

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 23-24, 2021

From: MITCH WEISS, Executive Director

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Subject: Draft 2021 Active Transportation Program Augmentation Framework

## Summary:

The Budget Act of 2021 (Assembly Bill 128), as approved by the Senate and Assembly on June 14, 2021, and subject to approval by the Governor, directs \$500 million to the Active Transportation Program.

If approved as part of the final fiscal year 2021-22 State Budget, the Commission will use the \$500 million to augment the 2021 Active Transportation Program (2021 Active Transportation Program Augmentation). The 2021 Active Transportation Program Augmentation draft guidelines framework outlines staff's intent to award funding to some of the over 350 projects that applied to the 2021 Active Transportation Program but were not selected for funding or received only a portion of their requested funding.

Staff recommends the 2021 Active Transportation Program Augmentation follow the 2021 Active Transportation Program Guidelines. However, Commission staff recognizes that specific issues related to the augmentation may not be addressed in the current Guidelines. Therefore, in collaboration with stakeholders, Commission staff will develop the 2021 Active Transportation Program Augmentation Guidelines, through which these issues will be addressed. In preparation for this process, Commission staff developed the Draft 2021 Active Transportation Program Framework (Attachment A), which outlines issue areas that could be addressed in the 2021 Active Transportation Program Augmentation Guidelines. These issue areas include but are not limited to:

- Augmentation Authority and Purpose
- Funding and Programming Years
- Funding Distribution
- Schedule
- Project Eligibility

- Project Selection Process
- Reporting and Accountability

### **Schedule**

The following schedule lists the major milestones for the development and adoption of the 2021 Active Transportation Program Augmentation. Commission staff is proposing an accelerated timeline for the implementation of the 2021 Active Transportation Program Augmentation in recognition of the significant unmet need for walking and biking facilities and to limit any impact to project schedules. Given this accelerated timeline, staff recommendations for the Statewide and Small Urban and Rural components will be posted prior to the adoption of the 2021 Active Transportation Program Augmentation Guidelines. Therefore, if there are significant changes to the adopted Guidelines, it is possible that the adoption of the 2021 Active Transportation Program Augmentation Statewide and Small Urban and Rural components could be delayed until the October 2021 Commission Meeting.

<b>Milestone</b>	<b>Date</b>
2021 Active Transportation Program Augmentation Guidelines Workshop	July 8, 2021
Proposed 2021 Active Transportation Program Augmentation Guidelines posted	July 13, 2021
Staff recommendations based on proposed guidelines for Statewide and Small Urban & Rural Components posted	July 15, 2021
Commission hearing and adoption of 2021 Active Transportation Program Augmentation Guidelines	August 18-19, 2021
Commission hearing and adoption of 2021 Active Transportation Program Augmentation Fund Estimate	August 18-19, 2021
Commission adopts 2021 Active Transportation Program Augmentation - Statewide and Small Urban & Rural Components	August 18-19, 2021
Metropolitan Planning Organization programming recommendations due to the Commission	September 10, 2021
Commission adopts 2021 Active Transportation Program Augmentation – Metropolitan Planning Organization Component	October 13-14, 2021

### **Background:**

The Active Transportation Program was created by Senate Bill 99 (Chapter 359, Statutes of 2013) and Assembly Bill 101 (Chapter 354, Statutes of 2013) to encourage increased use of active modes of transportation, such as biking and walking. Senate Bill 1 (Chapter 2031, Statutes of 2017) directs additional funding from the Road Maintenance and Rehabilitation Account to the Active Transportation Program. Along with the program's overall purpose of encouraging walking and biking, the program aims to increase the share of walking and biking trips, increase safety and mobility for non-motorized users, help regional agencies achieve greenhouse gas reduction goals, enhance public health, ensure that disadvantaged

communities fully share in program benefits, and provide a broad spectrum of projects to benefit many types of active transportation users.

The California Transportation Commission (Commission) established the 2021 Active Transportation Program as a four-year (fiscal years 2021-22 through 2024-25) program with \$445.56 million in programming capacity. The 2021 Active Transportation Program Guidelines, which the Commission adopted at its March 25, 2020 meeting, describe the policies, standards, criteria, and procedures for the program's development, adoption, and management. Applications to the 2021 Active Transportation Program were due in September 2020, and the Commission received 454 applications requesting \$2.3 billion in Active Transportation Program funds. In March 2021, the Commission programmed 41 projects in the Statewide component and nine projects in the Small Urban and Rural component. At its June 2021 meeting, the Commission will consider recommendations to program 54 projects in the Metropolitan Planning Organization component.

Attachment:

- Attachment A: Draft 2021 Active Transportation Program Augmentation Framework

**Draft 2021 Active Transportation Program Augmentation Framework [As  
Proposed by AB 128, Enrolled June 14, 2021]**

This framework outlines the policies and procedures specific to the use of the proposed 2021 California State Budget funding for the Active Transportation Program (ATP) – hereby known as the 2021 Active Transportation Program Augmentation.

**I. Authority and Purpose**

The Budget Act of 2021, as approved by the Senate and Assembly on June 14, 2021, and subject to approval by the Governor, directs \$500 million to the Active Transportation Program. The following policies and procedures address the use of 2021 funding from the General Fund Account for the Active Transportation Program. Unless otherwise expressly modified by statute or this framework, the Commission will follow the 2021 Active Transportation Program Guidelines at: <https://catc.ca.gov/-/media/ctc-media/documents/programs/atp/guidelines/2020429-final-amended-adopted-2021-atp-guidelines-a11y.pdf>.

