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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 PURPOSE AND GOALS

ATP legislation defines the purpose as encouraging increased use of active modes of transportation, such as biking and walking and defines the 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 as established pursuant to Senate Bill 375 and Senate Bill 391.
- 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.

22.2 ROLES AND RESPONSIBILITIES

See CTC Guidelines: <http://www.catc.ca.gov/programs/ATP.htm>

22.3 FUNDING

The Active Transportation Program is funded from various federal and state funds appropriated in the annual Budget Act including MAP-21, FAST Act or other federal funds and State Highway Account (SHA) funds.

DISTRIBUTION

ATP 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.
- 10% to small urban and rural areas with populations of 200,000 or less.
- 50% to projects competitively awarded by the CTC on a statewide basis.

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),
- Recreational Trails projects (RTP) or
- Plans

STATE ONLY AND FEDERAL FUNDS

Per the CTC Guidelines, 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 Funding” with their application.

FUND TRANSFER ELIGIBILITY

ATP funds are eligible for Federal Transit administration (FTA) and Bureau of Indian Affairs (BIA) transfers; provided the implementing agency agrees to comply with the following:

- Separate allocations for each phase, with the transfer occurring after each allocation
- Information to fulfill ATP reporting requirements will still be required
- Use of Corps will still be tracked by Caltrans on transferred projects
- Projects will still be subject to auditing requirements of the program

MATCH REQUIREMENTS

ATP projects do not require matching funds.

ATP projects that opt not to include a match; the 11.47% federal match will be programmed with the use of Toll Credits.

Applicants that have been awarded ATP funds based on their commitment to leverage these funds with non-ATP funds, are expected to adhere to this commitment throughout the delivery of the project.

If any agency does elect to supply a match, 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 funds. 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 cannot be expended prior to the CTC allocation of the ATP funds in the same project phase (permits and environmental studies (PA&ED); plans, specifications, and estimate (PS&E); right-of-way and construction). Matching funds cannot be expended prior to the CTC allocation of ATP funds in the same project phase. 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.

PRECONSTRUCTION COMPONENT REQUEST FOR FUNDS ONLY

An applicant may apply for preconstruction funds in one cycle and then apply for other phases or components in a future ATP cycle. No applicant is guaranteed to get funding in future cycles; nor will they be given additional points when applying in future cycles. When proposing to fund only preconstruction components for a project, the applicant must indicate in their application, the means by which they intend to fund the construction of a useable segment, consistent with the regional transportation plan. Applicants should keep in mind, if they get Federal funds for a pre-construction phase, and are not able to proceed to the construction phase within 10 years; FHWA may require the agency to repay the federal funding.

REIMBURSEMENT

The ATP is a reimbursement program for eligible costs incurred. Costs incurred prior to CTC allocation **and** Federal Highway Administration (FHWA) project approval (i.e. Authorization to Proceed) are **not eligible** for reimbursement.

See the Local Assistance Procedures Manual (LAPM)
<http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm>.

LIFE OF ATP PROJECTS

All facilities constructed using ATP funds cannot revert to a non-ATP use for a minimum of 20 years or its actual useful life as documented in the project application, whichever is less, without approval of the CTC.

22.4 ELIGIBLE APPLICANTS

Eligible entities are determined by Federal and State legislation, and the CTC:
<http://www.catc.ca.gov/programs/ATP.htm>

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 comply with all of the federal and state laws, regulations, policies and procedures associated with federal and state funding.

MASTER AGREEMENTS

Applicants **must** be able to enter into an Administering Agency-State Master Agreement (Master Agreement or MA). 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.

http://www.dot.ca.gov/hq/LocalPrograms/atp/atp_info.html

An applicant who does not currently hold a MA is not guaranteed to pass the pre-agreement audit; and are encouraged to partner with an Implementing agency that already has a MA.

Tribal governments have the option of transferring funds to the BIA through a tri-agency agreement between the tribal government, BIA and Caltrans.

PARTNERING WITH IMPLEMENTING AGENCIES

Eligible agencies that are unable to apply for ATP funds or that are unable to enter into a MA with the State must partner with an eligible applicant who can implement the project. This partnership will be governed by the following expectations:

- This implementing agency assumes full responsibility for delivering the project per all applicable State and Federal requirements.
- The implementing agency must follow Federal and State contracting requirements. **The partnering agency has no rights to a sole source contract from the implementing agency for the project.**
- The implementing agency will be responsible and accountable for the use and expenditure of ATP funds.

