



Fresno Council
of Governments

Cycle 1
REGIONAL COMPETITIVE
ACTIVE TRANSPORTATION PROGRAM

DRAFT GUIDELINES
As of 5-22-14

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INTRODUCTION

BACKGROUND

The Active Transportation Program 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.

These guidelines describe the policy, standards, criteria, and procedures for the development, adoption and management of the Regional Competitive Fresno Council of Governments (FCOG) Active Transportation Program. The guidelines were developed in consultation with FCOG's Programming Sub-Committee and an Active Transportation Program Multidisciplinary Advisory Group (MAG). The MAG includes representatives from Caltrans, other government agencies, and active transportation stakeholder organizations with expertise in public health and pedestrian and bicycle issues, including Safe Routes to School programs.

The California Transportation Commission (CTC) must approve these guidelines so that FCOG may carry out the Active Transportation Program at the Metropolitan Planning Organization (MPO) level.

PROGRAM GOALS

Pursuant to statute, the goals of the Active Transportation Program are to:

- 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 the initial two-year program of projects were adopted on March 20, 2014 by the CTC. Subsequent programs must be adopted no later than April 1 of each odd-numbered year; however, the CTC 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:

- Notify CTC of FCOG supplemental ATP – April 22, 2014
- FCOG DRAFT ATP Regional Guidelines to TTC/PAC for approval – May 9, 2014
- Submit FCOG DRAFT ATP Regional Guidelines to CTC – May 21, 2014
- FCOG DRAFT ATP Regional Guidelines to FCOG Policy Board for adoption – May 28, 2014
- CTC approves or rejects FCOG Final ATP Regional Guidelines – June 25, 2014
- Regional Competitive FCOG ATP Call for Projects – June 26-August 27, 2014

- CTC staff recommendation for statewide portions of the ATP – August 8, 2014
- CTC adopts statewide ATP project list – August 20, 2014
- Projects not selected in statewide program sent to FCOG – August 20, 2014
- FCOG Multidisciplinary Advisory Group scores regional level projects – September 4, 2014
- FCOG selected projects to TTC/PAC for approval – September 12, 2014
- FCOG selected projects to FCOG Policy Board – September 25, 2014
- Deadline for MPO project programming recommendations to CTC – September 30, 2014
- CTC adopts MPO selected projects – November 2014
- FCOG programs selected ATP projects in 2015 FTIP-January 2015

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 at least one of the Active Transportation Program's funding sources.

DISTRIBUTION

Active Transportation Program (ATP) funds from the State of California provide an important new funding source for active transportation projects. State and federal law segregate the Active Transportation Program into multiple, overlapping components. The Active Transportation Program Fund Estimate must indicate the funds available for each of the program components.

Forty percent of ATP funds must be distributed to Metropolitan Planning Organizations (MPO) in urban areas with populations greater than 200,000. These funds must be distributed based on total MPO population.

As a part of the Regional Competitive ATP for FCOG, \$3.9 million will be available in the first cycle which includes \$2.622 million in Fiscal Year 14/15 and \$1.311 in Fiscal Year 15/16. Per Senate Bill 99, ATP guidelines include a process to ensure that no less than 25 % of overall program funds shall benefit disadvantaged communities.

The funds programmed and allocated under this paragraph must 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

MATCHING REQUIREMENTS

Projects submitted to FCOG for the regional competitive ATP must include at least 11.47% in matching funds to be eligible. This is applicable to all project categories. The source of the matching funds may be any combination of local, private, state or federal funds. Matching funds must be expended in the same project phase (permits and environmental studies; plans, specifications, and estimates; right-of-way capital outlay; support for right-of-way acquisition; construction capital outlay; and construction engineering) as the Active Transportation Program funding. Matching funds cannot be expended prior to the CTC allocation of Active Transportation Program funds. Matching funds must be expended concurrently and proportionally to the Active Transportation Program funds. Matching funds over and above the required 11.47% may be adjusted before or shortly after contract award to reflect any substantive change in the bid compared to the estimated cost of the project.

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 CTC 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, Regional or State Agencies-Examples include city, county, MPO*, and Regional Transportation Planning Agency.
- 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
- Public schools or School districts.
- Tribal Governments -Federally-recognized Native American Tribes.
- Private nonprofit tax-exempt organizations may apply for recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails. Projects must benefit the general public, and not only a private entity.

- Any other entity with responsibility for oversight of transportation or recreational trails that the CTC determines to be eligible.

