.ca.gov/hq/tpp/offices/orip/](http://www.dot.ca.gov/hq/tpp/offices/orip/)). The copy may be hard copy or electronic – check with your regional agency or county commission for their preference.

## 17. Sequential Project Selection

All project applications, must be submitted to Caltrans for consideration in the statewide competition.

Projects not selected for programming in the statewide competition must be considered in the large MPO competition or the Small Urban and Rural competitions.

## 18. MPO Competitive Project Selection

As stated above, projects not selected for programming in the statewide competition must be considered by the MPOs in administering a competitive selection process.

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 may not conduct a supplemental call for projects.~~

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 of a different match requirement than in the statewide competitive program does not require prior Commission approval. An MPO may also elect to have a supplemental application that applicants must submit to be considered for their MPO competitive program specific call for projects. The projects received in this call must be considered along with those not selected through the statewide competition. All applications, however, must have been submitted through the statewide competitive program using electronic application.

In administering a competitive selection process, an MPO must use a multidisciplinary advisory group 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
  - 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
- Updated Project Programming Requests (PPRs)

**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 that MPO’s program until such time as the submittal is deemed complete and accurate.**

## **19. Screening Criteria**

Nominations 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 Active Transportation Program. ATP funds cannot be used to supplant other committed funds.
- Eligibility of project: Project must be one of the four types of projects listed in Section 11 of these guidelines.

## **20. Scoring Criteria**

Proposed projects will be scored and ranked on the basis of applicant responses to the project type criteria below. Project programming recommendations may not be based strictly on the rating criteria given the various components of the Active Transportation Program and requirements of the various fund sources.

**Will be Inserted After Applications are Finalized To Be Determined**

Plan

Non-infrastructure

Small Project – Infrastructure and Infrastructure/Non-infrastructure

Medium Project – Infrastructure and Infrastructure/Non-infrastructure

Large Project – Infrastructure and Infrastructure/Non-infrastructure

## **21. Project Selection between Project Applications with the Same Score**

If two or more projects applications receive the same score that 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:

- Infrastructure projects
- Construction readiness

- Highest score on the highest point value question
- Highest score on the second highest point value question (on the Plan application, this includes questions 3 & 4)

## **22. 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, including Safe Routes to Schools type projects, and in projects benefiting disadvantaged communities, and will seek 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 projects submitted by others. The Commission will consider approval of a competitive grant only when it finds that the grant request meets the requirements of statute.

In reviewing and selecting projects to be funded with federal Recreational Trail program funds, the Commission and/or Caltrans staff will collaborate with the Department of Parks and Recreation to evaluate proposed projects.

MPOs, in administering a competitive selection process, must use a multidisciplinary advisory group, similar to the aforementioned Project Evaluation Committee, to assist in evaluating project applications.

## **Programming**

### **23. Program of Projects**

Following at least one public hearing, the Commission will adopt a program of projects for the Active Transportation Program, by April 1 of each odd numbered year. The Active Transportation Program must be developed consistent with the fund estimate and the amount programmed by fiscal year must not exceed the amount identified in the fund estimate.

The program of projects for each fiscal year will include, for each project, the amount to be funded from the Active Transportation Program, and the estimated total cost of the project. In the case of a large project delivered in segments, include the total cost of the segment for which ATP funds are requested. Project costs in the Active Transportation Program will include costs for each of the following components: (1) ~~project approval and environmental document permits and environmental studies;~~ (2) plans, specifications, and estimates; (3) right-of-way; and (4) construction. For projects anticipated to be delivered using the design-build or design-sequencing contracting method, the construction component shall include costs for design and right-of way. The cost of each project component will be listed in the Active Transportation Program no earlier than in the fiscal year in which the particular project component can be implemented.



## 24. 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 Active Transportation Program funds and other committed funds with the exception of the two situations described below:

The Commission will propose to fund projects with uncommitted funds only ~~preconstruction components for a project~~ 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 to fund the full project. The applicant must demonstrate the means by which 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 Section 16 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 Active Transportation Program or the Local Partnership Program (formulaic or competitive). ~~The applicant must indicate its plan for~~ applicant proposing to fund only preconstruction components of a project must detail the 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 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.

Projects programmed by the Commission in the Active Transportation Program will not be given priority in other programs under the Commission's purview.

