



Fresno Council of Governments

Cycle 4

***2019 REGIONAL COMPETITIVE
ACTIVE TRANSPORTATION PROGRAM***

GUIDELINES

Adopted by Fresno COG Policy Board on 6-28-18

***Approved by the
California Transportation Commission 8-16-18***

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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. Senate Bill 1 (Chapter 2031, statutes of 2017) stipulates that \$100,000,000 of revenues from the Road Maintenance and Rehabilitation Account will be available annually to the ATP.

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 PURPOSE AND GOALS

Pursuant to statute, the purpose of the program is to encourage increased use of active modes of transportation, such as biking and walking. 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 4 Statewide guidelines for the 2019 four-year program of projects (covering state fiscal years 2019/20, 2020/21, 2021/22 and 2022/23) were adopted on May 16, 2018 by the CTC. Each program of projects must be adopted no later than the date designated in statute 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 2019 ATP:

Commission hearing and adoption of ATP Guidelines	May 16, 2018*
Commission adopts ATP Fund Estimate	May 16, 2018*
Call for projects	May 16, 2018*
FCOG Draft ATP Regional Guidelines to TTC/PAC for approval	June 8, 2018
FCOG Draft ATP Regional Guidelines to Policy Board for adoption	June 28, 2018

Large MPOs submit optional guidelines to Commission	July 16, 2018
Project applications to Caltrans (postmark date)	July 31, 2018
Commission approves or rejects MPO guidelines	August 15, 2018*
Project application copies and resolutions due to FCOG	October 31, 2018
Staff recommendation for statewide and small urban and rural portions of the program posted	December 31, 2018
Commission adopts statewide and small urban and rural portions of the program	January, 2019*
Projects not programmed distributed to large MPOs based on location	January, 2019
FCOG MAG Reviews and Scores regional projects	January 22, 2019
FCOG project recommendations to TTC/PAC for approval	February 8, 2019
Deadline for MPO Draft project programming recommendations to the Commission	February 15, 2019
FCOG project recommendations to Policy Board for adoption	February 28, 2019
Deadline for MPO Final project programming recommendations to the Commission	April 30, 2019
Commission adopts MPO selected projects	June 2019*

*Exact dates will coincide with the CTC's adopted 2019 calendar.

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.
- Road Maintenance and Rehabilitation Account (SB 1)

In addition to furthering the purpose and 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 2019 ATP Fund Estimate was adopted at the May 16, 2018 CTC meeting. Per the 2017 ATP Fund Estimate, \$2.8 million was available in the third cycle, that is, \$1.4 million per year for Fiscal Year 19/20 and 20/21 for the Regional Competitive ATP for FCOG. Additionally, SB 1 provided \$2 million of available funding in the ATP Augmentation cycle, \$1.047 million per year for Fiscal Year 17/18 and 18/19. Similarly, for Cycle 4, CTC is proposing to award Fresno COG with a total of \$4.7 million for Fiscal Years 19/20 through 22/23 - \$1.047 million per year for Fiscal Years 19/20 and 20/21, and \$1.3 million per year for Fiscal Years 21/22 and 22/23. 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. 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. In order for an item to be eligible for ATP reimbursement, that item's primary use or function must meet the ATP purpose and at least one of the ATP goals. 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 \$1,500,000 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 24 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.
 - For funding awarded to a tribal government, a fund transfer to the Bureau of Indian

Affairs (BIA) may be necessary. A tribal government may also partner with another eligible entity to apply if desired.

- 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 some of the funds in the ATP are federal funds, all 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 that encompasses or is predominately located in a disadvantaged community.
- Non-infrastructure Projects: Education, encouragement, and enforcement activities that further the goals of this program. Non-infrastructure projects are not limited to those benefiting school students. NI projects can be start-up programs or new and/or expanded components of existing programs. 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. A project with new and/or expanded components to an existing program must demonstrate how the original program is continuing without ATP funding. The ATP funds cannot fund ongoing program operations. All NI projects must demonstrate how the program is sustainable and will be continued after ATP funding is exhausted.
- 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:

- **Median Household Income:** 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 2012-2016 American Community Survey (<\$51,026). 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>

- **CalEnviroScreen:** 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 3.0 (CalEnviroScreen 3.0) 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/>
- **National School Lunch Program:** 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.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.
- **Native American Tribal Lands:** Projects located within Federally Recognized Tribal Lands (typically within the boundaries of a Reservation or Rancheria).
- **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.

