W.I.: 1515 Referred by: PAC

ABSTRACT

Resolution No. 4172

This resolution adopts the Active Transportation Program (ATP) Regional Program Cycle 2 Guidelines and Program of Projects for the San Francisco Bay Area, for submission to the California Transportation Commission (CTC), consistent with the provisions of Senate Bill 99 and Assembly Bill 101.

This resolution includes the following attachments:

Attachment A - Guidelines: Policies, Procedures and Project Selection Criteria

Attachment B - Regional Active Transportation Program of Projects

Further discussion of these actions is contained in the Summary Sheet to the MTC Programming and Allocations Committee dated February 11, 2015.

W.I.: 1515 Referred by: PAC

RE: Adoption of Regional Active Transportation Program (ATP)

Cycle 2 Guidelines and Program of Projects

METROPOLITAN TRANSPORTATION COMMISSION RESOLUTION NO. 4172

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 *et seq.*; and

WHEREAS, MTC has adopted and periodically revises, pursuant to Government Code Sections 66508 and 65080, a Regional Transportation Plan (RTP); and

WHEREAS, MTC is the designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area region and is required to prepare and endorse a Transportation Improvement Program (TIP) which includes federal funds; and

WHEREAS, MTC is the designated recipient for federal funding administered by the Federal Highway Administration (FHWA) assigned to the MPO/Regional Transportation Planning Agency (RTPA) of the San Francisco Bay Area for the programming of projects (regional federal funds); and

WHEREAS, the California State Legislature passed and the Governor signed into law Senate Bill 99 (Chapter 359, Statutes 2013) and Assembly Bill 101 (Chapter 354, Statutes 2013), establishing the Active Transportation Program (ATP); and

WHEREAS, MTC adopts, pursuant to Streets and Highways Code Section 2381(a)(1), an Active Transportation Program of Projects using a competitive process consistent with guidelines adopted by the California Transportation Commission (CTC) pursuant to Streets and Highways Code Section 2382(a), that is submitted to the CTC and the California Department of Transportation (Caltrans); and

WHEREAS, MTC has developed, in cooperation with CTC, Caltrans, operators of publicly owned mass transportation services, congestion management agencies, countywide

transportation planning agencies, and local governments, guidelines to be used in the development of the ATP; and

WHEREAS, a multi-disciplinary advisory group evaluates and recommends candidate ATP projects for MTC inclusion in the Active Transportation Program of Projects; and

WHEREAS, the ATP is subject to public review and comment; now, therefore, be it

<u>RESOLVED</u>, that MTC approves the guidelines to be used in the evaluation of candidate projects for inclusion in the ATP, as set forth in Attachment A of this resolution, and be it further

<u>RESOLVED</u>, that MTC approves the Active Transportation Program of Projects, as set forth in Attachment B of this resolution, and be it further

<u>RESOLVED</u> that the Executive Director or designee can make technical adjustments and other non-substantial revisions; and be it further

<u>RESOLVED</u>, that the Executive Director shall forward a copy of this resolution, and such other information as may be required to the CTC, Caltrans, and to such other agencies as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

Jail Cet

Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on February 25, 2015.

W.I.: 1515

Referred by: PAC

Attachment A Resolution No. 4172

Page 1 of 12

2015 Regional Active Transportation Program (ATP)

Cycle 2

Guidelines

February 25, 2015

MTC Resolution No. 4172
Attachment A

Metropolitan Transportation Commission Programming and Allocations Section http://www.mtc.ca.gov/funding/

W.I.: 1515 Referred by: PAC

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2015 Regional Active Transportation Program Cycle 2 Guidelines

Background

In September 2013, the Governor signed Senate Bill 99 (Chapter 359, Statutes 2013) and Assembly Bill 101 (Chapter 254, Statutes 2013) into law, creating the Active Transportation Program (ATP). The State envisions the ATP to consolidate a number of other funding sources intended to promote active transportation, such as the Bicycle Transportation Account and Transportation Alternatives Program, into a single program.

