

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 11, 2013

Reference No.: 4.15
Information

From: ANDRE BOUTROS
Executive Director

Subject: Active Transportation Program Update

ISSUE:

On September 26, 2013 the Governor signed legislation creating the Active Transportation Program (Senate Bill 99, Chapter 359 and Assembly Bill 101, Chapter 354). This legislation requires the Commission, in consultation with an Active Transportation Program Workgroup, to develop program guidelines by March 26, 2014.

As a first step in the development of guidelines, Commission staff conducted a series of workgroup meeting, open to the public, to solicit input on key issues. Having gathered this input, staff developed the attached preliminary draft guidelines as a basis for continuing workgroup discussions. We intend these preliminary draft guidelines to be a starting point for more detailed discussions than has occurred in previous workgroup meeting.

The following is the schedule for the development of the Active Transportation Program guidelines:

Workgroup and subgroup meetings	December 2013 – mid January
Guidelines hearing, South	January 23, 2014
Guidelines hearing, North	January 29, 2014
Guidelines to the Joint Legislative Budget Committee	February 3, 2104
Commission adopts Guidelines	March 20, 2014

BACKGROUND:

The goals of the Active Transportation Program are to:

- Increase the proportion of biking and walking trips.
- Increase safety for nonmotorized users.
- Increase mobility for nonmotorized users.
- Advance the efforts of regional agencies to achieve greenhouse gas reduction goals.
- Enhance public health, including the reduction of childhood obesity through the use of projects eligible for Safe Routes to Schools Program funding.
- Ensure disadvantaged communities fully share in program benefits (25% of program).

- Provide a broad spectrum of projects to benefit many types of active transportation users.

The Commission guidelines are to describe the policy, standards, criteria, and procedures for the development, adoption and management of the Active Transportation Program. The Commission must hold at least two public hearings prior to adopting these guidelines.

Attachment

PRELIMINARY DRAFT

PRELIMINARY DRAFT
ACTIVE TRANSPORTATION PROGRAM
GUIDELINES

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PRELIMINARY DRAFT

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 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

No match from project sponsors is required for the Active Transportation Program funds awarded in the statewide competitive, small urban, or rural programs. The match required for federal funding may be met through the use of toll credits, through State Highway Account Funds in the Active Transportation Program, or through the use of other non-federal funds committed to the project.

Large MPOs, in administering a competitive selection process, may require a funding match for projects selected through their competitive process. While the statewide competitive program does not require matching funds, applicants from within a large MPO should be aware that the requirements in these two competitions may differ.

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 or Regional Agency - 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 should benefit the general public, and not only a private entity.
- Tribal Governments - Federally-recognized Native American Tribes
- 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 (BIA) would be 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.

Additionally, 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 fund that will be considered is \$500,000. MPOs, in administering a competitive selection process, may use different minimum funding size. Use of a different minimum project size 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.
- 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/.
- At least 75% of 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/files.asp>
- 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>
- 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 primary and middle school (grades K-8) students to walk and/or bike to school. In accordance with Section 1404 of Public Law 109-59, infrastructure-related projects must also be located within two miles of a primary or middle school. 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.

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 nomination shall also include a copy of the Memorandum of Understanding or Interagency 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:

Andre Boutros, Executive Director
California Transportation Commission Mail Station 52, Room 2231
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 of a complete nomination are received in the Commission office by *June 30, 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 shall be submitted to the Commission 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

Applications of projects not selected for programming in the statewide competition will be distributed to the appropriate MPO following the Commission adoption of the statewide portion of the Active Transportation Program. These projects 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. 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 its programming recommendations to the Commission.

RATING 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.

- Demonstrated needs of the applicant. (0 – 10 points)

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

- Planning. (0 – 20 points)

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.

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, or overall active transportation plan.

- Potential for reducing pedestrian and bicyclist fatalities and injuries, including the identification of safety hazards for pedestrians and bicyclists. (0 – 20 points)
- Potential for encouraging increased walking and bicycling, especially among students, including the identification of walking and bicycling routes to and from schools, transit facilities, community centers, and other destinations; and including increasing and improving connectivity and mobility of non-motorized users. (0 – 20 points)
- Cost-effectiveness, defined as maximizing the impact of the funds provided. (0 – 15 points)

Applicants shall quantify the safety and/or mobility benefit in relationship to total project cost.

Caltrans shall develop a benefit/cost model for bicycle and pedestrian projects in order to improve information available to decision makers at the state and MPO level in future programming cycles.

- Identification of the local public participation process that culminated in the project proposal, which may include noticed meetings and consultation with local stakeholders. (0 – 15 points)

Project applicants must clearly explain the relationship between the local participation process and the potential for increasing walking and bicycling.

- Benefit to disadvantaged communities. 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. (0 – 10 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.

- Other factors, such potential for reducing congestion, improving air quality, and reducing greenhouse gas emissions. (0 – 10 points)

Applicants should explain how the project promotes local land-use planning efforts being undertaken to implement the growth visions established by the Regional Transportation Plan/Sustainable Community Strategy.

- 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 – 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

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 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. 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.

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.

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

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.

For preconstruction allocations, 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.

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 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 quarterly reports on the activities and progress made toward implementation of the project and a final delivery report. 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 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. Counts after project completion should be taken at least six months after project completion.
- 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.

The Department of Transportation 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

- 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.

FEDERAL REQUIREMENTS

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.
- Active Transportation Program projects that require right of way acquisitions are discouraged. If the project, however, requires additional 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.

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.