For funding awarded to a tribal government, a fund transfer to the Bureau of Indian Affairs may be necessary. A tribal government may also partner with another eligible entity to apply if desired.

As noted above, all applicants must comply with the federal aid process. Agencies applying for infrastructure funding that are not familiar with the federal aid process and federal policies and procedures **shall** partner with a local agency that possesses expertise in these funding program requirements. See below for more information on partnering opportunities.

PARTNERING WITH IMPLEMENTING AGENCIES

Entities that are unable to apply for Active Transportation Program funds or that are unable to enter into a Master Agreement with the State must partner with an eligible applicant that can implement the project. Entities that are unfamiliar with the requirements to administer a Federal-Aid Highway Program project may partner with an eligible applicant that can implement the project. If another entity agrees to assume responsibility for the ongoing operations and maintenance of the facility, documentation of the agreement must be submitted with the project application, and a copy of the Memorandum of Understanding or Interagency Agreement between the parties must be submitted with the request for allocation.

The implementing agency will be responsible and accountable for the use and expenditure of program funds.

ELIGIBLE PROJECTS

All projects must be selected through a competitive process and must meet one or more of the program goals. Because the majority of funds in the Active Transportation Program are federal funds, most 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, enforcement, and planning activities that further the goals of this program. The CTC intends to focus funding for non-infrastructure projects on pilot and start-up projects that can demonstrate funding for ongoing efforts. The Active Transportation Program funds are not intended to fund ongoing program operations. Non-infrastructure projects are not limited to those benefiting school students.
- Infrastructure projects with non-infrastructure components.

MINIMUM FUNDING AWARD REQUEST

There is no award minimum amount request required for FCOG's Regional Competitive ATP which is different than the state's requirement.

MAXIMUM FUNDING AWARD REQUEST

FCOG encourages establishing an ATP funding maximum not to exceed \$1,000,000 per project.

EXAMPLE PROJECTS

Below is a list of projects generally considered 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 for the benefit of the public.
- Bicycle-carrying facilities on public transit, including rail and ferries.
- Establishment or expansion of a bike share program.
- Recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails.
- Development of a bike, pedestrian, safe routes to schools or active transportation plan in a disadvantaged community.
- Education programs to increase bicycling and walking, and other non-infrastructure investments that demonstrate effectiveness in increasing active transportation, including but not limited to:
 - Development and implementation of bike-to-work or walk-to-work school day/month programs.
 - Conducting bicycle and/or pedestrian counts, walkability and/or bikeability assessments or audits, or pedestrian and/or bicycle safety analysis to inform plans and projects.
 - Conducting pedestrian and bicycle safety education programs.
 - Development and publishing of community walking and biking maps, including school route/travel plans.
 - Development and implementation of walking school bus or bike train programs.
 - Components of open streets events directly linked to the promotion of a new infrastructure project.
 - Targeted enforcement activities around high pedestrian and/or bicycle injury and/or fatality locations (intersections or corridors). These activities cannot be general traffic enforcement but must be tied to improving pedestrian and bicyclist safety.
 - School crossing guard training.
 - School bicycle clinics.
 - Development and implementation of programs and tools that maximize use of available and emerging technologies to implement the goals of the Active Transportation Program.

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 of 25%, the project must 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 median based on the most current census tract level data from the American Community Survey. Data is available at <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>
- 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>.
- At least 75% of public 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/sp.asp>. Applicants using this measure must indicate how the project benefits the school students in the project area or, for projects not directly benefiting school students, explain why this measure is representative of the larger community.

If a project applicant believes a project benefits a disadvantaged community but the project does not meet the aforementioned criteria, the applicant must submit for consideration a quantitative assessment of why the community should be considered disadvantaged.

PROJECT SELECTION PROCESS

REGIONAL COMPETITIVE ATP PROJECT SELECTION

The projects received in this call will be considered along with those not selected through the statewide competition. In administering a competitive selection process, FCOG will use a multidisciplinary advisory group (MAG) to assist in evaluating project applications. Following the competitive selection process, FCOG will submit its programming recommendations to the CTC along with a list of the members of the MAG.

PROJECT APPLICATION

The FCOG Regional Competitive Active Transportation Program project applications and supporting information are available at: www.fresnocog.org/ftip.

Projects not selected for programming in the statewide competition must be considered in the FCOG Regional Competitive ATP and must include a supplemental application.