State and federal law segregate ATP funds into three main components, distributed as follows:

- 50% to the state for a statewide competitive program
- 10% to the small urban and rural area competitive program to be managed by the state
- 40% to the large urbanized area competitive program, with funding distributed by population and managed by the Metropolitan Planning Organization (MPO) – hereinafter referred to as the "Regional Active Transportation Program"

The California Transportation Commission (CTC) developed guidelines for the Cycle 2 ATP, expected to be approved on March 26, 2015. The CTC Guidelines lay out the programming policies, procedures, and project selection criteria for the statewide competitive program, as well as for the small urban/rural and large MPO regional competitive programs. Large MPOs, such as MTC, have the option of developing regional policies, procedures, and project selection criteria that differ from those adopted by CTC, provided the regional guidelines are approved by CTC.

This document serves as MTC's Cycle 2 Regional ATP Guidelines that substantially follow those of the CTC, but include a number of differences based on the region's existing policies and priorities. MTC adopted these Guidelines for the MTC Regional Active Transportation Program on February 25, 2015, for final consideration by the CTC in March 2015.

Development Principles

The following principles will frame the development of MTC's Regional ATP.

- MTC will work with CTC staff, Caltrans, Congestion Management Agencies (CMAs), transit operators, regional Active Transportation Working Group, and interested stakeholders to develop the Regional Active Transportation Program.
- ATP investments must advance the objectives of the Regional Transportation Plan (RTP)/Sustainable Communities Strategy.
- MTC will exceed the State's 25% minimum programming requirement to projects benefiting disadvantaged communities.
- MTC will continue to work with Caltrans, CMAs, transit operators, and project sponsors to seek efficiencies and streamlining for delivering projects in the federal-aid process.
- MTC will continue to advocate that all project savings and un-programmed balances remain within the ATP program rather than redirected to the State Highway Account, and specifically that savings

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and balances in the 40% Large MPO programs remain within the regional programs, consistent with federal guidance on the Transportation Alternative Program (TAP).

CTC Guidelines

The California Transportation Commission (CTC) ATP Guidelines are expected to be adopted on March 26, 2015, and are available at: http://www.catc.ca.gov/programs/ATP.htm. The most current CTC Guidelines for the Active Transportation Program, as posted on the CTC website, are incorporated in MTC's Regional ATP Guidelines via this reference. All project sponsors are required to follow both the MTC and CTC ATP Guidelines in the development and implementation of the Regional ATP.

ATP Development Schedule

Development of the ATP will follow the schedule outlined in Appendix A-1 of this guidance.

ATP Regional Shares

Appendix A-2 of this guidance provides the MTC regional shares for Cycle 2 of ATP funding (FY 2016-17, FY 2017-18, and FY 2018-19), consistent with the ATP Fund Estimate expected to be approved by the CTC on March 26, 2015. Appendix A-2 also includes the State's 25% minimum programming requirement to projects benefiting disadvantaged communities.

Public Involvement Process

In developing the ATP, MTC is committed to a broad, inclusive public involvement process consistent with MTC's Public Participation Plan, available at http://www.mtc.ca.gov/get_involved/participation_plan.htm.

ATP Projects in the Transportation Improvement Program (TIP)

Consistent with state and federal requirements, ATP funded projects must be programmed in the TIP prior to seeking a CTC allocation. Selected projects must complete and submit a Fund Management System (FMS) application by February 1, 2016 in order to be included in the TIP. In addition, MTC requires that a federal Request for Authorization (RFA) be submitted simultaneously with the ATP allocation request to Caltrans and CTC when the ATP project includes federal funds. Unless a state-only funding exception is granted, ATP funds will contain federal funds. Therefore, projects must receive a CTC allocation and a federal authorization to proceed prior to the expenditure of eligible costs or advertisement of contract award.

Deviations from Statewide Policies

Below are MTC-region specific policies as they apply to the Regional Active Transportation Program. These policies differ from CTC's Guidelines.

1. Application Process and Additional Regional Screening/Evaluation Criteria

MTC elects to hold a separate call for projects for the Regional Active Transportation Program, and has additional evaluation and screening criteria. Further information on these changes, as well as instructions on the application process are detailed later in this guidance.

