



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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Memorandum

TO: Partnership Technical Advisory Committee

DATE: 03/17/2014

FR: Kenneth Kao

RE: Proposed Regional Competitive Active Transportation Program (ATP) Guidelines

This memo outlines proposed revision to the ATP Guidelines for the regional competitive process.

Background

In September 2013, the Governor signed into law legislation creating the Active Transportation Program (ATP). ATP includes a share of funds for large Metropolitan Planning Organizations (MPOs) such as MTC. The California Transportation Commission (CTC) has developed guidelines for the Statewide Competitive ATP, and MPOs have the option of developing separate guidelines for the Regional Competitive ATP.

Proposed Regional Competitive ATP Guidelines

MTC recommends four main changes from the Statewide Competitive ATP Guidelines:

1. Add additional evaluation criteria for previously adopted regional priorities, such as bike share expansion, Bay Trail and Regional Bike Network build-out, gap closures in the Regional Bike Network, and multi-jurisdictional projects such as the Ohlone Greenway and Napa Vine Trail.
2. Use MTC's Communities of Concern definition to meet the 25% requirement for projects benefiting "Disadvantaged Communities," rather than other measures prescribed by CTC (such as Cal-Enviro-Screen and percent of subsidized school lunches).
3. Waive local match for construction if pre-construction phases are funded entirely with non-federal and non-ATP funds. Other match and minimum project size requirements remain the same as the Statewide Competitive ATP.
4. Contingency Backup List. MTC will also adopt a list of contingency projects, ranked in priority order based on the project's evaluation score. MTC intends to fund projects on the contingency list should there be any project failures or savings in the Cycle 1 Regional Competitive ATP. This will ensure that the Regional Competitive ATP will fully use all ATP funds, and that no ATP funds are lost to the region.

In addition to the above changes, all projects in the Regional Competitive ATP will be subject to regional policies, including Resolution 3606 deadlines, and must submit a resolution of local support.

Other Information

Funding Amount:

The funding amounts for the Statewide and Regional Competitive ATP are below.

<u>Program</u>	<u>Programming Agency</u>	<u>Amount Available this Cycle</u>
Statewide Competitive	CTC, Caltrans	\$180 million
Regional Competitive	MTC	\$ 30 million

Regional Schedule:

The current estimated schedule for the Regional Competitive ATP is below.

<u>Date</u>	<u>Action</u>
April 9/23	PAC and MTC Commission consideration of Regional ATP Guidelines
May 21	CTC consideration of MTC's Regional ATP Guidelines
May 22	MTC releases Regional ATP Call for Projects
July 24	Regional ATP applications due to MTC
September 10/24	PAC and MTC Commission adoption of Regional ATP
December 10	Latest date for CTC approval of MTC's Regional ATP

Application and Evaluation:

MTC Planning staff will prepare a supplemental application for projects competing for the Regional Competitive ATP that will address the above changes. The base application will remain the statewide application to avoid duplication. The Active Transportation Working Group will form an evaluation committee to score and rank the submitted applications.

Programming in the TIP:

Due to the development of the 2015 Transportation Improvement Program (TIP), the TIP will be locked down until about December. The first amendment to the 2015 TIP is expected to be approved in by FHWA/FTA in January 2015; therefore, ATP projects with federal funds will not receive obligation and the authorization to proceed until early 2015.

Delivery:

The first cycle of ATP represents 3 years of funding to be delivered during a two-year period. Therefore, the target is for two-thirds or \$20 million to be delivered (obligated) by March 31, 2015, and the remaining \$10 million to be delivered (obligated) by January 31, 2016.

ATP Contacts:

For additional information, please go to the State ATP website (<http://www.catc.ca.gov/programs/ATP.htm>), or contact the staff below.