22.5 ELIGIBLE PROJECTS AND ELEMENTS

The ATP will fund infrastructure projects, non-infrastructure projects and Plans (in disadvantaged communities only) that encourage increased use of active modes of transportation, such as biking and walking and projects that meet at least one of the program goals.

Example Project Types Eligible for ATP funding

Below is a list of project types and project elements considered generally eligible for ATP funding and is consistent with the CTC guidelines statement that “projects must be federal-aid eligible”. This list 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 and meet funding source eligibility requirements. Components of an otherwise eligible project may not be eligible.

Infrastructure-

- 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 or lighting 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 use 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/rental program- equipment and capital costs.
- Recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails.
- Functional landscaping (including all required items, such as irrigation, excavation, electrical etc.).
 - Planters whose primary function is to provide a barrier between vehicles and non-motorized users.
 - Shade trees (at a reasonably sustainable spacing. ATP does not intend to fund continuous-shade corridors.)
- Decorative Items (5% maximum of project cost. Costs must be identified in the project cost estimate)

Some common decorative items are- Decorative Landscaping, Decorative lights, Decorative Street Furniture, Pavers, and Stamped Concrete.

Note: In-kind reconstruction of motorized facilities required for the construction of the non-motorized ATP project elements are eligible for reimbursement: including but not limited to bus pad relocation, traffic signal modifications, traffic striping, etc.

For Recreational trail project eligibility see the “Trail Projects” portion of section 22.7.

Non-Infrastructure-

- All Non-Infrastructure Projects must comply with the CTC ATP Guidelines. The guidelines are located on the CTC website at:
<http://www.catc.ca.gov/programs/ATP.htm>

Active Transportation Plans

ATP funding 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.

- All Plans must comply with the CTC ATP Guidelines. The guidelines are located on the CTC website at: <http://www.catc.ca.gov/programs/ATP.htm>

22.6 INELIGIBLE PROJECTS AND ELEMENTS

The ATP will not fund project elements that are determined to be ineligible for ATP funding as defined in this section.

Applicants may choose to include ineligible project elements in their ATP project applications, but the inclusion of ineligible project elements is not recommended. If an applicant includes ineligible project elements in their ATP project application, the agency will be required to provide the following additional information and complete the additional processes:

- The agency's application must separate out and document the eligible and ineligible items in the project plans and cost estimate. All ineligible items must be clearly shown as being funded with non-participating local funding.
 - As part of the project selection process (either before or after the CTC programming), Caltrans will conduct a detailed eligibility review of the project to verify that the agency's application fully documents design-features and costs of all ineligible items, including showing the limits of the ineligible items on the plans and their corresponding costs in the engineer's estimate. If Caltrans determines that the scope of the eligible vs. ineligible items is not defined at a level to ensure adequate programming of ATP and local funds, then the agency will be asked to complete additional design efforts to meet this requirement. Agencies need to understand that applications with ineligible items must be held to a higher "PSR-Equivalent" standard to ensure the project is programmed with the necessary funding to ensure it can be delivered through construction.
- If the agency's application is selected for ATP funding, the agency will be responsible for tracking and documenting the ATP-ineligible items and costs in all project delivery phases of the project, including: staff time working on the ineligible items, project files, final design plans and final bid items.
- The agency will be expected to split out the eligible vs. ineligible costs in their invoicing for all project phases.

In conjunction with these additional processes the agency must complete, Caltrans will flag the ATP database and project files for the PS&E package to have a final eligibility review prior to the CON allocation.

- At CON allocation, Caltrans staff will confirm that the final PS&E package clearly shows which contract bid items are to be funded with ATP funding (this will be required for the agencies Construction Management Team to accurately prepare and submit invoices identifying ineligible item costs).
 - If the Caltrans eligibility review concludes that the project has more ATP funding than ATP eligible construction items, then the CON Allocation will only be approved with ATP funding for eligible items and the agency may be required to identify additional local funding to cover all ineligible items costs.
- ❖ *NOTE: All ATP projects are subject to these expectations, whether ineligible items are identified at the time of application or later in the project delivery phases.*

The following lists of projects types and project elements that are generally not eligible for ATP funding. These lists are not intended to be comprehensive; other types of work that are not listed may also be deemed ineligible.