Project sponsors may apply for either the State ATP program or Regional ATP program, or both. Sponsors applying to the State ATP program or to both the state and regional programs must submit a copy of their state application to MTC. In order to be considered for the regional program, including consideration if unsuccessful in the statewide program, applicants must meet all regional requirements and submit a regional application by the application deadline.

2. Definition of Disadvantaged Communities

The MTC region has already adopted a measure to define Disadvantaged Communities (DACs) known as "Communities of Concern". MTC updated the Communities of Concern (COCs) definition in 2013 as a part of the *Plan Bay Area* Equity Analysis Report. For the purposes of meeting the State's 25% DAC minimum requirement in the Regional ATP, MTC elects to use MTC's COC definition.

MTC's Communities of Concern are defined as those census tracts having either 1) significant concentrations of both low-income and minority residents, or 2) significant concentrations of any four or more of the following eight disadvantage factors: minority persons; low-income persons below 200% of the federal poverty level (about \$44,000 per year for a family of four); persons with Limited English Proficiency; zero-vehicle households; seniors aged 75 and over; persons with a disability; single-parent families; and housing units occupied by renters paying more than 50% of household income on rent. The concentration thresholds for these factors are described below.

Disadvantage Factor	% of Regional	Concentration
П	Population	Threshold
1. Minority Population	54%	70%
2. Low Income (<200% of Poverty) Population	23%	30%
3. Limited English Proficiency Population	9%	20%
4. Zero-Vehicle Households	9%	10%
5. Seniors Aged 75 and Over	6%	10%
6. Population with a Disability	18%	25%
7. Single-Parent Families	14%	20%
8. Rent-Burdened Households	10%	15%

Based on this definition, roughly 20% of the region's population is located in Communities of Concern. MTC's Communities of Concern definition of Disadvantaged Communities meets the State's legislative intent, and has already been in use in the MTC region for planning and programming purposes.

Additional discussion of the Communities of Concern definition and methodology are included in the *Plan Bay Area* Equity Analysis Report and associated Appendix, available online at: http://onebayarea.org/pdf/final_supplemental_reports/FINAL_PBA_Equity_Analysis_Report.pdf and

http://onebayarea.org/pdf/final supplemental reports/FINAL PBA Equity Analysis Report-Appendices.pdf. Further, applicants can find an online map showing precise locations of Communities of Concern at: http://geocommons.com/maps/118675.

3. Match Requirement

The CTC Guidelines does not require a match for Statewide ATP projects. The CTC Guidelines allow MPOs to define different match requirements for the Regional ATP.

Differing from CTC Guidelines, MTC elects to impose a match requirement for the regional ATP of 11.47%, with match waivers for projects benefiting a Community of Concern, stand-alone non-infrastructure projects, and safe routes to schools projects. As an added provision, a project sponsor may request the local match requirement be waived for the construction phase of an infrastructure project if the pre-construction phases are entirely funded using non-federal and non-ATP funds. This provision minimizes the number of federalized phases requiring an E-76 through Caltrans Local Assistance.

4. Contingency Project List

MTC will adopt a list of projects for programming the Regional ATP that is financially constrained against the amount of ATP funding available (as identified in the approved ATP Fund Estimate). In addition, MTC will include a list of contingency projects, ranked in priority order based on the project's evaluation score. MTC intends to fund projects on the contingency list should there be any project failures or savings in the Cycle 2 Regional ATP. This will ensure that the Regional ATP will fully use all ATP funds, and that no ATP funds are lost to the region. The contingency list is valid until the adoption of the next statewide ATP Cycle.

Application Process

Project Application

Upon CTC concurrence of MTC's Regional ATP Guidelines, MTC will issue a call for projects for the Regional Active Transportation Program. Project sponsors must complete an application for each project proposed for funding in the ATP, consisting of the items included in Appendix A-3 of this guidance. Project sponsors must use the Project Programming Request (PPR) forms provided by Caltrans for all projects. The PPR must be submitted electronically in Microsoft Excel format for upload into the regional and statewide databases. All application materials, in the form of 3 hard copies and 1 electronic copy (via CD/DVD, portable hard drive, or USB thumb drive) must be physically received by MTC or postmarked no later than June 1, 2015 in order to be considered.

