

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 17-18, 2022

From: MITCH WEISS, Executive Director

Reference Number: 4.21, Action

Prepared By: Beverley Newman-Burckhard
Assistant Deputy Director

Published Date: August 5, 2022

Subject: Adoption of the Addendum to the Active Transportation Program Guidelines,
Resolution G-22-59, Amending Resolution G-22-30

Recommendation:

Staff recommends that the California Transportation Commission (Commission) adopt the Addendum to the 2023 Active Transportation Program Guidelines as proposed in Attachments A and B.

Issue:

The Budget Act of 2022, signed by the Governor on June 27, 2022, includes a \$1.05 billion one-time funding augmentation from the General Fund to the Active Transportation Program. Out of this total, \$1 million will be directed to the Department of Transportation (Caltrans) for program administration, leaving \$1.049 billion in new funding for the program. The funding augmentation is intended to fund new Active Transportation Program projects that increase walking and biking and increase the safety and mobility of non-motorized users. The proposed Addendum to the 2023 Active Transportation Program Guidelines outlines the policies and procedures for the use of the \$1.049 billion augmentation from the General Fund, which will be available for programming from fiscal years 2023-24 through 2026-27.

Background:

The Active Transportation Program was created by Senate Bill 99 (Committee on Budget and Fiscal Review, Chapter 359, Statutes of 2013) and Assembly Bill 101 (Committee on Budget, Chapter 354, Statutes of 2013) to encourage increased use of active modes of transportation, such as biking and walking. Senate Bill 1 (Beall, Chapter 5, Statutes of 2017) directs additional funding from the Road Maintenance and Rehabilitation Account to the Active Transportation Program. Along with the program's overall purpose of encouraging walking and biking, the program aims to increase the share of walking and biking trips, increase safety and mobility for non-motorized users, help regional agencies achieve greenhouse gas reduction goals, enhance public health, ensure that disadvantaged communities fully share in program benefits, and provide a broad spectrum of projects to benefit many types of active transportation users.

The 2023 Active Transportation Program is the program's sixth cycle. The 2023 Active Transportation Program Guidelines describe the policies, standards, criteria, and procedures for the program's development, adoption, and management. Applications to the 2023 Active Transportation Program were due on June 15, 2022. The Commission received 434 applications, with projects valued at \$4.3 billion and funding requests totaling \$3.1 billion. Staff recommendations for the Statewide and Small Urban and Rural components will be released by October 21, 2022, and the program of projects is expected to be adopted at the Commission's December 2022 meeting. The Commission will adopt the Metropolitan Planning Organization component program of projects at its June 2023 meeting.

Attachments:

- Attachment A: Resolution G-22-59
- Attachment B: Addendum to the 2023 Active Transportation Program Guidelines

**CALIFORNIA TRANSPORTATION COMMISSION
ADOPTION OF THE ADDENDUM TO 2023 ACTIVE TRANSPORTATION PROGRAM
GUIDELINES**

RESOLUTION G-22-59, AMENDING RESOLUTION G-22-30

- 1.1 **WHEREAS**, the Active Transportation Program was created by Senate Bill 99 (Committee on Budget and Fiscal Review, Chapter 359, Statutes of 2013) to encourage increased use of active modes of transportation, such as biking and walking, and
- 1.2 **WHEREAS**, Streets and Highway Code Section 2382 requires the California Transportation Commission (Commission) to adopt guidelines for the Active Transportation Program; and
- 1.3 **WHEREAS**, Streets and Highways Code section 2383 allows the Commission to amend those guidelines after holding at least one public hearing; and
- 1.4 **WHEREAS**, the Commission adopted the 2023 Active Transportation Program Guidelines on March 16, 2022; and
- 1.5 **WHEREAS**, the Budget Act of 2022, signed by the Governor on June 27, 2022, includes a one-time, \$1.049 billion funding augmentation from the General Fund for the Active Transportation Program, necessitating an Addendum to the 2023 Active Transportation Program Guidelines; and
- 1.6 **WHEREAS**, the Commission held a public workshop on July 14, 2022 to discuss the proposed Addendum to the 2023 Active Transportation Program Guidelines; and
- 1.7 **WHEREAS**, the Commission held a public hearing on the Addendum to the 2023 Active Transportation Program Guidelines at its August 2022 meeting.
- 1.8 **NOW, THEREFORE, BE IT RESOLVED**, that the Commission adopts the Addendum to the 2023 Active Transportation Program Guidelines to guide the use of the \$1.049 billion in augmentation funding from the General Fund; and
- 2.1 **BE IT FURTHER RESOLVED**, that the purpose of Addendum to the 2023 Active Transportation Program Guidelines is to identify the Commission's policy, standards, criteria, expectations, and procedures for the use of the Budget Act of 2022 General Fund augmentation funding, and thus provide guidance to applicants, implementing agencies, Metropolitan Planning Organizations, and the California Department of Transportation; and

