

## MEASURE B BICYCLE AND PEDESTRIAN COUNTYWIDE DISCRETIONARY FUND

### *PROGRAM GUIDELINES*

*First Adopted for Funding Cycle #1: May 22, 2003*

*Revised Version Adopted for Funding Cycle #2: December 2, 2004*

*Revised Version Adopted for Funding Cycle #3: September 28, 2006*

*Revised Version Adopted for Funding Cycle #4: October 30, 2008*

#### **Introduction**

Measure B, approved by Alameda County voters in 2000, is a half-cent transportation sales tax that is financing a multitude of projects to improve the County's transportation system. Collections began in April 2002 and will continue through March 2022.

The Measure B Expenditure Plan outlines which projects and programs will be funded with the sales tax revenue. Five percent (5%) of the net revenue collected is dedicated to bicycle and pedestrian projects. These funds are broken into two funding pots:

- 75% of the funds are local "pass-through" funds which are distributed to Alameda County cities and the County based on population; and
- 25% of the funds are for countywide planning and projects.

These Program Guidelines address the "Measure B Bicycle and Pedestrian Countywide Discretionary Fund." This competitive grant program is one of several programs and services to be funded out of the 25% countywide funds.

Other projects and programs funded (or anticipated to be funded) out of the 25% countywide funds include:

- Countywide Bicycle and Pedestrian Coordinator;
- Countywide Education and Promotion programs;
- Design support services for local agencies;
- Matching funds for grants with countywide significance sponsored by ACTIA; and
- Development of the Countywide Pedestrian Plan and updates

These guidelines do not apply to the 75% Local Pass-through funds.

The full *Expenditure Plan* language for the Bicycle and Pedestrian Safety Fund is included as an attachment.

*The Program Guidelines include the following sections:*

1. Program Name
2. Purpose
3. Eligible Applicants
4. Location of Projects
5. Countywide Significance Requirement
6. Eligible/Ineligible Types of Projects
7. Eligible Project Activities and Costs
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24. Loss or Withholding of Funding
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### **1. Program Name**

Measure B Bicycle and Pedestrian Countywide Discretionary Fund

### **2. Purpose**

To expand and enhance bicycle and pedestrian access, convenience, safety and usage in Alameda County, focusing on projects and programs with countywide significance.

### **3. Eligible Applicants**

- Any public agency that operates within Alameda County may apply for funding. This includes (but is not limited to): the 14 Cities in the County, Alameda County, East Bay Regional Park District (EBRPD), BART, AC Transit, LAVTA/Wheels, Union City Transit, Alameda/Oakland Ferry, ACE, School Districts, ABAG, ACCMA.
- Non-profits which meet ACTIA’s adopted “non-profit organizational requirements” may apply for funding. Proof of meeting these requirements, which include IRS recognition, independent audits, an independent Board, and adequate insurance, must be demonstrated before funding is awarded.
- Private companies may join with a public agency to sponsor and implement a project, but the public agency must be the applicant and the project lead.

#### *Explanation of Changes or Lack Thereof:*

- In January 2006, the ACTIA Board authorized non-profits to apply for and be the lead agency for ACTIA grant funds if they meet certain organizational requirements. New programs have been initiated by non-profits as a result of this policy. The requirements and the time at which they are required to be submitted has been clarified.

### **4. Location of Projects**

Projects must either be located in Alameda County or they must primarily and directly serve Alameda County residents, if they are not used exclusively in the County.

### **5. Countywide Significance Requirement**

All projects must have countywide significance to be eligible for funding. In general, projects must serve residents from more than one specific area or jurisdiction in Alameda County. Specifically, “countywide significance” is defined in the following ways, for the three categories of eligible projects:

- Capital Projects:
  - Bicycle projects must be identified as a High Priority Project or meet the definition of a Transit-Priority Zone project in the Countywide Bicycle Plan (ACBP), or must be a feasibility study for a project identified on the Financially Constrained Network in the ACBP.
  - Pedestrian projects must be identified in the Countywide Strategic Pedestrian Plan, as an area of countywide significance.
  - Combined bicycle/pedestrian projects must meet at least one of the above two criteria.

