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ACTIVE TRANSPORTATION PROGRAM

GUIDELINES

1/17/14

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INTRODUCTION

BACKGROUND

The Active Transportation Program 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.

These guidelines describe the policy, standards, criteria, and procedures for the development, adoption and management of the Active Transportation Program. The guidelines were developed in consultation with the Active Transportation Program Workgroup. The workgroup includes representatives from Caltrans, other government agencies, and active transportation stakeholder organizations with expertise in pedestrian and bicycle issues, including Safe Routes to School programs.

The California Transportation Commission (Commission) must hold at least two public hearings prior to adopting the Active Transportation Program guidelines. The Commission may amend the adopted 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.

PROGRAM GOALS

Pursuant to statute, the goals of the Active Transportation Program are to achieve:

- 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.

PROGRAM SCHEDULE

The guidelines for an initial two-year program of projects must be adopted by March 26, 2014 (within six months of enactment of the authorizing legislation). No later than 45 days prior to adopting the initial set of guidelines for the Active Transportation Program, the Commission must submit the draft guidelines to the Joint Legislative Budget Committee.

Subsequent programs must be adopted not later than April 1 of each odd-numbered year, however, the Commission may alternatively elect to adopt a program annually.

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The following schedule lists the major milestones for the development and adoption of the 2014 Active Transportation Program:

Commission adopts Fund Estimate	December 11, 2013
Guidelines hearing, South	January 22, 2014
Guidelines hearing, North	January 29, 2014
Guidelines submitted to the Joint Legislative Budget Committee	February 3, 2014
Commission adopts Active Transportation Program Guidelines	March 20, 2014
Call for projects	March 21, 2014
Project applications to Caltrans	May 21, 2014
Large MPOs submit optional guidelines to Caltrans	May 21, 2014
Commission approves or rejects MPO guidelines	June 25, 2014
Staff recommendation for statewide and rural/small urban portions of the program	August 8, 2014
Commission adopts statewide and rural/small urban portions of the program	August 20, 2014
Projects not programmed distributed to large MPOs based on location	August 20, 2014
Deadline for MPO project programming recommendations to the Commission	September 30, 2014
Commission adopts MPO selected projects	November 2014

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.

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

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:

1. Forty percent to Metropolitan Planning Organizations (MPO) in urban areas with populations greater than 200,000.

   These funds must be distributed based on total ~~county~~ 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 either large urban, small urban, or rural areas.

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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.

2. Ten percent to small urban and rural areas with populations of 200,000 or less, with projects competitively awarded by the Commission to projects in those regions. Federal law segregates the Transportation Alternative Program into separate small urban and rural competitions based upon their relative share of the state population. Small Urban areas are those with populations of 5,001 to 200,000. Rural areas are those with populations of 5,000 or less.

   25% of the funds in the Small Urban and Rural programs must benefit disadvantaged communities.

   Projects within the boundaries of a 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.

3. Fifty percent to projects competitively awarded by the Commission on a statewide basis.

   25% of the funds in the statewide competitive program must benefit disadvantaged communities.

   In the initial program, a minimum of $24 million per year of the statewide competitive program is available for safe routes to schools projects, with at least $7.2 million for non-infrastructure grants, including funding for a state technical assistance resource center.

MATCHING REQUIREMENTS

Projects must include at least ~~12~~ 11.47% in matching funds except for projects benefiting a disadvantaged community, stand-alone non-infrastructure projects and safe routes to schools projects. The source of the matching funds may be any combination of local, state or federal funds. Matching funds must be expended in the same project phase (permits and environmental studies; plans, specifications, and estimates; right-of-way capital outlay; support for right-of-way acquisition; construction capital outlay; and construction engineering) as the Active Transportation Program funding. Matching funds cannot be expended prior to the Commission allocation of Active Transportation Program funds. Matching funds, except matching funds over and above the required ~~12~~ 11.47%, must be expended concurrently and proportionally to the Active Transportation Program funds.

Large MPOs, in administering a competitive selection process, may require a ~~larger~~ different 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.

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FUNDING FOR ACTIVE TRANSPORTATION PLANS

Funding from the Active Transportation Program may be used to fund the development of bike, pedestrian, safe routes to schools, or active transportation plans in disadvantaged communities.