<u>Responsibility</u>	<u>Contact</u>	<u>Section</u>
Guidelines and programming	Kenneth Kao, 510-817-5768	Programming
Application, evaluation, and scoring	Sean Co, 510-817-5748	Planning

Date: April 23, 2014
W.I.: 1515
Referred by: PAC

Attachment A
Resolution No. 4132
Page 1 of 12

**MTC
Cycle 1 Regional Competitive
Active Transportation Program
(ATP)**

**Guidelines, Policies, Procedures, and
Project Selection Criteria**

April 23, 2014

**MTC Resolution No. 4132
Attachment A**

**Metropolitan Transportation Commission
Programming and Allocations Section
<http://www.mtc.ca.gov/funding/>**

Date: April 23, 2014
 W.I: 1515
 Referred by: PAC

Attachment A
 Resolution No. 4132
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 Guidelines, Policies, Procedures and Project Selection Criteria
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Cycle 1 Regional Competitive Active Transportation Program (ATP) Guidelines, Policies, Procedures and Project Selection Criteria

Background

In September 2013, the Governor signed Senate Bill 99 (Chapter 359, Statutes 2013) and Assembly Bill 101 (Chapter 254, Statutes 2013) into law, creating the Active Transportation Program (ATP). The State envisions the ATP to consolidate a number of other funding sources intended to promote active transportation, such as the Bicycle Transportation Account and Transportation Alternatives Program, into one program.

State and federal law segregate ATP funds into three main components, with funding distributed as follows:

- 50% to the state for a statewide competitive program
- 10% to the small urban and rural area competitive program to be managed by the state
- 40% to the large urbanized area competitive program, with funding distributed by population and managed by the Metropolitan Planning Organization (MPO) – hereinafter referred to as the “Regional Competitive Active Transportation Program”

The California Transportation Commission (CTC) developed guidelines for the ATP, approved on March 20, 2014. The CTC Guidelines lay out the programming policies, procedures, and project selection criteria for not only the statewide competitive program, but also for the small urban/rural and large MPO regional competitive programs. Large MPOs, such as MTC, have the option of developing their own policies, procedures, and project selection criteria that differ from those adopted by CTC, provided they are approved by CTC.

This document serves as MTC’s Regional ATP Guidelines that substantially follow those of the CTC, but include a number of differences based on the region’s existing policies and priorities. MTC adopted these Guidelines for the MTC Regional Competitive Active Transportation Program on April 23, 2014, for final consideration by the CTC in May 2014.

Development Principles

The following principles will frame the development of MTC’s Regional Competitive Active Transportation Program.

- MTC will work with CTC staff, Caltrans, CMAs, transit operators, and interested stakeholders to develop the Regional Competitive Active Transportation Program.
- Investments made in the ATP must carry out the objectives of the Regional Transportation Plan (RTP).
- MTC will meet or exceed the 25% programming goal to projects benefiting disadvantaged communities.
- MTC will continue to work with Caltrans, CMAs, transit operators, and project sponsors to seek efficiencies and streamlining for delivering projects in the federal-aid process.

- MTC will continue to advocate for improved ATP delivery strategies, including using either a lump sum allocation or delegated authority to Caltrans.
- MTC will continue to advocate that all projects savings and un-programmed balances remain within the ATP program rather than be redirected to the State Highway Account, and specifically that savings and balances in the 40% Large MPO programs remain within the regional programs, consistent with federal guidance on the Transportation Alternative Program (TAP).

CTC Guidelines

The California Transportation Commission (CTC) ATP Guidelines were adopted on March 20, 2014, and are available at: <http://www.catc.ca.gov/programs/ATP.htm>. The most current CTC Guidelines for the Active Transportation Program, as posted on the CTC website, is incorporated in MTC's Regional Competitive ATP Guidelines via this reference. All project sponsors are required to follow the MTC and CTC ATP Guidelines in the development and implementation of the ATP.

ATP Development Schedule

Development of the ATP under these procedures will be done in accordance with the schedule outlined in Appendix A-1 of this guidance.

