

M e m o r a n d u m

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 17-18, 2016

Reference No.: 4.23
Action

From: SUSAN BRANSEN
Executive Director

Subject: **ACTIVE TRANSPORTATION PROGRAM POLICY ON PROJECT AMENDMENTS AND ADVANCE PROJECT ALLOCATIONS**

ISSUE:

On March 17, 2016, the Commission adopted the 2017 Active Transportation Program (ATP) Guidelines. Subsequent to the adoption of the ATP Guidelines the number of projects receiving allocation extensions increased creating the opportunity to advance project allocations. Furthermore, the process for the Commission's approval of project scope amendments requires clarification. Should the Commission adopt a policy to clarify the ATP Guidelines regarding the project scope amendments and advance project allocations?

RECOMMENDATION:**Scope Amendments**

Section VI (Allocations) of the 2017 Active Transportation Program Guidelines states: "Any scope changes must be presented to Caltrans for consideration prior to allocation. Caltrans will make a recommendation of approval to the Commission for final approval. Scope changes that result in a decrease of active transportation benefits may result in removal from the program."

Staff recommends the Commission approve the following policy and procedures for the Commission's consideration of project scope changes:

Implementing agencies must notify Caltrans in writing of proposed project scope changes. This notification must include the following:

1. An explanation of the proposed scope change;
2. The reason for the proposed scope change;
3. The impact the proposed scope change would have on the overall cost of the project;
4. An estimate of the impact the proposed scope change would have on the potential of the project to increase walking and bicycling as compared the benefits identified in the project application;

5. An estimate of the impact the proposed scope change would have on the potential of the project to increase the safety of pedestrians and bicyclists as compared the benefits identified in the project application; and
6. An explanation of the methodology used to develop the aforementioned estimates.

Caltrans will review the proposed scope change and forward the proposed scope change with Caltrans' written analysis and recommendation to the Commission for the Commission's approval.

Staff will present recommended scope changes deemed by staff to be minor changes, such as those with little or no impact to project benefits or which increase the benefits of the project, to the Commission as a part of the project allocation request. Staff will present recommendations to disapprove minor scope changes and recommendations to approve or disapprove more significant scope changes to the Commission as project amendments.

Advance Project Allocation

Section VI of the guidelines states: "In order to ensure the timely use of all program funds, the Commission will, in the last quarter of the fiscal year, allocate funds to projects programmed in a future fiscal year on a first-come, first served basis."

Staff recommends the Commission approve the following policy on the advance allocation of projects programmed in future years as follows:

Beginning in October, the Commission will advance project allocations for construction on a first come, first served basis, up to the amount of allocation extension requests approved the previous year. Projects requesting the advance allocation of construction funding must meet the following criteria:

1. The project is Ready-to-List (all necessary permits and agreements have been executed and all contract documents are complete);
2. The project has a Right of Way certification 1 (all property has been acquired) or 2 (all property has been acquired and/or the implementing agency has the right to occupy or use the property); and
3. The Commission, as a Responsible Agency under the California Environmental Quality Act, has approved, or will be concurrently approving, the project for future consideration for funding.

BACKGROUND:

The ATP was created by Senate Bill 99 (Chapter 359, Statutes of 2013) and Assembly Bill 101 (Chapter 354, Statutes of 2013) to encourage increased use of active modes of transportation, such as biking and walking. The Commission's ATP Guidelines describe the policy, standards, criteria, and procedures for the development, adoption and management of the ATP. Projects in the ATP are selected through a statewide competition based on project selection criteria and weighting, minimum

project size, and match requirement as described in the guidelines. A Metropolitan Planning Organization (MPO), with Commission approval, may use a different project selection criteria or weighting, minimum project size, match requirement, and/or definition of disadvantaged communities for its competitive selection process.

The Commission adopted the Statewide and Small Urban and Rural components of the 2014 Active Transportation Program on August 20, 2014, and the MPO components on November 12, 2014 and December 10, 2014. In fiscal year 2014-15, 41 projects received allocation extensions for components totaling \$27 million. In fiscal year 2015-16, 92 projects received allocation extensions for components totaling \$171 million.

August 17, 2016

CALIFORNIA TRANSPORTATION COMMISSION
Active Transportation Program Policy
on Project Amendments and Advance Project Allocations
Resolution No. G-16-29

- 1.1 WHEREAS the California Transportation Commission (Commission) adopted the Statewide and Small Urban and Rural components of the 2014 Active Transportation Program on August 20, 2014, and the Metropolitan Planning Organization components on November 12, 2014 and December 10, 2014, and
- 1.2 WHEREAS, on March 17, 2016, the Commission adopted the 2017 Active Transportation Program Guidelines, and
- 1.3 WHEREAS, of the projects programmed in the 2014 Active Transportation Program, 92 projects received in fiscal year 2015-16 allocation extensions for components totaling \$171 million, and
- 1.4 WHEREAS, the number of projects receiving allocation extensions creates the opportunity to advance project allocations, and
- 1.5 WHEREAS, the process for the Commission's approval of project scope amendments requires clarification.
- 2.1 NOW THEREFORE BE IT RESOLVED that the Commission hereby adopts the below policy on scope amendments and advance project allocations.

Scope Amendments

Implementing agencies must notify Caltrans in writing of proposed project scope changes. This notification must include the following:

1. An explanation of the proposed scope change;
2. The reason for the proposed scope change;
3. The impact the proposed scope change would have on the overall cost of the project;
4. An estimate of the impact the proposed scope change would have on the potential of the project to increase walking and bicycling as compared the benefits identified in the project application;
5. An estimate of the impact the proposed scope change would have on the potential of the project to increase the safety of pedestrians and bicyclists as compared the benefits identified in the project application; and
6. An explanation of the methodology used to develop the aforementioned estimates.

Caltrans will review the proposed scope change and forward the proposed scope change with Caltrans' written analysis and recommendation to the Commission for Commission's approval.

Staff will present recommended scope changes deemed by staff to be minor changes, such as those with little or no impact to project benefits or which increase the benefits of the project, to the Commission as a part of the project allocation request. Staff will present recommendations to disapprove minor scope changes and recommendations to approve or disapprove more significant scope changes to the Commission as project amendments.

Advance Project Allocation

The Commission will advance project allocations for construction on a first come, first served basis, up to the amount of allocation extension requests approved the previous year. Projects requesting the advance allocation of construction funding must meet the following criteria:

1. The project is Ready-to-List (all necessary permits and agreements have been executed and all contract documents are complete);
2. The project has a Right of Way certification 1 (all property has been acquired) or 2 (all property has been acquired and/or the implementing agency has the right to occupy or use the property); and
3. The Commission, as a Responsible Agency under the California Environmental Quality Act, has approved, or will be concurrently approving, the project for future consideration for funding.