



Fresno Council of Governments

Cycle 3

***2017 REGIONAL COMPETITIVE
ACTIVE TRANSPORTATION PROGRAM***

GUIDELINES

Adopted by Fresno COG Policy Board on 5-26-16

***Approved by the
California Transportation Commission on 6-29-16***

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INTRODUCTION

BACKGROUND

The Active Transportation Program (ATP) was created by Senate Bill 99 (Chapter 359, Statutes of 2013) and Assembly Bill 101 (Chapter 354, Statutes of 2013) to encourage increased use of active modes of transportation, such as biking and walking.

These guidelines describe the policy, standards, criteria, and procedures for the development, adoption, and management of the Regional Competitive Fresno Council of Governments (FCOG) ATP. The guidelines were developed in consultation with FCOG's ATP Multidisciplinary Advisory Group (MAG). The MAG includes a representative 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 ATP at the Metropolitan Planning Organization (MPO) level.

PROGRAM GOALS

Pursuant to statute, the goals of the ATP 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 AND FUNDING YEARS

The Cycle 3 Statewide guidelines for the 2017 two-year program of projects (covering state fiscal years 2019/20 and 2020/21) were adopted on March 17, 2016 by the CTC. Each program of projects 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 2017 ATP:

- FCOG DRAFT ATP Regional Guidelines to TTC/PAC for approval – May 13, 2016
- CTC adopts ATP Fund Estimate – May 18, 2016
- FCOG DRAFT ATP Regional Guidelines to FCOG Policy Board for adoption – May 26, 2016
- Submit FCOG ATP Regional Guidelines to CTC – June 1, 2016
- CTC approves or rejects FCOG Final ATP Regional Guidelines – June 29-30, 2016
- Regional Competitive FCOG ATP Call for Projects – July 1-September 15, 2016

- CTC staff recommendation for statewide portions of the ATP – October 28, 2016
- FCOG Multidisciplinary Advisory Group reviews and scores regional level projects – November 2, 2016
- CTC adopts statewide ATP program of projects – December 7-8, 2016
 - *Projects not selected in statewide program compete in the FCOG Regional ATP*
- FCOG selected draft project list to TTC/PAC for recommendation of approval – January 13, 2017
- FCOG selected draft project list to FCOG Policy Board for adoption – January 26, 2017
- Deadline for MPO project programming recommendations to CTC – January 27, 2017
- CTC adopts MPO selected projects – March 2017
- FCOG programs selected ATP projects as an amendment to the 2017 FTIP--end of Spring/ early Summer 2017

FUNDING

SOURCE

The ATP 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 ATP projects must meet eligibility requirements specific to at least one ATP funding source.

DISTRIBUTION

ATP funds from the State of California provide an important funding source for active transportation projects. State and federal law segregate the ATP into multiple, overlapping components. The ATP 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.

The 2017 ATP Fund Estimate is still pending as CTC will be taking it to the May 18, 2016 CTC meeting for adoption. Per the 2015 ATP Fund Estimate, \$3.9 million was available in the second cycle, that is, \$1.3 million per year for Fiscal Year 16/17, 17/18, and 18/19 for the Regional Competitive ATP for FCOG. Similarly, for Cycle 3, CTC is proposing to award Fresno COG with an additional \$1.3 million per year for Fiscal Years 19/20 and 20/21. 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

Although FCOG encourages the leveraging of additional funds for a project submitted to the regional competitive ATP, matching funds are not required to be eligible. **However, if an agency chooses to provide match funds, points will be awarded based on the amount of the non-ATP funding pledged to the project.** Matching funds cannot be expended prior to the CTC allocation of ATP funds in the same project phase (permits and environmental studies; plans, specifications, and estimates; right-of-way; and construction). Matching funds must be expended concurrently and proportionally to the ATP funds. Matching funds 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. This is applicable to all project categories. The source of the matching funds may be any combination of local, private, state, or federal funds.

REIMBURSEMENT

The ATP is a reimbursement program for eligible 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.