ATP Regional Shares

Appendix A-2 of this guidance provides the MTC regional shares for this round of ATP funding (FY 2014-15), consistent with the ATP Fund Estimate approved by the CTC on December 11, 2013. Appendix A-2 also includes MTC's 25% programming goal to projects benefiting disadvantaged communities.

Public Involvement Process

In developing the ATP, MTC is committed to a broad, inclusive public involvement process consistent with MTC's Public Participation Plan, available at http://www.mtc.ca.gov/get_involved/participation_plan.htm.

ATP Projects in the Transportation Improvement Program (TIP)

In response to state and federal requirements, ATP funds must be programmed in the TIP prior to seeking a CTC allocation. In addition, it is required that a federal Request for Authorization (RFA) be submitted simultaneously with the ATP allocation request to Caltrans and CTC when the ATP project includes federal funds. In the ATP, all projects are subject to be a mix of federal and state funds, and therefore require a CTC allocation, and a federal authorization to proceed (if federal funds are on the project) prior to the expenditure of eligible costs or advertisement of contract award.

Deviations from Statewide Policies

Below are MTC-region specific policies as they apply to the Regional Competitive Active Transportation Program. These policies differ from CTC's Guidelines.

1. Application Process and Additional Regional Screening/Evaluation Criteria

MTC elects to hold a separate call for projects for the Regional Competitive Active Transportation Program, and has one additional evaluation criteria. The additional criteria will give points for projects that support previously-adopted regional priorities and projects that meet *Plan Bay Area's* objective to meet SB 375 commitments. MTC has also included various project screening criteria and additional language for consistency with regional policies and goals. Further information on these changes, as well as instructions on the application process are detailed later in this guidance.

Project Sponsors may apply for either the State ATP program or Regional Competitive Active Transportation Program, or both. Sponsors applying to both the state and regional programs should submit a copy of their state application to MTC, along with their regional application.

2. Definition of Disadvantaged Communities

The CTC Guidelines state that an MPO may define Disadvantaged Communities differently than the three criteria outlined in the statewide guidance. The MTC region has already adopted a measure to define Disadvantaged Communities known as "Communities of Concern". MTC recently updated the Communities of Concern definition in 2011 in advance of preparing the *Plan Bay Area* Equity Analysis Report.

MTC's Communities of Concern are defined as those census tracts having either 1) significant concentrations of both low-income and minority residents, or 2) significant concentrations of any four or more of the following eight disadvantage factors: minority persons; low-income persons below 200% of the federal poverty level (about \$44,000 per year for a family of four); persons with Limited English Proficiency; zero-vehicle households; seniors aged 75 and over; persons with a disability; single-parent families; and housing units occupied by renters paying more than 50% of household income on rent. The concentration thresholds for these factors are described below.

Disadvantage Factor	% of Regional Population	Concentration Threshold
1. Minority Population	54%	70%
2. Low Income (<200% of Poverty) Population	23%	30%
3. Limited English Proficiency Population	9%	20%
4. Zero-Vehicle Households	9%	10%
5. Seniors Aged 75 and Over	6%	10%
6. Population with a Disability	18%	25%
7. Single-Parent Families	14%	20%
8. Rent-Burdened Households	10%	15%

Based on this definition, roughly 20% of the region's population is located in Communities of Concern. MTC's Communities of Concern definition of Disadvantaged Communities meets the

State's legislative intent, and has already been in use in the MTC region for planning and programming purposes.

Additional discussion of the Communities of Concern definition and methodology are included in the *Plan Bay Area* Equity Analysis Report and associated Appendix, available online at: http://onebayarea.org/pdf/final_supplemental_reports/FINAL_PBA_Equity_Analysis_Report.pdf and http://onebayarea.org/pdf/final_supplemental_reports/FINAL_PBA_Equity_Analysis_Report-Appendices.pdf. Further, applicants can find an online map showing precise locations of Communities of Concern online at: <http://geocommons.com/maps/118675>.

