

# CHAPTER 22 ACTIVE TRANSPORTATION PROGRAM

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## CHAPTER 22 ACTIVE TRANSPORTATION PROGRAM

### 22.1 INTRODUCTION

The Active Transportation Program (ATP), created by Senate Bill 99 (Chapter 359, Statutes of 2013) and Assembly Bill 101 (Chapter 354, Statutes of 2013), consolidated several federal and state transportation programs to focus on making California a national leader in active transportation.

The purpose of this chapter is to assist applicants and implementing agencies in the administration of ATP projects. This chapter provides procedures that supplement the ATP Guidelines adopted by the California Transportation Commission (CTC) located at <http://www.catc.ca.gov/programs/ATP.htm> and as Exhibit 22-2 of this chapter. Note that Metropolitan Planning Organizations (MPOs) may have adopted guidelines that are different than those adopted by the CTC. Please contact your MPO for guidelines that are specific to your MPO's solicitation.

#### PROGRAM GOALS

The CTC guidelines define the ATP program goals as;

- Increase the proportion of trips accomplished by biking and walking.
- Increase safety and mobility of non-motorized users.
- Advance the active transportation efforts of regional agencies to achieve greenhouse gas (GHG) reduction goals.
- Enhance public health, including reduction of childhood obesity.
- 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.

### 22.2 ROLES AND RESPONSIBILITIES

#### CALIFORNIA TRANSPORTATION COMMITTEE (CTC)

The CTC responsibilities include:

- Adopting guidelines and policies for the ATP.
- Adopting the ATP Fund Estimate.
- Evaluate projects, including the forming of the Project Evaluation Committee(s) (PECs).
- Adopting the program of ATP projects including:
  - The statewide portion
  - The small urban & rural portion
  - The MPO selected portion of the program based on the recommendations of the MPO's
  - Ensuring that at least 25% of the funds benefit disadvantage communities

- Allocating funds to projects.
- Evaluating and reporting to the legislature.

### **CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)**

Caltrans has the primary responsibility for the administration of the ATP.  
Responsibilities include:

- Administration of the ATP.
- Providing statewide program and procedural guidance (i.e. provide project evaluation materials and instructions),
  - conducts outreach through various networks such as, but not limited to:
    - the ATP website,
    - at conferences,
    - meetings, or
    - workgroups.
- Providing program training.
- Soliciting project applications for the program.
- Facilitating the PEC.
- Performing eligibility reviews of the ATP applications.
- Evaluating, scoring and ranking applications.
- Recommending projects to the CTC for programming and allocation.
- Notifying applicants of the results after each call for projects.
- Tracking and reporting on project implementation.
- Auditing a selection of projects.
- Serving as the main point of contact in project implementation, including the Technical Assistance Resource Center (TARC).
- Project scoping will be used to verify merit of CALTRANS recommended projects that are requesting ATP funds exceeding \$5M.

### **REGIONAL TRANSPORTATION PLANNING AGENCIES (RTPAS) OUTSIDE OF A METROPOLITAN PLANNING ORGANIZATION (MPO) WITH LARGE URBANIZED AREAS AND MPOs WITHOUT LARGE URBANIZED AREAS**

These RTPAs and MPOs may make recommendations and/or provide input to the CTC regarding the projects within their boundaries that are applying for ATP funding.

### **PROJECT APPLICANT**

Project Applicant responsibilities include:

- Nominating ATP projects for consideration.

- Contractual responsibility for carrying out the project to completion.
- Complying with reporting requirements in accordance with federal, state, local laws and regulations, and the CTC guidelines.
- For capital projects off the state highway system ongoing operation and maintenance of the facility.

### **METROPOLITAN PLANNING ORGANIZATIONS (MPOs) WITH LARGE URBANIZED AREAS**

MPOs with large urbanized areas (UZAs) are responsible for overseeing a competitive project selection process in accordance with the CTC ATP guidelines. The responsibilities include:

- Ensuring that at least 25% of the funds in each MPO benefit disadvantaged communities.
- If using a different project selection criteria or weighting, minimum project size, match requirement, or definition of disadvantaged communities for its competitive selection process, the MPO must obtain CTC approval prior to the MPO's call for projects. Use of a minimum project size of \$500,000 or less, or of a different match requirement than the statewide competitive program does not require prior CTC approval.
- If electing to have a supplemental MPO specific call for projects, the projects within the MPO boundaries that were not selected through the statewide competition must be considered along with those received in the supplemental call for projects. An MPO must notify the CTC of their intent to have a supplemental call no later than the date set by the CTC for each cycle.
- In administering a competitive selection process, an MPO must use a multidisciplinary advisory group to assist in evaluating project applications.
- In administering a competitive selection process, an MPO must explain how the projects recommended for programming by the MPO 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.
- An MPO choosing to use the same project selection criteria and weighting, minimum project size, match requirement, and definition of disadvantage communities as used by the CTC for the statewide competition must notify the CTC no later than the date set by the CTC for each cycle, and may not conduct a supplemental call for projects.
- Approving amendments to the MPO selected portion of the program prior to CTC approval.
- Recommending allocation requests for a project in the MPO selected portion of the program.
- Determining which projects to advance and make that recommendation to the CTC.
- Submitting an annual assessment of its portion of the program in terms of its effectiveness in achieving the goals of the ATP.

