

TAB 20



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Daniel S. Little, Executive Director

August 14, 2014

Carl Guardino, Chair
California Transportation Commission
1120 N. Street
Room 2221 (MS-52)
Sacramento, CA 95814

Subject: Incomplete Active Transportation Program (ATP) Scoring

Honorable Chair Guardino:

Let me start by applauding Caltrans and CTC staff for their diligent work on an initial ATP program subject to an aggressive schedule. All seem to recognize many lessons learned and better ways to approach future cycles. We look forward to working with you to that end.

While certain bumps in the initial process are expected, any oversight that results in purely mathematical inequities and an incomplete or random evaluation process should be considered unacceptable. This certainly occurred when some applicants received completed scoring by three evaluators and others did not. A handful of applications likely lost funding due to this administrative oversight. In deference to the hard work by ATP applicants and related public involvement efforts, we request the commission direct staff to complete the evaluation process for those applications where the third score was a difference-maker.

To illustrate, consider the three evaluation scenarios used by staff to recommend the ATP program and compare an example using the same project with the same possible range of scores.

Scenario 1: The project has three evaluations. The three scores are averaged for a final score.

$$90 + 80 + 50 = \text{Score of } 73.3$$

Scenario 2: The project has three evaluations. Low outlier scores were eliminated at the discretion of staff.

$$90 + 80 + 50 = \text{Score of } 85$$

Scenario 3: The project is subject to two evaluations, thereby eliminating an unknown third score. The two scores are averaged. No outlier can be eliminated because it cannot be determined from a field of two.

$$(80 + 50?) \text{ or } (90 + 50?) \text{ or } (90 + 80?) = \text{Random Score of } 65, 70 \text{ or } 85$$

How would you want your project evaluated? Scenario 1 is fair enough and who wouldn't want Scenario 2? No one would pick Scenario 3. It is random and patently unfair with two of the three possible outcomes resulting in lower scores than under Scenario 1 or 2.

Put simply, the applicants forced to Scenario 3 were subject to random outcomes and – based on the math alone – were more likely to receive a lower score than applicants with full evaluations.

By our count, about a dozen applications subjected to Scenario 3 may have exceeded the grant award threshold had they received a full and complete evaluation. There is no way to know for certain until they receive the benefit of a third score like everyone else. This is unfortunate because those applications with incomplete reviews represent hundreds of hours of work and public vetting only to be dismissed because a third evaluator did not take a couple hours to score the project, nor were there reasonable efforts to substitute with a new evaluator. We know of several volunteer evaluators who would have scored extra applications given a couple days notice. There was time to request this as volunteer evaluations were due in early July.

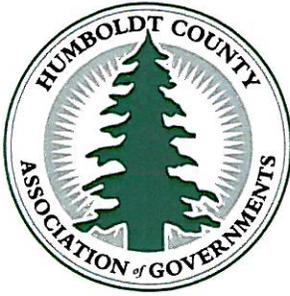
We recognize the commission needs to adopt an ATP program of projects at the August meeting. That can and should proceed; however, we also urge the commission to direct staff to complete the evaluation process for those applicants that could have exceeded the funding thresholds with a third score. Volunteer evaluators stand ready. For those applications determined to meet the award threshold, consider remedies at the next meeting. Since experience has shown us that a large percentage of ATP projects will undergo delays, the handful of projects that could be funded after receiving a complete evaluation could be contingency projects or given priority in the next ATP cycle.

Random, inequitable and incomplete scoring go against the core tenants of an even-handed public grant program and the integrity of the evaluation process. With so much at stake in this highly competitive program, we urge the commission to address this immediately. The countless hours of hard work by ATP applicants, and the extensive involvement by the public, deserve no less than a level playing field.



