

TRANSMITTED ELECTRONICALLY

December 9, 2013

James C. Ghielmetti
Chair, California Transportation Commission
1120 N. Street, Room 2221 (MS-52)
Sacramento, CA 95814

Re: Bay Area Congestion Management Association Comments on Draft Active Transportation Program Guidelines

Dear Chair Ghielmetti,

We appreciate the opportunity to provide comments during the development process of the California Transportation Commission's (CTC's) Active Transportation Program (ATP) guidelines, which will provide \$120 million per year for active transportation projects across the state. The Bay Area Congestion Management Agency (CMA) Association represents the nine county transportation agencies (sales tax authorities and congestion management agencies) that are investing in projects and programs that create accessible, convenient and sustainable transportation to move people and goods, spur economic growth and enrich communities. The nine Bay Area CMAs plan, fund, and deliver almost \$1 billion each year for projects and programs that support the Bay Area's economy and help move over 7 million people each day. We are also responsible for assisting with the implementation of the Bay Area's Sustainable Communities Strategy (SCS), which proposes investment in bicycle and pedestrian projects near transit as a way to reduce greenhouse gas emissions and improve public health.

The Bay Area CMAs have actively participated in the statewide ATP working groups, and appreciate Mitch Weiss's attendance at our October CMA Association meeting. Building on that discussion, we have the following overall comments on the draft ATP guidelines released in late November.

Adjust timeline for approving Metropolitan Planning Organization (MPO)-specific guidelines. All three calls for projects (statewide, small/rural, and MPO) need to move forward quickly to ensure the state/regions have time to obligate funds by the federal deadlines. In order to allow MPOs that choose to modify the state ATP guidelines adequate time to evaluate and select projects for funding, CTC should consider approving MPO-specific guidelines by May 2014, not June as proposed in the draft schedule. Furthermore, MPOs should be allowed to release conditional calls for projects prior to CTC approval of their requested MPO-specific guidelines, as long as the final guidelines are consistent with what CTC approves and the projects are not evaluated prior to CTC approval. The schedule should also allow for sufficient time for the MPOs to consider the projects not selected for funding by CTC.

Allow all small/rural areas to compete in small/rural (10%) program. The current draft guidelines do not allow the small/rural areas within large urban MPOs to apply to the small/rural (10%) program, but instead requires them to compete alongside large urban areas in the MPO



(40%) program. We strongly oppose this proposal. 65% of the state's population in small/rural areas is within MPOs and there are strings attached to the federal dollars that could make it difficult to spend the 40% program outside of large urbanized areas. Furthermore, small jurisdictions within MPOs often suffer from the same staffing limitations and funding limitations as those outside MPOs. The federal Transportation Alternatives Program specifically allows these areas to compete in the small urban area program, and the ATP program should honor that commitment.

Streamline project review with a lump sum allocation to regions. It is inefficient for small local bicycle and pedestrian projects to go through many levels of review/evaluation when being selected (Metropolitan Planning Organization (MPO), Caltrans, CTC) and another series of review when coming in for allocation (Caltrans, CTC). Ideally, CTC would allocate the funds as a lump sum and projects could be selected directly by regions, similar to Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Act (CMAQ) funds, subject to the eligibility determined by the regions and approved by CTC/Caltrans staff.

At a minimum, CTC should treat these funds similarly to the Regional Transportation Improvement Program (RTIP) programming process where it reviews the MPOs' programs in their entirety instead of individual projects. In 2002, CTC assembled a statewide working group that looked at whether to keep TE funds in the STIP as individual state-programmed projects or revert to lump sum programming that allowed flexibility in delivery and allowed both Caltrans and regional maneuverability to assure funds were obligated. As currently structured, the TE program assures timely use of funds and gives the regions responsibility for delivering larger meaningful projects using federal funds which come with a cache of requirements unsuitable for small scale projects.

If CTC is uncomfortable with either of these options of delegation for this first programming cycle, it should pilot the process in one or two regions (including the Bay Area) to inform the next ATP cycle.

Allow swapping of obligation authority to avoid potential loss of federal funds to the state. Given the incredibly tight obligation deadlines associated with this program and the desire to obligate the state's full authorization, CTC should allow project sponsors to swap present and future-year federal funds if necessary. Project sponsors should make every effort to deliver projects as soon as possible, but when it is impossible to meet obligation deadlines they should be allowed to work with CTC, Caltrans, and their MPO to identify projects that can obligate current-year federal funds in exchange for an equivalent amount of future-year funds.

We also encourage CTC to allow projects that currently have funding plans without ATP to utilize ATP funds for final design and construction. While engineering is often less complex for bicycle and pedestrian projects, planning can be more complex and time-consuming with respect to multi-use corridor connectivity, ADA compliance, complete street considerations, and balancing recreational and commuter needs. If a project has been well planned and coordinated it should not be discounted from consideration but rather considered more favorably as being shovel ready. As funding plans often change during the course of project development, the commitment of ATP funds to later phases would often not be a substitution of funds but rather an assurance the project can move forward and will be delivered sooner, providing earlier benefit to the communities that support it.