## 22.3 FUNDING

The Active Transportation Program is funded from various federal and state funds appropriated in the annual Budget Act. These are:

- 100% of the federal Transportation Alternative Program (TAP) funds, except for federal Recreational 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.

### DISTRIBUTION

State and Federal law segregate the ATP into multiple, overlapping components. The ATP Fund Estimate indicates the funds available for each of the program components. The TAP legislation requires that all projects be selected through a competitive process. Consistent with these requirements, the ATP funds are distributed as follows:

- 40% to Metropolitan Planning Organizations (MPOs) in the urban areas with populations greater than 200,000.
  - These funds are distributed based on total MPO population.
  - The funds programmed and allocated under this component must be selected through a competitive process by the MPOs in the accordance with the CTC guidelines.
  - Projects selected by MPOs may be in the large urban, small urban, or rural areas.
  - A minimum of 25% of the funds distributed to each MPO must benefit disadvantaged communities.
- The following statutory requirements apply specifically to the Southern California Association of Governments (SCAG)
  - SCAG must consult with county transportation commissions, CTC, and Caltrans in the development of competitive project selection criteria.
  - The criteria used by SCAG should include consideration of geographic equity, consistent with program objectives.
  - SCAG must place a priority on projects that are consistent with plans adopted by local and regional governments within the county where the project is located.
  - SCAG must obtain concurrence from the county transportation commissioners.
- 10% to small urban and rural areas with populations of 200,000 or less, with projects competitively awarded by the CTC to projects in those regions. Federal law segregates the ATP into separate Small Urban and Rural competitions based upon their relative share of the state population. Small Urban areas are those with populations of 5,001 to 200,000. Rural areas are those with populations of 5,000 or less.
  - A minimum of 25% of the funds in the Small Urban and Rural programs must benefit disadvantaged communities.



- Projects within the boundaries of a MPO with an urban area with a population of greater than 200,000 are not eligible for funding in the Small Urban or Rural programs.
- 50% to projects competitively awarded by the CTC on a statewide basis.
  - A minimum of 25% of the funds in the statewide program must benefit disadvantaged communities.
  - In the initial program, a minimum of \$24M per year of the statewide competitive program is available for Safe Routes to School projects with at least \$7.2M for Non-Infrastructure grants.
    - Including funding for a state technical assistance resource center (TARC).

### PRECONSTRUCTION COMPONENT REQUEST FOR FUNDS ONLY

When proposing to fund only preconstruction components for a project, the applicant must demonstrate the means by which it intends to fund the construction of a useable segment, consistent with the regional transportation plan or the Caltrans interregional transportation strategic plan. Per the CTC an applicant may apply for preconstruction funds in one cycle and then apply for other phases or components in a future ATP cycle.

### MINIMUM REQUEST FOR FUNDS

In order to maximize the effectiveness of the program, the minimum request for ATP funds is \$250,000 for the Statewide and Small Urban and Rural solicitations. This minimum does not apply to:

- Non-Infrastructure (NI)
- Safe Routes to School (SRTS), or
- Recreational Trails projects (RTP).

### MATCH REQUIREMENTS

Projects must include at least 11.47% in matching funds except for:

- projects predominately benefiting a disadvantaged community (see Section 22.7 “Project Type Requirements” for more disadvantage community information),
- stand alone non-infrastructure projects and ,
- safe routes to school projects.

The source of the matching funds may be any combination of local, private, state or federal funds. Federal Highway Administration (FHWA) funds, may not be used to match ATP FHWA. See Chapter 3 of the Local Assistance Procedures Manual at <http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm> for match types and requirements. Matching funds must be expended in the same project phase (permits and environmental studies (PA&ED); plans, specifications, and estimates (PS&E); right-of-way capital outlay; support of right-of-way acquisition; construction capital outlay; and construction engineering (CE)) as the ATP funding. Matching funds cannot be expended prior to the CTC allocation of ATP funds. Matching funds must be expended concurrently and proportionally to the ATP funds. Matching funds over and above the

required 11.47% may be adjusted before or shortly after contract award to reflect any substantive change in the bid compared to the estimated cost of the project.

Large MPOs, in administering a competitive selection process, may require a different funding match for projects selected through their competitive process, however, the MPO must comply with the minimum match requirement in each of the funding components within the program (i.e. TAP, STP). Applicants from within a large MPO should be aware that the match requirements may differ between the MPO and statewide programs.

## REIMBURSEMENT

The Active Transportation Program is a reimbursement program for costs incurred. Reimbursement is requested through the invoice process detailed in Chapter 5, Accounting/Invoices, of the Local Assistance Procedures Manual (LAPM) <http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm>. Costs incurred prior to CTC allocation **and** Federal Highway Administration (FHWA) project approval (i.e. Authorization to Proceed) are **not eligible** for reimbursement.