The Commission intends to set aside up to 5% of the funds in the statewide competitive program and in the rural and small urban program for funding active transportation plans in disadvantaged communities. A large MPO, in administering its portion of the program, ~~shall~~ may make up to 5% of its funding available for active transportation plans in disadvantaged communities within the MPO boundaries.

The first priority for the funding of active transportation 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 an active transportation plan. The second priority for the funding of active transportation 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.

REIMBURSEMENT

The Active Transportation Program is a reimbursement program for costs incurred. Reimbursement is requested through the invoice process detailed in Chapter 5, Accounting/Invoices, Local Assistance Procedures Manual. Costs incurred prior to Commission allocation and, for federally funded projects, Federal Highway Administration project approval (i.e. Authorization to Proceed) are not eligible for reimbursement.

ELIGIBILITY

ELIGIBLE APPLICANTS

The applicant for Active Transportation Program funds assumes responsibility and accountability for the use and expenditure of program funds. Applicants must be able to comply with all the federal and state laws, regulations, policies and procedures required to enter into a Local Administering Agency-State Master Agreement (Master Agreement). Refer to Chapter 4, Agreements, of the Local Assistance Procedures Manual for guidance and procedures on Master Agreements. The following entities, within the State of California, are eligible to apply for Active Transportation Program funds:

- Local, Regional or State Agencies- Examples include city, county, MPO*, and Regional Transportation Planning Agency.
- Caltrans*
- Transit Agencies - Any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration.
- Natural Resource or Public Land Agencies - Federal, Tribal, State, or local agency responsible for natural resources or public land administration Examples include:
    - State or local park or forest agencies
    - State or local fish and game or wildlife agencies
    - Department of the Interior Land Management Agencies
    - U.S. Forest Service

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- Public schools or School districts~~ – May include any public or nonprofit private school. Projects must benefit the general public, and not only a private entity~~.
- Tribal Governments - Federally-recognized Native American Tribes.
- Private nonprofit tax-exempt organizations may apply for Recreational Trail Projects. 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.

For funding awarded to a tribal government, a fund transfer to the Bureau of Indian Affairs ~~is required~~ 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.*

PARTNERING WITH IMPLEMENTATING AGENCIES

Entities 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. Entities that are unfamiliar with the requirements to administer a Federal-Aid Highway Program project may partner with an eligible applicant that can implement the project. This arrangement must be formalized through a signed Memorandum of Understanding or Interagency Agreement between the project applicant and implementing agency.

The implementing agency will be responsible and accountable for the use and expenditure of program funds.

ELIGIBLE PROJECTS

All projects must be selected through a competitive process and must meet one or more of the program goals. Because the majority of funds in the Active Transportation Program are federal funds, most ~~infrastructure projects and all non-infrastructure~~ projects must be federal-aid eligible:

- Infrastructure Projects: Capital improvements that will further the goals of this program. This typically includes the planning, design, and construction of facilities.
- Non-infrastructure Projects: Education, encouragement, enforcement, and planning activities that further the goals of this program. The Commission intends to focus funding for non-infrastructure projects on pilot and start-up projects that can demonstrate funding for ongoing efforts. The Active Transportation Program funds are not intended to fund ongoing program operations. Non-infrastructure projects are not limited to those benefiting school students.
- Infrastructure projects with non-infrastructure components.

MINIMUM REQUEST FOR FUNDS

In order to maximize the effectiveness of program funds and to encourage the aggregation of small projects into a comprehensive bundle of projects, the minimum request for Active Transportation Program

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funds that will be considered is $250,000. This minimum does not apply to non-infrastructure projects, Safe Routes to Schools projects, and Recreational Trails projects.

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 the MPO's call for projects.

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.

- 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 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.
- 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 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, including but 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 bikability assessments or audits, or pedestrian and/or bicycle safety analysis to inform plans and projects.
    - 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.
    - 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.

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- 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.

PROJECT TYPE REQUIREMENTS

As discussed in the Funding Distribution section (above), State and Federal law segregate the Active Transportation Program into multiple, overlapping components. Below is an explanation of the requirements specific to these components.