- Local Bicycle and/or Pedestrian Master Plans:
  - All local master plans are considered to have countywide significance since they will enhance the ability of the county to identify and implement the highest priority bicycle and/or pedestrian improvements.
- Programs:
  - Programs must fall within the categories listed in the Countywide Bicycle Plan or Countywide Strategic Pedestrian Plan.
  - Additionally, the program must be targeted to the entire county, or it must be a demonstration, pilot or innovative program that could be applied at other agencies/jurisdictions, or that produces a resource that can be easily used by other agencies throughout the county.

*Explanation of Changes or Lack Thereof:*

- Clarified language for Programs, to indicate that both of the listed criteria must be met.
- Added the word “innovative” to Programs to encourage innovative programs.

**6. Eligible/Ineligible Types of Projects**

Projects that enhance and expand bicycle and pedestrian access, convenience and safety are eligible for funding. The types of projects include (but are not limited to):

- Capital Projects, including:
  - New pedestrian facilities
  - Improvements to existing pedestrian facilities
  - New bikeways (all Classes, as identified in Alameda Countywide Bicycle Plan-ACBP)
  - Improvements to existing bikeways
  - Crossing Improvements (at intersections, interchanges, railroads, freeways, etc.) for pedestrians and bicyclists
  - Bicycle parking facilities, including attended parking (capital only)
  - ADA on-street improvements
  - Signage for pedestrians and/or bicyclists
  - Pedestrian and bicycle access improvements to transit, activity centers and/or regional connectors
- Local Bicycle and/or Pedestrian Master Plans, or Plan updates
- Education/Enforcement/Promotion Programs

**Ineligible Projects/Programs include:**

- Routine maintenance (Definition: Roadway maintenance activities are considered routine maintenance and are therefore ineligible. However, maintenance of multi-use pathways and bike-transit facilities serving a large number of pedestrians and/or bicyclists, that have countywide significance, and which will significantly improve the safety and convenience of the facility, will be considered for funding on a case-by-case basis.)
- Ongoing facility operations (e.g. attended bicycle parking)
- Funding to replace funds for existing ongoing programs

*Explanation of Changes or Lack Thereof:*

- Clarified that the ineligible “ongoing operations” are intended to apply to attended bicycle parking.

## **7. Eligible Project Activities and Costs**

Eligible costs include:

All phases of **Capital** projects, including:

1. Project Planning
  - a. Community Outreach
  - b. Feasibility and/or Design Studies
  - c. Technical Studies
2. Preliminary Engineering
  - a. Environmental Review
  - b. Preparation of PS&E
  - c. Permits (Except for an agency’s own fees, such as for inspection)
3. Right-of-Way
  - a. Engineering
  - b. Appraisals
  - c. Acquisition
4. Construction
  - a. Construction Costs
  - b. Construction Engineering
  - c. Construction Management
5. Monitoring Project Impact
  - a. Pre- and post-project bicycle and/or pedestrian counts

### **Program/Planning Costs**

1. Direct costs (contractual services, materials, etc)
2. Labor charges for Project Sponsor staff (plus fringe benefits as per existing ACTIA Project Agreements and ACTIA policy)
3. Program Evaluation

Ineligible costs include:

Indirect Costs

## **8. Viable Project**

In order to be eligible for funding, the project or program must be viable. It must:

1. Have sufficient existing or planned staffing and funding resources to accomplish the project, and
2. Have been reviewed by all applicable Project Sponsor staff, including Public Works and Planning, and by affected public agencies.

## **9. Funding Cycle and Schedule**

- The third funding cycle will start in October 2008.
- The funding cycle schedule will be every other year (i.e. the next call for projects will be in 2010).