## 22.4 ELIGIBLE APPLICANTS

The applicant assumes responsibility and accountability for the use and expenditure of program funds. Applicants must comply with all of the federal and state laws, regulations, policies and procedures associated with federal and state funding.

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 Agencies (RTPA).
- Caltrans\*
- Transit Agencies – Any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration (FTA).
- Natural Resource or Public Land Agencies – Federal, Tribal\*\*, State, or local agencies 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
- Tribal Governments\*\* – Federally-recognized Native American Tribes
- Public schools or School districts

*\* State DOTs and MPOs are not eligible for recipients for the federal TAP funds appropriated to the ATP. Therefore, ATP funding awarded directly to Caltrans or MPOs are limited to non-TAP funds. Caltrans and MPOs may partner with an eligible entity to expand funding opportunities.*

*\*\*Funding awarded to a tribal government is eligible for fund transfer to the Bureau of Indian Affairs. A tribal government may also partner with another eligible entity for ATP funding.*

- Private nonprofit tax-exempt organizations may apply for projects eligible for Recreational Trail Program funds. 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 determine to be eligible.

### MASTER AGREEMENTS

Applicants **must** be able to enter into a Local Administering Agency-State Master Agreement (Master Agreement). Refer to Chapter 4, Agreements, of the LAPM for guidance and procedures on Master Agreements. Additional Master Agreement requirement information can also be found at the Local Assistance ATP website [www.dot.ca.gov/hq/LocalPrograms/atp/index.html](http://www.dot.ca.gov/hq/LocalPrograms/atp/index.html)

### PARTNERING WITH IMPLEMENTING AGENCIES

Entities 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 who can implement the project.

Entities 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. When the project is to be implemented by an agency other than the applicant; documentation of the impending agreement (i.e. a letter signed by all parties outlining the particulars of the proposed work) must be submitted with the 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 ATP funds.**

## 22.5 ELIGIBLE PROJECTS

All projects must be selected through a competitive process and in addition to furthering the goals of the program, must meet eligibility requirements specific to at least one of the ATP funding sources.

The ATP will fund both infrastructure and non-infrastructure projects that encourage increased use of active modes of transportation, such as biking and walking. The project types are defined as:

- Infrastructure Projects (IF): Capital improvements (construction) that will further the goals of the program. This typically includes planning, design and construction of facilities.
- Non-infrastructure Projects (NI): Education, encouragement, enforcement, and planning activities that further the goals of the program. The CTC intends to focus funding for NI projects on pilot and start-up projects that can demonstrate funding for ongoing efforts. The ATP funds are not intended to fund ongoing programs operations. NI projects are not limited to those benefiting students.
- Combined IF and NI: Projects with both IF and NI components.

Below is a list of projects considered generally eligible for ATP funding. The following is not intended to be comprehensive; other types of projects that are not on the list may also be eligible if they further the goals of the program.

- Development of new bikeways and walkways that improve mobility, access, or safety for non-motorized users.
- Improvements to existing bikeways and walkways, which improve mobility, access, or safety for non-motorized users.
  - Elimination of hazardous conditions on existing bikeways and walkways.
    - Projects that eliminate a hazardous condition that was created due to a lack of routine maintenance will not be eligible.
  - Preventative maintenance of bikeways and walkways with the primary goal of extending the service life of the facility so long as the need for such maintenance is due to reasons other than the lack of routine maintenance.
- 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 ferry facilities.
- Establishment or expansion of a bike share program.
- Recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails.
- Development of a bike, pedestrian, safe routes to schools, or a active transportation plan in a disadvantaged community.
- Education programs to increase bicycling and walking, and other non-infrastructure investments that demonstrate effectiveness in increasing active transportation, including but not limited to:
  - Development and implementation of bike-to-work/school or walk to work/school day/month programs.
  - Conducting bicycle and/or pedestrian counts, walk ability and/or bike ability assessments or audits, or pedestrian and/or bicycle safety analysis for use in developing a plan or project.
  - 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 street events directly linked to the promotion of a new infrastructure project.
- Targeted enforcement activities around high pedestrian and/or bicycle injury and/or fatality location (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.

## 22.6 INELIGIBLE PROJECTS AND ELEMENTS

Below is a list of projects and elements that are considered generally ineligible for ATP funding. The following is not intended to be comprehensive; other types of work that are not on the list may also be ineligible for various reasons:

- Feasibility Studies, or other pre-PA&ED type studies.
- Installation or repair to bus or transit stops or facilities.
- Extensive landscaping, (generally should be no more than 10% of the project cost)
- Lighting that is not specific to pedestrian or bicycle facilities.
- Any work that is not attributable to non-motorized travel, such as:
  - Vehicular portions of roadway or bridge construction or rehabilitation,
  - roadway widening beyond proposed bike/ped facility widths,
  - Drainage facilities beyond proposed bike/ped facility needs,
  - roadway repaving, not attributable to non-motorized facilities
  - parking lots.