DISADVANTAGED COMMUNITIES

For a project to contribute toward the Disadvantaged Communities funding requirement, the project must clearly demonstrate a benefit to a community that meets any of the following criteria:

- The median household income is less than 80% of the statewide ~~average~~ median based on the most current census tract level data from the American Community Survey. Data is available at http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml
- An area identified as among the most disadvantaged 10% in the state according to latest versions of the California Communities Environmental Health Screening Tool (CalEnviroScreen) scores. Scores are available at http://oehha.ca.gov/ej/ces11.html.
- 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/filessp.asp. Applicants using this measure must indicate how the project benefits the school students in the project area or, for projects not directly benefiting school students, explain why this measure is representative of the larger community.

If a project applicant believes a project benefits a disadvantaged community but the project does not meet the aforementioned criteria, the applicant must submit for consideration a quantitative assessment of why the community should be considered disadvantaged.

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 the MPO's call for projects.

SAFE ROUTES TO SCHOOL PROJECTS

For a project to contribute toward the Safe Routes to School funding requirement, 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. Other than traffic education and enforcement activities, non-infrastructure projects do not have a location restriction.

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RECREATIONAL TRAILS PROJECTS

For trail projects that are primarily recreational to be eligible for Active Transportation Program funding, the projects must 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/). Multi-purpose trails and paths that serve both recreational and transportation purposes are generally eligible in the ATP, so long as they are consistent with one or more goals of the program.

TECHNICAL ASSISTANCE RESOURCE CENTER

In 2009, the University of California, San Francisco was awarded federal Safe Routes to School funds to act as the Technical Assistance Resource Center for the purpose of building and supporting local regional Safe Routes School non-infrastructure projects.

Typical center roles have included:

- Providing technical assistance and training to help agencies deliver existing and future projects and to strengthen community involvement in future projects including those in disadvantaged communities.
- Developing and providing educational materials to local communities by developing a community awareness kit, creating an enhanced Safe Routes to Schools website, and providing other educational tools and resources.
- Participating in and assisting with the Safe Routes to Schools Advisory Committee.
- Assisting with program evaluation.

The Commission intends to comply with the statutory requirement to fund a state technical assistance center by expanding the existing Safe Routes to Schools Technical Assistance Resource Center interagency agreement to serve all Active Transportation Program non-infrastructure projects.

PROJECT SELECTION PROCESS

PROJECT APPLICATION

Active Transportation Program project applications will be available at www.dot.ca.gov/hq/LocalPrograms/atp/index.html.

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

Project applications should be addressed or delivered to:

Caltrans
Division of Local Assistance, MS-1
Attention: April Nitsos
P.O. Box 942874
Sacramento, CA 95814

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Except for applications submitted through an optional MPO supplemental call for project, the Commission will consider only projects for which five hard copies and one electronic copy (via cd or portable hard drive) of a complete application are received by *May 21, 2014*. By the same date, an additional copy must also be sent to the Regional Transportation Planning Agency or County Transportation Commission within which the project is located and to the MPO (a contact list can be found at www.dot.ca.gov/hq/tpp/offices/orip/).

SEQUENTIAL PROJECT SELECTION

All project applications, except for applications submitted through an optional MPO supplemental call for projects, must be submitted to Caltrans for consideration in the statewide competition. The Commission will consider approval of a competitive grant only when it finds that the grant request meets the requirements of statute and that the project has a commitment of any supplementary funding needed for a full funding plan.

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

A large urban MPO may elect to have a supplemental MPO specific call for projects. The projects received in this call must be considered along with those not selected through the statewide competition.

MPO COMPETITIVE PROJECT SELECTION

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

An MPO choosing to use the same project selection criteria and weighting, minimum project size, match requirement, and definition of disadvantage communities as used by the Commission for the statewide competition may defer its project selection to the Commission. An MPO deferring its project select to the Commission may not conduct a supplemental call for projects.

