

FY 2017-18 Final Draft SB 1 Sustainable Communities Grant Guide Comment Log

September 1, 2017

Organization	Page/ Other Topic	Comments
California Association of Councils of Governments	General	Withholding funds from an MPO that is forced to adopt an APS Contradicts the intent of SB 375. Eligibility for formula or competitive funding should be based on having either SCS or APS that has been certified by ARB that it would achieve the state target. We concur that an MPO should be challenged to feasibly meet an SB 375 reduction targets set by ARB. But SB 375 was also carefully drafted to account for instances when it is infeasible to achieve the GHG reduction target within a fiscally-constrained SCS. In these instances, the MPO must develop an Alternative Planning Strategy (APS) that should also be certified by the Air Resources Board (ARB). The Sustainable Planning Guidelines appear to be premised on the notion that an MPO that is otherwise capable of achieving a target may nevertheless elect to adopt an APS. But that is not how the law reads. An MPO must (“shall”) adopt an SCS if there is a feasible way to do so. See Cal. Gov’t Code § 65080(b)(2)(B) (vii). In other words, the APS is only available if the state-set target is not feasible. This off-ramp assures that MPOs in these circumstances would remain in compliance with federal law (and air quality conformity rules). But for purposes of state climate goals, the APS assures that the MPO still has a plan in place to achieve the state’s objective if resources do become available.
California Association of Councils of Governments	General	We can appreciate the motivation here; that sustainable planning funding should “reward” good actors. But the SCS/APS distinction was not created to identify good and bad actors; it was created to identify instances when on-the-ground resources did not match state goals. The APS is more an accountability measure for state allocation of resources than it is a check on regional policy. This is where the Guidelines falls short: the state should be stepping up when a region has identified a lack of feasible alternatives, not stepping back. As a result, the provision of the Guidelines contradict the intent of SB 375. A better approach would be to include additional requirements on an agency with an APS to assure that the Sustainable Planning Funds were being used in a way to address the feasibility issues in that region. This approach is wholly consistent with how SB 375 addresses the issue of CEQA streamlining. Public Resources Code Section 21159.28 (added by SB 375) provides that if a qualifying project is entitled to CEQA relief if it is consistent with “either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board . . . has accepted the metropolitan planning organization’s determination (that the SCS or APS would achieve the GHG target if implemented).”
California Association of Councils of Governments	General	The Sustainable Planning Grant Program should follow the SB 375 model. To be eligible, the MPO must have either an SCS or APS that has been certified by ARB according to process set out in SB 375. If needed, the Guidelines could outline a process where the regional agency assured funds would be used for the purposes that would further their GHG reductions. This makes sense from a statewide policy perspective: regions that are having the most difficult achieving the target should be afforded similar resources to achieve the targets, or they will always be behind.
Contra Costa County	General	The draft grant guidelines have no information regarding the eligibility of studies related to accessible transit, paratransit, mobility management and the like. This is a glaring omission and in contrast to the “California Transportation Plan 2040” which includes a goal throughout, “Improve Multimodal Mobility and Accessibility for All People” in addition to in conflict with environmental justice policies and likely other related regulations.
County of Los Angeles Department of Public Works	9	Pages 9 & 33 - Planning for Housing: How will the planning for affordable housing, or improving connectivity to affordable housing be scored? Sample question 3 on page 33 is worth 25 points, and mentions planning for housing.
County of Los Angeles Department of Public Works	11	Formula funds for MPO: If SCAG decides to administer a regional grant program using the formula funds, when do they have to publish their NOFA? For a local agency, will the application process be similar to the ATP - where one application is submitted on October 20th, and the Caltrans review committee recommendations are used for both the State competitive and SCAG selection?
County of Los Angeles Department of Public Works	14	What is considered unreasonable incentives? Is this tied to a dollar amount? Can incentive items such as movie tickets be given to volunteers for assisting with community events?
County of Los Angeles Department of Public Works	16	Pages 16, 17, & 46 - The need for a Restricted Grant Agreement (RGA) will add an extra scheduling burden for local agencies. On page 46, there is a sample resolution from City Board of Directors authorizing the agencies executive director to execute all RGAs and amendments. Does this resolution need to be submitted with the application on October 20th? Can Caltrans provide a sample RGA that can be attached as an example with the resolution for requesting delegated authority to execute RGAs and amendments?