PROJECT SELECTION PROCESS

REGIONAL COMPETITIVE ATP PROJECT SELECTION

All project applications must be submitted to Caltrans for consideration in the statewide competition to be eligible for the regional competition. Projects not selected for programming in the statewide competition must be considered in the regional 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:

- 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

ATP project applications will be available at:

<http://www.dot.ca.gov/hg/LocalPrograms/atp/index.html>.

The FCOG Regional Competitive ATP information will be made available at:
<https://www.fresnocog.org/project/active-transportation-program-atp/>.

Projects not selected for programming in the statewide competition must be considered in the FCOG Regional Competitive ATP. Per the CTC's guidelines, a copy of the application submitted to the state MUST be submitted to FCOG at the same time.

There will be five different applications available for applicants to complete depending on the project type and size. It is incumbent on the applicant to complete the application appropriate for their project. The five application types are:

A. **Large Project:** Infrastructure only or Infrastructure/Non-infrastructure: Projects with a total project cost of greater than \$7 million will be considered a Large Project and must use the Large Project application. Any project requesting over \$10M in ATP funding will be required to host an onsite field review with Caltrans and CTC staff.

B. **Medium Project:** Infrastructure only or Infrastructure/Non-infrastructure: Projects with a total project cost between \$1.5 million to \$ 7 million will be considered a Medium Project and must use the Medium Project application.

C. **Small Project:** Infrastructure only or Infrastructure/Non-infrastructure: Projects with a total project cost less than \$1.5 million will be considered a Small Project and must use the Small Project application.

D. **Non-infrastructure Only**

E. **Plan**

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: Jennifer Soliz

2035 Tulare Street Suite 201

Fresno, CA 93721

Please submit 8 hard copies and one electronic copy of a complete application. Applications must be postmarked by the application deadline.

For questions or concerns, please contact Jennifer Soliz at jsoliz@fresnocog.org. You may also contact us by phone at 559-233-4148 ext. 223.

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.
- Use of appropriate application.
- 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 14 of the state CTC ATP Cycle 4 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.

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.

See the chart below to reference the scoring criteria and points allotted to the different types of applications. The chart shows the maximum number of points allowed for each scoring criteria and type of application. If a scoring criteria is gray, it is not applicable to that application type.

	Scoring Topic	Plan Application	Non-Infrastructure Only Application	Infrastructure or Infrastructure/Non-Infrastructure Applications		
				Small	Medium	Large
A.	Benefit to Disadvantaged Communities (DAC)	30	10	10	10	10
B.	Need	20	40	53	43	38
C.	Safety		10	25	25	20
D.	Public Participation & Planning	25	15	10	10	10
E.	Scope and Plan Consistency		10	2	2	2
F.	Implementation & Plan Development	25				
G.	Context Sensitive & Innovation		5		5	5
H.	Transformative Projects					5
I.	Evaluation and Sustainability		10			
J.	Cost Effective					5
K.	Leveraging				5	5
L.	Corps (0 or -5)		0	0	0	0
M.	Past Performance (0 to -10)	0	0	0	0	0
	Total	100	100	100	100	100

- Benefit to Disadvantaged Communities. Scores will be scaled in relation to the severity of and the benefit provided to the disadvantaged community affected by the project.
- Need. 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.

- C. Safety. 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.
- D. Public participation and Planning. 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.
- E. Scope and Plan Consistency. Evidence that the application, scope and plans are consistent with one another
- F. Implementation and Plan Development. Specific to applicants using the "plan" application form. Applicant should show evidence that the plan will lead to implementation of the identified projects.
- G. Context sensitive bikeways/walkways and innovative project elements. Applicants should consider the "recognized best" solutions that are appropriate for the local community context, and describe the innovative features of the project, OR explain why the context of the project best lends itself to standard treatments/features.
- H. Transformative Projects. Applicants should describe the transformative nature of the project.
- I. Evaluation and Sustainability. Applicants should describe how the effectiveness of the program will be measured and sustained after completion.
- J. Cost-effectiveness. 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.
- K. Leveraging. Leveraging of non-ATP funds (excluding in-kind contributions) on the ATP project scope proposed.
- L. Corps. 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.
 - a. The California Corps can be contacted at atp@ccc.ca.gov.
 - b. Qualified Community conservation corps can be contacted at inquiry@atpcommunitycorps.org.
 - c. 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.