Additional Project Screening Criteria, Including Readiness

In addition to the CTC Guidelines, all projects included in the ATP must meet the following screening criteria.

- **A. Prohibition of Multiple Phases in Same Year.** Project sponsors must provide sufficient time between the scheduled allocation of environmental funds and the start of design, right of way or construction. Therefore, projects may not have more than one phase programmed per fiscal year, except for design and right of way, which may be programmed in the same fiscal year. Exceptions may be made on a case-by-case basis.
- **B.** Deliverability. Project sponsors must demonstrate they can meet the delivery timeframe of the Active Transportation Program. Projects that can be delivered (receive a CTC allocation and federal authorization to proceed for federal funds) earlier, shall receive priority for funding over other projects. As specified in MTC's Regional Project Delivery Policy (MTC Resolution No. 3606, Revised), sponsors must submit the CTC allocation and obligation paperwork to Caltrans/CTC by November 1 of the programmed fiscal year, and receive the federal authorization to proceed (E-76 / federal obligation) by January 31 of the programmed fiscal year. There are no extensions to these regional delivery deadlines.

Additional Project Evaluation Criteria

MTC will use the CTC project evaluation criteria as set forth in the CTC Guidelines, with additional criteria for the Regional Active Transportation Program. The additional criteria are:

- Consistency with Regional Priorities and Planning Efforts. (0 to 5 points)
 Applicants shall describe the project's consistency with previously-approved regional priorities, and how the project supports *Plan Bay Area*. Points will be awarded for the degree of the proposed project's consistency with regional priorities, such as:
 - o Consistency with *Plan Bay Area*'s Healthy and Safe goals of reduction of particulate matter, collision reduction and encouragement of active transport
 - o Consistency with MTC's Safe Routes to School Program
 - o Bay Trail build-out
 - o Regional Bike Network build-out
 - o Gap closures in the Regional Bike Network
 - o Multi-jurisdictional projects
- Completion of Approved Environmental Document. (0 or 3 points)
 While the Active Transportation Program may fund pre-construction phases of projects, including the environmental document phase, the region prefers projects which are environmentally cleared in order to promote certainty in project delivery and project scope. Applicants that provide evidence of an approved environmental document consistent with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) will receive additional points. If requesting state-only funding, only CEQA documentation is required. Evidence may be provided by the following methods:
 - o Photocopy of the approved environmental document cover and executive summary;
 - o Link to the approved environmental document available online;
 - Full soft copy of the environmental document provided on the electronic copy of the application (CD/DVD/USB drive);
 - o Documentation from Caltrans regarding environmental approval; and/or

o Other Council/Board action, such as resolutions and/or Planning Department approval of environmental document.

This provision does not apply to planning activities or stand-alone non-infrastructure projects, which receive the full points to this criterion regardless of environmental status at the time of application. These projects must still follow any applicable CEQA or NEPA requirements to receive ATP funding.

Consistency with OBAG Complete Streets Policy. (0 or 2 points)
 Complete Streets are an essential part of promoting active transportation. To that end, additional points will be awarded to ATP project sponsors that supply documentation that the jurisdiction(s) in which the project is located meets the One Bay Area Grant (OBAG)
 Complete Streets Policy by September 30, 2015. The policy may be met by the jurisdiction either having updated the General Plan within the past four years to be consistent with the Complete Streets Act of 2008, or adopting a complete streets policy resolution. For further information regarding MTC's One Bay Area Grant (OBAG) Complete Streets Policy, refer to the OBAG Complete Streets website at:

http://www.mtc.ca.gov/funding/onebayarea/complete streets.htm .

A sample complete streets policy resolution is available at:

http://www.mtc.ca.gov/planning/bicyclespedestrians/sample OBAG CS resolution.doc.