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September 1, 2017

Organization	Page/ Other Topic	Comments
County of Los Angeles Department of Public Works	19	Do applicants need to set DBE goals during the RGA stage or earlier?
El Dorado County Transportation Commission	General	My main comments or concerns are related to the DAC requirements, as I am concerned that El Dorado and other rural counties will struggle to compete as a result of these requirements.
El Dorado County Transportation Commission	3	Grant Program Overarching Objectives – “Focusing on communities most affected by air pollution and climate change” language encourages grant awards to areas of the state most affected by these factors but should also include rural communities and infrastructure vulnerable to these factors.
El Dorado County Transportation Commission	3	Grant Program Considerations, need to add Rural Community Planning to the list
El Dorado County Transportation Commission	4	RTP Guidelines – “Competitive applications will incorporate these cutting-edge planning practices into their planning projects.” Some rural counties have limited staff and resources to implement “cutting edge” planning practices. This will, again, inequitably favor larger urban regions who have the staff and resources to do so.
El Dorado County Transportation Commission	5	I suggest adding a target or minimum threshold for awards in rural or non-disadvantaged areas to offset 50 percent minimum threshold awards in DAC areas. Somehow need to acknowledge that sustainable planning is important and significant for rural non-DAC areas around the state, just as it is in urban DAC areas. Furthermore, those Counties with DAC’s will be able to compete for 100% of the funding likely creating a similar result as the ATP with nearly 100% of the funding going to DACs. Perhaps if there is a minimum threshold for DACs include a minimum threshold for non-DAC rural counties.
El Dorado County Transportation Commission	10	How many counties or cities are out of compliance with the housing element requirements?
El Dorado County Transportation Commission	11	Will RTPAs within an MPO region be able to apply for MPO formula grants, for example EDCTC receiving funds from SACOG? SACOG will receive \$774,991
El Dorado County Transportation Commission	13	Under project examples we would like to see the addition of the following: <ul style="list-style-type: none"> • Studies and plans to mitigate for impacts to the rural transportation system due to increased interregional tourism and visitor traffic. • Planning efforts which provide rural counties the ability to develop active transportation plans which have a rural context sensitive focus and allow for rural regions to contribute to the State’s GHG reduction targets. • Support for rural agencies to integrate disruptive technologies, shared mobility, and traveler information into their respective RTP’s and other planning efforts. • Plans and studies which can help to quantify and highlight the value and importance of the rural state transportation system which connects large urban centers to rural open space, state and federal lands, and recreation and agriculture hubs.
El Dorado County Transportation Commission	15	Participatory Budgeting Process, “as appropriate.” Enabling the public to engage in budgeting at a planning level may set some unrealistic expectations for future project funding and development. Ensure that it is made clear to evaluators that this is not always the best approach in a high level planning effort.
Fresno Council of Governments	11	Formula Grant Program Deadline The date for the final guidelines to be released is September 13, 2017 and the draft amendment including a scope of work is due October 20, 2017. Please consider a later deadline to submit the draft amendment to allow time to include viable and meaningful projects in the OWP.
Fresno Council of Governments	5	Pages 5, 11-12 - Formula Grant Program Flexibility Fresno COG appreciates the formula component to the program and the flexibility it allows for our region’s planning needs. Currently, a 50% minimum threshold of the state wide competitive funds is identified for projects that benefit disadvantaged communities. We recommend not applying the percentage threshold in the formula grant so that the regions have the flexibility to formulate the best projects to reduce greenhouse gas emission and achieve the SCS goals.

