

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

**Final Draft**

*April-May 2018*



**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 ATP workgroup. The workgroup includes representatives from the California Department of Transportation (Caltrans), other government agencies, and active transportation stakeholder organizations with expertise in pedestrian and bicycle issues, including Safe Routes to School programs.

The 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 the date designated in statute of each odd-numbered year; however, the Commission may alternatively elect to adopt a program annually.

The following schedule lists the major milestones for the development and adoption of the 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. Funding 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 (SB1)

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. Projects are competitively awarded by the Commission in these regions. Federal law segregates the Transportation Alternative Program into separate small urban and rural competitions based upon their relative share of the state population.
  - Small Urban areas are those with populations of 5,001 to 200,000. Rural areas are those with populations of 5,000 or less.
  - A minimum of 25% of the funds in the Small Urban and Rural programs must benefit disadvantaged communities.

- 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 and Leveraging Funds Requirements**

Although the Commission encourages the leveraging of additional funds for a project, applicants are not required to provide leveraging or matching funds ~~are not required.~~ When providing matching funds for federal ATP funds, the matching funds ~~Matching funds~~ must be expended concurrently and proportionally to the Active Transportation Program ~~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, including leveraging funding in the plan (local, federal, state, private sources) is reasonably expected to be available and sufficient to complete the project. The amount of leveraged funds may be adjusted as necessary to reflect any substantive change in the cost of the project as long as the percentage of leveraged funds remains the same or higher than that approved in the ATP application.

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 ~~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.

Projects that are already fully funded or projects that are a capital improvement required as a condition for private development approval or permits are not eligible for 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 the Local Assistance Procedures Manual, Chapter 5, Invoicing. Costs incurred prior to Commission allocation and, for federally funded projects, Federal Highway Administration project approval (i.e. Authorization to Proceed) are not eligible for reimbursement.

## 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 the Local Assistance Procedures Manual, Chapter 4, Agreements, 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\*
  - Caltrans nominated projects must be coordinated and aligned with local regional priorities. If a Caltrans project is submitted, documentation to support the need to address this project with ATP funds, versus other funding streams available for complete streets through existing Caltrans funding, will be required.
  - Caltrans nominated projects must illustrate coordination with the local and/or regional agency. Caltrans is required to show assurance that local communities

are supportive of and have provided feedback on the proposed Caltrans ATP project.

o To the extent that a complete street project is needed and is not in conjunction with a planned SHOPP project, Caltrans could submit an ATP application for a complete street project not otherwise eligible for SHOPP funding.

- 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:
  - o State or local park or forest agencies
  - o State or local fish and game or wildlife agencies
  - o Department of the Interior Land Management Agencies
  - o 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, not only a private entity.
- 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. See Appendix B for example projects. Because some of the 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 the 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 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.

### 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. A project is considered beneficial if it fulfills an important need of low-income people in a way that provides a significant value. The project's benefits must primarily target low-income people while avoiding substantial burdens on a disadvantaged community. MPOs, in administering a competitive selection process, may use different criteria for determining which projects benefit Disadvantaged Communities if the criteria are approved by the Commission prior to an MPO's call for projects.

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

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

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

- **Median Household Income:** (Table ID B19013) is less than 80% of the statewide median based on the most current Census Tract (ID 140) level data from the 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.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. CTC staff will make the final determination of the eligibility of regional definitions by June 29, 2018. 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 an applicant believes that the project benefits a disadvantaged community but the project does not meet the aforementioned criteria due to a lack of accurate 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.

## **B. 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.

## **C. Recreational Trails Projects**

Trail projects that are *primarily* recreational should meet the federal requirements of the Recreational Trails Program as such projects may not be eligible for funding from other sources ([http://www.fhwa.dot.gov/environment/recreational\\_trails/](http://www.fhwa.dot.gov/environment/recreational_trails/)). However, trails that serve active transportation purposes (such as multi-use paths, Class I bikeways, etc.) are fully eligible in the Active Transportation Program and need not meet the Recreational Trails Program requirements.

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

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. Typical Active Transportation Resource Center roles include:

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

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

See Appendix A.