MINIMUM FUNDING AWARD REQUEST

There is no minimum ATP award request required for FCOG's Regional Competitive ATP which is different than the statewide requirement. This applies to all project categories.

MAXIMUM FUNDING AWARD REQUEST

FCOG "encourages" ATP funding awards of \$1,000,000 or less per project.

FUNDING SET-ASIDES

The Fresno COG Regional Competitive ATP does not include any set-aside funding for Safe Routes to School projects, Recreational Trails projects, or Active Transportation Plans. These infrastructure, Non-Infrastructure and combined Infrastructure/Non-Infrastructure projects will compete within the same funding source and will be scored accordingly.

Safe Routes to School projects must directly increase safety and convenience for public school students to walk and/or bike to school. Safe Routes to Schools infrastructure projects must be located within two miles of a public school or within the vicinity of a public school bus stop. Other than traffic education and enforcement activities, non-infrastructure projects do not have a location restriction.

Trail projects that are primarily recreational should meet the federal requirements of the Recreational Trails Program as such projects may not be eligible for funding from other sources (http://www.fhwa.dot.gov/environment/recreational_trails/).

A city, county, county transportation commission, regional transportation planning agency, MPO, school district, or transit district may prepare an active transportation plan (bicycle, pedestrian, safe-routes-to-school, or comprehensive). An active transportation plan prepared by a city or county may be integrated into the circulation element of its general plan or a separate plan which is compliant or will be brought into compliance with the Complete Streets Act, Assembly Bill 1358 (Chapter 657, Statutes of

2008).

Funding for active transportation plans must be consistent with the plan requirements identified in the CTC adopted ATP Guidelines. Please refer to the section PROJECT APPLICANT on page 19 for more information regarding the funding of plans.

ELIGIBILITY

ELIGIBLE APPLICANTS

The applicant and/or implementing agency for ATP funds assumes responsibility and accountability for the use and expenditure of program funds. Applicants and/or implementing agencies 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 ATP 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.

A project applicant found to have purposefully misrepresented information that could affect a project's score may result in the applicant being excluded from the program for the current cycle and the next cycle.

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

Eligible applicants that are unable to apply for ATP 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. In addition, eligible applicants that are unfamiliar with the requirements to administer a Federal-Aid Highway Program project are encouraged to partner with an eligible applicant that can implement the project. If another entity agrees to be the implementing agency and assume responsibility for the ongoing operations and maintenance of the facility, documentation of the agreement (e.g., letter of intent) 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 ATP are federal funds, projects must be federal-aid eligible:

- Infrastructure Projects: Capital improvements that will further the goals of this program. This typically includes the environmental, design, right-of-way and construction phases of a capital (facilities) project. A new infrastructure project will not be programmed without a complete project study report (PSR) or PSR equivalent. The application will be considered a PSR equivalent if it defines and justifies the project scope, cost and schedule. The PSR or equivalent may focus on the project components proposed for programming, it must provide at least a preliminary estimate of costs for all components. PSR guidelines are posted on the CTC's website: <http://www.catc.ca.gov/programs/ATP.htm>

A capital improvement that is required as a condition for private development approval or permits is not eligible for funding from the ATP.

- Plans: The development of a community wide bicycle, pedestrian, safe routes to school, or active transportation plan in a disadvantaged community.
- Non-infrastructure Projects: Education, encouragement, and enforcement activities that further the goals of this program. The CTC intends to focus funding for non-infrastructure on start-up projects. A project is considered to be a start-up when no program currently exists. Start-up projects must demonstrate how the program is sustainable after ATP funding is exhausted. The ATP funds cannot fund ongoing program operations. Non-infrastructure projects are not limited to those benefiting school students. Program expansions or new components of existing programs are eligible for ATP funds as long as the applicant can demonstrate that the existing program will be continued with non-ATP funds.
- Infrastructure projects with non-infrastructure components.