- Countywide Plans/Goals Consistency Determination. (0 or -2 points)
 Following the application due date, MTC will share the received applications with the County Congestion Management Agencies (CMAs) or Countywide Transportation Planning Agency (collectively referred to as "CMAs"). The CMAs will review the applications for consistency with adopted countywide transportation plans, active transportation plans, and/or other countywide goals, as applicable. The CMAs will provide MTC a list of projects determined to be inconsistent with countywide plans and/or goals no later than September 1, 2015.
 Inconsistent projects will receive a 2 point penalty; consistent projects will be held harmless.
- Deliverability Determination. (0 or -5 points)
 The regional program evaluation committee, in consultation with MTC staff, will review each application's project delivery schedule for ability to meet regional deadlines as described in MTC Resolution No. 3606, Revised. Projects that are deemed unable to allocate ATP funds within the three programming years of Cycle 2 (FY 2016-17, 2017-18, and 2018-19) shall receive a 5 point penalty. Projects that are deemed able to allocate within the three programming years of Cycle 2 will be held harmless.

Additional Regional Policies

Title VI Compliance

Investments made in the ATP must be consistent with federal Title VI requirements. Title VI prohibits discrimination on the basis of race, color, disability, and national origin in programs and activities receiving federal financial assistance.

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MTC Resolution No. 3606 Compliance - Regional Project Delivery Policy

The CTC ATP Guidelines establish timely use of funds and project delivery requirements for ATP projects. Missing critical milestones could result in deletion of the project from the ATP, and a permanent loss of funds to the region. Therefore, these timely use of funds deadlines must be considered in programming the various project phases in the ATP. While the CTC Guidelines provide some flexibility with respect to these deadlines by allowing for deadline extensions under certain circumstances, the CTC is very clear that deadline extensions will be the exception rather than the rule. MTC Resolution No. 3606 details the Regional Project Delivery Policy for regional discretionary funding, which may be more restrictive than the State's delivery policy. All projects in the regional ATP are subject to the Regional Project Delivery Policy (MTC Resolution 3606), including the adoption of a Resolution of Local Support for selected projects by February 1, 2016. For additional information, refer to http://www.mtc.ca.gov/funding/delivery/MTC Res 3606.pdf.

MTC Resolution No. 3765 Compliance – Complete Streets Checklist

MTC's Resolution No. 3765 requires project sponsors to complete a checklist that considers the needs of bicycles and pedestrians for applicable projects. The Complete Streets Checklist (also known as "Routine Accommodations Checklist") is available through MTC's website online at http://mtc.ca.gov/planning/complete-streets/. Furthermore, it is encouraged that all bicycle projects programmed in the ATP support the Regional Bicycle Network and county-wide bicycle plans. Guidance on considering bicycle transportation can be found in MTC's 2009 Regional Bicycle Plan (a component of Transportation 2035) and Caltrans Deputy Directive 64. MTC's Regional Bicycle Plan, containing federal, state and regional polices for accommodating bicycles and non-motorized travel, is available on MTC's Web site at: http://www.mtc.ca.gov/planning/bicyclespedestrians/.

METROPOLITAN TRANSPORTATION COMMISSION (MTC)

2015 Regional Active Transportation Program (ATP) Cycle 2
Appendix A-1: ATP Development Schedule (Subject to Change)
February 25, 2015