3. Match Requirement

The CTC Guidelines prescribe a match requirement of 11.47%, which is waived for projects benefiting a Disadvantaged Community, stand-alone non-infrastructure projects, and safe routes to schools projects. The CTC Guidelines allow MPOs to define its own match requirements for the Regional Competitive Active Transportation Program.

Consistent with CTC guidance, the match requirement for the regional ATP is 11.47%, with the same match waivers for projects benefiting a Community of Concern, stand-alone non-infrastructure projects, and safe routes to schools projects. As an added provision, a project sponsor may request the local match requirement be waived for the construction phase of an infrastructure project if the pre-construction phases are entirely funded using non-federal and non-ATP funds. This provision minimizes the number of federalized phases requiring an E-76 through Caltrans Local assistance.

4. Contingency Project List

MTC will adopt a list of projects for programming the Regional Competitive ATP that is financially constrained against the amount of ATP funding available (as identified in the approved ATP Fund Estimate). In addition, MTC will adopt a list of contingency projects, ranked in priority order based on the project's evaluation score. MTC intends to fund projects on the contingency list should there be any project failures or savings in the Cycle 1 Regional Competitive ATP. This will ensure that the Regional Competitive ATP will fully use all ATP funds, and that no ATP funds are lost to the region.

Application Process

Project Application

Upon CTC concurrence of MTC's Regional ATP Guidelines, MTC will issue a call for projects for the Regional Competitive Active Transportation Program. Project sponsors must complete an application for each new project proposed for funding in the ATP, consisting of the items included in Appendix A-3 of this guidance. In addition to MTC's Fund Management System (FMS) application, project sponsors must use the Project Programming Request (PPR) forms provided by Caltrans for all projects. The nomination sheet must be submitted electronically for upload into the regional and statewide databases. All application materials, in the form of 5 hard copies and 1 electronic copy (via CD/DVD, portable hard drive, or USB thumb drive) must be received by MTC no later than 4 PM on July 24, 2014 in order to be considered.

Additional Project Screening Criteria, Including Readiness

In addition to the CTC Guidelines, all projects included in the ATP must meet the following criteria.

- A. Prohibition of Multiple Phases in Same Year.** Project sponsors must provide sufficient time between the scheduled allocation of environmental funds and the start of design, right of way or construction. Therefore, projects with right of way acquisition may not have more than one phase programmed per fiscal year.
- B. Deliverability.** Project sponsors must demonstrate they can meet the expedited delivery timeframe imposed on the program by the CTC. Projects that can be delivered (receive a CTC allocation and federal authorization to proceed for federal funds) earlier, shall receive priority for funding over other projects. For projects programmed in FY 2014-15, sponsors submit the CTC allocation and obligation paperwork to Caltrans/CTC by January 31, 2015, and receive the federal authorization to proceed (E-76 / federal obligation) by March 31, 2015. For projects programmed in FY 2015-16, sponsors submit the CTC allocation and obligation paperwork to Caltrans/CTC by November 1, 2015, and receive the federal authorization to proceed (E-76 / federal obligation) by January 31, 2016. There are no extensions to these deadlines.

Additional Project Evaluation Criterion

MTC will use the CTC project evaluation criteria as set forth in the CTC Guidelines, with one additional criterion for the Regional Competitive Active Transportation Program. The additional criterion is:

- **Consistency with Regional Priorities and Planning Efforts. (0 to 10 points)**
Applicants shall describe the project's consistency with previously-approved regional priorities, and how the project meets *Plan Bay Area's* objective to meet SB 375 commitments. Points will be awarded for the degree of the proposed project's consistency with regional priorities, such as:
 - Establishment and expansion of regional bike share
 - San Francisco Bay Trail build-out
 - Regional Bike Network build-out
 - Gap closures in the Regional Bike Network
 - Multi-jurisdictional projects

Additional Regional Policies

Title VI Compliance

Investments made in the ATP must be consistent with federal Title VI requirements. Title VI prohibits discrimination on the basis of race, color, disability, and national origin in programs and activities receiving federal financial assistance. Public outreach to and involvement of individuals in low income and minority communities covered under Title VI of the Civil Rights Act and the Executive Order pertaining to Environmental Justice is critical to both local and regional decisions. MTC strives toward equitable solicitation and selection of project candidates in accordance with federal Title VI and Environmental Justice requirements.