FY 2017-18 Final Draft SB 1 Sustainable Communities Grant Guide Comment Log

September 1, 2017

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Rails-to-Trails Conservancy	3	We want to commend you for your thorough consideration of all the comments you received on the earlier draft guidelines, including those from our coalition submitted in late July. We think the current version is excellent. We have one comment relating to the Grant Program Considerations (pg 3) and Grant Specific Objectives (pg 11): we recommend specifically calling out the Caltrans goal (which is articulated in the Caltrans Strategic Management Plan of 2015) to double walking and transit and triple biking mode shares by 2020. This is a laudable goal, demonstrating Caltrans' leadership and commitment to active transportation. We didn't see this specifically articulated anywhere (although perhaps it's included in part of the CTP 2040). We think it's an important objective to highlight, to encourage good active transportation planning. Corresponding changes should then be made in the application itself (by adding a bullet in Question #3).
Sacramento Area Council of Governments	11	SACOG would simply like to confirm that MPOs are eligible for formula funds if they have carryover of 100% or less of annual CPG revenues.
Sacramento Area Council of Governments	12	The draft guidelines state, "MPOs are responsible for drafting a formal amendment to the current Overall Work Program (OWP) and OWP Agreement (OWPA), including a scope of work and timeline, for adding Sustainable Communities Formula Grant funds that will serve as the grant application, due October 20, 2017." Does an MPO need to use any of the competitive application materials (e.g., scope of work and timeline templates) to accompany its OWP amendment, or should each MPO just use its regular OWP amendment format as its "application?"
Sacramento Area Council of Governments	18	The draft guidelines state, "Approved grant projects must be identified as individual Work Elements in the current OWP and in future OWPs until the project is completed" (italics added). It is likely that formula grant funds will be used to support a variety of work to be included in the OWP. Can formula grant funds be used to match other planned federal/state/local expenditures for projects in the OWP? What level of project codes and detail will be expected in the draft OWP amendment for work completed with formula grant funds and match?
Sacramento Area Council of Governments	18	<p>The current guidelines state that, "All MPOs and RTPAs must have the entire grant award and local match programmed in the FY 2017-2018 OWP no later than May 1, 2018." However, with the October application deadline on p. 12 and project start date of January 2018 on p. 14, it could be interpreted that Caltrans' intent is for each MPO to submit a draft formal amendment to its OWP and OWPA to Caltrans by October 20, 2017 and, following Caltrans concurrence with the draft amendment, have its Board adopt the OWP amendment so that funds may be used starting in January 2018.</p> <p>As a matter of scheduling, SACOG's last Board Committee meeting for 2017 is in the first week of November, and the final full Board meeting for the year is on November 30. The committee item mail-out is scheduled for the last week of October, just after the draft OWP amendment appears to be due to Caltrans for review and consultation. Our Board will not meet in December and only our Strategic Planning Committee will meet in January, which is not our usual policy committee for considering OWP and budget amendments. Given our Board schedule, it is unclear whether SACOG would be able to meet the Board adoption deadlines that seem to us to be implied in the current guidance. And if all applications for both competitive and formula funds are due on the same date, will Caltrans staff have the time to engage in meaningful consultation with all MPOs on their proposed draft OWP amendments in time to permit MPOs to secure Board approval by January, or earlier?</p> <p>In October, SACOG staff will also be in the middle of developing our CAFR and in audit preparation so developing a formal draft amendment would likely pose some hardship for our limited finance staff. Could the consultation with Caltrans be more informal about our plans for using the formula funds, rather than our having to prepare a formal amendment prior to the consultation? Could consultations take place earlier than sometime after October 20 -- or later, with more flexibility provided on timing for MPOs regarding submitting an amendment for using formula funds? MPOs will need time to determine the best use of these new funds. Is there also the possibility of an MPO amending some but not all of the funds into their OWP, and returning with a later proposed amendment for the remainder?</p> <p>So we can better plan for the amendment process, we'd very much appreciate clarification of the expected timeline and process/flexibility for MPOs regarding OWP amendments and consultation with Caltrans on use of the new formula funds.</p>
Sacramento Area Council of Governments	20	According to the guidelines, "Requests for Reimbursements (RFR) need to be submitted no more frequently than monthly or at a minimum quarterly." However, at times MPOs submit their RFRs on a slightly different schedule. Do MPOs need to adopt a different invoicing policy for formula grant funds, or may they use their usual RFR process to obtain reimbursement?