November 2014	CTC releases draft ATP Guidelines
January-February 2015	Draft Regional ATP Guidelines presented to Working Groups
February 11, 2015	MTC Programming and Allocations Committee (PAC) scheduled review and recommendation of final proposed Regional ATP Guidelines
February 25, 2015	MTC Commission scheduled adoption of Regional ATP Guidelines MTC submits adopted Regional ATP Guidelines to CTC for consideration
March 26, 2015	CTC scheduled adoption of State ATP Guidelines CTC scheduled release of ATP Call for Projects for Statewide Competitive Program CTC scheduled approval of MTC's Regional ATP Guidelines MTC scheduled release of ATP Call for Projects for Regional Program
June 1, 2015	State ATP Applications Due to CTC (Statewide Program) Regional ATP Applications Due to MTC (Regional Program)
September 15, 2015	CTC releases staff recommendation for ATP Statewide Competitive Program
October 7, 2015	MTC releases staff recommendation for ATP Regional Program
October 2015	Working Group discussions of staff recommendations
October 14, 2015	MTC Programming and Allocation Committee (PAC) scheduled review and recommendation of final ATP Regional Program
October 22, 2015	ATP Statewide Program Adoption: CTC scheduled to adopt statewide program and transmit unsuccessful projects to the Regions for consideration
October 28, 2015	ATP Regional Program Adoption: MTC Commission scheduled approval of ATP regional program and transmittal to CTC for consideration
December 10, 2015	CTC Approval of ATP Regional Program: CTC scheduled to approve Regional Program
February 1, 2016	TIP Amendment Deadline: Successful ATP project sponsors to submit 2015 TIP Amendment, including Resolution of Local Support
April 27, 2016	MTC Commission scheduled to approve TIP Amendment to add ATP projects into federal TIP
May 31, 2016	TIP Approval: FHWA/FTA anticipated approval of ATP projects in federal TIP
November 1, 2016	Allocation/Obligation Submittal Deadline for Regional ATP projects programmed in FY 2016-17
January 31, 2017	Allocation/Obligation Deadline for Regional ATP projects programmed in FY 2016-17
November 1, 2017	Allocation/Obligation Submittal Deadline for Regional ATP projects programmed in FY 2017-18
January 31, 2018	Allocation/Obligation Deadline for Regional ATP projects programmed in FY 2017-18
November 1, 2018	Allocation/Obligation Submittal Deadline for Regional ATP projects programmed in FY 2018-19
January 31, 2019	Allocation/Obligation Deadline for Regional ATP projects programmed in FY 2018-19

Shaded Area – Actions by State, CTC or Caltrans

Metropolitan Transportation Commission (MTC) 2015 Regional Active Transportation Program (ATP) Cycle 2

Appendix A-2: MTC ATP Regional Share Targets FY 2016-17 through FY 2018-19 February 2015

ATP Regional Share

All numbers in thousands

Fund Source	FY 2016-17	FY 2017-18	FY 2018-19	Total
Federal TAP	\$5,252	\$5,252	\$5,252	\$15,756
Federal Other	\$1,915	\$1,915	\$1,915	\$5,745
State	\$2,908	\$2,908	\$2,908	\$8,724
Total ATP Regional Share	\$10,075	\$10,075	\$10,075	\$30,225

State's 25% Disadvantaged Communities Minimum Requirement

Classification	FY 2016-17	FY 2017-18	FY 2018-19	Total
25% - Benefiting Disadvantaged Communities	\$2,519	\$2,519	\$2,519	\$7,557
75% - Anywhere in the Region	\$7,556	\$7,556	\$7,556	\$22,668
Total ATP Regional Share	\$10,075	\$10,075	\$10,075	\$30,225

METROPOLITAN TRANSPORTATION COMMISSION (MTC) 2015 Regional Active Transportation Program (ATP) Cycle 2

Appendix A-3: Regional ATP Project Application

Project sponsors must submit a completed project application for each project proposed for funding in the Regional Active Transportation Program. The application consists of the following parts and are available on the Internet (as applicable) at: http://www.mtc.ca.gov/funding/ATP/

- 1. Cover letter on Agency letterhead signed by the applicant's Chief Executive Officer or other officer authorized by the applicant's governing board
 - a. If the proposed project is implemented by an agency other than the project sponsor, documentation of the agreement between the two entities must be included
 - b. If proposing matching funds, the letter should include confirmation that these matching funds are available for the proposed project
- 2. Project application forms
 - a. Statewide ATP Application Form, available at http://www.catc.ca.gov/programs/ATP.htm
 - b. Regional ATP Supplemental Application Form, available at http://www.mtc.ca.gov/funding/ATP/, including back-up documentation, as applicable, such as:
 - i. Community of Concern benefit evidence
 - ii. Environmental Documentation certification evidence
 - iii. OBAG Complete Streets Policy compliance
- 3. Project Programming Request (PPR) form
 - a. Available at: http://www.dot.ca.gov/hq/transprog/allocation/ppr new projects2 5 5 14.xls
- 4. Complete Streets Checklist
 - a. Available at: http://mtc.ca.gov/planning/complete_streets/
 - b. Not necessary for Planning or Non-Infrastructure projects.

Note: Selected projects are also required to provide a Resolution of Local Support for the project no later than February 1, 2016.