An MPO, with Commission approval, may use a different project selection criteria or weighting, minimum project size, match requirement, or definition of disadvantage communities for its competitive selection process. Use of a minimum project size of $500,000 or less, or of a ~~larger~~ different match requirement than in the statewide competitive program does not require prior Commission approval. An MPO may also elect to have a supplemental MPO specific call for projects. The projects received in this call must be considered along with those not selected through the statewide competition.

In administering a competitive selection process, a MPO must use a multidisciplinary advisory group to assist in evaluating project applications. Following its competitive selection process, a MPO must submit its programming recommendations to the Commission along with a list of the members of its multidisciplinary advisory group. If the MPO submitted a project application and that project is recommended for programming, the MPO must explain how its evaluation process resulted in an unbiased evaluation of projects.

SCREENING CRITERIA

Demonstrated needs of the applicant: A project that is already fully funded will not be considered for funding in the Active Transportation Program. The Commission will make an exception to this policy by allowing the supplanting of federal funds on a project for the 2014 Active Transportation Program.

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Consistency with a regional transportation plan: All projects submitted must be consistent with the relevant adopted regional transportation plan that has been developed and updated pursuant to Government Code Section 65080.

SCORING CRITERIA

Proposed projects will be rated and ranked on the basis of applicant responses to the below criteria. 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.

- 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. (0 to 30 points)

- Potential for reducing the number and/or rate of pedestrian and bicyclist fatalities and injuries, including the identification of safety hazards for pedestrians and bicyclists. (0 to 25 points)

- Public participation and Planning. (0 to 15 points)

  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 resulted in the identification and prioritization of the proposed project.

  For projects costing $1 million or more, an emphasis will be placed on projects that are prioritized in an adopted city or county bicycle transportation plan, pursuant to Section 891.2, pedestrian plan, safe routes to school plan, active transportation plan, trail plan, or circulation element of a general plan that incorporated elements of an active transportation plan. In future funding cycles, the Commission expects to make consistency with an approved active transportation plan a requirement for large projects.

- Cost-effectiveness, defined as maximizing the impact of the funds provided. (0 to 10 points)

  Applicants must discuss the relative costs and benefits of the range of alternatives considered and quantify the safety and mobility benefit in relationship to total project cost.

  Caltrans must develop a benefit/cost model for infrastructure and non-infrastructure active transportation projects in order to improve information available to decision makers at the state and MPO level in future programming cycles.

- Improved public health through the targeting of populations with high risk factors for obesity, physical inactivity, asthma or other health issues. (0 to 10 points)

- Benefit to disadvantaged communities. (0 to 10 points)

- 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. (0 to -5 points)

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The California Conservation Corps can be contacted at ccc.ca.gov. Community conservation corps can be contacted at californialocalconservationcorps.org.

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 included in the project application as supporting documentation.

- Applicant's performance on past grants. This may include project delivery, project benefits (anticipated v. actual), and use of the California Conservation Corps or qualified community conservation corps (planned v. actual). Applications from agencies with documented poor performance records on past grants may be excluded from competing or may be penalized in scoring. (0 to -10 points)

PROJECT EVALUATION COMMITTEE

Commission staff will form a multidisciplinary Project Evaluation Committee to assist in evaluating project applications. In forming the Project Evaluation Committee, staff will seek participants with expertise in bicycling and pedestrian transportation, including Safe Routes to Schools type projects, and in projects benefiting disadvantaged communities, and will seek geographically balanced representation from state agencies, large MPOs, regional transportation planning agencies, local jurisdictions in small urban and rural areas, and non-governmental organizations. Priority for participation in the evaluation committee will be given to those who do not represent a project applicant, or will not benefit from projects submitted by others.

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

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

PROGRAMMING

PROJECT PROGRAMMING

Following at least one public hearing, the Commission will adopt a program of projects for the Active Transportation Program, by April 1 of each odd numbered year. The Active Transportation Program must be developed consistent with the fund estimate and the amount programmed in each 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. Project costs in the Active Transportation Program will include all project support costs and all project listings will specify costs for each of the following components: (1) completion of all permits and environmental studies; (2) preparation of plans, specifications, and estimates; (3) right-of-way capital outlay (4) support for right-of-way acquisition; (5) construction capital outlay; and (6) construction management and engineering, including surveys and inspection. 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.

