



April 2, 2019

The Honorable Jim Beall
Chair, Senate Transportation Committee
State Capitol, Room 2209
Sacramento CA 95814

Re: SB 152 (Beall): Active Transportation Program - Oppose Unless Amended

Dear Senator Beall:

On behalf of the undersigned organizations, we are writing to express our concerns with SB 152 as currently drafted. Our organizations have a deep commitment to ensuring that all Californians have access to safe, healthy, active transportation choices. We have long advocated for increased funding and attention to this outcome and have been advocates for the Active Transportation Program (ATP) since its inception. We have worked diligently with the legislature, state agencies, and local communities to implement this invaluable program and either currently hold or have held seats on the ATP Technical Advisory Committee (ATP-TAC). We deeply appreciate your commitment to active transportation and your interest in making the ATP stronger. While there are some aspects of the bill we could support, such as the language expanding eligibility for use of funds to ancillary costs, as well as the maintenance within the ATP of any funds remaining if a project loses funding in Section 1 paragraph (a), we believe SB 152, as drafted, will not make the program stronger but will instead undermine important accomplishments of the ATP. It proposes a drastic restructuring of the the program with minimal time for stakeholder discussion. Our concerns, outlined in greater detail below, fall in five broad categories:

1. SB 152 fails to address the programs biggest problem: insufficient funding to meet community needs statewide. Instead, SB 152 focuses on changing the funding split without addressing the insufficient funding in the program to begin with.

2. SB 152 ignores the existing flexibility Metropolitan Planning Organizations (MPOs) currently have to develop their own programs. Instead, SB 152 grants even more leeway to MPOs to ignore current statutory priorities for the ATP, such as public health, benefits to disadvantaged communities, and strong community engagement in project development.
3. SB 152 limits rural communities' access to program funding.
4. State ATP funding should not be limited to "transformative" projects.
5. SB 152 undermines the transparency and stakeholder process that has made the ATP a model for other state funding programs.

1. SB 152 fails to address the programs biggest problem, insufficient funding, and instead focuses on changing the funding split.

We oppose radically changing the funding split between the Statewide, Small Urban and Rural, and MPO components of the ATP without a commensurate increase in overall funding to the program. The ATP is consistently oversubscribed with demand vastly outpacing available funding. In every cycle excellent projects go unfunded because there simply is not enough money. Instead of attempting to address this fundamental challenge, SB 152 pits stakeholders against one another in a zero sum game rather than uniting stakeholders to secure new funding for the ATP, or elevating active transportation eligibility as a priority in many other existing transportation funding programs (e.g., SHOPP, STIP, LSRP, etc.), so that more worthy projects can be funded. The current setup of the program – a statewide competition combined with a guaranteed floor to MPOs and small urban/rural communities – was developed through an extensive stakeholder process when the program was created. Stakeholders – including MPOs, community-based organizations, and legislative leadership – agreed not only to this structure of the program but also the program's statutory goals, including public health and social equity goals. SB 152 reneges on the stakeholder consensus that established the program and fails to engage all the stakeholders who helped establish the program. Moreover, the current structure of the program ensures that projects are meeting state goals and that every region and type of community has access, while maintaining geographic equity and the ability for regional agencies to re-prioritize applications within their jurisdictions. Any change to that formula must be accompanied by an increase in overall funds to the program in the statewide component every cycle to ensure it can fund a meaningful number of projects.

2. SB 152 gives MPOs too much leeway to develop their own programs and ignore current statutory priorities for the ATP, such as public health, benefits to disadvantaged communities, and strong community engagement in project development.

When the ATP was created it merged several important active transportation programs that advocates had worked diligently to improve by strengthening their focus on public health and community engagement and deepening their focus on investing in disadvantaged communities struggling with the legacy of institutionalized racism, historical disinvestment, and persistent

poverty. As the programs were merged, our organizations worked closely with legislative and agency staff, as well as MPOs and other stakeholders to ensure that these priorities were carried over and built into the new program. We are very concerned that SB 152 will reverse over a decade's worth of progress we've made in all three of these areas. According to Section 2 of the bill, paragraphs (a) and (l) in tandem effectively exempt MPOs from having to adhere to the same statutory requirement for providing benefits to disadvantaged communities (DAC) as exists in the statewide and small urban/rural components. As community-based organizations with the mission of maximizing sustainable transportation investments in marginalized communities, this elimination of the DAC requirement for MPOs is an absolute nonstarter. Further, we strongly oppose exempting MPOs from any oversight in the creation and administration of their internal competitions, as the bill currently does. With such a proposed large shift to regions, we need stronger assurances and guarantees for project reporting and oversight.