Project components mainly benefitting the motorized user:

- Street lighting that is not specific to pedestrian or bicycle facilities (i.e. Lighting that benefits the motorized user)
 - Streetlights located in roadway medians
 - Streetlights along the side of a roadway that are designed to light the entire roadway must be prorated for their benefit to non-motorized user based on roadway widths (i.e., if the motorized lanes and parking lanes account for 40' and the bike lanes and sidewalks account for 26', then the ATP eligible reimbursement for all costs related to these streetlights would be $26/(26+40) = 39\%$)
 - ✓ Note: Street lighting at crosswalks are 100% eligible
- Operational, maintenance and/or widening improvements benefitting the motorized user
 - New vehicle through lanes and turn lanes
 - Raised medians greater than 50' from a marked crosswalk
 - Roadway or bridge widening beyond proposed bike/ped facilities widths
 - Drainage facilities beyond proposed bike/ped facilities needs
 - Traffic signal elements for the benefit of the motorized user
 - Roadway paving and/or base repair beyond proposed bike/ped facilities limits. (i.e. if the roadway paving and base repair needed for the installation of new bike lanes extends into the portion of the roadway that will be for motorized uses, then the ATP eligible reimbursement for all costs related to the pavement work, including items like roadway excavation and adjusting manholes, will be constrained to the physical limits of the new bike lanes)
 - Removal of existing traffic striping and roadway slurry seals beyond striping removal needed for the proposed bike/ped facilities.
NOTE: When one or more existing traffic stripes are removed in a section of roadway, the limits of the ATP eligible reimbursement for the slurry seal can extend from curb to curb across the section of roadway, but only extends longitudinally along the section of the roadway where the removal of the existing striping is required for the new active transportation features)
 - Parking lanes, lots and facilities
NOTE: In kind replacement of on street parking spaces displaced by the active transportation project elements are eligible.

Installation or enhancements to transit stops, facilities or operations, beyond safe routes to transit:

- Bus pads
- Bus loading zones
- Bus shelters/benches
- Bus signals
- Creation of new transit facilities

- Transit hub reconfigurations

NOTE: Transit projects may be eligible for a variety of transit grants administered by Mass Transportation: <http://www.dot.ca.gov/hq/MassTrans/MAIN-Transit-Programs.htm> or by Transportation Planning: <http://www.dot.ca.gov/hq/tpp/grants.html>

Other project components that are considered ineligible based on state or federal regulations or based on statewide program management best practices:

- Feasibility studies or other pre-PA&ED type studies.
- Counts/data collection associated with studies
- Bicycle/pedestrian counting equipment
- Law Enforcement equipment
- Operational costs, including bike-share operational costs
- Buildings and building improvements- (limited eligibility under Recreational Trails see section 22.7)
- Routine Maintenance of active transportation features that don't offer significant operational benefits and/or are not likely to result in a significant increased use of active modes of transportation
- Replacement of highly traversable/serviceable sidewalks/bikeways that are currently ADA compliant, including weathered and/or smooth-cracked surfaces
- Improvements that do not conform with the CA-MUTCD
- Improvements that are required as a condition for private development
- Museums and museum displays
- Gateway elements and art work

Project components that generally have primary benefits focused on goals other than the goal of increasing active transportation (i.e. Streetscape enhancements, community redevelopment, etc.)

- Decorative project features (beyond a maximum of 5% of the total ATP eligible construction costs)
 - Non-functional/Decorative Landscape (as discussed below)
 - Decorative add-ons or enhancements to lights and/or signals
 - Decorative enhancements to pedestrian amenities and fencing
 - Decorative enhancements to crosswalks
 - Pavers, tiles and bricks
 - Stamped concrete

NOTE: All decorative-related costs must be identified in the project cost estimate

- Non-functional (decorative) landscaping beyond the 5% maximum allowable for all decorative features (where non-functional landscaping is defined as not having a primary focus on the purpose of the ATP to increase use of active modes of transportation and/or not being considered sustainable for statewide implementation)
 - Median landscaping.
 - Shoulder landscaping/planter strips that do not serve the purpose of separating walkways and bikeways from high speed motorized vehicles. The following thresholds are used to define when Shoulder landscaping/planter strips would be considered “non-function”:
 - Posted speeds (or 85% speeds) less than 35MPH

- Existence of a parking lane
- Existence of a shoulder, bike lane, or other buffer of 7 feet or more
- Vertical separation of over 6 inches
- The landscaping/plantings do not provide a visual/physical barrier between motorized and non-motorized users
- Landscaping/plantings that takes high watering (i.e. grass, ground covers, flowers, plants in containers, etc.)
- Higher-cost/lower-shade-producing trees (i.e. palm trees, small flowering trees, etc.)
- Trail or roadway tree plantings in excess of reasonable shade refuge areas. Continuous shade canopies of trails and roadways is not considered sustainable using the limited ATP funding.
- Trail (non-roadway) landscaping/plantings that are not either a medium to large canopy tree. For Recreational trail project eligibility, see the “Trail Projects” portion of section 22.7.
- **NOTE: All roadway costs associate with non-functional landscaping are also considered part of the non-functional landscaping costs and must be accounted for in the Engineer’s Estimate as such.** These costs include, but are not limited to: Excavation, Backfill, Soil, AC, AB, Concrete Curbs, Retaining walls, Irrigation, Water Connections, etc.
- Bike Kitchen/Bike repair shops
- Playground or Park exercise equipment
- Sports fields
- Campgrounds
- Picnic areas & pavilions
- Parking lots/areas/spaces
- Bathrooms
- Biking or walking loops
- Alley-way improvements and/or reconstruction.
- ✓ Alley projects may be eligible for ATP funding if they result in the closure of the alley to all motorized traffic and if they offer enhanced active transportation connectivity over the surrounding roadway network.