- 2.2 **BE IT FURTHER RESOLVED**, that Commission staff is authorized to make minor technical changes as needed to the guidelines; and
- 2.3 **BE IT FURTHER RESOLVED**, that the Commission directs staff to post these guidelines on the Commission's website.

ADDENDUM TO THE 2023 ACTIVE TRANSPORTATION PROGRAM GUIDELINES 2022 State Budget General Fund Augmentation

This Addendum to the 2023 Active Transportation Program Guidelines outlines the policies and procedures for the use of the 2022 State Budget General Fund augmentation of the Active Transportation Program. Unless otherwise expressly modified by statute or this Addendum, the California Transportation Commission (Commission) will adhere to the 2023 Active Transportation Program Guidelines in the administration of the augmentation funds. The 2023 Active Transportation Program Guidelines are available on the Commission's website: <https://catc.ca.gov/-/media/ctc-media/documents/programs/atp/2022/adopted-2023-active-transportation-program-guidelines-a11y.pdf>.

I. Authority and Purpose

The Budget Act of 2022, signed by the Governor on June 27, 2022, includes a one-time, \$1.049 billion augmentation to the Active Transportation Program. The purpose of the funding augmentation is to fund new Active Transportation Program projects that increase walking and biking and increase the safety and mobility of non-motorized users

II. Funding and Programming Years

The \$1.049 billion appropriated to the Active Transportation Program in the 2022 California State Budget will be added to the \$650.74 million in program capacity available under the 2023 Active Transportation Program Fund Estimate, which the Commission adopted on March 16, 2022. In total, approximately \$1.707 billion will be available in the 2023 Active Transportation Program. An amended Fund Estimate incorporating the augmentation funds was adopted at the August 2022 Commission meeting under Reference Number 4.31. Programming capacity is available in fiscal years 2023-24, 2024-25, 2025-26, and 2026-27.

While the \$1.049 billion augmenting the Active Transportation Program will be state funds from the General Fund, projects funded in the 2023 Active Transportation Program Augmentation may need to be federal-aid eligible. The Active Transportation Program fund type portfolio includes a mix of federal and state funds. During allocation, the California Department of Transportation (Caltrans) recommends, and the Commission allocates, funding based on fund encumbrance deadlines to ensure no funding is lost. For additional information on federal aid eligibility requirements, please refer to the Federal-Aid Project Funding Guidelines at <https://catc.ca.gov/-/media/dot-media/programs/local-assistance/documents/stip/federal-aid-project-funding-guidelines20190128-a11p.pdf>.

III. Funding Distribution

The augmentation funding available for the 2023 Active Transportation Program will be distributed in accordance with Streets and Highways Code Section 2381 and the 2023 Active Transportation Program Guidelines, as follows:

- Fifty percent to the Statewide component for projects anywhere in the state, competitively selected by the Commission.
- Ten percent to the Small Urban and Rural component for projects in areas with populations of 200,000 or less, competitively selected by the Commission.
- Forty percent to metropolitan planning organizations in urban areas with populations greater than 200,000, in proportion to their relative share of population, selected through a competitive process by the metropolitan planning organizations.

The amended 2023 Active Transportation Program Fund Estimate indicates the funds available for each of the program components.