A project application must 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, documentation of the agreement between the project applicant and

implementing agency must be submitted with the project application. A project application must also include documentation of all other funds committed to the projects. **All letters of support and resolutions must be included with the application and not sent separately.**

Project applications should be addressed or delivered to:
Fresno Council of Governments
Attn: Melissa Garza
2035 Tulare Street Suite 201
Fresno, CA 93721

Please submit **10** hard copies and one electronic copy (via cd or portable hard drive) of a complete application. **Applications must be submitted by August 27, 2014 at 4:30 pm.**

For questions or concerns, please contact Melissa Garza at mgarza@fresnocog.org or Lindsey Monge at lmonge@fresnocog.org. You may also contact us by phone at 559-233-4148.

SCREENING CRITERIA

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

Projects must be consistent with FCOG's Regional Transportation Plan (RTP): All projects submitted should be "consistent" with the relevant adopted regional transportation plan that has been developed and updated pursuant to Government Code Section 65080.

Applications will be screened for eligibility. Applications will be removed from the competitive process if found ineligible based on the guidelines below **and if the project application is incomplete**. Projects not selected for programming in the statewide competition, but deemed eligible for the regional program will be considered; however, applicants will be required to submit a supplemental application.

SCORING 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 given the various components of the Active Transportation Program and requirements of the various fund sources.

1. Potential for increased walking and bicycling, especially among students, including the identification of walking and bicycling routes to and from schools, transit facilities, community centers, employment centers, and other destinations; and including increasing and improving connectivity and mobility of non-motorized users. **(0 to 30 points)**
2. Potential for reducing the number and/or rate of pedestrian and bicyclist fatalities and injuries, including the identification of safety hazards for pedestrians and bicyclists. **(0 to 25 points)**
3. Public participation and Planning. **(0 to 15 points)**
 - a. Identification of the community-based public participation process that

culminated in the project proposal, which may include noticed meetings and consultation with local stakeholders. Project applicants must clearly articulate how the local participation process resulted in the identification and prioritization of the proposed project.

- b. For projects costing \$1 million or more, an emphasis will be placed on projects that are prioritized in an adopted city or county bicycle transportation plan, pursuant to Section 891.2, pedestrian plan, safe routes to school plan, active transportation plan, trail plan, or circulation element of a general plan that incorporated elements of an active transportation plan. *In future funding cycles, the CTC expects to make consistency with an approved active transportation plan a requirement for large projects.*

4. Cost-effectiveness. **(0 to 10 points)**

- a. Applicants must discuss the relative costs and benefits of the range of alternatives considered as well as quantify the safety and mobility benefit in relationship to both the total project cost and the funds provided.

Caltrans will develop a benefit/cost model for infrastructure and non-infrastructure active transportation projects in order to improve information available to decision makers at the state and MPO level in future programming cycles by September 30, 2014.

5. Improved public health through the targeting of populations with high risk factors for obesity, physical inactivity, asthma or other health issues. **(0 to 10 points)**

6. Benefit to disadvantaged communities. **(0 to 10 points)**

7. 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. Points will be deducted if an applicant does not seek corps participation or if an applicant intends not to utilize a corps in a project in which the corps can participate. **(0 to -5 points)**

The California Conservation Corps can be contacted at ccc.ca.gov. Community conservation corps can be contacted at californialocalconservationcorps.org.

Direct contracting with the California Conservation Corps or a qualified community conservation corps without bidding is permissible provided that the implementing agency demonstrates cost effectiveness per 23 CFR 635.204 and obtains approval from Caltrans. A copy of the agreement between the implementing agency and the proposed conservation corps must be included in the project application as supporting documentation.

8. 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 documented poor performance records on past grants may be excluded from competing or may be penalized in scoring. **(0 to -10 points)**

9. Shovel Readiness. If the project is to be considered “shovel ready”, the applicant must provide copies of the fully executed NEPA document and the fully executed right of way certification. **(0 or 10 points)**

PROJECT EVALUATION COMMITTEE

FCOG formed a Multidisciplinary Advisory Group (MAG) to assist in the development of the guidelines, scoring criteria and will participate in the evaluation of the project applications. In forming the MAG, staff sought participants with expertise in bicycling and pedestrian transportation, including Safe Routes to Schools type projects, and in projects benefiting disadvantaged communities. The representatives are geographically balanced representing tribal agencies, state agencies, FCOG, local jurisdictions in Fresno County, and non-governmental organizations. Priority for participation in the MAG was given to those who would not represent a project applicant, or would not benefit from projects submitted by others; if they do, they must recuse themselves from scoring their application.