## 22.7 PROJECT TYPE REQUIREMENTS

The ATP funding is a combination of State and Federal funds that have been combined into multiple and overlapping components. Below is an explanation of some of the components:

### DISADVANTAGED COMMUNITIES

For a project to contribute toward the Disadvantaged Communities funding requirement, the project must clearly demonstrate a benefit to a community that meets any of the following criteria:

- The median household income is less than 80% of the statewide median based on the most current census tract level data from the American Community Survey. Data is available at <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml> (Use the 5 year data for all areas.)

- An area identified as among the most disadvantaged 10% in the state according to latest versions of the California Communities Environmental Health Screening Tool (CalEnviroScreen) scores. Scores are available at <http://oehha.ca.gov/ej/ces11.html>
- At least 75% of public school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program. Data is available at <http://www.cde.ca.gov/ds/sd/sd/filessp.asp> Applicants using this measure must indicate how the project benefits the school students in the project area or, for projects not directly benefiting school students, explain why this measure is representative of the larger community.

If a project applicant believes a project benefits a disadvantaged community but the project does not meet the aforementioned criteria, the applicant must submit for consideration a quantitative assessment of why the community should be considered disadvantaged. The evaluation committees will approve or decline the submittal.

### **DISADVANTAGED COMMUNITY PLAN FUNDING**

Funding from the ATP may be used to fund the development of a bike, Pedestrian plan, Safe Routes to Schools plan, or an active transportation plan, if it is in a disadvantaged community.

The CTC has allowed a maximum of 5% of the funds in the statewide competitive program and rural and small urban competitive program for funding active transportation plans in communities which are predominantly disadvantaged.

The first priority for the funding of active transportation plans are for cities, counties, county transportation commissions, regional transportation planning agencies, MPOs, school districts, or transit districts that have neither a bicycle plan, a pedestrian plan, a safe routes to schools plan, nor an active transportation plan. The second priority for the funding of active transportation plans are for cities, counties, county transportation commissions, regional transportation planning agencies, or MPOs that have a bicycle plan or a pedestrian plan but not both.

#### **Active Transportation Plan Requirements**

An ATP 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, AB 1358 (Chapter 657, Statutes of 2008).

An active transportation plan must include, but not be limited to, the following components or explain why the component is not applicable:

- a) The estimated number of existing bicycle trips and pedestrian trips in the plan area, both in absolute numbers and as a percentage of all trips, and the estimated increase in the number of bicycle trips and pedestrian trips resulting from implementation of the plan.
- b) The number and location of collisions, serious injuries, and fatalities suffered by bicyclists and pedestrians in the plan area, both in absolute numbers and as a percentage of all collisions and injuries, and a goal for collision, serious injury, and fatality reduction after implementation of the plan.

- c) A map and description of existing and proposed land use and settlement patterns which must include, but not be limited to, locations of residential neighborhoods, schools, shopping centers, public buildings, major employment centers, and other destinations.
- d) A map and description of existing and proposed bicycle transportation facilities.
- e) A map and description of existing and proposed end-of-trip bicycle parking facilities.
- f) A description of existing and proposed policies related to bicycle parking in public locations, private parking garages and parking lots and in new commercial and residential developments.
- g) A map and description of existing and proposed bicycle transport and parking facilities for connections with and use of other transportation modes. These must include, but not be limited to, parking facilities at transit stops, rail and transit terminals, ferry docks and landings, park and ride lots, and provisions for transporting bicyclists and bicycles on transit or rail vehicles or ferry vessels.
- h) A map and description of existing and proposed pedestrian facilities at major transit hubs. These must include, but are not limited to, rail and transit terminals, and ferry docks and landings.
- i) A description of proposed signage providing way-finding along bicycle and pedestrian networks to designated destinations.
- j) A description of the policies and procedures for maintaining existing and proposed bicycle and pedestrian facilities, including, but not limited to, the maintenance of smooth pavement, freedom from encroaching vegetation, maintenance of traffic control devices including striping and other pavement markings, and lighting.
- k) A description of bicycle and pedestrian safety, education, and encouragement programs conducted in the area included within the plan, efforts by the law enforcement agency having primary traffic law enforcement responsibility in the area to enforce provisions of the law impacting bicycle and pedestrian safety, and the resulting effect on accidents involving bicyclists and pedestrians.
- l) A description of the extent of community involvement in development of the plan, including disadvantaged and underserved communities.
- m) A description of how the active transportation plan has been coordinated with neighboring jurisdictions, including school districts within the plan area, and is consistent with other local or regional transportation, air quality, or energy conservation plans, including, but not limited to, general plans and a Sustainable Community Strategy in a Regional Transportation Plan.
- n) A description of the projects and programs proposed in the plan and a listing of their priorities for implementation, including the methodology for project prioritization and a proposed timeline for implementation.
- o) A description of past expenditures for bicycle and pedestrian facilities and programs, and future financial needs for projects and programs that improve safety and convenience for bicyclists and pedestrians in the plan area. Include anticipated revenue sources and potential grant funding for bicycle and pedestrian uses.
- p) A description of steps necessary to implement the plan and the reporting process that will be used to keep the adopting agency and community informed of the progress being made in implementing the plan.
- q) A resolution showing adoption of the plan by the city, county or district. If the active transportation plan was prepared by a county transportation commission, regional transportation planning agency, MPO, school district or transit district,

the plan should indicate the support via resolution of the city(s) or county(s) in which the proposed facilities would be located.

