FRESNO
Council of Governments

# Cycle 8

## 2027 REGIONAL COMPETITIVE ACTIVE TRANSPORTATION PROGRAM

**GUIDELINES**
**To be adopted by Fresno COG Policy Board**
**April 30, 2026**

**To be approved by the California Transportation Commission**
**June 25-26, 2026**

# 2027 FCOG ACTIVE TRANSPORTATION PROGRAM GUIDELINES
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**CYCLE 8**

**2027 FCOG ACTIVE TRANSPORTATION PROGRAM GUIDELINES**

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# INTRODUCTION

## BACKGROUND

The Active Transportation Program (ATP) was created by Senate Bill 99 (Committee on Budget and Fiscal Review, Chapter 359, Statutes of 2013) and Assembly Bill 101 (Committee on Budget, Chapter 354, Statutes of 2013) to encourage increased use of active modes of transportation, such as biking and walking. Senate Bill 1 (Beall, Chapter 5, statues of 2017) directs additional funding from the Road Maintenance and Rehabilitation Account to the ATP.

The California Transportation Commission (Commission) develops guidelines for each ATP cycle that describes the policy, standards, criteria, and procedures for the development, adoption, and management of the ATP. The Commission guidelines lay out the programming policies, procedures, and project selection criteria for the statewide competitive program, small urban/rural and large MPO regional competitive programs. Large MPOs, such as Fresno COG, have the option of developing regional guidelines.

These guidelines describe the policy, standards, criteria, and procedures for the development, adoption, and management of the Regional Competitive Fresno Council of Governments ATP (Regional ATP). The Regional ATP Guidelines substantially follow those of the Commission, but include some differences based on the region's existing priorities. The guidelines were developed in consultation with FCOG's ATP Multidisciplinary Advisory Group (MAG). The MAG includes a representative from other government agencies, and active transportation stakeholder organizations with expertise in public health and pedestrian and bicycle issues, including transportation planning from Caltrans.

The Commission must approve these guidelines so that FCOG may carry out the ATP at the Metropolitan Planning Organization (MPO) level.

## PURPOSE AND GOALS

Pursuant to statute, the purpose of the program of the Active Transportation Program (ATP) is to encourage increased use of active modes of transportation, such as biking and walking. The program goals stipulated in statute are to:

- Increase the proportion of trips accomplished by biking and walking.
- Increase the safety and mobility of non-motorized users.
- Advance the active transportation efforts of regional agencies to achieve greenhouse gas reduction goals as established pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) and Senate Bill 391 (Chapter 585, Statutes of 2009).
- Enhance public health, including reduction of childhood obesity using 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.

In addition to the goals listed in statute, the ATP also considers state goals and provisions set forth in the Climate Action Plan for Transportation Infrastructure (also known as CAPTI), as applicable.

The Commission encourages applicants to apply for projects that provide a transformative benefit to a community or a region. The Commission hopes to fund one or more transformative projects that significantly expand the active transportation opportunities in a community or a region.

In alignment with the Commission's Racial Equity Statement, applicants are encouraged to create mobility opportunities for all Californians. The Commission is committed to funding projects that create accessible facilities designed to be useable by persons with or without disabilities. The Commission encourages projects that contribute to accessible mode shift and facilities that empower people to roll, walk, and bike to their destinations.

## Authority

Senate Bill 99 (SB 99) (Committee on Budget and Fiscal Review, Chapter 359, Statutes of 2013) and Assembly Bill 101 (Committee on Budget, Chapter 354, Statutes of 2013) created the ATP, and Senate Bill 1 (SB 1) (Beall, Chapter 5, Statutes of 2017) directs additional funding from the Road Maintenance and Rehabilitation Account to the program.

These guidelines describe the policy, standards, criteria, and procedures for the development, adoption, and management of the ATP. The California Transportation Commission (Commission) may update these guidelines after conducting at least one public hearing. The Commission must make a reasonable effort to amend the guidelines prior to a call for projects or may extend the deadline for project submission to comply with the amended guidelines.

The regional guidelines were developed in consultation with the ATP Multidisciplinary Advisory Group (MAG), which represents local government agencies, public health and active transportation stakeholders.

## PROGRAM SCHEDULE

The Commission will adopt a program of projects no later than December 3-4, 2026, designated in statue of each off-numbered year. Alternatively, the Commission may elect to adopt a program annually. The following schedule lists the major milestones for the development and adoption of the 2027 ATP.

The following schedule lists the major milestones for the development and adoption of the 2027 ATP:

| Milestones | Date |
|---|---|
| MPO Regional Guidelines Submittal Deadline (optional) | May 8, 2026 |
| MPO Regional Guidelines Approval by Commission | June 25-26, 2026 |
| Statewide Project Application Deadline | June 22, 2026 |
| Staff Recommendations Released (Statewide Component, Small Urban and Rural Component) | November 2, 2026 |
| Regional Project Application Copies and Resolutions Due to FCOG | December 11, 2026 |
| Program Adoption (Statewide Component, Small Urban and Rural Component) | December 3-4, 2026 |
| Unprogrammed Project List Distributed to Large MPOs | December 2026 |
| FCOG MAG Reviews and Scores Regional Projects | January 14, 2027 |
| FCOG Project Recommendations to TTC/PAC for Approval | February 12, 2027 |
| MPO Draft Recommended Program of Projects and Draft Documentation Package Deadline | February 19, 2027 |
| FCOG Project Recommendations to Policy Board for Adoption | February 25, 2027 |
| MPO Final Program of Projects Deadline | April 23, 2027 |
| MPO Component Recommendations Released | June 2027* |
| MPO Component Program Adoption | June 2027* |

* Exact dates will coincide with the Commission's adopted 2027 meeting calendar.

# FUNDING OVERVIEW

## Funding and Program Cycle

The total amount of funding available for each cycle of the ATP is published in the Fund Estimate which is adopted by the Commission prior to the call for projects. The Fund Estimate sets out the amount available in each component for the current program cycle. The ATP is funded from various federal and state funds appropriated in the annual Budget Act (**Please refer to Appendix A for Regional Fund Estimate**).

- 100 percent of the federal Transportation Alternative Program funds, except for federal Recreation Trail Program funds appropriated to the Department of Parks and Recreation.
- $21,000,000 of federal Highway Safety Improvement Program funds or other federal funds.
- State Highway Account funds.
- Road Maintenance and Rehabilitation Account (SB 1) funds.

The 2027 ATP will program projects in state fiscal years 2027-28, 2028-29, 2029-30, and 2030-31.

## DISTRIBUTION

The ATP funds will be distributed via three components: Statewide Component, Small Urban and Rural Component, and the Metropolitan Planning Organization (MPO) Component.

Each component must:

- Select projects through a competitive process.
- Distribute a minimum of 25% of the funds to projects that benefit disadvantaged communities.
- Distribute no more than 2% of the available funds to active transportation plans.

State and federal law direct the percentage of funds that must be distributed via each component. ATP funds must be distributed as follows:

1) Fifty percent to the Statewide Component
    - Projects are competitively awarded by the Commission
2) Ten percent to the Small Urban and Rural Component
    - Projects are competitively awarded by the Commission
    - Small urban areas are those with populations of 5,001 to 200,000. Rural areas are those with populations of 5,000 or less.
    - If a project is eligible for the MPO Component, it cannot receive funding in the Small Urban and Rural component.
    - Federal law segregates the Transportation Alternative Program into separate small urban and rural competitions based on their relative share of the state population.
3) Forty percent of ATP funds must be distributed to MPO Component
    - Projects are competitively awarded by eligible metropolitan planning organizations in consultation with the Commission and Caltrans.
    - Eligible metropolitan planning organizations must be urban areas with a population greater than 200,000.

