Notes from December 2, 2014 ATP Guidelines Workshop

CTC staff proposed changes were discussed in order of appearance in the discussion draft.

Timeline, page 2:

The proposed timeline is already a bit out of date, with the fund estimate likely to be adopted in March instead of January. Also, two hearings may not be held – one hearing, at the January CTC meeting, was proposed. SACOG staff proposed a change to the staff recommendation date for statewide and small urban & rural components. The proposed date of September 30 is too late for some MPOs to prepare their recommendations in time for adoption in December.

There was discussion regarding sequential programming (statewide first, with small urban & rural and MPO later). Some liked the current, sequential process, and some proposed changes to either concurrent or sequential with small urban & rural and MPOs first, then statewide. MPOs with supplemental calls for applications may want to have the application deadlines be the same. With the, again, short timeline for adoption of this program, CTC staff is reluctant to change the programming process in this second program cycle.

There was a request to amend the project application deadline to allow more time to prepare applications. Also, it was mentioned that the deadline date should be a postmark deadline rather than a received deadline.

Caltrans activities are not shown here, but they will be holding multiple training sessions that are anticipated to begin in March.

Matching Requirements, page 4:

CTC staff propose to eliminate the match requirement. There was really no discussion about elimination, but instead some comments about whether to award points to those projects that leverage other funds. Also, how would points be awarded – for total project leveraged funds or for leveraged funds only in the component being proposed for ATP funds? This was not determined at the workshop and is still open for comment.

Funding for Active Transportation Plans, page 4:

There was concern about the proposed language added – "community wide" (CTC staff would like to concentrate on plans for communities rather than small areas such as one street) and "predominantly" disadvantaged. We should define these terms – regarding "predominantly" we should perhaps point to the definition of disadvantaged later in the guidelines. Requiring community wide plans may preclude plans such as first mile, last mile. Also, we need to re-examine the language in the last paragraph on page 4 where it lists all the agencies. Tribes are not mentioned, and is it really necessary to list all types of eligible agencies when we could just say "eligible agencies"?

In addition, this section mentions first priority for agencies with no pedestrian, bicycle, safe routes to school or active transportation plans at all and second priority for those agencies that may have either a bicycle or pedestrian plan, but not both. There was discussion about adding an additional second priority to include agencies that need to update a plan that is older than 3 to 5 years (number of years still to be determined).

Eligible Projects, page 6:

CTC staff added language to say that a capital project that is required to receive other permit or development approval is not an eligible project. This language is not clear and needs to be rewritten. Staff intent is to not fund a project in the case where a developer is required to do that project as a condition of other development where the developer will make a profit. ATP funds should not be used to pay the Developer's required costs. Staff will work on this wording to clarify the meaning.

Disadvantaged Communities, page 8:

There was discussion about the definitions of disadvantaged communities. The first bullet, regarding median household income, may not work for some rural communities because it is based on census tract level data. Also a level of 80% of the statewide median is used, but statewide median is not defined. Staff should put in a number or perhaps a link to where the number can be found.

The second bullet, regarding CalEnviroScreen, was discussed in terms of whether these guidelines should mirror guidelines for cap and trade programs. Those programs use a level of 25% instead of 10%. There was concern that the lower percentage gave an unfair advantage to Southern California. CTC staff found that there is a long list of identified disadvantaged areas – by census tract – on CalEPAs website (including maps). Perhaps that list should be linked or referenced here.

There was discussion about the "fourth" option of letting the applicant explain why their community is disadvantaged even though it does not meet the aforementioned definitions. Some thought this should be removed, while others felt it is appropriate to allow for other definitions. This assumes the evaluators and/or CTC staff will verify the information provided prior to awarding any points. Backup data should be required to be included in the application if this option is kept.

Scoring Criteria, page 13:

This section of the guidelines was not discussed in detail, but will likely be part of the agenda for the second workshop in January. What was discussed was the requirement to use the benefit/cost model developed by Caltrans. The model may not be complete in time for this second program cycle. There was also concern that the model would not work for non-infrastructure or plans. Perhaps this should not be required for plans. Language may need to be added to allow for use of a different method/model if the Caltrans model does not work. Also, should staff include points for leveraging of other funds?

Other scoring criteria items that came up briefly include extra points for project readiness (construction ready), for multi-jurisdictional projects, for gap projects, and for projects that contribute to the regions GHG reduction strategy. There was discussion of how disadvantaged communities received the bulk of approved projects, leading to a question of whether the definition was too loose or whether too many points are being awarded. There was concern raised about making changes that could lead to the unintended consequence of leaving too many disadvantaged communities out of the running. It was suggested to be careful of any changes here.

Allocations, page 16:

There was a request to clarify the difference between PA&ED (environmental) and PS&E (design). The Commission does not follow the federal PE definition but instead breaks it down into two phases. It is important that an agency program sufficient funds in PA&ED to complete CEQA and NEPA, including any preliminary design that is required to complete these. PS&E will not be allocated until CEQA and NEPA are done and should be for completion of final design.

Project Delivery, page 16:

The language regarding how long funds are available after allocation needs to be clarified. For construction, allocated funds are available for award of a contract for 6 months. This can be extended by the Commission. Once a construction contract is awarded, the funds are available for 36 months. This can also be extended.

Design Standards, page 18:

The design standards narrative should be updated to take into account recently approved legislation such as AB 1193 that amended Streets and Highways Code Section 891.

Roles and Responsibilities, pages 20, 21 and 22:

Caltrans roles should include administration of the Technical Assistance Resource Center contracts.

MPO roles should include language regarding contingency lists. The language regarding amendments that CTC staff proposed to delete would instead be changed to incorporate changes per the contingency list. This language will also need to include what the contingency list limitations are. CTC staff suggested that contingency lists should expire at the next call for projects, while an MPO representative suggested they should expire at the next program adoption.

RTPAs and MPOs outside the nine large MPOs roles will not change, but staff will clarify the title. There was discussion of RTPA review or pre-selection of ATP

applications from their area. The role described here covers that. CTC staff does not want applications to be eliminated from the Statewide program by the regional agency, but instead wants input/recommendations on the proposed projects.

Discussion Items for Next Workshop:

Revised discussion draft – staff will make changes and clarifications and bring an updated draft to the January workshop.

How criteria will be scored – points for match, etc.

Draft application, including the requirement for a workplan for non-infrastructure projects.