EXAMPLE PROJECTS

Below is a list of projects generally considered eligible for ATP 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. Important—components of an otherwise eligible project may not be eligible. For information on ineligible components, see the Caltrans Local Assistance/ATP website.

- 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 improving the active transportation operations/usability and 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 community wide 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. Components may include but are 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.
 - 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 or designed to promote walking and biking on a daily basis.
 - 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 ATP.

PROJECT TYPE REQUIREMENTS

As discussed in the Funding Distribution section (above), State and Federal law segregate the ATP 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, with verifiable information, a direct, meaningful, and assured benefit to a disadvantaged community. To count as providing a benefit, a project must fulfill an important need of low-income people in a way that provides a significant benefit and targets its benefits primarily to low-income people while avoiding substantial burdens on a disadvantaged community.

For a project to qualify as directly benefiting a disadvantaged community, the project must be located within or in reasonable proximity and have a direct connection, to the disadvantaged community served by the project; or the project must be an extension or a segment of a larger project that connects to or directly adjacent to that disadvantaged community. It is incumbent upon the applicant to clearly articulate how the project benefits the disadvantaged community; there is no presumption of benefit, even for projects located within a disadvantaged community. To qualify as a disadvantaged community the community served by the project must meet at least one of the following criteria:

- The Median Household Income (Table ID B19013) is less than 80% of the statewide median based on the most current Census Tract (ID 140) level data from the 2010-2014 American Community Survey (<\$49,191). Communities with a population less than 15,000 may use data at the Census Block Group (ID 150) level. Unincorporated communities may use data at the Census Place (ID 160) level. Data is available at: <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>
- An area identified as among the most disadvantaged 25% in the state according to the CalEPA and based on the California Communities Environmental Health Screening Tool 2.0 (CalEnviroScreen 2.0) scores (scores must be greater than or equal to 36.62). This list can be found at the following link under SB 535 List of Disadvantaged Communities: <http://www.calepa.ca.gov/EnvJustice/GHGInvest/>
 -
- 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/filesasp.asp>. Applicants using this measure must indicate how the project benefits the school students in the project area. Project must be located within 2 miles of the school(s) represented by this criteria.
- Other:
 - If a project applicant believes a project benefits a disadvantaged community but the project does not meet the aforementioned criteria due to a lack of accurate Census data or CalEnviroScreen data that represents a small neighborhood or unincorporated area, the applicant must submit for consideration a quantitative assessment to demonstrate that the community's median household income is at or below 80% of that state median household income.
 - Regional definitions of disadvantaged communities as adopted in a Regional Transportation Plan (RTP) by an MPO or RTPA per obligations with Title VI of the Federal Civil Rights Act of 1964, such as "environmental justice communities" or "communities

- of concern,” may be used in lieu of the options identified above.
- Projects located within Federally Recognized Tribal Lands (typically within the boundaries of a Reservation or Rancheria).

PROJECT SELECTION PROCESS

REGIONAL COMPETITIVE ATP PROJECT SELECTION

The project applications received in this competitive process 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:

- Project applications that were not submitted through the statewide program
- List of the members of its multidisciplinary advisory group
- Description of unbiased project selection methodology
- Program spreadsheet with the following elements
 - All projects evaluated
 - Projects recommended with total project cost, request amount, fiscal years, phases, state only funding requests, amount benefitting disadvantaged communities
 - Project type designations such as non-infrastructure, Safe Routes to School, etc.
- Board resolution approving program of projects
- Updated Project Programming Requests (PPRs)

PROJECT APPLICATION

The FCOG Regional Competitive ATP project applications and supporting information will be made 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. Per the CTC’s guidelines, a copy of the application submitted to the state MUST be submitted to FCOG at the same time.

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 mailed separately.

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

Please submit 7- hard copies and one electronic copy (via cd or portable hard drive) of a complete application. Applications must be postmarked by the application deadline.