- Funds are distributed to eligible metropolitan planning organizations based on total population. The apportionment for each metropolitan planning organization is identified in the ATP Fund Estimate.

## MATCHING REQUIREMENTS AND LEVERAGING

Project funded by the Statewide ATP do not require a match.

Although FCOG encourages the leveraging of additional funds for a project submitted to the regional competitive ATP, matching funds are not required to be eligible. FCOG encourages the leveraging of additional funds for a project by considering leveraging in the evaluation criteria for infrastructure projects. Leveraged funds are a financial commitment toward the cost of a project from a different funding source.

Funds expended by the local agency for pre-construction phases (Project Approval and Environmental Document (PAED), Plans, Specifications, and Estimates (PSE), and Right-of-Way (RW)) will be considered for leveraging points even if the funds were expended before the application deadline. Refer to section 7 in the Statewide ATP Guidelines for more information.

## REIMBURSEMENT

The ATP is a reimbursement program for eligible costs incurred. An agency may begin incurring eligible costs upon allocation.

Costs incurred before Commission allocation approval and, for federally funded projects, Federal Highway Administration project approval (i.e., Authorization to Proceed) are not eligible for reimbursement

### Funding Restrictions

Projects on the state highway system and projects implemented by Caltrans require a Caltrans-approved Project Report.

Projects applying for funding in pre-construction phases must also apply for funding in the construction phase. Exceptions are outlined in Sections 13 and 14 of the Statewide ATP Guidelines.

<u>The ATP will only fund:</u>

- Projects scopes that have independent utility, meaning they must have standalone benefits.
- Projects that have a complete Project Study Report (PSR) or PSR equivalent.
    - The ATP application is considered a PSR equivalent if it defines and justifies the project scope, cost, and schedule.
        1) If the PSR or equivalent focuses on the project phase(s) proposed for ATP funding, it must also provide at least a preliminary cost estimate for all phases.
        2) PSR guidelines are posted on the STIP page of the Commission's website under "Background Information."
    - Further guidance can be found in the Caltrans Project Development Procedures Manual.
    - Feasibility studies are not considered PSR equivalent documents
- Project scopes that further the purpose and goals of the ATP.
- Projects that meet the eligibility requirements specific to at least one ATP funding source listed in Section 4.

The ATP will <u>not</u> fund:

- A project that proposes installing new sharrows on a roadway that has a posted speed limit greater than 30 miles per hour. (Streets and Highways Code Section 891.9)
- A project that creates a Class III bikeway, unless, pursuant to Streets and Highways Code Section 2384 (b), any of the following apply:
    1) The Class III bikeway or marking is on a highway with a design speed limit of 25 miles per hour or less.

2) The project will implement improvements to reduce the design speed limit to 25 miles per hour or less.
3) The project applicant demonstrates that the use of the Class III bikeway or marking is appropriate for the local community context and advances a lower stress environment or a low-stress network.

- Projects that are proposing to use ATP funds to supplant other committed funds.
- Ongoing or existing non-infrastructure projects and related operations
- Cost increases.
    - An implementing agency must provide evidence of its ability to absorb any cost overruns and deliver the project with no additional funding from the ATP.
    - The Commission will consider funding a cost increase for Caltrans nominated, on-system projects as described in Section 33 of the Statewide ATP Guidelines.

### MINIMUM FUNDING AWARD REQUEST

There is no minimum ATP award request required for FCOG's Regional Competitive ATP which is different than the statewide requirement. This applies to all project categories.

### MAXIMUM FUNDING AWARD REQUEST

FCOG will only accept ATP funding awards of $3,500,000 or less per project.

### FUNDING SET-ASIDES

The Fresno COG Regional Competitive ATP does not include any set-aside funding for Safe Routes to School projects, Recreational Trails projects, or Active Transportation Plans. All regional projects will compete within the same funding source and will be scored accordingly. All Infrastructure projects will be scored based on the Infrastructure Criteria.

## ELIGIBILITY

### ELIGIBLE APPLICANTS

Implementing agency for ATP funds assumes responsibility and accountability for the use and expenditure of program funds. Applicants and/or implementing agencies must be able to comply with all the federal and state laws, regulations, policies, and procedures required to enter into a Local Administering Agency-State Master Agreement (Master Agreement) with Caltrans.

1) Local, Regional or State Agencies-Examples include city, county, metropolitan planning organizations, and Regional Transportation Planning Agency.
    - Projects nominated by Caltrans must be consistent with local and regional priorities. Caltrans is required to submit documentation showing:
        - feedback solicited in advantage of applying that shows community support of the proposed project, and
        - no other fund source is available for the project, such as the State Highway Operations and Protection (SHOPP) funds.
    - Caltrans and metropolitan planning organizations, except for metropolitan planning organizations that are also regional transportation agencies, are not eligible to receive the federal Transportation Alternative Program funds apportioned to ATP.
        - Caltrans and metropolitan planning organizations may partner with another eligible entity to expand funding opportunities.
2) Transit Agencies – Any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration.
3) Natural Resource or Public Land Agencies – Federal, Tribal, State, or local agency responsible for natural resources or public land administration. Examples include:
    - State or local park or forest agencies

- State or local fish and game or wildlife agencies
- Department of the Interior Land Management Agencies
- U.S. Forest Service

4) Public schools or School districts.
5) Tribal Governments -Federally-recognized Native American Tribes.
6) Private nonprofit tax-exempt organizations that are responsible for the management of public lands. The following restrictions apply:
    - Projects must be eligible for Recreational Trails Program funds.
    - Eligible project types include recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails.
    - Projects must benefit the general public.
7) Any other entity with responsibility for oversight of transportation or recreational trails that the Commission deems eligible. Eligibility should be established with the Commission staff before the application deadline.

## PARTNERING WITH IMPLEMENTING AGENCIES

Eligible applicants that are unable to meet the application requirements, such as PSR equivalency, or enter into a Master Agreement with the State have the option to partner with another eligible applicant that can meet the requirements. In addition, eligible applicants that are unfamiliar with the requirements to administer a Federal- Aid Highway Program project are also encouraged to partner with an eligible applicant that can implement the project.

Projects that will be implemented by an agency other than the applicant must provide documentation of the agreement between the project applicant and the implementing agency with the project application. The implementing agency must assume responsibility for the project including ongoing operations and maintenance of the facility. The implementing agency is responsible and accountable for the use and expenditure of program funds as well as fulfilling the reporting requirements.

## ELIGIBLE PROJECT TYPES

The ATP funds a variety of projects including capital projects, plans, and education and encouragement programs. Eligible projects for the ATP will be consistent with Streets and Highways Code Section 2382(f). Because some of the funds in the ATP are federal funds, all projects must be federal-aid eligible. Example projects can be found on Appendix A in the adopted Statewide ATP Guidelines.