Susie Baugh, Chair
Shasta Regional Transportation Agency (MPO)

c: Malcolm Dougherty, Director, California Department of Transportation
Andre Boutros, Executive Director, California Transportation Commission



HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS

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TAB 20

August 18, 2014

Mr. Andre Boutros
Executive Director
California Transportation Commission
1120 N Street, Rom 2233
Sacramento, CA 95814

RE: Selection of the last project in the Active Transportation Program Statewide Component

Dear Mr. Boutros,

I begin with a thank you to you, your staff and Caltrans staff for the hard work, long days and probable conflict resolutions involved in this first cycle of the Active Transportation Program (ATP). While the program will most likely undergo minor tweaks in the next round, I look forward to participating in the ATP guidelines revisions that will take place before the next call for projects.

The Humboldt Region did very well in the program this cycle. I am pleased that our top regional priority projects, including those that ranked high in our Safe Routes to School Tool, were successful. Most importantly, lives will be saved with the implementation of these projects in our region.

I write this letter in an attempt to fully understand the decision making process for the selection of the last project in the Statewide component. From what I can decipher, the decision came down to two choices:

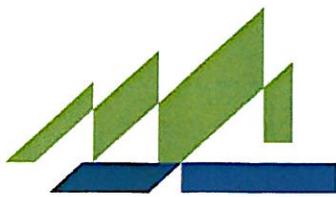
Project ID	Total Project Cost	Total Funds Requested	SRTS-NI	Project Score
0532	\$989	\$989	\$150	82.0
0599	\$958	\$958	\$0	82.7

I was surprised that the lower scoring project was chosen. I understand that the decision was made due to the Safe Routes to School Non Infrastructure component. That would make sense if the project scores were tied or if the Non Infrastructure component was under target, but neither of those scenarios are the case. This decision directly affects the Small Urban/Rural component as Project ID 0599 is the highest ranking project in that category. I am respectfully asking for a reconsideration of this decision.

Sincerely,

Marcella Clem, Executive Director

cc: Laurel Janssen, Deputy Director



Tahoe Transportation
DISTRICT

TAB 20

Connecting our communities

August 19, 2014

Hon. Carl Guardino, Chair
California Transportation Commission
1120 N Street
Sacramento, CA 95814

Subject: Active Transportation Program Recommendations;
Lake Tahoe Bike and Pedestrian Active Transportation Project

Dear Chairman Guardino and Commissioners,

Thank you for the time you took to discuss the Commission staff's recommendation that resulted in the Lake Tahoe Bikeway and Pedestrian ATP project not being included in the ATP program. As you are aware, the State Department of Transportation (Caltrans) had recommended our project submittal inclusion in the Small Urban and Rural component of the ATP program. As members of the project team, we are requesting the Commission to reconsider your staff's ATP recommendations and consider the merits of the uniqueness of the Tahoe Basin and restore the Tahoe Transportation District (TTD) ATP project submittal.

Our project submittal emphasized the Bike and Pedestrian Improvement elements identified in the larger SR 89/Fanny Bridge Community Revitalization Project. These elements will be ready for construction in 2015, even as the larger overall project elements of the SR 89/Fanny Bridge Community Revitalization Project continue to be developed for delivery in 2016. In addition, the ATP grant submittal included the South Lake Tahoe Greenway Shared Use Path. The grant request sought a total of \$10.8 million for these critical infrastructure improvements for the Lake Tahoe Region, and would have been utilized to leverage more than \$40 million in completed project improvements here in the Tahoe Basin.

The SR 89/Fanny Bridge Project includes a realignment of SR 89 on US Forest Service lands, rehabilitation of the historic Fanny Bridge, and bike/pedestrian/transit circulation improvements through complete streets developments. This project would also include improved bike/pedestrian/transit access to US Forest Service lands, with the extension on the north of the bike trail/shared use path 0.8 miles to Meeks Bay in the West Shore area and two miles to the Dollar Creek area on the North Shore.

As a successful recipient of the Federal Lands Access Program (FLAP) funding, TTD is shepherding the Fanny Bridge Community Revitalization project through the development process, in concert with FHWA and Caltrans District 3. The FHWA will rely on its authority under the US DOT Secretary's "Every Day Counts" initiative to use a variant on CM/GC as the delivery method on the project. Caltrans District 3 will provide Quality Assurance, giving the state staff more direct experience with innovative delivery methods.