## **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:

- 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 be required to host an onsite field review with Caltrans and CTC staff.
- 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.
- 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.
- Non-infrastructure Only**
- 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 the 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 applications will be posted prior to the call for projects 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).**

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

- Regional Transportation Planning Agency or County Transportation Commission within which the project is located.
- The MPO (a contact list can be found at [www.dot.ca.gov/hq/tpp/offices/orip/](http://www.dot.ca.gov/hq/tpp/offices/orip/)).

## 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 MPO competition or the Small Urban and Rural competition.

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

An MPO, with Commission approval, may use a different project selection criteria or weighting, minimum project size, match requirement, and/or definition of disadvantaged communities for its competitive selection process. Use of a minimum project size of \$500,000 or less, or different match requirement than in the statewide competitive program does not require prior Commission approval. An MPO may also elect to have a supplemental application that applicants must submit to be considered for their MPO competitive program. All applications considered by an MPO however, must have been submitted through the statewide competitive program using the 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: the project must be one of the four types of projects listed in Section 13 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. [See the chart below to reference the scoring criteria and points allotted to the different types of applications.](#)

	Scoring Topic	Plan Application	Non- infrastructure only Application	Infrastructure or Infrastructure/ Non-infrastructure Applications		
				Small	Medium	Large
A.	Benefit to Disadvantaged Communities (DAC)	Max. 30 points	Max. 10 points	Max. 10 points	Max. 10 points	Max. 10 points
B.	Need	Max. 20 points	Max. 40 points	Max. 40 points	Max. 35 points	Max. 30 points
C.	Safety		Max. 10 points	Max. 25 points	Max. 25 points	Max. 20 points
D.	Public Participation & Planning	Max. 25 points	Max. 15 points	Max. 10 points	Max. 10 points	Max. 10 points
E.	Scope/Implementation		Max. 10 points	Max. 15 points	Max. 10 points	Max. 10 points
F.	Implementation & Plan Development	Max. 25 points				
G.	Context Sensitive & Innovation		Max. 5 points		Max. 5 points	Max. 5 points
H.	Transformative Projects					Max. 5 points
I.	Evaluation and Sustainability		Max. 10 points			
J.	Cost Effective					Max. 5 points
K.	Leveraging			Max. 2 points	Max. 5 points	Max. 5 points
L.	Corps (0 or -5)		0	0	0	0



M.	Past Performance (0 to -10)	0	0	0	0	0
	Total	100	100	100	100	100

- A. Benefit to disadvantaged communities. Scores will be scaled in relation to the severity of and the benefit provided to the disadvantaged community affected by the project.
- B. Need. Potential for increased walking and bicycling, especially among students, including the identification of walking and bicycling routes to and from schools, transit facilities, community centers, employment centers, and other destinations; and including increasing and improving connectivity and mobility of non-motorized users.
- C. Safety. Potential for reducing the number and/or rate or the risk of pedestrian and bicyclist fatalities and injuries, including the identification of safety hazards for pedestrians and bicyclists.
- D. Public participation and Planning. Identification of the community-based public participation process that culminated in the project proposal, which may include noticed meetings and consultation with local stakeholders. Project applicants must clearly articulate how the local participation process (including the participation of disadvantaged community stakeholders) resulted in the identification and prioritization of the proposed project.
- E. Scope / Implementation. Evidence that the application, scope and plans are consistent with one another.
- F. Implementation and Plan Development. Specific to applicants using the "plan" application form. Applicants should show evidence that the plan will lead to implementation of the identified projects.
- G. Context sensitive bikeways/walkways and innovative project elements.
- H. Transformative Projects. Applicants should describe the transformative nature of the project.
- I. Evaluation and Sustainability. Applicants should describe how the effectiveness of the program will be measured and sustained after completion.
- J. Cost-effectiveness. A project's cost effectiveness is considered to be the relative costs of the project in comparison to the project's benefits.
- K. Leveraging of non-ATP funds (excluding in-kind contributions) on the ATP project scope proposed.
- L. Corps. Use of the California Conservation Corps or a qualified community conservation corps, as defined in Section 14507.5 of the Public Resources Code, as partners to undertake or construct applicable projects in accordance with Section 1524 of Public Law 112-141. Points will be deducted if an applicant does not seek corps participation or if an applicant intends not to utilize a corps in a project in which the corps can participate.
  - a. The California Conservation Corps can be contacted [atp@ccc.ca.gov](mailto:atp@ccc.ca.gov).
  - b. Qualified community conservation corps can be contacted at [inquiry@atpcommunitycorps.org](mailto:inquiry@atpcommunitycorps.org).
  - c. Direct contracting with the California Conservation Corps or a qualified community conservation corps without bidding is permissible provided that the implementing

agency demonstrates cost effectiveness per 23 CFR 635.204 and obtains approval from Caltrans. A copy of the agreement between the implementing agency and the proposed conservation corps must be provided to the Department.