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.

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 federal funds, a balance not programmed in one fiscal year will carry over and be available for projects in the following fiscal year.

## 25. Contingency List

The Commission may identify a contingency list of project 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.

## **26. Baseline Agreements (language pending adoption of SB 1 Accountability Guidelines)**

The Commission will require project Baseline Agreements (Attachment A) for the following programs and projects:

- Active Transportation Program – only for projects with a total project cost of \$25 million or greater or a total programmed amount of \$10 million or greater adopted in the 2017 Active Transportation Program Augmentation and subsequent program amendments and adoptions.

If a project that initially falls below the aforementioned thresholds later increases to equal or exceed the threshold requirements, a Baseline Agreement will be required at the time of change. A Baseline Agreement will be amended, if a project receives additional SB 1 Program funds in a subsequent programming cycle, if there is a change in the responsible parties, or at the discretion of the Commission.

Each Baseline Agreement shall be signed by a duly authorized officer of the Applicant, the Implementing Agency, the Department's Director or Chief Deputy Director, and the Commission's Executive Director.

The Baseline Agreements set forth the agreed upon expected benefits, project scope, schedule, and cost, and provides a benchmark for comparison to the current status of the project for reporting purposes. These Baseline Agreements will also identify the agency responsible for meeting the reporting requirements and, for locally implemented, identify the responsibilities relative to the type and location of the project. The Baseline Agreement is considered the front-end document that forms the foundation for the Commission's in-progress and follow-up accountability.

The Commission shall approve all Baseline Agreements at a regular Commission meeting within four months after a project has been adopted into a SB 1 Program. The following exceptions apply:

- For projects adopted into the 2017 Active Transportation Program Augmentation, the Baseline Agreements are due four months after adoption of these Guidelines.
- For projects that have not received environmental clearance, the Baseline Agreements are due six months after the filing of a notice of exemption or filing a notice of determination pursuant to the California Environmental Quality Act.
- For projects requesting an allocation of funding for a project component other than environmental, at the May 2018 and June 2018 Commission meetings, the Baseline Agreement shall be approved by the Commission no later than the October 2018 Commission meeting.
- No Baseline Agreement will be required for State Highway Operation and Protection Emergency Response projects that are necessary to respond promptly and restore damages to the state highway system caused by floods, slides, earthquakes, fires, and other significant events.

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 component, without an approved Baseline Agreement.

For all SB 1 Program projects, the Commission requires that the Department enter into agreements (cooperative or funding) with implementing agencies that in pertinent part will include the accountability and transparency principles and best management practices outlined in these Guidelines, any specific requirements in the individual programmatic guidelines, and be

consistent with executed Baseline Agreement. The Commission is not a signatory to cooperative or funding agreements described in this section.

## **Program/Project Amendments**

### **26-27. Amendment Requests**

Project amendments will be considered for the Active Transportation Program as follows:

- Scope Changes – The Commission may consider changes to the scope of the project only as described below.
- Cost Changes – The Active Transportation Program will not participate in any cost increases to the project. If there is a change in the cost estimate, the implementing agency must notify Caltrans as described below.
- Schedule Changes – Schedule changes to a project will not be considered unless a time extension was approved as specified in Section **XX**.

Project amendments requested by implementing agencies shall receive the approval of all partner and funding entities before presentation 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 and benefits.

Caltrans shall coordinate all amendment requests and utilize the Project Programming Request to help document the change. Implementing agencies must notify Caltrans in writing of proposed project scope changes. This notification must include 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 deliver the project benefits as compared to the benefits identified in the project application (increase or decrease in benefit) and an explanation of the methodology used to develop the aforementioned estimates.

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

Commission staff may also request that the Project Review Committee review and make a recommendation on amendment requests.

Commission staff will present recommended scope changes deemed by staff to be minor changes, such as those with little or no impact to project benefits or which increase the benefits

of the project, to the Commission as a part of the project allocation request. Staff will present recommendations to disapprove minor scope changes and recommendations to approve or disapprove more significant scope changes to the Commission as project amendments.

## **Allocations**

When an agency is ready to implement a project or project component, 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 Commission will consider the allocation of funds for a project when it receives an allocation with a recommendation from Caltrans. The recommendation will include a determination of project readiness, the availability of appropriated funding, and the availability of all identified and committed supplementary funding. When Caltrans develops its construction allocation recommendation, the Commission expects Caltrans to certify 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. 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 obligation.