FY 2017-18 Final Draft SB 1 Sustainable Communities Grant Guide Comment Log

September 1, 2017

Organization	Page/ Other Topic	Comments
Sacramento Area Council of Governments	20	The guidelines currently read: "The Sustainable Communities grants require the applicant to provide a minimum 11.47 percent local match—any source of funds may be used for the local match." Might this warrant additional clarification, since the work proposed for the Sustainable Communities grant funds must still be an eligible use for the source of the match funds? Also, is there a possibility that the next round(s) of the Sustainable Communities grant program would include federal dollars, in which case federal funds would not be allowed as part of the local match?
Sacramento Area Council of Governments	20	The guidelines state that "Grantees are required to maintain an accounting and record system that properly accumulates and segregates incurred project costs and matching funds by line item." As over numerous years this language has remained the same in the guidelines, and local match has been shown and tracked by project code or project line item, we suggest clarifying that this is Caltrans' continued expectation for grantees to document their match contributions.
Sacramento Area Council of Governments	33	Question #3 of the application requires a significant number of grant-specific objectives to be covered. We encourage providing sufficient space to let proposers give a succinct but meaningful response.
Sacramento Regional Transit	1	As a transit agency, it is important that we are able to apply for the competitive portion of this grant as a primary applicant. Please continue to allow transit agencies to be eligible as a primary applicant. If MPO's decide to administer the formula funds via a regional grant program, it is important that transit agencies be included as eligible applicants.
San Diego Association of Governments	5	Pages 5, 10: SANDAG requests that the term "Special Consideration" be defined in relation to the scoring process. The final draft guidelines explain that special consideration will be given to applications that include disadvantaged communities or housing element components; however, it is unclear what this means in terms of scoring and/or grant award.
San Diego Association of Governments	5	Pages 5, 10: SANDAG appreciates that various options to define benefits to disadvantaged communities have been included in the draft final guidelines. Providing this type of flexibility encourages applicants to submit projects that provide meaningful and assured benefits to the communities that need it most in their respective regions.
Southern California Association of Governments	4	In a previous version of the guidelines, under the heading "2017 RTP Guidelines & Promoting Sustainable Communities in California", the Discussion Draft stated that "successful applications must be compatible with an existing adopted SCS or Alternative Planning Strategy (APS), where applicable." That text has been struck, and in the Final Draft, when an SCS is referenced (e.g. p. 9 under Competitive Funding and Formula Funding), reference to an Alternative Planning Strategy is absent. SCAG would like to reiterate that, consistent with SB 375, the Grant Application Guidelines should be revised to ensure that a reference to an adopted APS is included wherever an "SCS" is referenced. This will promote consistency with SB 375, extend the maximum amount of flexibility on project eligibility for both competitive and formula funding sources, and satisfy State objectives. Planning resources should be available to areas that strive to meet State goals.
Southern California Association of Governments	10	Under the heading "Planning for Housing" the guidelines state, "For the purposes of the Grant Program, required APRs must be submitted by the date of award recommendation." and " In future grant cycles, Sustainable Communities grant applicants will be required to have a compliant housing element and submit APRs in order to be eligible for Sustainable Communities grant awards." However on pg. 11, under the heading "Formula Grants", the guidelines state "If an MPO uses Formula Grant funds to administer a regional grant program, the MPO must submit their grant program criteria and list of eligible applicants and sub-applicants to the Caltrans District and Caltrans Office of Regional Planning (ORP). This step is to ensure it aligns with the Caltrans Sustainable Communities Competitive Grants, including city and county housing element compliance. " SCAG would like confirmation that the housing element compliance requirements will be linked to the date when the MPO announces award recommendations for its competitive grant program.
Southern California Association of Governments	14	Under the heading "Example Sustainable Communities Grant Project Types", please clarify whether the following expenses would be eligible under MPO formula grant projects: <ul style="list-style-type: none"> • Temporary built environment demonstration projects, e.g. tactical urbanism • Non-internship "Project specific staffing"