M. Past performance. Applicant's performance on past ATP projects. Point reduction for non-use of the Corps as committed to in a past ATP award or project failure on any past ATP project.

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

If two or more project 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, expertise in Safe Routes to Schools projects, and expertise in projects benefiting disadvantaged communities. Additionally, staff will seek a geographically balanced representation from state agencies, large MPOs, regional transportation planning agencies, local jurisdictions in small urban and rural areas, and non-governmental organizations. Priority for participation in the evaluation committee will be given to those who do not represent a project applicant or will not benefit from any submitted projects.

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

MPO's that choose to administer 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 in each odd numbered year by the deadline established in statute. 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 (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 Fund**

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 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.

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

## 26. Baseline Agreements

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

~~Active Transportation Program — only for Active Transportation Program (ATP) 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 ATP or 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 the ATP 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 SB1 Accountability and Transparency 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.~~

## **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 30.

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 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 27. Caltrans will make a recommendation of approval to the Commission for final approval.

### **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 using the same criteria used by the FTA.

## **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.

Projects must commence the right-of-way phase 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.

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 the required reports showing the delivery of each project phase.

### **30.31. Delivery Deadline Extensions**

The Commission may extend a delivery deadline, as described in Section 30, 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 deadline. The Commission may consider the extension for each deadline separately.

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

### **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 (Section Under Review)**

~~SB 1 Accountability—Refer to As a condition of the project allocation, and in accordance with SB1 Accountability Guidelines,~~

~~As a condition of the project allocation, the Commission requires has specific reporting requirements for ATP projects. Implementing agencies must submit the following reports:~~



- progress reports (semi-annual or quarterly),
- completion report and
- final delivery report.

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. The Commission will provide an annual report to the Legislature, which will discuss the effectiveness of the program, timely use of funds, and will include a summary of its activities relative to the administration of the ATP program. It should be noted that all ATP projects must submit semi-annual progress reports, which is different than what is required in the SB1 Accountability Guidelines.

Once a project has been adopted into the ATP Program, the Implementing Agency will submit regular and timely project updates (reports) to Caltrans. Caltrans will provide the implementing agency with a template for each required report. The Commission expects Caltrans to make a reasonable effort to assure that the implementing agency submits all reports in a timely manner. An agency implementing a project in the MPO selected portion of the program must also submit copies of its semi-annual reports, **completion report** -and of its final delivery report to the MPO. Caltrans will prepare a program progress report for the ATP Program and submit to the Commission. Commission Staff will use the reports to identify issues and concerns that may be presented to the Commission for further action.

#### **A. Progress Reports: (Section Under Review)**

All implementing agencies, regardless of project type and size must submit progress reports to Caltrans. Each progress report must be submitted with the invoice for the relevant period covered by the report. Failure to submit the progress report with the invoice will result in a delay of payment. Progress reports will be submitted on a semi-annual basis unless the implementing agency is subject to the Baseline Agreement requirement.

Projects that are subject to the Baseline Agreement requirement must submit quarterly reports until July 2019 when all progress reports will become semi-annual. This requirement applies to all ATP projects adopted into the 2017 ATP augmentation and any subsequent project augmentations. Beginning in July 2019, progress reports from agencies with a Baseline Agreement will also become semi-annual reports.

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 progress reports submitted to Caltrans.

Caltrans will present quarterly progress reports to the Commission every December (July through September period), March (October through December period), May (January through March period) and August (April through June period). Semi-annual progress reports will be presented to the Commission in March (July thru December period) and August (January through June period).