When proposing to fund only preconstruction components for a 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 or the Caltrans interregional transportation strategic plan.

When project design, right-of-way or construction are programmed before the implementing agency completes the environmental process, updated cost estimates, updated analysis of the project's cost effectiveness, and updated analysis of the project's ability to further the goals of the program must be submitted to the Commission following completion of the environmental process. If this updated information indicates that a project is expected to accomplish fewer benefits or is less cost effective as compared with the initial project application, future funding for the project may be deleted from the program. For the MPO selected competitions, this information must be submitted to the MPO. It is the responsibility of the MPO to recommend that the project be deleted from the program if warranted.

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 and other committed funding. 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. ~~except that unprogrammed funds will not carry over into a subsequent fund estimate~~.

The intent of the Commission is to consolidate the allocation of federal funds to as few projects as practicable. Therefore, the smallest project may be designated, at the time of programming, for state-only funding.

ALLOCATIONS

The Commission will consider the allocation of funds for a project when it receives an allocation request and recommendation from Caltrans in the same manner as for the STIP (see section 64 of the STIP guidelines). The recommendation will include a determination of project readiness, the availability of appropriated funding, and the availability of all identified and committed supplementary funding.

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.

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.

In compliance with Section 21150 of the Public Resources Code, the Commission will not allocate funds for design, right-of-way, or construction prior to documentation of environmental clearance under the California Environmental Quality Act. As a matter of policy, the Commission will not allocate funds for design, right-of-way, or construction of 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.

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. An MPO, in administering its competitive portion of the Active Transportation Program, must determine which projects to advance and make that recommendation to the Commission. Unallocated funds in one fiscal year will carry over and be available for projects in the following fiscal year.

PROJECT DELIVERY

Active Transportation Program allocations must be requested in the fiscal year of project programming, and are valid for award for six months from the date of allocation unless the Commission approves an extension. Applicants may submit and the Commission will evaluate extension requests in the same manner as for STIP projects (see section 66 of the STIP guidelines) except that extension to the period for project allocation and for project award will be limited to twelve months. 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.

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.

Whenever programmed funds are not allocated within the fiscal year they programmed or within the time allowed by an approved extension, the project will be deleted from the Active Transportation Program. Funds available following the deletion of a project may be allocated to a programmed project advanced from a future fiscal year. An MPO, in administering its competitive portion of the Active Transportation Program, must determine which projects to advance and make that recommendation to the Commission. Unallocated funds in one fiscal year will carry over and be available for projects in the following fiscal year.

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

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. After the award of a contract, the

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implementing agency has up to 36 months to complete (accept) the contract. At the time of 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 implementing agency has six months after contract acceptance to make the final payment to the contractor or vendor, prepare the final Report of Expenditure and submit the final invoice to Caltrans for reimbursement.

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 awarded, the savings generated will not be available for future programming.

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

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 deobligation if proper justification is not provided.

PROJECT REPORTING

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

Within one year of the project becoming operable, the implementing agency must provide a final delivery report to the Commission which includes:

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

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

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

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Caltrans must audit a sample 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

CALIFORNIA TRANSPORTATION COMMISSION (COMMISSION)

The Commission responsibilities include:

- Adopt guidelines and policies for the Active Transportation Program.
- Adopt Active Transportation Program Fund Estimate.
- Evaluate projects, including the forming of the Project Evaluation Committee.
- Adopt a program of projects, including:
    - The statewide portion of the Active Transportation Program,
    - The rural portion of the Active Transportation Program,
    - The small urban portion of the Active Transportation Program, and
    - The MPO selected portion of the program based on the recommendations of the MPOs.
    - Ensure that at least 25% of the funds benefit disadvantage communities.
- Allocate funds to projects.
- Evaluate and report to the legislature.

CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

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

- Provide statewide program and procedural guidance (i.e. provide project evaluation of materials and instructions), conducts 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.
- Facilitate the Project Evaluation Committee.
- Perform eligibility reviews of Active Transportation Program projects.
- ~~Review project applications for scope, cost, schedule, and completeness.~~ Evaluate, score, and rank applications.
- Recommend projects to the Commission for programming and allocation.
- Notify applicants of the results after each call for projects.
- Track and report on project implementation.
- Audit a selection of projects
- Serve as the main point of contact in project implementation, including the technical assistance resource center, after notifying successful applicants of award.

