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ACTIVE TRANSPORTATION PROGRAM

GUIDELINES

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INTRODUCTION

BACKGROUND

The Active Transportation Program was created by Senate Bill 99 (Chapter 359, Statutes 2013) and Assembly Bill 101 (Chapter 354, Statutes 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. They 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 Commission must hold at least two public hearings prior to adopting these guidelines. The Commission may amend the adopted guidelines after conducting at least one public hearing. The Commission shall make a reasonable effort to amend the guidelines prior to the 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 the 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.

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

- December 11, 2013: Commission adopts Fund Estimate
- January 22, 2014: Guidelines hearing, South
- January 29, 2014: Guidelines hearing, North

- February 3, 2104: Guidelines submitted to the Joint Legislative Budget Committee
- March 20, 2014: Commission adopts Active Transportation Program Guidelines
- March 21, 2014: Call for projects
- May 21, 2014: Project applications to Commission
- May 21, 2014: Large MPO guidelines to Commission (optional)
- June 25, 2014: Commission approves or rejects MPO guidelines
- August 20, 2014: Commission adopts Active Transportation Program (statewide and rural/small urban portions). Projects not programmed distributed to large MPOs based on location.
- September 30, 2014: Deadline for MPO project programming recommendations to the Commission.
- November 2014: Commission programming of MPO selected projects.

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 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 shall indicate the funds available for each of the program components. Consistent with these requirements, the Active Transportation Program funds shall be distributed as follows:

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

   These funds shall be distributed based on total county population. The funds programmed and allocated under this paragraph shall 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.

   25% of the funds in each MPO must benefit disadvantaged communities.

The following statutory requirements apply specifically to the Southern California Association of Governments (SCAG)

- SCAG shall 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 shall place priority on projects that are consistent with plans adopted by local and regional governments within the county where the project is located.
- SCAG shall obtain concurrence from the county transportation commissions.

2. Ten percent to small urban and rural regions with populations of 200,000 or less, with projects competitively awarded by the Commission to projects in those regions. Federal law segregates Transportation Alternative Program into separate small urban and rural competitions~~; therefore this portion of the program will be segregated into separate Small Urban and Rural programs~~ 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 below 5,000.

   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 three years of the program, $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 requesting up to $1 million and that do not benefit a disadvantaged community shall include at least 10% in matching funds. All projects requesting $5 million or more shall include at least 20% in matching funds. The source of the match funds cannot be state or federal funds subject to allocation by the Commission. The match must be in the same component as the Active Transportation Program funding. Additionally, match funds must be expended after Commission Active Transportation Program allocation funds, and concurrently and proportionally to the Active Transportation Program funds.

Large MPOs, in administering a competitive selection process, may require a different funding match for projects selected through their competitive process. Applicants from within a large MPO should be aware that the requirements in these two competitions may differ.

FUNDING FOR ACTIVE TRANSPORTATION PLANS

The Commission will make a percentage of Active Transportation Program funding available for the funding of active transportation plans in disadvantaged communities. The percentage of funding available for active transportation plans will be based on the percentage of Active Transportation Program that request funding for plans. This percentage will be applied first to the statewide competitive program then

subsequently to the rural and small urban portion of the program. A large MPO in administering its portion of the program may use the same percentage methodology to determining the funding available for active transportation plans within the MPO or it may propose an alternate methodology.

The first priority for the funding of active transportation plans will be for cities, counties, 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 or counties 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
- School districts, local education agencies, or schools – 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 and Caltrans determine to be eligible.

For funding awarded to a tribal government, a fund transfer to the Bureau of Indian Affairs is required. A tribal government may also partner with another eligible entity to apply if desired.

** State DOTs and MPOs are not eligible project sponsors for the federal TAP 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, enter into a Master Agreement with the State, or 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 should be formalized through a signed Memorandum of Understanding or Interagency Agreement between the project applicant and implementing agency, documentation of which must be included with the project application.

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

ELIGIBLE PROJECTS

All projects shall be selected through a competitive process and must meet one or more of the program goals. Because the majority for 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, and enforcement 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. These grants 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.