The MAG will prioritize, rank the applications, and ensure that 25% of available funds are dedicated to projects and programs benefiting Disadvantaged Communities as identified in the CTC ATP guidelines. Then, the MAG will then present the recommended project list to the Programming Subcommittee, TTC, PAC and to the Policy Board for approval.

PROGRAMMING

The Active Transportation Program must be developed consistent with the fund estimate and the amount programmed in each fiscal year must 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 the project. 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 component will be listed in the Federal Transportation Improvement Program (FTIP) no earlier than in the fiscal year in which the particular project component can be implemented.

When proposing to fund only preconstruction components for a project, the applicant must 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 implementing 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 must be

submitted to FCOG 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.

FCOG 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. FCOG will regard funds as committed when they are programmed by the CTC 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 approval of the Federal Statewide Transportation Improvement Program. For federal discretionary funds, the commitment may be by federal approval of a full funding grant agreement or by grant approval.

If the program of projects adopted by FCOG does not program the full capacity identified in the fund estimate for a given fiscal year, the balance will remain available to advance programmed projects. Subject to the availability of federal funds, a balance not programmed in one fiscal year will carry over and be available for projects in the following fiscal year.

CONTINGENCY PROJECT LIST

FCOG 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, FCOG will include a list of contingency projects, ranked in priority order based on the project's evaluation score. FCOG intends to fund projects on the contingency list should there be any project failures in the Cycle 1 Regional Competitive ATP. This will ensure that the regional competitive ATP will fully use all ATP funds.

ALLOCATIONS

The CTC 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 of project readiness, the availability of appropriated funding, and the availability of all identified and committed supplementary funding.

Where the project is to be implemented by an agency other than the applicant, the allocation request must include a copy of the Memorandum of Understanding or Interagency Agreement between the project applicant and implementing agency.

The CTC will approve the allocation if the funds are available and the allocation is necessary to implement the project as included in the adopted Active Transportation Program.

In order to ensure the timely use of all program funds, the CTC 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. If there are insufficient funds, the CTC may delay the allocation of funds to a project until the next fiscal year without requiring an extension. Should requests for allocations exceed available capacity; the CTC will give priority to projects programmed in the current-year.

Allocation requests for all ATP projects must include a recommendation by the MPO.

In compliance with Section 21150 of the Public Resources Code, the CTC 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 CTC 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.

If an implementing agency requests an allocation of funds in an amount that is less than the amount programmed, the balance of the programmed amount may be allocated to a programmed project advanced from a future fiscal year. FCOG, in administering its Regional Active Transportation Program, must determine which projects to advance and make that recommendation to the CTC. Unallocated funds in one fiscal year will carry over and be available for projects in the following fiscal year.

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 CTC approves an extension. Applicants may submit and the CTC 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 all ATP projects must include a recommendation by FCOG, consistent with the preceding requirements.

If there are insufficient funds, the CTC may delay the allocation of funds to a project until the next fiscal year without requiring an extension.

Whenever programmed funds are not allocated within the fiscal year they are programmed or within the time allowed by an approved extension, 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. FCOG, in administering its competitive portion of the Active Transportation Program, must determine which projects to advance and make that recommendation to the CTC. Unallocated funds in one fiscal year will carry over and be available for projects in the following fiscal year.

The implementing 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 implementing agency has up to 36 months to complete (accept) the contract. At the time of fund allocation, the CTC 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 implementing agency has six months after contract acceptance to make the final payment to the contractor or vendor,

prepare the Final Report of Expenditures and submit the final invoice to Caltrans for reimbursement.

It is incumbent upon the implementing agency to develop accurate project cost estimates. If the amount of a contract award is less than the amount allocated, or if the final cost of a component is less than the amount awarded, the savings generated will not be available for future programming.

Caltrans will track the delivery of Active Transportation Program projects and submit to the CTC a semiannual report showing the delivery of each project phase.

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 de-obligation if proper justification is not provided.

PROJECT REPORTING

As a condition of the project allocation, the CTC will require the implementing agency to submit semi-annual reports on the activities and progress made toward implementation of the project and a final delivery report. An agency implementing a project from the FCOG Regional Competitive ATP must submit copies of its semi-annual reports and of its final delivery report to FCOG. The purpose of the reports is to ensure that the project is executed in a timely fashion and is within the scope and budget identified when the decision was made to fund the project.

Within one year of the project becoming operable, the implementing agency must provide a final delivery report to the CTC 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.
- Actual use of the California Conservation Corps or qualified community conservation corps as compared to the use in the project application.