*Explanation of Changes or Lack Thereof:*

- This funding cycle will not be coordinated with other funding sources. In the previous funding cycle, the Discretionary Program was coordinated with the TFCA Program Managers Fund and the Regional Bicycle/Pedestrian Program. The general feedback was that this coordination effort was successful. In this fourth funding cycle, however, there are no funding sources with the same timeline with which to coordinate.

**10. Programming of Funds**

Funds will be programmed only for one cycle at this time.

**11. Total Fund Amount**

The fourth funding cycle will allocate \$ 4 million.

**12. Minimum and Maximum Grant Amount**

The minimum grant award amount in one cycle will be \$20,000.

The maximum grant award amount in one cycle will be \$1.0 million.

*Explanation of Changes or Lack Thereof:*

- Staff recommends maintaining the minimum award amount at \$20,000, which allows smaller cities to apply for funds for local master plans. The maximum allowed award amount in the previous three cycles was \$600,000, \$500,000, and \$1.0 million respectively. Staff recommends maintaining the maximum grant award amount at \$1.0 million. Over the three previous funding cycles, the smallest amount awarded to a project was \$20,000, and the largest amount awarded to a project was \$750,000.

**13. Required Match**

No local match is required, except for feasibility study projects; however projects with matching funds will receive a higher ranking in the evaluation process. Feasibility study projects require a 50% match. In-kind funding is not counted in the application evaluation process, or toward the feasibility study match requirement.

*Explanation of Changes or Lack Thereof:*

- In the first three cycles, most funded projects and plans included outside funding, thereby leveraging Measure B dollars. Requiring matching funds for local plans might discourage those agencies without a master plan from applying for funds.
- In-kind funding has not been counted for the matching fund criterion. This has been clarified.
- For feasibility study projects, the intention is that the local agencies should contribute at least half of the funds, since future project construction can be fully funded by Measure B CDF funds or other outside grants. In-kind funding will not count toward the 50% match requirement for feasibility study projects, since all sponsors do not track in-house costs in a consistent manner, and these costs are difficult for ACTIA to track.

#### 14. Number of Submittals Per Agency

A project sponsor may submit no more than three applications for ACTIA funding in a single funding cycle.

##### *Explanation of Changes or Lack Thereof:*

- This policy requires the project sponsor to select their highest priority projects, which best match the Measure B criteria, before submitting them to ACTIA. It also reduces the number of overall applications that must be reviewed by the BPAC and staff. This policy was first instituted in the second funding cycle and worked well to improve the quality of applications. No change is proposed.

#### 15. Governing Body Resolution

Project Sponsor must submit a resolution before funding is awarded. It must be either:

- (1) A Resolution adopted by their Governing Body authorizing acceptance of the Measure B grant, or
- (2) A Resolution adopted by their Governing Body specifically supporting the project or program, which need not refer to the Measure B grant application. (This could be a resolution authorizing the submittal of a grant application for the same project, but for a different grant source.)

#### 16. Evaluation Criteria

All projects will be evaluated using the following criteria:

**(Bold indicates criteria called out in *Expenditure Plan*. These criteria are given the highest weighting.)**

##### CAPITAL PROJECTS CRITERIA

All of the criteria, except for “Project Readiness,” apply to the Overall Project, of which the Submitted Project may be one phase/component, or may be the Overall Project.

##### 1) **COUNTYWIDE PRIORITY**

- a) **Bike Projects:** Highest priority is for High Priority Projects and Transit-Priority Zone projects in the Alameda Countywide Bicycle Plan (ACBP), and next priority is for feasibility studies for projects on the Financially Constrained Network in the ACBP.
- b) **Pedestrian Projects:** All projects identified in the Pedestrian Plan have equal priority. For the Bay Trail, highest priority is for construction of the trail spine, and next is for the trail connectors.
- c) **EBRPD Projects** that are identified in the ACBP will be given additional priority.

##### 2) **DEMAND**

- a) Serves a high volume of existing or potential bicyclists/pedestrians.

##### 3) **SAFETY**

- a) Project will improve safety of pedestrians and/or bicyclists. Priority will be given to projects/programs that directly address demonstrated safety needs.