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. 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. Exceptions to this policy may be made in instances where federal law allows for the acquisition of right-of-way prior to completion of National Environmental Policy Act review.

Where the project is to be implemented by an agency other than the applicant, the allocation request must include a copy of the Memorandum of Understanding or Interagency Agreement between the project applicant and implementing agency.

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 Active Transportation Program. If there are insufficient program funds to approve an allocation, the Commission may delay the allocation of funds to a project,

In order to ensure the timely use of all program funds, the Commission will, in the last quarter of the fiscal year, allocate funds to projects programmed in a future fiscal year on a first-come, first served basis. 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. Should requests for 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 changes must be presented to Caltrans for consideration prior to allocation in the manner described in Section 26. Caltrans will make a recommendation of approval to the Commission for final approval. Scope changes that result in a decrease of active transportation benefits may result in removal from the program.

## **27-28. FTA Transfers**

- Project sponsors 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 transfer allocation using the same criteria used by the FTA to determine readiness for obligation.~~

## **Project Delivery**

### **28-29. Letter of No Prejudice**

The Commission will consider approval of a Letter of No Prejudice (LONP) to advance a project programmed in the Active Transportation Program. Approval of the LONP will allow the agency to begin work and incur eligible expenses prior to allocation. The Amended LONP Guidelines were adopted in October 2017 and are on the Commission's website.

### **29-30. Timely Use of Funds**

Active Transportation Program allocations must be requested in the fiscal year of project programming, and construction allocations are valid for award for six months from the date of allocation unless the Commission approves an extension.

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 Commission may extend 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, as specified in this section.

~~Where a project component will not be ready for allocation as programmed in the current fiscal year, the implementing agency should request an extension of the allocation deadline rather than a project amendment.~~

Projects must commence the right-of-way phase acquisition or actual construction within 10 years of receiving pre-construction funding through the Active Transportation Program, or the implementing agency must repay the Active Transportation Program 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.

~~The implementing agency must enter into a cooperative agreement with Caltrans and, if the project is federally funded, obligate the federal funds within six months.~~

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 component is less than the amount allocated, the savings generated will not be available for future programming.

Caltrans will track the delivery of Active Transportation Program projects and submit to the Commission a semiannual report showing the delivery of each project phase.

### **30-31. Delivery Deadline Extensions**

The Commission may extend a delivery deadline, as described in Section XX, 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 component has its own deadlines. The Commission may consider the extension for each of the deadlines 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.

### **31-32. 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 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 Active Transportation Program projects.

- National Environmental Policy Act (NEPA) compliance and documentation is required on all projects. Refer to Chapter 6, Environmental Procedures, of the Local Assistance Procedures Manual 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 Chapter 13, Right of Way, of the Local Assistance Procedures Manual.
- 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 Chapter 9, Civil Rights and Disadvantaged Business Enterprises, and Chapter 12, Plans, Specifications & Estimate, of the Local Assistance Procedures Manual
- Failure to comply with federal requirements may result in the repayment to the State of Active Transportation Program funds.

### **32-33. 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). *Chapter 11, Design Standards, of the Caltrans Local Assistance Procedures Manual 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 Active Transportation Program funds cannot revert to a non-Active Transportation Program 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.

### **33.34. 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.

### **34.35. 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 the Commission's Executive Director 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 component, provided that the total expenditure shifted to a component in this way is not more than 20 percent of the amount actually allocated for either component. This means that the amount transferred by a local agency from one component to another may be no more than 20 percent of whichever of the components 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.



### **35-36. Project Reporting**

#### **SB 1 Accountability –Refer to SB1 Accountability Guidelines**

As a condition of the project allocation, the Commission requires the implementing agency to submit semi-annual reports on the activities and progress made toward implementation of the project and a final delivery report. An agency implementing a project in the MPO selected portion of the program must also submit copies of its semi-annual reports and of its final delivery report to the MPO. The purpose of the reports is to ensure that the project is executed in a timely fashion and is within the scope and budget identified when the decision was made to fund the project.