The progress report shall be written in plain language and include information appropriate to assess the current state of the overall program and each project as compared to the previous report. The first section of the progress report will be the overall program summary taking into account all projects in the SB 1 Programs and will identify, at a minimum, the total programmed and unprogrammed funds, total dollars allocated, number of projects allocated, number of completed projects, and a summary of the benefits (outputs and outcomes) achieved with the completed projects.

The second section of the progress report will be for each project that is subject to the Baseline Agreement requirement and will include the following:

- The current cost, schedule, scope and expected benefits as compared to the cost, schedule, and scope approved under the Baseline Agreement or for projects that have not yet cleared environmental, as approved at the time the project was adopted into the respective program, and a status of the construction contract award, if applicable.
- A summary describing any changes to the scope, cost, schedule and expected benefits of the project and a corrective action plan if necessary, since the last report.
- Incurred expenditures to date for all project component costs, with the ATP Program funds being identified separately.
- Identification and discussion of any significant issues that may impact implementation of the project including financial constraints and commitments, and risks and impacts.
- Status of the Completion and Final Delivery Reports submittals for completed projects or completed project segments. This requirement will apply to all projects in the SB 1 Programs.

## **B. Completion Reports:**

Within six months of construction contract acceptance or the project becoming operable (open to the public), whichever comes sooner, Caltrans shall provide a Completion Report to the Commission. ~~implementing agency must provide to Caltrans a Project Completion Report~~ For the purpose of this section, a project becomes operable when it is open to the public or the construction contract is accepted or acquired equipment is received, or in the case of non-infrastructure activities, when the activities are complete. The Project Completion Report must include the following:

- The scope of the completed project as compared to the programmed project.
- Before and after photos documenting the project.
- The estimated 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.

Additionally, the Completion Report shall describe the methodologies and assumptions used to evaluate how the project benefits were evaluated as compared to the methodologies and

assumptions used in the executed project agreements. In the event the project benefits identified in the Completion Report differ from those identified in the executed program agreements (cooperative, funding, or baseline), the difference must be noted, quantified, and explained. Documentation used for the benefit evaluation shall be preserved and made available for review by Caltrans, the Commission, the Transportation Inspector General, Department of Finance, and/or the California State Auditor, if requested. The Completion Report should not be delayed due to claims, plant establishment periods, ongoing environmental mitigation monitoring, or other reasons.

For projects receiving SB 1 Program funds for pre-construction components only, Caltrans shall provide the Completion Report to the Commission within six months of the conclusion of the pre-construction component. The Completion Report will include the scope of the project component, its estimated final cost, and duration as compared to those included in the executed project agreements. Additionally, the Completion Report shall provide an updated schedule, a description of how the project will progress to construction, and a discussion on how the project will continue to provide the benefits described in the executed project agreements (cooperative, funding, or baseline).

For projects delivered in segments, a Completion Report will be required for each segment and note that a summary Completion Report will be provided when the final project segment is complete. An audit may be done on one or all segments of a segmented project.

Caltrans shall withhold an appropriate percentage of ATP program funds until acceptance of the Completion Report by Caltrans.

The Project Completion Report must include the following:

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 estimated 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.

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.

~~A. 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:~~

~~B.A. The scope of the completed project as compared to the programmed project.~~

~~C.A. Before and after photos documenting the project.~~

~~D.A. The final costs as compared to the approved project budget.~~

~~E.A. Its duration as compared to the project schedule in the project application.~~

~~F.A. 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.~~

~~G.A. Actual use of the California Conservation Corps or qualified community conservation corps as compared to the use described in the project application.~~

### **C. Final Delivery Reports:**

~~A Final Delivery Report will be provided within 180 days of conclusion of all remaining project activities beyond the acceptance of the construction contract to reflect final project expenditures, any changes that occurred after submittal of the Completion Report and an updated evaluation of the benefits. The Commission may include this information in its annual reports to the Legislature. 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.~~

### **D. Audits:**

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

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

### **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 A

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

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

- A. Mode Share: The estimated number of existing bicycle trips and pedestrian trips in the plan area, both in absolute numbers and as a percentage of all trips, and the estimated increase in the number of bicycle trips and pedestrian trips resulting from implementation of the plan.
- B. Description of Land Use/Destinations: A map and description of existing and proposed land use and settlement patterns which must include, but not be limited to, locations of residential neighborhoods, schools, shopping centers, public buildings, major employment centers, major transit hubs, and other destinations. Major transit hubs must include, but are not limited to, rail and transit terminals, and ferry docks and landings.
- C. Pedestrian Facilities: A map and description of existing and proposed pedestrian facilities, including those at major transit hubs and those that serve public and private schools.
- D. Bicycle Facilities: A map and description of existing and proposed bicycle transportation facilities, including those at major transit hubs and those a description of bicycle facilities 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.