A city, county, school district, or transit district that has prepared an active transportation plan may submit the plan to the county transportation commission or transportation planning agency for approval. The city, county, school district, or transit district may submit an approved plan to Caltrans in connection with an application for funds active transportation facilities which will implement the plan.

### **SAFE ROUTES TO SCHOOL (SRTS) PROJECTS**

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

### **TECHNICAL ASSISTANCE RESOURCE CENTER (TARC)**

The TARC was created for the purpose of building and supporting local regional Safe Routes to School non-infrastructure projects.

Typical TARC roles have included:

- Providing technical assistance and training to help agencies deliver existing and future projects and to strengthen community involvement in future projects including those in disadvantaged communities.
- Developing and providing educational material to local communities by developing a community awareness kit, creating an enhanced Safe Routes to Schools website, and providing other educational tools and resources.
- Participating in and assisting with the Safe Routes to Schools Advisory Committee.
- Assisting with program evaluation.

### **TRAIL PROJECTS**

#### **RECREATIONAL TRAILS PROGRAM (RTP)**

For trail projects that are primarily recreational to be eligible for ATP funding, the projects must meet the federal requirements of the Recreational Trails Program ([http://www.fhwa.dot.gov/environment/recreational\\_trails/](http://www.fhwa.dot.gov/environment/recreational_trails/)).

Recreational Trails funding is the only type of ATP funds which non-profit agencies are eligible to apply for.

Below is a list of projects considered **generally eligible for RTP funding**. The following is not intended to be comprehensive; other types of projects that are not on the list may also be eligible if they further the goals of the program.

- Trailside and trailhead facilities, that meet accessibility guidelines for buildings and sites.
- Information kiosks and call boxes.
- Benches.



- Equestrian mounting ramps and hitching posts.
- Rest rooms and water.
- Bike racks.
- Landscaping – only for the following reasons
  - Erosion prevention
  - Trail delineation

Below is a list of projects or elements considered **ineligible for RTP funding**. The following is not intended to be comprehensive; other types of projects that are not on the list may also be ineligible.

- Trail Planning
- Habitat restoration
- Park amenities:
  - visitor centers, whole park restrooms, picnic areas or pavilions, campgrounds, arenas, etc.
- Play areas:
  - spray areas, swimming pools, marinas, etc.
- School/sports facilities:
  - running tracks, snack bars, sports fields, bleachers, parking areas, field lighting, etc.

The following elements are not eligible for RTP funding but ARE eligible for ATP funds, provided the applicant is not a non-profit.

- Non-Infrastructure elements
- Work inside the public road right-of-way
- Traffic Signs
- Sidewalks

### **MULTI-USE TRAILS**

Multi-use trails and paths that serve both recreational and transportation purposes are generally eligible for ATP funds, so long as they are consistent with one or more goals of the program.

## **22.8 APPLICATION**

The ATP application can be found in Exhibit22-A of this chapter or online at [www.dot.ca.gov/hq/LocalPrograms/atp/index.html](http://www.dot.ca.gov/hq/LocalPrograms/atp/index.html).

An additional application copy must be sent to the RTPA or County Transportation Commission; and MPO within which the project is located (a contact list can be found at [www.dot.ca.gov/hq/tpp/offices/orip/](http://www.dot.ca.gov/hq/tpp/offices/orip/)).

The ATP application is a Project Study Report (PSR) equivalent.

Each application will be reviewed for completeness and eligibility. After the application has been determined to be complete and meets the eligibility criteria, it will then be reviewed by a Project Evaluation Committee (PEC). The PEC will score each project.

Applications that are not complete will not be evaluated. Caltrans will be unable to request missing information due to the tight time restrictions associated with the solicitation.

## 22.9 PROJECT SCOPING

Caltrans will scope all projects that are being considered for funding, which are requesting ATP funds of \$5M or more. Also, Caltrans may scope other projects at their discretion.

Project scoping will consist of a meeting at the potential job site with a Caltrans HQ representative, Caltrans District Local Assistance Engineer, and the project sponsor. A sample of the Project Scoping Summary is available on the ATP website.

## 22.10 PROJECT SELECTION PROCESS

Applications for the statewide solicitation will be reviewed via the scoring criteria outlined in the CTC ATP Guidelines, by a multidisciplinary Project Evaluation Committee, that will be selected by the CTC. The project selection process will be a competitive process that will strive for a geographically balanced project distribution; and determine if a project will be funded with State ATP, Federal ATP or a combination of both. Once the statewide projects have been selected; any applications that are located in the Small Urban or Rural areas will be

Projects will be selected based on the each application's total score, as well as, the requirements and goals of the program which include, but are not limited to:

- i. Fund distribution requirements:
  1. Small urban & Rural
  2. Any area in the state
- ii. 25% minimum funding to disadvantage communities
- iii. Safe Routes to School minimum thresholds
  1. Infrastructure
  2. Non-infrastructure
- iv. Recreation Trails minimum threshold
- v. The program will strive to ensure reasonable geographic distribution of projects and a balance between urban and rural areas.