In order to maximize the effectiveness of program funding and to encourage the aggregation of small projects into a comprehensive bundle of projects, the minimum request for Active Transportation Program funds for an infrastructure project, excluding Safe Routes to Schools projects, that will be considered is ~~$500,000~~ $250,000. MPOs, in administering a competitive selection process, may use 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.
- Recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails.
- Education programs to increase bicycling and walking, and other non-infrastructure investments that demonstrate effectiveness in increasing active transportation, including:
    - Developing bike-to-work or 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.
    - Developing walking school bus/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.
    - School crossing guard training.
    - School bicycle clinics.
- Development of a bike, pedestrian or active transportation plan.

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 shall 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 based on zip code level data from the American Community Survey. Data is available at http://www.dof.ca.gov/research/demographic/state_census_data_center/american_community_survey/.

- 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 shall 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 may 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 shall 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 public school bus stop. Other than traffic education and enforcement activities, non-infrastructure projects do not have a location restriction.

RECREATIONAL TRAILS PROJECTS

For Recreational Trails types of projects to be eligible for Active Transportation Program funding, the projects must meet the federal requirements of the Recreational Trails Program (http://www.fhwa.dot.gov/environment/recreational_trails/) as such projects may not be eligible for funding from other sources.

TECHNICAL ASSISTANCE RESOURCE CENTER

In 2010, Caltrans entered into a multi-year interagency agreement with the California Department of Public Health and the University of California, San Francisco to act as the Technical Assistance Resource Center for the Safe Routes to Schools program. The purpose of the center is to build and support capacity among local and regional Safe Routes to School projects with an emphasis on 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.

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- 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 include the serving entire active transportation program. Should this not occur, the Commission will consider grant applications to fund additional technical assistance activities.

PROJECT SELECTION PROCESS

PROJECT APPLICATION

Active Transportation Program project applications are available at www.dot.ca.gov

A project nomination shall 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, the documentation of the agreement between the project applicant and implementing agency. A project nomination shall also include documentation of all other funds committed to the projects.

Project nominations should be addressed or delivered to:

Caltrans
1120 N Street
Sacramento, CA 95814

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 of a complete nomination are received by *May 21, 2014*. By the same date, an additional copy shall also be sent to the Regional Transportation Planning Agency or County Transportation Commission within which the project is located and to the MPO if the project is located within a multi-county MPO.

SEQUENTIAL PROJECT SELECTION

All project applications, except for applications submitted through an optional MPO supplemental call shall be submitted to the 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 shall 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 shall be considered along with those not selected through the statewide competition.

A large urban MPO choosing to use the same project selection criteria and weighting, minimum project size, and definition of disadvantage communities for its competitive selection process may defer its project selection to the Commission.

MPO COMPETITIVE PROJECT SELECTION

Projects not selected for programming in the statewide competition shall be considered by the MPOs in administering a competitive selection process. A 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.

A 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 smaller match requirement than in the statewide competitive program does not require prior Commission approval. A MPO may also elect to have a supplemental MPO specific call for projects. The projects received in this call shall be considered along with those not selected through the statewide competition.

In administering a competitive selection process, a MPO shall use a multidisciplinary advisory group to assist in evaluating project applications. Following its competitive selection process, a MPO shall submit it programming recommendations to the Commission along with a list of the members of its multidisciplinary advisory group.

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.

Consistence 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 because of the various components of the Active Transportation Program and the 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 local public participation process that culminated in the project proposal, which may include noticed meetings and consultation with local stake holders. Project applicants must clearly 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 demonstrate consistency with 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. 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 shall discuss the relative costs and benefits of the range of alternative considered and quantify the safety and mobility benefit in relationship to total project cost.

  Caltrans shall 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 at-risk or vulnerable populations. (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)

  Direct contracting with the California Conservation Corps or a qualified community conservation corps without bidding is permissible provided that the responsible agency demonstrates cost effectiveness per 23 CFR 635.204 and obtains approval from Caltrans. A copy of the agreement between the responsible agency and the proposed conservation corps shall 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 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 is 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 representation from state agencies, large MPOs, 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 sponsor or applicant, or will not benefit from projects submitted by others.

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

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MPOs, in administering a competitive selection process, shall 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 an annual program of projects for the Active Transportation Program, by April 1 of each odd numbered year. The Active Transportation Program shall be developed consistent with the fund estimate and the amount programmed in each fiscal year shall 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 project construction or equipment acquisition, including any additional supplementary funding. 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 cost component will be listed in the Active Transportation Program no earlier than in the fiscal year in which the particular project component can be delivered.