The following Non-Infrastructure (NI) Program elements/projects, as defined in the CTC ATP Guidelines:

- NI programs /elements that are not sustainable or do not provide a plan to continue work after ATP funds expire.
- NI programs that are not startup.
- NI expenditures or costs that do not conform with the Active Transportation Program NI Program Guidance (latest edition):
http://www.dot.ca.gov/hq/LocalPrograms/atp/atp_info.html

NOTE: There may be instances where Caltrans will approve the use of ATP funds for the items on the above ineligible lists. This would be done on a case-by case basis if the applicant can justify that the item primarily benefits the non-motorized user. Such approvals must be obtained through the “Item Eligibility Exception Process” prior to submitting the application.

ITEM ELIGIBILITY EXCEPTION PROCESS

If an agency believes their proposed project and target users would significantly benefit through the use of activities that are not explicitly stated in the CTC ATP program guidelines or the *Local Assistance Program Guidelines (LAPG) Chapter 22*, then the applicant may choose to pursue a formal exception from Caltrans. An agency choosing to pursue an exception must follow the following requirements:

1. Prepare a thorough description and justification of each of the proposed activities they are seeking an exception for. Each activity must be justified separately and the cost must be included. The justifications must tie to the proposed overall project.
2. Submit this package to Caltrans, ATP Manager for approval.
3. Receive approval from ATP Manager before incurring cost.

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 AND FUNDING

See CTC Guidelines.

ACTIVE TRANSPORTATION PLAN REQUIREMENTS

See CTC Guidelines.

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.

ACTIVE TRANSPORTATION RESOURCE CENTER (ATRC)

Typical ATRC roles include:

- Providing technical assistance and training to help agencies deliver existing and future projects.
- Connect communities with data, resources and best practices to implement and evaluate ATP focused projects.
- Maintain an ATRC website to serve as a clearinghouse for ATP program information, resources, training course information, and materials.
- Assisting with ATP program evaluation.

RECREATIONAL TRAILS PROGRAM (RTP)

Trail projects that are primarily recreational should meet the federal requirements of the Recreational Trails Program (http://www.fhwa.dot.gov/environment/recreational_trails/).

Recreational Trails funding is the only type of ATP funds which non-profit organizations are eligible to apply for. The non-profit applicant must still be able to pass the pre-agreement audit or should partner with an agency that already has a Master Agreement with Caltrans.

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 organization.

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

22.8 APPLICATION

The ATP application is a Project Study Report (PSR) equivalent. The PSR Guidelines are posted at <http://www.catc.ca.gov/programs/ATP.htm>.

STATEWIDE AND SMALL URBAN & RURAL PROJECT SOLICITATION

CTC will consider only applications for which an electronic copy of the application is received by the deadline and the required hardcopies are postmarked by the deadline. Also, by the application submittal deadline, 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/).

Each application will be preliminarily reviewed for completeness and (project type) eligibility. After the application has been determined to be complete and meets the preliminary eligibility criteria, it will then be reviewed by a Project Evaluation Committee (PEC). The PEC will score each eligible application. Applications that are not complete will not be evaluated. A PEC will be unable to request missing information due to the tight time restrictions associated with the solicitation.

MPO PROJECT SOLICITATION

MPO's project solicitation, requirements, and deadlines may vary from the Statewide, and Small Urban and Rural call for projects. See the CTC guidelines (<http://www.catc.ca.gov/programs/ATP.htm>) and applicable MPO agencies for additional information.

MPO selected projects must meet the same ATP funding and project eligibility requirements as found in the CTC guidelines. Projects selected under the MPO process will be evaluated by Caltrans for project eligibility. MPO's will be required to address any eligibility issues with Caltrans prior to adoption of project selection.

MPOs that allow their agencies to submit applications to their MPO solicitation without participating in the Statewide solicitation, must also submit both an electronic and hardcopy application to their Caltrans ATP manager by the solicitation deadline.