Caltrans will provide the Statewide and Small Urban & Rural lists of recommended projects to the CTC for approval. CTC has the final decision on all ATP project awards and has the ability to accept or reject any project on the recommended list.

All project applicants will be formally notified of the results of the selection process by Caltrans and the awarded projects will be posted on the Caltrans ATP webpage. Caltrans staff will be available to review evaluations team results with the sponsor. However, there is no opportunity to appeal if your application does not get selected for award.

## 22.11 PROJECT FUNDING

Because a majority of funds in ATP are federal funds; most, if not all projects must be federal-aid eligible. Agencies wishing to request State only funding must submit Exhibit

22-F “Request for Exception to ATP State-Only Funding Policy” to the Caltrans District Office- Programming Liaison.

## 22.12 PROJECT PROGRAMMING

Once the CTC has adopted a program of projects, Caltrans HQ – Division of Transportation Programming will provide the list of approved projects to MPOs. MPOs will amend the Federal Transportation Improvement Program (FTIP) to include their projects. Caltrans acting as the MPO for the rural Regional Transportation Agencies, will amend the Federal Statewide Transportation Improvement Program (FSTIP) accordingly. Once the FTIP/FSTIP is amended, applicants may proceed with the implementation steps of their project.

## 22.13 PROJECT IMPLEMENTATION

This section provides information about the tasks for implementing an ATP project after it is amended into the FTIP/FSTIP. The tasks outlined below apply for all programmed components of an ATP project.

### ALLOCATION OF FEDERAL FUNDS

The applicant or implementing agency is responsible for requesting funding allocation for their projects adopted in the ATP. To request an allocation, the following shall be submitted to the DLAE (generally 8 weeks) prior to the CTC meeting requested for allocation (per the CTC Meeting Calendar) <http://www.catc.ca.gov/meetings/index.htm>:

- *Local Assistance Program Guidelines* (LAPG) Exhibit 22-N, Funding Allocation Checklist
- LAPG Exhibit 22-O, Request for Funding Allocation
- Copy of the Award letter for the project

Complete allocation requests will be reviewed by the DLAE and processed through Caltrans Headquarters, Division of Local Assistance to the Division of Budgets.

**Note: Submitting the Allocation request and the Request for Authorization (see below) to the district concurrently is encouraged.**

### REQUEST FOR AUTHORIZATION (RFA) TO PROCEED- FEDERAL FUNDS

After a project is selected and programmed in a Federal Statewide Transportation Improvement Program (FSTIP), the next step is to obtain authorization to receive federal funds. To initiate the authorization to proceed for any phase of a federally-funded project, the local agency must prepare a “Request for Authorization to Proceed (E-76)” package per Chapter 3, of the *Local assistance Procedures Manual* (LAPM). This package, along with required federal documents (Field Review form, Finance letter, Non-Infrastructure Project Work Plan, etc.), provides the information needed by Caltrans and the FHWA to formally authorize the start of each phase of reimbursable work, prepare the project agreement(s) and set up the project in the federal and state accounting systems. Federal/State funded projects will be authorized in accordance with procedures described in LAPM. Approval of the “Request for Authorization to Proceed (E-76)” by the FHWA establishes the date for the start of reimbursable work for each project phase

or component; and confirms that federal funds are available in the amount requested for that project.

The local agency must prepare a “Request for Authorization” and certify to the accuracy of all the data on the forms. Separate authorizations and fund obligations can be made for PA&ED, PS&E, Right of Way, and construction, if federal funds are to be used for these phases of the project.

When the DLAE determines that the project has been authorized and obligated, an “Authorization to Proceed” form is then sent to the local agency as verification that they may begin with that phase of the project and subsequently be eligible for reimbursement. If the project cannot be authorized, the local agency will be informed and advised what corrective actions are necessary.

#### **ALLOCATION/AUTHORIZATION OF STATE FUNDS**

For State-only funded projects; the Request for Funding Allocation (including a State-only Finance Letter, Exhibit 22-N and a Funding Allocation Checklist), is submitted to the DLAE. The Request for Funding Allocation will serve as the basis for requesting the allocation, preparing the project agreement(s) and setting up the project in the state accounting system. Once the agency’s allocation has been awarded by the CTC they may begin work; and can begin invoicing once the Program Supplemental Agreement/Master Agreement has been executed.

#### **CALIFORNIA STATE AND LOCAL CONSERVATION CORPS**

Direct contracting with the State or Local Conservation Corps without bidding is permissible provided that the implementing agency demonstrated cost effectiveness per 23 CFR 635.204 and obtains approval from their DLAE.