- Infrastructure Projects: capital improvements that will further the goals of this program. Applicants may apply for the following project phases:
    a) project approval and environmental document (PAED)
    b) plans, specifications, and estimate (PSE)
    c) right-of-way (RW)
    d) construction (CON)
- Applicants applying for funds in pre-construction phases must also apply for construction phase funding, with the exceptions noted in Section 13 and Section 21.
- Applicants applying for projects on the state highway system must attach a completed State Highway System Project Impact Assessment Form to the application. This form can be obtained from the Caltrans 2027 Active Transportation Program Website.

1) Plans: development of a community-wide active transportation plan.
    - Eligible plan types include bicycle, pedestrian, safe routes to school, or a comprehensive active transportation plan.
    - All plans must encompass or be predominantly located in a disadvantaged community.

- No more than 2% of funding may be programmed to Plan projects.

2) Non-infrastructure (NI) Projects: education, encouragement, and enforcement activities that further the goals of this program. Examples of NI activities can be found on Appendix C in the adopted Statewide ATP Guidelines.
   - Combination infrastructure and NI project: The NI project should be related to and enhance the infrastructure project
   - Applicants must ensure that the application and the project programming request (PPR) clearly reflect cost and schedule for both the capital project and the NI project.
3) Quick-Build Projects: interim capital improvement projects that further the goals of the ATP. Only submittable to the MPO Component.

## PROJECT REQUIREMENTS

SB 99 specifies that at least 25% of funds must benefit disadvantaged communities within each of the program components. However, ATP also includes other project types that must meet certain requirements. Below is an explanation of the requirements specific to the project types listed in SB 99.

### A. Disadvantaged Communities

For a project to contribute toward the disadvantaged communities funding requirement of 25%, the project must clearly demonstrate, with verifiable information, a direct, meaningful, and assured benefit to a disadvantaged community. A project is considered beneficial if it fulfills an important need of a disadvantaged community in a way that provides a significant value. The project's benefits must primarily target a disadvantaged community while avoiding substantial burdens on that community.

Metropolitan planning organizations, in administering a competitive selection process for the MPO Component, may use different criteria for determining which projects benefit disadvantaged communities if the criteria are approved by the Commission prior to metropolitan planning organization's call for projects.

It is incumbent upon the applicant to clearly articulate how the project benefits the disadvantaged community; there is no presumption of benefit, even for projects located within a disadvantaged community. For a project to qualify as directly benefiting a disadvantaged community, the project must:

- Be located within, or be within reasonable proximity to, the disadvantaged community served by the project,
- Have a direct connection to the disadvantaged community, or
- Be an extension or a segment of a larger project that connects to or is directly adjacent to the disadvantaged community.

To qualify as a disadvantaged community the community served by the project must meet at least one of the following criteria:

- **Median Household Income:** The Median Household Income (Table ID B19013) is less than 80% of the statewide median based on the most current Census Tract (ID 140) level data from the 2020-2024 American Community Survey (<$79,297.60). Communities with a population less than 15,000 may use data at the Census Block Group (ID 150) level. Unincorporated communities may use data at the Census Place (ID 160) level. Data is available at the United States Census Bureau Website.
- **CalEnviroScreen:** An area identified as among the most disadvantaged 25% in the state according to the CalEPA and based on the California Communities Environmental Health Screening Tool 4.0 (CalEnviroScreen 4.0) scores (scores must be greater than or equal to 40.05). This mapping tool can be found here and the list can be found under SB 535 List of Disadvantaged Communities.
- **National School Lunch Program:** At least 75% of public-school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program for the 2024-2025 school year. Data is available at the California Department of Education website. Applicants

using this measure must indicate how the project benefits the school students in the project area. Project must be located within two miles of the school(s) represented by this criterion.

- **Healthy Places Index:** The Healthy Places Index includes a composite score for each census tract in the State. The higher the score, the healthier the community conditions based on 25 community characteristics. The scores are then converted to a percentile to compare it to other tracts in the State. A census tract must be in the 25th percentile or less to qualify as a disadvantaged community. The live map and the direct data can both be found on the California Healthy Places Index website.
- **Native American Tribal Lands**: Projects located within Federally Recognized Tribal Lands (typically within the boundaries of a Reservation or Rancheria) and projects submitted by tribal governments (Federally recognized Native American Tribes).
- **Other:** If an applicant believes a project benefits a disadvantaged community but the project does not meet the above-mentioned criteria due to a lack of accurate information, the applicant may submit another means of qualifying for consideration. Suggested alternatives that can be submitted under this category include:
  - Census data representing a small neighborhood or unincorporated area. The applicant must submit for consideration a quantitative assessment, such as a survey, to demonstrate that the community's median household income is at or below 80% of that state median household income.
  - CalEnviroScreen data representing a small neighborhood or unincorporated area. To be considered under this category, the applicant must submit an assessment to demonstrate that the community's CalEnviroScreen score is at or above 40.05.
  - A Regional Definition such as "environmental justice communities," "equity priority communities," or "communities of concern." The Regional Definition must have been developed through a robust public outreach process that includes the input of community stakeholders and must be stratified based on severity. A regional definition of disadvantaged communities must be adopted as part of a regular four-year cycle adoption of a Regional Transportation Plan (RTP) or Sustainable Communities Strategy (SCS) by a metropolitan planning organization or regional transportation planning agency per obligations with Title VI of the Federal Civil Rights Act of 1964. A regional definition of disadvantaged communities must serve the region's broader planning principles and should not be adopted solely for the purpose of applying to the ATP.

### B. Safe Routes to School Projects

For a project to qualify for a Safe Routes to School designation, 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, and the school community, including students, parents, caregivers, teachers, and staff, must be the intended beneficiaries of the project. For Safe Routes to School non-infrastructure, the program must benefit school students, parents, caregivers, teachers, and/or staff and primarily be based at the school.

### C. Recreational Trails Projects

Caltrans will ensure that trail projects that are *primarily* recreational meet the federal requirements of the Recreational Trails Program given that these projects may not be eligible for funding from other sources. However, trails that serve activetransportation purposes (such as multi-use paths, Class I bikeways, etc.) do not need meet the Recreational Trails Program requirements to be eligible for other ATP fund sources.

# PROJECT SELECTION PROCESS

## REGIONAL COMPETITIVE ATP PROJECT SELECTION

Fresno COG will hold a separate call for projects for the Regional Active Transportation Program and have a regional evaluation process. Applicants must apply for the Statewide ATP program for eligibility for the Regional ATP program. Fresno COG encourages all ATP projects first be submitted to the State ATP competitive program. Projects not selected for programming in the statewide competition must be considered in the regional competition. In administering a competitive selection process, FCOG will use a multidisciplinary advisory group (MAG) to assist in evaluating project applications. Following the competitive selection process, FCOG will submit its programming recommendations to the Commission and include all of the required documents.

In addition to the statewide ATP application form, applicants applying for the regional competitive ATP must complete the supplemental application. If you did not submit an application to the statewide competitive ATP, your project will not be eligible for the Regional (MPO) competition. If a project is not funded at the Statewide level:

- It automatically moves into consideration for the Regional competition.
- The applicant may submit a supplemental application to:
    - Down-scope the project (reduce cost/size), or
    - Provide a scalability plan (identify what can be built if partial funding is awarded).

## PROJECT APPLICATION

Applications will be available on the 2027 Active Transportation Program Application Portal, "Submittable", and must be submitted using the portal. The FCOG regional ATP guidelines, supplemental application, and additional information will be available on the Fresno COG website.

Projects not selected for programming in the statewide competition must be considered in the FCOG Regional Competitive ATP.

