



February 5, 2016

Laurie Waters, Associate Deputy Director
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VIA E-MAIL

Re: Disadvantaged Communities Recommendations for the Active Transportation Program (ATP) Cycle 3 Guidelines & Application

Dear Ms. Waters,

On behalf of the undersigned organizations, we commend the California Transportation Commission (CTC) and your leadership in the implementation of the Active Transportation Program (ATP) as a comprehensive statewide commitment to expand safe, active travel-- especially for disadvantaged communities, schools, and residents. Below, we outline several recommendations to strengthen the program to maximize the benefits of the program for all Californians:

Recommendation 1: Adjust Disadvantaged Communities Definitions to Include 'Severely Disadvantaged' Tiered Category

This recommendation builds on the existing definitions for disadvantaged communities in the ATP Guidelines, but for each of the current definitions we recommend awarding points based on two lower thresholds that represent deeper levels of disadvantage. Creating an additional tier of disadvantage severity enables the CTC to ensure even greater competitiveness for the highest-needs communities in the state.

For the statewide median household income (MHI) disadvantaged community (DAC) metric, we recommend allowing unincorporated communities to utilize the Census Designated Place (CDP) geography for their MHI data in lieu of Census tract data, while communities with population under 15,000 should be allowed to use Census block groups for MHI data. This would address most concerns from smaller communities that their low-income status is obscured by higher income communities in the same Census tract. We **recommend establishing <60% statewide MHI as the threshold for severely disadvantaged.**

We **recommend retaining the CalEnviroScreen (CES) 2.0 Top 25%** as a DAC metric. One of the primary goals of the program is to reduce greenhouse gas emissions through investments in active transportation, and the CES metric aligns with the Senate Bill 535 requirements for Greenhouse Gas Reduction Fund (GGRF) Programs. The initial intent of the Brown Administration in creating the ATP was to increase funding for the program in future years, at least in part with GGRF monies. As a severely oversubscribed program, the Program's use of CES should be maintained to ensure eligibility for receiving additional monies through the GGRF. We **recommend establishing CES top 15% as the threshold for severely disadvantaged.**

We **strongly recommend revising the Free or Reduced-Price Meals (FRPM) DAC criteria to be restricted solely to Safe Routes to Schools** projects. In the past two cycles, our collective experience as evaluators strongly indicates that many applicants are not providing adequate justification for how the FRPM metric is representative of their community, yet are awarded full points. In other instances, we've seen applicants use this metric, yet neglect to describe the benefits provided to the school populations cited in their applications. To close this loophole, we strongly urge you to limit the use of the FRPM to only Safe Routes to School projects (including Safe Routes to bus stops projects in rural areas). We also **recommend establishing >85% FRPM participation as the threshold of severely disadvantaged.**

For the fourth DAC metric, we strongly recommend the adoption of additional safeguards to prevent abuse of this option. The original intent of this option has always been to allow for data-poor communities whose DAC status may be obscured by the large-scale nature of data sets to provide localized quantitative or qualitative data to make their case. Data aggregated at the Census tract or block group level can, at times, be inaccurate for small unincorporated communities (i.e. the combination of data from a small low-income neighborhood with data from a nearby higher-income community can mask small, concentrated pockets of poverty). Consequently, some small communities have collected their own data through quantitative neighborhood-level surveys. This option has never been meant to be a free for all for applicants to stretch the truth.

Accordingly, the **Guidelines should limit the use of this option only when there is concern about accuracy of the publicly available data and only by small unincorporated communities.** This practice is already being used in a number of State infrastructure programs, in particular in the State Drinking Water and Clean Water Revolving Fund. The CTC should provide clear and unambiguous training to evaluators in order to properly evaluate projects using this option. Alternatively, all projects utilizing this option could be pre-screened by CTC staff for a determination of DAC status. Additionally, we **recommend the Guidelines to explicitly allow for the consideration of regionally-identified “disadvantaged communities” by an MPO or RTPA** in an adopted Regional Transportation Plan in accordance with federal Title VI requirements. We suggest the following safeguards be added to limit abuse of this option:

“If a project applicant believes a project benefits a disadvantaged community but the project does not meet the aforementioned criteria **due to a lack of accurate Census data or CalEnviroScreen data that represents a small neighborhood or unincorporated area**, the applicant must submit for consideration a quantitative assessment ~~of why the community should be considered disadvantaged, or how the project connects a disadvantaged community to outside resources or amenities~~, **such as a neighborhood-level survey, to demonstrate that the community’s median household income is at or below 80% of the state median household income.**

Regional definitions of disadvantaged communities as adopted in a Regional Transportation Plan (RTP) by an MPO or RTPA per obligations with Title VI of the Federal Civil Rights Act of 1964, such as “environmental justice communities” or “communities of concern,” may be used in lieu of the options identified above.”

