

Metropolitan Transportation Commission Programming and Allocations Committee

April 9, 2014

Resolution No. 4132

-
- Subject:** Cycle 1 Regional Competitive Active Transportation Program Guidelines
- Background:** The Legislature approved SB 99 and AB 101 in September 2013, establishing the Active Transportation Program (ATP). The ATP funding is distributed as follows:
- 50% to the state for a statewide competitive program (“Statewide Competitive ATP”);
 - 10% to the small urban and rural area competitive program to be managed by the state; and
 - 40% to the large urbanized area competitive program, with funding distributed by population and managed by the Metropolitan Planning Organization (“Regional Competitive ATP”).
- MTC is responsible for developing the region’s guidelines for the Regional Competitive ATP, and for submitting the proposed projects to the California Transportation Commission (CTC) for adoption. Resolution No. 4132 establishes MTC’s policies, procedures, and project selection criteria for the Regional Competitive ATP. MTC’s large urbanized share of the ATP provides about \$30 million in new funding to the nine-county MTC region.
- MTC’s Regional Competitive ATP Guidelines are based on CTC’s ATP Guidelines, adopted on March 20, 2014. MTC staff recommends four main changes from the Statewide Guidelines as summarized in Attachment A to the summary sheet. Upon CTC approval of MTC’s Regional ATP Guidelines, expected in May 2014, MTC will issue a call for projects for the regional program.
- Applications for the Regional Competitive ATP are due to MTC on July 24, 2014. MTC staff will recommend programming of projects from the Regional Competitive ATP in September via amending this Resolution’s Attachment B.
- Issues:** None.
- Recommendation:** 1) Refer MTC Resolution No. 4132 to the Commission for approval; 2) direct staff to submit MTC’s Regional Competitive ATP Guidelines to the California Transportation Commission; and 3) authorize a call for projects consistent with the guidelines.
- Attachments:** Attachment A – Regional Competitive ATP Guidelines Highlights
MTC Resolution No. 4132

Regional Competitive ATP Guidelines Highlights

Proposed Regional Competitive ATP Guidelines

MTC will follow the State Competitive ATP Guidelines, with four main changes from the Statewide ATP Guidelines noted below:

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.
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 scheduled 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. An evaluation committee will be formed with interested stakeholders to score and rank the submitted applications.

Programming in the TIP:

Project sponsors will be able to add the projects into the TIP following CTC approval of the regional competitive ATP program in December. 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. Projects selected for the program must demonstrate the ability to be delivered by these deadlines.

ATP Contacts:

For additional information, please go to the State ATP website (<http://www.catc.ca.gov/programs/ATP.htm>), MTC's ATP website (<http://www.mtc.ca.gov/funding/ATP/>), 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

J:\PROJECT\Funding\T4-MAP21\MAP21 - TAP and ATP\ATP\Draft Regional ATP Guidelines\tmp-4132.doc

Date: April 23, 2014
W.I.: 1512
Referred by: PAC

ABSTRACT

Resolution No. 4132

This resolution adopts the Active Transportation Program (ATP) Regional Competitive Program Guidelines and Program of Projects for the San Francisco Bay Area, for submission to the California Transportation Commission (CTC), consistent with the provisions of Senate Bill 99 and Assembly Bill 101.

Further discussion of these actions is contained in the MTC Executive Director's Memorandum to the MTC Programming and Allocations Committee dated April 9, 2014.

Attachment A – Guidelines: Policies, Procedures and Project Selection Criteria
Attachment B – Program of Projects

Date: April 23, 2014
W.I.: 1512
Referred by: PAC

RE: Adoption of Regional Competitive Active Transportation Program (ATP)
Guidelines and Program of Projects

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4132

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 *et seq.*; and

WHEREAS, MTC has adopted and periodically revises, pursuant to Government Code Sections 66508 and 65080, a Regional Transportation Plan (RTP); and

WHEREAS, MTC is the designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area region and is required to prepare and endorse a Transportation Improvement Program (TIP) which includes federal funds; and

WHEREAS, MTC is the designated recipient for federal funding administered by the Federal Highway Administration (FHWA) assigned to the MPO/RTPA of the San Francisco Bay Area for the programming of projects (regional federal funds); and

WHEREAS, the California State Legislature passed and the Governor signed into law Senate Bill 99 (Chapter 359, Statutes 2013) and Assembly Bill 101 (Chapter 354, Statutes 2013), establishing the Active Transportation Program (ATP); and