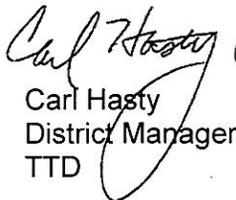
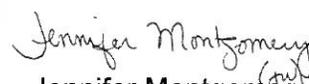
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TTD has met the federal requirement of this funding with local sources to provide a match of 11.47%. But closing the remaining fund source gap has been elusive. The submitted ATP application is intended to accelerate the bike/pedestrian elements of the Fanny Bridge project, rounding out the entire funding package and meeting ATP deliverability guidance by having the bike/pedestrian components ready to deliver next year.

As you may be aware, there are many challenges to providing a robust, sustainable living environment in the Lake Tahoe Basin for public agencies, such as TTD. Unfortunately, the current state and federal transportation funding resources do not recognize the unique characteristics of the Lake Tahoe region.

The Basin features a preponderance of public lands surrounding and intermixing with the communities in the vicinity. In many cases, the density of the population requirements in state or federal funding formulas do not account for this disproportionate amount of public lands or the 6.5 million annual visitors. The Lake itself, for these purposes, further affects density and urban factor calculations. Accordingly, Placer County, El Dorado County, the communities in the Basin and public agencies, including TRPA and TTD must rely on discretionary grant programs to supplement the available local resources.

Sincerely,

				
Carl Hasty District Manager TTD	Cindy Gustafson General Manager Tahoe City Public Utility District	Joanne Marchetta Executive Director Tahoe Regional Planning Agency	Jennifer Montgomery Board Supervisor Placer County	Norma Santiago Board Supervisor El Dorado County

CC: Commissioners
Andre Boutros, CTC Executive Director
Malcolm Dougherty, Caltrans, Director of Transportation
Brian Annis, CalSTA, Deputy Secretary
Todd Ferrara, CA Natural Resources Agency, Deputy Secretary
Nick Haven, Tahoe Regional Planning Agency
Peter Kraatz, Placer County

August 19, 2014

Andre Boutros, Executive Director
James C. Ghielmetti, Chair
California Transportation Commission
1120 N Street, Room 2221 (MS-52)
Sacramento, CA 95814

Re: Recommendations to Strengthen Equity Provisions of SB 99 within Active Transportation Program Guidelines, Application, and/or Scoring Rubric

Dear Executive Director Boutros and Chairman Ghielmetti,

On behalf of the undersigned organizations, we commend the California Transportation Commission (CTC) for your leadership in the implementation of the Active Transportation Program (ATP) as a comprehensive, statewide commitment to expand safe and active travel—especially for disadvantaged communities, schools, and residents—and achieve California’s climate and public health goals. Throughout the development of the ATP guidelines and application, we have appreciated the opportunity to provide feedback on the disadvantaged communities (DAC), public health, safety, and public participation sections to ensure that our most vulnerable communities fully share in the benefits of this program. As the process to revise the ATP guidelines gets underway, we thank you for this opportunity to submit recommendations for improving the program for the next funding cycle in order to maximize the ATP’s equity, public health, safety, and climate outcomes across California. Please see below for our specific recommendations.

- **Establish Safeguards for Write-In Disadvantaged Communities (DAC) Definition:** (page 9 of Application Part 2, Narrative question #6, part A, b.): While the write-in DAC definition should continue to be a valid option (given that many small disadvantaged communities throughout the state do not have accurate median household income data nor are captured by the CalEnviroScreen), there should be some form of oversight to ensure that this option isn't abused. While this oversight shouldn't create one more barrier for already burdened communities, it should ensure transparency and fairness. Cycle 1 Scoring Rubric left full discretion to the reviewers to determine whether a write-in DAC definition “meets the CTC Guideline criterion.” However, the guidelines are unclear as to who is required to review the proposed definition, requiring simply that an applicant “submit for consideration a quantitative assessment of why the community should be considered disadvantaged.”