Provide state-only and single-source funds to projects upon request. CTC should establish a process for requesting state-only funds for small projects or project types that would be difficult to deliver through the federal aid process. Further, CTC should, when possible given a project's scope of work, assign a single fund source to individual projects to simplify project delivery.

Provide funding for small and non-infrastructure projects. CTC should ensure that small and non-infrastructure projects can compete fairly with larger infrastructure projects, by perhaps establishing different criteria for non-infrastructure projects and lowering the minimum grant request from \$500,000 to \$200,000. Eligible non-infrastructure activities should include strategies to encourage safe bicycling and walking, including education and outreach. Since these projects are often difficult to fund through the federal aid process, they should be allowed to seek state-only funds.

Evaluate project performance efficiently. Evaluation of project delivery and performance post-implementation should be designed to limit the burden on implementing agencies given the relatively small size of the projects and the significant cost of these efforts.

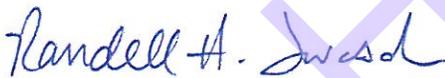
Ensure the regional (40%) program remains as flexible as possible, allowing regions to best determine which projects meet their particular needs. We are pleased that CTC has proposed to take advantage of the provision in SB 99 that authorizes separate guidelines for the regional share of the ATP. In the final guidelines, CTC should ensure regions maintain their ability to determine project selection criteria, disadvantaged community definitions, and grant minimums/maximums that comply with state and federal requirements but best meet the needs of the region.

Thank you for the opportunity to comment during the development of the ATP guidelines.

Sincerely,



Art Dao, Executive Director
Alameda County Transportation Commission



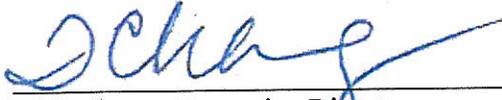
Randell Iwasaki, Executive Director
Contra Costa Transportation Authority



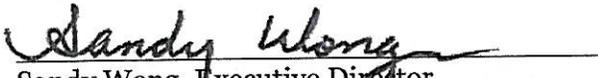
Dianne Steinhäuser, Executive Director
Transportation Authority of Marin



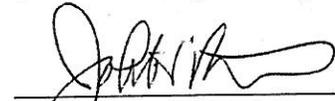
Kate Miller, Executive Director



Tilly Chang, Executive Director
San Francisco County Transportation Authority



Sandy Wong, Executive Director
San Mateo City-County Association of Governments



John Ristow, Chief CMA Officer
Santa Clara Valley Transportation Authority



Daryl Halls, Executive Director
Solano Transportation Authority (STA)



Suzanne Smith, Executive Director
Sonoma County Transportation Authority

CC: CTC Commissioners
Andre Boutros, Mitch Weiss, CTC
Steve Heminger, Ross McKeown, Alix Bockelman, MTC



November 22, 2013

Andre Boutros, Executive Director
James C. Ghielmetti, Chair
California Transportation Commission
1120 N Street, Room 2221 (MS-52)
Sacramento, CA 95814

RE: Recommendations for Addressing Disadvantaged Communities in Active Transportation Program (ATP) Guidelines

Dear Executive Director Boutros and Chairman Ghielmetti,

On behalf of the undersigned organizations, we thank the California Transportation Commission (CTC) and the California Department of Transportation (Caltrans) for your leadership in the implementation of the Active Transportation Program (ATP) as a comprehensive, statewide commitment to expand safe and active travel—especially for disadvantaged communities, schools, and residents—and achieve California’s climate and public health goals. We also thank you for this opportunity to submit recommendations for the ATP guidelines as the implementation process for this program moves forward.

As organizations that work to improve health and increase access to opportunity among California’s most vulnerable communities, we commend the Governor, the California State Transportation Agency, and the State legislature for recognizing the importance of prioritizing equity within the ATP and requiring that no less than 25 percent of ATP funds flow to disadvantaged communities, as outlined in Senate Bill 99. By addressing the longstanding infrastructure disparities faced by disadvantaged communities, we can ensure that all Californians are able to safely walk and bicycle to schools, jobs, services and other community assets, thus improving public health outcomes, reducing greenhouse gas emissions, and creating safer and healthier neighborhoods throughout the state.

In order to effectively implement the ATP in a manner consistent with the intent of SB 99 and ensure that disadvantaged communities fully share in the benefits of the program, it is important that the ATP guidelines and implementation procedures contain clear and direct language regarding the application and selection process for projects serving disadvantaged communities. Below are our specific recommendations to facilitate the prioritization of disadvantaged, vulnerable communities and maximize the program’s public health, climate, and safety outcomes.