Within one year of the project becoming operable, the implementing agency must provide the following information to Caltrans to be included in a final delivery report to the Commission which includes:

- The scope of the completed project as compared to the programmed project.
- Before and after photos documenting the project.
- The final costs as compared to the approved project budget.
- Its duration as compared to the project schedule in the project application.
- Performance outcomes derived from the project as compared to those described in the project application. This should include before and after pedestrian and/or bicycle counts, and an explanation of the methodology for conducting counts.
- Actual use of the California Conservation Corps or qualified community conservation corps as compared to the use described in the project application.

Please note that the final delivery report required by this section is in addition to the ~~aforementioned~~ Final Report of Expenditures.

For the purpose of this section, a project becomes operable when the construction contract is accepted or acquired equipment is received, or in the case of non-infrastructure activities, when the activities are complete.

#### **The Department shall withhold an appropriate percentage of project funds until acceptance of the Completion Report by the Department.**

Pursuant to Streets and Highways Code Section 2038, by July 1, 2023, agencies receiving Road Maintenance and Rehabilitation Account funds will need to describe how projects will address participation and investment in new or existing pre-apprenticeship training programs that focus on outreach to women, minority participants, underrepresented subgroups, formerly incarcerated individuals, and local residents to access employment opportunities. Therefore, this information should be included in the semi-annual reports submitted to Caltrans.

Caltrans must audit a selection of Active Transportation Program projects to evaluate the performance of the project, determine whether project costs incurred and reimbursed are in compliance with the executed project agreement or approved amendments thereof; state and federal laws and regulations; contract provisions; and Commission guidelines, and whether project deliverables (outputs) and outcomes are consistent with the project scope, schedule and

benefits described in the executed project agreement or approved amendments thereof. A report on the projects audited must be submitted to the Commission annually.

## **Roles and Responsibilities**

### **36-37. California Transportation Commission (Commission)**

The Commission responsibilities include:

- Adopt guidelines, policies, and application for the Active Transportation Program.
- Adopt Active Transportation Program 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 the Active Transportation Program,
  - The small urban & rural component of the Active Transportation Program, and
  - The MPO selected component of the program based on the recommendations of the MPOs.
  - Ensure that at least 25% of the funds benefit disadvantaged communities.
- For the small urban & rural component, maintain 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.
- Post recommendations and final adopted list of approved projects on the Commission's website.
- Allocate funds to projects.
- Evaluate and report to the legislature.

### **37-38. California Department of Transportation (Caltrans)**

Caltrans has the primary responsibility for the administration of the adopted Active Transportation Program. Responsibilities include:

- Provide statewide program and procedural guidance (~~i.e. provide project evaluation of materials and instructions~~), conduct outreach through various networks such as, but not limited to, the Active Transportation Program website, and at conferences, meetings, or workgroups.
- Provide program training.
- Solicit project applications for the program.
- Perform eligibility and deliverability reviews of Active Transportation Program projects at the Commission's request and inform the Commission of any identified issues as they arise.

- 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.
- 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.

### **38-39. 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.
- 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 the Active Transportation Program.

In addition, 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 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.

### **39-40. Regional Transportation Planning Agencies (RTPAs) Outside an MPO with Large Urbanized Areas and MPOs without Large Urbanized Areas**

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

### **40-41. Project Applicant**

Project applicants nominate Active Transportation Program projects for funding consideration. If awarded Active Transportation Program 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.

### **41-42. Project Signage**

~~Pursuant to Streets and Highways Code Section 2038, by July 1, 2023, agencies receiving Road Maintenance and Rehabilitation Account funds will need to describe how projects will address participation and investment in new or existing pre-apprenticeship training programs that focus on outreach to women, minority participants, underrepresented subgroups, formerly incarcerated individuals, and local residents to access employment opportunities. Therefore, this information should be included in the semi-annual reports submitted to Caltrans.~~

The implementing agency must, for all **SB 1** projects, 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.

## **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 the Active Transportation Program 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 qualified community conservation corps.

## APPENDIX

### 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 and, if appropriate, a description of how the five Es (Education, Encouragement, Enforcement, Engineering, and Evaluation) will be used to increase rates of bicycling to school.
- 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 safety, education, and 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 to be disadvantaged or low-income and identify bicycle and pedestrian needs.
- 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, or energy conservation plans, including, but not limited to, general plans and a Sustainable Community Strategy in a Regional Transportation Plan.
- 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.