* A copy of the application submitted to the state MUST be submitted to FCOG at the same time.

Applicants must choose one of six applications depending on the project type and size. Applications for plans cannot be combined with another project type. When choosing an application for a capital project, applicants must consider the entire project cost, not only the ATP request amount. It is incumbent on the applicant to complete the correct application.

The six application types are:

1) Large Project application: projects with a total cost of more than $10 million
    - 1a) Infrastructure only
    - 2a) Combination Infrastructure and Non-infrastructure
    - Projects that qualify for the large application have the option to apply for pre-construction phases.
    - Caltrans and Commission staff may conduct onsite field reviews on a random selection of projects using these applications. Field reviews are not indicative of the project's likelihood to receive funding.
2) Medium Project application: projects with a total project cost of more than $3.5 million to $10 million
    - 2a) Infrastructure only
    - 2b) Combination infrastructure and Non-Infrastructure
3) Small Project application: projects with a total cost of $3.5 million or less
    - 3a) Infrastructure only
    - 3b) Combination Infrastructure and Non-infrastructure
4) Non-infrastructure only application
5) Plan application
6) Quick-Build Projects (MPO Component Only)

- The 2027 ATP will include a Quick-Build Project Pilot Program in the MPO Component Only. Quick-Build Projects must be submitted directly to the metropolitan planning organizations as part of their supplemental call for projects. Quick-Build Projects will not be considered in the statewide competition.

## REGIONALLY SCALED OPTIONS

All infrastructure projects will be scored based on the small infrastructure scoring criteria. If a medium or large application was submitted to the state, an agency may choose to request pre-construction phases only in the regional ATP.

Medium and large infrastructure projects submitted to the statewide ATP will automatically be considered for the Fresno COG Regional Competitive ATP if not selected at the state level. Applicants may **optionally** include a scalability plan or request only pre-construction phases to align with regional funding targets. If a scaled version is selected, the implementing agency must submit updated project documents, including the scope, budget, and PPR. Additional documentation may also be requested by Caltrans, the Commission, or Fresno COG.

## SUBMITTAL REQUIREMENTS

Statewide applications must be submitted using the online ATP application portal. Applicants applying to the 2027 Statewide Active Transportation Program are not required to submit hardcopies to the Commission or FCOG. One (1) electronic application must be submitted to the Regional ATP program manager. A project application must include:

- FCOG Regional Supplemental Application (Appendix B), available at https://www.fresnocog.org/project/active-transportation-program-atp/
- A Project Programming Request (PPR) and the form, Part A4 for each project.
- Formal council/board/district resolution of local support for the ATP project
- Projects that will be implemented by an agency other than the applicant, documentation of the agreement between the project applicant and implementing agency must be submitted with the project application.
- A project application must also include documentation of all other funds committed to the projects. All letters of support and resolutions must be included with the application and not mailed separately.
- All applications for projects within 500 feet of a freeway or roadway with a traffic volume over 125,000 annual average daily traffic (AADT) must include a description of any project design elements intended to minimize exposure to air pollution and an explanation of the circumstances that make locating project components in close proximity to heavily traveled freeways or roadways unavoidable or an explanation of why this location was chosen. This item will not be scored.
- All applications proposing Class III bicycle improvements must provide a description of the facility addressing why it is necessary in the local context and disclose the speed limit (or proposed speed limit) on the relevant road. This item will not be scored.

ATP Program Manager:
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## SCREENING CRITERIA

The Commission will screen all applications for program eligibility and use the correct application type. Applications for projects that are deemed completely ineligible or applicants that use incorrect application type will not be evaluated and given a score. In addition, during the review process, applications are screened by Commission and Caltrans staff for the following:

- The project application is complete, prepared, and submitted in accordance with the 2027 Guidelines and instructions provided therein.
- The project is consistent with an adopted regional transportation plan.
- The application demonstrates that all other funds for the proposed project are committed.
- The request for ATP funds is not supplanting other committed funds. a project that is already fully funded will not be considered for funding in the ATP.
- Eligibility of project: Project must be one of the five types of projects listed in Section 11 of the adopted Statewide ATP guidelines.
- The total request for ATP funds meet the minimum amount outlined in Section 14 of the guidelines.
- The project applicant has not purposefully misrepresented information that could affect a project's score Should this occur, all project submittals form the applicant may be removed from the current program cycle applicant pool as well as that of the subsequent cycle.

Applications will be screened for eligibility. Applications will be removed from the competitive process if found ineligible based on the guidelines/criteria, and if the project application is incomplete. Projects not submitted for the statewide competition will not be deemed eligible for the regional program. Applicants with projects that are screened out will be notified as soon as non-eligibility has been determined. Please reference section 16 in the adopted Statewide ATP Guidelines for further screening criteria requirements.

## SCORING CRITERIA

Proposed applications will be scored based on the scoring topics included in this section. The chart below references the scoring topics and points allotted to the different types of applications, as well as the maximum number of points allowed for each scoring topic by application type. If a scoring topic is left blank, it is not applicable to that application type.

| | **Scoring Topic** | **Infrastructure or Infrastructure/Non-Infrastructure Applications** | **Plan Application** | **Non-Infrastructure Only Application** |
|---|---|---|---|---|
| A. | Benefit to Disadvantaged Communities (DAC) | 6 | 30 | 10 |
| B. | Need | 50 | 20 | 40 |
| C. | Safety | 25 | | 10 |
| D. | Public Participation and Planning | 10 | 25 | 15 |
| E. | Scope and Plan Layout Consistency and Cost Effectiveness | | | |
| F. | Scope and Plan Layout Consistency | 5 | | 10 |
| G. | Implementation and Plan Development | | 25 | |
| H. | Context Sensitive and Innovation | | | 5 |
| I. | Transformative Projects | | | |
| J. | Evaluation and Sustainability | | | 10 |
| K. | Leveraging | 3 | | |
| L. | Corps Use (0 or -5) | 0 or -5 | | 0 or -5 |
| M. | Past Performance (0 to -10) | 0 to -10 | 0 to -10 | 0 to -10 |

| | | | | |
|---|---|---|---|---|
| N. | Consistency with FCOG adopted 2022 RTP or adopted ATP Plan | 1 | | |
| | **Total** | **100** | **100** | **100** |

A. Benefits to Disadvantaged Communities. The applicant demonstrates the benefit provided to the disadvantaged community impacted by the project The score is divided into three sections: direct benefits to the disadvantaged community, project location, the severity. This criterion also considers the applicant's anti-displacement policies and actions are being implemented to discourage gentrification of the community.

B. Need. The applicant demonstrates the need for the project and the project's potential to increase active transportation modes. Applicants should consider children, older adults, students, working professionals, persons with disabilities, and mobility device users. The score considers need in the context of connectivity to key destinations including connections to transit, mobility to access everyday needs and service, and local public health concerns. The score is impacted by the applicant's ability to demonstrate the active transportation needs of students

C. Safety. The applicant must address the project's potential for reducing active transportation users' fatalities and injuries. The score considers the identified active transportation users as well as the history of pedestrian and bicycle collisions and the selected countermeasures. The applicants must demonstrate that the project location is a priority, and the project will remedy the identified safety hazards.