- **Clarify that each metropolitan planning organization (MPO) is required to award no less than 25 percent of its share of ATP funds to projects specifically targeting and benefitting disadvantaged communities.**

The plain language of SB 99 states that “no less than 25 percent of **overall program funds** benefit disadvantaged communities” (emphasis added). While the language does not explicitly require the regional programs to help meet the 25 percent disadvantaged communities target, the wording—and discussions with the Administration and Legislature during the drafting of the legislation—strongly signal that the legislative intent was for both the state and regional programs to invest in disadvantaged communities. In other words, the “overall program” encompasses both the state and regional programs, and as such, the 25 percent disadvantaged communities target applies to both the state and regional programs. Moreover, if the state program awards its projects before the regions do—as has been discussed in the workgroup meetings—it will be difficult for the CTC to ensure that the minimum 25 percent of overall program funds benefits disadvantaged communities without requiring that each regional program also set a 25 percent target as the floor for funding projects in disadvantaged communities. We recommend that the CTC establish guidelines that clarify that: 1) the 25 percent target for investment in disadvantaged communities applies to both the state and regional programs, and 2) the 25 percent target is a minimum funding floor—not a ceiling—for investing in projects that benefit disadvantaged communities.

- **Require applicants to select from a defined menu of options for designating disadvantaged communities established by the CTC.**

In identifying disadvantaged communities, it is important for potential applicants and MPOs to utilize a comprehensive and accurate definition that best captures the relative environmental, health, and safety disparities experienced by communities across California. While we recognize the need for some leeway in how regions define disadvantaged communities, for the purposes of maintaining statewide consistency within the program, we strongly recommend that potential applicants be required to choose a definition from a defined menu of options. The ATP guidelines should direct applicants to choose from the following menu of definitions in identifying disadvantaged communities or schools:

- For projects under the statewide competitive program:
 - Communities identified in the top tier (highest scoring) of the California Office of Environmental Health Hazard Assessment's California Communities Environmental Health Screening Tool (CalEnviroScreen), as defined for SB 535; OR
 - Communities that can demonstrate their median household income (MHI), at the block group or census tract level, to be at or below 80% of the statewide median income.
- For projects under the regional programs:
 - Communities identified in the top tier (highest scoring) of the California Office of Environmental Health Hazard Assessment's CalEnviroScreen; OR
 - Communities previously identified in a Regional Transportation Plan as an “environmental justice community,” “community of concern,” “vulnerable population,” or other designation per federal Title VI obligations; OR
 - Communities that can demonstrate their MHI to be at or below 80% of the statewide median income.
- For the purposes of all Safe Routes to School projects:
 - A school in which 75 percent or more of the children are eligible for the free or reduced meal program.

This menu of options represents a reasonable and implementable approach for both the state and the MPOs. For the state share of the program, the CalEnviroScreen tool is the most appropriate because it conducts a comprehensive assessment of community health and environmental conditions across the entire state at the zip

code level. However, we recognize that the exclusive reliance on the CalEnviroScreen tool could inadvertently exclude some areas of high poverty, such as certain unincorporated communities within the San Joaquin or Coachella Valley, due to the methodology's data gaps among smaller communities. Accordingly, we recommend that potential applicants to the state program may utilize a median household income indicator of at or below 80 percent of the statewide median income to define disadvantaged communities.

For the regional programs, we recognize that the CalEnviroScreen tool may not be the right fit. Accordingly, we recommend that MPOs may use their own definition of disadvantaged communities as defined in their adopted Regional Transportation Plans (RTP). Many regions have already established their own definitions to identify vulnerable areas per federal Title VI obligations, and in certain instances, these definitions may be more applicable for identifying and targeting funding to disadvantaged communities within that particular region. Though regional definitions of disadvantaged communities may be termed differently—for example, “environmental justice communities” (as in Fresno COG’s RTP) or “community of concern” (as in MTC/ABAG’s RTP)—our underlying recommendation remains the same: allow regions to use definitions developed within adopted RTPs to meet federal Title VI obligations. Moreover, these regional definitions have already been vetted through a public process in the adoption of a RTP. Again, if neither the CalEnviroScreen nor a regional Title VI community definition works for a project sponsor, we recommend the ability to utilize a MHI indicator of at or below 80 percent of the statewide median income to define disadvantaged communities.

Lastly, for Safe Routes to Schools projects, disadvantaged school communities should be defined as a school in which 75 percent or more of the children are eligible for the free and reduced meal program. This has been a longstanding definition that has worked for the former state Safe Routes to School program that should be continued.