MTC Resolution No. 3606 Compliance – Regional Project Delivery Policy

The CTC ATP Guidelines establish timely use of funds and project delivery requirements for ATP projects. Missing critical milestones could result in deletion of the project from the ATP, and a permanent loss of funds to the region. Therefore, these timely use of funds deadlines must be considered in programming the various project phases in the ATP. While the CTC Guidelines provide some flexibility with respect to these deadlines by allowing for deadline extensions under certain circumstances, the CTC is very clear that deadline extensions will be the exception rather than the rule. MTC Resolution No. 3606 details the Regional Project Delivery Policy for regional discretionary funding, which may be more restrictive than the State's delivery policy. All projects in the regional ATP are subject to the Regional Project Delivery Policy (MTC Resolution 3606). For additional information, refer to http://www.mtc.ca.gov/funding/delivery/MTC_Res_3606.pdf

MTC Resolution No. 3765 Compliance – Complete Streets Checklist

MTC's Resolution No. 3765 requires project sponsors to complete a checklist that considers the needs of bicycles and pedestrians for applicable projects. The Complete Streets Checklist (also known as "Routine Accommodations Checklist") is available through MTC's website online at http://www.mtc.ca.gov/planning/bicyclespedestrians/routine_accommodations.htm. Furthermore, it is encouraged that all bicycle projects programmed in the ATP support the Regional Bicycle Network. Guidance on considering bicycle transportation can be found in MTC's 2009 Regional Bicycle Plan (a component of Transportation 2035) and Caltrans Deputy Directive 64. MTC's Regional Bicycle Plan, containing federal, state and regional polices for accommodating bicycles and non-motorized travel, is available on MTC's Web site at: <http://www.mtc.ca.gov/planning/bicyclespedestrians/>.

METROPOLITAN TRANSPORTATION COMMISSION (MTC)
Regional Active Transportation Program (ATP)
Tentative Development Schedule (Subject to Change)
March 13, 2014

September 26, 2013	Governor signs bill creating Active Transportation Program (ATP)
November 27, 2013	CTC releases draft ATP Guidelines
March 2014	Draft Regional ATP Guidelines presented to Working Groups
March 20, 2014	CTC scheduled adoption of State ATP Guidelines CTC scheduled release of ATP Call for Projects for Statewide Competitive Program
April 9, 2014	MTC Programming and Allocations Committee (PAC) scheduled review and recommendation of final proposed Regional ATP Guidelines
April 23, 2014	MTC Commission scheduled adoption of Regional ATP Guidelines MTC submits approved Regional ATP Guidelines to CTC for consideration
May 21, 2014	State ATP Applications Due to CTC (Statewide Program) CTC scheduled approval of MTC's Regional ATP Guidelines (CTC Meeting – San Diego) MTC releases ATP Call for Projects for Regional Competitive Program
July 24, 2014	Regional ATP Applications Due to MTC (Regional Competitive Program)
August 8, 2014	CTC releases staff recommendation for ATP Statewide Competitive Program
August 20, 2014	ATP Statewide Program Adoption: CTC scheduled to adopt statewide program and transmit unsuccessful projects to the Regions for consideration
August 2014	MTC releases staff recommendation for ATP Regional Competitive Program
September 2014	Working Group discussions of staff recommendations
September 10, 2014	MTC Programming and Allocation Committee (PAC) scheduled review and recommendation of final ATP Regional Competitive Program
September 24, 2014	ATP Regional Competitive Program Adoption: MTC Commission scheduled approval of ATP regional program and transmittal to CTC for consideration
December 10, 2014	CTC Approval of ATP Regional Competitive Program: CTC scheduled to approve Regional Program
December 17, 2014	MTC Commission scheduled to approve TIP Amendment to add ATP projects into federal TIP
January 31, 2015	TIP Approval: FHWA/FTA anticipated approval of ATP projects in federal TIP Allocation/Obligation Submittal Deadline for Regional ATP projects programmed in FY 2014-15
March 31, 2015	Allocation/Obligation Deadline for Regional ATP projects programmed in FY 2014-15
November 1, 2015	Allocation/Obligation Submittal Deadline for Regional ATP projects programmed in FY 2015-16
January 31, 2016	Allocation/Obligation Deadline for Regional ATP projects programmed in FY 2015-16