D. Public participation and Planning**.** The application must clearly describe the project specific outreach and engagement activities conducted. The applicant must provide evidence of the engagement conducted and describe the community feedback received throughout the public participation process

E. Scope and Plan Layout Consistency and Cost Effectiveness. Specific to the Large Project application. The application must demonstrate that the proposed project is maximizing the impact of ATP funds. The score is based on consistency between the maps, engineer's estimate, and project scope. Other elements related to on-time delivery of the project and cost effectiveness are also considered.

F. Scope and Plan Layout Consistency. Specific Medium and Small project applications and Non-infrastructure only applications. The score is based on consistency between the maps, engineer's estimate, and project scope. Other elements related to on time delivery of the project are also considered, such as a realistic schedule and clear, complete project scope detail.

G. Implementation and Plan Development. Specific to the Plan application. The score is based on evidence that the plan will lead to the implementation of the identified projects and the scope for developing the plan is clear, complete, and organized. The following priorities are established for funding plans:

   1) First priority: eligibility applicants that don't have any eligible plans: bicycle plan, pedestrian plan, safe routes to school plan, or active transportation plan.
   2) Second priority: eligible applicants that have at least one eligible plan, but not all.
   3) Third priority: eligible applicants that wish to update an eligible plan that is more than five years old.
   4) Lowest Priority: eligible applicants that wish to update an eligible plan that is five years old or less.

H. Context sensitive bikeways/walkways and innovative project elements. Specific to Large and Medium Project applications. The score is based on the "recognized best" solutions appropriate for the local community. The applicant should discuss how the project advances a lower stress environment or a low-stress network for children, older adults, and persons with disabilities to safely walk, bike, and roll to key destinations. For infrastructure projects proposing a non-infrastructure element, the scope considers how the effectiveness of the program will be measured and how the program will be sustained after completion

I. Transformative Projects. Specific to the Large Project application. The score is based on the transformative nature of the project in the context of other projects in the area and local policies or laws that encourage walking and biking and other forms of mode shift. The score also considers if the project is part of a larger walking and biking network, as well as local jurisdiction's goals and planning objectives for reducing pedestrian and bicyclist fatalities and injuries. Part of the score is also based on the potential for the project to support existing and planned housing, especially affordable housing.

J. Evaluation and Sustainability. Specific to the Non-infrastructure only project application. The score is based on the applicant's plan to measure the effectiveness of the program as well as the plan to sustain the program beyond ATP funding. The score also considers whether the proposed tools and methods for evaluation are realistic and sustainable, and if the program adds lasting value to the community.

K. Leveraging. Specific to the Large and Medium project applications. Points are awarded based on the amount of non-ATP funds committed to the project, Applications submitted by Tribal Governments (federally recognized Native American Tribes) and projects that are on Tribal Lands will be awarded the maximum points.

L. Corps Use. Specific to all application types except the Plan application. Applicants must seek the California Conservation Corps or a certified local community conservation corps, as defined in Section 14507.5 of the Public Resources Code. This applies to the construction of projects in accordance with Section 1524 of Public Law 112-141. Points are deducted if an applicant does not seek corps participation or if an applicant intends not to utilize a corps in a project in which the corps can participate.
   - Applicants must consult with the Corps every ATP cycle for each application submitted. Applicants may not use Corps consultation from previous ATP cycles or from other ATP applications to satisfy this requirement.
   - General information and instructions for consulting with the Corps on ATP projects can be found at the California Conservation Corps website or at theCalifornia Association of Local Conservation Corps website.
   - The California Corps can be contacted at atp@ccc.ca.gov.
   - Certified local community conservation corps can be contacted at inquiry@atpcommunitycorps.org.
   - Direct contracting with the California Conservation Corps or a qualified community conservation corps without bidding is permissible provided that the implementing agency demonstrates cost effectiveness per 23 CFR 635.204 and obtains approval from Caltrans. A copy of the agreement between the implementing agency and the proposed conservation corps must be provided to Caltrans.
   - Funded projects will be required to report on the use of the California Conservation Corps or a certified local community conservation corps as noticed in the application

M. Past performance. This applies to all application types. Applicant's performance on past ATP projects. Point reduction for non- use of the Corps as committed to in a past ATP award; adverse audit findings on a past ATP project that are the fault of the applicant; or project failure on any past ATP project.

N. Consistency with FCOG adopted 2022 RTP, FCOG Regional Active Transportation Plan or an adopted local Active Transportation Plan. This may include Bicycle/Pedestrian, Master Trails, Vision Zero, or Safe Routes to School Plans. Must provide documentation highlighting the project listing on the adopted plan.

## PROJECT SELECTION BETWEEN PROJECT APPLICATIONS WITH THE SAME SCORE

If two or more project applications receive the same score that is the funding cut-off score, the following criteria will be used to determine which project(s) will be funded:

1. Project readiness including, but not limited to, completed environmental documents
2. Highest score on the highest point value question
3. Highest score on the second highest point value question.

### PROJECT EVALUATION COMMITTEE

FCOG formed a Multidisciplinary Advisory Group (MAG) to assist in the development of the guidelines, scoring criteria, and will participate in the evaluation of the project applications. In forming the MAG, staff sought participants with expertise in bicycling and pedestrian transportation, including Safe Routes to Schools type projects, and in projects benefiting disadvantaged communities. The representatives are geographically balanced representing state agencies, FCOG, local jurisdictions in Fresno County, and non-governmental organizations. Priority for participation in the MAG was given to those who would not represent a project applicant or would not benefit from projects submitted by others; if they do, they must recuse themselves from scoring their application. In addition, members are not allowed to provide input, verbally or in writing, regarding their project/plan/program during the evaluation period.

The MAG will prioritize, rank the applications, and ensure that 25% of available funds are dedicated to projects and programs benefiting Disadvantaged Communities as identified in the adopted Statewide ATP Guidelines. The MAG will then recommend the project list to Fresno COG's Transportation Technical Committee (TTC), Policy Advisory Committee (PAC), and to the Policy Board for approval before requesting final approval from the Commission for the program of projects.

## PROGRAMMING

### Program of Projects

The ATP program of projects will be developed consistent with the adopted fund estimate and all statutory requirements. The Commission will adopt a program of projects for each component of the ATP no later than June 30 of each odd-numbered year. The Commission will adopt the Statewide and Small Urban and Rural components after conducting at least one public hearing.

If the Commission recommends a program of projects that is less than the capacity identified in the fund estimate, the unprogrammed balance will carry over to the next cycle.

The program of projects for each fiscal year will include, for each project, the amount to be funded from the ATP, and the estimated total cost of the project. In the case of a large project delivered in segments, include the total cost of the segment for which ATP funds are requested.

Project costs in the ATP will include the project approval and environmental document phase, the plans, specifications, and estimate phase, the right-of-way phase, the construction phase, and the construction non-infrastructure phase.

A project nomination may identify an implementing agency other than the applicant, The implementing agency assumes responsibility and accountability for the use, expenditure, and reporting of program funds.

Applicants and implementing agencies must comply with all relevant federal state laws, regulations, policies, and procedures. FCOG will program and allocate funding to projects in whole thousands of dollars and will include a project only if it is fully funded from a combination of ATP and other committed funding. FCOG will propose to fund projects with uncommitted funds only if a project is at the funding cut-off and there are not enough available funds to fund the full project. FCOG will consider funds as committed when the Commission adopts the program of projects or when the agency with discretionary authority over the funds has made its commitment to the project by ordinance or resolution. If a project is funded with federal funds, the cost of each project phase will be listed in the Federal Transportation

Improvement Program (FTIP) no earlier than the fiscal year in which the particular project phase can be implemented.