**II. Funding and Programming Years**

The 2021 Active Transportation Program Augmentation is funded from the \$500 million allocated to the Active Transportation Program. **While the \$500 million augmenting the Active Transportation Program will be state funds from the General Fund, projects funded in the 2021 Active Transportation Program Augmentation may need to be federal-aid eligible.** The Active Transportation Program fund type portfolio includes a mix of federal and state funds. During allocation, Caltrans recommends, and the Commission allocates, funding based on fund encumbrance deadlines to ensure no funding is lost. For additional information on federal aid eligibility requirements, please refer to the update to the Federal-Aid Project Funding Guidelines at <https://catc.ca.gov/-/media/dot-media/programs/local-assistance/documents/stip/federal-aid-project-funding-guidelines20190128-a11p.pdf>. The programming capacity for the 2021 Active Transportation Program Augmentation is in fiscal years 2021-22, 2022-23, 2023-24, and 2024-25.

**III. Distribution**

The funding available for the 2021 Active Transportation Program Augmentation will be distributed into the Statewide Component, the Small Urban & Rural Component, and the Metropolitan Planning Organization (MPO) Component, consistent with statute and Section 6 of the 2021 Active Transportation Program Guidelines. The 2021 Active Transportation Program Augmentation Fund Estimate must indicate the funds available for each of the program components.

#### **IV. Schedule**

The following schedule lists the major milestones for the development and adoption of the 2021 Active Transportation Program Augmentation:

Draft 2021 Active Transportation Program Augmentation Framework presented to Commission	June 23, 2021
2021 Active Transportation Program Augmentation Guidelines Workshop	July 8, 2021
Proposed 2021 Active Transportation Program Augmentation Guidelines posted	July 13, 2021
Staff recommendation for Statewide and Small Urban & Rural Components posted	July 15, 2021
Commission hearing and adoption of Amendment to the 2021 ATP Guidelines – 2021 Active Transportation Program Augmentation Guidelines	August 18-19, 2021
Commission hearing and adoption of 2021 Active Transportation Program Augmentation Fund Estimate	August 18-19, 2021
Commission adopts 2021 Active Transportation Program Augmentation - Statewide and Small Urban & Rural Components	August 18-19, 2021
Metropolitan Planning Organization programming recommendations to Commission	September 10, 2021
Commission adopts 2021 Active Transportation Program Augmentation – Metropolitan Planning Organization Component	October 13-14, 2021

#### **V. Project Eligibility**

In all three Active Transportation Program components, funding for the 2021 Active Transportation Program Augmentation will be available to:

- Projects that were selected for funding in the 2021 Active Transportation Program but were not programmed for their full Active Transportation Program funding request because not enough programming capacity was available to fully fund the project request
- Projects that applied for funding in the 2021 Active Transportation Program but were not selected for funding

**Projects that were awarded funds in the 2021 Active Transportation Program will remain in the component from which they were originally funded. Specifically, a 2021 Active Transportation Program project awarded funding from the Small Urban & Rural Component will remain in that component, and a 2021 Active Transportation Program project awarded funding from the MPO Component will remain in that component.**

2021 Active Transportation Program scores can be found at the following link:

<https://catc.ca.gov/-/media/ctc-media/documents/programs/atp/2021/2021-atp-all-scores-by-score-revised-march-17-2021-a11y.pdf>

In the Statewide and Small Urban & Rural Components, the 2021 Active Transportation Program Augmentation funds will not be used to supplant already committed project funding.

#### Metropolitan Planning Organization Component

The following policies will apply to the Metropolitan Planning Organization Component:

- For the 2021 Active Transportation Program Augmentation Metropolitan Planning Organization Component, the Commission will allow the supplanting of funds at the Metropolitan Planning Organization's discretion. Metropolitan Planning Organizations may recommend supplanting funding so long as the total Active Transportation Program funding is no greater than the original 2021 Active Transportation Program request. **This provision is limited to projects that received less Active Transportation Program funding than requested in the 2021 Active Transportation Program.**
- For projects partially funded in the Metropolitan Planning Organization's 2021 Active Transportation Program, Metropolitan Planning Organizations must fully fund projects selected for funding in their 2021 Active Transportation Program that were not programmed for their full Active Transportation Program funding request because not enough programming capacity was available to fully fund the project request.
- In the event a Metropolitan Planning Organization determines there are not enough viable projects from their 2021 Active Transportation Planning - Metropolitan Planning Organization contingency list to fully utilize the funds available in their 2021 Active Transportation Program Augmentation share, the Metropolitan Planning Organization may recommend projects not included on their contingency lists that were submitted to the 2021 Active Transportation Program. The Metropolitan Planning Organization, Commission staff, and Caltrans staff must agree that these projects can deliver the project scope, schedule, and cost submitted in their application.

## **VI. Project Selection Process**

### Criteria and Evaluation

- 1) Projects will be selected for the 2021 Active Transportation Program Augmentation based on the project's 2021 Active Transportation Program score and project deliverability.
- 2) The first priority for 2021 Active Transportation Program Augmentation funding will be given to projects that were selected for funding in the 2021 Active Transportation Program but were not programmed for their full Active

Transportation Program funding request because limited programming capacity was available to fund the project request.

- 3) Commission staff and Caltrans will conduct a deliverability review of potential projects before recommendation. Commission staff may confer with potential implementers to answer any deliverability questions prior to any funding recommendation.

**VII. SB 1 Accountability**

Implementing agencies receiving Active Transportation Program funds through the 2021 Active Transportation Program Augmentation must follow the project reporting requirements detailed in Section 37 of the 2021 Active Transportation Program Guidelines.