Applications which stated the agency intended to partner with the California Conservation Corps (CCC) or California Association of Local Conservation Corps (CALCC) will need to request an itemized estimate from the CCC and/or CALCC. Once the estimate has been returned to the agency; the agency will request the approval of a Public Interest Finding (PIF). The PIF must be approved by their DLAE before construction begins (see Chapter 12, PS&E,” of the LAPM and Exhibit 12-F “Request for Approval of Cost-Effectiveness/Public Interest Finding”).

If the applicant has indicated intended use of the CCC or CALCC in the approved application, a copy of the agreement between the implementing agency and the CCC or CALCC must be provided by the implementing agency, and will be incorporated as part of the original application, prior to request for authorization of funds for construction.

**Agencies are reminded that if they choose to not partner with the CCC or CALCC after indicating they would do so will be negatively scored accordingly on future ATP applications.**

#### **INACTIVE PROJECTS**

Caltrans Division of Local Assistance, Office of Implementation, through District Local Assistance Engineer (DLAE), provides guidance and support to Local Agencies in managing the inactive projects, and participates in the quarterly review with FHWA. (This is not to be confused with the Timely Use of Funds or T.U.F. process mentioned in section 22.15 Allocations)

Inactive project information can be found at:  
<http://www.dot.ca.gov/hq/LocalPrograms/Inactiveprojects.htm>

## 22.14 PROGRAMMING

ATP allocations must be requested in the fiscal year of the project programming, and are valid for award for six months from the date of allocation unless the CTC approves an extension. The program of projects for each fiscal year will include, for each project, the amount to be funded from the Active Transportation Program, and the estimated total cost of the project. Project costs in the Active Transportation Program will include all project support costs and all project listings will specify costs for each of the following components: (1) completion of all permits and environmental studies; (2) preparation of plans, specifications, and estimates; (3) right-of-way capital outlay (4) support for right-of-way acquisition; (5) construction capital outlay; and (6) construction management and engineering, including surveys and inspection. The cost of each project component will be listed in the Active Transportation Program no earlier than in the fiscal year in which the particular project component can be implemented.

When project design, right-of-way or construction are programmed before the implementing agency completes the environmental process, updated cost estimates, updated analysis of the project's cost effectiveness, and updated analysis of the project's ability to further the goals of the program must be submitted to the CTC following completion of the environmental process. If this updated information indicates that a project is expected to accomplish fewer benefits or is less cost effective as compared with the initial project application, future funding for the project may be deleted from the program. For the MPO selected competitions, this information must be submitted to the MPO. It is the responsibility of the MPO to recommend that the project be deleted from the program if warranted.

If the program of projects adopted by the CTC 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 availability of federal funds, a balance not programmed in one fiscal year will carry over and be available for projects in the following year.

## 22.15 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 and the availability appropriated of funding, and the availability of all identified and committed supplementary funding.

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

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

In order to ensure the timely use of funds (T.U.F), the Commission 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 Commission 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 Commission will give priority to projects programmed in the current-year.

Allocation requests for a project in the MPO selected portion of the program must include a recommendation by the MPO.

In compliance with Section 21150 of the Public Resources Code, the Commission will not allocate funds for design (PS&E), right-of-way, or construction prior to documentation of environmental clearance under the California Environmental Quality Act (CEQA). As a matter of policy, the Commission will not allocate funds for design (PS&E), right-of-way, or construction of a federally funded project prior to documentation of environmental clearance under the National Environmental Policy Act (NEPA). Exceptions to this policy may be made in instances where federal law allows for the acquisition of right-of-way prior to completion of NEPA 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. An MPO, in administering its competitive portion of the Active Transportation Program, must determine which projects to advance and make that recommendation to the Commission. Unallocated funds in one fiscal year will carry over and be available for projects in the following fiscal year.

## 22.16 PROJECT DELIVERY

ATP allocations must be requested in the fiscal year of the project programming, and are valid for award for six months from the date of allocation unless the CTC approves an extension. Applicants may submit, and the CTC will evaluate, extension requests (Exhibit 22-B ATP Time Extension) in the same manner as for STIP projects (see section 66 of the STIP guidelines <http://www.catc.ca.gov/programs/stip.htm>) except that extension to the period for project allocation and award will be limited to twelve months.

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 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. An MPO, 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 carry over and be available for projects in the following fiscal year.

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 (FROE) and submit the final invoice to Caltrans for reimbursement. For Infrastructure (IF) projects, the FROE must include color photos of the completed project.

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

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

## 22.17 PROJECT REPORTING

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

Within one year of the project becoming operable, the implementing agency must provide a final delivery report to their DLAE which includes:

- The scope of the completed project as compared to the programmed project.
- Before and after photos documenting the project.
- The final costs as compared to the approved project budget.
- Its duration as compared to the project schedule in the project application.
- Performance outcomes derived from the project as compared to those described in the project application. This should include before and after pedestrian and/or bicycle counts, and an explanation of the methodology for conduction counts.
- Actual use of the California Conservation Corps or qualified community conservation corps as compared to the use in the project application.

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

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.