## **APPENDIX B**

### **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.

- 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.

## APPENDIX C

### Baseline Agreement Template

#### ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

#### PROJECT BASELINE AGREEMENT

*[insert Project Name]*

Resolution \_\_\_\_\_

#### 1. FUNDING PROGRAM

- Active Transportation Program
- Local Partnership Program (Competitive)
- Solutions for Congested Corridors Program
- State Highway Operation and Protection Program
- Trade Corridor Enhancement Program

#### 2. PARTIES AND DATE

- 2.1 This Project Baseline Agreement (Agreement) for the *[insert Project Name]*, effective on *[insert date Commission approved baseline]*, is made by and between the California Transportation Commission (Commission), the California Department of Transportation (Caltrans), the Project Applicant, *[insert Name of Project Applicant]*, and the Implementing Agency, *[insert Name of Implementing Agency]*, sometimes collectively referred to as the “Parties”.

#### 3. RECITAL

- 3.2 Whereas at its *[insert meeting date Commission programmed project]* meeting the Commission approved the *[insert Funding Program]* and included in this program of projects the *[insert Project Name]*, the parties are entering into this Project Baseline Agreement to document the project cost, schedule, scope and benefits, as detailed on the Project Programming Request Form attached hereto as Exhibit A and the Project Report attached hereto as Exhibit B, as the baseline for project monitoring by the Commission.
- 3.3 The undersigned Project Applicant certifies that the funding sources cited are committed and expected to be available; the estimated costs represent full project funding; and the scope and description of benefits is the best estimate possible.

#### 4. GENERAL PROVISIONS

The Project Applicant, Implementing Agency, and Caltrans agree to abide by the following provisions:

- 4.1 To meet the requirements of the Road Repair and Accountability Act of 2017 (Senate Bill [SB] 1, Chapter 5, Statutes of 2017) which provides the first significant, stable, and on-going increase in state transportation funding in more than two decades.
- 4.2 To adhere, as applicable, to the provisions of the Commission:
- Resolution *[insert number]*, “Adoption of Program of Projects for the Active Transportation Program”, dated *[insert date]*.
  - Resolution *[insert number]*, “Adoption of Program of Projects for the Local Partnership Program”, dated *[insert date]*
  - Resolution *[insert number]*, “Adoption of Program of Projects for the Solutions for Congested Corridors Program”, dated *[insert date]*
  - Resolution *[insert number]*, “Adoption of Program of Projects for the State Highway Operation and Protection Program”, dated *[insert date]*
  - Resolution *[insert number]*, “Adoption of Program of Projects for the Trade Corridor Enhancement Program”, dated *[insert date]*
- 4.3 All signatories agree to adhere to the Commission’s *[insert Funding Program(s)]* Guidelines. Any conflict between the programs will be resolved at the discretion of the Commission.
- 4.4 All signatories agree to adhere to the Commission’s SB 1 Accountability and Transparency Guidelines and policies, and program and project amendment processes.
- 4.5 The *[insert agency(s)]* agrees to secure funds for any additional costs of the project.
- 4.6 The *[insert agency(s)]* agrees to report to Caltrans on a quarterly basis; after July 2019, reports will be on a semi-annual basis on the progress made toward the implementation of the project, including scope, cost, schedule, outcomes, and anticipated benefits.
- 4.7 Caltrans agrees to prepare program progress reports on a quarterly basis; after July 2019, reports will be on a semi-annual basis and include information appropriate to assess the current state of the overall program and the current status of each project identified in the program report.
- 4.8 The *[insert agency(s)]* agrees to submit a timely Completion Report and Final Delivery Report as specified in the Commission’s SB 1 Accountability and Transparency Guidelines.
- 4.9 All signatories agree to maintain and make available to the Commission and/or its designated representative, all work related documents, including without limitation engineering, financial and other data, and methodologies and assumptions used in the determination of project benefits during the course of the project, and retain those records for four years from the date of the final closeout of the project. Financial records will be maintained in accordance with Generally Accepted Accounting Principles.
- 4.10 The Transportation Inspector General of the Independent Office of Audits and Investigations has the right to audit the project records, including technical and financial data, of the Department of Transportation, the Project Applicant, the Implementing Agency, and any consultant or subconsultants at any time during the course of the project