Given that proposed MPO changes to the DAC definition require CTC approval, we recommend that a CTC-led process or body (e.g., a CTC ATP Advisory Committee)--with meaningful external stakeholder input--be charged with providing further clarification and guidance on what constitutes a "quantitative assessment," including required elements/components, for the purposes of the write-in DAC definition PRIOR to the release of the next ATP call for projects. This would allow for write-in DAC definitions to better conform to CTC guidelines' intent, rather than leaving all discretion to individual reviewers.

- **Clarify and Define "Significantly Benefit a Disadvantaged Community":** The CTC should clearly and publicly define what it means to "significantly benefit a disadvantaged community." Cycle 1 Scoring Rubric established a threshold that concluded that if 50% of a project's funds benefit a DAC, then the project significantly benefits a DAC. This 50% threshold was determined by CTC staff without any stakeholder input and not based on any research or best practices. Moreover, the threshold was determined AFTER ATP applications had already been submitted.

In order to increase transparency and to ensure that the established threshold is based on research and/or best practices, we recommend that the CTC establish a CTC ATP Advisory Committee--with meaningful external stakeholder input--to determine a significant benefit threshold within the guidelines. This Advisory Committee should assist in making determinations of what percentage of a project benefits disadvantaged communities in order to assist the CTC more accurately in accounting for how it is meeting its SB 99-mandated 25% DAC target. Additionally, the CTC could more clearly define methodologies, such as a Health Impact Assessment, which establish concrete metrics that define, in qualitative and quantitative terms, benefits to DACs.

Further, "significant benefit" should mean projects that specifically target and prioritize residents living in disadvantaged communities in order to ensure that projects that are determined as meeting the 25% DAC target "clearly demonstrate a benefit to a disadvantaged community", as outlined in SB 99. One example from the largest projects that is of particular concern is the Coachella Valley Link project submitted by the Coachella Valley Association of Governments for cycle 1 of ATP funding. The project purports to benefit disadvantaged communities (7 million of the 10.5 million award is attributable to DACs) and we are concerned that while parts of the project may be near census tracts or schools that qualify as disadvantaged, there is no indication that the project will serve or target those students. In fact, this project faced significant opposition from nearby residents of disadvantaged communities and local community-based organizations. There are ineffective measures in place to ensure that projects located in or near DACs will in fact significantly benefit DACs and their residents.

To more effectively evaluate this in the application, applicants should be required to answer specific questions that will yield more thorough and detailed responses on how their project targets and prioritizes residents living in disadvantaged communities. This will offer clarity to potential applicants regarding what it means for projects to benefit and serve disadvantaged

communities, and will provide more complete information to reviewers of the applications in determining how projects will impact targeted communities and provide a significant benefit. We recommend that the “Items to Consider” for the Disadvantaged Communities section in the Application Instructions (page 14, Q6, B.) be placed in the Application as questions that applicants are required to respond to if applicable to their project.

- **Preserve Local Match Exemption for DACs in Regional ATP Shares:** After much deliberation during the Guidelines development process, statewide consensus emerged that local match requirements constitute a de facto barrier for DACs in accessing active transportation grants. Accordingly, the adopted Guidelines provided for a local match exemption for DACs. Unfortunately, several regions across the state have either removed or created potential barriers for DACs through their region-specific match requirements, including:

Local Match Exemption for DACs Removed Outright: Sacramento Area Council of Governments (SACOG), Fresno Council of Governments (FCOG)

Local Match Exemption for DACs Maintained But New Barrier: While both the San Diego Association of Governments (SANDAG) and the Tulare County Association of Governments (TCAG) maintained the local match exemption for DACs, these regions have chosen to award additional points to projects with higher levels of local match. In doing so, these regions create obstacles for projects from DACs unable to generate a local match in order to be competitive.

Local Match Exemption for DACs Removed AND New Barrier: The Los Angeles County Metropolitan Transportation Authority (LA Metro) not only removed the local match exemption for DACs but also increased the local match requirement to 20% from the state’s 11.47% minimum. This policy creates extremely high barriers to entry for DACs in LA Metro’s purview and likely discourages DACs from even applying for funds in the first place.