**4) GAP CLOSURE**

- a) Eliminates a gap or overcomes an obstacle in a bicycle or pedestrian facility, thereby allowing more convenient and safer travel.

**5) ACCESS to Areas of Countywide Significance**

a) Access to Transit (**Intermodal Connection**)

- ◆ Improves access to transit stop/station (provides direct, convenient routes).
- ◆ Makes safety improvements in access routes to stop/station.
- ◆ Adds core infrastructure at stop/station (bike parking, pedestrian-level lighting, etc.).
- ◆ If bike: Improves facilities for carrying bicycles on transit.

b) Access to Activity Centers – schools, health care facilities, shopping centers, parks, commercial districts, downtowns, major public venues, government buildings, etc.

- ◆ Improves access to activity centers (provides direct, convenient routes).
- ◆ Makes safety improvements in access routes to activity centers.
- ◆ If bike: Bike parking at activity center.
- ◆ Priority given to activity centers with countywide significance.

c) Access to Regional Connectors

- ◆ Improves access to bridges (provides direct, convenient routes).
- ◆ Makes safety improvements in access routes to bridges.

**6) AT-RISK/UNDER-SERVED COMMUNITIES**

- a) Project serves children, seniors, the disabled, and/or residents of economically disadvantaged neighborhoods.

**7) OUTSIDE FUNDING**

- a) Project has secured funding from other sources (may include Measure B Local Bike & Pedestrian Pass-Through Funds) or will use Measure B funds to leverage other funding.

**8) MULTI-MODAL BENEFIT**

- a) Project benefits both pedestrians and bicyclists.

**9) LOCAL SUPPORT**

- a) Project is in a Local Bicycle or Pedestrian Plan.
- b) Project is in General or Specific (Neighborhood) Plan.
- c) Project has been reviewed and approved by local bicycle and/or pedestrian advisory committee.
- d) Community Outreach has been completed.

**10) PROJECT READINESS**

*Submitted* projects will be ranked based on project readiness. Priority will be given to:

- a) Submitted projects which are fully funded, if application is approved.

- b) Submitted projects which have considered and, if needed, resolved any foreseeable implementation issues.

LOCAL BICYCLE AND/OR PEDESTRIAN MASTER PLANS CRITERIA

1) **COUNTYWIDE PRIORITY**

- a) Priority to agencies with no other potential funding sources for creating a master plan and/or for addressing areas/topics that are important but have not historically been examined. Plan will strongly improve the ability of the County to improve bicycle and/or pedestrian access, safety and convenience. Plan will help to achieve the Countywide Pedestrian Plan goal for every jurisdiction to have an adopted and current pedestrian plan by 2011.

2) **PLAN ELEMENTS**

- a) Plan emphasizes the criteria in the Expenditure Plan: **gap closure** and **access to transit**. In order for the Plan to be as effective as possible, the agency must agree to adopt the final Plan (or take an equivalent action appropriate to that agency). Pedestrian Plans will include the elements of highly useful and effective plans outlined in *A Toolkit for Improving Walkability in Alameda County*.

3) **PLAN STATUS**

- a) Priority to jurisdictions with no Bicycle or Pedestrian Plan, then to those with Plans that are more than five years old, and thereafter to those with Plans between three and five years old.

4) **OUTSIDE FUNDING**

- a) Plan has secured funding from other sources (may include Measure B Local Bike & Pedestrian Pass-Through Funds) or will use Measure B funds to leverage other funding.

5) **IMPLEMENTATION/LOCAL SUPPORT**

- a) Priority to agencies that have developed a Plan outline or concept and solicited community input on the document.
- b) For agencies that are updating their Plan, priority will be given to agencies that made progress in implementing their existing Plan.

PROGRAMS CRITERIA

1) **COUNTYWIDE PRIORITY**

- a) Priority to programs that serve residents throughout the entire county.

2) **DEMAND**

- a) Serves a high number of Alameda County residents.