When proposing to fund only preconstruction components for a project, the applicant should 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 sponsoring 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 shall 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 should 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 Transportation Improvement Program adoption. For federal discretionary funds, the commitment may be by federal approval of a full funding grant agreement or by grant approval.

~~The Commission may approve an amendment to the Active Transportation Program at any time. An amendment must appear in an agenda published 10 days in advance of the Commission meeting. Amendments do not require the 30-day notice that applies to a State Transportation Improvement~~

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~~Program (STIP) amendment. Amendments to the MPO selected portion of the program must be approved by the MPO prior to Commission 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 ~~for future program amendments~~ to advance programmed projects. 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 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 shall 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, 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 a project requests an allocation of funds in an amount that is less than the amount programmed, that allocation savings may be allocated to a programmed project advanced from a future fiscal year. A MPO, in administering its competitive portion of the Active Transportation Program, shall 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, except that unallocated funds will not carry over into a subsequent fund estimate.

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. However, 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. 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. 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

Whenever programmed funds are not allocated within this deadline, 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. A MPO, in administering its competitive portion of the Active Transportation Program, shall 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, except that unallocated funds will not carry over into a subsequent fund estimate.

The responsible 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 project sponsor 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 project sponsor 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.

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 saving generated will not be available for future programming or allocation.

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

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 deem "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 ~~quarterly~~ 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 shall also submit copies of its semi-annual reports and of its final deliver report to the MPO. The purpose of the reports is to ensure that the project is being executed in a timely fashion and is within the scope and budget identified when the decision was made to fund the project. Costs associated with reporting are an eligible project cost.

Within ~~six months~~ one year of the project becoming operable, the implementing agency shall 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.

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.

Caltrans shall audit a sample of Active Transportation Program projects to 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.

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.
- 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 to the Districts (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.
- 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.
- Recommend project to the Commission for programming and allocation.
- Notify applicants of the results after each call for projects.
- Track project implementation.
- Serve as the main point of contact in project implementation after notifying successful applicants of award.

METROPOLITAN PLANNING ORGANIZATIONS WITH LARGE URBANIZED AREAS

These MPOs 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 smaller 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 shall be considered along with those received in the supplemental call for projects.
- In administering a competitive selection process, a MPO shall use a multidisciplinary advisory group to assist in evaluating project applications.
- In administering a competitive selection process, a MPO shall explain how the projects recommended for programming by the MPO include a broad spectrum of projects to benefit pedestrians and bicyclists. The explanation shall include a discussion of how the recommended projects benefit students walking and cycling to school.
- A MPO choosing to use the same project selection criteria and weighting, minimum project size, and definition of disadvantage communities for its competitive selection process may defer its project selection to the Commission.
- 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.

The following statutory requirements apply specifically to the Southern California Association of Governments (SCAG)

- SCAG shall 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 shall place priority on projects that are consistent with plans adopted by local and regional governments within the county where the project is located.
- SCAG shall obtain concurrence from the county transportation.

REGIONAL TRANSPORTATION PLANNING AGENCIES OUTSIDE A MPO WITH LARGE URBANIZED AREAS AND A MPO WITHOUT LARGE URBANIZED AREAS

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

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 has contractual responsibility for carrying out the project to completion in accordance with federal, state, and local laws and regulations, and these guidelines. For capital projects, the project applicant will be responsible for the ongoing operations and maintenance of the facility.

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. A 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 shall include, but not be limited to, the following components:

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 shall 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 shall 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 shall include, but not be 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.
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 citizen and community involvement in development of the plan, including, but not limited to, letters of support.
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 staffing needs to implement projects and programs and current staff resources dedicated to bicycle and pedestrian uses.
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.

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 Procedure 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 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

Chapter 11, Design Standards, of the Caltrans Local Assistance Procedure 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. These standards and procedures shall be used for all Active Transportation Program projects. With each programming cycle, Caltrans shall report on the number and nature of design exceptions requested, whether those design exceptions were approved or denied, and when denied the reason for the denial.

For capital projects, the project applicant will be responsible for the ongoing operations and maintenance of the facility.

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, 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 will be asked to 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 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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