While such an approach may be pitched as a matter of restoring local control of how active transportation funds are spent within their jurisdictions, it actually undermines *community* control. More precisely, under the current ATP evaluation process, heavy weight is placed on the demonstration of community outreach and community engagement in a proposed project. Often the proposed projects that underrepresented communities have demanded and helped shape the most are not reflected in an MPO's priorities; conversely, we have seen regional agencies prioritize projects that are not responsive to the needs and desires of marginalized communities.

While there is plenty of room for improvement in the current ATP evaluation process, we see as strengths what the bill's sponsors describe as weaknesses: there is no evidence of bias or unprofessionalism in it. Indeed, the Commission takes every possible action to ensure that evaluators are paired from different regions of the state and have no conflict of interest with any application they review. The broad discretion SB 152 grants to MPOs to create and administer their own ATP programs runs the risk of allowing pet projects and intra-regional politics to take precedence over investments favored by the communities most in need. Moreover, MPOs already have the authority under the ATP to provide their own evaluation scores and criteria when choosing projects for their portion of the ATP. In order to eliminate discretion and address oversight multi-disciplinary advisory groups, similar to the requirements for the statewide and small urban and rural competitions, should be required of the MPO component.

3. SB 152 limits rural communities' access to program funding.

Under the language of SB 152, rural communities have much to lose. While SB 152 would increase the ratio of funds going to the Small Urban and Rural component, the drastic reduction in the size of the statewide component, and its reorientation towards "transformative" projects, would reduce the overall amount of funds for which rural and unincorporated communities are eligible to compete, and only allow those communities one "bite at the apple" instead of the two they currently have.

4. State ATP funding should not be limited to “transformative” projects.

There is no obvious reason why different kinds of projects should be eligible in different components of the ATP, and the lack of any definition of “transformative” for the statewide component is troubling. One of the strengths of the Active Transportation Program is that it accepts multiple application types, making it accessible to a wide variety of geographies and contexts. The project that will effectively serve children walking to school in unincorporated Fresno County should look completely different than a project connecting communities to the San Francisco Bay, or a project providing safe non-motorized transportation options in tribal communities. Having the flexibility to fund this diversity of projects makes the ATP more responsive to the varied needs of communities across the state to improve safety and accessibility of biking and walking. It is irresponsible to reduce the statewide component to a fifth of its current portion and restrict it to an application type based on such an undefined term as “transformative.”

5. SB 152 undermines the transparency and stakeholder buy-in of the ATP.

The transparency and stakeholder processes utilized by the ATP are among its greatest strengths and have made the program a model for other state funding programs. Rather than celebrating these accomplishments as reflection of California’s democratic values, SB 152 explicitly seeks to undermine them. In their background memo for the bill, the sponsors assert that it is a problem that the ATP “Guideline development process is intensive and inclusive” and point to the 13 workshops held to refine Cycle 4 guidelines as evidence. These workshops and the CTC’s dedication to finding consensus across myriad stakeholder groups should be lifted up as a source of justifiable pride for the Commission, and the reason more than 100 professionals across the state were eager to volunteer upwards of 30 hours of their time to serve as evaluators. Eliminating that process would in turn erase the strong constituency that has developed to advocate for active transportation and the funding thereof throughout California.

We greatly appreciate the strong interest in the ATP, as evidenced by the more than \$3 Billion requested over 554 applications from communities across the state. We understand the frustration of some communities that were not as successful in Cycle 4 that are reflected in this legislation. This clearly demonstrates that there is significant demand for funding for biking and walking in communities of all shapes and sizes. We would appreciate the opportunity to work with you to expand funding for the ATP and explore opportunities to strengthen the program so that more communities and regions can benefit in future cycles. We look forward to working with the author and sponsors to address our concerns with future amendments.

Sincerely,

Chione Flegal

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