## 22.18 PROJECT EVALUATION

The Active Transportation Program will be evaluated for its effectiveness in increasing the use of active modes of transportation in California. Evaluation is a requirement on all infrastructure and non-infrastructure projects.

1. For ATP bike, pedestrian, and trail projects: the implementing agency must submit before and after pedestrian and/or bicycle counts, and an explanation of the methodology used for conducting the counts.
2. For Safe Routes to School Projects: *For each school targeted by the project or covered under the umbrella of the project for school district(s) / region wide project(s), the implementing agency* within two (2) months prior to and after project implementation for both infrastructure and non-infrastructure projects during the regular school year, the agency must collect data on two (2) separate days within the same week, using the Student Tally and Parent Survey forms found on the National Center for Safe Routes to School (NCSRTS) web site. Completed surveys and tally forms must be submitted to the NCSRTS. Copies of the Student Tallies and Parent Survey forms also be submitted to CalTrans with the implementing agencies semi annual reports.

It is preferred that the data be submitted by entering the information into the NCSRTS on-line database accessed at: <http://www.saferoutesinfo.org/data/> or by hard copy at this address:

National Center for Safe Routes to School  
Attn: Data Center  
730 Martin Luther King Jr. Blvd., Suite 300  
Chapel Hill, NC 27599

The hard-copy student tally and parent survey must be submitted with a cover sheet that is generated by the NCSRTS database.

For more information on The NCSRTS on-line database submittal process, go to: [http://www.saferoutesinfo.org/resources/evaluation\\_cover-sheets.cfm](http://www.saferoutesinfo.org/resources/evaluation_cover-sheets.cfm)

## 22.19 PROJECT AUDITS

Caltrans must audit a sample of Active Transportation Program projects to evaluate the performance of the project, determine whether project costs incurred and reimbursed are in compliance with the executed project agreement or approved amendments thereof; state and federal laws and regulations; contract provisions; and CTC guidelines, and whether project deliverables (outputs) and outcomes are consistent with the project scope, schedule and benefits described in the executed project agreement or approved amendments thereof. A report on the projects audited must be submitted to their DLAE annually.

Prior to allocation of funds the subsequent phase of the project, Caltrans may verify that the current funded phase has been completed and accepted. Caltrans at its' option may elect to sample audit or choose to audit all projects for phase completion.

ATP projects which are audited as part of the program requirements, may also be audited by FHWA as a part of their Financial Intergity Review & Evaluation (FIRE) process.



## 22.20 PROJECT MAINTENANCE

If another entity agrees to assume responsibility for the ongoing operations and maintenance of the completed facility, documentation of the impending agreement (i.e. a letter signed by all parties outlining the particulars of the proposed work) must be submitted with the application, and a copy of the Memorandum of Understanding or Interagency Agreement between the parties must be submitted with the request for allocation.

## 22.21 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 community, and
- Projects completed to date with the California Conservation Corps or qualified community conservation corps.

## 22.22 DEFINITIONS

Adult Education Intuitions- The California Department of Education (CDE) defines adult education as program areas that can be funded under the California Education Code. These areas are currently: Adult literacy/High school diploma, English as a 2<sup>nd</sup> language/citizenship, Adults with disabilities, Career technical education/apprenticeships, Parenting, family and consumer awareness and Older adults.

Appropriation- A funding authorization to a program thereby allowing expenditures or incurred obligations for a specified period of time.

Feasibility study- A study that focuses on helping answer “Should we proceed with the proposed project? Or which location/route will be best for the proposed project” This type of work is not eligible for ATP reimbursement. ATP funds are eligible for projects once the final route/location has been selected and design is ready to commence.

Infrastructure Projects – Engineering projects or capital improvements that will further the goals of the Active Transportation Program. This typically includes the planning, design, and construction of facilities.

Non-infrastructure Projects – Education, encouragement, and enforcement activities that further the goals of the Active Transportation Program.

Preconstruction- All phases or components of work prior to the construction phase i.e. PA&ED, PS&E, and ROW.

Partner- Entities that are unable to apply for ATP funds or are unable to enter into a Master Agreement.

Public School- The CDE defines a public school as a kindergarten through grade twelve and/or adult educational institution that is supported with public funds, and is operated under the oversight of a publicly constituted government or state educational agency.

## 22.23 REFERENCES

[23 Code of Federal Regulations \(23 CFR Part 710 and 771\)](#)

[49 Code of Federal Regulations, Part 24 \(49 CFR 24\)](#)

[23 Code of Federal Regulations, 635.309\(b\)](#)

[Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended \(Uniform Act\)](#)

[Title VI of the 1964 Civil Rights Act](#)

[Caltrans, Right of Way Manual](#)

[Local Assistance Procedures Manual \(LAPM\)](#)

[Local Assistance Program Guidelines \(LAPG\)](#)

[Standard Environmental Reference \(SER\)](#)

[Senate Bill No. 99 Chapter 359](#)

[Transportation Alternative Program\(TAP\) Guidance](#)

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This page will be Exhibit 22-1 the ATP application and instructions- currently under revision

This page will be Exhibit 22-2 The CTC ATP Guidelines (under revision)