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

SCREENING CRITERIA

Before evaluation, project applications will be screened for the following:

- Consistency with an adopted regional transportation plan: Applicants should provide the supporting language cited from the adopted RTP, such as the specific goal, objective, or RTP project number, to show that the submitted project is consistent with the plan.
- Supplanting Funds: A project that is already fully funded will not be considered for funding in the Active Transportation Program. ATP funds cannot be used to supplant other committed funds.
- Eligibility of project: Project must be one of the four types of projects listed in Section 11 of the state CTC ATP Cycle 3 guidelines.

Applications will be screened for eligibility. Applications will be removed from the competitive process if found ineligible based on the guidelines/criteria, 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 complete and attach the FCOG supplemental application.

SCORING CRITERIA

Proposed projects will be scored 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 ATP and requirements of the various fund sources.

1. Benefit to “disadvantaged communities”. **(0 to 10 points)**
Applicants must:
 - a. Provide a map that delineates the specific disadvantaged census tract(s) or school(s) that will benefit from the project in relationship to the project site.

Scores will be scaled in relation to the severity of and the benefit provided to the disadvantaged community affected by the project.

2. 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. Applicants may describe how the project would address significant gap closures. **(0 to 35 points)**
3. Potential for reducing the number and/or rate or the risk of pedestrian and bicyclist fatalities and injuries, including the identification of safety hazards for pedestrians and bicyclists. Applicants may describe qualitative safety barriers that deter people from walking/biking if their

community lacks quantitative safety data and how the project would address the community's safety concerns. **(0 to 25 points)**

4. Public participation and Planning. **(0 to 10 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 (including the participation of disadvantaged community stakeholders) 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.*

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

6. Cost-effectiveness. **(0 to 5 points)**

- a. A project's cost effectiveness will be evaluated on the relative costs of the project in comparison to the project's benefits as defined by the purpose and goals of the ATP. This includes the consideration of the safety and mobility benefit in relation to both the total project cost and the funds provided.

The Cal-B/C benefit-cost model is being updated to incorporate active transportation projects. When this update is complete, applicants must use this model to quantify the cost-effectiveness of their project.

7. Leveraging of non-ATP funds (excluding in-kind contributions) on the ATP project scope proposed. **(0 to 5 points)**

8. 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 or -5 points)**

The California Conservation Corps can be contacted at atp@ccc.ca.gov. Qualified Community conservation corps can be contacted at inquiry@atpcommunitycorps.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 provided to Caltrans.

9. Applicant's performance on past ATP projects. Point reduction for non-use of the Corps as committed to in a past ATP award or project failure on any past ATP project. **(0 or -10 points)**

PROJECT SELECTION BETWEEN PROJECT APPLICATIONS WITH THE SAME SCORE

If two or more project applications receive the same score that is the funding cut-off score, the following criteria will be used to determine which project(s) will be funded:

- Construction ready infrastructure projects
- Highest score on Question 1
- Highest score on Question 2

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. In addition, members are not allowed to provide input, verbally or in writing, regarding their project/plan/program during the evaluation period.

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. The MAG will then present the recommended project list to the Programming Subcommittee, TTC, PAC, and to the Policy Board for approval before requesting final approval from the CTC of the program of projects.

PROGRAMMING

The ATP 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 ATP, and the estimated total cost of the project. In the case of a large project delivered in segments, include the total cost of the segment for which ATP funds are requested. Project costs in the ATP will include costs for each of the following components:

- (1) Permits and environmental studies;
- (2) Plans, specifications, and estimates;
- (3) Right-of-way; and
- (4) Construction.

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.

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 ATP 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 with the amount of ATP funding available (as identified in the CTC's 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 2 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 ATP.

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 a non-infrastructure project or plan, or for design, right-of-way, or construction of an infrastructure project, prior to documentation of environmental clearance under the California Environmental Quality Act. As a matter of policy, the CTC will not allocate funds, other than for the environmental phase, for 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.