- M. Past performance. 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.

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 the highest point value question
- Highest score on the second highest point value question. (on the Plan application, this includes questions 3 & 4)

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 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. Requested programming years may vary based on programming capacity.

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) Project approval and environmental document;

- (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 any of the previous cycles of Regional Competitive ATP. This will ensure that the regional competitive ATP will fully use all ATP funds. This contingency list will be in effect only until the adoption of the next programming cycle.

BASELINE AGREEMENTS

The Commission will require project Baseline Agreements (Appendix C) for Active Transportation Program (ATP) projects with a total project cost of \$25 million or greater or a total programmed amount of \$10 million or greater adopted in the 2017 Active Transportation Program Augmentation and subsequent program amendments and adoptions. Please reference section 27 of the state approved 2019 ATP guidelines for requirements for baseline agreements.

PROGRAM/PROJECT AMENDMENTS

Project amendments requested by implementing agencies shall receive the approval of all partner

and funding entities before presentation to the Commission. Amendment requests should be submitted in a timely manner and include documentation that supports the requested change and its impact on the scope, cost, schedule and benefits.

Caltrans shall coordinate all amendment requests and utilize the Project Programming Request to help document the change. Implementing agencies must notify Caltrans in writing of proposed project amendments.

Project amendments will be considered for the Active Transportation Program as follows:

- Scope Changes – The Commission may consider changes to the scope of the project only as described below.
- Funding Distribution Changes – The Commission may consider a request to move funds between phases after a project has been programmed only as described below.

Schedule changes to a project will not be considered unless a time extension was approved as specified in the timely use of funds section. ATP will not participate in any cost increases to the project. Any cost increases should be funded from other fund sources. If there is a change in the cost estimate, the implementing agency must notify Caltrans as soon as possible. The written notification should explain the change and the plan to cover the increase.

A. Scope Changes

This notification must include the following:

- An explanation of the proposed scope change.
- The reason for the proposed scope change.
- The impact the proposed scope change would have on the overall cost of the project.
- An estimate of the impact the proposed scope change would have on the potential of the project to deliver the project benefits as compared to the benefits identified in the project application (increase or decrease in benefit) and an explanation of the methodology used to develop the aforementioned estimates.

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

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

B. Funding Distribution Changes

Agencies may request to move amounts between programmed phases (Environmental Studies and Permits (PA&ED), Plans, Specs and Estimates (PS&E), Right of Way (ROW) and Construction).

Moving funds between phases will not increase the total programmed amount. The agency must show that the project is still fully funded and that the benefit of the project will remain the same or

increase. All funding distribution change requests must be considered by the Commission for approval. When preparing a request for a funding distribution change, agencies should consider the following:

- The request cannot be made in the same state fiscal year in which the funds have been programmed.
- The funds that are part of the request cannot have been allocated.
- Funds programmed in construction cannot be moved out of construction.
- An agency can only request a funding distribution change once during the life of the project. Agencies should consider waiting until after the environmental review has been completed to submit a funding distribution change.

The notification to Caltrans must include:

- A revised Project Programming Request (PPR) that outlines the proposed funding distribution change.
- The reason for the proposed funding distribution change.
- The impact the proposed change would have on the overall cost of the project. The project must remain fully funded.
- A discussion of whether the funding distribution change will affect the benefit of the project as described in the project application

ALLOCATIONS

When an agency is ready to implement a project or project component, the agency will submit an allocation request to Caltrans. The typical time required, after receipt of the request, to complete Caltrans review and recommendation and Commission allocation is 60 days.

Caltrans will review the request and determine whether or not to recommend the request to the Commission for action. The Commission will consider the allocation of funds for a project when it receives an allocation with a recommendation from Caltrans. The recommendation will include a determination of project readiness, the availability of appropriated funding, and the availability of all identified and committed supplementary funding. When Caltrans develops its construction allocation recommendation, the Commission expects Caltrans to certify that a project's plans specifications and estimate are complete, and match the application scope or approved scope amendment, environmental and right-of-way clearances are secured, and all necessary permits and agreements are executed. Projects using the design-build or design-sequencing contracting methods shall be considered ready for allocation upon completion of environmental clearance. Readiness for projects to be transferred to FTA shall be consistent with FTA's definition of readiness for obligation.