Shaded Area – Actions by State, CTC or Caltrans

Appendix A-2MTC Res. No. 4132, Appendix A-2
Adopted: 04/23/14-C**Regional Active Transportation Program (ATP)****Cycle 1****Regional Share****FY 2013-14 through FY 2015-16****April 2014***ATP Regional Share*

All numbers in thousands

Fund Source	FY 2014-15 *	FY 2015-16	Total Regional ATP
Federal TAP	\$10,503	\$5,252	\$15,755
Federal Other	\$3,829	\$1,915	\$5,744
State	\$5,816	\$2,908	\$8,724
Total ATP Regional Share	\$20,148	\$10,075	\$30,223

Disadvantaged Communities Target

Classification	FY 2014-15 *	FY 2015-16	Total Regional ATP
25% - Benefiting Disadvantaged Communities	\$5,037	\$2,519	\$7,556
75% - Anywhere in the Region	\$15,111	\$7,556	\$22,667
Total ATP Regional Share	\$20,148	\$10,075	\$30,223

J:\PROJECT\Funding\T4-MAP21\MAP21 - TAP and ATP\ATP\Draft Regional ATP Guidelines\[tmp-4132_01b_ATP_Fund_Estimate_Version 2.xlsx]Appendix A-2 04-23-2014

* Due to the late start with the program, FY 2013-14 funding is included in delivery target for FY 2014-15

Appendix A-3: Regional Competitive ATP Project Application

Project sponsors must submit a completed project application for each project proposed for funding in the Regional Competitive Active Transportation Program. The application consists of the following six parts and are available on the Internet (as applicable) at: <http://www.mtc.ca.gov/funding/>

1. Cover letter on Agency letterhead signed by the applicant's Chief Executive Officer or other officer authorized by the applicant's governing board
 - a. If the proposed project is implemented by an agency other than the project sponsor, documentation of the agreement between the two entities must be included
2. Project application forms
 - a. Statewide ATP Application Form, available at <http://www.catc.ca.gov/programs/ATP.htm>
 - b. Regional competitive ATP Supplemental Application Form, available at <http://www.mtc.ca.gov/funding/ATP/> and included as Part 1 of Appendix A-3, below
3. Project Programming Request (PPR) form
 - a. Available at: <http://www.dot.ca.gov/hq/transprog/ocip/pprs/PPR%20-%20New%20Projects%20-%207-8-13%20FY%2014-15%20thru%2018-19.xls>
4. Documentation of all other funds committed to the project
5. Resolution of Local Support
 - a. Available at: http://www.mtc.ca.gov/funding/STIP/Reso-LocalSupt-RegDiscretionary_Final.doc
6. Complete Streets Checklist
 - a. Available at: http://www.mtc.ca.gov/planning/bicyclespedestrians/routine_accommodations.htm

Appendix 3
Part 1: Regional Competitive ATP Supplemental Project Application

To be provided at a later date.

DRAFT
03-13-2014