and for four years from the date of the final closeout of the project, therefore all project records shall be maintained and made available at the time of request . Audits will be conducted in accordance with Generally Accepted Government Auditing Standards.

**5. SPECIFIC PROVISIONS AND CONDITIONS**

5.1 Project Schedule and Cost

See Project Programming Request Form, attached as Exhibit A.

5.2 Project Scope

See Project Report or equivalent, attached as Exhibit B. At a minimum, the attachment shall include the cover page, evidence of approval, executive summary, and a link to or electronic copy of the full document.

5.3 Other Project Specific Provisions and Conditions

**Attachments:**

Exhibit A: Project Programming Request Form

Exhibit B: Project Report

**SIGNATURE PAGE TO  
PROJECT BASELINE AGREEMENT**

*[insert Project Name]*

Resolution \_\_\_\_\_

\_\_\_\_\_  
Name Date  
Title  
Project Applicant

\_\_\_\_\_  
Name Date  
Title  
Implementing Agency

\_\_\_\_\_  
Laurie Berman Date  
Director, California Department of Transportation

\_\_\_\_\_  
Susan Bransen Date  
Executive Director, California Transportation Commission

**APPENDIX D**

**California Conservation Corps**

**UNDER REVIEW**

**2019 ACTIVE TRANSPORTATION PROGRAM GUIDELINES CALIFORNIA CONSERVATION  
CORPS AND CERTIFIED LOCAL COMMUNITY CONSERVATION CORPS**

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These guidelines are the policies and procedures specific to the 2019 Active Transportation Program that is directed to the California Conservation Corps and certified Local Community Conservation Corps.

## **I. Authority and Purpose**

Senate Bill 1 (Beall, Chapter 5, Statutes of 2017), signed by the Governor on April 28, 2017, directs \$100 million annually from the Road Maintenance and Rehabilitation Account to the Active Transportation Program beginning in the 2017-18 fiscal year. In addition, Assembly Bill 97 (Ting, Chapter 14, Statutes of 2017) directs \$4 million of the \$100 million annually, beginning in the 2017-18 fiscal year for the next five years, to the California Conservation Corps for active transportation projects to be developed and implemented by the California Conservation Corps and certified Local Community Conservation Corps. The availability of these funds is subject to annual appropriation by the Legislature. Not less than 50% of these funds shall be in the form of grants to certified Local Community Conservation Corps, as defined in Section 14507.5 of the Public Resources Code. Unless otherwise specified in these guidelines, the Commission will follow the 2017 Active Transportation Program Augmentation Guidelines: <http://www.catc.ca.gov/programs/atp/2017/docs/2017-atp-augmentation-guidelines-final-adopted-and-resolution-062817.pdf>

## **II. Active Transportation Program Goals**

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

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

## **III. Schedule**

Commission adopts California Conservation Corps guidelines	March 21, 2018
Applications due to California Conservation Corps	April 2, 2018
California Conservation Corps submits applications to Caltrans	April 9, 2018
Caltrans Recommendations of Corps projects to Commission	April 23, 2018
Commission Adopts List of Recommended Projects	May 16, 2018
Commission Allocates FY 2017-18 and FY 2018-19 funds to Caltrans	May 16, 2018



#### **IV. Eligible Project Types**

Eligible projects include projects that meet the goals of the Active Transportation Program as listed above, and may be part of an existing bicycle or pedestrian transportation plan, safe routes to school plan, active transportation plan for disadvantaged communities, or multi-use or recreational trail plan.