IV. Project Eligibility

The augmentation for the 2023 Active Transportation Program will follow the same eligibility requirements outlined in Section III of the 2023 Active Transportation Program Guidelines. In the Statewide and Small Urban and Rural components, only projects that were submitted to the 2023 statewide call for projects will be eligible for funding. In the Metropolitan Planning Organization component, projects that were unsuccessful in the 2023 statewide competition will be eligible for funding, as well as projects submitted to the relevant regional competition, if applicable.

V. Special Provisions for the Metropolitan Planning Organization Component

Metropolitan planning organizations with supplemental calls for projects in their regional competitions may extend the regional competition deadline to accommodate additional applications. If the metropolitan planning organization chooses to extend the deadline, the metropolitan planning organization must notify the Commission in writing by September 1, 2022. The metropolitan planning organization must include the original regional competition deadline and the new deadline in their request.

The Commission will not consider extensions to the Metropolitan Planning Organization component programming deadlines outlined in Section VII of this Addendum. Specifically, the Commission will not extend the deadlines for the submission of draft programming recommendations (February 20, 2023) or the submission of final programming recommendations (April 21, 2023).

Metropolitan planning organizations may make technical changes to their adopted regional guidelines to account for the augmentation funding, such as updating funding amounts to align with the amended 2023 Active Transportation program Fund Estimate. Metropolitan planning organizations must submit these changes to Commission staff by September 1, 2022. Commission staff will approve technical, non-substantive changes at the staff level. Any changes deemed substantive, such as changes to evaluation criteria or the project selection process, will be brought to the October 2022 Commission meeting for Commission approval.

Metropolitan planning organizations that did not submit 2023 Active Transportation Program Regional Guidelines, but that now wish to hold a supplemental call for projects may submit regional guidelines to the Commission for consideration. Regional

Guidelines must be submitted to the Commission by July 27, 2022 and will be considered at the August 2022 meeting.

VI. Project Selection Process

1. In the Statewide and Small Urban and Rural components, the Commission will use the project selection process outlined in Section V of the 2023 Active Transportation Program Guidelines.
2. In the Metropolitan Planning Organization component, Metropolitan planning organizations with Commission-approved regional guidelines must use the project selection process outlined in their Commission-adopted 2023 Active Transportation Program Regional Guidelines. Metropolitan Planning Organizations that do not have Commission-adopted regional guidelines must use the statewide project selection process and scores, as outlined in Subsection 21 of the 2023 Active Transportation Program Guidelines.
3. Commission staff and Caltrans will conduct a deliverability review of projects in all components before recommendation. Commission staff may confer with implementing agencies and metropolitan planning organizations to answer any deliverability questions prior to any funding recommendation.

VII. Schedule

The augmentation for the 2023 Active Transportation Program will follow the schedule approved in the 2023 Active Transportation Program Guidelines, with five additional milestones:

Milestone	Date
Deadline to submit late regional guidelines to Commission*	July 27, 2022
Commission adopts the Amended 2023 Active Transportation Program Fund Estimate*	August 17-18, 2022
Commission adopts Addendum to the 2023 Active Transportation Program Guidelines*	August 17-18, 2022
Deadline to inform Commission of regional competition application deadline change*	September 1, 2022
Deadline to submit technical regional guidelines changes to Commission*	September 1, 2022
Staff recommendations for Statewide and Small Urban and Rural components and Quick-Build Pilot Program posted	October 21, 2022
Commission adopts Statewide and Small Urban and Rural components and Quick-Build Pilot Program	December 7-8, 2022
Projects not programmed distributed to large MPOs based on location	December 2022

Deadline for MPO <u>Draft</u> project programming recommendations to the Commission	February 20, 2023
Deadline for MPO <u>Final</u> project programming recommendations to the Commission	April 21, 2023
Recommendations for MPO component posted	May 12, 2023
Commission adopts MPO-selected projects	June 28-29, 2023

**Milestone added by the Addendum to the 2023 Active Transportation Program Guidelines*

VIII. Accountability & Reporting

Implementing agencies receiving Active Transportation Program funds through augmentation to the 2023 Active Transportation Program must follow the project reporting requirements detailed in Subsection 37 of the 2023 Active Transportation Program Guidelines.