Please note that the final delivery report required by this section is in addition to the aforementioned Final Report of Expenditures.

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.

Caltrans must audit a sample of Active Transportation Program projects to evaluate the performance of the project, 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 CTC 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. A report on the projects audited must be submitted to the CTC annually.

ROLES AND RESPONSIBILITIES

CALIFORNIA TRANSPORTATION COMMISSION (CTC)

The CTC responsibilities include:

- Adopt guidelines and policies for the Active Transportation Program.
- Adopt Active Transportation Program Fund Estimate.
- 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.
- Evaluate and report to the legislature.

CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

Caltrans has the primary responsibility for the administration of the Active Transportation Program.

Responsibilities include:

- Facilitate the Project Evaluation process and sit on the MAG.
- Perform eligibility reviews of Active Transportation Program projects.
- Evaluate, score and rank applications.
- Recommend projects to the CTC for programming and allocation.
- Track and report on project implementation.
- Audit a selection of projects.
- Serve as the main point of contact in project implementation.

METROPOLITAN PLANNING ORGANIZATIONS (MPOS) WITH LARGE URBANIZED AREAS

MPOs with large urbanized areas, such as FCOG, 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 the FCOG call for projects benefit disadvantage communities.
- FCOG is using different project selection criteria, weighting, minimum project size and a match requirement for its regional competitive ATP selection process than the state. Therefore, FCOG must obtain CTC approval prior to the regional call for projects.
- The projects within FCOG boundaries that were not selected through the statewide competition must be considered along with those received in the supplemental call for projects. FCOG must notify the CTC of their intent to have a supplemental call no later than May 21, 2014.

- In administering a regional competitive ATP selection process, FCOG must use a multidisciplinary advisory group to assist in evaluating project applications.
- In administering a regional competitive ATP selection process, FCOG must explain how the projects recommended for programming include a broad spectrum of projects to benefit pedestrians and bicyclists. The explanation must include a discussion of how the recommended projects benefit students walking and cycling to school.
- Approve amendments to the regional portion of the program prior to CTC approval.
- Recommend allocation requests for a project in the FCOG regional competitive ATP.
- Determine which projects to advance and make that recommendation to the CTC.
- Submit an annual assessment of FCOG's regional competitive ATP in terms of its effectiveness in achieving the goals of the overall Active Transportation Program.

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 (or partnering implementing agency if applicable) has contractual responsibility for carrying out the project to completion and complying with reporting requirements in accordance with federal, state, and local laws and regulations, and these guidelines.

For capital projects off the state highway system, the project applicant will be responsible for the ongoing operations and maintenance of the facility. If another entity agrees to assume responsibility for the ongoing operations and maintenance of the facility, documentation of the agreement must be submitted with the project application, and a copy of the Memorandum of Understanding or Interagency Agreement between the parties must be submitted with the request for allocation.

REGIONAL ACTIVE TRANSPORTATION PLAN

The Active Transportation Program provides for the creation of Active Transportation Plans. FCOG will develop a Regional Active Transportation Plan without the use of Regional Competitive ATP funds. That is, FCOG will not set-aside any funding percentage for the development of Active Transportation Plans; however, eligible applicant may still apply for funding for active transportation plans at the State or MPO level if desired. Funding for active transportation plans must be consistent with the plan requirements identified in the CTC adopted ATP Guidelines. *Please refer to the section on active transportation plans found on page 17 of the CTC adopted ATP guidelines.*

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 Procedures 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.

- If the project requires the purchase of 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

Streets and Highways Code Section 891 requires that all city, county, regional, and other local agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted utilize all minimum safety design criteria established by Caltrans. Chapter 11, Design Standards, of the Caltrans Local Assistance Procedures 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, including the delegation of design exception approval authority to the City and County Public Works Directors for projects not on the state highway system. These standards and procedures, including the exception approval process, must be used for all Active Transportation Program projects.

For capital projects off the state highway system, the project applicant will be responsible for the ongoing operations and maintenance of the facility. If another entity agrees to assume responsibility for the ongoing operations and maintenance of the facility, documentation of the agreement must be submitted with the project application, and a copy of the Memorandum of Understanding or Interagency Agreement between the parties must be submitted with the request for allocation. 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 as documented in the project application, whichever is less, without approval of the CTC.

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 must collect and

submit data to Caltrans as described in the "Project Reporting" section.

By December 31, 2014, the CTC will post on 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 CTC 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.