Recommendation 2: Retain Full 10 Points for Disadvantaged Communities, Focus on Direct Benefits, & Employ Tiered Scoring Approach for Severely Disadvantaged Communities, & We strongly urge the CTC to retain the full 10 points for the disadvantaged communities section while tightening up the requirements to qualify and providing more points for the most severely disadvantaged communities in the state. Providing dedicated points to disadvantaged communities helps these communities overcome the difficulties presented by lack of matching funds and/or funds to develop, adopt, and implement plans. We believe that by employing a tiered scoring approach for the DAC section will limit opportunities for abuse and stretching the truth. In line with Commissioner Burke’s direction, we **strongly recommend that ALL projects seeking DAC points be required to demonstrate how it provides a direct benefit as a threshold** in order to receive any “located within” points. We propose the following breakdown for 10 DAC points:

- **Threshold Requirement: Project must provide at least one (1) substantiated direct benefit to DAC residents in order to receive any DAC points.**

- 3 points for direct project benefits for disadvantaged residents, with a maximum of 2 points for projects providing a direct, assured, and meaningful benefit to a disadvantaged community and a maximum of 3 points for projects providing a direct, assured, and meaningful benefit to a severely disadvantaged community;
- 7 points maximum for a project being physically located within a DAC with more points awarded to the severely disadvantaged thresholds we recommend above.

For a project to provide any DAC points, it must demonstrate how it provides at least one (1) a direct, meaningful, and assured benefit (examples further described below). For projects serving disadvantaged communities, applicants should be awarded 1 point for providing two (2) or more direct benefits and 2 points for providing three (3) or more. For projects serving severely disadvantaged communities, applicants should be awarded 2 points for providing two (2) or more direct benefits and 3 points for providing three (3) or more. For projects serving both disadvantaged and severely disadvantaged communities, scoring will be based on the tier (disadvantaged v. severely disadvantaged) in which 51% or more of the project's location or services are rendered.

Applicants should be required to clearly demonstrate, document, and substantiate how the project is addressing a community-identified mobility, safety, employment/economic, public health and/or community-vitality barrier and/or need, as well as how DAC residents were directly engaged to identify and develop solutions to overcome barriers/needs. Examples of direct benefits could include:

- Mobility Benefit
 - Removes or mitigates DAC resident-identified physical barrier to walking and/or biking (e.g., installs sidewalks or bike lanes on routes DAC residents use to access community services and schools);
 - Removes or mitigates DAC resident-identified social barrier to walking and/or biking (e.g., provides culturally and linguistically appropriate pedestrian and/or bicycle safety education)
 - Removes or mitigates DAC resident-identified economic barrier to walking and/or biking (e.g., providing free bicycles, helmets, or locks to DAC-residents)
 - Addresses lack of existing active transportation infrastructure that pose safety and health hazards to DAC residents (i.e. curb expansion, sidewalks and bike lane implementation to facilitate access to community-identified resources)
- Safety Benefit
 - Addresses DAC resident-identified traffic safety concern (e.g., high traffic speeds, lack of physical separation, etc.)
 - Addresses DAC resident-identified personal safety concern (e.g., inadequate lighting, community violence, few eyes on the street, etc.) Example mitigations

include, community walking clubs and adequate lighting to ensure that the community's significant number of residents that have nontraditional employment schedules will be able to access the project at night.

- Employment/Economic Benefit
 - Improves non-motorized access for an identified DAC population served by the project to job centers—which may include public or private employment and at schools with job centers—where they are demonstrated to work
 - Improves non-motorized access by an identified DAC population served by the project to public transportation that takes them to job centers—which may include public or private employment and at schools with job centers—where they are demonstrated to work. These improvements should be specifically identified by the DAC population served.
 - Utilizes targeted local hiring or community workforce agreements to benefit an identified DAC population in project construction/implementation
- Public Health
 - Increases non-motorized access by DAC residents to parks and open space within walking/biking distance from their homes
 - Directly addresses a key health disparity experienced and identified by DAC residents in the project vicinity (e.g., project constructs walking path and hosts culturally and linguistically competent walking clubs targeted to residents at risk of diabetes or heart disease).
- Community Vitality
 - Addresses DAC resident-identified safety concerns regarding blight (e.g., project includes component to enable youth to paint community murals of pedestrian and bicycle safety messages along the project's proposed project ROW)
 - Increases non-motorized access by DAC residents to public spaces (e.g. plazas, parklets, etc.) within walking/biking distance from their homes