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.

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. If there are insufficient program funds to approve an allocation, the Commission may delay the allocation of funds to a project.

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 a project in the MPO ATP projects must include a recommendation by the MPO.

Any scope changes must be presented to Caltrans for consideration prior to allocation in the manner described above and in section 28 of the approved 2019 ATP state guidelines. Caltrans will make a recommendation of approval to the Commission for final approval.

PROJECT DELIVERY

LETTER OF NO PREJUDICE

The CTC will consider approval of a Letter of No Prejudice (LONP) to advance a project programmed in the ATP. Approval of the LONP will allow the agency to begin work and incur eligible expenses prior to allocation. The Amended LONP Guidelines were adopted in October 2017 and are on the CTC website. <http://www.catc.ca.gov/docs/adopted-lonp-guidelines-101817.pdf>

TIMELY USE OF FUNDS

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.

The CTC may extend the deadline only once for allocation and only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and cannot exceed twelve months. Extension requests for a project in the regional selected portion of the program must include a recommendation by FCOG, consistent with the preceding requirements.

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. The implementing agency must invoice Caltrans for these costs no later than 180 days after the fiscal year in which the final expenditure occurred.

The Commission may extend the deadline only once for contract award and only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and cannot exceed twelve months.

After award of the contract, the implementing agency has up to 36 months to complete (accept) the contract. At the time of construction fund allocation, the Commission 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 Commission may extend the deadlines for expenditures for project development or right-of-way, or for contract completion no more than one time, only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and cannot exceed more than 12 months for project completion and 12 months for expenditure.

Except for the allocation of funds, the request to extend the deadline for any of the above must be received by Caltrans prior to the expiration date. For allocation of funds, the time extension must be approved by the Commission by June 30th of the year the funds are programmed; otherwise the funds will lapse.

Notwithstanding the Commission's guidelines for Use of Greenhouse Gas Reduction Funds in the 2017 Active Transportation Program, projects programmed to receive funding from Greenhouse Gas Reduction Funds may request a time extension consistent with the 2019 Active Transportation Guidelines if the ATP Greenhouse Gas Reduction Funding is re-appropriated in the 2018 Budget Act.

Projects must commence the right-of-way phase or actual construction within 10 years of receiving pre-construction funding through the Active Transportation Program, or the implementing agency must repay the Active Transportation Program funds. Repaid funds will be made available for redistribution in the subsequent programming cycle.

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. **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 the required reports showing the delivery of each project phase.

DELIVERY DEADLINE EXTENSIONS

The Commission may extend a delivery deadline, as described in the Timely Use of Funds Section, upon the request of the implementing agency. No deadline may be extended more than once. However, there are separate deadlines for allocations, contract award, expenditures, and project completion. Each project component has its own deadline. The Commission may consider the

extension for each deadline separately.

All requests for project delivery deadline extensions shall be submitted directly to Caltrans for processing prior to the expiration date. The extension request should describe the specific circumstance that justifies the extension and identify the delay directly attributable to the circumstance. Caltrans will review and prepare a written analysis of the proposed extension requests and forward the written analysis and recommendation to the Commission for action.

FEDERAL REQUIREMENTS

Unless fully 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 33, 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 34, 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 COST SAVINGS

Savings at contract award may be used to expand the scope of the project only if the expanded scope provides additional quantifiable active transportation benefits. The expanded scope must be approved by the Commission's Executive Director prior to contract award. All other contract award savings will be returned proportionally.

Savings at project completion must be returned proportionally except when an agency has, subsequent to project programming, committed additional funds to the project to fund a cost increase. In such instances, savings at project completion may be returned to other fund types first, until the proportions match those at programming. Any additional savings at project completion must be returned proportionally.

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, construction (infrastructure) or construction (non-infrastructure) 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.

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. Project savings, including savings from projects programmed in the MPO component, will return to the overall ATP and be available to a programmed project advanced from a future fiscal year.

PROJECT REPORTING

The purpose of all required reports is to ensure that the project is executed on time and is within the scope and budget identified when the decision was made to fund the project. The ATP program adheres to the program accountability requirements set forth in the SB1 Accountability and Transparency Guidelines - <http://catc.ca.gov/programs/sb1/implementation/>. All reporting provisions specified in the SB 1 Accountability and Transparency Guidelines apply to ATP projects, including the report content, submission timeline and consequences for noncompliance.