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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 must benefit disadvantage communities.
- If using different project selection criteria or weighting, minimum project size, match requirement, or definition of disadvantage communities for its competitive selection process, the MPO must obtain Commission approval prior to the MPO's call for projects. Use of a minimum project size of $500,000 or less, or of a ~~larger~~ different match requirement than in the statewide competitive program does not require prior Commission approval.
- 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.
- In administering a competitive selection process, a MPO must use a multidisciplinary advisory group to assist in evaluating project applications.
- In administering a competitive selection process, a 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 disadvantage communities as used by the Commission for the statewide competition may defer its project selection to the Commission. An MPO deferring its project select to the Commission must notify the Commission my May 21, 2014, and may not conduct a supplemental call for projects.
- Approve amendments to the MPO selected portion of the program prior to Commission approval.
- 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.
- Submit an annual assessment of its portion of the program it terms of its effectiveness in achieving the goals of the Active Transportation Program.

In addition, the following statutory requirements apply specifically to the Southern California Association of Governments (SCAG):

- SCAG must consult with county transportation commissions, the Commission, and Caltrans in the development of competitive project selection criteria. The criteria should include consideration of geographic equity, consistent with program objectives.
- SCAG must place priority on projects that are consistent with plans adopted by local and regional governments within the county where the project is located.
- SCAG must obtain concurrence from the county transportation commissions.

REGIONAL TRANSPORTATION PLANNING AGENCIES (RTPAS) OUTSIDE AN MPO WITH LARGE URBANIZED AREAS AND AN MPO WITHOUT LARGE URBANIZED AREAS

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

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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 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.

ACTIVE TRANSPORTATION PLAN

A city, county, county transportation commission, regional transportation planning agency, MPO, school district, or transit district may prepare an active transportation plan. 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. An active transportation plan must include, but not be limited to, the following components or explain why the component is not applicable:

a) 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) 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.
c) 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, and other destinations.
d) A map and description of existing and proposed bicycle transportation facilities.
e) A map and description of existing and proposed end-of-trip bicycle parking facilities.
f) 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.
g) 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, 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.
h) A map and description of existing and proposed pedestrian facilities at major transit hubs. These must include, but are not limited to, rail and transit terminals, and ferry docks and landings.
i) A description of proposed signage providing wayfinding along bicycle and pedestrian networks to designated destinations.
j) 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, freedom from encroaching vegetation, maintenance of traffic control devices including striping and other pavement markings, and lighting.

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k) A description of bicycle and pedestrian safety, education, and encouragement programs conducted in the area included within the plan, 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 accidents involving bicyclists and pedestrians.
l) A description of the extent of community involvement in development of the plan, including disadvantaged and underserved communities.
m) A description of how the active transportation plan has been coordinated with neighboring jurisdictions 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.
n) 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.
o) A description of past expenditures for bicycle and pedestrian facilities and programs, and future financial needs for projects and programs that improve safety and convenience for bicyclists and pedestrians in the plan area. Include anticipated revenue sources and potential grant funding for bicycle and pedestrian uses.
p) 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.
q) 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 active transportation facilities which will implement the plan.

Additional information related to active transportation plans can be found in the sections on Funding for Active Transportation Plans and Scoring Criteria.

FEDERAL REQUIREMENTS

Unless 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

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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 architects, landscape architects, land surveyors, or engineers, the procedures in the Chapter 10, Consultant Selection, of the Local Assistance Procedures Manual must be followed.
- 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.

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. 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. The chapter also describes design exception approval procedures, including the delegation of design exception approval authority to the City and County Public Works Directors for projects not on the state highway system. These standards and procedures, including the exception approval process, must be used for all Active Transportation Program projects ~~except recreation trails 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.

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.

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By December 31, 2014, the Commission will post on its website information about the initial program of projects, including a list of all projects programmed and allocated in each portion of the program, by region, and by project type, along with information on grants awarded to disadvantaged communities,

After 2014, 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.

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