Examples of typical project work can be found in the Commission's 2017 Active Transportation Program Guidelines at:

[http://www.catc.ca.gov/programs/ATP/2017/Final\\_Adopted\\_2017\\_ATP\\_Guidelines.pdf](http://www.catc.ca.gov/programs/ATP/2017/Final_Adopted_2017_ATP_Guidelines.pdf).

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

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

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

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

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

#### **VI. Co-Applicants**

The California Conservation Corps or a certified Local Community Conservation Corps can serve as the lead applicant, or may partner with an entity that will serve as the lead applicant and implementing agency, and therefore the partnering agency assumes responsibility for the ongoing operations and maintenance of the facility/project. Documentation of the agreement between the California Conservation Corps or a certified Local Community Conservation Corps and the partnering agency (e.g. letter of intent) must be submitted with the project application(s).

Eligible co-applicants include:

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

## **VII. Project Selection Criteria**

The project selection process carried out by the Corps will adhere to and conform to the Commission schedule for each Active Transportation Program funding cycle.

Projects will be selected by the Corps on a competitive basis and will be scored and ranked on the basis of applicant response to the following criteria:

- Projects can commence construction within six months of an award and shall be completed within two years from the project start date.
- Benefit to disadvantaged communities - a minimum of 25% of all California Conservation Corps and certified Local Community Conservation Corps proposals that are approved must benefit a Disadvantaged Community as defined by median household income, CalEnviroScreen, or Free or Reduced Priced School Meals as defined in the Final 2017 Active Transportation Program Guidelines.
- Ability to further the goals of the Active Transportation Program.
- Ability to leverage other funds.

## **VIII. Project Selection Process**

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

- The California Conservation Corps must submit funding recommendations to the Caltrans Active Transportation Program Managers for review. The projects recommended for funding must provide a Project Programming Request (PPR) form and the following information must be provided:
  - Project name
  - Lead agency
  - Partnering agency
  - Project location
  - Project description/scope
  - Cost estimate
  - Delivery schedule
  - Project Score from Competitive Review Process
- The recommendations must also include a substitution list of projects that will be considered for funding in the event projects from the recommended funding list are unable to proceed.
- Caltrans Active Transportation Program Managers will review the project list and make a recommendation to Commission staff for approval.
- Commission approval of the list of projects recommended for funding is required prior to the lump-sum allocation of funding to Caltrans.
- In the event a project is removed or savings are generated from the funding list, a project from the substitution list may be awarded as long as there is sufficient capacity to allow this substitution.
- Project substitution must be reported to the Commission.
- The California Conservation Corps administers the program of projects approved by the Commission and is responsible for reporting on the program pursuant to Section X of these guidelines.

## **IX. Environmental Review**

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

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

For projects that are not exempt from CEQA, and for which an environmental document has been prepared and approved, documentation of the CEQA clearance must be provided with the project application. The Commission must consider the environmental document and approve the project for future funding via the issuance of an e-resolution. E-resolutions must be obtained at a Commission meeting that is either prior to, or concurrent with, the lump sum allocation request.

For more information on the process by which to obtain an e-resolution please see: <http://www.catc.ca.gov/programs/environmental/>. Allocation requests will be brought forward for Commission consideration by Caltrans Local Assistance.

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

## **X. Allocation**

The California Conservation Corps Fiscal Year 2017-18 and 2018-19 list of projects recommended for funding, will be submitted for approval and lump sum allocation by the Commission pursuant to the schedule identified in these guidelines and in accordance with this section.

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

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

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

The Commission's expectation is that consistent with the requirements of the overall Active Transportation Program, the Corps will administer these funds to their grantees on a reimbursement basis.

The availability of these funds is subject to annual appropriation by the Legislature. The California Conservation Corps will submit an allocation request to Caltrans. The California Conservation Corps is responsible for the expenditures of all allocated funds. Costs incurred prior to Commission allocation are not eligible for reimbursement.

## **XI. Reporting**

The California Conservation Corps is required to submit a semi-annual project status report for the program and a final report within one year of project completion to Caltrans. Refer to the most recent Commission Active Transportation Program Guidelines at <http://www.catc.ca.gov/programs/atp/> for reporting requirements. Additional reporting requirements may be required pending the Commission's adoption of the SB1 Accountability Guidelines.