WHEREAS, MTC adopts, pursuant to Streets and Highways Code Section 2381(a)(1), an Active Transportation Program of Projects using a competitive process consistent with guidelines adopted by the California Transportation Commission (CTC) pursuant to Streets and Highways Code Section 2382(a), that is submitted to the CTC and the California Department of Transportation (Caltrans); and

WHEREAS, MTC has developed, in cooperation with CTC, Caltrans, operators of publicly owned mass transportation services, congestion management agencies, countywide transportation planning agencies, and local governments, guidelines to be used in the development of the ATP; and

WHEREAS, a multi-disciplinary advisory group evaluates and recommends candidate ATP projects for MTC inclusion in the Active Transportation Program of Projects; and

WHEREAS, the ATP is subject to public review and comment; now, therefore, be it

RESOLVED, that MTC approves the guidelines to be used in the evaluation of candidate projects for inclusion in the ATP, as set forth in Attachment A of this resolution, and be it further

RESOLVED, that MTC approves the Active Transportation Program of Projects, as set forth in Attachment B of this resolution, and be it further

RESOLVED that the Executive Director or designee can make technical adjustments and other non-substantial revisions; and be it further

RESOLVED that the Executive Director or designee is authorized to revise Attachment B as necessary to reflect the programming of projects as the projects are selected; and be it further

RESOLVED, that the Executive Director shall forward a copy of this resolution, and such other information as may be required to the CTC, Caltrans, and to such other agencies as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

Amy Rein Worth, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on April 23, 2014.

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

Attachment A
Resolution No. 4132
Page 1 of 11

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

Guidelines

April 23, 2014

**MTC Resolution No. 4132
Attachment A**

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

**Cycle 1 Regional Competitive Active Transportation Program (ATP)
Guidelines
Table of Contents**

Background	3
Development Principles	3
CTC Guidelines	4
ATP Development Schedule.....	4
ATP Regional Shares	4
Public Involvement Process.....	4
ATP Projects in the Transportation Improvement Program (TIP)	4
Deviations from Statewide Policies	4
1. Application Process and Additional Regional Screening/Evaluation Criteria	4
2. Definition of Disadvantaged Communities.....	5
3. Match Requirement	6
4. Contingency Project List.....	6
Application Process	6
Project Application	6
Additional Project Screening Criteria, Including Readiness.....	6
Additional Project Evaluation Criterion	7
Additional Regional Policies	7
Title VI Compliance.....	7
MTC Resolution No. 3606 Compliance – Regional Project Delivery Policy	7
MTC Resolution No. 3765 Compliance – Complete Streets Checklist	8
Appendix A-1: ATP Development Schedule	9
Appendix A-2: MTC ATP Regional Shares	10
Appendix A-3: Regional Competitive ATP Project Application	11

Cycle 1 Regional Competitive Active Transportation Program Guidelines

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 the State ATP program or to both the state and regional programs must submit a copy of their state application to MTC, along with a 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 2013 as a part of 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 include 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. ATP funds for the environmental phase must be programmed and obligated in FY 2014-15. 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:
 - Consistency with *Plan Bay Area's* Healthy and Safe goals of reduction of particulate matter, collision reduction and encouragement of active transport
 - Consistency with MTC's Safe Routes to School Program
 - Establishment and expansion of regional bike share
 - 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.

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/>.

INSERT pdf file: RES-4132_01a_ATP_Schedule.pdf

See

**J:\SECTION\ALLSTAFF\Resolution\RESOLUTIONS\MTC Resolutions\RES-
4132_01a_ATP_Schedule.doc.lnk**

Appendix A-1: ATP Development Schedule

INSERT pdf file: RES-4132_01b_ATP_Fund_Estimate.pdf

Appendix A-2: MTC ATP Regional Shares

See

**J:\SECTION\ALLSTAFF\Resolution\RESOLUTIONS\MTC Resolutions\RES-
4132_01b_ATP_Fund_Estimate.pdf.lnk**

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/ATP/>

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/>
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_FY%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://files.mtc.ca.gov/pdf/ATP/ATP_Resolution_Local_Support.docx
6. Complete Streets Checklist
 - a. Available at: http://www.mtc.ca.gov/planning/bicyclespedestrians/routine_accommodations.htm