Every project programmed in the ATP must meet Project Study Report (PSR) equivalency requirements. Projects that do not have PSR equivalency must take corrective action before allocation of funds.

All infrastructure projects programmed in the ATP, including those in the MPO Component, must submit count data in accordance with policies included in these guidelines.

When proposing to fund only preconstruction phases for a project, the applicant must demonstrate how it intends to fund the construction of a useable segment, consistent with the regional transportation plan.

### CONTINGENCY PROJECT LIST

FCOG will adopt a list of projects for programming the Regional Competitive ATP that is financially constrained with the amount of ATP funding available adopted in the ATP Fund Estimate. In addition, FCOG will include a list of contingency projects, ranked in priority order based on the project's evaluation score. FCOG intends to fund projects on the contingency list should there be any cost savings, if a project is deleted from the program, or if the ATP is augmented. This contingency list will be in effect only until the adoption of the next programming cycle.

### COMMITTED / UNCOMMITTED FUNDS

The Commission may choose to program a project with uncommitted funds for the following MPO Component:

- If the project is at the funding cut-off for a metropolitan planning organization and it has programmed up to the total funding apportioned in the fund estimate.

For more information on committed / uncommitted funds, refer to section 24 in the Statewide ATP Guidelines.

### BASELINE AGREEMENTS

In accordance with the SB 1 Accountability and Transparency Guidelines the Commission requires Baseline Agreements for ATP projects with a total project cost of $25 million or greater (all funds) or ATP funding in the amount of $10 million or greater, including large infrastructure projects that are programmed with ATP funds in pre-construction phases only. Baseline agreements should reflect project scope, project cost, project schedule, and anticipated benefits, as set forth in the project application and programmed by the Commission.

## PROGRAM/PROJECT AMENDMENTS

Implementing agencies who wish to request project amendments must obtain approval from all partner and funding entities before submitting these requests to the Commission. Implementing agencies must submit amendment requests in a timely manner and include documentation that supports the requested change and its impact on the scope, cost, schedule, public support and benefits. Caltrans shall coordinate all amendment requests and utilize the Project Programming Request (PPR) form to help document the change. Implementing agencies must notify Caltrans in writing of proposed project amendments.

Project amendments will be considered for the ATP as follows:

- Scope Changes – The Commission may consider changes to the scope of the projectonly as described below.
- Funding Distribution Changes – The Commission may consider a request to move funds between phases after a project has been programmed only as described below.
- Project Segmenting – the Commission may consider a request to segment a project into two or more segments only as described in the subsection below.

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

## SCOPE CHANGES

The Commission will consider changes to the approved scope submitted in the project application to assist agencies in implementing their ATP projects and maximize the overall benefits of the ATP. An agency requesting a scope change must submit a request to Caltrans that includes the following:

- An explanation of the proposed scope change.
- The reason for the proposed scope change.
- The impact the proposed scope change would have on the overall cost of the project.
- An estimate of the impact the proposed scope change would have on the potential of the project to increase walking and bicycling as compared to the benefits identified in the project application (increase or decrease in benefit).
- An estimate of the impact of the proposed scope change on benefits to disadvantaged communities, if applicable (increase of decrease in benefit).
- An estimate of the impact the proposed scope change would have on the potential of the project to increase the safety of pedestrians and bicyclists as compared to the benefits identified in the project application (increase or decrease in benefit).
- An explanation of the methodology used to develop the estimates.
- Evidence of public support for the new scope.
- Revalidation of the environmental document(s), if needed.
- How the scope change impacts the project schedule.
- For projects in which the original ATP scope has been or will be completed through a different project or funding source, the implementing agency must submit an explanation overlapping scopes of the projects and/or change in funding source. If the scope change is approved, the agency must continue to report on any items that were in the original ATP scope but were or will be completed through a different project or funding source.
- Identification of any funding sources used to complete the project that were not included in the project application.
- Identification of any savings expected due to a reduced or modified scope.
- An explanation of how the scope change affects the project budget, and how increases willbe funded, or savings will be utilized.
- For projects programmed in the Metropolitan Planning Organization (MPO) component, evidence of MPO approval and the MPO rationale for their approval

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

Commission staff may accept or deny minor scope changes and will present those that are accepted to the Commission as a part of the project allocation request. Minor scope changes are those that stay true to the project proposed in the application, with little or no impact to project benefits, strong public support, or increase the benefits of the project. If Commission staff denies approval of a minor scope change request, Caltrans, in collaboration with the requesting agency, may resubmit the scope change request as a major scope change for the Commission's consideration.

CTC staff will present recommendations to approve or disapprove major scope changes to the Commission as a project amendment agenda item at a regularly scheduled Commission meeting. Commission staff may recommend denying a scope change if the request dramatically changes the project scope and intent from what was approved in the application, or if there is a loss in benefits. The

Commission may approve or deny the scope change request, regardless of staff and Caltrans' recommendations.

Scope change requests must be submitted as soon as practicable following identification of the needed change, and prior to the allocation of any additional project phases. Scope change requests must be submitted prior to an agency requesting the allocation of construction funds, except in instances where the contract bid cost savings, as described in Section 35 of the adopted Statewide ATP Guidelines.

## FUNDING DISTRIBUTION CHANGES

Agencies may request to move fund amounts between programmed phases, including Project Approval and Environmental Documentation (PA&ED), Plans, Specs and Estimates (PS&E), Right of Way (RW) and Construction (CON). Moving funds between phases will not increase the total programmed amount. The agency must show that the project remains fully funded and that the benefit of the project will remain the same or increase. All funding distribution change requests must be considered by the Commission for approval.

When preparing a request for a funding distribution change, agencies should consider the following:

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

The notification to Caltrans must include:

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

## PROJECT SEGMENTING

The Commission will consider project segmenting requests that aid in the overall delivery of the project.

When preparing a request to segment a project, agencies should consider the following:

- In segmenting a project, phases or segments may not be reprogrammed to later years.
- An agency may only request to segment a project once during the life of a project.
- Segmenting must be approved prior to construction allocation. An allocated phase cannot be segmented.
- All Segments must be fully funded
- The implementing agency must continue to report on the project until all segments are completed.

Segmenting amendment requests must be submitted to Caltrans and include the following:

- An explanation of the proposed project segmentation.
- The reason for the proposed project segmentation.
- A map clearly showing each project segment or phase.
- Identify the scope, funding plan, and schedule for each segment. This includes segments without ATP funding but delivering any portion of the project scope that was originally programmed.
- Discuss how each segment of the project will be delivered and an estimated timeline for completing the overall project and each segment.

- Separate PPRs for each project segment.

Caltrans will review the proposed project segmenting request and forward the proposal along with Caltrans' written analysis and recommendation to Commission staff for the Commission's consideration.

# ALLOCATIONS

When an agency is ready to implement a project or project phase, the agency will submit an allocation request to Caltrans. After receipt of the request, The typical time required, required to complete Caltrans review and recommendation and Commission allocation is 60 days. Allocation request deadlines are outlined on the Caltrans Active Transportation Program website.

The ATP does not fund cost increases. If there is a cost increase to the project, the implementing agency must submit an updated PPR that identifies the cost increase and the fund source that will cover the cost increase. If funding is not identified to cover the cost increase, the project component cannot be allocated. The implementing agency should work with the Commission and Caltrans to determine if the project can be delivered.