Any amount allocated for environmental may also be expended for design. In addition, a local agency may expend an amount allocated for environmental, design, right of way, or construction for another allocated project component, provided that the total expenditure shifted to a component in this way is not more than 20 percent of the amount actually allocated for either component. This means that the amount transferred by a local agency from one component to another may be no more than 20 percent of whichever of the components has received the smaller allocation from the Commission.

Any scope changes must be presented to Caltrans for consideration prior to allocation. Caltrans will make a recommendation of approval to the Commission for final approval. Scope changes that result in a decrease of active transportation benefits may result in removal from the program.

PROJECT DELIVERY

ATP allocations must be requested in the fiscal year of project programming, and construction allocations 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 ATP. 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 ATP, must determine which projects to advance and make that recommendation to the CTC. Unallocated funds in one fiscal year will not 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 allocated, the savings generated will not be available for future programming.

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

FEDERAL REQUIREMENTS

Unless programmed for state-only funding, 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. Refer to the CTC guidelines; section VII, for examples of federal requirements that must be met when administering ATP projects.

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, except that an agency may utilize other minimum safety design criteria if specific conditions are met, as described in Streets and Highways Code Section 891(b). Refer to the CTC guidelines; section VII, for specific requirements.

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 the following information to Caltrans to be included in 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 described 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 random selection of ATP 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, policies, and application for the ATP.
- Adopt ATP Fund Estimate.
- Evaluate, score and rank projects, including forming and facilitating the Project Evaluation Committee.

- Recommend and adopt a program of projects, including:
 - The statewide component of the ATP,
 - The small urban and rural component of the ATP 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.
- Post recommendations and final adopted list of approved projects on the Commission's website
- 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 adopted ATP. Responsibilities include:

- Assist in the Project Evaluation process as a member of the MAG.
- Perform eligibility and deliverability reviews of ATP projects and inform the CTC of any identified issues as they arise.
- Recommend project allocations (including funding type) to the Commission.
- Track and report on project implementation, including project completion.
- Perform audits of selected projects in accordance with generally accepted government auditing standards.
- 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 disadvantaged communities.
- FCOG is using a different definition of a disadvantaged community, project selection criteria, weighting, and minimum project size for its regional competitive ATP selection process than the statewide guidelines. 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 the application deadline.
- 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.
- FCOG elects to have a contingency list of projects to be amended into the program in the event a programmed project is delivered for less or fails. FCOG will approve and recommend such amendments for Commission approval. This contingency list will be provided to the Commission and will be in effect only until the adoption of the next statewide program.

- Recommend allocation requests for a project in the FCOG regional competitive ATP.
- Determine which projects to advance and make that recommendation to the CTC in consultation with Commission staff and Caltrans.
- Submit an annual assessment of FCOG's regional competitive ATP in terms of its effectiveness in achieving the goals of the overall ATP.

PROJECT APPLICANT

Project applicants nominate ATP projects for funding consideration. If awarded ATP 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 infrastructure 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.

ACTIVE TRANSPORTATION PLANS

The ATP provides for the creation of Active Transportation Plans. Funding from the ATP may be used to fund the development of community wide active transportation plans within or, for area-wide plans, encompassing disadvantaged communities, including bike, pedestrian, safe routes to schools, or comprehensive active transportation plans. A list of the components that must be included in an active transportation plan can be found in Section 13, subsection E of the statewide guidelines.

Please note: The statewide guidelines state that a large MPO, in administering its portion of the program, may make up to 2% of its funding available for active transportation plans in disadvantaged communities within the MPO boundaries. **Although Fresno COG does not intend to set-aside funding for active transportation plans, no more than 2% of the total ATP regional funds can be used to fund active transportation plans in disadvantaged communities.** Furthermore, the CTC intends to reassess the set aside for plans in future program cycles. Refer to section 7 of the statewide guidelines for detailed information on "Funding for Active Transportation Plans" and the funding priorities that will be used when evaluating the potential to fund active transportation plan in disadvantaged communities.

PROGRAM EVALUATION

The ATP 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.

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 ATP 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.