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Southern California Association of Governments	14	<p>Under the heading “Eligible Activities and Expenses”, please clarify whether the following expenses would be eligible under MPO formula grant projects:</p> <ul style="list-style-type: none"> • Web application development and dashboards • Temporary built environment demonstration projects, e.g. tactical urbanism • Automated, semi-permanent bicycle/pedestrian counters for planning studies
The Greenlining Institute	3	<p>Recommended changes in italics:</p> <ul style="list-style-type: none"> • Sustainability – Promote reliable and efficient mobility for people, goods, and services, while meeting the State’s GHG emission reduction goals, preserving the State’s natural and working lands, and preserving the unique character and livability of California’s communities. <i>People movement projects should promote and prioritize walkability, bike-ability, and mass mobility.</i> • Innovation – Promote the use of technology and innovative designs to improve the performance <i>and social equity</i> of our transportation system and provide sustainable transportation options. • Economy – Support the economic vitality of the area (i.e. enables global competitiveness, enables increased productivity, improves efficiency, <i>increases economic equity by enabling robust economic opportunities for individuals with barriers to employment and for small, diverse-owned businesses</i>, etc.). • Social Equity – <i>All of these overarching objectives should promote affordable</i> transportation solutions <i>that focus on and prioritize the needs of</i> communities most affected by <i>poverty</i>, air pollution and climate change, <i>and promote solutions that</i> integrate community values with transportation safety and performance while encouraging greater than average public involvement in the transportation decision making process.
The Greenlining Institute	5	<p>Recommended changes in italics: “AB 1550 further <i>enhanced the GGRF statutory requirements to invest in disadvantaged communities by requiring a minimum investment of twenty-five percent in disadvantaged communities and another ten percent in low-income households or communities.</i> AB 1550 provides definitions for low income households and low-income communities that may also be considered in application development.”</p> <p>This change will provide clearer guidance on the impact of AB 1550 in the state’s regulatory and statutory schemes related to disadvantaged and low-income communities.</p>
The Greenlining Institute	12	<p>Recommended changes in italics: “Studies, plans or planning mechanisms that assist transportation agencies in creating sustainable communities and transit oriented development <i>that benefits individuals most in need and reduces harms in communities most impacted by transportation systems</i>”</p>
The Greenlining Institute	12	<p>Suggested Additions to “Example Sustainable Communities Grant Project Types”:</p> <ul style="list-style-type: none"> • Funding for administrative costs of pilot Participatory Budgeting projects that meet Sustainable Communities Grant Objectives • Skills-development programs for the clean transportation sector targeting low-income workers and individuals with barriers to employment • Transit pass subsidies for disadvantaged communities, students, seniors, the disabled, and other transit-dependent users • Outreach campaigns for mode shifts to electric forms of transportation • Community Mobility Needs Assessments • Racial Equity Impact Assessments to be used in transportation decision making • Studies, plans, policies on ZEV goods movement • Studies, planning or outreach for SchoolPool Public Transit, SchoolPool Ridesharing (not “ride-sourcing” Transportation Network Companies like Uber and Lyft), carpool, and vanpool programs • Planning or community outreach for Park and Ride lots • Planning for secure bike parking facilities (bike lockers, etc.) • Studies, plans or planning mechanisms ensuring that infill and transit-oriented development benefits existing residents and businesses, low-income and disadvantaged communities, and minimizes displacement <p>These suggested additions to grant project types offer an array of strategies that address community engagement, transportation demand management, transit affordability, and economic opportunities for disadvantaged communities.</p>

FY 2017-18 Final Draft SB 1 Sustainable Communities Grant Guide Comment Log

September 1, 2017

Organization	Page/ Other Topic	Comments
The Greenlining Institute	13	Recommended changes in italics: "Congestion pricing studies and plans <i>that enhance social equity and avoid inequitable cost burdens</i> "
The Greenlining Institute	14	Suggested Addition for "Eligible Activities and Expenses" <ul style="list-style-type: none"> • Childcare services for community meetings to ensure active participation from community members.
The Greenlining Institute	15	Recommended changes in italics: Make opportunities for input accessible in terms of formats (online, in public meetings, one on one, by mail, etc.), venues (at school and community events, community centers, libraries, transit hubs, etc.), , hours (evening or weekend), and language. <i>Providing onsite childcare services will also increase accessibility and community member participation.</i> This language change is critical to increasing the ability of parents to participate in community engagement.
The Greenlining Institute	15	Suggested Additional Strategies to "Community Engagement" <ul style="list-style-type: none"> • Community Mobility Needs Assessments • Racial Equity Impact Assessments⁹ • Demonstrate how plans, projects, or policies will include skills-development programs and employment opportunities targeting low-income communities and individuals with barriers to employment • Demonstrate how plans, projects, or policies will commit to robust requirements for contracting with local, diverse-owned business These additional strategies enhance community engagement by addressing racial disparities in economic well-being and racial disparities in who is impacted the most by transportation burdens and who enjoys the least transportation benefits.
Town of Los Gatos	1	Add scoring criteria: We suggest you add scoring criteria in the final application package. These will allow applicants a better guidance.
Town of Los Gatos	General	Question on Eligible uses: I understand that since this is a planning grant, the funds are for planning activities, not for capital improvements. We are considering activities/projects such as bike valet, temporary bike lane demonstrations (pop up bike lanes), temporary bike corral parking, walking school buses, etc. The intent is that if we can get people to try walking and biking repeatedly over several events/days, they are more likely to choose active modes when they go to work and school. Furthermore, these temporary projects will help pave the way for permanent improvements in the future. I would like to discuss with you to see if these expenses are eligible. We believe this is a step forward from planning to "doing". We believe in addition to education and encouragement alone, these measures are more effective in changing people's travel behaviors and thus achieve the goals of reduce single occupancy vehicle trips and transportation related GHG.