Allocation Review Process

Caltrans will review the allocation and provide a recommendation to the Commission for action. The recommendation from Caltrans must include:

- Determination of project readiness
- Availability of appropriated funding
- Availability of all identified and committed supplementary funding
- Consistency with the project's Baseline Agreement, if applicable
- Consistency with the project scope in the application or approved scope amendment
- For construction allocation recommendation, certification from Caltrans verifying that the Project's plans, specifications, and estimate are complete, environmental and right-of-way clearances are secured, and all necessary permits and agreements (including railroad construction and maintenance) are executed. Caltrans considers these projects Ready to List (RTL).
- For Projects receiving federal funds, verification from Caltrans that the project is in compliance the provisions of Titles 23 and 49 of the U.S. Code of Federal Regulations and Caltrans' processes and procedures for federally funded projects.

Allocation Requirements

a) In compliance with Section 21150 of the Public Resources Code, the Commission will not allocate funds to plans, specifications, and estimate; right-of-way; or construction prior to documentation of environmental clearance under the California Environmental Quality Act (CEQA).

   • Funds allocated to a non-infrastructure or plan project will be allocated as Construction Non-infrastructure (CON-NI) and must also be in compliance.

   • As a matter of policy, the Commission will not allocate funds, other than for the environmental phase, to 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.

b) The Commission, as a Responsible Agency, must approve the environmentally cleared project for future funding consideration. The submission forms for this approval are available on the Commission website

For more information on allocation requirements, refer to section 28, in the Statewide ATP Guidelines.

# PROJECT DELIVERY

## LETTER OF NO PREJUDICE

The Commission will consider approval of a Letter of No Prejudice (LONP) when the implementing agency is ready to begin a project phase programmed in a future fiscal year and an allocation is not possible. Approval of the LONP allows the implementing agency to begin work and incur eligible expenses prior to allocation. An approved LONP does not relieve the implementing agency from the program requirements outlined in the Statewide ATP Guidelines. The LONP Guidelines are available on the Commission's website.

## TIMELY USE OF FUNDS & TIME EXTENSIONS

The Commission expects certain deadlines to be met as programmed projects are implemented. If the expected deadlines are not met and a time extension is not approved prior to the expiration of a deadline, the ATP funds will lapse and will be deleted from the project phase. Lapsed funds are returned to the ATP for use in future cycles.

- Allocation deadline. Allocation for a programmed project phase must be requested in the fiscal year in which the phase is programmed. Funds programmed to a project expire on June 30 in the fiscal year in which the funds are programmed. An allocation request must be placed on a Commission meeting agenda no later than the June Commission meeting of the fiscal year in which the funds are programmed.
- Contract award deadline. The construction phase contract(s) must be awarded within six months of an approved allocation.
    - The implementing agency must not award the contract(s) for a project until the Commission has allocated the ATP funds programmed to the Construction phase and the Construction support phase.
- Project expenditure deadline (pre-construction). Funds allocated for project development (Project Approval and Environmental Document, Plans, Specifications, and Estimate), or Right-of-Way costs must be expended by the end of the second fiscal year following the fiscal year in which the funds were allocated. The implementing agency must invoice Caltrans for these costs no later than 180 days after the expenditure deadline.
- Project completion deadline. After award of the construction phase contract(s) (project completion), the implementing agency has up to 36 months to complete (accept) the contract(s). The implementing agency must invoice Caltrans for these costs no later than 180 days after the completion deadline.
    - At the time of construction phase allocation, the implementing agency may request that the Commission extend the deadline for completion of work and the liquidation of funds beyond the 36 months allowed for project completion if necessary to accommodate the proposed expenditure plan for the project.
- 10-year requirement. Projects must commence right-of-way acquisition or construction within ten years of receiving pre-construction funding (Project Approval and Environmental Document; Plans, Specifications, and Estimate) through the ATP. Projects must commence construction within ten years of receiving right-of-way funding through ATP. Otherwise, the implementing agency must repay the ATP funds, and the repaid funds may be made available for redistribution in a future ATP cycle.

**Time Extensions**

The Commission will consider extending the deadlines stated in Section 31, upon request of the implementing agency with the following requirements.

- An unforeseen and extraordinary circumstance beyond the control of the implementing agency has occurred to justify the extension.
- Extension requests should describe the specific unforeseen and extraordinary circumstances and identify the delay directly attributable to the circumstance.
- No deadline may be extended more than once.
- Each deadline extension request will be considered separately for each programmed project phase.
- The extension will not exceed the period of delay directly attributed to the extraordinary circumstance.
- The extension request cannot exceed the maximum period of delay identified in this section. The implementing agency must submit a time extension request to Caltrans at least 60 days prior to the Commission meeting where the extension needs to be approved.
    - Except for allocation of funds, all time extension requests must be received by Caltrans before the expiration dates indicated in Section 32.
    - An allocation time extension request must be approved by the Commission before June 30 of the fiscal year the funds are programmed.
- Extension requests for a project in the MPO Component must include a recommendation by the metropolitan planning organization.
- Caltrans will review and prepare a written analysis of the proposed extension request and forward the written analysis and recommendation to the Commission for action.
- The Commission will consider a time extension request when it receives a time extension request with a recommendation from Caltrans.
- If a time extension is not approved prior to the expiration of a deadline, the ATP funds will be deleted from the project phase and the funds will be returned to the ATP.
- Quick-Build Projects must refer to Appendix D for information on the types of time extensions allowed.

For more information on types of extensions that may be requested, refer to section 32 in the Statewide ATP Guidelines. Extension requests for a project in the MPO Component must include a recommendation by the metropolitan planning organization.

## FEDERAL REQUIREMENTS

Unless fully programmed for state-only funding, project applicants must comply with the provisions of Title 23 and 49 of the U.S. Code of Federal Regulations and with the processes and procedures contained in the Caltrans Local Assistance Procedures Manual and the Master Agreement with Caltrans. Refer to the adopted Statewide ATP guidelines; section 25 for examples of federal requirements that must be met when administering ATP projects.

## DESIGN STANDARDS

The implementing agency is responsible for complying with design standards for active transportation facilities. Bicycle design standards are outlined in Streets and Highways Code Sections 890 through 892. In addition to these sections, the Caltrans manuals also provide guidance.

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 bicycletravel is permitted utilize all minimum safety design criteria pursuant to Streets and Highways Code Section 890.6.

Streets and Highways Code Section 891.9 requires that an agency cannot install a new sharrow on a highway that has a posted speed limit greater than 30 miles per hour, except at or near an intersection for the purpose of connecting a Class I, Class II, or Class IV bikeway through the intersection. For purposes of Section 891.9, "sharrow" means the marking in Figure 9C-9 of the 2014 California Manual on Uniform Traffic Control Devices, Revision 8. Refer to the adopted Statewide ATP Guidelines; section 34,for specific requirements.

## PROJECT INACTIVITY

Once funds for a project are encumbered, project applicants are expected to invoice on a regularbasis (for federal funds, see 23 CFR 630.106 and the Caltrans' Inactive Obligation Policy). Failure to do so will result in the project being deemed "inactive" and subject to de-obligation if proper justification is not provided.

## PROJECT COST SAVINGS

Cost savings at contract award may be used to expand the project scope only if the expanded scope provides additional quantifiable active transportation benefits. The expanded scope will be considered a scope change amendment and must be reviewed and approved by the Commission prior to contract award (refer to Section 33, Scope Changes). All other contract award savings will be returned proportionally to the ATP at project completion.