For scoring a project's location within a DAC, we propose using the following tiered scoring system up to a maximum of 7 points, wherein projects that are located within severely disadvantaged communities would receive more points. Projects that cross the boundaries of multiple census tracts or serve multiple schools might receive partial points for each part of the project, based on the percentage of the project in each tract. Because it is difficult to justify how a project with less than 10% of its length or services truly provides a direct as opposed to indirect benefit, we **recommend establishing a minimum of 10% of a project's length or services to be located in/provided to a DAC in order to receive any points for being "located within."**

	DAC Criteria	
% Project Located within DAC	Disadvantaged: <80% MHI; or Top 25% CES; or >75% FRPM (SRTS Only)	Severely Disadvantaged: <60% MHI; or Top 15% CES; or >85% FRPM (SRTS Only)
10-24%	0.5 point	2 points
25-49%	1 point	3 points
50-74%	2 points	5 points
75-100%	4 points	7 points

To illustrate how this scoring would work in practice, we offer the following examples:

	DAC Criteria			
	Disadvantaged: <80% MHI; or Top 25% CES; or >75% FRPM (SRTS Only)	Severely Disadvantaged: <60% MHI; or Top 15% CES; or >85% FRPM (SRTS Only)	Non-Disadvantaged Community	Total Score
Example 1	50% of project	25% of project	25% of project	5
Example 2	25% of project	25% of project	50% of project	4
Example 3	25% of project	50% of project	25% of project	6
Example 4	25% of project	75% of project	0% of project	7
Example 5	75% of project	25% of project	0% of project	7
Example 6	99% of project	1% of project	0% of project	4
Example 7	30% of project	0% of project	70% of project	1
Example 8	30% of project	10% of project	60% of project	3
Example 9	80% of project	10% of project	10% of project	6
Example 10	60% of project	20% of project	20% of project	4

Lastly, applicants should be required to use the same metric in evaluating DAC status for all Census tracts/block groups/CDPs in the project area. For example, if a project crosses 5 Census tracts and the applicant wishes to qualify for DAC points, then the applicant must use either the statewide MHI of each Census tract/block group/CDP OR the CalEnviroScreen of each Census tract OR the FRPM participation for each Census tract (for Safe Routes to School projects only) OR the regional DAC designation in an adopted RTP for all Census tracts. In the first two cycles, we saw many applications that used one metric for some Census tracts and another for others, making evaluation difficult and the scoring of DAC points open to manipulation.

Recommendation 3: Enable MPO Discretion for Setting Aside Funds for Planning in Disadvantaged Communities

Less than a quarter of cities and counties in California have an adopted pedestrian, bicycle, or combined bicycle/pedestrian master plan. Moreover, only 7.5% of jurisdictions have adopted a pedestrian master plan, and half of our ten largest cities in California lack a pedestrian master plan. The lack of active transportation planning in our state is dire, and this is even more pronounced in our disadvantaged communities. Robust active transportation plans are critical to ensuring that agencies have identified and prioritized high quality, effective infrastructure projects for future funding applications, and planning efforts serve as necessary venues for resident outreach and engagement to identify community-supported needs for active transportation. We **recommend that the Guidelines provide flexibility for MPOs to set higher ceilings or targets for planning in disadvantaged communities** in excess of state's 2% ceiling up to 5% of funds in a regional competition. Additionally, we recommend that the Guidelines clarify that all regional MPO programs should provide no less than 1% of their funds for planning in disadvantaged communities

Additionally, we strongly **recommend that the Guidelines and Application further emphasize that planning funds are reserved for disadvantaged communities**. Priority must be placed on jurisdiction-wide plans or Safe Routes to Schools plan where the entire community qualifies as a DAC or where the entire student population served is eligible for free or reduced priced meals. For plan applications from jurisdictions with a mix of community types or serving a mixed student body, priority must be placed on those jurisdictions that serve 50% or more DAC residents or for Safe Routes to School plans, where over 75% of students qualify for free and reduced price meal.

We thank you for the opportunity to provide feedback on the Cycle 3 Guidelines and Application, and we look forward to working with you to strengthen the Active Transportation Program.

Sincerely,

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