While we recognize that the MPOs have discretion to structure their regional programs to meet their regional needs, this discretion cannot be so unfettered so as to undermine SB 99’s statutorily mandated 25% DAC target. Since the 25% DAC target unambiguously applies to the MPO regional shares (ATP Guidelines, pg. 3), we recommend that the CTC remove these regional program barriers to DACs in order to ensure that the overall ATP achieves its DAC target.

- **Public Participation and Planning:** While the Cycle 1 Scoring Rubric instructed reviewers to consider how DAC residents were targeted and involved in project planning and prioritization processes, this DAC emphasis was neither reflected in the Application question nor the Application’s scoring breakdown--resulting in few applications that addressed the needs of DAC residents in the planning process.

Accordingly, we recommend the CTC clarify and strengthen the DAC component of the public participation and planning section. For example, applicants should be required to show not only how project area residents were consulted or engaged in the planning process but also how deliberate steps were taken to target DAC residents within the project area for consultation, feedback, and participation in the planning and prioritization process.

Moreover, we strongly recommend that language access, cultural competency, and community convenience (e.g., through the provision of child care, meetings located within community or walking distance to transit, scheduling meetings outside of traditional work hours, etc.) be explicitly included in the application questions, especially in the public participation section. To the extent that community based organizations (CBOs) are involved in public participation efforts, applicants should demonstrate how those CBOs work with and represent interest of DAC residents.

- **Provide Targeted Technical Assistance to DAC Applicants:** Disadvantaged communities often lack the resources (e.g. lack of planning or engineering staff, lack of dedicated grant writers) and capacity to develop and submit competitive and successful proposals despite the overwhelming and unmet infrastructure needs. Access to technical assistance resources during the application process can help overcome this barrier and increase the number of objectively competitive, successful awards that benefit low-income, underserved, disadvantaged communities. Without technical assistance, these communities will continue to fall even further behind in their ability to compete for grants
- **Increase Geographic Equity of the Program:** Regions of the state are underrepresented in this program. Many of these areas are the same regions that have historically been underrepresented by transit and active transportation programs, and therefore this program is acting in some instances to exacerbate historic inequality. For example, there are four districts (two of them comprising the San Joaquin Valley), all relatively rural, that represented the only districts where less than 10% of applications they submitted were approved. All of these four districts also represent those areas that enjoy the smallest share of awards granted in this cycle.

There are also areas within larger regions that, despite severe need for active transportation investments find themselves at a distinct disadvantage. One example of this is rural communities in the SCAG region.

Within the SCAG region, rural DACs are left at a competitive disadvantage to accessing ATP funds allocated at the regional level. There are a number of rural agricultural communities found in the southeastern end of the SCAG region, for example Eastern Riverside and Imperial Counties are marked by isolated communities of agricultural workers who, more often than not, are completely isolated and lack basic access to safe streets and other forms of active transportation. These communities, however, are unable to access funds available for rural communities because they are within the SCAG boundaries. In turn, any projects for these

communities are not competitive at the SCAG level because they fail to provide services to high density populations. In order to counterbalance the urban and suburban bias in SCAG we recommend a 10% set aside of all regional funds allocated to SCAG be set aside for rural, isolated communities within the boundaries of the MPO.

Incorporating these recommendations into the ATP Guidelines for future ATP Cycles will greatly strengthen the equity goals outlined in SB 99 and will ensure that all Californians can safely walk and bicycle to school, to work and to access critical services and amenities. We thank you again for your continued leadership and commitment to this work and we respectfully ask for your support of these important recommendations as this program moves forward. Questions or concerns regarding this letter can be addressed to Tony Dang, Deputy Director for California Walks at tony@californiawalks.org or (510) 507-4943.

Sincerely,

Wendy Alfsen, Executive Director, California Walks

Phoebe Seaton, Co-Director, Leadership Counsel for Justice and Accountability

Judith Bell, President, PolicyLink

Jeanie Ward-Waller, California Advocacy Organizer, Safe Routes to Schools National Partnership

Sarah de Guia, Executive Director, California Pan-Ethnic Health Network