3) **SAFETY**

- a) Program focuses on the safety of pedestrians and/or bicyclists.

- 4) **SERVES AT-RISK/UNDER-SERVED COMMUNITIES**
  - a) Program serves children, seniors, the disabled, and/or residents of economically disadvantaged neighborhoods.
- 5) **OUTSIDE FUNDING**
  - a) Program has secured funding from other sources (may include Measure B Local Bike & Pedestrian Pass-Through Funds) or will use Measure B funds to leverage other funding.
- 6) **MULTI-MODAL BENEFIT**
  - a) Program benefits both pedestrians and bicyclists.
- 7) **EFFECTIVENESS**
  - a) Program has been shown to be effective at encouraging bicycling and/or walking, or improving bicycle and/or pedestrian safety.
- 8) **LOCAL SUPPORT**
  - a) There is demonstrated community support for the program.
- 9) **IMPLEMENTATION/READINESS**
  - a) Programs have considered and, if needed, resolved any foreseeable implementation issues. Partnering agencies, if any, have fully coordinated on program implementation. Program details have been substantially determined in order to allow quick implementation once funding is received.

Staff will work with the BPAC to determine the final scoring guidance, using the above evaluation criteria and priorities.

The three above categories - capital projects, local master plans, and programs - will be scored separately. Each submitted project will be ranked against other projects in its own category.

These evaluation criteria will not solely determine which projects are funded. Staff will work with the BPAC to apply the equity criteria (described below) after projects have been scored to determine the final list of recommended projects.

### **17. Modal Equity**

The Program will equally fund bicycle and pedestrian projects over the life of the Program. In a single cycle, neither mode should receive more than 65% of the total funding available. After three cycles of the Program, and from that time forward, all previous cycles of the Program combined should not allocate more than 55% to either mode. The ACTIA Board may make exceptions to this policy in a given funding cycle if unusual circumstances so warrant.

Projects that serve both bicyclists and pedestrians will be calculated as 50% bike and 50% pedestrian unless there is easily available information that suggests that a different assumption would be more accurate.

*Explanation of Changes or Lack Thereof:*

- In the three previous funding cycles, these modal equity goals have easily been met. However, it is partially dependent on multi-use pathways which serve both pedestrians and bicyclists. In future cycles, ACTIA may consider encouraging more pedestrian-only projects to ensure equitable use of funds between the bike and pedestrian modes.

### **18. Geographic Equity**

In each funding cycle, the BPAC will review the projects recommended for funding to ensure that Program funds are being distributed equitably throughout the County over the life of the Program.

The geographic equity goal is intended to be realized over time, and not necessarily within each funding cycle. If, over time, parts of the county are repeatedly receiving less funding, this will be examined and appropriate methods to ensure equitable distribution of funds will be determined.

*Explanation of Changes or Lack Thereof:*

- The recommendation is based on equity of dollars invested in each area rather than number of projects, as the project costs may vary greatly.
- At this time, the equity of fund distribution is being tracked relative to the population of each planning area. In the future, a more accurate method of tracking geographic equity may be considered, such as road miles, population, and/or identified project need.

### **19. Balance of Project Types**

The Program goal is to fund projects that will best serve the County. Since there are a variety of eligible project types and it is difficult to score all of them against each other, part of the evaluation process will be to consider the balance of all project types. Even though some categories of projects, such as bicycle parking, feasibility studies for capital projects, bicycle and/or pedestrian master plans, and programs, may not receive high scores as compared to construction projects; they may still be valuable. The BPAC will provide input on creating this balance of different types of projects.

### **20. Timely Use of Funds**

Projects must be started within a year of the Agreement “Grant Initiation Date” and must be completed within two years of this date, unless a longer period is approved in advance by ACTIA. Grant funds may be rescinded if a project is not started within the first year. Rescinded funds will be returned to the Countywide Discretionary Fund to be distributed in a future grant cycle.