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

When used in reference to project cost savings the word "proportionally" means that savings will be returned to each funding source based on the percentage contributed from the respective source.

Project savings, including savings from projects programmed in the MPO Component, will return proportionally to the ATP and will be made available for programming in subsequent cycles.

## PROJECT CANCELLATION

If an implementing agency elects to cancel a project, the agency must cease all invoicing and relinquish any remaining funds to the program. The implementing agency must submit a letter signed by the Chief Executive Officer, Public Works Director, or other officer authorized by its governing body addressed to the Commission's Executive Director that includes the following information:

- Reason for project cancellation
- Efforts made to avoid cancellation
- Lessons learned from challenges faced

The appropriate Regional Transportation Planning Agency should be copied on the letter.

Project cancellations in the PA&ED, PS&E, and R/W phases require repayment of the reimbursed ATP funds if the investment does not result in a physical improvement within ten years. Project cancellations directly related to compliance with another federal and/or state law, such as NEPA and CEQA, do not require repayment. If an implementing agency determines repayment is not required on a project canceled in the PA&ED, PS&E, or R/W phase, the implementing agency must submit a written request to Caltrans. Caltrans will review the request, obtain FHWA concurrence for federally funded projects, and forward the request and a written recommendation to the Commission staff for the Commission's consideration.

# REPORTING

The Active Transportation Program will be evaluated for its effectiveness in increasing the use of active modes of transportation in California.

The Commission 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.

Successful applicants, including those selected in the MPO Component, are required to submit project reports and performance metrics for each of their programmed projects as noted in the below. Consequences for noncompliance are outlined below.

**Consequences**

Caltrans will provide a written warning to an agency that is currently not in compliance with the reporting requirements outlined in these guidelines. Caltrans will also establish a corrective action plan with the agency to ensure timely collection of user counts.

Consequences for noncompliance include:

- A written warning
- Placement on a watch list presented to the Commission
- A required appearance before the Commission

Agencies that never provide performance metric data for an awarded project may have further consequences:

- Ineligibility for future allocations and programming actions
- Reduced reimbursement

## PERFORMANCE METRICS

Successful applicants, including those selected in the MPO Component, are required to submit performance metrics for each of their programmed projects as noted below.

Agencies that do not provide the required performance metrics data by the requested deadline may face disciplinary consequences.

**A. <u>Policy on User Counts</u>**

The Commission Policy on User Counts was adopted to ensure that implementing agencies collect user counts in accordance with these Guidelines and the Count Methodology Guide (Count Guide). User counts help to inform the ATP's progress toward achieving its statutory goal of increasing walking and biking.

Implementing agencies must comply with the Count Guide which provides standard expectations for estimating user per data for each type of ATP project. In addition, the Count Guide seeks to follow national best practices and accommodate existing regional pedestrian and bicycle count methodologies across California.

<u>Submittal Requirements:</u>

Every project with programmed construction funds, including non-infrastructure and combination projects, are required to submit before and after user counts and report them in accordance with the Count Guide. Agencies that receive ATP funds to create a plan are not required to conduct counts.

User Counts must be submitted three times, once before the start of construction, a second time at construction completion, and a third time five years after construction completion, in accordance with the Count Guide.

**B. Other Performance Metrics**

Successful applicants must submit performance metric data to Commission and Caltrans staff upon request.

The Commission will use the California Active Transportation Benefit-Cost Tool to provide a program-level summary of expected benefits for the 2027 Active Transportation Program. The tool was developed by the Commission, Caltrans, and the UC Davis BicyclingPlus Research Collaborative to estimate active transportation benefits. The tool estimates safety benefits, mode shift, reductions in vehicle miles traveled, and total reductions in greenhouse gas emissions.

**Project Reporting**

The purpose of all required reports is to ensure that the project is executed on time and is within budget, and that it delivers the scope and benefits identified in the project application. The ATP program adheres to the accountability and reporting requirements set forth in the SB1 Accountability and Transparency Guidelines, which apply to all projects programmed in the ATP.

All implementing agencies must submit regular progress reports, a completion report and a final delivery report to Caltrans. Implementing agencies should refer to the Local Assistance website for details. Implementing agencies must submit photographs of the completed project as part of the Completion Report. Photos showing people using the facility are best. If there are recognizable faces in the photos, the agency must include a photo release waiver with the report. Photographs of the completed project should be at least 300 dots per inch (DPI). Implementing agencies will also be encouraged to submit photographs of the project with progress reports when significant project milestones are achieved.

Projects transferred to the Bureau of Indian Affairs or another federal agency must comply with the reporting requirements set forth by the Bureau of Indian Affairs or the other federal agency. Projects transferred to the Bureau of Indian Affairs are not required to report to Caltrans. The implementing agency is encouraged to notify Caltrans when the project is completed.

Caltrans will track the delivery of ATP projects and submit to the Commission the required reports showing the delivery of each project phase.

## AUDITS

The audit requirements are outlined in the Commission's Accountability and Transparency Guidelines and will be required for all projects programmed in the ATP.

## PROJECT SIGNAGE

For all projects receiving SB 1 funds, the implementing agency must include signage stating that the project was made possible by SB 1 – The Road Repair and Accountability Act of 2017 (or Rebuilding California Funds). All projects receiving Federal Trust funds (Infrastructure Investment and Jobs Act Funding) must use the Investing in America logo in alignment with the Investing in America Signage Guidelines. In addition, the signage should include the Commission official logo which can be requested from the Clerk of the Commission.

The signage should comply with applicable federal and state laws, and Caltrans' manual and guidelines, including but not limited to the provisions of the California Manual on Uniform Traffic Control Devices,

Reference the Commission Project Funding Identification Sign webpage for additional details and requirements about project construction signage.

## TITLE VI REQUIREMENTS

Title VI of the Civil Rights Act of 1964, U.S.C. 2000d et seq. ("Title VI") prohibits discrimination on the basis of race, color, national origin in any program or activity that receives federal funds or other federal financial assistance.

All projects programmed for Active Transportation Program funds shall comply with Title VI requirements, as follows:

- The implementing agency assumes responsibility and accountability for the use and expenditure of program funds. Applicants and implementing agencies must comply with all relevant federal and state laws, regulations, policies, and procedures.
- The implementing agency will ensure that no person or group(s) of persons shall, on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status, be excluded, or otherwise subject to discrimination, related to projects programmed and allocated by the Commission, regardless of whether the programs and activities are federally funded. The implementing agency will comply with all federal and state statues and implementing regulations relating to nondiscrimination.

*A current list of Title VI nondiscrimination and related authorities is available on the Commission's website.

# APPENDIX A – Fund Estimate

## Fresno Council of Governments

2027 Active Transportation Program Cycle 8 Regional Share

FY 2027-28 through FY 2030-31

ATP Regional Share ($ in thousands)

| Fund Source | FY 2027-28 | FY 2028-29 | FY 2029-30 | FY 2030-31 | Total |
|---|---|---|---|---|---|
| State | $1,392 | $1,112 | $377 | $377 | $3,258 |
| Federal | $202 | $1 | $1,701 | $1,727 | $3,631 |
| **Total ATP Regional Share** | **$1,594** | **$1,114** | **$2,077** | **$2,104** | **$6,889** |

Per SB 99, 25% of overall program funds shall benefit disadvantaged communities.