All implementing agencies must submit regular progress reports, a completion report and a final delivery report to Caltrans. Implementing agencies should refer to the Local Assistance website for details: http://www.dot.ca.gov/hq/LocalPrograms/atp/proj_report.html

An agency implementing a project in the MPO selected portion of the program is required to also submit copies of all of its reports to the MPO. However, all agencies are encouraged to submit copies of their reports to their MPO or RTPA.

Caltrans will prepare a quarterly ATP progress report and submit it to the Commission. The timeline for submission of the quarterly progress report and its contents is outlined in the SB 1 Accountability and Transparency Guidelines.

The Commission will provide an annual report to the Legislature, which will discuss the effectiveness of the program, timely use of funds, and will include a summary of its activities relative to the administration of the ATP program.

A. Progress Reports:

All implementing agencies, regardless of project type and size must submit progress reports to Caltrans, which is different than what is required in the SB1 Accountability Guidelines. Progress reports will be submitted on a semi-annual basis unless the implementing agency is subject to the Baseline Agreement requirement.

Projects that are subject to the Baseline Agreement requirement as outlined in Section 27, must submit quarterly reports until July 2019 when all progress reports will become semi-annual. This requirement applies to all ATP projects adopted into the 2017 ATP augmentation and any subsequent project augmentations. Beginning in July 2019, progress reports from agencies with a Baseline Agreement will also become semi-annual reports.

B. Project Completion Report:

Within six months of construction contract acceptance or the project becoming operable (open

to the public), whichever comes sooner, the Implementing Agency shall provide a Completion Report to Caltrans on the scope of the completed project, its estimated final cost, estimated schedule, and project benefits as compared to those included in the executed project agreements.

C. Final Delivery Reports:

A Final Delivery Report must be submitted within 180 days of conclusion of all remaining project activities beyond the acceptance of the construction contract to reflect final project expenditures, any changes that occurred after submittal of the Completion Report and an updated evaluation of the benefits. The Commission may include this information in its annual reports to the Legislature.

D. Audits:

The Commission expects that audits will be conducted on a representative sample of ATP projects and provide a finding on the following:

- Whether project costs incurred and reimbursed comply with the executed project agreements or approved amendments thereof; state and federal laws and regulations; contract provisions, and Commission guidelines.
- Whether project deliverables (outputs) and outcomes are reasonable in comparison with the project cost, scope, schedule and benefits described in executed project agreements or approved amendments thereof.

Additional audits, if deemed necessary, may be requested by the Commission during the implementation phases of the project. In addition to any final audit performed, it may be beneficial to provide semi-final audits when a project is substantially completed. It is expected that the findings from these audits will be included in the Inspector General's reports to the Commission.

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.
- In consultation with Regional Agencies and Caltrans, 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:

- Provide statewide program and procedural guidance. Conduct outreach through various networks such as, but not limited to, the Active Transportation Program website, and at conferences, meetings, or workgroups
- Provide program training.
- Solicit project applications for the program.
- Perform eligibility and deliverability reviews of ATP projects at the Commission's request and inform the Commission of any identified issues as they arise.
- Assist as needed in functions such as facilitating project evaluation teams and evaluating applications.
- Notify successful applicants of their next steps after each call for projects.
- Recommend project allocations (including funding type) to the Commission.
- Make Project Amendment recommendations to the Commission.
- Track and report on project implementation, including project completion.
- Create reports required by the Commission and solicit implementing agencies to submit required reports in a timely manner.
- Perform audits of selected projects in accordance with generally accepted government auditing standards.
- Serve as the main point of contact in project implementation, including administering the contract(s) for the ATP Resource Center.

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 minimum project size for its regional competitive ATP selection process than the statewide guidelines.
- 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 fails to deliver. 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 Appendix A 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.** Refer to section 9 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.

PROJECT SIGNAGE

The implementing agency must, for all SB 1 projects, include signage stating that the project was made possible by SB 1 – The Road Repair and Accountability Act of 2017. The signage should be in compliance with applicable federal or state law, and Caltrans’ manual and guidelines, including but not limited to the provisions of the California Manual on Uniform Traffic Control Devices.

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.