22.9 PROJECT SCOPING

Caltrans will scope all projects that are being considered for funding, and 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.

22.10 PROJECT SELECTION PROCESS

The ATP project selection is performed through a competitive process. CTC staff is responsible for creating a multidisciplinary Project Evaluation Committee which reviews and scores applications for the Statewide, and Small Urban and Rural solicitation. Any applications for projects that are also located in the small urban or rural areas will be automatically considered for the Small Urban and Rural solicitation.

Projects will be selected based on 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. Recreation Trails minimum threshold
- iv. The program will strive to ensure reasonable geographic distribution of projects and a balance between urban and rural areas.

Sponsors wanting to review evaluator scores must contact CTC staff. Caltrans ATP managers do not have evaluator score information.

22.11 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.

While the ATP program will not be requiring matching funds- the program does require an 11.47% match, which will come from the Toll Credit program or state ATP funds.

22.12 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.

ELIGIBILITY DETERMINATION

Prior to the first allocation request for each awarded ATP project; Caltrans will perform an eligibility determination on all items listed in the project estimate. Any ineligible items will be noted in the ATP database. The in-eligibility determinations will be sent to the DLAE, by the ATP Manager. It is the DLAE's responsibility to notify their agencies regarding the determinations. The agency can either submit an appeal to the determination, or submit requested documentation (i.e. plans, estimate, PPR) to the DLAE for submittal to the program manager.

For any NI work the applicant needs to complete an Exhibit 22-R "Non-Infrastructure Work Plan" and submit it to their DLAE, prior to the first allocation request. The DLAE will submit the Ex. 22-R to the ATP Program manager or ATP SRTS Program Manager, for review and approval. Once the DLAE has been notified that the Ex. 22-R has been approved, the agency may proceed with their allocation request.

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

- LAPG Exhibit 22-R, NonInfrastructure Work Plan (required for NI projects/components only)
- 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 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” notification 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 OF STATE FUNDS

For State-only funded projects; the Request for Funding Allocation (including a State-only Finance Letter, Exhibit 22-C and a Funding Allocation Checklist, Exhibit 22-N and Exhibit 22-R), 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 QUALIFIED COMMUNITY CONSERVATION CORPS

Direct contracting with the State or qualified community conservation corps or Tribal 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), **for both Federal or State funded ATP projects**. The PIF must be approved by the 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 as part of their Allocation Request package.

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>

22.13 PROGRAMMING

ATP allocations must be requested in the fiscal year of the project programming, and construction (including NI) allocations 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 ATP 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.

22.14 CTC 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 a non-infrastructure project or plan, or design (PS&E), right-of-way, or construction of an infrastructure project prior to documentation of environmental clearance under the California Environmental Quality Act (CEQA). As a matter of policy, the Commission 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 (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.

In the case of a non-infrastructure project, the agency must provide documentation of environmental clearance, or that CEQA and/or NEPA is not applicable to the project, prior to allocation.

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.

The CTC may approve the reprogramming and allocation of an entire funding component; provided the request will not delay the project's approved schedule.

Any amount allocated for environmental may also be expended for design. In addition, a local agency may expend an amount allocated for environmental, design, right of way, or construction for another 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.

22.15 PROJECT DELIVERY

ATP allocations must be requested in the fiscal year of the project programming, and construction allocations are valid for award for six months from the date of allocation unless the CTC approves an extension. Applicants may submit, and the CTC will evaluate, extension requests (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 what is permitted in the CTC Guidelines.

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 the construction 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 the DLAE 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 allocated, the savings generated will not be available for future programming.

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

22.16 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). Chapter 11, Design Standards of the LAPM describes statewide design standards, specifications, procedures, guides and references that are acceptable in the geometric, drainage, and structural design of local agency projects.

22.17 PROJECT REPORTING

As a condition of the project allocation, the CTC requires 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 described in the project application.

Please note that the final delivery report required by this section is in addition to the aforementioned Final Report of Expenditures (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 Tally's and Parent Survey forms also be submitted to Caltrans with the implementing agencies semiannual 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-central> 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

22.19 PROJECT AUDITS

Caltrans must audit a selection of ATP projects to evaluate the performance of the project, determine whether project costs incurred and reimbursed are in compliance with the executed project agreement or approved amendments thereof; state and federal laws and regulations; contract provisions; and CTC guidelines, and whether project deliverables (outputs) and outcomes are consistent with the project scope, schedule and benefits described in the executed project agreement or approved amendments thereof. A report on the projects audited must be submitted to 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 Integrity 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 2nd 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*](#)