- **Require applicants to thoroughly explain how projects will serve and benefit disadvantaged communities.** To maximize the benefits of prioritizing California’s most underserved communities, applicants should be required to thoroughly demonstrate how their project will directly serve and benefit disadvantaged communities. The CTC should incorporate comprehensive questions that provide for detailed responses to determine project eligibility and selection for ATP funding that is allocated to disadvantaged communities. This will not only allow for more complete information of how projects will benefit disadvantaged communities, it will offer clarity to potential applicants regarding what it means for projects to benefit and serve these communities, and it will also enable the CTC and MPOs to better evaluate and compare how projects will impact targeted communities. We recommend that the following language—based on the Strategic Growth Council’s Planning Grant Guidelines and the California State Parks’ Statewide Park Development and Community Revitalization Application Guide—be incorporated into the guidelines in determining the eligibility and selection of projects.

Projects must specifically target and benefit disadvantaged communities. Please demonstrate how the proposed project takes into consideration the needs of the most vulnerable residents in the community by answering the following:

- What infrastructure, safety, or public health challenges are present within the disadvantaged community that contributes to the need for improvements in walking and/or bicycling infrastructure?
- Describe how the project will address these challenges and improve access to high quality active transportation for the most vulnerable residents, including youth, seniors, and low-income families?
- How will low-income residents of disadvantaged communities have daily access to the project site? Please discuss potential barriers to access such as proximity of the disadvantaged community(ies) to the project site, connections to transportation hubs, health care providers, schools, community centers,

parks or other community amenities and services, or other outstanding safety concerns (for example, passing through a known area of gang violence, large number of stray dogs, etc.) and why these will not prevent access to active transportation improvements for low-income residents living in disadvantaged communities.

- **Require community resident participation in the planning and design of active transportation projects.**

The overall success and safety of active transportation improvements is largely dependent on the extent that projects meet the needs of the community residents and expand public access and use. A critical and effective strategy for achieving this is the participation of community residents in the planning and design of projects. This will advance community-informed projects that will better ensure the safe public use of new walking and biking infrastructure. In alignment with this objective, many programs in California, including the Strategic Growth Council's Planning Grant program and the California State Parks' Statewide Park Development and Community Revitalization program, require the participation of community residents and partners in the planning and design of projects. We strongly recommend that the ATP aligns with similar requirements and directs applicants to implement community-based planning processes. To evaluate this criterion for projects, the following questions should be included in the guidelines to determine project eligibility and selection:

Discuss how the disadvantaged community has been and will continue to be engaged in the development of the proposal and the execution of the active transportation project.

- Please describe how the applicant or partnering community-based organization (CBO) made efforts to meet with residents (for Safe Routes to Schools projects, this includes parents and other members of the school community) for the planning and design of the project. Address the following:
 - How many meetings occurred in the disadvantaged community and why were they convenient for low-income youth and adults, including residents lacking transportation and with various employment and family schedules. Include the meeting locations and times, the methods employed by applicant or CBO that were used to invite residents, and description and total number of residents in attendance at each meeting. In the combined set of meetings, describe how there was or was not a broad representation of residents.
 - During the meetings how were the residents enabled to design the project? Please speak directly to the processes that allowed them to work together to identify and prioritize active transportation features that best meet their needs and how they reached a general agreement on the type and design of the project.
 - Were meetings conducted in the primary language spoken by community residents? If not, what translation assistance was provided to community residents to fully understand and contribute to the development of the active transportation project?
- How will disadvantaged community residents be engaged in the execution of the proposed work? If funds for community engagement are not included in the budget, please explain why they are not needed for the proposed work.

- **Provide an ongoing set-aside of the ATP funding for disadvantaged communities to support technical assistance and planning resources.**

Disadvantaged communities often lack the resources and capacity to submit successful proposals despite overwhelmingly and unmet infrastructure needs in these areas. Access to planning and technical assistance resources will address this barrier and increase the number of successful proposals benefitting low-income underserved communities. If planning assistance is not provided, these communities will fall even further behind in their ability to compete for grants.

- **Exempt disadvantaged communities from jurisdictional planning and local match requirements.** City-, county-, or region-wide plans and local match requirements represent barriers to competing for grants for communities with less resources and capacity to meet those criteria. In alignment with several other state programs, disadvantaged communities should be exempt from these requirements to ensure that communities with the greatest need for active transportation improvements maintain access to this program and that a minimum of the 25 percent target for funding to these communities is reached.

The incorporation of the above recommendations into the ATP guidelines will provide for a more successful implementation of the ATP program and ensure that all Californians can safely walk and bicycle to school, to work and to access critical services and amenities. By effectively investing in communities that have for too long been left behind we can achieve greater public health and environmental benefits for all California. We thank you again for your leadership and commitment to this work and we respectfully ask for your support of these important recommendations as this program moves forward.

Questions or concerns regarding this letter can be addressed to Chione Flegal, Associate Director at PolicyLink (chione@policylink.org or 510-663-4311)

Sincerely,

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