*Explanation of Changes or Lack Thereof:*

- Although the majority of the projects funded in the first and second funding cycles were not completed within the required two year timeframe, staff recommends keeping this deadline for now, to encourage timely completion of projects and the submittal of projects that are ready to implement.

**21. Funding Agreements**

Funding Agreements between ACTIA and the Project Sponsor will be developed for each approved grant and will include, among other items:

- Detailed Project Description
- Project Costs, with Budget by Task
- Implementation Schedule
- Task Deliverables
- Monitoring Requirements
- Audit Requirements
- Requirement to adhere to all applicable regulations, including ADA
- Agreement to maintain the facility
- Agreement to acknowledge Measure B funding on project signage
- LBE/SLBE reporting-only requirements for projects over \$50,000

*Explanation of Changes or Lack Thereof:*

- Because of the overall smaller size of the projects, ACTIA will only require project sponsors to *report* on the use of LBE/SLBE in consultant contracts over \$50,000.

**22. Payments**

Payments to sponsors will be made on a reimbursement basis, after submittal of invoices. Project Sponsors may begin incurring project costs as of the Agreement “Grant Initiation Date,” unless an exception is requested and granted to start incurring costs earlier. No reimbursements will be made prior to the execution of the Funding Agreement. Invoices are required to be submitted every six months with required progress reports. Invoices may be submitted more frequently, if desired.

**23. Monitoring Requirements**

- Progress reports will be required every six (6) months illustrating project progress. A copy of the reports for another funding agency may be submitted, with prior approval. A final report, once project is completed, will be required.
- ACTIA must be acknowledged, through signage and/or the use of ACTIA logo, as a funding source for all projects, programs and plans.
- Newsletter articles must be published about the project at least once per year.
- The project must be described on the sponsor’s website, and must include acknowledgement of ACTIA funding and a link to ACTIA’s website.

- For capital construction projects, photos and bicycle/pedestrian counts are required both before and after project completion. The cost to conduct these counts is eligible for reimbursement from ACTIA, if included in the project budget.

*Explanation of Changes or Lack Thereof:*

The list of grant monitoring requirements has been expanded to reflect all the current requirements so that they will be clear to applicants.

**24. Loss or Withholding of Funding**

Failing to meet timely use of fund requirements, meet the project schedule without compelling reason, file required monitoring reports, or comply with applicable regulations could result in loss or withholding of funding.

**25. Audits**

Audit requirements will be similar to those in existing ACTIA Master Funding Agreements.

ATTACHMENT

*Excerpt from:*

**Alameda County's  
20-Year Transportation  
Expenditure Plan  
July 2000**

**“Bike and Pedestrian Safety (5.00 % overall)**

These funds are distributed to cities in the County and to Alameda County to be spent on planning and construction of bicycle and pedestrian projects. This is a new program, not funded in the current Measure B Expenditure Plan. This category is intended to expand and enhance bicycle and pedestrian facilities in Alameda County, focusing on high priority projects like gap closures and intermodal connections.

A total of 25% of the funding will be reserved for regional planning and regional projects, including the preparation of local master plans, design support services to local agencies, funding for a Countywide Bicycle and Pedestrian Coordinator position, and funding for high priority regional capital projects identified in the Countywide Bicycle Plan. High priority will be given to East Bay Regional Park District projects included in the Countywide Bicycle Plan. Priority will also be given to projects which significantly leverage other outside funding sources.

The remaining 75% of the funds will be designated as local funds. Each city and Alameda County may receive up to their proportional share of the 75% funds based on population over the life of the Measure. Eligible uses for those funds will include capital improvements for bicycle and pedestrian facilities and ADA accessibility that have been prioritized through local or regional planning processes. Projects that improve intermodal connections for bicyclists and pedestrians or close gaps in existing pedestrian or bicycle corridors will be given the highest priority. Projects may be submitted for funding at any time during the life of the Measure. Unallocated local non-motorized program funds will be available for reprogramming to regional projects after 17 years.”

(This text can also be found at [www.actia2022.com](http://www.actia2022.com).)